

Planning Commission Transmittal Checklist

Hearing Date
10/4/2011

Agenda Item Number
3

Project Number: R2009-02089-(5)
Case(s): RCUP201100061
Contact Person: Adam Thurtell

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS) MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations

Mitigated Negative Declaration is posted separately

Reviewed By: Adam Thurtell for Susie Tae



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT NO. R2009-02089-(5)
CONDITIONAL USE PERMIT NO. 201100061

PUBLIC HEARING DATE
 10/4/2010

AGENDA ITEM

RPC CONSENT DATE
CONTINUE TO

APPLICANT
 Raymond Kelly, Director, NRG Solar
 LLC

OWNER
 NRG Solar LLC

REPRESENTATIVE
 Raymond Kelly, Jessica Kinnahan,
 and Robert Mason

PROJECT DESCRIPTION
 The applicant requests a conditional use permit (CUP) to authorize a 92 megawatt (MW) alternating current (AC) photovoltaic electric generating facility in the A-2 (Heavy Agricultural) Zone. The proposal includes a previously approved 580 acre photovoltaic facility and an additional 35 acres of photovoltaic equipment. Upon approval, this CUP would supersede the previously approved CUP (RCUP200900158). An addendum to the adopted Mitigated Negative Declaration will be considered. The project will connect to the Neenach Substation, located at SR 138 and 210th Street West, via an undergrounded 66-kV transmission line.

REQUIRED ENTITLEMENTS
 The applicant requests a conditional use permit to authorize a solar PV electric generating plant on 800 acres and a yard modification to allow construction and maintenance of an eight-foot tall chain-link fence in the front and side yard setback in the A-2 (Heavy Agriculture) Zone.

LOCATION/ADDRESS
 Avenue B and 210th Street West

SITE DESCRIPTION
 The site plan depicts an 800 acre project area, 595 acres of which would be developed with a photovoltaic solar generating facility. A wash bisects the project area, running east-west. No construction will take place in the wash. The project will be connected to the Neenach Substation by a 1-mile long 66 kilovolt (kV) transmission line that would run north to south along an unpaved portion of 210th Street West.

ACCESS
 138 (Avenue D) via easement and ownership of parcels

ZONED DISTRICT
 Antelope Valley West

ASSESSORS PARCEL NUMBER
 3256015016, 3256015017, 3256015002, 3256015005,
 3256015006, 3256015008, 3256015010, 3256015011,
 3256015013, 3256015014, 3256015015

COMMUNITY
 Antelope Valley

SIZE
 800 Acres

COMMUNITY STANDARDS DISTRICT

	EXISTING LAND USE	EXISTING ZONING
Project Site	vacant	A-2-5
North	vacant	A-2-5
East	vacant	A-2-5
South	vacant	A-2-5
West	vacant	A-2-5

GENERAL PLAN/COMMUNITY PLAN
 Antelope Valley Plan

LAND USE DESIGNATION
 N1 (non-urban)

MAXIMUM DENSITY

ENVIRONMENTAL DETERMINATION
 Mitigated Negative Declaration

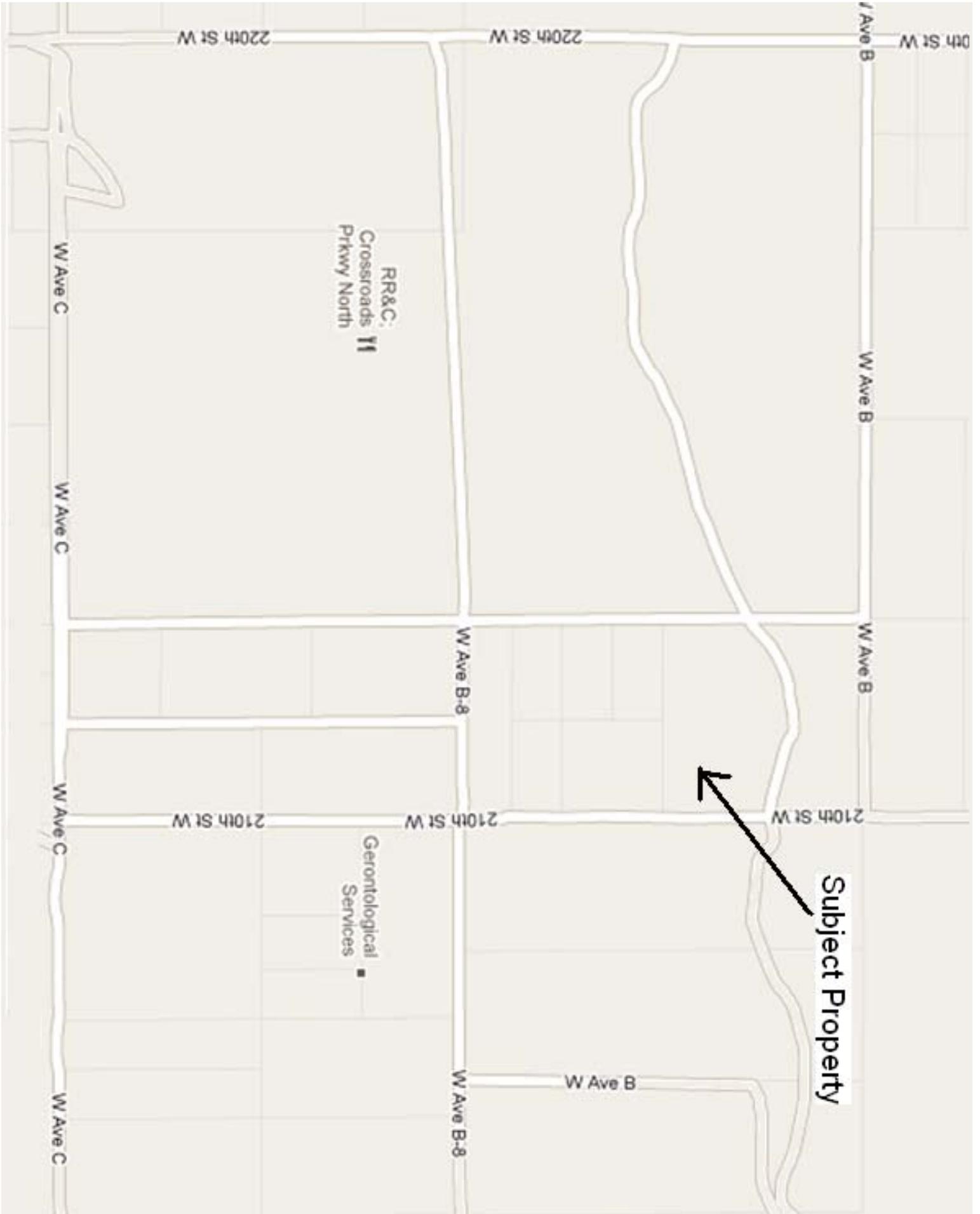
RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Adam Thurtell		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

*(O) = Opponents (F) = In Favor



STAFF ANALYSIS
PROJECT NO. R2009-02089-(5)
CONDITIONAL USE PERMIT NO. 201100061

PROJECT DESCRIPTION

The applicant, NRG Solar, LLC, proposes a 92 megawatt (MW) alternating current (AC) photovoltaic electric generating facility located on 835 acres in the A-2 (Heavy Agricultural) Zone. The project will connect to the Neenach Substation, located at State Route 138 and 210th Street West, via a one-mile undergrounded 66-kV generation-tie line. The proposal includes a previously approved photovoltaic facility on an 800 acre project area, approved by the Regional Planning Commission ("Commission") on March 30, 2011, and an additional 35 acres of project area. The previously approved project, Conditional Use Permit (CUP) No. 200900158, would be superseded by the current proposal upon approval.

REQUIRED ENTITLEMENTS

The applicant requests a conditional use permit to authorize a solar photovoltaic electric generating plant on 835 acres in the A-2 Zone. The project meets the definition of "electric generating plant" in the Los Angeles County Zoning Code. Pursuant to Section 22.24.140, electric generating plants are a use subject to a conditional use permit in the A-2 Zone.

LOCATION

Avenue B and 210th Street West, Antelope Valley West Zoned District, community of Neenach.

SITE PLAN DESCRIPTION

The site plan depicts an 835 acre project area, 615 acres of which would be developed with a 92-megawatt photovoltaic solar generating facility. All portions of the project are bounded by West Avenue B to the north, West Avenue C to the south, 220th Street West to the west, and 200th Street West to the east. The western portion of the project, labeled the Western Parcel, consists of nine contiguous parcels, and the eastern portion of the project, labeled the Eastern Parcel, consists of two contiguous parcels. The two portions of the project are approximately 0.5 mile apart.

A natural drainage channel runs east-west across the northern part of the Western Parcel and across the northwestern corner of the Eastern Parcel. No construction will take place in the drainage channel, and the area north of the channel will remain vacant. The project will be connected to the Neenach Substation, located at SR 138 and 210th Street West, by a one-mile long undergrounded 66 kV generation-tie line that would run north to south along an unpaved portion of 210th Street West.

ENVIRONMENTAL DETERMINATION

The Commission adopted a Mitigated Negative Declaration (MND) on March 30, 2011. The Mitigation Monitoring Program includes considerations for impacts from fire, flooding, and water quality. The Initial Study concludes that the project design and/or suggested conditions will adequately mitigate these impacts to a level of no significance.

The current proposal will be considered as an addendum to the original MND.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PREVIOUS CASES/ZONING HISTORY

At a public hearing on December 21, 2011 the Hearing Officer approved Conditional Use Permit (CUP) No. 200900158 for a photovoltaic electric generating facility on 800 acres at location of the current grant. The Hearing Officer's decision was subsequently appealed by two parties. The appellants were 1) Westside Concerned Citizens/Friends of Antelope Valley Open Space and 2) Fairmont Town Council. The reasons given for appeal include requests for an Environmental Impact Report (EIR) and assertions that the approved Mitigated Negative Declaration (MND) was inadequate.

On March 30, 2011 the Planning Commission denied the appeal and approved CUP No. 200900158.

The Western Parcel of the subject property, which comprises 600 acres of the project, has consisted of farmland with farmsteads dating back to at least 1952 and vacant land before, dating back to at least 1922. Portions of the subject property have been used for farming carrots for approximately the last two years.

- Aerial photos from 1952 through 2005 site described as "vacant farmland."
- Two groundwater wells exist on the project site. According to USGS data, the wells were installed in 1955 for agricultural use.
- The subject property was leased by Mr. John Calandri of Calandri/SonRiseFarms, LP Calandri/SonRise for farming carrots. Portions of the subject property have been used by Calandri/SonRise for farming over the last two years.

The Eastern Parcel of the subject property, which comprises 200 acres of the project, has consisted of vacant farmland dating back to at least 1952. A structure was constructed on the northwestern portion of parcel 3256-006-013 between 1975 and

1989. The use of structure could not be determined. In 2002, a pre-manufactured home and a barn were constructed on the southeastern portion of parcel 3256-006-012.

- Aerial photos from 1952 through 2006 site described as “vacant farmland.”
- Two groundwater wells exist on the subject property used for irrigating the onsite farms.

STAFF EVALUATION

The project site is located in a rural area of the Antelope Valley in the northern portion of Los Angeles County. The nearest rural residential communities are Neenach, located approximately three miles from the western boundary of the project site, and Antelope Acres, located approximately 10 miles from the eastern boundary of the project site. The closest residence is approximately 4,000 feet from the western boundary.

The largest communities in the vicinity of the project site include Rosamond, approximately 18 miles to the northeast, and Lancaster, approximately 20 miles to the southeast. The Los Angeles County Desert Pines Wildlife Sanctuary is approximately four miles to the south, the Arthur B. Ripley Desert Woodland State Park is approximately three miles to the south, and the Antelope Valley Poppy Preserve State Park approximately seven miles to the southeast. Major transportation facilities include SR 14 (north-south); SR 138/Avenue D (east-west); and several public, private, and military airports.

Existing structures onsite include an approximately 100-square-foot well house, an approximately 1,400-square-foot unoccupied trailer, and a 1,400-square-foot barn. These structures will be removed upon completion of construction. The project site has five water wells: two agricultural wells and one domestic well on the Western Parcel, and one agricultural and one domestic well on the Eastern Parcel.

The water consumption for facility operations, including periodic PV module washing and domestic (potable) use, is less than two acre feet per year (AFY). This water will be pumped from wells located on the project site, treated as needed for use onsite, or purchased from a local cleaning contractor and transported by truck to the site. Potable water for use in the operations and maintenance (O&M) building will be provided by a source approved by the Los Angeles County Department of Public Health (LACDPH). If, during the initial 15 years of operations, public water (potable and/or reclaimed water) becomes available via a public pipeline within one mile of the project, the project owner will utilize such water if such water is available in sufficient long-term quantity and quality at a unit price that is economically viable for the project; and if the project can acquire a right-of-way using commercially reasonable efforts in which to construct and operate a pipeline connecting to such a public pipeline.

Water for construction will be supplied by onsite groundwater wells. The use of water for construction purposes will be limited to soil conditioning and dust suppression. Up to 300 AFY of water may be required for the 18 months that construction takes place, with actual water use dependent upon rainfall during construction. The five onsite well evaluations show that the historical production rates and current pumping capacity greatly exceed the water demand requirements of the project. Portable toilets will be used for onsite personnel use during construction and operation. Drinking water will be trucked to the site. Effluent generated during construction will be removed to an offsite treatment facility.

The project will comply with the Regional Water Quality Control Plan for the Lahontan Region, which will ensure that grading will not impact existing drainage paths. Equipment pads and any proposed structures will be elevated above the 100-year floodplain and will meet applicable Los Angeles County Department of Public Works (LACDPW) standards and regulations. Dust palliatives will be used in road base and ground cover for erosion and dust control. The site will be graded (as necessary) using a balanced cut-and-fill approach, without import except for drainage control riprap rock material and structural pad engineered base material.

The project site slopes gradually toward the drainage channel; therefore, water will sheet-flow to the drainage channel. The solar PV arrays will be located at least 100 feet away from centerline of the drainage channel to provide a setback so that the Project will not affect the natural drainage channel.

Offsite earthwork will include grading and construction of an at-grade all-weather (e.g., gravel) road on 210th Street West and West Avenue C, proposed as the facility access roads. The parcels (upon which the access road will be constructed are owned by the applicant, with the exception of three parcels. One parcel is owned by Los Angeles County Department of Parks and Recreation ("Parks & Recreation"), and the project requires an easement from the Parks & Recreation to be developed as proposed. The applicant has reached an agreement with Parks & Recreation regarding the easement and is in the process of finalizing that agreement with the County. The remaining two parcels are privately owned, and the owners have granted easements. The access road dead ends in the subject property and will not result in increased traffic or inducing growth.

There is no significant or sensitive natural vegetation located on site; the project will take place on fallow farmland inhabited by invasive species. Staff recommends conditions for a landscaping plan for the 220 acres of the project area that will remain vacant.

A similar solar photovoltaic project, Antelope Valley Solar Ranch One (AVSR1), was approved on December 7, 2010, by the County Board of Supervisors. AVSR1 is a 2,300-acre, 230 MW photovoltaic solar energy generation facility.

General Plan Consistency

The proposed project is consistent with the County of Los Angeles General Plan (General Plan) and the Antelope Valley Areawide General Plan (Area Plan) N1 (Non-Urban 1) land use designation. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (Area Plan, Pg. VI-5). The project also meets many of the stated goals and policies of the General Plan and the Area Plan.

Plan Policies

Policy Nos. 2 and 3 of the Conservation and Open Space Element of the General Plan promote solar energy. The project proposes solar energy generation, consistent with these policies. Policy No. 2 is as follows: "Support the conservation of energy and encourage the development and utilization of new energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources." (General Plan, pg. II-26) Policy No. 3 is as follows: "Promote the use of solar energy to the maximum extent possible." (General Plan, pg. II-26)

Policy No. 7 of the Conservation and Open Space Element provides: "Preserve significant ecological areas and habitat management areas by appropriate measures, including preservation, mitigation and enhancement." (General Plan, Pg. II-27). The project is consistent with this policy in that the project site and transmission lines are not located within any designated SEA boundaries. Further, the project will generate minimal air emissions and noise during operations, and human activity will be light, most of which will occur in and around the relatively small area of the on-site operations and maintenance building. Only infrequent maintenance activities will be required at any one time and location within the solar field.

The project proposes to use potential federal stimulus funding if the project qualifies under these federal programs.

- Policy No. II-15 of the Conservation and Open Space Element Recommended Action Plan provides: "Support stronger tax and cost-saving incentives to encourage greater use of alternative energy sources such as solar energy and wind power." (General Plan, Pg. VIII-39).

The project uses previously disturbed and previously farmed land and avoids SEAs in the vicinity. Additional project design features and mitigation measures have been incorporated to further protect and preserve surrounding habitat in the Antelope Valley.

- Policy No. 18: "Direct future growth away from areas exhibiting high environmental sensitivity to land use development unless appropriate mitigating measures can be implemented." (Antelope Valley Areawide General Plan, pg. V-3).

The project retains natural drainage, limits grading to maintain the topography of the existing site, and provides permeable fencing for retaining animal movement throughout the property. Proposed vegetated swales and limited vegetation retained under and around solar panels provides partial integration of the site with existing habitat.

- Policy No. 19: "Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems." (Antelope Valley Areawide General Plan, pg. V-3).

The project uses materials with an estimated lifespan of 25 to 30 years, makes little impact on public infrastructure, limits land disturbance, and provides public benefits through generation of renewable energy.

- Policy No. 40: "Encourage efficient utilization of resources in the allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects." (Antelope Valley Areawide General Plan, pg. V-6).

Though not located in an urban area, the project site is subject to long-range planning for the Antelope Valley that envisions minimal visual intrusion by avoiding proliferation of above-ground transmission lines and related support poles. To be consistent with this policy, the on-site low-voltage and on- and off-site high-voltage transmission lines will be undergrounded to minimize visual intrusion and to avoid proliferation of above-ground transmission lines.

- Policy No. 65: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible." (Antelope Valley Areawide General Plan, pg. V-9).

The project proposes undergrounding of a 66-kV generation-tie line, consistent with Policy No. 65 and 66.

- Policy No. 65: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible." (Antelope Valley Areawide General Plan, pg. V-9)
- Policy No. 66: "Maintain a long-range program for the underground relocation of overhead power distribution facilities, telephone lines and other utility services in urban areas." (Antelope Valley Areawide General Plan, pg. V-9)

The project site was chosen due to its historic use as farmland, and does not currently have Joshua Trees or other significant or sensitive natural vegetation. No Joshua trees will be disturbed as a result of this project, consistent with Policy No. 69.

- Policy No. 69: "Protect significant vegetation such as the Joshua Tree." (Antelope Valley Areawide General Plan, pg. V-9)

Vegetation currently growing on the subject property consists predominantly of invasive species. The landscaping plan recommended by staff as conditions of approval would eradicate and control invasive plant species, and proposes three species of trees in the plant palette, consistent with Policy No. 70.

- Policy No. 70: "Encourage planting of trees in urban portions of the Antelope Valley." (Antelope Valley Areawide General Plan, pg. V-9)

This project represents a growing trend of locating renewable energy projects in northern Los Angeles County, consistent with Policy No. 71.

- Policy No. 71: "Encourage and support local efforts to attract new industry to the Antelope Valley. While the aero-space and other government related industries should continue to remain as major employment generators, emphasis should also be given to attracting other types of employers." (Antelope Valley Areawide General Plan, pg. V-10).

The project proposes water use levels that are lower than what was previously required for farming, consistent with Policy No. 101.

- Policy No. 101: "Develop and use groundwater sources to their safe yield limits." (Antelope Valley Areawide General Plan, pg. V-13)

The project is designed to convey runoff to mirror existing flow patterns, and will not result in increased storm runoff, consistent with Policy No. 114.

- Policy No. 114: "As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures." (Antelope Valley Areawide General Plan, pg. V-14)
- Natural drainages on site will remain undeveloped, consistent with Policy No. 135. Policy No. 135: "Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment." (Antelope Valley Areawide General Plan, pg. V-17)

The project itself represents a gradual shift from the use of fossil fuels to the use of renewable energy, which will lower emissions, and the landscape plan will re-vegetate and maintain native plants. This is consistent with Policy No. 140.

- Policy No. 140: "Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible." (Antelope Valley Areawide General Plan, pg. V-17)

The landscape plan includes Joshua trees as a suggested species to plant and maintain on-site. Any such plantings would take place on site and within fencing, which would prevent harvesting or transplanting, which is consistent with Policy No. 141.

- Policy No. 141: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area." (Antelope Valley Areawide General Plan, pg. V-18)

This project would produce 92-megawatts of photovoltaic solar electricity for use in California to assist meeting renewable energy needs and mandates. The energy produced as a result of this project would be used indirectly for heating and cooling, consistent with Policy No. 217.

- Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling." (Antelope Valley Areawide General Plan, pg. V-26)

Zoning Ordinance and Development Standards Compliance

The project meets the definition of "electric generating plant" in the County Zoning Code. Pursuant to Section 22.24.140, electric generating plants are a use subject to a conditional use permit in the A-2 Zone.

Fences and Walls: Pursuant to Section 22.48.160, all walls and fences shall be between three and one half feet in height and six feet in height, depending on the location within the property.

The applicant is proposing a yard modification to allow chain link fences eight feet in height along the perimeters of both the Western Parcel and the Eastern Parcel of the project. This request is in keeping with the use proposed on the project, and staff supports this request.

Yard requirements: Pursuant to Section 22.24.170, r, front yards in A-2 Zones shall not be less than 20 feet in depth, interior side yards of not less than five feet, and rear yards of not less than 15 feet. The project proposes 20 foot setbacks of structures along all external property boundaries, and therefore meets or exceeds all yard requirements.

Parking: Pursuant to Section 22.52.1220 of the County Code, where parking requirements for a use are not specified in the County Code, parking shall be provided in an amount determined to be adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based on the parking requirement for the most comparable use specified in the County Code. Because the parking requirement for the project is not specified in the County Code, it has been determined that the most appropriate parking standard for the project is that applicable to an industrial use. Accordingly, under Section 22.52.1140 of the County Code, the applicable parking standard is either one parking space per two employees, or one

parking space per 500 square feet, where in either case, one handicapped parking space per 40 standard parking spaces is required.

The project includes a 450 square-foot O&M building and a maximum of two employees, for which one parking space is required. The project includes five parking spaces, one of which is handicapped, which exceeds this requirement.

Neighborhood Impact/Land Use Compatibility

The proposed use is compatible with the predominant land use in the area. The adjacent neighboring parcels in all directions are zoned A-2 and are vacant. Farmland is the predominant use in the area. The project includes undergrounding of power lines, in consideration of long term growth in the Antelope Valley and consistent with policy. The Antelope Valley Solar project, previously approved on December 7, 2010, also included undergrounding of all transmission and generation-tie lines.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

In a letter dated December 8, 2010, the Department of Public Works (LACDPW) recommended approval of the original project with conditions. LACDPW has indicated that the conditions would apply to the current proposal.

In a letter dated December 17, 2010, the Los Angeles County Fire Department cleared the original project for public hearing. LACFD has indicated that the conditions would apply to the current proposal.

The California Regional Water Quality Control Board – Lahontan Region provided comments for the original project on October 7, 2010 suggesting guidelines for the minimization of alterations to existing drainage paths (See RWQCB Comment Letter, Appendix M). These guidelines would apply to the current proposal.

PUBLIC COMMENTS

No public comments have been received at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends that the Hearing Officer close the public hearing and consider the Addendum to the Mitigated Negative Declaration.

Staff further recommends that the Hearing Officer approve CUP 201100061, Project No. R2009-02089-(5) subject to the attached conditions.

Prepared by Adam Thurtell, RPAII

Reviewed by Susan Tae, Section Head, Zoning Permits North

Attachments:

Draft Conditions of Approval

Applicant's Burden of Proof statement

Environmental Document

Site Photographs

Site Plan

Land Use Map

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

**PROJECT NO. R2009-02089-(5)
CONDITIONAL USE PERMIT NO. 201100061
Avenue B and 210th Street West**

HEARING DATE: 10/4/2011

SYNOPSIS:

The applicant, NRG Solar, LLC, proposes a 92 megawatt (MW) alternating current (AC) photovoltaic electric generating facility located on 835 acres in the A-2 (Heavy Agricultural) Zone. The project will connect to the Neenach Substation, located at State Route 138 and 210th Street West, via a one-mile undergrounded 66-kV generation-tie line. The proposal includes a previously approved photovoltaic facility on an 800 acre project area, approved by the Regional Planning Commission ("Planning Commission") on March 30, 2011, and an additional 35 acres of project area. The previously approved project, Conditional Use Permit (CUP) No. 200900158, would be superseded by the current proposal upon approval.

PROCEEDINGS BEFORE THE HEARING OFFICER:

[insert after hearing]

Findings

1. The subject property is located between Avenue B and 210th Street West in the unincorporated community of Antelope Valley within the Antelope Valley West Zoned District.
2. The permittee, NRG Solar, LLC, seeks the CUP to authorize construction, operation, and maintenance of a 92 megawatt photovoltaic solar electric power generation facility on 835 gross acres in the A-2-5 (Heavy Agricultural - Five Acres Minimum Required Area) Zone. The CUP will also authorize installation of one mile of high-voltage 66 kilovolt electricity generation-tie lines in the A-2-5 Zone.
3. At a public hearing on December 21, 2011 the Hearing Officer approved Conditional Use Permit (CUP) No. 200900158 for a photovoltaic electric generating facility at the location of the current grant. The Hearing Officer's decision was subsequently appealed by two parties. The appellants were 1) Westside Concerned Citizens/Friends of Antelope Valley Open Space and 2) Fairmont Town Council. The reasons given for appeal include requests for an Environmental Impact Report (EIR) and assertions that the approved Mitigated Negative Declaration (MND) was inadequate.

4. On March 30, 2011 the Planning Commission denied the appeal and approved CUP No. 200900158.
5. The subject property is designated N1 (non-urban).
6. The subject property is zoned A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area).
7. The surrounding properties are zoned as follows:
North: A-2-5
South: A-2-5
East: A-2-5
West: A-2-5
8. Surrounding land uses within 1000 feet include:
North: vacant
South: vacant
East: vacant
West: vacant
9. The site is located between the following boundary extremes: West Avenue B to the north, West Avenue C to the south, 220th Street West to the west, and 200th Street West to the east. The western portion of the project, labeled the Western Parcel, consists of nine contiguous parcels, and the eastern portion of the project, labeled the Eastern Parcel, consists of two contiguous parcels. The two portions of the project are approximately 0.5 mile apart. The project is located within the Antelope Valley West Zoned District.
10. All parcels are vacant with the exception an approximately 100-square-foot well house, an approximately 1,400-square-foot unoccupied trailer, and a 1,400-square-foot barn. These structures will be removed upon completion of construction.
11. The proposed 92 megawatt solar photovoltaic electric power generation facility will include and/or entail the optional use of sun-tracking, fixed tilt, or horizontal array units; associated electrical and distribution equipment, an operations and maintenance building; a 66 kilovolt generation-tie line approximately one mile in length along the proposed access road; undergrounding of all high-voltage transmission/generation-tie lines located in the unincorporated County; and the demolition of all on-site existing structures. The project will require approximately 300 acre feet per year ("AFY") of water during construction for a period not to exceed 18 months. The on-going operation of the project will require approximately 2 AFY of water.

12. The site is located within the N1 (Non Urban 1) land use designation in the Antelope Valley Areawide General Plan ("Area Plan"), a component of the Los Angeles Countywide General Plan ("General Plan").
13. Pursuant to the Area Plan, non-residential uses in the N1 land use category may include public and semi-public uses typically located in non-urban environs, such as solid and liquid waste disposal sites, utility and communication installations, and schools and other public facilities necessary to serve non-urban populations.
14. Pursuant to Section 22.24.150 of the Los Angeles County Code ("County Code") electric distribution substations, electric transmission substations, and generating plants are permissible uses in the A-2 Zone with a CUP.
15. The project is consistent with the applicable goals and policies of the General Plan as follows:
 - a. Policy No. 2 of the Conservation and Open Space Element provides: "Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources." (General Plan, Pg. II-26). The project is consistent with this policy by developing solar energy production facilities.
 - b. Policy No. 3 of the Conservation and Open Space Element provides: "Promote the use of solar energy to the maximum extent possible." (General Plan, Pg. II-26). This policy specifically promotes solar energy, and since the project is a utility-scale solar project proposing 92 megawatts of solar electricity generation, the project is consistent with this policy.
 - c. Policy No. 7 of the Conservation and Open Space Element provides: "Preserve significant ecological areas and habitat management areas by appropriate measures, including preservation, mitigation and enhancement." (General Plan, Pg. II-27). The project is consistent with this policy in that the project site and transmission lines are not located within any designated SEA boundaries. Further, the project will generate minimal air emissions and noise during operations, and human activity will be light, most of which will occur in and around the relatively small area of the on-site operations and maintenance building. Only infrequent maintenance activities will be required at any one time and location within the solar field.

- d. Policy No. II-15 of the Conservation and Open Space Element Recommended Action Plan provides: "Support stronger tax and cost-saving incentives to encourage greater use of alternative energy sources such as solar energy and wind power." (General Plan, Pg. VIII-39). The project proposes to use potential federal stimulus funding if the project qualifies under these federal programs.
16. The project is consistent with the applicable goals and policies of the Area Plan and the N1 (Non - Urban 1) land use designation in the Area Plan. The project is a photovoltaic solar electric power generation facility, which meets the definition of a "utility installation" referenced in the Area Plan's list of non-urban non-residential land uses in remote areas (Area Plan, Pg. VI-5). The project is consistent with the following policies of the Area Plan:
- a. Policy No. 18: "Direct future growth away from areas exhibiting high environmental sensitivity to land use development unless appropriate mitigating measures can be implemented." (Antelope Valley Areawide General Plan, pg. V-3). The project uses previously disturbed and previously farmed land and avoids SEAs in the vicinity. Additional project design features and mitigation measures have been incorporated to further protect and preserve surrounding habitat in the Antelope Valley;
 - b. Policy No. 19: "Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems." (Antelope Valley Areawide General Plan, pg. V-3). The project retains natural drainage, limits grading to maintain the topography of the existing site, and provides permeable fencing for retaining animal movement throughout the property. Proposed vegetated swales and limited vegetation retained under and around solar panels provides partial integration of the site with existing habitat;
 - c. Policy No. 40: "Encourage efficient utilization of resources in the allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects." (Antelope Valley Areawide General Plan, pg. V-6). The project uses materials with an estimated lifespan of 25 to 30 years, makes little impact on public infrastructure, limits land disturbance, and provides public benefits through generation of renewable energy;
 - d. Policy No. 65: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities

underground in urban areas. Transmission lines should be located underground where feasible." (Antelope Valley Areawide General Plan, pg. V-9). Though not located in an urban area, the project site is subject to long-range planning for the Antelope Valley that envisions minimal visual intrusion by avoiding proliferation of above-ground transmission lines and related support poles. To be consistent with this policy, the on-site low-voltage and on- and off-site high-voltage transmission lines will be undergrounded to minimize visual intrusion and to avoid proliferation of above-ground transmission lines;

- e. Policy No. 66: "Maintain a long-range program for the underground relocation of overhead power distribution facilities, telephone lines, and other utility services in urban areas." (Antelope Valley Areawide General Plan, pg. V-9). Many potential applications for renewable energy projects in the Antelope Valley require long-term planning for solar and wind project transmission line installations. Although not located within an urban area, the project site is subject to long-range planning efforts for future development in the area. To be consistent with this policy transmission lines associated with this project will be undergrounded to minimize visual intrusion and to avoid proliferation of above-ground transmission lines.
- f. Policy No. 69: "Protect significant vegetation such as the Joshua Tree." (Antelope Valley Areawide General Plan, pg. V-9). The project site was chosen due to its historic use as farmland, and does not currently have Joshua Trees or other significant or sensitive natural vegetation. No Joshua trees will be disturbed as a result of this project;
- g. Policy No. 70: "Encourage planting of street trees in urban portions of the Antelope Valley." (Antelope Valley Areawide General Plan, pg. V-9). Although the subject property is not considered to be within an urban area of the Antelope Valley, nevertheless, the intent of this policy to enhance landscaping and the streetscape is satisfied by this project. Vegetation currently growing on the subject property consists predominantly of invasive species. The landscaping plan recommended by staff as conditions of approval would eradicate and control invasive plant species, and proposes three species of trees in the plant palette;
- h. Policy No. 71: "Encourage and support local efforts to attract new industry to the Antelope Valley. While the aerospace and other government related industries should continue to remain as major employment generators, emphasis should also be given to attracting

other types of employers." (Antelope Valley Areawide General Plan, pg. V-10). The project is a large-scale renewable energy facility that would provide additional employment and new industry opportunities in the growing renewable energy sector within the Antelope Valley;

- i. Policy No. 101: "Develop and use groundwater sources to their safe yield limits." (Antelope Valley Areawide General Plan, pg. V-13). The project proposes water use levels that are lower than what was previously required for farming, and water will be provided by five existing wells;
- j. Policy No. 114: "As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures." (Antelope Valley Areawide General Plan, pg. V-14). In addition to retaining natural flow and volumes through the primary drainages on the site, the project proposes to retain natural permeable ground surfaces;
- k. Policy No. 135: "Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment." (Antelope Valley Areawide General Plan, pg. V-17). Natural drainages will be maintained by the project to retain the natural flow of stormwater, and additional buffering of the main drainage course is proposed for animal movement and ongoing habitat. Permeable fencing is also proposed to enable additional movement for small and moderate sized wildlife. The project proposes to preserve 220 acres onsite as natural open space;
- l. Policy No. 140: "Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property, and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible." (Antelope Valley Areawide General Plan, pg. V-17). The project proposes to stage limited grading and construction over a 18-month period, and to use other standard dust control measures to limit the extent of air pollution from fugitive dust during construction. During operation of the project, native vegetation will be re-vegetated to the greatest extent feasible while complying with fire control clearance requirements. By providing a utility scale solar project, the project will facilitate the use of clean, renewable energy, which in turn will help reduce emissions from other energy sources, thereby promoting improved air quality;

- m. Policy No. 141: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area." (Antelope Valley Areawide General Plan, pg. V-18). The landscaping plan recommended by staff as conditions of approval would eradicate and control invasive plant species, and proposes three species of trees in the plant palette, including Joshua trees. Additional new trees would be planted and harvesting of existing trees, such as Joshua or Juniper trees, would not occur as part of this project; and
 - n. Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling." (Antelope Valley Areawide General Plan, pg. V-26). The project proposes to produce 92 megawatts of photovoltaic solar electric power for use in California to assist in meeting the state's renewable energy needs and mandates.
17. The project is consistent with the Area Plan guidelines for non-residential uses in non-urban areas (Pages VI-24, 25) as follows:
- a. Location. The project is located on previously disturbed land surrounded by vacant properties and agricultural uses in the general vicinity. Proposed operations are relatively passive and similar to existing surrounding uses. Existing primary roadways will be retained to maintain existing circulation patterns in the area. Existing utilities, other public services, and infrastructure are available to support the project. The project will also provide native landscaping and open space. The relatively flat topography, distance from known active faults, and previously farmed and disturbed land, make the location suitable for the proposed development. Accordingly, the project is consistent with the location guidelines of the Area Plan;
 - b. Access. The project proposes to have primary access from SR 138 via 210th Street West and a portion of West Avenue C, which is currently a one-lane unpaved road. Transport of materials during construction of the project will avoid existing residential communities. Accordingly, the project's primary access is consistent with the access guidelines of the Area Plan; and
18. The project will comply with all applicable development standards of the A-2 Zone. Section 22.24.150 of the County Code lists the following uses as permitted in the A-2 zone with a CUP: "electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof." The project is a photovoltaic solar electric power generation plant, with transmission lines, which is consistent with

such uses in the A-2 zone.

19. The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code or as is otherwise required in order to integrate the project with the surrounding uses. The project is a photovoltaic solar electric power generation plant, with distribution substation and transmission lines, and complies with the following regulations of Title 22 of the County Code:
 - a. Section 22.24.170.A of the County Code - Front, Side, and Rear Yard Standards. The standards for the A-2 zone require a minimum set back of 20 feet for front yards, five feet for side and corner side yards, 10 feet for reversed corner side yards, and 15 feet for rear yards. The project exceeds these requirements by providing a minimum set back of 50 feet from the property line throughout the site. Further, specific designated areas of the site provide additional set backs and buffering, as shown on the site plans. Accordingly, the project complies with the A-2 zone's yard requirements;
 - b. Section 22.48.160 of the County Code - Fences and Walls. Under the County Code, the maximum permitted fence height ranges from 3.5 feet to 6 feet depending on the location of the involved property. The permittee requests a modification of this standard to allow fencing eight feet in height around the entire perimeter of the site for security and safety purposes. This modification request is appropriate considering the use and location of the site;
 - c. Chapter 22.52, Part 7 of the County Code - Outside Storage. The County Code requires that all visible outside storage from the exterior boundary of a site shall be enclosed by a solid wall or fence. This requirement, however, does not apply to temporary material staging areas and temporary outdoor worker shelters used during construction. The project may have temporary outside storage during its 18-month construction period but does not propose permanent outside storage for its on-going operations. Accordingly, the project complies with the County Code's outside storage requirements;
 - d. Section 22.52.1220 of the County Code - Parking Requirement For Uses Not Specified. Where parking requirements for a use are not specified in the County Code, parking shall be provided in an amount determined to be adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based on the parking requirement for the most comparable use

specified in the County Code. Because the parking requirement for the project is not specified in the County Code, it has been determined that the most appropriate parking standard for the project is that applicable to an industrial use. Accordingly, under Section 22.52.1140 of the County Code, the applicable parking standard is either one parking space per two employees, or one parking space per 500 square feet, where in either case, one handicapped parking space per 40 standard parking spaces is required. The project includes a 450 square-foot operations and maintenance building and a maximum of two employees, for which one parking space is required. The project includes five parking spaces, one of which is handicapped. The project complies with this parking requirement;

- e. Chapter 22.52, Part 21 of the County Code - Drought - Tolerant Landscaping. The County's drought-tolerant landscaping standards require use of County-authorized drought-tolerant plant lists, minimum required percentages of drought-tolerant plantings, limitations on the amount of turf, and efficient watering management. The project complies with these requirements; and
- f. Chapter 22.52, Part 22 of the County Code - Low-Impact Development ("LID"). The County's LID standards are designed to limit hydro-modification impacts to natural drainage systems and to manage excess volume from each lot where development occurs so as to infiltrate excess volume at the lot level, or in the alternative, in sub-regional facilities. The project proposes to sustain the primary natural drainage course through the site from southwest to northeast, and to provide numerous vegetated swales throughout the development to infiltrate runoff to the satisfaction of the Los Angeles County Department of Public Works. Accordingly, the project complies with the County's LID requirements.

20. The project is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate. The existing local roadway system is adequate to serve the project without improvements. During construction, truck traffic will increase in the area, though not to a significant level. During operations, traffic generated by the project's relatively passive operations is minimal. Traffic volume added to the surrounding roadway circulation system, during construction and operation, will have no significant effect at any of the intersections or road segments proximate to the project area. The site will include a system of on-site roads to allow access to all areas of the site, and to minimize the need for using public roadways. The on-site roads will be designed and constructed to accommodate the traffic needs of the project and necessary access for emergency services.

21. The project will require minimal public or private service facilities and is adequately served by these facilities. Sanitary needs during construction will be served by portable toilets, and operational needs will be met by an on-site sanitary waste septic system.
22. The project 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. The project is compatible with surrounding land uses as follows:
 - a. The project will not present significant emissions, noise, pollutants, or visual intrusions;
 - b. Human activity and associated traffic to and from the project site will be minimal;
 - c. The project will not create a significant increase to the local population and thus will not increase the level of demand on schools, fire protection, law enforcement, or emergency services;
 - d. The low-profile of the project's solar panels, combined with the generally flat terrain of the project site and surrounding area, will make the project visually compatible with the surrounding environment;
 - e. Aerial photography of the site provides imagery indicating grading/plowing over the majority of the site years ago. Recycled use of previously disturbed land is preferred for development over using undisturbed native lands for development;
 - f. The majority of other adjacent properties within a 500-foot radius are vacant and not currently developed.
23. 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, the County Department of Regional Planning ("Regional Planning") determined that a, Addendum to a Mitigated Negative Declaration ("MND") was the appropriate environmental document for the project.
24. Approval of this project is conditioned on the permittee's compliance with the

attached conditions of approval and the MMP.

25. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is the Los Angeles County Department of Regional Planning, Hall of Records, 13th Floor, 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, Regional Planning.
Approval of this project is conditioned on the permittee's compliance with the attached conditions of approval and the MMP.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

1. That the proposed use is consistent with the adopted general plan for the area; and
2. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
3. That the requested use at the proposed location 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; and
4. 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 traffic such use would generate, and by other public or private service facilities as are required; and
5. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22.
6. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect of the environment, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Hearing Officer.
2. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.
3. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100061 Project No. R2009-02089-(5) is APPROVED, subject to the attached conditions.

**CONDITIONS OF APPROVAL
PROJECT NO. R2009-02089-(5)
CONDITIONAL USE PERMIT NO. 201100061**

This grant authorizes use of the subject property for the construction, operation and maintenance of an alternating current photovoltaic energy generating facility on approximately 835 acres and a one mile underground 66 kilovolt (kV) generation-tie line, subject to all of following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
2. This grant shall not be effective for any purpose unless and 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 have been recorded as required by Condition No. 5, and until all required monies have been paid pursuant to Condition No. 6. Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 6, 7, 8, 9, 12 and 14 shall be effective immediately upon final approval of this grant.
3. 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.
4. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County Hearing Officer may, after conducting a public hearing, revoke or modify this grant if it is found that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety, or so as to be a nuisance.
5. 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. In addition, upon any transfer or lease of the subject 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 terms and conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director").
6. Within three days of the October 4, 2011 approval of this grant, the permittee shall remit processing fees payable to the County in connection with the filing

and posting of a Notice of Determination ("NOD") in compliance with section 21152 of the California Public Resources Code for Project No. R2009-02089-(5). The date of final approval is the date the County's actions become effective pursuant to Section 22.60.260 of the Los Angeles County Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee is responsible for the payment of fees established by said department for the project's impacts to fish and wildlife and to defray the cost of wildlife protection and management. 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 \$2119.00 for a Mitigated Negative Declaration). No land use project subject to this requirement is final, vested, or operative until the fee is paid.

7. 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 Section 65009 of the California Government Code or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully 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 fully cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
8. 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, pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or the permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with section 2.170.010 of the Los Angeles County Code ("County Code").

9. This grant shall expire unless used within two years from the date of final approval of the grant by the County. A single, one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. Upon expiration, entitlement to the use of the property shall be subject to the regulations then in effect.
10. This grant shall terminate on October 4, 2041. Entitlement to the 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 months prior to the termination 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 will be subject to then-applicable regulations.
11. The subject property shall be developed, 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 will 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.
12. Within 60 days after final approval of this grant, the permittee shall deposit with the County the sum of \$3,000 to be placed in a performance fund to 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. This fund shall provide for 15 biennial inspections (one every other year). Inspections shall 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 condition of this grant, the permittee shall be financially responsible for and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The charge for additional inspections shall be the amount equal to the recovery cost at the time any additional inspections are required. The current recovery cost is \$200 per inspection.

13. The permittee shall comply with all mitigation measures identified in the attached Mitigation Monitoring and Reporting Program ("MMP"), which is incorporated herein in its entirety by this reference.

14. Within 60 days of the date of final approval of this grant, the permittee shall deposit the sum of \$6,000.00 with Regional Planning in order to defray the cost of reviewing the permittee's reports and verifying compliance with the information contained in the reports required by the MMP. The permittee shall retain the services of a qualified Environmental/Mitigation Monitoring Consultant, subject to the approval of the Director, to ensure that all applicable mitigation measures are implemented and reported in the required Mitigation Monitoring Reports.
15. Upon final approval of this grant, the permittee shall contact the County Fire Department ("Fire Department") to determine the requirements that must be satisfied for fire protection purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department. In addition, the permittee shall comply with all requirements set forth in the Fire Department's letter dated December 17, 2010, attached hereto, to the satisfaction of said department.
16. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, or by the approved Exhibit "A" or a revised Exhibit "A" approved by the Director.
17. All structures related to the permittee's use shall conform to the requirements of the County Department of Public Works ("Public Works"), Division of Building and Safety. In addition, the permittee shall comply with all requirements and conditions set forth in Public Works' letter dated December 8, 2010, attached hereto, to the satisfaction of said department.
18. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, 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.
19. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) for such revisions.
20. Prior to obtaining any building permit, the permittee shall provide the County a decommissioning plan ("Decommissioning Plan") in connection with any and/or all of the terminating events described in Condition No. 24, 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 be 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 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. Otherwise such transmission lines and poles shall be allowed to remain;
 - d. 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;
 - e. 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;
 - f. Removal of permanent operations facilities and maintenance buildings unless these facilities and/or maintenance buildings are in a condition as to be reusable by the then-existing owner of the site, as determined by the Director, and the then-existing owner elects to retain such facilities and/or buildings;
 - g. Documentation of the pre-construction condition of the project site, including, but not be limited to, a photographic record; and
 - h. Details of the performance and financial assurance guarantees described in Condition No. 22, explaining the amounts and schedule for the provision of such guarantees.
21. Prior to obtaining any building permits, the permittee shall provide to the County, to the satisfaction of the Director and the Director of 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. 21. 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. 24. 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.

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 Director and the Director of 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 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 the 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. 22, 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 provided as of the date of such report. In the event it is determined that the performance and financial assurance guarantees are 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 Director and the Director of Public Works:
 - 1) An irrevocable letter of credit;

- 2) A surety bond;
- 3) An appropriate insurance policy; or
- 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 Public Works.

A corporate guarantee shall not be considered a sufficient guarantee.

22. Upon discontinuance of the permittee's operation as set forth in Condition No. 24, abandonment of the project in whole or in part, or termination of this grant as described in Condition No. 11, 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. 22, to perform the decommissioning itself or to contract for such decommissioning.
23. In the event that any portion of the solar field is not in operational condition for a consecutive period of 12 months, operations for that portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed from the site within 90 days from the date that written notice is sent to the permittee from Regional Planning. Within this 90-day period, the permittee may provide the Director 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. 234 be deemed to extend the term or expiration date of this grant.
24. Temporary structures, outside storage, staging areas, and concrete batching plants allowed for construction shall be removed from the project site within 120 days of project completion, but in no event shall any such temporary

structures remain on site for longer than 42 months from the date of building permit issuance absent approval to extend this time period. In the event additional time beyond 42 months is needed to complete removal of temporary structures and related materials, the permittee shall submit a written request to the Director for review and approval for a time extension for up to one year to complete removal of these structures. Any other outside storage needed for the project shall comply with the requirements of Part 7 of section 22.52 of the County Code.

25. The permittee shall install portable wheel wash stations for the duration of construction activities to prevent the spread of invasive weed seed from the tire treads of vehicles entering and leaving the project sites. The seeds collected from the debris basins of these wash stations shall be disposed of in green waste or trash receptacles when the basins require maintenance.
26. 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. Watering facilities shall consist of a temporary water-efficient irrigation system, such as a drip irrigation, which shall only be used to establish and maintain the plantings in all landscaped areas.
27. The permittee shall retain a licensed landscape architect to design the landscape planting plan for the project site. The landscape architect shall have experience working with natural vegetation communities and habitat types.
28. The applicant shall retain a landscape maintenance professional who is knowledgeable of the care and maintenance of native plants as well as perpetuating the Best Management Practices of the weed abatement program.
29. The permittee shall use plants listed as native on the project site in Table 3 (List of Plants Observed During Botanical Survey) of the MND and incorporate the management practices provided by the County biologist in his assessment (see attached).
30. All exterior fencing shall be visually non-intrusive to the satisfaction of the Director.
31. All lighting and use of lights shall be designed and installed in a manner that will further the principles of the International Dark Sky Association, as approved by the Director, and shall employ motion detecting sensors that are designed to be triggered by human activity on the site.
32. Night-lighting, limited to that required by applicable lighting regulations for safety and security, shall be shielded and directed downward to avoid lighting spillover and shall consist of: (a) motion sensor for entry-lighting to the on-site equipment structures; (b) light-sensor or motion-sensor lighting for the main plant access

gate and operations and maintenance building doorways and parking area; and (c) any and all light fixtures shall be cut-off fixtures as defined by the International Dark Sky Association.

33. The permittee shall, to the satisfaction of the Director, utilize the subject property only for the project as proposed and approved herein. In this regard, the permittee shall agree to and shall retire any development rights, including any rights to undertake irrigated farming on the subject property that require the use of groundwater in excess of the groundwater use approved by this grant for the life of this CUP.
34. The proposed project shall be limited to a maximum use of 300-acre-feet per year ("AFY") of groundwater for the duration of the project's 18-month construction period.
35. The proposed project shall be limited to a maximum use of 2 AFY of groundwater for operation of the project for the duration of this grant.
36. In the event that piped recycled water suitable for use in operating the project becomes available from the public right-of-way one mile from the project site at fair market value, the permittee shall obtain the necessary permits to connect to the recycled water, construct access, and connect to and purchase the piped recycled water.
37. In the event that piped potable water becomes available from the public right-of-one mile from the project site at fair market value, the permittee shall obtain the necessary permits to connect to the potable water, construct access, and connect to and purchase the piped potable water. Notwithstanding any other provision of this grant, at such time that such connection to the piped potable water has been made pursuant to this Condition No. 37, the 2 AFY of operational groundwater supply allowed by this grant shall be reduced to a maximum of 1 AFY of groundwater.
38. In the event that potable or non-potable water supply becomes restricted, trucked wash water may be used for non-potable purposes.
39. In the event potable groundwater is restricted in the future, the permittee shall purchase water from County-authorized water purveyors, including County-authorized recycled water purveyors for non-potable uses, or shall otherwise conform to the Court and/or Watermaster rules, regulations, and restrictions, including those rules, regulations, and restrictions that would require the payment of all assessments, if any.
40. The permittee shall comply with all applicable guidelines of Chapter 4.8 of the Water Quality Control Plan for the Lahontan Region, as set forth in a letter from

the California Regional Water Quality Control Board dated October 7, 2010, attached hereto, to the satisfaction of said department.

41. The permittee shall hold annual meetings with the community as outlined below.
 - a. The permittee shall hold two community meetings prior to the first annual meeting. The first of these meetings shall occur within six months of the date of final approval of this grant. The permittee shall provide notice of these community meetings to Regional Planning at least two weeks in advance of such meeting in order to allow for a representative of Regional Planning to attend.
 - b. The permittee shall compile a list a community groups and representatives who shall be notified of the annual meetings and submit such a list to Regional Planning within thirty (30) days of the date of approval. The permittee shall be responsible for maintaining the list.
 - c. The permittee shall coordinate with community groups and organizations to notify the community of the date, time, and location of the annual meeting and provide a copy of such notification in advance of the scheduled meeting to Regional Planning and the Fire Department. The permittee shall provide a copy of the minutes of the annual meeting to Regional Planning.
42. 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.
43. Washing of photovoltaic panels shall be limited to water and pressurized water.
44. The permittee shall provide for the ownership and maintenance of 50 acres of conservation land on the subject property and 40 acres of conservation land off-site to the satisfaction of Regional Planning. All such conservation lands shall be offered to trust or conservation agencies or the County. If another agency does not accept this offer, the applicant shall keep and maintain said land in perpetuity. All conservation land shall be held in such a way as to protect and preserve it from future development.

SMT:at
Thursday, September 22, 2011

Attachments

Mitigation Monitoring and Reporting Program

Department of Public Works' letter December 8, 2010

Fire Department letter dated December 17, 2010

California Regional Water Quality Control Board letter dated October 7, 2010

Assessment and Guidelines Provided by County Biologist

Assessment and Guidelines provided by the County biologist:

Valley needlegrass grassland (Holland code 42110)

The majority of the area occupied by the project site consists of non-native grassland.

As a result of cultivation, livestock grazing, changes in fire regimes, and other disturbances, most of the grasslands in California are dominated by annual, non-native grasses and forbs. These communities usually occur on clay-rich soils that are moist or waterlogged in winter and very dry in summer. Characteristic nonnative species are wild oats, bromes, and filarees. Before Euro-American settlement, most of the valley needlegrass grassland was dominated by native bunchgrasses. Open areas between the tussocks of this perennial bunchgrass supported many wildflowers, including owl's clover, lupine, farewell-to-spring, and brodiaeas. This native grassland community, known as valley needlegrass grassland, has been almost completely replaced by annual grassland. A transition between valley needlegrass grassland and Mojave Desert steppe occurs over a short distance on the eastern slopes of the Tehachapi and southern California mountains. For example, the nodding needlegrass (*Nasella cernua*) vegetation series and the desert needlegrass (*Achnatherum speciosum*) vegetation series replace the purple needlegrass (*N. pulchra*) and creeping wild rye (*Leymus triticoides*) series of the valley grassland association. The needlegrass series tend to segregate based on substrate and slope factors with desert needlegrass occupying the flat ridges and lower slopes of uplands as the soils become more coarse and sandy in areas of the western Antelope Valley of Los Angeles County.

Areas that were determined to be non-native annual grassland may be landscaped with the following grasses and wildflowers. Grasses (listed from xeric to mesic): Squirreltail (*Elymus elymoides*), Indian ricegrass (*Oryzopsis hymenoides*), One-sided bluegrass (*Poa secunda*), Nodding needlegrass (*Nasella cernua*), Foothill needlegrass (*Nasella lepida*), Desert needlegrass (*Achnatherum speciosum*), Hook three-awn (*Aristida ternipes*), Blue wildrye (*Elymus glaucus*), California fescue (*Festuca californica*), Junegrass (*Koeleria macrantha*), Creeping ryegrass (*Leymus triticoides*), California melic (*Melica californica*), One-sided bluegrass (*Poa secunda*), and Smallflower melicgrass (*Melica imperfecta*). Wildflowers: yarrow (*Achillea millefolium*), soft blow wifes (*Achyrachaena mollis*), Annual mountain dandelion (*Agoseris heterophylla*), golden stars (*Bloomeria crocea*), Golden brodiaea (*Brodiaea lutea*), desert paintbrush (*Castilleja angustifolia*), California soaproot (*Chlorogalum pomeridianum*), winecup clarkia (*Clarkia purpurea*), Jeffrey's Shooting Star (*Dodecatheon jeffreyi*), poppy (*Eschscholzia* spp.), goldfields (*Lasthenia* spp.), California plantain (*Plantago erecta*), Purple sanicle (*Sanicula bipinnatifida*), checker mallow (*Sidalcea* spp.), and blue eyed grass (*Sisyrinchium* spp) as well as Cheesebush (*Hymenoclea salsola*).

Rubber Rabbitbrush Scrub (35.310.00 Sawyer and Keeler-Wolf)

The vegetation community occupying the second greatest spatial extent of the project site is rubber rabbitbrush scrub.

In California, rubber rabbitbrush (*Chrysothamnus nauseosus*) stands are dominated by any of eight rubber rabbitbrush subspecies. Some subspecies are local while others have extensive ranges including disturbed areas as abandoned agricultural land and over-grazed pastures. Rabbitbrush species grow in a vegetation series dominated by trees, shrubs, and even grasses on gravelly, well-drained soils. Though not observed on the project site, Joshua trees (*Yucca brevifolia*) can also be sparsely distributed in rubber rabbitbrush scrub.

Areas that were determined to be rubber rabbitbrush scrub may be landscaped with the following species: Big sagebrush (*Artemisia tridentata*), Rubber rabbitbrush (*Chrysothamnus nauseosus*), Yellow rabbitbrush (*Chrysothamnus viscidiflorus*), Ephedra (*Ephedra* spp.), Western juniper (*Juniperus occidentalis*), Singleleaf pinyon (*Pinus monophylla*), Joshua tree (*Yucca brevifolia*), Desert bitterbrush (*Purshia tridentata* var. *glandulosa*), and Alkali sacaton (*Sporobolus airoides*).

Southern Riparian Scrub (*63.900.00 Sawyer and Keeler-Wolf, Holland Code 63300)

The ephemeral wash in the western parcel was mostly likely Southern Riparian Scrub prior to its clearing for agriculture. This is considered a sensitive natural community by the California Department of Fish and Game.

Southern Riparian Scrub is a mix of low-growing riparian trees and shrubs, restricted to a relatively narrow stream course. Well-developed vegetation consists of a linear corridor of contiguous small tree and shrub canopy dominated by willows, including Arroyo Willow (*Salix lasiolepis*), Red Willow (*Salix laevigata*), Lance-leaf Willow (*Salix lucida* ssp. *lasiandra*) and/or Narrow-leaved Willow (*Salix exigua*). Less developed vegetation includes sporadic patches of mule fat (*Baccharis salicifolia*), coyote bush (*Baccharis pilularis*), and California sagebrush (*Artemisia californica*). This community is associated with areas of loose, sandy alluvium, and requires frequent flooding or scouring to prevent succession to a riparian forest dominated by cottonwoods and sycamores (Holland 1986).

The landscaping of the ephemeral wash area will consist of species selected from the above natural community description.

Since the wash is highly disturbed, other grass, shrub, and tree species from the other vegetation series described above can be blended into the project's riparian buffer in order have the site blend into the surrounding environment. Some of the species listed in these descriptions may not be appropriate for the project based on their water requirements. It will be up to the landscape architect

to select species listed in the above descriptions and combine them in hydrozones on the project site appropriate to Planting Zone 7 of the Los Angeles County Drought Tolerant Ordinance. Table 3 (List of Plants Observed During Botanical Survey) of the MND is a good resource to learn which native plants can thrive without supplemental irrigation once established. No vegetation in the landscape plan will be in conflict with the Fuel Modification Plan of the County of Los Angeles Fire Department Forestry Division Guidelines.

Invasion by species listed in the database of weeds maintained by the California Invasive Plant Council (Cal-IPC) will be constant and recurring. Removal of any nonnative species that is placed on the list will further the success of the landscape plantings and reduce the loss of biodiversity in the region. The Cal-IPC list of invasive plants changes as new species are considered invasive; therefore, the targets of the weed abatement program should be updated no less than every six months.



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

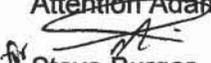
ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

December 8, 2010

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Mark Child, AICP
Zoning Permits I Section
Department of Regional Planning

Attention: Adam Thurtell

FROM:  Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 200900158
PROJECT NO. R2009-02089
ALPINE SOLAR
AVENUE B, AVENUE C, 210TH STREET WEST, AND 220TH STREET WEST
UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for the construction and operation of a new 92 megawatts solar, photovoltaic energy facility in the vicinity of Avenue B, Avenue C, 210th Street West, and 220th Street West in the unincorporated County area of Antelope Valley.

Any deviation from the approved CUP may require a revised or amended CUP to be submitted to the Department of Regional Planning.

Upon approval of the site plan, we recommend the following conditions:

1. Road
 - 1.1 Make an offer of private and future right of way, 32 feet from centerline, along the property frontage on Avenue B, Avenue B-8, Avenue C, 210th Street West, 215th Street West, 205th Street West, and 200th Street West to the satisfaction of Public Works. For segments of these streets which have an existing right of way, make an offer of the difference to the satisfaction of Public Works. For segments of these streets which have

more than the required right of way, the applicant may pursue vacation of excess right of way by submitting an application and fees to Survey/Mapping & Property Management Division. Fees will be required for processing of road deeds.

- 1.2 Make an offer of private and future right of way, 30 feet from centerline, along the property frontage on Avenue B-4, Avenue B-12, 202nd Street West, 212th Street West, and 217th Street West to the satisfaction of Public Works. For segments of these streets which have an existing right of way, make an offer of the difference to the satisfaction of Public Works. For segments of these streets which have more than the required right of way, applicant may pursue vacation of excess right of way by submitting an application and fees to Survey/Mapping & Property Management Division. Fees will be required for processing of road deeds.
- 1.3 Make an offer of private and future right of way for a property corner cut-off at all local street intersections, based on a property line radius of 13 feet, to the satisfaction of Public Works.
- 1.4 Provide a minimum 10-foot-wide slope and drainage easements along future or private and future streets to the satisfaction of Public Works. A grading exhibit may be required to determine the extent of the slope easements.
- 1.5 Whenever there is an offer of a future street or a private and future street, provide a drainage statement/letter.
- 1.6 Permittee shall construct all transmission lines underground within the road right of way to the satisfaction of Public Works.
- 1.7 Obtain an encroachment permit, or establish a franchise agreement, for any work within the road right of way from Public Works' Land Development Division, Subdivision and Permit Section.

For questions regarding the road conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

2. Grading

- 2.1 Prior to construction, submit a grading plan for approval (as applicable). The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, and the Standard Urban Stormwater Mitigation Plan devices if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder approvals.
- 2.2 A maintenance agreement may be required for 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 Regulatory agency approvals/permit may be required prior to grading plan approval.

For questions regarding the grading conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

3. Drainage

- 3.1 Prior to grading plan approval, obtain approval or letter of nonjurisdictional from the State Department of Fish and Game, the State Water Resources Control Board, and the Corps of Engineers.
- 3.2 Portions of the site are located within flood hazard areas, including a FEMA Zone A and several Floodplain Management Paths, as shown on the Antelope Valley Comprehensive Plan of Flood Control and Water Conservation. The County reserves the right to restrict construction within these flood hazard areas. No obstructions to flow will be allowed within flood hazard areas.
- 3.3 Prior to construction, per County Code Section 12.84.460 comply with Low-Impact Development (LID) requirements in accordance with the LID Standards Manual, which can be found at [http://dpw.lacounty.gov/wmd/LA County LID Manual.pdf](http://dpw.lacounty.gov/wmd/LA_County_LID_Manual.pdf).

- 3.4 Prior to issuance of building permits and/or commencement of construction, a drainage and grading plan must be approved to provide for the proper distribution of drainage and for contributory drainage from adjoining properties; eliminate the sheet overflow, ponding, and protect the property from high velocity scouring action; and comply with National Pollutant Discharge Elimination System, Stormwater Management Plan, and Standard Urban Stormwater Mitigation Plan requirements.

For questions regarding the drainage conditions, please contact Christopher Sheppard at (626) 458-4921 or csheppard@dpw.lacounty.gov.

4. Soils and Geology

- 4.1 Provide geotechnical reports that address, but are not limited to, hydro-consolidation and recommends mitigation at the grading/building plan stage.

For questions regarding the soils and geology condition, please contact Jeremy Wan at (626) 458-4925 or jwan@dpw.lacounty.gov.

5. Building and Safety

- 5.1 Submit plans and specifications to meet current, applicable, codes and standards for structures, mechanical, plumbing, and electrical.
- 5.2 All electrical installations shall comply with the following criteria:
- The portion of the project associated with power generation and transmission shall be designed in accordance with the National Electric Safety Code or in accordance with other standards or regulations acceptable to the building official.
 - The nonpower generation and transmission portion of the project shall be designed in accordance with the National Electric Code or in accordance with other standards or regulations acceptable to the building official.
- 5.3 Comply with fire, life safety, structural, and Americans with Disabilities Act guidelines, per the current building codes, as needed.

- 5.4 The proposed building must have a restroom for employees.
- 5.5 All foundations must be engineered to comply with existing soil conditions.
- 5.6 Comply with the "Agency Referral List," which will include Health, Fire, and other applicable agencies.

For questions regarding the building and safety conditions, please contact Clint Lee at (626) 458-3173 or cllee@dpw.lacounty.gov.

6. Water

- 6.1 A water system maintained by the property owner, with appurtenant facilities to serve all buildings in the project, must be provided. If required, the system must include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.
- 6.2 The proposed project is not within the service area of a water utility. The applicant must provide adequate sustainable supply of potable water from an approved source to the satisfaction of the County of Los Angeles Department of Public Health. Please contact Public Health at (626) 430-5380 for water availability approval.

For questions regarding the water conditions, please contact Tony Khalkhali at (626) 458-4921 or khalkh@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC:ca

P:\dpub\SUBMGT\CUP\Project R2009-02089 Alpine Solar Approval.docx



**COUNTY OF LOS ANGELES
FIRE DEPARTMENT**

Land Development Unit – Fire Prevention Division
5823 Rickenbacker Road
Commerce, California 90040-3027
Office (323) 890-4243 Fax (323) 890-9783

DATE: December 17, 2010

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2009-02089

LOCATION: Alpine Solar Project // Avenue B and 210th Street West, Antelope Valley (Co.)

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. __ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- The required fire flow for private on-site hydrants is ____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing ____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- Verify __ 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- Comments:** The proposed development for two solar array fields is cleared for public hearing only. The applicant is required to resubmit revised plans for Fire Department review and approval.

ELECTRICAL COMPONENTS:

1. All electrical disconnect locations shall be clearly identified, and shall be in compliance with all applicable state and local codes.
2. No structure shall be within 100 feet of an overhead drip line of the 66-kV lines, or greater.

VEGETATION MANAGEMENT:

1. 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 (IFC 304).
2. The vegetation shall be trimmed to a maximum height of 6-inchES within the boundaries of the solar array fields.
3. Electrical transformer vaults or structures shall have vegetation cleared to mineral soil for a distance of 50 feet.

Water: WATER REQUIREMENTS:

1. This development requires the installation of three (3) water tanks. Two (2) water tanks will be required at the 600-acre western parcel, and one (1) water tank is required at the 200-acre eastern parcel. The water tanks shall be indicated on the revised site plan

WATER TANK REQUIREMENTS:

1. Each water tank shall be a minimum tank size of 10,000 gallons for fire department use only, and shall be clearly identified as "Fire Department Use Only".

2. One water tank will be located adjacent to the ingress/egress gate located on the address side of each parcel, and one (1) water tank shall be located at the second ingress/egress gate for the 600-acre western parcel.

3. The water tanks shall be in compliance with LACoFD Regulation 19.

4. Each water tank shall have a low-level water local alarm in compliance with all applicable codes and regulations.

5. At each water tank, provide a fire department supply outlet which is 2-1/2 inches in diameter with National Standard Threads (NST). The supply outlet is to be located 14-24 inches above finished grade and is required to be protected by approved barricades per LACoFD Regulation 8.

6. If the outlet is not provided directly off of the tank, provide a 6-inch underground to a 4-inch upright with a 2-1/2 inch outlet, and is required to be protected by approved barricades per LACoFD Regulation 8.

Access: ON-SITE FIRE APPARATUS ACCESS ROADS:

1. Provided a fire apparatus access road to all on-site structures that are above and below grade, including electrical collection vaults, which shall meet the listed requirements.

2. A fire apparatus access road shall be provided to structures which are used for habitable offices or maintenance space. The access road shall be minimum width of 26 feet, clear-to-sky, with a 32-foot centerline turning radius providing all weather access to within 150 feet of all portions of the exterior walls.

3. This development will require a minimum of two (2) ingress/egress gates for the 600-acre western parcel, and one (1) ingress/egress gate for the 200-acre eastern parcel.

4. All on-site access roads shall be installed and maintained in a drivable condition for the duration of the solar project.

5. All on-site access roads shall be installed prior to occupancy or operation of the facility.

6. All on-site access roads shall be a minimum width of 20 feet, clear to sky, and have a minimum turning radius of 32 feet on the centerline for all turns.

7. All on-site access roads shall have a soil compaction of 90% OR the apparatus access shall be excavated and recompacted to 90%.

8. An access road shall be provided around the entire perimeter of the solar project, and comply with the above noted access requirements.

9. Additional interior fire access roads are required to provide access to the solar array fields and shall comply with all requirements. The interior access roads shall be shown on the revised site plan.

ON-SITE INGRESS/EGRESS GATES:

1. This development will require a minimum of two (2) ingress/egress gates for the 600-acre western parcel, and one (1) access gate at the 200-acre eastern parcel. A gate shall be located on the address side of the each parcel, and at a secondary location for the 600-acre western parcel.

2. Shall be a minimum of 20 feet wide, clear to sky, with all gate accessory hardware clear of the road width.

3. Shall be in compliance with LACoFD Regulation 5

4. An approved limited access device shall be located at each ingress/egress gates

5. The facility emergency contact information shall be provided within each limited access device, per LACoFD Regulation 5, and shall also be clearly indicated with an appropriate placard at each ingress location. The minimum size of the placard shall be 12 inches X 12 inches.

Special Requirements: Submit a minimum of four (4) copies of the revised site plan with an Engineer Scale no greater than 1"=200" to the Fire Department Land Development Unit (address is listed above) for review. The revised site plan shall include all Fire Department requirements.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: **SCOTT JAEGGI**



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

October 7, 2010

Anthony Curzi, Planner
Los Angeles County
320 West Temple Street
Los Angeles, CA 90012

COMMENTS REGARDING THE MITIGATED NEGATIVE DECLARATION FOR THE ALPINE SOLAR PROJECT (PROJECT NO. R2009-02089), ANTELOPE VALLEY, LOS ANGELES COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received a copy of the above-referenced Mitigated Negative Declaration (MND) on September 7, 2010. As a state agency responsible for protecting water quality within the Lahontan Region and CEQA "responsible" agency, we have reviewed the information submitted and have the following additional comments.

General Comments

State law assigns responsibility for protection of water quality with the Lahontan Watershed Basin to the California Regional Water Quality Control Board, Lahontan Region (Water Board). The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Regional Board uses with other laws and regulations to protect water quality within the region, as noted on page 89 of the MND. These policies specifically include in Chapter 4.8 guidelines for land development (enclosed) applicable to the project that indicate, wherever possible, existing drainage patterns should not be significantly modified. On that basis, we encourage development of photovoltaic and other solar projects on previously disturbed land, rather than pristine desert, as is proposed here on former agricultural lands. We are concerned nonetheless by the proposed vegetation removal by grading and compaction of the upper 12 inches of soil (page 90) on large areas of the approximately 800-acre project site with multiple surface water drainage channels. We assert unless mitigation is incorporated these activities could significantly modify existing drainage patterns by increasing soil imperviousness and result in significant effects on downstream runoff and pollutant delivery and erosion processes. We recommend incorporating the Land Development guidelines 1 through 16 of Chapter 4.8 as conditions of project approval, in addition to any other applicable permit requirements.

Regulatory Requirements

If the project involves dredging, filling, or excavating in waters of the State, including waters of the U.S, pursuant to California Water Code (CWC) sections 13160 and 13260, the Project proponent must file with the Water Board a complete Clean Water Act Section 401

California Environmental Protection Agency

 Recycled Paper

Anthony Curzi

- 2 -

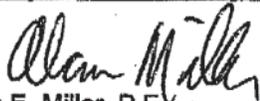
water quality certification (WQC) application for proposed discharges to waters of the U.S. or Report of Waste Discharge (ROWD) for proposed discharges to waters of the State. The WQC application or ROWD must fully describe the proposed discharge and be filed with the Water Board at least 140 days before the discharge occurs (CWC Section 13264). The *Application for Clean Water Act section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the U.S. and/or Waters of the State* can be located on our website at http://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/index.shtml. The application must include any environmental documents, technical reports, plans, diagrams, maps, mitigation and monitoring proposals, and other documents that characterize the discharge.

Please note, page 90 of the MND states that discharges greater than 0.2 acres, 400 linear feet, or 50 cubic yards are regulated in accordance with the Water Board's Order No. R6T-2003-0004. This information is inaccurate since these Regional General Waste Discharge Requirements (GWDRs) do not have any size requirement. The State Water Resources Control Board Order No. 2004-0004-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to Outside of Federal Jurisdiction*, do have the above size restrictions; i.e., discharges may be authorized under these Statewide GWDRs (Order No. 2004-0004-DWQ) provided the discharges are not greater than 0.2 acre and 400 linear feet of fill and excavation, and not more than 50 cubic yards of dredge material discharge.

Other Information

Please note that a revised Statewide Construction General Permit (CGP) has been reissued by the State Water Resources Control Board to replace Water Quality Order No. 99-08-DWQ, and became effective as of July 1, 2010. The new permit is Water Quality Order No. 2009-0009-DWQ. Information on the CGP can be obtained at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

If you have any questions, please contact Tobi Tyler at (530) 542-5435 or Ttyler@waterboards.ca.gov or Alan Miller at (530) 542-5430.

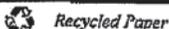


Alan E. Miller, P.E.
Chief, North Basin Regulatory Unit

Enclosure: Basin Plan section 4.8, pages 1-2

TT/clhT: Alpine Solar PV comments 10-6-10 TT.doc
[File: Pending / Los Angeles County / Alpine Solar Project]

California Environmental Protection Agency



4.8 LAND DEVELOPMENT

The construction and maintenance of urban and commercial developments can impact water quality in many ways. Construction activities inherently disturb soil and vegetation, often resulting in accelerated erosion and sedimentation. Stormwater runoff from developed areas can also contain petroleum products, nutrients, and other contaminants.

This section contains a discussion of the potential water quality impacts expected to result from land development activities, followed by control measures to reduce or offset water quality impacts from such activities.

Construction Activities and Guidelines

Construction activities often produce erosion by disturbing the natural ground surface through scarifying, grading, and filling. Floodplain and wetland disturbances often reduce the ability of the natural environment to retain sediment and assimilate nutrients. Construction materials such as concrete, paints, petroleum products, and other chemicals can contaminate nearby water bodies. Construction impacts such as these are typically associated with subdivisions, commercial developments, and industrial developments.

Control Measures for Construction Activities

The Regional Board regulates the construction of subdivisions, commercial developments, industrial developments, and roadways based upon the level of threat to water quality. The Regional Board will request a Report of Waste Discharge and consider the issuance of an appropriate permit for any proposed project where water quality concerns are identified in the California Environmental Quality Act (CEQA) review process. Any construction activity whose land disturbance activities exceed five acres must also comply with the statewide general NPDES permit for stormwater discharges (see "Stormwater" section of this Chapter).

The following are guidelines for construction projects regulated by the Regional Board, particularly for projects located in portions of the Region where erosion and stormwater threaten sensitive watersheds. The Regional Board recommends that each county within the Region adopt a grading/erosion control ordinance to require

implementation of these same guidelines for all soil disturbing activities:

1. Surplus or waste material should not be placed in drainageways or within the 100-year floodplain of any surface water.
2. All loose piles of soil, silt, clay, sand, debris, or other earthen materials should be protected in a reasonable manner to prevent any discharge to waters of the State.
3. Dewatering should be performed in a manner so as to prevent the discharge of earthen material from the site.
4. All disturbed areas should be stabilized by appropriate soil stabilization measures by October 15th of each year.
5. All work performed during the wet season of each year should be conducted in such a manner that the project can be winterized (all soils stabilized to prevent runoff) within 48 hours if necessary. The wet season typically extends from October 15th through May 1st in the higher elevations of the Lahontan Region. The season may be truncated in the desert areas of the Region.
6. Where possible, existing drainage patterns should not be significantly modified.
7. After completion of a construction project, all surplus or waste earthen material should be removed from the site and deposited in an approved disposal location.
8. Drainage swales disturbed by construction activities should be stabilized by appropriate soil stabilization measures to prevent erosion.
9. All non-construction areas should be protected by fencing or other means to prevent unnecessary disturbance.
10. During construction, temporary protected gravel dikes, protected earthen dikes, or sand bag dikes should be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.
11. Impervious areas should be constructed with infiltration trenches along the downgradient sides to dispose of all runoff greater than background levels of the undisturbed site. Infiltration trenches are not recommended in areas where infiltration poses a risk of ground water contamination.

Ch. 4, IMPLEMENTATION

12. Infiltration trenches or similar protection facilities should be constructed on the downgradient side of all structural drip lines.
13. Revegetated areas should be continually maintained in order to assure adequate growth and root development. Physical erosion control facilities should be placed on a routine maintenance and inspection program to provide continued erosion control integrity.
14. Waste drainage waters in excess of that which can be adequately retained on the property should be collected before such waters have a chance to degrade. Collected water shall be treated, if necessary, before discharge from the property.
15. Where construction activities involve the crossing and/or alteration of a stream channel, such activities should be timed to occur during the period in which stream flow is expected to be lowest for the year.
16. Use of materials other than potable water for dust control (i.e., reclaimed wastewater, chemicals such as magnesium chloride, etc.) is strongly encouraged but must have prior Regional Board approval before its use.

Specific Policy and Guidelines for Mammoth Lakes Area

To control erosion and drainage in the Mammoth Lakes watershed at an elevation above 7,000 feet (Figure 4.8-1), the following policy and guidelines apply:

Policy:

A Report of Waste Discharge is required not less than 90 days before the intended start of construction activities of a **new development** of either (a) six or more dwelling units, or (b) commercial developments involving soil disturbance on one-quarter acre or more.

The Report of Waste Discharge shall contain a description of, and time schedule for implementation, for both the **interim erosion control measures** to be applied during project construction, and **short- and long-term erosion control measures** to be employed after the construction phase of the project. The descriptions shall include appropriate engineering drawings, criteria, and design calculations.

Guidelines:

1. Drainage collection, retention, and infiltration facilities shall be constructed and maintained to prevent transport of the runoff from a 20-year, 1-hour design storm from the project site. A 20-year, 1-hour design storm for the Mammoth Lakes area is equal to 1.0 inch (2.5 cm) of rainfall.
2. Surplus or waste materials shall not be placed in drainageways or within the 100-year flood plain of surface waters.
3. All loose piles of soil, silt, clay, sand, debris, or earthen materials shall be protected in a reasonable manner to prevent any discharge to waters of the State.
4. Dewatering shall be done in a manner so as to prevent the discharge of earthen materials from the site.
5. All disturbed areas shall be stabilized by appropriate soil stabilization measures by October 15 of each year.
6. All work performed between October 15th and May 1st of each year shall be conducted in such a manner that the project can be winterized within 48 hours.
7. Where possible, existing drainage patterns shall not be significantly modified.
8. After completion of a construction project, all surplus or waste earthen material shall be removed from the site and deposited at a legal point of disposal.
9. Drainage swales disturbed by construction activities shall be stabilized by the addition of crushed rock or riprap, as necessary, or other appropriate stabilization methods.
10. All nonconstruction areas shall be protected by fencing or other means to prevent unnecessary disturbance.
11. During construction, temporary erosion control facilities (e.g., impermeable dikes, filter fences, hay bales, etc.) shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.
12. Revegetated areas shall be regularly and continually maintained in order to assure adequate growth and root development. Physical



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The Project is located in a rural area of Los Angeles County on disturbed fallow

agricultural land. the nearest sensitive receptor is 7,000 feet away from the project site. the project

site will be fenced for security and safety purposes and will not affect the use and enjoyment of

nearby properties. solar photovoltaic technology reduces greenhouse gas emissions and provides

clean renewable energy to the public.

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

The Project site is approximately 35 acres. The configuration of each parcel enables the solar

photovoltaic modules to be aligned to maximize efficiency and energy production.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the project site will be accessed by 210th street west, a Los Angeles County road. this road has

sufficient width to serve the project site. other necessary public and private facilities are

available to serve the project.

MITIGATION MONITORING PROGRAM

PROJECT NO. RENV200900128/ RCUPT200900158

The Department of Regional Planning staff has determined the following conditions or changes in the project are necessary in order to assure there will be no substantial evidence the proposed project will have a significant effect on the environment.

The applicant shall deposit the sum of \$6,000 with the Department of Regional Planning (DRP) within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the annual reports or as required by this Mitigation Monitoring Program.

#	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
	Geotechnical				
	Submit a Geotechnical / Soils Report to the Los Angeles County Department of Public Works for review and approval.	Submit Geotechnical/Soils report for review and approval.	Prior to the issuance of grading permit	Applicant	DPW
	Construction activities will be conducted in accordance with a SWPPP, which will be completed and available onsite at all times during construction and will incorporate industry standard BMPs for erosion and dust control. BMPs will be installed, as appropriate, prior to the start of ground disturbance and will be maintained throughout Project construction.	Submit detailed liquefaction and seismic stability analysis for review and approval	Prior to issuance of grading permit	Applicant	DPW
	Flood				
	A final Hydrology and Hydraulics Report will be prepared that includes recommendations to address potential design and flood constraints. The final report will be provided to the Department of Public Works prior to issuance of grading permits for the Project. The design features included in the final report will be implemented.	Submit Hydrology/ Hydraulics report for review and approval	Prior to issuance of grading permit	Applicant	DPW

#	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
Fire					
	Prepare and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit.	Submit a Fire Protection and Prevention Plan for review and approval	Prior to issuance of grading permit	Applicant	Fire Department DRP
Noise					
	Construction equipment and vehicles will be fitted with efficient and well-maintained mufflers to reduce noise emission levels. In addition, the Project construction equipment and vehicles will be maintained according to manufacturers' instructions and recommendations.	Submit a copy of approved Building Plans	Field verification during all phases of construction	Applicant	DPW DRP
Air Quality					
	Prepare and submit a Dust Control Plan.	Submit a Dust Control Plan for review and approval	Prior to issuance of grading permit	Applicant	AVAQMD DRP
	The construction contractor will ensure that all mechanical equipment associated with Project construction is properly tuned and maintained in accordance with the manufacturers' specifications.	Submit a copy of approved Building Plans	Field verification during all phases of construction	Applicant Contractor	AVAQMD DRP
	Engine idle time will be restricted to no more than 5 minutes as required by the California Air Resources Board engine-idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks.	Submit a copy of approved Building Plans	Field verification during all phases of construction	Applicant Contractor	AVAQMD DRP
	Any off-road stationary and portable gasoline-powered equipment brought onsite for construction activities will have U.S. Environmental Protection Agency (EPA) Phase 1/Phase 2 compliant engines.	Submit engine documentation for review and approval	Prior to issuance of grading permit	Applicant Contractor	AVAQMD DRP

#	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
	Biota				
	Construction plans will be developed to avoid active burrows within 165 feet of the impact zone or to provide for relocating burrowing owls to a protected onsite or offsite mitigation site. If avoidance is not practicable, a mitigation and monitoring plan will be developed in consultation with the California Department of Fish and Game (CDFG) and will be implemented and funded by the Applicant.	Submit grading plans for review and approval	Field inspection during grading and construction	Applicant Contractor	DRP Department of Fish and Game
	Pre-construction surveys will be conducted for nesting birds and the American badger. If necessary, construction plans will be developed to avoid nesting periods or to provide for avoidance or relocation of the American badger.	Consult with the Department of Fish and Game	Prior to issuance of a grading permit	Applicant Contractor	DRP Department of Fish and Game
	Pre-construction surveys will be conducted for active Swainson's hawk nests in suitable habitat located within 0.5 mile of the Project (California Energy Commission and CDFG, 2010).	Consult with the Department of Fish and Game	Prior to issuance of a grading permit	Applicant Contractor	DRP Department of Fish and Game
	Pre-construction clearance surveys will be conducted for ground-dwelling special-status species, including coast horned lizard, to ensure that these species are excluded from the impact zone during construction.	Consult with the Department of Fish and Game	Prior to issuance of a grading permit	Applicant Contractor	DRP Department of Fish and Game
	Develop a habitat management plan for the burrowing owl.	Submit a habitat management plan for review and approval	Prior to issuance of a grading permit	Applicant Contractor	DRP Department of Fish and Game

#	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
Cultural Resources					
	<p>If cultural resources or materials are discovered during ground-disturbing activities, work near the discovery should cease and the area should be protected until the find can be evaluated by a qualified archaeologist. Depending on the nature of the find, additional consultation with the State Historic Preservation Office or with Tribal leaders may be necessary before work can resume in the area of the find.</p>	<p>Halt work if cultural resources are discovered</p>	<p>During construction</p>	<p>Applicant Contractor</p>	<p>South Central Coastal Information Center DRP</p>
	<p>If human remains are encountered, according to State Health and Safety Code Section 7050, no further disturbance will occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98.</p>	<p>Halt work if cultural resources are discovered</p>	<p>During construction</p>	<p>Applicant Contractor</p>	<p>County Coroner DRP</p>
	<p>Prior to construction, the Applicant will retain a qualified paleontologist to design and implement a mitigation program where excavations deeper than 6 feet would occur.</p>	<p>Submit grading plans for review and approval</p>	<p>Prior to start of grading activities</p>	<p>Applicant</p>	<p>DPW DRP</p>
	<p>Prior to ground disturbance, all construction personnel will be given awareness training, which will include instruction in both verbal and written forms that cultural or paleontological resources may be encountered during construction.</p>	<p>Provide worker awareness training</p>	<p>Prior to start of grading activities</p>	<p>Applicant Contractor</p>	<p>DRP</p>

#	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
	Traffic				
	Prepare a Construction Traffic Control Plan and will submit the Plan to the County and Caltrans for review and approval prior to starting construction. The Plan will include flagging, safety measures, signage, and other related measures to protect the traveling public and construction workforce.	Submit a Traffic Control Plan	Prior to start of grading activities	Applicant Contractor	DPW DRP

As the applicant, I agree to incorporate these changes/conditions into the project and understand that the public hearing and consideration by the Hearing Officer and/or Regional Planning Commission will be on the project as changed/conditioned.

Applicant _____ Date _____

No response within 10 days. Environmental determination requires that these changes/conditions be included in the project.

Staff _____ Date _____



Labor, lifestyle, and Los Angeles all within your reach!

September 7, 2011

Regional Planning Commission
County of Los Angeles
c/o Adam Thurtell, Department of Regional Planning
via email: athurtell@planning.lacounty.gov

Re: Support for Antelope Valley Solar project

Dear Mr. Thurtell,

The Greater Antelope Valley Economic Alliance's (GAVEA) mission, acting as the Regional Economic Development entity, is to attract, retain, and grow businesses in the Antelope Valley. GAVEA represents a membership composed of the cities of, Palmdale, Lancaster, Tehachapi, California City, and Ridgecrest. In addition, rural communities such as Rosamond and Mojave are enjoined with GAVEA encompassing over 3,000 square miles with a population of almost 500,000 California citizens. The mission is more important today than at any time in recent memory because of the region's high unemployment and the continuing recession. With over 71,000 employees travelling more than 60 minutes one way out of the Valley for employment in the LA Basin, the need for local employment remains a major concern for the citizens we serve. With parents being gone from home for extended time, this causes problems not only for parents, but schools, law enforcement and social services.

GAVEA supports the Antelope Valley Solar project as one of the solutions to this problem, and one that will serve other vital public interests as well. It will create up to 650 construction jobs and up to 15 permanent jobs, and it will increase public revenue without burdening public infrastructure. At the same time, the project's 650 MW of renewable energy will significantly contribute to U.S. energy security and to meeting local and state clean energy and environmental goals. Its large scale will also contribute to county efforts to meet the requirements of AB 32. Its solar photovoltaic technology is proven, quiet and produces no emissions and uses no water during power generation.

We appreciate Los Angeles County staff's work coordinating with Kern County on the project's Draft Environmental Impact Report. After reaching out to us, Renewable Resources Group explained the project to our Board of Directors and answered its questions.

1028 West Ave. L-12 #101 Lancaster, CA 93534
661/945-2741 FAX 661/945-7711
www.aveconomy.org
www.windsolarcalifornia.com

The long-term use of this land for renewable energy production and job creation clearly serves the greater good. We strongly support the Antelope Valley Solar project. It will advance crucial public interests that more than justify its approval.

Regards,

A handwritten signature in black ink, appearing to read "Mel Layne". The signature is fluid and cursive, with the first name "Mel" being more prominent.

Mel Layne, President

CC List:

Los Angeles County Supervisor Michael D. Antonovich (5th District)
c/o Norman L. Hickling, Deputy, nhickling@lacbos.org

Alpine Solar Project, 35 Acres Site Photographs



Photo 1- View from southeast corner of 3.5 acres looking west towards project site.

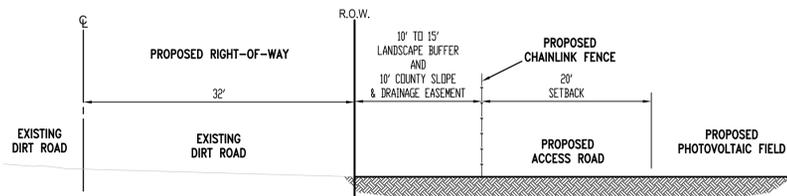


Photo 2- View from Avenue B-8 looking south towards 35-acre project site.

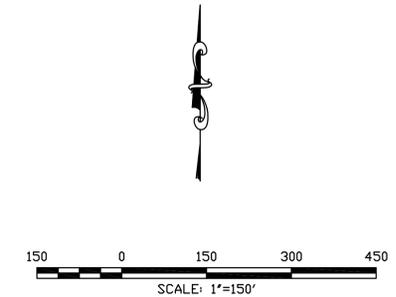
NRG SOLAR ALPINE LLC.

PHOTOVOLTAIC SOLAR POWER PLANT LOS ANGELES COUNTY, CALIFORNIA PROPOSED SOLAR FACILITY

SECTION 7 & PORTIONS OF SECTION 8 OF TOWNSHIP 8 NORTH, RANGE 15 WEST, SAN BERNARDINO BASE MERIDIAN, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND



SECTION "A-A"
TYPICAL STREET SECTION
NOT TO SCALE



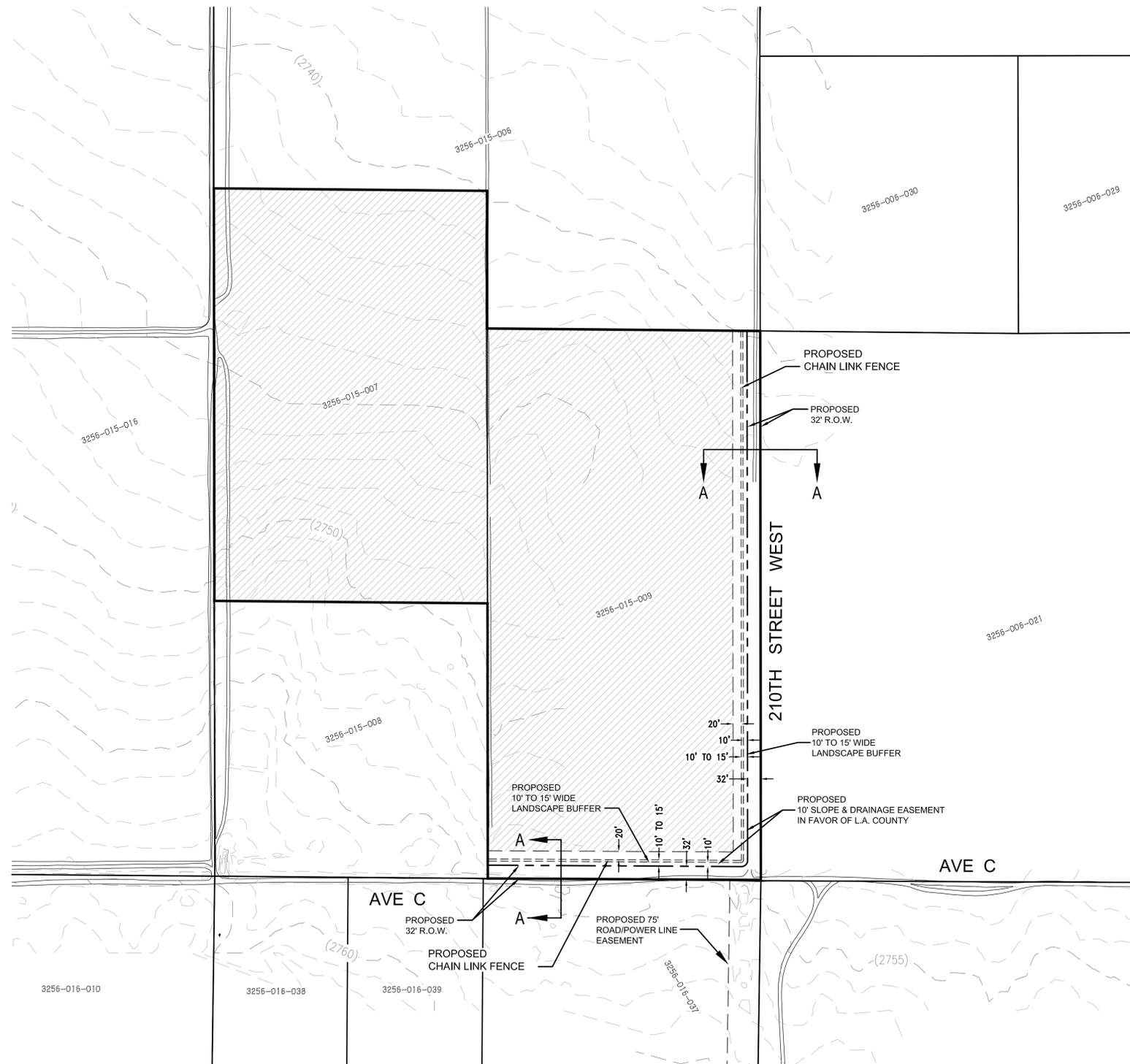
LEGEND

PROPOSED PHOTOVOLTAIC FEILDS

SITE INFORMATION:

GROSS SITE ACREAGE: 1,534,485 SF/35.23 AC
NET SITE AREA: 1,471,929 SF/33.79 AC
EXISTING ZONING: A-2-5
PROPOSED ZONING: A-2-5
EXISTING LAND USE: AGRICULTURAL
PROPOSED LAND USE: PHOTOVOLTAIC SOLAR POWER PLANT
THOMAS BRO'S MAP: F

MINIMUM SETBACKS:	REQUIRED	PROVIDED
NORTH	N/A	0'
EAST	N/A	20'
SOUTH	N/A	20'
WEST	N/A	0'



SITE PREPARATION / EARTHWORK:

SITE PREPARATION WILL CONSIST OF CLEARING, GRUBBING, SCARIFYING AND RECOMPACTING. WITH MINOR GRADING TO REMOVE AND MOUNDS, HOLES OR DITHES THAT HAVE BEEN LEFT AS PART OF THE PREVIOUS AGRICULTURAL USE. THE INTENT IS TO CLEAR AND SMOOTH HE SITE TO A NEAR NATURAL CONDITION. NO SIGNIFICANT EARTH WORK IS PROPOSED.

VICINITY MAP



JOSEPH E. BONADIMAN & ASSOCIATES INC.
consulting engineers land surveyors
234 N. ARROWHEAD AVE., SAN BERNARDINO, CA 92408-1013
PHONE: (909) 885-3806 - FAX: (909) 381-1721

VERTICAL DATUM

BENCH MARK: L-7035, 50MM(2IN) IP & LACO BM TAG UP 25MM(1IN) 9.4M(31FT) SW/O C/L LANCASTER RD & 0.2K(0.5MI) S/O AVE D 900MM(3FT) SW/O TEL RISER 9.1M(30FT) N/O C/L DIRT RD TO W.
VERTICAL DATUM NAVD 88
ELEVATION 2820.722'

HORIZONTAL DATUM

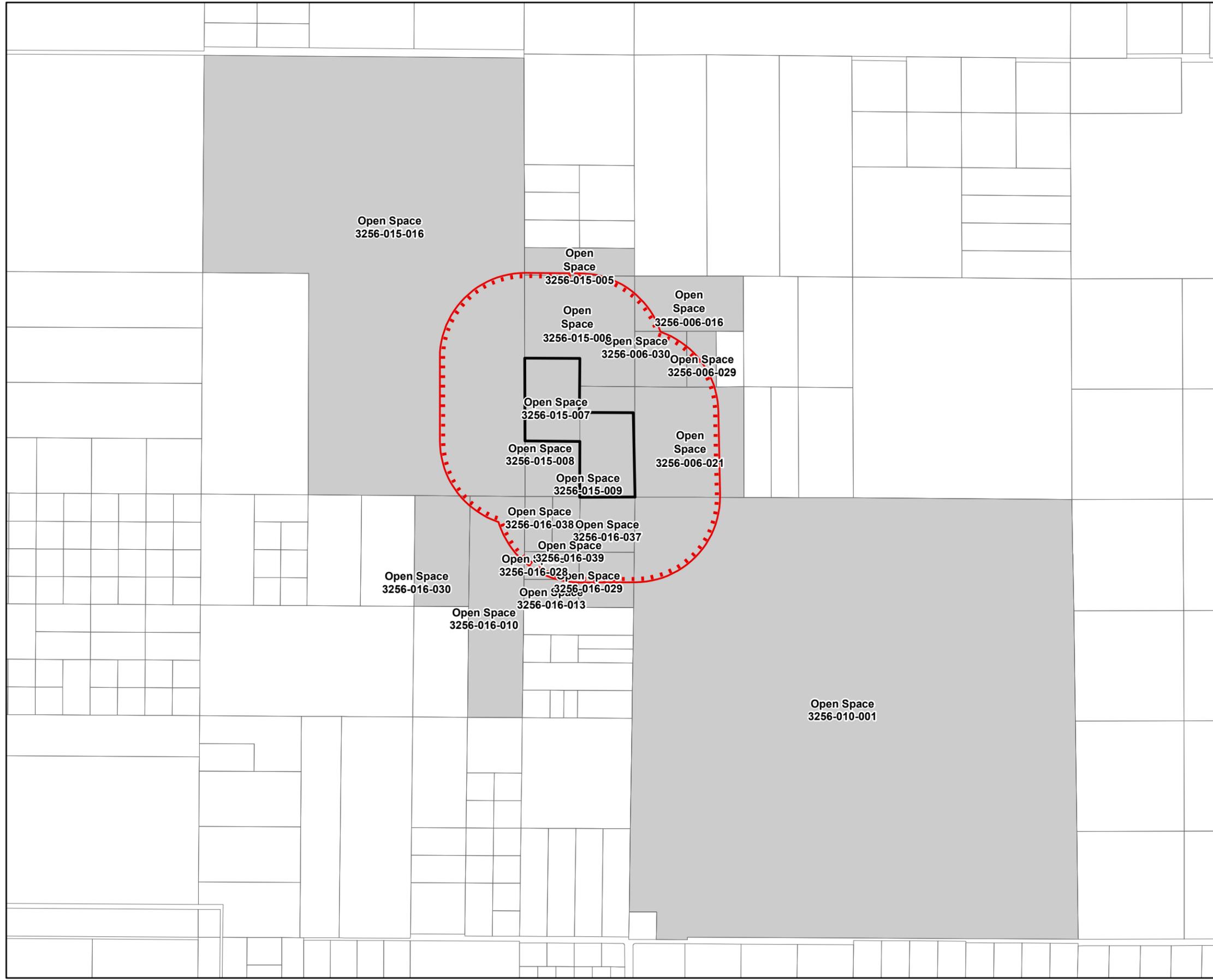
BASIS OF BEARINGS:
BEARINGS SHOWN HEREON ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE 5, 1983 N.A.D. AS DERIVED FROM STATIC G.P.S. OBSERVATIONS.

ALPINE SOLAR - 35 ACRES CONCEPTUAL SITE PLAN TOWNSHIP 8 NORTH, RANGE 15 WEST LOS ANGELES COUNTY, CALIFORNIA

REVISIONS				
NO	DESCRIPTION	BY	APPROVED	DATE

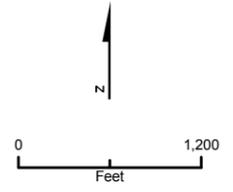
PREPARED FOR: NRG SOLAR ALPINE LLC.	SCALE: 1" = 150'	SHEET: 1 OF 1	C1
DRAWN BY: J.T.S.	CHECKED BY: J.T.S.	JOB NO: 093543	
DISREGARD PRINTS BEARING EARLIER REVISION DATES	05-11-11		





LEGEND

-  Project Site
-  1000 Ft Radius
-  Assessor's Parcels
-  Affected Assessor's Parcels



Land Use Radius Map
 Alpine Solar Project
 Los Angeles County Conditional Use Permit Application
 May 2011