May 2, 2018

Mike Perry
Tweety Capital
8383 Wilshire Boulevard, Suite 630
Beverly Hills, CA 90212

REGARDING:  CONDITIONAL USE PERMIT NO. RPPL2016001556
NORTHEAST CORNER OF EAST AVENUE H AND 50TH STREET
EAST (APNs: 3382-003-001, -002, -010, -011, -012)

The Regional Planning Commission, by its action of May 2, 2018, has APPROVED the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on May 16, 2018. Appeals must be delivered in person.

Appeals:  To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.
For questions or for additional information, please contact Anthony M. Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacity.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
Amy J. Bodek, AICP

Samuel Dea
Section Head, Supervising Regional Planner
Zoning Permits North Section

Attachments: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion), Notice of Determination (1 original, 1 copy)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;

SD: AMC
FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016001556

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. RPPL2016001556 ("CUP") on May 2, 2018. The County Hearing Examiner also conducted a duly-noticed public hearing on the draft environmental document (Mitigated Negative Declaration [MND]) on March 9, 2017.

2. The permittee, Tweety Capital ("permittee"), requests the CUP to authorize the development, operation, and maintenance of a 42.0-megawatt photovoltaic (PV) solar energy facility ("electric generating plant" or "Project" [5149 Lancaster Energy LLC Project]) on a property located at the northeast corner of East Avenue H and 50th Street East, in the unincorporated community of Roosevelt ("Project Site") in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone and a Significant Ecological Area (SEA) and for grading in excess of 100,000 cubic yards pursuant to Los Angeles County Code ("County Code") Sections 22.24.150 and 22.56.215.

3. The Project is on a 107-acre property located on the northeast corner of East Avenue H and 50th Street East. The Project will be developed in two phases: Phase 1 will occupy eight acres at the southwest part of the property and would generate 3.0 megawatts, and Phase 2 will be located on the remainder of the property and will generate the remaining 39.0 megawatts. Approximately 14 acres of on-site desert wash will be left undeveloped as dedicated open space.

The major components of the Project are summarized and described as follows: (a) a field of six- to eight-foot-tall PV panels arranged in a north-south direction, mounted on either fixed-tilt or single-axis tracking systems on steel support structures; (b) an electrical collection and inverter-transformer system that aggregates the output from the PV panels, inverts the electricity from direct current (DC) to alternating current (AC), and transforms the output voltage to 12.47 kilovolts; (c) circuits, meters, relays, circuit breakers, fuses, surge protectors, poles, and other interconnection facilities, equipment, and distribution upgrades required to connect the Project to SCE’s distribution circuits, whether at the Site or SCE’s Oasis Substation located on East Avenue M and 20th Street East, (d) a meteorological data collection system(s) configured to collect meteorological information for the Project; and (e) civil infrastructure, including driveways, internal access roads, secure fencing (up to seven feet tall), landscaping, retention basins, and one 10,000-gallon water tank for firefighting purposes. An existing berm, approximately five feet high, is located along the southern edge of the Project Site along East Avenue H and will remain.

4. The Project Site is 107 acres in size and consists of five legal lots.

5. The Project Site is irregular in shape with gentle-sloping topography and is currently undeveloped. It was previously farmed for many years.
6. The Project Site is located in the Antelope Valley East Zoned District and is currently zoned A-2-5.

7. The Project Site is located within the RL20 (Rural Land 20) land use category of the 2015 Antelope Valley Area General Plan: Town & Country ("Area Plan") Land Use Policy Map.

The Project Site is located within the RL20 (Rural Land 20) land use category of the 2015 Antelope Valley Area Plan: Town & Country ("Area Plan"). This rural designation is intended for "[s]ingle-family residences; equestrian and animal uses; and agricultural and related activities" (Area Plan, LU-9). The RL20 is the lowest land use density of the Area Plan, and "ha[s] been used primarily for the Seismic Zones and Significant Ecological Areas, as these area areas where it is critical to limit development to ensure the safety of residents as well as the preservation of important ecological resources in the area" (Area Plan, LU-7). The Project Site is also within a rural preserve area, which are "areas outside of Town Areas, which are largely undeveloped and generally not served by existing or planned infrastructure and public utilities," and "[d]evelopment in these areas should be limited to single-family homes at very low densities, light and heavy agricultural uses, including equestrian and animal-keeping uses, and other uses where appropriate" (Ibid).

The Area Plan further states that, "[u]tility-scale renewable energy production facilities may be allowed in Rural Land use designations without a Plan Amendment. However, applications for such facilities may require discretionary approval shall be subject to the California Environmental Quality Act and the County’s environmental review and public hearing procedures. Applications for such facilities must be carefully considered and must be consistent with the relevant Goals and Policies of the Area Plan, especially Goal COS [Conservation] 10 and related policies, Goal COS 13 and related policies, and Goal COS 14 and related policies" (LU-13).

The Project, in fact, requires discretionary approval and an MND has been prepared pursuant to CEQA and County guidelines that has carefully analyzed the Project’s potential environmental impacts. The Project is also subject to the County’s public hearing procedures. One public hearing pertaining to the MND was held on March 9, 2017 and a second public hearing for the entitlement itself is scheduled for May 2, 2018. The Project was also subject to the Significant Ecological Area Technical Advisory Committee (SEATAC) review process. SEATAC found the Project compatible with the SEA on March 6, 2017. Consistency with COS Goals 10, 13, and 14 is outlined in detail below.

The proposed PV solar renewable energy facility is consistent with the types of land uses envisaged for the RL20 designation. A PV solar renewable energy facility is a low-intensity use that is appropriate at the subject location. The property was previously used for farming and the proposed use will maintain a land use that does not generate substantial traffic, noise, or other environmental impacts to the area. As mentioned above, the RL20 land use designation allows for uses that may be more impactful than renewable energy facilities, such as heavy agricultural uses and animal-keeping activities. Furthermore, allowing a passive use such as a renewable
energy facility may allow vegetation to eventually return to Site as such vegetation tends to regrow under the PV panel arrays.

8. Additionally, the following goals and policies of the Area Plan are also applicable to the proposed project:

Goal LU 1: A land use pattern that maintains and enhances the rural character of the unincorporated Antelope Valley.
- Policy LU 1.2: Limit the amount of potential development in rural preserve areas, through appropriate land use designations with very low residential densities, as indicated in the Land Use Policy Map (Map 2.1) of this Area Plan.

The Project is appropriate in a rural preserve area and could help in limiting other, more intrusive and intensive land uses from establishing on the subject property. A low-intensity and largely passive use such as the Project is a type of activity that meets the objective of this policy.

Goal COS 10: Diverse energy systems that utilize existing renewable or waste resources to meet future energy demands.
- Policy No. COS 10.1: Encourage the use of non-hazardous materials in all individual renewable energy systems and all utility-scale renewable energy production facilities to prevent the leaching of potentially dangerous run-off materials into the soil and watershed.

The solar panels that will be used for the Project may contain hazardous materials, such as cadmium telluride, but the solar panels are in a solid and nonleachable state. As such, even in the event of damage to the panels, hazardous materials will not leach into the soil and watershed. Furthermore, the Conditions of Approval require the Permittee make use of the PV panel manufacturer’s collection and recycling program or other applicable recycling program to ensure proper disposal of the PV panels.

- Policy COS 10.2: Ensure that all individual renewable energy systems and all utility-scale renewable energy production facilities do not interfere with commercial and military flight operations or communication facilities. Consult with Edwards Air Force Base and U.S. Air Force Plant 42 on all proposed renewable energy projects that require discretionary approval.

Staff has consulted with the U.S. Air Force, and they have confirmed that the Project will not have any impacts to their operations.

Goal COS 13: Utility-scale energy production facilities for offsite use that reduce consumption of non-renewable resources while minimizing potential impacts on natural resources and existing communities.
- Policy COS 13.1: Direct utility-scale renewable energy production facilities, such as solar facilities, to locations where environmental, noise, and visual impacts will be minimized.

The Project will be developed on formerly disturbed land that was previously used for farming. There are few sensitive receptors in the vicinity of the area
• **Policy COS 13.3:** Require all utility-scale renewable energy production facilities to develop and implement a decommissioning plan, with full and appropriate financial guarantee instruments that will restore the full site to its natural state upon complete discontinuance of operations and will restore non-operational portions of the site while the remainder continues operating. The Project will be required by the conditions of approval to develop and submit a decommissioning plan. This plan will be subject to the County’s review and approval.

• **Policy COS 13.4:** Promote the use of recycled water in utility-scale renewable energy production facilities to limit impacts on the available fresh water supply. The applicant has secured the use of reclaimed water for Project construction and operation. Approximately 109 acre-feet of water are needed for Project construction and the Lancaster Water Reclamation Plant has sufficient supply to meet the need.

• **Policy COS 13.5:** Where development of utility-scale renewable energy production facilities cannot avoid sensitive biotic communities, require open space dedication within Significant Ecological Areas as a mitigation measure. Although the Project Site is located in an SEA, contains previously disturbed land that was used for farming. Furthermore, a 13.8-acre on-site desert wash will be dedicated as open space. SEATAC found the Project compatible with the SEA on March 6, 2017 with recommendations from the staff biologist that the Biota Report acknowledge the Project Site’s potential to contain sensitive species and natural habitat.

• **Policy COS 13.6:** Ensure that all utility-scale renewable energy production facilities, such as solar facilities, do not create land use conflicts with adjacent agricultural lands or existing residential areas in the vicinity. Require buffering and appropriate development standards to minimize potential conflicts. The Project is in an area that has historically been used for agricultural purposes and there is one existing SFR located across from the property’s southwestern corner. However, the Project will be designed to minimize any conflicts with adjacent land uses by installing tan- or earth-tone colored fencing and landscaping at the Project’s perimeter and by setting aside an approximately 14-acre desert wash area as dedicated open space, which will also function as an additional buffer along the Project’s eastern and northeastern sides.

• **Policy COS 13.7:** Limit the aesthetic impacts of renewable energy production facilities to preserve rural character. The Project will contain design features to minimize its aesthetic impacts, including: the use of a tan- or earth-colored fence slats; perimeter landscaping; setting aside approximately 14 acres as open space, which will function as an additional buffer on the eastern and northeastern sides of the Project; and maintaining the existing five-foot berm along 50th Street East.

**Goal COS 14:** Energy infrastructure that is sensitive to the scenic qualities of the Antelope Valley and minimizes potential environmental impacts. Policies under this goal pertain to transmission (generation-tie) lines that are typically required to transport the energy produced by renewable energy production facilities to the electrical grid. As the Project proposes an on-site connection to the grid, and,
therefore, does not require the use of generation-tie lines, these policies do not apply to the Project.

9. The following goals and policies of the County 2035 General Plan ("General Plan") are also applicable to the proposed Project:

**Goal LU 6: Protected rural communities characterized by living in a non-urban or agricultural environment at low densities without typical urban services.**

- **Policy LU 6.1: Protect rural communities from the encroachment of incompatible development that conflict with existing land use patterns and standards.**
  The Project is appropriate in rural communities as it is a largely passive and low-intensity use that will not conflict with existing land use patterns and standards. The Project will not result in any permanent street closures, will not divide any established community, and will not result in increased demand for services. Furthermore, the low height of the arrays (six to eight feet tall), proposed tan- or earth-tone fencing, perimeter landscaping, and the five-foot existing earthen berm further minimize the Project’s visual impacts.

- **Policy LU 6.2: Encourage land uses and developments that are compatible with the natural environment and landscape.**
  The Project will employ minor grading for perimeter roads and retention basins while largely avoiding grading in the PV solar array field. The perimeter will contain fencing with tan- or earth-tone slats with adjacent landscaping to reduce aesthetic impacts of the facility. The solar panel arrays are driven directly into the soil, leaving vegetation free to grow underneath the panels.

- **Policy LU 6.3: Encourage low density and low intensity development in rural areas that is compatible with rural community character, preserves open space, and conserves agricultural land.**
  The subject Project does not propose any residential or commercial development, so no density is associated with it. The overall function of the Project is one of a passive and low-intensity nature. The Project will preserve approximately 14 acres on-site for open space. At the end of the Project’s useful life as a renewable energy facility, the property may revert back to agricultural use if determined feasible. A County-approved decommissioning plan will be adopted that will determine how the Project Site will be restored to a natural state if such possibility mentioned above occurs.

**Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.**

- **Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.**
  While the Project is not considered an incompatible land use according to the Area Plan, it will contain certain design techniques such as fence slats and perimeter landscaping to reduce the aesthetic impacts of the facility. Also, to ensure wildlife movement, an approximately 14-acre dedicated desert wash area will be preserved on-site, a Project feature that will also assist with the conservation of open space and the maintenance of a natural environment.
Chapter 9: Conservation and Natural Resources Element

- Policy C/NR 12.1: Encourage the production and use of renewable energy resources.

The Project will produce renewable energy with PV solar arrays for distribution into the electrical grid. As such, the Project will help meet local and State mandates for clean carbon-free energy while keeping land use impacts to a minimum. The Project will produce 105,225 megawatt-hours of electricity annually and help offset 31,765 metric tons of carbon dioxide.

As a renewable energy facility, the Project is also helps meet the goals and objectives of the County’s Community Climate Action Plan (CCAP), a component of the General Plan. The purpose of the CCAP is to help implement the County’s goal of reducing greenhouse gas (GHG) emissions to 80 percent below 2000 levels by 2050 as part of the County’s commitment to the U.S. Cool Counties Climate Stabilization Declaration.

A large percentage of GHG emissions are attributable to the burning of fossil fuels for automobiles and trucks. One strategy to reduce these specific GHG emissions is to encourage the greater use of electric vehicles (EVs). As such, the CCAP encourages a County-wide installation of EV chargers to accommodate the anticipated growth of EVs in California and the nation. A large shift to EVs, however, would likely result in a substantial increase in demand for electrical power. Therefore, to truly contribute to a reduction in GHG emissions, the electricity used to charge EVs must come from carbon-free sources. Otherwise, the very reason for encouraging a shift to an EV fleet would be defeated. This Project can help meet local demand from EVs for renewable energy.

10. Surrounding Zoning within a 500-foot radius includes:

North: A-2-5
South: A-2-5
East: A-2-5
West: A-2-5

11. Surrounding land uses within a 500-foot radius include:

North: Vacant land, single-family residence (SFR)
South: Vacant land, SFR
East: Vacant land
West: Vacant land

12. A complete application was submitted on July 25, 2016 before the effectuation of the County’s Renewable Energy Ordinance (REO) on January 12, 2017, which prohibits utility-scale, ground-mounted renewable energy projects in SEAs. Therefore, the project is not subject to the REO. However, the Project does comply with many components of the REO, including: (1) minimizing major ground disturbance through the use of minor grading for perimeter roads and retention basins on the property while largely avoiding grading in the PV field itself, (2) installing a landscape buffer along
portions of the perimeter of the property, (3) installing fencing with a height in compliance with the REO, and (4) implementing a dust control plan for construction and operations of the project.


14. The Site Plan depicts the approximately 107-acre, reverse-L-shaped property developed with PV solar arrays, on-site electrical connection to the SCE power grid, internal and perimeter roads, retention basins, 10,000-gallon water tank for firefighting purposes, fencing, and other appurtenant equipment.

An on-site connection to the electrical grid is depicted at the southwest corner of the Project at East Avenue H and 50th Street East. The 14-acre desert wash open space area is depicted along the eastern edge of the Project Site (along the future right-of-way of 55th Street East), in a 140-foot-wide buffer from East Avenue H north 2,100 feet, at which point the area spreads out to encompass a triangular-shaped, approximately five-acre field north of the PV solar array.

15. The Project Site is accessible via East Avenue H to the west. Primary access to the Project Site will be via a 24-foot-wide entrance/exit on East Avenue H.

16. On November 29, 2016, prior to the Commission’s public hearing on the Project, the permittee met with the Roosevelt Town Council (RTC) to discuss Project characteristics. The RTC submitted a letter dated December 15, 2016 with suggestions pertaining to fencing, open space preservation, dust control and the erection of operator contact information at the Project Site.

17. A comment letter dated from Caltrans dated December 16, 2016. The letter stated that the Project would not have direct adverse impacts on State transportation facilities. A comment letter dated December 27, 2016 from the Antelope Valley Air Quality Management District (AVAQMD) was received. The letter stated that the Project must comply with the AVAQMD’s Rule 403 – Fugitive Dust, and contained some suggested measures for dust control. A comment letter from the Lahontan Regional Water Quality Control Board (LRWQCB) was dated January 6, 2017. The letter contained a number of comments pertaining to vegetation clearance, construction staging areas, post-construction storm water management, and permitting authority of the LRWQCB. An e-mail from Edwards Air Force Base (EAFB) dated June 5, 2017 was received stating that the Project would not have adverse impacts to EAFB. A letter from the Mountains Recreation and Conservation Authority (MRCA) was received on April 27, 2018. The letter stated that the on-site dedicated open space area should be preserved in perpetuity and that the applicant dedicate a conservation easement for this open space area to a public agency.
18. The County Fire Department recommends approval of this Project in a letter October 25, 2016 and has recommended conditions of approval, which are included in the Project’s conditions. The County Department of Public Works recommends approval of this Project in a letter dated December 19, 2017 and has recommended conditions of approval, which are included in the Project’s conditions. The County Public Health Department recommends approval of the Project in a letter dated February 24, 2017 and has recommended conditions of approval, which are included in the Project’s conditions.

19. Prior to the Commission’s public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, Regional Planning staff determined that a MND was the appropriate environmental document for the Project. The mitigation measures necessary to ensure the Project will not have a significant effect on the environment are contained in the Mitigation Monitoring and Reporting Program (“MMRP”) prepared for the Project.

20. A Hearing Examiner Public Hearing was held in the Roosevelt community on March 9, 2017. Approximately 20 members of the public attended and six testified. Issues raised by the public included: biota resources, dust control, Valley Fever, aesthetics, and the positive effects on jobs and the local economy from the Project.

21. A duly-noticed hearing was held before the Commission. Staff presented the case and recommended approval. The Commission then asked staff questions regarding the case, including: (1) if the Lancaster Water Reclamation Plant had sufficient water supplies to accommodate the Project, at least during the summer season; why staff determined that an MND was the appropriate environmental review document as opposed to an Environmental Impact Report (EIR); (2) staff’s opinion of the letter from the MRCA, which requested that the dedicated open space area be preserved in perpetuity and that control over such area be given to a third party; and, (3) how the Project otherwise complied with the REO aside from being located in an SEA.

Staff responded to the questions by stating that: (1) the Initial Study prepared early on in the Project processing had identified mitigation measures that could reduce all impacts to levels below significant; (2) Project conditions and mitigation measures pertaining to the dedicated open space area were sufficient to maintain and protect such area and that third-party control as requested by the MRCA was not necessary in staff’s opinion; and, (3) the Project complied with the REO in virtually all other aspects with the exception of being located in an SEA.

The Project applicant, Mike Perry, testified in favor of the request as did the applicant’s consultant Marie Campbell, who also explained that the Project’s numerous design features, conditions, and mitigation measures would ensure that biological, cultural, and aesthetic resources would remain protected.
The Commission then closed the public hearing, adopted the MND, and approved the Project as recommended by staff.

22. The Commission finds that the Project is consistent with the zoning for the area. The Project is considered an electric generating plant, which is a conditionally permitted use in the A-2 Zone.

23. The Project is compatible with the Area Plan, a component of the County General Plan. The Project's land use designation of RL20 envisages land uses that maintain a rural and low-intensity character. The applicable Area Plan states that renewable energy facilities are, in fact, allowed in such rural land uses provided that such facilities meet specific goals and policies of the Area Plan. As the Project is consistent with applicable goals and policies pertaining to the maintenance of a natural and rural character in areas where such facilities are located, the adequate design and buffering of such facilities, and the development of renewable energy to meet County and State greenhouse gas emission-reduction goals, the Project is in compliance with the applicable land use plan.

Therefore, the Commission finds that the proposed use with the conditions of approval is consistent with the adopted general plan for the area.

24. The Project will be a passive and unstaffed facility during operations, with technicians visiting the site twice per year and PV panel rinsing occurring up to three times per year. While 93 acres will be devoted to PV panels, retention basins, the Fire Department water tank, and other appurtenant equipment, approximately 14 acres of on-site desert wash will be preserved as dedicated open space. Construction of the facility will involve a light-on-land approach that will minimize grading and vegetation removal. A six- to seven-foot fence containing tan- or earth-tone colored slats along with perimeter landscaping will help soften the Project's visual impacts. A dust control plan will be enforced that will assist in minimizing air-borne dust from construction and operations of the Project.

Therefore, the Commission finds that the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

25. The Project Site is 107 acres and accommodates the facility's solar arrays, retention basins, access roads and all necessary appurtenances while easily accommodating required development standards. A minimum 20-foot setback from property lines will be maintained. Fence heights will be in compliance with the REO.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
26. The Project Site is located east of 50th Street East, a 60-foot-wide Major Highway as identified in the County Master Plan of Highways, and north of East Avenue H, a 60-foot-wide Secondary Highway. Both streets are sufficient to handle construction traffic from the Project, which will amount to 30 truck trips (total for construction period), up to 30 daily water truck trips, and 80 daily employee roundtrips at most. There are no sidewalks near the Project Site, and no bikeway facilities are existing or planned. Ingress and egress will be provided by a 24-foot-wide driveway off of East Avenue H. An on-site connection to the electrical grid will allow for energy distribution.

Therefore, the Commission finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

27. The Project was previously used for farming for decades and has been left fallow since 2010. There is no native vegetation on the Project Site. Most of the project site (approximately 84 percent) is categorized as abandoned agricultural fields while approximately 12 percent of the property is the desert wash, which will be preserved as dedicated open space.

Therefore, the Commission finds that the requested development is designed to be highly compatible with the biotic resources present, including by setting aside appropriate and sufficient undisturbed areas.

28. The Project proposes a 13.8-acre on-site dedicated preservation of the desert wash. Also, the Project Site does not contain any native vegetation as it was farmed for many years.

Therefore, the Commission finds that the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.

29. The Project’s 13.8-acre on-site desert wash open space area will allow for wildlife movement, in keeping with the purpose of the subject SEA.

Therefore, the Commission finds that the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

30. The Project’s 13.8-acre dedicated open space desert wash area will function as a buffer from the Project’s development. None of the Project Site contains native vegetation, and approximately 84 percent of the property is disturbed/formerly farmed land.

Therefore, the Commission finds that the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said development.
31. The 13.8-acre dedicated open space desert wash area will be outside the fencing of the PV solar array field, so wildlife movement will remain unimpeded and the open space area will be outside the footprint of the Project. Furthermore, vegetation tends to grow under the solar PV arrays.

Therefore, the Commission finds where necessary, fences or walls are provided to buffer important habitat areas from development.

32. No new roads are proposed as part of the Project, and a connection to the electrical grid will be made on-site, so no new transmission lines are required. The Project’s components, i.e. solar arrays, retention basins, water tank, and appurtenant electrical equipment are largely passive infrastructure that would be located on the disturbed areas of the Project Site, leaving the desert wash area free from development.

Therefore, the Commission finds that roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas, or migratory paths.

33. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 30 years.

34. The Commission finds that pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper (Antelope Valley Press and La Opinion), and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning’s website and at libraries located in the vicinity of Roosevelt community. On March 21, 2018, a total of 70 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor’s record within a 1,000-foot radius from the Project Site, as well as 36 notices to those on the courtesy mailing list for the Antelope Valley East Zoned District and to any additional interested parties.

35. The Commission finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project’s effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.

36. The Commission finds that the MMRP, prepared in conjunction with the MND, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project. The Commission further finds that the MMRP's requirements are incorporated into the conditions of approval for this Project, and that approval of this Project is conditioned on the permittee's compliance with the attached conditions of approval and MMRP.

37. After consideration of the MND and MMRP, together with the comments received during the public review process, the Commission finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the MND reflects the independent judgment and analysis of the Commission.
38. The Commission finds that the Final MND for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the County’s Environmental Document Reporting Procedures and Guidelines. The Commission reviewed and considered the Final MND, along with its associated MMRP, and finds that they reflect the independent judgment of the Commission.

39. The Commission finds that the MMRP for the Project is consistent with the conclusions and recommendations of the Final MND and that the MMRP’s requirements are incorporated into the conditions of approval for the Project.

40. The Commission finds that the MMRP, prepared in conjunction with the Final MND, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project.

41. The location of the documents and other materials constituting the record of proceedings upon which the Commission’s decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

A. The proposed use with the attached conditions will be consistent with the adopted General Plan.

B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.
With regards to the SEA

E. The requested development is designed to be highly compatible with the biotic resources present, including by setting aside appropriate and sufficient undisturbed areas.

F. The requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.

G. The requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

H. The requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said development.

I. Where necessary, fences or walls are provided to buffer important habitat areas from development.

J. Roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas, or migratory paths.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Certifies that the MND for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the MND and that the MND reflects the independent judgment and analysis of Commission as to the environmental consequences of the Project; certifies that it considered the MMRP, finding that it is adequately designed to ensure compliance with the mitigation measures during Project implementation; determined that on the basis of the whole record before the Commission that there is no substantial evidence that the Project will have a significant effect on the environment; adopts the MND and finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; and

2. Approves Conditional Use Permit No. RPPL2016001556, subject to the attached conditions.

ACTION DATE: May 2, 2018

VOTE: 5:0:0:0
Concurring: Smith, Louie, Shell, Moon, Modugno

Dissenting: 0

Abstaining: 0

Absent: 0
SD: AMC
May 2, 2018
c: Zoning Enforcement, Building and Safety
CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016001556

PROJECT DESCRIPTION
A conditional use permit to authorize the construction, operation, and maintenance of a 42.0-megawatt photovoltaic solar renewable energy facility in two phases and for grading in excess of 100,000 cubic yards on a 107-acre property in a Significant Ecological Area.

GENERAL CONDITIONS
1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, tenants and licensees of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Conditions No. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, 9, and 12 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.
If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. This grant shall terminate on May 2, 2048. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of $10,000.00. The deposit shall be placed in a performance fund draw-down account, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the
premises to determine the permittee's compliance with the conditions of approval. The permittee shall replenish the fund to provide for additional inspections to cover the life of the grant. If the actual costs incurred have reached 80 percent of the initial deposit ($8,000.00), and the permittee has been notified, the permittee shall deposit supplemental funds to bring the balance up to the initial deposit ($10,000.00) within 10 business days of such notification. Inspections may be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Within five (5) working days from the day after the appeal period ends on January 14, 2015, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently $2,285.25 ($2,210.25 for a Negative Declaration or Mitigated Negative Declaration plus $75.00 processing fee), or $3,145.00 ($3,070.00 for an Environmental Impact Report plus $75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.

12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as if set forth fully herein.

13. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the Mitigation Monitoring Program ("MMP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall contact Regional Planning prior to the beginning of any construction, grading, and/or or ground disturbance. The permittee shall maintain a log and all documents and reports which substantiate compliance with all mitigation measures and must provide to Regional Planning such documentation upon request. The permittee shall submit annual mitigation monitoring reports to Regional Planning demonstrating compliance with all mitigation measures. The log and annual reports shall also describe the status of the permittee's compliance with all mitigation measures.
14. The permittee shall deposit an initial sum of $6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.

17. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.

18. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

19. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

20. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

21. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, three (3) copies of a modified Exhibit "A" shall be submitted to Regional Planning by July 2, 2018.
22. In the event that subsequent revisions to the approved Exhibit “A” are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit “A”. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (SOLAR FACILITY)

23. This grant shall authorize the construction, operation, and maintenance of a photovoltaic solar renewable energy facility in two phases and for grading in excess of 100,000 cubic yards on a 107-acre site in a Significant Ecological Area.

24. The permittee shall record a covenant to hold the Project’s parcels as one and shall submit such covenant to Regional Planning by August 2, 2018.

25. The permittee shall submit to Regional Planning a Fence Screening and Landscaping/Revegetation Plan for review and approval and shall comply with all requirements of such plan. Such plan shall include: (1) where necessary, screening of the perimeter fence with slats or other material acceptable to Regional Planning, (2) where necessary, a perimeter fence landscape buffer, and (3) methods to remediate for vegetation loss, such as replanting and hydroseeding, anywhere on the Project Site as a result of construction. Prior to submitting such plan to Regional Planning, the permittee shall submit the plan to the Roosevelt Town Council for their review and comment.

26. The permittee shall irrigate the perimeter landscaping (where perimeter landscaping is determined to be necessary by Regional Planning as part of the Fence Screening and Landscaping/Revegetation Plan referenced in Condition No. 25) for a minimum of three years or until the landscaping has successfully established. The permittee shall ensure that the perimeter landscaping remains successfully established to the satisfaction of Regional Planning throughout the entire grant term. The permittee shall maintain all landscaping in a neat, clean, and healthful condition and shall properly prune, weed, remove litter, fertilize and replace plants when necessary. The permittee shall continue irrigation of perimeter landscaping and revegetate as reasonably necessary to maintain the health of the landscaping throughout the life of this grant to the satisfaction of Regional Planning. Perimeter fence screening slats or material shall be maintained in good condition and missing, tattered, or torn pieces shall be repaired or replaced as necessary. Any area on the Project Site in need of revegetation as a result of Project construction shall also be maintained until successfully reestablished.

27. Prior to any ground disturbance and/or the issuance of grading permits, the permittee shall submit a dust control plan, including a dust plume response plan, for review and approval by Regional Planning and the Antelope Valley Air Quality Management District (AVAQMD). The permittee shall abide by all requirements and conditions of the approved dust control plan.
28. Prior to obtaining any building permit, the permittee shall provide the County with a decommissioning plan ("Decommissioning Plan") in connection with any and/or all of the terminating events described in Condition No. 31, which Plan shall include, at a minimum, a detailed plan for decommissioning and deconstructing the facility and for restoration of the site (collectively referred to as "decommissioning"). The Decommissioning Plan shall be developed to the satisfaction of the Director and the Director of Public Works and subject to their review and approval.

The Decommissioning Plan shall provide for, including, but not limited to, the following:

a. Removal of solar panel structures and all appurtenant above-ground equipment;
b. Removal of on-site overhead poles and above-ground electricity lines;
c. Removal of all on-site water and sewage lines and septic tanks;
d. Removal of permanent above-ground transmission lines and poles located in the public right-of-way if determined not usable by Public Works and/or any other applicable public or private utility;
e. Restoration of any disturbed soil and revegetation of the site to its pre-construction condition, with native vegetation similar to the vegetation in the surrounding vicinity;
f. Restoration or reclamation of project roads to their pre-construction condition unless the then-existing owner of the site elects to retain the improved roads for access throughout the site;
g. Documentation of the pre-construction condition of the project site, including, but not limited to, a photographic record; and
h. Details of the performance and financial assurance guarantees described in Condition No. 29, explaining the amounts and schedule for the provision of such guarantees.

29. Prior to obtaining any building permits, the permittee shall provide to the County, to the satisfaction of the Directors of Regional Planning and Public Works, performance and financial assurance guarantees in an amount sufficient to ensure the performance of the approved Decommissioning Plan, as described in Condition No. 28. Additionally, the permittee shall be solely responsible for the costs and expenses associated with decommissioning the site after any of the terminating events described in Condition No. 31. In the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of decommissioning the site, the permittee shall be responsible for compensating the County for any shortfall. In determining the sufficiency of the performance and financial assurance guarantees, the residual value of the solar panels, support structures, and other salvageable equipment (collectively "Salvageable Property") shall be considered. The residual value of the real property itself shall not be considered or included in the determination of whether the performance and financial guarantees are sufficient.
With respect to the performance and financial assurance guarantees, the following requirements shall apply:

a. The permittee shall ensure that such guarantees are detailed in the approved Decommissioning Plan to the satisfaction of the Directors of Regional Planning and Public Works, and that such Decommissioning Plan shall explain the amounts and schedule for the provision of such guarantees.

b. The permittee shall provide a report to the Director of Regional Planning every five years after the date of final approval of this grant to confirm that the performance and financial assurance guarantees are sufficient to ensure performance and implementation of the Decommissioning Plan. The report shall be subject to review and approval by the Director and Director of Public Works particularly as to whether the performance and financial assurance guarantees are adequate to meet existing conditions at the time of the report.

A decommissioning pro forma summarizing the residual value of the Salvageable Property shall be included in the report. The pro forma shall include, at a minimum, the expected revenue from all Salvageable Property, as defined in this Condition No. 29, the then-current cost of decommissioning the site, as required by the approved Decommissioning Plan, and the then-current value of any performance and financial assurance guarantees that have been provide as of the date of such report. In the event it is determined that the performance and financial assurance guarantees as insufficient to perform the decommissioning of the site as required by the approved Decommissioning Plan, the permittee shall be required to provide additional performance and financial assurance guarantees to the satisfaction of the Director and the Director of Public Works;

c. Any funds not used by the County in connection with decommissioning the site shall be returned to the permittee; and

d. The performance and financial assurance guarantees may consist of, including, but not limited to, one or more of the following, to the satisfaction of the Directors of Regional Planning and Public Works:

(1) An irrevocable letter of credit;

(2) A surety bond;

(3) An appropriate insurance policy;

(4) A trust fund or escrow account established and maintained in accordance with approved financial assurances and practices to guarantee that decommissioning the site will be completed in accordance with the approved Decommissioning Plan as approved by the Department of Public Works; or

(5) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with Regional Planning.

A corporate guarantee shall not be considered a sufficient financial assurance guarantee.
30. Upon discontinuance of the permittee’s operation as set forth in Condition No. 31, abandonment of the project in whole or in part, or termination of this grant as described in Condition No. 8, and in the event that a new permit application is not timely filed for a continued similar use or reuse of the site, the permittee shall perform decommissioning in accordance with the approved Decommissioning Plan, or compensate the County for use of a County-contracted consultant to perform such decommissioning. In the alternative, and at the County’s sole election, the County shall be entitled to use any performance and/or financial assurance guarantees, as described in Condition No. 29(d), to perform the decommissioning itself or to contract for such decommissioning. The permittee shall grant the County the necessary access to the subject property to perform such decommissioning or to allow a County-retained contractor to perform such decommissioning.

31. In the event that any portion of the solar field is not in operational condition for a consecutive period of 24 months, operations for the portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed from the site within 60 days from the date that written notice is sent to the permittee from Regional Planning. Within this 60-day period, the permittee may provide the Director of Regional Planning a written request and justification for an extension of up to 12 months to resume operations of that portion of the site, which request shall be subject to the satisfaction and approval of the Director. A second written request and justification for a second extension of up to 12 months may also be submitted, which the Director may grant if the request is adequately justified based on the Director’s determination. In no event shall the operations of the solar field or portion of the solar field be discontinued for more than 36 months from the date such operations were first deemed discontinued without being decommissioned pursuant to the approved Decommissioning Plan. Further, in no event shall any extension of the period to resume operations of any portion of the site pursuant to this Condition No. 31 be deemed to extend the term or expiration date of this grant.

32. The permittee shall record a dedicated open space conservation covenant for the on-site 13.8-acre mitigation area and submit a record of this easement to Regional Planning by August 2, 2018. The permittee shall have this dedicated open space mitigation area depicted on the Exhibit “A”.

33. Nothing in this grant shall prevent the permittee from installing more efficient solar panels in the future, increasing output, provided the footprint and overall disturbance area of the project does not substantially change. At such time the permittee wishes to install more efficient solar panels, a Revised Exhibit “A” shall be submitted to the County for such installation.

34. Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (National Institute for Occupational Safety and Health [NIOSH] approved) shall be provided with proper training to construction workers to mitigate against dust exposure and possibly Valley Fever during high-wind events and/or dust-generating activities. Evidence of this training shall be kept on site and shall be made available to County staff upon request.
35. The project shall comply with all requirements of the Rural Outdoor Lighting District. If lighting is proposed, a lighting plan shall be submitted to Regional Planning for review and approval by the Director.

36. The water tank on the subject property shall be painted an earth-tone color (beige, sand, taupe or similar colors) to blend in with the surroundings, subject to review and approval by the Director.

37. Mobile sanitation facilities and a potable drinking water supply shall be made available to workers during construction of the Project subject to the satisfaction of the Department of Public Health ("Public Health").

38. The permittee shall make use of the manufacturer’s photovoltaic solar panel recycling program. Other panel recycling programs may be used as well subject to approval of the Director.

39. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one parking space for each two persons employed. The unmanned solar photovoltaic facility does not include operations buildings or other buildings but does require occasional servicing, which requires one space per two persons servicing the facility. These spaces do not have to be marked. During construction parking shall be provided on-site and/or off-site at a location approved by the Director.

40. The permittee shall abide by the following dust control measures:

   a. During site preparation and during operations, vegetation shall be retained or mowed in and around array sites to prevent vegetative root loss. Disking, tilling, or grading of array sites is prohibited except where specifically authorized by Public Works. Roads, drainage basins, equipment pads, and any other required earthwork authorized by Public Works shall be done in compliance with grading regulations;

   b. Maintain dust control using (to the extent applicable) phased earthwork, watering, clean gravel, composted wood chips not to exceed 6 inches in depth, application of non-toxic soil stabilizers on disturbed areas, revegetation, limited public access on unpaved areas, speed limits on construction sites, and other dust control measures used during construction, operations, and removal and restoration activities;

   c. If required by AVAQMD, during construction, the permittee shall provide on the Project site weather stations, monitors with wind speed, wind direction, temperature and humidity sensors, and mechanical dust-monitoring devices, placed to the satisfaction to AVAQMD, to ensure the effectiveness of the Project’s dust control plan;

   d. Establish vegetation along certain portions of the Project perimeter, where required by the Fence Screening and Landscaping/Revegetation Plan, as
early as feasible following Project approval for both visual screening and to limit off-site movement of dust.

e. During construction, the permittee shall pay the costs of an on-site mitigation and conditions compliance monitor, satisfactory to the Director, to independently monitor and report on Project compliance. The monitor shall be on-site during all site preparation, grading, and excavation and backfilling work.

41. Temporary screening of construction and staging areas (e.g. fencing with fabric or slats) shall be installed prior to construction/ground-disturbing activities to the satisfaction of Regional Planning.

42. Wildlife-friendly perimeter fencing shall be erected subject to review and approval by the Director.

43. The use of insecticides, herbicides, anti-coagulant rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited, except where necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. Such use shall be subject to approval by Regional Planning.

44. The Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility accessible to the public where it can be easily viewed at or near eye level.


Attachments:
Mitigation Monitoring Program (pages 1-6)
Public Works/Fire Public Health Department Letters
<table>
<thead>
<tr>
<th>#</th>
<th>Environmental Factor</th>
<th>Project Design Feature/Mitigation Measure</th>
<th>Action Required</th>
<th>Mitigation Timing</th>
<th>Responsible Agency</th>
<th>Monitoring Agency or Party</th>
</tr>
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<tbody>
<tr>
<td>3.1 - AES-1</td>
<td>Aesthetics</td>
<td>Prior to issuance of building permits for the solar facility, the permittee shall submit a Fence Screening and Landscaping/Planting Plan for review and approval and shall comply with all requirements of such plan. Such plan shall include: (1) where necessary, screening of the perimeter fence with slats or other material acceptable to Regional Planning; (2) where necessary, a perimeter fence landscape buffer; and (3) methods to remediate for vegetation loss, such as replanting and hydroseeding, anywhere on the Project Site as a result of construction. Prior to submitting such plan to Regional Planning, the permittee shall submit the plan to the Roosevelt Town Council for their review and comment. Vegetation shall be selected that is consistent with the color, texture, and low water requirements of the existing native land cover, which is composed predominantly of allocates scrubs (Artemisia pycnopoda) stands.</td>
<td>A. Submit plans for the construction of a fence around the perimeter of the project.</td>
<td>Prior to energization of the solar panels.</td>
<td>Permittee/Construction Manager</td>
<td>Los Angeles County Department of Regional Planning (LACDP)</td>
</tr>
<tr>
<td>3.1 - AES-2</td>
<td>Aesthetics</td>
<td>The project proponent/permittee shall submit plans to Regional Planning and Building &amp; Safety showing that solar panels and hardware used in the project are designed to minimize glare and spectral highlighting prior to issuance of building permits. Plans shall demonstrate that solar panels and hardware used in this project utilize, to the extent feasible, technologies that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the potential index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting. Additional documentation demonstrating compliance with this measure shall be provided upon request by Regional Planning and Building &amp; Safety. All above-ground structures (tubular steel poles, cross-arms, insulators, etc.) specified for this project shall be made of materials that do not reflect or refract light; overhead transmission lines shall use tubular steel poles instead of lattice steel towers; tubular steel poles for overhead transmission lines shall be painted high-gray colors, dulfed galvanized steel or other non-reflective surface; and all conductors specified for the project shall be treated at the factory to dull their surfaces to reduce their potential to reflect light (non-specular). All switch gear equipment shall be coated with a low reflective, neutral finish; the chain-link fences surrounding the switch gear shall have a dulled, distressed finish.</td>
<td>Prior to the issuance of Applicable Building Permit</td>
<td>Permittee/Construction Manager</td>
<td>Los Angeles County Department of Building and Safety (LACDS)</td>
<td></td>
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<tr>
<td>3.4 - BIO-1</td>
<td>Biological Resources</td>
<td>Prior to the issuance of a grading permit, the permittee shall demonstrate to the County of Los Angeles that the grading plans have minimized, to the greatest extent feasible, the area required for project construction and operation. The site and grading plans shall include the conservation areas, fencing plans, and any other minimization measures. At a minimum, 13.6 acres along the eastern and northeastern margin of the property shall be maintained as long-term conservation and open space outside the fenced area of the project. Within the fenced area, a minimum of 50 percent of the native vegetation shall be maintained during construction and operation of the proposed project. All fences installed on the project site shall include a maximum operating allowance, between the top of the fence and the lower edge of the fence, to facilitate wildlife movement during operation phase of the project.</td>
<td>A. Indicate conservation area, fencing plans, and any other minimization measures on plans.</td>
<td>A. Prior to the issuance of a grading permit</td>
<td>Permittee/Construction Manager</td>
<td>LACDP - Assigned Staff Person for Bota, and CDFW</td>
</tr>
<tr>
<td>3.4 - BIO-2</td>
<td>Biological Resources</td>
<td>Worker Environmental Awareness Training program for property owners, tenants, occupants, and employees. Maintain log of educational materials and documentation of compliance with training.</td>
<td>Conduct Worker Environmental Awareness Training for property owners, tenants, occupants, and employees. Maintain log of educational materials and documentation of compliance with training.</td>
<td>During construction</td>
<td>Permittee/Construction Manager</td>
<td>LACDP - Assigned Staff Person for Bota and CDFW</td>
</tr>
<tr>
<td>3.4 - BIO-3</td>
<td>Biological Resources</td>
<td>Wherever feasible, proposed project activities (including, but not limited to, staging and disturbance to native and nonnative vegetation, structures, and substrates) shall occur outside of the avian breeding season which generally runs from February 1 to August 31. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted. The sites and sizes suitable for nesting shall be removed outside of the breeding season; within 24 hours of a qualified biologist making a determination that there are no active nests within the tree, or more than 250 feet away from avian species whose breeding activity would be adversely affected by removal of the tree. Depending upon the avian species present, a qualified biologist may determine that a modified buffer width is warranted.</td>
<td>Conduct pre-construction nesting bird survey prior to activities commencing February 1 – August 31.</td>
<td>Prior to issuance of grading permit for activities commencing February 1 – August 31.</td>
<td>Permittee/Construction Manager</td>
<td>LACDP - Assigned Staff Person for Bota</td>
</tr>
<tr>
<td>3.4 - BIO-4</td>
<td>Biological Resources</td>
<td>Prior to the issuance of a grading and/or building permit, a qualified biologist shall be retained by the permittee as the lead biological monitor. That person shall ensure that impacts to all biological resources are minimized or avoided, and shall conduct (or supervise) pre-grading field surveys for species that may be avoided.</td>
<td>Conduct post-construction field survey prior to activities commencing February 1 – August 31.</td>
<td>Prior to issuance of grading permit</td>
<td>Permittee/Construction Manager</td>
<td>LACDP - Assigned</td>
</tr>
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MAY 2, 2018

MMRP FOR CUP No. RPPL2016001558 / ENV No. RPPL2016001561 PAGE 1 OF 5
affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g., avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make those monitoring reports available to the County of Los Angeles Department of Regional Planning (DRP) at their request.

During construction activities, the biological monitor shall be present to inspect and enforce all mitigation requirements, and to relocate any species that may come into harm’s way to an appropriate off-site location of similar habitat that has been retained for long-term conservation on property owned by the permittee. The biological monitor shall be authorized to stop construction activities if violations of mitigation measures or any local, state, or federal laws are suspected. The biological monitor shall file a report of the monitoring activities with DRP. If ongoing biological monitoring of construction activities reveals the presence of any special-status species within an active work area, then work shall be temporarily halted until the animals can be collected and relocated to areas outside of the designated work zones. Work areas shall be surveyed for special-status species during construction activities. Any special-status species occurring within the work area shall be collected and relocated to areas outside of the designated work zones.

Measures that shall be implemented during construction include:

a. During construction activities, if an injured or dead species listed as threatened or endangered under the Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA) is encountered, the project proponent(s) shall cease work within the immediate vicinity. Prior to the recommencement of construction, the project proponent(s) shall notify the on-site biologist and the appropriate resource agency (e.g., USFWS or CDFW) and shall consult with the appropriate resource agencies to determine the appropriate course of action, such as the need for an incidental Take Permit.

b. At the end of each work day, the biological monitor shall ensure that all potential wildlife pitfalls (trunches, bores, and other excavations) have been backfilled. If backfilling is not feasible, all trenches, bores, and other excavations shall be sealed at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with exclusion fencing. If any wildlife species become entrapped, construction shall not occur until the animal has left the trench or been removed by a qualified biological monitor as feasible. Employees and contractors shall look under vehicles and equipment for the presence of wildlife before moving vehicles and equipment. If wildlife is observed, no vehicles or equipment would be moved until the animal has left voluntarily or is removed by the biological monitor. No listed species will be handled. If an entrapped special-status species is encountered, the project proponent(s) shall stop work within the immediate vicinity. Prior to recommencement of construction, the project proponent(s) shall notify the on-site biologist and the appropriate resource agency to determine the appropriate course of action. Any entrapped species that is listed under the FESA or CESA shall not be disturbed unless the appropriate authorization is obtained from the appropriate resource agency.

c. Vehicle speed limits shall not exceed 15 miles per hour (mph) during construction and operation of the project. A speed limit sign shall be posted at all project entry locations.

### 3.4 BIO-5 BIOLOGICAL RESOURCES

The mitigation measure for burrowing owls is modeled after a program successfully employed at the nearby Catalina Solar Project. Proposed project activities shall take place outside the burrowing owl nesting season (February 1 through August 31), whenever feasible. In addition, the underground irrigation pipes present at the project site within which burrowing owls may nest shall be left in place. As a precaution, a pre-construction burrowing owl survey shall be conducted on site by an avian biologist prior to construction or grading activities. Pre-construction surveys for burrowing owl shall be conducted weekly, beginning no later than 30 days and ending no earlier than 3 days prior to the commencement of disturbance. The surveys shall follow guidelines set forth in the CDFW Staff Report on Burrowing Owl Mitigation.

If burrowing owls are found during the pre-construction survey, then replacement burrows and habitat must be provided prior to the commencement of construction. The permittee shall be provided to prepare an artificial replacement burrow in the event that owls are detected, either as wintering or breeding individuals. The artificial replacement burrows will be placed within the 12.8 acres that the permittee has set aside for long-term conservation.

### Conduct pre-construction burrowing owl surveys.

Prior to issuance of grading permit

Permittee

LACDRP Assigned Staff Person for Biota

CDFW

Staff Person for Biota
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
CONDITIONAL USE PERMIT NO. RPPL2016001556 / ENVIRONMENTAL REVIEW NO. 2016001561

3.4 - BIO-6 Biological Resources
Pre-construction surveys shall be undertaken to avoid impacts to breeding Swainson's hawks within the vicinity of the proposed project site. Pre-construction surveys for nesting Swainson's hawk shall be conducted within a 5-mile radius around all project activities during specific timeframes prior to construction in accordance with the guidelines of CDFW, California Energy Commission (CEC) Swainson’s Hawk Survey Protocols. A nest site is found, a consultation with the CDFW shall be required to ensure project construction will not result in nest disturbance. No new disturbances or other project-related activities that may cause nest abandonment or forced fledging shall be initiated within one-half mile of an active nest between February 1 and September 15, or until August 15 if a Management Authorization is obtained for the project from the CDFW. These buffer zones may be adjusted as appropriate in consultation with a qualified ornithologist and the CDFW. If impacts to nesting Swainson's hawks cannot be avoided, the CDFW shall be consulted for authorization, through the context of an incidental take permit. If accidental take should occur, the CDFW and the USFWS shall be notified.

3.4 - BIO-7 Biological Resources
Aviary measures shall be undertaken during construction to avoid impacts to low-mobility reptiles. Prior to the issuance of a grading or building permit, all fences or other barriers insurmountable by reptiles shall be erected along the construction area and pre-construction surveys shall be conducted for special-status ground-dwelling reptiles. Surveys shall be conducted by an array of pit-fall traps, coverboards, or other devices as determined by a qualified biological monitor on the ground prior to the commencement of construction. Pit-fall traps, if used, must be checked daily. Coverboards shall be installed no less than 4 weeks prior to construction and checked at least weekly. Pit-fall traps shall be covered at all times to provide shelter to prevent striped animals from being exposed to excessive levels of heat. Any special-status reptiles or species determined important by the qualified biological monitor occurring within the work area prior to the start of work shall be collected and relocated to areas outside of the designated work zones.

3.4 - BIO-8 Biological Resources
Pre-construction surveys for the desert tortoise shall be conducted within the proposed construction area, during a period when the animals, if present, would be likely to be present, to ensure that there is no unauthorized take of the species. As part of the preparation of this report, a qualified biologist determined that the project site does not provide suitable habitat. However, the project site will be searched in parallel transects to ensure that the species and its diagnostic sign are absent from the site within 7 days of initiating construction. If the biological monitor observes a desert tortoise on the construction site, work shall be halted and redirected to areas without supporting this species. A written report shall be sent to the U.S. Fish and Wildlife Service (USFWS) within five calendar days of the sighting. The report will include the date, time of the finding or incident (if known), and location of the animal. If a dead desert tortoise is encountered, all work shall stop in the immediate vicinity of the encounter and the USFWS shall be contacted immediately to determine the appropriate course of action, such as the need for an Incidental Take Permit. If accidental take should occur, the CDFW and the USFWS shall be notified.

3.4 - BIO-9 Biological Resources
Pre-construction surveys for the Mojave ground squirrel shall be conducted within all marginal habitat prior to initiation of ground-disturbing activities in accordance with California Department of Fish and Wildlife (CDFW) guidelines to ensure that there is no unauthorized take of this species. The name and phone number of the biological monitor shall be provided to a CDFW representative at least 14 days before the initiation of ground-disturbing activities. If the biological monitor observes a Mojave ground squirrel on the construction site, work shall be halted and redirected to areas not supporting this species. A written report shall be sent to CDFW within five calendar days of the sighting. The report will include the date, time of the finding or incident (if known), and location of the animal. If a dead Mojave ground squirrel is encountered, all work shall stop in the immediate vicinity of the encounter and the CDFW shall be contacted immediately to determine the appropriate course of action, such as the need for an Incidental Take Permit. If accidental take should occur, the CDFW and the USFWS shall be notified.
### 3.4 - BIO-10  
**Biological Resources**  
Pre-construction surveys shall be conducted for desert kit fox no less than 14 days and no more than 30 days prior to the beginning of construction activities, when construction is proposed in portions of the project site containing suitable habitat for the species. If present, occupied kit fox dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Malekit fox dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction. If an occupied desert kit fox den is encountered, all work in the immediate vicinity shall stop until the CDWF is consulted for the appropriate course of action. If it is not possible to avoid construction in an area with a desert kit fox den, then work shall not commence in the area until it has been confirmed by scoping or camera monitoring that occupants have left the den. To minimize the chance of spreading kit fox disease, no handling of kit foxes shall occur, and dogs shall not be allowed on site during project construction.

Similar measures shall be taken to avoid impacts to American badger. Pre-construction surveys for American badger shall be conducted within suitable habitat; if present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Male American badger dens shall be avoided during pup-rearing season (February 15 through July 1) and a minimum 200-foot buffer established. Male American badger dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction. If avoidance of a non-maternity den is not feasible, badgers shall be passively relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (February 15 through July 1). Any relocation of badgers shall occur only after consultation with the CDWF. A written report documenting the badger removal shall be provided to the CDWF within 30 days of relocation.

#### Conduct pre-construction surveys for Desert Kit Fox and American Badger  
Prior to the issuance of a grading permit  
**Permittee** LACDRP- Assigned Staff Person for Biota, CDWF

### 3.4 - BIO-11  
**Biological Resources**  
Pre-disturbance sweeps of the project site shall be conducted for all special-status wildlife species within 24 hours prior to ground disturbance or vegetation clearing activities approximately once per week for the duration of the project construction. In particular, focused surveys for species with suitable habitat present, including Cinchis bumble bee, silvery legsless lizard, burrowing owl, ferns, and Townsend’s big eared bat, shall be conducted. If any special status wildlife species are detected during these surveys, they shall be avoided to the greatest extent feasible. In addition, the appropriate resource agencies shall be notified, and any necessary permits shall be obtained prior to construction.

#### Conduct pre-disturbance surveys for special-status species that have been identified as having the potential to occur on the site.  
No more than 24 hours prior to ground disturbance or vegetation clearing activities approximately once per week for the duration of the project construction.  
**Permittee** LACDRP- Assigned Staff Person for Biota

### 3.4 - BIO-12  
**Biological Resources**  
Pre-construction surveys shall be conducted for rare plants during the spring blooming season prior to the start of construction. Due to the drought conditions under which the previous survey was conducted, it is possible that further surveys may yield additional results. The survey shall follow the guidelines of the CDWF’s Special Status Native Plant Surveys. Should any special status plant species be detected during these surveys, they shall be avoided to the greatest extent feasible. In addition, the appropriate resource agencies shall be notified, and any necessary permits shall be obtained prior to construction.

#### Conduct pre-construction surveys for Rare Plants  
Prior to the issuance of a grading permit  
**Permittee** LACDRP- Assigned Staff Person for Biota

### 3.4 - BIO-13  
**Biological Resources**  
Pre-construction surveys shall be conducted for rare plants during the spring blooming season prior to the start of construction. Due to the drought conditions under which the previous survey was conducted, it is possible that further surveys may yield additional results. The survey shall follow the guidelines of the CDWF’s Special Status Native Plant Surveys. Should any special status plant species be detected during these surveys, they shall be avoided to the greatest extent feasible. In addition, the appropriate resource agencies shall be notified, and any necessary permits shall be obtained prior to construction.

#### Prepare adaptive Weed Control Plan for approval by County  
Prior to the issuance of grading permits  
**Permittee** LACDRP- Assigned Staff Person for Biota
a. Develop species-specific control procedures for high priority invasive weeds (as determined through consultation with the SLIM weed specialist).

b. Potential methods include physical or mechanical removal, chemical control, and environmental control.

c. The application of herbicides shall be in compliance with all state and federal laws and regulations and implemented by a Licensed Applicator. Herbicides shall not be applied during or within 72 hours of a scheduled rain event. In riparian areas only water-soluble herbicides shall be used. Herbicides shall not be applied when wind velocities exceed 6 miles per hour (mph).

d. Establish a long-term schedule for regular weed control throughout the project site.

ea. Implement a regular weed control program using approved procedures, properly maintained equipment, and safety gear.

3.4 - BIO-14

<table>
<thead>
<tr>
<th>Biological Resources</th>
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<tbody>
<tr>
<td>A total of 13.8 acres, including a portion of Little Rock Wash, along the eastern edge of the project property, shall be designated as open space to maintain a north-south connection for wildlife movement between the San Gabriel Mountains the south and Rosecrans Dry Lake. The permittee shall record a permanent deed restriction on the mitigation land(s) to be preserved as open space. The deed restriction language shall be submitted to the County of Los Angeles for review and approval prior to recordation. Maintenance of dedicated land or other conservation efforts shall be the responsibility of the Project permittee. Dedicated lands are to be maintained to ensure conditions and general biological value remain consistent over time. Dedicated lands shall be maintained until the Project site is restored per the requirements of the Decommissioning Plan.</td>
</tr>
<tr>
<td>Record a permanent deed restriction on the mitigation land(s) to be preserved as open space</td>
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3.4 - BIO-15

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<thead>
<tr>
<th>Biological Resources</th>
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<tbody>
<tr>
<td>Prior to the issuance of grading or building permits, the project proponent shall develop a passive Habitat Restoration Plan for the 13.8 acres of dedicated open space located in the desert wash portion of the project site. Restoration shall be accomplished through a regular schedule of weed removal and broadcast seeding with a native plant seed mix. The Habitat Restoration Plan shall establish performance criteria, tentative time frames for restoration of the site in addition to provisions for a monitoring program to assess the success of restoration efforts. The primary standard shall be considered met if the cover of native vegetation exceeds that of non-native, invasive species. Annual monitoring for up to five years after construction shall take place to ensure this standard is met.</td>
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<tr>
<td>Prepare Habitat Restoration Plan for approval by County</td>
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3.5 - CULTURAL-1

<table>
<thead>
<tr>
<th>Cultural Resources</th>
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<tr>
<td>Completion of a Worker Education and Awareness Program for all personnel who will be engaged in ground-disturbing activities shall be required prior to the start of ground-disturbing activities. This shall include training that provides an overview of cultural resources that might potentially be found and the appropriate procedures to follow if cultural resources are identified. This requirement extends to any new staff prior to engaging in ground-disturbing activities.</td>
</tr>
<tr>
<td>Archaeological, Historical, and Tribal Resources Worker Education and Awareness Program Site monitoring during grading and grubbing</td>
</tr>
</tbody>
</table>

3.5 - CULTURAL-2

<table>
<thead>
<tr>
<th>Cultural Resources - Paleontological Monitoring</th>
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<tbody>
<tr>
<td>The proposed project is not expected to result in impacts to cultural resources related directly or indirectly to the destruction of a unique paleontological resource or unique geologic feature. If paleontological resources are encountered during ground-disturbing activities, the County of Los Angeles Department of Regional Planning shall require the project permittee to be responsible for salvage and recovery of these resources consistent with standards for such recovery established by the Society of Vertebrate Paleontology.</td>
</tr>
<tr>
<td>Paleontological monitoring</td>
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In the event that a paleontological resource is encountered during construction, all ground-disturbing activity within 100 feet of the find shall be halted until a qualified paleontologist can evaluate the significance of the discovery. Additional monitoring recommendations may be required. If the resource is found to be significant, the paleontologist shall determine the most appropriate treatment and method for removing and stabilizing the specimen. Curation of the any significant paleontological finds shall be required with a qualified repository, such as the Natural History Museum of Los Angeles County (LACM). Within 60 days of the completion of any salvage operation or monitoring activities, a mitigation report shall be submitted to County Parks with an appended, annotated inventory of specimens. The report and inventory, when submitted to County Parks, shall
<table>
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<tr>
<th>3.5 - CULTURAL-3</th>
<th>Cultural Resources - Human Remains</th>
<th>Human remains monitoring</th>
<th>During construction</th>
<th>Permitee/Construction Manager</th>
<th>LACDRP</th>
</tr>
</thead>
<tbody>
<tr>
<td>In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are encountered during excavation activities, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby areas reasonably suspected of overlying adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, she shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Section 5097.50 of the California Public Resources Code, the NAHC shall immediately notify the person(s) it believes to be the most likely descendant (MLD) of the deceased Native American. The descendants shall complete their inspection and make a recommendation within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the County of Los Angeles Department of Regional Planning, the disposition of the human remains. The MLD's recommendation shall be followed if feasible, and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials. If the County of Los Angeles Department of Regional Planning rejects the MLD's recommendations, the agency shall rebury the remains with appropriate dignity on the property in a location that will not be subject to further subsurface disturbance (14 California Code of Regulations §15664.5(a)).</td>
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<th>3.9 - HYDRO-1</th>
<th>Hydrology and Water Quality</th>
<th>100-year Flood Hazard - Establishment of Maximum Elevation Plane</th>
<th>Prior to issuance of a grading permit</th>
<th>Permittee</th>
<th>LACDRP</th>
</tr>
</thead>
<tbody>
<tr>
<td>The minimum elevation plane shall be established by adding 3.6 feet to the elevation of a line connecting the extreme property corners in the northwest and southeast corners of the site. This line shall then be extended outward creating a minimum elevation plane. All structures or horizontal cross members shall be at or above this plane. This will allow for 1.6 feet of flood waters, as well as 1 foot of safety factor plus 1 foot of freeboard per Federal Emergency Management Agency (FEMA) requirements. It is required that all structures, horizontal cross members as well as all equipment sensitive to flood waters be elevated. It is recommended that this minimum elevation be confirmed during final design and adjusted as required to meet County and FEMA requirements to provide adequate safeguard against flood hazards. All structure pads shall be placed on piles, per FEMA requirements for development within special flood areas. Also, the pile depth should also be deepened by 1.52&quot; for 6&quot; square pile and 4.60&quot; for 2&quot; dia. round pile to account for the potential of scour due to extreme stormwater flows.</td>
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December 19, 2017

TO: Samuel Dea  
Zoning Permits North Section  
Department of Regional Planning  
Attention Anthony Curzi

FROM: Art Vander Vis  
Land Development Division  
Department of Public Works

PLAN NO. RPPL2016001556  
PLAN TYPE: PERMITS & REVIEWS  
WORK CLASS: CUP  
PROJECT NAME: 5149 LANCASTER ENERGY  
ASSESSOR'S MAP BOOK NO. 3382, PAGE 3, PARCEL NOS. 1, 2, 10, 11 AND 12  
UNINCORPORATED COUNTY COMMUNITY OF ANTELOPE VALLEY

Thank you for the opportunity to review the Conditional Use Permit (CUP) the subject project. The project proposes to construct a 42-megawatt solar photovoltaic (PV) facility. The solar arrays would consist of north-south rows of 6- to 8-foot-high PV panels, mounted on fixed-tilt or single-axis tracking systems on steel support structures.

- Public Works recommends that the conditions shown below be applied to the project if ultimately approved by the advisory agency.

☐ Public Works has comments on the submitted documents, and therefore, a Public Hearing shall NOT be scheduled until the following comments have been addressed:

1. **Road**
   1.1 Make an offer of private and future street right of way along the property frontage as follow to the satisfaction of Public Works:
1.1.1 50 feet from centerline on 50th Street East.

1.1.2 40 feet from centerline on East Avenue G-8, East Avenue H, and 55th Street East Street.

1.1.3 30 feet from centerline on Avenue G-13 and 52nd Street East.

1.1.4 A corner cutoff based on a property line corner radius of 27 feet on the northeast corner of 50th Street East and East Avenue H.

1.1.5 A corner cutoff based on a property line return radius of 13 feet at all local street intersections to the satisfaction of Public Works.

To process the offer of private and future street right of way, please contact Thu Truong of Public Works' Survey Mapping and Property Management Division at (626) 458-7106 or tru@dpw.lacounty.gov. A processing fee will be required.

1.2 Submit detailed cross sections of the private and future streets, and the property, to determine the amount of slope easement that will be required (10 feet minimum) to Public Works' Land Development Division, Road Unit.

1.3 Provide a drainage acceptance statement/letter for all private and future streets.

1.4 Construct rural driveway approaches to the site to the satisfaction of Public Works.

1.5 Underground all new utility lines to the satisfaction of Public Works. A franchise agreement will be required for distribution/transmission facilities within public street right of way.

1.6 Submit street improvement plan to Public Works’ Land Development Division for review and approval prior to the issuance of grading permit.

1.7 Construct all street improvements prior to the issuance of an occupancy permit or execute an Agreement to Improve for the street improvements to the satisfaction of Public Works.

For questions regarding the street conditions, please contact Joseph Nguyen of Public Works' Land Development Division at (626) 458-4910 or chnguyen@dpw.lacounty.gov.
2. Grading / Drainage

2.1 Submit a grading and drainage plan for review and approval that complies with the approved hydrology study dated October 23, 2017, or the latest revision. Grading shall be limited to only the access driveways, substations, tanks, inverter pad, or basins. Work within the existing vegetation, where the solar panels are proposed, shall be conducted with minimal disturbance, and the operator shall take all necessary precautions to not use vehicles or machines for grading or altering the existing grade in these areas.

When vehicles or machines are deemed necessary for solar field installation work, appropriate ground-protection practices (such as construction mats, stabilizers, or established vegetation) shall be utilized for both dust suppression and to ensure that the vehicles or machines are compatible with continued and future vegetation growth to the satisfaction of Public Works. The project's biologist shall confirm that construction practices are compatible with continued and future vegetation growth. Any grading, diskng, and scraping to access driveways, walkways, required basins and berms shall be permanently stabilized with an earth-stabilizing product that is acceptable to Public Works, in cooperation with the Departments of Regional Planning and Public Health, to prevent fugitive dust.

2.2 Provide a maintenance agreement for all privately maintained drainage devices.

2.3 Provide soil/geology approval of the grading plan from Public Works' Geotechnical and Materials Engineering Division as applicable.

2.4 Obtain all applicable jurisdictional permits. These agencies may include the State of California Regional Water Quality Control Board; State of California Department of Fish and Wildlife; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and US Army Corps of Engineers.

For questions regarding the grading conditions, please contact Toan Duong of Public Works' Land Development Division at (626) 458-4910 or tduong@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Nargiss Majrooh at (626) 458-4915 or nmajrooh@dpw.lacounty.gov.

AM:
REVISED CONDITIONS: Supersedes Fire Dept. Comments Dated 08/02/2016

THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE FOLLOWING CONDITIONS OF APPROVAL.

SOLAR ARRAY FIELDS
CONDITIONS OF APPROVAL – ACCESS

1. A perimeter interior roadway is required around the entire solar array field.

2. All proposed solar array fields will require a minimum of one entry/exit location.

3. In addition to the interior perimeter Fire Department access road, the design of the solar array field necessitates several interior on-site Fire Department access roads going in the directions north to south and east to west.

4. The fire apparatus on-site & off-site access roads shall be installed and maintained in a drivable condition for the duration of the solar project.

5. The fire apparatus on-site & off-site access roads shall be installed prior to occupancy or operation of the facility.

6. The minimum roadway width within the solar array field is 20 feet, clear-to-the sky, when there is no proposed or existing building onsite. Provide a minimum centerline turning radius of 32 feet, with an inner radius of 22 feet and an outer radius of 42 feet, for each turn in the solar array field.

7. The fire apparatus on-site & off-site access roads for the solar array field shall have a soil compaction of 90%, OR the apparatus access road shall be excavated and re-compacted to 90%.

8. Gates:
   a. The onsite ingress/egress gate shall be located on the address side of the property.

Reviewed by: Wally Collins
Date: October 25, 2016
COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION
Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: RPPL 2016001556 MAP DATE: 09/27/2016
LOCATION: NE Corner of East Avenue H & 50th Street East, Lancaster
PLANNER: Anthony Curzi

b. The onsite ingress/ egress gate width shall be a minimum of 20 feet, clear-to-sky, with all gate hardware clear of the road way width when a building(s) is not proposed.

c. The location of the gate shall be located a minimum of 50 feet from the public right-of-way.

d. The facility emergency contact information shall be provided with each limited access device, per County of Los Angeles Fire Department Regulation 5, and shall be clearly indicated with an appropriate placard at each ingress location. The minimum size of the placard shall be 12 inches X 12 inches.

e. All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.

f. No interior gates permitted on the on-site access roads.

SOLAR ARRAY FIELDS
CONDITIONS OF APPROVAL – WATER

1. A minimum of one water tank is required for the proposed solar array field. The water tank is to be located near the address side entry/ exit gates, and is to be indicated on the site plan.

2. This development requires the installation of one water tank with a minimum tank size of 10,000 gallons for Fire Department use only. The size of the water tank may be required to be increased due to the size of the proposed building and/ or existing building, which will be done during the building plan check process.

3. The water tanks shall be clearly identified for "Fire Department Use Only".

4. The water tanks shall be located near the ingress/ egress gate.

5. The water tanks shall be in compliance with Fire Department standards.

Reviewed by: Wally Collins Date: October 25, 2016
COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION
Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: RPPL 2016001556 MAP DATE: 09/27/2016
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6. The water tank shall have a low level water local alarm which shall be in compliance with all applicable codes and regulations. The low level water local alarm can be battery operated.

7. The water tank shall have a Fire Department supply outlet of 2 ½ inches in diameter with National Standard threads. The supply outlet is to be located 14-24 inches above the finished grade, and is required to be protected by approved barricades.

8. If the outlet is not provided directly off of the tank, provide a 6 inch underground pipe to a 4 inch upright pipe with an outlet of 2 ½ inches with National Standard threads, which is required to be protected by barricades.

SOLAR ARRAY FIELDS
CONDITIONS OF APPROVAL – ADDITIONAL CONDITIONS

1. Electrical Equipment:
   a. All electrical disconnect locations shall be clearly identified.
   b. All electrical shall be in compliance with all applicable state and local codes.

2. Vegetation Management:
   a. The clearance of vegetation shall be in compliance with the brush clearance regulation as defined by the Fire Code or as directed by the Fire Official.
   b. The vegetation shall be trimmed to a maximum height of 6 inches within the boundaries of the solar array.
   c. Electrical transformer vaults or structures shall have all vegetation cleared to mineral soil for a distance of 50 feet.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at Wally.Collins@fire.lacounty.gov.

Reviewed by: Wally Collins
Date: October 25, 2016
February 24, 2017

TO: Anthony Curzi  
Regional Planning Assistant II  
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, DPA, MPA  
Environmental Health Division  
Department of Public Health

SUBJECT: CUP CONSULTATION  
PROJECT No. RPPL2016001556  
5149 Lancaster Energy LLC  
Northeast corner of 50th Street E and E Avenue H, Lancaster

☑ Public Health recommends approval of this CUP.
☐ Public Health does NOT recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the information provided for the project identified above. The CUP is for the construction and operation of the solar energy facility for up to 42 megawatts renewable energy.

The Department recommends approval of the CUP. The requirements listed in the Potable Water and Wastewater Disposal sections reports shall be satisfactorily fulfilled at the Building Permit phase.

For questions regarding the attached reports, please contact the individual listed at the bottom of each report. For all other questions, please contact me at (626) 430-5380 or at mtsiebos@ph.lacounty.gov.
Potable Water Supply

The project is an unmanned facility. The applicant is proposing the use of a Mobile Sanitation Facility for the maintenance crew:

The applicant shall include in the Mobile Sanitation Plan a description of how potable drinking water will be provided in a manner as to be readily accessible to employees. The plan shall identify the potable water source and method of dispensing. The plan shall also describe how drinking water containers are maintained, including methods to prevent contamination of drinking water. Please see the guidelines attached at the end of this document.

For questions regarding the above section, please contact Lusi Mkhitaryan or Vincent Gallegos, of the Drinking Water program, at (626) 430-5420 or at lmkhitaryan@ph.lacounty.gov or vgalllegos@ph.lacounty.gov.

Wastewater Disposal

Sanitary toilet facilities shall be provided to meet Public Health requirements. The project is an unmanned facility. The applicant is proposing the use of a Mobile Sanitation Facility for the maintenance crew.

The applicant shall submit for review and approval a Mobile Sanitation Facility Plan consistent with Public Health’s guideline, “Sanitation Facilities at Remote Worksite Locations.” Please see the guidelines attached at the end of this document.

In addition, provide a detailed description of the panel cleaning process. Include the chemicals to be used during the cleaning process. Describe how the wastewater generated by cleaning/washing of panels when utilizing a solution other than plain water, will be collected to prevent discharge onto the ground surfaces and how will it be disposed of.

For questions regarding wastewater disposal requirements, please contact Michelle Tsiebos at (626) 430-5380 or at mtsiebos@ph.lacounty.gov.

Noise and Air Quality

Staff from Toxics Epidemiology Program reviewed the response letter to Public Health comments from Sapphos Environmental Inc. provided by the applicant of the subject property located at the northeast corner of 50th Street E and E Avenue H, Lancaster, California. The following comments are submitted:

Noise

- The applicant agrees to the requirements of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12.

- Construction activities will be limited to the hours of 7am to 6pm Monday through Saturday. No construction work on Sunday and Holidays. The applicant shall adhere to the construction noise requirements contained in the Los Angeles County Noise Control Ordinance, Title 12, section 12.08 Part 3. The applicant agrees to limit noise levels to below 75 dBA for mobile equipment and 60 dBA for stationary equipment at sensitive receptors through the use of noise-attenuating barriers, baffles, or blankets and location of construction equipment away from sensitive receptors.
Air Quality

- The applicant understands and is aware that fugitive dust can result in public exposure to fungal spores such as Coccidioides immitis (Valley fever).

- The applicant also understands that there are alternative dust minimization engineering controls that can be applicable to the site.

If you have questions regarding the above section, please contact Robert Vasquez or Evenor Masis of the Toxics-Epidemiology Program at (213)738-3220 or at rvasquez@ph.lacounty.gov and emasis@ph.lacounty.gov.
Sanitation Facilities at Remote Worksite Locations

1.0 Background and Purpose

Typically, permanently installed restroom and potable water facilities are required to be provided at worksite locations. In situations where permanent restrooms and potable water facilities are not feasible, the County Department of Public Health (Department) may approve the use of "mobile sanitation facilities" consistent with standards specified in Los Angeles County Code, Title 11 and the California Code of Regulations, Title 8.

The purpose of this document is to outline the procedure for obtaining Departmental approval for the use of "mobile sanitation facilities" by mobile crews at unattended commercial worksites located in remote areas of the County where conventional restroom facilities are unavailable and/or impractical due to the lack of a potable water supply.

2.0 Definition

A "mobile sanitation facility" is a portable restroom facility that is self-contained, and equipped with potable water, a toilet, a hand washing facility, and a waste water storage tank. [Note: A portable chemical toilet, commonly referred to as a "porta-potty", is not considered a mobile sanitation facility.]

3.0 Regulatory Requirements

The following requirements are based on provisions of Los Angeles County Code, Title 11 - Health & Safety, and Cal-OSHA sanitation standards in Section 3360, Title 8, California Code of Regulations.

3.1 Mobile Sanitation Facility Plan

An applicant seeking to use a "mobile sanitation facility" in conjunction with a conditional use permit to develop and operate a remote commercial work site shall submit to the Department for review and approval a mobile sanitation facility plan to include the following:

3.1.1 The projected number of employees that will use the proposed mobile sanitation facility.

3.1.2 A Site Plan showing the proposed location(s) of the facility.

3.1.3 A service and maintenance schedule for the facility.

3.1.4 Description of how potable drinking water will be provided in a manner as to be readily accessible to employees. Identification of potable water source and method of dispensing (container and single-use cups or bottled water). Description of how drinking water containers are maintained, including methods to prevent contamination of drinking water.

3.1.5 Copy of a service agreement with a permitted toilet rental agency to provide a mobile sanitation facility approved by the Department. If the applicant proposes to design and construct the mobile sanitation facility, design drawings and specifications shall be included.
3.2 Permitting, Maintenance and Storage Requirements

Upon approval of the plan referenced in 3.1 above, the Department will issue an annual operating permit to the applicant. The operating permit will include the following conditions:

3.2.1 The mobile sanitation facility shall be maintained in a safe and sanitary condition so as not to constitute a public health hazard or nuisance.
3.2.2 The mobile sanitation facility must be removed from the work site at the end of each work day, and be returned to an approved storage site.

For questions regarding these requirements, please contact the Department's Land Use Program at (626) 430-5380.