

STAFF REPORT
City of Lancaster

PH 2
8/22/2023
JC

Date: August 22, 2023

To: Mayor Parris and City Council Members

From: Larissa De La Cruz, Director - Community Development Department
Patti Garibay, Assistant Director – Planning and Permitting
Cynthia Campana, Senior Planner - Planning

Subject: East Side Overlay

Recommendation:

Introduce **Ordinance No. 1105**, amending Section 17.20.760, 17.20.770, 17.20.780, 17.20.790, 17.20.800, 17.20.810 and 17.20.820 of the Zoning Ordinance (Title 17 of Lancaster Municipal Code), to establish the East Side Overlay

Fiscal Impact:

None.

Background:

The City of Lancaster analyzed past, current, and proposed development trends. The analysis revealed that a majority of development projects in the City are concentrated in the central and western portions of town while the eastern portion has few projects underway. Properties in the eastern portion of the City are predominantly agricultural, vacant, and/or undeveloped land. This underutilized area of the City could help respond to the high demand for industrial uses looking to build in Lancaster. Additionally, the eastside could be developed for alternative energy projects to meet the State’s ambitious energy goals. In order to promote and help vitalize the eastern portion, the City is proposing an East Side Overlay.

The proposed East Side Overlay would increase flexibility and development potential, as well as incentivize alternative energy and light industrial development to occur beyond what is currently allowed. In addition, it would encourage new development that would provide economic benefits to the City and its residents. The East Side Overlay ensures that multiple sites are available for a variety of alternative energy, light industrial users, among others, which would provide employment-generating lands that are highly accessible and compatible with other uses in the community.

Environmental Impact Report (EIR)/Public Outreach

As part of the required EIR process, a notice of preparation was mailed out to property owners within the East Side Overlay and property owners within 1,500 feet of the East Side Overlay boundaries. In total, over 1,500 property owners were notified in the Environmental Review process and Table 1 identifies the timeline of the process. Approximately 160 residents participated, asked questions, and shared feedback related to the project during the notice of preparation and scoping meeting. The only concern raised was related to the potential for allowing cannabis, however, cannabis would not be a permissible use in the East Side Overlay. During the notice of availability and draft EIR, staff only received three comment letters.

Table 1: EIR Timelines

Process	Dates
Notice of Preparation	October 28, 2022 - November 28, 2022
Scoping Meeting	November 16, 2022
Notice of Availability and Draft EIR	April 27, 2023 - June 12, 2023
Final EIR	July 6, 2023

Planning Commission

The Planning Commission heard the proposed zone text amendment during their regular meeting on July 17, 2023, and voted to recommend approval to the City Council.

CC/sm

Attachments:

Ordinance No. 1105

Exhibit “A” of the Ordinance

7.17.23 Planning Commission Packet

Exhibit “A”

Chapter 17.20 – Public, Open Space and Special Purpose Zones

NEW Article X. – East Side Overlay Zone (EOZ) District

17.20.760 - IN GENERAL

As used in this title “East Side Overlay Zone District” applies to property designated on the zoning map by reference letters “EOZ” after the reference letter(s) identifying the base zoning district.

The base district is zoned Rural Residential-2.5 (RR-2.5), intended for rural single-family residential use, allowing one dwelling unit per minimum net area of one hundred thousand (100,000) square feet.

17.20.770 - PURPOSE AND INTENT

The purpose and intent of the EOZ District is to establish allowed use provisions and requirements for areas of the city where the specified light industrial uses and rural residential are compatible. The purpose and intent of the EOZ District is also to provide the means necessary to implement the City of Lancaster general plan, specifically: the “light industry” category, where compatible with the base district rural residential uses, the “non-urban residential” category (zoned RR-2.5).

17.20.780 - PERMITTED USES – EAST SIDE OVERLAY ZONE

Permitted uses for the East Side Overlay are listed below. In the event of a conflict between allowed uses for this district and the allowed uses of the underlying base zoning district, the allowed uses for the East Side Overlay Zone District shall apply. Uses which do not fall into any other category, and are not temporary or accessory uses, uses subject to Director's Review, or uses subject to permit in this EOZ District, that are consistent with the purpose and intent of this overlay and similar to other uses permitted herein shall be determined by the Director.

East Side-Overlay – Uses Matrix

Definition

P = Permitted Use; DR = Director's Review; C = Conditional Use Permit; N/A = Not Allowed

A. Permitted Uses.

Permitted Use (P), Director's Review (DR) and Conditional Use Permit (CUP) include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the Eastside Overlay District.

Alcohol Production – Brewery, Winery, or Distillery	P
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Contractor Storage Yard – Indoor and Outdoor	P
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Research and Development	P
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B. Accessory Uses.

Permitted Use (P) and Director's Review (DR) Accessory Uses include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the Eastside Overlay District.

C. Temporary Uses.

Permitted (P) and Director's Review (DR) Temporary Uses include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the Eastside Overlay District.

D. Other Uses

This category includes those uses which do not fall into any other category, and are not temporary or accessory uses, uses subject to the Director's Review, or uses subject to permit in this zone, which the Director deems the use consistent with the purpose and intent of this overlay and similar to other uses permitted herein.	To be determined by the Director
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E. Uses Subject to Conditional Use Permits

Alternative Energy Uses	C
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Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts	C
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Buildings and Structures over 50-feet in height (any use)	C
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Building Trades and Related Uses	C
Distribution	C
Food Manufacturing, Processing, Wholesale Sales and Storage	C
Light Manufacturing	C
Warehousing	C
F. Prohibited Uses	
Commercial Cannabis Facilities	N/A

17.20.790 - USE DESCRIPTIONS

All uses are subject to any stated exceptions, development requirements, and standard City approval process.

Alcohol Production – Brewery, Winery or Distillery

This category includes establishments where beer, wine, and/or other spirits are prepared, bottled, stored, and sold for on- or off-site consumption. Tasting rooms or seating areas may be provided on-site. Tasting room/seating areas shall be limited up to 25% of the floor space area.

Alternative Energy Uses

This category includes both solar photovoltaic electric generation facility (solar farms), hydrogen production and generation facilities and other similar uses. Solar uses in the EOZ District must comply with regulations set forth in Section 17.08.290, Solar Farms. All hydrogen production, storage, and transport activities must comply with federal and state regulations.

Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts

This category includes, but is not limited to body and frame shops, auto upholstery shops, brake shops, muffler shops, radiator shops, repair shops. All activities shall be conducted within an enclosed building.

Building Trades and Related Uses

This category includes, but is not limited to cabinet making, carpenter shop, engineers and surveyors, and landscape materials (including nurseries). This land use excludes batch plants and concrete transit mix uses.

Contractor Storage Yards

This category includes outdoor storage area used for the storage of the equipment, vehicles, or other materials while not in use. Contractor storage yards may include administrative offices and other accessory uses directly related to the business on the property.

Distribution

Includes facilities primarily engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by air, rail or motor vehicle, but excludes truck terminals. All storage activities shall be conducted within an enclosed building.

Food Manufacturing, Processing, Wholesale Sales and Storage

This category includes but is not limited to breweries, coffee roasting, dairy products, fruit and produce, malt products, meat processing, oleomargarine, sodium glutamate, soft drinks, vitamin tablets, and similar uses. All such uses shall be conducted within an enclosed building. This category does not include dairies, lard manufacturing, pickles, sausage, sauerkraut, slaughter houses, distillation of vinegar, or the canning of other fish or meats and similar uses; these uses are specifically excluded. All such uses shall be conducted within an enclosed building.

Light Manufacturing

This category includes any kind of manufacturing, processing, or treating of products which are not obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or other causes. Typical uses include, but are not limited to, cabinet/carpenter shops, garment manufacturing, machine shops, and textile manufacturing. All activities shall be conducted within an enclosed building.

Research and Development

This category includes but is not limited to laboratories and facilities for scientific research, development, and testing, including use of hazardous materials in compliance with local, state, and federal regulations. Ancillary administrative offices are permitted. Agricultural and biological research involving sludge or biosolid material shall be conducted only within an enclosed building or suitable containment vessel.

Warehousing

Includes facilities primarily engaged in the storage of goods and materials in a building and does not include the assembly or manufacture of goods and materials.

17.20.800 - PARKING REQUIREMENTS

The automobile parking facilities required by this section shall be provided and permanently maintained as such. The following parking requirements shall be complied within the Eastside Overlay zone:

Use	Parking
Base Zone Use (including permitted, Director's Review, and conditional uses) Uses shall include, but are not limited to the uses within the RR-2.5 zone Section 17.08.050, unless specifically addressed within the Overlay	Refer to Section 17.08.100
Alternative Energy Uses	To be determined by the Director with consideration for the number of employees and visitors reasonably expected for the particular use, as sufficiently demonstrated in the applicable land use application
Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts	1 parking space for each 400 square feet and 4 parking spaces for each service bay
Building Trades and Related Uses	1 parking space for each 400 square feet
Distribution	A minimum of 5 parking spaces for warehouses with a gross floor area up to 25,000 square feet: and for warehouses with a gross floor area in excess of 25,000 square feet, a minimum of 5 parking spaces plus one additional space for each 5,000 square feet or fraction thereof over and above 25,000 square feet
Food Manufacturing, Processing, Wholesale Sales and Storage	1 parking space for each 400 square feet
Light Manufacturing	1 parking space for each 400 square feet
Research and Development.	1 parking space for each 250 square feet of gross floor area
Warehousing	A minimum of 5 parking spaces for warehouses with a gross floor area up to 25,000 square feet:

	and for warehouses with a gross floor area in excess of 25,000 square feet, a minimum of 5 parking spaces plus one additional space for each 5,000 square feet or fraction thereof over and above 25,000 square feet
Other Uses This category includes those uses which do not fall into any other category, and are not temporary uses, uses subject to Director's Review, or uses subject to permit in this zone, which the Director deems the use consistent with the purpose and intent of this overlay and similar to other uses permitted herein.	To be determined by the Director with consideration for the number of employees and visitors reasonably expected for the particular use, as sufficiently demonstrated in the applicable land use application

Reduction in Parking

Reduction in the number of parking spaces required by this code may be permitted with approval of the Director. The developer, property owner, or authorized agent shall determine the number of parking spaces sufficient for the proposed use and shall provide justification acceptable to the Director of and/or the Planning Commission to support the determination.

17.20.810 - DEVELOPMENT STANDARDS

- A. *General Development Standards:*** Property in the EOZ shall be subject to the following general development standards:

Front Yard Setback	20 feet
Interior Side Yard Setback	10 feet
Street Side Yard Setback	20 feet
Rear Yard Setback	10 feet
Maximum height of structure without a CUP	50 feet
Maximum Floor Area Ratio (F.A.R.)	.50

1. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner (Refer to Section 17.04.240).
2. Buildings and structures over 50ft in height shall be subject to a Conditional Use Permit.
3. Proposed projects within 100 feet of an existing residential use shall be required to mitigate detrimental or potentially detrimental impacts to the reasonable use of the residential property, to the satisfaction of the Director. Additional requirements based on proximity to existing residential uses are outlined in Section I, below.

- B. *Paving.*** Required parking areas, as well as the maneuvering areas and driveways used for access thereto shall be paved with: (NOTE: Permits are required for any work done in the public right-of-way.)

1. Concrete surfacing to a minimum thickness of 3½ inches with expansion joints as necessary; or
2. Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of 2 inches after compaction, and laid over a base of crushed rock, gravel or other similar material compacted to a minimum thickness of 4 inches.
3. For commercial and industrial truck parking and drive aisles, asphalt surfacing rolled to a smooth hard surface having a minimum thickness of 3 inches after compaction and, at a minimum, designed to accommodate a traffic index (TI) of 6.5 as calculated in accordance with the latest edition of the CalTrans Highway Design Manual. Large industrial projects may need a greater TI based upon their use.

4. Other alternative material that will provide at least the equivalent in dust-free service, life and appearance of the materials and standards which would be employed for development.
5. The Director shall review and report on the adequacy of paving where modification of base is proposed, or where alternative materials are proposed. The Director may approve such modification or such alternative materials.

C. Size and Marking of Spaces.

1. No less than 65% of the parking spaces shall exhibit minimum dimensions of 9 feet in width by 20 feet in length, with required disabled person spaces at the dimensions as provided by law.
2. No more than 35% of the parking spaces may exhibit minimum dimensions of 8 feet in width by 17 feet in length. Such spaces shall be labelled "compact car only" in a manner acceptable to the Director.
3. No parking shall occur in the first 10 feet of a required front or street side yard.
4. Where parking abuts an alley, the improved alley may be used as an aisle subject to approval of the parking lot design
5. For parallel parking, minimum aisles are 12 feet and minimum parking space dimensions are 8 feet by 24 feet.

D. Landscaping

1. Landscape designs shall be consistent throughout a project site. A combination of landscape materials should be arranged in a harmonious manner as an integral part of project design to enhance building design, public view, and interior spaces and provide buffers and transitions as needed. Unrelated and random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of place or movement, or to promote energy and water conservation and mitigate erosion.
2. The type, scale and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
3. Plant material shall be selected for interest in its structure, texture, color, ultimate growth and water efficiency. Plants that are native or climate adaptive to the high desert area of Lancaster and/or others that will be hardy, harmonious with project design, and of good appearance, shall be used. Drought-resistant varieties of plants shall be used wherever feasible. Turf shall not be permitted. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.

4. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
5. All areas within the site which are not needed for buildings, sidewalks, vehicle access or parking, shall be landscaped
6. All landscaped planter areas shall be completely bordered by a 6-inch P.C.C. curbing to prevent irrigation runoff and act as a wheel stop where necessary. Where used as a wheel stop, the 6-inch curb may be counted toward the required length of the parking space.
7. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each 4 parking spaces along with the other plant materials.
8. Not less than 10% of the lot area remaining after the area to be covered by buildings has been subtracted from the total lot area, shall be landscaped.

E. Wall and Fences

1. Wall and fences shall not exceed 6 feet in height. A fence or wall may be constructed to a height in excess of 6 feet with a Director's Review.
2. Prohibited Materials. Fiberglass sheeting, bamboo sheeting, black or green fabric, barbed wire, razor ribbon, or other similar temporary material shall not be permitted as a fencing material. In the case of temporary construction fencing for properties with an active building permit in good standing, black, green or other colored fabric may be installed to the satisfaction of the Director.

F. Signs

1. Comprehensive sign programs for multi-tenant projects or an individual sign plan for single-tenant projects must be submitted to and approved by the Director. Sign plans must be fully dimensioned including the proposed sign location(s), elevations, colors, and materials.
2. Prohibited signs include those listed in Section 17.16.150, Signs – General Provisions. Off-premises outdoor advertising signs are also prohibited.
3. Signs should comply with the standards set forth in the following sections:
 - Section 17.16.150, Signs – General Provisions
 - Section 17.16.160, Business Signs
 - Section 17.16.170, Building Identification Signs

- Section 17.16.180, Temporary Signs
- Section 17.16.190, Directional and/or Information Signs
- Section 17.16.200, Special Purpose Signs

G. Height regulations. The height of buildings or structures shall be as follows:

1. No building or structure shall exceed a height of 50 feet;
2. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner. (See subsection 1 in the definition of solar energy system in Section 17.04.240.)

H. Noise. Uses which generate noise by the nature of their function and/or processes shall be required to demonstrate that the noise levels emitted from the use shall not exceed 65 dBA at any property line. A detailed noise attenuation study by a qualified acoustical engineer may be required by the Director or his designated representative to determine appropriate mitigation and methods to incorporate same into project design. Site design methods which may be utilized to reduce noise include:

1. The use of building setbacks and dedication of noise easements to increase the distance between the noise source and receiver;
2. The location of uses and orientation of buildings which are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;
3. The placement of noise-tolerant land uses, such as parking areas, between the noise source and receiver;
4. The placement of noise-tolerant structures, such as garages or carports, to shield noise-sensitive areas;
5. Clustering of office or commercial structures to reduce interior open space noise levels.

I. Additional Standards – Adjacent to Residential Use

1. When abutting or adjacent to an existing residential use, the following requirements shall also be applied:
 1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residential use.
 2. No signs shall be placed in a manner which visually intrudes into adjoining residential use.
 3. Trees shall be utilized as a means of improving the interface between commercial and residential uses where appropriate.

4. A minimum 10-foot wide landscape setback shall be required along property lines abutting or adjacent to a residential use.
5. Where multi-story buildings or buildings taller than 35 feet are to be utilized on lots abutting an existing residential use property, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring residential use property.
6. Noise generating elements including loading docks shall be oriented away from residential uses and may require additional setbacks.
7. When abutting or adjacent to an existing residential use, the following additional setback requirements shall also be applied:
 - a. An additional 10-foot setback from the property line abutting or adjacent to residential uses;
 - b. Multi-story buildings or buildings taller than 35' along the property line abutting or adjacent to the residential uses shall include an additional five (5) foot setback for every story or every additional five (5) feet in height.

17.20.820 - ADDITIONAL STANDARDS

- A. All uses shall comply with the air quality standards of the Air Quality Management District (AQMD) or the city of Lancaster, whichever is more restrictive.
- B. Light industrial uses within the "East Side Overlay Zone District" shall be compatible with adjacent existing uses through proper site planning, building design, and landscaping.

STAFF REPORT

City of Lancaster

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Date: August 22, 2023

To: Mayor Parris and City Council Members

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Patti Garibay, Assistant Director – Planning and Permitting
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CC/sm

Attachments:

Ordinance No. 1105

Exhibit “A” of the Ordinance

7.17.23 Planning Commission Packet

ORDINANCE NO.

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTIONS 17.20.760, 17.20.770, 17.20.780, 17.20.790, 17.20.800, 17.20.810 AND 17.20.820 OF THE ZONING ORDINANCE (TITLE 17 OF LANCASTER MUNICIPAL CODE), TO ESTABLISH THE EAST SIDE OVERLAY

WHEREAS, the City Council of the City of Lancaster has determined that it is necessary to amend Chapter 17.20 of the Zoning Ordinance (Title 17 of Lancaster Municipal Code), to establish the East Side Overlay, as set forth in Exhibit “A” attached hereto (the “Amendment”); and

WHEREAS, public notice was provided as required by law, and a public hearing was held on July 17, 2023, at which the Planning Commission (a) certified that it had reviewed and considered the information in the Final Environmental Impact Report prepared for the proposed East Side Overlay in compliance with the California Environmental Quality Act (including its implementing regulations) prior to taking action, (b) found the Final Environmental Impact Report determined that the proposed East Side Overlay could have a significant effect on the environment, but that with incorporation of the identified mitigation measures all impacts would be less than significant; (c) recommended to the City Council certification of the Final Environmental Impact Report and adoption of the associated findings, and (d) recommended that the City Council approve and adopt the Amendment (collectively, the “Planning Commission Recommendation”); and-

WHEREAS, on _____, 2023, the City Council held a public hearing on the Amendment pursuant to Section 65856 of the Government Code, notice of which was published and provided as required by law; and

WHEREAS, the City Council now desires to adopt the Amendment in its entirety to read as set forth therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Lancaster hereby finds and determines that the above recitals are true and correct.

Section 2. The City Council has received, reviewed and hereby adopts the Planning Commission Recommendation. Consistent therewith, the City Council makes the following findings:

- (a) The Planning Commission Recommendation is based upon reasonable information presented at the Planning Commission’s public hearing which shows that the Amendment is appropriate and necessary to implement the City of Lancaster’s general plan, and to promote the public convenience, general welfare and good zoning practice.

- (b) The proposed Amendment is consistent with the City of Lancaster's general plan
- (c) The proposed Amendment will promote, and will not be substantially detrimental to, the health, safety, or general welfare of the City.

Section 3. The City Council has reviewed and duly considered the Final EIR, and the mitigation measures recommended relative thereto. All environmental findings and the Final EIR, as contained in Attachment C, are hereby certified, approved, adopted and incorporated into this Ordinance.

Section 4. The City Council hereby approves and adopts the "Amendment."

Section 5. Any ordinance previously adopted by the City Council shall be and is hereby 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. The City Clerk shall cause the same or a summary thereof to be published and posted pursuant to the provisions of law, and this Ordinance shall take effect 30 days after adoption.

Ordinance No.

Page 3

I, , 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 _____, 2023, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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.

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTIONS 17.20.760, 17.20.770, 17.20.780, 17.20.790, 17.20.800, 17.20.810 AND 17.20.820 OF THE ZONING ORDINANCE (TITLE 17 OF LANCASTER MUNICIPAL CODE), TO ESTABLISH THE EAST SIDE OVERLAY

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WHEREAS, the City Council now desires to adopt the Amendment in its entirety to read as set forth therein.

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- (b) The proposed Amendment is consistent with the City of Lancaster's general plan
- (c) The proposed Amendment will promote, and will not be substantially detrimental to, the health, safety, or general welfare of the City.

Section 3. The City Council has reviewed and duly considered the Final EIR, and the mitigation measures recommended relative thereto. All environmental findings and the Final EIR, as contained in Attachment C, are hereby certified, approved, adopted and incorporated into this Ordinance.

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I, , 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 _____, 2023, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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)



AGENDA ITEM:

5.

DATE:

7.17.23

**STAFF REPORT
EAST SIDE OVERLAY ZONE**

PC ACTION:
APPROVED (4-2-0-0-1)
NOES: Harvey and Moore
ABSENT: Underwood

DATE: July 17, 2023

TO: Lancaster Planning Commission

FROM: Cynthia Campaña, Senior Planner *cl*
Community Development Department

APPLICANT: City of Lancaster

LOCATION: Approximately 5,841-acre area bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west (Attachment 5 of Reso No. 23-18: East Side Overlay Assessor's Parcel Numbers)

REQUEST: Recommending approval to the City Council of the East Side Overlay Zone Text Amendment and certification of the Environmental Impact Report for the East Side Overlay and adoption of the findings.

RECOMMENDATION: Planning Commission adopt Resolution 23-18 recommending approval to the City Council the East Side Overlay Zone Text Amendment and certification of the Environmental Impact Report for the East Side Overlay and adoption of the findings.

BACKGROUND

In 2022, the City of Lancaster analyzed past, current, and proposed development trends. The analysis revealed that a majority of development projects in the City are concentrated in the central and western portions of town while the eastern portion has few projects underway. Properties in the eastern portion of the City are predominantly agricultural, vacant and/or undeveloped land. This underutilized area of the City could help respond to the high demand of alternative energy and industrial uses looking to build in Lancaster. In order to promote and help vitalize the eastern portion, the City is proposing an East Side Overlay.

The proposed East Side Overlay would increase flexibility and development potential, as well as incentivize alternative energy and light industrial development to occur in the eastern portion of Lancaster beyond what is currently allowed. In addition, it would encourage new development that would provide economic benefits to the City and its residents. The East Side Overlay ensures that a variety of sites are available for a variety of alternative energy, light industrial users, among others, which would provide employment-generating lands that are highly accessible and compatible with other uses in the community.

GENERAL INFORMATION

Table 1 summarizes the general information concerning this project.

Table 1: General Information

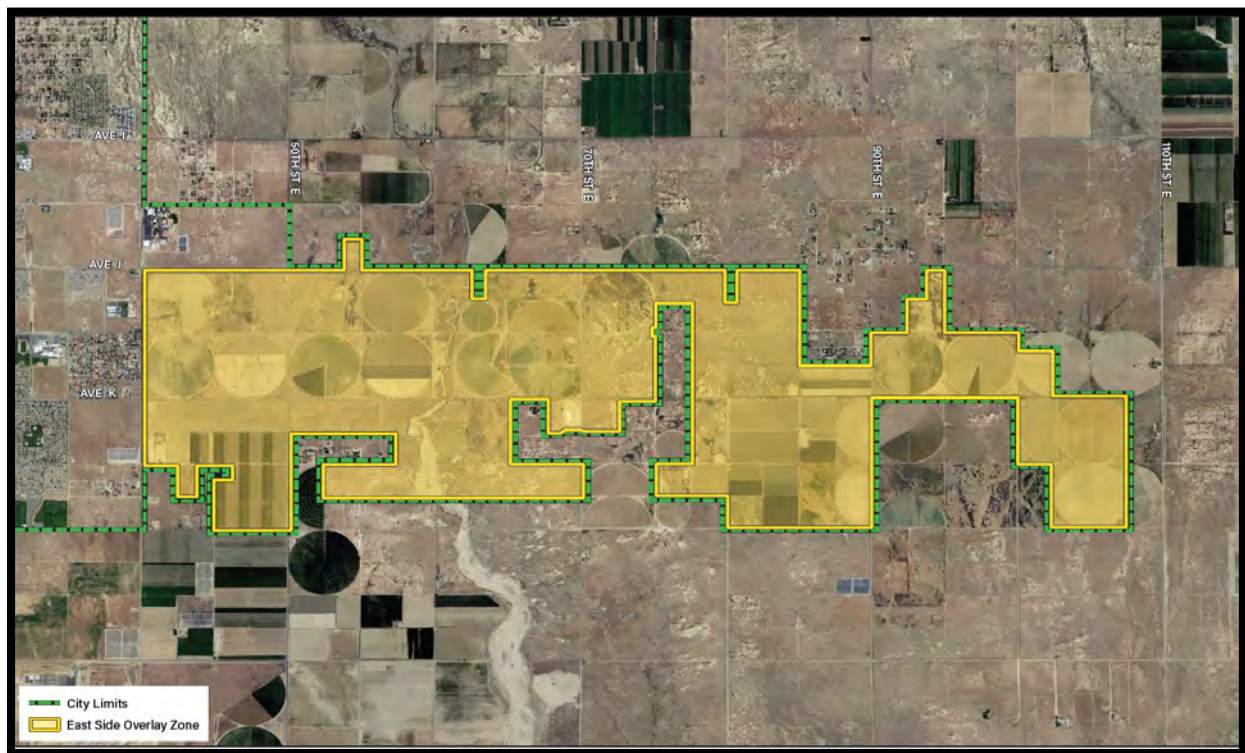
ITEM	DESCRIPTION
APNS	Attachment 5 of Reso No. 23-18: East Side Overlay Assessor's Parcel Numbers
LOCATION	Approximately 5,841-acre area bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west.
ZONING AND LAND USE	The project site is nearly entirely designated Non-Urban Residential (NU; 0.4-2.0 dwelling units per acre [du/ac]); only the two westernmost parcels within the project site are designated Urban Residential (UR; .1-6.5 du/ac). The proposed overlay zone is nearly entirely zoned RR-2.5 (Rural Residential, 1 du/ac); only the two westernmost parcels within the overlay zone are zoned R-7,000 (Single Family Residential, minimum lot size 7,000 square feet).
SURROUNDING LAND USES AND ZONING	North: Residential and Vacant Land; LA County South: Residential and Vacant Land; LA County East: Residential and Vacant Land; Commercial, R-15,000 and RR-2.5 West: Residential and Vacant Land; LA County
CURRENT DEVELOPMENT	The project site consists of scattered areas of rural development predominantly surrounded by agricultural use and vacant, and undeveloped land.
ENVIRONMENTAL REVIEW	A Draft Environmental Impact Report (EIR) (SCH #2022100641) was prepared for the proposed project and circulated for a 45-day public review period in accordance with the California Environmental Quality Act (CEQA). The public review period started on April 27, 2023 and ended on

	<p>June 12, 2023. The Final EIR was released on July 6, 2023.</p> <p>Effective January 1, 1991, applicants whose projects have the potential to result in the loss of fish, wildlife, or habitat through urbanization and/or land use conversion are required to pay filing fees as set forth under Section 711.4 of the Fish and Game Code. Pursuant to Section 21089(b) of the Public Resources Code, the approval of a project is not valid, and no development right is vested, until such fees are paid.</p>
--	---

PROJECT LOCATION

The project site is within the eastern portion of Lancaster and encompasses an approximately 5,841-acre area generally bounded by Avenue J to the north, 110th Street East to the east, Avenue L to the south and 40th Street East to the West. The site vicinity map is shown in Figure 1.

Figure 1: Site Vicinity



PROJECT SUMMARY

The City is proposing to establish an East Side Overlay in the eastern portion of Lancaster. An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in

addition to those of the underlying zoning district. The zoning for the area is RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zones.

Permitted Uses

In addition to the permitted uses under the existing RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zones, the overlay zone would allow additional new light industrial uses such as alcohol production, contractor storage yards, and research and development. Other new uses subject to conditional use permits include alternative energy uses; automobile repair; building trades and related uses; distribution; food manufacturing, processing, wholesale sales, and storage; light manufacturing; and warehousing as shown below in Table 2.

Table 2: East Side-Overlay – Uses Matrix	
Definition P = Permitted Use; DR = Director's Review; C = Conditional Use Permit; N/A = Not Allowed	
A. Permitted Uses.	
Permitted Use (P), Director's Review (DR) and Conditional Use Permit (CUP) include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.	
Alcohol Production – Brewery, Winery, or Distillery	P
Contractor Storage Yard – Indoor and Outdoor	P
Research and Development	P
B. Accessory Uses.	
Permitted Use (P) and Director's Review (DR) Accessory Uses include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.	
C. Temporary Uses.	
Permitted (P) and Director's Review (DR) Temporary Uses include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.	
D. Other Uses	
This category includes those uses which do not fall into any other category, and are not temporary or accessory uses, uses subject to the Director's Review, or uses subject to permit in this zone, which the Director deems the use consistent with the purpose and intent of this overlay and similar to other uses permitted herein.	To be determined by the Director
E. Uses Subject to Conditional Use Permits	
Alternative Energy Uses	C

Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts	C
Buildings and Structures over 50-feet in height (any use)	C
Building Trades and Related Uses	C
Distribution	C
Food Manufacturing, Processing, Wholesale Sales and Storage	C
Light Manufacturing	C
Warehousing	C
F. Prohibited Uses	
Commercial Cannabis Facilities	N/A

Development Standards

The overlay provides development standards related to parking, height, noise, and other additional standards for the light industrial uses. General development standards are shown in Table 3.

Table 3: Development Standards	
Front Yard Setback	20 feet
Interior Side Yard Setback	10 feet
Street Side Yard Setback	20 feet
Rear Yard Setback	10 feet
Maximum height of structure without a CUP	50 feet
Maximum Floor Area Ratio (F.A.R.)	.50

Projects abutting or adjacent to an existing residential use would have additional development standards. These requirements include a 10-foot setback from the property line abutting or adjacent to residential use, an additional 10-foot landscape setback and additional five-foot setback for every story or every additional five feet in height for building taller than 35 feet.

ANALYSIS:

General Plan Consistency

The East Side Overlay further implements many of the goals, objectives, policies and specific actions identified in the City's General Plan. The Environmental Impact Report analyzed the proposed plan's consistency with the General Plan. Specifically, the proposed East Side Overlay and any development allowed under it, would be consistent with the following objectives and policies.

- Objective 16.1 Implement the four Pillars of the Lancaster Economic Development/Redevelopment Strategic Plan in order to achieve a more vibrant, energetic and prosperous Lancaster.
- Policy 16.1.1 Promote a jobs/housing balance that places an emphasis on the attraction of high-paying jobs which will enable the local workforce to achieve the standard of living necessary to both live and work within the community.
- Objective 17.1 Designate adequate land for a balanced mix of rural and urban residential and non-residential uses.
- Policy 17.1.4: Provide for office and industrial-based employment-generating lands which are highly accessible and compatible with other uses in the community.

The proposed East Side Overlay would permit new light industrial uses including alternative energy, in addition to uses currently permitted within the RR-2.5 and R-7,000 zones for those parcels within the overlay boundaries. The future light industrial uses within the East Side Overlay would be required to be compatible with adjacent existing uses through proper site planning, building design, and landscaping. The East Side Overlay would offer a balance of residential, office and industrial uses. In addition, it would help provide opportunities to industrial projects that would help create a job/housing balance. Therefore, the proposed East Side Overlay would be consistent with the General Plan.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (EIR) (SCH #2022100641) was prepared for the proposed project and circulated for a 45-day public review period in accordance with the California Environmental Quality Act (CEQA). The public review period started on April 27, 2023 and ended on June 12, 2023. The Final EIR was released on July 6, 2023.

The City received three comment letters regarding the Draft EIR (State Clearinghouse # 2022100641):

- Letter dated May 10, 2023 from the Antelope Valley Air Quality Management District
- Letter dated May 15, 2023 from the Kathleen Y. Sumida (Property Owner)
- Letter dated June 7, 2023 from the California Department of Fish and Wildlife

In accordance with CEQA Guidelines Section 15088, the City of Lancaster, as the lead agency, evaluated the written comments received on the Draft EIR for the Lancaster East Side Overlay and responses were prepared to the comments received. The responses to comments document

are part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

As part of the required EIR process, a scoping meeting was held on November 16, 2022. Approximately 160 residents participated, asked questions, and shared feedback related to the project. Concerns raised were related to the potential for allowing cannabis, however, cannabis would not be a permissible use.

AMENDMENTS FINDING

Section 17.24.140 “Amendments—Commission findings and decision” of the Lancaster Municipal Code contains the following finding:

- 1. The Commission may recommend approval where the 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.**

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, as the General Plan designation and zoning designations within the City will not change and the text amendment would permit new light industrial uses, in addition to uses currently permitted within the RR-2.5 and R-7,000 zones. It would help provide opportunities to industrial projects that help create a job/housing balance. Therefore, the proposed East Side Overlay is necessary to implement the general plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.

LEGAL NOTICE

A notice of Public Hearing was mailed to interested parties and stakeholders, posted in three places, and noticed in Antelope Valley Press on July 7, 2023.

RECOMMENDATION

Planning Commission adopt Resolution 23-18 recommending approval to the City Council the East Side Overlay Zone Text Amendment and certification of the Environmental Impact Report for the East Side Overlay and adoption of the findings.

Attachment:

- A. Resolution No. 23-18

RESOLUTION NO. 23-18

PLANNING COMMISSION ADOPT RESOLUTION 23-18
RECOMMENDING APPROVAL TO THE CITY COUNCIL THE
EAST SIDE OVERLAY ZONE TEXT AMENDMENT AND
CERTIFICATION OF THE ENVIRONMENTAL IMPACT
REPORT FOR THE EAST SIDE OVERLAY AND ADOPTION OF
THE FINDINGS (ATTACHMENT 5: EAST SIDE OVERLAY
ASSESSOR'S PARCEL NUMBERS)

WHEREAS, the Planning Commission has considered the proposed East Side Overlay zone text amendment amending Section 17.20 of the Zoning Ordinance (Title 17 of Lancaster Municipal Code), as set forth and attached here to as Exhibit A and more fully described below (the "amendment"); and

WHEREAS, the Planning Commission desires to recommend that the City Council certify and adopt the East Side Overlay EIR (SCH #2022100641), and the associated findings; and

WHEREAS, applicable law requires the Planning Commission to notice and hold a public hearing on the amendment and, following such hearing, to render a decision in the form of a written recommendation to the City Council; and

WHEREAS, the Planning Commission held a public hearing concerning the amendment on July 17, 2023, notice of which was published and provided as required by law; and

WHEREAS, the Planning Commission finds that the proposed amendment is required for public health, safety, and general welfare, and that the amendments are consistent with the general objectives, principles, and standards of the General Plan;

WHEREAS, the Planning Commission now desires to recommend that the City Council adopt the Proposed Ordinance.

NOW, THEREFORE, THE PLANNING COMMISSION 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 Planning Commission hereby adopts the following finding pursuant to Section 17.24.140 of the LMC:

The commission may recommend approval where the 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 proposed amendment is consistent with the City's General Plan.

PC Resolution No. 23-18
East Side Overlay
Zone Text Amendment 22-01
July 17, 2023
Page 2

Section 4. That the Planning Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed East Side Overlay in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action and hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed East Side Overlay reflects the independent judgement of the City of Lancaster.

Section 5. That the Planning Commission hereby finds that the Final EIR determined that the proposed East Side Overlay could have a significant effect on the environment; however, with incorporation of the identified mitigation measures the effect would be reduced to less than significant levels.

Section 6. That the Planning Commission hereby recommends that the City Council certify the Final EIR for the East Side Overlay, adopt the Mitigation Monitoring and Reporting Program, and adopt the associated findings.

Section 7. That the Planning Commission hereby recommends the City Council approve and adopt the Proposed Ordinance.

Section 8. That Planning Commission staff is authorized and hereby directed to transmit this Resolution to the City Council as required by Section 65855 of the Government Code.

PC Resolution No. 23-18
East Side Overlay
Zone Text Amendment 22-01
July 17, 2023
Page 3

PASSED, APPROVED, and ADOPTED this 17th day of July 2023, by the following vote:

AYES: Vose, Birden, Derryberry, and Tufts

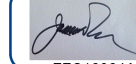
NOES: Harvey and Moore

ABSTAIN:

RECUSED:

ABSENT: Underwood

DocuSigned by:



FFC16064A17F48C...

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

DocuSigned by:



3B776B70774F4A4...

PATTI GARIBAY, Assistant Director Community Development
Planning & Permitting
City of Lancaster

Attachments:

1. Draft Ordinance
2. Final Environmental Impact Report
3. Findings
4. Mitigation Monitoring and Reporting Program
5. East Side Overlay Assessor's Parcel Number

ORDINANCE NO.

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTION 17.20.760, 17.20.770, 17.20.780, 17.20.790, 17.20.800, 17.20.810 AND 17.20.820 OF THE ZONING ORDINANCE (TITLE 17 OF LANCASTER MUNICIPAL CODE), TO ESTABLISH THE EAST SIDE OVERLAY

WHEREAS, the City Council of the City of Lancaster has determined that it is necessary to amend Section 17.20 of the Zoning Ordinance (Title 17 of Lancaster Municipal Code), to establish the East Side Overlay, as set forth in Exhibit “A” hereto (the “Amendment”); and

WHEREAS, public notice was provided as required by law, and a public hearing was held on July 17, 2023, at which the Planning Commission (a) certified that it had reviewed and considered the information in the Final Environmental Impact Report prepared for the proposed East Side Overlay in compliance with the California Environmental Quality Act (including its implementing regulations) prior to taking action, (b) found the Final Environmental Impact Report determined that the proposed East Side Overlay could have a significant effect on the environment; however, with incorporation of the identified mitigation measures all impacts would be less than significant; and (c) recommended to the City Council certification of the Final Environmental Impact Report and adoption of the associated findings.

WHEREAS, on XX, 2023, the City Council held a public hearing on the Amendment pursuant to Section 65856 of the Government Code, notice of which was published and provided as required by law; and

WHEREAS, the City Council now desires to adopt the Amendment in its entirety to read as set forth therein.

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

Section 1. The City Council of the City of Lancaster hereby finds and determines that the above recitals are true and correct.

Section 2. The City Council has received, reviewed and hereby adopts the Planning Commission Recommendation. Consistent therewith, the City Council makes the following findings:

- (a) The commission may recommend approval where the 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. All environmental findings and the Final EIR, as contained in Attachment ____, are hereby certified, approved, adopted and incorporated into this Ordinance.

Ordinance No.

Page 2

Section 4. Any ordinance previously adopted by the City Council shall be and is hereby 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 5. 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 6. 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.

Page 3

I, Andrea Alexander, 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 _____, 2023, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

ANDREA ALEXANDER
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)

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

Lancaster East Side Project

SCH NO. 2022100641

Lead Agency:



CITY OF LANCASTER
44933 Fern Avenue
Lancaster, California 93534
Contact: Cynthia Campana
Senior Planner
661.723.6262
ccampana@cityoflanasterca.org

Prepared by:

MICHAEL BAKER INTERNATIONAL
5 Hutton Centre Drive, Suite 500
Santa Ana, California 92707
Contact: Frances Yau, AICP
949.472.3505

June 2023

JN 188955

This document is designed for double-sided printing to conserve natural resources.



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Program Environmental Impact Report Lancaster East Side Project

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1.0 Introduction



1.0 INTRODUCTION

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Lancaster, as the lead agency, has evaluated the comments received on the *Lancaster East Side Project Public Review Draft Program Environmental Impact Report* (Draft PEIR) (State Clearinghouse No. 2022100641).

The Draft PEIR for the proposed Lancaster East Side Project (project) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft PEIR was made available for public review and comment for a period of 45 days. The public review period for the Draft PEIR established by the CEQA Guidelines commenced on April 27, 2023 and ended June 12, 2023.

The Final EIR consists of the following components:

- Section 1.0 – Introduction;
- Section 2.0 – Responses to Comments;
- Section 3.0 – Errata; and
- Section 4.0 – Mitigation Monitoring and Reporting Program.

Due to its length, the text of the Draft PEIR is not included with this document; however, it is included by reference in this Final PEIR. None of the corrections or clarifications to the Draft PEIR identified in this document constitutes “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, recirculation of the Draft PEIR is not required.



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2.0 Responses to Comments



2.0 RESPONSES TO COMMENTS

In accordance with CEQA Guidelines Section 15088, the City of Lancaster, as the lead agency, evaluated the written comments received on the Draft PEIR for the Lancaster East Side Project (project) and has prepared the following responses to the comments received. This Responses to Comments document is part of the Final PEIR for the project in accordance with CEQA Guidelines Section 15132.

A list of commenters on the Draft PEIR is presented in Table 2-1, *List of Commenters on the Draft PEIR*. Each comment has been assigned a letter number. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

**Table 2-1
List of Commenters on the Draft PEIR**

Comment Letter No.	Commenter	Letter Dated
1	Barbara Lods, Operations Manager Antelope Valley Air Quality Management District	May 10, 2023
2	Kathleen Y. Sumida	May 15, 2023
3	Erinn Wilson-Olgin, Environmental Program Manager California Department of Fish and Wildlife	June 7, 2023

COMMENT LETTER 1



Antelope Valley Air Quality Management District
2551 W. Avenue H
Lancaster, CA 93536

661.723.8070

In reply, please refer to AV0523/095

May 10, 2023

Cynthia Campana
City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534

RE: Notice of Availability of a Draft Environmental Impact Report (EIR) for the Eastside Overlay Zone

Dear Ms. Campana,

The Antelope Valley Air Quality Management District (District) has received the request to review the Notice of Availability of a Draft Environmental Impact Report (EIR) for the Eastside Overlay Zone requesting to establish an East Side Overlay Zone in the eastern portion of Lancaster. An overlay zone is a zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. This project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone. The proposed overlay zone is generally bounded by Avenue J to the north, 110 Street East to the east, Avenue L to the south, and 40th Street East to the west.

We have reviewed the documents and based on the information available to us at this time, we have no comment.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (661) 723-8070 x23.

Sincerely,

Barbara Lods

Barbara Lods
Operations Manager

BJL/SS

Sent via Email

1-1



RESPONSE TO COMMENT LETTER NO. 1

Barbara Lods, Operations Manager
Antelope Valley Air Quality Management District
May 10, 2023

- 1-1 The commenter states that the Antelope Valley Air Quality Management District has reviewed the Draft PEIR and has no comments. This comment is acknowledged, and no additional response is required.

COMMENT LETTER 2

From: Kathleen Sumida <ksumida01@hawaii.rr.com>
Sent: Monday, May 15, 2023 8:24 PM
To: Campana, Cynthia <ccampana@cityoflancasterca.gov>
Subject: DEIR

[You don't often get email from ksumida01@hawaii.rr.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

May 15, 2023

I have received your April 17, 2023 notice recently regarding “A Draft Environmental Impact Report for the Eastside Overlay Zone”. DEIR

I am a resident residing in Honolulu, Hawaii and property owner of approximately 2 1/2 acres of land acquired in 1978 in California (Antelope Valley.) Property ownership: Richard M. Sumida (deceased 2008) and Kathleen Y. Sumida
3247 Pinaoula Street
Honolulu, Hawaii 96822

Property Identification

Assessor's ID No.: 3378 027 024 18 000

Property location and/or property description:

VAC/AVE. L/VIC 85 STE. ROOSEVELT

*That portion of Lot 1 in NE 1/4 of NE 1/4 of NE 1/4 of NW 1/4 of
SEC 31. T. 7N. R. 10W

Since the overlay map (yellow) in the letter does not really indicate where my property is located, is it possible to have a map that shows exactly where my property is located?

I am not opposed to the proposed project (DEIR) since your letter indicated it will not result in any significant and unavoidable impact on any environmental resource area.
The growth of new businesses will be beneficial to the city and community.

Is the City of Lancaster planning to purchase properties within the overlay zone to achieve its goal?

Are owners of property within the overlay zone required to improve their piece of property prior to the city's acquisition ?

Am I able to sell my property to any California Realty Company/ realtors?
If so, is there a time line?

Is it possible to speak to someone in person? I find it is easier to get an answer quickly than emailing which I find time consuming.

Your response to my questions, updates on your project and any communication to me are greatly appreciated. My email address :

ksumida01@hawai.rr.com

Thank you.

Sincerely,

Kathleen Y. Sumida

2-1
cont'd

**RESPONSE TO COMMENT LETTER NO. 2**

Kathleen Y. Sumida

May 15, 2023

- 2-1 The commenter requests clarifications on whether the project site encompasses their property (Assessor's Parcel Number [APN] 3378-027-024-18-000) and lists a number of questions regarding the project's potential impacts on the property. Based on the APN provided, the property is located outside of the proposed overlay zone and outside of the City of Lancaster. The property is located in unincorporated Los Angeles County. Thus, the commenter's property would not be impacted by the project.

To provide additional clarification to the commenter's questions, the City is not acquiring any land within the overlay zone as part of the project and no land improvements are required of existing property owners.



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newson, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
3883 Ruffin Road | San Diego, CA 92123
wildlife.ca.gov

June 7, 2023

Cynthia Campaña
City of Lancaster
44933 Fern Ave
Lancaster, CA 93534
ccampana@cityoflanasterca.gov

**Subject: Draft Environmental Impact Report for Eastside Overlay Zone (Project),
SCH #2022100641, City of Lancaster, Los Angeles County**

Dear Ms. Campaña:

The California Department of Fish and Wildlife (CDFW) has reviewed the Eastside Overlay Zone (Project) proposed by the City of Lancaster (City). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation

3-1

Cynthia Campaña

June 7, 2023

Page 2 of 37

of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.). CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The City is proposing to establish an East Side Overlay Zone in the eastern portion of Lancaster. In addition to the permitted uses under the existing RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zones, the overlay zone would allow for additional uses. Generally, the proposed overlay zone would permit new light industrial uses such as alcohol production, contractor storage yards, and research and development. Other new uses subject to conditional use permits include alternative energy uses; automobile repair; building trades and related uses; distribution; food manufacturing, processing, wholesale sales, and storage; light manufacturing; and warehousing. The proposed overlay zone also provides development standards related to parking, height, noise, and other additional standards for light industrial uses.

Location: The Project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone in the City of Lancaster, which is located in the Antelope Valley in northern Los Angeles County. The proposed overlay zone is generally bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west.

Comments and Recommendations

CDFW offers comments and recommendations below to assist the City in adequately identifying the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the City consider our comments and recommendations when preparing an environmental document that may provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

Specific Comments

Comment #1: Impacts to Swainson's Hawk (*Buteo swainsoni*)

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Issue: The Project may impact habitat for Swainson's hawk.

Specific impacts: Swainson's hawk are regularly observed foraging and nesting throughout the Palmdale and Lancaster area. The Project may potentially result in the loss of habitat for a CESA-listed raptor species.

Why impact would occur: The DEIR states that Swainson's hawk were "observed during a field survey conducted in 2022 by Michael Baker within a portion of the project site." Despite the observation within the Project area, the DEIR does not provide avoidance measures to minimize the impacts to Swainson's hawk. Aside from no avoidance measures in the DEIR, no protocol-level focused survey was conducted or recommended for Swainson's hawk presence. If a protocol-level Swainson's hawk survey was conducted, there is potential that further species presence may be observed. Project activities without surveys could result in injury or mortality of unidentified Swainson's hawk. Lastly, Project construction activities will result in loss of habitat if Swainson's hawk are present.

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the Swainson's hawk as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016). CDFW considers a Swainson's hawk nest site to be active if it was used at least once within the past five years and impacts to suitable habitat or individual birds within a five-mile radius of an active nest as significant. Based on the foregoing, Project impacts may potentially reduce the number and/or restrict the range of Swainson's hawk or contribute to the abandonment of an active nest and/or the loss of significant foraging habitat for a given nest territory and thus result in "take" as defined under CESA.

Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:

Mitigation Measure #1: CDFW released guidance for this species entitled [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles](#)

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[and Kern Counties, California](#) (2010). CDFW recommends the City require future project applicants to conduct focused surveys for Swainson's hawk following the 2010 guidance and disclose the results in the project's environmental documentation. If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP))] would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

Mitigation Measure #2: Permanent impacts to habitat for Swainson's hawk should be offset by setting aside replacement acreage to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate conservation methods. For proposed preservation and/or restoration, the final environmental document should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be provided for the long-term monitoring and management of mitigation lands. CDFW recommends that mitigation occur at a CDFW-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended [Government Code sections 65965-65968](#). Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

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Comment #2: Impacts on Species of Special Concern

Issue: The Project may impact designated California Species of Special Concern (SSC), including American badger (*Taxidea taxus*).

Specific impacts: Future project construction and activities, directly or through habitat modification, may result in direct injury or mortality (trampling, crushing), reduced reproductive capacity, population declines, or local extirpation of SSC.

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Also, loss of foraging, breeding, or nursery habitat for SSC may occur.

Why impacts would occur: The DEIR states that signs of American badger “have been previously observed on-site.” However, there were no avoidance, minimization, or mitigation measures provided in the DEIR. As such, there is potential for the Project to impact SSC. Without appropriate avoidance or minimization measures, impacts to an SSC could result from ground-disturbing activities and vegetation removal. Wildlife may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife. SSC could be injured or killed. Impacts on these SSC are more likely to occur because these are cryptic species that may seek refuge under structures.

Evidence impacts would be significant: A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;

- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFWa 2023).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380).

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The DEIR does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate,

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sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s) for Future Projects:

Mitigation Measure #3: Biological Monitor - To avoid direct injury and mortality of any SSC, CDFW recommends the City require future project applicants to have a qualified biologist on site to move out of harm's way wildlife of low mobility that would otherwise be injured or killed. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where any SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist should advise workers to proceed with caution near flagged areas. A qualified biologist should be on site daily during initial ground and habitat disturbing activities and vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the project until the cessation of all ground disturbing activities to ensure that no wildlife of any kind is harmed.

Mitigation Measure #4: Scientific Collecting Permit – CDFW recommends the City require future project applicants retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFWb 2023). Pursuant to the [California Code of Regulations, title 14, section 650](#), the Project Applicant/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

Mitigation Measure #5: Wildlife Relocation Plan - Prior to initial ground and habitat disturbing activities and vegetation removal, CDFW recommends the Project Applicant retain a qualified biologist to prepare a Wildlife Relocation Plan. The Wildlife Relocation Plan should describe all wildlife species that could

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occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan should include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The Project Applicant should submit a copy of a Wildlife Relocation Plan to the City prior to initial ground and habitat disturbing activities and vegetation removal. No wildlife nests, eggs, or nestlings may be removed or relocated at any time.

Mitigation Measure #6: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

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Comment #3: Impacts to Nesting Birds

Issue: Project activities may impact special status nesting birds, including western snowy plover (*Charadrius alexandrinus nivosus*), California horned lark (*Eremophila alpestris actia*), loggerhead shrike (*Lanius ludovicianus*), and yellow-headed blackbird (*Xanthocephalus xanthocephalus*).

Specific impacts: Construction during the breeding season of special status nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in habitat adjacent to a Project site.

Why impact would occur: A review of California Natural Diversity Database (CNDDDB) indicates occurrences of western snowy plover (ESA-listed, California Species of Special Concern) within and adjacent to the Project area. In addition, the DEIR states the California horned lark, loggerhead shrike, and yellow-headed blackbird were “observed during a field survey conducted in 2022 by Michael Baker within a portion of the project site.” The DEIR does not provide any specific avoidance or minimization measures for nesting birds. Without any protective measures, impacts to nesting birds could result from ground disturbing activities. Furthermore, impacts could result from noise disturbances, increased human activity, increased lighting, fugitive dust, other ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of

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suitable foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

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Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:

Mitigation Measure #7: To protect nesting birds that may occur within the Project boundary, CDFW recommends that no vegetation removal or ground-disturbing activities occur from February 1 through September 15, as early as January 1 for some raptors.

Comment #4: Inadequate Disclosure of Adequacy of Biological Impact Fee

Issue: The DEIR does not provide sufficient information for CDFW to evaluate the adequacy of the Biological Impact Fee to offset the cumulative loss of biological resources in the Antelope Valley.

Specific Impacts: The Project area encompasses 5,841 acres of land, much of which is open space. Development across this area may result in permanent loss of habitat that may support rare plants and/or SSCs.

Why impacts would occur: According to page 5.4-13 in the DEIR, the Project's cumulative impacts on biological resources in the Antelope Valley would be mitigated through payment of a \$770/acre Biological Impact Fee. The Biological Impact Fee would "mitigate long-term incremental impacts of new development on biological resources on a regional basis." The DEIR does not explain or make a connection as to why payment of the Biological Impact Fee is adequate to offset Project impacts so that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The DEIR does not discuss or provide the following information:

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- 1) Whether the Biological Impact Fee is going towards an established program;

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- 2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Biological Impact Fee would acquire. It is unclear if the Biological Impact Fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Biological Impact Fee would be used to purchase credits at a mitigation bank, or none of the above;
- 4) What biological resources would the Biological Impact Fee protect/conserv;
- 5) Why the Biological Impact Fee is appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;
- 6) How \$770/acre is sufficient to purchase land or credits at a mitigation bank;
- 7) Where the City may acquire land or purchase credits at a mitigation bank so that the Biological Impact Fee would offset Project impacts on biological resources in the Antelope Valley;
- 8) When the City would use the Biological Impact Fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;
- 9) How the City would commit the Project to paying the Biological Impact Fee. For example, when would the City require payment, how long would the Project Applicant have to pay the fee, and what mechanisms would the City implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4).
- 10) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 11) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and
- 12) How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley.

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Evidence impacts would be significant: The basic purpose of an environmental document is to provide public agencies and the public in general with detailed information about the effect a proposed project is likely to have on the environment, and ways and manners in which the significant effects of such a project might be minimized (Pub. Resources Code, §§ 21002.1, 21061). The DEIR is insufficient as an informational document because it fails to discuss the ways and manners in which the Biological Impact Fee would mitigate for the Project's cumulative impacts on biological resources in the Antelope Valley. Mitigation

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measures should be adequately discussed and the basis for setting a particular measure should be identified [CEQA Guidelines, § 15126.4(a)(1)(B)]. The DEIR does not provide enough information to facilitate meaningful public review and comment on the appropriateness of the Biological Impact Fee at mitigating for impacts on biological resources. This Project may have a significant effect on the environment because the Project may reduce habitat for rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; and substantially reduce the number or restrict the range of an endangered, rare, or threatened species [CEQA Guidelines, § 15065(a)(1)]. Furthermore, the Project may contribute to the ongoing loss of sensitive, special status, threatened, and/or endangered plants, wildlife, and natural communities in the Antelope Valley. The Project may have possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)]. The City is acknowledging that the Project would contribute to the cumulative loss of biological resource in the Antelope Valley because the City is proposing a Biological Impact Fee as compensatory mitigation. The Biological Impact Fee may be inadequate mitigation absent commitment, specific performance standards, and actions to achieve performance standards. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW or USFWS.

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cont'd**Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:**

Recommendation #1: CDFW recommends the City revise the DEIR to provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:

- 1) Whether the Biological Impact Fee is going towards an established program;
- 2) How the Biological Impact Fee/program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Biological Impact Fee would acquire;
- 4) What biological resources would the Biological Impact Fee protect/conserve;
- 5) Why the Biological Impact Fee is appropriate for mitigating the cumulative loss of biological resources in the Antelope Valley;
- 6) Why the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank;

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- 7) Where land would be acquired or where the mitigation bank is located;
- 8) When the Biological Impact Fee would be used; and,
- 9) How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The MND should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).

Recommendation #2: The DEIR should include a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the DEIR should provide specifics as to when the City would pay the Biological Impact Fee; what mechanisms the City would implement to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to offset the Project's impacts. Also, the DEIR should provide specific performance standards as well as actions to achieve those performance standards.

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Additional Recommendations

Recommendation #3: CDFW recommends modifying BIO-1 to include underlined language and remove language with strikethrough:

"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife

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(CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's [California Natural Diversity Database](#) (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDF's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas shall be included where project construction and activities could lead to direct or indirect impacts off site;
3. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The [Manual of California Vegetation](#) (MCV), second edition, shall be used to inform this mapping and assessment;
4. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) [Online Inventory of Rare and Endangered Plants of California](#) (CNPS 2022) as well as the Calflora's [Information on Wild California Plants](#) database (Calflora 2022);

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5. A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and
6. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.

Recommendation #4: CDFW recommends modifying BIO-2 to include underlined language and remove language with strikethrough:

"Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster Community Development Department. An Incidental Take Permit shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. In the event an Incidental Take Permit (ITP) is required, the City shall require future project applicants to submit an ITP Application to CDFW that provides the following information (at a minimum):

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the Project site and within 300 feet of the Project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the Project site and within 300 feet of the Project site provided according to alliance and/or association-based natural communities found in the [Manual of California Vegetation](#) (MCV), second edition (Sawyer et al. 2009);
3. A map of the Project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the Project site.

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The future project applicant shall provide compensatory mitigation for any future project's impact on western Joshua trees at no less than 2:1, or as required in an ITP for western Joshua trees issued by CDFW. Mitigation shall be higher if the project will impact a western Joshua tree population that is increasing through seedling recruitment. Mitigation lands provided by the City shall (at a minimum):

1. Support western Joshua trees of similar density, abundance, and age structure;
2. Support natural communities of similar native plant species composition, density, structure, and function to habitat that was impacted;
3. Support nursery plants for western Joshua tree recruits; and
4. Not be exposed or have the potential to be exposed to disturbances such as OHV activity, illegal access, and encroachment from pending or future development.

The City shall require the project applicants to protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to impacts on western Joshua trees.

Future applicants shall disclose the Project's impacts in subsequent CEQA documents on western Joshua tree by providing the following information:

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1. The Project's potential impact on western Joshua tree seedbank within the Project site;
2. The Project's potential impact on western Joshua trees and seedbank adjacent to the Project site;
3. The Project's potential impact on each unique native and non-native natural community supporting western Joshua trees within and adjacent to the Project site;
4. The Project's construction, operation, and maintenance activities that could impact western Joshua trees and seedbank within and adjacent to the Project site; and
5. The Project's cumulative impact on western Joshua tree.

Recommendation #5: CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough:

~~"If suitable habitat for burrowing owl is observed during A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1., two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012) to determine no owls have moved on site. The habitat assessment will determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).~~

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the Project would impact burrowing owls, thus requiring mitigation. The Project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat.

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~~The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the *Staff Report on Burrowing Owl Mitigation* (California Department of Fish and Game 2012).~~ Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities."

Recommendation #6: CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough:

"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife).

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For any impacts to streams, the project applicant will notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFWd 2023).

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities will impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMPs) infrastructure that are installed will be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread."

Recommendation #7: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFWe 2023). Information on special status native plant populations and sensitive natural

3-6
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3-7

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communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFWf 2023).

3-7
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Recommendation #8: Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.

3-8

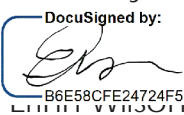
Recommendation #9: CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

3-9

Conclusion

CDFW appreciates the opportunity to provide comments and recommendations regarding the Project to assist the City of Lancaster in adequately analyzing and minimizing/mitigating impacts to biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

 B6E58CFE24724F5... Jlgm

Environmental Program Manager I

EC: CDFW

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State Clearinghouse - state.clearinghouse@opr.ca.gov

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)			
	Mitigation Measure (MM) or Recommendation (REC)	Timing	Responsible Party
MM-BIO-1-Swainson's Hawk	CDFW released guidance for this species entitled Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (2010). Focused surveys shall be conducted for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's environmental documentation. If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP)] would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.	Prior to issuance of development permit	City of Lancaster (City)/Project Applicant
MM-BIO-2-Swainson's Hawk	Permanent impacts to foraging habitat for Swainson's hawk shall be offset by setting aside replacement acreage to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate conservation methods. For proposed preservation and/or	Prior to issuance of development permit	City/Project Applicant



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		restoration, the final environmental document shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective shall be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that shall be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment shall be provided for the long-term monitoring and management of mitigation lands. Mitigation shall occur at a CDFW-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968 . Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.		
MM-BIO-3-Biological Monitor		To avoid direct injury and mortality of SSC, the City shall require the Project Applicant to have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground and	Prior to Project ground disturbing activities	City/Project Applicant



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	habitat disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every two weeks) for the remainder of Project until the cessation of all ground disturbing activities to ensure that no wildlife is harmed.		
MM-BIO-4-Scientific Collecting Permit	The City shall require the Project Applicant retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2022d). Pursuant to the California Code of Regulations, title 14, section 650 , the Project Applicant/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.	Prior to Project ground disturbing activities	City/Project Applicant
MM-BIO-5-Wildlife Relocation Plan	Prior to initial ground and habitat disturbing activities and vegetation removal, the Project Applicant shall retain a qualified biologist to prepare a Wildlife Relocation Plan. The	Prior to Project ground	City/Project Applicant



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	Wildlife Relocation Plan shall describe all wildlife species that could occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan shall include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The Project Applicant shall submit a copy of a Wildlife Relocation Plan to the City prior to initial ground and habitat disturbing activities and vegetation removal. No bird nests, eggs, or nestlings may be removed or relocated at any time. If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	disturbing activities	
MM-BIO-6- Injured or Dead Wildlife		Prior to Project ground disturbing activities	City/Project Applicant
MM-BIO-7- Nesting Birds	To protect nesting birds that may occur within to the Project boundary, CDFW recommends that no construction occur from February 1 through September 15, as early as January 1 for some raptors.	Prior to Project ground disturbing activities	City/Project Applicant
REC-1- Biological Impact Fee	CDFW recommends the City revise the DEIR to provide adequate, complete, and good-faith disclosure of	Prior to finalizing	City/Project Applicant



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	<p>information that would address the following in relation to the Project:</p> <ol style="list-style-type: none"> 1) Whether the Biological Impact Fee is going towards an established program; 2) How the Biological Impact Fee/program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 3) What the Biological Impact Fee would acquire; 4) What biological resources would the Biological Impact Fee protect/conserve; 5) Why the Biological Impact Fee is appropriate for mitigating the cumulative loss of biological resources in the Antelope Valley; 6) Why the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank; 7) Where land would be acquired or where the mitigation bank is located; 8) When the Biological Impact Fee would be used; and, How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The MND should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147). 	CEQA document	
<p>REC-2-Biological Impact Fee</p>	<p>The DEIR should include a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the DEIR should provide specifics as to when the City would pay the Biological Impact Fee; what mechanisms the City would implement to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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	offset the Project's impacts. Also, the DEIR should provide specific performance standards as well as actions to achieve those performance standards.		
<p>REC-3-Nesting Birds</p>	<p>CDFW recommends modifying BIO-1 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW)</p>	Prior to Project ground disturbing activities	City/Project Applicant



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	<p>and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. <u>Biological Resources Assessments shall provide and include the following:</u></p> <p>7. <u>A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c).</u></p> <p>8. <u>A thorough, recent, floristic-based assessment of special status plants and natural communities</u></p>		
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		<p>following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Adjoining habitat areas shall be included where project construction and activities could lead to direct or indirect impacts off site;</p> <p>9. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The Manual of California Vegetation (MCV), second edition, shall be used to inform this mapping and assessment;</p> <p>10. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the California's Information on Wild California Plants database (Calflora 2022);</p> <p>11. A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and</p> <p>12. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.</p>		
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REC-4-Joshua Tree	<p>CDFW recommends modifying BIO-2 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>"Should a future project require the removal of western Joshua trees (<i>Yucca brevifolia</i> brevifolia; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster Community Development Department. An Incidental Take Permit shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. In the event an Incidental Take Permit (ITP) is required, <u>the City shall require future project applicants to submit an ITP Application to CDFW that provides the following information (at a minimum):</u></p> <p>5. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the <u>Project site and within 300 feet of the Project site;</u></p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>
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	<p>6. <u>An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the Project site and within 300 feet of the Project site provided according to alliance and/or association-based natural communities found in the Manual of California Vegetation (MCV), second edition (Sawyer et al. 2009).</u></p> <p>7. <u>A map of the Project's site plan overlaid on location of western Joshua trees and natural communities; and</u></p> <p>8. <u>A discussion of whether development could impact any in-situ western Joshua trees adjacent to the Project site.</u></p> <p><u>The City shall provide compensatory mitigation for any future project's impact on western Joshua trees at no less than 2:1, or as required in an ITP for western Joshua trees issued by CDFW. Mitigation shall be higher if the project will impact a western Joshua tree population that is increasing through seedling recruitment. Mitigation lands provided by the City shall (at a minimum):</u></p> <p>5. <u>Support western Joshua trees of similar density, abundance, and age structure;</u></p> <p>6. <u>Support natural communities of similar native plant species composition, density, structure, and function to habitat that was impacted;</u></p> <p>7. <u>Support nursery plants for western Joshua tree recruits; and</u></p>		
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			<p>8. <u>Not be exposed or have the potential to be exposed to disturbances such as OHV activity, illegal access, and encroachment from pending or future development.</u></p> <p><u>The City shall require the project applicants to protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to impacts on western Joshua trees.</u></p>		
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		<p>The City shall revise the DEIR to require future applicants to disclose the Project's impacts in subsequent CEQA documents on western Joshua tree by providing the following information:</p> <ol style="list-style-type: none"> 6. <u>The Project's potential impact on western Joshua tree seedbank within the Project site;</u> 7. <u>The Project's potential impact on western Joshua trees and seedbank adjacent to the Project site;</u> 8. <u>The Project's potential impact on each unique native and non-native natural community supporting western Joshua trees within and adjacent to the Project site;</u> 9. <u>The Project's construction, operation, and maintenance activities that could impact western Joshua trees and seedbank within and adjacent to the Project site; and</u> 10. <u>The Project's cumulative impact on western Joshua tree.</u> 		
REC-5- Burrowing Owl	CDFW recommends modifying BIO-3 to include <u>underlined</u> language and remove language with strikethrough:	<p>"If suitable habitat for burrowing owl is observed during A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1, two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other</p>	Prior to Project ground disturbing activities	City/Project Applicant



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	<p><u>survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation (CDFW 2012) to determine no owls have moved on site. The habitat assessment will determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).</u></p> <p><u>All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the Project would impact burrowing owls, thus requiring mitigation. The Project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat.</u></p> <p><u>The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation</u></p>		
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	<p>of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities."</p>		
<p>REC-6-LSA Permit</p>	<p>CDFW recommends modifying BIO-4 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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		<p>delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife).</p> <p><u>For any impacts determined on jurisdictional areas, the project applicant will notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFWd 2023).</u></p>		
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DEPARTMENT OF FISH AND WILDLIFE Chariton H. Bonham, Director

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	<p><u>The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities will impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.</u></p> <p><u>Any Best Management Practice (BMPs) infrastructure that are installed will be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by</u></p>	
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	allowing animals to push through the weave, which expands when spread."		
REC-7-CNNDB	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms (CDFWe 2023). Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFWf 2023).	Prior to Project ground disturbing activities	City/Project Applicant
REC-8-Rodenticide	Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.	Prior to Project ground disturbing activities	City/Project Applicant

**RESPONSE TO COMMENT LETTER NO. 3**

Erinn Wilson-Olgin, Environmental Program Manager
California Department of Fish and Wildlife
June 7, 2023

- 3-1 This introductory comment introduces the California Department of Fish and Wildlife's (CDFW) role as a Trustee Agency for fish and wildlife resources and a Responsible Agency under CEQA. The commenter also provides a summary of the proposed project and location. The commenter also notes that CDFW oversees and regulates the "take" of species protected under the California Endangered Species Act (CESA) and Native Plant Protection Act. This comment is acknowledged, and no further response is required.
- 3-2 The commenter states that the project may impact habitat for Swainson's hawk, a CESA-listed raptor species, provides evidence on why impacts would be significant, and recommends potentially feasible mitigation measures for future projects. As described in the Draft PEIR, the project proposes an overlay zone which would allow future development of light industrial uses within the overlay zone; however, no construction activities or development projects are currently proposed as part of the project. Nonetheless, future development in accordance with the overlay zone could impact special-status species, including Swainson's hawk. As such, the Draft PEIR includes Mitigation Measure BIO-1, which would require a project-level Biological Resources Assessment be conducted to evaluate potential impacts to on-site biological resources, including sensitive or special-status species. Mitigation Measure BIO-1 has also been updated to integrate modifications recommended by CDFW as detailed in response to Comment 3-6, which further outlines required components of the Biological Resources Assessment for future projects. Should results of the Biological Resources Assessment identify that a future project within the overlay zone has the potential to impact Swainson's hawk, protocol-level focused surveys may be required (Recommended Mitigation Measure #1) and replacement acreage may also be required if permanent impacts to Swainson's hawk habitat occurs (Recommended Mitigation Measure #2). This would occur at the project level and not at a programmatic level under the Draft PEIR. Additionally, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified and may include the CDFW Recommended Mitigation Measures #1 and #2. The recommended mitigation measures are acknowledged and will be provided for City decisionmakers to consider.
- 3-3 The commenter states that the project may impact designated California Species of Special Concern (SSC), including American badger, provides evidence on why impacts would be significant, and recommends potentially feasible mitigation measures for future projects. As stated, the proposed project would allow light industrial development within the proposed overlay zone but no construction activities or development projects are proposed as part of the project. Future projects in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts. Mitigation Measure BIO-1, as revised in response to Comment 3-6, would require future projects to prepare a Biological Resources Assessment that would evaluate site-specific and project-level impacts to biological resources, including special status species. Additional mitigation



measures, including those recommended by the CDFW (i.e., biological monitor, scientific collecting permit, wildlife relocation plan, and notification procedures for found injured or dead wildlife), may be required depending on the results of the Biological Resources Assessment. The recommended mitigation measures are acknowledged and will be provided for City decisionmakers to consider.

- 3-4 The commenter provides an additional recommended mitigation measure to consider for future projects with regards to the protection of nesting birds during the breeding season. As stated, no construction activities or development projects are proposed as part of the project. Future projects in accordance with the overlay zone would be required to prepare a Biological Resources Assessment per Mitigation Measure BIO-1 and would evaluate a future project's potential to impact nesting birds and provide additional mitigation measures. Overall, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified, as needed. The recommended mitigation measure is acknowledged and will be provided for City decisionmakers to consider.
- 3-5 The commenter states that the Draft PEIR does not provide sufficient information for CDFW to evaluate the adequacy of the Biological Impact Fee to offset the cumulative loss of biological resources in the Antelope Valley as result of the proposed project. As stated, the overlay zone does not propose any construction activities or development projects that could impact biological resources. Future projects in accordance with the overlay zone would be required to undergo separate environmental review under CEQA and may be required to prepare a Biological Resources Assessment per Mitigation Measure BIO-1, which would evaluate project-level and site-specific impacts on biological resources, including cumulative impacts. Thus, the proposed overlay zone itself would not result in cumulatively considerable impacts.

Municipal Code Chapter 15.66, *Biological Impact Fee*, provides details with regards to the purpose and implementation of the Biological Impact Fee. Specifically, the City acknowledges that new development of land within Lancaster results in an incremental effect on biological resources, including loss of habitat and reduction in total numbers of flora and fauna on a regional basis. Therefore, Chapter 15.66 establishes the adoption, collection, administration, and use of a Biological Impact Fee to mitigate the long-term incremental impact of adding new development. As detailed in Municipal Code Section 15.66.070, *Administration of fee and allowable uses*, all Biological Impact Fees are required to be held in a separate account only be expended upon an affirmative vote of a majority of the City Council specifying the amount and use of such fees. Such fees can only be expended for the following purposes:

- Acquisition of Mitigation Land. Fees may be expended for the purpose of acquiring or paying a third party for the acquisition of, land for the permanent conservation of habitat or species. Such acquisition may include land outside of the City; however, it is the intent of this chapter that any such lands contain habitat or species that will compensate for the incremental loss of same within the City limits. In identifying such acquisition sites, the City may consult with the U.S. Fish and Wildlife Service or CDFW for assistance.



- Restoration of Habitat. Fees may be expended for the purpose of restoring habitat within identified permanent conservation areas.
- Environmental Education. Fees may be expended for the purpose of funding environmental education, provided that the City Council finds that such efforts will contribute to a long-term improvement in the regional environment by increasing public awareness of the biological resources of the region.
- Other Uses. Fees may be expended for other uses provided that the City Council finds that such use will meet the intent of Municipal Code Chapter 15.66. The City Council expressly finds that assignment of such fees to a group with the authority to administer a regional conservation plan, such as the proposed West Mojave Coordinated Management Plan, is within the intent of Chapter 15.66.

The Biological Impact Fee applies to all new development on vacant land which has not been previously developed. This includes land subdivisions; new development that requires the approval of a conditional use permit, site plan review, or a director's review; and request for approval extensions for subdivisions and development projects that were approved prior to the adoption of the Biological Impact Fee. Thus, the fee acts as a development impact fee and not a "mitigation" fee for the purposes of reducing potentially significant impacts under CEQA.

- 3-6 The commenter recommends modifications to Mitigation Measures BIO-1 through BIO-4 to provide additional clarity and details. Some of the recommended modifications are shown below and included in Section 3.0, *Errata*, of this Final PEIR.

BIO-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are
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documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or



association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);

3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 ~~If suitable habitat for burrowing owl is observed during~~ A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1; two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be



BIO-4

avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).

For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion



control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

These changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 3-7 The commenter requests that any special-status species detected on-site be properly submitted to the California Natural Diversity Database (CNDDDB) and any special-status native plant populations and sensitive natural communities be submitted to CDFW’s Vegetation Classification and Mapping Program. This comment is acknowledged and no additional response is required.
- 3-8 The commenter provides an additional recommended mitigation measure that prohibits the use of rodenticides and second-generation anticoagulant rodenticides during and over the life of the project. The project does not propose any construction activities or development projects. The recommended mitigation measure is acknowledged and will be provided for City decisionmakers to consider.
- 3-9 The commenter recommends the City update the project’s biological resources mitigation measures and condition the Draft PEIR to include the additional mitigation measures recommended in the letter. The commenter also provides a summary of the suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (Attachment A). Refer to Response to Comments 3-1 through 3-8.



3.0 Errata



3.0 ERRATA

Changes to the Draft PEIR are noted below. A double underline indicates additions to the text; ~~strike through~~ indicates deletions to the text. The following modifications are made to the Draft PEIR text for consistency and clarifications. The changes to the Draft PEIR do not affect the overall conclusions of the environmental document and would not result in any new or substantially greater significant impacts as compared to those identified in the Draft PEIR. Changes are listed by section and page.

Any changes referenced to mitigation measures contained in the Draft PEIR text also apply to Section 1.0, *Executive Summary*, and Section 5.0, *Environmental Analysis*, of the Draft PEIR. All mitigation measure modifications have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of this Final PEIR.

Section 5.4, *Biological Resources*, Page 5.4-16

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines



Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);

2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);
3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
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surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Section 5.4, *Biological Resources*, Page 5.4-19

BIO-4 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).

For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from



CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.



4.0 Mitigation Monitoring and Reporting Program



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Program*, has been prepared for the Lancaster East Side Project (project). This Mitigation Monitoring and Reporting Program is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Lancaster East Side Project files.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Program (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Draft and Final PEIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.



- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.

The following subsections of the Draft PEIR contain a detailed environmental analysis of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and significant unavoidable impacts, if any.

No significant impacts would occur in regard to the following environmental issue areas, which are addressed in Draft PEIR Section 8.0, *Effects Found Not To Be Significant*:

- Mineral Resources; and
- Wildfire.

In accordance with Appendix G of the CEQA Guidelines, the environmental issue areas listed below were determined in the Draft PEIR to have a potentially significant impact, and have been included within Draft PEIR Section 5.0, *Environmental Analysis*, for further analysis:

- | | |
|---------------------------------------|-----------------------------------|
| • Land Use and Planning; | • Population and Housing; |
| • Aesthetics/Light and Glare; | • Public Services and Recreation; |
| • Agriculture and Forestry Resources; | • Utilities and Service Systems; |
| • Biological Resources; | • Transportation; |
| • Tribal and Cultural Resources; | • Air Quality; |
| • Geology and Soils; | • Greenhouse Gas Emissions; |
| • Hydrology and Water Quality; | • Energy; and |
| • Hazards and Hazardous Materials; | • Noise. |

For the purposes of the environmental analysis in the Draft PEIR, impacts were analyzed in each environmental issue area for the proposed project. If necessary, mitigation measures were incorporated to reduce any potentially significant impacts. Specifically, mitigation measures were included for:

- | | |
|---------------------------------------|------------------------------------|
| • Aesthetics/Light and Glare; | • Geology and Soils; |
| • Agriculture and Forestry Resources; | • Hazards and Hazardous Materials; |
| • Biological Resources; | • Air Quality; and |
| • Tribal and Cultural Resources; | • Noise. |



**Table 1
Mitigation Monitoring and Reporting Checklist**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
AESTHETICS/LIGHT AND GLARE								
AES-1	<p>Prior to development of structures within the visual buffer area of Little Rock Wash, as illustrated on General Plan Master Environmental Assessment Figure 12-1, <i>Scenic Resources</i>, a site-specific visual impact assessment shall be prepared to determine specific design features to implement to maintain the visual integrity of Little Rock Wash. Specific design features can include, but are not limited to:</p> <ul style="list-style-type: none">• Designing structures to blend in with the natural palette of Little Rock Wash;• Placing structures furthest away from Little Rock Wash or locating new not interfere with existing views of Little Rock Wash; and/or• Including visual buffers such as landscaping between structures and Little Rock Wash. <p>The City of Lancaster Community Development Department shall ensure that design features and recommendations provided in the visual impact assessment shall be incorporated into the plans and specifications for future</p>	Project Applicant	Prior to Issuance of Grading or Building Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	development within the Little Rock Wash visual buffer area.							
AGRICULTURE AND FORESTRY RESOURCES								
AG-1	<p>Development of a future light industrial use in accordance with the East Side Overlay Zone that converts land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use(s), shall mitigate such impacts through the permanent preservation of off-site agricultural land within the County of Los Angeles of equal or better agricultural quality, at a ratio of 1:1 for net acreage before conversion, through one of the following methods:</p> <ul style="list-style-type: none"> • Funding and purchase of agricultural conservation easements (to be managed and maintained by an appropriate entity); • Purchase of credits from an established agricultural farmland mitigation bank; • Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland; • Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above; or 	Project Applicant	Prior to Issuance of Grading or Building Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> Evidence that all of the foregoing measures are infeasible. <p>Prior to issuance of a grading or building permit, the project Applicant shall provide to the City of Lancaster Community Development Department written evidence of the completion of the implemented off-site permanent preservation method(s) or that such preservation is infeasible.</p>							
BIOLOGICAL RESOURCES								
BIO-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the	Project Applicant; Qualified Biologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:</p> <ol style="list-style-type: none"> 1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);</p> <p>2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and</p> <p>3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).</p>							
BIO-2	Should a future project require the removal of western Joshua trees (<i>Yucca brevifolia brevifolia</i> ; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be	Project Applicant; Qualified Biologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:</p> <ol style="list-style-type: none"> 1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site; 2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or association-based natural communities found in the Manual of California Vegetation (MCV), second edition (Sawyer et al. 2009); 3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and 4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site. 							
BIO-3	A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1. The habitat	Project Applicant; Qualified Biologist	Prior to Any Vegetation Removal or	City of Lancaster Community	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, <i>Staff Report on Burrowing Owl Mitigation</i> (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).</p> <p>All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are</p>		Ground Disturbing Activities	Development Department				



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.							
BIO-4	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a	Project Applicant; Qualified Biologist	Prior to Issuance of Any Permits Required to Conduct Ground Disturbing Activities	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).</p> <p>For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.</p> <p>The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.</p> <p>Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
TRIBAL AND CULTURAL RESOURCES								
CUL-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the	Project Applicant; Qualified Archaeologist and/or Architectural Historian	Prior to Issuance of Any Permits Required to Conduct Ground Disturbing Activities	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.							
TCR-1	In the event that cultural resources are discovered during future light industrial developments in accordance with the East Side Overlay Zone, 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 site outside of the buffered area may continue during this assessment period. Additionally, tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed within Mitigation Measure TCR-4, 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.	Project Applicant; Construction Contractor; Qualified Archaeologist; Applicable Native American Tribes	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			
TCR-2	If significant pre-contact and/or historic-era cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered during implementation of future light industrial developments in accordance with the East Side Overlay Zone and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of	Project Applicant; Construction Contractor; Qualified Archaeologist	In the Event Significant Cultural Resources are Discovered and Avoidance Cannot be Ensured	City of Lancaster Community Development Department	In the Event Significant Cultural Resources are Discovered and Avoidance Cannot be Ensured			



**Program Environmental Impact Report
Lancaster East Side Project**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	which shall be provided to tribes in which the project site is within their ancestral region of occupation for review and comment, as detailed within Mitigation Measure TCR-4. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.							
TCR-3	If human remains or funerary objects are encountered during any activities associated with future light industrial projects associated with the East Side Overlay Zone, 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 Section 7050.5 and that code enforced for the duration of the project.	Project Applicant; Construction Contractor; County Coroner	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			
TCR-4	Tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed in Mitigation Measure TCR-1, 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 the California Environmental Quality Act (CEQA) (as amended, 2015), a cultural resources Monitoring and Treatment Plan (Plan) shall be created by the archaeologist, in coordination with tribes in which the project site is within their ancestral region of occupation, and all subsequent finds shall be subject to this Plan. This Plan shall allow	Project Applicant; Qualified Archaeologist; Applicable Native American Tribes	In the Event of Any Cultural Resources Discovery	City of Lancaster Community Development Department	In the Event of Any Cultural Resources Discovery			



**Program Environmental Impact Report
Lancaster East Side Project**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	for monitor(s) to be present that represent tribes in which the project site is within their ancestral region of occupation for the remainder of the project, should such tribes elect to place monitor(s) on-site.							
TCR-5	Any and all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to tribes in which the project site is within their ancestral region of occupation. The City of Lancaster Community Development Department shall, in good faith, consult with such tribes throughout the life of the project.	Project Applicant; City of Lancaster Community Development Department; Applicable Native American Tribes	During Project Lifetime	City of Lancaster Community Development Department	During Project Lifetime			
GEOLOGY AND SOILS								
GEO-1	To ensure identification and preservation of paleontological resources within a project site, each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Paleontological Resources Assessment is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground	Project Applicant; Qualified Paleontologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	disturbance, then a Paleontological Resources Assessment shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Paleontological Resources Assessment be prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist. The Paleontological Resources Assessment shall include and take into account project-specific and local geologic mapping, geotechnical data, and paleontological records search. The Paleontological Resources Assessment shall adhere to and incorporate the performance standards and practices from the current SVP Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources. The qualified paleontologist shall submit the Paleontological Resources Assessment to the City of Lancaster Community Development Department for review and approval before issuance of a grading permit.							
GEO-2	For projects with ground-disturbing activities at depths greater than four feet, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to the	Project Applicant; Qualified Paleontologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	beginning of ground-disturbing activities. The training session shall focus on how to identify paleontological localities such as fossils that may be encountered and the procedures to follow if identified.							
GEO-3	Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to monitor these activities at depths of four feet below present grade or greater. In the event that fossils are discovered during grading at any depth, the on-site construction supervisor shall be notified and shall redirect work away from the location of the discovery. The recommendations of the paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.	Project Applicant; Qualified Paleontologist; Construction Supervisor	Prior to Issuance of Grading Permit; In the Event Fossils are Discovered During Construction Activities	City of Lancaster Community Development Department	During Project Plan Review; During Construction Activities			
GEO-4	If discovered fossils are determined to be significant, the Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures: <ul style="list-style-type: none"> The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research 	Project Applicant; Qualified Paleontologist	In the Event Fossils are Discovered and Determined to be Significant	City of Lancaster Community Development Department	In the Event Fossils are Discovered and Determined to be Significant			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>interest in the materials (which may include the Natural History Museum of Los Angeles County);</p> <ul style="list-style-type: none"> The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and The paleontologist shall ensure that curation of fossils is completed in consultation with the City of Lancaster Community Development Department. A letter of acceptance from the curation institution shall be submitted to the City of Lancaster Community Development Department. 							
GEO-5	<p>If any paleontological resources are encountered during construction or the course of any ground-disturbance activities, all such activities shall halt immediately. At this time, the Applicant shall notify the City of Lancaster Community Development Department and consult with a qualified paleontologist to assess the significance of the find. The assessment shall follow Society of Society of Vertebrate Paleontology (SVP) standards as delineated in the <i>Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources</i> (2010). If any find is determined to be significant, appropriate avoidance measures recommended by the paleontologist and approved by City staff must</p>	Project Applicant; Qualified Paleontologist	In the Event Paleontological Resources are Encountered During Construction Activities	City of Lancaster Community Development Department	In the Event Paleontological Resources are Encountered During Construction Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	be followed unless avoidance is determined to be infeasible by the City of Lancaster Community Development Department. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.							
HAZARDS AND HAZARDOUS MATERIALS								
HAZ-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether surveys of asbestos-containing materials (ACM), lead-based paint (LBP), and/or universal waste is required. Screening shall consider whether demolition or disturbance of existing structures constructed between the 1940s and 1970s is required. If no existing structures constructed between the 1940s and 1970s are proposed for demolition or disturbance, then surveys shall not be required. If such structures exist on-site and are proposed for demolition or disturbance, prior to issuance of any demolition permits, the City may require future project Applicants to retain a qualified specialist or contractor to conduct surveys of ACM, LBP, and universal waste and submit the surveys to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and comment, and to the City of Lancaster Community	Project Applicant; Qualified ACM/LBP Specialist	Prior to Issuance of Demolition Permit	City of Lancaster Community Development Department; Los Angeles County Fire Department Health Hazardous Materials Division	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	Development Director for approval. If ACMs are located, asbestos abatement shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with the Antelope Valley Air Quality Management District's (AVAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified lead specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the HHMD and Community Development Director. The project Applicant shall inform the Community Development Director, via monthly compliance reports, of the date when all ACMs, LBPs, and/or universal waste are removed from the project site.							
HAZ-2	If unknown wastes or suspect materials are discovered during construction activities associated with future development that are believed to involve hazardous waste or materials, the construction contractor shall implement the following:	Project Applicant; Construction Contractor	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; Notify the City of Lancaster Community Development Director; Secure the area as directed by the City of Lancaster Community Development Director; and Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Los Angeles County Fire Department, Lahontan Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required. 							
AIR QUALITY								
AQ-1	Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.							
AQ-2	Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking,	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Public Works Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	and material storage areas that will all contribute to reducing traffic congestion.							
AQ-3	<p>Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews 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 Director of Community Development 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 	Project Applicant; Construction Contractor	Prior to Ground Disturbing Activities; Within 24 Hours of First Training Session	City of Lancaster Community Development Department; Los Angeles County Public Health	During Project Plan Review; Prior to Ground Disturbing Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>effects of exposure to criteria pollutant emissions and Valley Fever.</p> <ul style="list-style-type: none"> • 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 Director of Community Development. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs. <p>The project operator also shall consult with the Los Angeles County Public Health to develop a Valley Fever Dust Management Plan (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</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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. • Require employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).</p> <ul style="list-style-type: none"> • 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 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>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 Director of Community Development. 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.</p> <ul style="list-style-type: none"> • 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 shall 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. 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
NOISE								
NOI-1	<p>Future light industrial projects developed in accordance with the overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall ensure, through contract specifications, that construction best management practices (BMPs) are implemented by construction contractors to reduce construction noise levels for construction activities that are capable of generating substantial construction noise to nearby sensitive receptors. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Community Development Director prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:</p> <ul style="list-style-type: none">• Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.• Place noise-generating construction equipment and construction staging areas away from sensitive uses.• Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 8.24.040, Loud,	Project Applicant; Construction Contractor	Prior to Issuance of Grading or Building Permits	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>unnecessary and unusual noises prohibited - Construction and building, of the <i>Lancaster Municipal Code</i>.</p> <ul style="list-style-type: none"> Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. Use electric air compressors and similar power tools rather than diesel equipment, where feasible. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Director.							
NOI-2	Prior to issuance of a grading permit, each new development project associated with the proposed overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Public Works Director.	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Public Works Department	During Project Plan Review			



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CEQA FINDINGS OF FACT FOR THE LANCASTER EAST SIDE PROJECT FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

State Clearinghouse No. 2022100641

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report prior to approval of a project pursuant to Sections 15091 and 15093 of the *CEQA Guidelines* and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering a project acceptable even though a project may have significant impacts that are infeasible to mitigate.

The lead agency is responsible for the adequacy and objectivity of the EIR. The City of Lancaster (City), as lead agency, has subjected the Draft Program Environmental Impact Report (PEIR) and Final PEIR to the agency's own review and analysis.

A. PROJECT SUMMARY

Project Location

The City of Lancaster is located in the Antelope Valley in northern Los Angeles County, approximately 70 miles north of downtown Los Angeles. Unincorporated Los Angeles County surrounds the City on all sides. Additional surrounding jurisdictions include unincorporated Kern County further to the north and the City of Palmdale to the south.

The Antelope Valley Freeway (State Route 14) provides primary regional connectivity between the Antelope Valley and Greater Los Angeles area. Various arterials in the City also serve regional functions. Avenue D (State Route 138) extends west from SR-14 and connects to the Golden State Freeway (Interstate 5), and extends east from the City of Palmdale, connecting with Interstate 15. Sierra Highway links Lancaster with the community of Rosamond to the north and the City of Palmdale to the south.

The project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone. The proposed overlay zone is generally bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west.

Project Description

The City is proposing to establish an East Side Overlay Zone in the eastern portion of Lancaster. Specifically, the overlay zone would encompass approximately 5,841 acres generally bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west. An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district.

In addition to the permitted uses under the existing RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zones, the overlay zone would allow additional uses. Generally, the proposed overlay zone would permit new light industrial uses such as alcohol production, contractor storage yards, and research and development. Other new uses subject to conditional use permits include alternative energy uses; automobile repair; building trades and related uses; distribution; food manufacturing, processing, wholesale sales, and storage; light manufacturing; and warehousing. The overlay zone also provides development standards related to parking, height, noise, and other additional standards for the light industrial uses.



Discretionary Approvals

City discretionary approvals associated with the project include, but are not limited to, the following:

- Certification of the EIR; and
- Adoption of the East Side Overlay Zone Ordinance.

The proposed East Side Overlay Project would provide a framework for future light industrial development within the project site; however, there is no construction or development associated with the project at this time. Future development occurring under the East Side Overlay Project would be subject to project-specific and site-specific discretionary approvals (including separate CEQA review) on a case-by-case basis.

B. GOALS AND OBJECTIVES

Pursuant to *CEQA Guidelines* Section 15124(b), the EIR project description must include “[a] statement of objectives sought by the proposed project... The statement of objectives should include the underlying purpose of the project.” The goals and objectives established for the project are as follows:

1. Increase flexibility in allowed uses and development potential in the eastern portion of Lancaster beyond currently allowed uses under the RR-2.5 (Rural Residential, 1 du/ac) zone.
2. Incentivize new light industrial development to occur in the underutilized eastern portion of the City.
3. Encourage new development in Lancaster that provides economic benefits to the City and its residents.
4. Ensure that a variety of sites are available for a diversity of light industrial users.
5. Provide light industrial-based employment-generating lands which are highly accessible and compatible with other uses in the community.

C. ENVIRONMENTAL REVIEW PROCESS

The Final PEIR includes the Lancaster East Side Project Draft PEIR dated April 2023; written comments received during the Draft PEIR public review period; written responses to those comments; a Mitigation Monitoring and Reporting Program; and an Errata (hereinafter referred to collectively as the Final PEIR). In conformance with CEQA and the *CEQA Guidelines*, the City of Lancaster conducted an extensive environmental review of the proposed project. The following is a summary of the City’s environmental review process of this project:

- Pursuant to *CEQA Guidelines* Section 15082, as amended, the City of Lancaster circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse via the online CEQAnet database and posted at the Los Angeles County Clerk’s office on October 28, 2022, with the 30-day review period beginning on October 28, 2022 and ending on November 28, 2022. Copies of the NOP were also made available for public review at the City of Lancaster Community Development Division - Planning and on the City’s website.
- To afford interested individuals, groups, and public agencies a forum in which to orally present input directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the PEIR, as described in the NOP, the City held a scoping meeting on November 16, 2022 at 5:00



p.m. Due to the COVID-19 pandemic and in the interest of public health and safety, the meeting was held virtually via Zoom.

- A Draft PEIR was prepared and distributed for public review beginning April 27, 2023 and ending June 12, 2023. A Notice of Availability (NOA) was filed with the State Clearinghouse via the online CEQAnet database on April 27, 2023. The scope of the Draft PEIR was determined based on the comments received in response to the NOP; refer to Draft PEIR Section 2.3, *Notice of Preparation/Early Consultation (Scoping)*. The NOA was sent to interested persons and organizations, sent to the State Clearinghouse via CEQAnet for distribution to public agencies, and posted at the City of Lancaster on April 27, 2023. The NOA was filed at the Los Angeles County Clerk's office on April 27, 2023. Copies of the Draft PEIR were made available for public review at the City of Lancaster Community Development Division - Planning and on the City's website.
- A Final PEIR was prepared, which included comments on the Draft PEIR, written responses to those comments, a Mitigation Monitoring and Reporting Program, and an Errata. The Final PEIR was released for a 10-day agency review period prior to certification of the Final PEIR and also posted on the City's website.

D. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project;
- The Draft PEIR and Final PEIR for the proposed project;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Final PEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft PEIR and Final PEIR;
- The Resolutions adopted by the City in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto;
- Matters of common knowledge to the City, including but not limited to federal, State, and local laws and regulations; and
- Any documents expressly cited in these Findings.



E. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Lancaster Development Services Department, 44933 Fern Avenue, Lancaster, CA 93534. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Development Services Department, Community Development Division. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e).

F. INDEPENDENT JUDGMENT AND FINDING

The City selected and retained Michael Baker International (Michael Baker) to prepare the Lancaster East Side Project PEIR. Michael Baker prepared the PEIR under the supervision and direction of the City of Lancaster. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

Finding:

The PEIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the PEIR. The City has independently reviewed and analyzed the PEIR and finds that the report reflects the independent judgment of the City.

The City has considered all the evidence presented in its consideration of the project and the PEIR, including, but not limited to, the Final PEIR, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence, the City finds that with respect to each environmental impact identified in the review process, the impact (1) is less than significant and would not require mitigation; or (2) is potentially significant but would be avoided or reduced to less than a significant level by implementation of identified mitigation measures. No impacts would be significant and unavoidable. Therefore, no Statement of Overriding Considerations is required.

II. FINDINGS AND FACTS

The City of Lancaster, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft PEIR and Final PEIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.



3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
 - (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
 - (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
 - (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
 - (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in *CEQA Guidelines* Section 15091(a)(1) may include a wide variety of measures or actions as set forth in *CEQA Guidelines* Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

A. Format

This section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

- **Section B, Findings on Impacts Determined to Be Less Than Significant or No Impact,** presents the impacts of the proposed project that were determined in the PEIR to have no impact or be less than significant without the addition of mitigation measures and presents the rationales for these determinations.



- **Section C, Findings on Impacts Mitigated to Less Than Significant**, presents significant impacts of the proposed project that were identified in the Final PEIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, and the rationales for the findings.
- **Section D, Findings on Significant Unavoidable Impacts**, presents significant impacts of the proposed project that were identified in the Final PEIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, the findings for significant impacts, and the rationales for the findings.
- **Section E, Findings on Recirculation**, presents the reasoning as to why recirculation is not required under *CEQA Guidelines* Section 15088.5.
- **Section F, Findings on Project Alternatives**, presents alternatives to the project and evaluates them in relation to the findings set forth in *CEQA Guidelines* Section 15091(a)(3), which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, legal, social, technological, or other considerations. This section also identifies the environmentally superior alternative.

B. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NO IMPACT

Consistent with *CEQA Guidelines* Sections 15162.2 and 15128, the PEIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.” Support for these environmental impact conclusions is included in Draft PEIR Section 5.0, Environmental Analysis, and Section 8.0, Effects Found Not To Be Significant.

Finding:

The City finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, would be less than significant.

1. Aesthetics

Project implementation would not substantially degrade the existing visual character or quality of public views of the site and its surroundings in non-urbanized areas and would not conflict with applicable zoning and other regulations governing scenic quality in urban areas.

Project implementation would not create new sources of light and glare, which could adversely affect day or nighttime views.

The project, combined with other cumulative projects, would not conflict with applicable zoning and other regulations governing scenic quality.

The project, combined with other cumulative projects, would not create a new source of substantial light or glare, which could adversely affect day or nighttime views in the City.

Project implementation would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.



2. Agriculture and Forestry Resources

The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use.

3. Air Quality

Implementation of the proposed project would not result in increased impacts pertaining to operational air emissions.

Implementation of the proposed project would not create objectionable odors affecting a substantial number of people.

Implementation of the proposed project and other related cumulative projects would not result in increased impacts pertaining to operational air emissions.

Implementation of the proposed project and cumulative projects would not result in cumulatively considerable carbon monoxide hotspot impacts.

Implementation of the proposed project and related projects would not result in cumulatively considerable odor impacts.

4. Biological Resources

The project would not interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites.

The project, in conjunction with cumulative projects, would not result in cumulatively considerable impacts to the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

Project implementation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

5. Cultural Resources

Project implementation would not disturb any human remains, including those interred outside of dedicated cemeteries.



6. Energy

The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

The project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Implementation of the project and other cumulative projects would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

7. Geology and Soils

Project implementation would not expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Project implementation would not expose people and structures to substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.

Project implementation would not result in substantial soil erosion or loss of topsoil.

Project implementation would not be located on unstable or expansive soils and potentially result in geologic hazards.

Project implementation would not occur on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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.

The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

8. Greenhouse Gas Emissions

Greenhouse gas emissions generated by the project would not have a significant impact on global climate change.

Implementation of the proposed project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

Greenhouse gas emissions generated by the project and other related cumulative projects would not have a significant impact on global climate change.

Implementation of the proposed project and other related cumulative projects would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.



9. Hazards and Hazardous Materials

Project implementation would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.

Future developments associated with implementation of the proposed project would not be located on a hazardous material sites pursuant to Government Code Section 65962.5 and create a significant hazard to the public or the environment.

Project implementation would not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

The proposed project, combined with other related projects, would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.

The proposed project, combined with other related projects, would not be located on a hazardous material sites pursuant to Government Code Section 65962.5 and result in cumulatively considerable impacts to the public or the environment.

The proposed project, combined with other related projects, would not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

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, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area.

The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

10. Hydrology and Water Quality

Future development associated with the proposed project would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

Future development associated with the proposed project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Future development associated with the proposed project would not substantially alter the existing drainage patterns of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.

Future development associated with the proposed project would not risk release of pollutants due to project inundation from flood hazard, tsunami, or seiche zones.

Future development associated with the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Future improvements, combined with other related cumulative projects, would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.



Future development, combined with other related cumulative projects, would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Future development, combined with other related cumulative projects, would not substantially alter the existing drainage patterns of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.

Future development, combined with other related cumulative projects, would not risk release of pollutants due to project inundation from flood hazard, tsunami, or seiche zones.

Future development, combined with other related cumulative projects, would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

11. Land Use and Planning

Project implementation would not conflict with applicable General Plan policies.

Project implementation would not conflict with Lancaster Municipal Code standards or regulations.

Project implementation would not conflict with SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy goals.

The proposed project, combined with other related projects, would not conflict with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Implementation of the project would not physically divide an established community.

12. Mineral Resources

Project implementation would not 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.

Implementation of the project would not 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.

13. Noise

Future noise levels associated with implementation of the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity and expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The proposed project would not result in a significant increase in traffic and long-term stationary ambient noise levels.

For a project located within the vicinity of a private airstrip or 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, the proposed project would not expose people residing or working in the project area to excessive noise levels.



14. Population and Housing

Future development associated with the proposed project would not potentially induce substantial unplanned population growth in an area, either directly or indirectly.

Project implementation, combined with other related projects, would not induce substantial unplanned population growth in an area, either directly or indirectly.

The proposed project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

15. Public Services

Future development associated with the proposed project would not result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Future development associated with the proposed project would not result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Future development associated with the proposed project would not potentially result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.

Future development associated with the proposed project would not potentially result in the need for additional parks and recreational facilities and/or the increased use of existing neighborhood and regional parks such that substantial physical deterioration could occur or be accelerated.

Future development associated with the proposed project would not potentially result in the need for additional public library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.

The proposed project, in conjunction with cumulative development, would not create increased demand for fire protection services that could cause significant environmental impacts.

The proposed project, in conjunction with cumulative development, would not create increased demand for police protection services that could cause significant environmental impacts.

The proposed project, in conjunction with cumulative development, would not create increased demand for school services and facilities that could cause significant environmental impacts.

The proposed project, in conjunction with cumulative development, would not create increased demand for parks and recreational facilities that could cause significant environmental impacts.

The proposed project, in conjunction with cumulative development, would not create increased demand for other public facilities (i.e., library facilities) that could cause significant environmental impacts.

**16. Recreation**

Project implementation would not 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.

The project would not result in an adverse physical effect on the environment from the construction or expansion of recreational facilities.

17. Transportation

Project implementation would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Project implementation would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Project implementation would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Project implementation would not result in inadequate emergency access.

The proposed project, in conjunction with cumulative development, would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

The proposed project, in conjunction with cumulative development, would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

The proposed project, in conjunction with cumulative development, would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or introduce incompatible uses (e.g., farm equipment).

The proposed project, in conjunction with cumulative development, would not result in inadequate emergency access.

18. Utilities and Service Systems

Project implementation would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years, and would not require or result in the construction of new water supply facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Project implementation would not result in 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, exceed wastewater treatment requirements of the applicable regional water quality control board, or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Project implementation would not require the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects.



Project implementation would be served by existing landfills with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste.

Project implementation would not result in the relocation or construction of new or expanded dry utility facilities, the construction of which could cause significant environmental effects.

Project implementation, in conjunction with cumulative development, would not result in cumulatively considerable impacts to water supply and distribution.

Project implementation, in conjunction with cumulative development, would not result in cumulatively considerable impacts to wastewater treatment facilities.

Project implementation, in conjunction with cumulative development, would not increase demand for stormwater drainage facilities.

Project implementation, in conjunction with cumulative development, would not create increased demand for solid waste generation that could cause significant environmental impacts.

Project implementation, in conjunction with cumulative development, would not create increased demand for dry utility services that could cause significant environmental impacts.

19. Wildfire

The project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Due to slope, prevailing winds, or other factors, project implementation would not exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

The project would not expose people or structures to significant risk, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

C. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft PEIR, these impacts would be considered less than significant.

1. Aesthetics/Light and Glare

Project implementation could have a substantial adverse impact on a scenic vista.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.2, *Aesthetics/Light and Glare*, and in particular, starting on page 5.2-4 of the Draft PEIR.

A scenic vista is generally defined as a view of undisturbed natural lands exhibiting a unique or unusual feature that comprises an important or dominant portion of the viewshed. Scenic vistas may also be represented by a



particular distant view that provides visual relief from less attractive views of nearby features. Local open space or recreational areas may also offer scenic vistas if they represent a valued aesthetic view within the surrounding landscape of nearby features.

Scenic visual resources within the City and project area include long distance panoramas of the San Gabriel Mountains and Sierra Pelona Mountains to the south and southwest; Tehachapi Mountains to the northwest; local views of the surrounding buttes such as Saddleback Butte to the east and Little Buttes to the northwest; and panoramic desert expanses which include views of Joshua tree and other desert plant communities. Little Rock Wash, which bisects the proposed overlay zone, is an officially designated scenic resource within the project site.

CONSTRUCTION

Future construction activities associated with development within the proposed overlay zone would require the use of construction equipment, staging areas, vehicles, and construction workers, which would alter the aesthetic character of the environment. However, these construction activities would be temporary in nature, and any potential changes to scenic vistas during construction for individual development projects would cease upon completion of construction. Additionally, construction of future light industrial projects developed in accordance with the overlay zone would be required to undergo separate environmental review under CEQA and implement project-level mitigation measures, as needed. As such, impacts in this regard would be less than significant.

OPERATIONS

Potential viewers of scenic vistas in the overlay zone are those on public lands, public rights-of-way and facilities, and adjacent properties, specifically existing residential uses. Future development associated with the proposed overlay zone would have the potential to intermittently obscure distant views of the mountains, buttes, and desert for motorists and pedestrians traveling through the overlay zone as well as for existing residents. However, views of upper elevations of the mountains and buttes would not be blocked from public vantage points along roadways within the overlay zone and panoramic views of desert expanses, Joshua trees, and other plant communities are available throughout the City.

The project site is currently predominantly zoned RR-2.5, which allows for rural residential uses. The proposed overlay zone would allow for new light industrial uses within the overlay zone. Although the types of uses would be different than what is currently approved for the project site, the scale of the potential future development would be similar to existing conditions, specifically related to the height of development. Under the current RR-2.5 zoning, the maximum building height within the project site is 40 feet while with the proposed overlay zone, it would be 50 feet (without a Conditional Use Permit). Additionally, minimum setbacks for the proposed overlay zone would serve to provide a visual buffer of distance between the roadways and future structures within the project site.

As discussed, Little Rock Wash is an officially designated scenic resource within the project site. Future development of structures within the visual buffer area of Little Rock Wash, as defined and illustrated in General Plan MEA Figure 12-1, Scenic Resources, could have the potential to impact the scenic area. As such, Mitigation Measure AES-1 requires that a site-specific visual impact assessment be prepared prior to future development of structures within the visual buffer area of Little Rock Wash. The visual impact assessment shall take into account line-of-sight, topography, intervening physical features, vegetation, and potential for buffering between the future proposed development and Little Rock Wash. With implementation of Mitigation Measure AES 1, potential impacts related to scenic vistas would be reduced to less than significant levels.



Mitigation Measure:

AES-1 Prior to development of structures within the visual buffer area of Little Rock Wash, as illustrated on General Plan Master Environmental Assessment Figure 12-1, Scenic Resources, a site-specific visual impact assessment shall be prepared to determine specific design features to implement to maintain the visual integrity of Little Rock Wash. Specific design features can include, but are not limited to:

- Designing structures to blend in with the natural palette of Little Rock Wash;
- Placing structures furthest away from Little Rock Wash or locating new structures on portions of the site that do not interfere with existing views of Little Rock Wash; and/or
- Including visual buffers such as landscaping between structures and Little Rock Wash.

The City of Lancaster Community Development Department shall ensure that design features and recommendations provided in the visual impact assessment shall be incorporated into the plans and specifications for future development within the Little Rock Wash visual buffer area.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The project, combined with other cumulative projects, could result in significant impacts to scenic vistas.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.2, *Aesthetics/Light and Glare*, and in particular, starting on page 5.2-8 of the Draft PEIR.

Future cumulative projects developed pursuant to the General Plan could result in adverse impacts to scenic vistas in the City. However, cumulative projects would be required to undergo project-specific environmental review under CEQA to evaluate project-level impacts to scenic vistas and to determine any required mitigation.

As analyzed above, future development projects implemented in accordance with the East Side Overlay Zone are not anticipated to contribute to a cumulative impact with regards to scenic vistas, as these future structures would not be large enough in scale and height to block or obstruct views compared to existing zoning. Further, future light industrial projects would also be required to undergo separate environmental review under CEQA. However, given that the details of future development projects are unknown, any future development projects within the visual buffer area of Little Rock Wash would be required to implement Mitigation Measure AES-1, which would require a site-specific visual impact assessment. With implementation of Mitigation Measure AES-1, the proposed overlay zone would not contribute to a cumulatively considerable impact and impacts in this regard would be reduced to less than significant levels.

Mitigation Measure:

AES-1 Prior to development of structures within the visual buffer area of Little Rock Wash, as illustrated on General Plan Master Environmental Assessment Figure 12-1, Scenic Resources, a site-specific visual impact assessment shall be prepared to determine specific design features to implement to



maintain the visual integrity of Little Rock Wash. Specific design features can include, but are not limited to:

- Designing structures to blend in with the natural palette of Little Rock Wash;
- Placing structures furthest away from Little Rock Wash or locating new structures on portions of the site that do not interfere with existing views of Little Rock Wash; and/or
- Including visual buffers such as landscaping between structures and Little Rock Wash.

The City of Lancaster Community Development Department shall ensure that design features and recommendations provided in the visual impact assessment shall be incorporated into the plans and specifications for future development within the Little Rock Wash visual buffer area.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

2. Agriculture and Forestry Resources

Project implementation could potentially result in the conversion of land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses or 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 uses.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.3, *Agriculture and Forestry Resources*, and in particular, starting on page 5.3-5 of the Draft PEIR.

Some areas within the proposed overlay zone are designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Specifically, Prime Farmland is mapped throughout the overlay zone; Farmland of Statewide Importance is mapped primarily in the central portion of the overlay zone; and a small area of Unique Farmland is mapped in the easternmost portion of the overlay zone.

Anticipated allowed light industrial uses under the proposed overlay zone would include, but are not limited to, alternative energy, distribution, light manufacturing, research and development, and warehousing. The proposed overlay zone would not directly involve the construction of any new developments or structures and thus, would not in and of itself result in the conversion of farmland to non-agricultural uses. Nevertheless, future light industrial uses implemented in accordance with the proposed overlay zone could result in the conversion of mapped important farmlands to non-agricultural uses.

Future light industrial development would be required to undergo project-level environmental review under CEQA on a case-by-case basis. Similarly, future development projects would be required to comply with existing applicable State and local laws related to agricultural resources. Nevertheless, given that the exact location of future light industrial development is unknown at this time, implementation of Mitigation Measure AG-1 would establish procedures to minimize potential impacts to mapped important farmland resulting from the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Specifically, Mitigation Measure AG-1 would require future light industrial development to mitigate impacts to land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance through the permanent preservation of off-site agricultural land within the County of equal or better agricultural quality.



With implementation of Mitigation Measure AG-1, impacts related to the conversion of mapped important farmland to non-agricultural uses would be reduced to less than significant levels.

Mitigation Measure:

AG-1 Development of a future light industrial use in accordance with the East Side Overlay Zone that converts land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use(s), shall mitigate such impacts through the permanent preservation of off-site agricultural land within the County of Los Angeles of equal or better agricultural quality, at a ratio of 1:1 for net acreage before conversion, through one of the following methods:

- Funding and purchase of agricultural conservation easements (to be managed and maintained by an appropriate entity);
- Purchase of credits from an established agricultural farmland mitigation bank;
- Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland;
- Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above; or
- Evidence that all of the foregoing measures are infeasible.

Prior to issuance of a grading or building permit, the project Applicant shall provide to the City of Lancaster Community Development Department written evidence of the completion of the implemented off-site permanent preservation method(s) or that such preservation is infeasible.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The proposed project, in conjunction with cumulative development, could result in cumulatively considerable impacts to agricultural resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.3, *Agriculture and Forestry Resources*, and in particular, starting on page 5.3-6 of the Draft PEIR.

Cumulative projects developed in accordance with the General Plan could result in a significant impact to agricultural resources through the conversion of land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Given that mapped important farmland is site specific, future cumulative projects would be required to undergo separate environmental review to evaluate site-specific impacts to mapped important farmland and mitigate such impacts, if any, as needed.

Future light industrial projects developed in accordance with the East Side Overlay Zone would similarly be required to undergo project-level environmental review under CEQA on a case-by-case basis. Given that the exact location of future light industrial development within the overlay zone is unknown at this time, implementation of Mitigation Measure AG-1 would establish procedures to minimize potential risks to mapped important farmland resulting from the conversion of Prime Farmland, Unique Farmland, or Farmland of



Statewide Importance to non-agricultural use. Specifically, Mitigation Measure AG-1 would require future light industrial development to mitigate impacts to land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance through the permanent preservation of off-site agricultural land within the County of equal or better agricultural quality. With implementation of Mitigation Measure AG-1, the proposed overlay zone would not contribute to a cumulatively considerable impact. Cumulative impacts in this regard would be reduced to less than significant levels.

Mitigation Measure:

AG-1 Development of a future light industrial use in accordance with the East Side Overlay Zone that converts land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use(s), shall mitigate such impacts through the permanent preservation of off-site agricultural land within the County of Los Angeles of equal or better agricultural quality, at a ratio of 1:1 for net acreage before conversion, through one of the following methods:

- Funding and purchase of agricultural conservation easements (to be managed and maintained by an appropriate entity);
- Purchase of credits from an established agricultural farmland mitigation bank;
- Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland;
- Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above; or
- Evidence that all of the foregoing measures are infeasible.

Prior to issuance of a grading or building permit, the project Applicant shall provide to the City of Lancaster Community Development Department written evidence of the completion of the implemented off-site permanent preservation method(s) or that such preservation is infeasible.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

3. Air Quality

Short-term construction activities associated with the proposed project could 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.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-14 of the Draft PEIR.

The proposed project would introduce a new overlay zone in the eastern portion of Lancaster that would allow a number of light industrial uses. Potential uses include alternative energy uses, light manufacturing, distribution, and warehousing, among others. The proposed East Side Overlay Zone may result in both small-



and large-scale development within the project site. However, the overlay project itself does not directly propose any demolition or development activities.

The thresholds of significance recommended by the Antelope Valley Air Quality Management District (AVAQMD) for construction emissions were developed for individual development projects. Construction-related emissions are described as short-term or temporary in duration and have the potential to represent a significant impact with respect to air quality. As discussed above, implementation of the proposed overlay zone would not include construction activity. However, future construction-related activities associated with development within the East Side Overlay Zone would result in emissions of criteria air pollutants and precursors from site preparation (e.g., demolition, excavation, grading, and clearing); exhaust from off-road equipment, material delivery trucks, and worker commute vehicles; vehicle travel on roads; and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings, and trenching for utility installation). Future development within the East Side Overlay Zone would be analyzed at a detailed level and be reviewed by the City to ensure that development occurs in a logical manner consistent with the project, General Plan, Municipal Code, and that additional environmental review is conducted under CEQA, as needed.

Because implementation of the proposed East Side Overlay Zone does not propose any specific development, construction-related emissions that may occur at any one time are speculative and cannot be accurately determined at this stage of the planning process. Assuming relatively robust economic conditions over the next 25 years, construction activities would occur throughout the project area, but the rate of development cannot be predicted. Environmental review shall be carried out in accordance with CEQA, the City's Environmental Guidelines, and other applicable regulations. Future development projects would be required to comply with all applicable AVAQMD rules and regulations as well as other control measures to reduce construction emissions; refer to Mitigation Measures AQ-1 and AQ-2. Specifically, Mitigation Measure AQ-1 would require future projects within the proposed East Side Overlay Zone to utilize construction equipment vehicles in proper condition and in tune per manufacturer's specifications to ensure ozone precursor emissions are reduced. Additionally, Mitigation Measure AQ-2 would require a Construction Management Plan and Traffic Control Plan be prepared and implemented to reduce traffic congestion during future temporary construction activities, thus reducing construction-related air quality emissions. Future project-specific environmental review under CEQA would be conducted pursuant to City guidelines and compliance with existing AVAQMD regulations and Mitigation Measures AQ-1 and AQ-2 would be required. Therefore, construction impacts related to implementation of the proposed East Side Overlay Zone would be less than significant.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn



lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Development associated with implementation of the proposed project could result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-17 of the Draft PEIR.

CARBON MONOXIDE HOTSPOTS

Carbon monoxide (CO) emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.).

The Mojave Desert Air Basin (MDAB) is designated as an attainment/maintenance area for the Federal CO standards and an attainment area for State standards. There has been a decline in CO emissions even though vehicle miles traveled on U.S. urban and rural roads have increased. Nationwide estimated anthropogenic CO emissions have decreased 68 percent between 1990 and 2014. In 2014, mobile sources accounted for 82 percent of the nation's total anthropogenic CO emissions. CO emissions have continued to decline since this time. The MDAB was re-designated as attainment and is no longer addressed in the AVAQMD's Air Quality Management Plan (AQMP). Three major control programs have contributed to the reduced per-vehicle CO emissions: exhaust standards, cleaner burning fuels, and motor vehicle inspection/maintenance programs.

Localized concentrations of CO are typically associated with the idling of vehicles, particularly in highly congested areas. For this reason, the areas of primary concern are congested roadway intersections that experience high levels of vehicle traffic with degraded levels of service (LOS). With regard to potential increases in CO concentrations that could potentially exceed applicable ambient air quality standards, signalized intersections that are projected to operate at an unacceptable LOS E or F are of particular concern. As future projects are proposed within the East Side Overlay Zone, the details of each individual project would be evaluated by the City on a case-by-case basis, and these individual projects would be required to analyze localized emissions associated with construction and operations through project-specific CEQA analysis. Therefore, impacts would be less than significant in this regard.

TOXIC AIR CONTAMINANTS

As noted above, implementation of the East Side Overlay Zone would not result in direct long-term operation of any stationary sources of toxic air contaminants (TACs) as no specific development is proposed. However,



construction of future projects within the East Side Overlay Zone may result in temporary increases in emissions of diesel particulate matter (DPM) associated with the use of off-road diesel equipment. Health-related risks associated with diesel-exhaust emissions are primarily associated with long-term exposure and associated risk of contracting cancer. As such, the calculation of cancer risk associated with exposure of to TACs are typically calculated based on a long-term (e.g., 70-year) period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. In addition, as future projects are proposed within the East Side Overlay Zone, the details of each individual project would be evaluated by the City on a case-by-case basis, and these individual projects would be required to analyze localized emissions associated with construction through project-specific CEQA analysis. For these reasons, exposure to construction-generated DPM would not be anticipated to exceed applicable thresholds (i.e., incremental increase in cancer risk of 10 in one million). As such, impacts from toxic air contaminants would be less than significant in this regard.

VALLEY FEVER

Nearby sensitive receptors as well as workers could be exposed to Valley Fever from fugitive dust generated during construction of future projects within the East Side Overlay Zone. There is the potential that *Coccidioides* 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, all future development within the East Side Overlay Zone would be required to comply with AVAQMD Rules 401 and 403 emissions during construction and implement Mitigation Measure AQ-3 that would provide personal protective respiratory equipment to construction workers and provide information to all construction personnel and visitors about Valley Fever. As such, the risk of exposure to Valley Fever would be minimized to a less than significant level. With the implementation of Mitigation Measure AQ-3, dust from potential future construction activity would be limited and would not expose nearby sensitive receptors to the Valley Fever fungus. Impacts would be less than significant in this regard.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.



AQ-3

Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews 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 Director of Community Development 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 Director of Community Development. 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 (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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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.
- Require 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 Director of Community Development. 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 shall 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.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Implementation of the proposed project could conflict with or obstruct implementation of the applicable air quality plan.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-21 of the Draft PEIR.

A potentially significant impact to air quality would occur if the project would conflict with or obstruct implementation of the applicable Air Quality Plan. Therefore, it is necessary to assess the project's consistency with the 2017 Attainment Plan as well as the General Plan and growth forecasts. The purpose of the consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air quality plans, and thus, if it would interfere with the region's ability to comply with federal and State air quality standards. It is important to note that even if a project is found consistent it could still have a significant impact on air quality under CEQA. Consistency with plans means that a project is consistent with the goals, objectives, and assumptions in the respective plan to achieve the federal and State air quality standards.

The AVAQMD CEQA and Federal Conformity Guidelines notes the following with respect to conformity impacts:

According to AVAQMD CEQA and Federal Conformity Guidelines a project is consistent with applicable air quality plans if it complies with all applicable AVAQMD rules and regulations, complies with all proposed control measures that are not adopted



from applicable plans, and is consistent with the growth forecasts in the applicable plan(s). Conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast.

The proposed East Side Overlay Zone would increase the flexibility in allowed uses and development potential in the eastern portion of Lancaster beyond currently allowed uses. All future development associated with allowed uses in accordance with East Side Overlay Zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis. As such, future development projects would be required to analyze project-specific impacts to the City's existing population and housing. Thus, the proposed East Side Overlay Zone would not induce substantial unplanned population growth and implementation of the East Side Overlay Zone would not affect SCAG's nor the 2017 Attainment Plan's buildout projections. All future development associated with allowed uses in accordance with East Side Overlay Zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis. As such, future development projects would be required to analyze project-specific impacts to the City's existing population and housing. Thus, the proposed East Side Overlay Zone would not induce substantial unplanned population growth. Further, emissions would be reduced with implementation of Mitigation Measures AQ-1 through AQ-3, and the project would be required to comply with all AVAQMD rules and regulations to improve air quality. Therefore, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan. A less than significant impact would occur in this regard.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.
- AQ-3 Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be



conducted if different work crews 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 Director of Community Development 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 Director of Community Development. 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 (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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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.
- Require 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 Director of Community Development. 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 shall 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.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: Short-term construction activities associated with the proposed project and other related cumulative projects, could result in increased air pollutant emission impacts or expose sensitive receptors to increased pollutant concentrations.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-23 of the Draft PEIR.

The AVAQMD neither recommends quantified analyses of cumulative construction emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative construction impacts. The AVAQMD significance thresholds for construction are intended to meet the objectives of the AQMP to ensure the NAAQS and CAAQS are not exceeded. As the City has no control over the timing or sequencing of cumulative development in Lancaster, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. In addition, construction-related criteria pollutant emissions are temporary in nature and cease following project completion.

Per AVAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted AQMP emissions control measures) would also be imposed on construction projects throughout the MDAB, which would include future development within the East Side Overlay Zone and the City of Lancaster. Based on the programmatic construction analysis above, construction-related emissions associated with future development projects within the City and surrounding area would be required to conduct project-specific CEQA analysis and comply with the applicable AVAQMD rules and regulations, as well as Mitigation Measures AQ-1 through AQ-3. Therefore, implementation of the proposed East Side Overlay Zone would not result in cumulatively considerable impacts regarding construction air quality emissions.



Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.
- AQ-3 Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews 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 Director of Community Development 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 Director of Community Development. 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 (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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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.
- Require 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 Director of Community Development. 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 shall 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.



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: Implementation of the proposed project and related projects could result in cumulatively considerable inconsistencies with the applicable air quality plan.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-25 of the Draft PEIR.

The AVAQMD considers any project with a significant project-level air quality impact to also have a significant cumulative air quality impact. As discussed above, the proposed East Side Overlay Zone would not affect SCAG's nor the 2017 Attainment Plan's buildout projections for the City. All future development within the project area would be required to comply with applicable General Plan policies and development standards implemented by the proposed project. Future project-specific environmental review under CEQA would be conducted pursuant to City guidelines and Mitigation Measures AQ-1 through AQ-3 would be required. Impacts were determined to be less than significant with regard to consistency with regional air quality plans. Additionally, the proposed overlay zone does not include a General Plan amendment and would remain consistent with SCAG's growth forecasts. Therefore, the proposed overlay zone would not have a cumulatively considerable impact in this regard. Cumulative impacts would be less than significant.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.
- AQ-3 Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall



provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews 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 Director of Community Development 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.
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- 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 Director of Community Development. 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 (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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the air conditioning prior to using the equipment).
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- 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.
- Require 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 Director of Community Development. 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 shall 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.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

4. Biological Resources

The proposed project could potentially result in 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.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-15 of the Draft PEIR.

SPECIAL-STATUS PLANT SPECIES

A total of 23 special-status plant species have been recorded in the U.S. Geological Survey (USGS) *Alpine Butte, Rosamond, Rosamond Lake, Redman, Rogers Lake South, Hi Vista, Lovejoy Buttes, Littlerock, Palmdale, Ritter Ridge, and Lancaster West, California* 7.5-minute quadrangles by the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) and California Native Plant Society Inventory of Rare and Endangered Plants of California (CIRP). The only special-status plant species that is known to occur within the project site is western Joshua tree. As a candidate for listing under the California Endangered Species Act (CESA), western Joshua trees are protected from take without an Incidental Take Permit. Other special-status plant species that have been recorded in the project site vicinity include alkali mariposa lily (California Rare Plant Ranking [CRPR] 1B.2), Mojave spineflower (CRPR 4.2), sagebrush loeflingia (CRPR 2B.2), crowned muilla (CRPR 4.2), Lancaster milk-vetch (CRPR 1B.1), white pygmy-poppy (CRPR 4.2), Mojave Indian paintbrush (CRPR 4.3), Parry's spineflower (CRPR 1B.1), Rosamond eriastrum (CRPR 1B.1), and golden



goodmania (CRPR 4.2). As such, future development in accordance with the overlay zone could impact special-status plant species. Given that the exact location of future development projects within the proposed East Side Overlay Zone is unknown at this time, Mitigation Measure BIO-1 would require, as determined by the City, a Biological Resources Assessment be prepared to evaluate potential impacts to on-site biological resources, including sensitive or special-status plant species. Focused plant surveys may also be required as a result of the Biological Resources Assessment findings. Should a future project require the removal of western Joshua trees, the project would also be required to comply with Mitigation Measure BIO-2 which would require a census of the number of western Joshua trees to be impacted. An Incidental Take Permit would also be required from the CDFW prior to any ground-disturbing activities that may adversely affect western Joshua trees. Additionally, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified, as needed. With implementation of Mitigation Measures BIO-1 and BIO-2, the proposed project would not result in significant impacts to sensitive special-status plant species.

SPECIAL-STATUS WILDLIFE SPECIES

Thirty special-status wildlife species have been recorded in the USGS *Alpine Butte, Lancaster East, Rosamond, Rosamond Lake, Redman, Rogers Lake South, Hi Vista, Lovejoy Buttes, Ritter Ridge, Lancaster West, Littlerock, and Palmdale, California* 7.5-minute quadrangles by the CNDDDB and project region by the U.S. Fish and Wildlife Services (USFWS) Information for Planning and Consultation Project Planning Tool (IPaC). A field survey was not conducted; however, based on a 2022 field survey conducted by Michael Baker for a portion of the project site, four special-status bird species were identified within the project site, including Swainson's hawk, California horned lark, loggerhead strike, and yellow-headed blackbird. Additional special-status bird species have been previously recorded within the project site, including Cooper's hawk, tricolored blackbird, burrowing owl, short-eared owl, ferruginous hawk, mountain plover, northern harrier, merlin, prairie falcon, and white-faced ibis. Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBtA) and California Fish and Game Code (CFGc). Specifically, the MBtA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests.

Additionally, signs of special-status mammal species, including Desert kit fox and American badger, have been observed within the project site during prior field surveys conducted for other development projects in the area. However, the project site provides only marginal habitat for a limited number of common mammalian species, such as Mohave ground squirrel. Specifically, Mohave ground squirrel is known to occur in the region and suitable habitat may be present within the project site, particularly in areas that are contiguous with undeveloped open space.

To reduce potential impacts to special-status species, Mitigation Measure BIO-1 would require, as determined by the City, a Biological Resources Assessment be conducted to evaluate potential impacts to on-site biological resources, including sensitive or special-status species. Should suitable habitat for burrowing owl be observed as part of the Biological Resources Assessment conducted under Mitigation Measure BIO-1, Mitigation Measure BIO-3 would require pre-construction burrowing owl clearance surveys be conducted prior to any vegetation removal or ground disturbing activities. Additionally, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified, as needed. With implementation of Mitigation Measures BIO-1 and BIO-3, the proposed project would not result in significant impacts to sensitive special-status wildlife species.

Mitigation Measures:

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be



screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided



according to alliance and/or association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);

3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Project implementation could potentially have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-18 of the Draft PEIR.

There are no USFWS-designated Critical Habitat for any federally listed species within the project site. A field survey of the entire project site was not conducted and thus, specific vegetation mapping is not available. However, vegetation mapping from the General Plan indicates that the overlay zone contains a mixture of desert wash, desert woodland, ruderal areas, agricultural land, and developed areas. Additionally, multiple



potential aquatic features including freshwater forested/shrub wetland, freshwater pond, and lake occur within the project site. These mapped features appear as areas of potential ponding, natural surface depressions, and stock ponds or ditches associated with agricultural activities.

To reduce potential impacts to riparian habitat or other sensitive natural communities, Mitigation Measure BIO-1 requires a Biological Resources Assessment, as determined by the City, to evaluate potential impacts to on-site biological resources, including sensitive natural communities. Additionally, future light industrial projects developed in accordance with the overlay zone would be required to conduct separate environmental review under CEQA. Future development projects would be evaluated on a project-specific level with site-specific analysis and additional mitigation measures would be identified, as needed. With implementation of Mitigation Measure BIO-1, the proposed project would not result in significant impacts to riparian habitat or other sensitive natural communities.

Mitigation Measure:

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The project could 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, costal, etc.) through direct removal, filling, hydrological interruption, or other means.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-18 of the Draft PEIR.

Numerous potential jurisdictional features may be located within the project site. Specifically, Little Rock Wash is the most prominent potential jurisdictional feature within the project site and may qualify as “waters of the United States or wetlands” and/or water of the State regulated by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or CDFW. Little Rock Wash enters the project site from the south as a natural earthen drainage, continues to flow north as an earthen channel, crosses underneath East Avenue K and East Avenue J within the project site, and continues north off-site as an earthen channel. Additionally, multiple aquatic features including freshwater forested/shrub wetland, freshwater pond, and lake occur within the project site. These aquatic features include areas of potential ponding, natural surface depressions, and stock ponds or ditches associated with agricultural activities.

As such, prior to future development within the overlay zone and as determined appropriate by the City, Mitigation Measure BIO-4 would require a formal jurisdictional delineation for future development within the project be conducted to document the presence or absence of potential jurisdictional features and the potential permit requirements from the USACE, RWQCB, and/or CDFW. Additionally, future development would also be required to undergo separate environmental review under CEQA (i.e., preparation of a Categorical Exemption, Mitigated Negative Declaration, or Environmental Impact Report) to evaluate project-level impacts with regards to federally protected wetlands. Thus, with implementation of Mitigation Measure BIO-4, the proposed project would not have a substantial adverse effect on federally protected wetlands, including, but not limited to, marsh, vernal pool, or coastal. Impacts in this regard would be reduced to less than significant levels.

Mitigation Measure:

BIO-4 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies)



(i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).

For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The proposed project, in conjunction with cumulative development, could result in cumulatively considerable impacts to candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-20 of the Draft PEIR.

Future cumulative development projects developed in accordance with the General Plan would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts to sensitive special-status species and any required mitigation.

As stated, all future development projects would similarly require separate environmental review under CEQA. Additionally, per Mitigation Measure BIO-1, a Biological Resources Assessment and additional focused plant survey(s) may be required, as determined by the City, to evaluate potential impacts to on-site biological



resources, including sensitive or special-status species. Mitigation Measure BIO-2 would require any future project requiring removal of western Joshua trees to compile a census of the quantity of western Joshua trees to be impacted by development. Further, should burrowing owls be located on-site, Mitigation Measure BIO-3 would require pre-construction burrowing owl clearance surveys be conducted prior to vegetation removal or ground disturbing activities. Thus, with implementation of Mitigation Measures BIO-1 through BIO-3, the proposed overlay zone would not result in cumulatively considerable impacts to sensitive special-status species. Impacts in this regard would be reduced to less than significant.

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*, a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant



modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);
3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.



CUMULATIVE: The project, in conjunction with cumulative projects, could result in cumulatively considerable impacts to riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-21 of the Draft PEIR.

Future cumulative development projects developed in accordance with the General Plan would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts to riparian habitat and sensitive natural communities and any required mitigation.

As stated, all future development projects would similarly require separate environmental review under CEQA. Additionally, per Mitigation Measure BIO-1, a Biological Resources Assessment may be required, as determined by the City, to evaluate potential impacts to on-site biological resources, including riparian habitat and sensitive natural communities. Thus, the proposed overlay zone itself would not result in cumulatively considerable impacts to riparian habitat and sensitive natural communities. Impacts in this regard would be reduced to less than significant.

Mitigation Measure:

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);



2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The project, in conjunction with cumulative projects, could result in cumulatively considerable impacts to 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.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-21 of the Draft PEIR.

Numerous potential jurisdictional features are located within the overlay zone. Specifically, Little Rock Wash is the most prominent potential jurisdictional feature within the overlay zone and may qualify as “waters of the United States or wetlands” and/or water of the State regulated by the USACE, RWQCB, and/or CDFW. As such, prior to future development within the overlay zone, Mitigation Measure BIO-4 would require future projects to conduct a jurisdictional delineation, as determined by the City, to document the presence or absence of potential jurisdictional features and potential permit requirements from the regulatory agencies. Future development would also be required to undergo separate environmental review under CEQA (i.e., preparation of a Categorical Exemption, Mitigated Negative Declaration, or Environmental Impact Report) to evaluate project-level impacts with regards to federally protected wetlands. Thus, the proposed project would not result in cumulatively considerable impacts to federally protected wetlands and impacts in this regard would be less than significant.

Mitigation Measure:

BIO-4 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).



For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

5. Cultural Resources

The project could cause significant impacts to historical resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-15 of the Draft PEIR.

Six parcels with documented historic-aged buildings (i.e., greater than 45 years old) were identified within the proposed overlay zone. The six parcels are of historic age; however, as stated, development within the overlay zone started in the nineteenth century, suggesting that the number of historic-aged buildings in the overlay zone is low. Nevertheless, the entire overlay zone has the potential for historic-aged buildings that may require evaluation for inclusion in the National Register of Historic Places (National Register) and/or California Register of Historical Resources (California Register) if affected by future development in accordance with the proposed overlay zone.

Future light industrial projects developed in accordance with the overlay zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis and comply with existing applicable federal, State, and local laws related to historical resources. Future projects with the potential for ground



disturbing activities may also be required to comply with Mitigation Measure CUL-1 as deemed appropriate by the City, which requires a Phase I cultural resources study be conducted by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. Specifically, the Phase I cultural resources study would be required to include an identification effort, including, at a minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Site-specific mitigation measures may also be required as a result of the Phase I cultural resources study. As such, implementation of Mitigation Measure CUL-1 would reduce potential impacts in this regard to a less than significant level.

Mitigation Measure:

CUL-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The project could cause a significant impact to archaeological resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-16 of the Draft PEIR.

The archaeological sensitivity for potential unknown prehistoric archaeological sites within the overlay zone is moderate. The overlay zone is located within the ancestral territory of the Serrano Native American tribe. No village sites are known or anticipated to have existed within the overlay zone. However, human use of the area extends into the deep past, including periods when the climate was much more suitable for human habitation. Moreover, the presence of ephemeral creeks in the overlay zone such as Little Rock Wash could have drawn Native Americans to the overlay zone seasonally. No prehistoric archaeological sites are documented within the East Side Overlay Zone; however, an isolated flake documented within 0.25-mile of the overlay zone further suggests sporadic or seasonal use of the overlay zone and its vicinity. As such, the overlay zone could contain previously undiscovered archaeological resources.



Further, the sensitivity for potential undocumented historic period buildings, structures, and archaeological sites is high. Topographic maps and aerial photographs indicate that the overlay zone shares the agricultural history of the western Antelope Valley beginning in the late nineteenth century. As stated, six historic archaeological sites have been previously recorded within the overlay zone. Similar historic homesteads and associated archaeological sites and historic built features are anticipated on the surface and at shallow depths within the overlay zone.

Future light industrial projects developed in accordance with the overlay zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis to evaluate site-specific archaeological impacts. Additionally, as deemed appropriate by the City, future projects with the potential for ground disturbing activities may be required to comply with Mitigation Measure CUL-1, which would require a Phase I cultural resources study be conducted by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. Specifically, the study would be required to incorporate an identification effort, including, at a minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Site-specific mitigation measures may also be required as a result of the Phase I cultural resources study. As such, implementation of Mitigation Measure CUL-1 would reduce potential impacts in this regard to a less than significant level.

Mitigation Measure:

CUL-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The proposed project, combined with other related projects, could result in cumulatively considerable impacts to historical resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-19 of the Draft PEIR.



Cumulative projects developed in accordance with the General Plan have the potential to impact historical resources on their respective sites. However, future cumulative projects would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts based on site-specific ground-disturbing activities.

Future light industrial development accommodated by the proposed overlay zone would similarly be required to undergo project-level environmental review under CEQA on a case-by-case basis and comply with existing applicable State and local laws related to historical resources. Further, given that construction activities associated with future light industrial development could adversely impact built historic-age resources on a site, implementation of Mitigation Measure CUL-1 may be required as deemed appropriate by the City. With implementation of Mitigation Measure CUL-1, the proposed overlay zone would not contribute to a cumulatively considerable impact and impacts in this regard would be less than significant.

Mitigation Measure:

CUL-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: **Project implementation in conjunction with other cumulative projects could result in cumulatively considerable impacts to archaeological resources.**

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-19 of the Draft PEIR.

Cumulative projects developed in accordance with the General Plan have the potential to result in cumulatively considerable impacts to archaeological resources. However, future cumulative projects would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts based on project-specific ground-disturbing activities.



Future light industrial development accommodated by the proposed overlay zone would also be required to undergo project-level environmental review under CEQA on a case-by-case basis and comply with existing applicable State and local laws related to archaeological resources. Further, given that future construction activities associated with allowed uses in accordance with the East Side Overlay Zone could uncover previously undiscovered archaeological resources, implementation of Mitigation Measures CUL-1 would reduce potential impacts in this regard. With implementation of Mitigation Measure CUL-1, future light industrial development associated with the proposed overlay zone would not contribute to a cumulatively considerable impact and impacts in this regard would be less than significant.

Mitigation Measure:

CUL-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

6. Geology and Soils

Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.6, *Geology and Soils*, and in particular, starting on page 5.6-17 of the Draft PEIR.

Though no known fossil localities have been previously recorded within the City boundaries, soils in the overlay zone consist of alluvium of Holocene to late Pleistocene age and eolian deposits of Holocene age. There is a low potential to disturb paleontological resources within undisturbed bedrock; however, these soils may overlay older Pleistocene-age alluvial soils at unknown depths, which have a moderate to high potential for paleontological sensitivity. Surface deposits consisting of younger Quaternary alluvial soils near the City (outside of City limits) have recovered faunal remains from small vertebrates. As such, the overlay zone has the potential to encounter paleontological resources.



Potential impacts to paleontological resources are based on site-specific soil conditions and project details (e.g., depth of excavation required). Thus, it is speculative to determine potential impacts to paleontological resources at this programmatic level of analysis. Nevertheless, future development projects would be required to undergo separate environmental review under CEQA to evaluate project- and site-specific impacts and to identify any required mitigation measures. Additionally, Mitigation Measure GEO-1 would require a Paleontological Resources Assessment be prepared at the discretion of the City and based on the type of project and whether ground disturbing activities are proposed. The Paleontological Resources Assessment would identify the paleontological sensitivity of the project site and any required mitigation to reduce impacts to paleontological resources. Additionally, Mitigation Measures GEO-2 through GEO-5 would be required to reduce impacts to paleontological resources during construction of future development projects requiring ground-disturbing activities in undisturbed bedrock at depths greater than four feet. As such, upon implementation of Mitigation Measures GEO-1 through GEO-5, future projects developed in accordance with the overlay zone would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and impacts would be reduced to less than significant levels.

Mitigation Measures:

GEO-1 To ensure identification and preservation of paleontological resources within a project site, each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Paleontological Resources Assessment is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Paleontological Resources Assessment shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Paleontological Resources Assessment be prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist.

The Paleontological Resources Assessment shall include and take into account project-specific and local geologic mapping, geotechnical data, and paleontological records search. The Paleontological Resources Assessment shall adhere to and incorporate the performance standards and practices from the current SVP Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources. The qualified paleontologist shall submit the Paleontological Resources Assessment to the City of Lancaster Community Development Department for review and approval before issuance of a grading permit.

GEO-2 For projects with ground-disturbing activities at depths greater than four feet, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to the beginning of ground-disturbing activities. The training session shall focus on how to identify paleontological localities such as fossils that may be encountered and the procedures to follow if identified.

GEO-3 Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to monitor these activities at depths of four feet below present grade or greater. In the event that fossils are discovered during grading at any depth, the on-site construction supervisor shall be notified and shall redirect work away from the location of the discovery. The recommendations of the paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after



which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.

GEO-4 If discovered fossils are determined to be significant, the Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures:

- The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research interest in the materials (which may include the Natural History Museum of Los Angeles County);
- The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and
- The paleontologist shall ensure that curation of fossils is completed in consultation with the City of Lancaster Community Development Department. A letter of acceptance from the curation institution shall be submitted to the City of Lancaster Community Development Department.

GEO-5 If any paleontological resources are encountered during construction or the course of any ground-disturbance activities, all such activities shall halt immediately. At this time, the Applicant shall notify the City of Lancaster Community Development Department and consult with a qualified paleontologist to assess the significance of the find. The assessment shall follow Society of Society of Vertebrate Paleontology (SVP) standards as delineated in the *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (2010). If any find is determined to be significant, appropriate avoidance measures recommended by the paleontologist and approved by City staff must be followed unless avoidance is determined to be infeasible by the City of Lancaster Community Development Department. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: The proposed project, in conjunction with cumulative development, could expose people or structures to potential substantial adverse effects involving geology and soils and could impact unknown paleontological resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.6, *Geology and Soils*, and in particular, starting on page 5.6-19 of the Draft PEIR.

Future cumulative projects developed in accordance with the General Plan would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential effects involving geology and soils and impacts to paleontological resources. Additionally, similar to future development projects within the overlay zone, cumulative projects would be required to comply with existing local, State, and Federal regulations regarding geologic hazards. For example, future developments would be required to comply with the California Building Standards Code (CBSC), National Pollutant Discharge Elimination System (NPDES) program requirements, the 2019 California Plumbing Code (CPC), and Municipal Code Chapter 15.08, *Building Code*, Section 8.16.030, *Disturbing Surface of Land or Causing Wind Erosion Prohibited*, and Section 16.24.210, *Use of septic tanks*.



As concluded above, geologic/seismic hazards and paleontological impacts associated with the overlay zone would be less than significant upon implementation of regulatory requirements and Mitigation Measures GEO-1 through GEO-5. Further, all future development projects within the overlay zone would be required to undergo separate project- and site-specific environmental review. Thus, cumulative impacts in this regard would be less than significant.

Mitigation Measures:

GEO-1 To ensure identification and preservation of paleontological resources within a project site, each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Paleontological Resources Assessment is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Paleontological Resources Assessment shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Paleontological Resources Assessment be prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist.

The Paleontological Resources Assessment shall include and take into account project-specific and local geologic mapping, geotechnical data, and paleontological records search. The Paleontological Resources Assessment shall adhere to and incorporate the performance standards and practices from the current SVP Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources. The qualified paleontologist shall submit the Paleontological Resources Assessment to the City of Lancaster Community Development Department for review and approval before issuance of a grading permit.

GEO-2 For projects with ground-disturbing activities at depths greater than four feet, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to the beginning of ground-disturbing activities. The training session shall focus on how to identify paleontological localities such as fossils that may be encountered and the procedures to follow if identified.

GEO-3 Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to monitor these activities at depths of four feet below present grade or greater. In the event that fossils are discovered during grading at any depth, the on-site construction supervisor shall be notified and shall redirect work away from the location of the discovery. The recommendations of the paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.

GEO-4 If discovered fossils are determined to be significant, the Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures:



- The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research interest in the materials (which may include the Natural History Museum of Los Angeles County);
- The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and
- The paleontologist shall ensure that curation of fossils is completed in consultation with the City of Lancaster Community Development Department. A letter of acceptance from the curation institution shall be submitted to the City of Lancaster Community Development Department.

GEO-5 If any paleontological resources are encountered during construction or the course of any ground-disturbance activities, all such activities shall halt immediately. At this time, the Applicant shall notify the City of Lancaster Community Development Department and consult with a qualified paleontologist to assess the significance of the find. The assessment shall follow Society of Society of Vertebrate Paleontology (SVP) standards as delineated in the *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (2010). If any find is determined to be significant, appropriate avoidance measures recommended by the paleontologist and approved by City staff must be followed unless avoidance is determined to be infeasible by the City of Lancaster Community Development Department. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

7. Hazards and Hazardous Materials

Project implementation could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.8, *Hazards and Hazardous Materials*, and in particular, starting on page 5.8-11 of the Draft PEIR.

One of the means through which human exposure to hazardous substance could occur is through accidental release. Incidents that result in an accidental release of hazardous substances into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Human exposure to contaminated soil or water can have potential health effects based on a variety of factors, such as the nature of the contaminant and the degree of exposure.

CONSTRUCTION

Disturbance of Contaminated Properties

Two properties within the proposed East Side Overlay Zone are listed as regulatory sites for containing leaking underground storage tanks (LUSTs). However, both sites have received a cleanup status listing of “Case Closed” and are not a potential hazard of concern.



Future construction activities associated with allowed uses in accordance with the East Side Overlay Zone could involve the release of hazardous materials into the environment through reasonably foreseeable upset and accident conditions or the transport, use, or disposal of hazardous materials.

Future development could involve grading and excavation activities that could expose construction workers and the public to hazardous substances and hazardous waste in the soil, soil vapor, and/or groundwater from the listed sites. However, future development would be required to comply with existing applicable federal, State, and local laws related to the hazardous materials.

Additionally, all future development would be required to undergo project-level environmental review under CEQA (e.g., preparation of a Categorical Exemption, Mitigated Negative Declaration, or Environmental Impact Report) on a case-by-case basis. Similarly, future development projects would be required to comply with existing applicable federal, State, and local laws related to the hazardous materials. The Los Angeles County Fire Department (LACFD), Lahontan RWQCB, as well as the Department of Toxic Substance Control (DTSC) are responsible for monitoring regulatory sites (e.g., permitted underground storage tank [UST] and aboveground petroleum storage tank [APST] facilities) and preventing accidental release of hazards and hazardous materials. For example, owners or operators of APST and UST facilities are required to file a tank facility statement and develop and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan. Compliance with these programs would reduce the likelihood and severity of accidents involving leaking storage tanks, which could pollute ground and surface waters. If leaking storage tanks occur, the Lahontan RWQCB is responsible for overseeing cleanup actions. Additionally, the California Division of Occupational Safety and Health (Cal/OSHA) is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Compliance with regulations established by these agencies would reduce potential risks related to accidental release of hazardous materials from contaminated properties during construction to less than significant levels.

Hauling and Disposal of Hazardous Waste

Construction activities associated with future development could expose construction workers and the public to hazardous substances/materials involving the transport, use, and storage of construction materials, equipment (i.e., oil, diesel fuel, and transmission fluid), and demolition debris. Specifically, structures constructed between the 1940s and 1970s may be associated with hazardous building materials (e.g., asbestos containing materials [ACM] and/or lead based paint [LBP]). Additionally, organochlorine-containing termiticides may have been used to treat wooden buildings constructed prior to 1989, and universal waste (certain categories of hazardous waste such as batteries, pesticides, mercury-containing equipment, and lamps that are commonly generated by a wide variety of establishments) are often present in sites with historical uses. Demolition of structures could expose construction personnel and the public to ACMs or LBPs. Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. Future demolition activities associated with projects developed in accordance with the East Side Overlay Zone that could result in the release of ACMs and/or LBPs would be conducted according to applicable federal and State regulations. Specifically, the National Emission Standards for Hazardous Air Pollutants (NESHAP) establishes that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition.

Based on the unknown construction date of existing structures within the proposed overlay zone, there is the potential that ACM and/or LBPs are present in existing buildings. Should a future project developed in accordance with the East Side Overlay Zone require the demolition of existing buildings constructed between the 1940s and 1970s, the project would be required to comply with Mitigation Measure HAZ-1, which would require ACM and LBP surveys be conducted by a qualified specialist or contractor and be submitted to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and to the Community Development Director for approval prior to demolition of existing structures. Specifically, if ACMs are identified, asbestos abatement is required to be completed prior to any activities that would disturb ACMs



or create an airborne asbestos hazard. Asbestos removal is required to be performed by a State-certified asbestos containment contractor in accordance with the AVAQMD Rule 1403. Additionally, in accordance with AVAQMD Rule 1403, asbestos abatement is required prior to any demolition activities if ACMs are found. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste is required to be evaluated independently from the building material by a qualified environmental professional in accordance with California Code of Regulations Title 8, Section 1532.1. If LBP are found, abatement is required to be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal activities are required to comply with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal are required to provide evidence of abatement activities to the HHMD and Community Development Director. As such, compliance with existing regulations related to ACMs and LBPs and implementation of Mitigation Measure HAZ-1 would reduce potential impacts in this regard to a less than significant level.

Unknown Contaminated Sites

Future development in accordance with the overlay zone could involve grading and excavation activities which could reveal unknown hazards and hazardous materials contamination. As stated, future development would be required to would be comply with existing applicable federal, State, and local laws related to the hazardous materials.

Nevertheless, given that the exact location of future development projects within the proposed East Side Overlay Zone is unknown at this time, Mitigation Measure HAZ-2 establishes procedures to minimize potential risks to the public and environment if unknown wastes or suspect materials believed to involve hazardous waste or materials are encountered during construction of future development projects. Additionally, as mentioned above, the project would be required to comply with Mitigation Measure HAZ-1, which would require surveys of ACM, LBP, and universal waste to be conducted by a qualified specialist or contractor prior to demolition of existing structures constructed between the 1940s and 1970s. Compliance with Mitigation Measures HAZ-1 and HAZ-2 would minimize potential risks related to accidental release of hazardous materials from unknown contamination discovered during construction. Impacts in this regard would be less than significant.

OPERATIONS

Future development in accordance with the overlay zone would accommodate light industrial uses. As such, long-term operations associated with future uses allowed under the overlay zone may involve the routine transport, use, or disposal of hazardous materials typically associated with light industrial uses.

Future operational activities associated with future development in accordance with the overlay zone would be subject to compliance with existing federal, State, and local regulations, standards, and guidelines related to the transport, use, and disposal of hazardous materials. Specifically, future development would be subject to compliance with existing hazardous materials regulations codified in California Code of Regulations Titles 8, 22, and 26, and their enabling legislations set forth in Health and Safety Code Chapter 6.95 as well as California Code of Regulations Title 49. Both federal and State regulations require any business, where the maximum quantity of a regulated substance exceeds the specified threshold quantity, register with the LACFD as a manager of regulated substances and prepare a Risk Management Plan. The Risk Management Plan must contain an off-site consequence analysis, a five-year accident history, an accident prevention program, an emergency response program, and a certification of the truth and accuracy of the submitted information. Businesses would also be required to submit their plans to the certified unified program agency (CUPA) (i.e., LACFD), which would make the plans available to emergency response personnel.



Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. Impacts regarding the routine transport, use, or disposal of hazardous materials during project operations associated with future development would be less than significant.

Mitigation Measures:

HAZ-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether surveys of asbestos-containing materials (ACM), lead-based paint (LBP), and/or universal waste is required. Screening shall consider whether demolition or disturbance of existing structures constructed between the 1940s and 1970s is required. If no existing structures constructed between the 1940s and 1970s are proposed for demolition or disturbance, then surveys shall not be required. If such structures exist on-site and are proposed for demolition or disturbance, prior to issuance of any demolition permits, the City may require future project Applicants to retain a qualified specialist or contractor to conduct surveys of ACM, LBP, and universal waste and submit the surveys to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and comment, and to the City of Lancaster Community Development Director for approval. If ACMs are located, asbestos abatement shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with the Antelope Valley Air Quality Management District's (AVAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified lead specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the HHMD and Community Development Director. The project Applicant shall inform the Community Development Director, via monthly compliance reports, of the date when all ACMs, LBPs, and/or universal waste are removed from the project site.

HAZ-2 If unknown wastes or suspect materials are discovered during construction activities associated with future development that are believed to involve hazardous waste or materials, the construction contractor shall implement the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the City of Lancaster Community Development Director;
- Secure the area as directed by the City of Lancaster Community Development Director; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Los Angeles County Fire Department, Lahontan Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of



the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: Project implementation, combined with other related projects, could create a significant hazard to the public or environment through reasonably foreseeable update and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.8, *Hazards and Hazardous Materials*, and in particular, starting on page 5.8-18 of the Draft PEIR.

Cumulative projects developed in accordance with the General Plan could result in the handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials, during site disturbance, demolition, and/or grading activities. However, future cumulative projects would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts based on project-specific construction and operational activities.

Future light industrial development accommodated by the proposed overlay zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis and comply with existing applicable State and local laws related to hazardous materials. Further, given that the exact location of future light industrial development is unknown at this time, implementation of Mitigation Measures HAZ-1 and HAZ-2 would reduce potential risks associated with ACM, LBP, universal waste, and any unknown wastes or suspect material discovered during construction activities. With implementation of Mitigation Measures HAZ-1 and HAZ-2, the proposed overlay zone would not contribute to a cumulatively considerable impact and impacts in this regard would be reduced to less than significant levels.

Mitigation Measures:

HAZ-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether surveys of asbestos-containing materials (ACM), lead-based paint (LBP), and/or universal waste is required. Screening shall consider whether demolition or disturbance of existing structures constructed between the 1940s and 1970s is required. If no existing structures constructed between the 1940s and 1970s are proposed for demolition or disturbance, then surveys shall not be required. If such structures exist on-site and are proposed for demolition or disturbance, prior to issuance of any demolition permits, the City may require future project Applicants to retain a qualified specialist or contractor to conduct surveys of ACM, LBP, and universal waste and submit the surveys to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and comment, and to the City of Lancaster Community Development Director for approval. If ACMs are located, asbestos abatement shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with the Antelope Valley Air Quality Management District's (AVAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified lead specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the HHMD and Community Development Director.



The project Applicant shall inform the Community Development Director, via monthly compliance reports, of the date when all ACMs, LBP's, and/or universal waste are removed from the project site.

HAZ-2 If unknown wastes or suspect materials are discovered during construction activities associated with future development that are believed to involve hazardous waste or materials, the construction contractor shall implement the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the City of Lancaster Community Development Director;
- Secure the area as directed by the City of Lancaster Community Development Director; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Los Angeles County Fire Department, Lahontan Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

8. Noise

Construction-related activities associated with project implementation could result in substantial temporary noise impacts to nearby noise sensitive receivers.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.16, *Noise*, and in particular, starting on page 5.16-12 of the Draft PEIR.

Noise from construction activities is generated by two primary sources: (1) the transport of workers and equipment to construction sites and (2) the noise related to active construction equipment. These noise sources can be a nuisance to local residents and businesses or unbearable to sensitive receptors (i.e., residences, hospitals, senior centers, schools, day care facilities, etc.).

Construction of future light industrial development associated with the East Side Overlay Zone could temporarily increase the ambient noise environment in the vicinity of each individual project. Construction noise levels are dependent upon the specific locations, site plans, and construction details of each new future development; given the programmatic level of the proposed overlay zone, construction-related noise impacts that may occur from future new development are speculative and cannot be accurately determined at this stage of the planning process. It should be noted that all future new development projects capable of generating substantial construction noise would be required to undergo separate environmental review under CEQA to evaluate project-specific construction noise impacts to nearby sensitive receptors and identify any required mitigation. To further reduce potential construction noise impacts associated with the proposed overlay zone, the project would be required to implement Mitigation Measure NOI-1. Mitigation Measure NOI-1 would require the implementation of construction best management practices (BMPs) for construction activities associated with future new development within the proposed overlay zone that are capable of generating substantial construction noise to nearby sensitive receptors. Specifically, Mitigation Measure NOI-1 would



require that construction contractors equip all construction equipment with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday).

Further, pursuant to Municipal Code Section 8.24.040, *Loud, unnecessary and unusual noises prohibited - Construction and building*, construction of future new development located within 500 feet of an occupied dwelling, apartment, hotel, mobile home or other place of residence would be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and would be prohibited on Sundays and holidays. Compliance with Municipal Code Section 8.24.040 and implementation of Mitigation Measure NOI-1 would ensure short-term construction noise impacts associated with future light industrial development within the overlay zone are reduced to less than significant levels.

Mitigation Measure:

NOI-1 Future light industrial projects developed in accordance with the overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall ensure, through contract specifications, that construction best management practices (BMPs) are implemented by construction contractors to reduce construction noise levels for construction activities that are capable of generating substantial construction noise to nearby sensitive receptors. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Community Development Director prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating construction equipment and construction staging areas away from sensitive uses.
- Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 8.24.040, *Loud, unnecessary and unusual noises prohibited - Construction and building*, of the Lancaster Municipal Code.
- Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.



- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Project implementation could result in substantial vibration impacts to nearby sensitive receptors and structures.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.16, *Noise*, and in particular, starting on page 5.16-15 of the Draft PEIR.

Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. Groundborne vibrations from construction activities rarely reach levels that damage structures.

CONSTRUCTION

Construction of future development associated with the proposed overlay zone could result in temporarily construction-related vibration impacts in the vicinity of each individual project. Construction vibration impacts are dependent upon the specific locations, site plans, and construction details of each new future development. Given the programmatic level of the proposed overlay zone, construction-related vibration impacts that may occur from future new development in this overlay zone are speculative and cannot be accurately determined at this stage of the planning process. It should be noted that all future new development projects capable of generating substantial construction vibration impacts would be required to undergo separate environmental review under CEQA to evaluate project-specific construction vibration impacts to nearby sensitive receptors and identify any required mitigation. To further reduce potential construction vibration impacts associated with the overlay zone, the project would be required to implement Mitigation Measure NOI-2. Mitigation Measure NOI-2 would require any construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. With compliance with existing regulations (e.g., individual projects undergoing separate environmental review under CEQA) and implementation of Mitigation Measure NOI-2, construction-related vibration impacts that would occur as a result of future buildout of the overlay zone would be reduced to less than significant levels.



OPERATIONS

Given the programmatic level of the proposed overlay zone, operation-related vibration impacts that may occur from future new development in this overlay zone are speculative and cannot be accurately determined at this stage of the planning process. However, overlay zone development standards have been established for light industrial uses that will abut a residential use (i.e., a masonry wall of not less than six feet in height and not taller than 10 feet in height shall be provided at the property line). Additionally, any buildings thereon shall be designed to locate noise-generating equipment and activity in a manner which will have a minimal impact on abutting residentially zoned property. A minimum ten-foot wide landscape setback would be required along property lines abutting or adjacent to a residential use. Light industrial uses within the East Side Overlay Zone will also be required to be compatible with adjacent existing uses through proper site planning, building design, and landscaping. All future new development projects capable of generating substantial operational vibration impacts would be required to undergo separate environmental review under CEQA and be required to comply with applicable regulations minimizing vibration impacts during operations. Operational impacts would be less than significant in this regard.

Mitigation Measure:

NOI-2 Prior to issuance of a grading permit, each new development project associated with the proposed overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster City Public Works Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.16, *Noise*, and in particular, starting on page 5.16-17 of the Draft PEIR.

Construction activities associated with the proposed overlay zone and cumulative projects may overlap, resulting in construction noise in the area. However, construction noise impacts primarily affect the areas immediately adjacent to the construction site. As previously discussed, future buildout of the proposed overlay zone would generate noise during construction activities. However, all future new development would undergo environmental review under CEQA to evaluate project-specific construction noise impacts and identify any required mitigation. Further, implementation of Mitigation Measure NOI-1 would ensure BMPs related to construction noise are implemented to further reduce such impacts. Future construction activities associated with cumulative development projects in accordance with the General Plan would also be required to comply with the Municipal Code and incorporate mitigation measures on a project-by-project basis, as applicable, to



reduce construction noise pursuant to CEQA provisions. Therefore, the proposed overlay zone contribution to cumulative noise impacts would be less than significant with implementation of Mitigation Measure NOI-1.

Mitigation Measure:

NOI-1 Future light industrial projects developed in accordance with the overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall ensure, through contract specifications, that construction best management practices (BMPs) are implemented by construction contractors to reduce construction noise levels for construction activities that are capable of generating substantial construction noise to nearby sensitive receptors. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Community Development Director prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating construction equipment and construction staging areas away from sensitive uses.
- Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 8.24.040, *Loud, unnecessary and unusual noises prohibited - Construction and building*, of the Lancaster Municipal Code.
- Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form



of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.16, *Noise*, and in particular, starting on page 5.16-18 of the Draft PEIR.

Future buildout of the proposed overlay zone could generate groundborne vibration during construction activities. However, all future new development would undergo environmental review under CEQA to evaluate project-specific vibration impacts and identify any required mitigation. Further, implementation of Mitigation Measure NOI-2 would ensure vibration monitoring and control measures are implemented to further reduce such impacts. Groundborne vibration generated from cumulative projects developed in accordance with the General Plan would be required to undergo environmental review under CEQA to determine project-specific impacts and any required mitigation measures on a project-by-project basis. Therefore, buildout of the East Side Overlay Zone and its contribution to cumulative vibration impacts would be less than significant with implementation of Mitigation Measure NOI-2.

Mitigation Measure:

NOI-2 Prior to issuance of a grading permit, each new development project associated with the proposed overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster City Public Works Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

9. Tribal Cultural Resources

The project could cause a significant impact to tribal cultural resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-17 of the Draft PEIR.

On May 31, 2022, the City sent notification letters to Assembly Bill (AB) 52-specific tribes inviting them to consult on the proposed project in accordance with AB 52.

The Fernandeño Tataviam Band of Mission Indians (FTBMI) responded on June 22, 2022 requesting tribal consultation and additional project information, including project plans, a geotechnical report (if available),



Sacred Lands File search results, and a cultural resources report. The City consulted with the FTBMI and provided additional information regarding the proposed overlay. The FTBMI did not have any further questions or requests afterwards and consultation was deemed complete.

Additionally, the Yuhaaviatam of San Manuel Nation (YSMN; formerly known as the San Manuel Band of Mission Indians) responded on June 30, 2022 stating that the proposed project area exists within Serrano ancestral territory. While the YSMN does not have any concerns with the project, as planned at this time, the tribe also requested specific tribal cultural resources mitigation measures be included as project conditions. Specifically, Mitigation Measure TCR-1 would require future light industrial project construction activities to halt if cultural resources are discovered and tribes in which the project site is within their ancestral region of occupation (e.g., YSMN) be contacted to evaluate the nature of the find. Mitigation Measure TCR-2 would require a Monitoring and Treatment Plan be developed and implemented if significant pre-contact and/or historic-era cultural resources are discovered. Mitigation Measure TCR-3 would require work in the immediate vicinity of any human remains or funerary objects to cease and the County Coroner to be contacted immediately. Additionally, Mitigation Measure TCR-4 would ensure tribes in which the project site is within their ancestral region of occupation are able to provide input regarding any potential tribal cultural resource discovered and Mitigation Measure TCR-5 would ensure all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) are disseminated to said tribes. Consultation with the YSMN was deemed complete upon inclusion of the requested measures.

Upon implementation of Mitigation Measures TCR-1 through TCR-5, potential impacts to tribal cultural resources would be less than significant.

Mitigation Measures:

- TCR-1 In the event that cultural resources are discovered during future light industrial developments in accordance with the East Side Overlay Zone, 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 site outside of the buffered area may continue during this assessment period. Additionally, tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed within Mitigation Measure TCR-4, 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.
- TCR-2 If significant pre-contact and/or historic-era cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered during implementation of future light industrial developments in accordance with the East Side Overlay Zone and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to tribes in which the project site is within their ancestral region of occupation for review and comment, as detailed within Mitigation Measure TCR-4. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- TCR-3 If human remains or funerary objects are encountered during any activities associated with future light industrial projects associated with the East Side Overlay Zone, 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 Section 7050.5 and that code enforced for the duration of the project.



- TCR-4 Tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed in Mitigation Measure TCR-1, 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 the California Environmental Quality Act (CEQA) (as amended, 2015), a cultural resources Monitoring and Treatment Plan (Plan) shall be created by the archaeologist, in coordination with tribes in which the project site is within their ancestral region of occupation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for monitor(s) to be present that represent tribes in which the project site is within their ancestral region of occupation for the remainder of the project, should such tribes elect to place monitor(s) on-site.
- TCR-5 Any and all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to tribes in which the project site is within their ancestral region of occupation. The City of Lancaster Community Development Department shall, in good faith, consult with such tribes throughout the life of the project.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: The proposed project, combined with other related projects, could result in cumulatively considerable impacts to a tribal cultural resource.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-20 of the Draft PEIR.

Future cumulative development projects developed in accordance with the General Plan would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts to tribal cultural resources and any required mitigation.

While the proposed overlay zone does not involve any development, future light industrial developments permitted by the overlay zone could impact tribal cultural resources during ground-disturbing activities. However, similar to cumulative development projects, all future light industrial projects would similarly require separate environmental review under CEQA, which may include consultation with Native American tribes pursuant to AB 52. Additionally, future light industrial developments would be required to comply with Mitigation Measures TCR-1 through TCR-5 to reduce potential adverse impacts to previously undiscovered tribal cultural resources on development sites. Therefore, future light industrial developments, in conjunction with cumulative projects developed in accordance with the General Plan, would result in less than significant cumulative impacts in this regard.

Mitigation Measures:

- TCR-1 In the event that cultural resources are discovered during future light industrial developments in accordance with the East Side Overlay Zone, 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 site outside of the buffered area may continue during this assessment period. Additionally, tribes in which the project



- site is within their ancestral region of occupation shall be contacted, as detailed within Mitigation Measure TCR-4, 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.
- TCR-2 If significant pre-contact and/or historic-era cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered during implementation of future light industrial developments in accordance with the East Side Overlay Zone and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to tribes in which the project site is within their ancestral region of occupation for review and comment, as detailed within Mitigation Measure TCR-4. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- TCR-3 If human remains or funerary objects are encountered during any activities associated with future light industrial projects associated with the East Side Overlay Zone, 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 Section 7050.5 and that code enforced for the duration of the project.
- TCR-4 Tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed in Mitigation Measure TCR-1, 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 the California Environmental Quality Act (CEQA) (as amended, 2015), a cultural resources Monitoring and Treatment Plan (Plan) shall be created by the archaeologist, in coordination with tribes in which the project site is within their ancestral region of occupation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for monitor(s) to be present that represent tribes in which the project site is within their ancestral region of occupation for the remainder of the project, should such tribes elect to place monitor(s) on-site.
- TCR-5 Any and all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to tribes in which the project site is within their ancestral region of occupation. The City of Lancaster Community Development Department shall, in good faith, consult with such tribes throughout the life of the project.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

D. FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

Significant and unavoidable impacts are those impacts in which mitigation measures were found to be infeasible or would not lessen impacts to less than significant levels. The Draft PEIR did not identify any significant and unavoidable impacts associated with the proposed project.



E. FINDINGS ON RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to “recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

Comment letters received on the Draft PEIR and responses to those comments provided in the Final PEIR do not identify any significant new information requiring recirculation. As such, Recirculation of the Draft PEIR is not required.

F. FINDINGS ON PROJECT ALTERNATIVES

Pursuant to Section 15126.6(a) of the *CEQA Guidelines*, an EIR shall describe a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. As discussed above, all environmental impacts could be mitigated below a level of significance and no significant and unavoidable impacts would result.

ALTERNATIVES CONSIDERED BUT REJECTED

In accordance with *CEQA Guidelines* Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to *CEQA Guidelines*, among the factors that may be used to eliminate alternatives from detailed consideration are the alternative’s failures to meet most of the basic project objectives, the alternative’s infeasibility, or the alternative’s inability to avoid significant environmental impacts. The following possible alternatives were considered, but not carried forward for additional analysis, since they would not accomplish most of the basic objectives of the project or were considered infeasible.

1. Alternative Site Alternative

CEQA requires a discussion of alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is evaluating whether any of the significant effects of the project would be avoided or substantially lessened by developing the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (*CEQA Guidelines* Section 15126[5][B][1]). In general, any light industrial development allowed by the overlay zone would have similar impacts related to construction and operational air quality and GHG emissions. Further, potential impacts related to energy, population and housing, public services, and utilities and service systems would generally be similar regardless of where it is developed within Lancaster. Without a site-specific analysis, impacts on aesthetics, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, land use and planning, noise, and transportation cannot be adequately evaluated.

The eastern portion of the City was selected as an appropriate location for future light industrial development given that a large portion of it consists of vacant, underutilized land. Additionally, there is currently light industrial development interest in the eastern portion of the City, including potential hydrogen facilities and other alternative energy facilities. In general, industrial uses can result in adverse land use compatibility, air



quality, transportation, and noise issues for nearby sensitive receptors. Therefore, the location of the proposed East Side Overlay Zone in the underutilized and primarily undeveloped eastern portion of Lancaster would allow development of future light industrial uses while minimizing and/or eliminating these potential environmental issues.

It is acknowledged that the western portion of the City is also primarily undeveloped and vacant and could be an alternative location for the proposed overlay zone. However, there is currently a substantive trend in housing development interest in the western portion of Lancaster. Thus, introducing a light industrial overlay zone in an area with potential future housing developments would result in land use compatibility issues as well as air quality, transportation, and noise issues for sensitive receptors (i.e., future residents). As such, the western portion of the City would not be a viable location for the proposed overlay zone.

Due to the lack of viable and comparable sites in the City that would allow for the establishment of the overlay zone in a manner that would avoid or substantially lessen the project's potentially significant impacts while achieving the majority of the project objectives, an alternative site alternative has been eliminated from consideration.

2. Construction Trip VMT Reduction Alternative

The Construction Trip VMT Reduction Alternative was developed in response to general concerns expressed on other recent projects within the City of Lancaster. Generally, comments have been received by the City requesting that development projects utilize local hire and skilled and trained workforce to construct projects. It is suggested that local hire provisions can reduce the length of construction worker trips and vendor trips, and thereby reduce VMT and associated GHG emissions and provide localized economic benefits.

As such, this alternative assumes the East Side Overlay Zone is not adopted and instead, the City adopts an ordinance requiring developers to hire a certain percentage of construction workers within 10 miles or less of the project site. The intent of this alternative is to reduce construction-related VMT and associated emissions from development projects within Lancaster. While some development projects may require multi-year construction activities with construction workers traveling far distances, construction-related VMT is temporary and would cease upon project completion. Further, project-generated VMT analyzed under CEQA pursuant to Senate Bill 743 is tied to proposed land use(s) (e.g., residential, commercial, mixed-use, industrial) and the VMT generated during long-term operations of the land use(s) (i.e., the lifetime of the development). Neither the City's *Lancaster Local Transportation Assessment Guidelines* nor the Governor's Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* recommend analyzing short-term construction VMT, nor do they cite or suggest any means of reducing construction-related VMT as it is a temporary condition. As such, this alternative would not eliminate or reduce the severity of any significant impact under CEQA. Moreover, given that the proposed East Side Overlay Zone would not result in any significant and unavoidable impacts, this alternative would not reduce or eliminate any project-related significant and unavoidable impacts. Thus, this alternative was considered but rejected from additional analysis.

ALTERNATIVES CONSIDERED FOR FURTHER ANALYSIS

1. No Project/Existing Zoning Alternative

In accordance with the *CEQA Guidelines* Section 15126(e)(2), "the no project analysis shall discuss the existing conditions ..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." *CEQA Guidelines* Section 15126(e)(3)(B) continues to state that "in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." In essence, the No Project/Existing Zoning Alternative is described and analyzed in order to enable the decision-makers to



compare the impacts of approving the project with the impacts of not approving the project. The No Project/Existing Zoning Alternative includes a discussion and analysis of the existing baseline conditions at the time the NOP was published on October 28, 2022.

Under the No Project/Existing Zoning Alternative, the East Side Overlay Zone would not be adopted. The current zoning of the project site (RR-2.5 [Rural Residential, 1 du/ac] and R-7,000 [Single Family Residential, minimum lot size 7,000 square feet]) would remain and no light industrial uses would be permitted on the project site. It is assumed that future residential development would continue to occur under the site's existing RR-2.5 and R-7,000 zoning.

Conclusion:

Regarding land use and planning, aesthetics/light and glare, agriculture and forestry resources, biological resources, tribal and cultural resources, geology and soils, hydrology and water quality, hazards and hazardous materials, utilities and service systems, air quality, greenhouse gas emissions, energy, and noise, the No Project/Existing Zoning Alternative would be environmentally superior to the proposed project. However, this alternative would be environmentally inferior with regards to population and housing, public services, recreation, and transportation.

However, the No Project/Existing Zoning Alternative would not achieve any of the project's basic objectives. Specifically, the East Side Overlay Zone would not be adopted under the No Project/Existing Zoning Alternative. Therefore, this alternative would not increase the flexibility in allowed uses and development potential in the project area; the underlying RR-2.5 and R-7,000 zoning would remain and only rural and single-family residential development would be permitted (Project Objective 1). Given that no overlay zone would be adopted, no light industrial uses would be permitted in the underutilized eastern portion of the City (Project Objective 2), and this alternative would not encourage new development that could provide economic benefits to the City (Project Objective 3). Lastly, no industrial-based employment generating uses would be permitted in the project area (Project Objectives 4 and 5).

Finding:

For the reasons set forth above and as discussed further in the Draft PEIR, the City Council hereby rejects the No Project/Existing Zoning Alternative, because the alternative does not achieve any of the project objectives (*CEQA Guidelines* Section 15126.6(c)(i)).

2. Light Industrial Rezone Alternative

The Light Industrial Rezone Alternative would not involve adopting an overlay zone. Rather, the project site would be entirely redesignated and rezoned to Light Industrial (LI). Specifically, the existing Non-Urban Residential (NU) and Urban Residential (UR) land use designations would be redesignated to the LI designation. The existing RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zoning would be rezoned to the LI zone.

According to the General Plan, the LI designation and zone is intended for clean, non-polluting industrial and office uses with support commercial with maximum floor area ratios of 0.5. Municipal Code Chapter 17.16, *Industrial Zones*, defines permitted uses and development standards for industrial zones within Lancaster. According to Section 17.16.040, *Permitted Uses – I Zones*, permitted LI zone uses include Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts; Building Trades and Related Uses; Communication Facilities and Services, Public and Private; Manufacturing; Public Safety Facilities and Services; Public Services and Utilities; Research and Development; and Warehousing, among others. Further, it is acknowledged that commercial cannabis uses (e.g., cultivation, manufacturing, distribution, retail sales,



delivery, and testing laboratories) are permitted within LI zones in accordance with Municipal Code Chapter 17.43, *Commercial Cannabis Activity*. Anticipated City discretionary approvals for this alternative include a General Plan Amendment and Zone Change.

Conclusion:

The Light Industrial Rezone Alternative would be environmentally superior to the proposed project with regards to population and housing, and environmentally inferior to the proposed project with regards to land use and planning. The remaining topical areas would result in similar environmental impacts as the proposed project.

Overall, the Light Industrial Rezone Alternative would achieve the project's basic objectives but not to the extent of the proposed project. Specifically, this alternative would redesignate and rezone the entire project site to Light Industrial and thus, would increase flexibility in allowed uses in the eastern portion of Lancaster. However, this alternative would remove the existing RR-2.5 zone on-site and thus, would eliminate the flexibility for future rural residential development to also occur in the area. Thus, this alternative would only partially meet Project Objective 1. This alternative would incentivize new light industrial development to occur in the underutilized eastern portion of the City by redesignating and rezoning the site to Light Industrial (Project Objective 2). This alternative would encourage new light industrial development to occur in the project area and therefore, provide economic benefits to the City and its residents (Project Objective 3). Lastly, this alternative would open the eastern portion of Lancaster to future light industrial development (Project Objective 4) and allow industrial-base employment-generating lands in eastern Lancaster (Project Objective 5).

Finding:

For the reasons set forth above and as discussed further in the Draft PEIR, the City Council hereby rejects the Light Industrial Rezone Alternative because the alternative does not achieve the project objectives to the extent of the proposed project (CEQA Guidelines Section 15126.6(c)(i)).

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Draft PEIR Table 7-3, *Comparison of Alternatives*, summarizes the comparative analysis presented above (i.e., the alternatives compared to the project). As shown, the analysis indicates that the No Project/Existing Zoning Alternative is the environmentally superior alternative. However, per *CEQA Guidelines* Section 15126.6(e), "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Accordingly, the Light Industrial Rezone Alternative is considered environmentally superior to the proposed project. The Light Industrial Rezone Alternative would be environmentally superior to the proposed project with regards to population and housing, and environmentally inferior to the proposed project with regards to land use and planning. The remaining topical areas would result in similar environmental impacts as the proposed project.

The Light Industrial Rezone Alternative would achieve the project's basic objectives but not to the extent of the proposed project. Specifically, this alternative would redesignate and rezone the entire project site to Light Industrial and thus, would increase flexibility in allowed uses in the eastern portion of Lancaster. However, this alternative would remove the existing RR-2.5 zone on-site and thus, would eliminate the flexibility for future rural residential development to also occur in the area. Thus, this alternative would only partially meet Project Objective 1. This alternative would incentivize new light industrial development to occur in the underutilized eastern portion of the City by redesignating and rezoning the site to Light Industrial (Project Objective 2). This alternative would encourage new light industrial development to occur in the project area and therefore, provide economic benefits to the City and its residents (Project Objective 3). Lastly, this alternative would open the



eastern portion of Lancaster to future light industrial development (Project Objective 4) and allow industrial-base employment-generating lands in eastern Lancaster (Project Objective 5).

Attachment 5

Assessor's Parcel Numbers:

APNs: 3376-029-034; 3376-029-036-3376-029-038; 3376-029-040-3376-029-045; 3376-029-047-3376-029-051; 3376-029-053-3376-029-057; 3376-032-001; 3376-032-002; 3376-032-006-3376-032-023; 3378-001-001-3378-001-006; 3378-002-002-3378-002-006; 3378-005-001; 3378-005-002; 3378-005-004; 3378-005-005; 3384-002-029-3384-002-031; 3384-009-001; 3384-009-002; 3384-009-004-3384-009-006; 3384-009-008; 3384-009-012-3384-009-016; 3384-009-018; 3384-009-020-3384-009-025; 3384-010-003; 3384-010-004; 3384-010-007-3384-010-009; 3384-010-012-3384-010-022; 3384-011-002-3384-011-004; 3384-011-019; 3384-011-020; 3384-011-022; 3384-011-023; 3384-011-026-3384-011-028; 3384-011-029; 3384-012-001-3384-012-011; 3384-012-023; 3384-012-024; 3384-013-004-3384-013-011; 3384-013-013-3384-013-027; 3384-013-029; 3384-013-031; 3384-013-034-3384-013-040; 3384-014-001-3384-014-006; 3384-014-008; 3384-014-009; 3384-014-011-3384-014-014; 3384-014-017; 3384-015-001-3384-015-005; 3384-015-007-3384-015-013; 3384-015-016-3384-015-019; 3384-016-001; 3384-016-005-3384-016-016; 3384-016-018; 3384-016-019; 3384-017-001-3384-017-003; 3384-017-005-3384-017-009; 3384-017-011; 3384-017-014-3384-017-016; 3384-018-001-3384-018-004; 3384-019-003-3384-019-009; 3384-019-011-3384-019-018; 3384-019-020; 3384-019-021; 3384-019-023-3384-019-026; 3386-001-002-3386-001-004; 3386-001-007; 3386-001-008; 3386-001-010; 3386-001-011; 3386-001-012; 3386-001-013; 3386-001-015; 3386-001-016; 3386-001-018; 3386-001-020; 3386-001-022; 3386-001-024-3386-001-039; 3386-003-017-3386-003-021; 3386-003-023-3386-003-026; 3386-003-028-3386-003-039; 3386-004-002-3386-004-010; 3386-004-016; 3386-004-017; 3386-005-001-3386-005-009; 3386-007-001; 3386-007-002; 3386-007-007; 3386-007-009; 3386-007-010; 3386-007-021-3386-007-024; 3386-007-035; 3386-008-001-3386-008-012; 3386-008-014-3386-008-019; 3386-008-024; 3386-008-025; 3386-008-027-3386-008-029; 3386-008-031; 3386-008-032; 3386-008-034-3386-008-043; 3386-010-001-3386-010-011; 3386-010-013-3386-010-021; 3386-012-006-3386-012-015; 3386-013-002; 3386-013-003; 3386-013-006; 3386-013-008; 3386-013-020; 3386-013-022; 3386-013-023; 3386-013-026; 3386-013-028-3386-013-030; 3386-013-032-3386-013-041; 3386-014-005-3386-014-022

ORDINANCE NO.

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTION 17.20.760, 17.20.770, 17.20.780, 17.20.790, 17.20.800, 17.20.810 AND 17.20.820 OF THE ZONING ORDINANCE (TITLE 17 OF LANCASTER MUNICIPAL CODE), TO ESTABLISH THE EAST SIDE OVERLAY

WHEREAS, the City Council of the City of Lancaster has determined that it is necessary to amend Section 17.20 of the Zoning Ordinance (Title 17 of Lancaster Municipal Code), to establish the East Side Overlay, as set forth in Exhibit “A” hereto (the “Amendment”); and

WHEREAS, public notice was provided as required by law, and a public hearing was held on July 17, 2023, at which the Planning Commission (a) certified that it had reviewed and considered the information in the Final Environmental Impact Report prepared for the proposed East Side Overlay in compliance with the California Environmental Quality Act (including its implementing regulations) prior to taking action, (b) found the Final Environmental Impact Report determined that the proposed East Side Overlay could have a significant effect on the environment; however, with incorporation of the identified mitigation measures all impacts would be less than significant; and (c) recommended to the City Council certification of the Final Environmental Impact Report and adoption of the associated findings.

WHEREAS, on XX, 2023, the City Council held a public hearing on the Amendment pursuant to Section 65856 of the Government Code, notice of which was published and provided as required by law; and

WHEREAS, the City Council now desires to adopt the Amendment in its entirety to read as set forth therein.

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

Section 1. The City Council of the City of Lancaster hereby finds and determines that the above recitals are true and correct.

Section 2. The City Council has received, reviewed and hereby adopts the Planning Commission Recommendation. Consistent therewith, the City Council makes the following findings:

- (a) The commission may recommend approval where the 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. All environmental findings and the Final EIR, as contained in Attachment ____, are hereby certified, approved, adopted and incorporated into this Ordinance.

Section 4. Any ordinance previously adopted by the City Council shall be and is hereby 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 5. 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 6. 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.

Page 3

I, Andrea Alexander, 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 _____, 2023, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

ANDREA ALEXANDER
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)

Exhibit “A”

Chapter 17.20 – Public, Open Space and Special Purpose Zones

NEW Article X. - East Side Overlay Zone (EOZ) District

17.20.760 - IN GENERAL

As used in this title “East Side-Overlay Zone District” applies to property designated on the zoning map by reference letters “EOZ” after the reference letter(s) identifying the base zoning district.

The base district is zoned Rural Residential-2.5 (RR-2.5), intended for rural single-family residential use, allowing one dwelling unit per minimum net area of one hundred thousand (100,000) square feet.

17.20.770 - PURPOSE AND INTENT

The purpose and intent of the of the EOZ District is to establish allowed use provisions and requirements for areas of the city where the specified light industrial uses and rural residential are compatible. The purpose and intent of the EOZ District is also to provide the means necessary to implement the city of Lancaster general plan, specifically: the “light industry” category, where compatible with the base district rural residential uses, the “non-urban residential” category (zoned RR-2.5).

17.20.780 - PERMITTED USES – EAST SIDE OVERLAY ZONE

Permitted uses for the East Side Overlay are listed below. In the event of a conflict between allowed uses for this district and the allowed uses of the underlying base zoning district, the allowed uses for the East Side Overlay Zone District shall apply. Uses which do not fall into any other category, and are not temporary or accessory uses, uses subject to Director's Review, or uses subject to permit in this EOZ District, that are consistent with the purpose and intent of this overlay and similar to other uses permitted herein shall be determined by the Director.

East Side-Overlay – Uses Matrix

Definition

P = Permitted Use; DR = Director's Review; C = Conditional Use Permit; N/A = Not Allowed

A. Permitted Uses.

Permitted Use (P), Director's Review (DR) and Conditional Use Permit (CUP) include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.

Alcohol Production – Brewery, Winery, or Distillery	P
--	----------

Contractor Storage Yard – Indoor and Outdoor	P
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Research and Development	P
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B. Accessory Uses.

Permitted Use (P) and Director's Review (DR) Accessory Uses include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.

C. Temporary Uses.

Permitted (P) and Director's Review (DR) Temporary Uses include those listed within the RR-2.5 Zone (Section 17.08.050), unless specifically addressed within the East Side Overlay District.

D. Other Uses

<p>This category includes those uses which do not fall into any other category, and are not temporary or accessory uses, uses subject to the Director's Review, or uses subject to permit in this zone, which the Director deems the use consistent with the purpose and intent of this overlay and similar to other uses permitted herein.</p>	<p>To be determined by the Director</p>
---	---

E. Uses Subject to Conditional Use Permits

Alternative Energy Uses	C
--------------------------------	----------

Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts	C
--	----------

Buildings and Structures over 50-feet in height (any use)	C
--	----------

Building Trades and Related Uses	C
Distribution	C
Food Manufacturing, Processing, Wholesale Sales and Storage	C
Light Manufacturing	C
Warehousing	C
F. Prohibited Uses	
Commercial Cannabis Facilities	N/A

17.20.790 - USE DESCRIPTIONS

All uses are subject to any stated exceptions, development requirements, and standard City approval process.

Alcohol Production – Brewery, Winery or Distillery

This category includes establishments where beer, wine, and/or other spirits are prepared, bottled, stored, and sold for on- or off-site consumption. Tasting rooms or seating areas may be provided on-site. Tasting room/seating areas shall be limited up to 25% of the floor space area.

Alternative Energy Uses

This category includes both solar photovoltaic electric generation facility (solar farms), hydrogen production and generation facilities and other similar uses. Solar uses in the EOZ District must comply with regulations set forth in Section 17.08.290, Solar Farms. All hydrogen production, storage, and transport activities must comply with federal and state regulations.

Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts

This category includes, but is not limited to body and frame shops, auto upholstery shops, brake shops, muffler shops, radiator shops, repair shops. All activities shall be conducted within an enclosed building.

Building Trades and Related Uses

This category includes, but is not limited to cabinet making, carpenter shop, engineers and surveyors, and landscape materials (including nurseries). This land use excludes batch plants and concrete transit mix uses.

Contractor Storage Yards

This category includes outdoor storage area used for the storage of the equipment, vehicles, or other materials while not in use. Contractor storage yards may include administrative offices and other accessory uses directly related to the business on the property.

Distribution

Includes facilities primarily engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by air, rail or motor vehicle, but excludes truck terminals. All storage activities shall be conducted within an enclosed building.

Food Manufacturing, Processing, Wholesale Sales and Storage

This category includes but is not limited to breweries, coffee roasting, dairy products, fruit and produce, malt products, meat processing, oleomargarine, sodium glutamate, soft drinks, vitamin tablets, and similar uses. All such uses shall be conducted within an enclosed building. This category does not include dairies, lard manufacturing, pickles, sausage, sauerkraut, slaughter houses, distillation of vinegar, or the canning of other fish or meats and similar uses; these uses are specifically excluded. All such uses shall be conducted within an enclosed building.

Light Manufacturing

This category includes any kind of manufacturing, processing, or treating of products which are not obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or other causes. Typical uses include, but are not limited to, cabinet/carpenter shops, garment manufacturing, machine shops, and textile manufacturing. All activities shall be conducted within an enclosed building.

Research and Development

This category includes but is not limited to laboratories and facilities for scientific research, development, and testing, including use of hazardous materials in compliance with local, state, and federal regulations. Ancillary administrative offices are permitted. Agricultural and biological research involving sludge or biosolid material shall be conducted only within an enclosed building or suitable containment vessel.

Warehousing

Includes facilities primarily engaged in the storage of goods and materials in a building and does not include the assembly or manufacture of goods and materials.

17.20.800 - PARKING REQUIREMENTS

The automobile parking facilities required by this section shall be provided and permanently maintained as such. The following parking requirements shall be complied with in the East Side Overlay zone:

Use	Parking
Base Zone Use (including permitted, Director's Review, and conditional uses) Uses shall include, but are not limited to the uses within the RR-2.5 zone Section 17.08.050, unless specifically addressed within the Overlay	Refer to Section 17.08.100
Alternative Energy Uses	To be determined by the Director
Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts	1 parking space for each 400 square feet and 4 parking spaces for each service bay
Building Trades and Related Uses	1 parking space for each 400 square feet
Distribution	A minimum of 5 parking spaces for warehouses with a gross floor area up to 25,000 square feet: and for warehouses with a gross floor area in excess of 25,000 square feet, a minimum of 5 parking spaces plus one additional space for each 5,000 square feet or fraction thereof over and above 25,000 square feet
Food Manufacturing, Processing, Wholesale Sales and Storage	1 parking space for each 400 square feet
Light Manufacturing	1 parking space for each 400 square feet
Research and Development.	1 parking space for each 250 square feet of gross floor area
Warehousing	A minimum of 5 parking spaces for warehouses with a gross floor area up to 25,000 square feet:

	and for warehouses with a gross floor area in excess of 25,000 square feet, a minimum of 5 parking spaces plus one additional space for each 5,000 square feet or fraction thereof over and above 25,000 square feet
<p style="text-align: center;">Other Uses</p> <p>This category includes those uses which do not fall into any other category, and are not temporary uses, uses subject to Director's Review, or uses subject to permit in this zone, which the Director deems the use consistent with the purpose and intent of this overlay and similar to other uses permitted herein.</p>	To be determined by the Director

Reduction in Parking

Reduction in the number of parking spaces required by this code may be permitted with approval of the Director. The developer, property owner, or authorized agent shall determine the number of parking spaces sufficient for the proposed use and shall provide justification acceptable to the Director of and/or the planning commission to support the determination.

17.20.810 - DEVELOPMENT STANDARDS

- A. General Development Standards:** Property in the EOZ shall be subject to the following general development standards:

Front Yard Setback	20 feet
Interior Side Yard Setback	10 feet
Street Side Yard Setback	20 feet
Rear Yard Setback	10 feet
Maximum height of structure without a CUP	50 feet
Maximum Floor Area Ratio (F.A.R.)	.50

1. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner (Refer to Section 17.04.240).
2. Buildings and structures over 50ft in height shall be subject to a Conditional Use Permit.

3. Proposed projects within 100 feet of an existing residential use shall be required to mitigate detrimental or potentially detrimental impacts to the reasonable use of the residential property, to the satisfaction of the Director. Additional requirements based on proximity to existing residential uses are outlined in Section I, below.

B. *Paving.* Required parking areas, as well as the maneuvering areas and driveways used for access thereto shall be paved with: (NOTE: Permits are required for any work done in the public right-of-way.)

1. Concrete surfacing to a minimum thickness of 3½ inches with expansion joints as necessary; or
2. Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of 2 inches after compaction, and laid over a base of crushed rock, gravel or other similar material compacted to a minimum thickness of 4 inches.
3. For commercial and industrial truck parking and drive aisles, asphalt surfacing rolled to a smooth hard surface having a minimum thickness of 3 inches after compaction and, at a minimum, designed to accommodate a traffic index (TI) of 6.5 as calculated in accordance with the latest edition of the CalTrans Highway Design Manual. Large industrial projects may need a greater TI based upon their use.
4. Other alternative material that will provide at least the equivalent in dust-free service, life and appearance of the materials and standards which would be employed for development.
5. The Director shall review and report on the adequacy of paving where modification of base is proposed, or where alternative materials are proposed. The Director may approve such modification or such alternative materials.

C. *Size and Marking of Spaces.*

1. No less than 65% of the parking spaces shall exhibit minimum dimensions of 9 feet in width by 20 feet in length, with required disabled person spaces at the dimensions as provided by law.
2. No more than 35% of the parking spaces may exhibit minimum dimensions of 8 feet in width by 17 feet in length. Such spaces shall be labelled "compact car only" in a manner acceptable to the Director.
3. No parking shall occur in the first 10 feet of a required front or street side yard.
4. Where parking abuts an alley, the improved alley may be used as an aisle subject to approval of the parking lot design
5. For parallel parking, minimum aisles are 12 feet and minimum parking space dimensions are 8 feet by 24 feet.

D. Landscaping

1. Landscape designs shall be consistent throughout a project site. A combination of landscape materials should be arranged in a harmonious manner as an integral part of project design to enhance building design, public view, and interior spaces and provide buffers and transitions as needed. Unrelated and random choice or placement of plant materials shall be avoided; however, variety may be employed to intensify distinction between spaces or to strengthen a sense of place or movement, or to promote energy and water conservation and mitigate erosion.
2. The type, scale and proportion of landscape materials shall be appropriate to the site and/or structures to which they relate.
3. Plant material shall be selected for interest in its structure, texture, color, ultimate growth and water efficiency. Plants that are native or climate adaptive to the high desert area of Lancaster and/or others that will be hardy, harmonious with project design, and of good appearance, shall be used. Drought-resistant varieties of plants shall be used wherever feasible. Turf shall not be permitted. Drought-resistant varieties of plants shall be used in accordance with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
4. Landscaped areas shall be irrigated by an automatic system with separate stations for each hydrozone. The irrigation system shall be designed and equipped to incorporate water conservation techniques such as drip systems, moisture sensors and anti-drain valves. Sprinkler systems shall be designed to prevent water from falling onto impervious surfaces. The system shall comply with Title 8, Chapter 8.50, Landscaping Installation and Maintenance of the Lancaster Municipal Code.
5. All areas within the site which are not needed for buildings, sidewalks, vehicle access or parking, shall be landscaped
6. All landscaped planter areas shall be completely bordered by a 6-inch P.C.C. curbing to prevent irrigation runoff and act as a wheel stop where necessary. Where used as a wheel stop, the 6-inch curb may be counted toward the required length of the parking space.
7. All interior areas of parking lots shall be landscaped with a minimum of one shade tree plus one shade tree for each 4 parking spaces along with the other plant materials.
8. Not less than 10% of the lot area remaining after the area to be covered by buildings has been subtracted from the total lot area, shall be landscaped.

E. Wall and Fences

1. Wall and fences shall not exceed 6 feet in height. A fence or wall may be constructed to a height in excess of 6 feet with a Director's Review.
2. Prohibited Materials. Fiberglass sheeting, bamboo sheeting, black or green fabric, barbed wire, razor ribbon, or other similar temporary material shall not be permitted

as a fencing material. In the case of temporary construction fencing for properties with an active building permit in good standing, black, green or other colored fabric may be installed to the satisfaction of the Director.

F. Signs

1. Comprehensive sign programs for multi-tenant projects or an individual sign plan for single-tenant projects must be submitted to and approved by the Director. Sign plans must be fully dimensioned including the proposed sign location(s), elevations, colors, and materials.
2. Prohibited signs include those listed in Section 17.16.150, Signs – General Provisions. Off-premises outdoor advertising signs are also prohibited.
3. Signs should comply with the standards set forth in the following sections:
 - Section 17.16.150, Signs – General Provisions
 - Section 17.16.160, Business Signs
 - Section 17.16.170, Building Identification Signs
 - Section 17.16.180, Temporary Signs
 - Section 17.16.190, Directional and/or Information Signs
 - Section 17.16.200, Special Purpose Signs

G. Height regulations. The height of buildings or structures shall be as follows:

1. No building or structure shall exceed a height of 50 feet;
2. No building may be constructed which would shade any existing active solar energy system on adjoining property without the consent of the affected property owner. (See subsection 1 in the definition of solar energy system in Section 17.04.240.)

H. Noise. Uses which generate noise by the nature of their function and/or processes shall be required to demonstrate that the noise levels emitted from the use shall not exceed 65 dBA at any property line. A detailed noise attenuation study by a qualified acoustical engineer may be required by the Director or his designated representative to determine appropriate mitigation and methods to incorporate same into project design. Site design methods which may be utilized to reduce noise include:

1. The use of building setbacks and dedication of noise easements to increase the distance between the noise source and receiver;
2. The location of uses and orientation of buildings which are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;

3. The placement of noise-tolerant land uses, such as parking areas, between the noise source and receiver;
4. The placement of noise-tolerant structures, such as garages or carports, to shield noise-sensitive areas;
5. Clustering of office or commercial structures to reduce interior open space noise levels.

I. Additional Standards – Adjacent to Residential Use

1. When abutting or adjacent to an existing residential use, the following requirements shall also be applied:
 1. Artificial lighting used to illuminate the premises shall be directed away from adjacent residential use.
 2. No signs shall be placed in a manner which visually intrudes into adjoining residential use.
 3. Trees shall be utilized as a means of improving the interface between commercial and residential uses where appropriate.
 4. A minimum 10-foot wide landscape setback shall be required along property lines abutting or adjacent to a residential use.
 5. Where multi-story buildings or buildings taller than 35 feet are to be utilized on lots abutting an existing residential use property, such buildings shall be located or oriented in a manner which will minimize visual intrusion into neighboring residential use property.
 6. Noise generating elements including loading docks shall be oriented away from residential uses and may require additional setbacks.
7. When abutting or adjacent to an existing residential use, the following additional setback requirements shall also be applied:
 - a. An additional 10-foot setback from the property line abutting or adjacent to residential uses;
 - b. Multi-story buildings or buildings taller than 35' along the property line abutting or adjacent to the residential uses shall include an additional five (5) foot setback for every story or every additional five (5) feet in height.

17.20.820 - ADDITIONAL STANDARDS

- A. All uses shall comply with the air quality standards of the Air Quality Management District (AQMD) or the city of Lancaster, whichever is more restrictive.
- B. Light industrial uses within the "East Side-Overlay Zone District" shall be compatible with adjacent existing uses through proper site planning, building design, and landscaping.

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

Lancaster East Side Project

SCH NO. 2022100641

Lead Agency:



CITY OF LANCASTER
44933 Fern Avenue
Lancaster, California 93534
Contact: Cynthia Campana
Senior Planner
661.723.6262
ccampana@cityoflanasterca.org

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June 2023

JN 188955

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1.0 Introduction



1.0 INTRODUCTION

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Lancaster, as the lead agency, has evaluated the comments received on the *Lancaster East Side Project Public Review Draft Program Environmental Impact Report* (Draft PEIR) (State Clearinghouse No. 2022100641).

The Draft PEIR for the proposed Lancaster East Side Project (project) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft PEIR was made available for public review and comment for a period of 45 days. The public review period for the Draft PEIR established by the CEQA Guidelines commenced on April 27, 2023 and ended June 12, 2023.

The Final EIR consists of the following components:

- Section 1.0 – Introduction;
- Section 2.0 – Responses to Comments;
- Section 3.0 – Errata; and
- Section 4.0 – Mitigation Monitoring and Reporting Program.

Due to its length, the text of the Draft PEIR is not included with this document; however, it is included by reference in this Final PEIR. None of the corrections or clarifications to the Draft PEIR identified in this document constitutes “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, recirculation of the Draft PEIR is not required.



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2.0 Responses to Comments



2.0 RESPONSES TO COMMENTS

In accordance with CEQA Guidelines Section 15088, the City of Lancaster, as the lead agency, evaluated the written comments received on the Draft PEIR for the Lancaster East Side Project (project) and has prepared the following responses to the comments received. This Responses to Comments document is part of the Final PEIR for the project in accordance with CEQA Guidelines Section 15132.

A list of commenters on the Draft PEIR is presented in Table 2-1, *List of Commenters on the Draft PEIR*. Each comment has been assigned a letter number. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 2-1
List of Commenters on the Draft PEIR

Comment Letter No.	Commenter	Letter Dated
1	Barbara Lods, Operations Manager Antelope Valley Air Quality Management District	May 10, 2023
2	Kathleen Y. Sumida	May 15, 2023
3	Erinn Wilson-Olgin, Environmental Program Manager California Department of Fish and Wildlife	June 7, 2023



Antelope Valley Air Quality Management District
2551 W. Avenue H
Lancaster, CA 93536

COMMENT LETTER 1

661.723.8070

In reply, please refer to AV0523/095

May 10, 2023

Cynthia Campana
City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534

RE: Notice of Availability of a Draft Environmental Impact Report (EIR) for the Eastside Overlay Zone

Dear Ms. Campana,

The Antelope Valley Air Quality Management District (District) has received the request to review the Notice of Availability of a Draft Environmental Impact Report (EIR) for the Eastside Overlay Zone requesting to establish an East Side Overlay Zone in the eastern portion of Lancaster. An overlay zone is a zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. This project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone. The proposed overlay zone is generally bounded by Avenue J to the north, 110 Street East to the east, Avenue L to the south, and 40th Street East to the west.

We have reviewed the documents and based on the information available to us at this time, we have no comment.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (661) 723-8070 x23.

Sincerely,

Barbara Lods

Barbara Lods
Operations Manager

BJL/SS

Sent via Email

1-1



RESPONSE TO COMMENT LETTER NO. 1

Barbara Lods, Operations Manager
Antelope Valley Air Quality Management District
May 10, 2023

- 1-1 The commenter states that the Antelope Valley Air Quality Management District has reviewed the Draft PEIR and has no comments. This comment is acknowledged, and no additional response is required.

From: Kathleen Sumida <ksumida01@hawaii.rr.com>
Sent: Monday, May 15, 2023 8:24 PM
To: Campana, Cynthia <ccampana@cityoflanasterca.gov>
Subject: DEIR

[You don't often get email from ksumida01@hawaii.rr.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

May 15, 2023

I have received your April 17, 2023 notice recently regarding “A Draft Environmental Impact Report for the Eastside Overlay Zone”. DEIR

I am a resident residing in Honolulu, Hawaii and property owner of approximately 2 1/2 acres of land acquired in 1978 in California (Antelope Valley.) Property ownership: Richard M. Sumida (deceased 2008) and Kathleen Y. Sumida
3247 Pinaoula Street
Honolulu, Hawaii 96822

Property Identification

Assessor's ID No.: 3378 027 024 18 000

Property location and/or property description:

VAC/AVE. L/VIC 85 STE. ROOSEVELT

*That portion of Lot 1 in NE 1/4 of NE 1/4 of NE 1/4 of NW 1/4 of
SEC 31. T. 7N. R. 10W

Since the overlay map (yellow) in the letter does not really indicate where my property is located, is it possible to have a map that shows exactly where my property is located?

I am not opposed to the proposed project (DEIR) since your letter indicated it will not result in any significant and unavoidable impact on any environmental resource area.
The growth of new businesses will be beneficial to the city and community.

Is the City of Lancaster planning to purchase properties within the overlay zone to achieve its goal?

Are owners of property within the overlay zone required to improve their piece of property prior to the city's acquisition ?

Am I able to sell my property to any California Realty Company/ realtors?
If so, is there a time line?

Is it possible to speak to someone in person? I find it is easier to get an answer quickly than emailing which I find time consuming.

Your response to my questions, updates on your project and any communication to me are greatly appreciated. My email address :

ksumida01@hawai.rr.com

Thank you.

Sincerely,

Kathleen Y. Sumida

2-1
cont'd



RESPONSE TO COMMENT LETTER NO. 2

Kathleen Y. Sumida

May 15, 2023

- 2-1 The commenter requests clarifications on whether the project site encompasses their property (Assessor's Parcel Number [APN] 3378-027-024-18-000) and lists a number of questions regarding the project's potential impacts on the property. Based on the APN provided, the property is located outside of the proposed overlay zone and outside of the City of Lancaster. The property is located in unincorporated Los Angeles County. Thus, the commenter's property would not be impacted by the project.

To provide additional clarification to the commenter's questions, the City is not acquiring any land within the overlay zone as part of the project and no land improvements are required of existing property owners.



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newson, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
3883 Ruffin Road | San Diego, CA 92123
wildlife.ca.gov

June 7, 2023

Cynthia Campaña
City of Lancaster
44933 Fern Ave
Lancaster, CA 93534
ccampana@cityoflanasterca.gov

**Subject: Draft Environmental Impact Report for Eastside Overlay Zone (Project),
SCH #2022100641, City of Lancaster, Los Angeles County**

Dear Ms. Campaña:

The California Department of Fish and Wildlife (CDFW) has reviewed the Eastside Overlay Zone (Project) proposed by the City of Lancaster (City). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation

3-1

Cynthia Campaña

June 7, 2023

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of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.). CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The City is proposing to establish an East Side Overlay Zone in the eastern portion of Lancaster. In addition to the permitted uses under the existing RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zones, the overlay zone would allow for additional uses. Generally, the proposed overlay zone would permit new light industrial uses such as alcohol production, contractor storage yards, and research and development. Other new uses subject to conditional use permits include alternative energy uses; automobile repair; building trades and related uses; distribution; food manufacturing, processing, wholesale sales, and storage; light manufacturing; and warehousing. The proposed overlay zone also provides development standards related to parking, height, noise, and other additional standards for light industrial uses.

3-1
cont'd

Location: The Project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone in the City of Lancaster, which is located in the Antelope Valley in northern Los Angeles County. The proposed overlay zone is generally bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west.

Comments and Recommendations

CDFW offers comments and recommendations below to assist the City in adequately identifying the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the City consider our comments and recommendations when preparing an environmental document that may provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

Specific Comments

Comment #1: Impacts to Swainson's Hawk (*Buteo swainsoni*)

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Issue: The Project may impact habitat for Swainson's hawk.

Specific impacts: Swainson's hawk are regularly observed foraging and nesting throughout the Palmdale and Lancaster area. The Project may potentially result in the loss of habitat for a CESA-listed raptor species.

Why impact would occur: The DEIR states that Swainson's hawk were "observed during a field survey conducted in 2022 by Michael Baker within a portion of the project site." Despite the observation within the Project area, the DEIR does not provide avoidance measures to minimize the impacts to Swainson's hawk. Aside from no avoidance measures in the DEIR, no protocol-level focused survey was conducted or recommended for Swainson's hawk presence. If a protocol-level Swainson's hawk survey was conducted, there is potential that further species presence may be observed. Project activities without surveys could result in injury or mortality of unidentified Swainson's hawk. Lastly, Project construction activities will result in loss of habitat if Swainson's hawk are present.

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the Swainson's hawk as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016). CDFW considers a Swainson's hawk nest site to be active if it was used at least once within the past five years and impacts to suitable habitat or individual birds within a five-mile radius of an active nest as significant. Based on the foregoing, Project impacts may potentially reduce the number and/or restrict the range of Swainson's hawk or contribute to the abandonment of an active nest and/or the loss of significant foraging habitat for a given nest territory and thus result in "take" as defined under CESA.

Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:

Mitigation Measure #1: CDFW released guidance for this species entitled [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles](#)

3-2
cont'd

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[and Kern Counties, California](#) (2010). CDFW recommends the City require future project applicants to conduct focused surveys for Swainson's hawk following the 2010 guidance and disclose the results in the project's environmental documentation. If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP))] would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

Mitigation Measure #2: Permanent impacts to habitat for Swainson's hawk should be offset by setting aside replacement acreage to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate conservation methods. For proposed preservation and/or restoration, the final environmental document should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be provided for the long-term monitoring and management of mitigation lands. CDFW recommends that mitigation occur at a CDFW-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended [Government Code sections 65965-65968](#). Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

3-2
cont'd

Comment #2: Impacts on Species of Special Concern

Issue: The Project may impact designated California Species of Special Concern (SSC), including American badger (*Taxidea taxus*).

Specific impacts: Future project construction and activities, directly or through habitat modification, may result in direct injury or mortality (trampling, crushing), reduced reproductive capacity, population declines, or local extirpation of SSC.

3-3

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Also, loss of foraging, breeding, or nursery habitat for SSC may occur.

Why impacts would occur: The DEIR states that signs of American badger “have been previously observed on-site.” However, there were no avoidance, minimization, or mitigation measures provided in the DEIR. As such, there is potential for the Project to impact SSC. Without appropriate avoidance or minimization measures, impacts to an SSC could result from ground-disturbing activities and vegetation removal. Wildlife may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife. SSC could be injured or killed. Impacts on these SSC are more likely to occur because these are cryptic species that may seek refuge under structures.

Evidence impacts would be significant: A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;

- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFWa 2023).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380).

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The DEIR does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate,

3-3
cont'd

Cynthia Campaña

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sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s) for Future Projects:

Mitigation Measure #3: Biological Monitor - To avoid direct injury and mortality of any SSC, CDFW recommends the City require future project applicants to have a qualified biologist on site to move out of harm's way wildlife of low mobility that would otherwise be injured or killed. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where any SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist should advise workers to proceed with caution near flagged areas. A qualified biologist should be on site daily during initial ground and habitat disturbing activities and vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the project until the cessation of all ground disturbing activities to ensure that no wildlife of any kind is harmed.

Mitigation Measure #4: Scientific Collecting Permit – CDFW recommends the City require future project applicants retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFWb 2023). Pursuant to the [California Code of Regulations, title 14, section 650](#), the Project Applicant/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

Mitigation Measure #5: Wildlife Relocation Plan - Prior to initial ground and habitat disturbing activities and vegetation removal, CDFW recommends the Project Applicant retain a qualified biologist to prepare a Wildlife Relocation Plan. The Wildlife Relocation Plan should describe all wildlife species that could

3-3
cont'd

Cynthia Campaña

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occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan should include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The Project Applicant should submit a copy of a Wildlife Relocation Plan to the City prior to initial ground and habitat disturbing activities and vegetation removal. No wildlife nests, eggs, or nestlings may be removed or relocated at any time.

Mitigation Measure #6: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

3-3
cont'd

Comment #3: Impacts to Nesting Birds

Issue: Project activities may impact special status nesting birds, including western snowy plover (*Charadrius alexandrinus nivosus*), California horned lark (*Eremophila alpestris actia*), loggerhead shrike (*Lanuis ludovicianus*), and yellow-headed blackbird (*Xanthocephalus xanthocephalus*).

Specific impacts: Construction during the breeding season of special status nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in habitat adjacent to a Project site.

Why impact would occur: A review of California Natural Diversity Database (CNDDDB) indicates occurrences of western snowy plover (ESA-listed, California Species of Special Concern) within and adjacent to the Project area. In addition, the DEIR states the California horned lark, loggerhead shrike, and yellow-headed blackbird were “observed during a field survey conducted in 2022 by Michael Baker within a portion of the project site.” The DEIR does not provide any specific avoidance or minimization measures for nesting birds. Without any protective measures, impacts to nesting birds could result from ground disturbing activities. Furthermore, impacts could result from noise disturbances, increased human activity, increased lighting, fugitive dust, other ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of

3-4

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suitable foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

3-4
cont'd

Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:

Mitigation Measure #7: To protect nesting birds that may occur within the Project boundary, CDFW recommends that no vegetation removal or ground-disturbing activities occur from February 1 through September 15, as early as January 1 for some raptors.

Comment #4: Inadequate Disclosure of Adequacy of Biological Impact Fee

Issue: The DEIR does not provide sufficient information for CDFW to evaluate the adequacy of the Biological Impact Fee to offset the cumulative loss of biological resources in the Antelope Valley.

Specific Impacts: The Project area encompasses 5,841 acres of land, much of which is open space. Development across this area may result in permanent loss of habitat that may support rare plants and/or SSCs.

Why impacts would occur: According to page 5.4-13 in the DEIR, the Project's cumulative impacts on biological resources in the Antelope Valley would be mitigated through payment of a \$770/acre Biological Impact Fee. The Biological Impact Fee would "mitigate long-term incremental impacts of new development on biological resources on a regional basis." The DEIR does not explain or make a connection as to why payment of the Biological Impact Fee is adequate to offset Project impacts so that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The DEIR does not discuss or provide the following information:

3-5

- 1) Whether the Biological Impact Fee is going towards an established program;

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- 2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Biological Impact Fee would acquire. It is unclear if the Biological Impact Fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Biological Impact Fee would be used to purchase credits at a mitigation bank, or none of the above;
- 4) What biological resources would the Biological Impact Fee protect/conserv;
- 5) Why the Biological Impact Fee is appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;
- 6) How \$770/acre is sufficient to purchase land or credits at a mitigation bank;
- 7) Where the City may acquire land or purchase credits at a mitigation bank so that the Biological Impact Fee would offset Project impacts on biological resources in the Antelope Valley;
- 8) When the City would use the Biological Impact Fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;
- 9) How the City would commit the Project to paying the Biological Impact Fee. For example, when would the City require payment, how long would the Project Applicant have to pay the fee, and what mechanisms would the City implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4).
- 10) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 11) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and
- 12) How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley.

3-5
cont'd

Evidence impacts would be significant: The basic purpose of an environmental document is to provide public agencies and the public in general with detailed information about the effect a proposed project is likely to have on the environment, and ways and manners in which the significant effects of such a project might be minimized (Pub. Resources Code, §§ 21002.1, 21061). The DEIR is insufficient as an informational document because it fails to discuss the ways and manners in which the Biological Impact Fee would mitigate for the Project's cumulative impacts on biological resources in the Antelope Valley. Mitigation

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measures should be adequately discussed and the basis for setting a particular measure should be identified [CEQA Guidelines, § 15126.4(a)(1)(B)]. The DEIR does not provide enough information to facilitate meaningful public review and comment on the appropriateness of the Biological Impact Fee at mitigating for impacts on biological resources. This Project may have a significant effect on the environment because the Project may reduce habitat for rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; and substantially reduce the number or restrict the range of an endangered, rare, or threatened species [CEQA Guidelines, § 15065(a)(1)]. Furthermore, the Project may contribute to the ongoing loss of sensitive, special status, threatened, and/or endangered plants, wildlife, and natural communities in the Antelope Valley. The Project may have possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)]. The City is acknowledging that the Project would contribute to the cumulative loss of biological resource in the Antelope Valley because the City is proposing a Biological Impact Fee as compensatory mitigation. The Biological Impact Fee may be inadequate mitigation absent commitment, specific performance standards, and actions to achieve performance standards. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW or USFWS.

3-5
cont'd**Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:**

Recommendation #1: CDFW recommends the City revise the DEIR to provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:

- 1) Whether the Biological Impact Fee is going towards an established program;
- 2) How the Biological Impact Fee/program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Biological Impact Fee would acquire;
- 4) What biological resources would the Biological Impact Fee protect/conserve;
- 5) Why the Biological Impact Fee is appropriate for mitigating the cumulative loss of biological resources in the Antelope Valley;
- 6) Why the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank;

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- 7) Where land would be acquired or where the mitigation bank is located;
- 8) When the Biological Impact Fee would be used; and,
- 9) How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The MND should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).

Recommendation #2: The DEIR should include a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the DEIR should provide specifics as to when the City would pay the Biological Impact Fee; what mechanisms the City would implement to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to offset the Project's impacts. Also, the DEIR should provide specific performance standards as well as actions to achieve those performance standards.

3-5
cont'd

Additional Recommendations

Recommendation #3: CDFW recommends modifying BIO-1 to include underlined language and remove language with strikethrough:

"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife

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(CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's [California Natural Diversity Database](#) (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDF's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas shall be included where project construction and activities could lead to direct or indirect impacts off site;
3. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The [Manual of California Vegetation](#) (MCV), second edition, shall be used to inform this mapping and assessment;
4. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) [Online Inventory of Rare and Endangered Plants of California](#) (CNPS 2022) as well as the Calflora's [Information on Wild California Plants](#) database (Calflora 2022);

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5. A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and
6. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.

Recommendation #4: CDFW recommends modifying BIO-2 to include underlined language and remove language with strikethrough:

"Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster Community Development Department. An Incidental Take Permit shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. In the event an Incidental Take Permit (ITP) is required, the City shall require future project applicants to submit an ITP Application to CDFW that provides the following information (at a minimum):

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the Project site and within 300 feet of the Project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the Project site and within 300 feet of the Project site provided according to alliance and/or association-based natural communities found in the [Manual of California Vegetation](#) (MCV), second edition (Sawyer et al. 2009);
3. A map of the Project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the Project site.

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The future project applicant shall provide compensatory mitigation for any future project's impact on western Joshua trees at no less than 2:1, or as required in an ITP for western Joshua trees issued by CDFW. Mitigation shall be higher if the project will impact a western Joshua tree population that is increasing through seedling recruitment. Mitigation lands provided by the City shall (at a minimum):

1. Support western Joshua trees of similar density, abundance, and age structure;
2. Support natural communities of similar native plant species composition, density, structure, and function to habitat that was impacted;
3. Support nursery plants for western Joshua tree recruits; and
4. Not be exposed or have the potential to be exposed to disturbances such as OHV activity, illegal access, and encroachment from pending or future development.

The City shall require the project applicants to protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to impacts on western Joshua trees.

Future applicants shall disclose the Project's impacts in subsequent CEQA documents on western Joshua tree by providing the following information:

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1. The Project's potential impact on western Joshua tree seedbank within the Project site;
2. The Project's potential impact on western Joshua trees and seedbank adjacent to the Project site;
3. The Project's potential impact on each unique native and non-native natural community supporting western Joshua trees within and adjacent to the Project site;
4. The Project's construction, operation, and maintenance activities that could impact western Joshua trees and seedbank within and adjacent to the Project site; and
5. The Project's cumulative impact on western Joshua tree.

Recommendation #5: CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough:

~~"If suitable habitat for burrowing owl is observed during A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1., two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012) to determine no owls have moved on site. The habitat assessment will determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).~~

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the Project would impact burrowing owls, thus requiring mitigation. The Project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat.

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~~The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the *Staff Report on Burrowing Owl Mitigation* (California Department of Fish and Game 2012).~~ Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities."

Recommendation #6: CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough:

"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife).

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For any impacts to streams, the project applicant will notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFWd 2023).

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities will impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMPs) infrastructure that are installed will be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread."

Recommendation #7: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFWe 2023). Information on special status native plant populations and sensitive natural

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communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFWf 2023).

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Recommendation #8: Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.

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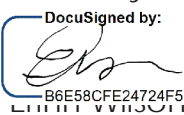
Recommendation #9: CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

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Conclusion

CDFW appreciates the opportunity to provide comments and recommendations regarding the Project to assist the City of Lancaster in adequately analyzing and minimizing/mitigating impacts to biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

 B6E58CFE24724F5... Jlgm

Environmental Program Manager I

EC: CDFW

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CEQA Program Coordinator – Sacramento –
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State Clearinghouse - state.clearinghouse@opr.ca.gov

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- Bloom, P. H. 1980. The status of the Swainson's hawk in California, 1979. Bureau of Land Management, Sacramento, CA, USA.
- Calflora. 2022. Information on Wild California Plants. Available from:
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- California Department of Fish and Wildlife [CDFW]. June 2, 2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (2010). (see
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>).
- [CDFW] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation. Available from:
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- California Department of Fish and Wildlife [CDFW]. 2016. Status review: Swainson's hawk (*Buteo swainsoni*) in California. Report to the California Fish and Game Commission, Sacramento, CA, USA.
- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available from:
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)		
	Mitigation Measure (MM) or Recommendation (REC)	Responsible Party
MM-BIO-1-Swainson's Hawk	CDFW released guidance for this species entitled Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (2010). Focused surveys shall be conducted for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's environmental documentation. If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP)] would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.	Prior to issuance of development permit City of Lancaster (City)/Project Applicant
MM-BIO-2-Swainson's Hawk	Permanent impacts to foraging habitat for Swainson's hawk shall be offset by setting aside replacement acreage to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate conservation methods. For proposed preservation and/or	Prior to issuance of development permit City/Project Applicant



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		restoration, the final environmental document shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective shall be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that shall be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment shall be provided for the long-term monitoring and management of mitigation lands. Mitigation shall occur at a CDFW-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968 . Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.		
MM-BIO-3-Biological Monitor		To avoid direct injury and mortality of SSC, the City shall require the Project Applicant to have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground and	Prior to Project ground disturbing activities	City/Project Applicant



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	habitat disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every two weeks) for the remainder of Project until the cessation of all ground disturbing activities to ensure that no wildlife is harmed.		
MM-BIO-4-Scientific Collecting Permit	The City shall require the Project Applicant retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2022d). Pursuant to the California Code of Regulations, title 14, section 650 , the Project Applicant/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.	Prior to Project ground disturbing activities	City/Project Applicant
MM-BIO-5-Wildlife Relocation Plan	Prior to initial ground and habitat disturbing activities and vegetation removal, the Project Applicant shall retain a qualified biologist to prepare a Wildlife Relocation Plan. The	Prior to Project ground	City/Project Applicant



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	Wildlife Relocation Plan shall describe all wildlife species that could occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan shall include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The Project Applicant shall submit a copy of a Wildlife Relocation Plan to the City prior to initial ground and habitat disturbing activities and vegetation removal. No bird nests, eggs, or nestlings may be removed or relocated at any time.	disturbing activities	
MM-BIO-6- Injured or Dead Wildlife	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	Prior to Project ground disturbing activities	City/Project Applicant
MM-BIO-7- Nesting Birds	To protect nesting birds that may occur within to the Project boundary, CDFW recommends that no construction occur from February 1 through September 15, as early as January 1 for some raptors.	Prior to Project ground disturbing activities	City/Project Applicant
REC-1- Biological Impact Fee	CDFW recommends the City revise the DEIR to provide adequate, complete, and good-faith disclosure of	Prior to finalizing	City/Project Applicant



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	<p>information that would address the following in relation to the Project:</p> <ol style="list-style-type: none"> 1) Whether the Biological Impact Fee is going towards an established program; 2) How the Biological Impact Fee/program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 3) What the Biological Impact Fee would acquire; 4) What biological resources would the Biological Impact Fee protect/conserve; 5) Why the Biological Impact Fee is appropriate for mitigating the cumulative loss of biological resources in the Antelope Valley; 6) Why the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank; 7) Where land would be acquired or where the mitigation bank is located; 8) When the Biological Impact Fee would be used; and, How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The MND should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147). 	CEQA document	
<p>REC-2-Biological Impact Fee</p>	<p>The DEIR should include a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the DEIR should provide specifics as to when the City would pay the Biological Impact Fee; what mechanisms the City would implement to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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	offset the Project's impacts. Also, the DEIR should provide specific performance standards as well as actions to achieve those performance standards.		
<p>REC-3-Nesting Birds</p>	<p>CDFW recommends modifying BIO-1 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW)</p>	Prior to Project ground disturbing activities	City/Project Applicant



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	<p>and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. <u>Biological Resources Assessments shall provide and include the following:</u></p> <p>7. <u>A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c).</u></p> <p>8. <u>A thorough, recent, floristic-based assessment of special status plants and natural communities</u></p>		
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	<p>following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Adjoining habitat areas shall be included where project construction and activities could lead to direct or indirect impacts off site;</p> <p>9. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The Manual of California Vegetation (MCV), second edition, shall be used to inform this mapping and assessment;</p> <p>10. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022);</p> <p>11. A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and</p> <p>12. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.</p>		
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<p>REC-4-Joshua Tree</p>	<p>CDFW recommends modifying BIO-2 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>“Should a future project require the removal of western Joshua trees (<i>Yucca brevifolia</i> brevifolia; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster Community Development Department. An Incidental Take Permit shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. In the event an Incidental Take Permit (ITP) is required, <u>the City shall require future project applicants to submit an ITP Application to CDFW that provides the following information (at a minimum):</u></p> <p>5. An analysis of individual western Joshua trees (<u>clonal and non-clonal</u>) and western Joshua tree seedbank that would be impacted both within the <u>Project site and within 300 feet of the Project site;</u></p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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	<p>6. <u>An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the Project site and within 300 feet of the Project site provided according to alliance and/or association-based natural communities found in the Manual of California Vegetation (MCV), second edition (Sawyer et al. 2009).</u></p> <p>7. <u>A map of the Project's site plan overlaid on location of western Joshua trees and natural communities; and</u></p> <p>8. <u>A discussion of whether development could impact any in-situ western Joshua trees adjacent to the Project site.</u></p> <p><u>The City shall provide compensatory mitigation for any future project's impact on western Joshua trees at no less than 2:1, or as required in an ITP for western Joshua trees issued by CDFW. Mitigation shall be higher if the project will impact a western Joshua tree population that is increasing through seedling recruitment. Mitigation lands provided by the City shall (at a minimum):</u></p> <p>5. <u>Support western Joshua trees of similar density, abundance, and age structure;</u></p> <p>6. <u>Support natural communities of similar native plant species composition, density, structure, and function to habitat that was impacted;</u></p> <p>7. <u>Support nursery plants for western Joshua tree recruits; and</u></p>		
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			<p>8. <u>Not be exposed or have the potential to be exposed to disturbances such as OHV activity, illegal access, and encroachment from pending or future development.</u></p> <p><u>The City shall require the project applicants to protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to impacts on western Joshua trees.</u></p>		
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		<p>The City shall revise the DEIR to require future applicants to disclose the Project's impacts in subsequent CEQA documents on western Joshua tree by providing the following information:</p> <ol style="list-style-type: none"> 6. <u>The Project's potential impact on western Joshua tree seedbank within the Project site;</u> 7. <u>The Project's potential impact on western Joshua trees and seedbank adjacent to the Project site;</u> 8. <u>The Project's potential impact on each unique native and non-native natural community supporting western Joshua trees within and adjacent to the Project site;</u> 9. <u>The Project's construction, operation, and maintenance activities that could impact western Joshua trees and seedbank within and adjacent to the Project site; and</u> 10. <u>The Project's cumulative impact on western Joshua tree.</u> 		
REC-5- Burrowing Owl	CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough:	<p>"If suitable habitat for burrowing owl is observed during A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1, two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other</p>	Prior to Project ground disturbing activities	City/Project Applicant



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	<p><u>survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation (CDFW 2012) to determine no owls have moved on site. The habitat assessment will determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).</u></p> <p><u>All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the Project would impact burrowing owls, thus requiring mitigation. The Project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat.</u></p> <p><u>The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation</u></p>		
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		<p>of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities."</p>		
<p>REC-6-LSA Permit</p>	<p>CDFW recommends modifying BIO-4 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>	



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	<p>delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife).</p> <p><u>For any impacts determined on jurisdictional areas, the project applicant will notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFWd 2023).</u></p>		
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	<p><u>The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downstream and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities will impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.</u></p> <p><u>Any Best Management Practice (BMPs) infrastructure that are installed will be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by</u></p>		
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	allowing animals to push through the weave, which expands when spread."		
REC-7-CNNDDB	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms (CDFWe 2023). Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFWf 2023).	Prior to Project ground disturbing activities	City/Project Applicant
REC-8-Rodenticide	Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.	Prior to Project ground disturbing activities	City/Project Applicant



RESPONSE TO COMMENT LETTER NO. 3

Erinn Wilson-Olgin, Environmental Program Manager
California Department of Fish and Wildlife
June 7, 2023

- 3-1 This introductory comment introduces the California Department of Fish and Wildlife's (CDFW) role as a Trustee Agency for fish and wildlife resources and a Responsible Agency under CEQA. The commenter also provides a summary of the proposed project and location. The commenter also notes that CDFW oversees and regulates the "take" of species protected under the California Endangered Species Act (CESA) and Native Plant Protection Act. This comment is acknowledged, and no further response is required.
- 3-2 The commenter states that the project may impact habitat for Swainson's hawk, a CESA-listed raptor species, provides evidence on why impacts would be significant, and recommends potentially feasible mitigation measures for future projects. As described in the Draft PEIR, the project proposes an overlay zone which would allow future development of light industrial uses within the overlay zone; however, no construction activities or development projects are currently proposed as part of the project. Nonetheless, future development in accordance with the overlay zone could impact special-status species, including Swainson's hawk. As such, the Draft PEIR includes Mitigation Measure BIO-1, which would require a project-level Biological Resources Assessment be conducted to evaluate potential impacts to on-site biological resources, including sensitive or special-status species. Mitigation Measure BIO-1 has also been updated to integrate modifications recommended by CDFW as detailed in response to Comment 3-6, which further outlines required components of the Biological Resources Assessment for future projects. Should results of the Biological Resources Assessment identify that a future project within the overlay zone has the potential to impact Swainson's hawk, protocol-level focused surveys may be required (Recommended Mitigation Measure #1) and replacement acreage may also be required if permanent impacts to Swainson's hawk habitat occurs (Recommended Mitigation Measure #2). This would occur at the project level and not at a programmatic level under the Draft PEIR. Additionally, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified and may include the CDFW Recommended Mitigation Measures #1 and #2. The recommended mitigation measures are acknowledged and will be provided for City decisionmakers to consider.
- 3-3 The commenter states that the project may impact designated California Species of Special Concern (SSC), including American badger, provides evidence on why impacts would be significant, and recommends potentially feasible mitigation measures for future projects. As stated, the proposed project would allow light industrial development within the proposed overlay zone but no construction activities or development projects are proposed as part of the project. Future projects in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts. Mitigation Measure BIO-1, as revised in response to Comment 3-6, would require future projects to prepare a Biological Resources Assessment that would evaluate site-specific and project-level impacts to biological resources, including special status species. Additional mitigation



measures, including those recommended by the CDFW (i.e., biological monitor, scientific collecting permit, wildlife relocation plan, and notification procedures for found injured or dead wildlife), may be required depending on the results of the Biological Resources Assessment. The recommended mitigation measures are acknowledged and will be provided for City decisionmakers to consider.

- 3-4 The commenter provides an additional recommended mitigation measure to consider for future projects with regards to the protection of nesting birds during the breeding season. As stated, no construction activities or development projects are proposed as part of the project. Future projects in accordance with the overlay zone would be required to prepare a Biological Resources Assessment per Mitigation Measure BIO-1 and would evaluate a future project's potential to impact nesting birds and provide additional mitigation measures. Overall, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified, as needed. The recommended mitigation measure is acknowledged and will be provided for City decisionmakers to consider.
- 3-5 The commenter states that the Draft PEIR does not provide sufficient information for CDFW to evaluate the adequacy of the Biological Impact Fee to offset the cumulative loss of biological resources in the Antelope Valley as result of the proposed project. As stated, the overlay zone does not propose any construction activities or development projects that could impact biological resources. Future projects in accordance with the overlay zone would be required to undergo separate environmental review under CEQA and may be required to prepare a Biological Resources Assessment per Mitigation Measure BIO-1, which would evaluate project-level and site-specific impacts on biological resources, including cumulative impacts. Thus, the proposed overlay zone itself would not result in cumulatively considerable impacts.

Municipal Code Chapter 15.66, *Biological Impact Fee*, provides details with regards to the purpose and implementation of the Biological Impact Fee. Specifically, the City acknowledges that new development of land within Lancaster results in an incremental effect on biological resources, including loss of habitat and reduction in total numbers of flora and fauna on a regional basis. Therefore, Chapter 15.66 establishes the adoption, collection, administration, and use of a Biological Impact Fee to mitigate the long-term incremental impact of adding new development. As detailed in Municipal Code Section 15.66.070, *Administration of fee and allowable uses*, all Biological Impact Fees are required to be held in a separate account only be expended upon an affirmative vote of a majority of the City Council specifying the amount and use of such fees. Such fees can only be expended for the following purposes:

- Acquisition of Mitigation Land. Fees may be expended for the purpose of acquiring or paying a third party for the acquisition of, land for the permanent conservation of habitat or species. Such acquisition may include land outside of the City; however, it is the intent of this chapter that any such lands contain habitat or species that will compensate for the incremental loss of same within the City limits. In identifying such acquisition sites, the City may consult with the U.S. Fish and Wildlife Service or CDFW for assistance.



- Restoration of Habitat. Fees may be expended for the purpose of restoring habitat within identified permanent conservation areas.
- Environmental Education. Fees may be expended for the purpose of funding environmental education, provided that the City Council finds that such efforts will contribute to a long-term improvement in the regional environment by increasing public awareness of the biological resources of the region.
- Other Uses. Fees may be expended for other uses provided that the City Council finds that such use will meet the intent of Municipal Code Chapter 15.66. The City Council expressly finds that assignment of such fees to a group with the authority to administer a regional conservation plan, such as the proposed West Mojave Coordinated Management Plan, is within the intent of Chapter 15.66.

The Biological Impact Fee applies to all new development on vacant land which has not been previously developed. This includes land subdivisions; new development that requires the approval of a conditional use permit, site plan review, or a director's review; and request for approval extensions for subdivisions and development projects that were approved prior to the adoption of the Biological Impact Fee. Thus, the fee acts as a development impact fee and not a "mitigation" fee for the purposes of reducing potentially significant impacts under CEQA.

- 3-6 The commenter recommends modifications to Mitigation Measures BIO-1 through BIO-4 to provide additional clarity and details. Some of the recommended modifications are shown below and included in Section 3.0, *Errata*, of this Final PEIR.

BIO-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are
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documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or



association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);

3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 ~~If suitable habitat for burrowing owl is observed during~~ A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1; two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be



	<p>avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.</p>
BIO-4	<p>Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).</p> <p><u>For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.</u></p> <p><u>The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.</u></p> <p><u>Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion</u></p>



control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

These changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 3-7 The commenter requests that any special-status species detected on-site be properly submitted to the California Natural Diversity Database (CNDDDB) and any special-status native plant populations and sensitive natural communities be submitted to CDFW’s Vegetation Classification and Mapping Program. This comment is acknowledged and no additional response is required.
- 3-8 The commenter provides an additional recommended mitigation measure that prohibits the use of rodenticides and second-generation anticoagulant rodenticides during and over the life of the project. The project does not propose any construction activities or development projects. The recommended mitigation measure is acknowledged and will be provided for City decisionmakers to consider.
- 3-9 The commenter recommends the City update the project’s biological resources mitigation measures and condition the Draft PEIR to include the additional mitigation measures recommended in the letter. The commenter also provides a summary of the suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (Attachment A). Refer to Response to Comments 3-1 through 3-8.



3.0 Errata



3.0 ERRATA

Changes to the Draft PEIR are noted below. A double underline indicates additions to the text; ~~strike through~~ indicates deletions to the text. The following modifications are made to the Draft PEIR text for consistency and clarifications. The changes to the Draft PEIR do not affect the overall conclusions of the environmental document and would not result in any new or substantially greater significant impacts as compared to those identified in the Draft PEIR. Changes are listed by section and page.

Any changes referenced to mitigation measures contained in the Draft PEIR text also apply to Section 1.0, *Executive Summary*, and Section 5.0, *Environmental Analysis*, of the Draft PEIR. All mitigation measure modifications have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of this Final PEIR.

Section 5.4, *Biological Resources*, Page 5.4-16

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines



Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);

2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);
3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 ~~If suitable habitat for burrowing owl is observed during~~ A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1, two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level



surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Section 5.4, *Biological Resources*, Page 5.4-19

BIO-4 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).

For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from



CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.



4.0 Mitigation Monitoring and Reporting Program



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Program*, has been prepared for the Lancaster East Side Project (project). This Mitigation Monitoring and Reporting Program is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Lancaster East Side Project files.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Program (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Draft and Final PEIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.



- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.

The following subsections of the Draft PEIR contain a detailed environmental analysis of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and significant unavoidable impacts, if any.

No significant impacts would occur in regard to the following environmental issue areas, which are addressed in Draft PEIR Section 8.0, *Effects Found Not To Be Significant*:

- Mineral Resources; and
- Wildfire.

In accordance with Appendix G of the CEQA Guidelines, the environmental issue areas listed below were determined in the Draft PEIR to have a potentially significant impact, and have been included within Draft PEIR Section 5.0, *Environmental Analysis*, for further analysis:

- | | |
|---------------------------------------|-----------------------------------|
| • Land Use and Planning; | • Population and Housing; |
| • Aesthetics/Light and Glare; | • Public Services and Recreation; |
| • Agriculture and Forestry Resources; | • Utilities and Service Systems; |
| • Biological Resources; | • Transportation; |
| • Tribal and Cultural Resources; | • Air Quality; |
| • Geology and Soils; | • Greenhouse Gas Emissions; |
| • Hydrology and Water Quality; | • Energy; and |
| • Hazards and Hazardous Materials; | • Noise. |

For the purposes of the environmental analysis in the Draft PEIR, impacts were analyzed in each environmental issue area for the proposed project. If necessary, mitigation measures were incorporated to reduce any potentially significant impacts. Specifically, mitigation measures were included for:

- | | |
|---------------------------------------|------------------------------------|
| • Aesthetics/Light and Glare; | • Geology and Soils; |
| • Agriculture and Forestry Resources; | • Hazards and Hazardous Materials; |
| • Biological Resources; | • Air Quality; and |
| • Tribal and Cultural Resources; | • Noise. |



Table 1
Mitigation Monitoring and Reporting Checklist

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
AESTHETICS/LIGHT AND GLARE								
AES-1	<p>Prior to development of structures within the visual buffer area of Little Rock Wash, as illustrated on General Plan Master Environmental Assessment Figure 12-1, <i>Scenic Resources</i>, a site-specific visual impact assessment shall be prepared to determine specific design features to implement to maintain the visual integrity of Little Rock Wash. Specific design features can include, but are not limited to:</p> <ul style="list-style-type: none">• Designing structures to blend in with the natural palette of Little Rock Wash;• Placing structures furthest away from Little Rock Wash or locating new not interfere with existing views of Little Rock Wash; and/or• Including visual buffers such as landscaping between structures and Little Rock Wash. <p>The City of Lancaster Community Development Department shall ensure that design features and recommendations provided in the visual impact assessment shall be incorporated into the plans and specifications for future</p>	Project Applicant	Prior to Issuance of Grading or Building Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	development within the Little Rock Wash visual buffer area.							
AGRICULTURE AND FORESTRY RESOURCES								
AG-1	<p>Development of a future light industrial use in accordance with the East Side Overlay Zone that converts land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use(s), shall mitigate such impacts through the permanent preservation of off-site agricultural land within the County of Los Angeles of equal or better agricultural quality, at a ratio of 1:1 for net acreage before conversion, through one of the following methods:</p> <ul style="list-style-type: none"> • Funding and purchase of agricultural conservation easements (to be managed and maintained by an appropriate entity); • Purchase of credits from an established agricultural farmland mitigation bank; • Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland; • Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above; or 	Project Applicant	Prior to Issuance of Grading or Building Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> Evidence that all of the foregoing measures are infeasible. <p>Prior to issuance of a grading or building permit, the project Applicant shall provide to the City of Lancaster Community Development Department written evidence of the completion of the implemented off-site permanent preservation method(s) or that such preservation is infeasible.</p>							
BIOLOGICAL RESOURCES								
BIO-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the	Project Applicant; Qualified Biologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:</p> <ol style="list-style-type: none">1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c); 2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and 3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).							
BIO-2	Should a future project require the removal of western Joshua trees (<i>Yucca brevifolia brevifolia</i> ; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be	Project Applicant; Qualified Biologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:</p> <ol style="list-style-type: none">1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or association-based natural communities found in the Manual of California Vegetation (MCV), second edition (Sawyer et al. 2009);3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.							
BIO-3	A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1. The habitat	Project Applicant; Qualified Biologist	Prior to Any Vegetation Removal or	City of Lancaster Community	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, <i>Staff Report on Burrowing Owl Mitigation</i> (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).</p> <p>All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are</p>		Ground Disturbing Activities	Development Department				



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.							
BIO-4	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a	Project Applicant; Qualified Biologist	Prior to Issuance of Any Permits Required to Conduct Ground Disturbing Activities	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).</p> <p>For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.</p> <p>The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.</p> <p>Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
TRIBAL AND CULTURAL RESOURCES								
CUL-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the	Project Applicant; Qualified Archaeologist and/or Architectural Historian	Prior to Issuance of Any Permits Required to Conduct Ground Disturbing Activities	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.							
TCR-1	In the event that cultural resources are discovered during future light industrial developments in accordance with the East Side Overlay Zone, 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 site outside of the buffered area may continue during this assessment period. Additionally, tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed within Mitigation Measure TCR-4, 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.	Project Applicant; Construction Contractor; Qualified Archaeologist; Applicable Native American Tribes	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			
TCR-2	If significant pre-contact and/or historic-era cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered during implementation of future light industrial developments in accordance with the East Side Overlay Zone and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of	Project Applicant; Construction Contractor; Qualified Archaeologist	In the Event Significant Cultural Resources are Discovered and Avoidance Cannot be Ensured	City of Lancaster Community Development Department	In the Event Significant Cultural Resources are Discovered and Avoidance Cannot be Ensured			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	which shall be provided to tribes in which the project site is within their ancestral region of occupation for review and comment, as detailed within Mitigation Measure TCR-4. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.							
TCR-3	If human remains or funerary objects are encountered during any activities associated with future light industrial projects associated with the East Side Overlay Zone, 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 Section 7050.5 and that code enforced for the duration of the project.	Project Applicant; Construction Contractor; County Coroner	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			
TCR-4	Tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed in Mitigation Measure TCR-1, 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 the California Environmental Quality Act (CEQA) (as amended, 2015), a cultural resources Monitoring and Treatment Plan (Plan) shall be created by the archaeologist, in coordination with tribes in which the project site is within their ancestral region of occupation, and all subsequent finds shall be subject to this Plan. This Plan shall allow	Project Applicant; Qualified Archaeologist; Applicable Native American Tribes	In the Event of Any Cultural Resources Discovery	City of Lancaster Community Development Department	In the Event of Any Cultural Resources Discovery			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	for monitor(s) to be present that represent tribes in which the project site is within their ancestral region of occupation for the remainder of the project, should such tribes elect to place monitor(s) on-site.							
TCR-5	Any and all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to tribes in which the project site is within their ancestral region of occupation. The City of Lancaster Community Development Department shall, in good faith, consult with such tribes throughout the life of the project.	Project Applicant; City of Lancaster Community Development Department; Applicable Native American Tribes	During Project Lifetime	City of Lancaster Community Development Department	During Project Lifetime			
GEOLOGY AND SOILS								
GEO-1	To ensure identification and preservation of paleontological resources within a project site, each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Paleontological Resources Assessment is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground	Project Applicant; Qualified Paleontologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	disturbance, then a Paleontological Resources Assessment shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Paleontological Resources Assessment be prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist. The Paleontological Resources Assessment shall include and take into account project-specific and local geologic mapping, geotechnical data, and paleontological records search. The Paleontological Resources Assessment shall adhere to and incorporate the performance standards and practices from the current SVP Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources. The qualified paleontologist shall submit the Paleontological Resources Assessment to the City of Lancaster Community Development Department for review and approval before issuance of a grading permit.							
GEO-2	For projects with ground-disturbing activities at depths greater than four feet, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to the	Project Applicant; Qualified Paleontologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	beginning of ground-disturbing activities. The training session shall focus on how to identify paleontological localities such as fossils that may be encountered and the procedures to follow if identified.							
GEO-3	Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to monitor these activities at depths of four feet below present grade or greater. In the event that fossils are discovered during grading at any depth, the on-site construction supervisor shall be notified and shall redirect work away from the location of the discovery. The recommendations of the paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.	Project Applicant; Qualified Paleontologist; Construction Supervisor	Prior to Issuance of Grading Permit; In the Event Fossils are Discovered During Construction Activities	City of Lancaster Community Development Department	During Project Plan Review; During Construction Activities			
GEO-4	If discovered fossils are determined to be significant, the Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures: <ul style="list-style-type: none"> The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research 	Project Applicant; Qualified Paleontologist	In the Event Fossils are Discovered and Determined to be Significant	City of Lancaster Community Development Department	In the Event Fossils are Discovered and Determined to be Significant			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>interest in the materials (which may include the Natural History Museum of Los Angeles County);</p> <ul style="list-style-type: none"> The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and The paleontologist shall ensure that curation of fossils is completed in consultation with the City of Lancaster Community Development Department. A letter of acceptance from the curation institution shall be submitted to the City of Lancaster Community Development Department. 							
GEO-5	<p>If any paleontological resources are encountered during construction or the course of any ground-disturbance activities, all such activities shall halt immediately. At this time, the Applicant shall notify the City of Lancaster Community Development Department and consult with a qualified paleontologist to assess the significance of the find. The assessment shall follow Society of Society of Vertebrate Paleontology (SVP) standards as delineated in the <i>Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources</i> (2010). If any find is determined to be significant, appropriate avoidance measures recommended by the paleontologist and approved by City staff must</p>	Project Applicant; Qualified Paleontologist	In the Event Paleontological Resources are Encountered During Construction Activities	City of Lancaster Community Development Department	In the Event Paleontological Resources are Encountered During Construction Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	be followed unless avoidance is determined to be infeasible by the City of Lancaster Community Development Department. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.							
HAZARDS AND HAZARDOUS MATERIALS								
HAZ-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether surveys of asbestos-containing materials (ACM), lead-based paint (LBP), and/or universal waste is required. Screening shall consider whether demolition or disturbance of existing structures constructed between the 1940s and 1970s is required. If no existing structures constructed between the 1940s and 1970s are proposed for demolition or disturbance, then surveys shall not be required. If such structures exist on-site and are proposed for demolition or disturbance, prior to issuance of any demolition permits, the City may require future project Applicants to retain a qualified specialist or contractor to conduct surveys of ACM, LBP, and universal waste and submit the surveys to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and comment, and to the City of Lancaster Community	Project Applicant; Qualified ACM/LBP Specialist	Prior to Issuance of Demolition Permit	City of Lancaster Community Development Department; Los Angeles County Fire Department Health Hazardous Materials Division	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	Development Director for approval. If ACMs are located, asbestos abatement shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with the Antelope Valley Air Quality Management District's (AVAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified lead specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the HHMD and Community Development Director. The project Applicant shall inform the Community Development Director, via monthly compliance reports, of the date when all ACMs, LBPs, and/or universal waste are removed from the project site.							
HAZ-2	If unknown wastes or suspect materials are discovered during construction activities associated with future development that are believed to involve hazardous waste or materials, the construction contractor shall implement the following:	Project Applicant; Construction Contractor	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<ul style="list-style-type: none"> Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; Notify the City of Lancaster Community Development Director; Secure the area as directed by the City of Lancaster Community Development Director; and Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Los Angeles County Fire Department, Lahontan Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required. 							
AIR QUALITY								
AQ-1	Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.							
AQ-2	Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking,	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Public Works Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	and material storage areas that will all contribute to reducing traffic congestion.							
AQ-3	<p>Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews 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 Director of Community Development 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	Project Applicant; Construction Contractor	Prior to Ground Disturbing Activities; Within 24 Hours of First Training Session	City of Lancaster Community Development Department; Los Angeles County Public Health	During Project Plan Review; Prior to Ground Disturbing Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>effects of exposure to criteria pollutant emissions and Valley Fever.</p> <ul style="list-style-type: none">• 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 Director of Community Development. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs. <p>The project operator also shall consult with the Los Angeles County Public Health to develop a Valley Fever Dust Management Plan (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</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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. • Require employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory 							



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	<p>protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).</p> <ul style="list-style-type: none">• 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							



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	<p>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 Director of Community Development. 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.</p> <ul style="list-style-type: none"> • 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 shall 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. 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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NOISE								
NOI-1	<p>Future light industrial projects developed in accordance with the overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall ensure, through contract specifications, that construction best management practices (BMPs) are implemented by construction contractors to reduce construction noise levels for construction activities that are capable of generating substantial construction noise to nearby sensitive receptors. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Community Development Director prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:</p> <ul style="list-style-type: none">• Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.• Place noise-generating construction equipment and construction staging areas away from sensitive uses.• Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 8.24.040, Loud,	Project Applicant; Construction Contractor	Prior to Issuance of Grading or Building Permits	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>unnecessary and unusual noises prohibited - Construction and building, of the <i>Lancaster Municipal Code</i>.</p> <ul style="list-style-type: none"> Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. Use electric air compressors and similar power tools rather than diesel equipment, where feasible. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Director.							
NOI-2	Prior to issuance of a grading permit, each new development project associated with the proposed overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Public Works Director.	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Public Works Department	During Project Plan Review			



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CEQA FINDINGS OF FACT FOR THE LANCASTER EAST SIDE PROJECT FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

State Clearinghouse No. 2022100641

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report prior to approval of a project pursuant to Sections 15091 and 15093 of the *CEQA Guidelines* and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering a project acceptable even though a project may have significant impacts that are infeasible to mitigate.

The lead agency is responsible for the adequacy and objectivity of the EIR. The City of Lancaster (City), as lead agency, has subjected the Draft Program Environmental Impact Report (PEIR) and Final PEIR to the agency's own review and analysis.

A. PROJECT SUMMARY

Project Location

The City of Lancaster is located in the Antelope Valley in northern Los Angeles County, approximately 70 miles north of downtown Los Angeles. Unincorporated Los Angeles County surrounds the City on all sides. Additional surrounding jurisdictions include unincorporated Kern County further to the north and the City of Palmdale to the south.

The Antelope Valley Freeway (State Route 14) provides primary regional connectivity between the Antelope Valley and Greater Los Angeles area. Various arterials in the City also serve regional functions. Avenue D (State Route 138) extends west from SR-14 and connects to the Golden State Freeway (Interstate 5), and extends east from the City of Palmdale, connecting with Interstate 15. Sierra Highway links Lancaster with the community of Rosamond to the north and the City of Palmdale to the south.

The project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone. The proposed overlay zone is generally bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west.

Project Description

The City is proposing to establish an East Side Overlay Zone in the eastern portion of Lancaster. Specifically, the overlay zone would encompass approximately 5,841 acres generally bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west. An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district.

In addition to the permitted uses under the existing RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zones, the overlay zone would allow additional uses. Generally, the proposed overlay zone would permit new light industrial uses such as alcohol production, contractor storage yards, and research and development. Other new uses subject to conditional use permits include alternative energy uses; automobile repair; building trades and related uses; distribution; food manufacturing, processing, wholesale sales, and storage; light manufacturing; and warehousing. The overlay zone also provides development standards related to parking, height, noise, and other additional standards for the light industrial uses.



Discretionary Approvals

City discretionary approvals associated with the project include, but are not limited to, the following:

- Certification of the EIR; and
- Adoption of the East Side Overlay Zone Ordinance.

The proposed East Side Overlay Project would provide a framework for future light industrial development within the project site; however, there is no construction or development associated with the project at this time. Future development occurring under the East Side Overlay Project would be subject to project-specific and site-specific discretionary approvals (including separate CEQA review) on a case-by-case basis.

B. GOALS AND OBJECTIVES

Pursuant to *CEQA Guidelines* Section 15124(b), the EIR project description must include “[a] statement of objectives sought by the proposed project... The statement of objectives should include the underlying purpose of the project.” The goals and objectives established for the project are as follows:

1. Increase flexibility in allowed uses and development potential in the eastern portion of Lancaster beyond currently allowed uses under the RR-2.5 (Rural Residential, 1 du/ac) zone.
2. Incentivize new light industrial development to occur in the underutilized eastern portion of the City.
3. Encourage new development in Lancaster that provides economic benefits to the City and its residents.
4. Ensure that a variety of sites are available for a diversity of light industrial users.
5. Provide light industrial-based employment-generating lands which are highly accessible and compatible with other uses in the community.

C. ENVIRONMENTAL REVIEW PROCESS

The Final PEIR includes the Lancaster East Side Project Draft PEIR dated April 2023; written comments received during the Draft PEIR public review period; written responses to those comments; a Mitigation Monitoring and Reporting Program; and an Errata (hereinafter referred to collectively as the Final PEIR). In conformance with CEQA and the *CEQA Guidelines*, the City of Lancaster conducted an extensive environmental review of the proposed project. The following is a summary of the City’s environmental review process of this project:

- Pursuant to *CEQA Guidelines* Section 15082, as amended, the City of Lancaster circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse via the online CEQAnet database and posted at the Los Angeles County Clerk’s office on October 28, 2022, with the 30-day review period beginning on October 28, 2022 and ending on November 28, 2022. Copies of the NOP were also made available for public review at the City of Lancaster Community Development Division - Planning and on the City’s website.
- To afford interested individuals, groups, and public agencies a forum in which to orally present input directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the PEIR, as described in the NOP, the City held a scoping meeting on November 16, 2022 at 5:00



p.m. Due to the COVID-19 pandemic and in the interest of public health and safety, the meeting was held virtually via Zoom.

- A Draft PEIR was prepared and distributed for public review beginning April 27, 2023 and ending June 12, 2023. A Notice of Availability (NOA) was filed with the State Clearinghouse via the online CEQAnet database on April 27, 2023. The scope of the Draft PEIR was determined based on the comments received in response to the NOP; refer to Draft PEIR Section 2.3, *Notice of Preparation/Early Consultation (Scoping)*. The NOA was sent to interested persons and organizations, sent to the State Clearinghouse via CEQAnet for distribution to public agencies, and posted at the City of Lancaster on April 27, 2023. The NOA was filed at the Los Angeles County Clerk's office on April 27, 2023. Copies of the Draft PEIR were made available for public review at the City of Lancaster Community Development Division - Planning and on the City's website.
- A Final PEIR was prepared, which included comments on the Draft PEIR, written responses to those comments, a Mitigation Monitoring and Reporting Program, and an Errata. The Final PEIR was released for a 10-day agency review period prior to certification of the Final PEIR and also posted on the City's website.

D. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project;
- The Draft PEIR and Final PEIR for the proposed project;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Final PEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft PEIR and Final PEIR;
- The Resolutions adopted by the City in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto;
- Matters of common knowledge to the City, including but not limited to federal, State, and local laws and regulations; and
- Any documents expressly cited in these Findings.



E. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Lancaster Development Services Department, 44933 Fern Avenue, Lancaster, CA 93534. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Development Services Department, Community Development Division. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e).

F. INDEPENDENT JUDGMENT AND FINDING

The City selected and retained Michael Baker International (Michael Baker) to prepare the Lancaster East Side Project PEIR. Michael Baker prepared the PEIR under the supervision and direction of the City of Lancaster. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

Finding:

The PEIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the PEIR. The City has independently reviewed and analyzed the PEIR and finds that the report reflects the independent judgment of the City.

The City has considered all the evidence presented in its consideration of the project and the PEIR, including, but not limited to, the Final PEIR, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence, the City finds that with respect to each environmental impact identified in the review process, the impact (1) is less than significant and would not require mitigation; or (2) is potentially significant but would be avoided or reduced to less than a significant level by implementation of identified mitigation measures. No impacts would be significant and unavoidable. Therefore, no Statement of Overriding Considerations is required.

II. FINDINGS AND FACTS

The City of Lancaster, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft PEIR and Final PEIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.



3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
 - (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
 - (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
 - (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
 - (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in *CEQA Guidelines* Section 15091(a)(1) may include a wide variety of measures or actions as set forth in *CEQA Guidelines* Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

A. Format

This section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

- **Section B, Findings on Impacts Determined to Be Less Than Significant or No Impact,** presents the impacts of the proposed project that were determined in the PEIR to have no impact or be less than significant without the addition of mitigation measures and presents the rationales for these determinations.



- **Section C, Findings on Impacts Mitigated to Less Than Significant**, presents significant impacts of the proposed project that were identified in the Final PEIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, and the rationales for the findings.
- **Section D, Findings on Significant Unavoidable Impacts**, presents significant impacts of the proposed project that were identified in the Final PEIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, the findings for significant impacts, and the rationales for the findings.
- **Section E, Findings on Recirculation**, presents the reasoning as to why recirculation is not required under *CEQA Guidelines* Section 15088.5.
- **Section F, Findings on Project Alternatives**, presents alternatives to the project and evaluates them in relation to the findings set forth in *CEQA Guidelines* Section 15091(a)(3), which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, legal, social, technological, or other considerations. This section also identifies the environmentally superior alternative.

B. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NO IMPACT

Consistent with *CEQA Guidelines* Sections 15162.2 and 15128, the PEIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.” Support for these environmental impact conclusions is included in Draft PEIR Section 5.0, Environmental Analysis, and Section 8.0, Effects Found Not To Be Significant.

Finding:

The City finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, would be less than significant.

1. Aesthetics

Project implementation would not substantially degrade the existing visual character or quality of public views of the site and its surroundings in non-urbanized areas and would not conflict with applicable zoning and other regulations governing scenic quality in urban areas.

Project implementation would not create new sources of light and glare, which could adversely affect day or nighttime views.

The project, combined with other cumulative projects, would not conflict with applicable zoning and other regulations governing scenic quality.

The project, combined with other cumulative projects, would not create a new source of substantial light or glare, which could adversely affect day or nighttime views in the City.

Project implementation would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.



2. Agriculture and Forestry Resources

The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use.

3. Air Quality

Implementation of the proposed project would not result in increased impacts pertaining to operational air emissions.

Implementation of the proposed project would not create objectionable odors affecting a substantial number of people.

Implementation of the proposed project and other related cumulative projects would not result in increased impacts pertaining to operational air emissions.

Implementation of the proposed project and cumulative projects would not result in cumulatively considerable carbon monoxide hotspot impacts.

Implementation of the proposed project and related projects would not result in cumulatively considerable odor impacts.

4. Biological Resources

The project would not interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites.

The project, in conjunction with cumulative projects, would not result in cumulatively considerable impacts to the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

Project implementation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

5. Cultural Resources

Project implementation would not disturb any human remains, including those interred outside of dedicated cemeteries.



6. Energy

The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

The project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Implementation of the project and other cumulative projects would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

7. Geology and Soils

Project implementation would not expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Project implementation would not expose people and structures to substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.

Project implementation would not result in substantial soil erosion or loss of topsoil.

Project implementation would not be located on unstable or expansive soils and potentially result in geologic hazards.

Project implementation would not occur on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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.

The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

8. Greenhouse Gas Emissions

Greenhouse gas emissions generated by the project would not have a significant impact on global climate change.

Implementation of the proposed project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

Greenhouse gas emissions generated by the project and other related cumulative projects would not have a significant impact on global climate change.

Implementation of the proposed project and other related cumulative projects would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.



9. Hazards and Hazardous Materials

Project implementation would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.

Future developments associated with implementation of the proposed project would not be located on a hazardous material sites pursuant to Government Code Section 65962.5 and create a significant hazard to the public or the environment.

Project implementation would not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

The proposed project, combined with other related projects, would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.

The proposed project, combined with other related projects, would not be located on a hazardous material sites pursuant to Government Code Section 65962.5 and result in cumulatively considerable impacts to the public or the environment.

The proposed project, combined with other related projects, would not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

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, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area.

The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

10. Hydrology and Water Quality

Future development associated with the proposed project would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

Future development associated with the proposed project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Future development associated with the proposed project would not substantially alter the existing drainage patterns of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.

Future development associated with the proposed project would not risk release of pollutants due to project inundation from flood hazard, tsunami, or seiche zones.

Future development associated with the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Future improvements, combined with other related cumulative projects, would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.



Future development, combined with other related cumulative projects, would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Future development, combined with other related cumulative projects, would not substantially alter the existing drainage patterns of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.

Future development, combined with other related cumulative projects, would not risk release of pollutants due to project inundation from flood hazard, tsunami, or seiche zones.

Future development, combined with other related cumulative projects, would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

11. Land Use and Planning

Project implementation would not conflict with applicable General Plan policies.

Project implementation would not conflict with Lancaster Municipal Code standards or regulations.

Project implementation would not conflict with SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy goals.

The proposed project, combined with other related projects, would not conflict with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Implementation of the project would not physically divide an established community.

12. Mineral Resources

Project implementation would not 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.

Implementation of the project would not 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.

13. Noise

Future noise levels associated with implementation of the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity and expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The proposed project would not result in a significant increase in traffic and long-term stationary ambient noise levels.

For a project located within the vicinity of a private airstrip or 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, the proposed project would not expose people residing or working in the project area to excessive noise levels.



14. Population and Housing

Future development associated with the proposed project would not potentially induce substantial unplanned population growth in an area, either directly or indirectly.

Project implementation, combined with other related projects, would not induce substantial unplanned population growth in an area, either directly or indirectly.

The proposed project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

15. Public Services

Future development associated with the proposed project would not result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Future development associated with the proposed project would not result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Future development associated with the proposed project would not potentially result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.

Future development associated with the proposed project would not potentially result in the need for additional parks and recreational facilities and/or the increased use of existing neighborhood and regional parks such that substantial physical deterioration could occur or be accelerated.

Future development associated with the proposed project would not potentially result in the need for additional public library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.

The proposed project, in conjunction with cumulative development, would not create increased demand for fire protection services that could cause significant environmental impacts.

The proposed project, in conjunction with cumulative development, would not create increased demand for police protection services that could cause significant environmental impacts.

The proposed project, in conjunction with cumulative development, would not create increased demand for school services and facilities that could cause significant environmental impacts.

The proposed project, in conjunction with cumulative development, would not create increased demand for parks and recreational facilities that could cause significant environmental impacts.

The proposed project, in conjunction with cumulative development, would not create increased demand for other public facilities (i.e., library facilities) that could cause significant environmental impacts.



16. Recreation

Project implementation would not 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.

The project would not result in an adverse physical effect on the environment from the construction or expansion of recreational facilities.

17. Transportation

Project implementation would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Project implementation would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Project implementation would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Project implementation would not result in inadequate emergency access.

The proposed project, in conjunction with cumulative development, would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

The proposed project, in conjunction with cumulative development, would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

The proposed project, in conjunction with cumulative development, would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or introduce incompatible uses (e.g., farm equipment).

The proposed project, in conjunction with cumulative development, would not result in inadequate emergency access.

18. Utilities and Service Systems

Project implementation would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years, and would not require or result in the construction of new water supply facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Project implementation would not result in 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, exceed wastewater treatment requirements of the applicable regional water quality control board, or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Project implementation would not require the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects.



Project implementation would be served by existing landfills with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste.

Project implementation would not result in the relocation or construction of new or expanded dry utility facilities, the construction of which could cause significant environmental effects.

Project implementation, in conjunction with cumulative development, would not result in cumulatively considerable impacts to water supply and distribution.

Project implementation, in conjunction with cumulative development, would not result in cumulatively considerable impacts to wastewater treatment facilities.

Project implementation, in conjunction with cumulative development, would not increase demand for stormwater drainage facilities.

Project implementation, in conjunction with cumulative development, would not create increased demand for solid waste generation that could cause significant environmental impacts.

Project implementation, in conjunction with cumulative development, would not create increased demand for dry utility services that could cause significant environmental impacts.

19. Wildfire

The project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Due to slope, prevailing winds, or other factors, project implementation would not exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

The project would not expose people or structures to significant risk, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

C. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft PEIR, these impacts would be considered less than significant.

1. Aesthetics/Light and Glare

Project implementation could have a substantial adverse impact on a scenic vista.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.2, *Aesthetics/Light and Glare*, and in particular, starting on page 5.2-4 of the Draft PEIR.

A scenic vista is generally defined as a view of undisturbed natural lands exhibiting a unique or unusual feature that comprises an important or dominant portion of the viewshed. Scenic vistas may also be represented by a



particular distant view that provides visual relief from less attractive views of nearby features. Local open space or recreational areas may also offer scenic vistas if they represent a valued aesthetic view within the surrounding landscape of nearby features.

Scenic visual resources within the City and project area include long distance panoramas of the San Gabriel Mountains and Sierra Pelona Mountains to the south and southwest; Tehachapi Mountains to the northwest; local views of the surrounding buttes such as Saddleback Butte to the east and Little Buttes to the northwest; and panoramic desert expanses which include views of Joshua tree and other desert plant communities. Little Rock Wash, which bisects the proposed overlay zone, is an officially designated scenic resource within the project site.

CONSTRUCTION

Future construction activities associated with development within the proposed overlay zone would require the use of construction equipment, staging areas, vehicles, and construction workers, which would alter the aesthetic character of the environment. However, these construction activities would be temporary in nature, and any potential changes to scenic vistas during construction for individual development projects would cease upon completion of construction. Additionally, construction of future light industrial projects developed in accordance with the overlay zone would be required to undergo separate environmental review under CEQA and implement project-level mitigation measures, as needed. As such, impacts in this regard would be less than significant.

OPERATIONS

Potential viewers of scenic vistas in the overlay zone are those on public lands, public rights-of-way and facilities, and adjacent properties, specifically existing residential uses. Future development associated with the proposed overlay zone would have the potential to intermittently obscure distant views of the mountains, buttes, and desert for motorists and pedestrians traveling through the overlay zone as well as for existing residents. However, views of upper elevations of the mountains and buttes would not be blocked from public vantage points along roadways within the overlay zone and panoramic views of desert expanses, Joshua trees, and other plant communities are available throughout the City.

The project site is currently predominantly zoned RR-2.5, which allows for rural residential uses. The proposed overlay zone would allow for new light industrial uses within the overlay zone. Although the types of uses would be different than what is currently approved for the project site, the scale of the potential future development would be similar to existing conditions, specifically related to the height of development. Under the current RR-2.5 zoning, the maximum building height within the project site is 40 feet while with the proposed overlay zone, it would be 50 feet (without a Conditional Use Permit). Additionally, minimum setbacks for the proposed overlay zone would serve to provide a visual buffer of distance between the roadways and future structures within the project site.

As discussed, Little Rock Wash is an officially designated scenic resource within the project site. Future development of structures within the visual buffer area of Little Rock Wash, as defined and illustrated in General Plan MEA Figure 12-1, Scenic Resources, could have the potential to impact the scenic area. As such, Mitigation Measure AES-1 requires that a site-specific visual impact assessment be prepared prior to future development of structures within the visual buffer area of Little Rock Wash. The visual impact assessment shall take into account line-of-sight, topography, intervening physical features, vegetation, and potential for buffering between the future proposed development and Little Rock Wash. With implementation of Mitigation Measure AES 1, potential impacts related to scenic vistas would be reduced to less than significant levels.



Mitigation Measure:

AES-1 Prior to development of structures within the visual buffer area of Little Rock Wash, as illustrated on General Plan Master Environmental Assessment Figure 12-1, Scenic Resources, a site-specific visual impact assessment shall be prepared to determine specific design features to implement to maintain the visual integrity of Little Rock Wash. Specific design features can include, but are not limited to:

- Designing structures to blend in with the natural palette of Little Rock Wash;
- Placing structures furthest away from Little Rock Wash or locating new structures on portions of the site that do not interfere with existing views of Little Rock Wash; and/or
- Including visual buffers such as landscaping between structures and Little Rock Wash.

The City of Lancaster Community Development Department shall ensure that design features and recommendations provided in the visual impact assessment shall be incorporated into the plans and specifications for future development within the Little Rock Wash visual buffer area.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The project, combined with other cumulative projects, could result in significant impacts to scenic vistas.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.2, *Aesthetics/Light and Glare*, and in particular, starting on page 5.2-8 of the Draft PEIR.

Future cumulative projects developed pursuant to the General Plan could result in adverse impacts to scenic vistas in the City. However, cumulative projects would be required to undergo project-specific environmental review under CEQA to evaluate project-level impacts to scenic vistas and to determine any required mitigation.

As analyzed above, future development projects implemented in accordance with the East Side Overlay Zone are not anticipated to contribute to a cumulative impact with regards to scenic vistas, as these future structures would not be large enough in scale and height to block or obstruct views compared to existing zoning. Further, future light industrial projects would also be required to undergo separate environmental review under CEQA. However, given that the details of future development projects are unknown, any future development projects within the visual buffer area of Little Rock Wash would be required to implement Mitigation Measure AES-1, which would require a site-specific visual impact assessment. With implementation of Mitigation Measure AES-1, the proposed overlay zone would not contribute to a cumulatively considerable impact and impacts in this regard would be reduced to less than significant levels.

Mitigation Measure:

AES-1 Prior to development of structures within the visual buffer area of Little Rock Wash, as illustrated on General Plan Master Environmental Assessment Figure 12-1, Scenic Resources, a site-specific visual impact assessment shall be prepared to determine specific design features to implement to



maintain the visual integrity of Little Rock Wash. Specific design features can include, but are not limited to:

- Designing structures to blend in with the natural palette of Little Rock Wash;
- Placing structures furthest away from Little Rock Wash or locating new structures on portions of the site that do not interfere with existing views of Little Rock Wash; and/or
- Including visual buffers such as landscaping between structures and Little Rock Wash.

The City of Lancaster Community Development Department shall ensure that design features and recommendations provided in the visual impact assessment shall be incorporated into the plans and specifications for future development within the Little Rock Wash visual buffer area.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

2. Agriculture and Forestry Resources

Project implementation could potentially result in the conversion of land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses or 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 uses.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.3, *Agriculture and Forestry Resources*, and in particular, starting on page 5.3-5 of the Draft PEIR.

Some areas within the proposed overlay zone are designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Specifically, Prime Farmland is mapped throughout the overlay zone; Farmland of Statewide Importance is mapped primarily in the central portion of the overlay zone; and a small area of Unique Farmland is mapped in the easternmost portion of the overlay zone.

Anticipated allowed light industrial uses under the proposed overlay zone would include, but are not limited to, alternative energy, distribution, light manufacturing, research and development, and warehousing. The proposed overlay zone would not directly involve the construction of any new developments or structures and thus, would not in and of itself result in the conversion of farmland to non-agricultural uses. Nevertheless, future light industrial uses implemented in accordance with the proposed overlay zone could result in the conversion of mapped important farmlands to non-agricultural uses.

Future light industrial development would be required to undergo project-level environmental review under CEQA on a case-by-case basis. Similarly, future development projects would be required to comply with existing applicable State and local laws related to agricultural resources. Nevertheless, given that the exact location of future light industrial development is unknown at this time, implementation of Mitigation Measure AG-1 would establish procedures to minimize potential impacts to mapped important farmland resulting from the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Specifically, Mitigation Measure AG-1 would require future light industrial development to mitigate impacts to land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance through the permanent preservation of off-site agricultural land within the County of equal or better agricultural quality.



With implementation of Mitigation Measure AG-1, impacts related to the conversion of mapped important farmland to non-agricultural uses would be reduced to less than significant levels.

Mitigation Measure:

AG-1 Development of a future light industrial use in accordance with the East Side Overlay Zone that converts land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use(s), shall mitigate such impacts through the permanent preservation of off-site agricultural land within the County of Los Angeles of equal or better agricultural quality, at a ratio of 1:1 for net acreage before conversion, through one of the following methods:

- Funding and purchase of agricultural conservation easements (to be managed and maintained by an appropriate entity);
- Purchase of credits from an established agricultural farmland mitigation bank;
- Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland;
- Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above; or
- Evidence that all of the foregoing measures are infeasible.

Prior to issuance of a grading or building permit, the project Applicant shall provide to the City of Lancaster Community Development Department written evidence of the completion of the implemented off-site permanent preservation method(s) or that such preservation is infeasible.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The proposed project, in conjunction with cumulative development, could result in cumulatively considerable impacts to agricultural resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.3, *Agriculture and Forestry Resources*, and in particular, starting on page 5.3-6 of the Draft PEIR.

Cumulative projects developed in accordance with the General Plan could result in a significant impact to agricultural resources through the conversion of land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Given that mapped important farmland is site specific, future cumulative projects would be required to undergo separate environmental review to evaluate site-specific impacts to mapped important farmland and mitigate such impacts, if any, as needed.

Future light industrial projects developed in accordance with the East Side Overlay Zone would similarly be required to undergo project-level environmental review under CEQA on a case-by-case basis. Given that the exact location of future light industrial development within the overlay zone is unknown at this time, implementation of Mitigation Measure AG-1 would establish procedures to minimize potential risks to mapped important farmland resulting from the conversion of Prime Farmland, Unique Farmland, or Farmland of



Statewide Importance to non-agricultural use. Specifically, Mitigation Measure AG-1 would require future light industrial development to mitigate impacts to land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance through the permanent preservation of off-site agricultural land within the County of equal or better agricultural quality. With implementation of Mitigation Measure AG-1, the proposed overlay zone would not contribute to a cumulatively considerable impact. Cumulative impacts in this regard would be reduced to less than significant levels.

Mitigation Measure:

AG-1 Development of a future light industrial use in accordance with the East Side Overlay Zone that converts land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use(s), shall mitigate such impacts through the permanent preservation of off-site agricultural land within the County of Los Angeles of equal or better agricultural quality, at a ratio of 1:1 for net acreage before conversion, through one of the following methods:

- Funding and purchase of agricultural conservation easements (to be managed and maintained by an appropriate entity);
- Purchase of credits from an established agricultural farmland mitigation bank;
- Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland;
- Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above; or
- Evidence that all of the foregoing measures are infeasible.

Prior to issuance of a grading or building permit, the project Applicant shall provide to the City of Lancaster Community Development Department written evidence of the completion of the implemented off-site permanent preservation method(s) or that such preservation is infeasible.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

3. Air Quality

Short-term construction activities associated with the proposed project could 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.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-14 of the Draft PEIR.

The proposed project would introduce a new overlay zone in the eastern portion of Lancaster that would allow a number of light industrial uses. Potential uses include alternative energy uses, light manufacturing, distribution, and warehousing, among others. The proposed East Side Overlay Zone may result in both small-



and large-scale development within the project site. However, the overlay project itself does not directly propose any demolition or development activities.

The thresholds of significance recommended by the Antelope Valley Air Quality Management District (AVAQMD) for construction emissions were developed for individual development projects. Construction-related emissions are described as short-term or temporary in duration and have the potential to represent a significant impact with respect to air quality. As discussed above, implementation of the proposed overlay zone would not include construction activity. However, future construction-related activities associated with development within the East Side Overlay Zone would result in emissions of criteria air pollutants and precursors from site preparation (e.g., demolition, excavation, grading, and clearing); exhaust from off-road equipment, material delivery trucks, and worker commute vehicles; vehicle travel on roads; and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings, and trenching for utility installation). Future development within the East Side Overlay Zone would be analyzed at a detailed level and be reviewed by the City to ensure that development occurs in a logical manner consistent with the project, General Plan, Municipal Code, and that additional environmental review is conducted under CEQA, as needed.

Because implementation of the proposed East Side Overlay Zone does not propose any specific development, construction-related emissions that may occur at any one time are speculative and cannot be accurately determined at this stage of the planning process. Assuming relatively robust economic conditions over the next 25 years, construction activities would occur throughout the project area, but the rate of development cannot be predicted. Environmental review shall be carried out in accordance with CEQA, the City's Environmental Guidelines, and other applicable regulations. Future development projects would be required to comply with all applicable AVAQMD rules and regulations as well as other control measures to reduce construction emissions; refer to Mitigation Measures AQ-1 and AQ-2. Specifically, Mitigation Measure AQ-1 would require future projects within the proposed East Side Overlay Zone to utilize construction equipment vehicles in proper condition and in tune per manufacturer's specifications to ensure ozone precursor emissions are reduced. Additionally, Mitigation Measure AQ-2 would require a Construction Management Plan and Traffic Control Plan be prepared and implemented to reduce traffic congestion during future temporary construction activities, thus reducing construction-related air quality emissions. Future project-specific environmental review under CEQA would be conducted pursuant to City guidelines and compliance with existing AVAQMD regulations and Mitigation Measures AQ-1 and AQ-2 would be required. Therefore, construction impacts related to implementation of the proposed East Side Overlay Zone would be less than significant.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn



lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Development associated with implementation of the proposed project could result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-17 of the Draft PEIR.

CARBON MONOXIDE HOTSPOTS

Carbon monoxide (CO) emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.).

The Mojave Desert Air Basin (MDAB) is designated as an attainment/maintenance area for the Federal CO standards and an attainment area for State standards. There has been a decline in CO emissions even though vehicle miles traveled on U.S. urban and rural roads have increased. Nationwide estimated anthropogenic CO emissions have decreased 68 percent between 1990 and 2014. In 2014, mobile sources accounted for 82 percent of the nation's total anthropogenic CO emissions. CO emissions have continued to decline since this time. The MDAB was re-designated as attainment and is no longer addressed in the AVAQMD's Air Quality Management Plan (AQMP). Three major control programs have contributed to the reduced per-vehicle CO emissions: exhaust standards, cleaner burning fuels, and motor vehicle inspection/maintenance programs.

Localized concentrations of CO are typically associated with the idling of vehicles, particularly in highly congested areas. For this reason, the areas of primary concern are congested roadway intersections that experience high levels of vehicle traffic with degraded levels of service (LOS). With regard to potential increases in CO concentrations that could potentially exceed applicable ambient air quality standards, signalized intersections that are projected to operate at an unacceptable LOS E or F are of particular concern. As future projects are proposed within the East Side Overlay Zone, the details of each individual project would be evaluated by the City on a case-by-case basis, and these individual projects would be required to analyze localized emissions associated with construction and operations through project-specific CEQA analysis. Therefore, impacts would be less than significant in this regard.

TOXIC AIR CONTAMINANTS

As noted above, implementation of the East Side Overlay Zone would not result in direct long-term operation of any stationary sources of toxic air contaminants (TACs) as no specific development is proposed. However,



construction of future projects within the East Side Overlay Zone may result in temporary increases in emissions of diesel particulate matter (DPM) associated with the use of off-road diesel equipment. Health-related risks associated with diesel-exhaust emissions are primarily associated with long-term exposure and associated risk of contracting cancer. As such, the calculation of cancer risk associated with exposure of to TACs are typically calculated based on a long-term (e.g., 70-year) period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. In addition, as future projects are proposed within the East Side Overlay Zone, the details of each individual project would be evaluated by the City on a case-by-case basis, and these individual projects would be required to analyze localized emissions associated with construction through project-specific CEQA analysis. For these reasons, exposure to construction-generated DPM would not be anticipated to exceed applicable thresholds (i.e., incremental increase in cancer risk of 10 in one million). As such, impacts from toxic air contaminants would be less than significant in this regard.

VALLEY FEVER

Nearby sensitive receptors as well as workers could be exposed to Valley Fever from fugitive dust generated during construction of future projects within the East Side Overlay Zone. There is the potential that *Coccidioides* 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, all future development within the East Side Overlay Zone would be required to comply with AVAQMD Rules 401 and 403 emissions during construction and implement Mitigation Measure AQ-3 that would provide personal protective respiratory equipment to construction workers and provide information to all construction personnel and visitors about Valley Fever. As such, the risk of exposure to Valley Fever would be minimized to a less than significant level. With the implementation of Mitigation Measure AQ-3, dust from potential future construction activity would be limited and would not expose nearby sensitive receptors to the Valley Fever fungus. Impacts would be less than significant in this regard.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.



AQ-3

Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews 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 Director of Community Development 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 Director of Community Development. 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 (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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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.
- Require 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 Director of Community Development. 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 shall 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.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Implementation of the proposed project could conflict with or obstruct implementation of the applicable air quality plan.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-21 of the Draft PEIR.

A potentially significant impact to air quality would occur if the project would conflict with or obstruct implementation of the applicable Air Quality Plan. Therefore, it is necessary to assess the project's consistency with the 2017 Attainment Plan as well as the General Plan and growth forecasts. The purpose of the consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air quality plans, and thus, if it would interfere with the region's ability to comply with federal and State air quality standards. It is important to note that even if a project is found consistent it could still have a significant impact on air quality under CEQA. Consistency with plans means that a project is consistent with the goals, objectives, and assumptions in the respective plan to achieve the federal and State air quality standards.

The AVAQMD CEQA and Federal Conformity Guidelines notes the following with respect to conformity impacts:

According to AVAQMD CEQA and Federal Conformity Guidelines a project is consistent with applicable air quality plans if it complies with all applicable AVAQMD rules and regulations, complies with all proposed control measures that are not adopted



from applicable plans, and is consistent with the growth forecasts in the applicable plan(s). Conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast.

The proposed East Side Overlay Zone would increase the flexibility in allowed uses and development potential in the eastern portion of Lancaster beyond currently allowed uses. All future development associated with allowed uses in accordance with East Side Overlay Zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis. As such, future development projects would be required to analyze project-specific impacts to the City's existing population and housing. Thus, the proposed East Side Overlay Zone would not induce substantial unplanned population growth and implementation of the East Side Overlay Zone would not affect SCAG's nor the 2017 Attainment Plan's buildout projections. All future development associated with allowed uses in accordance with East Side Overlay Zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis. As such, future development projects would be required to analyze project-specific impacts to the City's existing population and housing. Thus, the proposed East Side Overlay Zone would not induce substantial unplanned population growth. Further, emissions would be reduced with implementation of Mitigation Measures AQ-1 through AQ-3, and the project would be required to comply with all AVAQM rules and regulations to improve air quality. Therefore, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan. A less than significant impact would occur in this regard.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.
- AQ-3 Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be



conducted if different work crews 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 Director of Community Development 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 Director of Community Development. 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 (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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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.
- Require 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 Director of Community Development. 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 shall 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.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: Short-term construction activities associated with the proposed project and other related cumulative projects, could result in increased air pollutant emission impacts or expose sensitive receptors to increased pollutant concentrations.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-23 of the Draft PEIR.

The AVAQMD neither recommends quantified analyses of cumulative construction emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative construction impacts. The AVAQMD significance thresholds for construction are intended to meet the objectives of the AQMP to ensure the NAAQS and CAAQS are not exceeded. As the City has no control over the timing or sequencing of cumulative development in Lancaster, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. In addition, construction-related criteria pollutant emissions are temporary in nature and cease following project completion.

Per AVAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted AQMP emissions control measures) would also be imposed on construction projects throughout the MDAB, which would include future development within the East Side Overlay Zone and the City of Lancaster. Based on the programmatic construction analysis above, construction-related emissions associated with future development projects within the City and surrounding area would be required to conduct project-specific CEQA analysis and comply with the applicable AVAQMD rules and regulations, as well as Mitigation Measures AQ-1 through AQ-3. Therefore, implementation of the proposed East Side Overlay Zone would not result in cumulatively considerable impacts regarding construction air quality emissions.



Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.
- AQ-3 Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews 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 Director of Community Development 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 Director of Community Development. 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 (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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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.
- Require 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 Director of Community Development. 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 shall 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.



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: Implementation of the proposed project and related projects could result in cumulatively considerable inconsistencies with the applicable air quality plan.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.13, *Air Quality*, and in particular, starting on page 5.13-25 of the Draft PEIR.

The AVAQMD considers any project with a significant project-level air quality impact to also have a significant cumulative air quality impact. As discussed above, the proposed East Side Overlay Zone would not affect SCAG's nor the 2017 Attainment Plan's buildout projections for the City. All future development within the project area would be required to comply with applicable General Plan policies and development standards implemented by the proposed project. Future project-specific environmental review under CEQA would be conducted pursuant to City guidelines and Mitigation Measures AQ-1 through AQ-3 would be required. Impacts were determined to be less than significant with regard to consistency with regional air quality plans. Additionally, the proposed overlay zone does not include a General Plan amendment and would remain consistent with SCAG's growth forecasts. Therefore, the proposed overlay zone would not have a cumulatively considerable impact in this regard. Cumulative impacts would be less than significant.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.
- AQ-2 Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.
- AQ-3 Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall



provide evidence to the Director of Community Development 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 Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews 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 Director of Community Development 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.
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- 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 Director of Community Development. 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 (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 High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the 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.
- Require 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 Director of Community Development. 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 shall 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.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

4. Biological Resources

The proposed project could potentially result in 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.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-15 of the Draft PEIR.

SPECIAL-STATUS PLANT SPECIES

A total of 23 special-status plant species have been recorded in the U.S. Geological Survey (USGS) *Alpine Butte, Rosamond, Rosamond Lake, Redman, Rogers Lake South, Hi Vista, Lovejoy Buttes, Littlerock, Palmdale, Ritter Ridge, and Lancaster West, California* 7.5-minute quadrangles by the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) and California Native Plant Society Inventory of Rare and Endangered Plants of California (CIRP). The only special-status plant species that is known to occur within the project site is western Joshua tree. As a candidate for listing under the California Endangered Species Act (CESA), western Joshua trees are protected from take without an Incidental Take Permit. Other special-status plant species that have been recorded in the project site vicinity include alkali mariposa lily (California Rare Plant Ranking [CRPR] 1B.2), Mojave spineflower (CRPR 4.2), sagebrush loeflingia (CRPR 2B.2), crowned muilla (CRPR 4.2), Lancaster milk-vetch (CRPR 1B.1), white pygmy-poppy (CRPR 4.2), Mojave Indian paintbrush (CRPR 4.3), Parry's spineflower (CRPR 1B.1), Rosamond eriastrum (CRPR 1B.1), and golden



goodmania (CRPR 4.2). As such, future development in accordance with the overlay zone could impact special-status plant species. Given that the exact location of future development projects within the proposed East Side Overlay Zone is unknown at this time, Mitigation Measure BIO-1 would require, as determined by the City, a Biological Resources Assessment be prepared to evaluate potential impacts to on-site biological resources, including sensitive or special-status plant species. Focused plant surveys may also be required as a result of the Biological Resources Assessment findings. Should a future project require the removal of western Joshua trees, the project would also be required to comply with Mitigation Measure BIO-2 which would require a census of the number of western Joshua trees to be impacted. An Incidental Take Permit would also be required from the CDFW prior to any ground-disturbing activities that may adversely affect western Joshua trees. Additionally, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified, as needed. With implementation of Mitigation Measures BIO-1 and BIO-2, the proposed project would not result in significant impacts to sensitive special-status plant species.

SPECIAL-STATUS WILDLIFE SPECIES

Thirty special-status wildlife species have been recorded in the USGS *Alpine Butte, Lancaster East, Rosamond, Rosamond Lake, Redman, Rogers Lake South, Hi Vista, Lovejoy Buttes, Ritter Ridge, Lancaster West, Littlerock, and Palmdale, California* 7.5-minute quadrangles by the CNDDDB and project region by the U.S. Fish and Wildlife Services (USFWS) Information for Planning and Consultation Project Planning Tool (IPaC). A field survey was not conducted; however, based on a 2022 field survey conducted by Michael Baker for a portion of the project site, four special-status bird species were identified within the project site, including Swainson's hawk, California horned lark, loggerhead strike, and yellow-headed blackbird. Additional special-status bird species have been previously recorded within the project site, including Cooper's hawk, tricolored blackbird, burrowing owl, short-eared owl, ferruginous hawk, mountain plover, northern harrier, merlin, prairie falcon, and white-faced ibis. Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBtA) and California Fish and Game Code (CFGF). Specifically, the MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests.

Additionally, signs of special-status mammal species, including Desert kit fox and American badger, have been observed within the project site during prior field surveys conducted for other development projects in the area. However, the project site provides only marginal habitat for a limited number of common mammalian species, such as Mohave ground squirrel. Specifically, Mohave ground squirrel is known to occur in the region and suitable habitat may be present within the project site, particularly in areas that are contiguous with undeveloped open space.

To reduce potential impacts to special-status species, Mitigation Measure BIO-1 would require, as determined by the City, a Biological Resources Assessment be conducted to evaluate potential impacts to on-site biological resources, including sensitive or special-status species. Should suitable habitat for burrowing owl be observed as part of the Biological Resources Assessment conducted under Mitigation Measure BIO-1, Mitigation Measure BIO-3 would require pre-construction burrowing owl clearance surveys be conducted prior to any vegetation removal or ground disturbing activities. Additionally, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified, as needed. With implementation of Mitigation Measures BIO-1 and BIO-3, the proposed project would not result in significant impacts to sensitive special-status wildlife species.

Mitigation Measures:

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be



screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided



according to alliance and/or association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);

3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Project implementation could potentially have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-18 of the Draft PEIR.

There are no USFWS-designated Critical Habitat for any federally listed species within the project site. A field survey of the entire project site was not conducted and thus, specific vegetation mapping is not available. However, vegetation mapping from the General Plan indicates that the overlay zone contains a mixture of desert wash, desert woodland, ruderal areas, agricultural land, and developed areas. Additionally, multiple



potential aquatic features including freshwater forested/shrub wetland, freshwater pond, and lake occur within the project site. These mapped features appear as areas of potential ponding, natural surface depressions, and stock ponds or ditches associated with agricultural activities.

To reduce potential impacts to riparian habitat or other sensitive natural communities, Mitigation Measure BIO-1 requires a Biological Resources Assessment, as determined by the City, to evaluate potential impacts to on-site biological resources, including sensitive natural communities. Additionally, future light industrial projects developed in accordance with the overlay zone would be required to conduct separate environmental review under CEQA. Future development projects would be evaluated on a project-specific level with site-specific analysis and additional mitigation measures would be identified, as needed. With implementation of Mitigation Measure BIO-1, the proposed project would not result in significant impacts to riparian habitat or other sensitive natural communities.

Mitigation Measure:

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The project could 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, costal, etc.) through direct removal, filling, hydrological interruption, or other means.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-18 of the Draft PEIR.

Numerous potential jurisdictional features may be located within the project site. Specifically, Little Rock Wash is the most prominent potential jurisdictional feature within the project site and may qualify as “waters of the United States or wetlands” and/or water of the State regulated by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or CDFW. Little Rock Wash enters the project site from the south as a natural earthen drainage, continues to flow north as an earthen channel, crosses underneath East Avenue K and East Avenue J within the project site, and continues north off-site as an earthen channel. Additionally, multiple aquatic features including freshwater forested/shrub wetland, freshwater pond, and lake occur within the project site. These aquatic features include areas of potential ponding, natural surface depressions, and stock ponds or ditches associated with agricultural activities.

As such, prior to future development within the overlay zone and as determined appropriate by the City, Mitigation Measure BIO-4 would require a formal jurisdictional delineation for future development within the project be conducted to document the presence or absence of potential jurisdictional features and the potential permit requirements from the USACE, RWQCB, and/or CDFW. Additionally, future development would also be required to undergo separate environmental review under CEQA (i.e., preparation of a Categorical Exemption, Mitigated Negative Declaration, or Environmental Impact Report) to evaluate project-level impacts with regards to federally protected wetlands. Thus, with implementation of Mitigation Measure BIO-4, the proposed project would not have a substantial adverse effect on federally protected wetlands, including, but not limited to, marsh, vernal pool, or coastal. Impacts in this regard would be reduced to less than significant levels.

Mitigation Measure:

BIO-4 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies)



(i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).

For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The proposed project, in conjunction with cumulative development, could result in cumulatively considerable impacts to candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-20 of the Draft PEIR.

Future cumulative development projects developed in accordance with the General Plan would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts to sensitive special-status species and any required mitigation.

As stated, all future development projects would similarly require separate environmental review under CEQA. Additionally, per Mitigation Measure BIO-1, a Biological Resources Assessment and additional focused plant survey(s) may be required, as determined by the City, to evaluate potential impacts to on-site biological



resources, including sensitive or special-status species. Mitigation Measure BIO-2 would require any future project requiring removal of western Joshua trees to compile a census of the quantity of western Joshua trees to be impacted by development. Further, should burrowing owls be located on-site, Mitigation Measure BIO-3 would require pre-construction burrowing owl clearance surveys be conducted prior to vegetation removal or ground disturbing activities. Thus, with implementation of Mitigation Measures BIO-1 through BIO-3, the proposed overlay zone would not result in cumulatively considerable impacts to sensitive special-status species. Impacts in this regard would be reduced to less than significant.

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*, a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant



modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);
3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require four survey visits: 1) at least one site visit between February 15 and April 15; and, 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required. If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.



CUMULATIVE: The project, in conjunction with cumulative projects, could result in cumulatively considerable impacts to riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-21 of the Draft PEIR.

Future cumulative development projects developed in accordance with the General Plan would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts to riparian habitat and sensitive natural communities and any required mitigation.

As stated, all future development projects would similarly require separate environmental review under CEQA. Additionally, per Mitigation Measure BIO-1, a Biological Resources Assessment may be required, as determined by the City, to evaluate potential impacts to on-site biological resources, including riparian habitat and sensitive natural communities. Thus, the proposed overlay zone itself would not result in cumulatively considerable impacts to riparian habitat and sensitive natural communities. Impacts in this regard would be reduced to less than significant.

Mitigation Measure:

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);



2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The project, in conjunction with cumulative projects, could result in cumulatively considerable impacts to 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.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.4, *Biological Resources*, and in particular, starting on page 5.4-21 of the Draft PEIR.

Numerous potential jurisdictional features are located within the overlay zone. Specifically, Little Rock Wash is the most prominent potential jurisdictional feature within the overlay zone and may qualify as “waters of the United States or wetlands” and/or water of the State regulated by the USACE, RWQCB, and/or CDFW. As such, prior to future development within the overlay zone, Mitigation Measure BIO-4 would require future projects to conduct a jurisdictional delineation, as determined by the City, to document the presence or absence of potential jurisdictional features and potential permit requirements from the regulatory agencies. Future development would also be required to undergo separate environmental review under CEQA (i.e., preparation of a Categorical Exemption, Mitigated Negative Declaration, or Environmental Impact Report) to evaluate project-level impacts with regards to federally protected wetlands. Thus, the proposed project would not result in cumulatively considerable impacts to federally protected wetlands and impacts in this regard would be less than significant.

Mitigation Measure:

- BIO-4 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).



For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

5. Cultural Resources

The project could cause significant impacts to historical resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-15 of the Draft PEIR.

Six parcels with documented historic-aged buildings (i.e., greater than 45 years old) were identified within the proposed overlay zone. The six parcels are of historic age; however, as stated, development within the overlay zone started in the nineteenth century, suggesting that the number of historic-aged buildings in the overlay zone is low. Nevertheless, the entire overlay zone has the potential for historic-aged buildings that may require evaluation for inclusion in the National Register of Historic Places (National Register) and/or California Register of Historical Resources (California Register) if affected by future development in accordance with the proposed overlay zone.

Future light industrial projects developed in accordance with the overlay zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis and comply with existing applicable federal, State, and local laws related to historical resources. Future projects with the potential for ground



disturbing activities may also be required to comply with Mitigation Measure CUL-1 as deemed appropriate by the City, which requires a Phase I cultural resources study be conducted by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. Specifically, the Phase I cultural resources study would be required to include an identification effort, including, at a minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Site-specific mitigation measures may also be required as a result of the Phase I cultural resources study. As such, implementation of Mitigation Measure CUL-1 would reduce potential impacts in this regard to a less than significant level.

Mitigation Measure:

CUL-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The project could cause a significant impact to archaeological resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-16 of the Draft PEIR.

The archaeological sensitivity for potential unknown prehistoric archaeological sites within the overlay zone is moderate. The overlay zone is located within the ancestral territory of the Serrano Native American tribe. No village sites are known or anticipated to have existed within the overlay zone. However, human use of the area extends into the deep past, including periods when the climate was much more suitable for human habitation. Moreover, the presence of ephemeral creeks in the overlay zone such as Little Rock Wash could have drawn Native Americans to the overlay zone seasonally. No prehistoric archaeological sites are documented within the East Side Overlay Zone; however, an isolated flake documented within 0.25-mile of the overlay zone further suggests sporadic or seasonal use of the overlay zone and its vicinity. As such, the overlay zone could contain previously undiscovered archaeological resources.



Further, the sensitivity for potential undocumented historic period buildings, structures, and archaeological sites is high. Topographic maps and aerial photographs indicate that the overlay zone shares the agricultural history of the western Antelope Valley beginning in the late nineteenth century. As stated, six historic archaeological sites have been previously recorded within the overlay zone. Similar historic homesteads and associated archaeological sites and historic built features are anticipated on the surface and at shallow depths within the overlay zone.

Future light industrial projects developed in accordance with the overlay zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis to evaluate site-specific archaeological impacts. Additionally, as deemed appropriate by the City, future projects with the potential for ground disturbing activities may be required to comply with Mitigation Measure CUL-1, which would require a Phase I cultural resources study be conducted by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. Specifically, the study would be required to incorporate an identification effort, including, at a minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Site-specific mitigation measures may also be required as a result of the Phase I cultural resources study. As such, implementation of Mitigation Measure CUL-1 would reduce potential impacts in this regard to a less than significant level.

Mitigation Measure:

- CUL-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: The proposed project, combined with other related projects, could result in cumulatively considerable impacts to historical resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-19 of the Draft PEIR.



Cumulative projects developed in accordance with the General Plan have the potential to impact historical resources on their respective sites. However, future cumulative projects would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts based on site-specific ground-disturbing activities.

Future light industrial development accommodated by the proposed overlay zone would similarly be required to undergo project-level environmental review under CEQA on a case-by-case basis and comply with existing applicable State and local laws related to historical resources. Further, given that construction activities associated with future light industrial development could adversely impact built historic-age resources on a site, implementation of Mitigation Measure CUL-1 may be required as deemed appropriate by the City. With implementation of Mitigation Measure CUL-1, the proposed overlay zone would not contribute to a cumulatively considerable impact and impacts in this regard would be less than significant.

Mitigation Measure:

CUL-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: Project implementation in conjunction with other cumulative projects could result in cumulatively considerable impacts to archaeological resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-19 of the Draft PEIR.

Cumulative projects developed in accordance with the General Plan have the potential to result in cumulatively considerable impacts to archaeological resources. However, future cumulative projects would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts based on project-specific ground-disturbing activities.



Future light industrial development accommodated by the proposed overlay zone would also be required to undergo project-level environmental review under CEQA on a case-by-case basis and comply with existing applicable State and local laws related to archaeological resources. Further, given that future construction activities associated with allowed uses in accordance with the East Side Overlay Zone could uncover previously undiscovered archaeological resources, implementation of Mitigation Measures CUL-1 would reduce potential impacts in this regard. With implementation of Mitigation Measure CUL-1, future light industrial development associated with the proposed overlay zone would not contribute to a cumulatively considerable impact and impacts in this regard would be less than significant.

Mitigation Measure:

CUL-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

6. Geology and Soils

Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.6, *Geology and Soils*, and in particular, starting on page 5.6-17 of the Draft PEIR.

Though no known fossil localities have been previously recorded within the City boundaries, soils in the overlay zone consist of alluvium of Holocene to late Pleistocene age and eolian deposits of Holocene age. There is a low potential to disturb paleontological resources within undisturbed bedrock; however, these soils may overlay older Pleistocene-age alluvial soils at unknown depths, which have a moderate to high potential for paleontological sensitivity. Surface deposits consisting of younger Quaternary alluvial soils near the City (outside of City limits) have recovered faunal remains from small vertebrates. As such, the overlay zone has the potential to encounter paleontological resources.



Potential impacts to paleontological resources are based on site-specific soil conditions and project details (e.g., depth of excavation required). Thus, it is speculative to determine potential impacts to paleontological resources at this programmatic level of analysis. Nevertheless, future development projects would be required to undergo separate environmental review under CEQA to evaluate project- and site-specific impacts and to identify any required mitigation measures. Additionally, Mitigation Measure GEO-1 would require a Paleontological Resources Assessment be prepared at the discretion of the City and based on the type of project and whether ground disturbing activities are proposed. The Paleontological Resources Assessment would identify the paleontological sensitivity of the project site and any required mitigation to reduce impacts to paleontological resources. Additionally, Mitigation Measures GEO-2 through GEO-5 would be required to reduce impacts to paleontological resources during construction of future development projects requiring ground-disturbing activities in undisturbed bedrock at depths greater than four feet. As such, upon implementation of Mitigation Measures GEO-1 through GEO-5, future projects developed in accordance with the overlay zone would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and impacts would be reduced to less than significant levels.

Mitigation Measures:

GEO-1 To ensure identification and preservation of paleontological resources within a project site, each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Paleontological Resources Assessment is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Paleontological Resources Assessment shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Paleontological Resources Assessment be prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist.

The Paleontological Resources Assessment shall include and take into account project-specific and local geologic mapping, geotechnical data, and paleontological records search. The Paleontological Resources Assessment shall adhere to and incorporate the performance standards and practices from the current SVP Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources. The qualified paleontologist shall submit the Paleontological Resources Assessment to the City of Lancaster Community Development Department for review and approval before issuance of a grading permit.

GEO-2 For projects with ground-disturbing activities at depths greater than four feet, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to the beginning of ground-disturbing activities. The training session shall focus on how to identify paleontological localities such as fossils that may be encountered and the procedures to follow if identified.

GEO-3 Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to monitor these activities at depths of four feet below present grade or greater. In the event that fossils are discovered during grading at any depth, the on-site construction supervisor shall be notified and shall redirect work away from the location of the discovery. The recommendations of the paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after



which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.

GEO-4 If discovered fossils are determined to be significant, the Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures:

- The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research interest in the materials (which may include the Natural History Museum of Los Angeles County);
- The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and
- The paleontologist shall ensure that curation of fossils is completed in consultation with the City of Lancaster Community Development Department. A letter of acceptance from the curation institution shall be submitted to the City of Lancaster Community Development Department.

GEO-5 If any paleontological resources are encountered during construction or the course of any ground-disturbance activities, all such activities shall halt immediately. At this time, the Applicant shall notify the City of Lancaster Community Development Department and consult with a qualified paleontologist to assess the significance of the find. The assessment shall follow Society of Society of Vertebrate Paleontology (SVP) standards as delineated in the *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (2010). If any find is determined to be significant, appropriate avoidance measures recommended by the paleontologist and approved by City staff must be followed unless avoidance is determined to be infeasible by the City of Lancaster Community Development Department. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: The proposed project, in conjunction with cumulative development, could expose people or structures to potential substantial adverse effects involving geology and soils and could impact unknown paleontological resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.6, *Geology and Soils*, and in particular, starting on page 5.6-19 of the Draft PEIR.

Future cumulative projects developed in accordance with the General Plan would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential effects involving geology and soils and impacts to paleontological resources. Additionally, similar to future development projects within the overlay zone, cumulative projects would be required to comply with existing local, State, and Federal regulations regarding geologic hazards. For example, future developments would be required to comply with the California Building Standards Code (CBSC), National Pollutant Discharge Elimination System (NPDES) program requirements, the 2019 California Plumbing Code (CPC), and Municipal Code Chapter 15.08, *Building Code*, Section 8.16.030, *Disturbing Surface of Land or Causing Wind Erosion Prohibited*, and Section 16.24.210, *Use of septic tanks*.



As concluded above, geologic/seismic hazards and paleontological impacts associated with the overlay zone would be less than significant upon implementation of regulatory requirements and Mitigation Measures GEO-1 through GEO-5. Further, all future development projects within the overlay zone would be required to undergo separate project- and site-specific environmental review. Thus, cumulative impacts in this regard would be less than significant.

Mitigation Measures:

GEO-1 To ensure identification and preservation of paleontological resources within a project site, each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Paleontological Resources Assessment is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Paleontological Resources Assessment shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Paleontological Resources Assessment be prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist.

The Paleontological Resources Assessment shall include and take into account project-specific and local geologic mapping, geotechnical data, and paleontological records search. The Paleontological Resources Assessment shall adhere to and incorporate the performance standards and practices from the current SVP Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources. The qualified paleontologist shall submit the Paleontological Resources Assessment to the City of Lancaster Community Development Department for review and approval before issuance of a grading permit.

GEO-2 For projects with ground-disturbing activities at depths greater than four feet, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to the beginning of ground-disturbing activities. The training session shall focus on how to identify paleontological localities such as fossils that may be encountered and the procedures to follow if identified.

GEO-3 Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to monitor these activities at depths of four feet below present grade or greater. In the event that fossils are discovered during grading at any depth, the on-site construction supervisor shall be notified and shall redirect work away from the location of the discovery. The recommendations of the paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.

GEO-4 If discovered fossils are determined to be significant, the Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures:



- The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research interest in the materials (which may include the Natural History Museum of Los Angeles County);
- The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and
- The paleontologist shall ensure that curation of fossils is completed in consultation with the City of Lancaster Community Development Department. A letter of acceptance from the curation institution shall be submitted to the City of Lancaster Community Development Department.

GEO-5 If any paleontological resources are encountered during construction or the course of any ground-disturbance activities, all such activities shall halt immediately. At this time, the Applicant shall notify the City of Lancaster Community Development Department and consult with a qualified paleontologist to assess the significance of the find. The assessment shall follow Society of Society of Vertebrate Paleontology (SVP) standards as delineated in the *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (2010). If any find is determined to be significant, appropriate avoidance measures recommended by the paleontologist and approved by City staff must be followed unless avoidance is determined to be infeasible by the City of Lancaster Community Development Department. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

7. Hazards and Hazardous Materials

Project implementation could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.8, *Hazards and Hazardous Materials*, and in particular, starting on page 5.8-11 of the Draft PEIR.

One of the means through which human exposure to hazardous substance could occur is through accidental release. Incidents that result in an accidental release of hazardous substances into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Human exposure to contaminated soil or water can have potential health effects based on a variety of factors, such as the nature of the contaminant and the degree of exposure.

CONSTRUCTION

Disturbance of Contaminated Properties

Two properties within the proposed East Side Overlay Zone are listed as regulatory sites for containing leaking underground storage tanks (LUSTs). However, both sites have received a cleanup status listing of “Case Closed” and are not a potential hazard of concern.



Future construction activities associated with allowed uses in accordance with the East Side Overlay Zone could involve the release of hazardous materials into the environment through reasonably foreseeable upset and accident conditions or the transport, use, or disposal of hazardous materials.

Future development could involve grading and excavation activities that could expose construction workers and the public to hazardous substances and hazardous waste in the soil, soil vapor, and/or groundwater from the listed sites. However, future development would be required to comply with existing applicable federal, State, and local laws related to the hazardous materials.

Additionally, all future development would be required to undergo project-level environmental review under CEQA (e.g., preparation of a Categorical Exemption, Mitigated Negative Declaration, or Environmental Impact Report) on a case-by-case basis. Similarly, future development projects would be required to comply with existing applicable federal, State, and local laws related to the hazardous materials. The Los Angeles County Fire Department (LACFD), Lahontan RWQCB, as well as the Department of Toxic Substance Control (DTSC) are responsible for monitoring regulatory sites (e.g., permitted underground storage tank [UST] and aboveground petroleum storage tank [APST] facilities) and preventing accidental release of hazards and hazardous materials. For example, owners or operators of APST and UST facilities are required to file a tank facility statement and develop and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan. Compliance with these programs would reduce the likelihood and severity of accidents involving leaking storage tanks, which could pollute ground and surface waters. If leaking storage tanks occur, the Lahontan RWQCB is responsible for overseeing cleanup actions. Additionally, the California Division of Occupational Safety and Health (Cal/OSHA) is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Compliance with regulations established by these agencies would reduce potential risks related to accidental release of hazardous materials from contaminated properties during construction to less than significant levels.

Hauling and Disposal of Hazardous Waste

Construction activities associated with future development could expose construction workers and the public to hazardous substances/materials involving the transport, use, and storage of construction materials, equipment (i.e., oil, diesel fuel, and transmission fluid), and demolition debris. Specifically, structures constructed between the 1940s and 1970s may be associated with hazardous building materials (e.g., asbestos containing materials [ACM] and/or lead based paint [LBP]). Additionally, organochlorine-containing termiticides may have been used to treat wooden buildings constructed prior to 1989, and universal waste (certain categories of hazardous waste such as batteries, pesticides, mercury-containing equipment, and lamps that are commonly generated by a wide variety of establishments) are often present in sites with historical uses. Demolition of structures could expose construction personnel and the public to ACMs or LBPs. Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. Future demolition activities associated with projects developed in accordance with the East Side Overlay Zone that could result in the release of ACMs and/or LBPs would be conducted according to applicable federal and State regulations. Specifically, the National Emission Standards for Hazardous Air Pollutants (NESHAP) establishes that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition.

Based on the unknown construction date of existing structures within the proposed overlay zone, there is the potential that ACM and/or LBPs are present in existing buildings. Should a future project developed in accordance with the East Side Overlay Zone require the demolition of existing buildings constructed between the 1940s and 1970s, the project would be required to comply with Mitigation Measure HAZ-1, which would require ACM and LBP surveys be conducted by a qualified specialist or contractor and be submitted to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and to the Community Development Director for approval prior to demolition of existing structures. Specifically, if ACMs are identified, asbestos abatement is required to be completed prior to any activities that would disturb ACMs



or create an airborne asbestos hazard. Asbestos removal is required to be performed by a State-certified asbestos containment contractor in accordance with the AVAQMD Rule 1403. Additionally, in accordance with AVAQMD Rule 1403, asbestos abatement is required prior to any demolition activities if ACMs are found. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste is required to be evaluated independently from the building material by a qualified environmental professional in accordance with California Code of Regulations Title 8, Section 1532.1. If LBP are found, abatement is required to be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal activities are required to comply with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal are required to provide evidence of abatement activities to the HHMD and Community Development Director. As such, compliance with existing regulations related to ACMs and LBPs and implementation of Mitigation Measure HAZ-1 would reduce potential impacts in this regard to a less than significant level.

Unknown Contaminated Sites

Future development in accordance with the overlay zone could involve grading and excavation activities which could reveal unknown hazards and hazardous materials contamination. As stated, future development would be required to would be comply with existing applicable federal, State, and local laws related to the hazardous materials.

Nevertheless, given that the exact location of future development projects within the proposed East Side Overlay Zone is unknown at this time, Mitigation Measure HAZ-2 establishes procedures to minimize potential risks to the public and environment if unknown wastes or suspect materials believed to involve hazardous waste or materials are encountered during construction of future development projects. Additionally, as mentioned above, the project would be required to comply with Mitigation Measure HAZ-1, which would require surveys of ACM, LBP, and universal waste to be conducted by a qualified specialist or contractor prior to demolition of existing structures constructed between the 1940s and 1970s. Compliance with Mitigation Measures HAZ-1 and HAZ-2 would minimize potential risks related to accidental release of hazardous materials from unknown contamination discovered during construction. Impacts in this regard would be less than significant.

OPERATIONS

Future development in accordance with the overlay zone would accommodate light industrial uses. As such, long-term operations associated with future uses allowed under the overlay zone may involve the routine transport, use, or disposal of hazardous materials typically associated with light industrial uses.

Future operational activities associated with future development in accordance with the overlay zone would be subject to compliance with existing federal, State, and local regulations, standards, and guidelines related to the transport, use, and disposal of hazardous materials. Specifically, future development would be subject to compliance with existing hazardous materials regulations codified in California Code of Regulations Titles 8, 22, and 26, and their enabling legislations set forth in Health and Safety Code Chapter 6.95 as well as California Code of Regulations Title 49. Both federal and State regulations require any business, where the maximum quantity of a regulated substance exceeds the specified threshold quantity, register with the LACFD as a manager of regulated substances and prepare a Risk Management Plan. The Risk Management Plan must contain an off-site consequence analysis, a five-year accident history, an accident prevention program, an emergency response program, and a certification of the truth and accuracy of the submitted information. Businesses would also be required to submit their plans to the certified unified program agency (CUPA) (i.e., LACFD), which would make the plans available to emergency response personnel.



Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. Impacts regarding the routine transport, use, or disposal of hazardous materials during project operations associated with future development would be less than significant.

Mitigation Measures:

HAZ-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether surveys of asbestos-containing materials (ACM), lead-based paint (LBP), and/or universal waste is required. Screening shall consider whether demolition or disturbance of existing structures constructed between the 1940s and 1970s is required. If no existing structures constructed between the 1940s and 1970s are proposed for demolition or disturbance, then surveys shall not be required. If such structures exist on-site and are proposed for demolition or disturbance, prior to issuance of any demolition permits, the City may require future project Applicants to retain a qualified specialist or contractor to conduct surveys of ACM, LBP, and universal waste and submit the surveys to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and comment, and to the City of Lancaster Community Development Director for approval. If ACMs are located, asbestos abatement shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with the Antelope Valley Air Quality Management District's (AVAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified lead specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the HHMD and Community Development Director. The project Applicant shall inform the Community Development Director, via monthly compliance reports, of the date when all ACMs, LBPs, and/or universal waste are removed from the project site.

HAZ-2 If unknown wastes or suspect materials are discovered during construction activities associated with future development that are believed to involve hazardous waste or materials, the construction contractor shall implement the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the City of Lancaster Community Development Director;
- Secure the area as directed by the City of Lancaster Community Development Director; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Los Angeles County Fire Department, Lahontan Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of



the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: Project implementation, combined with other related projects, could create a significant hazard to the public or environment through reasonably foreseeable update and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.8, *Hazards and Hazardous Materials*, and in particular, starting on page 5.8-18 of the Draft PEIR.

Cumulative projects developed in accordance with the General Plan could result in the handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials, during site disturbance, demolition, and/or grading activities. However, future cumulative projects would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts based on project-specific construction and operational activities.

Future light industrial development accommodated by the proposed overlay zone would be required to undergo project-level environmental review under CEQA on a case-by-case basis and comply with existing applicable State and local laws related to hazardous materials. Further, given that the exact location of future light industrial development is unknown at this time, implementation of Mitigation Measures HAZ-1 and HAZ-2 would reduce potential risks associated with ACM, LBP, universal waste, and any unknown wastes or suspect material discovered during construction activities. With implementation of Mitigation Measures HAZ-1 and HAZ-2, the proposed overlay zone would not contribute to a cumulatively considerable impact and impacts in this regard would be reduced to less than significant levels.

Mitigation Measures:

HAZ-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether surveys of asbestos-containing materials (ACM), lead-based paint (LBP), and/or universal waste is required. Screening shall consider whether demolition or disturbance of existing structures constructed between the 1940s and 1970s is required. If no existing structures constructed between the 1940s and 1970s are proposed for demolition or disturbance, then surveys shall not be required. If such structures exist on-site and are proposed for demolition or disturbance, prior to issuance of any demolition permits, the City may require future project Applicants to retain a qualified specialist or contractor to conduct surveys of ACM, LBP, and universal waste and submit the surveys to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and comment, and to the City of Lancaster Community Development Director for approval. If ACMs are located, asbestos abatement shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with the Antelope Valley Air Quality Management District's (AVAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified lead specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the HHMD and Community Development Director.



The project Applicant shall inform the Community Development Director, via monthly compliance reports, of the date when all ACMs, LBP's, and/or universal waste are removed from the project site.

HAZ-2 If unknown wastes or suspect materials are discovered during construction activities associated with future development that are believed to involve hazardous waste or materials, the construction contractor shall implement the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the City of Lancaster Community Development Director;
- Secure the area as directed by the City of Lancaster Community Development Director; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Los Angeles County Fire Department, Lahontan Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

8. Noise

Construction-related activities associated with project implementation could result in substantial temporary noise impacts to nearby noise sensitive receivers.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.16, *Noise*, and in particular, starting on page 5.16-12 of the Draft PEIR.

Noise from construction activities is generated by two primary sources: (1) the transport of workers and equipment to construction sites and (2) the noise related to active construction equipment. These noise sources can be a nuisance to local residents and businesses or unbearable to sensitive receptors (i.e., residences, hospitals, senior centers, schools, day care facilities, etc.).

Construction of future light industrial development associated with the East Side Overlay Zone could temporarily increase the ambient noise environment in the vicinity of each individual project. Construction noise levels are dependent upon the specific locations, site plans, and construction details of each new future development; given the programmatic level of the proposed overlay zone, construction-related noise impacts that may occur from future new development are speculative and cannot be accurately determined at this stage of the planning process. It should be noted that all future new development projects capable of generating substantial construction noise would be required to undergo separate environmental review under CEQA to evaluate project-specific construction noise impacts to nearby sensitive receptors and identify any required mitigation. To further reduce potential construction noise impacts associated with the proposed overlay zone, the project would be required to implement Mitigation Measure NOI-1. Mitigation Measure NOI-1 would require the implementation of construction best management practices (BMPs) for construction activities associated with future new development within the proposed overlay zone that are capable of generating substantial construction noise to nearby sensitive receptors. Specifically, Mitigation Measure NOI-1 would



require that construction contractors equip all construction equipment with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday).

Further, pursuant to Municipal Code Section 8.24.040, *Loud, unnecessary and unusual noises prohibited - Construction and building*, construction of future new development located within 500 feet of an occupied dwelling, apartment, hotel, mobile home or other place of residence would be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and would be prohibited on Sundays and holidays. Compliance with Municipal Code Section 8.24.040 and implementation of Mitigation Measure NOI-1 would ensure short-term construction noise impacts associated with future light industrial development within the overlay zone are reduced to less than significant levels.

Mitigation Measure:

NOI-1 Future light industrial projects developed in accordance with the overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall ensure, through contract specifications, that construction best management practices (BMPs) are implemented by construction contractors to reduce construction noise levels for construction activities that are capable of generating substantial construction noise to nearby sensitive receptors. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Community Development Director prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating construction equipment and construction staging areas away from sensitive uses.
- Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 8.24.040, *Loud, unnecessary and unusual noises prohibited - Construction and building*, of the Lancaster Municipal Code.
- Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.



- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Project implementation could result in substantial vibration impacts to nearby sensitive receptors and structures.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.16, *Noise*, and in particular, starting on page 5.16-15 of the Draft PEIR.

Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. Groundborne vibrations from construction activities rarely reach levels that damage structures.

CONSTRUCTION

Construction of future development associated with the proposed overlay zone could result in temporarily construction-related vibration impacts in the vicinity of each individual project. Construction vibration impacts are dependent upon the specific locations, site plans, and construction details of each new future development. Given the programmatic level of the proposed overlay zone, construction-related vibration impacts that may occur from future new development in this overlay zone are speculative and cannot be accurately determined at this stage of the planning process. It should be noted that all future new development projects capable of generating substantial construction vibration impacts would be required to undergo separate environmental review under CEQA to evaluate project-specific construction vibration impacts to nearby sensitive receptors and identify any required mitigation. To further reduce potential construction vibration impacts associated with the overlay zone, the project would be required to implement Mitigation Measure NOI-2. Mitigation Measure NOI-2 would require any construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. With compliance with existing regulations (e.g., individual projects undergoing separate environmental review under CEQA) and implementation of Mitigation Measure NOI-2, construction-related vibration impacts that would occur as a result of future buildout of the overlay zone would be reduced to less than significant levels.



OPERATIONS

Given the programmatic level of the proposed overlay zone, operation-related vibration impacts that may occur from future new development in this overlay zone are speculative and cannot be accurately determined at this stage of the planning process. However, overlay zone development standards have been established for light industrial uses that will abut a residential use (i.e., a masonry wall of not less than six feet in height and not taller than 10 feet in height shall be provided at the property line). Additionally, any buildings thereon shall be designed to locate noise-generating equipment and activity in a manner which will have a minimal impact on abutting residentially zoned property. A minimum ten-foot wide landscape setback would be required along property lines abutting or adjacent to a residential use. Light industrial uses within the East Side Overlay Zone will also be required to be compatible with adjacent existing uses through proper site planning, building design, and landscaping. All future new development projects capable of generating substantial operational vibration impacts would be required to undergo separate environmental review under CEQA and be required to comply with applicable regulations minimizing vibration impacts during operations. Operational impacts would be less than significant in this regard.

Mitigation Measure:

NOI-2 Prior to issuance of a grading permit, each new development project associated with the proposed overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster City Public Works Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: **Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.**

Support for this environmental impact conclusion is included in Draft PEIR Section 5.16, *Noise*, and in particular, starting on page 5.16-17 of the Draft PEIR.

Construction activities associated with the proposed overlay zone and cumulative projects may overlap, resulting in construction noise in the area. However, construction noise impacts primarily affect the areas immediately adjacent to the construction site. As previously discussed, future buildout of the proposed overlay zone would generate noise during construction activities. However, all future new development would undergo environmental review under CEQA to evaluate project-specific construction noise impacts and identify any required mitigation. Further, implementation of Mitigation Measure NOI-1 would ensure BMPs related to construction noise are implemented to further reduce such impacts. Future construction activities associated with cumulative development projects in accordance with the General Plan would also be required to comply with the Municipal Code and incorporate mitigation measures on a project-by-project basis, as applicable, to



reduce construction noise pursuant to CEQA provisions. Therefore, the proposed overlay zone contribution to cumulative noise impacts would be less than significant with implementation of Mitigation Measure NOI-1.

Mitigation Measure:

NOI-1 Future light industrial projects developed in accordance with the overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall ensure, through contract specifications, that construction best management practices (BMPs) are implemented by construction contractors to reduce construction noise levels for construction activities that are capable of generating substantial construction noise to nearby sensitive receptors. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Community Development Director prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating construction equipment and construction staging areas away from sensitive uses.
- Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 8.24.040, *Loud, unnecessary and unusual noises prohibited - Construction and building*, of the Lancaster Municipal Code.
- Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form



of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE: Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.16, *Noise*, and in particular, starting on page 5.16-18 of the Draft PEIR.

Future buildout of the proposed overlay zone could generate groundborne vibration during construction activities. However, all future new development would undergo environmental review under CEQA to evaluate project-specific vibration impacts and identify any required mitigation. Further, implementation of Mitigation Measure NOI-2 would ensure vibration monitoring and control measures are implemented to further reduce such impacts. Groundborne vibration generated from cumulative projects developed in accordance with the General Plan would be required to undergo environmental review under CEQA to determine project-specific impacts and any required mitigation measures on a project-by-project basis. Therefore, buildout of the East Side Overlay Zone and its contribution to cumulative vibration impacts would be less than significant with implementation of Mitigation Measure NOI-2.

Mitigation Measure:

NOI-2 Prior to issuance of a grading permit, each new development project associated with the proposed overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster City Public Works Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measure above. The City of Lancaster hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

9. Tribal Cultural Resources

The project could cause a significant impact to tribal cultural resources.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-17 of the Draft PEIR.

On May 31, 2022, the City sent notification letters to Assembly Bill (AB) 52-specific tribes inviting them to consult on the proposed project in accordance with AB 52.

The Fernandeño Tataviam Band of Mission Indians (FTBMI) responded on June 22, 2022 requesting tribal consultation and additional project information, including project plans, a geotechnical report (if available),



Sacred Lands File search results, and a cultural resources report. The City consulted with the FTBMI and provided additional information regarding the proposed overlay. The FTBMI did not have any further questions or requests afterwards and consultation was deemed complete.

Additionally, the Yuhaaviatam of San Manuel Nation (YSMN; formerly known as the San Manuel Band of Mission Indians) responded on June 30, 2022 stating that the proposed project area exists within Serrano ancestral territory. While the YSMN does not have any concerns with the project, as planned at this time, the tribe also requested specific tribal cultural resources mitigation measures be included as project conditions. Specifically, Mitigation Measure TCR-1 would require future light industrial project construction activities to halt if cultural resources are discovered and tribes in which the project site is within their ancestral region of occupation (e.g., YSMN) be contacted to evaluate the nature of the find. Mitigation Measure TCR-2 would require a Monitoring and Treatment Plan be developed and implemented if significant pre-contact and/or historic-era cultural resources are discovered. Mitigation Measure TCR-3 would require work in the immediate vicinity of any human remains or funerary objects to cease and the County Coroner to be contacted immediately. Additionally, Mitigation Measure TCR-4 would ensure tribes in which the project site is within their ancestral region of occupation are able to provide input regarding any potential tribal cultural resource discovered and Mitigation Measure TCR-5 would ensure all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) are disseminated to said tribes. Consultation with the YSMN was deemed complete upon inclusion of the requested measures.

Upon implementation of Mitigation Measures TCR-1 through TCR-5, potential impacts to tribal cultural resources would be less than significant.

Mitigation Measures:

- TCR-1 In the event that cultural resources are discovered during future light industrial developments in accordance with the East Side Overlay Zone, 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 site outside of the buffered area may continue during this assessment period. Additionally, tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed within Mitigation Measure TCR-4, 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.
- TCR-2 If significant pre-contact and/or historic-era cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered during implementation of future light industrial developments in accordance with the East Side Overlay Zone and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to tribes in which the project site is within their ancestral region of occupation for review and comment, as detailed within Mitigation Measure TCR-4. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- TCR-3 If human remains or funerary objects are encountered during any activities associated with future light industrial projects associated with the East Side Overlay Zone, 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 Section 7050.5 and that code enforced for the duration of the project.



- TCR-4 Tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed in Mitigation Measure TCR-1, 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 the California Environmental Quality Act (CEQA) (as amended, 2015), a cultural resources Monitoring and Treatment Plan (Plan) shall be created by the archaeologist, in coordination with tribes in which the project site is within their ancestral region of occupation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for monitor(s) to be present that represent tribes in which the project site is within their ancestral region of occupation for the remainder of the project, should such tribes elect to place monitor(s) on-site.
- TCR-5 Any and all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to tribes in which the project site is within their ancestral region of occupation. The City of Lancaster Community Development Department shall, in good faith, consult with such tribes throughout the life of the project.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE: The proposed project, combined with other related projects, could result in cumulatively considerable impacts to a tribal cultural resource.

Support for this environmental impact conclusion is included in Draft PEIR Section 5.5, *Tribal and Cultural Resources*, and in particular, starting on page 5.5-20 of the Draft PEIR.

Future cumulative development projects developed in accordance with the General Plan would be required to undergo project-specific environmental review under CEQA and the City's discretionary review process to determine potential impacts to tribal cultural resources and any required mitigation.

While the proposed overlay zone does not involve any development, future light industrial developments permitted by the overlay zone could impact tribal cultural resources during ground-disturbing activities. However, similar to cumulative development projects, all future light industrial projects would similarly require separate environmental review under CEQA, which may include consultation with Native American tribes pursuant to AB 52. Additionally, future light industrial developments would be required to comply with Mitigation Measures TCR-1 through TCR-5 to reduce potential adverse impacts to previously undiscovered tribal cultural resources on development sites. Therefore, future light industrial developments, in conjunction with cumulative projects developed in accordance with the General Plan, would result in less than significant cumulative impacts in this regard.

Mitigation Measures:

- TCR-1 In the event that cultural resources are discovered during future light industrial developments in accordance with the East Side Overlay Zone, 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 site outside of the buffered area may continue during this assessment period. Additionally, tribes in which the project



site is within their ancestral region of occupation shall be contacted, as detailed within Mitigation Measure TCR-4, 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.

- TCR-2 If significant pre-contact and/or historic-era cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered during implementation of future light industrial developments in accordance with the East Side Overlay Zone and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to tribes in which the project site is within their ancestral region of occupation for review and comment, as detailed within Mitigation Measure TCR-4. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- TCR-3 If human remains or funerary objects are encountered during any activities associated with future light industrial projects associated with the East Side Overlay Zone, 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 Section 7050.5 and that code enforced for the duration of the project.
- TCR-4 Tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed in Mitigation Measure TCR-1, 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 the California Environmental Quality Act (CEQA) (as amended, 2015), a cultural resources Monitoring and Treatment Plan (Plan) shall be created by the archaeologist, in coordination with tribes in which the project site is within their ancestral region of occupation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for monitor(s) to be present that represent tribes in which the project site is within their ancestral region of occupation for the remainder of the project, should such tribes elect to place monitor(s) on-site.
- TCR-5 Any and all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to tribes in which the project site is within their ancestral region of occupation. The City of Lancaster Community Development Department shall, in good faith, consult with such tribes throughout the life of the project.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. These changes are identified in the form of the mitigation measures above. The City of Lancaster hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

D. FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

Significant and unavoidable impacts are those impacts in which mitigation measures were found to be infeasible or would not lessen impacts to less than significant levels. The Draft PEIR did not identify any significant and unavoidable impacts associated with the proposed project.



E. FINDINGS ON RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to “recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

Comment letters received on the Draft PEIR and responses to those comments provided in the Final PEIR do not identify any significant new information requiring recirculation. As such, Recirculation of the Draft PEIR is not required.

F. FINDINGS ON PROJECT ALTERNATIVES

Pursuant to Section 15126.6(a) of the *CEQA Guidelines*, an EIR shall describe a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. As discussed above, all environmental impacts could be mitigated below a level of significance and no significant and unavoidable impacts would result.

ALTERNATIVES CONSIDERED BUT REJECTED

In accordance with *CEQA Guidelines* Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to *CEQA Guidelines*, among the factors that may be used to eliminate alternatives from detailed consideration are the alternative’s failures to meet most of the basic project objectives, the alternative’s infeasibility, or the alternative’s inability to avoid significant environmental impacts. The following possible alternatives were considered, but not carried forward for additional analysis, since they would not accomplish most of the basic objectives of the project or were considered infeasible.

1. Alternative Site Alternative

CEQA requires a discussion of alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is evaluating whether any of the significant effects of the project would be avoided or substantially lessened by developing the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (*CEQA Guidelines* Section 15126[5][B][1]). In general, any light industrial development allowed by the overlay zone would have similar impacts related to construction and operational air quality and GHG emissions. Further, potential impacts related to energy, population and housing, public services, and utilities and service systems would generally be similar regardless of where it is developed within Lancaster. Without a site-specific analysis, impacts on aesthetics, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, land use and planning, noise, and transportation cannot be adequately evaluated.

The eastern portion of the City was selected as an appropriate location for future light industrial development given that a large portion of it consists of vacant, underutilized land. Additionally, there is currently light industrial development interest in the eastern portion of the City, including potential hydrogen facilities and other alternative energy facilities. In general, industrial uses can result in adverse land use compatibility, air



quality, transportation, and noise issues for nearby sensitive receptors. Therefore, the location of the proposed East Side Overlay Zone in the underutilized and primarily undeveloped eastern portion of Lancaster would allow development of future light industrial uses while minimizing and/or eliminating these potential environmental issues.

It is acknowledged that the western portion of the City is also primarily undeveloped and vacant and could be an alternative location for the proposed overlay zone. However, there is currently a substantive trend in housing development interest in the western portion of Lancaster. Thus, introducing a light industrial overlay zone in an area with potential future housing developments would result in land use compatibility issues as well as air quality, transportation, and noise issues for sensitive receptors (i.e., future residents). As such, the western portion of the City would not be a viable location for the proposed overlay zone.

Due to the lack of viable and comparable sites in the City that would allow for the establishment of the overlay zone in a manner that would avoid or substantially lessen the project's potentially significant impacts while achieving the majority of the project objectives, an alternative site alternative has been eliminated from consideration.

2. Construction Trip VMT Reduction Alternative

The Construction Trip VMT Reduction Alternative was developed in response to general concerns expressed on other recent projects within the City of Lancaster. Generally, comments have been received by the City requesting that development projects utilize local hire and skilled and trained workforce to construct projects. It is suggested that local hire provisions can reduce the length of construction worker trips and vendor trips, and thereby reduce VMT and associated GHG emissions and provide localized economic benefits.

As such, this alternative assumes the East Side Overlay Zone is not adopted and instead, the City adopts an ordinance requiring developers to hire a certain percentage of construction workers within 10 miles or less of the project site. The intent of this alternative is to reduce construction-related VMT and associated emissions from development projects within Lancaster. While some development projects may require multi-year construction activities with construction workers traveling far distances, construction-related VMT is temporary and would cease upon project completion. Further, project-generated VMT analyzed under CEQA pursuant to Senate Bill 743 is tied to proposed land use(s) (e.g., residential, commercial, mixed-use, industrial) and the VMT generated during long-term operations of the land use(s) (i.e., the lifetime of the development). Neither the City's *Lancaster Local Transportation Assessment Guidelines* nor the Governor's Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* recommend analyzing short-term construction VMT, nor do they cite or suggest any means of reducing construction-related VMT as it is a temporary condition. As such, this alternative would not eliminate or reduce the severity of any significant impact under CEQA. Moreover, given that the proposed East Side Overlay Zone would not result in any significant and unavoidable impacts, this alternative would not reduce or eliminate any project-related significant and unavoidable impacts. Thus, this alternative was considered but rejected from additional analysis.

ALTERNATIVES CONSIDERED FOR FURTHER ANALYSIS

1. No Project/Existing Zoning Alternative

In accordance with the *CEQA Guidelines* Section 15126(e)(2), "the no project analysis shall discuss the existing conditions ..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." *CEQA Guidelines* Section 15126(e)(3)(B) continues to state that "in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." In essence, the No Project/Existing Zoning Alternative is described and analyzed in order to enable the decision-makers to



compare the impacts of approving the project with the impacts of not approving the project. The No Project/Existing Zoning Alternative includes a discussion and analysis of the existing baseline conditions at the time the NOP was published on October 28, 2022.

Under the No Project/Existing Zoning Alternative, the East Side Overlay Zone would not be adopted. The current zoning of the project site (RR-2.5 [Rural Residential, 1 du/ac] and R-7,000 [Single Family Residential, minimum lot size 7,000 square feet]) would remain and no light industrial uses would be permitted on the project site. It is assumed that future residential development would continue to occur under the site's existing RR-2.5 and R-7,000 zoning.

Conclusion:

Regarding land use and planning, aesthetics/light and glare, agriculture and forestry resources, biological resources, tribal and cultural resources, geology and soils, hydrology and water quality, hazards and hazardous materials, utilities and service systems, air quality, greenhouse gas emissions, energy, and noise, the No Project/Existing Zoning Alternative would be environmentally superior to the proposed project. However, this alternative would be environmentally inferior with regards to population and housing, public services, recreation, and transportation.

However, the No Project/Existing Zoning Alternative would not achieve any of the project's basic objectives. Specifically, the East Side Overlay Zone would not be adopted under the No Project/Existing Zoning Alternative. Therefore, this alternative would not increase the flexibility in allowed uses and development potential in the project area; the underlying RR-2.5 and R-7,000 zoning would remain and only rural and single-family residential development would be permitted (Project Objective 1). Given that no overlay zone would be adopted, no light industrial uses would be permitted in the underutilized eastern portion of the City (Project Objective 2), and this alternative would not encourage new development that could provide economic benefits to the City (Project Objective 3). Lastly, no industrial-based employment generating uses would be permitted in the project area (Project Objectives 4 and 5).

Finding:

For the reasons set forth above and as discussed further in the Draft PEIR, the City Council hereby rejects the No Project/Existing Zoning Alternative, because the alternative does not achieve any of the project objectives (*CEQA Guidelines* Section 15126.6(c)(i)).

2. Light Industrial Rezone Alternative

The Light Industrial Rezone Alternative would not involve adopting an overlay zone. Rather, the project site would be entirely redesignated and rezoned to Light Industrial (LI). Specifically, the existing Non-Urban Residential (NU) and Urban Residential (UR) land use designations would be redesignated to the LI designation. The existing RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zoning would be rezoned to the LI zone.

According to the General Plan, the LI designation and zone is intended for clean, non-polluting industrial and office uses with support commercial with maximum floor area ratios of 0.5. Municipal Code Chapter 17.16, *Industrial Zones*, defines permitted uses and development standards for industrial zones within Lancaster. According to Section 17.16.040, *Permitted Uses – I Zones*, permitted LI zone uses include Automobile, Boat, Equipment, Motorcycle, Truck, Tractor, Service, Repair, Accessories and Parts; Building Trades and Related Uses; Communication Facilities and Services, Public and Private; Manufacturing; Public Safety Facilities and Services; Public Services and Utilities; Research and Development; and Warehousing, among others. Further, it is acknowledged that commercial cannabis uses (e.g., cultivation, manufacturing, distribution, retail sales,



delivery, and testing laboratories) are permitted within LI zones in accordance with Municipal Code Chapter 17.43, *Commercial Cannabis Activity*. Anticipated City discretionary approvals for this alternative include a General Plan Amendment and Zone Change.

Conclusion:

The Light Industrial Rezone Alternative would be environmentally superior to the proposed project with regards to population and housing, and environmentally inferior to the proposed project with regards to land use and planning. The remaining topical areas would result in similar environmental impacts as the proposed project.

Overall, the Light Industrial Rezone Alternative would achieve the project's basic objectives but not to the extent of the proposed project. Specifically, this alternative would redesignate and rezone the entire project site to Light Industrial and thus, would increase flexibility in allowed uses in the eastern portion of Lancaster. However, this alternative would remove the existing RR-2.5 zone on-site and thus, would eliminate the flexibility for future rural residential development to also occur in the area. Thus, this alternative would only partially meet Project Objective 1. This alternative would incentivize new light industrial development to occur in the underutilized eastern portion of the City by redesignating and rezoning the site to Light Industrial (Project Objective 2). This alternative would encourage new light industrial development to occur in the project area and therefore, provide economic benefits to the City and its residents (Project Objective 3). Lastly, this alternative would open the eastern portion of Lancaster to future light industrial development (Project Objective 4) and allow industrial-base employment-generating lands in eastern Lancaster (Project Objective 5).

Finding:

For the reasons set forth above and as discussed further in the Draft PEIR, the City Council hereby rejects the Light Industrial Rezone Alternative because the alternative does not achieve the project objectives to the extent of the proposed project (CEQA Guidelines Section 15126.6(c)(i)).

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Draft PEIR Table 7-3, *Comparison of Alternatives*, summarizes the comparative analysis presented above (i.e., the alternatives compared to the project). As shown, the analysis indicates that the No Project/Existing Zoning Alternative is the environmentally superior alternative. However, per *CEQA Guidelines* Section 15126.6(e), "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Accordingly, the Light Industrial Rezone Alternative is considered environmentally superior to the proposed project. The Light Industrial Rezone Alternative would be environmentally superior to the proposed project with regards to population and housing, and environmentally inferior to the proposed project with regards to land use and planning. The remaining topical areas would result in similar environmental impacts as the proposed project.

The Light Industrial Rezone Alternative would achieve the project's basic objectives but not to the extent of the proposed project. Specifically, this alternative would redesignate and rezone the entire project site to Light Industrial and thus, would increase flexibility in allowed uses in the eastern portion of Lancaster. However, this alternative would remove the existing RR-2.5 zone on-site and thus, would eliminate the flexibility for future rural residential development to also occur in the area. Thus, this alternative would only partially meet Project Objective 1. This alternative would incentivize new light industrial development to occur in the underutilized eastern portion of the City by redesignating and rezoning the site to Light Industrial (Project Objective 2). This alternative would encourage new light industrial development to occur in the project area and therefore, provide economic benefits to the City and its residents (Project Objective 3). Lastly, this alternative would open the



eastern portion of Lancaster to future light industrial development (Project Objective 4) and allow industrial-base employment-generating lands in eastern Lancaster (Project Objective 5).

Attachment 5

Assessor's Parcel Numbers:

APNs: 3376-029-034; 3376-029-036-3376-029-038; 3376-029-040-3376-029-045; 3376-029-047-3376-029-051; 3376-029-053-3376-029-057; 3376-032-001; 3376-032-002; 3376-032-006-3376-032-023; 3378-001-001-3378-001-006; 3378-002-002-3378-002-006; 3378-005-001; 3378-005-002; 3378-005-004; 3378-005-005; 3384-002-029-3384-002-031; 3384-009-001; 3384-009-002; 3384-009-004-3384-009-006; 3384-009-008; 3384-009-012-3384-009-016; 3384-009-018; 3384-009-020-3384-009-025; 3384-010-003; 3384-010-004; 3384-010-007-3384-010-009; 3384-010-012-3384-010-022; 3384-011-002-3384-011-004; 3384-011-019; 3384-011-020; 3384-011-022; 3384-011-023; 3384-011-026-3384-011-028; 3384-011-029; 3384-012-001-3384-012-011; 3384-012-023; 3384-012-024; 3384-013-004-3384-013-011; 3384-013-013-3384-013-027; 3384-013-029; 3384-013-031; 3384-013-034-3384-013-040; 3384-014-001-3384-014-006; 3384-014-008; 3384-014-009; 3384-014-011-3384-014-014; 3384-014-017; 3384-015-001-3384-015-005; 3384-015-007-3384-015-013; 3384-015-016-3384-015-019; 3384-016-001; 3384-016-005-3384-016-016; 3384-016-018; 3384-016-019; 3384-017-001-3384-017-003; 3384-017-005-3384-017-009; 3384-017-011; 3384-017-014-3384-017-016; 3384-018-001-3384-018-004; 3384-019-003-3384-019-009; 3384-019-011-3384-019-018; 3384-019-020; 3384-019-021; 3384-019-023-3384-019-026; 3386-001-002-3386-001-004; 3386-001-007; 3386-001-008; 3386-001-010; 3386-001-011; 3386-001-012; 3386-001-013; 3386-001-015; 3386-001-016; 3386-001-018; 3386-001-020; 3386-001-022; 3386-001-024-3386-001-039; 3386-003-017-3386-003-021; 3386-003-023-3386-003-026; 3386-003-028-3386-003-039; 3386-004-002-3386-004-010; 3386-004-016; 3386-004-017; 3386-005-001-3386-005-009; 3386-007-001; 3386-007-002; 3386-007-007; 3386-007-009; 3386-007-010; 3386-007-021-3386-007-024; 3386-007-035; 3386-008-001-3386-008-012; 3386-008-014-3386-008-019; 3386-008-024; 3386-008-025; 3386-008-027-3386-008-029; 3386-008-031; 3386-008-032; 3386-008-034-3386-008-043; 3386-010-001-3386-010-011; 3386-010-013-3386-010-021; 3386-012-006-3386-012-015; 3386-013-002; 3386-013-003; 3386-013-006; 3386-013-008; 3386-013-020; 3386-013-022; 3386-013-023; 3386-013-026; 3386-013-028-3386-013-030; 3386-013-032-3386-013-041; 3386-014-005-3386-014-022