



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

January 7, 2015

David Revelt
Antelope Valley Solar, LLC
837 Ninth Street, Unit D
Santa Monica, CA 90403

**REGARDING: PROJECT NO. R2013-03397-(5)
CONDITIONAL USE PERMIT NO. 201300170
SOUTHWEST CORNER OF EAST AVENUE F AND 90TH STREET EAST
(APNs: 3307-016-012, 3307-016-013)**

The Regional Planning Commission, by its action of **January 7, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **January 21, 2015**. **Appeals must be delivered in person.**

Appeals:

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

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Project No. 2013-03397-(5) / Conditional Use Permit No. 201300170

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Sincerely,

DEPARTMENT OF REGIONAL PLANNING

Richard J. Bruckner

A handwritten signature in blue ink, appearing to read "Paul McCarthy", is written over the typed name.

Paul McCarthy, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion),

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

PMC:AMC

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-03397-(5)
CONDITIONAL USE PERMIT NO.201300170**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201300170 ("CUP") on January 7, 2015. The County Hearing Examiner also conducted a duly-noticed public hearing on the draft environmental document (Mitigated Negative Declaration [MND]) on December 11, 2014.
2. The permittee, Antelope Valley Solar LLC. ("permittee"), requests the CUP to authorize the construction, operation, and maintenance of a photovoltaic solar energy facility ("electric generating plant" or "Project") on a property located at the southwest corner of East Avenue F and 90th Street East, comprised of two parcels (Assessor's Parcel Numbers [APNs] 3307-016-012 and 3307-016-013), in the unincorporated community of Roosevelt ("Project Site") in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) Zone pursuant to Los Angeles County Code ("County Code") section 22.24.150. Also requested is a modification of fence height to allow a 7- to 8-foot fence around the perimeter of the Project Site.
3. The Project is on a net 72-acre property located on the southwest corner of Avenue F and 90th Street East in the unincorporated community of Roosevelt in the east Antelope Valley. The Project would be developed in two phases: Phase 1 would be located on the northern part of the property and would produce 4.45 megawatts, and Phase 2, if constructed, would be located on the southern part of the property and would produce the remaining 3 megawatts. The applicant currently only has a Power Purchase Agreement for Phase 1.

Solar panel technology would be either fixed-tilt (approximately 6 feet tall) or single-axis tracking systems (approximately 8 feet tall at its highest point). Other Project components include: (1) an electrical collection and inverter transformer system, (2) a meteorological data collection system, (3) on-site roads, driveways, and retention basins, and (4) one or two water tank(s) for use by the Fire Department.

Perimeter landscaping and/or fence screening is proposed along 90th Street East, and along the northern and southern 500-foot portions of 87th Street East. The entire facility will be surrounded by a 6-foot chain-link fence topped with 1 to 2 feet of barbed wire. An interconnection to the electrical grid will be made to Southern California Edison's (SCE) lines near the Project's eastern boundary. Construction for the Project will entail 28,400 cubic yards of grading (total for Phases 1 and 2).

4. The Project Site is 80 gross acres (72 net acres) in size and consists of two legal lots. The Project Site is rectangular in shape with gentle-sloping topography and is currently undeveloped.

5. The Project Site is located in the Antelope Valley East Zoned District and is currently zoned A-2-1.
6. The Project Site is located within the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Community Plan") Land Use Policy Map.
7. Surrounding Zoning within a 500-foot radius includes:
 - North: A-2-1
 - South: A-2-1
 - East: C-3 (Unlimited Commercial)
 - West: A-2-1
8. Surrounding land uses within a 500-foot radius include:
 - North: Vacant land
 - South: Vacant land
 - East: Vacant land and industrial parking lot
 - West: Vacant land and single-family residence
9. Ordinance No. 7490 established the A-2-1 Zone on the subject property on March 17, 1959. Ordinance No. 7450 established the A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) Zone on the subject property on December 16, 1958. Ordinance No. 7093 established the M-3 (Unclassified) Zone on the subject property on January 2, 1957.
10. The site plan for the Project depicts the rectangular-shaped property, approximately 1,200 feet wide by 2,600 feet deep. Solar arrays comprise the majority of the site. Near the entrances to the Project Site (on East Avenue F and East Avenue F-8) are located the Fire Department water tanks. Fire/service access roads and equipment pads are also depicted on the site plan.
11. The Project Site is accessible via East Avenue F to the north and East Avenue F-8 to the south. Primary access to the Project Site will be via a 20-foot-wide entrance/exit on East Avenue F for Phase 1 of the Project and East Avenue F-8 for Phase 2 of the Project.
12. In December 2014, prior to the Commission's public hearing on the Project, the permittee met with the Roosevelt Town Council to discuss Project characteristics. At the request of the Town Council, the permittee agreed to include fence screening in the aesthetic mitigation measure to further mitigate the visual impacts of the Project. A letter of support from the Lancaster Chamber of Commerce was received.
13. The County Department of Public Works ("Public Works") recommends approval of this Project and has recommended conditions of approval, which are included in the Project's conditions. The County Fire Department ("Fire Department") recommends approval of this Project and has recommended conditions of approval, which are included in the Project's conditions. The County Public Health Department ("Public

Health”) recommends approval of the Project and has recommended conditions of approval, which are included in the Project’s conditions.

14. Prior to the Commission’s public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, Regional Planning staff determined that a MND was the appropriate environmental document for the Project. The mitigation measures necessary to ensure the Project will not have a significant effect on the environment are contained in the Mitigation Monitoring and Reporting Program (“MMRP”) prepared for the Project.
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project’s public hearings by mail, newspaper, and property posting.
16. A Hearing Examiner Public Hearing was held in the Roosevelt community on December 11, 2014. Approximately 20 members of the public attended and six testified. Issues raised by the public included: perimeter landscaping and visual screening of the facility, dust control, water usage, effectiveness of zoning enforcement in addressing violations the project may have if approved, proximity to a dairy farm located to the east of the Project Site, questions about the Transition Habitat Conservancy (a non-profit organization that the applicant will make a donation to for burrowing owl and Swainson’s hawk habitat protection), and better notification of the Town Council for the area (Roosevelt).
17. A duly-noticed public hearing was held before the Commission. Commissioners Valadez, Louie, Shell, Pedersen, and Modugno were present. Staff presented the case and recommended approval. The applicant’s representative, David Revelt, presented testimony in favor of the request and answered questions by the Commission.

The Commission requested revisions to Condition No. 23 to clarify that the Town Council should provide comment on the Landscape/Screening Plan, and to Condition No. 24 to clarify that the applicant shall maintain and revegetate landscaping throughout the grant term to the satisfaction of Regional Planning.

There being no further testimony, the Commission closed the public hearing, certified the MND, and approved the Project with the updated findings and conditions.

18. The Commission finds that the proposed use is consistent with the underlying land use category of the adopted general plan for the area. The Project site is located in the N1 land use category of the Community Plan. This land use designation is intended for low-density and low-intensity uses such as low-density residential land uses. (The N1 designation permits 0.5 dwelling units per acre.)

The proposed use is not a residential project; however, the Community Plan allows for utility uses and non-residential uses in rural areas provided certain conditions are met. These include a public hearing process which shall impose appropriate conditioning for the project to ensure that negative impacts on adjacent land uses are minimized. This project has gone through the public hearing process and conditions have been adopted to ensure that impacts are minimized. Furthermore, an environmental review has been performed and mitigation measures have been identified that further reduce the environmental impacts of the project.

The Community Plan provides further guidelines for the development of non-residential uses in non-urban areas. These guidelines specify that the location, access, and design of the proposed use are compatible with the community's rural character and will not have negative impacts to surrounding uses. The location, access, and design of the proposed project are all compatible with the surrounding area, making the project appropriate for the area.

The photovoltaic solar energy facility is a largely passive utility-type use that is unobtrusive in its operation and maintenance and is therefore consistent with the permitted uses of the underlying land use categories.

The following policies of the General Plan are applicable to the proposed project:

- *General Goals and Policies Chapter – Land Use and Urban Development Pattern – Policy 23 (Page I-21): “Ensure that development in non-urban areas is compatible with rural lifestyles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.*

The proposed photovoltaic solar facility will be designed in a manner that is compatible with the rural lifestyle in the area. It is located on former farmland adjacent to existing SCE electrical power lines. It will be a largely passive utility-type use and will require little maintenance. It will be screened from public view with perimeter landscaping and/or fence screening. The project will not cause significant negative environmental impacts, nor will it subject people or property to serious hazard because measures have been adopted in the conditions to ensure that risks from fugitive dust will be reduced.

- *General Goals and Policies Chapter - Area Development Priorities – Policy 61 (Page I-31): “Maintain the open and rural character of the non-urban areas of the Antelope Valley.”*

The project site is an area that is considered rural. It is surrounded by vacant land, scattered residences, and farmland. The proposed project would essentially preserve the rural character of the community by developing a low-intensity land use on the property. The majority of the acreage of the fenced area of the solar array would be undisturbed as only approximately 10 percent of the site would be graded, and the development that is proposed is modest in its scale and use. The applicant will be required to provide an in-lieu fee to a non-profit organization that assists in the preservation of burrowing owl and Swainson's hawk habitat.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 2 (Page II-26): “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.”*

The project is for a photovoltaic solar energy facility that will generate 7.45 megawatts of renewable energy.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 3 (Page II-26): “Promote the use of solar energy to the maximum extent possible.”*

The project is for a photovoltaic solar energy facility that will generate 7.45 megawatts of renewable energy.

The following policies of the Community Plan are applicable to the proposed project:

- *Policy 19 (Page V-3): “Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems.”*

The project minimizes grading to the site. Grading will only occur for access roads, retention basins, equipment pads, and water tanks.

- *Policy 40 (Page V-6): “Encourage efficient utilization of resources in allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects.”*

The project will generate 7.45 megawatts of carbon-free energy, reducing greenhouse gas emissions and allowing the State to meet its goals to reduce global climate change. The project will also minimize ground disturbance and puts modest demands on public infrastructure.

19. The Commission finds that the Project is consistent with the zoning for the area. The Project is considered an electric generating plant, which is a conditionally permitted use in the A-2 Zone. The Project, furthermore, meets all zoning regulations regarding setbacks and the applicant is requesting a modification to the fencing height requirements to permit a 7- to 8-foot fence around the perimeter of the Project Site. This modification is appropriate as it will allow the fence to be the same height all around the Project Site.

20. The Commission finds that the Project is compatible with the Community Plan, a component of the County General Plan. Its land use designation is N1 (Non-Urban 1). The N1 designation is intended for low-density residential uses of a maximum of 0.5 dwelling units per acre. The proposed use is not a residential project; however, the Community Plan allows for utility uses and non-residential uses in rural areas provided certain conditions are met. These include a public hearing process, which shall require appropriate conditioning of the project to ensure that negative impacts on adjacent land uses are minimized. This Project has gone through the public hearing process and conditions have been adopted to ensure that impacts are minimized. Furthermore, an environmental review has been performed and

mitigation measures have been identified that further reduce the environmental impacts of the project.

The Community Plan provides further guidelines for the development of non-residential uses in non-urban areas. These guidelines specify that the location, access, and design of the proposed use are compatible with the community's rural character and will not have negative impacts to surrounding uses. As the Project will be a low-intensity, largely passive utility use appropriately located on disturbed land, will have adequate access to well-maintained and sufficiently wide streets, will be attractively landscaped and/or screened at its perimeter, and will be appropriately fenced, it is appropriate for the subject location.

Therefore, the Commission finds that the proposed use with the attached conditions will be consistent with the adopted general plan for the area.

21. The requested use is a largely passive utility use. It will not interfere with others quiet enjoyment of their property. The photovoltaic facility will contain rows of solar panels with a maximum height of 6 to 8 feet. One or two water tanks for a total of 10,000 gallons of water, painted in earth tone colors and with a maximum height of approximately 18 feet, will also be located on the project site. During construction, and possibly also during operation, the project will be screened from view by fabric screening on the perimeter fence. The fence will be 6 feet tall and topped with 1 to 2 feet of barbed wire. Furthermore, potential perimeter landscaping along the northern and southern 500-foot portions of 87 Street East and along 90th Street East will soften the aesthetic impact of the facility. A Dust Control Plan will ensure that fugitive dust from the construction and operation of the project will be minimized.

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

22. The Project site is comprised of two separate parcels and totals 80 gross acres. The site is large enough to accommodate all County requirements for fire safety, clearances, flood easements, and perimeter landscaping. As the site will be remotely monitored, there will be periodic visits for maintenance purposes. There is adequate space in the solar field for maintenance vehicles to park.

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

23. The Project Site is located at the southwest corner of East Avenue F and 90th Street East. East Avenue F is 90 feet wide, and 90th Street East is 80 feet wide. Both highways are paved and are adequately improved to carry the traffic generated by

both the construction and operation of the proposed facility. The County Bicycle Master Plan does not identify either 90th Street East or East Avenue F for bikeways, but the Project is not expected to generate bicycle trips. As the project will generate electricity for public consumption, a connection to SCE electrical lines will be made near the eastern boundary of the Project Site.

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

24. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 35 years.
25. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Roosevelt community. On November 25, 2014, a total of 33 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 14 notices to those on the courtesy mailing list for the Antelope Valley East Zoned District and to any additional interested parties.
26. The Commission finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.
27. The Commission finds that the MMRP, prepared in conjunction with the MND, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project. The Commission further finds that the MMRP's requirements are incorporated into the conditions of approval for this Project, and that approval of this Project is conditioned on the permittee's compliance with the attached conditions of approval and MMRP.
28. After consideration of the MND and MMRP, together with the comments received during the public review process, the Commission finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the MND reflects the independent judgment and analysis of the Commission.
29. The Commission finds that the Final MND for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Commission reviewed and considered the Final MND, along with its associated MMRP, and finds that they reflect the independent judgment of the Commission.

30. The Commission finds that the MMRP for the Project is consistent with the conclusions and recommendations of the Final MND and that the MMRP's requirements are incorporated into the conditions of approval for the Project.
31. The Commission finds that the MMRP, prepared in conjunction with the Final MND, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project.
32. The location of the documents and other materials constituting the record of proceedings upon which the Commission decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

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

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

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

environment; adopts the MND and finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; and

2. Approves Conditional Use Permit No. 201300170, subject to the attached conditions.

ACTION DATE: January 7, 2015

VOTE: 5:0:0:0

Concurring: Valadez, Shell, Louie, Pedersen, Modugno

Dissenting: 0

Abstaining: 0

Absent: 0

PMC: AMC

January 7 2015

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-03397-(5)
CONDITIONAL USE PERMIT NO. 201300170**

PROJECT DESCRIPTION

The applicant, Antelope Valley Solar, LLC, requests a conditional use permit to authorize the construction, operation, and maintenance of a maximum 7.45-megawatt photovoltaic solar energy facility ("Project") on a net 72-acre property located on the southwest corner of Avenue F and 90th Street East in the unincorporated community of Roosevelt in the east Antelope Valley. The Project would be developed in two phases: Phase 1 would be located on the northern part of the property and would produce 4.45 megawatts, and Phase 2, if constructed, would be located on the southern part of the property and would produce the remaining 3 megawatts. The applicant currently only has a Power Purchase Agreement for Phase 1.

Solar panel technology would be either fixed-tilt (approximately 6 feet tall) or single-axis tracking systems (approximately 8 feet tall). Other Project components include: (1) an electrical collection and inverter transformer system, (2) a meteorological data collection system, (3) on-site roads, driveways, and retention basins, and (4) one or two water tank(s) for use by the Fire Department.

Perimeter landscaping and/or fence screening is proposed along 90th Street East, and along the northern and southern 500-foot portions of 87th Street East. The entire facility will be surrounded by a 6-foot chain-link fence topped with 1 to 2 feet of barbed wire. An interconnection to the electrical grid will be made to Southern California Edison's (SCE) electrical power lines near the Project's eastern boundary. Construction for the Project will entail 28,400 cubic yards of grading (total for Phases 1 and 2).

GENERAL CONDITIONS

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

Except as otherwise specified, the Conditions of Approval will be accomplished for Phase 1 of the Project in connection with the development and construction of Phase 1 of the Project, and separately for Phase 2 of the Project in connection with the development and construction of Phase 2 of the Project. No Phase of the Project will be responsible for satisfying the Conditions of Approval for any other Phase of the Project. Conditional Use Permit No. 201300170 ("CUP") issued in respect of the Project will not be terminated or revoked, and the rights under the CUP shall not be diminished, with respect to any Phase of the Project as a result of a breach or default of the CUP, or the conditions of approval thereof, by any other Phase of the Project, except when both phases of the Project are in breach or default of the CUP or the Conditions of Approval thereof.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Conditions No. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, 9, and 12 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

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

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

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on January 7, 2050.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. Construction of one phase shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$5,000.00**. The deposit shall be placed in a performance fund draw-down account, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The permittee shall replenish the fund to provide for additional inspections to cover the life of the grant. If the actual costs incurred have reached 80 percent of the initial deposit (\$4,000.00), and the permittee has been notified, the permittee shall deposit supplemental funds to bring the balance up to the initial deposit (\$5,000.00) within 10 business days of such notification. Inspections may be unannounced.

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

charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Within five (5) working days from the day after your appeal period ends on January 14, 2015, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **\$2,285.00** (\$2,210.00 for a Negative Declaration or Mitigated Negative Declaration plus \$75.00 processing fee), or **\$3,144.75** (\$3,069.75 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.
12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as if set forth fully herein.
13. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the Mitigation Monitoring Program ("MMP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
14. The permittee shall deposit an initial sum of **\$6,000.00** with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
15. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
17. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
18. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
19. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
20. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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

21. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **March 7, 2015**.
22. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SOLAR FACILITY)

23. The permittee shall submit to Regional Planning a Perimeter Fence Screening/Landscape Plan for review and approval and shall comply with all requirements of such plan. Prior to submitting such plan to Regional Planning, the

permittee shall submit the plan to the Roosevelt Town Council for their review and comment.

24. The permittee shall irrigate the perimeter landscaping (if, and/or where, perimeter landscaping is determined to be necessary by Regional Planning as part of the Perimeter Fence Screening/Landscape Plan referenced in Condition No. 23) for a minimum of three years or until the landscaping has successfully established. The permittee shall ensure that the perimeter landscaping remains successfully established to the satisfaction of Regional Planning throughout the entire grant term. The permittee shall maintain all landscaping in a neat, clean, and healthful condition and shall properly prune, weed, remove litter, fertilize and replace plants when necessary. The permittee shall continue irrigation of perimeter landscaping and revegetate as reasonably necessary to maintain the health of the landscaping throughout the life of this grant to the satisfaction of Regional Planning. Perimeter fence screening fabric/material shall be maintained in good condition and missing, tattered, or torn pieces shall be repaired or replaced as necessary.
25. Prior to any ground disturbance and/or the issuance of grading permits, the permittee shall submit a dust control plan, including a dust plume response plan, for review and approval by Regional Planning and the Antelope Valley Air Quality Management District (AVAQMD). The permittee shall abide by all requirements and conditions of the approved dust control plan.
26. Prior to obtaining any building permit, the permittee shall provide the County with a decommissioning plan ("Decommissioning Plan") in connection with any and/or all of the terminating events described in Condition No. 29, which Plan shall include, at a minimum, a detailed plan for decommissioning and deconstructing the facility and for restoration of the site (collectively referred to as "decommissioning"). The Decommissioning Plan shall be developed to the satisfaction of the Director and the Director of Public Works and subject to their review and approval.

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

- a. Removal of solar panel structures and all appurtenant above-ground equipment;
- b. Removal of on-site overhead poles and above-ground electricity lines;
- c. Removal of all on-site water and sewage lines and septic tanks;
- d. Removal of permanent above-ground transmission lines and poles located in the public right-of-way if determined not usable by Public Works and/or any other applicable public or private utility;
- e. Restoration of any disturbed soil and revegetation of the site to its pre-construction condition, with native vegetation similar to the vegetation in the surrounding vicinity;
- f. Restoration or reclamation of project roads to their pre-construction condition unless the then-existing owner of the site elects to retain the improved roads for access throughout the site;
- g. Documentation of the pre-construction condition of the project site, including, but not limited to, a photographic record; and

- h. Details of the performance and financial assurance guarantees described in Condition No. 27, explaining the amounts and schedule for the provision of such guarantees.
27. 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. 26. 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. 29. In the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of decommissioning the site, the permittee shall be responsible for compensating the County for any shortfall. In determining the sufficiency of the performance and financial assurance guarantees, the residual value of the solar panels, support structures, and other salvageable equipment (collectively "Salvageable Property") shall be considered. The residual value of the real property itself shall not be considered or included in the determination of whether the performance and financial guarantees are sufficient.

With respect to the performance and financial assurance guarantees, the following requirements shall apply:

- a. The permittee shall ensure that such guarantees are detailed in the approved Decommissioning Plan to the satisfaction of the 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 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. 27, the then-current cost of decommissioning the site, as required by the approved Decommissioning Plan, and the then-current value of any performance and financial assurance guarantees that have been provide as of the date of such report. In the event it is determined that the performance and financial assurance guarantees as insufficient to perform the decommissioning of the site as required by the approved Decommissioning Plan, the permittee shall be required to provide additional performance and financial assurance

guarantees to the satisfaction of the Director and the Director of Public Works;

- c. Any funds not used by the County in connection with decommissioning the site shall be returned to the permittee; and
- d. The performance and financial assurance guarantees may consist of, including, but not limited to, one or more of the following, to the satisfaction of the Director and Director of Public Works:
 - (1) An irrevocable letter of credit;
 - (2) A surety bond;
 - (3) An appropriate insurance policy;
 - (4) A trust fund or escrow account established and maintained in accordance with approved financial assurances and practices to guarantee that decommissioning the site will be completed in accordance with the approved Decommissioning Plan as approved by the Department of Public Works; or
 - (5) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with Regional Planning.

A corporate guarantee shall not be considered a sufficient financial assurance guarantee.

28. Upon discontinuance of the permittee's operation as set forth in Condition No. 29, abandonment of the project in whole or in part, or termination of this grant as described in Condition No. 8, and in the event that a new permit application is not timely filed for a continued similar use or reuse of the site, the permittee shall perform decommissioning in accordance with the approved Decommissioning Plan, or compensate the County for use of a County-contracted consultant to perform such decommissioning. In the alternative, and at the County's sole election, the County shall be entitled to use any performance and/or financial assurance guarantees, as described in Condition No. 27 (d), to perform the decommissioning itself or to contract for such decommissioning. The permittee shall grant the County the necessary access to the subject property to perform such decommissioning or to allow a County-retained contractor to perform such decommissioning.
29. In the event that any portion of the solar field is not in operational condition for a consecutive period of 24 months, operations for the portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed from the site within 60 days from the date that written notice is sent to the permittee from Regional Planning. Within this 60-day period, the permittee may provide the Director 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. 29 be deemed to extend the term or expiration date of this grant.

PROJECT SITE SPECIFIC CONDITIONS

30. This grant shall authorize the construction, operation, and maintenance of a photovoltaic solar energy facility, generation tie-line, and appurtenant equipment in two phases on a net 72-acre site and for modification to fence heights to allow a 7- to 8-foot fence around the perimeter of the Project Site.
31. Nothing in this grant shall prevent the permittee from installing more efficient solar panels in the future, increasing output, provided the footprint and overall disturbance area of the project does not increase. At such time the permittee wishes to install more efficient solar panels, a Revised Exhibit "A" shall be submitted to the County for such installation.
32. Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (National Institute for Occupational Safety and Health [NIOSH] approved) shall be provided with proper training to construction workers to mitigate against dust exposure and possibly Valley Fever during high-wind events and/or dust-generating activities. Evidence of this training shall be kept on site and shall be made available to County staff upon request.
33. The project shall comply with all requirements of the Rural Outdoor Lighting District.
34. The water tanks on the subject property shall be painted an earth-tone color (beige, sand, taupe or similar colors) to blend in with the surroundings, subject to review and approval by the Director.
35. The Project shall be limited to the use of trucked recycled water and/or water from sources not subject to the adjudication process currently in effect for the Antelope Valley groundwater basin for construction and operation of the Project.
36. Mobile sanitation facilities and a potable drinking water supply shall be made available to workers during construction of the Project subject to the satisfaction of the Department of Public Health.
37. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one parking space for each two persons employed. The unmanned solar photovoltaic facility does not include operations buildings or other buildings but does require occasional servicing, which requires one space per two persons servicing the facility. These spaces do not have to be marked. During

construction parking shall be provided on-site and/or off-site at a location approved by the Director.

38. The permittee shall abide by the following dust control measures:
 - a. During site preparation and during operations, vegetation shall be retained or mowed in and around array sites to prevent vegetative root loss. Disking, tilling, or grading of array sites is prohibited except where specifically authorized by Public Works. Roads, drainage basins, equipment pads, and any other required earthwork authorized by Public Works shall be done in compliance with grading regulations;
 - b. Maintain dust control using (to the extent applicable) phased earthwork, watering, clean gravel, composted wood chips not to exceed 6 inches in depth, application of non-toxic soil stabilizers, revegetation, limited public access on unpaved areas, speed limits on construction sites, and other dust control measures used during construction, operations, and removal and restoration activities;
 - c. Permittee shall provide on the Project site weather stations, monitors with wind speed, wind direction, temperature and humidity sensors, and mechanical dust-monitoring devices, placed to the satisfaction to AVAQMD, to ensure the effectiveness of the Project's dust control treatment on the Project site;
 - d. Establish vegetation along certain portions of the Project perimeter, if required by the Perimeter Fence Screening/Landscape Plan, as early as feasible following Project approval for both visual screening and to limit off-site movement of dust.
 - e. During construction, the permittee shall pay the costs of an on-site mitigation and conditions compliance monitor, satisfactory to the Director, to independently monitor and report on Project compliance. The monitor shall be on-site during all site preparation, grading, and excavation and backfilling work.
39. Temporary screening of construction and staging areas (e.g. fencing with fabric or slats) shall be installed prior to construction activities to the satisfaction of Regional Planning. This screening may remain permanently if determined appropriate by Regional Planning as part of the Perimeter Fence Screening/Landscape Plan referenced in Condition No. 23.
40. The Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility accessible to the public where it can be easily viewed at or near eye level.
41. The permittee shall comply with all conditions set forth in the attached County Public Works, Fire, Public Health Department letters dated January 6, 2015, January 8, 2014, and January 30, 2014.

**PROJECT NO. R2013-03397-(5)
CONDITIONAL USE PERMIT NO. 201300170**

**CONDITIONS OF APPROVAL
PAGE 11 OF 11**

Attachments:

Mitigation Monitoring Program (pages 1- 18)
Fire/Public Works/Public Health Department Letters

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires a Mitigation Monitoring and Reporting Program (MMRP) for projects where mitigation measures are a condition of project approval and development. The Initial Study / Mitigated Negative Declaration prepared for the Antelope Valley Solar Renewable Energy Project, Project No. R2013-033397-5), CUP No. 201300170, identified mitigation measures, where appropriate, to avoid or substantially reduce the environmental impacts associated with the Project. This MMRP is designed to monitor the implementation of those mitigation measures. Accordingly, this MMRP has been prepared in compliance with the requirements of CEQA Section 21081.6 and CEQA Guidelines Section 15097. This section lists each of the required Mitigation Measures (MMs) and identifies the corresponding action required for proof of compliance, the mitigation timing the party responsible for implementation, and the monitoring agency or party responsible for ensuring each measure is adequately implemented.

PROJECT: PHASE 1

NO.	PDF/MM	Mitigation	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
1		Except as otherwise specified, the Mitigation Measures set forth herein will be accomplished for Phase 1 of the Project in connection with the development and construction of Phase 1 of the Project, and separately for Phase 2 of the Project in connection with the construction of Phase 2 of the Project. No Phase of the Project will be responsible for satisfying the Mitigation Measures of any other Phase of the Project. Conditional Use Permit #201300170 ("CUP") issued in respect of the Project will not be terminated or revoked, and the rights under the CUP shall not be diminished, with respect to any Phase of the Project as a result of a breach or default of the CUP, or Mitigation Measures or other conditions or conditions of approval thereof, by any other Phase of the Project, except when both phases of the Project are	N/A	N/A	N/A	N/A

Antelope Valley Solar Renewable Energy Project
 County of Los Angeles
 Project No. R2013-03397-15), CUP No. 201300170

		in breach or default of the CUP or the conditions of approval.				
Aesthetics						
2	AES-1	The Project shall incorporate either (a) drought-tolerant (native or non-native) vegetative landscaping periodically spaced, and/or (b) fence screening that is suitable to withstand the typical weather and climate conditions near the Site (which, for clarity, will not include slats), in either case installed along the portions of the perimeter fence parallel to 90th Street East and parallel to the northern and southern 500-foot portions of 87th Street East. The landscaping or screening parallel to the perimeter fencing for Phase 1 of the Project will be accomplished with Phase 1 of the Project, and the landscaping or screening parallel to the perimeter fencing for Phase 2 of the Project will be accomplished with Phase 2 of the Project. A Perimeter Fence Screening/Landscape Plan shall be prepared by Applicant and reviewed and approved by the County. In connection with any landscaping installed, irrigation via water trucks will be conducted until the landscaping is established.	A. Submittal and approval of a Perimeter Fence Screening/Landscape Plan. B. Maintenance of landscaping during operation.	Prior to issuance of certificate of occupancy Prior to energization of the solar panels	Applicant Applicant	DRP DRP
3	AES-2	Any lighting that may be installed in specific locations around the periphery of the Site, as required for nighttime security purposes, shall consist of modern, low intensity, downward-shielded fixtures that are motion-activated, and will be directed onto the Site. Motion-detectors shall be set at a sensitivity level that cannot be triggered by small animal movement.	C. Submit lighting plan for review and approval	Prior to issuance of building permit	Applicant	DRP
Air Quality						
4	AQ-1	During construction, the Project shall comply with Antelope Valley Air Quality Management	A. Submittal and approval of a Dust	Prior to issuance of grading permit	Applicant	DRP / AVAQMD

	<p>District's (AVAQMD's) Rule 403, Fugitive Dust, by preparing a Dust Control Plan for controlling fugitive dust. The Dust Control Plan shall be subject to the review and approval of AVAQMD and include the following strategies:</p> <p>a. <u>Minimal Grading and Ground Disturbance:</u> The Project would perform the minimum amount of grading and disturb the minimum amount of existing vegetation to construct the Project. Generally, graded areas shall be limited to fire access/service roads, substations, water tanks, inverter, equipment, and switchgear pads, and retention basins. Clearing and grubbing may occur throughout the Site. The existing vegetation under the proposed solar panels will not be removed but may be mowed.</p> <p>b. <u>Construction Scheduling:</u> Grading activities would be temporarily halted and/or Site watering would be increased during wind speeds that exceed 25 miles per hour, or when visible dust plumes have the potential to be transported off of the Site.</p> <p>c. <u>Water Application:</u> During construction, the Project would apply water to control fugitive dust from the Site as necessary and required by the AVAQMD.</p> <p>d. <u>Soil Binders/Wood Mulch:</u> Soil binders or wood mulch would be applied if and as necessary.</p> <p>e. <u>Monitoring:</u> A qualified construction mitigation manager or delegate ("CMM") would be onsite during all grading, excavation, storage, and backfill activities to ensure</p>	<p>Control Plan.</p> <p>B. Implementation of dust control measures as described in the Dust Control Plan during construction.</p>	<p>During construction and during operations</p>	<p>Applicant</p>	<p>DRP/ AVAQMD</p>
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Biological Resources						
5	BIO-1	Pre-construction surveys:	Field survey	Prior to construction	Applicant	DRP / CDFW
		<p>a. A pre-construction burrowing owl survey should be conducted no more than 14 days prior to the initiation of ground disturbance activities and a final survey should also be conducted no earlier than 24 hours prior to ground disturbance. If no burrowing owls are detected during the pre-construction survey, ground disturbance activities can proceed without further consideration of this species. If burrowing owls are detected during the take avoidance survey, additional avoidance and minimization measures would then be required, under the guidance of the California Department of Fish & Wildlife ("CDFW"), provided that mitigation acreage acquired for Swainson's hawk (if required) that is similar to the relatively low quality of the site will also be sufficient to replace lost burrowing owl habitat.</p> <p>b. Conduct a 30-day desert kit fox and American badger pre-construction survey prior to ground disturbance to identify any burrows on the Site. If any burrows are identified and</p>				

		<p>determined to be inactive, a qualified biologist shall excavate such burrows by hand. If any burrows are actively being used as natal dens, a 250-foot buffer around such burrows shall be established until such burrows are no longer being used as natal dens. If any desert kit fox burrows are actively being used, but not as natal dens, the desert kit fox may be encouraged to depart the site, provided that no "take" may occur, and once such burrows are inactive, they can be excavated to prevent further occupancy.</p> <p>c. To comply with the Migratory Bird Treaty Act (MBTA), if any ground disturbance is anticipated during the nesting bird season (February-August) the project proponent will initiate a breeding/nesting bird survey to ensure no nesting birds are impacted. If a nesting bird is detected, the area will be avoided and a 50-meter buffer will be installed until the nesting birds have fledged and have been observed to be foraging independently.</p> <p>d. A CNDDDB form should be submitted for any burrowing owl and any other sensitive species encountered in order to provide the resource agency personnel and biological consultants with a better understanding of sensitive species distribution in this area.</p>				
6	BIO-2	<p>Conduct a 30-day pre-construction survey of the Swainson's hawk nest location identified in CNDDDB #2416. If no nest is identified, or if a nest is identified but subsequently determined to be unsuccessful, construction activities can proceed without further consideration of this species. If a Swainson's hawk nest is identified and successfully established, all construction</p>	Field survey	Prior to construction	Applicant	DRP / CDFW

		activities shall be postponed until CDFW is consulted. If any mitigation land is required for Swainson's hawk, mitigation land for Phase 1 of the Project shall be obtained prior to ground disturbance for Phase 1 of the Project, and mitigation land for Phase 2 of the Project shall be obtained prior to ground disturbance for Phase 2 of the Project.				
7	BIO-3	Construction workers should be provided with an information pamphlet on burrowing owl biology and (although unlikely to occur on the site) general desert tortoise biology, how to recognize and avoid burrowing owl and desert tortoises, authorized speed limits while working within the site, trash abatement and checking under parked vehicles and equipment prior to moving. If a burrowing owl or desert tortoise is detected on site, all construction activity would be suspended and the resource agencies notified to determine appropriate measures.	Provide information	During construction	Construction Manager	DRP
8	BIO-4	Provide a trash abatement program with sealed trash containers on site to prevent unwanted tortoise predators such as ravens and coyotes.	Provide sealed trash containers	During construction and operations	Construction Manager	DRP
9	BIO-5	Vehicular speed limits of 15 miles per hour on all project related access roads and work areas.	Enforce speed limits	During construction and operations	Construction Manager	DRP
10	BIO-6	Utilize existing roads, whenever possible, to minimize disturbance to potential habitat.	Utilize existing roads	During construction and operations	Construction Manager	DRP
11	BIO-7	Applicant has agreed to pay an in-lieu fee to a non-profit organization in support of a project that assists in the preservation of burrowing owl and Swainson's hawk habitat (the "In-Lieu Project"). The amount of the in-lieu fee shall be acceptable to the County and determined based on an	Payment of in-lieu fee	Prior to ground disturbance	Applicant	DRP

	<p>assessment of the benefit of the In-Lieu Project to the preservation of the burrowing owl and Swainson's hawk habitat and the loss of the potential burrowing owl and Swainson's hawk habitat on the Site, which is acknowledged to be low quality habitat for burrowing owl and Swainson's hawk. As an example, an In-Lieu Project that provides fencing around a conservation area that contains high-quality habitat for burrowing owl and Swainson's hawk may be the type of In-Lieu Project acceptable to the County. The in-lieu payment shall be made prior to ground disturbance for Phase 1 of the Project, and such payment shall satisfy this mitigation measure for both Phase 1 and Phase 2 of the Project.</p>				
<p>12</p>	<p>BIO-8</p> <p>Following the completion of construction, Applicant will have a qualified biologist perform a survey twice per year to document avian mortality at the Project. Annually, the biologist will prepare a report documenting the findings from such surveys and will provide, or make available, such report to the County, CDFW, and United States Fish & Wildlife. If the biologist fails to find evidence of avian mortality for three (3) consecutive years, Applicant shall no longer be required to perform such surveys; provided, however, that in the event of a significant increase in aquatic insects at the Project (e.g., due to flooding), Applicant will perform additional surveys to identify avian mortality at the Project. During the winter months of the first year following the completion of Project construction, Applicant will survey the Project on a monthly basis, but such surveys may be conducted by Applicant's employees and contractors who have been properly trained, as verified by a project biologist, to identify evidence of avian mortality.</p>	<p>Annually submit a report of avian mortality. If no mortalities are reported during a consecutive three year period further reports are no longer required.</p> <p>Provide verification of contractor training by project biologist and contractor commitment to perform avian mortality surveys.</p> <p>Provide required monthly data on an as-requested basis.</p>	<p>One year after energization</p>	<p>Applicant</p>	<p>DRP, CDFW, United States Fish & Wildlife</p>

	<p>If evidence of avian mortality is found, a qualified biologist will be contacted to assess such findings. Copies of monthly survey results will be provided to Los Angeles County, CDFW, and USFWS at their request.</p>				
<p>13</p>	<p>BIO-9</p> <p>During the construction of the Project, (a) all excavations, holes, and trenches greater than two feet deep (if any) will be adequately covered to prevent entrapment of desert kit fox, and will be inspected by a biological monitor prior to initiating the workday; and immediately prior to the end of the workday; (b) when applicable, the Project will utilize a biological monitor to inspect all construction pipes, culverts, or similar structures (if any) greater than 4-inches diameter for kit fox prior to the structure being capped, buried, or moved; any kit fox found to be present within the structure must be allowed to move on its own accord; (c) domesticated dogs will not be allowed on the Site; and (d) rodenticides will not be used on the Site.</p>	<p>Daily monitoring the construction site to assure implementation of the mitigation measure.</p>	<p>During construction</p>	<p>Construction Manager</p>	<p>DRP</p>
<p>Cultural Resources</p>					
<p>14</p>	<p>CUL-1</p> <p>In the unlikely event that historical, archaeological, or paleontological resources are identified on the Site during ground-disturbing activities, a qualified archaeologist or paleontologist (as appropriate) will assess the significance of any find and will have the authority to stop or divert the construction excavation as necessary. Work may proceed in other areas of the Site. A plan to mitigate any adverse impacts will be prepared and undertaken, and work may proceed on the Site once evaluation of the find is complete.</p>	<p>Evaluate any cultural resources discovered.</p>	<p>During construction</p>	<p>Applicant / Construction Manager</p>	<p>DRP</p>

15	CUL-2	<p>In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found during ground-disturbing activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). Such descendants shall complete their inspection within 48 hours of being granted access to the Site.</p>	<p>If human remains are discovered, contact County Coroner</p>	<p>During construction</p>	<p>Applicant / Construction Manager DRP / Coroner</p>	
Hazards and Hazardous Materials						
16	HAZ-1	<p>Prior to commencement of onsite ground-disturbing activities, Applicant shall obtain soil samples from the Site and test such samples for the presence of agricultural chemicals (insecticides, pesticides, and/or herbicides). If chemical levels are above regulatory standards, remediation and/or removal of contaminated soils in compliance with applicable local, state, and federal standards and requirements shall be conducted prior to Project construction.</p>	<p>Preconstruction soil testing and compliance with applicable regulations.</p>	<p>Prior to construction.</p>	<p>Applicant / Construction Manager LAFD</p>	
Utilities and Service Systems						
17	UTIL-1	<p>Construction activities on the Site shall be conducted in compliance with Chapter 20.87 (Construction and Demolition Debris Recycling and Reuse) of the Los Angeles County Code. A Recycling and Reuse Plan (RRP) must be submitted to the Los Angeles County Department of Public Works, Environmental Programs Division prior to grading permits being issued for each of Phase 1 and Phase 2 of the Project.</p>	<p>Submittal and approval of a RRP.</p>	<p>Prior to issuance of building permit.</p>	<p>Construction Manager DPW</p>	

PROJECT: PHASE 2

NO.	PDF/MM	Mitigation	Action Required	Mitigation Timing	Responsible Party	Monitoring Agency or Party
General						
18		Except as otherwise specified, the Mitigation Measures set forth herein will be accomplished for Phase 1 of the Project in connection with the development and construction of Phase 1 of the Project, and separately for Phase 2 of the Project in connection with the construction of Phase 2 of the Project. No Phase of the Project will be responsible for satisfying the Mitigation Measures of any other Phase of the Project. Conditional Use Permit #201300170 ("CUP") issued in respect of the Project will not be terminated or revoked, and the rights under the CUP shall not be diminished, with respect to any Phase of the Project as a result of a breach or default of the CUP, or Mitigation Measures or other conditions or conditions of approval thereof, by any other Phase of the Project, except when both phases of the Project are in breach or default of the CUP or the conditions of approval.	N/A	N/A	N/A	N/A
Aesthetics						
19	AES-1	The Project shall incorporate either (a) drought-tolerant (native or non-native) vegetative landscaping periodically spaced, and/or (b) fence screening that is suitable to withstand the typical weather and climate conditions near the Site	A. Submittal and approval of a Perimeter Fence Screening/Landscape Plan.	Prior to issuance of certificate of occupancy	Applicant	DRP

		(which, for clarity, will not include slats), in either case installed along the portions of the perimeter fence parallel to 90th Street East and parallel to the northern and southern 500-foot portions of 87th Street East. The landscaping or screening parallel to the perimeter fencing for Phase 1 of the Project will be accomplished with Phase 1 of the Project, and the landscaping or screening parallel to the perimeter fencing for Phase 2 of the Project will be accomplished with Phase 2 of the Project. A Perimeter Fence Screening/Landscape Plan shall be prepared by Applicant and reviewed and approved by the County. In connection with any landscaping installed, irrigation via water trucks will be conducted until the landscaping is established.	Installation of landscaping/screening as described in the Perimeter Fence Screening/Landscape Plan.	Prior to energization of the solar panels	Applicant	DRP
20	AES-2	Any lighting that may be installed in specific locations around the periphery of the Site, as required for nighttime security purposes, shall consist of modern, low intensity, downward-shielded fixtures that are motion-activated, and will be directed onto the Site. Motion-detectors shall be set at a sensitivity level that cannot be triggered by small animal movement.	B. Maintenance of landscaping during operation. C. Submit lighting plan for review and approval	During operation Prior to issuance of building permit	Operator Applicant	DRP
Air Quality						
21	AQ-1	During construction, the Project shall comply with Antelope Valley Air Quality Management District's (AVAQMD's) Rule 403, Fugitive Dust, by preparing a Dust Control Plan for controlling fugitive dust. The Dust Control Plan shall be subject to the review and approval of AVAQMD and include the following strategies:	A. Submittal and approval of a Dust Control Plan. B. Implementation of dust control measures as described in the Dust Control Plan during construction.	Prior to issuance of grading permit During construction and during operations	Applicant Applicant	DRP / AVAQMD DRP/ AVAQMD

	<p>a. <u>Minimal Grading and Ground Disturbance:</u> The Project would perform the minimum amount of grading and disturb the minimum amount of existing vegetation to construct the Project. Generally, graded areas shall be limited to fire access/service roads, substations, water tanks, inverter, equipment, and switchgear pads, and retention basins. Clearing and grubbing may occur throughout the Site. The existing vegetation under the proposed solar panels will not be removed but may be mowed.</p> <p>b. <u>Construction Scheduling:</u> Grading activities would be temporarily halted and/or Site watering would be increased during wind speeds that exceed 25 miles per hour, or when visible dust plumes have the potential to be transported off of the Site.</p> <p>c. <u>Water Application:</u> During construction, the Project would apply water to control fugitive dust from the Site as necessary and required by the AVAQMD.</p> <p>d. <u>Soil Binders/Wood Mulch:</u> Soil binders or wood mulch would be applied if and as necessary.</p> <p>e. <u>Monitoring:</u> A qualified construction mitigation manager or delegate (“CMM”) would be onsite during all grading, excavation, storage, and backfill activities to ensure compliance with the approved Dust Control Plan. The CMM would monitor all construction activities for visible dust plumes, and would promptly implement additional dust plume reduction measures in the event that such visible dust plumes are observed.</p>		
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	<p>Additional measures to be implemented, as necessary, would include increased watering, application of dust palliatives, and/or scaled back construction activities up to and including temporary work cessation.</p>				
Biological Resources					
22	BIO-1	<p>Pre-construction surveys:</p> <p>a. A pre-construction burrowing owl survey should be conducted no more than 14 days prior to the initiation of ground disturbance activities and a final survey should also be conducted no earlier than 24 hours prior to ground disturbance. If no burrowing owls are detected during the pre-construction survey, ground disturbance activities can proceed without further consideration of this species. If burrowing owls are detected during the take avoidance survey, additional avoidance and minimization measures would then be required, under the guidance of the California Department of Fish & Wildlife ("CDFW"), provided that mitigation acreage acquired for Swainson's hawk (if required) that is similar to the relatively low quality of the site will also be sufficient to replace lost burrowing owl habitat.</p> <p>b. Conduct a 30-day desert kit fox and American badger pre-construction survey prior to ground disturbance to identify any burrows on the Site. If any burrows are identified and determined to be inactive, a qualified biologist shall excavate such burrows by hand. If any burrows are actively being used as natal dens, a 250-foot buffer around such burrows shall be established until such burrows are no longer being used as natal dens. If any desert kit fox</p>	Field survey	Prior to construction	Applicant DRP / CDFW

		<p>burrows are actively being used, but not as natal dens, the desert kit fox may be encouraged to depart the site, provided that no "take" may occur, and once such burrows are inactive, they can be excavated to prevent further occupancy.</p> <p>c. To comply with the Migratory Bird Treaty Act (MBTA), if any ground disturbance is anticipated during the nesting bird season (February-August) the project proponent will initiate a breeding/nesting bird survey to ensure no nesting birds are impacted. If a nesting bird is detected, the area will be avoided and a 50-meter buffer will be installed until the nesting birds have fledged and have been observed to be foraging independently.</p> <p>d. A CNDDB form should be submitted for any burrowing owl and any other sensitive species encountered in order to provide the resource agency personnel and biological consultants with a better understanding of sensitive species distribution in this area.</p>				
23	BIO-2	<p>Conduct a 30-day pre-construction survey of the Swainson's hawk nest location identified in CNDDB #2416. If no nest is identified, or if a nest is identified but subsequently determined to be unsuccessful, construction activities can proceed without further consideration of this species. If a Swainson's hawk nest is identified and successfully established, all construction activities shall be postponed until CDFW is consulted. If any mitigation land is required for Swainson's hawk, mitigation land for Phase 1 of the Project shall be obtained prior to ground disturbance for Phase 1 of the Project, and mitigation land for Phase 2 of the Project shall be</p>	Field survey	Prior to construction	Applicant	DRP / CDFW

		obtained prior to ground disturbance for Phase 2 of the Project.				
24	BIO-3	Construction workers should be provided with an information pamphlet on burrowing owl biology and (although unlikely to occur on the site) general desert tortoise biology, how to recognize and avoid burrowing owl and desert tortoises, authorized speed limits while working within the site, trash abatement and checking under parked vehicles and equipment prior to moving. If a burrowing owl or desert tortoise is detected on site, all construction activity would be suspended and the resource agencies notified to determine appropriate measures.	Provide information	During construction	Construction Manager	DRP
25	BIO-4	Provide a trash abatement program with sealed trash containers on site to prevent unwanted tortoise predators such as ravens and coyotes.	Provide sealed trash containers	During construction and operations	Construction Manager	DRP
26	BIO-5	Vehicle speed limits of 15 miles per hour on all project related access roads and work areas.	Enforce speed limits	During construction and operations	Construction Manager	DRP
27	BIO-6	Utilize existing roads, whenever possible, to minimize disturbance to potential habitat.	Utilize existing roads	During construction and operations	Construction Manager	DRP
28		Intentionally Omitted				
29	BIO-8	Following the completion of construction, Applicant will have a qualified biologist perform a survey twice per year to document avian mortality at the Project. Annually, the biologist will prepare a report documenting the findings from such surveys and will provide, or make available, such report to the County, CDFW, and United States Fish & Wildlife. If the biologist fails to find	Annually submit a report of avian mortality. If no mortalities are reported during a consecutive three year period further reports are no longer required.	One year after energization	Applicant	DRP, CDFW, United States Fish & Wildlife

		<p>evidence of avian mortality for three (3) consecutive years, Applicant shall no longer be required to perform such surveys; provided, however, that in the event of a significant increase in aquatic insects at the Project (e.g., due to flooding), Applicant will perform additional surveys to identify avian mortality at the Project. During the winter months of the first year following the completion of Project construction, Applicant will survey the Project on a monthly basis, but such surveys may be conducted by Applicant's employees and contractors who have been properly trained, as verified by a project biologist, to identify evidence of avian mortality. If evidence of avian mortality is found, a qualified biologist will be contacted to assess such findings. Copies of monthly survey results will be provided to Los Angeles County, CDFW, and USFWS at their request.</p>	<p>Provide verification of contractor training by project biologist and contractor commitment to perform avian mortality surveys. Provide required monthly data on an as-requested basis.</p>			
30	BIO-9	<p>During the construction of the Project, (a) all excavations, holes, and trenches greater than two feet deep (if any) will be adequately covered to prevent entrapment of desert kit fox, and will be inspected by a biological monitor prior to initiating the workday and immediately prior to the end of the workday; (b) when applicable, the Project will utilize a biological monitor to inspect all construction pipes, culverts, or similar structures (if any) greater than 4-inches diameter for kit fox prior to the structure being capped, buried, or moved; any kit fox found to be present within the structure must be allowed to move on its own accord; (c) domesticated dogs will not be allowed on the Site; (d) rodenticides will not be used on the Site; and (e) if the construction of Phase 2 of the Project results in an insufficient passage across the Site for desert kit fox, the perimeter fencing for Phase 2 of the Project will be raised at regular</p>	<p>Daily monitoring the construction site to assure implementation of the mitigation measure.</p>	During construction	Construction Manager	DRP

		intervals one-foot above grade to permit the passage of desert kit fox across the Site.			
Cultural Resources					
31	CUL-1	In the unlikely event that historical, archaeological, or paleontological resources are identified on the Site during ground-disturbing activities, a qualified archaeologist or paleontologist (as appropriate) will assess the significance of any find and will have the authority to stop or divert the construction excavation as necessary. Work may proceed in other areas of the Site. A plan to mitigate any adverse impacts will be prepared and undertaken, and work may proceed on the Site once evaluation of the find is complete.	Evaluate any cultural resources discovered.	During construction	Applicant / Construction Manager DRP
32	CUL-2	In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found during ground-disturbing activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). Such descendants shall complete their inspection within 48 hours of being granted access to the Site.	If human remains are discovered, contact County Coroner	During construction	Applicant / Construction Manager DRP / Coroner
Hazards and Hazardous Materials					
33	HAZ-1	Prior to commencement of onsite ground-disturbing activities, Applicant shall obtain soil samples from the Site and test such samples for the presence of agricultural chemicals (insecticides, pesticides, and/or herbicides). If chemical levels	Preconstruction soil testing and compliance with applicable regulations.	Prior to construction.	Applicant / Construction Manager LAFD

		are above regulatory standards, remediation and/or removal of contaminated soils in compliance with applicable local, state, and federal standards and requirements shall be conducted prior to Project construction.				
Utilities and Service Systems						
34	UTIL-1	Construction activities on the Site shall be conducted in compliance with Chapter 20.87 (Construction and Demolition Debris Recycling and Reuse) of the Los Angeles County Code. A Recycling and Reuse Plan (RRP) must be submitted to the Los Angeles County Department of Public Works, Environmental Programs Division prior to grading permits being issued for each of Phase 1 and Phase 2 of the Project.	Submittal and approval of a RRP.	Prior to issuance of building permit.	Construction Manager	DPW



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

January 6, 2015

IN REPLY PLEASE
REFER TO FILE **LD-2**

TO: Paul McCarthy
Zoning Permits North Area
Department of Regional Planning

Attention Anthony Curzi

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

CONDITIONAL USE PERMIT (CUP) NO. 201300170
PROJECT NO. R2013-03397
SOUTHWEST CORNER OF 90TH STREET EAST AND EAST AVENUE F
ASSESSOR'S MAP BOOK NO. 3307, PAGE 16, PARCEL NOS. 12 AND 13
UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY

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

We reviewed CUP No. 201300170 in the unincorporated County area of Antelope Valley. The project is for the construction and operation of a new 7.45 megawatt, solar-photovoltaic, energy facility near the southwest corner of 90th Street East and East Avenue F.

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

1. Road

- 1.1 Make a 24-foot offer of right of way along the property frontage on 90th Street East, beyond the already dedicated 30 feet (from centerline), to the satisfaction of Public Works. In addition, make an offer for a 10-foot slope easement beyond the 24-foot right-of-way offer to the satisfaction of Public Works. A fee, to cover all related road deed processing and reviews, will be necessary.

- 1.2 Permission is granted to vacate the 8 feet of excess right of way on Avenue F, along the property frontage, so that 32 feet (from centerline) of the 40 feet (from centerline) of existing dedicated right of way remains post-vacation. Should this vacation be pursued, dedication of adequate slope easements (minimum of 10 feet) will be necessary to the satisfaction of Public Works. For additional information and an explanation of the vacation proceedings, please contact Jose Suarez of Public Works' Survey/Mapping and Property Management Division at (626) 458-7060 or jsuarez@dpw.lacounty.gov.
- 1.3 Make a 2-foot offer of right of way along the property frontage on Avenue F-8, beyond the already dedicated 30 feet (from centerline), to the satisfaction of Public Works. In addition, make an offer for a 10-foot slope easement beyond the 2-foot right-of-way offer to the satisfaction of Public Works. A fee, to cover all related road deed processing and reviews, will be necessary.
- 1.4 Make an offer of right-of-way, 32 feet from the centerline, on 87th Street East, along the property frontage, to the satisfaction of Public Works. In addition, make an offer for a 10-foot slope easement beyond the 32-foot offer of right of way to the satisfaction of Public Works. A fee, to cover all related road deed processing and reviews, will be necessary.
- 1.5 Provide a property line return radii of 13 feet at all local street intersections to the satisfaction of Public Works.
- 1.6 Provide a property line return radii of 27 feet at the intersections of Avenue F and 90th Street East and Avenue F-8 and 90th Street East to the satisfaction of Public Works.
- 1.7 Provide adequate slope and drainage easements along all streets frontages to the satisfaction of Public Works.
- 1.8 Whenever there is an offer of right of way, provide a drainage statement/letter to the satisfaction of Public Works.
- 1.9 Underground all new utility lines to the satisfaction of Public Works. A franchise agreement may be required for distribution/transmission facilities within public right of way. For additional information and an explanation of the vacation proceedings, please contact Dayna Rothman of Survey/Mapping and Property Management Division at (626) 458-7072 or drothman@dpw.lacounty.gov.

For questions regarding the road conditions, please contact Juan Sarda of Public Works' Land Development Division at (626) 458-4921 or jsarda@dpw.lacounty.gov.

2. Grading

- 2.1 Submit a grading plan for approval. 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 water quality 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. The latest drainage concept/hydrology/Water Quality/LID plan by Land Development Division's Storm Drain and Hydrology Section shall accompany the grading plan submittal.
- 2.2 The on-site fire access road shall be paved beginning at a point 50 feet beyond the ultimate right-of-way line of East Avenue F to the existing edge of pavement on East Avenue F to the satisfaction of Public Works.
- 2.3 Grading shall be limited to only the access roads, substations, tanks, inverter pads, or basins. Work within the existing vegetation where the solar panels are proposed shall be conducted with minimal disturbance, and the operator shall take all necessary precautions to not use vehicles or machineries for grading or alter the existing grade in these areas.

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

- 2.3 A maintenance agreement may be required for privately maintained drainage devices.
- 2.4 Obtain soil/geology approval of the grading plan from Public Works' Geotechnical and Materials Engineering Division if applicable.

- 2.5 Obtain all applicable jurisdictional permits. These agencies may include the State of California Regional Water Quality Control Board; State of California Department of Fish and Wildlife; State of California Department of Conservation, Division of Oil, Gas and Geothermal Resources; and US Army Corps of Engineers.
- 2.6 Regulatory agency approvals/permit may be required prior to grading plan approval.

For questions regarding the grading conditions, please contact Mr. Sarda at (626) 458-4921 or jsarda@dpw.lacounty.gov.

3. Building and Safety

- 3.1 Submit plans and specifications to meet current applicable codes and standards for structures, grading, mechanical, plumbing, and electrical.
- 3.2 All electrical installations shall meet the requirements of LA County Electrical Code.
- 3.3 Comply with fire, life safety, structural, and accessibility requirements including American with Disabilities Act guidelines.
- 3.4 Any occupiable building must have a restroom for employees.
- 3.5 All foundations must be engineered to comply with existing soil conditions.
- 3.6 Obtain approval from other agencies prior to permit issuance.

For questions regarding the building and safety conditions, please contact Clint Lee from Public Works' Building and Safety Division at (626) 458-3173 or clee@dpw.lacounty.gov.

4. Environmental

- 4.1 A Recycling and Reuse Plan must be submitted to and approved by Public Works' Environmental Programs Division before a construction, demolition, or grading permit may be issued.

For questions regarding the environmental condition, please contact Christopher Sheppard from Public Works' Environmental Program Division at (626) 458-5163 or csheppard@dpw.lacounty.gov.

5. Drainage

- 5.1 Comply with the approved Hydrology dated November 19, 2014, or latest revision.

For questions regarding the drainage comment, please contact Toan Duong of Land Development Division at (626) 458-4921 or tduong@dpw.lacounty.gov.

6. Water

- 6.1 Comply with the attached "Conditional Will Serve Letter" issued by the County of Los Angeles Waterworks Districts dated December 29, 2014.

For questions regarding the water comment, please contact Imelda Ng of Land Development Division at (626) 458-4921 or ing@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Mr. Sarda at (626) 458-4921 or jsarda@dpw.lacounty.gov.

JS:tb

"CONDITIONAL WILL-SERVE LETTER" FOR SUBDIVISIONS

County of Los Angeles
Water Ordinance Unit
900 S. Fremont Ave., 4th Fl.
Alhambra, CA. 91803-1331

City of Lancaster
44933 N. Fern Ave.
Lancaster CA. 93534

City of Palmdale
38300 N. Sierra Hwy.
Palmdale, CA. 93550

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, ANTELOPE VALLEY

STATEMENT OF NONPOTABLE/RECYCLED HAULED WATER SERVICE FOR CONSTRUCTION AND OPERATION

PARCEL OR TRACT MAP NO. 3307-016-012 & 3307-016-013 OF LOTS _____

INQUIRY NO. 1 SPECIFICATION NO. _____ AVG WATER USE 2.5 AC-FT/YR

- This is to state that the District's current nonpotable/recycled water system, presently owned and operated by the District, can adequately provide water service to the development that meets the requirements of the County/City Engineer adopted for the development* and the Rules and Regulations of the District. The developer has paid or will have paid the District's charges at such time as permanent nonpotable/recycled water service is provided.
- This is to state that there is a nonpotable/recycled water system proposed to be installed to serve this development that will, upon satisfactory completion of construction by the developer, at the developer's expense, meet the requirements of the County/City Engineer adopted for the development* and the Rules and Regulations of the District.
- This is to state that additional nonpotable/recycled water system facilities may have to be installed to provide access to nonpotable/recycled water to this development to meet the requirements of the District Engineer, which at this time have not been specifically set. As a condition of receiving nonpotable/recycled water service from the District, the developer will have to install such facilities at his expense and pay the District's applicable charges and fees. It is understood that the developer, assumes responsibility for the installation of any thereby needed nonpotable/recycled water system facilities and payment of the applicable charges and fees of the District.
- The developer has signed and filed a statement with the District agreeing to install the needed nonpotable/recycled water system facilities at his expense. The developer has executed a statement agreeing to the District not providing permanent nonpotable/recycled water service until the facilities are satisfactorily completed and all charges and fees of the District have been paid or are offset by applicable credits
- The developer will be required to pay appropriate connection fees, including meter fees, capital improvement, and local improvement charges prior to start of construction and installation of permanent nonpotable/recycled water service.

Upon satisfactory completion of construction, the developer must dedicate/transfer the necessary right of way to the Waterworks District for ownership before the District will provide nonpotable/recycled water service to the development. Nonpotable/recycled water may have to be hauled by truck from the District's facilities to the developer's project site at the developer's cost.

This document expires one (1) calendar year from the date the District Engineer signs below. After the one year expiration date, the District's obligation to provide nonpotable/recycled water service to this Project is terminated and the District withdraws its commitment to serve this Project.**

** If the Developer does not install all nonpotable/recycled water services within 24 month from the date the District Engineer signs below, then the District withdraws any remaining commitment to serve this Project.

cc: Developer: Antelope Valley Solar, LLC
837 9th Street, Suite D
Santa Monica, CA 90403
DJP Kuest 22 Dec 2014
Signature Date

Developer's DJP Engineering
Engineer: 100 N. Barranca, Suite 860
West Covina, CA 91791

For the District:
[Signature] 12/29/14
Signature Date

Los Angeles County Waterworks Districts
900 South Fremont Avenue
Alhambra, CA 91803-1331
(626) 300-3300



COUNTY OF LOS ANGELES FIRE DEPARTMENT

Fire Prevention Division – Land Development Unit

5823 Rickenbacker Road
Commerce, California 90040-3027
Office (323) 890-4243, Fax (323) 890-9783

DATE: January 8, 2014

SITE PLAN DATE: 11/22/13

TO: Department of Regional Planning
Zoning Permits - Anthony Cruzi

PROJECT #: R2013-03397

LOCATION: 90th Street East and East Avenue F, Lancaster

FIRE DEPARTMENT SOLAR ARRAY FIELD CONDITIONS

General Comments:

1. The proposed project is "cleared" to proceed to public hearing.
2. The proposed solar array field requires a minimum of one entry/ exit location as noted on the site plan.
3. In addition to the interior perimeter Fire Department access road, the design of the solar array field necessitates the need for interior on-site Fire Department access roads going in the directions north to south and east to west as noted on the site plan.
4. A minimum of one water tank is required for the proposed solar array field. The water tank is to be located near the address side entry/ exit gates as noted on the site plan.
5. All Fire Protection facilities, including access and water, must be provided prior to and during construction. Please contact FPEA Wally Collins at (323) 890-4243 if there are questions regarding these comments

On-site & Off-Site Fire Apparatus Access Road Requirements:

1. The fire apparatus on-site & off-site access roads shall be installed and maintained in a drivable condition for the duration of the solar project.
2. The fire apparatus on-site & off-site access roads shall be installed prior to occupancy or operation of the facility.
3. The minimum roadway width within the solar array field is 20 feet, clear-to-the sky, with a center-line turning radius of 32 feet, with an inner radius of 22 feet and an outer radius of 42 feet, for each turn in the solar array field.
6. The fire apparatus on-site & off-site access roads for the solar array field shall have a soil compaction of 90%, OR the apparatus access road shall be excavated and re-compacted to 90%.
7. A perimeter interior roadway is required around the entire solar array field.
8. The design of the solar array necessitates additional interior on-site Fire Department access roads going in the directions north to south and east to west.

On-Site Ingress/ Egress Gates:

1. The on-site ingress/ egress gate shall be located on the address side of the property, and shall be set back 50 feet from the edge of the pavement.
2. The on-site ingress/ egress gate width shall be a minimum of 20 feet, clear-to-sky, with all gate hardware clear of the road way width.
3. The facility emergency contact information shall be provided with each limited access device, per LACoFD Regulation 5, and shall be clearly indicated with an appropriate placard at each ingress location. The minimum size of the placard shall be 12 inches X 12 inches.
4. Provide an approved "Fire Department Knox Lock" for each ingress/ egress gate.
5. The onsite ingress/ egress gates shall be in compliance with LACoFD Fire Prevention Regulation #5.
6. No interior gates permitted on the on-site access roads

Water & Water Tank Requirements:

1. This development requires the installation of one water tank with a minimum tank size of 10,000 gallons for Fire Department use only.
2. The water tanks shall be clearly identified for "Fire Department Use Only".
3. The water tanks shall be located near the ingress/ egress gate.
4. The water tanks shall be in compliance with Fire Department standards.
5. The water tank shall have a low level water local alarm which shall be in compliance with all applicable codes and regulations. The low level water local alarm can be battery operated.
6. The water tank shall have a Fire Department supply outlet of 2 ½ inches in diameter with National Standard threads. The supply outlet is to be located 14-24 inches above the finished grade, and is required to be protected by approved barricades.
7. If the outlet is not provided directly off of the tank, provide a 6 inch underground pipe to a 4 inch upright pipe with an outlet of 2 ½ inches with National Standard threads, which is required to be protected by barricades.

Electrical Equipment:

1. All electrical disconnect locations shall be clearly identified.
2. All electrical shall be in compliance with all applicable state and local codes.

COUNTY OF LOS ANGELES FIRE DEPARTMENT

Fire Prevention Division-Land Development Unit

County Project #R2013-03397

January 8, 2014

Page 2 of 3

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.
2. The vegetation shall be trimmed to a maximum height of 6 inches within the boundaries of the solar array.
3. Electrical transformer vaults or structures shall have all vegetation cleared to mineral soil for a distance of 50 feet.



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Acting Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

Gloria Molina
First District

Mark Ridley-Thomas
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

January 30, 2014

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

FROM: Vicente Banada, REHS *V. B.*
Environmental Health Division
Department of Public Health

SUBJECT: CUP CONSULTATION
PROJECT NO. R2013-03397
SOUTHWEST CORNER OF AVE F & 90TH ST EAST, UNINCORPORATED COUNTY
OF LOS ANGELES

- Environmental Health recommends approval of this CUP.
- Environmental Health does NOT recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the information provided for the project identified above. The proposed project is a solar photovoltaic generating facility of up to 7.45 megawatts in size, located in the unincorporated County of Los Angeles, on unimproved, vacant land zoned for Heavy Agricultural (A-2-1) development.

Prior to the Department clearing this project for public hearing, the requirements listed on the attached reports shall be satisfactorily fulfilled.

For questions regarding potable water and wastewater, please contact the individual listed on the letter for each respective program. For all administrative questions, please contact me at (626) 430-5581.

COUNTY OF LOS ANGELES ♦ DEPARTMENT OF PUBLIC HEALTH

5050 Commerce Drive, Baldwin Park, CA 91706

Date: January 30, 2014

Project No R2013-03397

Page 1 of 2

APN: 3307-016-012 and -013

Specific Requirements for Operation as Solar Farm

Generally, permanently installed restroom and potable water facilities are required to be provided at worksite locations. For the purpose of "Solar Farm" operation, qualifying applicants that meet the requirements of Cal-OSHA sanitation standards in Section 3360, Title 8, California Code of Regulations may purpose "mobile sanitation facilities" consistent with departmental standards established through Los Angeles County Code, Title 11.

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

Wastewater Disposal

1. Submit to Land Use Program a Mobile Sanitation Facility plan consistent with the Department's guidelines, titled, "Sanitation Facilities at Remote Worksites Location".

For questions regarding the wastewater disposal requirements, please contact Eric Edwards at (626) 430-5380.

Potable Water Supply

1. Submit to Drinking Water Program a descriptive plan explaining how potable water will be provided in a manner as to be readily accessible to employees. The plan shall identify the potable water source and method of dispensing. The plan shall also describe how drinking water containers are maintained, including the methods to prevent contamination of the drinking water.

For questions regarding the portable water requirements, please contact Richard Lavin at (626) 430-5380.

Noise

1. It appears that there will be a short term noise impact on the few residences adjacent or near the project boundaries during the construction phase of the project. To mitigate the short term impacts, applicant shall adhere to the requirements of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12. Limit construction activities to occur between the hours of 7am to 7pm (Monday through Saturday).

Dust

1. Dust emissions from the operations are not expected to be significant during the operational life of the project. However, it is recommended that during the construction phase of the project a dust suppression engineering techniques be applied through the implementation of a fugitive dust control

plan. Construction of the project will result in temporary increase in air emissions. Follow best management practices and technologies to minimize air borne dust.

For questions regarding noise and dust, please contact Robert Vasquez (213) 738-3220.