PLANNING COMMISSION AGENDA
MEETING OF SEPTEMBER 5, 2019
Council Chambers, City Hall South, 1501 Truxtun Avenue
Regular Meeting 5:30 P.M.

www.bakersfieldcity.us

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1. ROLL CALL

DANIEL CATER, CHAIR
LARRY KOMAN, VICE-CHAIR
BOB BELL
MICHAEL BOWERS
BARBARA LOMAS
OSCAR L. RUDNICK
PATRICK WADE

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

4. CONSENT CALENDAR NON-PUBLIC HEARING

a. Approval of minutes for the Regular Planning Commission meeting of August 15, 2019.

Staff recommends approval.

5. CONSENT CALENDAR PUBLIC HEARINGS

Ward 1

a. Extension of Time for Vesting Tentative Tract Map 7152 (Phased): McIntosh and Associates requests an extension of time for this tentative tract consisting of 171 single family residential lots on 40 acres, located on the northeast corner of South Fairfax Rd. and East Wilson Rd. Notice of Exemption on file.

Staff recommends approval.

Ward 1

b. Extension of Time for Vesting Tentative Tract Map 7153 (Phased): McIntosh and Associates requests an extension of time for this tentative tract consisting of 180 single family residential lots on 38.41 acres, located north of East Wilson Rd, approximately 1/4 mile east of South Fairfax Rd. Notice of Exemption on file.

Staff recommends approval.

Ward 7

c. Vesting Tentative Parcel Map 12340: McIntosh and Associates, proposes to subdivide 14.26 acres into 7 parcels for future commercial development, located on the south side of Panama Lane and generally east of Wible Road. Negative Declaration on file.

Staff recommends approval.

Ward(s) 1, 2, 3, 4, 5, 6, 7

d. Amendment to Title 17 of the Bakersfield Municipal Code: Proposed amendment of Sections 17.04.539 and 17.58.110, and Chapter 17.65 of the Bakersfield Municipal Code for the purpose of regulating Accessory Dwelling Units. Notice of Exemption on file.

Staff recommends approval.

6. PUBLIC HEARINGS

Ward 7

a. General Plan Amendment and Zone Change No. 19-0035: Porter & Associates, Inc. requests a GPA/ZC on 10.1 acres, located on the northeast corner of the Hosking Avenue and Wible Road that includes: (1) an amendment of the Land Use Element of the Metropolitan Bakersfield General Plan land use designation from LMR (Low Medium Density Residential) to GC (General Commercial), or a more restrictive designation; and (2) a change in zone classification from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial), or a more restrictive district. Mitigated Negative Declaration on file.

Staff recommends approval.

7. NEW BUSINESS

a. Update on Major Development Projects: Staff will provide an update on major development projects in the City.

Receive and file.

8. COMMUNICATIONS

9. COMMISSION COMMENTS

10. ADJOURNMENT

Kevin F. Coyle, AICP CEP
Planning Director

COVER SHEET

PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: September 5, 2019 **ITEM NUMBER:** 4.(a.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Approval of minutes for the Regular Planning Commission meeting of August 15, 2019.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

	Description	Type
	Minutes of August 15, 2019	Cover Memo

PLANNING COMMISSION MINUTES

Meeting of August 15, 2019 - 5:30 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

ACTION TAKEN

1. ROLL CALL

Present: Chair Cater, Koman, Bell, Lomas, Rudnick, Wade

Absent: Commissioner Bowers

Staff Present: Richard Iger, Deputy City Attorney; Kevin F. Coyle, DS Planning Director; Jim Schroeter, Public Works Civil Engineer III; Paul Archambault, Building Civil Engineer III; Dana Cornelius, Secretary.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

None

CONSENT CALENDAR NON-PUBLIC HEARING

4. **a.** Approval of minutes for the Regular Planning Commission meeting of August 1, 2019.

b. **Planning Director's Report – Administrative Review 19-:0239:** REC Solar is requesting to modify Planned Commercial Development (ZC No. 02-0030) to allow solar canopies within the parking lot in a PCD (Planned Commercial Development) district located at 5075 Gosford Rd. Notice of Exemption on file.

RES NO 87-19

REMOVED

c. **Planning Director's Report – Administrative Review 19-0240:** REC Solar is requesting to modify Planned Development Review (PDR No. 17-0391) to allow solar canopies within the parking lot in a C-2/PCD (Regional Commercial/Planned Commercial Development) district located at 5625 Calloway Dr. Notice of Exemption on file.

RES NO 88-19

REMOVED

	ACTION TAKEN
d. Planning Director's Report – Administrative Review 19-0241: REC Solar is requesting to modify Planned Development Review (PDR No. 15-0053) to allow solar canopies within the parking lot in a C-2/PCD (Regional Commercial/Planned Commercial Development) district located at 1249 Allen Rd. Notice of Exemption on file.	**RES NO 89-19** ***REMOVED***
Motion by Commissioner Koman, seconded by Commissioner Wade, to approve Consent Calendar Non-Public Hearing Item 4.a. Agenda Items 4.b. thru 4.d. were removed for discussion.	**APPROVED**
Staff report given on Agenda Items 4.b. thru 4.d. Commission deliberated.	
Motion by Commissioner Rudnick, seconded by Commission Wade to approve the Director's Reports, with a condition of approval to address the color scheme.	**APPROVED** **BOWERS ABSENT**
5. **CONSENT CALENDAR PUBLIC HEARINGS**	
a. Planned Development Review No. 19-0189: Bo Lundy is requesting a Planned Development Review to allow development of a retail center in the C-2/P.C.D. (Regional Commercial/Planned Commercial Development Zone) district, located at 8120 Hughes Lane. Notice of Exemption on file. ***Continued from 7/18/2019.***	**RES NO 90-19**
Staff report given. Public hearing opened. No one spoke in favor or opposition. Public hearing closed. Commission deliberated.	
Motion by Commissioner Lomas, seconded by Commissioner Wade, to approve Agenda Item 5.a., with memorandum from August 15, 2019. Chair Cater abstained.	**APPROVED** **CATER ABSTAINED** **BOWERS ABSENT**
6. **PUBLIC HEARINGS**	
None	

ACTION TAKEN

7. COMMUNICATIONS

Planning Director Kevin Coyle stated he would have an update on major projects/developments in the City at the next Planning Commission meeting of September 5, 2019.

8. COMMISSION COMMENTS

The Planning Commission expressed an interest in conducting a workshop on the Extension of Time policy and the fiscal impacts of that policy.

9. ADJOURNMENT

There being no further business, Chair Cater adjourned the meeting at 6:20 p.m.

Dana Cornelius
Recording Secretary

Kevin F. Coyle, AICP CEP
Planning Director

S:\1Planning Commission\PC\Minutes\2019\8.15 draft

COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: September 5, 2019	**ITEM NUMBER:** Consent - Public Hearing5.(a.)

TO: Planning Commission

FROM: Kevin F. Coyle, AICP CEP, Planning Director

PLANNER: Jennie Eng, Principal Planner

DATE:

WARD: Ward 1

SUBJECT:
Extension of Time for Vesting Tentative Tract Map 7152 (Phased): McIntosh and Associates requests an extension of time for this tentative tract consisting of 171 single family residential lots on 40 acres, located on the northeast corner of South Fairfax Rd. and East Wilson Rd. Notice of Exemption on file.

APPLICANT: McIntosh & Associates

OWNER: Fairfax Holdings, LP

LOCATION: Located on the northeast corner of South Fairfax Rd. and East Wilson Rd in southeast Bakersfield

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STAFF RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

Description	Type
Staff Report	Staff Report
Resolution with Exh	Resolution

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CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT

TO: Chair and Members of the Planning Commission AGENDA ITEM: 5.a.

FROM: Kevin F. Coyle, AICP CEP, Planning Director APPROVED: KFC

DATE: September 5, 2019

SUBJECT: **EXTENSION OF TIME FOR VESTING TENTATIVE TRACT MAP 7152 (WARD 1)**

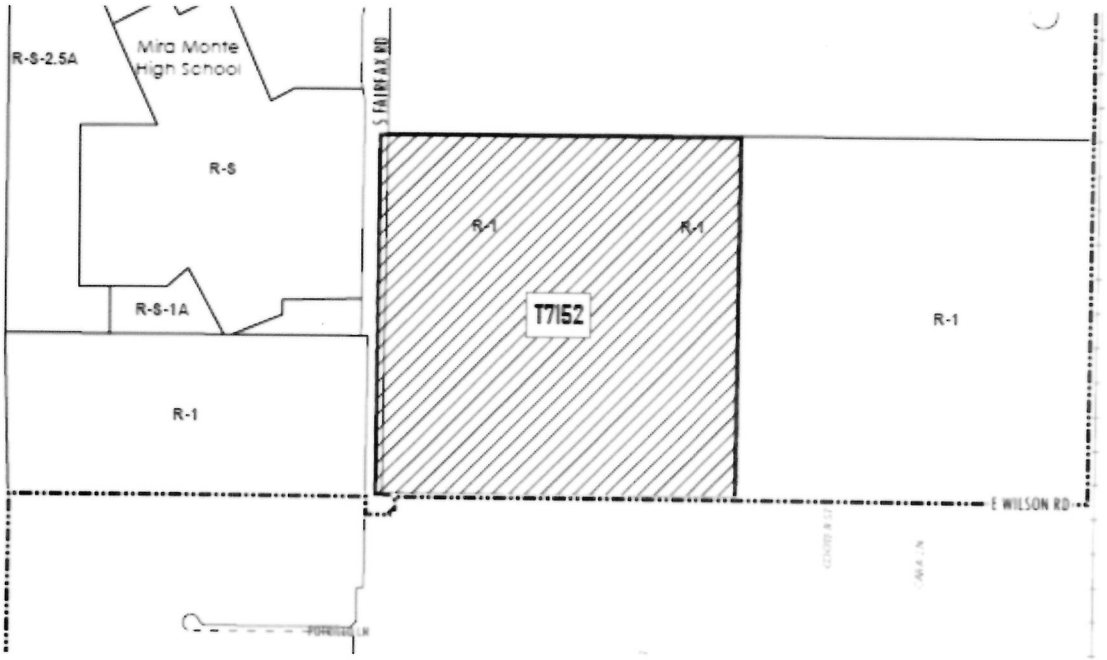
APPLICANT:

ENGINEER
McIntosh and Associates
2001 Wheelan Ct
Bakersfield, CA 93309

SUBDIVIDER/PROPERTY OWNER
Fairfax Holdings LLC
1170 Oriole Rd
Santa Barbara, CA 93108

LOCATION: Northeast corner of South Fairfax Road and East Wilson Road (APN #:173-260-03)

Figure 1. Location Map



RECOMMENDATION:

Adopt Resolution and suggested findings **APPROVING** the extension of time for Vesting Tentative Tract Map 7152 as depicted in the project description.

PROJECT DESCRIPTION

This project is a request for an extension of time for a vesting tentative tract map to create 171 single-family residential lots on 25.91acres, zoned R-1 (One-Family Dwelling Zone).

Figure 2: **SITE VISIT PHOTO**
View looking west across property toward
Mira Monte High School in the background on the west side of So. Fairfax

PROJECT ANALYSIS:

Background and Timeline:

June 19, 2008: Original approval of Vesting Tentative Tract Map 7152 by your Commission to create 171 single-family lots on a 25.91 acre subdivision area zoned R-1 (One-Family Dwelling. A Mitigated Negative Declaration for the project was adopted by the City Council on January 16, 2008 for related Zone Change 07-1193, which included a review of a site specific noise, air quality, and traffic studies, and cultural resource survey mitigation requirements.

September 12, 2008: Fairfax No. 4 Annexation # 581 was completed and incorporated into the City of Bakersfield. This annexation included the property of VTTM 7153.

2008, 2010, 2011, 2013 and 2015: Automatic extensions of time as approved by State legislation (further detail provided below under "Analysis").

Analysis:

The applicant is requesting a three-year extension of time to allow for additional time to record this map. No phase of this map has recorded. The applicant requested the extension of time in writing prior to the September 11, 2019 expiration date. The applicant has requested additional time for the developer to record final maps.

In response to the Economic Downturn and the Recession, the California State Legislature approved a series of automatic extensions to certain approved tentative subdivision maps. As a result of these state extensions, Vesting Tentative Tract Map 7152 was previously provided one

additional year of approval per SB 1185 (2008), two additional years under AB 333 (2009), two additional years under AB 208 (2011), two additional years under AB 116 (2013) and two additional years under AB 1303 (2015). The cumulative result of the automatic extensions of time approved by the State is that this tentative map expires on September 11, 2019. The Subdivision Map Act allows an additional 60 days beyond the expiration date to provide local jurisdictions time to consider the extension of time request.

The Subdivision Map Act and the Bakersfield Municipal Code allow for separate extensions to be approved by your Commission with an aggregate of up to six years. Typically, City policy has been to approve extensions of time in 2, three-year intervals. This current request represents the first request for Vesting Tentative Tract Map 7152. Staff recommends approval of a three-year extension of time to expire on September 11, 2022, with no changes to previously approved conditions of approval. The original subdivision application was deemed complete on April 11, 2008.

Surrounding Uses:

The site is surrounded primarily by vacant land to the east and north. Rural residential development is to the south. Mira Monte High School is located to the west.

Figure 3. Aerial Photo

The project site has been recently disked for agricultural planting. It is depicted as Low Density Residential on the Land Use Element of the Metropolitan Bakersfield General Plan. The site is vacant land and is surrounded by:

Table A. Surrounding Land Use Designations and Zoning Districts			
DIRECTION	**LAND USE DESIGNATION**	**ZONING DISTRICT**	**EXISTING LAND USE**
NORTH	LR	R-1	Agriculture; Approved VTM 6939
SOUTH	RR	E-(2½); RS; MH	Unincorporated Kern County: Agriculture
EAST	LR, PS	R-1	Agriculture; Approved VTM 7153
WEST	SR; LR	R-S; R-S-(1A); R-1	Agriculture; Miramonte High School; Approved VTM 6902
Land Use Designations: SR: ≤ 4 du/na LR: ≤ 7.26 du/na RR : Rural Residential PS: Public/Private Schools		Zoning Designations R-1: One Family Dwelling R-S : Residential-Suburban R-S (1A) : Residential-Suburban – 1 acre minimum lot size County R-1: One Family Dwelling County R-S-(1A): Residential-Suburban- 2.5 acre minimum lot size County : E- (2½) : Estate-2.5 acre minimum lot size	

Circulation:

Primary access to the proposed subdivision is from South Fairfax Road (arterial street) on the west boundary and East Wilson Road (collector street) along the south boundary. Local residential streets are shown to connect to the east into Vesting Tentative Tract Map 7153 and to the north into Vesting Tentative Tract Map 6939. The closest Golden Empire Transit (GET) bus is at Mt. Vernon Ave. and East Brundage Lane (Route 41), and is accessible to the tract approximately 3 miles away along South Fairfax Road to East Brundage Lane. The City's Bikeway Master Plan designates that the closest area identified for future bike lanes are South Fairfax Road and Weedpatch Highway, west and east of the project ½ mile respectively.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Based upon an initial environmental assessment, pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared for the original project (ZC 07-1193) of the subject property and a Mitigated Negative Declaration was adopted on January 16, 2008. In accordance with Section 15061(b)(3), Common Sense Exemption, this project is exempt from the requirements of CEQA because it will not affect the environment.

Noticing:

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Planning Department. All property owners within 300 feet of the project site were notified about the hearing at least 10 days prior to the public hearing in accordance with State law.

CONCLUSION:

The applicant provided the application for the Extension of Time for Vesting Tentative Tract Map 7152 in a timely manner, and has requested a three-year extension for additional time for the developer to record final maps. The three-year extension is reasonable and is in compliance

with the extensions permitted by BMC 16.16.080. Therefore, the request is recommended for approval by the Planning Director.

Exhibits: (attached):

Exhibit A: Resolution
A-1 Location Map with Zoning
A-2 Vesting Tentative Tract Map 7152

Exhibit B: Notice of Exemption

EXHIBIT A

RESOLUTION NO. _____

DRAFT

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO APPROVE AN EXTENSION OF TIME FOR VESTING TENTATIVE TRACT MAP 7152 ON CERTAIN PROPERTY, LOCATED ON THE NORTHEAST CORNER OF SOUTH FAIRFAX ROAD AND EAST WILSON ROAD.

WHEREAS, McIntosh and Associates, representing Fairfax Holdings, L.P. filed an application with the City of Bakersfield Planning Department requesting an extension of time for Vesting Tentative Tract Map 7152 (the "Project") located in the City of Bakersfield as shown on attached (Exhibit "A"); and

WHEREAS, the application was submitted on July 24, 2019, which is prior to the expiration date of Vesting Tentative Map 7152, and in accordance with the provisions of Section 16.16.080 of the Bakersfield Municipal Code; and

WHEREAS, the original application of the tentative map was deemed complete on April 11, 2008, conditionally approved by the Planning Commission on June 19, 2008; and

WHEREAS, a mitigated negative declaration was previously approved by the Planning Commission on January 16, 2008 for Zone Change No. 07-1193 related Vesting Tentative Tract Map 7152; and

WHEREAS, there have been no substantial changes to the Project or circumstances under which it will be undertaken; and

WHEREAS, no new environmental impacts have been identified; and

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant State CEQA Guidelines Section 15061(b)(3), Common Sense Exemption; and

WHEREAS, the Secretary of the Planning Commission set Thursday, September 5, 2019 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the application, and notice of the public hearing was given in the manner provided in Title Sixteen of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report, environmental review evidence received both in writing, and the verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published

in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the CEQA have been followed.

3. Pursuant to State CEQA Guidelines Section 15061(b) (3), Common Sense Exemption, the Project is exempt from the requirements of CEQA because it will not affect the environment. The Notice of Exemption was properly noticed for public review.

4. This request for an extension of time is pursuant to Bakersfield Municipal Code Section 16.16.080 and Subdivision Map Act Section 66452.6 (e).

NOW, THEREFORE, **BE IT RESOLVED** by the Planning Commission of the City of Bakersfield as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The project is exempt from CEQA, pursuant to CEQA Guidelines Section 15061(b) (3), Common Sense Exemption.

3. The expiration date of Vesting Tentative Tract Map 7152 is hereby extended until September 11, 2022.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on September 5, 2019, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

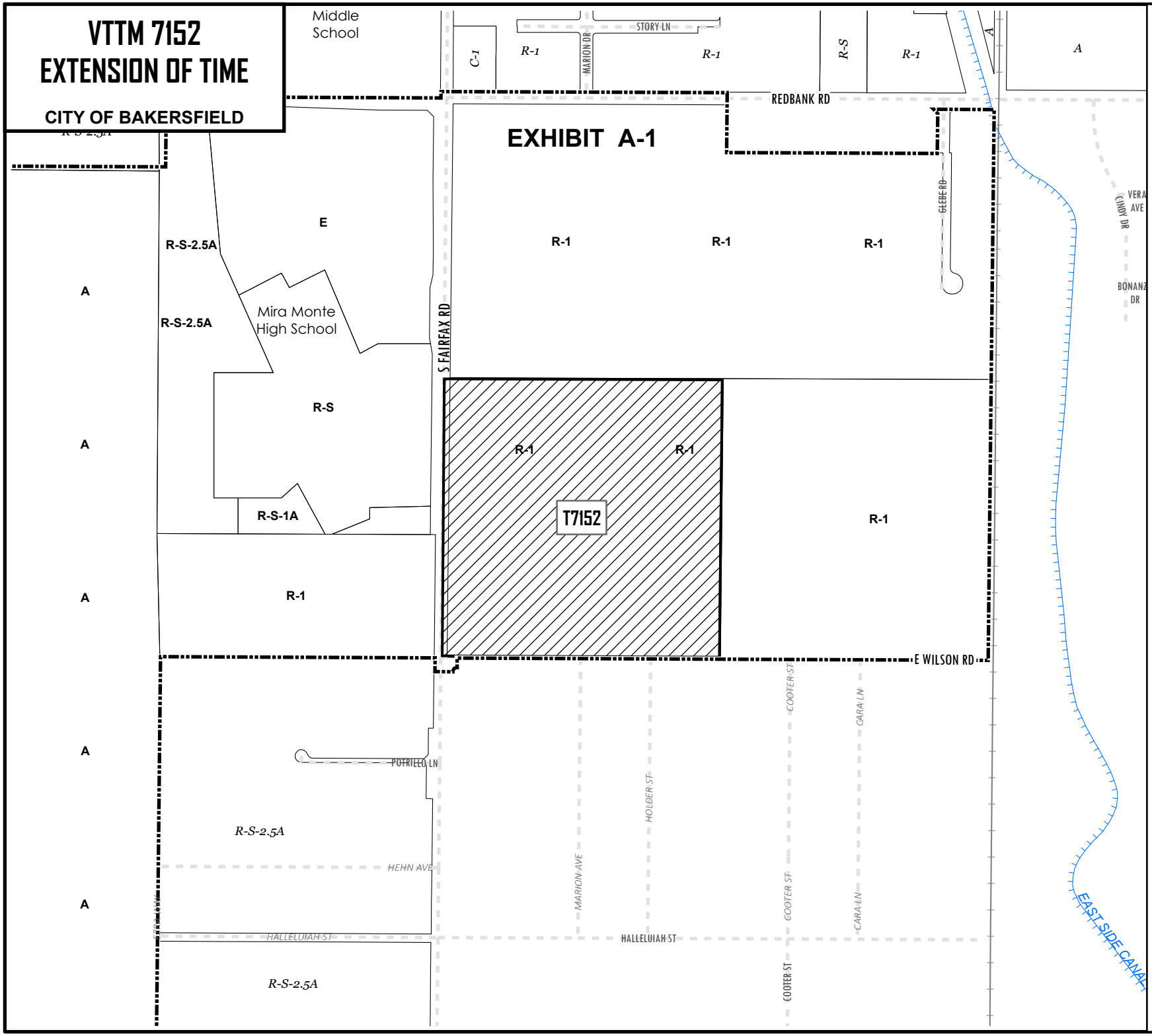
APPROVED

_____
DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits: A-1 Location Map with Zoning
A-2 Vesting Tentative Tract Map

VTTM 7152
EXTENSION OF TIME

CITY OF BAKERSFIELD



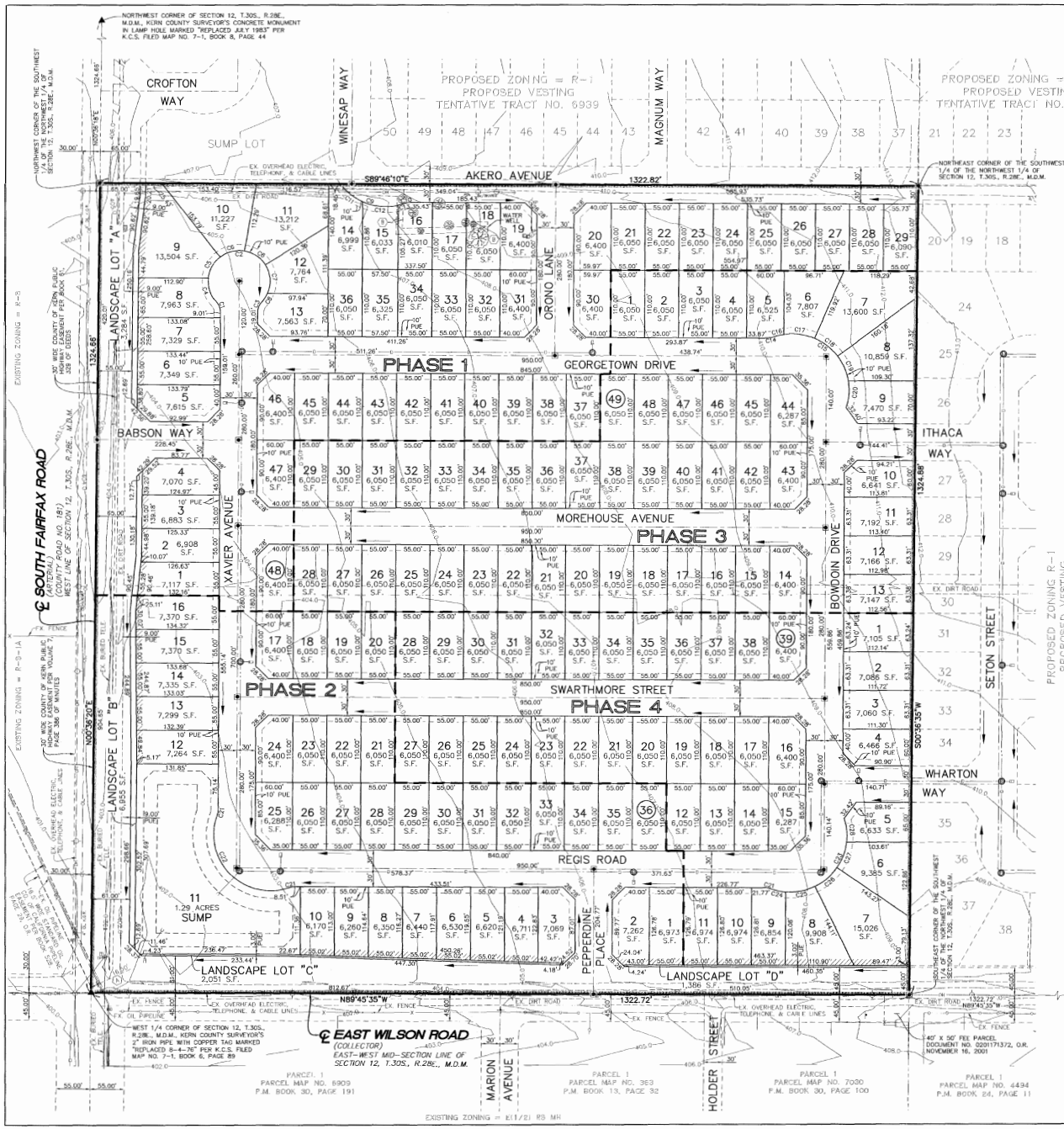
LEGEND (ZONE DISTRICTS)

R-1 One Family Dwelling
6,000 sq.ft. min lot size
R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
E Estate
10,000 sq.ft. min lot size
R-S Residential Suburban
24,000 sq.ft./dwelling unit
R-S-( ) Residential Suburban
1, 2.5, 5 or 10 min lot size
R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
R-H Residential Holding
20 acre min lot size
A Agriculture
6,000 sq.ft. min lot size
A-20A Agriculture
20 acre min lot size
PUD Planned Unit Development
TT Travel Trailer Park
MH Mobilehome
C-O Professional and Administrative Office
C-1 Neighborhood Commercial
C-2 Regional Commercial
C-C Commercial Center
C-B Central Business
PCD Planned Commercial Development
M-1 Light Manufacturing
M-2 General Manufacturing
M-3 Heavy Industrial
P Automobile Parking
RE Recreation
Ch Church Overlay
OS Open Space
HOSP Hospital Overlay
AD Architectural Design Overlay
FP-P Floodplain Primary
FP-S Floodplain Secondary
AA Airport Approach
DI Drilling Island
PE Petroleum Extraction Combining
SC Senior Citizen Overlay
HD Hillside Development Combining
WM- West Ming Specific Plan

N
Feet
0 250 500

Document Name: 20190706

EXHIBIT A-2



VESTING TENTATIVE TRACT NO. 7152

BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST
QUARTER OF SECTION 12, TOWNSHIP 30 SOUTH, RANGE 28 EAST,
M.D.M., CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA
40.23 (GROSS) ACRES WITHIN TRACT BOUNDARY
171 SINGLE-FAMILY LOTS, 4 LANDSCAPE LOTS, AND 1 SUMP LOT
MARCH OF 2008

NORTH
SCALE: 1"= 80'

OWNER:

FAIRFAX HOLDINGS, L.P.,
A TEXAS LIMITED PARTNERSHIP
812 ANACAPA STREET
SANTA BARBARA, CA 93101
CONTACT: DONALD BENNETT
PHONE: (805) 962-1111

ENGINEER:

McINTOSH & ASSOCIATES
2001 WHEELAN COURT
BAKERSFIELD, CA 93309
CONTACT: ROGER McINTOSH
PHONE: (661) 834-4814

PHASING:

THE NUMBERING OF THE PHASES ARE FOR IDENTIFICATION PURPOSES ONLY AND DO NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT.

BASIS OF BEARINGS:

THE BEARING OF N00°36'19"E, SHOWN FOR THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 12, T.30S., R.28E., M.D.M. PER KERN COUNTY SURVEYOR'S FILED MAP NO. 7-1, BOOK 6, PAGE 89, WAS USED AS THE BASIS OF BEARINGS HEREON.

CURVE TABLE

CURVE	RADIUS	LENGTH
C1	25.00'	18.69'
C2	50.00'	231.84'
C3	25.00'	18.69'
C4	50.00'	42.39'
C5	50.00'	40.14'
C6	50.00'	37.54'
C7	50.00'	48.89'
C8	50.00'	16.80'
C9	92.00'	117.55'
C10	25.00'	8.69'
C11	92.00'	47.26'
C12	92.00'	58.77'
C13	92.00'	11.52'
C14	25.00'	8.69'
C15	92.00'	205.74'
C16	92.00'	18.20'
C17	92.00'	50.80'
C18	92.00'	47.84'
C19	92.00'	44.60'
C20	92.00'	44.31'
C21	25.00'	8.69'
C22	92.00'	208.48'
C23	92.00'	205.86'
C24	92.00'	25.35'
C25	92.00'	48.79'
C26	92.00'	47.36'
C27	92.00'	45.12'
C28	92.00'	39.24'

VICINITY MAP

NO SCALE

GENERAL NOTES:

ALL ROAD IMPROVEMENTS AND DRAINAGE IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF BAKERSFIELD.

IT IS ANTICIPATED THAT THE GRADING OF THIS TRACT WILL BE WITHIN THE AMOUNTS OUTLINED WITHIN SECTION 16.16.030(0) OF THE MUNICIPAL CODE.

A 10' PUBLIC UTILITY EASEMENT (PUE) IS PROPOSED AND IS LOCATED IN ALL FRONT AND SIDE YARDS ADJACENT TO ALL STREETS.

ALL STREETS SHOWN HEREON SHALL BE PUBLIC AND WILL BE DEDICATED TO THE CITY OF BAKERSFIELD UPON RECORDATION OF THE FINAL MAP.

ALL RETURNS ARE 20' RADII CUTOFFS, UNLESS OTHERWISE NOTED.

ALL CUL-DE-SAC AND KNUCKLE RETURNS ARE 25' RADII CUTOFFS, UNLESS NOTED OTHERWISE.

STANDARD OIL COMPANY OF CALIFORNIA PIPELINES CROSS THE SOUTHWEST CORNER OF THIS SITE.

THERE ARE NO EXISTING RESIDENTIAL STRUCTURES WITHIN THE PROJECT SITE.

THIS PROJECT IS A PART OF ANNEXATION NO. 581 FAIRFAX NO. 4

ALTERNATE STREET NAMES:

THE FOLLOWING STREET NAMES ARE PROVIDED AS SUBSTITUTIONARY ALTERNATIVES. PLEASE CONSIDER THESE NAMES IN THE ORDER THEY ARE HEREBY SUBMITTED TO REPLACE NAMES ON THE MAP THAT MAY NOT BE ACCEPTABLE.

1. CASE WESTERN
2. HOLY CROSS
3. HOPE
4. TUFTS
5. WAKE FOREST
6. WELLESLEY
7. WHITTIER

EASEMENT LEGEND:

Ⓐ	16.50' WIDE PIPELINE EASEMENT IN FAVOR OF STANDARD OIL COMPANY OF CALIFORNIA, A CORPORATION RECORDED JUNE 20, 1934 IN BOOK 513, PAGE 211, O.R.
Ⓑ	PRIVATE WATER PIPELINE AND WATER WELL EASEMENT RECORDED MAY 22, 1979 IN BOOK 5199, PAGE 1171, O.R.

STATISTICS:

APN: 173-260-03
TOTAL SITE ACREAGE: 40.23 (GROSS) ACRES
NUMBER OF PROPOSED UNITS: 171 SINGLE-FAMILY LOTS
NET ACREAGE: 25.91 (NET) ACRES
NET DENSITY: 6.60 LOTS PER NET ACRE
PROPOSED USE: SINGLE-FAMILY RESIDENTIAL
EXISTING USE: AGRICULTURE
EXISTING ZONING: R-1 (PER GPA/ZC 07-1193)
EXISTING GENERAL PLAN: LR (PER GPA/ZC 07-1193)
SCHOOL DISTRICTS:
    KERN HIGH SCHOOL DISTRICT:
        FOOTHILL HIGH SCHOOL
        MIRA MONTE HIGH SCHOOL (FALL 2008)
    FAIRFAX SCHOOL DISTRICT:
        FAIRFAX MIDDLE SCHOOL
        SHIRLEY LANE ELEMENTARY SCHOOL
SEWER: CITY OF BAKERSFIELD
WATER: EAST NILES COMMUNITY SERVICES DISTRICT
ELECTRIC: PACIFIC GAS & ELECTRIC COMPANY
GAS: PACIFIC GAS & ELECTRIC COMPANY
CABLE: BRIGHT HOUSE NETWORKS
PHONE: A.T.&T.

LEGEND:

EX.	EXISTING
O.R.	OFFICIAL RECORDS
▲	FOUND MONUMENT AS DESCRIBED
▣	PROPOSED CONCRETE MONUMENT IN LAMPHOLE
-○-	EXISTING POWER POLE
SP -○-	EXISTING SERVICE POLE
TP -○-	EXISTING TELEPHONE POLE
E	EXISTING METER BOX
⊥	EXISTING TRAFFIC SIGN
+	EXISTING STREET NAME SIGN
PM	EXISTING PIPELINE MARKER
T	EXISTING TELEPHONE PEDESTAL
❀	EXISTING TREE
——□	PROPOSED CATCH BASIN
← 0.20% (MIN)	DIRECTION DRAINAGE AND APPROXIMATE GRADE
—⊖—D—	PROPOSED STORM DRAIN MANHOLE AND STORM DRAIN LINE
—— OH ——	EXISTING O.H. ELECTRICAL LINE(S)
—— T ——	EXISTING TELEPHONE LINE(S)
—— OIL ——	EXISTING OIL LINE
—X——X—	EXISTING CHAIN LINK FENCE
—o—o—o—	EXISTING BARB WIRE FENCE
~ 412.0 ~	EXISTING GROUND CONTOUR
— — —	PROPOSED PHASE LINES
▨	PROPOSED WAIVER OF DIRECT ACCESS

McINTOSH & ASSOCIATES
LAND SURVEYING • CIVIL ENGINEERING © 2008

2001 WHEELAN COURT
BAKERSFIELD, CALIFORNIA 93309
(661) 834 - 4814

DRAWN BY:	GC	JOB NO:	05-046.04
CHECKED BY:		DATE:	12/12/07

LICENSED LAND SURVEYOR
JEFFREY L. MARTIN
No. 5798
Exp. 06-30-08
STATE OF CALIFORNIA
DATE: 5-28-08

REVISIONS

DATE	REVISIONS	BY
3/25/08	REVISIONS PER COMPLETENESS LETTER	GC

FAIRFAX HOLDINGS, LP
SOUTH FAIRFAX ROAD AND EAST WILSON ROAD
VESTING TENTATIVE TRACT NO. 7152

AutoCAD FILE: 0504604TT01

SHEET 1 OF 1 SHEETS

ATTACHMENT B
NOTICE OF EXEMPTION

TO: __ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

_X_ County Clerk
County of Kern
1115 Truxtun Avenue
Bakersfield, CA 93301

FROM: City of Bakersfield
Planning Division
1715 Chester Avenue
Bakersfield, CA 93301

Project Title: Extension of Time for Vesting Tentative Tract Maps 7152 and 7153

Project Location-Specific: East of South Fairfax, Road, and north of East Wilson Road.

Project Location-City: Bakersfield **Project Location-County:** Kern

Description of Project:
Extension of Time for Vesting Tentative Tract Map 7152 consisting of 171 lots on 40 acreS AND Extension of Time for Vesting Tentative Tract Map 7153 consisting of 180 lots on 38.41 acres, both zoned R-1 for single family residential development.

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project: McIntosh and Associates

Exempt Status:

__ Ministerial (Sec.21080(b)(1); 15268));
__ Declared Emergency (Sec.21080(b)(3); 15269(a));
__ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
__ Categorical Exemption. State type and section number.
__ Statutory Exemptions. State section number. _____
X Project is exempt from CEQA pursuant to Section 15061(b)(3)

Reasons why project is exempt: Will not have an effect on the environment based on the common sense exemption.

Lead Agency: Contact Person: Jennie Eng Telephone/Ext. 661-326-3043

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes__ No_

Signature:_____ **Title**: Principal Planner **Date**:_____

_X_ Signed by Lead Agency
_____ Signed by Applicant

Date received for filing at OPR: _____

S:\TRACTS\7152 EOT\7152 & 7153 NOE.docx

COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: September 5, 2019	**ITEM NUMBER:** Consent - Public Hearing5.(b.)

TO: Planning Commission

FROM: Kevin F. Coyle, AICP CEP, Planning Director

PLANNER: Jennie Eng, Principal Planner

DATE:

WARD: Ward 1

SUBJECT:
Extension of Time for Vesting Tentative Tract Map 7153 (Phased): McIntosh and Associates requests an extension of time for this tentative tract consisting of 180 single family residential lots on 38.41 acres, located north of East Wilson Rd, approximately 1/4 mile east of South Fairfax Rd. Notice of Exemption on file.

APPLICANT: McIntosh & Associates

OWNER: Fairfax Holdings, LP

LOCATION: Located north of East Wilson Rd, approximately 1/4 mile east of South Fairfax Rd. in southeast Bakersfield.

STAFF RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

Description	Type
Staff Report	Staff Report
Resolution with Exh	Resolution

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CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT

TO: Chair and Members of the Planning Commission AGENDA ITEM: 5.b.

FROM: Kevin F. Coyle, AICP CEP, Planning Director APPROVED: KFC

DATE: September 5, 2019

SUBJECT: **EXTENSION OF TIME FOR VESTING TENTATIVE TRACT MAP 7153 (WARD 1)**

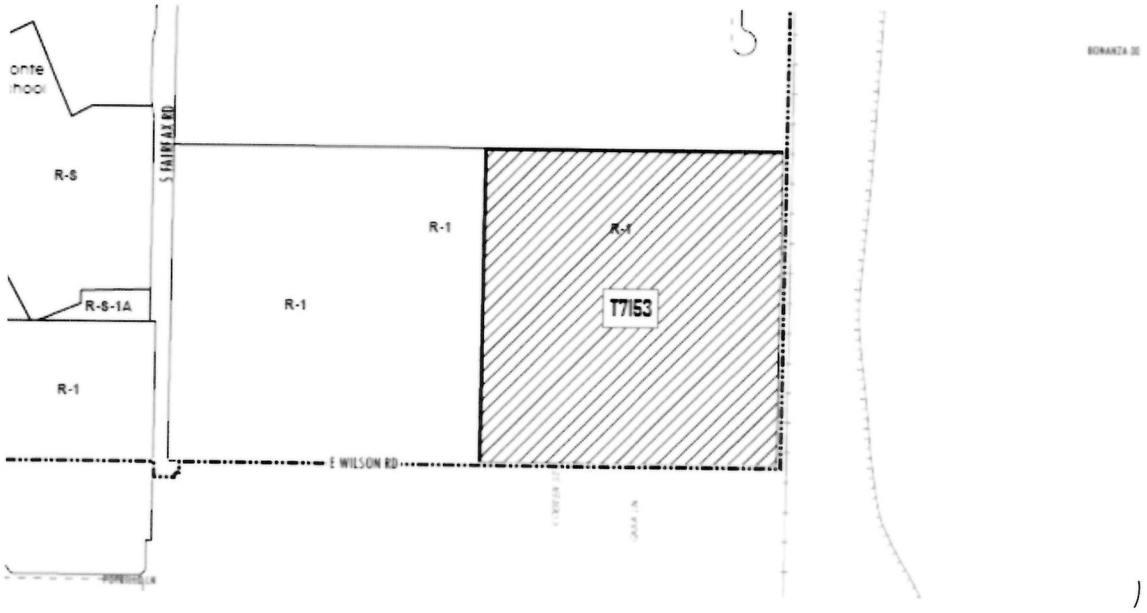
APPLICANT:

ENGINEER
McIntosh and Associates
2001 Wheelan Ct
Bakersfield, CA 93309

SUBDIVIDER/PROPERTY OWNER
Fairfax Holdings LLC
1170 Oriole Rd
Santa Barbara, CA 93108

LOCATION: Located north of East Wilson Rd., ¼ mile east of So. Fairfax Rd. (APN #:173-260-16)

Figure 1. Location Map



RECOMMENDATION:

Adopt Resolution and suggested findings **APPROVING** the extension of time for Vesting Tentative Tract Map 7153 as depicted in the project description.

PROJECT DESCRIPTION

This project is a request for an extension of time for a vesting tentative tract map to create 180 single-family residential lots on 38.41 acres, zoned R-1 (One-Family Dwelling Zone).

Figure 2: **SITE VISIT PHOTO**
View looking north across property.

PROJECT ANALYSIS:

Background and Timeline:

June 19, 2008:. Original approval of Vesting Tentative Tract Map 7153 by your Commission to create 180 single-family lots on a 38.41 acre subdivision area zoned R-1 (One-Family Dwelling). A Mitigated Negative Declaration for the project was adopted by the City Council on January 16, 2008 for related Zone Change 07-1193, which included a review of a site specific noise, air quality, and traffic studies, and cultural resource survey mitigation requirements.

September 12, 2008: Fairfax No. 4 Annexation # 581 was completed and incorporated into the City of Bakersfield. This annexation included the property of VTTM 7153.

2008, 2010, 2011, 2013 and 2015: Automatic extensions of time as approved by State legislation (further detail provided below under "Analysis").

Analysis:

The applicant is requesting a three-year extension of time to allow for additional time to record this map. *No phase of this map has recorded.* The applicant requested the extension of time in writing prior to the September 11, 2019 expiration date. The applicant has requested additional time for the developer to record final maps.

In response to the Economic Downturn and the Recession, the California State Legislature approved a series of automatic extensions to certain approved tentative subdivision maps. As a result of these state extensions, Vesting Tentative Tract Map 7153 was previously provided one additional year of approval per SB 1185 (2008), two additional years under AB 333 (2009), two additional years under AB 208 (2011), two additional years under AB 116 (2013) and two

additional years under AB 1303 (2015). The cumulative result of the automatic extensions of time approved by the State is that this tentative map expires on September 11, 2019. The Subdivision Map Act allows an additional 60 days beyond the expiration date to provide local jurisdictions time to consider the extension of time request.

The Subdivision Map Act and the Bakersfield Municipal Code allow for separate extensions to be approved by your Commission with an aggregate of up to six years. Typically, City policy has been to approve extensions of time in 2, three-year intervals. This current request represents the first request for Vesting Tentative Tract Map 7153. Staff recommends approval of a three-year extension of time to expire on September 11, 2022, with no changes to previously approved conditions of approval. The original subdivision application was deemed complete on April 11, 2008.

Surrounding Uses:

The site is surrounded primarily by vacant land to the west, east and north. Rural residential development is to the south. Mira Monte High School is located about ¼ mile to the west.

Figure 3. Aerial Photo

The project site has been recently disked for agricultural planting. It is depicted as Low Density Residential on the Land Use Element of the Metropolitan Bakersfield General Plan. The site is vacant land and is surrounded by:

Table A. Surrounding Land Use Designations and Zoning Districts			
DIRECTION	**LAND USE DESIGNATION**	**ZONING DISTRICT**	**EXISTING LAND USE**
NORTH	LR	R-1	Agriculture; Approved VTM 6892
SOUTH	RR	E-(2½); RS; MH	Unincorporated Kern Co: Agriculture
EAST	RI-A	A	Unincorporated Kern Co: Agriculture
WEST	LR	R-1	Agriculture; Approved VTM 7152
Land Use Designations: RI-A : Resource-Intensive Agriculture LR: ≤ 7.26 du/na RR : Rural Residential		Zoning Designations R-1: One Family Dwelling R-S : Residential-Suburban R-S (2 ½A) : Residential-Suburban – 2 ½ acre minimum lot size MH : Mobile Home	

Circulation:

Primary access to the proposed subdivision is from East Wilson Road (collector street) along the southern border of the subdivision, and local residential streets are shown to connect to the west into Vesting Tentative Tract Map 7152 and to the north into Vesting Tentative Tract Map 6892. The closest Golden Empire Transit (GET) bus is at Mt. Vernon Ave. and East Brundage Lane (Route 41), and is accessible to the tract approximately 3 miles away along South Fairfax Road to East Brundage Lane. The City's Bikeway Master Plan designates that the closest area identified for future bike lanes are South Fairfax Road and Weedpatch Highway, west and east of the project ½ mile respectively.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Based upon an initial environmental assessment, pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared for the original project (ZC 07-1193) of the subject property and a Mitigated Negative Declaration was adopted on January 16, 2008. In accordance with Section 15061(b)(3), Common Sense Exemption, this project is exempt from the requirements of CEQA because it will not affect the environment.

Noticing:

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Planning Department. All property owners within 300 feet of the project site were notified about the hearing at least 10 days prior to the public hearing in accordance with State law.

CONCLUSION:

The applicant provided the application for the Extension of Time for Vesting Tentative Tract Map 7153 in a timely manner, and has requested a three-year extension to allow more time for the developer to record final maps. The three-year extension is reasonable and is in compliance with the extensions permitted by BMC 16.16.080. Therefore, the request is recommended for approval by the Planning Director.

Exhibits: (attached): Exhibit A: Resolution with A-1 Location Map with Zoning
A-2 Vesting Tentative Tract Map 7153
Exhibit B: Notice of Exemption

EXHIBIT A

RESOLUTION NO. _____

DRAFT

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO APPROVE AN EXTENSION OF TIME FOR VESTING TENTATIVE TRACT MAP 7153 ON CERTAIN PROPERTY, LOCATED NORTH OF EAST WILSON ROAD, APPROXIMATELY ¼ MILE EAST OF SOUTH FAIRFAX ROAD

WHEREAS, McIntosh and Associates, representing Fairfax Holdings, L.P. filed an application with the City of Bakersfield Planning Department requesting an extension of time for Vesting Tentative Tract Map 7153 (the "Project") located in the City of Bakersfield as shown on attached (Exhibit "A"); and

WHEREAS, the application was submitted on July 24, 2019, which is prior to the expiration date of Vesting Tentative Map 7153, and in accordance with the provisions of Section 16.16.080 of the Bakersfield Municipal Code; and

WHEREAS, the original application of the tentative map was deemed complete on April 11, 2008, conditionally approved by the Planning Commission on June 19, 2008; and

WHEREAS, a mitigated negative declaration was previously approved by the Planning Commission on January 16, 2008 for Zone Change No. 07-1193 related Vesting Tentative Tract Map 7153; and

WHEREAS, there have been no substantial changes to the Project or circumstances under which it will be undertaken; and

WHEREAS, no new environmental impacts have been identified; and

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant State CEQA Guidelines Section 15061(b)(3), Common Sense Exemption; and

WHEREAS, the Secretary of the Planning Commission set Thursday, September 5, 2019 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the application, and notice of the public hearing was given in the manner provided in Title Sixteen of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report, environmental review evidence received both in writing, and the verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the CEQA have been followed.

3. Pursuant to State CEQA Guidelines Section 15061(b) (3), Common Sense Exemption, the Project is exempt from the requirements of CEQA because it will not affect the environment. The Notice of Exemption was properly noticed for public review.

4. This request for an extension of time is pursuant to Bakersfield Municipal Code Section 16.16.080 and Subdivision Map Act Section 66452.6 (e).

NOW, THEREFORE, **BE IT RESOLVED** by the Planning Commission of the City of Bakersfield as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The project is exempt from CEQA, pursuant to CEQA Guidelines Section 15061(b) (3), Common Sense Exemption.

3. The expiration date of Vesting Tentative Tract Map 7153 is hereby extended until September 11, 2022.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on September 5, 2019, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

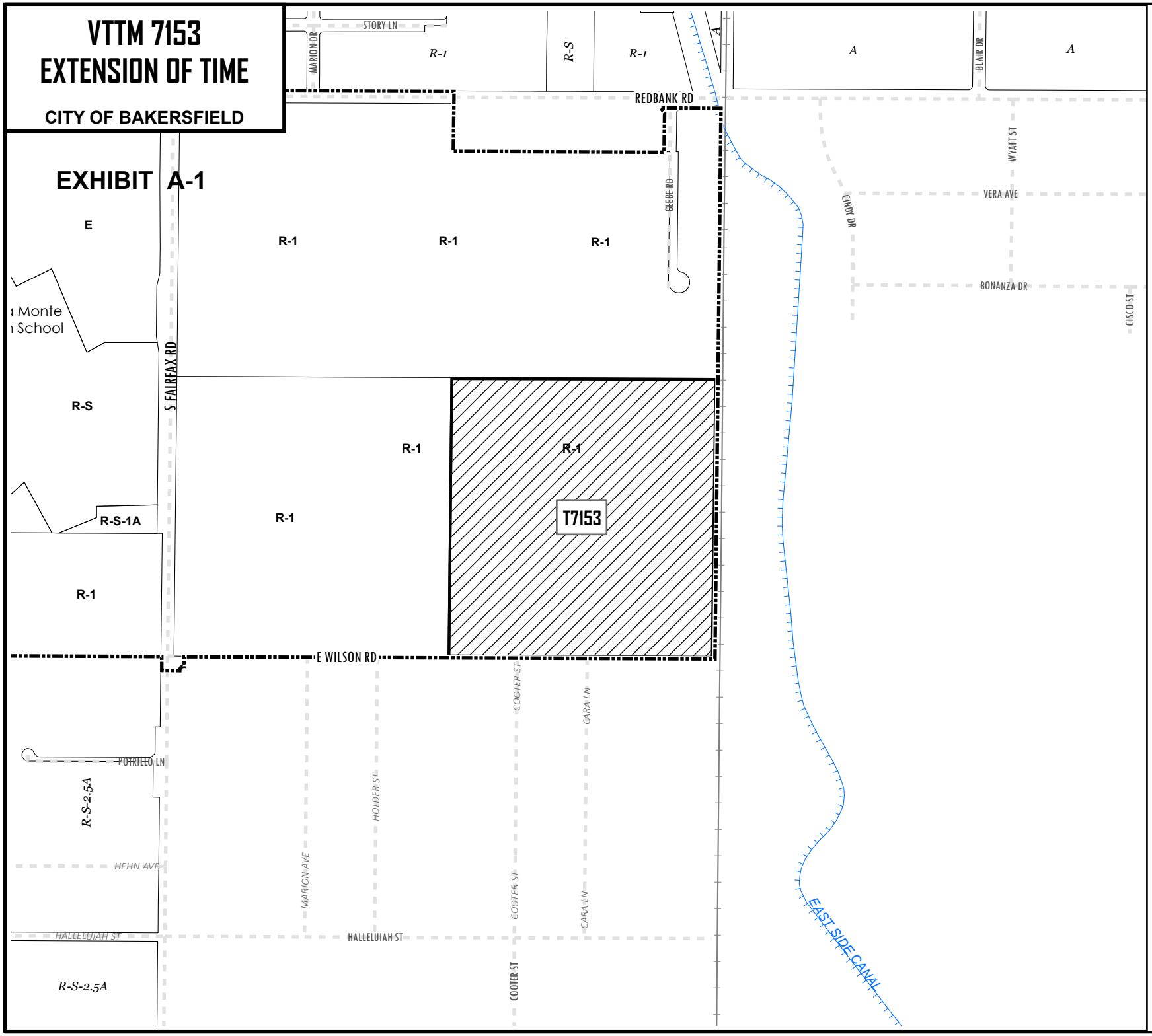
_____
DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits: A-1 Location Map with Zoning
A-2 Vesting Tentative Tract Map

VTTM 7153
EXTENSION OF TIME

CITY OF BAKERSFIELD

EXHIBIT A-1



LEGEND (ZONE DISTRICTS)

R-1 One Family Dwelling
6,000 sq.ft. min lot size
R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
E Estate
10,000 sq.ft. min lot size
R-S Residential Suburban
24,000 sq.ft./dwelling unit
R-S-( ) Residential Suburban
1, 2.5, 5 or 10 min lot size
R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
R-H Residential Holding
20 acre min lot size
A Agriculture
6,000 sq.ft. min lot size
A-20A Agriculture
20 acre min lot size
PUD Planned Unit Development
TT Travel Trailer Park
MH Mobilehome
C-O Professional and Administrative Office
C-1 Neighborhood Commercial
C-2 Regional Commercial
C-C Commercial Center
C-B Central Business
PCD Planned Commercial Development
M-1 Light Manufacturing
M-2 General Manufacturing
M-3 Heavy Industrial
P Automobile Parking
RE Recreation
Ch Church Overlay
OS Open Space
HOSP Hospital Overlay
AD Architectural Design Overlay
FP-P Floodplain Primary
FP-S Floodplain Secondary
AA Airport Approach
DI Drilling Island
PE Petroleum Extraction Combining
SC Senior Citizen Overlay
HD Hillside Development Combining
WM- West Ming Specific Plan

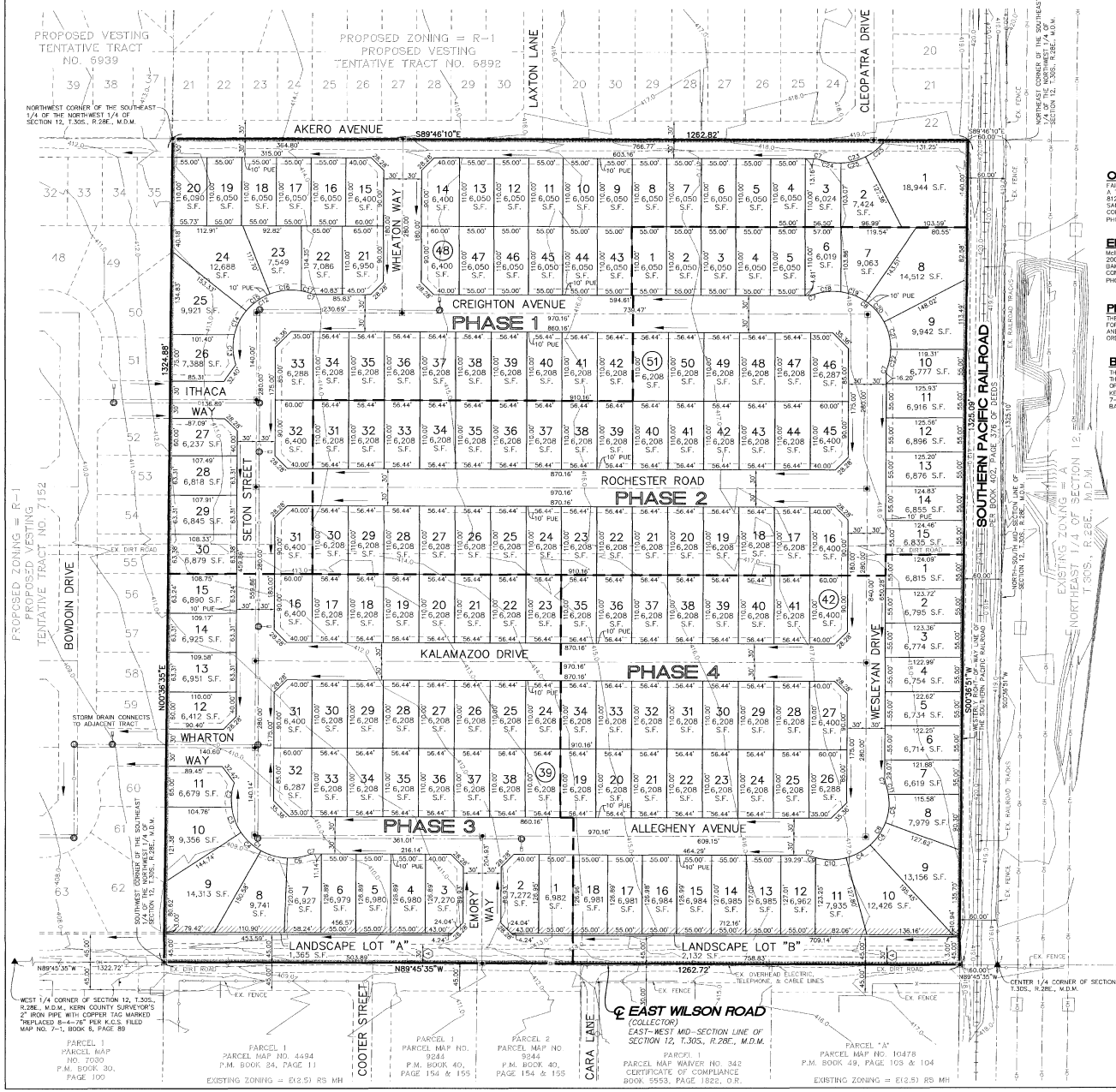
N
Feet
0 250 500

Document Name: 20190706

EXHIBIT A-2

VESTING TENTATIVE TRACT NO. 7153

BEING A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 30 SOUTH, RANGE 28 EAST, M.D.M., CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA
38.41 (GROSS) ACRES WITHIN TRACT BOUNDARY
180 SINGLE-FAMILY LOTS AND 2 LANDSCAPE LOTS
MARCH OF 2008



NORTH
SCALE: 1" = 80'

CURVE TABLE		
CURVE	RADIUS	LENGTH
C1	92.00'	205.86'
C2	92.00'	39.24'
C3	92.00'	44.18'
C4	92.00'	43.66'
C5	92.00'	46.96'
C6	92.00'	35.13'
C7	25.00'	8.69'
C8	92.00'	208.48'
C9	92.00'	7.55'
C10	92.00'	48.97'
C11	92.00'	18.00'
C12	92.00'	205.74'
C13	92.00'	49.40'
C14	92.00'	42.67'
C15	92.00'	47.03'
C16	92.00'	50.42'
C17	92.00'	16.22'
C18	92.00'	44.55'
C19	92.00'	42.20'
C20	92.00'	44.90'
C21	92.00'	45.92'
C22	92.00'	30.92'
C23	92.00'	117.55'
C24	92.00'	35.46'
C25	92.00'	40.29'

OWNER:
FAIRFAX HOLDINGS, L.P.,
A TEXAS LIMITED PARTNERSHIP
812 ANACAPA STREET
SANTA BARBARA, CA 93101
CONTACT: DONALD BENNETT
PHONE: (805) 962-1111

ENGINEER:
McINTOSH & ASSOCIATES
2001 WHEELAN COURT
BAKERSFIELD, CA 93309
CONTACT: ROGER McINTOSH
PHONE: (661) 834-4814

PHASING:
THE NUMBERING OF THE PHASES ARE FOR IDENTIFICATION PURPOSES ONLY AND DO NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT.

BASIS OF BEARINGS:
THE BEARING OF N00°36'15"E, SHOWN FOR THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 12, T.30S., R.28E., M.D.M. PER KERN COUNTY SURVEYOR'S FILED MAP NO. 7-1, BOOK 6, PAGE 89, WAS USED AS THE BASIS OF BEARINGS HEREON.

GENERAL NOTES:
ALL ROAD IMPROVEMENTS AND DRAINAGE IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF BAKERSFIELD.

IT IS ANTICIPATED THAT THE GRADING OF THIS TRACT WILL BE WITHIN THE AMOUNTS OUTLINED WITHIN SECTION 16.16.030(Q) OF THE MUNICIPAL CODE.

A 10' PUBLIC UTILITY EASEMENT (PUE) IS PROPOSED AND IS LOCATED IN ALL FRONT AND SIDE YARDS ADJACENT TO ALL STREETS.

ALL STREETS SHOWN HEREON SHALL BE PUBLIC AND WILL BE DEDICATED TO THE CITY OF BAKERSFIELD UPON RECORDATION OF THE FINAL MAP.

ALL RETURNS ARE 20' RADII CUTOFFS, UNLESS OTHERWISE NOTED.

ALL CUL-DE-SAC AND KNUCKLE RETURNS ARE 25' RADII CUTOFFS, UNLESS NOTED OTHERWISE.

THERE ARE NO EXISTING STRUCTURES WITHIN THE PROJECT SITE.

THIS PROJECT IS A PART OF ANNEXATION NO. 581 FAIRFAX NO. 4

THE DRAINAGE FOR THIS TRACT SHALL BE CONVEYED THROUGH STORM DRAIN TO A TERMINAL SUMP LOCATED IN TRACT NO. 7152.

ALTERNATE STREET NAMES:
THE FOLLOWING STREET NAMES ARE PROVIDED AS SUBSTITUTIONARY ALTERNATIVES. PLEASE CONSIDER THESE NAMES IN THE ORDER THEY ARE HEREBY SUBMITTED TO REPLACE NAMES ON THE MAP THAT MAY NOT BE ACCEPTABLE.

1. BIOLA
2. CARNEGIE MELLON
3. EMERY RIDDLE
4. HAMLINE
5. JOHN HOPKINS
6. KENT STATE
7. MIDDLEBURY
8. COGSWELL
9. RADFORD

EASEMENT LEGEND:
(A) 30' WIDE PUBLIC ACCESS EASEMENT RECORDED DECEMBER 23, 1988 IN BOOK 6194, PAGE 265, O.R.

VICINITY MAP
NO SCALE

STATISTICS:
APN: 173-260-16
TOTAL SITE ACREAGE: 38.41 (GROSS) ACRES
NUMBER OF PROPOSED UNITS: 180 SINGLE-FAMILY LOTS
NET ACREAGE: 27.87 (NET) ACRES
NET DENSITY: 6.46 LOTS PER NET ACRE
PROPOSED USE: SINGLE-FAMILY RESIDENTIAL
EXISTING USE: AGRICULTURE
EXISTING ZONING: R-1 (PER GPA/ZC 07-1193)
EXISTING GENERAL PLAN: LR (PER GPA/ZC 07-1193)
SCHOOL DISTRICTS:
KERN HIGH SCHOOL DISTRICT:
FOOTHILL HIGH SCHOOL
MIRA MONTE HIGH SCHOOL (FALL 2008)
FAIRFAX SCHOOL DISTRICT:
FAIRFAX MIDDLE SCHOOL
SHIRLEY LANE ELEMENTARY SCHOOL
SEWER: CITY OF BAKERSFIELD
WATER: EAST NILES COMMUNITY SERVICES DISTRICT
ELECTRIC: PACIFIC GAS & ELECTRIC COMPANY
GAS: PACIFIC GAS & ELECTRIC COMPANY
CABLE: BRIGHT HOUSE NETWORKS
PHONE: A.T.&T.

LEGEND:
EX. EXISTING
O.R. OFFICIAL RECORDS
FOUND MONUMENT AS DESCRIBED
PROPOSED CONCRETE MONUMENT IN LAMPHOLE
EXISTING POWER POLE
SP EXISTING SERVICE POLE
TP EXISTING TELEPHONE POLE
EXISTING METER BOX
EXISTING TRAFFIC SIGN
EXISTING STREET NAME SIGN
EXISTING PIPELINE MARKER
EXISTING TELEPHONE PEDESTAL
EXISTING TREE
PROPOSED CATCH BASIN
0.20% (MIN) DIRECTION DRAINAGE AND APPROXIMATE GRADE
PROPOSED STORM DRAIN MANHOLE AND STORM DRAIN LINE
OH EXISTING O.H. ELECTRICAL LINE(S)
T EXISTING TELEPHONE LINE(S)
OL EXISTING OIL LINE
X EXISTING CHAIN LINK FENCE
EXISTING BARB WIRE FENCE
412.0 EXISTING GROUND CONTOUR
PROPOSED PHASE LINES
PROPOSED WAIVER OF DIRECT ACCESS

McINTOSH & ASSOCIATES
LAND SURVEYING • CIVIL ENGINEERING ©2008
2001 WHEELAN COURT
BAKERSFIELD, CALIFORNIA 93309
(661) 834-4814
DRAWN BY: GC
JOB NO: 05-046.03
DATE: 12/18/07
CHECKED BY:
LICENSED LAND SURVEYOR ROGER D. McINTOSH No. 5368 STATE OF CALIFORNIA
DATE: 02-28-08
REVISIONS: DATE 12/21/08 REVISED PER CITY COMMENTS
FAIRFAX HOLDINGS, LP
EAST WILSON ROAD
VESTING TENTATIVE TRACT NO. 7153
AutoCAD FILE: 05046TT01
SHEET 1 OF 2 SHEETS

EXHIBIT A-2

VESTING TENTATIVE TRACT NO. 7153

BEING A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 30 SOUTH, RANGE 28 EAST, M.D.M., CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA
38.41 (GROSS) ACRES WITHIN TRACT BOUNDARY
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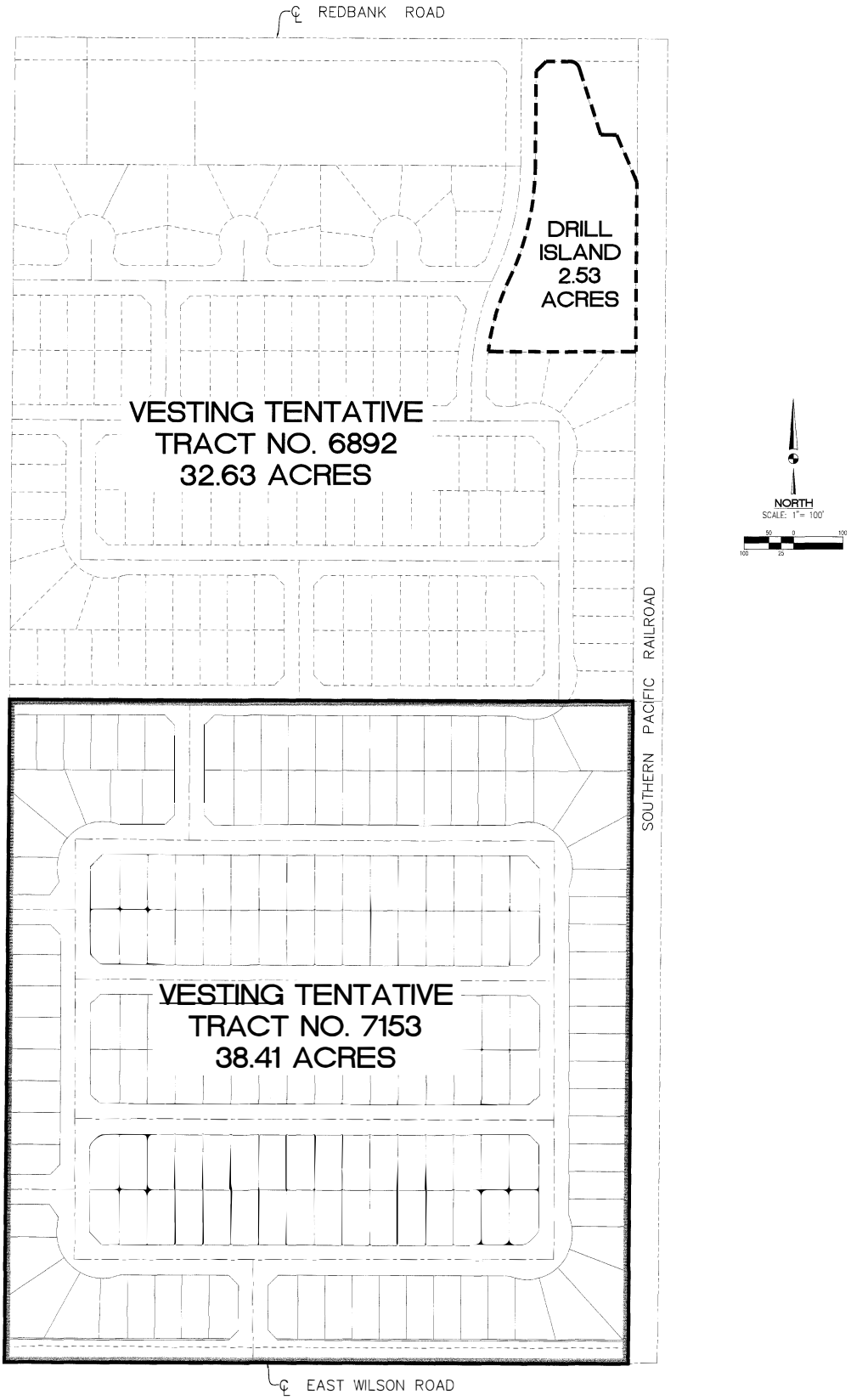
MARCH OF 2008



SHEET 2 OF 2 SHEETS	FAIRFAX HOLDINGS, LP EAST WILSON ROAD VESTING TENTATIVE TRACT NO. 7153 AutoCAD FILE: 0504605T02	DATE / REVISIONS / BY	LICENSED LAND SURVEYOR JEFFREY L. MASTIN No. 5798 Exp. 6-30-08 — DATE: 5-23-08	2001 WHEELAN COURT BAKERSFIELD, CALIFORNIA 93309 (661) 834 - 4814 DRAWN BY: GC — JOB NO: 05-046.05 CHECKED BY: — DATE: 3/25/08	McINTOSH & ASSOCIATES LAND SURVEYING • CIVIL ENGINEERING ©2008

ATTACHMENT B
NOTICE OF EXEMPTION

TO: __ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

_X_ County Clerk
County of Kern
1115 Truxtun Avenue
Bakersfield, CA 93301

FROM: City of Bakersfield
Planning Division
1715 Chester Avenue
Bakersfield, CA 93301

Project Title: Extension of Time for Vesting Tentative Tract Maps 7152 and 7153

Project Location-Specific: East of South Fairfax, Road, and north of East Wilson Road.

Project Location-City: Bakersfield **Project Location-County:** Kern

Description of Project:
Extension of Time for Vesting Tentative Tract Map 7152 consisting of 171 lots on 40 acreS AND Extension of Time for Vesting Tentative Tract Map 7153 consisting of 180 lots on 38.41 acres, both zoned R-1 for single family residential development.

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project: McIntosh and Associates

Exempt Status:

__ Ministerial (Sec.21080(b)(1); 15268));
__ Declared Emergency (Sec.21080(b)(3); 15269(a));
__ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
__ Categorical Exemption. State type and section number.
__ Statutory Exemptions. State section number. _____
X Project is exempt from CEQA pursuant to Section 15061(b)(3)

Reasons why project is exempt: Will not have an effect on the environment based on the common sense exemption.

Lead Agency: Contact Person: Jennie Eng Telephone/Ext. 661-326-3043

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes__ No_

Signature:_____ **Title**: Principal Planner **Date**:_____

_X_ Signed by Lead Agency
_____ Signed by Applicant

Date received for filing at OPR: _____

S:\TRACTS\7152 EOT\7152 & 7153 NOE.docx

COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: September 5, 2019	**ITEM NUMBER:** Consent Calendar Public Hearings5.(c.)

TO: Planning Commission

FROM: Kevin F. Coyle, AICP CEP

PLANNER: Tony Jaquez

DATE:

WARD: Ward 7

SUBJECT:
Vesting Tentative Parcel Map 12340: McIntosh and Associates, proposes to subdivide 14.26 acres into 7 parcels for future commercial development, located on the south side of Panama Lane and generally east of Wible Road. Negative Declaration on file.

APPLICANT: McIntosh and Associates

OWNER: Sangera Properties, LLC

LOCATION: Located on the south side of Panama Lane and generally east of Wible Road in southwest Bakersfield.

STAFF RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

Description	Type
Staff Report	Staff Report
Resolution	Resolution
Conditions of Approval	Exhibit
Zoning Map	Exhibit
Parcel Map	Exhibit

www.bakersfieldcity.us

CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT

TO: Chair Cater and Members of the Planning Commission AGENDA ITEM: 5.c.

FROM: Kevin F. Coyle, AICP CEP, Planning Director APPROVED: KFC

DATE: September 5, 2019

SUBJECT: **VESTING TENTATIVE PARCEL MAP 12340 – PHASED (WARD 7)**

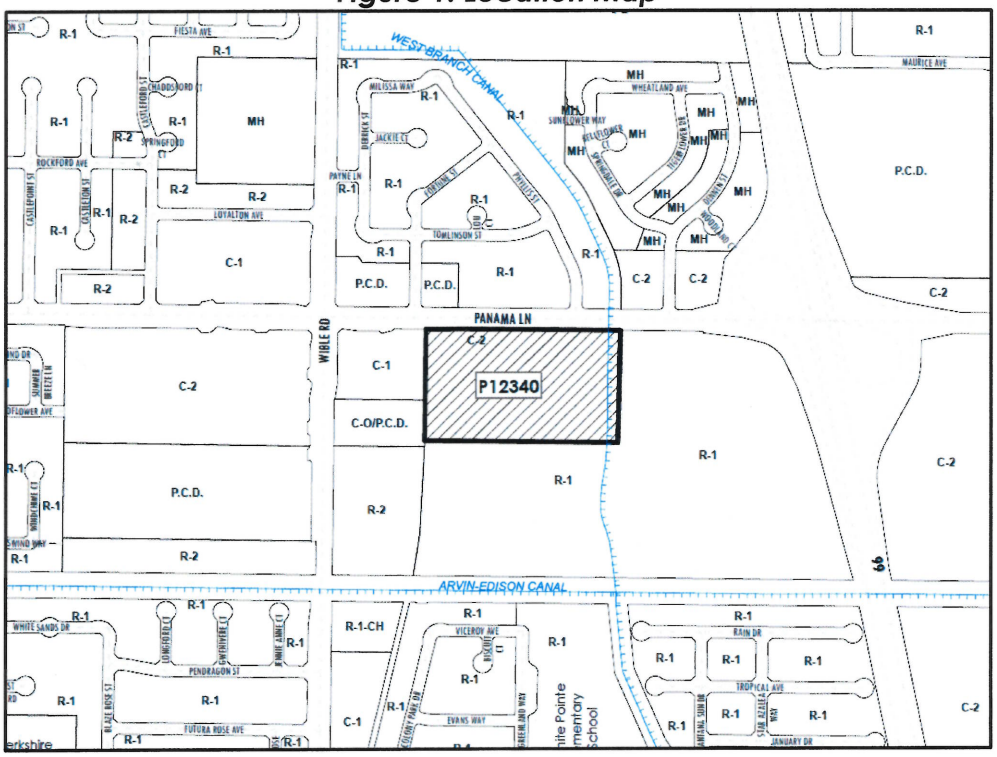
APPLICANT:

ENGINEER
McIntosh and Associates
2001 Wheelan Court
Bakersfield, CA 93309

PROPERTY OWNER
Sangera Properties, LLC
5600 Gasoline Alley Drive
Bakersfield, CA 93313

LOCATION: Located on the south side of Panama Lane and generally east of Wible Road in southwest Bakersfield (APN #: 515-010-46)

Figure 1. Location Map



RECOMMENDATION:

Motion to adopt Resolution **APPROVING** Vesting Tentative Parcel Map 12190 with conditions.

PROJECT DESCRIPTION

McIntosh and Associates, representing Sangera Properties, LLC, are proposing to subdivide approximately 14 acres into 7 parcels for future commercial development in a C-2 (Regional Commercial) zone, located on the south side of Panama Lane and generally east of Wible Road in southwest Bakersfield, including a request for waiver of mineral rights signatures pursuant to BMC 16.20.060.A.1.

Figure 2: **SITE VISIT PHOTO**
View from Panama Lane looking south.

PROJECT ANALYSIS:

Background & Timeline:

February 10, 2016 - General Plan Amendment/Zone Change. City Council approved General Plan Amendment and Zone Change (GPA/ZC) No. 15-0392 to change the land use designation from LR (Low Density Residential) to GC (General Commercial), and change the zoning from R-1 (One Family Dwelling) to C-2 (Regional Commercial) on approximately 13 gross acres.

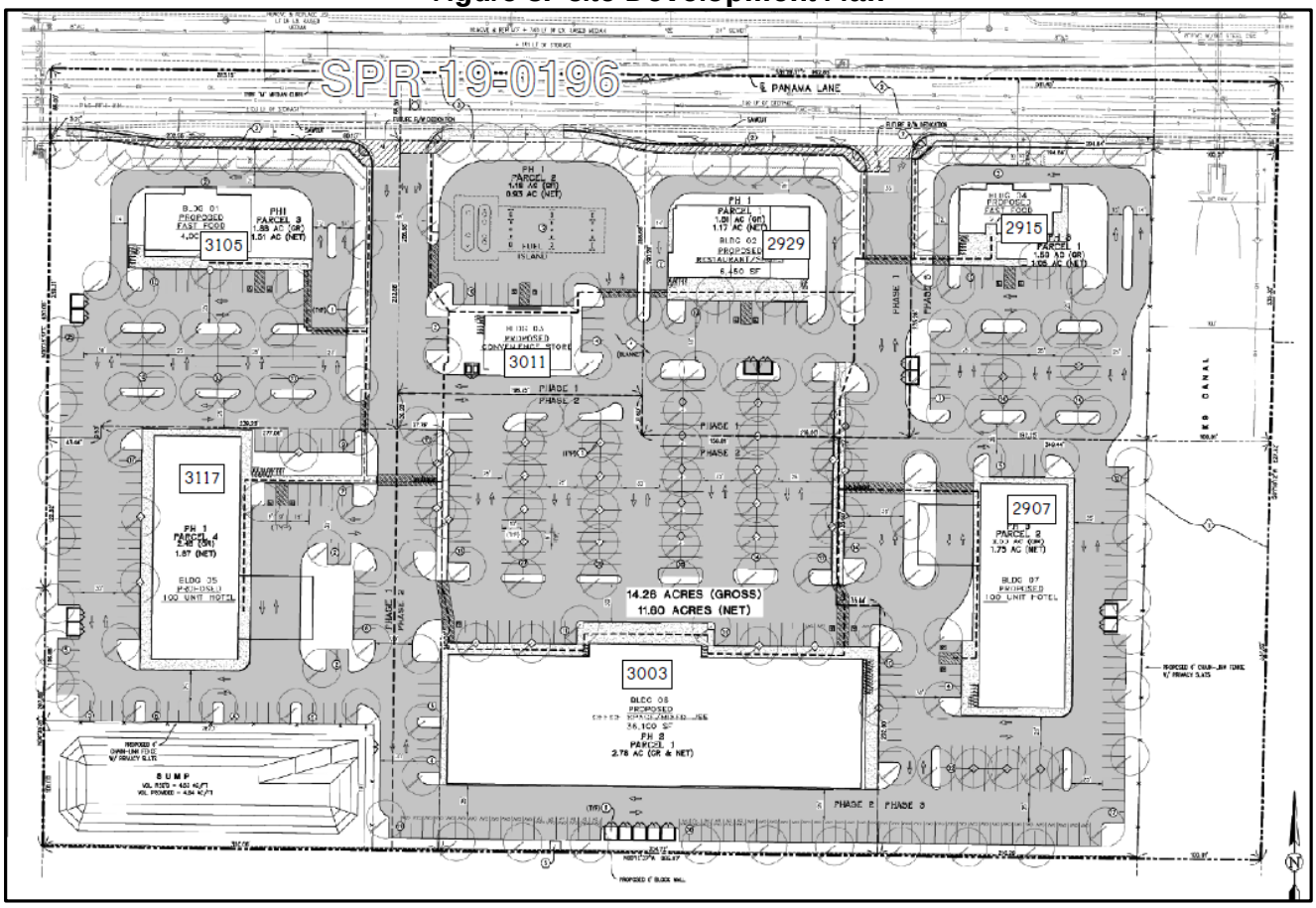
April 20, 2016: A Certificate of Compliance was recorded for a lot line adjustment (LLA 15-0412) to remedy a split zoning in which two separate zone districts were contained within one parcel.

Analysis:

The proposed vesting tentative parcel map consists of 7 parcels on 14.26 acres for purposes of commercial development. Parcel sizes range from 1.18 to 2.53 gross acres. The proposed subdivision is consistent with the General Commercial land use designation of the project site. The application was deemed complete on June 17, 2019.

Though the associated project, SPR 19-0196, is in administrative review, the overall project proposes 77,630 square feet of retail commercial uses. Specifically, the project proposes the future development of two hotels (25,200 square feet, combined), one convenience store with 6 fuel pumps (3,000 square feet), two fast food restaurants (6,880 square feet, combined), one retail commercial space (6,450 square feet), and approximately 36,100 square feet of office space/mixed use building.

Figure 3. Site Development Plan



Surrounding Uses. The project site is vacant land designated for commercial development. The site is bordered by the West Branch canal and Greenlawn Mortuary & Cemetery facility to the east, vacant residential to the south, existing commercial (a Rite Aid Store and Cruz Thru Express Car Wash) to the west and residential and commercial development (a convenience Store & fast food restaurants) to the north. The State Highway 99 and Panama Lane interchange is approximately ¼ mile to the east.

Table 1. LAND USE/ZONING OF ADJACENT PROPERTIES

LOCATION	LAND USE DESIGNATION	ZONING	EXISTING LAND USE
NORTH	GC and LR	PCD and R-1	Convenience Store & residential neighborhood
SOUTH	LR	R-1	Vacant
EAST	P	R-1	Funeral home & cemetery
WEST	GC and OC	C-1 and C-O/PCD	Rite Aid Store; car wash; & a single-family home

Land Use Designations:	Zoning Designations:
LR: ≤ 7.26 du/na	R-1: One Family Dwelling
P: Public Facilities	CO: Professional and Administrative Office
GC: General Commercial	C-1: Neighborhood Commercial
OC: Office Commercial	PCD: Planned Commercial Development

Circulation:

Access will be provided via Panama Lane (designated arterial). The developer is responsible for roadway improvements within the project site. As a condition of approval, the developer is required to construct all street improvements along project frontage on Panama Lane per City Standards, including curb & gutter, street paving, drainage improvements, sidewalk, and street lights along the project frontage for a typical arterial section, and turning movements along Panama Lane shall be restricted to right turn in and right turn out only with a minimum storage of 150' plus 90' taper along the arterial per the City of Bakersfield standards. The project will be subject to the City's policy for "Complete Streets," which requires that all transportation facilities for bicyclists, pedestrians, transit, and motorists be considered. All sidewalks and pedestrian access throughout the development will be required in accordance with City standards. The closest access to Golden Empire Transit (GET) bus lines is located along the north side of Panama Lane at Phyllis Street, directly north of the proposed project site.

The City's Bikeway Master Plan identifies Panama Lane and Wible Road as a Class 2 facilities (bike lanes). Bike lanes do not currently exist and at the time the property is developed, lane striping will be required with the construction of street improvements. However, the Traffic Engineer will evaluate if striping should be delayed if its installation will compromise public safety (e.g. short lengths of unconnected bike lanes that would confuse drivers and cyclists increasing the likelihood of accidents). Striping would then occur at the time the City added bike lanes along the street with connections to the existing bikeway network.

Figure 3. Aerial Photo

Mineral Rights:

The applicant is requesting that the Planning Commission approve waiver of mineral rights signatures on the final map pursuant to BMC 16.20.060 A.1. The preliminary title report indicates that by recorded document, the mineral rights owners have waived their right to surface entry. Staff recommends the Planning Commission approve waiver of these signatures on the final map.

Division of Oil, Gas and Geothermal Resources (DOGGR) submitted a letter stating the project site is beyond their administrative boundaries of any oil or gas fields. There are no known wells on the property and no known active operator of record. If a well is uncovered, the subdivider must consult with the Division regarding proper abandonment of the well, in accordance with the Bakersfield Municipal Code.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared for the original project (GPA/ZC No. 15-0392) of the subject property and a Mitigated Negative Declaration was adopted on February 10, 2016 (Ordinance No. 4835). In accordance with CEQA section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken and no new environmental impacts have been identified.

Noticing:

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project with the associated proposed Mitigated Negative Declaration was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Planning Department. All property owners within 300 feet of the project site were notified about the hearing and the proposed subdivision at least 10 days prior to the public hearing in accordance with State law. The applicant has provided proof that signs giving public notice of the proposed parcel map were posted on the property 20 to 60 days prior to the public hearing before the Planning Commission.

Conclusion:

As noted above, the applicant has requested approval of Vesting Tentative Parcel Map 12340 to subdivide 14.26 acres into 7 parcels, ranging in size from 1.18 acres to 2.53 acres, in an C-2 (Regional Commercial) zone district to facilitate future commercial development.

Staff finds that subdivision of the 14-acre parcel into 7 parcels for future commercial development is reasonable and Staff recommends approval of VTPM 12340 as requested.

Exhibits: (Attached)

A.	Resolution with Exhibits	Exhibit 'A-1'	Conditions of Approval
		Exhibit 'A-2'	Location Map with Zoning
		Exhibit 'A-3'	Tentative Parcel Map

ATTACHMENT A-1

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE TENTATIVE PARCEL MAP 12340 (PHASED), LOCATED ALONG THE SOUTH SIDE OF PANAMA LANE AND GENERALLY EAST OF WIBLE ROAD.

WHEREAS, McIntosh and Associates representing Sangera Properties, LLC, filed an application with the City of Bakersfield Planning Department requesting a Vesting Tentative Parcel Map 12340 (the "Project"), consisting of 7 parcels on 14.26 acres to develop commercial development, as shown on attached Exhibit "A-3", located along the south side of Panama Lane and generally east of Wible Road as shown on attached Exhibit "A-2"; and

WHEREAS, the application was deemed complete on June 17, 2019; and

WHEREAS, an initial study was conducted and it was determined that the Project would not have a significant effect on the environment and a Mitigated Negative Declaration was prepared and approved by the City Council on February 10, 2016, in conjunction with Project No. GPA/ZC 15-0392, in accordance with California Environmental Quality Act (CEQA); and

WHEREAS, the Secretary of the Planning Commission, did set Thursday, September 5, 2019, at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed Mitigated Negative Declaration and the Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

WHEREAS, the laws and regulations relating to CEQA and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission; and

WHEREAS, the City of Bakersfield Planning Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

WHEREAS, the facts presented in the staff report, environmental review, and special studies (if any), and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. Staff determined that the proposed activity is a project and an initial study was prepared for the original project (Project No. GPA/ZC 15-0392) of the subject property and a Mitigated Negative Declaration was adopted on February 10, 2016 by the City Council for the original project, and duly noticed for public review.

3. Said Mitigated Negative Declaration for the Project is the appropriate environmental document to accompany approval of the Project. In accordance with State CEQA Guidelines Section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken, and no new environmental impacts have been identified. The Project will not significantly impact the physical environment because mitigation measures relating to GPA/ZC 15-0392 have been incorporated into the Project.

4. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.

5. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan. (Subdivision Map Act Section 66473.5) The proposed density and intensity of development are consistent with the GC (General Commercial) land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.

6. Mineral right owners' signatures may be waived on the final map pursuant to Bakersfield Municipal Code Section 16.20.060 A.1. The applicant has provided evidence with the Project application that it is appropriate to waive mineral right owners' signatures because in accordance with BMC Section 16.20.060 A.1., the party's right of surface entry has been by recorded document prior to recordation of any final map.

7. The conditions of approval are necessary for orderly development and to provide for the public health, welfare, and safety.

NOW, THEREFORE, **BE IT RESOLVED** by the Planning Commission of the City of Bakersfield as follows:

1. The recitals above are true and correct and incorporated herein by this reference.

2. This map pertains to the Mitigated Negative Declaration previously approved in conjunction with Project No. GPA/ZC 15-0392.

3. Vesting Tentative Parcel Map 12340, is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A".

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on September 5, 2019, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:
NOES:
ABSENT:

APPROVED

DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A-1: Conditions of Approval
Exhibit A-2: Location Map
Exhibit A-3: Tentative Map

EXHIBIT "A-1"

VESTING TENTATIVE PARCEL 12340
CONDITIONS OF APPROVAL

NOTE to Subdivider/Applicant: It is <u>important</u> that you review and comply with requirements and deadlines listed in the "FOR YOUR INFORMATION" packet that is provided separately. This packet contains existing ordinance requirements, policies, and departmental operating procedures as they may apply to this subdivision.

<u>PUBLIC WORKS</u>

1. A drainage plan for the subdivision shall be submitted for review and approval by the City Engineer. No public water will be allowed to flow into the private portion of this tract, nor will any public water be allowed to flow into a private sump.

2. The phasing map as submitted may be unbalanced with respect to the required improvements along the Parcel Map frontages. Therefore, in order to promote orderly development, each phase shall be responsible for an equal dollar amount of frontage improvement. Prior to recordation of a final map for any phase that does not construct its share of the improvements, the difference between the cost of the frontage improvements constructed and the phase share shall be placed into an escrow account. The money deposited in this account would be for the use of the developer of any future phase responsible for more than its share of improvements. The final per lot share will be based upon an approved engineer's estimate. In lieu of the use of an escrow account, the developer may choose to construct with each phase its proportionate share of the frontage improvements, with approval of the City Engineer

3. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Phase 1 first, then Phase 2, then Phase 3, etc. If recordation does not occur in that normal progression, then, prior to recordation of a final map, the City Engineer shall determine the extent of improvements to be constructed with that particular phase.

   3.1. The following shall occur with Phase 1:

      3.1.1. Construct Panama Lane for the full extent of the street lying along the Parcel Map's boundary. Where streets do not have curb and gutter, construct a minimum section of 36 feet wide consisting of 2-12' lanes, 2-4' paved shoulders and 2 additional feet per side of either AC or other dust proof surface.

      3.1.2. The project shall construct all street improvements along project frontage on Panama Lane per City Standards including curb & gutter, street paving, drainage improvements, sidewalk, and street lights.

      3.1.3. Access to Phase 1, Phase 2, and Phase 3 from Panama Lane will be via shared driveway.

3.1.4. Turning movements along arterials streets shall be restricted to right turn in and right turn out only. A minimum storage of 150' plus 90' taper along Panama Lane shall be required per the City of Bakersfield standards.

3.1.5. Street Name Signs (SNS):

a. Metro Size SNS shall be installed at the intersection of local streets with Arterial and collector streets.
b. Standard SNS shall be installed at all other locations.

If the number of phases or the boundaries of the phases are changed, the developer must submit to the City Engineer an exhibit showing the number and configuration of the proposed phases. The City Engineer will review the exhibit and determine the order and extent of improvements to be constructed with each new phase. The improvement plans may require revision to conform to the new conditions.

4. Prior to recordation of each Final Map, the subdivider shall

4.1. submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map which will prohibit occupancy of any lot until all improvements have been completed by the subdivider and accepted by the City.

4.2. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents.

4.3. If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.

4.4. Submit for the City's Review and approval C.C. & R.'s and Property Owner's Association By-Laws for the use and maintenance of all non-dedicated, shared facilities. Among those non-dedicated, shared facilities will be the on-site sewer main lines and laterals and storm water retention basin(s), shared access, and associated storm drain lines and appurtenant facilities.

4.5. The proposed convenience traffic signal must meet City Standards. Access to the arterial streets will be limited and determined at time of division or development. A signal will only be permitted if a signal synchronization study is submitted and approved. Said study shall meet all criteria of the City and be submitted after consultation with staff. The study shall show the signal will not significantly degrade signal coordination and the location meets either current or future signal warrants.

4.6. Provide easements for required facilities not within the border of the phase being recorded.

4.7. Per Resolution 035-13 the area within the Parcel Map shall implement and comply with the "complete streets" policy. Complete streets will require pedestrian and bicycle access to the Tract from existing sidewalks and bike lanes. If there is a gap less than ¼ mile then construction of asphalt sidewalks and bike lanes to the tract will be required.

4.8. Ensure that each cable television company provides notice to the City Engineer of its intention to occupy the utility trench.

4.9. If the parcel map is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal all storm water systems that ultimately convey drainage to the river or a canal shall include both source control Best Management Practices (BMPs) and structural treatment control BMPs.

4.10. Prior to the issuance of building permits, the project applicant shall participate in the RTIF program by paying the adopted fees in place for the land use type at time of development.

5. On and off site road improvements are required from any collector or arterial street to provide left turn channelization into each street (or access point) within the subdivision (or development). Said channelization shall be developed to provide necessary transitions and deceleration lanes to meet the current Caltrans standards for the design speed of the roadway in question.

6. Prior to grading plan review, submit the following for review and approval:

6.1. A drainage study for the entire subdivision. Ensure the retention basin site is designed to retain the drainage from the entire subdivision.

6.2. A sewerage study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions.

6.3. Verification from the responsible authority that all the wells have been properly abandoned.

7. Install traffic signal interconnect conduit and pull rope in all arterials and collectors. Install conduit and pull ropes in future traffic signals.

8. Final plan check fees shall be submitted with the first plan check submission.

9. All lots with sumps and water well facilities will have wall and/or slatted chain link fence and landscaping to the appropriate street standards, at the building setback

with landscaping as approved by the Public Works and Parks Directors, unless the sump is a private facility. If the sump will be privately maintained, the sump shall be constructed to City standards and shall have a wall or slatted chain link fence separating the sump from the public.

10. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 22, 1997, and modification letter dated October 20, 2000.

11. It is recommended that the on-site sewer system shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. If the developer chooses to video the on-site sewer system, then the following procedure is recommended: The television camera shall have the capability of rotating 360°, in order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the subdivider's engineer, who will also initial and date the "Chain of Custody" form. Any pipe locations revealed to be not in compliance with the plans and specifications shall be corrected. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the subdivider's engineer prior to acceptance. After the subdivider's acceptance of the system, the video cassette, forms, and logs shall be submitted to the City Engineer.

12. Approval of this tentative map does not indicate approval of grading, drainage lines and appurtenant facilities shown, or any variations from ordinance, standard, and policy requirements which have neither been requested nor specifically approved.

Per GPA/ZC No. 15-0392:

13. Along with the submittal of any development plan, prior to approval of improvement plans, or with the application for a lot line adjustment or parcel merger, the following shall occur:

    a) Provide fully executed dedication for Panama Lane to expanded arterial/arterial intersection standards within the GPA request. Dedications shall include sufficient widths for additional areas for landscaping as directed by the City Engineer. Submit a current title report with the dedication documents.

    b) Submit a comprehensive drainage study to be reviewed and approved by the City Engineer. No more than one sump may be utilized to serve this area; this sump should be located so that it may be available to serve adjacent areas as they develop. Until such time the sump within the GPA/ZC area is to be private and privately maintained.

    c) Submit verification to the City Engineer of the existing sewer system's capability to accept the additional flows to be generated through development under the new land use and zoning.

d) Developer is responsible for the construction of all infrastructures, both public and private, within the boundary of the GPA/ZC area. This includes the construction of any and all boundary streets to the centerline of the street, unless otherwise specified. The developer is also responsible for the construction of any off site infrastructure required to support this development, as identified in these conditions.

14. The entire area covered by this General Plan Amendment shall be included in the Consolidated Maintenance District. The applicant shall pay all fees for inclusion in the Consolidated Maintenance District with submittal of any development plan, tentative subdivision map, Site Plan Review, or application for a lot line adjustment for any portion of this GPA area. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents, including the Proposition 218 ballot and the Covenant. The ballot and covenant shall be signed and notarized.

15. Payment of the proportionate share of the cost of the median for the arterial frontage for Panama Lane and Wible Road of the property within the GPA/ZC request is required prior to recordation of any map or approval of any improvement plan for the GPA/ZC area.

16. Per Resolution 035-13, the area within the GPA/ZC shall implement and comply with the "complete streets" policy.

17. The development is required to pay into the adopted Regional Traffic Impact Fee fixed rate program.

18. <u>Regional Transportation Impact Fee</u> Prior to the issuance of building permits, the project applicant shall participate in the RTIF program by paying the adopted commercial and residential unit fees in place for the various land use types at time of development.

19. <u>Local Mitigation</u> Pay the proportionate share of the following mitigation measures (not paid for by the Regional Transportation Impact Fee nor included with normal development improvements) as indicated in list of mitigation measures from the traffic study in Tables 6 and 8. An updated estimate, based upon current costs, and fee schedule shall be developed by the applicant and approved prior to recordation of a map or issuance of a building permit. Proportionate shares from the study as follows:

19.1. Panama Ln & Wible Rd, Add 1 WBR, 2.29% share
19.2. Panama Ln & SR99 Southbound Ramp, Add 1 EBT, 8.36%
19.3. Panama Ln & South H St, Add 1 WBR, 3.75%

Notes: NB – north bound, SB – south bound, WB – west bound, EB – east bound, L – Left turn lane, T – Through lane, R – Right turn lane

WATER RESOURCES

20. Prior to recordation of each final map, subdivider shall record a covenant affecting each lot prohibiting the pumping and taking of groundwater from the property for any use off the property; provided, however, such pumping and taking may be carried out by the authorized urban water purveyor which provides water service to the subdivided land, or by a county-wide governmental entity with water banking powers, and such pumping is part of an adopted water banking program that will not have a significant adverse impact on the groundwater levels or diminish the quality of water underlying the subdivision.

    Orderly development and as required by BMC Section 16.40.101.B.

21. The City's normal fire protection service flows are 2500 gallons per minute (g.p.m.). In certain areas and in certain zoning, fire flow requirements (as determined by the City and/or County Fire Department) are in excess of the 2500 g.p.m. limit. Fire flow requirement in excess of 2500 g.p.m. shall require developer fees of $0.50/g.p.m./acre in excess of 2500 g.p.m. or equivalent facilities. Prior to recordation of each phase, subdivider shall submit to the Public Works Dept. verification that any applicable fire flow fees have been paid.

22. Any drainage basins required for the development need to be included with plans in detail to be reviewed for compliance to City of Bakersfield standards and specifications by Water Resources Staff.

FIRE SAFETY DIVISION

23. Pipeline Easements.
    - 23.1 Concurrently with recordation of any phase that includes the pipeline easements or portions thereof, subdivider shall show the easements on the final map with a notation that structures including accessory buildings and swimming pools, are prohibited within the easements and record a corresponding covenant.
    - 23.2 Prior to or concurrently with recordation of any phase that includes the pipeline easements or portions thereof, subdivider shall show on the final map that no habitable portion of a structure may be built within 50 feet of a gas main, or transmission line, or refined liquid product line with 36 inches of cover, and record a corresponding covenant.
    - 23.3 No structure may be within 40 feet of a hazardous liquids pipeline bearing refined product, within 48 inches or more of cover. If a pipeline meets this criteria, the 40-foot setback line shall be shown in the final map and a corresponding covenant shall be recorded prior to or concurrently with recordation of any phase that is affected.
    - 23.4 No habitable portion of a structure may be built within thirty (30) feet of a crude oil pipeline operating at twenty percent (20%) or greater of its design strength.

23.5 Prior to or concurrently with recordation of any phase within 250 feet of the pipeline easements, subdivider shall record a covenant disclosing the location of the pipelines on all lots of this subdivision within 250 feet of the pipelines.

Public health, safety and welfare.

CITY ATTORNEY

24. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

PLANNING

25. This subdivision shall comply with all provisions of the Bakersfield Municipal Code, and applicable resolutions, policies and standards in effect at the time the application for the subdivision map was deemed complete per Government Code Section 66474.2.

26. The subdivision shall be recorded in no more than 4 phases. Phases shall be identified numerically and not alphabetically.

Orderly development.

27. Prior to recordation of each final map, subdivider shall submit a "will serve" or "water availability" letter or other documentation acceptable to the Planning Director from the water purveyor stating the purveyor will provide water service to the phase to be recorded.

Required for orderly development and provide for the public health, welfare and safety by ensuring water service to the subdivision at the time of final map

recordation because the water purveyor has included an expiration date in the initial "will serve" letter.

28. In the event a previously undocumented well is uncovered or discovered on the project site, the subdivider is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The subdivider is responsible for any remedial operations on the well required by DOGGR. Subdivider shall also be subject to provisions of BMC Section 15.66.080 (B.)

    Police power based on public health, welfare and safety.

29. Prior to or concurrently with recordation of each final map, subdivider shall record a common access and parking easement encumbering the subject parcel map. Easement shall be submitted to the City Attorney and Planning Director for review and approval prior to recordation of a final map.

    Police power to provide for orderly development.

30. Prior to recordation of each final map on any phase, the subdivider shall construct a 6-foot high chain link fence, in accordance with City of Bakersfield Subdivision and Engineering Design Manual Standard D - 12 (aka S-10) including concrete curb, and approved by the City Engineer adjacent to each side of the canal, as measured from highest adjacent grade, along the common property line. The concrete curb may be waived subject to Planning Director approval. The canal fence may not be bonded or secured. A temporary fencing plan may be approved by the Planning Director to facilitate project phasing.

    Canal fencing required to satisfy BMC Section 16.32.060 B.8.a. and based on a finding to provide for the public health, safety and welfare.

31. Prior to recordation of each final map on any phase located within one-quarter mile of any unlined canal, the subdivider shall construct a 6-foot high chain link fence, in accordance with City of Bakersfield Subdivision and Engineering Design Manual Standard D - 12 (aka S-10) or equivalent to separate the subdivision and the unlined canal. The concrete curb for the chain link fence may be waived subject to Planning Director approval. The canal fence may not be bonded or secured. A temporary fencing plan may be approved by the Planning Director to facilitate project phasing.

    Requirement required to satisfy BMC Section 16.32.060 B.8.c and based on a finding to provide for the public health, safety and welfare.

Mitigation Measures from Negative Declaration
General Plan Amendment/Zone Change No. 15-0392

Air Quality and Green House Gas Mitigation Measures:

32. Prior to grading plan approval, the applicant/developer of the project site shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.

Mitigation for Air Quality and GHG impacts.

33. As the project will be completed in compliance with SJV APCD Regulation VIII, dust control measures will be taken to ensure compliance specifically during grading and construction phases. The mitigation measures to be taken are as follows:

    a. Water previously exposed surfaces (soil) whenever visible dust is capable of drifting from the site or approaches 20% opacity.
    b. Water all unpaved haul roads a minimum of three-times/day or whenever visible dust from such roads is capable of drifting from the site or approaches 20% opacity.
    c. Reduce speed on unpaved roads to less than 15 miles per hour.
    d. Install and maintain a track out control device that meets the specifications of SJV APCD Rule 804 l if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles.
    e. Stabilize all disturbed areas, including storage piles, which are not being actively utilized for production purposes using water, chemical stabilizers or by covering with a tarp or other suitable cover.
    f. Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading, or cut and fill operations with application of water or by presoaking.
    g. When transporting materials offsite, maintain a freeboard limit of at least 6 inches and cover or effectively wet to limit visible dust emissions.
    h. Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and use of blowers is expressly forbidden).
    i. Stabilize the surface of storage piles following the addition or removal of materials using water or chemical stabilizer /suppressants.
    j. Remove visible track-out from the site at the end of each workday.
    k. Cease grading or other activities that cause excessive (greater than 20% opacity) dust formation during periods of high winds (greater than 20 mph over a one-hour period).

Mitigation for Air Quality and GHG impacts.

34. In addition, the GAMAQI guidance document lists the following measures as approved and recommended for construction activities. These measures ore recommended:

a. Maintain all construction equipment as recommended by manufacturer manuals.
b. Shut down equipment when not in use for extended periods.
c. Construction equipment shall operate no longer than eight (8) cumulative hours per day.
d. Use electric equipment for construction whenever possible in lieu of diesel or gasoline powered equipment.
e. Curtail use of high-emitting construction equipment during periods of high or excessive ambient pollutant concentrations.
f. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.
g. On-Rood and Off-Rood diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.
h. On-Road and Off-Road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.
i. All construction workers shall be encouraged to shuttle (car-pool) to retail establishments or to remain on-site during lunch breaks.
j. All construction activities within the project area shall be discontinued during the first stage smog alerts.
k. Construction and grading activities shall not be allowed during first stage 03 alerts. First stage 03 alerts are declared when the 03 level exceeds 0.20 ppm (1-hour average).

Mitigation for Air Quality and GHG impacts.

35. The following measures are will further reduce the potential for long-term emissions from the Project. These measures are required as a matter of regulatory compliance:
    a. The project design shall comply with applicable standards set forth in Title 24 of the Uniform Building Code to minimize total consumption of energy.
    b. Applicants shall be required to comply with applicable mitigation measures in the AQAP, SJV APCD Rules, Traffic Control Measures, Regulation VIII and Indirect Source Rules for the SJVAPCD.
    c. The developer shall comply with the provisions of SJV APCD Rule 460 l - Architectural Coatings, during the construction of all buildings and facilities. Application of architectural coatings shall be completed in a manner that poses the least emissions impacts whenever such application is deemed proficient.
    d. The applicant shall comply with the provisions of SJV APCD Rule 4641 during the construction and pavement of all roads and parking areas within the project area. Specifically, the applicant shall not allow the use of:
        i. Rapid cure cutback asphalt;
        ii. Medium cure cutback asphalt;
        iii. Slow cure cutback asphalt (as specified in SJVAPCD Rule 464 l, Section 5.1.3); or Emulsified asphalt {as specified in SJV APCD Rule 4641, Section 5.1.4).
        iv. The developer shall comply with applicable provisions of SJVAPCD Rule 9510 (Indirect Source Review). *Mitigation for Air Quality and GHG impacts.*

36. The following mitigation measures are recommended to further reduce the potential for Greenhouse Gas emissions from the project. These measures will be required to ensure that the proposed project emissions are reduced to extent feasible and as required under state regulation:
    a. The project shall comply with the requirements of state and/or federal legislation and/or regulation to reduce or eliminate production of Greenhouse Gasses.

    Mitigation for GHG impacts.

Biological Impact Mitigation Measures:

37. Prior to ground disturbance, the developer shall have a qualified biologist survey the location for species covered under the Metropolitan Bakersfield Habitat Conservation Plan incidental take permit for urban development (Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, & Bakersfield cactus) and comply with the mitigation measures of the permit. Survey protocol shall be that recommended by the California Department of Fish and Wildlife. Developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Community Development Department and wildlife agencies no more than 30 days prior to ground disturbance.

    The current MBHCP urban development incidental take permit expires on September 1, 2019. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees (prior to the September expiration date. As determined by the City of Bakersfield, only projects ready to be issued an urban development permit, grading plan approval or building permit before the expiration date will be eligible to pay fees under the current MBHCP incidental take permit. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP incidental take permit. Urban development permits issued after the expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish and Wildlife Agency and the California Department of Fish and Wildlife.

    Mitigation for Biological Resource impacts.

38. The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. To avoid violation of the take provisions of these laws generally requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1 -August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered "taking" and is potentially punishable by fines and/or imprisonment.

a. To avoid impacts to burrowing owl, prior to ground disturbance, a focused survey shall be submitted to California Department of Fish and Wildlife (CDFW) by the Project applicant of a subdivision or site plan review, following the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). A copy of the survey shall also be submitted to the City of Bakersfield, Planning Division.
b. If the survey results the presence of burrowing owl nests, prior to grading; including staging, clearing, and grubbing, surveys for active nests shall be conducted by a qualified wildlife biologist no more than 30 days prior to the start of the of the Project commencing and that the surveys be conducted in a sufficient area around the work site to identity any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. If the Project applicant identifies active nests, the CDFW shall be notified and recommended protocols for mitigation shall be followed and a copy submitted to City of Bakersfield, Planning Division.
c. If any ground disturbing activities will occur during the burrowing owl nesting season (approximately February l through August 31), and potential burrowing owl burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that burrowing owls are found, the applicant must follow CDFW protocol for mitigation and comply with the provisions of the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711). If the Project applicant proposes to evict burrowing owls that may be present, the CDFW recommends passive relocation during the non-breeding season.

Mitigation for Biological Resource impacts.

39. Prior to ground disturbance, the developer shall have a qualified consultant survey the location for kit Fox, and comply with the provisions of the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP). Survey protocol shall be that recommended by the State Department of Fish and Wildlife. Developer shall be subject to the mitigation measures recommended by the consultant. A copy of the survey and results shall be provided to the Community Development Department-Planning Division and Wildlife agencies no more than 30 days prior to ground disturbance.

The current MBHCP expires in September 1, 2019. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the September expiration date under the current MB HCP. As determined by the City of Bakersfield, only projects ready to be issued an urban development permit, grading plan approval or building permit before the expiration date will be eligible to pay fees under the current MBHCP incidental take permit. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP incidental take permit. Urban development permits issued after the expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish and Wildlife Agency and the California Department of Fish and Wildlife. *Mitigation for Biological Resource impacts.*

Mitigation Measures for Biological Impact from the Biological Reconnaissance Survey:

40. The following measures are intended to additionally reduce the potential for direct take of listed wildlife species that may be present in the vicinity of the proposed project and shall be implemented as precautions to reduce the likelihood of significant impacts to special-status species in the event that any foraging activities occur in the vicinity of the project site.
    a. If ground disturbing activities are planned during the potential nesting season for migratory birds that may nest on or near the site (generally February l through August 31), nesting bird surveys are recommended no more than one week prior to the commencement of ground disturbance for project activities. If nesting birds are present, no new construction or ground disturbance shall occur within an appropriate avoidance area for that species until young have fledged. Appropriate avoidance shall be determined by a qualified biologist. In general, minimum avoidance zones for active nests should be implemented as follows: l) ground or low shrub nesting non-raptors-300 feet (91 meters); 2) burrowing owl-(see Recommendation #2 for additional measures regarding burrowing owl); 3) sensitive raptors (e.g. Prairie falcon, golden eagle)-0.5 (0.8 kilometers); 4) other raptors-500 feet (152 meters).
    b. If burrows that show evidence of occupation by burrowing owl are discovered during subsequent surveys, including the 30-day pre-activity survey, the procedures for monitoring a potential owl burrow contained in the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) shall be implemented.

Mitigation for Biological Resource impacts.

Cultural Impact Mitigation Measures:

41. If cultural resources are encountered during the course of construction, a qualified archaeologist shall be consulted for further evaluation. The applicant/developer of the project site shall submit documentation to the Community Development Department - Planning Division that they have met this requirement prior to further commencement of ground-disturbance activities and construction.

Mitigation for Cultural Resource impacts.

42. If human remains are discovered during grading or construction activities, all work shall cease in the area of the find pursuant to Section 7050.5 of the California Health and Safety Code. If human remains are identified on the site at any time, work shall stop at the location of the find and the Kern County Coroner shall be notified immediately (Section 7050.5 of the California Health and Safety Code and Section 5097.94, 5097.98 and 5097.99 of the California Public Resource Code which details the appropriate actions necessary for addressing the remains) and the local Native American community shall be notified immediately.

Mitigation for Cultural Resource impacts.

43. Prior to ground-disturbance activities associated with this project, personnel associates with the grading effort shall be informed of the importance of the potential cultural and archaeological resources (i.e. archaeological sites, artifacts, features,

burials, human remains, etc.) that may be encountered during site preparation activities, how to identify those resources in the field, and of the regulatory protections afforded to those resources. This training shall be conducted by representatives from the Tejon Indian Tribe or qualified archaeologist. The personnel shall be informed of procedures relating to the discovery of archaeological remains during grading activities and cautioned to avoid archaeological finds with equipment and not collect artifacts. The applicant/developer of the project site shall submit documentation to the Community Development Department - Planning Division that they have met this requirement prior to commencement of ground-disturbance activities. This documentation should include information on the date(s) of training activities, the individual(s) that conducted the training, a description of the training, and a list of names of those who were trained.

Should cultural remains be uncovered, the on-site supervisor shall immediately notify a qualified archaeologist and the Tejon Indian Tribe. The developer shall provide the Tejon Indian Tribe information on excavation depth of the construction site.

Mitigation for Cultural Resource impacts.

Traffic Impact Mitigation Measures:

44. Intersection improvements which were identified in the Traffic Study as necessary to maintain acceptable Levels of Service are listed in Table 6 (see Exhibit 1). The project's share of the costs for improvements to mitigate their impacts to the transportation facilities included within the Regional Transportation Impact Fee Program (RTIF) shall be paid by the project through its contribution to the fee program. Required future improvements to local facilities not included in the regional fee program shall be paid for by the project proponent based on the pro-rate share of project related traffic identified in the Traffic Study for this project. Both the "local" and "regional" fees will be paid at time of issuance of the various related building permits for the project.

    Mitigation for Traffic impacts.

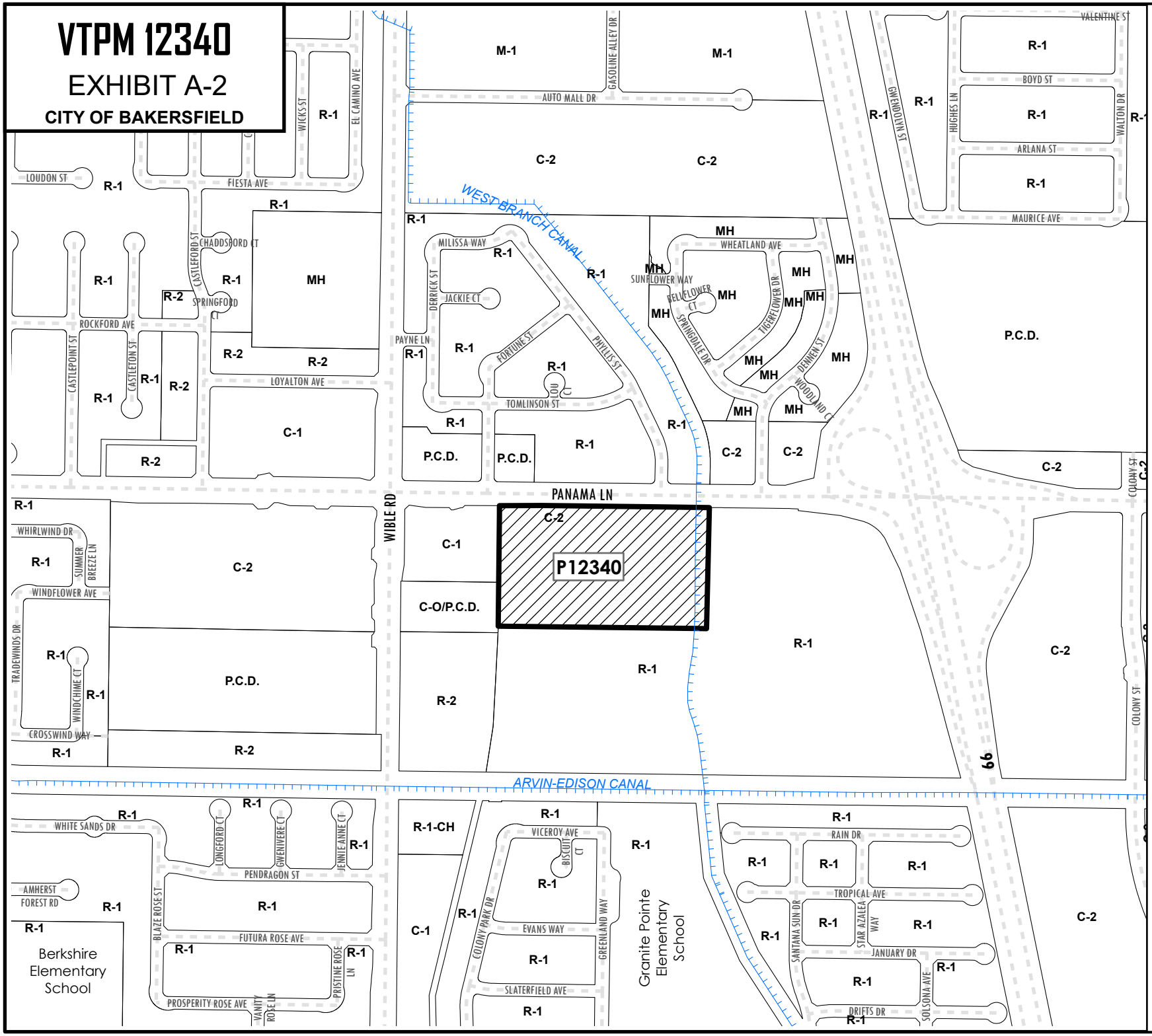
45. The developer shall pay into the adopted Regional Traffic Impact Fee fixed rate program at time of issuance of any building permit for the project site.

    Mitigation for Traffic impacts.

VTPM 12340

EXHIBIT A-2

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

R-1 One Family Dwelling
6,000 sq.ft. min lot size
R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
E Estate
10,000 sq.ft. min lot size
R-S Residential Suburban
24,000 sq.ft./dwelling unit
R-S-( ) Residential Suburban
1, 2.5, 5 or 10 min lot size
R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
R-H Residential Holding
20 acre min lot size
A Agriculture
6,000 sq.ft. min lot size
A-20A Agriculture
20 acre min lot size
PUD Planned Unit Development
TT Travel Trailer Park
MH Mobilehome
C-O Professional and Administrative Office
C-1 Neighborhood Commercial
C-2 Regional Commercial
C-C Commercial Center
C-B Central Business
PCD Planned Commercial Development
M-1 Light Manufacturing
M-2 General Manufacturing
M-3 Heavy Industrial
P Automobile Parking
RE Recreation
Ch Church Overlay
OS Open Space
HOSP Hospital Overlay
AD Architectural Design Overlay
FP-P Floodplain Primary
FP-S Floodplain Secondary
AA Airport Approach
DI Drilling Island
PE Petroleum Extraction Combining
SC Senior Citizen Overlay
HD Hillside Development Combining
WM- West Ming Specific Plan

N

Feet

0 250 500

Document Name: 20190704

EXHIBIT A-3

VESTING TENTATIVE PARCEL MAP NO. 12340

BEING A DIVISION OF LOT "A" OF LOT LINE ADJUSTMENT NO. 15-0412 AS EVIDENCED BY THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED AS DOCUMENT NO. 000216049212 OF OFFICIAL RECORDS ALSO BEING A PORTION OF THE N 1/2 OF THE N.W. 1/4 OF SECTION 25, T. 30 S., R. 27 E., M.D.M. IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.

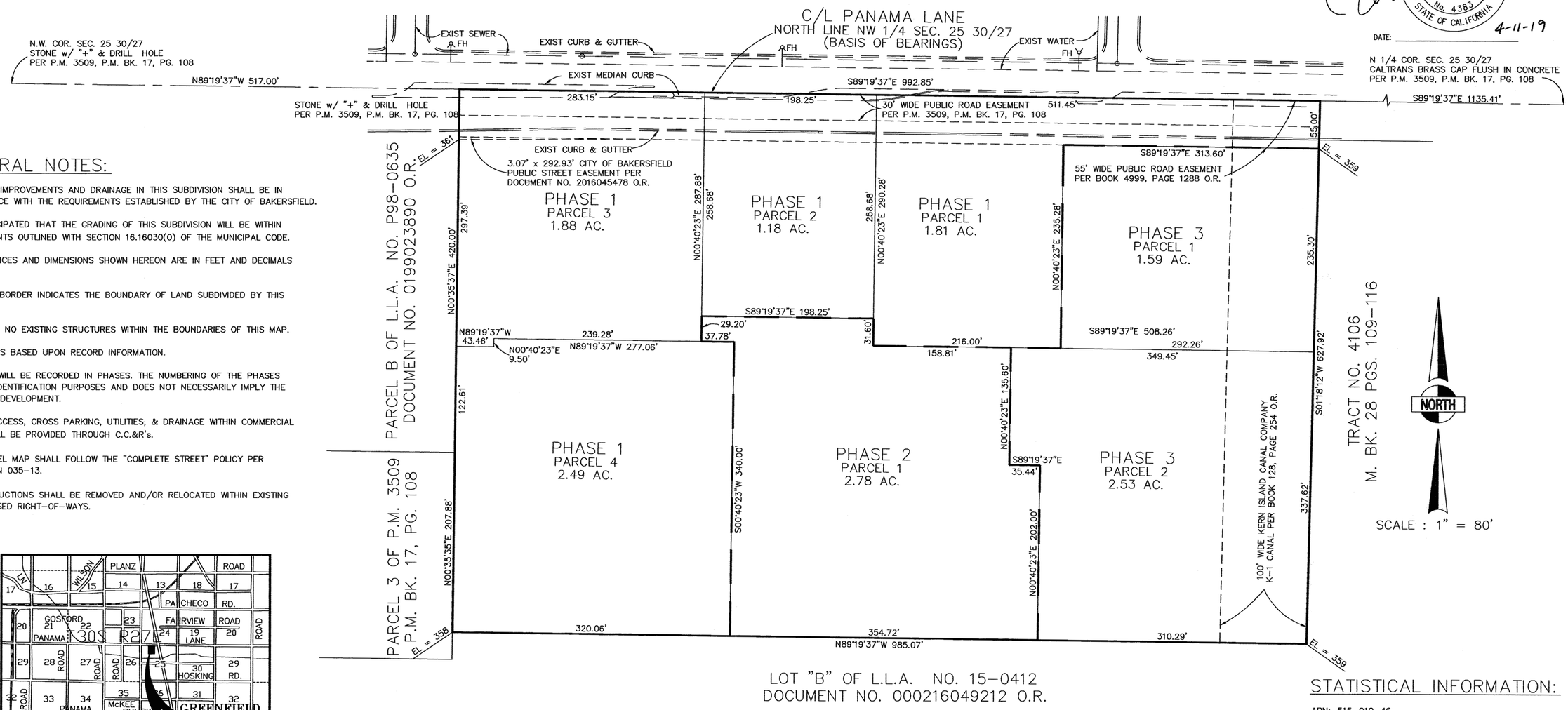
CONTAINS : 14.26 ACRES – 3 PHASES – 7 PARCELS

OWNER/SUBDIVIDER:
SANGERA PROPERTIES LLC
5600 GASOLINE ALLEY DRIVE
BAKERSFIELD, CA. 93313
CONTACT: DAMON CULBERTSON
PHONE: (661) 394-1300

LAND SURVEYOR:
McINTOSH & ASSOCIATES
2001 WHEELAN COURT
BAKERSFIELD, CA 93309
CONTACT: ROGER A. McINTOSH
PHONE: (661) 834-4814

LICENSED LAND SURVEYOR ROGER A. McINTOSH No. 4383 STATE OF CALIFORNIA

DATE: 4-11-19



GENERAL NOTES:

ALL ROAD IMPROVEMENTS AND DRAINAGE IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF BAKERSFIELD.

IT IS ANTICIPATED THAT THE GRADING OF THIS SUBDIVISION WILL BE WITHIN THE AMOUNTS OUTLINED WITH SECTION 16.16030(0) OF THE MUNICIPAL CODE.

ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THE BOLD BORDER INDICATES THE BOUNDARY OF LAND SUBDIVIDED BY THIS MAP.

THERE ARE NO EXISTING STRUCTURES WITHIN THE BOUNDARIES OF THIS MAP.

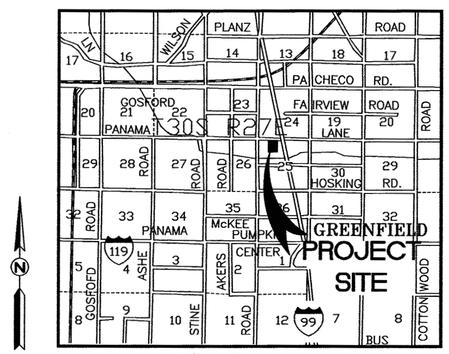
THIS MAP IS BASED UPON RECORD INFORMATION.

THIS MAP WILL BE RECORDED IN PHASES. THE NUMBERING OF THE PHASES ARE FOR IDENTIFICATION PURPOSES AND DOES NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT.

ON SITE ACCESS, CROSS PARKING, UTILITIES, & DRAINAGE WITHIN COMMERCIAL AREA SHALL BE PROVIDED THROUGH C.C.&R's.

THIS PARCEL MAP SHALL FOLLOW THE "COMPLETE STREET" POLICY PER RESOLUTION 035-13.

ALL OBSTRUCTIONS SHALL BE REMOVED AND/OR RELOCATED WITHIN EXISTING OR PROPOSED RIGHT-OF-WAYS.



VICINITY MAP

NOT TO SCALE

BASIS OF BEARINGS

THE BEARING OF S89°19'37"E SHOWN FOR THE NORTH LINE OF THE NW 1/4 OF SECTION 25, T. 30 S., R. 27 E., M.D.M. PER KERN COUNTY SURVEYOR'S FILED MAP NO. 7-1, BK. 6, PG. 27 WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

UNPLOTTABLE EASEMENTS

PROPERTY IS ENCUMBERED BY A KERN COUNTY LAND COMPANY EASEMENT PER BOOK 55, PAGE 220 AND BOOK 80, PAGE 34 BOTH OF DEEDS WHICH CANNOT BE LOCATED FROM RECORD.

PROPERTY IS ENCUMBERED BY A PACIFIC GAS AND ELECTRIC COMPANY BLANKET EASEMENT PER DOCUMENT NO. 0197042133 O.R. WHICH CANNOT BE LOCATED FROM RECORD.

FLOOD ZONE

THIS SITE IS IN A FEMA FLOOD ZONE "X" AS SHOWN ON FIRM MAP No. 06029C2300E, DATED SEPTEMBER 26, 2008. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

STATISTICAL INFORMATION:

APN: 515-010-46
EXISTING USE: VACANT
PROPOSED USE: COMMERCIAL
ZONING: EXISTING: C-2
GENERAL PLAN DESIGNATION: GC
ELECTRIC: PACIFIC GAS & ELECTRIC COMPANY
GAS: PACIFIC GAS & ELECTRIC COMPANY
PHONE: A.T.&T.
SEWER: CITY OF BAKERSFIELD
WATER: CALIFORNIA WATER SERVICE CO.
TYPE "A" IMPROVEMENTS

REVDATE1	REV1	DRFTR1
REVDATE2	REV2	DRFTR2
REVDATE3	REV3	DRFTR3
REVDATE4	REV4	DRFTR4
REVDATE5	REV5	DRFTR5

DONE BY: JKD
DATE: 4-10-19
JOB NO. 18-064
FILE: VTPM

COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: September 5, 2019	**ITEM NUMBER:** Consent - Public Hearing5.(d.)

TO: Planning Commission

FROM: Kevin F. Coyle, AICP CEP, Planning Director

PLANNER: Paul Johnson, Principal Planner

DATE:

WARD: Ward(s) 1, 2, 3, 4, 5, 6, 7

SUBJECT:
Amendment to Title 17 of the Bakersfield Municipal Code: Proposed amendment of Sections 17.04.539 and 17.58.110, and Chapter 17.65 of the Bakersfield Municipal Code for the purpose of regulating Accessory Dwelling Units. Notice of Exemption on file.

APPLICANT: City of Bakersfield

OWNER:

LOCATION: City-wide

STAFF RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

Description	Type
Staff Report	Staff Report
Resolution	Resolution
Research Summary	Backup Material
ADUs Presentation	Presentation

www.bakersfieldcity.us

CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT

TO: Chair Cater and Members of the Planning Commission AGENDA ITEM 5.d

FROM: Kevin F. Coyle, AICP CEP, Planning Director APPROVED KFC

DATE: September 5, 2019

SUBJECT: Amendment of Sections 17.04.539 and 17.58.110, and Chapter 17.65 of the Bakersfield Municipal Code for the purpose of regulating Accessory Dwelling Units. (All Wards)

RECOMMENDATION: Adopt Resolution **APPROVING** the ordinance amendments and recommend same to the City Council.

BACKGROUND:

This item is an amendment to the City's Second Dwelling Unit Ordinance, in response to a referral from Councilmember Smith. Second dwelling units are more commonly referred to as Accessory Dwelling Units (ADUs).

History. In 1994, the "Second Dwelling Unit" chapter was added to the Bakersfield Municipal Code to set forth the policies and procedures for permitting second units consistent with the provisions of Section 65852.2 of the California Government Code.

At the September 5, 2018 City Council meeting, Councilmember Smith made a referral to the Planning and Development Committee to review permitting of ADUs.

On July 9, 2019, the Planning and Development Committee was presented information on ADUs and new Assembly/Senate bills being considered by the State. The Committee accepted public input from the development community and directed Staff to prepare a full draft of an updated Ordinance.

Accessory Dwelling Units. While the concept of ADUs may not be new, it was not until 2016 that State law started changing to encourage the construction of ADUs to alleviate the housing crisis in parts of the state. Under State law, an ADU is defined as:

> "an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated." (Cal. Govt. Code § 65852.2)

ADUs are more common in urban areas where affordable housing is extremely limited. Typically, ADUs consist of garage conversions, additions to existing homes, or options for newly constructed homes that are marketed as mother-in-law quarters or casitas.

Under State law, ADUs are subject to the following regulations:

- Total area of floor space shall not exceed 1,200 square feet.
- Lot must be zoned single-family or multifamily and include a proposed or existing single-family dwelling.
- ADUs may be rented separate from the primary residence but may not be sold separate from the primary residence.

State law allows local jurisdictions to enact ordinances to impose additional standards on ADUs including, but not limited to, owner occupancy, size, and parking requirements. To date, the City of Bakersfield ("City") has not adopted any separate ordinances related to ADUs.

California State Legislature. Currently, there are three Bills being considered and are summarized below:

Assembly Bill 68 (August 12, 2019; referred to Appropriations suspense file)

- No minimum lot size for ADUs
- Ministerially approved within 60 days rather than 120
- One ADU and one junior ADU per lot with a proposed or existing single-family dwelling if certain requirements are met
- A detached, new construction single-story ADU that meets certain requirements
- Multiple ADUs within the portions of an existing multifamily dwelling structure provided those units meet certain requirements
- Not more than two ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to certain height and rear yard and side setback requirements

Assembly Bill 881 (August 12, 2019; re-referred to the Committee on Appropriations)

- Cannot require owner occupancy
- Cannot impose parking standards if within 1/2 mile of public transit
- ADU must be located on a lot with a proposed or existing primary residence

Senate Bill 13 (August 12, 2019; re-referred to the Committee on Appropriations)

- Cannot require replacement parking spot for garage conversion
- Cannot require owner occupancy
- Ministerially approved within 60 days rather than 120
- An accessory dwelling unit less than 750 square feet will be charged zero impact fees
- An accessory dwelling unit 750 or more square feet shall be charged 25 percent of the impact fees otherwise charged for a new single-family dwelling on the same lot

Research Summary. Staff diligently researched options to create a reasonable fee schedule for ADUs that are more consistent with the associated impacts. Attached is a summary of staff's research.

MUNICIPAL CODE AMENDMENTS:

Based on Committee's direction, the "major" proposed changes are summarized in Table 1 (see Resolution for specific changes).

Table 1. Updated Code Section Revisions	
Code Section	**Proposed Changes**
Definition	**17.04.539** "~~*Second*~~ ***Accessory*** *dwelling unit*" means an additional attached or detached residential dwelling unit subordinate in size and use to an existing ~~single-family~~ dwelling unit on a lot zoned for residential use and containing a separate entrance and independent living facilities.
Parking	**17.58.110** 1 space per dwelling unit. **If the unit is a garage conversion or within 1/2 mile of public transit, no parking spaces are required.**
Basis for Approval	**17.65.020** 2. The floor area of the ~~second~~ **accessory dwelling** unit, if attached to the existing living area, shall not exceed ~~thirty~~ **fifty** percent of the floor area of the existing dwelling; if detached from the existing living area, shall not exceed one thousand two hundred square feet. ~~3. The existing dwelling on the lot upon which the second unit is being proposed must be owner occupied.~~
Process	**17.58.110** B. The application shall include payment of the required site plan review fee. ~~The project will be~~ **Accessory dwelling units are not** subject to ~~the same~~ **traffic impact fees, and shall pay sewer connections fees based upon the number of fixtures.** ~~applicable to any other residential construction project which shall be paid prior to the issuance of a building permit.~~

ENVIRONMENTAL REVIEW AND DETERMINATION:

Public notice for the proposed project and environmental determination was advertised in the Bakersfield Californian and posted on the bulletin board in the City of Bakersfield Development Services, 1715 Chester Avenue, Bakersfield, California, and distributed to special interest groups.

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures. Under Public Resources Section Code 21080.17, CEQA does not apply to the adoption of an ordinance to implement the provisions of 65852.1 or 65852.2 of the Government Code (i.e. the state Accessory Dwelling Unit law). The proposed ordinance amendments result in the City implementing this state law.

CONCLUSION:

Based on the foregoing, Staff concludes the recommended ordinance amendments to Title 17 of the Bakersfield Municipal Code within Sections 17.04.539 and 17.58.110, and Chapter 17.65 are appropriate.

ATTACHMENTS:

A. Draft Resolution with Exhibits
B. ADU Research Summary

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENTS TO SECTIONS 17.04.539 AND 17.58.110, AND CHAPTER 17.65 OF THE BAKERSFIELD MUNICIPAL CODE FOR THE PURPOSE OF REGULATING ACCESSORY DWELLING UNITS.

WHEREAS, the City of Bakersfield initiated text amendments to Title 17 of the Bakersfield Municipal Code within Sections 17.04.539 and 17.58.110, and Chapter 17.65 of the Bakersfield Municipal Code for the purpose of regulating Accessory Dwelling Units (the Project); and

WHEREAS, the Secretary of the Planning Commission, did set Thursday, September 5, 2019, at 5:30 p.m. in the Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for consideration of the Planning Director's report; and

WHEREAS, the laws and regulations relating to CEQA and the City of Bakersfield's CEQA Implementation Procedures, have been duly followed by city staff and the Planning Commission; and

WHEREAS, under Public Resources Section Code 21080.17, CEQA does not apply to the adoption of an ordinance to implement the provisions of 65852.1 or 65852.2 of the Government Code (i.e. the state Accessory Dwelling Unit law); and

WHEREAS, the laws and regulations relating to CEQA and the City of Bakersfield's CEQA Implementation Procedures, have been duly followed by city staff and the Planning Commission; and

WHEREAS, the City of Bakersfield Planning Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

WHEREAS, the facts presented in the staff report and evidence received at the above referenced public hearing support the following findings:

1. All required public notices have been given. Advertisement of the hearing notice regarding the Project was published in the *Bakersfield Californian*, a local newspaper of general circulation.

2. The provisions of the California Environmental Quality Act (CEQA) have been followed.

3. Under Public Resources Section Code 21080.17, CEQA does not apply to the adoption of an ordinance to implement the provisions of 65852.1 or 65852.2 of the Government Code (i.e. the state Accessory Dwelling Unit law). The proposed ordinance amendments result in the City implementing this state law.

4. The text amendments are necessary and desirable as the proper use of the City's zoning authority for the protection of the general health, safety, welfare of the community.

5. The text amendments are consistent with the goals, objectives and policies of the Metropolitan Bakersfield General Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BAKERSFIELD as follows:

1. The recitals above are true and correct and incorporated herein by this reference.

2. The ordinance amendments as shown in Exhibits A and incorporated herein, is hereby recommended for adoption by the City Council.

---------o0o---------

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 5th day of September 2019, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

_____
DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits:
A. Draft Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 17.04 SECTION 17.04.539 AND CHAPTER 17.65 SECTIONS 17.65.010, 17.65.020, 17.65.030 AND 17.65.040 OF THE BAKERSFIELD MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS.

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Sections 17.04.539 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.04.539 ~~Second~~ Accessory dwelling unit.

"*~~Second~~ Accessory dwelling unit*" means an additional attached or detached residential dwelling unit subordinate in size and use to an existing ~~single-family~~ dwelling unit on a lot zoned for residential use and containing a separate entrance and independent living facilities.

SECTION 2.

Sections 17.65.010, 17.65.020, 17.65.030 and 17.65.040 of the Bakersfield Municipal Code are hereby amended to read as follows:

17.65.010 Purpose.

This chapter sets forth the policies and procedures for permitting ~~second~~ **accessory dwelling** units as defined in Section 17.04.539 of this title consistent with the provisions of Section 65852.2 **and relevant sections** of the California Government Code **as amended from time to time**.

17.65.020 Basis for approval.

A. ~~Second~~ **An Accessory** dwelling units ~~may~~ **shall** be approved by the planning director provided the proposed unit meets all of the following conditions:

1. The lot upon which the ~~second~~ **accessory dwelling** unit is being proposed must contain ~~an~~ **a proposed or** existing ~~single-family~~ dwelling.

2. The floor area of the ~~second~~ **accessory dwelling** unit, if attached to the existing living area, shall not exceed ~~thirty~~ **fifty** percent of the floor area of the existing dwelling; if detached from the existing living area, shall not exceed one thousand two hundred square feet.

~~3. The existing dwelling on the lot upon which the second unit is being proposed must be owner occupied.~~

~~4~~**3**. The ~~second~~ **accessory dwelling** unit shall conform to all other development requirements of Title 17 except minimum lot area per dwelling.

~~5~~**4**. The ~~second~~ **accessory dwelling** unit shall conform to the construction requirements of the Building Code as adopted by the city.

~~6~~**5**. The ~~second~~ **accessory dwelling** unit shall be architecturally compatible with the main unit. Architectural compatibility shall mean that the exterior building materials and architecture of the ~~second~~ **accessory dwelling** unit shall be the same as the materials used on the main dwelling. Architectural compatibility will be evaluated during site plan review.

17.65.030 Site plan approval required.

No person shall construct or cause to be constructed any ~~second~~ **accessory dwelling** unit without having first complied with the provisions of site plan review as provided in Chapter 17.08.

17.65.040 Process.

A. A request for approval of a**n** ~~second~~ **accessory dwelling** unit shall be made by submitting a site plan review application to the city. The request shall be made by the owner ~~occupant~~ of the **existing** dwelling **unit** on the lot upon which the ~~second~~ **accessory** dwelling unit will be constructed.

B. The application shall include payment of the required site plan review fee. ~~The project will be~~ **Accessory dwelling units are not** subject to ~~the same~~ **traffic impact fees or park fees, and shall pay sewer connections fees based upon the number of fixtures.** ~~applicable to any other residential construction project which shall be paid prior to the issuance of a building permit.~~

C. Projects shall comply with all the requirements of Section 17.65.020 and the conditions of approval placed on the project through site plan review.

SECTION 3.

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

---------o0o----------

I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on _____ by the following vote:

AYES:	COUNCILMEMBER:	RIVERA, GONZALES, WEIR, SMITH, FREEMAN, SULLIVAN, PARLIER
NOES:	COUNCILMEMBER:	_____
ABSTAIN:	COUNCILMEMBER:	_____
ABSENT:	COUNCILMEMBER:	_____

_____
JULIE DRIMAKIS
CITY CLERK and Ex Officio Clerk of the Council of the City of Bakersfield

APPROVED:

By:_____
KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: _____
RICHARD IGER
Deputy City Attorney

RI:vlg

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ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 17.58 SECTION 17.58.110 OF THE BAKERSFIELD MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS.

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Sections 17.58.110 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.58.110 Parking space requirements by land use.

A. The minimum number of off-street parking spaces shall be provided and maintained for the following specified uses or facilities identified in the table in subsection E of this section. The number of off-street parking spaces shall not exceed one hundred fifty percent of the minimum requirement (limit does not apply to residential uses).

B. Tandem parking will not be counted toward the requirement for legal off-street parking, except one tandem parking space will be permitted for a single-family dwelling, and for each unit of a multiple-family dwelling that contains four units or less on a site that is not part of a multiple-family subdivision project.

C. Motorcycle parking that is provided and clearly identified for such use, may be counted as part of the total number of parking spaces required for a nonresidential use or building. However, this credit shall not exceed twenty-five spaces or five percent of the total parking required, whichever is less.

D. For uses not listed in the parking space requirements table, parking will be determined by the planning director based on the listed use(s) that most closely resembles the proposed use.

E. parking space requirements by land use table:

PARKING SPACE REQUIREMENTS BY LAND USE

	Use or Activity	Spaces Required
1.	One-family dwellings	2 spaces per dwelling unit
2.	~~2nd~~ **Accessory** dwelling unit (per Chapter 17.65)	1 space per dwelling unit. **If the unit is a garage conversion or within ½ mile of public transit, no parking spaces are required.**
3.	Multiple-family dwelling and condominium (efficiency, studio and 1-bedroom units)	1 space per unit, plus an additional 10% for guest parking on parcels containing 5 or more units. Moderate, low, and very low income projects with 5 or more units and being recorded as such by declaration or covenant that runs with the land, may reduce required parking by 25% (moderate, low and very low income is defined as being at or below 120% of the median income of Kern County as established by the State of California)
4.	Multiple-family dwelling and condominium (2 or more bedrooms)	2 spaces per unit, plus an additional 10% for guest parking on parcels containing 5 or more units. Moderate, low, and very low income projects with 5 or more units and being recorded as such by declaration or covenant that runs with the land, may reduce required parking by 25% (moderate, low and very low income is defined as being at or below 120% of the median income of Kern County as established by the State of California)

5.	Dwelling designed for senior citizens	62 years and over: 1 space per 2 units 55 years and over: 1 space per unit
	(a recorded covenant is required limiting occupancy of at least 1 resident per unit by age as noted or is physically handicapped)	Plus an additional 10% for guest parking on parcels containing 5 or more units
6.	General office (i.e., real estate, finance companies, architects, engineers, attorneys, C.P.A. and other similar uses)	1 space per 250 square feet of gross floor area
7.	Medical and dental office, including chiropractic office, specialized medical offices and other similar uses	1 space per 200 square feet of gross floor area
8.	Physical and occupational therapy	1 space per 300 square feet of gross floor area
9.	Medical laboratory such as diagnostic dental and x-ray laboratories and other similar uses Surgery center and other out-patient facilities	1 space per 250 square feet of gross floor area
10.	Office park or complex (single and multiple tenant buildings with both general and medical office uses)	1 space per 200 square feet of gross floor area up to and including 15,000 square feet, plus an additional 1 space per 250 square feet of gross floor area in excess of 15,000 square feet
11.	Neighborhood and regional shopping center (freestanding satellite pads such as fast food restaurants or banks shall be computed separately unless satellite buildings contain 2 or more tenants)	1 space per 200 square feet of gross floor area up to and including 35,000 square feet, plus an additional 1 space per 250 square feet of gross floor area in excess of 35,000 square feet

12. General retail (single tenant only, for multiple tenant buildings, refer to #11 above)	1 space per 300 square feet of gross floor area
13. Restaurant, including fast food restaurant	1 parking space per 75 square feet of gross floor area (no additional parking is required for outdoor seating)
(Note: take-out restaurants where food is consumed off premises shall be parked in accordance with general retail in #12 above)	If use has 1 or more drive-up windows with drive-in lanes 24 feet in length, credit for 1 parking space per window shall be given; If such lane exceeds 44 feet, 2 spaces per window shall be credited in computing parking requirements Whenever the planning director determines that any restaurant with less than 3,000 square feet of gross floor area serves primarily those that may be conducting other business within the "central district" or properties zoned C-B or C-C, he/she may waive all or any portion of the parking requirements
14. Night club, including live entertainment	1 parking space per 50 square feet of gross floor area (no additional parking is required for outdoor seating) Whenever the planning director determines that any night club with less than 3,000 square feet of gross floor area is open after 3:00 p.m. within the "central district" or properties zoned C-B or C-C, he/she may waive all or any portion of the parking requirements

15. Convenience market with or without fueling services	1 space per 200 square feet of gross floor area, minimum of 10 spaces required; If use has 1 or more fuel pump islands, credit for 2 parking spaces per pump shall be given
16. Bank, savings and loan, credit union	1 space per 300 square feet of gross floor area; If use has 1 or more drive-up windows with drive-in lanes 24 feet in length, credit for 1 parking space per window shall be given; If such lane exceeds 44 feet, 2 spaces per window shall be credited in computing parking requirements
17. Hotel, motel, roominghouse (additional parking required for meeting rooms, restaurants, bars, and office space)	1 space per sleeping unit
18. Furniture store	1 space per 1,000 square feet of gross floor area
Plus office space for above	1 space per 300 square feet of gross floor area
19. Beauty salon and barbershop	1 space per 150 square feet of gross floor area or 2 spaces per barber or styling chair, whichever is less
20. Veterinary hospital and clinic	1 space per 500 square feet of gross floor area
21. Museum Library Cultural center	1 space per 500 square feet of gross floor area

22.	Nursery sales Vehicle sales area Trailer and camper sales area Boat and farm machinery sales area (office, retail sales, service department, and repair area shall be computed separately by use)	1 space per 4,000 square feet of inside or outside sales area
23.	Health club, such as aerobics and gymnastics studio, private gym, karate and judo club, and similar uses	1 space per 300 square feet of gross floor area
24.	Bowling alley (restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	4 spaces per alley
25.	Billiards (restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	2 spaces per table
26.	Golf course (restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	6 spaces per tee
27.	Tennis, racquetball, and handball court (restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	3 spaces per court

28.	Stadium, sports arena, exhibition hall	1 space per 6 seats Where benches are provided, 18 inches of bench space shall be the equivalent of 1 seat; where no fixed seating is provided, 7 square feet of public assembly floor space shall be the equivalent of 1 seat
29.	Park, outdoor recreational facility	1 space per 6 people that the facility is designed to accommodate or If seating is provided, 1 space per 4 seats, whichever is greater
30.	Lodges, halls Banquet rooms, including those associated with a restaurant Church Funeral home Mortuary Theater Auditorium, including school multi-purpose buildings and similar places of assembly (figure main public meeting areas only)	1 space per 4 seats provided in accordance with applicable fire code occupancy standards Where benches are provided, 18 inches of bench space shall be the equivalent of 1 seat; where no fixed seating is provided, 7 square feet of public assembly floor space shall be the equivalent of 1 seat
31.	Hospital Medical in-patient clinic and other overnight treatment facilities (additional parking required for administrative offices, out-patient clinic, testing, teaching, research and other similar activities)	3/4 space per bed

32. Convalescent hospital and extended medical care facility Nursing and convalescent home Homes for the aged Conjugate care and extended care facility Residential care or group home (additional parking required for administrative offices, testing, teaching, research and other similar activities)	1/2 space per bed
33. Child or adult day care center	1 space per 6 clients plus 1 space per staff member of the largest shift, with drop-off and pick-up area approved by the traffic engineer
34. Large family day care center (The residential driveway is acceptable if the parking space does not conflict with any required child drop-off/pick-up area pursuant to Chapter 17.67 of this code)	1 space per employee of the largest shift
35. Elementary or middle school	1 space for each faculty member and employee (based on the maximum number of faculty and employees on site at any given time) or 1 space per 4 seats in the primary public assembly area, whichever is greater
36. High school, trade, secondary and post secondary school	1 space for each faculty member and employee, and 1 space for every 4 students (based on the maximum number of faculty, employees and students on site at any given time)

	or
	1 space per 4 seats in the primary public assembly area, whichever is greater
37. Manufacturing, wholesale, service and automotive repair	1 space per 500 square feet of gross floor area
Plus office space for above	1 space per 300 square feet of gross floor area
38. Warehouse	1 space per 1,000 square feet of gross floor area up to and including 10,000 square feet, plus an additional 1 space per 3,000 square feet in excess of 10,000 square feet
Plus office space for above	1 space per 300 square feet of gross floor area
39. Self-service storage facility	2 spaces for the manager's living unit and 3 spaces with public access for the office (note: rows between storage buildings shall be at least 20 feet wide to allow for simultaneous vehicle parking and passage, and fire access)
40. Industrial office/warehouse Complex (multi-tenant shell buildings in either an M-1 or M-2 zone containing a mix of office, commercial, industrial and storage uses)	1 space per 400 square feet of gross floor area
41. Contractor's storage yard Public buildings and grounds other than administrative offices	1 space per company vehicle plus 1 space per 2 employees on the maximum working shift (a person stationed or working out of the storage or service yard)

42.	Electric distribution substation	No parking required
	Electric transmission substation	
	Gas regulator station	
	Public utility/water well station	
	Automated/computerized communications equipment buildings (where no permanent employees assigned)	

SECTION 3.

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

---------o0o----------

I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on _____ by the following vote:

AYES:	COUNCILMEMBER:	RIVERA, GONZALES, WEIR, SMITH, FREEMAN, SULLIVAN, PARLIER
NOES:	COUNCILMEMBER:	_____
ABSTAIN:	COUNCILMEMBER:	_____
ABSENT:	COUNCILMEMBER:	_____

_____

JULIE DRIMAKIS
CITY CLERK and Ex Officio Clerk of the Council of the City of Bakersfield

APPROVED:

By:_____
KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: _____
RICHARD IGER
Deputy City Attorney

RI:vlg

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RESEARCH SUMMARY:

Fees. The law provides that:

> "Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012)".

Chapter 5 (Sections 66000-66008) and Chapter 7 (66012-66014) are part of the Mitigation Fee Act, which establishes the procedure for a local agency to levy fees for construction or improvement of public facilities on approval of development projects. Among other requirements, the local agency must determine that there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. An important element in the Mitigation Fee Act is that fees must be set proportionally to ensure that everyone pays their fair share for corresponding impacts to the system.

The City has adopted various ordinances and resolutions establishing the formulas for certain types of fees that comply with the Mitigation Fee Act by determining the impacts of the new development on the City's infrastructure. Two examples include Traffic Impact Fees and Sewer Connection Fees. In terms of ADUs, even though they may be smaller in size than single family residences, ADUs may be rented in the same fashion as a duplex or apartment unit. Since these larger ADUs are more marketable as rental units, the potential for increased impacts to City's infrastructure is arguably greater than a standard single family home with a traditional mother-in-law unit, and more similar to the impacts caused by a multi-family residence.

Accordingly, staff diligently researched options to create a reasonable fee schedule for ADUs that are more consistent with the associated impacts. This resulted in fees being set at the multifamily, or reduced, rate. Such an approach complies with the current law on ADUs and guidance provided by the California Department of Housing and Community Development. It should be noted that if the ADU is 500 square feet or less and does not include a full kitchen or laundry facilities, it is considered a Junior ADU under state law and not subject to fees.

Fee Description	**Single-family Home (3000 SF SW Bakersfield)**	**Duplex (two 960 SF units in R-2)**	**ADU (Built within existing residence)**
Traffic Impact Fees	$12,870.00	$12,426.00	$6,213.00
Sewer Connection Fees	$4,400.00	$6,336.00	$0.00
Park Development Fee – SW	$2,095.00	$4,190.00	$2,095.00
Site Plan Review	0	687	$687.00
Subtotal	$19,365.00	$23,639.00	$8,995.00
CBSC - BSA SPEC REV	$17.00	$17.00	
FIRE SPRINKLER PLAN CHECK	$144.00	$144.00	$0.00
FIRE SPRINKLER INSPECTION	$144.00	$144.00	$0.00
GENERAL PLAN MAINT FEE	$142.00	$142.00	$0.00
SMI FEE - RES	$55.06	$27.53	$0.00
PLAN CHECK FEES	$923.59	$465.70	$96.59
Grading/Building/Fire Permits	$1,084.28	$546.73	$269.33
Base Fee Subtotal	$2,509.93	$1,486.96	$365.92
Grand Total	**$21,874.93**	**$25,125.96**	**$9,360.92**

While the State is encouraging the development of ADUs, incentivizing ADUs by reducing fees could lead toward some unintended consequences.

Traffic and Parking:
Increasing the number of families living in a single family neighborhood may increase the trips per day to the neighborhood, which could impact the traffic in and around the neighborhood in ways that were not studied when the tract map was approved and conditioned. The additional families may also result in more cars being parked in neighborhoods, and if the ADU is a garage conversion, more cars will end up parking on the street.

Residential Character of Neighborhoods:
Incentivizing the construction of ADUs in traditional single-family neighborhoods could result in the neighborhood taking on more of a multi-family feel. Existing residents that moved into a particular development expecting to live in a single-family neighborhood, could be upset if their neighbors construct ADUs and rent the house, ADU, or both to new families. It is true that the State law mentions that ADUs do not increase density for the purpose of zoning consistency, but the people actually living in the area will still feel the effects of the increased density.

Residential Care Facilities:
Residential Care Facilities are single family residences that provide treatment to individuals for a number of different reasons. These facilities may be licensed by the state, and if there are 6 or less individuals in one dwelling, they are permitted by right. This situation leads to many complaints from residents that live near these facilities. ADUs could increase the number of people living or working at Residential Care Facilities by allowing more staff to live in an ADU.

Sewer System Infrastructure
ADUs may also have an impact to the City's sewer system infrastructure, as the systems were designed for single family equivalent dwelling units. The addition of ADUs could increase the demand on the sewer system because there would be more connections to the system. The City is currently having issues with the current sizing of the sewer infrastructure in the area near West Ming, so incentivizing the construction of ADUs could adversely impact the system while not contributing to the cost to develop and maintain the system.

Additionally, failure to charge appropriate fees for ADU's impacts on infrastructure may result in other residents paying more than their proportionate share as a subsidy for the impacts caused by ADUs, and thus expose the City to litigation if fees are waived.

ACCESSORY DWELLING UNITS

City Council Referral
(Ward 4)

City Council Committee Meeting
August 14, 2019

CITY COUNCIL REFERRAL

- **September 5, 2018** Referral from Councilmember Smith:
  - Request that the Planning and Development Committee discuss accessory dwelling units (ADUs) at one of the regularly scheduled meetings.
- **July 9, 2019** Planning and Development meeting:
  - Staff presented information on ADUs and new Assembly/Senate bills being considered by the State. The Committee accepted public input from the development community and
  - The committee unanimously directed Staff to prepare a full draft of an updated Ordinance to be brought to City Council.

DEFINITION

- **California Government Code § 65852.2**

"an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated."

BACKGROUND

- **ADU Locations**
  - Common in urban areas where affordable housing is extremely limited.
- **ADU Construction**
  - Typically consist of garage conversions, additions to existing homes, or options for newly constructed homes that are marketed as mother in law quarters or casitas.
- **Under State law, subject to:**
  - Total area of floor space shall not exceed 1,200 square feet.
  - Lot must be zoned single-family or multifamily and include a proposed or existing single-family dwelling.
  - ADUs may be rented separate from the primary residence but may not be sold separate from the primary residence.

FEES

- **State Law**
  - "Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012)".
  - Chapter 5 and Chapter 7 are part of the Mitigation Fee Act, which establishes the procedure for a local agency to levy fees for construction or improvement of public facilities on approval of development projects.

- **City Standards**
  - The City has adopted various ordinances and resolutions establishing the formulas for certain types of fees that comply with the Mitigation Fee Act by determining the impacts of the new development on the City's infrastructure.
  - Traffic Impact Fees and Sewer Connection Fees

FEES

Fee Description	Single-family Home (3000 SF SW Bakersfield)	Duplex (two 960 SF units in R-2)	ADU (Built within existing residence)
Traffic Impact Fees	$12,870.00	$12,426.00	$6,213.00
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GENERAL PLAN MAINT FEE	$142.00	$142.00	$0.00
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PLAN CHECK FEES	$923.59	$465.70	$96.59
Grading/Building/Fire Permits	$1,084.28	$546.73	$269.33
Base Fee Subtotal	$2,509.93	$1,486.96	$365.92
Grand Total	$21,874.93	$25,125.96	$9,360.92

CA STATE LEGISLATURE

- **AB 68**
  - No minimum lot size for ADUs
  - Ministerially approved within 60 days rather than 120
- **AB 881**
  - Cannot require owner occupancy
  - Cannot impose parking standards if within 1/2 mile of public transit
- **SB 13**
  - Cannot require replacement parking spot for garage conversion
  - Cannot require owner occupancy
  - Ministerially approved within 60 days rather than 120
  - ADU < 750 square feet will be charged zero impact fees
  - ADU ≥ 750 square feet shall be charged 25% of the impact fees otherwise charged for a new single-family dwelling on the same lot

PROPOSED REVISIONS

- **BMC 17.58.110 Parking Space by land use.**
  - If ADU is a garage conversion or within ½ mile to public transit no parking spaces required.

- **BMC 17.65**
  - Remove requirement for existing dwelling to be owner occupied.
  - ADU size increase from 30% to 50% of floor area of existing dwelling.
  - ADU's are not subject to traffic impact fees or park fees and shall pay sewer connections fee based on number of fixtures.

NEXT STEPS

- First Reading of New Ordinance as prepared by staff August 14,2019.
- Public Hearing by Planning Commission on September 5, 2019.
- Second Reading of Ordinance by City Council on September 11, 2019.
- Ordinance effective on October 11, 2019.

QUESTIONS?

COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: September 5, 2019 **ITEM NUMBER:** Public Hearings6.(a.)

TO: Chair Cater and Members of the Planning Commission

FROM: Kevin F. Coyle, AICP CEP; Planning Director

PLANNER: Steve Esselman, Principal Planner

DATE:

WARD: Ward 7

SUBJECT:
General Plan Amendment and Zone Change No. 19-0035: Porter & Associates, Inc. requests a GPA/ZC on 10.1 acres, located on the northeast corner of the Hosking Avenue and Wible Road that includes: (1) an amendment of the Land Use Element of the Metropolitan Bakersfield General Plan land use designation from LMR (Low Medium Density Residential) to GC (General Commercial), or a more restrictive designation; and (2) a change in zone classification from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial), or a more restrictive district. Mitigated Negative Declaration on file.

APPLICANT: Porter & Associates, Inc.

OWNER: Cindy Henson

LOCATION: Northeast corner of the Hosking Avenue/Wible Road intersection.

STAFF RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

Description	Type
Staff Report	Staff Report
Resolution Adopting MND w/ Exhibits	Resolution
Resolution Approving GPA w/ Exhibits	Resolution
Resolution Approving ZC w/ Exhibits	Resolution
CEQA Document - MND	Backup Material
AQ/GHG Study	Backup Material
Bio Study	Backup Material
Cultural Study	Backup Material
Traffic Study	Backup Material
Water Will-Serve Letter	Backup Material

🗋	Correspondence - Prior to SR Release	Correspondence

CITY OF BAKERSFIELD
PLANNING DIVISION
STAFF REPORT

www.ci.bakersfield.ca.us

TO: Chair Cater and Members of the Planning Commission

FROM: Kevin F. Coyle, AICP CEP, Planning Director AGENDA ITEM _____

DATE: August 22, 2019 APPROVED _____

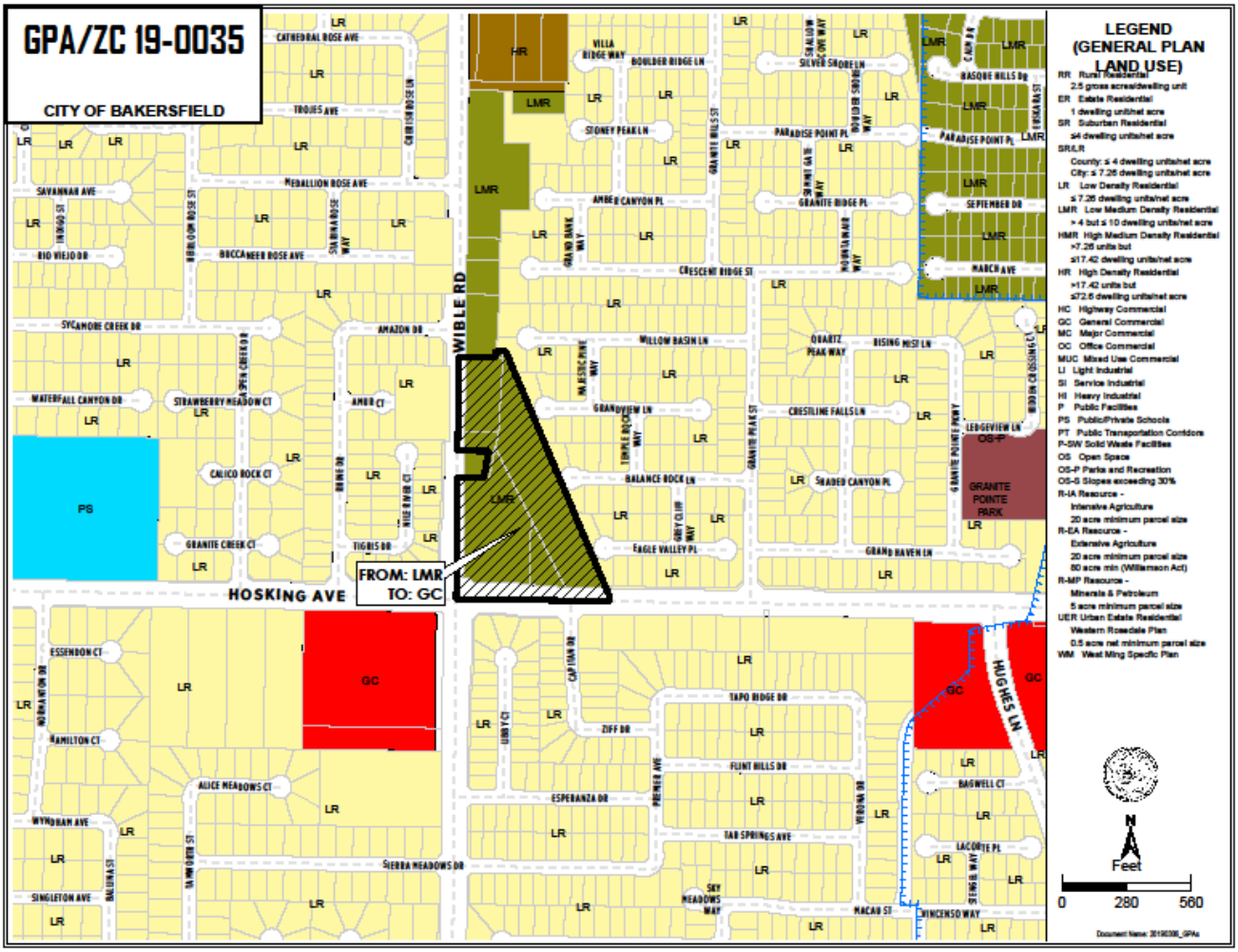
SUBJECT: **GENERAL PLAN AMENDMENT/ZONE CHANGE NO. 19-0035 (WARD 7)**

APPLICANT:
Porter & Associates, Inc.
Attn: Fred Porter II
PO Box 20247
Bakersfield, CA 93390

PROPERTY OWNER:
Cindy Henson
7606 Felipe Court
Bakersfield, CA 93307

LOCATION: Northeast corner of the Hosking Avenue/Wible Road intersection (Figure 1).

FIGURE 1. LOCATION MAP AND PROPOSED LAND USE DESIGNATIONS



RECOMMENDATION: Motion to adopt resolutions:

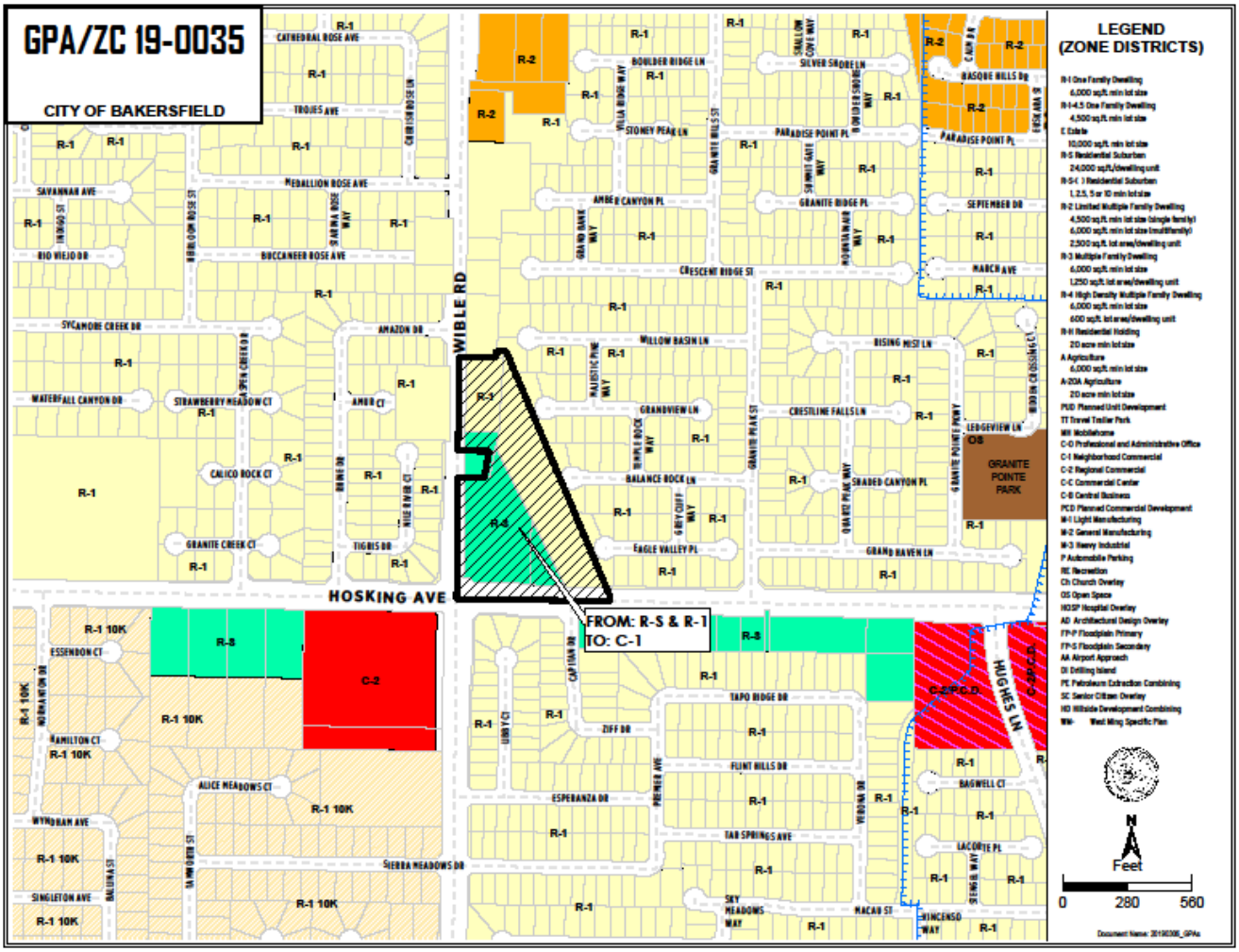
1. **ADOPTING** the Mitigated Negative Declaration and recommend same to City Council.
2. **APPROVING** the General Plan Amendment to change the land use designation from LMR (Low Medium Density Residential) to GC (General Commercial) on 10.1 acres subject to conditions of approval listed in Exhibit A, and recommend same to City Council.
3. **APPROVING** the Zone Change from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial) on 10.1 acres, and recommend same to City Council.

PROJECT DESCRIPTION:

The project is a request from Porter & Associates, Inc. representing Cindy Henson (a property owner), for a General Plan Amendment/Zone Change (GPA/ZC) on 10.1 acres, located on the northeast corner of the Hosking Avenue/Wible Road intersection. The request includes: (1) an amendment of the Land Use Element of the *Metropolitan Bakersfield General Plan* land use designation from LMR (Low Medium Density Residential) to GC (General Commercial) on 10.1 acres, or a more restrictive designation. The request also includes: (2) a change in zone classification from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial) on 10.1 acres, or a more restrictive district (Figure 2). Mitigated Negative Declaration (MND) on file.

The applicant proposes 73,196 total square feet (sf) of neighborhood commercial, including a 5,500 sf gas station, five one-story buildings for shops, a 5,850 sf restaurant, and a 2,500 sf fast food pad. Per Bakersfield Municipal Code (BMC) 17.22.040, any restaurants or eating-places that would serve alcohol, provide entertainment, or require a drive-through would be required to obtain a Conditional Use Permit (CUP) from the City.

FIGURE 2. STAFF RECOMMENDED ZONING DESIGNATION

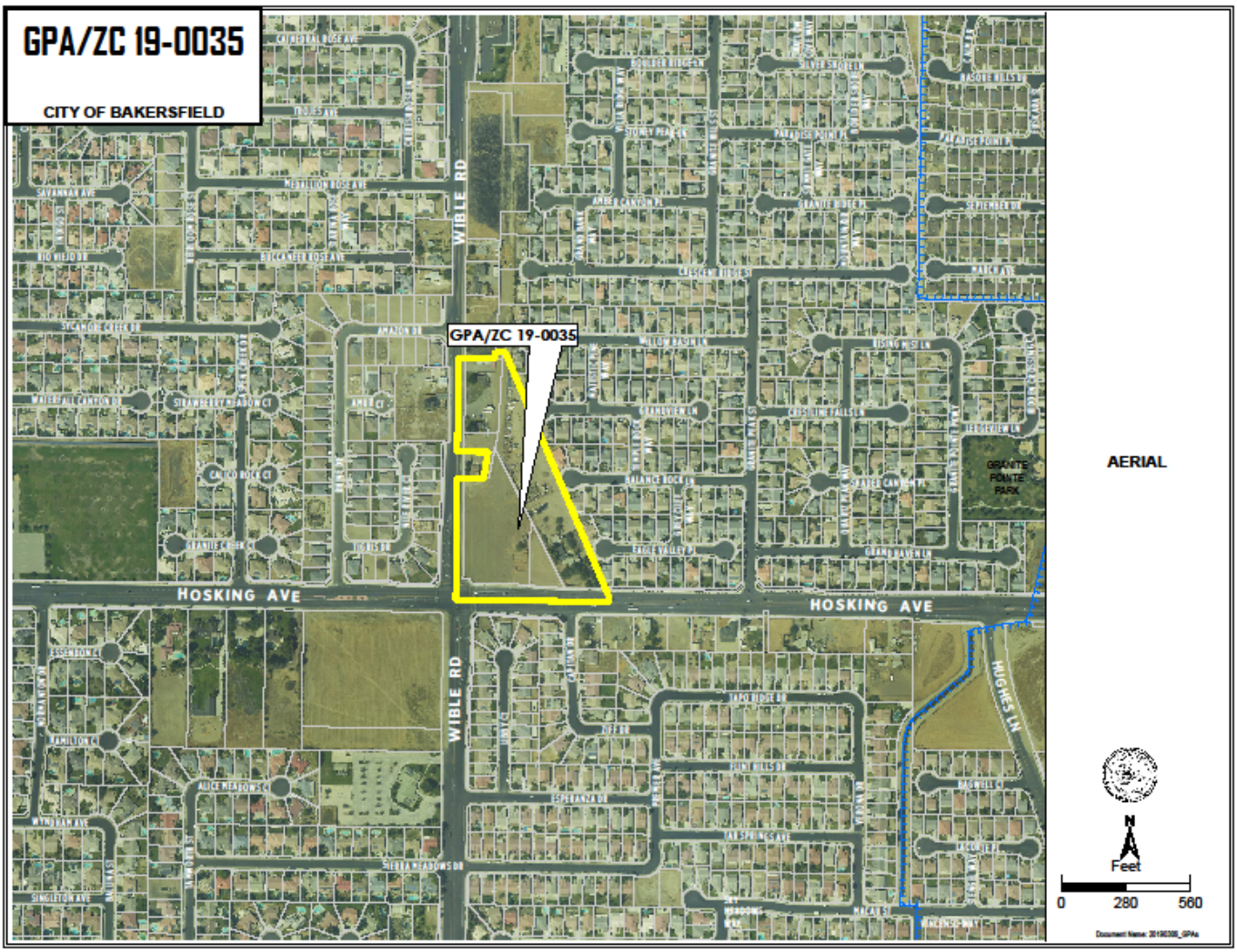


Background.

- **4/10/91. Prezoning.** City Council approved the current zoning on the subject parcels by Ordinance No. 3352.

- **10/24/91. Annexation No. 351 (Wible No. 10).** Annexation No. 351 was approved by the Local Area Formation Commission and then subsequently recorded on this date.

FIGURE 3. AERIAL PHOTOGRAPH



Surrounding Land Uses. The project site is surrounded by existing single-family residential, and the adjacent southwest corner is currently vacant regional commercial. The existing General Plan land use designations and zoning of adjacent properties surrounding the project site are specified in Table 1:

Table 1. LAND USE/ZONING OF ADJACENT PROPERTIES

LOCATION	LAND USE DESIGNATION	ZONING	EXISTING LAND USE
SITE	LMR	R-1 and R-S	Vacant
NORTH	LR and LMR	R-1	Single- and multiple-family residences
EAST	LR	R-1	Single-family residences
SOUTH	LR and GC	R-1 and C-2	Single-family residences
WEST	LR	R-1	Single-family residences

Land Use Designations:	Zone Districts:
GC: General Commercial	C-2: Regional Commercial
LMR: Low Medium Density Residential	R-1: One Family Residential
LR: Low Density Residential	R-S: Residential Suburban

PROJECT ANALYSIS:

Current and Surrounding Land Use. The project site is currently vacant. The planned land uses surrounding the site are predominantly residential uses. The site already surrounded by urban development and is an infill site. The proposed land use designation and zone classification from single-family and suburban residential to neighborhood commercial is compatible with the existing and planned land uses surrounding the site.

Water and Sewer Supply. The project is within the California Water Service (CalWater) service area. The CalWater has provided a "Will Serve" letter stating that water service can be supplied to the development. Wastewater generated by the project would be treated at the City's Wastewater Treatment Plant No. 2, which is owned and operated by the City. The project's average sewer demand would be 9,698 gallons per day (GPD) [0.00143 million gallons per day (MGD)]. WWTP No. 2 has an overall capacity of 25 MGD and a current available capacity of 11.3 MGD. The project's contribution would account for 0.6% of the available capacity and therefore, WWTP No. 2 has sufficient capacity to serve the project.

Site Access. Access will be provided via Hosking Avenue and Wible Road (both designated arterials). The developer is responsible for roadway improvements within the GPA area. As a condition of approval, the developer is required to provide a fully executed dedication Hosking Avenue and Wible Road to arterial standards for the full frontage of the GPA/ZC area, unless otherwise approved by the City Engineer.

The project will be subject to the City's policy for "Complete Streets," which requires that all transportation facilities for bicyclists, pedestrians, transit, and motorists be considered. All sidewalks and pedestrian access throughout the development will be required in accordance with City standards.

Recreation and Parks. The Traffic Engineer will evaluate if bike lane striping should be installed along the project street frontages or delayed if their installation will compromise public safety (e.g. short lengths of unconnected bike lanes that would confuse drivers and cyclists increasing the likelihood of accidents). Striping would then occur at the time the City added bike lanes along streets with connections to the existing bikeway network. As the project moves forward, the development will be required to pay Quimby Act and associated park development fees.

Compatibility with Land Use Element. Staff has reviewed the proposal for compatibility with the policies contained within the *Metropolitan Bakersfield General Plan Land Use Element* and finds the proposal is consistent with the following applicable policies:

<u>Policy 15:</u> Allow for the development of a variety of commercial/corridors which are differentiated by their function, intended users and level of intensity, including convenience centers serving local residential, sub-regional centers which serve groupings of neighborhoods, and major regional centers which serve the planning area and surrounding areas.

The development is a convenience center that would serve nearby local residential by providing an additional commercial opportunity, namely a 5,500 sf gas station, five one-story buildings for shops, a 5,850 sf restaurant, and a 2,500 sf fast food pad that is at a low level of intensity suitable for the surrounding land uses and applicable to the nearby users.

<u>Policy 16:</u> Allow for the development of a variety of commercial uses, including those which

serve residents (groceries, clothing, etc.), highway uses, and tourists-visitors.

The commercial development would serve residents with a low-intensity use compatible to the surrounding residential land uses.

Policy 17: Ensure that adequate lands are set aside for neighborhood-serving commercial uses adjacent to designated residential areas. Where land has not been set aside, permit neighborhood-scale commercial uses in residential areas when compatible with surrounding development.

The development is adjacent to designated residential areas. The development would serve residents with a low-intensity commercial use compatible to the surrounding residential land uses.

Policy 18: Require all new commercial designations be assigned to sites where the aggregate of all contiguous parcels designed for commercial use is no less than five (5) acres, except for approved specific plans, parcels to be developed for highway-oriented service uses at freeway on- and off-ramps, or where physical conditions are such that commercial is the only logical use of the property.

The project would develop a convenience center on 10.1 acres with a 5,500 sf gas station, five one-story buildings for shops, a 5,850 sf restaurant, and a 2,500 sf fast food pad.

Policy 21: The depth of new commercial development shall be at least half the length of the street frontage. Exceptions may be made where existing development or physical constraints provide a more logical shape.

The depth of the neighborhood commercial development is generally at least half the length of the street frontage. The unique "pie" shape of the site is the result of constraints due to existing development surrounding the site, and the full use of the vacant land on the northeast corner of the intersection provides the most logical shape for the development.

Policy 21: Encourage separation of at least one-half mile between new commercial designations.

The neighborhood commercial development is separated by at least 0.5 miles between other commercial designations in the area aside from an adjacent regional commercial designation located at the southwest corner of the Hosking Avenue/Wible Road intersection. Policy 24 (see below) encourages clustering of commercial development in compact areas, such as clustering commercial at the subject intersection.

Policy 24: Encourage clustering of commercial development in compact areas, rather than extend along streets and highways.

The neighborhood commercial development would be adjacent to a regional commercial development at the Hosking Avenue/Wible Road intersection and therefore, the development would cluster commercial development in a compact area at the subject intersection.

Policy 25: Provide for infill of commercial land uses to be compatible with the scale and character of existing commercial districts and corridors.

The site is an infill site. Should the GPA/ZC be approved, the developer will be subject to City development and design standards to be compatible with nearby urban development in scale and character.

Policy 26: Encourage adjacent commercial uses to be of compatible height, setback, color and materials.

Should the GPA/ZC be approved, the developer will be subject to City development and design standards to be compatible with nearby urban development.

Policy 28: Require that commercial development provide design features such as screen walls, landscaping and height, setback and lighting restrictions between the boundaries of adjacent residential land use designations so as to reduce impacts on residences due to noise, traffic, parking and differences in scale.

The developer will be required to comply with the City of Bakersfield adopted development standards. The project proposes a zone change from R-S and R-1 to C-1, and the project will be required to comply with City development standards for screening, landscaping, height, setback, and lighting.

Policy 29: Require that automobile and truck access to commercial properties sited adjacent to designated residential parcels be located at the maximum practical distance from the residential parcel.

The developer would be subject to City development and design standards, including a review of setbacks from adjacent residential parcels.

Policy 30: Street frontages along new commercial development shall be landscaped.

The developer would be subject to City development and design standards, including a commercial landscaping requirements for street frontages.

Policy 30B: Require perimeter street(s) around new commercial, office, retail, mixed-use, and industrial business park land uses where they will enhance pedestrian and vehicular access to public transit services, and where anticipated traffic will not detrimentally impact local streets. Exceptions may be allowed if natural or artificial barriers such as, but not limited to, railroads, utility corridors, canals or other watercourses, or topographic features exist that create a logical separation between the uses, or to encourage infill development.

The developer would be subject to City development and design standards, including site plan review that considers for pedestrian and vehicular access to public transit services and, if not detrimental to local streets, requires such access.

Policy 78: Accommodate new projects which are infill or expansion of existing urban development.

The project would accommodate the development of an infill site.

Policy 79: Provide for an orderly outward expansion of new “urban” development (any commercial, industrial, and residential development having a density greater

than one unit per acre) so that it maintains continuity of existing development, allows for the incremental expansion of infrastructure and public services, minimizes impacts on natural environmental resources, and provides a high quality environment for living and business.

The project site is within an urban area where infrastructure and public services are currently available.

Policy 86: Encourage infill of vacant parcels.

The site is vacant and an infill site and therefore, the development of the project would encourage the infill of vacant parcels.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Based upon an initial study, staff has determined that the proposed project, with mitigation measures, could not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration (MND) was prepared for this project in accordance with the California Environmental Quality Act (CEQA). As part of the preparation of the environmental initial study for the proposal, technical studies were prepared (see Attachment 2).

A brief summary of the findings of the studies is as follows:

Air Quality. The MND determined that construction and operational emissions from the project would be less than significant. Mitigation Measures 1 and 2 have been included in the MND to ensure that the project complies with all applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations. Upon submittal of a site plan for approval, the applicant/developer of the project site shall submit documentation to the Planning Department that they have met all air quality control measures and rules required by the SJVAPCD.

Biological Resources. The MND concluded that direct impacts in the form of incidental take of a threatened, endangered, or otherwise protected species are not expected with participation in the *Metropolitan Bakersfield Habitat Conservation Plan* (MBHCP). Mitigation measures have been incorporated into the MND to reduce any potential adverse impacts on biological resources to a less-that-significant level (Mitigation Measure 3). The project will be subject to the MBHCP requirements at the time of development.

Cultural Resource Survey. The MND determined that there are no previously recorded or newly identified cultural resources within the project site. Although no cultural resources were identified, there is the possibility that buried, undiscovered, resources could be encountered during construction activities. Therefore, Mitigation Measures 4 through 6 have been incorporated in the MND to reduce any potential impacts to cultural resources to less than significant. These mitigation measures require further evaluation of any unanticipated discoveries by a qualified specialist, and compliance with established regulations for the discovery of human remains.

Traffic. The MND concluded that the project that five intersections and one roadway segment were identified to need improvement and that the project should participate in the Regional Transportation Impact Fee (RTIF) Program (Mitigation Measure 7) and pay their fair share of local improvement to the five intersections and one roadway segment affected by the project (see Mitigation Measure 8). The City Traffic Engineer reviewed the traffic letter and found it to be

appropriate. The analysis determined that with participation in the Regional Traffic Impact Fee (RTIF) program and payment of Local Mitigation Fees, traffic impacts will be less than significant.

Comments Received Prior to Distribution of Staff Report. Prior to the release of this Staff Report, Planning Division received the following comments:

- Mary Barlow, Kern County Superintendents of Schools (May 17, 2019) – The commenter states that the project would not have a significant effect on Kern County Superintendents of Schools (KCSOS) facilities provided statutory school facilities fees are paid, if applicable and as required by law.

  The comment noted for the record.

- Scott Lau, Department of Transportation (Received June 3, 2019) – The commenter states that he has no comment at this time.

  The comment noted for the record.

- Joe and Linda Jimenez (Received June 3, 2019) – The commenters state that they are concerned the proposed project would damage their entire community and create many new problems. The commenters express concerns about traffic, crime, property values, and safety of residences near a gas station. The commenters question how another gas station along Hosking Avenue and Wible Road would benefit the community. The commenters ask whether an Environmental Impact Report will be prepared for the project.

  The MND prepared for the project analyzed traffic impacts, and this analysis is based on a traffic study prepared by a qualified traffic engineer. The study concluded that the project would not have a significant effect on traffic if the project pays its fair share into the RTIF program and pays a Local Mitigation fee to provide local improvements to nearby roads. The MND also concludes that police protection for the project would be provided by the Bakersfield Police Department and the additional need for police services because of the project would be provided via property taxes generated by the project. The commenters state that their property values would be reduced by the project, but provides no evidence to back up this assertion. City Staff analyzed the project as a gas station/convenience store site and determined that the project is consistent with surrounding residential development, the General Plan, and Zoning Ordinance. A MND is the CEQA document being considered for this GPA/ZC because it has been determined that the potentially significant impacts of the project can be reduced to a level of less than significant with mitigation implementation.

- Cameron Campbell, Division of Oil, Gas, and Geothermal Resources (Received June 5, 2019) – The commenter states that there are no records of oil wells onsite, but that previously unknown wells, if encountered, must be re-abandoned to current Division requirements.

  The comments noted for the record.

- Mike Campisi, SoCalGas (Received June 6, 2019) – The commenter states that SoCalGas does not operate any facilities within the proposed project area.

  The comment noted for the record.

- Scott Morgan, State Clearinghouse (Received June 13, 2019) – The commenter states that

the City has complied with the State's review requirements for draft environmental documents and that, to date, no State agencies have submitted comments about the project.

The comments noted for the record.

- Jose Jimenez, President of the Wible Road Action Group (Received July 13, 2019 via CM Parlier's office) – The commenter states that the surrounding land uses were one of the factors that many nearby residents factored into the purchase of their home. The commenter also states that the project would have negative impacts to nearby residents because the residents believe that the project would attract homelessness, increase traffic that will affect air quality, noise, and place children at risk while crossing the Hosking Avenue/Wible Road intersection. The commenters also express concern about lighting impacts to adjacent residences. The commenter further states that other commercial land uses exist within 0.5 miles north and south of the project site and therefore, the commenter does not see the need for this development.

  Please refer to the previous responses regarding traffic.

  There are certain common attractors for homeless congregation and encampment, namely: 1) available and secluded shelter (e.g., thick vegetation, bridges, vacant buildings, etc.), 2) access to income-producing activities (for example, California Redemption Value (CRV) recycling centers), and 3) access to inexpensive food. Generally, more than one attractor is desired for a homeless individual to be compelled to remain in an area. The project would not develop structures or conditions that provide easily available and secluded shelter, and the applicant/developer is not requesting a CRV center at the site. The site is also not within a convenience zone that allows a CRV facility. While there may be access to inexpensive food at the site, this is not unique in comparison to most commercial opportunities within the greater Bakersfield metro area.

  The MND concludes that the project does not exceed significance thresholds for criteria air pollutants and, within mitigation, air quality impacts because of the project would be reduce to less than significant. The applicant/developer would be required to make street improvements as well as adhere to City standards and the "Complete Streets" policy.

  Construction noise is temporary, must adhere to the City's noise standard, and would cease once the project is developed. The MND concludes that the project would result in very small noise level increases along roadway segments and the site would experience parking lot noise. However, the MND also determined that this operational noise would be less than the City's daytime and nighttime maximum noise level standards of 75 dBA (sound of a toilet flushing) and 70 dBA (sound of a shower).

  Regarding risk to children, the Hosking Avenue/Wible Road intersection and surrounding local streets currently have crosswalks and sidewalks, and the developer/applicant would be required to adhere to the "Complete Streets" policy that necessitates additional improvements for safe and convenient pedestrian and cyclist access, including crossing the subject intersection. The potential risk of close interactions between pedestrians and vehicles is not unique to this intersection and the development would not result in a design feature that would increase the risk beyond the baseline risk experienced throughout the City.

  The MND concludes that the project must adhere to local and state requirements to

minimize spillover light and glare into neighboring properties.

Regarding commercial land uses within 0.5 miles north and south of the project site, please refer to discussion regarding Policies 21 and 24 above.

- Brett Vigil (Received August 21, 2019) – The commenter states that he is opposed to the project and that the project is "NOT a consent item/issue."

  The comments noted for the record.

- Ingrid Henderson (Received August 22, 2019) – The commenter states that she is opposed to the project and that the project is "not a consent item/issue."

  The comments noted for the record.

- David Palinsky (Received August 22, 2019) – The commenter states that he is opposed to the project because it would increase homelessness; increase traffic and noise; increase risk to children traveling to school at the subject intersection; and result in light impacts to nearby residences.

  Please see response to Mr. Jimenez's comments dated July 13, 2019 above.

- Bob and Karen Goodrich (Received August 22, 2019) – The commenters state that they are opposed to the project because it would add "nothing" to the neighborhood, attract homeless individuals, and increase risk to children due to transient interactions and traffic. The commenters also state they are opposed to the selling of alcoholic beverages so close to the nearby existing church as well as voiced concern over noise and traffic impacts.

  Please see response to Mr. Jimenez's comments dated July 13, 2019 above regarding homelessness, risk to children, and traffic and noise impacts.

  Their concerns regarding selling of alcohol near a church noted for the record. Churches and liquor stores are both allowable uses in the C-1 zone and therefore, church and liquor stores can be adjacent to each other in the City. There is no City restriction on the minimum distance between a store that sells alcohol and religious buildings.

- Samuel and Debra Jones (Received August 23, 2019) – The commenters state that they are opposed to the project because it would create "personal safety" for children and residents in the area, increase potential for homeless congregation and encampment and associated issues (e.g., littering, graffiti, vandalism, etc.), and traffic impacts. The commenters go on to state that the project is not a consent item/issue.

  Please see response to Mr. Jimenez's comments dated July 13, 2019 above.

- Jonathan and Cindy Mullings (Received August 26, 2019) – The commenters state that they are concerned about increased traffic, vagrants, noise and other negative impacts because of the project.

  Please see response to Mr. Jimenez's comments dated July 13, 2019 above.

Copies of the above-referenced comment letters appended to this Staff Report.

ENVIRONMENTAL CONCLUSION:

The State CEQA Guidelines have been followed in the evaluation of the environmental effects of this project. Significant environmental impacts were not identified with the project proposal. Therefore, a MND was prepared for the project. Compliance with the mitigation measures in the MND, local ordinances, state laws, and construction to the standards of the Uniform Building Codes would reduce impacts to a less-than-significant level. Staff is recommending that a MND be adopted for the project.

PUBLIC NOTIFICATION:

The proposed MND was circulated for a 30-day public and agency review period from May 7 to June 6, 2019. Notice of public hearing before the Planning Commission of the City of Bakersfield for the proposed MND and GPA/ZC was advertised in *The Bakersfield Californian* and posted on the bulletin board of the City of Bakersfield Development Services Department - Planning Division on August 23, 2019. Property owners within 300 feet of the project site were notified August 23, 2019, by United States Mail of the Planning Commission public hearings to be held on Thursday, September 5, 2019 in accordance with state law.

Signs are required as part of the review process and must be posted between 20 to 60 days before the public hearing date. The required signs were placed on the project site on August 15, 2019 giving public notice on the proposed project site. The signed "Declaration of Posting Public Hearing Notice" and photographs of the signs posted along the perimeter of the site were submitted to the Planning Division on August 16, 2019, and are available at the Division.

In compliance with Senate Bill (SB) 18, staff mailed a letter on March 19, 2019 notifying the American Indian Tribes of the proposed project and location of the site. The notice starts the 90-day consultation period required under SB 18. To date, no comments were received from the American Indian Tribes concerning this project.

CONCLUSIONS:

As noted above, the project is a request to: (1) change the existing land use designation LMR (Low Medium Density Residential) to GC (General Commercial) and (2) to change the zoning classification from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial) on 10.1 acres.

Consistency with Surrounding Development. The project is the development of neighborhood commercial. There are predominantly existing residential uses that surround the site. The development of neighborhood commercial within a residential area is compatible with existing development within the area.

Consistency with General Plan. The proposal is consistent with land use policies as contained in the General Plan, which encourages continuity of existing development and allows incremental expansion of infrastructure and public services. The project will bring neighborhood commercial land uses to a residential area. Additionally, the site is an infill site, and policy encourages the development of infill sites within the City.

Consistency with Zoning Ordinance. The project proposes a neighborhood commercial classification for the project site that is compatible with the proposed General Plan Land Use designation and future planned development in the area. At time development, the project will

be required to comply with the requirements and regulations as set forth in the Bakersfield Zoning Ordinance and City development standards.

OVERALL RECOMMENDATION:

The project has been found to be consistent with General Plan policies and City Zoning Ordinance requirements. The proposed project is compatible with existing and planned future development within the area. For these reasons, staff is recommending approval of GPA/ZC No. 19-0035, subject to conditions of approval as outlined in the attached resolutions.

ATTACHED:

1. Resolutions with Exhibits
2. Mitigated Negative Declaration/Initial Study
3. Technical Studies
4. Correspondence, if received prior to distribution of Staff Report

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION FOR AN AMENDMENT TO THE LAND USE MAP AND ZONE CHANGE, LOCATED ON THE NORTHEAST CORNER OF THE HOSKING AVENUE/WIBLE ROAD INTERSECTION (GPA/ZC NO. 19-0035).

WHEREAS, Porter & Associates, Inc. for Cindy Henson, filed an application with the City of Bakersfield Development Services Department requesting an amendment to the land use map designation of the *Metropolitan Bakersfield General Plan* from LMR (Low Medium Density Residential) to GC (General Commercial) on 10.1 acres and an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial) on 10.1 acres, located on the northeast corner of the Hosking Avenue/Wible Road intersection (the "Project"); and

WHEREAS, the applicant and/or property owner has indicated the purpose of the Project is for the development of 73,196 total square feet (sf) of neighborhood commercial, including a 5,500 square foot (sf) gas station, five one-story buildings for shops, a 5,850 sf restaurant, and a 2,500 sf fast food pad at the Project site; and

WHEREAS, an initial study was conducted and it was determined that the Project would not, with implementation of mitigation, have a significant effect on the environment; therefore, a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Secretary of the Planning Commission set Thursday, September 5, 2019 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed Mitigated Negative Declaration and Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the laws and regulations relating to the preparation and adoption of Negative Declarations as set forth in CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been duly followed by City staff and the Planning Commission; and

WHEREAS, the City of Bakersfield Development Services Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

WHEREAS, the facts presented in the staff report, initial study, and special studies, and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project

area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 30 days prior to the hearing.

2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project under CEQA and an initial study was completed. A Mitigated Negative Declaration was prepared and properly noticed for public review.

3. A Mitigated Negative Declaration for the Project is the appropriate environmental document to accompany its approval. In accordance with CEQA, staff prepared an initial study and indicated that because mitigation measures relating to those impacts identified in the initial study have been incorporated into the Project, the Project will not significantly impact the physical environment.

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Mitigated Negative Declaration is hereby recommended for adoption by the City Council.

3. The project is subject to mitigation measures found in Exhibit A for the Project located on the map as shown in Exhibit B, both of which are incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on September 5, 2019, on a motion by _____ and seconded by _____, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED

_____

DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Mitigation Measures
Exhibit B: Location Map

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MITIGATION MEASURES FROM MITIGATED NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT/ZONE CHANGE NO. 19-0035

Air Quality Impact Mitigation Measures:

1. Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.

2. Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).

Biological Resources Impact Mitigation Measures:

3. Prior to ground disturbance, the applicant/developer shall have a California Department of Fish and Wildlife (CDFW) approved wildlife biologist ("qualified biologist") survey the location for species (i.e., Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, and Bakersfield cactus) covered under the Metropolitan Bakersfield Habitat Conservation Plan incidental take permit for urban development and comply with the mitigation measures of the permit. Survey protocol shall be that recommended by CDFW. The applicant/developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Planning Division and wildlife agencies no more than 30 days prior to ground disturbance.

Cultural Resources Impact Mitigation Measures:

4. Prior to construction and as needed throughout the construction period, a construction worker cultural awareness training program shall be provided to all new construction workers within one week of employment at the project site. The training shall be prepared and conducted by a qualified cultural resources specialist.

5. During construction, if buried paleontological or cultural resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural and/or paleontological resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.

6. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the

discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.

Traffic Impact Mitigation Measures:

7. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.

8. Prior to the issuance of building permits, the applicant/developer shall provide proof to the Planning Division of payment of Local Mitigation fees.

9. Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.

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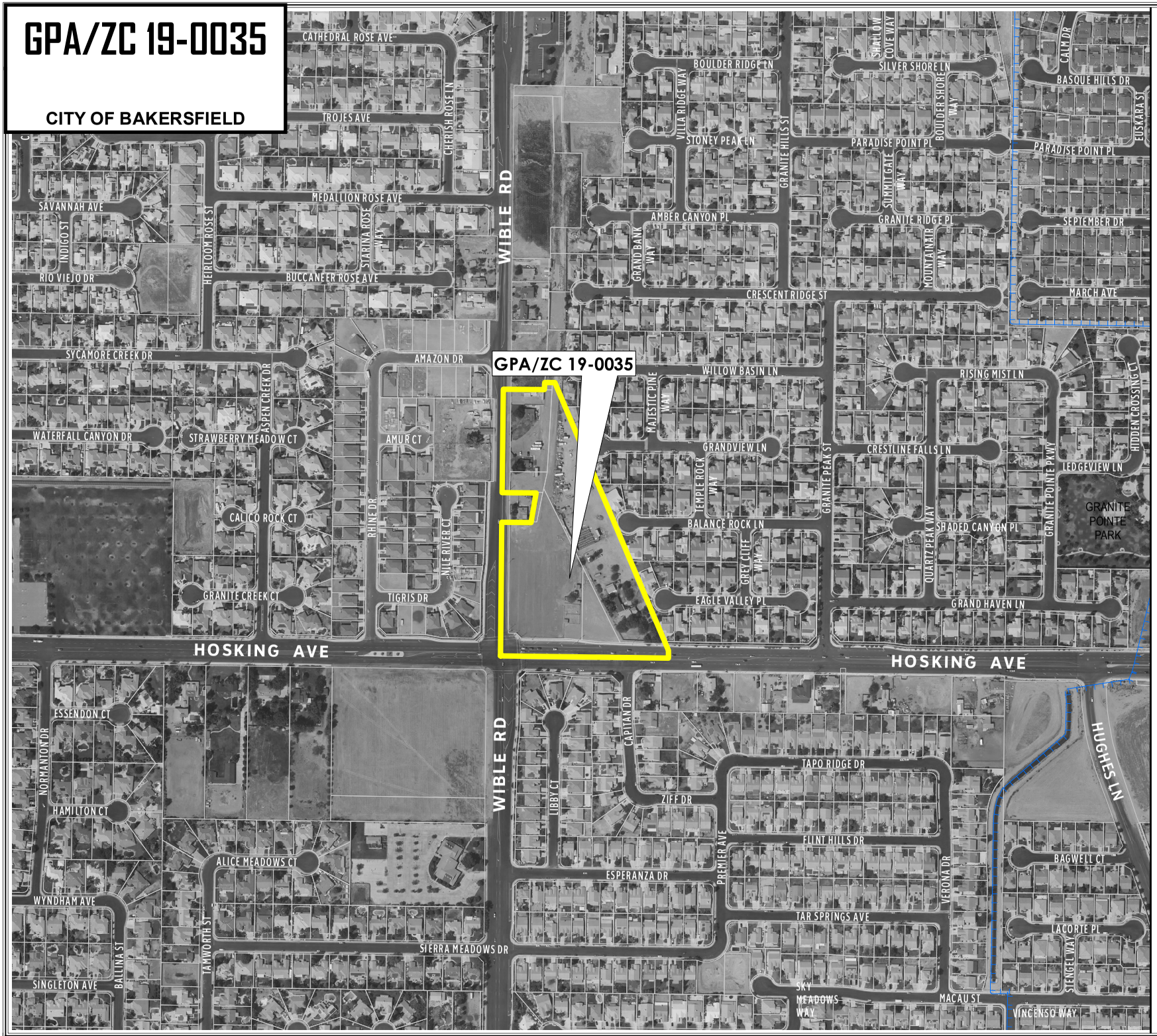
GPA/ZC 19-0035

CITY OF BAKERSFIELD



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RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE LAND USE MAP DESIGNATION OF THE METROPOLITAN BAKERSFIELD GENERAL PLAN, LOCATED ON THE NORTHEAST CORNER OF THE HOSKING AVENUE/WIBLE ROAD INTERSECTION (GPA/ZC NO. 19-0035).

WHEREAS, Porter & Associates, Inc. for Cindy Henson, filed an application with the City of Bakersfield Development Services Department requesting an amendment to the land use map designation of the *Metropolitan Bakersfield General Plan* from LMR (Low Medium Density Residential) to GC (General Commercial) on 10.1 acres and an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial) on 10.1 acres, located on the northeast corner of the Hosking Avenue/Wible Road intersection (the "Project"); and

WHEREAS, the applicant and/or property owner has indicated the purpose of the Project is for the development of 73,196 total square feet (sf) of neighborhood commercial, including a 5,500 square foot (sf) gas station, five one-story buildings for shops, a 5,850 sf restaurant, and a 2,500 sf fast food pad at the Project site; and

WHEREAS, adoption of a Mitigated Negative Declaration for the Project has been recommended; and

WHEREAS, the Secretary of the Planning Commission set Thursday, September 5, 2019 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed Mitigated Negative Declaration and Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report, initial study, and special studies, and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the proposed Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 30 days prior to the hearing.

2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project under CEQA and an initial study was completed.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and development of surrounding properties and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council subject to the conditions of approval in Exhibit A and located on the map as shown in Exhibit B, both of which are incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on September 5, 2019, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

_____
DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Conditions of Approval
Exhibit B: General Plan Amendment Map

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CONDITIONS OF APPROVAL
GENERAL PLAN AMENDMENT/ZONE CHANGE NO. 19-0035

PUBLIC WORKS

1. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must submit the following for review and approval by the City Engineer:

   a. **Fully executed dedication** for Hosking Avenue and Wible Road to arterial standards for the full frontage of the GPA/ZC area, including along the frontage of Assessor's Parcel Number (APN) 515-110-16, (Resolution 035-13 "Complete Streets"), unless otherwise approved by the City Engineer. Dedications must include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer.

   b. **Comprehensive drainage study** of the GPA/ZC area is to be submitted for approval by the City of Bakersfield Public Works Department Subdivision section. The study is to include off-site APN 515-110-16. The drainage for the GPA/ZC area is to be retained onsite and shall be privately maintained. Provide flowage and drainage easements as needed within the GPA/ZC area.

   c. **Sewer study**, which will assure that appropriate sewer service will be provided to the entirety of the GPA/ZC area. The study is to include off-site APN 515-110-16. The developer will be responsible for any initial extension of the sewer line to serve the GPA/ZC area. This sewer line may be sized to serve a much larger area than the project area as directed by the City Engineer. The developer may also form a planned sewer area to provide a mechanism for the reimbursement of oversizing costs to the developer.

For orderly development

2. Prior to the recording of any final map or issuance of any certificates of occupancy for development within the GPA/ZC area, whichever is earlier, the developer must (a) construct all infrastructure, both public and private, within the boundary of the GPA/ZC area, including, but not limited to, any and all boundary streets to the centerline of the street as required by the City Engineer and (b) construct, and acquire any necessary right-of-way to construct, any off-site infrastructure required to support development of the GPA/ZC as determined by the City Engineer. Off-site improvements required are along the frontage of APN 515-110-16 and 515-040-21. Phasing of the construction of the required infrastructure may be allowed by the City Engineer. Per City Council Resolution 035-13, any development within the GPA/ZC area must comply with the City's "complete streets" policy.

For orderly development

3. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must take all actions necessary to add the GPA/ZC area including APN 515-110-16 to the

Consolidated Maintenance District ("CMD") and pay all fees for inclusion in the CMD or, if the development is already within the CMD, update the maintenance district documents as provided in Bakersfield Municipal Code section 13.04.021 or as otherwise required by the City Engineer.

For orderly development

4. Prior to the City's approval of any construction plans associated with any development project or subdivision within the GPA/ZC area, whichever is earlier the developer must (a) pay its proportionate share of the estimated cost to construct the median in Hosking Avenue.(currently $100 per linear foot, or as determined by a City Engineer approved estimate) along the frontage of the GPA/ZC area (b) Prior to the recording of any final map or issuance of any certificates of occupancy for development whichever is earlier construct the median within Wible Road within the GPA/ZC area including along the frontage of APN 515-110-16.

For orderly development

5. Prior to the recording of any final map or issuance of any certificates of occupancy for development within the GPA/ZC area whichever is earlier the developer must construct full half width street improvements including median along the frontage of APN 515-040-21.

For orderly development

6. Prior to the City's issuance of any building permits for construction within the GPA/ZC area, or an earlier time established through conditions of a subsequent City-approved subsequent development project, subdivision, or minor land division within the GPA/ZC area, the developer must pay all development fees for the GPA/ZC area including, but not limited to, the adopted regional traffic impact fee, local mitigation fees, any major bridge and thoroughfare district fees, and any planned sewer and drainage area fees.

For orderly development

<u>CITY ATTORNEY</u>

7. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

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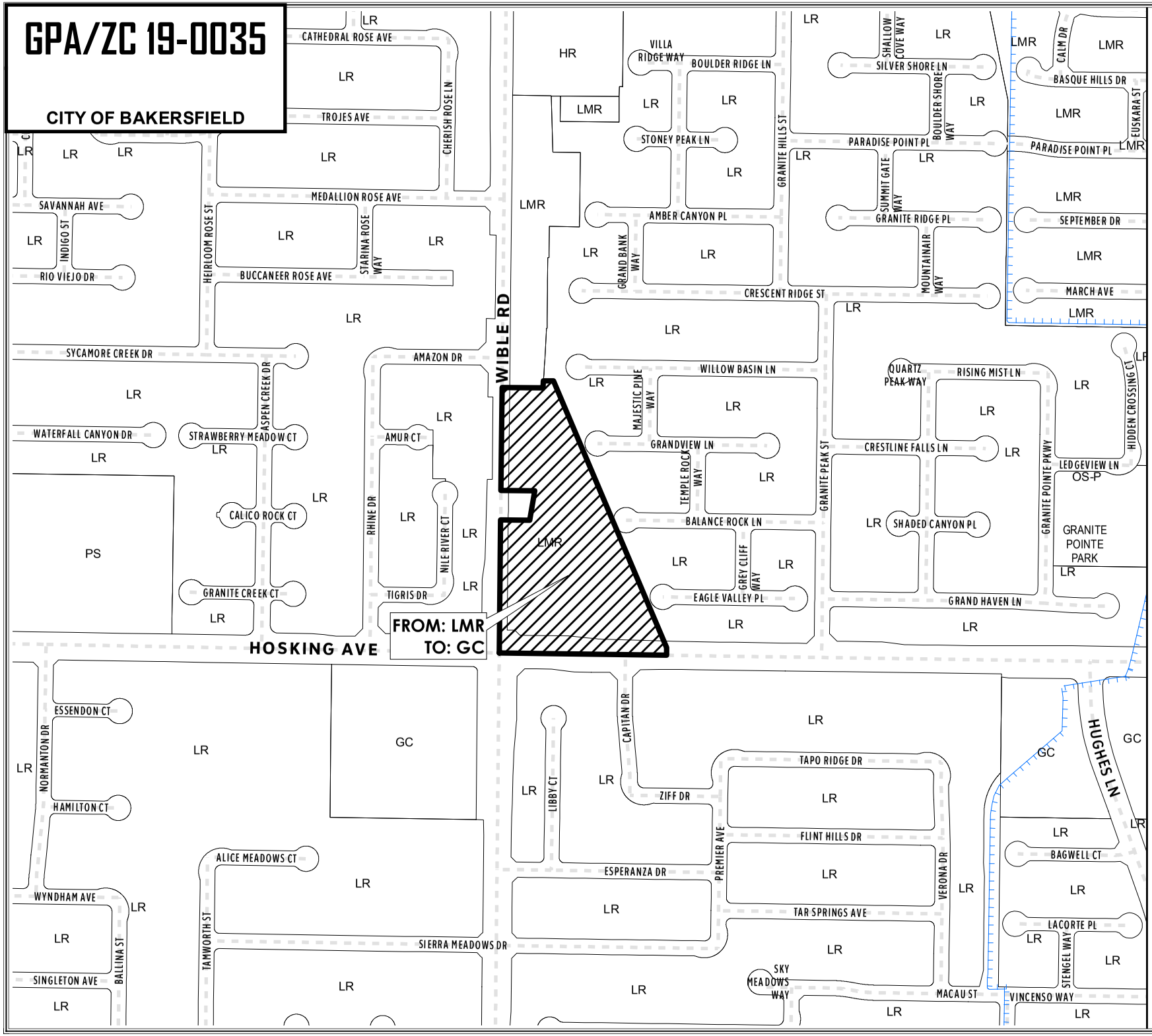
GPA/ZC 19-0035

CITY OF BAKERSFIELD



LEGEND (GENERAL PLAN LAND USE)

RR Rural Residential
2.5 gross acres/dwelling unit
ER Estate Residential
1 dwelling unit/net acre
SR Suburban Residential
≤4 dwelling units/net acre
SR/LR
County: ≤ 4 dwelling units/net acre
City: ≤ 7.26 dwelling units/net acre
LR Low Density Residential
≤ 7.26 dwelling units/net acre
LMR Low Medium Density Residential
> 4 but ≤ 10 dwelling units/net acre
HMR High Medium Density Residential
>7.26 units but
≤17.42 dwelling units/net acre
HR High Density Residential
>17.42 units but
≤72.6 dwelling units/net acre
HC Highway Commercial
GC General Commercial
MC Major Commercial
OC Office Commercial
MUC Mixed Use Commercial
LI Light Industrial
SI Service Industrial
HI Heavy Industrial
P Public Facilities
PS Public/Private Schools
PT Public Transportation Corridors
P-SW Solid Waste Facilities
OS Open Space
OS-P Parks and Recreation
OS-S Slopes exceeding 30%
R-IA Resource -
Intensive Agriculture
20 acre minimum parcel size
R-EA Resource -
Extensive Agriculture
20 acre minimum parcel size
80 acre min (Williamson Act)
R-MP Resource -
Minerals & Petroleum
5 acre minimum parcel size
UER Urban Estate Residential
Western Rosedale Plan
0.5 acre net minimum parcel size
WM West Ming Specfic Plan

Document Name: 20190306_GPAs

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL CODE TO CHANGE THE ZONE, LOCATED ON THE NORTHEAST CORNER OF THE HOSKING AVENUE/WIBLE ROAD INTERSECTION (GPA/ZC NO. 19-0035).

WHEREAS, Porter & Associates, Inc. for Cindy Henson, filed an application with the City of Bakersfield Development Services Department requesting an amendment to the land use map designation of the *Metropolitan Bakersfield General Plan* from LMR (Low Medium Density Residential) to GC (General Commercial) on 10.1 acres and an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial) on 10.1 acres, located on the northeast corner of the Hosking Avenue/Wible Road intersection (the "Project"); and

WHEREAS, the applicant and/or property owner has indicated the purpose of the Project is for the development of 73,196 total square feet (sf) of neighborhood commercial, including a 5,500 square foot (sf) gas station, five one-story buildings for shops, a 5,850 sf restaurant, and a 2,500 sf fast food pad at the Project site; and

WHEREAS, adoption of a Mitigated Negative Declaration for the Project has been recommended; and

WHEREAS, the Secretary of the Planning Commission set Thursday, September 5, 2019 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed Negative Declaration and Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report, initial study, and special studies, and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 30 days prior to the hearing.

2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project under CEQA and an initial study was completed.

3. The public necessity, general welfare, and good planning practices justify

the Project.

4. The Project is compatible with the zone districts and development of surrounding properties, and is consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council subject to the mitigation measures in the Mitigated Negative Declaration, and incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 located on the map as shown in Exhibit A and as specifically described in Exhibit B, all of which are incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on September 5, 2019, on a motion by _____ and seconded by_____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

_____
DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Legal Description
Exhibit B: Zone Change Map

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EXHIBIT "A"

PROPOSED ZONE CHANGE
(A PORTION OF THE SOUTHWEST QUARTER OF SECTION 25, 30/27, M.D.B.M.)

LEGAL DESCRIPTION

BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 30 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROPOSED ZONE C-2 PARCEL

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 25, ALSO BEING THE CENTERLINE INTERSECTION OF WIBLE ROAD AND HOSKING AVENUE:

THENCE (1) SOUTH 89°11'40" EAST ALONG THE SOUTH LINE OF SAID SECTION 25, ALSO BEING THE CENTERLINE OF SAID HOSKING AVENUE, A DISTANCE OF 659.99 FEET;

THENCE (2) NORTH 00°36'25" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 26 OF SALES MAP OF LANDS OF J.B. HAGGIN FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON MAY 3, 1889, ALSO BEING THE SOUTHEAST CORNER OF THE REAL PROPERTY GRANTED TO OSCAR V. ARREDONDO IN GRANT DEED RECORDED MARCH 31, 2010 AS DOCUMENT NO. 0210042474 O.R.;

THENCE (3) NORTH 22°59'50" WEST ALONG THE EAST LINE OF SAID GRANT DEED TO OSCAR ARREDONDO, A DISTANCE OF 1144.00 FEET TO A POINT WHICH IS 202 FEET EAST OF THE WEST LINE OF SAID SECTION 25;

THENCE (4) NORTH 89°11'40" WEST, A DISTANCE OF 38.86 FEET TO THE EAST LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO LIGO B. SMITH AND WIFE RECORDED OCTOBER 30, 1943 IN BOOK 1150, PAGE 349 O.R.

THENCE (5) SOUTH 03°23'46" WEST ALONG SAID EAST LINE, A DISTANCE OF 28.73 FEET;

THENCE (6) NORTH 89°13'33" WEST, A DISTANCE OF 161.77 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 25, ALSO BEING THE CENTERLINE OF WIBLE ROAD;

THENCE (7) SOUTH 00°36'02" WEST ALONG SAID WEST LINE OF SECTION 25 AND CENTERLINE OF WIBLE ROAD, A DISTANCE OF 406.00 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE OF SECTION 25 AND THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 3 IN GRANT DEED TO MIKE HENSON AND CINDY HENSON, HUSBAND AND WIFE RECORDED JANUARY 2, 2003 AS DOCUMENT NO. 0203000029 O.R.;

THENCE (8) SOUTH 89°13'33" EAST, A DISTANCE OF 133.04 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 2 IN SAID GRANT DEED TO MIKE AND CINDY HENSON;

THENCE (9) SOUTH 09°33'31" WEST, A DISTANCE OF 118.39 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 1 IN SAID GRANT DEED TO MIKE AND CINDY HENSON;

THENCE (10) NORTH 89°13'33" WEST ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 114.60 FEET TO A POINT ON SAID WEST LINE OF SECTION 25 AND CENTERLINE OF WIBLE ROAD;

THENCE (11) SOUTH 00°36'02" WEST ALONG SAID WEST LINE OF SECTION 25 AND CENTERLINE OF WIBLE ROAD, A DISTANCE OF 524.91 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 10.37 ACRES GROSS, MORE OR LESS.

PROPERTY INFORMATION DATA TABLE

(A) PARCEL 2 OF GRANT DEED PER DOC. NO. 203000029 O.R. (A PORTION OF APN NO. 515-110-05)

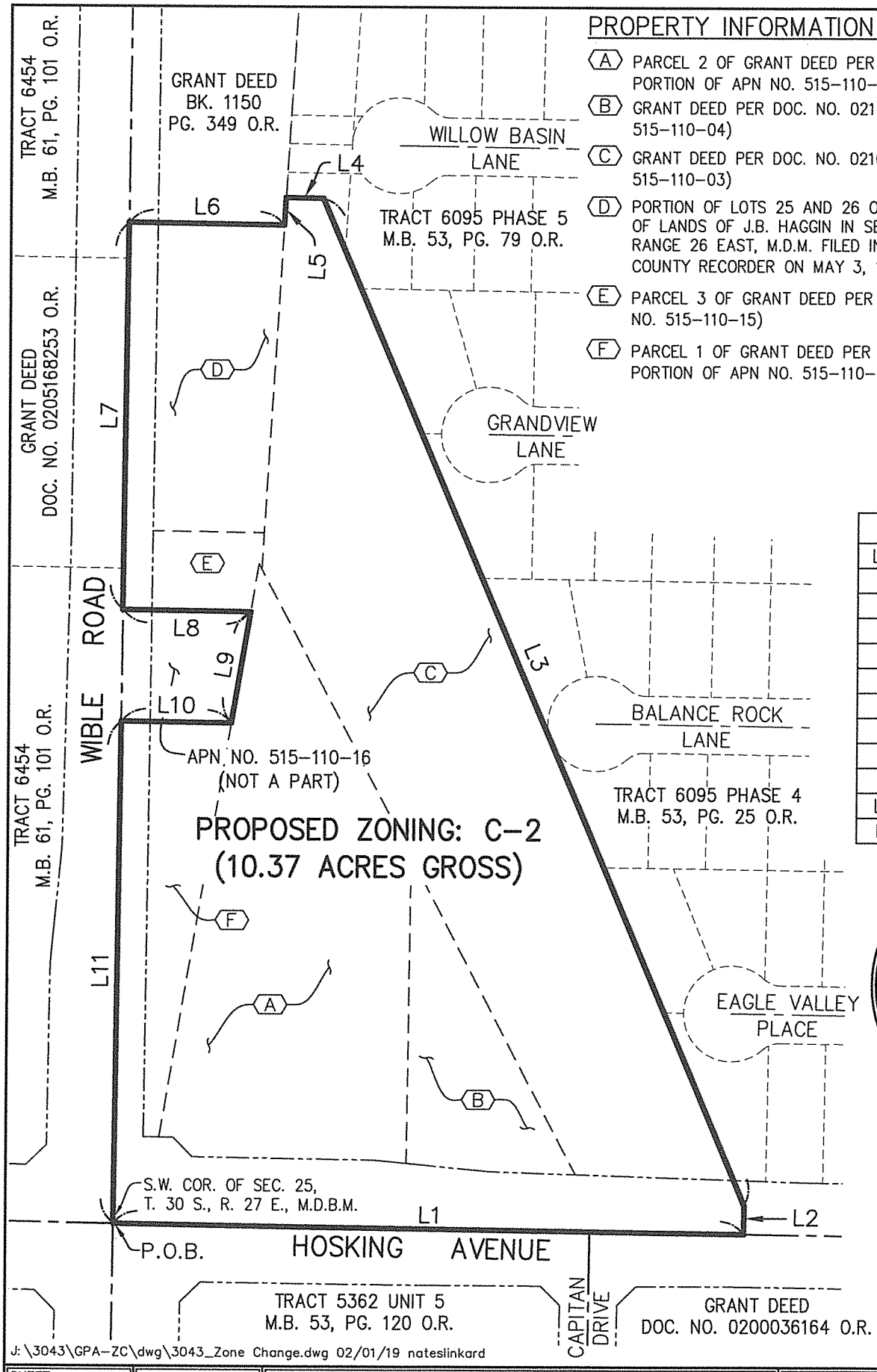
(B) GRANT DEED PER DOC. NO. 0214161309 O.R. (APN NO. 515-110-04)

(C) GRANT DEED PER DOC. NO. 0210042474 O.R. (APN NO. 515-110-03)

(D) PORTION OF LOTS 25 AND 26 OF KERN COUNTY SALES MAP NO. OF LANDS OF J.B. HAGGIN IN SECTION 25, TOWNSHIP 30 SOUTH, RANGE 26 EAST, M.D.M. FILED IN THE OFFICE OF THE KERN COUNTY RECORDER ON MAY 3, 1889 (APN NO. 515-110-06)

(E) PARCEL 3 OF GRANT DEED PER DOC. NO. 203000029 O.R. (APN NO. 515-110-15)

(F) PARCEL 1 OF GRANT DEED PER DOC. NO. 203000029 O.R. (A PORTION OF APN NO. 515-110-05)



LINE TABLE

LINE	BEARING	LENGTH
L1	S89°11'40"E	659.99'
L2	N00°36'25"E	30.00'
L3	N22°59'50"W	1144.00'
L4	N89°11'40"W	38.86'
L5	S03°23'46"W	28.73'
L6	N89°13'33"W	161.77'
L7	S00°36'02"W	406.00'
L8	S89°13'33"E	133.04'
L9	S09°33'31"W	118.39'
L10	N89°13'33"W	114.60'
L11	S00°36'02"W	524.91'

REGISTERED PROFESSIONAL ENGINEER
FRED W. PORTER
RCE 33448
CIVIL
STATE OF CALIFORNIA

NOT TO SCALE

J:\3043\GPA-ZC\dwg\3043_Zone Change.dwg 02/01/19 nateslinkard

SHEET 1 OF 1 SHEETS	DATE: 2/01/2019 JOB No. 3043 ENGINEER: FP2 DRAFTSMEN: LGH	EXHIBIT "B" PROPOSED ZONE CHANGE SW QUARTER OF SECTION 25, 30/27

PORTER & ASSOCIATES, INC.
ENGINEERING & SURVEYING
1200 21st St, Bakersfield, CA 93301
661.327.0362 FAX 661.327.1065

Proposed Zone Change Closure **Date: 2-01-2019**
Prepared By: LGH **Job No. 3043**

(A PORTION OF THE SOUTHWEST QUARTER OF SECTION 25, 30/27, M.D.B.M.)

North:15,243.3435' East:5,269.9336'
Segment# 1: Line
Course: N89°11'40"W Length: 659.99'
North: 15,243.3466' East: 5,269.9282'

Segment# 2: Line
Course: N0°36'02"E Length: 524.91'
North: 15,768.2246' East: 5,275.4355'

Segment# 3: Line
Course: S89°13'33"E Length: 114.60'
North: 15,766.6762' East: 5,390.0250'

Segment# 4: Line
Course: N9°33'31"E Length: 118.39'
North: 15,883.4225' East: 5,409.6844'

Segment# 5: Line
Course: N89°13'33"W Length: 133.04'
North: 15,885.2201' East: 5,276.6566'

Segment# 6: Line
Course: N0°36'02"E Length: 406.00'
North: 16,291.1978' East: 5,280.9121'

Segment# 7: Line
Course: S89°13'33"E Length: 161.77'
North: 16,289.0121' East: 5,442.6673'

Segment# 8: Line
Course: N3°23'46"E Length: 28.73'
North: 16,317.6916' East: 5,444.3692'

Segment# 9: Line
Course: S89°11'40"E Length: 38.86'
North: 16,317.1453' East: 5,483.2254'

Segment# 10: Line
Course: S22°59'50"E Length: 1,144.00'
North: 15,264.0660' East: 5,930.1707'

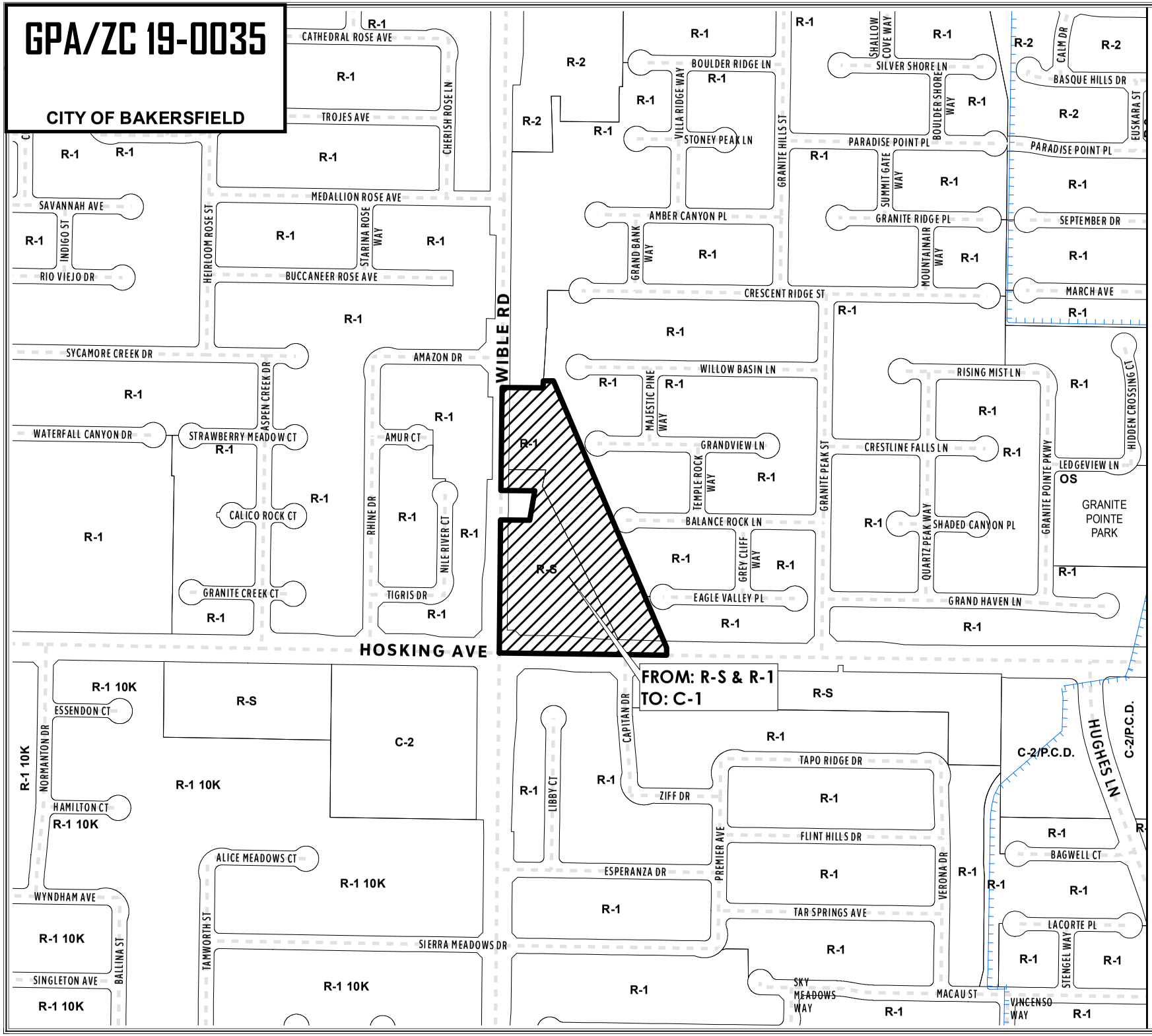
Segment# 11: Line
Course: S0°36'25"W Length: 30.00'
North: 15,234.0677' East: 5,929.8530'

Perimeter: 3,360.29' Area: 451,783.49Sq.Ft.
Error Closure: 0.0063Course: N60°06'30"W
Error North : 0.00314 East: -0.00546

Precision 1: 533,379.37

GPA/ZC 19-0035

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

R-1 One Family Dwelling
6,000 sq.ft. min lot size
R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
E Estate
10,000 sq.ft. min lot size
R-S Residential Suburban
24,000 sq.ft./dwelling unit
R-S-( ) Residential Suburban
1, 2.5, 5 or 10 min lot size
R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
R-H Residential Holding
20 acre min lot size
A Agriculture
6,000 sq.ft. min lot size
A-20A Agriculture
20 acre min lot size
PUD Planned Unit Development
TT Travel Trailer Park
MH Mobilehome
C-O Professional and Administrative Office
C-1 Neighborhood Commercial
C-2 Regional Commercial
C-C Commercial Center
C-B Central Business
PCD Planned Commercial Development
M-1 Light Manufacturing
M-2 General Manufacturing
M-3 Heavy Industrial
P Automobile Parking
RE Recreation
Ch Church Overlay
OS Open Space
HOSP Hospital Overlay
AD Architectural Design Overlay
FP-P Floodplain Primary
FP-S Floodplain Secondary
AA Airport Approach
DI Drilling Island
PE Petroleum Extraction Combining
SC Senior Citizen Overlay
HD Hillside Development Combining
WM- West Ming Specific Plan

Document Name: 20190306_GPAs

www.bakersfieldcity.us

NEGATIVE DECLARATION

The City of Bakersfield Development Services Department has completed an initial study (attached) of the possible environmental effects of the following-described project and has determined that a Negative Declaration is appropriate. It has been found that the proposed project, as described and proposed to be mitigated (if required), will not have a significant effect on the environment. This determination has been made according to the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield's CEQA Implementation Procedures.

PROJECT NO. (or Title): General Plan Amendment/Zone Change No. 19-0035

COMMENT PERIOD BEGINS: May 7, 2019

COMMENT PERIOD ENDS: June 6, 2019

MITIGATION MEASURES (*included in the proposed project to avoid potentially significant effects, if required)***:**

Air Quality Impact Mitigation Measures:

1. Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.

2. Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).

Biological Resources Impact Mitigation Measures:

3. Prior to ground disturbance, the applicant/developer shall have a California Department of Fish and Wildlife (CDFW) approved wildlife biologist ("qualified biologist") survey the location for species (i.e., Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, and Bakersfield cactus) covered under the Metropolitan Bakersfield Habitat Conservation Plan incidental take permit for urban development and comply with the mitigation measures of the permit. Survey protocol shall be that recommended by CDFW. The applicant/developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Planning Division and wildlife agencies no more than 30 days prior to ground disturbance.

Cultural Resources Impact Mitigation Measures:

4. Prior to construction and as needed throughout the construction period, a construction worker cultural awareness training program shall be provided to all new construction workers within one week of employment at the project site. The training shall be prepared and conducted by a qualified cultural resources specialist.

5. During construction, if buried paleontological or cultural resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural and/or paleontological resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.

6. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.

Traffic Impact Mitigation Measures:

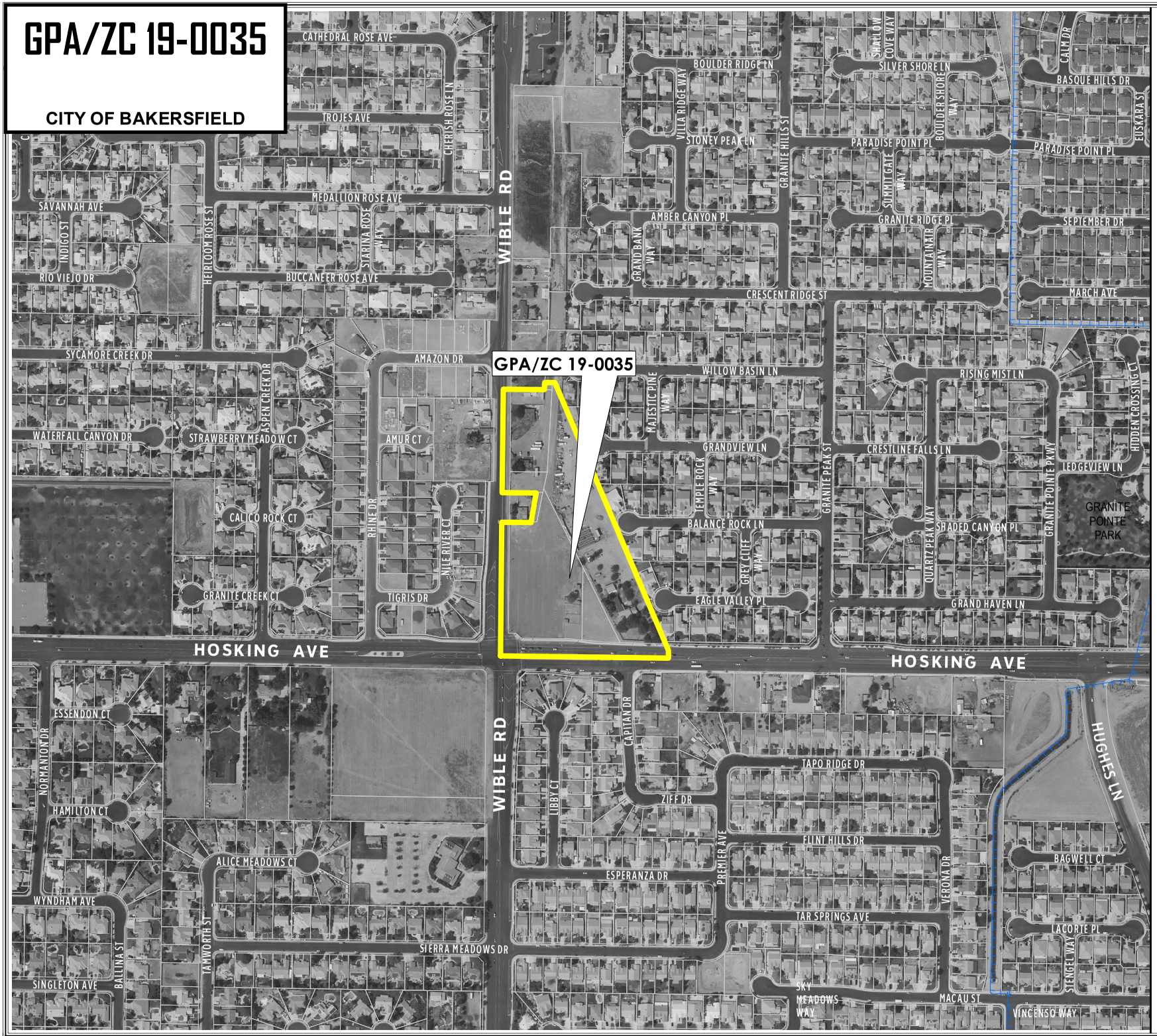
7. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.

8. Prior to the issuance of building permits, the applicant/developer shall provide proof to the Planning Division of payment of Local Mitigation fees.

9. Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.

GPA/ZC 19-0035

CITY OF BAKERSFIELD



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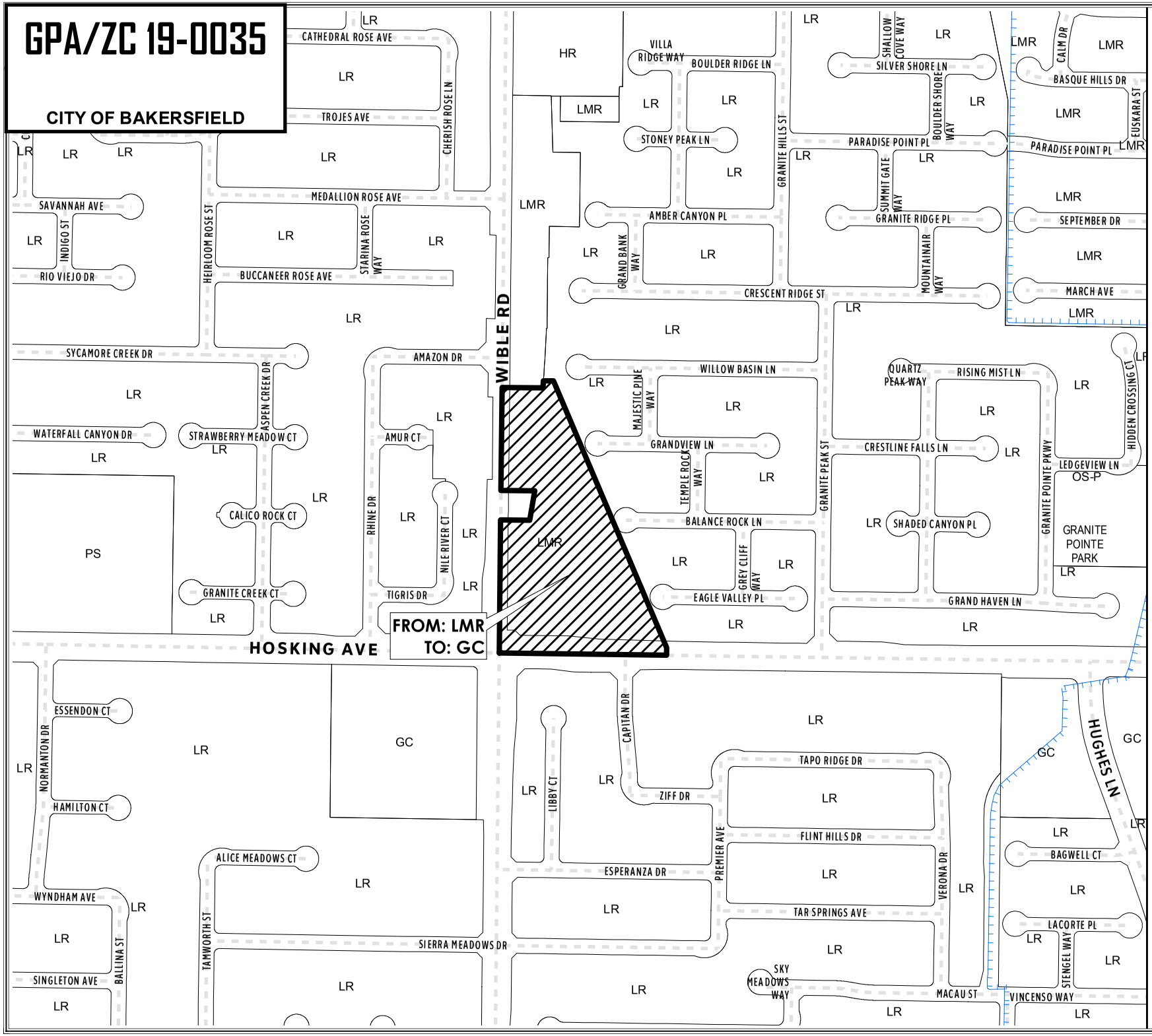
Document Name: 20190306_GPAs

GPA/ZC 19-0035

CITY OF BAKERSFIELD



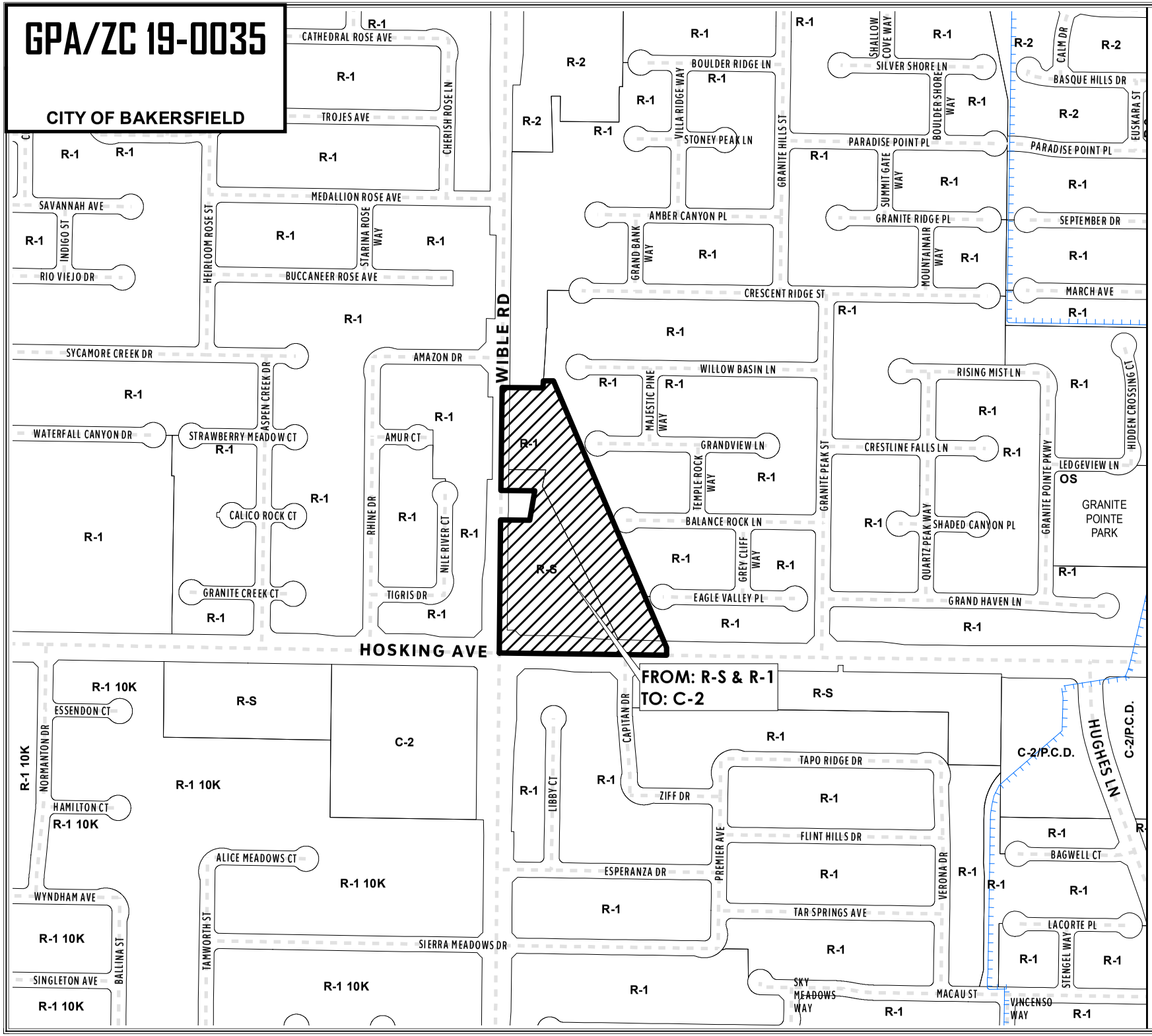
LEGEND (GENERAL PLAN LAND USE)

RR Rural Residential
2.5 gross acres/dwelling unit
ER Estate Residential
1 dwelling unit/net acre
SR Suburban Residential
≤4 dwelling units/net acre
SR/LR
County: ≤ 4 dwelling units/net acre
City: ≤ 7.26 dwelling units/net acre
LR Low Density Residential
≤ 7.26 dwelling units/net acre
LMR Low Medium Density Residential
> 4 but ≤ 10 dwelling units/net acre
HMR High Medium Density Residential
>7.26 units but
≤17.42 dwelling units/net acre
HR High Density Residential
>17.42 units but
≤72.6 dwelling units/net acre
HC Highway Commercial
GC General Commercial
MC Major Commercial
OC Office Commercial
MUC Mixed Use Commercial
LI Light Industrial
SI Service Industrial
HI Heavy Industrial
P Public Facilities
PS Public/Private Schools
PT Public Transportation Corridors
P-SW Solid Waste Facilities
OS Open Space
OS-P Parks and Recreation
OS-S Slopes exceeding 30%
R-IA Resource -
Intensive Agriculture
20 acre minimum parcel size
R-EA Resource -
Extensive Agriculture
20 acre minimum parcel size
80 acre min (Williamson Act)
R-MP Resource -
Minerals & Petroleum
5 acre minimum parcel size
UER Urban Estate Residential
Western Rosedale Plan
0.5 acre net minimum parcel size
WM West Ming Specfic Plan

Document Name: 20190306_GPAs

GPA/ZC 19-0035

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

R-1 One Family Dwelling
6,000 sq.ft. min lot size
R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
E Estate
10,000 sq.ft. min lot size
R-S Residential Suburban
24,000 sq.ft./dwelling unit
R-S-( ) Residential Suburban
1, 2.5, 5 or 10 min lot size
R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
R-H Residential Holding
20 acre min lot size
A Agriculture
6,000 sq.ft. min lot size
A-20A Agriculture
20 acre min lot size
PUD Planned Unit Development
TT Travel Trailer Park
MH Mobilehome
C-O Professional and Administrative Office
C-1 Neighborhood Commercial
C-2 Regional Commercial
C-C Commercial Center
C-B Central Business
PCD Planned Commercial Development
M-1 Light Manufacturing
M-2 General Manufacturing
M-3 Heavy Industrial
P Automobile Parking
RE Recreation
Ch Church Overlay
OS Open Space
HOSP Hospital Overlay
AD Architectural Design Overlay
FP-P Floodplain Primary
FP-S Floodplain Secondary
AA Airport Approach
DI Drilling Island
PE Petroleum Extraction Combining
SC Senior Citizen Overlay
HD Hillside Development Combining
WM- West Ming Specific Plan

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Document Name: 20190306_GPAs

INITIAL STUDY
ENVIRONMENTAL ANALYSIS

1. **Project Title:** General Plan Amendment/Zone Change No. 19-0035

2. **Lead Agency** *(name and address)***:** City of Bakersfield
   Development Services Department
   1715 Chester Avenue
   Bakersfield, California 93301

3. **Contact Person and Phone Number:** Steve Esselman, Principal Planner
   (661) 326-3733

4. **Project Location:** Northeast corner of the Hosking Avenue/Wible Road intersection

5. **Project Sponsor's Name and Address:** Porter & Associates, Inc.
   Attn: Fred Porter II
   PO Box 20247
   Bakersfield, CA 93390

6. **General Plan Designation:** LMR (Low Medium Density Residential)

7. **Zoning:** R-S (Residential Suburban) and R-1 (One Family Dwelling)

8. **Description of Project** *(Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)***:**

   Porter & Associates, Inc. representing Cindy Henson (property owner), is proposing a General Plan Amendment/Zone Change (GPA/ZC) on 10.1 acres located on the northeast corner of the Hosking Avenue/Wible Road intersection. The request includes: (1) an amendment of the Land Use Element of the *Metropolitan Bakersfield General Plan* land use designation from LMR (Low Medium Density Residential) to GC (General Commerical), or a more restrictive designation, and (2) a change in zone classification from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial), or a more restrictive district.

   The applicant proposes 73,196 total square feet (sf) of neighborhood commercial, including a 5,500 sf gas station, five one-story buildings for shops, a 5,850 sf restaurant, and 2,500 sf fast food pad. Per Bakersfield Municipal Code (BMC) 17.22.040, any restaurants or eating places that would serve alcohol, provide entertainment, or require a drive through would be required to obtain a Conditional Use Permit (CUP) from the City.

9. **Surrounding Land Uses and Setting** *(Briefly describe the project's surroundings.)***:**

   The project site is surrounded by existing single-family residential, and the adjacent southwest corner is currently vacant regional commercial.

10. Other public agencies whose approval is anticipated to be required *(e.g., permits, financing approval, or participation agreement)***:**

- City of Bakersfield—Mitigated Negative Declaration consideration and adoption
- City of Bakersfield—Building permits
- City of Bakersfield—Site Plan Review
- City of Bakersfield—Metropolitan Bakersfield Habitat Conservation Plan compliance
- City of Bakersfield—Regional Transportation Impact Fee Program compliance
- San Joaquin Valley Air Pollution Control District—Indirect Source Rule compliance
- State Water Resources Control Board—National Pollutant Discharge Elimination System General Permit

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

As indicated by the checklist on the following pages, the project would result in potentially significant impacts with respect to the environmental factors checked below (*Impacts reduced to a less than significant level through the incorporation of mitigation are not considered potentially significant.*):

☐ Aesthetics	☐ Agriculture/Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

ENVIRONMENTAL DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project **could** not have a significant effect on the environment, and a **negative declaration** will be prepared.

■ I find that although the proposed project **could** have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **mitigated negative declaration** will be prepared.

☐ I find that the proposed project **may** have a significant effect on the environment, and an **environmental impact report** is required.

☐ I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect has been (1) adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **environmental impact report** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project **could** have a significant effect on the environment, because all potentially significant effects have been (1) analyzed adequately in an earlier **environmental impact report or negative declaration** pursuant to applicable legal standards, and (2) avoided or mitigated pursuant to that earlier **environmental impact report or negative declaration**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature — 5/2/2019 *Date*

Steve Esselman, Principal Planner
Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significant.

Environmental Issue

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS: Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	■	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?	☐	☐	☐	■
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	■
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐
II. AGRICULTURE RESOURCES:				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	■
III. AIR QUALITY:				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	■	☐	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	■	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	■	☐

Environmental Issue

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	■	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	■
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	■	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	■	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	■	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	■	☐	☐
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	■	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	■	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	■	☐	☐
VI. ENERGY: Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	■	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	■	☐
VII. GEOLOGY AND SOILS: Would the project;				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	■
ii. Strong seismic ground shaking?	☐	☐	■	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	■	☐
iv. Landslides?	☐	☐	☐	■
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	■	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	■	☐

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	■
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	■	☐	☐
VIII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	■	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	■	☐
IX. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	■	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	■
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	■
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	■	☐
X. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	■	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	■	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in a substantial erosion or siltation on- or off-site?	☐	☐	■	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	☐	☐	■	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	■	☐
iv. Impede or redirect flood flows?	☐	☐	☐	■
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	■	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	■	☐
XI. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	☐	☐	☐	■

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	■
XII. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	■
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	■
XIII. NOISE: Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	■	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	■	☐
XIV. POPULATION AND HOUSING: Would the project;				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	■	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■
XV. PUBLIC SERVICES:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	■	☐
ii. Police protection?	☐	☐	■	☐
iii. Schools?	☐	☐	☐	■
iv. Parks?	☐	☐	☐	■
v. Other public facilities?	☐	☐	■	☐
XVI. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	■
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	■
XVII. TRANSPORTATION: Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	■	☐	☐

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	☐	☐	☐	■
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	■	☐
d) Result in inadequate emergency access?	☐	■	☐	☐
XVIII. TRIBAL CULTURAL RESOURCES:				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	■
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☐	■
XVIV. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	■	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	■	☐
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	■	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	■	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	■	☐
XX. WILDFIRES: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	■	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	■	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	■	☐
XXI. MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major	☐	■	☐	☐

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
periods of California history or prehistory?				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	■	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	■	☐	☐

EVALUATION OF ENVIRONMENTAL EFFECTS

I. AESTHETICS

a. **Less-than-significant impact.** Public Resources Code (PRC) Section 21099 applicable to aesthetics effects states:

> (d)(1) Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.
>
> (2)(A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.
>
> (B) For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.

The project is a request to change land designated and zoned residential into neighborhood commercial. The project site is not a listed land use and therefore, PRC 21099 is not applicable to this project.

The project proposes 73,196 total sf of neighborhood commercial, including a 5,500 sf gas station, five one-story buildings for shops, a 5,850 sf restaurant, and 2,500 sf fast food pad. The existing visual environment in the area adjacent to the project is predominantly existing single-family residential neighborhoods. The project does not conflict with any applicable vista protection standards, scenic resource protection requirements or design criteria of federal, state, or local agencies, and, with the GPA/ZC, the project would be consistent with the *Metropolitan Bakersfield General Plan* (MBGP) designations and zone districts per the Zoning Ordinance for the project area. The project site is located within an area having slopes from 0 to 5%. The area is not regarded or designated within the *Metropolitan Bakersfield General Plan* as visually important or "scenic." The construction of a neighborhood commercial development at the site would be in character and compatible with the adjacent residential neighborhoods and is an infill site to the urban growth occurring in the project area. Therefore, the project would not have a substantial adverse effect on a scenic vista.

b. **No impact.** Based on a field visit, it was determined that here are no trees, rock outcrops, or buildings (historic or otherwise) located at the project site. Additionally, the project is not located adjacent to or near any officially designated or potentially eligible scenic highways to be listed on the California Department of Transportation (Caltrans) State

Scenic Highway System (Caltrans 2019). The closest section of highway eligible for state scenic highway designation is State Route (SR) 14 (Caltrans 2019) located in Kern County over 60 miles to the east. Therefore, the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway.

c. **No impact.** The project within the Bakersfield City limits, is contiguous with existing and developing land uses, and is located within an urban environment. Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings in a nonurbanized area.

d. **Less-than-significant impact.** This project involves incremental urban growth within the City of Bakersfield's jurisdiction. This project would have to comply with City development standards, including Title 17 (zoning ordinance), Title 15 (buildings and construction), as well as California Code of Regulations Title 24 (building code). Together, these local and state requirements oblige project compliance with current lighting standards that minimize unwanted light or glare to spill over into neighboring properties. Therefore, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE RESOURCES

a. **No impact.** The Farmland Mapping and Monitoring Program (DOC 2019) designates the project site as Urban. The site is not being farmed or grazed, and the site is bordered by major streets and development. The project does not convert 100 acres or more of the farmlands designated Prime, Unique, or of Statewide Importance to nonagricultural uses. Therefore, the project would not significantly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.

b. **No impact.** The project site is currently zoned R-S (Residential Suburban), and is not under a Williamson Act contract. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract.

c. **No impact.** As discussed in II.b., the project site is zoned R-S for residential uses. There are no forested lands located on the site. Therefore, the project would not conflict with existing zoning for, or cause rezoning of forest land or timberland, or timberland zoned Timberland Production.

d. **No impact.** Please refer to response II.c. The project would not result in the loss of forestland or conversion of forest land to non-forest.

e. **No impact.** Please refer to responses II.a through II.d. This project is in an area designated for urban development by the MBGP. The project itself is typical of the development found in metropolitan Bakersfield. The project site is also completely surrounded by existing and developing residential and commercial land uses. Therefore, the project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

III. AIR QUALITY

a. **Less than significant with mitigation incorporated.** The project is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD) jurisdiction, in the San Joaquin Valley Air Basin (SJVAB). The SJVAB is classified by the state as being in severe nonattainment for the state 1-hour ozone standard as well as in nonattainment for the state particulate matter less than 10 microns (PM10) and particulate matter less than 2.5 microns (PM2.5). The SJVAB is also classified as in extreme nonattainment for the federal 8-hour ozone standard, nonattainment for the federal PM2.5 standard, and attainment/maintenance for the federal carbon monoxide (CO) and PM10 standards.

Emission sources because of the project would include ground disturbance and other construction-related work as well as operational emissions typical of a commercial development (e.g., predominantly emissions from vehicles traveling to and from the development).

The SJVAPCD encourages local jurisdictions to design all developments in ways that reduce air pollution from vehicles, which is the largest single category of air pollution in the San Joaquin Valley. The *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI) (SJVAPCD 2015) lists various land uses and design strategies that reduce air quality impacts of new development. Local ordinance and general plan requirements related to landscaping, sidewalks, street improvements, level of traffic service, energy efficient heating and cooling building code requirements, and location of commercial development in proximity to residential development are consistent with these listed strategies. Regulation and policy that will result in the compliance with air quality strategies for new residential and commercial developments include, but are not limited to, Title 24 efficiency standards, Title 20 appliance energy efficiency standards, 2005 building energy efficiency standards, Assembly Bill (AB) 1493 motor vehicle standards, and compliance with the Metropolitan Bakersfield General Plan Air Quality Conservation Element as well as the SJVAPCD air quality guidelines and rules.

As shown in the following table, the SJVAPCD has established specific criteria pollutants thresholds of significance for the operation of specific projects.

SJVAPCD Significance Thresholds for Criteria Pollutants	
Air Pollutant	**Tons/Year**
CO	100
Reactive Organic Gas (ROG)	10
Nitrogen Oxides (NOX)	10
Sulfur Oxides (SOX)	27
PM10	15
PM2.5	15

Source: WZI 2019.

Construction of the project would result in air pollutant emissions. Emissions from construction would result from fuel combustion and exhaust from equipment as well as vehicle traffic, grading, and the use of toxic materials (e.g., lubricants). The following table provides estimated construction emissions because of the project.

Construction Emissions						
Construction Year	**Pollutant (tons/year)**					
	ROG	**NOX**	**CO**	**SOX**	**PM10**	**PM2.5**
Year 2019 Emissions	0.34	2.13	1.73	0.0033	0.17	0.13
Year 2020 Emissions	0.41	3.84	3.01	0.0074	0.53	0.29
Year 2021 Emissions	0.60	0.38	0.38	0.0008	0.038	0.021
SJVAPCD Threshold	10	10	100	27	15	15
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: WZI 2019.

As shown in the above table, construction emissions are not predicted to exceed SJVAPCD significance thresholds levels.

Project operations would also result in air pollutant emissions. Vehicle trips to and from the development would be the primary source of operational emissions. The following table provides estimated operational emissions because of the project.

Operational Emissions						
Emissions Source	**Pollutant (tons/year)**					
	ROG	**NOX**	**CO**	**SOX**	**PM10**	**PM2.5**
Operational Emissions	2.46	5.49	14.50	0.035	2.92	0.81
SJVAPCD Threshold	10	10	100	27	15	15
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: WZI 2019.

As shown in the above table, unmitigated and mitigated operational emissions are also not predicted to exceed SJVAPCD significance thresholds levels.

With implementation of Mitigation Measure 1, the project would not conflict with, or obstruct implementation of, the applicable air quality plan. Mitigation Measure 2 requires that the project pay necessary fees to the SJVAPCD. With implementation of Mitigation Measures 1 and 2, the project would not conflict with or obstruct implementation of the applicable air quality plan.

b. **Less than significant with mitigation incorporated.** Under GAMAQI, any project that would have individually significant air quality impacts would also be considered to have significant cumulative air quality impacts. Impacts of local pollutants are cumulatively significant when the combined emissions from the project and other planned projects exceed air quality standards. The following table shows the project's contribution to cumulative emissions calculated for both Kern County and the greater SJVAB.

Cumulative Emissions						
Emissions Inventory	**Pollutants (tons/year)**					
	ROG	**NOX**	**CO**	**SOX**	**PM10**	**PM2.5**
Kern County – 2012[1]	36,026	26,426	58,108	949	16,097	4,964
SJVAB – 2012[1]	218,964	119,282	490,998	4,526	117,567	40,150
Project	2.46	5.49	14.50	0.035	2.92	0.81
Project % of Kern	0.007	0.02	0.02	0.004	0.02	0.02
Project % of SJVAB	0.001	0.005	0.003	0.0008	0.002	0.002
[1]Latest inventory available as of May 2018.						

As shown in the above table, the project does not pose a significant increase to estimated cumulative emissions for criteria pollutants in nonattainment within Kern County and the greater SJVAB. The project's regional contribution to cumulative impacts would be negligible (well less than 1% for all pollutants under consideration) and therefore, the project's contribution is not cumulatively considerable.

Additionally, the GAMAQI, citing California Code of Regulations (CCR) Section15064(h)(3), states on page 66 that "[a] Lead Agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program, including, but not limited to an air quality attainment or maintenance plan that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located" (SJVAPCD 2015).

Mitigation measures in this MND require compliance with air quality control measures and rules required by the SJVAPCD, which include, but are not limited to, SJVAPCD Rule 2010 (Permits Required), SJVAPCD Rule 2201 (New and Modified Stationary Source Review Rule), SJVAPCD Rule 4102 (Nuisance), and SJVAPCD Rule 9510 (Indirect Source Rule), each of which is discussed below.

SJVAPCD Rule 2010 requires any person constructing, altering, replacing or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate from the SJVAPCD Air Pollution Control Officer (APCO). The project will comply with this rule by obtaining authorization from APCO prior to commencing construction on the project.

SJVAPCD Rule 2201 requires review and offset of stationary sources of air pollution and no net increase in emissions above specified thresholds from new and modified stationary sources of all nonattainment pollutants and their precursors. This is achieved through the use of mechanisms as approved by the SJVAPCD, such as emission trade-offs by which a permit to construct or operate any source pollution is granted. The project will comply with this rule by demonstrating compliance when obtaining authorization from APCO under Rule 2010. For example, compliance with Rule 2201 may include using Best Available Control Technology and providing emission offsets.

SJVAPCD Rule 4102 protects the health and safety of the public by prohibiting discharge from any source whatsoever of air contaminants that cause injury, detriment, nuisance, or other annoyance to any considerable number of people. The project will comply with this rule by not discharging air contaminants or other materials, which cause injury, detriment, nuisance, or other annoyance to any considerable number of people.

SJVAPCD Rule 9510 requires the reduction of emissions of nitrogen oxides (NOX) and particulate matter smaller than ten microns in aerodynamic diameter (PM10) associated with construction and operational activities of development projects occurring within the San Joaquin Valley. Rule 9510 applies to new development projects that would equal or exceed specific size limits called applicability thresholds (e.g., developing more than 2,000 square feet of commercial space, 25,000 square feet of light industrial space, 10,000 square feet of heavy industrial space, or 50 residential units). The project is subject to SJVAPCD Rule 9510 because it exceeds the applicability threshold of 50 residential or dwelling units. Accordingly, the project must reduce a portion of the emissions occurring during construction and operational phases through on-site measures, or pay off-site

mitigation fees. The objective of this rule is to reduce construction NOX and PM10 emissions by 20% and 45%, respectively, as well as to reduce operational NOX and PM10 emissions by 33.3% and 50%, respectively, when compared to unmitigated projects. The SJVAPCD uses CalEEMod (California Emission Estimator Model) to estimate emissions of NOX and PM10 for potential land uses. Examples of measures that may be implemented to reduce emissions pursuant to this rule include, but are not limited to, incorporating energy efficiency beyond Title 24 requirements, providing bicycle lanes throughout a project, using cleaner fleet construction vehicles, providing employee incentives for using alternative transportation, and building in proximity to existing or planned bus stops. When a development project cannot reduce its NOX and PM10 emissions to the level required by Rule 9510, then the difference must be mitigated through the payment of an offsite emissions reduction fee. One hundred percent (100%) of all off-site mitigation fees are used by the SJVAPCD to fund emission reduction projects through its Incentives Programs, achieving emission reductions on behalf of the project.

Due to the fact that 1) the air quality modeling indicates that the project's regional contribution to cumulative impacts would be negligible and 2) the project would comply with the requirements of the SJVAPCD attainment plans and rules, and mitigation measures require the applicant to provide proof of such compliance, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

c. **Less-than-significant impact.** Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved that expose sensitive receptors to sustained exposure to any pollutants present. Examples of the types of land use that are sensitive receptors include residences, retirement facilities, hospitals, and schools. The most sensitive portions of the population are children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases.

The Air Quality Impact Assessment (AQIA) concluded that the project would not significantly affect such receptors (WZI 2019). Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations.

d. **Less-than-significant impact.** The SPAL Assessment concludes that the project would not emit any objectionable odors because the emitted odors would be typical of other neighborhood commercial development surrounding the project site (WZI 2019). Therefore, the project would not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

a. **Less than significant with mitigation incorporated.** A Biological Study was prepared for the proposed project (MESA 2018). No listed special-status plant species were found on the site during the reconnaissance-level survey (MESA 2018). Additionally, no listed special-status wildlife species or their signs were observed at the site (MESA 2018). Special-status wildlife were not observed and no indicators of occupation or use by special-status species (e.g., scat, tracks, nesting materials, prey remains, or any other sign) were identified during the field survey (MESA 2018). Despite any indication of use during the survey, there is potential for use by special-status species in the future.

The project is subject to the terms of the *Metropolitan Bakersfield Habitat Conservation Plan* (MBHCP) and associated Section 10(a)(1)(b) and Section 2081 permits issued to the by USFWS and CDFW, respectively. The project is also subject to ITP No. 2081-2013-058-04 (ITP) and associated Mitigation Monitoring and Reporting Program (MMRP). These documents are hereby incorporated by reference. Terms of these permits require applicants for all development projects within the plan area to pay habitat mitigation fees and notify agencies prior to grading in areas covered under the permit.

The current MBHCP expires on September 1, 2019. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the 2019 expiration date under the current MBHCP. As determined by the City, only projects ready to be issued an urban development permit, grading plan approval, or building permit before the 2019 expiration date will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 2019 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the USFWS and the CDFW.

Mitigation Measure 3 requires a survey and compliance with mitigation measures outlined in the ITP prior to ground disturbance for any special-status wildlife species that have the potential to occur at the project site. With implementation of Mitigation Measure 3, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

b. **No impact.** There is no riparian habitat or other sensitive natural community located within the project site (MESA 2018). The project is also not located within, or adjacent to, the Kern River riparian habitat area. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.

c. **Less-than-significant impact.** Based on the results of the field survey and a review of the USFWS National Wetlands Inventory, there are no wetlands, as defined by Section 404 of the federal Clean Water Act (CWA), located within the project site (MESA 2018). One blue-line feature was identified at the site, but this feature is present strictly on map searches and no evidence of this feature is currently present at the site (MESA 2018). Therefore, the project would not have a substantial adverse effect on federally-protected wetlands.

d. **Less than significant with mitigation incorporated.** The project site is not within the Kern River floodplain (noted as a wildlife corridor in the MBHCP) and is not along a canal that has been identified by the USFWS as a corridor for native resident wildlife species. Therefore, it was concluded that the project would not interfere with wildlife movement (MESA 2018).

There is the potential during construction to temporarily affect nursery sites such as dens. Project construction could cause the direct destruction of a nursery site or cause enough of an indirect disturbance to cause special-status wildlife to abandon a nursery site. However, Mitigation Measure 3 require preconstruction surveys and, if necessary, additional mitigation recommended by a qualified biologist and CDFW to reduce potential impacts to nursery sites. With the implementation of Mitigation Measure 3, the

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

e. **Less-than-significant impact.** It was concluded that the project site does not contain any biological resources that are protected by local policies. The project is located within the boundary of the MBHCP, which addresses biological impacts within the *Metropolitan Bakersfield General Plan* area. The MBHCP has been adopted as policy and is implemented by ordinance. The development entitled by this proposal would be required to comply with the MBHCP. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources.

f. **Less than significant with mitigation incorporated.** Please refer to responses IV.a, IV.d, and IV.e. With implementation of Mitigation Measure 3, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES

a. **Less-than-significant impact.** A Phase I cultural resource survey was performed at the project site (Hudlow 2018). One cultural resource (P-1) that consists of three historic outbuildings from the 1920s, was identified during the survey (Hudlow 2018). A qualified cultural resources specialist determined that none of the historic outbuildings is eligible for nomination to the California Register of Historic Places. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource.

b. **Less than significant with mitigation incorporated.** It has been concluded that the project site does not contain any known archaeological resources (Hudlow 2018). However, there is still the potential to unearth previously unknown archaeological resources at the site, and grading and other ground-disturbing activities have the potential to damage or destroy such resources. Mitigation Measure 4 requires that construction workers are provided with cultural awareness training. Mitigation Measure 5 requires ceasing work and investigating any discovery in the event that previously unknown archaeological resources are unearthed during construction. With the implementation of Mitigation Measures 4 and 5, the project would not cause a substantial adverse change in the significance of an archaeological resource.

c. **Less than significant with mitigation incorporated.** There are no known human remains found at the project site. The project could inadvertently uncover or damage previously unknown human remains. Mitigation Measure 6 requires that if any human remains are found at the site during construction, work would cease and the remains would be handled pursuant to applicable law. With implementation of Mitigation Measure 6, the project would not significantly disturb any human remains.

VI. ENERGY

a. **Less-than-significant impact.** The applicant proposes 73,196 total sf of neighborhood commercial, including a 5,500 sf gas station, five one-story buildings for shops, a 5,850 sf restaurant, and 2,500 sf fast food pad. Project construction would require temporary energy demands typical of other neighborhood commercial construction projects that occur throughout the state and this development's construction would not result in inefficient or unnecessary consumption of energy resources beyond typical

neighborhood commercial construction. All new construction within the City of Bakersfield must adhere to modern building standards, including California Code of Regulations Title 24, which outlines energy efficiency standards for new residential and nonresidential buildings to ensure that new buildings do not wastefully, inefficiently, or unnecessarily consume energy. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

b. **Less-than-significant impact.** There is no adopted plan by the City of Bakersfield for renewable energy or energy efficiency. As discussed in VI.a., all new development projects within the City are required to adhere to modern building standards related to energy efficiency. Additionally, the City encourages applicants and developers to go beyond the required standards and make their developments even more efficient through programs such as LEED, or Leadership in Energy and Environmental Design, which is a green building rating system that provides a framework to create healthy, highly efficient, and cost-saving green buildings. Other encouraged programs available applicants and developers are Title 20 appliance energy efficiency standards and 2005 building energy efficiency standards. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

a. The following discusses the potential for the project to expose people or structures to substantial adverse effects because of various geologic hazards. The City is within a seismically active area. According to the *Metropolitan Bakersfield General Plan*, major active fault systems border the southern portion of the San Joaquin Valley. Among these major active fault systems include the San Andreas, Breckenridge-Kern County, Garlock, Pond Poso, and White Wolf faults. There are numerous additional smaller faults suspected to occur within the Bakersfield area, which may or may not be active. The active faults have a maximum credible Richter magnitude that ranges from 6.0 (Breckenridge-Kern County) to 8.3 (San Andreas). Potential seismic hazards in the planning area involve strong ground shaking, fault rupture, liquefaction, and landslides.

i. **No Impact.** Ground rupture is ground deformation that occurs along the surface trace of a fault during an earthquake. The project site is not included within the boundaries of an “Earthquake Fault Zone” as defined in the Alquist-Priolo Earthquake Fault Zoning Act (DOC 2019). Therefore, the project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault.

ii. **Less-than-significant impact.** The City is within a seismically active area. Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code (specifically Seismic Zone 4, which has the most stringent seismic construction requirements in the United States), and to adhere to all modern earthquake construction standards. Therefore, the project would not expose people or structures to potential substantial adverse effects involving strong seismic ground shaking.

iii. **Less-than-significant impact.** The most common seismic-related ground failure is liquefaction and lateral spreading. In both cases, during periods of ground motion caused by an event such as an earthquake, loose materials transform

from a solid state to near-liquid state because of increased pore water pressure. Such ground failure generally requires a high water table and poorly draining soils in order for such ground failure to occur. The project site's soils are Kimberlina fine sandy loam, saline-sodic, 0 to 2% slopes, which are generally well draining (USDA 2019). Public-supply wells in Kern County are at depths between 600 and 800 feet below land surface (USGS 2016) and therefore, groundwater levels are not close enough to the ground surface to result in sufficiently saturated soils suitable for liquefaction. As a result, the potential for liquefaction at the project site is low. In addition, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction.

iv. **No Impact.** In Kern County, the common types of landslides induced by earthquake occur on steeper slopes found in the foothills and along the Kern River Canyon; in these areas, landslides are generally associated with bluff and stream bank failure, rock slide, and slope slip on steep slopes. The project site is generally flat, there are no such geologic features located at the project site, and the site is not located near the Kern River Canyon. Therefore, the project would not expose people or structures to potential substantial adverse effects involving landslides.

b. **Less-than-significant impact.** The project site's soils have low-to-medium susceptibility to sheet and rill erosion by rainfall and low susceptibility to wind erosion at the ground surface. The relatively low precipitation in the project area [on average about 6 inches/year] results in surface runoff that is intermittent and temporary in nature. The erosion potential at the site, low average rainfall, and the fact that the soils are well drained does not make the project site susceptible to substantial soil erosion or loss of topsoil.

Construction of the site would temporarily disturb soils, which could loosen soil, and the removal of vegetation could contribute to future soil loss and erosion by wind and storm water runoff. The project would have to request coverage under the National Pollutant Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges Associated with Construction Activities* (No. 2012-0006-DWQ) (General Permit) because the project would result in one or more acres of ground disturbance. To conform to the requirements of the General Permit, a Storm Water Pollution Prevention Plan (SWPPP) would need to be prepared that specifies best management practices (BMPs) to prevent construction pollutants, including eroded soils (such as topsoil), from moving offsite. Implementation of the General Permit and BMPs requirements would mitigate erosion of soil during construction activities.

During operation, the soils would be sufficiently compacted to required engineered specifications, revegetated in compliance with City requirements, or paved over with impervious surfaces such that the soils at the site would not be particularly susceptible to soil erosion. Therefore, the project would not result in substantial soil erosion or the loss of topsoil.

c. **Less-than-significant impact.** As discussed in VII.a.iii. and VII.a.iv., the project site's soils would not expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction, lateral spreading, or landslides.

Subsidence is part of the baseline condition in the project area due to historic groundwater pumping and the resultant subsidence that occurs with such activities. The project would not substantially contribute to this baseline condition because the projected water use has been conditionally approved by California Water Service (CalWater) (CalWater 2019). The project site has been considered by VWC against its most current Urban Water Management Plan (UWMP) and it was concluded that the Company has sufficient existing capacity to service the project. Therefore, the project has already been considered in the groundwater analysis in the UWMP and would not exacerbate subsidence in the area beyond the baseline condition.

Collapsible soils consist of loose, dry, low-density materials that collapse and compact under the addition of water or excessive loading. Because the project site is derived from alluvium, which is generally loose material, there is the potential for collapsible soils. Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

d. **Less-than-significant impact.** When a soil has 35% or more clay content, it is considered a clayey soil. Milham sandy loam have 5 to 20% clay content and therefore, do not have a high potential to be expansive. Additionally, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on expansive soil creating substantial risks to life or property.

e. **No impact.** The project would not require the use of septic tanks or alternative wastewater disposal systems because the project would connect to existing City sewer services in the area. Therefore, there would be no impacts related to soils incapable of adequately supporting septic tanks or alternative waste water disposal systems.

f. **Less than significant with mitigation incorporated.** Paleontological sensitivity is determined by the potential for a geologic unit to produce scientifically significant fossils. Because paleontological resources typically occur in the substratum soil horizon, surface expressions are often not visible during a pedestrian survey. Paleontological sensitivity is therefore derived from known fossil data collected from the entire geologic unit. According to the California Department of Conservation's Geologic Map of California, the project site consists of Quaternary marine and nonmarine sedimentary geologic formations. This geological formation consists of older alluvium deposits that have the potential to contain unknown paleontological resources or unique geologic features.

Similar to archaeological resources, there is the potential to unearth previously unknown paleontological resources at the site, and grading and other ground-disturbing activities have the potential to damage or destroy such resources. With the implementation of Mitigation Measure 5, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

VIII. GREENHOUSE GAS EMISSIONS

a. **Less-than-significant impact.** The project would generate an incremental contribution and, when combined with the cumulative increase of all other sources of greenhouse gases (GHG), could contribute to global climate change impacts. Although the project is expected to emit GHG, the emission of GHG by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects. A project's GHG emissions typically would be relatively very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Therefore, a project's GHG emissions and the resulting significance of potential impacts are more properly assessed on a cumulative basis.

The project's GHG emissions were estimated (WZI 2019) and are summarized in the following table.

Construction and Operational GHG Emissions	
Source	**Metric Tons/Year**
	CO2E[1]
Operational Emissions	3,911.16
2005 Business As Usual (BAU)	6,443.46
BAU – 2019 Operational Emissions	**39.3%**
[1]CO2E = carbon dioxide equivalent	

Source: WZI 2019.

According to the SJVAPCD, for a project to conform to the goals of AB 32, at least a 29% reduction from the 2002-2004 business-as-usual (BAU) period by 2020 must be demonstrated. As shown in the above table, the project results in a 39.3% reduction in GHG emissions in comparison to BAU, which satisfies the AB 32-mandated 29% reduction. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

b. **Less-than-significant impact.** CARB is responsible for the coordination and administration of both federal and state air pollution control programs within California. According to California's Climate Change Scoping Plan, there must be statewide reduction GHG emissions to 1990 levels by 2020. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 29% from BAU emission levels projected for 2020. In addition, per SB 375 requirements, CARB has adopted regional reduction targets, which call for a 5% reduction in per-capita emissions by 2020 and 10% reduction in 2035 within the San Joaquin Valley using 2005 as the baseline. These regional reduction targets will be a part of the Kern COG Sustainable Communities Strategy. The SJVAPCD has adopted guidance (*Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*) and a policy (District Policy – Addressing GHG Emission Impacts for Stationary Source Projects under CEQA When Serving as the Lead Agency).

As proposed, the project would not conflict with any statewide policy, regional plan, or local guidance or policy adopted for the purpose of reducing GHG emissions. The project would not interfere with the implementation of AB 32 and SB 375 because it would be consistent with the GHG emission reduction targets identified by CARB and the

Scoping Plan. The project achieves BAU GHG emissions reduction equal to or greater than the 29% targeted reduction goal CARB defines BAU as "the emissions that would be expected to occur in the absence of any GHG reduction actions." By implementing mitigation, the project would be consistent with these statewide measures and considered not significant or cumulatively considerable under CEQA. Therefore, the project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG.

IX. HAZARDS AND HAZARDOUS MATERIALS

a. **Less-than-significant impact.** The project is neighborhood commercial and therefore, could involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Construction activities would require the transport, storage, use, and/or disposal of hazardous materials such as fuels and greases for the fueling/servicing of construction equipment, and there is the potential for upset and accident conditions that could release such material into the environment. Such substances would be stored in temporary storage tanks/sheds that would be located at the site. Although these types of materials are not acutely hazardous, they are classified as hazardous materials and create the potential for accidental spillage, which could expose construction workers. All transport, storage, use, and disposal of hazardous materials used in the construction of the project would be in strict accordance with federal and state laws and regulations. During construction of the project, Material Safety Data Sheets (MSDS) for all applicable materials present at the site would be made readily available to onsite personnel. During construction, non-hazardous construction debris would be generated and disposed of at approved facilities for handling such waste. Also, during construction, waste disposal would be managed using portable toilets located at reasonably accessible onsite locations.

   The project proposes 73,196 total sf of neighborhood commercial, including a 5,500 sf gas station, five one-story buildings for shops, a 5,850 sf restaurant, and 2,500 sf fast food pad. Day-to-day neighborhood commercial activities may involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Users would be required to follow any instructions for use and storage provided on product labels to prevent any accidents in the workplace. Users would also be required to read and follow product labels for disposal directions to eliminate the risk of products exploding, igniting, leaking, mixing with other chemicals, or posing other hazards on the way to a disposal facility. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b. **Less-than-significant impact.** Please refer to response VIX.a. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment.

c. **Less-than-significant impact.** The AQIA concluded that the project would not significantly affect sensitive receptors (WZI 2019). Therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.

d. **No impact.** The EnviroStor (DTSC 2019) and Cortese (CalEPA 2019) lists pursuant to Government Code (GC) Section 65962.5 were reviewed. No portion of the project site is

identified on either list, which provides the location of known hazardous waste concerns. Therefore, the project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to GC Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

e. **No impact.** The project site is not located within the Kern County *Airport Land Use Compatibility Plan* area (Kern County 2012). The closest airport to the project site is Meadows Field, which is over 1.5 miles to the northeast of the site. Therefore, the project would not result in a safety hazard for people residing or working in the project area. The project is not located within a distance an airport land use plan or, where such a plan has not been adopted.

f. **Less-than-significant impact.** The project would have to develop or improve roads to the site as well as internal roads that are in compliance with the City's Fire Code to allow emergency vehicles adequate access to the site and all portions of the site. Access to the site would be maintained throughout the construction period, and appropriate detours would be provided in the event of potential temporary road closures. The project would not interfere with any local or regional emergency response or evacuation plans because the project would not result in a substantial alteration to the adjacent and area circulation system. The project is typical of urban development in Bakersfield, and is not inconsistent with the adopted City of Bakersfield Hazardous Materials Area Plan (Bakersfield 1997). This plan identifies responsibilities and provides coordination of emergency response at the local level to hazardous materials incidents. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

g. **Less-than-significant impact.** The project site is not located within a "very high," "high," or "moderate" fire hazard severity zone (CalFire 2008). The site consists of vacant land, and its vicinity is also vacant and does not possess high fuel loads that have a high potential to cause a wildland fire. The project site would be developed with hardscapes and irrigated landscaping, which would further reduce fire potential at the site. Additionally, the City and County require "defensible space" within areas of the County susceptible to wildland fires as shown on CalFire maps through the Fire Hazard Reduction Program. Defensible space is the buffer created between a building and the grass, trees, shrubs, or any wildland area that surrounds it. Therefore, the project would not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands.

X. HYDROLOGY AND WATER QUALITY

a. **Less-than-significant impact.** Construction would include ground-disturbing activities. As discussed in VII.b, the project site's soil types have a low-to-medium susceptibility to sheet and rill erosion by rainfall and a low susceptibility to wind erosion at the ground surface. Disturbance of onsite soils during construction could result in soil erosion and siltation, and subsequent water quality degradation through increased turbidity and sediment deposition during storm events to offsite locations. Additionally, disturbed soils have an increased potential for fugitive dust to be released into the air and carried offsite. As described in VII.b, the project would be required to comply with the General Permit. To conform to the requirements of the General Permit, a SWPPP would need to be prepared that specifies BMPs to prevent construction pollutants from moving offsite. The project is

required to comply with the General Permit because project-related construction activities would disturb at least 1 acre of soil.

The City owns and maintains a municipal separate storm sewer system (MS4). The project's operational urban storm water discharges are covered under the Central Valley Water Quality Control Board (CVRWQCB) *National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements General Permit for Discharges from Municipal Separate Storm Sewer Systems* (Order No. R5-2016-0040; NPDES No. CAS0085324) (MS4 Permit) (CVRWQCB 2016). The MS4 Permit mandates the implementation of a storm water management framework to ensure that water quality is maintained within the City because of operational storm water discharges throughout the City, including the project site. By complying with the General Permit and MS4 Permit, the project would not violate any water quality standards or waste discharge requirements.

b. **Less-than-significant impact.** Potable water from the project would be supplied by CalWater. CalWater receives at least a portion of its supplies from groundwater sources. The project's projected water use has been conditionally approved by CalWater (CalWater 2019) and therefore, the project site has been considered by CalWater against its most current UWMP. By state law, current UWMPs do not need to address the Sustainable Groundwater Management Act (SGMA) or sustainable groundwater management at this time. It was concluded that CalWater had sufficient existing capacity to service the project. As a result, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

c. The following discusses whether the project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces.

    i. **Less-than-significant impact.** The project site does not contain any blue-line streams or other surface water features (MESA 2019) and therefore, the project would not alter the course of a river or stream. The project site would be graded and, as a result, the internal drainage pattern at the site would be altered from the baseline condition. Additionally, the project would result in increased impervious surfaces (i.e., building pads, sidewalks, asphalt parking area, etc.) at the site, which would reduce percolation to ground and result in greater amounts of storm water runoff concentrations at the site. If uncontrolled, differences in drainage patterns and increased impervious surfaces could result in substantial erosion or siltation on- or offsite. However, the project would be required to comply with the General Permit during construction and MS4 permit during operation. In order to comply with the MS4 Permit, the City requires compliance with adopted building codes, including complying with an approved drainage plan, which avoids on- and offsite flooding, erosion, and siltation problems. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite.

    ii. **Less-than-significant impact.** Please refer to response X.c.i. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially

increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.

iii. **Less-than-significant impact.** Please refer to response X.c.i. Therefore, the project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

iv. **No Impact.** The project site is located outside the 500-year floodplain and is not located within a 100-year flood hazard area (FEMA 2019). Therefore, the project would not impede or redirect flood flows.

d. **Less-than-significant impact.** As discussed in responses X.g. and IX.h., the project is not located within a floodplain. There are no nearby levees that would be susceptible to failure or flooding of the site. The project site, like most of the City, is located within the Lake Isabella flood inundation area (Kern County 2017), which is the area that would experience flooding in the event that there was a catastrophic failure of the Lake Isabella Dam. There is an approved Lake Isabella Dam Failure Evacuation Plan (Kern County 2009) that establishes a process and procedures for the mass evacuation and short-term support of populations at risk below the Lake Isabella Dam. The City would utilize the Evacuation Plan to support its Emergency Operations Plans (EOPs). With implementation of the Evacuation Plan, the project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

e. **Less-than-significant impact.** Please refer to response X.c.i. There is currently no adopted groundwater management plan for the project site or its vicinity. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan

XI. LAND USE AND PLANNING

a. **No impact.** The project is a continuation of the existing urban development pattern of the City. The project does not include a long and linear feature, such as a freeway, railroad track, block wall, etc., that would have the potential to divide a community. The project is the development of a finite 10.1-acre project site that does not impede existing or future movement or development of the City. Therefore, the project would not physically divide an established community.

b. **No impact.** The project requires a GPA to be consistent with the MBGP, namely a change from LMR (Low Medium Density Residential) to GC (General Commerical). The project also requires a ZC to be consistent with the Zoning Ordinance, namely a change from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial). If the GPA/ZC were to be approved by the City, the project would be consistent with both the MBGP and Zoning Ordinance. Therefore, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

XII. MINERAL RESOURCES

a. **No impact.** The project site is not within the administrative boundaries of an oilfield and there are no oil wells found on the site (DOGGR 2019). The only other potential mineral resource in the area is aggregate for the making of concrete. Aggregate is mined in alluvial fans and along existing and historical waterways. There are no blue-line water features or existing or planned aggregate mining operations at the site. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

b. **No impact.** The project site is currently designated R-IA (Resource – Intensive Agriculture) and, if the GPA is approved, this designation would change to GC (General Commercial). No portion of the site is designated for a potential mineral resource extraction use such as R-MP (Mineral and Petroleum). Therefore, the project would not result in the loss of availability of a locally-important mineral resource recovery site that is delineated in a local general plan, specific plan or other land use plan.

XIII. NOISE

a. **Less-than-significant impact.** The project would generate both short-term construction noise and operational noise. The first type of short-term construction noise would result from transport of construction equipment and materials to the project site, and construction worker commutes. These transportation activities would incrementally raise noise levels on access roads leading to the site. A one-time trip to move pieces of heavy equipment for grading and construction activities would result in single-event noise at a distance of 50 feet from a sensitive noise receptor that would reach a maximum level of 84 A-weighted decibels (dBA). Because the equipment would be left onsite for the duration of project construction, the one-time trip would not add to the daily traffic noise in the project vicinity. The total daily vehicle trips resulting from construction worker commutes would be minimal when compared to existing traffic volumes on the affected streets, and the long-term noise level change would not be perceptible.

The second type of short-term construction noise is related to noise generated during project construction. The site preparation and grading phase, which includes excavation and grading, tends to generate the highest noise levels because earthmoving equipment is the noisiest construction equipment. Construction noise levels during grading would be less than 70 dBA, which would not exceed the hourly noise level standard at the nearest sensitive uses. Construction noise would cease to occur once project construction is completed. The project will also be required to comply with the construction hours specified in the City Noise Ordinance, which states that construction activities are limited to the hours of 6:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 9:00 p.m. on weekends.

Project operations would generate sound levels typical of neighborhood commercial land uses, which would have to comply with Bakersfield Municipal Code regarding noise. Stationary operational noise levels at all points around the project site would experience noise level impacts that would be less than the daytime and nighttime hourly noise level standards of 55 dBA and 50 dBA, respectively. Project-related operational traffic would have very small noise level increases along roadway segments in the project vicinity. Parking lot noise, including engine sounds, car doors slamming, car alarms, loud music, and people conversing, would also occur at the project site. It was determined that the noise levels at all points around the project site would experience noise level impacts

that would be less than the City's daytime and nighttime maximum noise level standards of 75 dBA and 70 dBA.

Therefore, the project would not generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies

b. **Less-than-significant impact.** Some ground-borne vibration and noise would originate from earth movement and building activities during the project's construction phase. Ground-borne noise and vibration from construction activity would be mostly low to moderate). The closest structures to the project site are the existing residential uses to the northeast. The operation of typical construction equipment would generate ground-borne vibrations that would not exceed guidelines that are considered safe for any type of buildings. Operation of the proposed neighborhood commercial use would not generate ground-borne vibration. Therefore, the project would not expose persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

c. **Less-than-significant impact.** Please refer to response IX.e. Therefore, the project would not expose people residing or working in the project area to excessive noise levels for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

XIV. POPULATION AND HOUSING

a. **Less-than-significant impact.** The project is a neighborhood commercial project and therefore, does not induce direct growth. The project would provide additional employment opportunities in Metropolitan Bakersfield, which accommodates the projected increase in Bakersfield's population by providing such opportunities for existing and future residents in Bakersfield. The project would not remove a barrier to growth, such as the development of a new road or other infrastructure that would open up an area previous inaccessible to development. Therefore, the project would not induce substantial population growth in an area, either directly or indirectly.

b. **No impact.** The project site consists of vacant land. Therefore, the project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

XV. PUBLIC SERVICES

a. The following discusses whether the project would result in substantial adverse physical impacts to public services. The need for additional public service is generally directly correlated to population growth and the resultant additional population's need for services beyond what is currently available.

   i. **Less-than-significant impact.** Fire protection services for the Metropolitan Bakersfield area are provided through a joint fire protection agreement between the City and County. The project may necessitate the addition of fire equipment and personnel to maintain current levels of service, and this potential increase in fire protection services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities,

the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.

ii. **Less-than-significant impact.** Police protection for the project would be provided by the Bakersfield Police Department. Potential increase in services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.

iii. **No impact.** The project is not growth inducing and therefore, is a not driver for population growth, including the need for additional schools. The need for additional schools can be proportionately paid for by an increased property tax revenues as a result of the project. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.

iv. **No impact.** The project is not growth inducing and therefore, is a not driver for population growth, including the need for additional recreational opportunities. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.

v. **Less-than-significant impact.** The project and eventual buildup of this area would result in an increase in maintenance responsibility for the City. Though the project may necessitate increased maintenance for other public facilities, this potential increase can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities.

XVI. RECREATION

a. **No impact.** Please refer to response XV.a.iv. Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b. **No impact.** Please refer to response XV.a.iv. Therefore, the project would not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

XVII. TRANSPORTATION AND TRAFFIC

a. **Less than significant with mitigation incorporated.** The project would result in temporary construction-related traffic impacts. Construction workers traveling to and from the project site as well as construction material delivery would result in additional vehicle trips to the area's roadway system. Construction material delivery may require a number of trips for oversized vehicles that may travel at slower speeds than existing traffic and, due to their size, may intrude into adjacent travel lanes. These trips may temporarily degrade level of service (LOS) on area roadways and at intersections. Additionally, the total number of vehicle trips associated with all construction-related traffic (including construction worker trips) could temporarily increase daily traffic volumes on local roadways and intersections. The project may require temporary lane closures or the need for flagmen to safely direct traffic on roadways near the project site. However, once the project is built, it would not result in any permanent traffic-related effects.

Policy 36 of the Metropolitan Bakersfield General Plan Circulation Element states:

> Prevent streets and intersections from degrading below Level of Service "C" where possible due to physical constraints (as defined in a Level of Service standard) or when the existing Level of Service if below "C" prevent where possible further degradation due to new development or expansion of existing development with a three-part mitigation program: adjacent right-of-way dedication, access improvements and/or an area-wide impact fee. The area-wide impact fee would be used where the physical changes for mitigation are not possible due to existing development and/or the mitigation measure is part of a larger project, such as freeways, which will be built at a later date.

A traffic analysis (R&S 2018) that analyzed operational traffic impacts was prepared for the project to determine if operations would degrade the performance of the circulation system per the requirements of Policy 36. Policy 36 of the Circulation Element of the MBGP requires the City to prevent streets and intersections from degrading below a level of service C, where possible, through dedication of adjacent right-of-way, access improvements, or an area-wide impact fee. In addition, the Subdivision Ordinance requires all onsite street improvements and a proportional share of boundary street improvements to be built at the time the property is developed.

The traffic analysis concluded that five intersections and one roadway segment were identified to need improvement and that the project should participate in the Regional Transportation Impact Fee (RTIF) Program (see Mitigation Measure 7) and pay their fair share of local improvement to the five intersections and one roadway segment affected by the project (see Mitigation Measure 8). With implementation of mitigation, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

b. **No impact.** While public agencies may immediately apply Section 15064.3 of the updated CCR (or CEQA Guidelines), statewide application is not required until July 1, 2020. This CCR Section 15064.3(b) states:

> Criteria for Analyzing Transportation Impacts.
>
> > (1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects

within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The traffic analysis (R&S 2018) concluded that the project's traffic impacts would be reduced to less than significant with the implementation of mitigation. Application of vehicle miles traveled (VMT) is not required in Lead agency CEQA documents until July 1, 2020, Therefore, the project would not be in conflict or be inconsistent with CCR Section 15064.3(b).

c. **Less-than-significant impact.** The project would have to comply with all conditions placed on it by the City Traffic Engineering Division in order to comply with accepted traffic engineering standards intended to reduce traffic hazards, including designing the roads so that they do not result in design feature hazards. The project is with the City limits and surrounded by compatible existing and planned land uses and land use designations. Therefore, the project would not substantially increase hazards due to a design feature or incompatible uses.

d. **Less than significant with mitigation incorporated.** There is the potential that, during the construction phase, the project would impede emergency access. For projects that require minor impediments of a short duration (e.g., pouring a new driveway entrance), the project would be required to obtain a street permit from City Public Works. If a project requires lane closures and/or the diversion of traffic, then a Traffic Control Plan

would be required. During operations, the project would have to comply with all applicable City policies and requirements to ensure adequate emergency access.

Mitigation Measure 9 requires that, if necessary, the applicant/developer obtains a street permit or develop and get approved a Traffic Control Plan, for the construction period. With implementation of mitigation, the project would not result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

a. **No impact.** The project requires a GPA and therefore, request for consultation letters were sent to a list of tribal contacts received from the Native American Heritage Commission in compliance with Senate Bill (SB) 18. In the letters, the City stated that the applicable tribes may request consultation with the City regarding the preservation of, and/or mitigation of impacts to, California Native American cultural places in connection with the project. To date, none of the tribes have responded to the request. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed in the California Register of Historical Resources or in a local register of historical resources.

b. **No impact.** Based on the results of the SB 18 consultation inquiry to applicable tribes, the City has determined that there are no tribal cultural resources found at the site. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant.

XVIV. UTILITIES AND SERVICE SYSTEMS

a. **Less-than-significant impact**. The project would require the construction of new water, storm water drainage, sewer facilities; above and/or belowground electrical facilities, natural gas facilities, and telecommunications (e.g., cable, fiber optics, phone, etc.) typical of commercial development. Water, storm water, and sewer structures would have to be designed to meet the City's *Current Subdivision & Engineering Design Manual* (Bakersfield 1999). Compliance with the Design Manual would ensure that the such facilities would not result in significant environmental effects. Electrical, natural gas, and telecommunications facilities would be placed by the individual serving utilities; these entities already have in place safety and siting protocols to ensure that placement of new utilities to serve new construction would not have a significant effect on the environment. Therefore, the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b. **Less-than-significant impact.** The project is within the CalWater's water service area. CalWater has provided a letter stating that water service can be supplied in compliance with their current UWMP that accounts for normal, dray, and multiple dry years (CalWater 2019). Therefore, the project has sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

c. **Less-than-significant impact.** It is anticipated that neighborhood commercial uses 4.03 gallons per square foot per month (Morales et al. 2009) and therefore, the proposed 73,196 total sf of commercial buildings would require about 9,698 gallons per day (GPD)

[0.00143 million gallons per day (MGD)], and the wastewater treatment plant would require available capacity to dispose of about 0.01 MGD of wastewater. Wastewater because of the project would be treated at WWTP No. 2, which is owned and operated by the City. WWTP No. 2 has an overall capacity of 32 MGD and a current available capacity of 14.7 MGD (Bakersfield 2019). The project's contribution would account for 0.6% of the available capacity and therefore, WWTP No. 2 has sufficient capacity to serve the project. As a result, it has been determined that the wastewater treatment provider which serves or may serve the project has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

d. **Less-than-significant impact.** It is assumed that solid waste generated as a result of the project would be disposed at the Bena Landfill located at 2951 Neumarkel Road, Bakersfield, CA 93307. As of July 2013, the landfill had a remaining permitted capacity of 32,808,260 cubic yards and a maximum permitted throughput of 4,500 tons/day (CalRecycle 2017a). Using a factor of 0.006 pounds solid waste per square foot per day (CalRecycle 2017b), 50,000 sf of light industrial buildings would generate about 439 pounds solid waste/day (0.22 tons/day). The 0.22 tons/day of solid waste generated by the project accounts for 0.005% of the maximum permitted throughput of the landfill. Therefore, the project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

e. **Less-than-significant impact.** By law, the project would be required to comply with federal, state, and local statutes and regulations, including those relating to waste reduction, litter control, and solid waste disposal.

XX. WILDFIRE

a. **Less-than-significant impact.** Please refer to response IX.f. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

b. **Less-than-significant impact.** Please refer to response IX.g. Additionally, the project site is relatively flat, not near wildlands, the site and its surrounding do not possess high fuel loads (i.e., lots of vegetation and other burnable material) to exacerbate wildfire risks and therefore, fire-related pollutant concentrations. Therefore, the project would not exacerbate wildfires and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

c. **Less-than-significant impact.** Please refer to responses IX.a., XX.a., and XX.b. Therefore, the project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

d. **Less-than-significant impact.** The project site is relatively flat, is not within a floodplain, and is not in a moderate- to high-risk area for wildfires. Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

a. **Less than significant with mitigation incorporated.** The project is subject to the terms of the MBHCP and associated Section 10(a)(1)(b) and Section 2801 permits issued to the City of Bakersfield by the U.S. Fish and Wildlife Service and the California State Department of Fish and Wildlife, respectively. Terms of the permit require applicants for all development projects within the plan area to pay habitat mitigation fees, excavate known kit fox dens, and notify agencies prior to grading. There are no important examples of the major periods of California history or prehistory found at the site. Therefore, the project, with mitigation, would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

b. **Less-than-significant impact.** As described in the responses above, the project has no impacts that would be defined as individually limited, but cumulatively considerable.

c. **Less than significant with mitigation incorporated.** As described in the responses above, the project, with mitigation, would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

BIBLIOGRAPHY/REFERENCE LIST

1. Bakersfield (City of Bakersfield). 1997. Hazardous Materials Area Plan. January.

2. Bakersfield. 1999. Proposed Subdivision & Engineering Design Manual. June.

3. Bakersfield. 2019. Wastewater Treatment Plants. Available:<http://www.bakersfieldcity.us/gov/depts/public_works/sewer/wastewater_treatment_plants.htm>. Accessed: May 2, 2019.

4. CalEPA (California Environmental Protection Agency). 2019. Cortese List Data Resources. Available:<https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed: May 2, 2019.

5. CalFire (Department of Forestry and Fire Protection). 2008. Draft Fire Hazard Severity Zones in LRA, Kern County. Available:<http://frap.fire.ca.gov/webdata/maps/kern/fhszl06_1_map.15.pdf>. Accessed: May 2, 2019.

6. CalRecycle (California Department of Resources Recycling and Recovery). 2017a. Facility/Site Summary Details: Bakersfield Metropolitan (Bena) SLF (15-AA-0273). Available:<http://www.calrecycle.ca.gov/SWFacilities/Directory/15-AA-0273/Detail/>. Accessed: May 2, 2019.

7. CalRecycle. 2017b. Estimated Solid Waste Generation Rates. Available:<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Accessed: May 2, 2019.

8. Caltrans (California Department of Transportation). 2019. California State Scenic Highway Mapping System.

Available:<http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm>. Accessed: May 2, 2019.

9. CalWater (California Water Service). 2019. Will Serve Letter. February.

10. CVRWQCB. 2016. Order No. R5-2016-0040, NPDES No. CAS0085324, National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements General Permit for Discharges from Municipal Separate Storm Sewer Systems. Available:<https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0040_ms4.pdf>. Accessed: May 2, 2019.

11. DOC. 2019. CGS Information Warehouse: Regulatory Maps. Available:<http://maps.conservation.ca.gov/cgs/informationwarehouse/>. Accessed: May 2, 2019.

12. DOGGR (Division of Oil, Gas, and Geothermal Resources). 2019. Division of Oil, Gas & Geothermal Resources - Well Finder. Available:<https://maps.conservation.ca.gov/doggr/wellfinder/#close>. Accessed: May 2, 2019.

13. DTSC (Department of Toxic Substance Control). 2019. EnviroStor. Available:<https://www.envirostor.dtsc.ca.gov/public/>. Accessed: May 2, 2019.

14. FEMA (Federal Emergency Management Agency). 2019. FEMA Flood Map Service Center: Search By Address. Available:<https://msc.fema.gov/portal/search#searchresultsanchor>. Accessed: May 2, 2019.

15. Hudlow (Hudlow Cultural Resources Associates). 2018. Phase I Cultural Resource Survey. September.

16. Kern County. 2009. Lake Isabella Dam Failure Evacuation Plan. Available:<http://www.kerncountyfire.org/images/stories/emergency_preparedness/Dam_Failure_Plan_Dec_2009.pdf>. Accessed: May 2, 2019.

17. Kern County. 2012. Airport Land Use Compatibility Plan. November.

18. Kern County. 2017. Lake Isabella Flood Area. Available:<http://esps.kerndsa.com/floodplain-management/lake-isabella-flood-area/>. Accessed: May 2, 2019.

19. Morales et al. 2009. Methods for Estimating Commercial, Industrial, and Institutional Water Use. Available:<http://www.conservefloridawater.org/publications/10327351.pdf>. Accessed: May 2, 2019.

20. MESA (MESA Biological LLC). 2018. Biological Study. November.

21. R&S (Ruettgers & Schuler Civil Engineers). 2018. Traffic Study. October.

22. SJVAPCD (San Joaquin Valley Air Pollution Control District). 2015. Guide for Assessing and Mitigating Air Quality Impacts. March.

23. USDA. 2019. Web Soil Survey. Available:<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed: May 2, 2019.

24. USGS (U.S. Geographic Survey). 2016. Groundwater Quality in the Kern County Subbasin, California. Available:<https://pubs.usgs.gov/fs/2011/3150/>. Accessed: May 2, 2019.

25. WZI (WZI Inc.). 2019. Air Quality Impact Assessment, Mike Henson, Wible & Hosking Commercial, Bakersfield, CA. January.

Air Quality Impact Assessment

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January 2019

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1 EXECUTIVE SUMMARY

1.1 PURPOSE

WZI Inc. (WZI) was asked to prepare an air quality impact assessment for the Wible & Hosking Commercial Project, referred to within as the proposed project, on behalf of Porter & Associates, Inc. and Mike Henson. This assessment examines the potential impact on air quality resulting from the proposed project located in the South Central region of Bakersfield in Kern County, California. The property is within the City of Bakersfield limits. This document was prepared in accordance with the San Joaquin Valley Air Pollution Control District's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI)*, March 19, 2015 Revision*.

The proposed project is a proposed 10.1 Acre development comprised of (GC) 'General Commercial' in the City of Bakersfield. The proposed project is located at the northeast corner of the intersection of Wible Road and Hosking Road in the City of Bakersfield, California. More specifically, the proposed project will reside on the southwestern portion of Section 25, Township 30 South, Range 27 East (**Exhibit 1** "Project Location Map"). The project site is composed of five (5) parcels (APN Number(s): 515-110-03, -04, -05, -06 and -15). The current land use for the project site is (LMR) 'Low Medium Density Residential' and the zoning is (R-S) 'Residential Suburban' and (R-1) 'One Family Dwelling'; 515-110-04, -05, -15, and 515-110-03, -06, respectively. See **Exhibit 2** "Land Use Designations" and **Exhibit 3** "Zoning Map". The proposed land use is (GC) 'General Commercial' and zoning is (C-2) 'Commercial'. The project requires a zone change. This study is based on the following development scenario:

TABLE 1.1-1
Development Scenario

Current Zoning	Area Size or # of Units	Proposed Development
R-S	5.3 acres	Commercial (C-2)
R-1	4.8 acres	Commercial (C-2)

WZI is a professional consulting firm with experience in regulatory compliance, environmental engineering and geology. The members of WZI are State of California Registered Environmental Assessors, Geologists, and Environmental Engineers. WZI expresses no opinion as to disciplines, subjects and/or practices outside those specifically enumerated below. Further, WZI expresses no opinion herein as to any matters of California or federal law. This Air Quality Impact Assessment is based on the foregoing and subject to limitations, qualifications, exceptions and assumptions set forth herein.

1.2 RESULTS AND CONCLUSIONS

The project is located in the southern portion of the San Joaquin Valley Air Basin (SJVAB), in the City of Bakersfield, California. The SJVAB has an extensive set of laws, rules, and regulations, governing air pollution of all types, including mobile and stationary. During the last twenty years, the air quality has shown a steady trend of improvement as indicated by monitoring conducted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the California Air Resources Board (CARB). This assessment identifies air impacts related to the project's construction and operation phases which are discussed in the sections to follow.

1.2.1 CONSTRUCTION AND OPERATIONS PHASE

The first construction phase of the proposed project is expected to begin in 2019 and end in 2020. The second phase of construction will begin in 2020 and end in 2021. The annual unmitigated and mitigated emissions during the construction phase are shown in **Table 1.2-1.**

TABLE 1.2-1
Construction Related Emissions (tons/year)

Year	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
	Unmitigated (Baseline)					
2019	0.3431	2.1309	1.7333	0.0033	0.1671	0.1260
2020	0.4146	3.8365	3.0118	0.0074	0.5307	0.2945
2021	0.6035	0.3771	0.3819	0.0008	0.0376	0.0212
	Mitigated					
2019	0.3431	2.1309	1.7333	0.0033	0.1583	0.1216
2020	0.4146	3.8365	3.0118	0.0074	0.4415	0.2482
2021	0.6035	0.3771	0.3819	0.0008	0.0376	0.0212

Operation of the project will begin in 2020. The project will be in full operation in year 2021 at its build out.

TABLE 1.2-2

Operational Emissions (tons/year)

Year	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
	Unmitigated (Baseline)					
2021	2.4610	5.4944	14.5013	0.0352	2.9239	0.8084
	Mitigated					
2021	2.4610	5.4944	14.5013	0.0352	2.9239	0.8084

The total project emissions for the year 2021 represents the project maximum year emissions[1]. The results are shown in **Table 1.2-3.**

TABLE 1.2-3
Total Project Maximum Year Emissions -2021 (tons/year)

Emissions	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
	Unmitigated (Baseline)					
Construction Emissions	0.6035	0.3771	0.3819	0.00084	0.0376	0.0212
Operational Emissions	1.41976	3.00394	8.58818	0.02466	2.19084	0.60354
Total Emissions-Unmitigated	**2.02326**	**3.38104**	**8.97008**	**0.0255**	**2.22844**	**0.62474**
	Mitigated					
Construction Emissions	0.6035	0.3771	0.3819	0.00084	0.0376	0.0212
Operational Emissions	1.39186	3.00394	8.58818	0.02466	2.19084	0.60354
Total Emissions-Mitigated	**1.99536**	**3.38104**	**8.97008**	**0.0255**	**2.22844**	**0.62474**
SJVAPCD Level of Significance	**10**	**10**	**100**	**27**	**15**	**15***

*USEPA specified interim use of PM_{10} threshold for $PM_{2.5}$

Based on the project criteria pollutant emissions shown in the above tables, the impacts of the project are considered to be *less than significant*.

1.2.2 CUMULATIVE IMPACTS

The cumulative analysis is based, in part, on a quantitative analysis of other projects in the vicinity of the proposed project. This analysis utilizes the State of California Department of Finance population projections, and the Kern Council of Governments' (Kern COG) adopted regional growth forecast used for the regional air quality conformity analysis required by the 1990 Federal Clean Air Act Amendments (CAAA).

An analysis was done of the existing and proposed projects within a six mile radius of the proposed project. Eleven (11) projects were identified and modeled using the CalEEMod Version 2016.3.2 computer model to predict the cumulative impacts. Emissions for the operational phase of the proposed projects were based on project acreage totals provided by the City of Bakersfield Planning Department. The predicted model outputs, including the proposed project, are summarized in **Table 1.2-4** and **1.2-5**.

TABLE 1.2-4
Cumulative Construction Emissions (tons/year)

Name	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
The Project	0.6035	0.3771	0.3819	0.00084	0.0376	0.0212
Cumulative Projects	71.2968	54.1138	38.7821	0.12247	7.819	4.1711
Total	71.9003	54.4909	39.164	0.12331	7.8566	4.1923

[1] The maximum year emissions are determined based on the sum of the project criteria pollutants ROG, NOx, PM10 and PM2.5 emissions.

TABLE 1.2-5
Cumulative Operational Emissions (tons/year)

Name	ROG	NO_X	CO	SOx	PM_{10}	$PM_{2.5}$
The Project	1.39186	3.00394	8.58818	0.02466	2.19084	0.60354
Cumulative Projects	148.4595	1084.334	903.9304	4.05024	224.3022	63.1126
Total	149.8514	1087.33794	912.51858	4.0749	226.49304	63.71614

Kern COG Analysis

Utilization of Kern Council of Governments (Kern COG) data provided a framework for assistance in determining the cumulative significance of a project. A project is said to be in conformance cumulatively when it is in line with regional, state, and federal emissions budgets and air quality improvement goals. Through the demonstration that a project's emissions are less than, or consistent with projected growth in a particular local area, linked to a regional air basin projection, which then ties to federal requirements, cumulative compliance can be determined.

A project area and regional conformity analysis was conducted focusing on job projection. A comparison was done between Kern COG's data and the project Traffic Analysis Zone Analysis (TAZ Analysis) which is based on the active tracts information obtained from the City, the proposed project and the potential growth based on land use.

Kern COG's data indicates no job growth projected in Traffic Analysis Zone (TAZ) #340 by the year 2042. The project will increase the number of jobs in TAZ #340 above the Kern COG projections.

Regional TAZ Analysis results are based on the project TAZs and the abutting TAZs. Kern COG's adjacent TAZs show an increase in jobs in the year 2035.

The proposed project development is consistent with the projected growth for the local and regional traffic analysis zones; therefore it has been accounted for within the Air Quality Attainment Plan.

It is recommended that the next scheduled Kern COG modeling analysis include this proposed project to ensure that emissions budgets are not exceeded. The Kern COG conformity analysis identifies areas that may require transportation improvements to ensure smooth traffic flow thereby reducing potential air emissions resulting from idling which will be addressed as the proposed project progresses.

Projections Analysis

The Air Quality Attainment Plans[2] recognized growth of the population and economy within the SJVAB. The plans predicted the workforce in Kern County to increase along with a 2.2 percent population increase annually from 2002 to 2030 (i.e., 62% total increase uncompounded for 28 years). The project is consistent with the Air Quality Attainment Plan. Therefore, the cumulative impact of this project, when considered with all projects in the areas of the San Joaquin Valley Air Basin, is considered *less than significant*.

[2] 2007 PM10 Maintenance Plan, 2004 Extreme Ozone Attainment Demonstration Plan, and the 2007 Ozone Attainment Plan, San Joaquin Valley Air Pollution Control District

1.2.3 CONCLUSIONS

Based on the analysis presented in this study, the impacts of the project are summarized as follows:

Project Impacts (Construction and Operational)

No Impacts were found to be Significant and Unavoidable:

Greenhouse gases from the proposed development are considered to be *less than significant.* ERCs are not required to be purchase to offset the GHG produced by this project.

The project specific Criteria Pollutant impacts based on Criteria Pollutant Modeling and SJVAPCD Operational Thresholds are considered to be *less than significant*.

The project specific visibility impacts based on the San Joaquin Valley Air Pollution Control District's *Guide for Assessing and Mitigating Air Quality Impact* ("GAMAQI"), Criteria Pollutant Modeling and SJVAPCD Operational Thresholds are considered to be *less than significant.*

The project specific health risks impacts based on modeling and the San Joaquin Valley Air SJVAPCD standards are considered to be *less than significant*.

The project specific CO health risk impact based on modeling is considered to be *less than significant*.

The project specific impact of Valley Fever based on the location of the project is considered *less than significant*.

Cumulative Impacts

Impacts found to be Significant and Unavoidable:

No Criteria Pollutant air impacts are considered significant and unavoidable after mitigation.

Impacts Found to be Less than Significant:

The cumulative Criteria Pollutant impacts based on Criteria Pollutant Modeling and San Joaquin Valley Air Pollution Control District (SJVAPCD) Operational Thresholds are considered to be *less than significant*.

The cumulative visibility impacts based on the San Joaquin Valley Air Pollution Control District's *Guide for Assessing and Mitigating Air Quality Impacts* ("GAMAQI"), Criteria Pollutant Modeling and SJVAPCD Operational Thresholds are considered to be *less than significant.*

The cumulative health risks impacts based on modeling and the SJVAPCD standards are considered to be *less than significant*.

The cumulative CO health risk impact based on modeling is considered to be *less than significant*.

The cumulative impact of Valley Fever based on the location of the project is considered to be *less than significant*.

The Kern Council of Government Conformity Analysis shows the project's impacts as being *less than significant*.

The cumulative impacts from greenhouse gases from the proposed development are considered to be *less than significant.*

2 INTRODUCTION

The Wible & Hosking Commercial Project is a proposed 10.1 Acre development comprised of (GC) 'General Commercial' in the City of Bakersfield. The proposed project is located at the northeast corner of the intersection of Wible Road and Hosking Road in the City of Bakersfield, California. More specifically,

the proposed project will reside on the southwestern portion of Section 25, Township 30 South, Range 27 East (**Exhibit 1** "Project Location Map"). The project site is composed of five (5) parcels (APN Number(s): 515-110-03, -04, -05, -06 and -15). The current land use for the project site is (LMR) 'Low Medium Density Residential' and the zoning is (R-S) 'Residential Suburban' and (R-1) 'One Family Dwelling'; 515-110-04, -05, -15, and 515-110-03, -06, respectively. See **Exhibit 2** "Land Use Designations" and **Exhibit 3** "Zoning Map". The proposed land use is (GC) 'General Commercial' and zoning is (C-2) 'Commercial'. This study is based on the following development scenario:

TABLE 2.0-1
Development Scenario

Current Zoning	Quantity	Proposed Development
Current Zoning	**Area Size or # of Units**	**Proposed Development**
R-S	5.3 acres	Commercial (C-2)
R-1	4.8 acres	Commercial (C-2)

The project is located in close proximity to existing residential developments.

3 ENVIRONMENTAL SETTING

3.1 CLIMATE

The San Joaquin Valley lies in the central region of the State of California; it is bounded to the east by the Sierra Nevada Mountain Range, bounded to the west by the Coastal Mountain Range and to the south by the Tehachapi Mountains. The proposed project site is located in the southern portion of the valley.

The climate of the southern San Joaquin Valley is classified as a Dry–Summer Subtropical type, and is characterized by hot summers, mild winters, and minimal amounts of precipitation. The major climatic controls in the SJVAB are the surrounding mountains and the Pacific High pressure system over the ocean. The Great Basin High pressure system to the east also affects the valley, primarily during winter months. These influences result in distinct seasonal weather characteristics.

The Pacific High is a semi–permanent, subtropical, high-pressure system located off the Pacific Coast. The Pacific High tends to migrate seasonally. During the summer, it moves northward and dominates the regional climate. This high produces persistent temperature inversions and a predominantly northwest airflow. Clear skies, high temperature, low humidity, and relatively good air circulation characterize this season. The Pacific High blocks migrating extra-tropical storms, therefore very little precipitation occurs in the summer months. Occasionally, tropical air moves into the area and thunderstorms may occur over the adjacent mountains.

As the Pacific High shifts southward during the fall, its dominance is diminished in the San Joaquin Valley. During this transition period, the storm belt and zone of strong westerly winds also shifts southward, into California. Three weather regimes generally prevail during winter: (1) storm periods which are usually characterized by cloudiness, precipitation, and shifting, gusty winds; (2) clear weather associated with either a buildup of pressure through the interior of California following these storms or the influence of a well–developed Great Basin High pressure system; and (3) persistent fog or stratus clouds and temperature inversions associated with a weak influence of the Great Basin High trapping a layer of cool, moist air in the San Joaquin Valley. Thus sky, temperature, and humidity conditions are much more

variable during winter. Air movement is also variable, with stagnant conditions occurring more frequently than during summer.

The nearby Temblor Range to the west and its foothills modify the local climate of the project area. Radiative cooling at night, especially during clear conditions, results in a distinct down slope drainage flow. Thus, the mountains provide a distinct diurnal wind pattern of generally northerly winds during the day and a westerly drainage flow at night.

The western side of the San Joaquin Valley experiences fewer days of fog and less dense fog than does the eastern side at comparable elevations. Thunderstorms tend to be less frequent, probably averaging less than one per year.

Diurnal wind regimes markedly affect the horizontal transport of air in the project area. During the summer, northeast winds dominate the daytime regime. These winds, generated by the Pacific High offshore, are enhanced by the San Joaquin Valley orientation and by the thermal low that develops in the central valley during this season. In response to this thermal low, air moves inland through passes in the coastal ranges, principally the Carquinez Strait near San Francisco, and flows to the south in the San Joaquin Valley as an up–valley northwesterly wind. This general northwest flow in the San Joaquin Valley is expressed locally as a more northeasterly wind under the influence of local terrain on the west–side of the valley.

Dominant nighttime wind directions during summer are markedly different from those of the daytime. Winds with a northerly component have a low frequency of occurrence at night. The high frequency of west to southwest winds at night is due primarily to down slope drainage flow.

During the winter months, northerly to northeasterly winds remain dominant in the daytime. However, winds are more variable than during summer, due in part to: (1) the southward migration of the Pacific High and resultant storm passages; (2) the absence of a strong thermal trough; and (3) the varied influence of the Great Basin High. As in summer, winds during winter nights are predominantly from the west to southwest and are associated with drainage flow. Wind speeds are generally higher in summer than in winter in the project area. Calm conditions occur most often in winter but are relatively infrequent during either season.

The mountains to the east, south and west essentially block the region from transport of very cold air from the mid–continent in winter, and the relatively cool, marine air from the Pacific Ocean during summer. Transport of marine air through the Carquinez Strait during summer has a moderating effect on northern portions of the San Joaquin Valley, but this effect is not great in the southern portion of the valley. In this area, temperature regimes are influenced primarily by topography, the higher elevations generally experiencing cooler temperatures.

About 90 percent of the precipitation in the San Joaquin Valley occurs from November through April, generally in association with storms that move eastward from the Pacific Ocean during this period. Precipitation is low because the mountains to the west and south produce a rain shadow effect by intercepting prefrontal, moisture–laden west and south winds. The southern San Joaquin Valley receives precipitation primarily from cold, unstable, northwesterly flow that usually follows a frontal passage. **Table 3.1-1** presents climate data representative of the project area.

TABLE 3.1-1
Representative Temperature, Relative Humidity and Precipitation Data from Bakersfield, California[3]

Month	Average Daily Temperature (°F)		Relative Humidity (%)		Average Rainfall(inches)
	Maximum	Minimum	Morning	Afternoon	
January	56.2	39.3	84	62	1.16
February	62.8	42.4	80	51	1.24
March	68.7	46.5	74	42	1.21
April	75	50.2	67	33	0.52
May	83.5	57.5	57	26	0.18
June	90.9	64.2	51	23	0.08
July	97.1	70.5	48	21	0
August	95.8	69	54	24	0.04
September	90	64	58	29	0.08
October	79.4	55	63	34	0.3
November	65.7	44.6	76	50	0.64
December	56.6	39	84	62	1.02
Annual	*76.9*	*53.6*	*66*	*38*	*6.47*

3.2 DESCRIPTION OF POLLUTANTS

The following is a general description of the sources of pollutants, and the physical effects and health effects of air pollutants expected to be present in the project vicinity.

Ozone[4]

Ozone occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. Ground level or "bad" ozone is an air pollutant that damages human health, vegetation, and many common materials. It is a key ingredient to urban smog. The troposphere extends to a level about 10 miles above ground level where it meets the second layer, the stratosphere. The stratospheric or "good" ozone layer extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays (UV-B).

“Bad” ozone is known as a photochemical pollutant. It needs ROG, NO_X, and sunlight. ROG and NO_X are emitted from various sources throughout Kern County. In order to reduce ozone concentrations, it is necessary to control the emissions of these ozone precursors.

Significant ozone formation generally requires an adequate amount of precursors in the atmosphere and several hours in a stable atmosphere with strong sunlight.

Ozone is a regional air pollutant. It is generated over a large area and is transported and spread by wind. Ozone, the primary constituent of smog, is the most complex, difficult to control, and pervasive of the criteria pollutants. Unlike other pollutants, ozone is not emitted directly into the air by specific sources.

[3] Western Regional Climate Center, Bakersfield WSO ARPT, California (040442) 1981-2010 Monthly Climate Summary

[4] “Air Quality Criteria for Ozone and Related Photochemical Oxidants”, Vol. II EPA 600/R-05/004bF, US EPA (February 2006).

Ozone is created by sunlight acting on other air pollutants (called precursors), specifically oxides of nitrogen (NO_X) and reactive organic gases (ROGs). Sources of precursor gases to the photochemical reaction that form ozone number in the thousands. Common sources include consumer products, gasoline vapors, chemical solvents, and combustion products of various fuels. Originating from gas stations, large industrial facilities, and small businesses such as bakeries and dry cleaners, the ozone-forming chemical reactions often take place in another location, catalyzed by sunlight and heat. High ozone concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins. Approximately 50 million people lived in counties with air quality levels above U.S. EPA's health-based national air quality standard in 1994. The highest levels of ozone were recorded in Los Angeles. High levels also persist in other heavily populated areas including the Texas Gulf Coast and much of the Northeast.[5]

While the ozone in the upper atmosphere absorbs harmful ultraviolet light, ground-level ozone is damaging to the tissues of plants, animals, and humans, as well as to a wide variety of inanimate materials such as plastics, metals, fabrics, rubber, and paints. Societal costs from ozone damage include increased medical costs, the loss of human and animal life, accelerated replacement of industrial equipment, and reduced crop yields.

An evaluation of California's Health–based ambient air quality standards was mandated by the Children's Environmental Health Protection Act (CEHPA).

Health Effects

While ozone in the upper atmosphere protects the earth from harmful ultraviolet radiation, high concentrations of ground level ozone can adversely affect the human respiratory system. Many respiratory ailments, as well as cardiovascular diseases, are aggravated by exposure to high ozone levels. Ozone also damages natural ecosystems such as forests and foothill communities, and damages agricultural crops and some man-made materials, such as rubber, paint, and plastics.[6]

Symptoms from ground-level ozone include cough, chest tightness, pain upon taking a deep breath, worsening of wheezing and other asthma symptoms, stuffy nose, eye irritation, reduced resistance to colds and other infections.[7] High levels of ozone may negatively impact immune systems making people more susceptible to respiratory illnesses including bronchitis and pneumonia. Ozone also accelerates aging and exacerbates pre-existing asthma and bronchitis and in cases of high concentrations can lead to the development of asthma in active children.[8] Active people, both children and adults, appear to be more at risk from ozone exposure than those with a low level of activity. Children appear to be at greater risk since they spend more time outdoors and have lower body mass. Additionally, the elderly and those with respiratory disease are also considered sensitive populations for ozone.[9]

[5] http://www.arb.ca.gov/homepage.htm

[6] "Final Environmental Impact Report, Revised Update of the Kern County General Plan, SCH# 2002071027," County of Kern. (2007).

[7] "Ozone and Air Quality Standards," CARB (2002).

[8] "Extreme Ozone Attainment Demonstration Plan-San Joaquin Valley Air Basin Plan Demonstrating Attainment of Federal 1-hour Ozone Standard," San Joaquin Valley Air Pollution Control District (October 2004).

[9] Ibid

Reactive Organic Gases and Volatile Organic Compounds [10]

Hydrocarbons are organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including Volatile Organic Compounds (VOCs) and Reactive Organic Gases (ROGs). ROGs include all hydrocarbons except those exempted by the California Air Resources Board (CARB). Therefore, ROGs are a set of organic gases based on state rules and regulations. VOCs are similar to ROGs in that they include all organic gases except those exempted by federal law. The list of compounds exempt from the definition of VOC is included by the SJVAPCD and is presented in SJVAPCD Rule 1020 Definitions. VOCs are therefore a set of organic gases based on federal rules and regulations. Both VOCs and ROGs are emitted from incomplete combustion of hydrocarbons or other carbon-based fuels. Combustion engine exhaust, oil refineries, and oil-fueled power plants are the primary sources of hydrocarbons. Another source of hydrocarbons is evaporation from petroleum fuels, solvents, dry cleaning solutions, and paint. Both ROG and VOC terminology will be used in this analysis.

Health Effects

The primary health effects of hydrocarbons result from the formation of ozone and its related health effects. High levels of hydrocarbons in the atmosphere can interfere with oxygen intake by reducing the amount of available oxygen through displacement. Carcinogenic forms of hydrocarbons are considered Toxic Air Contaminants, or air toxics. There are no health standards for ROG separately. In addition, some compounds that make up ROG are also toxic. An example is benzene, which is a carcinogen.

Carbon Monoxide [11]

Carbon monoxide (CO) is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. CO is an odorless, colorless, poisonous gas that is highly reactive.

CO is a byproduct of motor vehicle exhaust, which contributes more than two-thirds of all CO emissions nationwide. In cities, automobile exhaust can cause as much as 95% of all CO emissions. These emissions can result in high concentrations of CO, particularly in local areas with heavy traffic congestion. Other sources of CO emissions include industrial processes and fuel combustion in sources such as boilers and incinerators. Despite an overall downward trend in concentrations and emissions of CO, some metropolitan areas still experience high levels of CO.

Health Effects

CO enters the bloodstream and binds more readily to hemoglobin than oxygen, reducing the oxygen-carrying capacity of blood, thus reducing oxygen delivery to organs and tissues. The health threat from CO is most serious for those who suffer from cardiovascular disease. Healthy individuals are also affected, but only at higher levels of exposure. Carbon monoxide binds strongly to hemoglobin, the oxygen-carrying protein in blood, and thus reduces the blood's capacity for carrying oxygen to the heart, brain, and other parts of the body. At high concentrations, CO can cause heart difficulties in people with chronic diseases, and can impair mental abilities. Exposure to elevated CO levels is associated with visual impairment, reduced work capacity, reduced manual dexterity, poor learning ability, difficulty performing complex tasks, and death.

[10] "Air Quality Criteria for Ozone and Related Photochemical Oxidants Vol. I and Vol. II," EPA 600/R-05/004aF and EPA 600/R-05/004bF US, EPA (February 2006).

[11] "Air Quality Criteria for Carbon Monoxide," EPA/600/P-99/001F, U.S. EPA (June 2000).

Nitrogen Oxides [12]

Nitrogen oxides (NO_X) are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone, and react in the atmosphere to form acid rain. NO_X is emitted from the use of solvents and combustion processes in which fuel is burned at high temperatures, principally from motor vehicle exhaust and stationary sources such as electric utilities and industrial boilers. A brownish gas, nitrogen dioxide is a strong oxidizing agent that reacts in the air to form corrosive nitric acid, as well as toxic organic nitrates.

Health Effects

NO_X can irritate the lungs, cause lung damage, and lower resistance to respiratory infections such as influenza. The effects of short-term exposure are still unclear, but continued or frequent exposure to concentrations that are typically much higher than those normally found in the ambient air may cause increased incidence of acute respiratory illness in children. Health effects associated with NO_X are an increase in the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO_2 may lead to eye and mucus membrane aggravation, along with pulmonary dysfunction. NO_X can cause fading of textile dyes and additives, deterioration of cotton and nylon, and corrosion of metals due to production of particulate nitrates. Airborne NO_X can also impair visibility. NO_X is a major component of acid deposition in California. NO_X may affect both terrestrial and aquatic ecosystems. NO_X in the air is a potentially significant contributor to a number of environmental effects such as acid rain and eutrophication in coastal waters. Eutrophication occurs when a body of water suffers an increase in nutrients that reduce the amount of oxygen in the water, producing an environment that is destructive to fish and other animal life.

Particulate Matter

Particulate matter[13,14,15,16] pollution consists of very small liquid and solid particles floating in the air. Some particles are large or dark enough to be seen as soot or smoke. Others are so small they can be detected only with an electron microscope. Particulate matter is a mixture of materials that can include smoke, soot, dust, salt, acids, and metals. Particulate matter also forms when gases emitted from motor vehicles and industrial sources undergo chemical reactions in the atmosphere. PM_{10} refers to particles less than or equal to 10 microns in aerodynamic diameter. $PM_{2.5}$ refers to particles less than or equal to 2.5 microns in aerodynamic diameter and are a subset, or portion of PM_{10}.

In the Western United States, there are sources of PM_{10} in both urban and rural areas. PM_{10} and $PM_{2.5}$ are emitted from stationary and mobile sources, including diesel trucks and other motor vehicles, power plants, industrial processing, wood burning stoves and fireplaces, wildfires, dust from roads, construction, landfills, and agriculture, and fugitive windblown dust. Because particles originate from various sources, their chemical and physical compositions vary widely

[12] "Air Quality Criteria for Ozone and Related Photochemical Oxidants Vol. I and Vol. II," EPA 600/R-05/004aF and EPA 600/R-05/004bF, US EPA (February 2006).

[13] "Review of the National Air Quality Standards for Particulate Matter: Assessment of Scientific and Technical Information," EPA-450/5-82-001, U.S. EPA (July 1996).

[14] "PM_{10} Attainment Demonstration Plan," San Joaquin Valley Air Pollution Control District (2003).

[15] "Public Hearing to Consider Amendments to the Ambient Air Quality Standards for Particulate Matter and Sulfates," Cal EPA ARB (May 2005).

[16] Sulfates and SOx also create fine particulate matter. Their health effects are related to the particulate matter.

Health Effects

PM_{10} and $PM_{2.5}$ particles are small enough – about 1/7th the thickness of a human hair – to be inhaled into, and lodge in, the deepest parts of the lung, evading the respiratory system's natural defenses. Health problems begin as the body reacts to these foreign particles. Acute and chronic health effects associated with high particulate levels include the aggravation of chronic respiratory diseases, heart and lung disease, and coughing, bronchitis, and respiratory illnesses in children. Recent mortality studies have shown a statistically significant direct association between mortality and daily concentrations of particulate matter in the air. Non health-related effects include reduced visibility and soiling of buildings. PM_{10} can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. PM_{10} and $PM_{2.5}$ can aggravate respiratory disease, and cause lung damage, cancer, and premature death.

Although particulate matter can cause health problems for everyone, certain people are especially vulnerable to adverse health effects of PM_{10} and $PM_{2.5}$. These "sensitive populations" include children, the elderly, exercising adults, and those suffering from chronic lung disease such as asthma or bronchitis. Of greatest concern are recent studies that link PM_{10} and $PM_{2.5}$ exposure to the premature death of people who already have heart and lung disease, especially the elderly. Acidic PM_{10} and $PM_{2.5}$ can also damage manmade materials and is a major cause of reduced visibility in many parts of the U.S.

Sulfur Oxides [17]

Sulfur dioxide is a colorless, pungent gas belonging to the family of sulfur oxide gases (SO_X), formed primarily by combustion of sulfur-containing fossil fuels (mainly coal and oil), and during metal smelting and other industrial processes. Sulfur oxides can react to form sulfates, which significantly reduce visibility. SO_X is a precursor to particulate matter formation.

Health Effects

The major health concerns associated with exposure to high concentrations of SO_X include effects on breathing, respiratory illness, alterations in pulmonary defenses, and aggravation of existing cardiovascular disease. Major subgroups of the population that are most sensitive to SO_X include individuals with cardiovascular disease or chronic lung disease (such as bronchitis or emphysema) as well as children and the elderly. Emissions of SO_X also can damage the foliage of trees and agricultural crops. Together, SO_X and NO_X are the major precursors to acid rain, which is associated with the acidification of lakes and streams, and accelerated corrosion of buildings and monuments.

Toxic Air Contaminants[18,19]

According to Section 39655 of the California Health and Safety Code, a toxic air contaminant (TAC) is "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health." In addition, 189 substances which have been listed as federal hazardous air pollutants (HAPs) pursuant to Section 7412 of Title 42 of the

[17] "Public Hearing to Consider Amendments to the Ambient Air Quality Standards for Particulate Matter and Sulfates," Cal EPA ARB (May 2003).

[18] "Toxic Air Contaminant Emissions, Air Quality, and Health Risk," ARB Almanac, Ch. 5, California Air Resources Board (2008)

[19] "Guidance Manual for the Preparation of Health Risk Assessment and Part II: Technical Support Document for Describing Available Cancer Potency Factors," Air Toxics Hot Spots Program Risk Assessment Guidelines, Cal EPA (Aug. 2003 and Dec. 2002).

United States Code are TACs under the state's air toxics program pursuant to Section 39657 (b) of the California Health and Safety Code.[20]

Health Effects

The TACS can cause various cancers depending on the particular chemicals, type and duration of exposure. Additionally, some of the TACs may cause short-term and/or long-term health effects. The ten TACs posing the greatest health risk in California are: acetaldehyde; benzene; 1, 3-butadiene; carbon tetrachloride; chromium (hexavalent); para-dichlorobenzene; formaldehyde, methylene chloride; perchloroethylene; and diesel particulate matter (diesel PM).[21] A description of these pollutants, their sources and health effects are contained in "ARB Almanac, Chapter 5: Toxic Air contaminant Emissions, Air Quality and Health Risk." Health risk guidelines are developed by the Office of Environmental Health Hazard Assessment for the list of chemicals regulated as toxic.[22]

Vinyl Chloride [23]

The project does not emit vinyl chloride, therefore, it will not be discussed further in this report. Vinyl chloride monomer is a sweet smelling, colorless gas at ambient temperature. Landfills, publicly owned treatment works and PVC production are the major identified sources of vinyl chloride emissions in California. Polyvinyl chloride (PVC) can be fabricated into several products such as PVC pipes, pipefitters, and plastics.

Health Effects

In humans, epidemiological studies of occupationally exposed workers have linked vinyl chloride exposure to development of a rare cancer, liver angiosarcoma, and have suggested a relationship between exposure and lung and brain cancers.

Lead[24]

The project does not emit lead, therefore, it will not be discussed further in this report. Lead is a metal that is a natural constituent of air, water, and the biosphere. Lead is neither created nor destroyed in the environment, so it essentially persists forever. Lead, which was used to increase the octane rating in auto fuel, was phased out of gasoline starting in 1973 and banned completely in a final EPA ruling in 1996. Since gasoline-powered automobile engines were a major source of airborne lead through the use of leaded fuels and the use of leaded fuel has been mostly phased out, the ambient concentrations of lead have dropped dramatically.

Health Effects

Short-term exposure to high levels of lead can cause vomiting, diarrhea, convulsions, coma or even death. However, even small amounts of lead can be harmful, especially to infants, young children and pregnant women. Symptoms of long-term exposure to lower lead levels may be less noticeable but are still serious. Anemia is common and damage to the nervous system may cause impaired mental function. Other

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[20] State of California, Office of Environmental Health Hazard Assessment website

[21] "Toxic Air Contaminant Emissions, Air Quality, and Health Risk," ARB Almanac, Ch. 5, California Air Resources Board (2008)

[22] "Guidance Manual for the Preparation of Health Risk Assessment and Part II: Technical Support Document for Describing Available Cancer Potency Factors," Air Toxics Hot Spots Program Risk Assessment Guidelines, Cal EPA (Aug. 2003 and Dec. 2002). Air Toxics Hot Spots Program Risk Assessment Guidelines, OEHHA, (2003)

[23] "Final Environmental Impact Report, Revised Update of the Kern County General Plan, SCH# 2002071027," County of Kern.

[24] Ibid

symptoms are appetite loss, abdominal pain, constipation, fatigue, sleeplessness, irritability and headache. Continued excessive exposure, as in an industrial setting, can affect the kidneys.

Lead exposure is most serious for young children because they absorb lead more easily than adults and are more susceptible to its harmful effects. Even low-level exposure may harm the intellectual development, behavior, size and hearing of infants. During pregnancy, especially in the last trimester, lead can cross the placenta and affect the fetus. Female workers exposed to high levels of lead have more miscarriages and stillbirths.[25]

Hydrogen Sulfide

The project does not emit hydrogen sulfide, therefore it will not be discussed further in this report. Hydrogen sulfide (H_2S) gas is produced during the anaerobic decomposition of manure as a byproduct of bacterial reduction of sulfur-containing compounds, including proteins. H_2S is colorless, with a characteristic odor of rotten eggs. Atmospheric H_2S is primarily oxidized to SO_2, which is eventually converted into sulfate, then sulfuric acid. When sulfuric acid is transported back to the earth through "acid rain", it can damage plant tissue and aquatic ecosystems.

While no federal standard exists for H_2S, a California standard exists. H_2S is primarily associated with geothermal activity and oil production activities, and is not monitored in the SJVAB because no geothermal sites exist. The San Joaquin Valley Air Basin is unclassified for H_2S attainment.

<u>Health Effects</u>

It can cause dizziness, irritation to eyes, mucous membranes, and the respiratory tract, nausea, and headaches at low concentrations. Exposure to higher concentrations (above 100 ppm), can cause olfactory fatigue, respiratory paralysis, and death. H_2S can be detected by the nose at extremely low concentrations, as low as 1/400 the threshold for harmful human health effects. H_2S does not accumulate in the body, but is quickly excreted at normal exposure concentrations. Acute health effects don't occur until the exposure is greater than the body's ability to excrete the excess sulfur. Hydrogen sulfide can present a workplace hazard in confined spaces.

3.3 PROJECT SITE CONDITIONS

Existing Conditions

The project site is located within the City of Bakersfield. Currently, the majority of the site is vacant excluding a number of single-family residences and varying storage yards located throughout the property.

Sensitive Receptors

The SJVAPCD identifies a sensitive receptor as a location where human populations, especially children, senior citizens, and sick persons are present, and where there is a reasonable expectation of continuous human exposure to pollutants, according to the averaging period for ambient air quality standards, such as 24-hour, 8-hour or 1-hour. Examples of sensitive receptors include residences, hospitals, and schools.[26] Industrial and commercial uses are not considered sensitive receptors.

Within a one-mile radius of the project site there are various residential developments surrounding the project and two (2) schools that are considered sensitive receptors.

[25] http://www.hc-sc.gc.ca/english/iyh/environment/lead.html
[26] GAMAQI.

TABLE 3.3-1
Sensitive Receptors within One-Mile Radius

Sensitive Receptors	Direction from Project Boundary
Various Residences	Surrounding
Elementary School	Northeast
High School	West

4 REGULATORY SETTING

Regulatory oversight for air quality in the San Joaquin Valley Air Basin rests at the regional level with the San Joaquin Valley Air Pollution Control District (SJVAPCD), the California Air Resources Board (CARB) at the state level, and the U.S. Environmental Protection Agency (U.S. EPA) Region IX office at the federal level.

4.1 U.S. ENVIRONMENTAL PROTECTION AGENCY

The Federal Clean Air Act (CAA), in particular the 1990 amendments to the Federal Clean Air Act (CAA) provides the principal framework for national, state and local efforts to protect air quality. The Clean Air Act designates the Office of Air Quality Planning & Standards (OAQPS) as responsible for setting and enforcing the standards known as national ambient air quality standards (NAAQS), for pollutants which are considered harmful to people and the environment. OAQPS is also responsible for ensuring that these air quality standards are met, or attained (in cooperation with state, Tribal and local governments) through national standards and strategies to control pollutant emissions from automobiles, factories and other sources.

OAQPS is responsible for setting the National Ambient Air Quality Standards (NAAQS), which control pollutants harmful to people and the environment. There are two types of standards, primary and secondary. Primary standards protect against adverse health effects; secondary standards protect against welfare effects, such as damage to farm crops and vegetation and damage to buildings. The six criteria pollutants addressed in the NAAQS are Carbon Monoxide, Nitrogen Dioxide, Lead, Ozone (smog), Particulate Matter and Sulfur Dioxide. If the levels of these pollutants are higher than what is considered acceptable by EPA, then the area in which the level is too high is called a nonattainment area. OAQPS monitors very closely many areas for criteria pollutants and attainment.

These standards promulgated by the CAA identify levels of air quality for "criteria" pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, over a given averaging period with an adequate margin of safety, to protect the public health and welfare. Averaging periods vary by pollutant and range from 1-hour standards to annual standards. Units of measure for the standards are in parts per million (ppm) by volume, milligrams per cubic meter of air (mg/m^3), and micrograms per cubic meter of air ($\mu g/m^3$). The criteria pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO_2 is a form of NO_X), sulfur oxides (SO_2 is a form of SO_X), particulate matter less than 10 and 2.5 microns in diameter (PM_{10} and $PM_{2.5}$, respectively) and lead. The U.S. EPA also has regulatory and enforcement jurisdiction over emission sources beyond state waters (outer continental shelf), and those that are under the exclusive authority of the federal government, such as aircraft, locomotives, and interstate trucking.

Based on monitoring data recorded throughout the country, the U.S. EPA identifies air sheds that are achieving the NAAQS and designates them as being in attainment. Other regions may also be designated as non-attainment or unclassified based on available data and because they have levels above the NAAQS

or have not been classified and are treated as attainment. Areas designated non-attainment are further defined by classifications ranging from sub marginal to extreme. The year in which the attainment is reached determines the non-attainment classification, i.e., serious, severe, and extreme. Each specific classification has defined time periods for reaching attainment and various sanctions for failure to make progress. The SJVAB is designated non-attainment for the ozone 8-hour standard, and is designated as a serious non-attainment area for $PM_{2.5}$.[27] In September 2008, SJVAPCD was determined to be in attainment for PM_{10}.

Through various programs, OAQPS monitors for criteria pollutants. One program is the Ambient Air Monitoring Program. Through this program, air quality samples are collected to judge attainment of ambient air quality standards, to prevent or alleviate air pollution emergencies, to observe pollution trends throughout regions and to evaluate the effects of urban, land-use and transportation planning relating to air pollution. There are other important types of pollution monitoring programs; two of which are Enhanced Ozone Monitoring and Air Pollution Monitoring.

The Enhanced Ozone Monitoring Program goes one step further. The chief objective of the enhanced ozone monitoring program is to provide an air quality database that will assist air pollution control agencies in evaluating, tracking the progress of, and, if necessary, refining control strategies for attaining the ozone NAAQS. EPA has required more extensive monitoring of ozone and its precursors in areas with persistently high ozone levels (mostly large metropolitan areas).

In order to work towards attainment, OAQPS requires that each state containing nonattainment areas to develop a written plan for cleaning the air in those areas. The plans developed are called State Implementation Plans (SIPS). Through these plans, the states outline efforts that they will make to try to correct the levels of air pollution and bring their areas back into attainment.

4.2 CALIFORNIA AIR RESOURCES BOARD

The California Air Resources Board (CARB), a department of the California Environmental Protection Agency, oversees air quality planning and control throughout California. It is primarily responsible for ensuring implementation of the 1989 amendments to the California Clean Air Act (CCAA), responding to the Federal CAA requirements, and regulating emissions from motor vehicles sold in California and emissions from various types of equipment available commercially. It also sets fuel specifications to further reduce vehicular emissions.

The amendments to the CCAA establish ambient air quality standards for the state, California Ambient Air Quality Standards, (CAAQS), and a legal mandate to achieve these standards by the earliest practicable date. These standards apply to the same criteria pollutants as the Federal CAA, and also include sulfate, visibility, hydrogen sulfide, and vinyl chloride. They are also more stringent than the federal standards and, in the case of PM_{10}, far more stringent.

The San Joaquin Valley Air Basin is designated as non-attainment area according to the state standards for Ozone, and $PM_{2.5}$. Concentrations of all other pollutants meet state standards.

CARB is also responsible for regulations pertaining to Toxic Air Contaminants (TACs)[28]. The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly) was enacted in 1987 as a means to establish a formal air toxics emission inventory risk quantification program. The Act, as amended, establishes a process that requires stationary sources to report the type and quantities of certain

[27] San Joaquin Valley Air Pollution Control District, 2006 PM_{10} Plan – San Joaquin Valley Plan to Attain Federal Standards for Particulate Matter 10 Microns and Smaller. 2006.

[28] http://www.arb.ca.gov/homepage.htm

substances their facilities routinely release into the air basin. The goal of the Act is to collect emission data, identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce the potential health risk to below a level of significance. Owners of facilities found to pose significant risks by an air district must prepare and implement risk reduction audit plans within 6 months of the determination. Each air pollution control district ranks the data for purposes of risk assessment into high, intermediate, and low priority categories. When considering the ranking, the potency, toxicity, quantity, volume of hazardous materials released from the facility, and the proximity of the facility to receptors, all are in consideration by an air district.

CARB is also responsible for regulation of Global Climate Change emissions. This will be discussed in Section 8**,** "Global Climate Change" of this report.

4.3 SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD)

Air districts have the primary responsibility of air pollution control from all stationary source emissions. SJVAPCD has implemented the Indirect Source Rule (ISR) 9510 which allows the district to assess fees based on mobile source emissions related to new development projects and to utilize a portion of the collected fees on air emission reduction projects. Air districts adopt and enforce rules and regulations to achieve state and federal ambient air quality standards and enforce applicable state and federal law.

State law recognized that air pollution does not respect political boundaries and therefore required CARB to divide the state into separate air basins that each have similar geographical and meteorological conditions [California Health and Safety Code Section 39606 (a)]. Originally, air pollution was regulated separately by county Air Pollution Control Districts (APCDs). Although this is still the practice in most counties in California, many county agencies began to realize that air quality problems are best managed on a regional basis and began to combine their regulatory agencies into regional agencies. This was the case for the San Joaquin Valley Air Basin, where until 1991 each county operated a local APCD, at that time the San Joaquin Valley Unified Air Pollution Control District (currently named San Joaquin Valley Air Pollution Control District) was formed. The SJVAPCD boundaries and monitoring station locations are shown on **Exhibit 4** "SJVAPCD Monitoring Station Locations."

SJVAPCD Environmental Review Guidelines state that CEQA applies to projects that have the potential for causing a significant effect on the environment.[29]

In August of 1998, the San Joaquin Valley Air Pollution Control District, (SJVAPCD) prepared its *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). GAMAQI is an advisory document that provides lead agencies, consultants, and project applicants with analysis guidance and uniform procedures for addressing air quality in environmental documents. Local jurisdictions are not required to utilize the methodology outlined therein. This document describes the criteria that the District uses when reviewing and commenting on the adequacy of environmental documents. It recommends thresholds for use in determining whether or not projects would have significant adverse environmental impacts, identifies methodologies for predicting project emissions and impacts, and identifies measures that can be used to avoid or reduce air quality impacts. An update of the GAMAQI was approved on January 10, 2002 and will be used as a guidance document for this study. According to the GAMAQI, the project is under the size thresholds and it is considered as Small Project Analysis Level (SPAL).

The San Joaquin Valley Air Pollution Control District Rules and Regulations contain several rules which may apply to the proposed project.

[29] San Joaquin Valley Air Pollution Control District, Environmental Review Guidelines, 2000.

Regulation II (Permits) - Regulation II (Rules 2010-2550) is a series of rules covering permitting requirements within the air basin. SJVAPCD regulations require any person constructing, altering, replacing or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate. Most new stationary sources, if they emit over 2 pounds of pollutants per day, will be subject to Best Available Control Technology in accordance with the SJVAPCD's New Source Review Rule and to the New Source Review Rule.[30]

Regulation VIII (Fugitive PM_{10} Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce non-exhaust specific PM_{10} emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, etc. If a construction project is 10.0 or more acres in area or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Construction activities shall not commence until the SJVAPCD has approved the Dust Control Plan. The project could also be subject to provisions within Rule 8021 (Construction, Demolition, Excavation, Extraction and Other Earthmoving Activities), Rule 8031 (Bulk Materials), Rule 8041 (Carryout and Track Out), Rule 8051 (Open Areas), Rule 8061 (Paved and Unpaved Roads), and Rule 8071 (Unpaved Vehicle/Equipment Traffic Areas). Rule 8061 places thresholds and requirements on limiting Visible Dust Emissions (VDE) from unpaved road segments. Rule 8071 also contains thresholds and requirements.

Rule 3135 (Dust Control Plan Fee) requires the applicant to submit a fee in addition to a Dust Control Plan. The purpose of this fee is to recover the SJVAPCD's cost for reviewing these plans and conducting compliance inspections.

Rule 4002 (National Emission Standards for Hazardous Air Pollutants) In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to SJVAPCD Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos contractor in accordance with CAL-OSHA requirements.

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to SJVAPCD enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) Asphalt paving operations associated with this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 9510 (Indirect Source Review) This rule requires the applicants of certain development projects to submit an application to the SJVAPCD when applying for the development's last discretionary approval. Projects subject to the rule are required to quantify indirect emissions (mobile source emissions), area source emissions and construction exhaust emissions and to mitigate a portion of these emissions. The ISR rule became effective March 1, 2006. Rule 9510 was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley.

[30] SJVAPCD Rules and Regulations, October, 2010.

The emission reductions expected from the rule allow the SJVAPCD to achieve attainment of the federal air quality standards for ozone by 2023[31].

In the context of toxic air contaminants, to meet the requirements of federal and State law, the SJVAPCD has created an Integrated Air Toxic Program. This program serves as a tool for implementation of the requirements outlined in Title III of the 1990 Federal Clean Air Act Amendments. The goals of SJVAPCD risk management efforts are to: 1) minimize increases in toxic emissions associated with new and modified sources of air pollution; and 2) ensure that new and modified sources of air pollution do not pose unacceptable health risks at nearby residences and businesses. In order to achieve these goals, the SJVAPCD reviews the risk associated with each permitting action where there is an increase in emissions of Toxic Air Contaminants. SJVAPCD staff, as part of the engineering evaluation for these projects, performs this risk management review. The risk management review is performed concurrently with other project review functions necessary to process permit applications with the SJVAPCD. Under the SJVAPCD's risk management policy, Best Available Control Technology must be applied to all units that, based on their potential emissions may pose greater than *de minimus* risks. Facilities that pose health risks above SJVAPCD action levels are required to submit plans to reduce their risk. Action levels for risk were established in the SJVAPCD's Board-Approved Risk Reduction policy. The action level for cancer risk is 10 cases per million exposed persons, based on the maximum exposure beyond facility boundaries at a residence or business. The action level for non-cancer risk is a hazard index of 1.0 at any point beyond the facility boundary where a person could reasonable experience exposure to such risk.

The SJVAPCD has an extensive stationary source permitting program[32] that includes New Source Review Rules, which are in the approved State Implementation Plan. These rules require offsets of emissions of ozone and particulates precursors at a ratio of greater than one to one, when ten tons and fifteen tons are exceeded. The rules also require that each new stationary source, which exceeds two pounds per day of pollutants, shall install Best Available Control Technology.

4.4 CITY OF BAKERSFIELD

The City of Bakersfield Metropolitan General Plan Conservation Element (Air Quality) contains goals, policies, objectives, and implementation measures that comprehensively address general conditions and site specific circumstances that may affect air quality.[33] The policies are listed below.

Policy 3	Require dust abatement measures during significant grading and construction operations.
Policy 11	Improve the capacity of the existing road system through improved signalization, more right turn lanes and traffic control systems.
Policy 12	Encourage the use of mass transit, carpooling, and other transportation options to reduce vehicle miles traveled.
Policy 13	Consider establishing priority parking areas for carpoolers in projects with relatively large numbers of employees to reduce vehicle miles traveled and improve air quality.
Policy 15	Promote the use of bicycles by providing attractive bicycle paths and requiring provision of storage facilities in commercial and industrial projects.

[31]San Joaquin Valley Air Pollution Control District Ozone Attainment Plan, 2007
[32] SJVAPCD Rules and Regulations, October, 2010.
[33] Metropolitan Bakersfield General Plan, 2002, Chapter V- Conservation Element, E. Air Quality

Policy 16	Cooperate with Golden Empire Transit and Kern Regional Transit to provide a comprehensive mass transit system for Bakersfield; require large-scale new development to provide related improvements, such as bus stop shelters and turnouts.
Policy 18	Encourage walking for short distance trips through the creation of pedestrian friendly sidewalks and street crossings.
Policy 19	Promote a pattern of land uses which locates residential uses in close proximity to employment and commercial services to minimize vehicular travel.
Policy 22	Require the provision of secure, convenient bike storage racks at shopping centers, office buildings, and other places of employment in the Bakersfield Metropolitan area.
Policy 23	Encourage the provision of shower and locker facilities by employers, for employees who bicycle or jog to work.

4.5 NATIONAL AND CALIFORNIA AMBIENT AIR QUALITY STANDARDS

Ambient air quality standards are regulatory levels of ambient pollutant concentrations which, when exceeded, may adversely impact the health and welfare of the public. National Ambient Air Quality Standards (NAAQS) were established as a result of the provisions of the Federal Clean Air Act (CAA) of 1970. The national standards are divided into primary standards, designed to protect public health, and secondary standards intended to protect the public from any known or anticipated adverse effects of a pollutant. The national standards may be equaled continuously and exceeded once per year. National standards have been established for ozone, nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns, particulate matter less than 2.5 microns, sulfur dioxide, and lead.

California Ambient Air Quality Standards (CAAQS) were established in 1969 as a result of the Mulford-Carrell Act. In addition to the national standards, California also established standards for visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. California standards for ozone, nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns in aerodynamic diameter, and sulfur dioxide are not to be exceeded. The pollutants and their corresponding national and state ambient air quality standards are shown in **Table 4.5-1**.

TABLE 4.5-1
Ambient Air Quality Standards[34]

Pollutant	Averaging Time	California Standards [1]		National Standards [2]		
		Concentration[3]	Method[4]	Primary [3, 5]	Secondary [3, 6]	Method [7]
Ozone (O_3)	1 Hour	0.09 ppm (180 µg/m^3)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m^3)		0.070 ppm (137 µg/m^3)		
Respirable Particulate Matter (PM_{10})	24 Hour	50 µg/m^3	Gravimetric or Beta Attenuation	150 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m^3		—		
Fine Particulate Matter ($PM_{2.5}$)	24 Hour	—	—	35 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m^3	Gravimetric or Beta Attenuation	12.0 µg/m^3	15 µg/m^3	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m^3)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m^3)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m^3)		9 ppm (10 mg/m^3)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m^3)		—	—	
Nitrogen Dioxide (NO_2)[8]	1 Hour	0.18 ppm (339 µg/m^3)	Gas Phase Chemiluminescence	100 ppb (188 pg/m^3)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)		0.053 ppm (100 µg/m^3)	Same as Primary Standard	
Sulfur Dioxide (SO_2)[9]	1 Hour	0.25 ppm (655 µg/m^3)	Ultraviolet Fluorescence	75 ppb (196 pg/m^3)	—	Ultraviolet Flourescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m^3)	
	24 Hour	0.04 ppm (105 µg/m^3)		0.14 ppm (for certain areas)[11]	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas)[11]	—	
Lead[10,11]	30 Day Average	1.5 µg/m^3	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m3 (for certain areas)[12]	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m^3		
Visibility Reducing Particles[12]	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	**No National Standards**		
Sulfates	24 Hour	25 µg/m^3	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m^3)	Ultraviolet Fluorescence			
Vinyl Chloride[10]	24 Hour	0.01 ppm (26 µg/m^3)	Gas Chromatography			

[34] California Air Resources Board, http://www.arb.ca.gov/research/aaqs/aaqs2.pdf, 05/04/2016.

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Footnotes to Table 4.5-1

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m3 is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
9. On December 14, 2012, the national annual PM2.5 primary standard was lowered from 15 µg/m3 to 12.0 µg/m3 . The existing national 24-hour PM2.5 standards (primary and secondary) were retained at 35 µg/m3 , as was the annual secondary standard of 15 µg/m3 . The existing 24-hour PM10 standards (primary and secondary) of 150 µg/m3 also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
11. On June 2, 2010, a new 1-hour SO2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
    Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m3 as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

The Federal Clean Air Act Amendments made in 1977 require each state to identify geographic areas in compliance with the national standards as well as those areas that are not in compliance. These designations are known as the "attainment" status designations. Areas not in compliance with the national standards are termed "nonattainment" and are subject to New Source Review (NSR) regulations. Areas meeting the national standards are referred to as "attainment" and are subject to Prevention of Significant Deterioration (PSD) and NSR regulations. Areas with insufficient data to make a determination are "unclassified" but are treated as "attainment" areas until proven otherwise. The designation of an area is made on a pollutant-specific basis. Therefore, it is possible to be located in an area designated nonattainment for one pollutant, but attainment or unclassified for other pollutants.

The California Air Resources Board (CARB) coordinates and oversees state air quality management districts and air pollution control districts. CARB has retained authority over mobile sources but has delegated much of the control of stationary sources to local agencies. They, much like the federal program, designate areas as "attainment", "non-attainment", or "unclassified" based on ambient air data that has been collected in the applicable area. **Table 4.5-2** is a listing of the State and Federal attainment status for the Kern County portion of the San Joaquin Valley Air Basin.

TABLE 4.5-2
Kern County –SJVAPCD Portion Attainment Status

Pollutant	Designation/Classification	
	Federal Standards[a]	State Standards[b]
Ozone – 1 hour	No Federal Standard[f]	Nonattainment/Severe
Ozone – 8 hour	Nonattainment/ Extreme[e]	Nonattainment
PM_{10}	Attainment[c]	Nonattainment
$PM_{2.5}$	Nonattainment[d]	Nonattainment
Carbon Monoxide	Attainment /Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

[a] See 40 CFR Part 81
[b] See CCR Title 17 Sections 60200-60210
[c] On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.
[d] The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).
[e] Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).
[f] Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the SJVAB as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

The urbanized areas of Fresno, Bakersfield, Stockton, and Modesto are designated as attainment and all of the non-urbanized areas of the San Joaquin Valley Basin are designated as unclassified for the federal CO standards.

In July 1997, the U.S. EPA announced new health-based standards for ozone and $PM_{2.5}$. $PM_{2.5}$ is a subset of PM_{10} and a microscopic form of particle pollution primarily composed of diesel soot and other

combustion by-products. Previously, the NAAQS for particulate matter applied to the highest 24-hour or annual averages measured within a monitoring planning area. Monitoring networks were often designed to measure the highest values, even though these networks did not necessarily represent the overall exposure of populations to excessive particulate concentrations. Some data from these networks were disregarded by epidemiologists as being unrelated to health indicators such as hospital admissions and death. The new forms for these standards are intended to provide more robust measures for the particulate matter indicator. While PM_{10} network design and siting criteria are unchanged, new $PM_{2.5}$ monitoring networks to determine compliance or non-compliance are intended to best represent the exposure of populations that might be affected by elevated $PM_{2.5}$ concentrations.

$PM_{2.5}$ measurements from central California indicate that the annual 15 mg/m^3 standard is exceeded in several populated areas, specifically in the central and southern San Joaquin Valley (where the Proposed Project is located). These high annual averages are dominated by elevated concentrations in the cities and in non-urban locations during winter and fall. $PM_{2.5}$ constitutes approximately 80% of PM_{10} during winter and approximately 50% of PM_{10} during the rest of the year. Other $PM_{2.5}$ exceedances have occurred as isolated events at one or two locations when a nearby activity contributed a large bolus of fugitive dust, or when wind typically dominated by the coarse particle fraction. Windblown dust excursions have been most often found in the southern San Joaquin Valley and in the high desert, especially in the vicinity of Owens Lake.

4.6 AIR QUALITY DESIGNATION CLASSIFICATIONS[35]

4.6.1 NATIONAL DESIGNATION CATEGORIES

Non-Attainment Area: Any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.

Unclassified/Attainment Area: Any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant or meets the national primary or secondary ambient air quality standard for the pollutant.

Ozone Classifications:

Marginal Primary standard, attainment date of 3 years after enactment

Moderate Primary standard, attainment date 6 years after enactment

Serious Primary standard, attainment date 9 years after enactment

Severe 15 Primary standard, attainment date 15 years after enactment

Severe 17 Primary standard, attainment date 17 years after enactment

Extreme Primary standard attainment date 20 years after enactment

Incomplete (or No) Data: An area designated as an ozone non-attainment area as of the date of enactment of the Clean Air Act Amendments of 1990 and did not have sufficient data to determine if it is meeting or is not meeting the ozone standard.

[35] "Final Environmental Impact Report, Revised Update of the Kern County General Plan, SCH# 2002071027," County of Kern.

Carbon Monoxide Classifications:

Serious: A design value of 16.5 ppm and above and a primary standard attainment date of December 21, 2000.

Moderate: A design value of 9.1 up to 16.4 ppm and a primary standard attainment date of December 31, 1995.

Not Classified: An area designated as a carbon monoxide non-attainment area as of the date of enactment of the Clean Air Act Amendments of 1990 and did not have sufficient data to determine if it is meeting or is not meeting the carbon monoxide standard.

4.6.2 STATE DESIGNATION CLASSIFICATIONS

Unclassified: A pollutant is designated unclassified if the data are incomplete and do not support a designation of attainment or non-attainment.

Attainment: A pollutant is designated attainment if the State standard for that pollutant was not violated at any site in the area during a three-year period.

Non-attainment: A pollutant is designated non-attainment if there was at least one violation of a State standard for that pollutant in the area.

Non-attainment/Transitional: A subcategory of the non-attainment designation. An area is designated non-attainment/transitional to signify that the area is close to attaining the standard for that pollutant.

As part of the 1990 Federal CAA Amendments, 189 substances commonly used in many businesses, including manufacturing and industrial processes, were identified as Toxic Air Contaminants (TACs). The amendments required the U.S. EPA to establish a 10-year schedule for developing new regulations for controlling these pollutants using maximum achievable control technology (MACT). Under Title III to the 1990 Federal Clean Air Act Amendments, the U.S. EPA was also required to develop regulations to address urban area risk, residual risk, and accidental releases of Toxic Air Contaminants.

Pursuant to the CAA, states may develop a State Implementation Plan (SIP) to explain how they will achieve the CAA standards within the state. If the SIP is deemed acceptable, the U.S. EPA will delegate responsibility for implementation pursuant to the SIP. California has an approved SIP. These implementation plans are updated and revised periodically based on changes in conditions, and revision in standards.

4.6.3 EXISTING AIR QUALITY IN THE SAN JOAQUIN VALLEY BASIN [36]

The San Joaquin Valley Air Basin (SJVAB) consists of eight counties: Fresno, Kern (western and central), Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. Cumulatively, these counties make up about 16% of California's geographic area, making the SJVAB the second largest air quality basin delineated by the California Air Resources Board. The SJVAB consists of a continuous intermountain valley approximately 250 miles long and averaging 80 miles wide. The geography of mountainous areas to the east, west and south, in combination with long summers and relatively short winters, contributes to local climate episodes that prevent dispersion of pollutants. Although marine air generally flows into the SJVAB from the San Joaquin River Delta, the region's topographic features restrict air movement through and out of the valley. Additionally the surrounding mountainous areas are generally higher in elevation

[36] California Air Resources Board, http://www.arb.ca.gov/adam/welcome.html.

than the summer inversion layers. As a result, the SJVAB is highly susceptible to pollutant accumulation over time.

Monitoring Stations

The SJVAB has 33 monitoring stations to measure air quality, 21 operated by the SJVAPCD, 2 by the National Park Service, 1 by Tachi-Yokut, 8 by the California Air Resources Board and 2 jointly operated by the SJVAPCD and CARB. **Exhibit 4** "SJVAPCD Monitoring Station Locations" shows the location of these monitoring stations. By using the data collected at these stations the attainment status and the progress towards attainment is measured.

REGIONAL AMBIENT AIR QUALITY[37]

Ozone

The long-term trends in the SJVAB for the number of days over the federal 1-hour ozone standard has decreased basin-wide from a peak of 80 days in the late 1970's to 28 days in 2016. Short-term trends show a decrease in the number of days over the standard basin-wide from below 94 days in 1999 to 28 days in 2016. On July 18, 2016, the EPA published in the Federal Register a final action determining the SJVAB has attained the 1-hour ozone national standard.

Particulate

The air quality data shows an overall improvement in PM_{10} and $PM_{2.5}$. The peak 24-hour PM_{10} exceedance was 439 micrograms per cubic meter in 1990 and only 132.5 micrograms per cubic meter in 2016. The peak 24-hour $PM_{2.5}$ exceedance was 23.4 micrograms per cubic meter in 1999 and only 15.6 micrograms per cubic meter in 2016. As of October 2006, the San Joaquin Valley had attained the federal PM_{10} and $PM_{2.5}$ standard and had received approval as an attainment basin for this pollutant. The number of days of exceedance has decreased over time from 59 in 1990 to 5 in 2004-2006. The District adopted the 2016 Moderate Area Plan for the 2012 PM2.5 Standard on September 15, 2016. This plan addresses the EPA federal annual PM2.5 standard of 12 μg/m3, established in 2012. This plan includes an attainment impracticability demonstration and request for reclassification of the Valley from Moderate nonattainment to Serious nonattainment.[38]

All Other Pollutants

The remaining federal criteria pollutants (NO_X, SO_X, CO) that are measured by the monitoring stations have been shown to be in attainment.

Toxic Air Contaminants

Toxics have been monitored at four sites in the SJVAB as shown on **Exhibit 4** "SJVAPCD Monitoring Station Locations." The toxic air contaminants are: acetaldehyde; benzene; 1, 3-butadiene; carbon tetrachloride; chromium (hexavalent); para-dichlorobenzene; formaldehyde, methylene chloride; perchloroethylene; and diesel particulate matter (diesel PM). These are the TACs that are considered to pose the greatest health risk in SJVAB. **Table 4.6-1** on the following page demonstrates that in general since 1992 the volume of toxics in the SJVAB and the health risk posed by these toxics has decreased.

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[37] "Extreme Ozone Attainment Demonstration Plan-San Joaquin Valley Air Basin Plan Demonstrating Attainment of Federal 1-hour Ozone Standard," San Joaquin Valley Air Pollution Control District (October 8, 2004).

[38] http://www.valleyair.org/Air_Quality_Plans/PM_Plans.htm

TABLE 4.6-1[39]

San Joaquin Valley Air Basin Annual Average Toxic Air Contaminant Concentration and Health Risk

TAC*	Conc[1]./Risk[2]	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Acetaldehyde	Annual Avg	1.38	1.73	1.29	0.54	1.28	1.19	1.30	1.56	1.09	1.15	1.24	1.34	1.14	1.42	1.33	1.15
	Health Risk	7	8	6	3	6	6	6	8	5	6	6	7	6	7	6	6
Benzene	Annual Avg	1.36	1.32	1.33	1.16	0.73	0.71	0.76	0.69	0.63	0.538	0.552	0.463	0.372	0.374	0.362	0.318
	Health Risk	126	122	123	107	68	66	71	64	58	50	51	43	34	35	34	29
1,3-Butadiene	Annual Avg	0.236	0.339	0.323	0.264	0.222	0.195	0.233	0.177	0.158	0.15	0.146	0.095	0.08	0.082	0.069	0.065
	Health Risk	89	127	121	99	83	73	88	67	59	56	55	36	30	31	26	24
Carbon Tetrachloride	Annual Avg		0.109		0.098	0.077		0.114		0.096	0.086	0.091	0.097				
	Health Risk		29		26	20		30		25	23	24	26				
Chromium, Hexavalent	Annual Avg	0.23	0.21	0.19	0.28	0.13	0.11	0.10	0.10	0.12		0.086	0.078	0.083	0.076	0.05	0.083
	Health Risk	34	31	29	42	20	16	15	15	18		13	12	13	11	8	12
Para-Dichlorobenzene	Annual Avg	0.11	0.13	0.11	0.11	0.10	0.13			0.11	0.13	0.15	0.15	0.15	0.15	0.15	
	Health Risk	7	9	7	8	7	9			7	9	10	10	10	10	10	
Formaldehyde	Annual Avg	1.46	1.67	1.80	2.10	2.96	2.77	2.86	3.44	2.61	3.08	3.13	3.02	2.27	2.52	2.78	2.51
	Health Risk	11	12	13	15	22	20	21	25	19	23	23	22	17	19	20	18
Methylene Chloride	Annual Avg	0.55	0.76	0.59	0.61	0.54	0.53	0.52	0.50	0.53	0.27	0.16	0.14	0.11	0.12	0.11	0.1
	Health Risk	2	3	2	2	2	2	2	2	2	<1	<1	<1	<1	<1	<1	<1
Perchloroethylene	Annual Avg	0.104	0.473	0.067	0.068	0.068	0.056	0.039		0.076	0.052	0.039	0.033	0.027	0.032	0.032	0.026
	Health Risk	4	19	3	3	3	2	2		3	2	2	1	1	1	1	1
Diesel PM[3]	Annual Avg				(1.7)					(1.3)							
	Health Risk				(510)					(390)							
Average Basin Risk	w/o Diesel PM	280	360	304	305	231	194	235	181	196	169	184	157	111	114	105	90
	w/ Diesel PM				(815)					(586)							

1. Concentrations for Hexavalent chromium are expressed as ng/m3 and concentrations for diesel PM are expressed as ug/m3. Concentrations for all other TACs are expressed as parts per billion.
2. Health Risk represents the number of excess cancer cases per million people based on a lifetime (70-year) exposure to the annual average concentration. It reflects only those compounds listed in this table and only those with data for that year. There may be other significant compounds for which we do not monitor or have health risk information. Additional information about interpreting the toxic air contaminant air quality trends can be found in Chapter 1, Interpreting the Emission and Air Quality Statistics.
3. Diesel PM estimates are based on receptor modeling techniques, and the estimates are available only for selected years. Currently, the estimates are being reviewed.

[39] "Toxic Air Contaminant Emissions, Air Quality, and Health Risk," ARB Almanac, Ch. 5, California Air Resources Board (2009)

4.6.4 CRITERIA POLLUTANTS

The California Air Resources Board (CARB) operates several meteorological and air quality monitoring stations in the San Joaquin Valley area. **Tables 4.6-2** through **4.6-8** present the most recent summaries of the monitored air quality for ozone (O_3), Particulate Matter less than 10 microns in aerodynamic diameter (PM_{10}), Particulate Matter less than 2.5 microns in aerodynamic diameter ($PM_{2.5}$), Carbon Monoxide (CO), and Nitrogen Dioxide (NO_X). No data is available for Sulfur Dioxide (SO_2), Lead (Pb), Hydrogen Sulfide (H_2S) or Vinyl Chloride (C_2H_3Cl) in Kern County. **Exhibit 4,** "SJVAPCD Monitoring Station Locations" shows the locations of the various monitoring stations in the area surrounding the SJVAB.

For the purposes of background data and air quality assessment, this analysis will rely on data collected in the past years for the CARB monitoring stations that are closest in proximity to the proposed development.

TABLE 4.6-2
Background Ambient Air Quality Data for 1-Hour Ozone

CARB Air Monitoring Station	Number of Days* Exceeding 1-Hour NAAQS			Number of Days Exceeding 1-Hour CAAQS (0.09 ppm)			Maximum 1-Hour Concentration (ppm)		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Bakersfield – California Ave.	0	0	0	6	0	11	0.104	0.092	0.122
Bakersfield –Municipal Airport	-	-	-	23	8	9	0.118	0.102	0.118

*NAAQS 1-Hour standard has been rescinded and replaced with an 8-Hour standard which is more restrictive.
- = No reported data

TABLE 4.6-3
Background Ambient Air Quality Data for 8-Hour Ozone

CARB Air Monitoring Station	Number of Days Exceeding 8-Hour NAAQS (0.075 ppm)			Number of Days Exceeding 8-Hour CAAQS (0.070 ppm)			Maximum 8-Hour Concentration (ppm)		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Bakersfield – California Ave.	28	30	47	54	63	87	0.097	0.086	0.104
Bakersfield –Municipal Airport	55	41	26	73	66	57	0.106	0.093	0.101

- = No reported data

TABLE 4.6-4
Background Ambient Air Quality Data for PM_{10} - National

CARB Air Monitoring Station	Annual Average ($\mu g/m^3$)			Days Exceeding NAAQS (>150 $\mu g/m^3$)			Maximum National 24-Hour Concentration NAAQS (150 $\mu g/m^3$)		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Bakersfield – California Ave.	44.5	41.2	42.6	0	0	0	104.7	90.9	138.0
Oildale – Manor Street	36.5	41.6	19.3	-	0	-	98.5	89.1	59.4

- = No reported data

TABLE 4.6-5
Background Ambient Air Quality Data for PM_{10} - State

CARB Air Monitoring Station	Annual Average ($\mu g/m^3$)			Days Exceeding CAAQS (>50 $\mu g/m^3$)			Maximum California 24-Hour Concentration CAAQS (50 $\mu g/m^3$)		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Bakersfield – California Ave.	44.1	40.9	42.6	121.4	121.4	98.7	103.6	92.2	143.6
Oildale – Manor Street	-	-	-	-	-	-	104.4	88.4	210.0

- = No reported data

TABLE 4.6-6
Background Ambient Air Quality Data for $PM_{2.5}$ - National

CARB Air Monitoring Station	Annual Average ($\mu g/m^3$)			Days Exceeding NAAQS (>35 $\mu g/m^3$)			Maximum 24-Hour Concentration NAAQS (35 $\mu g/m^3$)		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Bakersfield – California Ave.	16.3	14.8	15.9	32.3	25.5	30.2	107.8	66.4	101.8
Bakersfield – Golden St. Hwy.	16.7	14.8	16.2	30.8	21.8	29.7	91.1	53.9	74.3

- = No reported data

TABLE 4.6-7
Background Ambient Air Quality Data for $PM_{2.5}$ - State

CARB Air Monitoring Station	Annual Average ($\mu g/m^3$)			Days Exceeding NAAQS (>35 $\mu g/m^3$)			Maximum 24-Hour Concentration NAAQS (35 $\mu g/m^3$)		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Bakersfield – California Ave.	16.6	14.5	15.9	32.3	25.5	30.2	111.9	66.4	101.8
Bakersfield – Golden St. Hwy.	16.7	14.8	16.2	30.8	21.8	29.7	91.1	53.9	74.3

- = No reported data

TABLE 4.6-8
Background Ambient Air Quality Data for NO_X

CARB Air Monitoring Station	Annual Average (0.03 ppm)			Days Exceeding CAAQS (0.18 ppm)			Maximum 1-Hour Concentration CAAQS (0.18 ppm)		
	2010	2011	2012	2010	2011	2012	2010	2011	2012
Bakersfield – California Ave.	0.014	0.015	0.015	0	0	0	0.079	0.064	0.064
Bakersfield – Golden St. Hwy.	0.019	-	-	0	-	-	0.033	-	-

- = No reported data

TABLE 4.6-9
Background Ambient Air Quality Data for CO

CARB Air Monitoring Station	Days Exceeding NAAQS (>9.0 ppm)			Days Exceeding CAAQS (>9.0 ppm)			Maximum 8-Hour Concentration NAAQS (9.0 ppm) CAAQS (9.0 ppm)		
	2008	2009	2010	2008	2009	2010	2008	2009	2010
Bakersfield – Golden State Hwy.	0	0	0	0	0	0	2.17	1.51	1.34

Existing Conditions at Project Site

The project site is located within the City of Bakersfield. No onsite data exists for criteria pollutants or toxics. However, using the highest background concentration from the surrounding monitors over the past years will conservatively represent the background concentrations at the site.

5 THRESHOLDS OF SIGNIFICANCE

Criteria Pollutants

For the purposes of this air quality analysis and consistent with SJVAPCD guidance documents,[40] actions that violate federal standards[41] for criteria pollutants (i.e., primary standards designed to safeguard the health of people considered to be sensitive receptors while outdoors and secondary standards designed to safeguard human welfare) are considered significant impacts. Additionally, actions that violate state standards developed by the California Air Resources Board (CARB) or criteria developed by the SJVAPCD including thresholds for criteria pollutants are considered significant impacts.[42] Projects that would generate 10 tons per year of either ROG or NO_X are considered to have a potentially significant air quality impact.[43,44] This includes both direct and indirect emissions combined.

Visibility [45]

The California State Ambient Air Quality Standard for Visibility Reducing Particles (VRP) represents a policy judgment that a certain minimum degree of visibility is conducive to public welfare, regardless of location. This policy is manifested as a State wide minimum dry air particle extinction limit of 0.23/km (230 Mm^{-1}) averaged from 9 AM to 5 PM (PST) when Relative Humidity (RH) is less than 70 percent. This is roughly equivalent to V_r= 10 miles. The standard is 0.07/km (70Mm^{-1})

[40] SJVAPCD Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), March 19, 2015 Revision
[41] Federal Clean Air Act, as amended (42 U.S.C. 7401 et seq.)., Title I – Air Pollution Control and Prevention.
[42] California Health and Safety Code, Division 26, Air Resources §39000 et seq.
[43] California Health and Safety Code, §40920.
[44] San Joaquin Valley Air Pollution Control District Rule 2201, §4.2.3.
[45] Cal EPA Air Resources Board and Office of Environmental Health Hazard Assessment, Staff Report: Public Hearing to Consider Amendments to the Ambient Air Quality Standards for Particulate Matter and Sulfates; May 2003.

for the Lake Tahoe Air Basin (roughly equivalent to V_r – 30 miles). Equivalent PM_{10} concentrations when this standard is just met range from about 50μg/m³ for a fine particle dominated urban setting (e.g., Sacramento in the winter) to 90 or more μg/m³ for a mixture of coarse and fine particles (e.g., Central Valley summer). The Lake Tahoe VRP limit equates to PM_{10} concentrations ranging from about 16 to 25 μg/m³ over a similar range of aerosol characteristics.

Health Risk-Based Thresholds [46,47]

The California Office of Environmental Health Hazard Assessment (OEHHA) is responsible for setting health risk thresholds for air toxics. These thresholds include Reference Exposure Levels (RELs) for non-carcinogenic toxins that pose potential acute and/or chronic health risks and Unit Risk Factors (URFs) for carcinogens. The RELs and URFs represent exposure levels that OEHHA deems not likely to cause adverse effects in a human population, including sensitive receptors. These thresholds are based on the most recent scientific data and are designed to protect the most sensitive individuals in the population by inclusion of margins of safety. The thresholds approved by the SJVAPCD are a potential to increase cancer risk for the person with maximum exposure potential by 20 in one million or a non-cancer Hazard Index greater than 1 for both acute and chronic exposure.

There are no thresholds of significance for Valley Fever that have been adopted by the state or by the County of Kern. However, the likelihood of its occurrence can be determined based on the proposed project location.

Odor-based Thresholds [48]

Projects that would potentially generate objectionable odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate could constitute a significant air quality impact to existing uses. Also, residential or other sensitive receptor projects built for the intent of attracting people locating near existing odor sources could also cause a significant air quality impact for the proposed uses. The SJVAPCD suggests a threshold based on the distance of the odor source from the project and complaint records for a facility or similar facility. If there is one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year averaged over a three-year period[49], the odor impact is considered significant.

The air contaminants which may be emitted at the proposed project have no known odors associated with them.

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[46] See GAMAQI and OEHHA, Air Toxics "Hot Spots" Program.

[47] Cal EPA Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual, and Part II: Technical Support Document for Describing Available Cancer Potency Factors.

[48] GAMAQI. March 19, 2015 Revision

[49] Ibid

Construction Specific Thresholds [50]

The SJVAPCD approach to analyses of construction impacts is to require implementation of effective and comprehensive control measures rather than to require detailed quantification of emission concentrations for modeling of direct impacts. PM_{10} emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM_{10} emissions from construction. The SJVAPCD has determined that compliance with Regulation VIII for all sites and implementation of all other control measures indicated in Tables 6-2 and 6-3 of the GAMAQI (as appropriate, depending on the size and location of the project site) could constitute sufficient mitigation to reduce non-exhaust specific fugitive emission impacts to a reduced level of significance. Additionally, SJVAPCD has adopted Rule 9510, the Indirect Source Review Rule, which is designed to reduce the construction PM_{10} by 50% and the construction NO_X by 20%.

Certain mitigation measures will be required during the construction phase of the project as described in Section 6. While implementation of these mitigation measures could further reduce the project's construction emissions to a level that is below significance according to the SJVAPCD. The project specific construction emissions were quantified, modeled, and compared along with the operational emissions against the NAAQS and CAAQS in order to determine local impact significance.

General Thresholds [51]

As provided in CEQA, CEQA states that a project could have a potentially significant air quality impact on the environment if it would:

- Conflict with or obstruct implementation of air quality plans;
- Violate ambient air quality standards or contribute to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under Federal or State standards;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors.

[50] See GAMAQI and district recommendations at http://www.valleyair.org/.
[51] CEQA Guidelines.

6 PROJECT IMPACTS

The Project Specific Impact Analyses are broken into the following sub elements:

- Criteria Pollutants impact
- Visibility Impacts
- Public Health/Hazards Impacts
- Mobile Source – Carbon Monoxide Hotspot Impacts

The Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) considers construction emissions (short term emissions) and operational emissions (long term emissions) separately.

CalEEMod [52] and GAMAQI [53]

For this project, California Emissions Estimator Model (CalEEMod) is used to estimate the criteria pollutant emissions for both construction and operation.

Construction emissions are considered short-term impacts and are temporary in nature. CalEEMod estimates construction related emission based on the size of the project, construction time, and construction equipment etc.

CalEEMod operational emissions are comprised of two separate sources: area and mobile sources. Area sources generate emissions from activities like space heating and landscape maintenance while mobile sources result from vehicular travel with vehicles travelling throughout the city and county. These emissions are calculated for the build out period and take into account future fleet mixes and emission controls.[54] Emissions from area sources and mobile sources are depicted as long-term impacts.

CalEEMod typically analyzes construction and operational emissions separately. For project build-outs longer than 5 years, an interim year analysis is recommended by GAMAQI.[55]

CalEEMod was developed to provide meaningful analysis of both short and long term urban impacts, and to encourage mitigations such as trip reduction during project planning. Discrete CalEEMod analysis is limited to annual periods. GAMAQI recommends that the short-term construction output from the model not be combined with the operational model without creating a new combinatorial model. CalEEMod uses a simplified set of emission factors to estimate impacts separately for predetermined construction periods and for operational periods as independent events and does not factor in: small discrete periods of project overlap, incremental periods smaller than one year, individual build out rates for each particular element of construction, schedule utilization of individual pieces of equipment, pro-ration for occupancy rate, retrofit technology over

[52] California Emissions Estimator Model, developed by ENVIRON International Corporation with SCAQMD and other California Districts

[53] GAMAQI. March 19, 2015 Revision

[54] Used SJVAPCD residential fleet mix. https://www.valleyair.org/ISR/Documents/Accepted%20URBEMIS%20default%20values%20012909.xls

[55] GAMAQI. March 19, 2015 Revision

the life of equipment, pollutant reactivity, pollutant transport, adjustments for construction program constraints due to localized conflicts between both resident's quiet enjoyment and the construction effort. Other than the Conformity Analysis discussed below, no models have been developed that can reliably perform these adjustments. CalEEMod results are provided in quantity form, i.e., tons/year. This model is used for project related impacts analysis.

Where site specific or project specific data was available, CalEEMod 2016.3.2 factors were modified to fit with the information. Where little or no information was available for a project, default values were selected.

6.1 PROJECT SHORT-TERM EMISSIONS

Short-term impacts from the project will primarily result in fugitive particulate matter emissions during construction. Grading, excavation, trenching, filling, and other construction activities result in increased dust emissions. Regulation VIII of the San Joaquin Valley Air Pollution Control District specifies control measures for specified outdoor sources of non-exhaust specific fugitive particulate matter emissions. Rule 8011 contains administrative requirements, Rule 8021 applies to construction activities, and Rule 8071 applies to vehicle and equipment parking, fueling, and service areas. The San Joaquin Valley Air Pollution Control District does not require a permit for these activities, but does impose measures to control fugitive dust, such as the application of water or a chemical dust suppressant.

SJVAPCD's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI), does not necessarily require a quantification of construction emissions for all projects. Quantification is generally only required at the request of the lead agency. In general, the SJVAPCD assumes that implementation of these measures will bring the construction impacts to a reduced level of significance. For this project, the construction emissions were quantified in order to demonstrate that the impacts from the project would be below the applicable thresholds.

Construction will also result in exhaust emissions (not reduced by District Regulation VII) from diesel-powered heavy equipment. Exhaust emissions from construction include emissions associated with the transport of machinery and supplies to and from the site, emissions produced onsite as the equipment is used and emissions from trucks transporting excavated materials from the site and fill soils to the site. Examples of these emissions include CO, ROG, NO_X, and PM_{10}.

Exhaust emission factors for typical diesel-powered heavy equipment are based on U.S. EPA AP-42 emissions factors. Actual exhaust emissions will vary substantially from day to day. Numerous variables factored into estimating total construction emissions include: level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and amount of materials to be transported onsite or offsite. Additional exhaust emissions would be associated with the transport of workers and materials. Because the specific mix of construction equipment in a build-out period is not presently known for this project, specific equipment emissions on a yearly basis are estimated.

Using the emissions rates from CalEEMod Version 2016.3.2 and the recommended construction fleet provided in **Appendix I** "San Joaquin Valley Air Pollution Control District's Recommended

Vehicle Fleet," the construction emissions for this project were quantified. The table below shows the annual construction emissions after mitigation.

TABLE 6.1-1
Construction Related Emissions (tons/year)

Year	ROG	NO_X	CO	SOx	PM_{10}	$PM_{2.5}$
2019	0.3431	2.1309	1.7333	0.0033	0.1583	0.1216
2020	0.4146	3.8365	3.0118	0.0074	0.4415	0.2482
2021	0.6035	0.3771	0.3819	0.0008	0.0376	0.0212

The expected construction related mitigation measures used in the CalEEMod modeling include the following: Low VOC paints, water exposed areas twice (2) daily, and reduce vehicle speeds on unpaved roads to fifteen (15) miles per hour to reduce particulate matter generation from vehicle travel and wind.

The San Joaquin Valley Air Basin is designated non-attainment for particulates for both state and federal standards. Although the proposed land uses are not considered a potential source for significant particulate emissions, fugitive particulate emissions will occur during construction. Control measures are required and enforced by the San Joaquin Valley Air Pollution Control District under Regulation VIII. As stated in GAMAQI, the SJVAPCD guidance document, implementation of these control measures will result in short-term emissions that are lower in level of significance or considered *less than significant*. The following three rules related to fugitive dust control apply to this project:

Rule 8011 Fugitive dust administrative requirements for control of fine particulate matter.

Rule 8021 Fugitive dust requirements for control of fine particulate matter from construction, demolition, excavation, extraction, and earthmoving activities.

Rule 8071 Fugitive dust requirements for control of fine particulate matter from vehicle and/or equipment parking, shipping, receiving, transfer, fueling and service areas one acre or larger.

In addition, the project should include the following as requirements of the local municipal code:

> Water sprays or chemical suppressants must be used in all unpaved areas to control fugitive emissions. All access roads and parking areas must be covered with asphalt-concrete paving.

Compliance with Regulation VIII of the San Joaquin Valley Air Pollution Control District and the local municipal code would reduce particulate emission impacts to reduced levels of significance or *less than significant*.

6.2 PROJECT LONG-TERM EMISSIONS

Long-term emissions are caused by mobile sources (vehicle emissions), stationary source, and other area source energy consumption (heating and cooling) emissions. The major long-term impacts to air quality would be emissions caused by motor vehicles traveling to and from the area.

Operational Emissions Quantification

The proposed project operational emissions would be generated by area sources and mobile sources as a result of normal day-to-day activities on the project site after occupation. These emissions would be generated during the operation of landscape maintenance equipment, and from consumer products. Mobile emissions would be generated by the motor vehicles traveling to and from the project site, including heavy-duty diesel trucks.[56]

Area Source Emissions

The area source emissions have been quantified utilizing the CalEEMod Version 2016.3.2 computer model. This model is a land use and transportation based computer model designed to estimate regional air emissions from new development projects. While previous versions were only designed to estimate emissions from motor vehicle trips, CalEEMod Version 2016.3.2 can estimate emissions from such sources as gas heaters, furnaces or blowers, and landscape maintenance equipment. The model accounts for specific meteorological conditions and topography that characterize each specific air basin in California.

The CalEEMod inputs and outputs along with the assumptions and CalEEMod default changes are provided in **Appendix I** "CalEEMod Specific Inputs and Outputs" in the PDF version of this document.

The project area source emissions for the year 2020-2021 are presented in **Table 6.2-1**.

TABLE 6.2-1
Project Area Source Emissions by Sub Category (tons/year)

Category	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$	SO_X
Architectural Coating	0.0307	-	-	-	-	-
Consumer Products	0.3216	-	-	-	-	-
Landscaping	0.00044	0.00005	0.00476	0.00001	0.00001	-

Mobile Source Emissions

Build-out of the proposed project will result in increased vehicle trips in the San Joaquin Valley. The vehicles associated with these trips will emit criteria pollutants including NO_X and ROG, which are considered ozone precursors. Kern County is a non-attainment area for federal air quality standards for ozone and particulates. Nitrogen oxides and reactive organic gases are regulated as

[56] Jones and Stokes, Software User's Guide; CalEEMod 2016.3.2, Emission Estimation for Land Use Development Projects, November 2017.

ozone precursors. A precursor is defined by the SJVAPCD as "a directly emitted air contaminant that, when released into the atmosphere forms or causes to be formed or contributes to the formation of a secondary air contaminant for which an ambient air quality standard has been adopted…"

The SJVAPCD regulates air quality in Kern County. The predicted emissions associated with vehicular traffic (mobile sources) are not subject to the SJVAPCD permit requirements. However, the SJVAPCD is responsible for overseeing efforts to improve air quality within the San Joaquin Valley. The SJVAPCD has prepared an Air Quality Attainment Plan to bring the San Joaquin Valley into compliance with the California Ambient Air Quality Standard for ozone. The SJVAPCD reviews land use changes to evaluate the potential impact on air quality. The SJVAPCD has established a significance level for ROG and NO_X of 10 tons per year each and 15 tons per year for PM_{10}.[57] US EPA has recommended the use of the PM_{10} standards as the interim standard for $PM_{2.5}$.

Vehicle emissions have been estimated using the CalEEMod Version 2016.3.2 computer model. CalEEMod predicts carbon monoxide, reactive organic gases, nitrogen oxides, oxides of sulfur, and particulate matter emissions from motor vehicle traffic associated with new or modified land uses. Trip generation rates were obtained from the traffic study provided by Ruettgers & Schuler Civil Engineering. (see **Appendix II** "Traffic Study" in PDF). Average trip length was calculated from intersection traffic volumes obtained from projections in the traffic study. The modeling results can be viewed in **Appendix I** "Project Specific CalEEMod Inputs and Outputs" in the PDF version of this document..

The project mobile source emissions and the total operational Emissions are presented in **Table 6.2-2** and **6.2-3** respectively. These values reflect the cumulative emissions from both phases of the project.

TABLE 6.2-2
Project Mobile Source Emissions (tons/year)

	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Unmitigated	2.0708	5.4330	14.4451	0.0348	2.9192	0.8037
Mitigated	2.0708	5.4330	14.4451	0.0348	2.9192	0.8037

TABLE 6.2-3
Operational Emissions by Category (tons/year)

Category	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Area	0.3528	0.00005	0.00476	-	0.00001	0.00001
Energy	0.0067	0.0613	0.05144	0.00036	0.00465	0.00465
Mobile	2.0708	5.433	14.4451	0.0348	2.9192	0.8037
Waste	-	-	-	-	-	-
Water	-	-	-	-	-	-

[57] GAMAQI. March 19, 2015 Revision

The project maximum emissions occur in year 2021 and the results are shown in **Table 6.2-4.**

TABLE 6.2-4
Total Project Maximum Year Emissions 2021 (tons/year)

Project	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Construction Emissions	0.6035	0.3771	0.3819	0.00084	0.0376	0.0212
Operational Emissions	1.39186	3.00394	8.58818	0.02466	2.19084	0.60354
Project Emissions	**1.99536**	**3.38104**	**8.97008**	**0.0255**	**2.22844**	**0.62474**
SJVAPCD Level of Significance	**10**	**10**	**100**	**27**	**15**	**15***

*USEPA specified interim use of PM_{10} threshold for $PM_{2.5}$

None of the predicted criteria emissions exceed the applicable significance level. Therefore, the impacts from project sources are considered to be *less than significant*.

Ambient Air Quality Modeling-Construction Phase

Emissions from construction operations were modeled using AERMOD and the San Joaquin Valley approved meteorological data for the years of 2013 to 2017, to investigate the impact of the project (**Appendix III** "AERMOD Criteria Pollutant Impacts"). The maximum impacts from the models are shown in **Table 6.2-5.**

TABLE 6.2-5
Project Criteria Pollutant[58] Impact Model Results
Construction Impacts

Pollutant	Averaging period	Project Impact ($\mu g/m^3$)	PSD SIL ($\mu g/m^3$)	NAAQS ($\mu g/m^3$)	CAAQS ($\mu g/m^3$)
NO_X	1 – hour[59]	151.01538		188	339
	Annual	10.59897			
SO_X	1-hour	0.19818	--	196	655
	3-hour	0.11730	--	1,300	--
	24-hour	0.04727	--	365	105
	Annual	0.01391			
CO	1-hour	120.55335	--	40,000	23,000
	8-hour	48.68663	--	10,000	10,000
PM_{10}	24-hour	2.93501	5	150	50
	Annual	0.86316	1		
$PM_{2.5}$	24-hour	1.88570	5	35	--
	Annual	0.69447	1	15	12

[58] No hydrogen sulfide, vinyl chloride, or SO_X is expected to be emitted from the proposed facility during construction and therefore was not modeled or listed in this table

[59] Tier-I approach was used to compare with the new Federal one-hour NOx standard. Project's maximum 1 hour modeling concentration was combined with the background for the nearest monitoring site (California Avenue)

The maximum predicted impacts were compared to the California and National Ambient Air Quality Standards (CAAQS and NAAQS) and PSD SIL. The short term impacts from construction of the project are below the applicable standards, therefore, the impacts are considered *less than significant*.

Ambient Air Quality Modeling-Operation Phase

There are no potential stationary sources in the project; therefore ambient air impact modeling for operations of stationary source is not modeled.

6.3 VISIBILITY IMPACTS

An analysis was conducted of the potential project-related impacts to visibility, including Class I areas[60] located within 100 kilometers of the project site (**Exhibit 5**, "Site Location-100 Kilometer Radius"). The following section describes the analysis methodology and results.

Models and Modeling Techniques

The U.S.EPA model VISCREEN was used with default screening values to estimate impacts to visibility at the Class I areas nearest to the project site. There are two Class I areas located within an approximate 100-kilometer boundary that are administrated by National Park Service (NPS): Domeland Wilderness Area and San Rafael Wilderness Area.

Historically, a representative of NPS, as well as meteorologists at the military site, were contacted for guidance regarding the Air Quality Related Values (AQRVs) of the Class I areas. Additionally, two guidance documents, *Guidelines for Evaluating Pollution Impacts on Class I Wilderness Areas in California*[61], and *Assessment of Air Quality and Air Pollutant Impacts in Class I National Parks of California*[62], were used in this analysis.

TABLE 6.3-1
Class I Areas in the Vicinity of the Project

	PSD Class	Administering Agency
National Parks/Monuments		
Domeland Wilderness	I	NPS
San Rafael Wilderness	I	NPS

[60] Lands designated as ***Class I Areas*** under the Clean Air Act Amendments of 1977 are afforded the highest level of protection from air pollutants in the nation. These lands consist of national wildernesses (Forest Service), parks (National Park Service) and wildlife refuges (U.S. Fish & Wildlife Service) in existence at the time the amendment was passed (http://www.fs.fed.us/outernet/r6/aq/natarm/c1info.htm).

[61] USDA Forest Service, Guidelines for Evaluating Pollution Impacts on Class I Wilderness Areas in California.

[62] National Park Service, Assessment of Air Quality and Air Pollutant Impacts in Class I National Parks of California.

VISCREEN uses two scattering angles to calculate potential plume visual impacts for cases where the plume is likely to be the brightest (i.e. 10 degree azimuth for the forward scatter case) and the darkest (i.e. 140 degree for the backward scatter case). The forward scatter case produces a very bright plume when the sun is placed directly in front of the observer, while the backward scatter case produces a dark plume when the sun is directly behind the observer. For viewing backgrounds, the terrain is assumed to be black and located as close to the observer and the plume as possible. This assumption yields the darkest possible background against which plumes are the most likely to be visible. However, actual viewing backgrounds would be much lighter and located much further away from the observer.

Distances from each site to the closest and most distant borders, as well as the standard visual range of each Class I area evaluated are presented in **Table 6.3-2** below.

TABLE 6.3-2
Distances and Visual Ranges for Nearby Class I Areas

	Distance to Closest Boundary (km)	Distance to Farthest Boundary (km)	Standard Visual Range (km)
National Parks/Monuments			
Domeland Wilderness	83.1	116.1	249
San Rafael Wilderness	78.8	106.7	243

Level 1 Screening Analysis Results

A Level 1 screening analysis of the visibility impacts was conducted using the default settings as indicated in **Table 6.3-3** below.

TABLE 6.3-3
Level 1 Default VISCREEN Settings

Transport Scenario Specifications		
Plume–Source–Observer Angle	11.25	degrees
Stability Class	6 (F)	
Wind Speed	1.00	m/s
Ambient Pollutant Concentrations		
Ozone	0.04	ppm
Particle Characteristics		
Particle Type	**Mass Flow (lb/hr)**	
Primary (NO_2)	0.0	
Soot	0.0	
Sulfate	0.0	

The Level 1 analysis was conducted using pollutant emissions presented in **Table 6.2-1**. In accordance with U.S.EPA VISCREEN guidance, primary NO_2 was assumed to be zero, while PM_{10} emissions from diesel combustion sources were assumed to be particulate. The VISCREEN results are presented in **Appendix IV**, "Project Specific U.S.EPA VISCREEN Model Results."

The emission rates used in the VISCREEN model are based on the area source emissions. The indirect source operational emissions will not occur onsite and therefore cannot contribute to a visible plume originating from the site. Since the sources onsite will be spread out and will not contribute to a single plume, like the one being considered in the model, the analysis is conservative.

TABLE 6.3-4
Level 1 Visibility Screening Analysis
Worst–Case Facility Emissions Inputs

Pollutant	Emissions (tons/yr)
Particulate	0.00001
NO_X (as NO_2)	0.00005
Primary NO_2	0.00
Soot	0.00
Primary SO_4	0.00

TABLE 6.3-5
Level 1 Results for the Project at Domeland Wilderness
Screening Criteria INSIDE Class I Area ARE NOT Exceeded

Back ground	Theta	Azimuth	Distance	Alpha	Delta E Criteria	Delta E Plume	Contrast Criteria	Contrast Plume
Sky	10	144	116.1	25	2	0.000	0.05	0.000
Sky	140	144	116.1	25	2	0.000	0.05	0.000
Terrain	10	144	116.1	25	2	0.000	0.05	0.000
Terrain	140	144	116.1	25	2	0.000	0.05	0.000

TABLE 6.3-6
Level 1 Results for the Project at San Rafael Wilderness
Screening Criteria INSIDE Class I Area ARE NOT Exceeded

Back ground	Theta	Azimuth	Distance	Alpha	Delta E Criteria	Delta E Plume	Contrast Criteria	Contrast Plume
Sky	10	141	106.7	28	2	0.000	0.05	0.000
Sky	140	141	106.7	28	2	0.000	0.05	0.000
Terrain	10	141	106.7	28	2	0.000	0.05	0.000
Terrain	140	141	106.7	28	2	0.000	0.05	0.000

It can be seen from the results that the proposed project will not exceed the standards for visibility at sensitive receptors within 100 km.

Visibility was evaluated in proximity to the project in accordance with the California visibility standard.[63] The California Ambient Air Quality Standard for Visibility Reducing Particles policy is a statewide minimum dry air particle extinction limit of 0.23/km averaged from 9 a.m. to 5 p.m. (PSI) when relative humidity is less than 70 percent. Equivalent PM_{10} concentrations when this standard is just met range from about 50μg/m^3 for a fine particle dominated setting (e.g. Sacramento in winter) to 90 or more μg/m^3 for a mixture of coarse and fine particles (e.g. Central Valley summer). The maximum modeled PM_{10} project impact is shown on **Table 6.2-5**. This impact is less than the 90 μg/m^3 limit, therefore is considered to be *less than significant*.

6.4 PROJECT SPECIFIC PUBLIC HEALTH/HAZARDS IMPACTS

6.4.1 HEALTH RISK ASSESSMENT

Toxic Air Contaminants

The analysis is used to determine if the operation of the project would have a significant health risk on the nearby sensitive receptors. The toxic air containments for each source are located in **Appendix V** "AERMOD/HARP Health Risk Impacts."

Health Risk to the Project from Existing Industrial Activities

The project site does not contain existing oil production facilities. The project is located in an area surrounded by suburban developments with sparse commercial and vacant land and farmland approximately one (1) kilometer to the south in the City of Bakersfield. Most of the sensitive receptors consist of the surrounding residences that extend from the project boundary up to, and exceeding, the two (2) kilometer radius used in the analysis. Within the two (2) kilometer radius there are six (6) schools that were modeled using receptor placement in varying densities depending on the distance from the project as shown in the set of exhibits included in **Exhibit 10a-d**. There are no industrial projects within a close radius of the project which may significantly impact the project's sensitive receptors.

Health Risk Analysis of Operation of the Project on Existing Sensitive Receptors

The SJVAPCD identifies a sensitive receptor as a location where human populations, especially children, senior citizens, and sick persons, are present, and where there is a reasonable expectation of continuous human exposure to pollutants, according to the averaging period for ambient air quality standards, such as 24-hour, 8-hour or 1-hour. Examples of sensitive receptors include residences, hospitals, and schools.[64] Industrial and commercial uses are not considered sensitive receptors.

[63] Cal EPA, Public Hearing to Consider Amendments to the Ambient Air Quality Standards for Particulate Matter and Sulfates, 2003 .
[64] GAMAQI. March 19, 2015 Revision

Exposure Assessment[65]

The purpose of the exposure assessment is to estimate the extent of public exposure to each substance for which cancer risk will be quantified or non-cancer effects evaluated. This involves emission quantification, modeling of environmental transport, evaluation of environmental fate, identification of exposure routes, identification of exposed populations, and estimating short-term and long-term exposure levels.

Emissions Quantification

For this risk assessment, air toxics emissions from the project were quantified based on the design specifications described above, and analytical sample analyses. Emission estimates were based on hourly and annual emission calculations.

Peak hourly emissions are in units of grams per second (g/s).

Annual emissions (g/s) = (Peak Hourly - g/s) x Operating Schedule (hr/day) x days per year (day/yr) / (8,760 hr/yr)

This results in an annualized emission rate of the pollutant expressed on a short-term basis.

Modeling of Environmental Transport

The Hot Spots Analysis and Reporting Program - Version 18159[66] (HARP-2) model was utilized for the air toxics exposure assessment. HARP is a computer software package that combines the tools of emission inventory database, facility prioritization calculation, air dispersion modeling, and risk assessment analysis. All of these tools are tied to a single database allowing information to be shared and utilized.
Model control parameters were identical to those utilized for the criteria pollutant impact analysis described above.

AMS/EPA Regulatory Model Improvement Committee, AERMIC Model (AERMOD) atmospheric dispersion model is used for modeling the potential impacts of area sources in simple (i.e., flat) and complex (i.e., hilly) terrain. This program uses Gaussian dispersion to determine concentration of pollutants from sources. It is an accepted mathematical estimate of pollutant levels based on distance from a point source and physical conditions of equipment, site and weather conditions. The model is limited to approximately a 50 kilometer radius; however this analysis reports the impacts at their maximum location. The units of output are micrograms per cubic meter. This model is used for both project specific long term and short term impacts and cumulative impacts.

Identification of Exposure Routes

The exposure analysis included the five pathways including those recommended by the OEHHA (inhalation, dermal exposure, soil ingestion, and mother's milk) and homegrown produce.

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[65] U.S. EPA, User's Guide for the Industrial Source Complex (ISC3) Dispersion Models, EPA-454/B-95-003a and EPA-454/B-95003b, including Addendum dated 2002.
[66] California ARB 'Air Dispersion Modeling & Risk Tool' (HARP-2) latest update February 21, 2017.

Identification of Exposed Populations

For this assessment, the entire surrounding area within a two (2) kilometer radius was reviewed for potential sensitive receptors. There are residences surrounding the project and several scattered commercial developments within a two-kilometer radius. Receptors were placed in a polar grid using the SJVAPCD's modeling guidance on all of the residences and a Cartesian grid was used to model potential worksite receptors, including farmland, commercial. All potential existing sensitive populations to include residences, schools, hospitals, churches, etc. were screened. The receptor grid does not represent actual persons, but rather, was utilized to determine the locality of the maximum predicted impacts to neighboring receptors.

Estimated Short- and Long-Term Exposure Levels

The HARP-2 model was used to estimate the acute non-carcinogenic health risk impacts of the project. HARP-2 is a multi-source, multi-pollutant, multi-pathway risk assessment model.

Risk Characterization

Risk characterization is the process of evaluating the risks due to facility emissions. As explained above, the HARP-2 model calculates the estimated cancer and non-cancer health risk based on the predicted short-term and long-term exposure levels for each air toxic at each model receptor. This section presents the total predicted individual cancer risk for residential and working populations and the total population excess cancer burden. It also evaluates the predicted non-cancer health hazards from the proposed project.

CARB generally considers a potential cancer risk of twenty in a million (i.e., 20×10^{-6}) as significant. For acute or chronic non-cancer health impacts, the significance threshold is 1.0.

Excess Cancer Risk:	20.0×10^{-6}
Non-Cancer Health Hazard Indices:	1.0

Construction Phase Direct Toxic Impacts

Health risk analysis was performed for construction activity. The area of the project was modeled as a source of construction emission and maximum annual diesel particulate matter emission from construction activities was used to estimate the health impacts

Operation Phase Direct Toxic Impacts

Health risk analysis was performed for operation activity. Delivery truck travel paths were modeled using line-volume sources, point-sources were used to model restaurant, fast food, truck idling and refrigeration units, and gasoline dispensing operation (GDO) loading and breathing related emissions. GDO refill and spillage were modeled using volume sources.

Cancer Impacts

The total individual excess cancer risk is defined as the cancer risk a hypothetical individual faces if exposed to carcinogenic emissions from a particular facility continuously, 24 hours a day, 261 days a year, for the four year life of the project. This risk is defined as an excess risk because it is above and beyond the background cancer risk to the population.

Since the modeled maximum cancer risk is lower than the 20E-06 threshold, the impact is considered *less than significant*. Regarding the worker screening; there were no apparent worker receptors in the area, therefore, the entire two-kilometer radius was treated as being all sensitive receptors. Therefore, the entire area was screened in the most stringent possible way with the Health Risk Analysis model (70-year exposure with full time screening at each receptor). The detailed model results are contained in **Appendix V**.

The health risk associated with these criteria pollutant impacts are discussed in **Section 3.2,** "Description of Pollutants."

Chronic Non-Cancer Health Impacts

Scientists at OEHHA have established No Adverse Effect Level (NAEL) concentrations for non-carcinogenic chemicals. In determining these thresholds, OEHHA has assumed continuous exposure, 24 hours a day, 365 days a year, with a 70-year exposure. According to OEHHA, exposure to non-carcinogens at or below the chronic NAEL will not result in adverse chronic non-cancer health effects to the public.

TABLE 6.4-1
Maximum Exposed Residential & Worker Receptors
Cancer Risk

Residential Receptor				
Emissions Source	#	**UTM Easting (meters)**	**UTM Northing (meters)**	**Maximum Risk***
Construction	3618	314604	3906316	3.08E-06
Operation	3630	314632	3906157	1.78E-07
			Cumulative Risk:	3.25E-06

Worker Receptor				
Emissions Source	#	**UTM Easting (meters)**	**UTM Northing (meters)**	**Maximum Risk***
Construction	31	314604	3906316	2.05E-07
Operation	43	314632	3906157	1.12E-08

			Cumulative Risk:	2.16E-07

* 2 year construction period screening beginning at the earliest possible age group: third trimester

Since the modeled maximum cumulative cancer risk is lower than the 20E-06 threshold, the impact is considered *less than significant*. Regarding the worker screening; there were no apparent worker receptors in the area, therefore, the entire two-kilometer radius was treated as being all sensitive receptors. Therefore, the entire area was screened in the most stringent possible way with the Health Risk Analysis model (70-year exposure with full time screening at each receptor). The detailed model results are contained in **Appendix V**.

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TABLE 6.4-2
Maximum Exposed Residential & Worker Receptors
Chronic Non-Cancer Risk

Residential Receptor				
Emissions Source	#	**UTM Easting (meters)**	**UTM Northing (meters)**	**Maximum Risk***
Construction	3618	314604	3906316	6.25E-04
Operation	3630	314632	3906157	4.76E-04
			Cumulative Risk:	1.10E-03

Worker Receptor				
Emissions Source	#	**UTM Easting (meters)**	**UTM Northing (meters)**	**Maximum Risk***
Construction	31	314604	3906316	6.61E-04
Operation	43	314632	3906157	4.76E-04
			Cumulative Risk:	1.14E-03

* 2 year construction period screening beginning at the earliest possible age group: third trimester

Since the modeled maximum cumulative chronic hazard index is lower than 1, the impact is considered *less than significant*. Similar to the cancer risk screening, there were no apparent worker

receptors in the area, therefore, the entire two-kilometer radius was treated as being all sensitive receptors. Therefore, the entire area was screened in the most stringent possible way with the Health Risk Analysis model (70-year exposure with full time screening at each receptor). The model results are contained in **Appendix V**.

The health risk associated with these criteria pollutant impacts are discussed in **Section 3.2,** "Description of Pollutants."

Acute Non-Cancer Health Impacts

Scientists at OEHHA believe that one-hour average exposures at or below the acute NAEL will not result in acute adverse health effects to the public. OEHHA only considers the inhalation exposure pathway for acute health effects.

TABLE 6.4-3
Maximum Exposed Residential & Worker Receptors
Acute Non-Cancer Risk

Residential Receptor				
Emissions Source	#	**UTM Easting (meters)**	**UTM Northing (meters)**	**Maximum Risk***
Construction	N/A**	N/A**	N/A**	N/A**
Operation	3629	314610	3906157	5.22E-04
			Cumulative Risk:	5.22E-04

Worker Receptor				
Emissions Source	#	**UTM Easting (meters)**	**UTM Northing (meters)**	**Maximum Risk***
Construction	N/A**	N/A**	N/A**	N/A**
Operation	42	314610	3906157	5.22E-04
			Cumulative Risk:	5.22E-04

* 2 year construction period screening beginning at the earliest possible age group: third trimester
** No detectible acute (non-cancer) health risk from diesel emissions during construction.

The toxic emissions from construction of the project involve diesel exhaust. Diesel exhaust does not have an acute Reference Exposure Limit (REL) for short term inhalation, therefore, construction acute non-cancer risk is not applicable. Since the modeled maximum cumulative chronic non-cancer hazard index is lower than 1, the impact is considered *less than significant*. The model results are contained in **Appendix V**.

The health risk associated with these criteria pollutant impacts are discussed in **Section 3.2,** "Description of Pollutants."

Uncertainty in Impact Assessment[67]

Predictions of future health risks include substantial uncertainties. There are model and data uncertainties with respect to the assumed emissions, dispersion modeling and toxicological factors, and uncertainties with respect to the characteristics of the potentially exposed population. For example, possible exposure scenarios can be based on the assumption that a person resides in the same location for the average period in U.S. residency (approximately 9 years), or for the 90th percentile of residency (approximately 30 years), or for an entire lifetime (approximately 70 years). Further, that exposure may be assumed at the highest modeled concentration, or some average, or a modestly high concentration representative of the exposed population.

Because risk assessments are often performed to limit impacts to public health, the assumptions used in assessments are typically conservative in nature. The risk assessment methodology described above followed the CAPCOA and OEHHA guidelines, which are specified by regulators with a conservative bias. The following discussion provides qualitative assessments of the uncertainty associated with three major areas of the health risk assessment.

Air Dispersion Modeling

In general, U.S.EPA-approved dispersion models such as AERMOD tend to over-predict concentrations rather than under-predict. For example, the model algorithms assume chemical emissions are not transformed in the atmosphere into other chemical compounds. For certain pollutants, conversion may occur quickly enough to reduce concentrations from the conservative model predictions.

Exposure Assessment

The most important uncertainties related to exposure include the definitions of exposed populations and their exposure characteristics. The choice of a "residential" maximally exposed individual is very conservative in the sense that no real person is likely to spend 24 hours a day, 365 days a year over a 70-year period at exactly the point of highest toxicity-weighted annual average air concentration. The greatest true exposure is likely to be at least 10 times lower than that calculated for the maximum exposed individual (MEI).

Toxicity Assessment

The use of toxicity data in risk estimation is also uncertain. Estimates of toxicity for this risk assessment were obtained from the *Air Toxics Hot Spots Program Risk Assessment Guidelines* (OEHHA, 2015), which is among the most conservative compilations of toxicity information. Toxicity estimates are derived either from observations in humans or from projections derived from experiments with laboratory animals. Human data are obviously more relevant for health risk assessments, but are often uncertain because of: 1) difficulty of estimating exposures associated with the health effect of interest; 2) insufficient study populations; 3) relatively high occupational

[67] OEHHA, Air Toxics "Hot Spots" Program.

exposures (the source of human data) that are extrapolated and applied to low environmental exposures; or 4) variations in the susceptibility of different populations when compared to the population as a whole. Cancer risk coefficients from human data are typically considered proportional to pollutant concentration at any level of exposure (i.e., a linear, no-threshold model), which is conservative at low environmental doses. For non-cancer effects, the lowest exposure known to cause effects in humans is usually divided by uncertainty or safety factors to account for variations in receptor susceptibility and other factors. When toxicity estimates are derived from animal data, they usually involve extra safety factors to account for the possibility of greater sensitivity in humans, and the less-than-human-lifetime observations in animals. Overall, the toxicity assumptions and criteria used in the proposed project's risk assessment tend to over-estimate the risks.

Odor Impacts

Odor is strongest at its source and dissipates with increasing distance. The offensiveness and degree of odor is ultimately dependent on the sensitivity of the receptors exposed to the odor.

Temperature, wind, dust conditions, topography, and the presence of physical obstructions affect the degree of odor impacts on nearby sensitive receptors. The maximum summer temperature in the southern San Joaquin Valley is above 90ºF (**Table 3.1-1**). Odor compounds travel further in warm climates than in relatively cooler climates. During windy conditions, odor compounds are diluted with fresh air and, consequently, disperse more quickly and are less noticeable at a distance. However, wind direction also defines the direction of travel for odors. Physical obstructions, such as windbreaks, cause more rapid dilution of odorous compounds and also capture odor-containing fugitive dust.

Historical wind data from the nearby National Weather Service (NWS) station at the Bakersfield/Kern County – Meadows Field Airport was examined to determine wind patterns in the project area. In the project area, winds generally blow from the northwest or southeast, depending on the time of day and season.

Compounds associated with this project are not known to contribute to odors. The odor impacts are therefore considered *less than significant*.

6.4.2 MOBILE SOURCE CARBON MONOXIDE HOTSPOT IMPACTS

California LINE Source Dispersion Model (CALINE4) [68]

CALINE-4 is an offsite consequence model used in conjunction with traffic related information. This program allows micro scale CO concentrations to be estimated along each roadway corridor or near intersections. This model is designed to identify localized concentrations of carbon monoxide, often termed "hot spots." GAMAQI requires that a CO hotspot analysis be performed if the results of the

[68] Caltrans User's Guide for CL-4: A User Friendly Interface for the CALINE-4 Model for Transportation project Impact Assessments, 1998.

traffic study show a reduction in level of service to "E" or "F" or worsen an existing level of service "F".[69] A Hotspot analysis provides an estimate of localized concentration (i.e., micrograms per cubic meter) of CO related to mobile sources. This model is used for cumulative traffic related impacts.

Carbon monoxide emissions are a function of vehicle idling time and, thus, under normal meteorological conditions, depend on traffic flow conditions. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source. Under certain extreme meteorological conditions, however, CO concentrations close to a congested roadway or intersection may reach unhealthful levels, affecting sensitive receptors (residents, school children, hospital patients, the elderly, etc.). Typically, high CO concentrations are associated with roadways or intersections operating at an unacceptable Level of Service (LOS).

A traffic study was prepared by Ruettgers & Schuler Civil Engineers. Mitigation is typically required for intersections which are projected to have a LOS of D or worse by the year 2035. Mitigation ensures the LOS is D or C. Based on the study, a hot spot analysis is not required.

Therefore, the project-specific CO health risks from the surrounding intersections are considered *less than significant*.

7 CUMULATIVE IMPACTS

The Cumulative Impact Analyses are broken into five sub-elements:

- Cumulative Criteria Air Pollutant Impacts
- Cumulative Carbon Monoxide Hot Spots Impacts
- Cumulative Visibility Impacts
- Cumulative Public Health/Hazards Impacts
- TCAG Conformity Analysis
- Triennial Plan Projections Approach

This Air Quality Impact Assessment considered the effects of the project with the cumulative impacts of growth in the area. The *Guide for Assessing and Mitigating Air Quality Impacts*[70] under CEQA defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The document also states, "any proposed project that would individually have a significant air quality impact… would also be considered to have a significant cumulative air quality impact. Impacts of local pollutants (CO, TACs) are cumulatively significant when modeling shows that the combined emissions from the project and other existing and planned projects will exceed air quality standards."[71] If a project related air quality impact is individually less than significant, the impacts

[69] GAMAQI. March 19, 2015 Revision
[70] GAMAQI. March 19, 2015 Revision
[71] Ibid.

of reasonably anticipated future activities, probable future projects and past projects are included based on similar air quality impacts, transport considerations and geographic location.

This project is fully mitigated or is mitigated to less than significant. Cumulative impacts of the proposed project when considered together with past, existing and reasonably foreseeable future projects are not cumulatively considerable and are less than significant. A cumulative impact analysis has been included in this study. This analysis considered the following cumulative impacts:

Cumulative Ozone Impacts - Ozone impacts are the result of the cumulative emissions from numerous sources in the region and transport from outside the region. Ozone is produced in chemical reactions involving ROG, NO_X, and sunlight.

Cumulative PM_{10} and $PM_{2.5}$ Impacts - PM_{10} and $PM_{2.5}$ has the potential to cause significant local problems during periods of dry conditions accompanied by high winds, and during periods of heavy earth disturbing activities. PM_{10} and $PM_{2.5}$ may have cumulative local impacts, if, for example, several unrelated grading or earth-moving projects are underway simultaneously at nearby sites.

Cumulative CO Impacts – Cumulative carbon monoxide impacts are accounted for in the CO "Hot Spot" screening analysis described earlier in this document.

Cumulative Hazardous Air Pollutant (TAC) Impacts – Cumulative analysis for TACs focused on local impacts on sensitive receptors. The SJVAPCD recommends screening a radius of 1 mile for TAC cumulative impacts.

Cumulative Odor Impacts – Cumulative analysis for odors focused on local impacts on sensitive receptors.

The Lead Agency has determined that a quantitative cumulative analysis needs to be prepared when the proposed project will be individually significant or when a zone change or general plan amendment is required.

The cumulative analysis is based, in part, on a quantitative analysis of projects in the vicinity of the proposed project, and is supplemented with the State of California Department of Finance population projections, and an analysis of data utilized by the Kern Council of Governments' (Kern COG) adopted regional growth forecast used for the regional air quality conformity analysis required by the 1990 Federal Clean Air Act Amendments (CAAA).[72] The nearby project analysis quantifies operational project impacts along with all identified projects in the vicinity of the proposed site for comparison with San Joaquin Valley Air Basin and the basin's Kern County portion totals for NO_X and ROG. The Kern COG analysis confirms whether the proposed project, when added to existing and proposed development and compared with local and regional growth forecasts,[73]

[72] Kern Council of Governments, Final Conformity Analysis for the 2007 Federal Transportation Improvement Program, Amendment #6 and the 2007 Regional Transportation Plan (RTP), October 18, 2007.

[73] This regional approach includes all aspects of growth within the San Joaquin Valley Air Basin including distribution centers, industrial uses, housing, and infrastructure development.

are in line with those forecasts, and therefore, in conformance with SIP emission budgets or baseline emissions for NO_X, ROG, CO and PM_{10}. Along with CO "Hot Spot" analysis and TACs, the combined analyses provide a detailed description of the project's overall cumulative impact on air quality.

7.1 CUMULATIVE CRITERIA POLLUTANTS

Regional Analysis

An analysis was made of the existing and proposed projects within a two (2) kilometer radius of the project. Eleven (11) development projects have been identified and modeled using the CalEEMod Version 2016.3.2 computer model to predict cumulative impacts. The cumulative projects identified were determined based on a Kern County Cumulative GIS map (See **Exhibit 6 "**Cumulative Projects Radius Map"). Some projects that have not yet been approved may not appear in this study. Emissions for the operational phase of the proposed projects were based on housing lot totals and commercial acreage totals provided by the City of Bakersfield Planning Department. Building square footages were estimated where information was not available. In accordance with SJVAPCD guidance, fireplaces were not considered.

Tables 7.1-1 and **7.1-2** show the projects construction and operational emissions prior to imposition of mandatory new indirect source offsets or discounting of design benefits or other mitigations which may be imposed on the projects which are in the review cycle versus those that are entitled and not yet constructed or operational. Cumulative Construction Emissions represent an average annual emission rate associated with construction compared to the average annual construction related emissions associated with the proposed project. Operational emissions were calculated for the year 2021 for the proposed and cumulative projects; a construction schedule was generated by CalEEMod. Due to CalEEMod's limitations of handling multiple projects at once individual runs were performed for each project and mitigated results summed. In subsequent years vehicle emissions calculated by the model decrease due to the imposition of scheduled mobile source regulatory requirements. The predicted model outputs, including the proposed project, are summarized in **Tables 7.1-1 and 7.1-2**, and attached in **Appendix VII** "CalEEMod Cumulative Impact Modeling."

TABLE 7.1-1
Cumulative Construction Emissions (tons/year)

Name	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
This Project	0.6035	3.8365	3.0118	0.00742	0.4415	0.2482
Cumulative Projects	71.2968	54.1138	38.7821	0.12247	7.819	4.1711
Total	71.9003	57.9503	41.7939	0.12989	8.2605	4.4193

TABLE 7.1-2
Cumulative Emissions -Operational Sources (tons/year)

Name	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
This Project	1.39186	3.00394	8.58818	0.02466	2.19084	0.60354
Cumulative Projects	148.4595	1084.334	903.9304	4.05024	224.3022	63.1126
Total	149.85136	1087.33794	912.51858	4.0749	226.49304	63.71614

Cumulative Emissions – Construction & Operational Sources (tons/year)

Name	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Total	221.75	1145.29	954.31	4.20	234.75	68.14

These emissions may be overstated due to the fact that the list includes discretionary projects that are subject to mitigation measures which have yet to be determined. Additionally, emissions modeling used conservative assumptions and default values extensively, this tends to cause significant overstatement of emissions values.

The San Joaquin Valley Air Basin has been designated as a non-attainment area for the ozone standards, both federal and state. A quantitative modeling analysis was conducted to address potential cumulative criteria pollutant impacts in the project area. The modeling approach employed is consistent with federal, state and SJVAPCD guidance for considering the impacts from various stationary sources.

Under federal modeling guidance, "nearby" sources are considered to determine cumulative ambient impacts. The federal *Guideline on Air Quality Models*[74] defines a "nearby" source as any source expected to cause a significant concentration gradient in the vicinity of the proposed new source. Vicinity is defined as the "impact area," which is a circular area with a radius extending from the source to the most distant point where the model predicts an impact in excess of the significance threshold.[75] Under federal guidance, no additional modeling would be required if the maximum impacts do not exceed the significance threshold.

The initial model indicated that the PSD SIL shown in **Table 6.2-5** has not been exceeded at the limits of the proposed project's fence line; therefore in accordance with New Source Review (NSR) regulations and PSD guidelines issued by U.S. EPA, the project will not conflict with or obstruct implementation of SJVAPCD's air quality plan, cause a violation of the CO standard, or impact the attainment status of SJVAPCD. Additionally, since the project is below the PSD SIL, the cumulative impact will be *less than significant*.

[74] U.S. EPA, 2003.
[75] Ibid

7.2 CUMULATIVE VISIBILITY

As discussed in the thresholds section of this study the threshold for the California visibility is correlated to the standard Extinction Coefficient of 0.23 per kilometer. This equates to 90 μg/m^3 of PM_{10}. There is no modeled PM_{10} impact for the project. Due to this fact, the project is considered *less than significant.*

7.3 CUMULATIVE OPERATIONAL EMISSIONS

Long-Term Operational Emissions differ from Cumulative Criteria Pollutant Impacts in that Long-Term Operational impacts are based on contributions to the surrounding inventory. In contrast, Criteria Pollutant impacts are based on concentration related impacts to the immediate surroundings within the limits of the model. The long-term emissions from similar past, present and future foreseeable related projects in the SJVAB south of the project are combined to consider the cumulative impacts. All other known and reasonably foreseeable projects in the SJVAB are assumed to be in the Conformity Analysis discussed below in the regional analysis, Kern COG Conformity Analysis.

7.4 CUMULATIVE PUBLIC HEALTH/HAZARDS

There are no impacted sensitive receptors within the project; therefore the cumulative projects would not pose any public health hazards to the proposed project.

7.5 CONFORMITY ANALYSIS[76] AND DEPARTMENT OF FINANCE PROJECTIONS

7.5.1 KERN COG CONFORMITY ANALYSIS

Utilization of Kern COG data provides a framework for assistance in determining the cumulative significance of a project. Through the demonstration that a project's emissions are less than or consistent with projected growth in a particular local area, linked to a regional air basin projection, which ties to federal requirements, then that project could be said to be *in conformance* cumulatively as it is in line with regional, state and federal emissions budgets and air quality improvement goals.

The Final Conformity Analysis for Amendment #2 to the 2009 Interim Federal Transportation Improvement Program and the 2007 Regional Transportation Plan Amendment #1 complies fully with the July 1, 2004, EPA final rule that amended the transportation conformity rule to include criteria and procedures for the new 8-hour ozone and fine particulate matter ($PM_{2.5}$) national ambient air quality standards.

CEQA guidelines 15064(h)(3) states, "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific

[76] KCOG, Final Conformity Analysis for Amendment #2 to the 2009 Interim Federal Transportation Improvement Program, and 2007 Regional Transportation Plan, Amendment #1, January 15, 2009.

requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."

It is important to note that the Kern COG conformity analysis highlights a project's conformance with existing local planning and does not serve as a determinant of a single project's impact.

7.5.2 CUMULATIVE CONFORMITY ANALYSIS

The proposed project is located in TAZ #340. This project is General Commercial. The project will increase the number of jobs in TAZ #340 above the Kern COG projections.

A regional analysis was made covering TAZ #340 and the abutting TAZs (**Exhibit 7** "Regional Traffic Analysis Zone Map"). Results are attached in **Exhibit 8**: "Regional Traffic Analysis Zone - Jobs Projected Growth" job growth chart. This chart shows the Kern County job projection with job growth as a result of this project.

7.5.3 CONSISTENCY WITH THE AIR QUALITY ATTAINMENT PLAN

The California Clean Air Act requires non-attainment districts with severe air SJVAPCD prepared an Air Quality Attainment Plan for the San Joaquin Valley Air Basin in compliance with the requirements of the Act. The plan requires best available retrofit technology on specific types of stationary sources to reduce emissions. The California Clean Air Act and the Air Quality Attainment Plan also identify transportation control measures as methods of reducing emissions from mobile sources. The California Clean Air Act defines transportation control measures as "any strategy to reduce vehicle trips, vehicle use, vehicle miles traveled, and vehicle idling or traffic congestion for the purpose of reducing motor vehicle emissions." The Air Quality Attainment Plan for the San Joaquin Valley Air Basin identifies the provisions to accommodate the use of bicycles, public transportation, and traffic flow improvements as transportation control measures.

The Air Quality Attainment Plan recognized growth of the population and economy within the SJVAB. The plan predicted the workforce in Kern County to increase along with a 2.2 percent population increase annually from 2002 to 2030 (i.e., 62% total increase uncompounded for 28 years). The project is consistent with the Air Quality Attainment Plan. Therefore, this project when considered with all projects in the proximity transportation analysis zones and in the context of the implementation plans to attain and maintain attainment is considered *less than significant*.

8 GREENHOUSE GASES

GHGs trap heat in the atmosphere and contribute to global climate change, which is defined by the U.S. EPA as any significant change in the measures of climate lasting for an extended period of time, including major changes in temperature, precipitation, wind patterns and other effects.

The principal GHGs[77] resulting from human activity that enter and accumulate in the atmosphere are:

- **CO_2**: Carbon dioxide enters the atmosphere through the burning of fossil fuels (oil, natural gas, coal, etc.), solid waste, trees and wood products, and also as a result of other chemical reactions (e.g., manufacture of cement). Carbon dioxide is also removed from the atmosphere (or sequestered) when it is absorbed by plants as part of the biological carbon cycle.
- **Methane (CH_4)**: Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.
- **Nitrous Oxide (N_2O)**: Nitrous oxide is emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.
- **Fluorinated Gases:** Hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are synthetic, powerful GHGs that are emitted from a variety of industrial processes. Fluorinated gases are often used as substitutes for ozone-depleting substances (i.e., CFCs, HCFCs, and halons). These gases are typically emitted in smaller quantities; but, because they are potent GHGs, they are sometimes referred to as High Global Warming Potential[78] (GWP) gases.

9 GREENHOUSE GASES: REGULATORY SETTING

9.1 FEDERAL

Clean Air Act

In *Massachusetts v. Environmental Protection Agency* (2007) 549 U.S. 497, the U.S. Supreme Court held that the U.S. EPA has authority under the CAA to regulate CO_2 emissions if those emissions pose an endangerment to the public health or welfare.

In 2009, the U.S. EPA issued an endangerment finding under the CAA, concluding that GHGs threaten the public health and welfare of current and future generations and that motor vehicles contribute to GHG pollution. These findings provide the basis for adopting national regulations to mandate GHG emission reductions under the CAA.

Of relevance to the proposed project, to date, the U.S. EPA has exercised its authority to regulate mobile sources that reduce GHG emissions via the control of vehicle manufacturers, as discussed immediately below.

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77 U.S. EPA. Greenhouse Gas (GHG) Emissions. Available at: http://www.epa.gov/climatechange/emissions/index.html. Accessed: September 2016.

78 High GWP gases are non-CO_2 gases that cause the atmosphere to heat faster than CO_2. Specifically, GWPs compare the radiative forcing or ability to trap heat of one metric ton of a GHG to a metric ton of CO_2.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, the Bush Administration issued Executive Order 13432 in 2007 directing the U.S. EPA, the Department of Transportation (DOT), and the DOE to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the National Highway Traffic Safety Administration (NHTSA) issued a final rule regulating fuel efficiency for and GHG emissions from cars and light-duty trucks for model Year 2011; and, in 2010, the U.S. EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Obama issued a memorandum directing the DOT, DOE, U.S. EPA and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the U.S. EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams/mile of CO_2 in model Year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon (mpg) if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the U.S. EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the U.S. EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23% over the 2010 baselines.[79]

Recently, the U.S. EPA and NHTSA finalized the next phase (Phase 2) of the fuel economy and GHG standards for medium- and heavy-duty trucks, which will apply to vehicles with model Year 2018 and later. CARB staff plan to propose a Phase 2 program for California in response to completion of the federal rulemaking.[80]

Energy Independence and Security Act

The Energy Independence and Security Act of 2007 (EISA) facilitates the reduction of national GHG emissions by requiring the following:

- Increasing the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard that requires fuel producers to use at least 36 billion gallons of biofuel in 2022;
- Prescribing or revising standards affecting regional efficiency for heating and cooling products, procedures for new or amended standards, energy conservation, energy efficiency

[79] The emission reductions attributable to the regulations for medium- and heavy-duty trucks were not included in the project's emissions inventory due to the difficulty in quantifying the reductions. Excluding these reductions results in a more conservative (i.e., higher) estimate of emissions for the project.

[80] CARB, CA Phase 2 GHG. Available at: http://www.arb.ca.gov/msprog/onroad/caphase2ghg/caphase2ghg.htm. Accessed: September 2016.

labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances;

- Requiring approximately 25% greater efficiency for light bulbs by phasing out incandescent light bulbs between 2012 and 2014; requiring approximately 200% greater efficiency for light bulbs, or similar energy savings, by 2020; and,
- While superseded by the U.S. EPA and NHTSA actions described above, (i) establishing MPG targets for cars and light trucks and (ii) directing the NHTSA to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for trucks.

Additional provisions of EISA address energy savings in government and public institutions, promote research for alternative energy, additional research in carbon capture, international energy programs, and the creation of green jobs.

9.2 CALIFORNIA

Executive Order S-3-05

In 2005, former Governor Schwarzenegger signed Executive Order S-3-05, which established the following GHG emission reduction targets for California: (1) by 2010, reduce GHG emissions to 2000 levels; (2) by 2020, reduce GHG emissions to 1990 levels; and (3) by 2050, reduce GHG emissions to 80% below 1990 levels.

Assembly Bill 32

AB 32, the California Global Warming Solutions Act of 2006, was enacted after considerable study and expert testimony before the Legislature. The heart of AB 32 is the requirement that statewide GHG emissions be reduced to 1990 levels by 2020 (Health & Safety Code, §38550). In order to achieve this reduction mandate, AB 32 requires CARB to adopt rules and regulations in an open public process that achieve the maximum technologically feasible and cost-effective GHG reductions.

Of relevance to this analysis, in 2007, CARB approved a statewide limit on the GHG emissions level for Year 2020 consistent with the determined 1990 baseline: 427 million MT CO_2e. CARB's adoption of this limit is in accordance with Health & Safety Code Section 38550.

Further, in 2008, CARB adopted the *Climate Change Scoping Plan: A Framework for Change* (Scoping Plan) in accordance with Health & Safety Code Section 38561. The Scoping Plan establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions for various emission sources/sectors to 1990 levels by 2020.

In the Scoping Plan, CARB determined that achieving the 1990 emissions level in 2020 would require a reduction in GHG emissions of approximately 28.5% from the otherwise projected 2020 emissions level; i.e., those emissions that would occur in 2020, absent GHG-reducing laws and

regulations (referred to as Business-As-Usual [BAU]).[81] For example, in further explaining CARB's BAU methodology, CARB assumed that all new electricity generation would be supplied by natural gas plants, no further regulatory action would impact vehicle fuel efficiency, and building energy efficiency codes would be held at 2005 standards.

The Scoping Plan identified a Cap-and-Trade program as one of the strategies California will employ to reduce GHG emissions. The adopted Cap-and-Trade program is implemented by CARB and caps GHG emissions from the industrial, utility, and transportation fuels sectors – which account for roughly 85% of the State's GHG emissions.[82]

In the 2011 Final Supplement to the Scoping Plan's Functional Equivalent Document, CARB revised its estimates of the projected 2020 emissions level in light of the economic recession and the availability of updated information about GHG reduction regulations. Based on the new economic data, CARB determined that achieving the 1990 emissions level by 2020 would require a reduction in GHG emissions of 21.7% (down from 28.5%) from the BAU conditions. When the 2020 emissions level projection also was updated to account for newly implemented regulatory measures, including the Pavley standards (model years 2009–2016) and the Renewable Portfolio Standard (12% to 20%), CARB determined that achieving the 1990 emissions level in 2020 would require a reduction in GHG emissions of 16% (down from 28.5%) from the BAU conditions.

Most recently, in 2014, CARB adopted the *First Update to the Climate Change Scoping Plan: Building on the Framework* (First Update).[83] The First Update found that California is on track to meet the 2020 emissions reduction mandate established by AB 32, and noted that California could reduce emissions further by 2030 to levels squarely in line with those needed to stay on track to reduce emissions to 80% below 1990 levels by 2050 if the State realizes the expected benefits of existing policy goals.

As part of the First Update, CARB recalculated the State's 1990 emissions level using more recent GWPs identified by the International Panel on Climate Change (IPCC). Using the recalculated 1990 emissions level and the revised 2020 emissions level projection identified in the 2011 Final Supplement, CARB determined that achieving the 1990 emissions level by 2020 would require a reduction in GHG emissions of approximately 15% (instead of 28.5% or 16%) from the BAU conditions.

The First Update also includes a strong recommendation from CARB for setting a mid-term statewide GHG emissions reduction target. CARB specifically recommended that the mid-term target be consistent with: (i) the United States' pledge to reduce emissions 42% below 2005 levels (which translates to a 35% reduction from 1990 levels in California); and (ii) the long-term policy goal of reducing emissions to 80% below 1990 levels by 2050. However, to date, there is no legislative authorization for a post-2020 GHG reduction target.

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[81] CARB, (December 2008), "*Climate Change Scoping Plan,*" pg. 12. Available at: https://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed: September 2016.

[82] CARB (May 2014), "*First Update to the Climate Change Scoping Plan,*" p. 85. Available at: https://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed: September 2016.

[83] Health & Safety Code §38561(h) requires CARB to update the Scoping Plan every five years.

Governor's Climate Change Pillars

In his January 2015 inaugural address, Governor Brown provided the framework for a California Climate Strategy, consisting of six key pillars[84]:

- Increase the percentage of renewable energy in the statewide portfolio to 50% by 2030.
- Reduce the use of petroleum fuels in vehicles by 50% by 2030.
- Double energy efficiency savings of existing buildings by 50% by 2030.
- Manage natural and working land to increase carbon sequestration.
- Reduce short-lived climate pollutants, mainly black carbon, fluorinated gases, and CH_4.
- Implement a Safeguarding California plan to provide adaptive management of climate related issues.

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which includes the goal of reducing statewide GHG emissions 40% below 1990 levels by 2030, and reaffirms the goal of reducing statewide GHG emissions 80% below 1990 levels by 2050.

Senate Bill 32

Enacted in 2016, Senate Bill (SB) 32 codifies the 2030 emissions reduction goal of Executive Order B-30-15 by required CARB to ensure that statewide GHG emissions are reduced to 40% below 1990 levels by 2030. Relatedly, CARB currently is preparing an update to its Scoping Plan that will present the State's framework for achievement of the 2030 reduction target.

Energy-Related Sources

As amended by SB 350 (De León, 2015), California's Renewables Portfolio Standard requires retail sellers of electric services to increase procurement from eligible renewable energy resources to 33% of total retail sales by 2020, and 50% of total retail sales by 2030.

Mobile Sources

In 2004, and pursuant to AB 1493 (the Pavley standards), CARB adopted regulations to reduce GHG emissions from passenger vehicles and light-duty trucks with model years 2009–2016. In 2012, CARB approved the Advanced Clean Cars program, a new emissions-control program for passenger vehicles and light-duty trucks with model years 2017–2025. The program combines the control of smog, soot, and GHGs with requirements for greater numbers of zero-emission vehicles. By 2025, when the rules will be fully implemented, new automobiles will emit 34% fewer global warming gases and 75% fewer smog-forming emissions.

Executive Order S-1-07 requires a 10% or greater reduction in the average fuel carbon intensity for transportation fuels in California regulated by CARB by 2020.[85] In 2009, CARB approved the LCFS

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84 CARB, The Governor's Climate Change Pillars: 2030 Greenhouse Gas Reduction Goals. Available at: http://www.arb.ca.gov/cc/pillars/pillars.htm. Accessed: September 2016..

85 Carbon intensity is a measure of the GHG emissions associated with the various production, distribution and use steps in the "lifecycle" of a transportation fuel.

regulations, which became fully effective in April 2010. The LCFS regulations were re-adopted by CARB in September 2015 in response to related litigation.

The Sustainable Communities and Climate Protection Act of 2008, or SB 375, coordinates land use planning, RTPs, and funding priorities to help California meet the GHG reduction mandates established in AB 32.[86] As specifically codified in Government Code Section 65080, SB 375 requires the Metropolitan Planning Organization relevant to the project area (here, the TCAG) to include a Sustainable Communities Strategy in its RTP that will achieve GHG emission reduction targets set by CARB by reducing VMT from light-duty vehicles (i.e., passenger vehicles and light-duty trucks) through the development of more compact, complete, and efficient communities. For the area under TCAG's jurisdiction, including the project site, CARB adopted regional targets for reduction of mobile source-related GHG emissions by 5% for 2020 and by 10% for 2035.

Building Standards

Title 24, Part 6 of the California Code of Regulations regulates the design of building shells and building components. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The 2013 Building Energy Efficiency Standards (2013 Building Standards), effective July 1, 2014, are the currently applicable building standards. However, the California Energy Commission (CEC) has adopted the 2016 Building Energy Efficiency Standards (2016 Building Standards), and those standards will become effective on January 1, 2017, prior the commencement of the project's building construction activities.

Relatedly, the California Public Utilities Commission, CEC, and CARB have a shared, established goal of achieving Zero Net Energy (ZNE) for new construction in California. The key policy timelines include: (1) all new residential construction in California will be ZNE by 2020, and (2) all new commercial construction in California will be ZNE by 2030.

The CEC also periodically amends and enforces Appliance Efficiency Regulations contained in Title 20 of the California Code of Regulations. The regulations establish water and energy efficiency standards for both federally-regulated appliances and non-federally regulated appliances. The most current Appliance Efficiency Regulations, dated July 2015, cover 23 categories of appliances (e.g., refrigerators; plumbing fixtures; dishwashers; clothes washer and dryers; televisions) and apply to appliances offered for sale in California.

In addition to the CEC's efforts, in 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11 of Title 24) is commonly referred to as CALGreen, and establishes voluntary and mandatory standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. CALGreen is periodically amended; the 2016 CALGreen standards will become effective on January 1, 2017.

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[86] The Scoping Plan and subsequent First Update, as adopted by CARB in December 2008 and May 2014, respectively, rely on the requirements of SB 375 to secure GHG emission reductions from local land use decisions.

Solid Waste Diversion

The California Integrated Waste Management Act of 1989 (AB 939), as modified by AB 341, requires each jurisdiction's source reduction and recycling element to include an implementation schedule that shows: (1) diversion of 25% of all solid waste by January 1, 1995, through source reduction, recycling, and composting activities; (2) diversion of 50% of all solid waste on and after January 1, 2000; and (3) diversion of 75% of all solid waste on or after 2020, and annually thereafter. The California Department of Resources Recycling and Recovery (CalRecycle) is required to develop strategies, including source reduction, recycling, and composting activities, to achieve the 2020 goal.

CalRecycle published a discussion document, entitled *California's New Goal: 75 Percent Recycling,* which identified concepts that would assist the State in reaching the 75% goal by 2020. Subsequently, in August 2015, CalRecycle released the *AB 341 Report to the Legislature*, which identifies five priority strategies for achievement of the 75% goal: (1) moving organics out of landfills; (2) expanding recycling/manufacturing infrastructure; (3) exploring new approaches for State and local funding of sustainable waste management programs; (4) promoting State procurement of post-consumer recycled content products; and, (5) promoting extended producer responsibility.

9.3 SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

CEQA-Based Guidance

In December 2009, the SJVAPCD published its report entitled, *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* in which the district, among other things, provides guidance on (i) assessing the significance of project-specific GHG impacts, (ii) identifying and quantifying GHG emission reduction measures for development projects and (iii) providing tools to streamline evaluation of project-specific GHG effects. The SJVAPCD suggests that projects exempt from the requirements of CEQA, and projects complying with an approved plan or mitigation program be determined to have a less than significant cumulative impact. Where projects are not exempt from CEQA and in the absence of an approved plan or mitigation program, projects complying with Best Performance Standards do not require specific quantification of GHG emissions. Projects not fitting any of the described standards, programs or exemptions require quantification of GHG emissions and demonstration that GHG emissions have been reduced or mitigated by 29% from the State's projected 2020 BAU emissions. In addition, where a lead agency has determined that an EIR is required, regardless of whether the project incorporates Best Performance Standards, quantification of GHG emissions is required.

In their document, the SJVAPCD proposes quantitative thresholds including mass of GHG emissions generated per unit of activity, GHG emissions per capita, and percent reduction compared to BAU.

In June 2014, the SJVAPCD published CEQA Determinations of Significance for Projects Subject to CARB's GHG Cap-and Trade Regulation (APR-2025). The SJVAPCD concluded that all GHG emission increases resulting from the combustion of any fuel produced, imported and/or delivered in California are mitigated under Cap-and-Trade. Therefore, GHG emission increases caused by fuel use (other than jet fuels) are determined to have a less than significant impact on global climate change under CEQA.

9.4 KERN COUNTY COUNCIL OF GOVERNMENTS

2014 Sustainable Communities Strategy

As previously discussed, SB 375 requires KCOG to incorporate a Sustainable Communities Strategy into its RTP that achieves the GHG emission reduction targets set by CARB. KCOG's Sustainable Communities Strategy is included in the 2014-2040 Regional Transportation Plan & Sustainable Communities Strategy (RTP/SCS), which was adopted by KCOG in June 2014.

KCOG has released its preliminary Sustainable Communities Strategy (SCS) within the Preliminary 2014 Regional Transportation Plan. The intent of the SCS is to achieve the state's emissions reduction targets for automobiles and light trucks, by better coordinating transportation expenditures with forecasted development patterns. The SCS will also provide opportunities for a stronger economy, healthier environment and safer quality of life for community members in Kern County.

9.5 KERN COUNTY

Regional Transportation Plan

The City of Bakersfield falls within Kern County, which has adopted a Regional Transportation Plan (RTP), a copy of which is available at https://www.arb.ca.gov/cc/sb375/kerncog_2014_rtp.pdf. This plan serves to create progress towards statewide GHG reduction and sustainability goals. As provided on page ES-4 of the County's CAP:

> *Land use is one of the most important elements of effective transportation planning. Kern COG does not have jurisdiction over land use planning, but the agency does advise and encourage dialogue among those involved in the decision making process. The RTP/SCS was developed in consultation with local jurisdictions and is consistent with existing adopted General Plans and Zoning. Kern COG will continue to use the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) to communicate with Kern cities and the county on issues of land use, transportation and air quality, to ensure that land use projects are environmentally sound. At the core of the 2014 RTP are seven goals:*
>
> *1. Mobility – Improve the mobility of people and freight;*
> *2. Accessibility – Improve accessibility to major employment and other regional activity centers;*
> *3. Reliability – Improve the reliability and safety of the transportation system;*
> *4. Efficiency – Maximize the efficiency of the existing and future transportation system;*
> *5. Livability – Promote livable communities;*
> *6. Sustainability – Minimize effects on the environment; and*
> *7. Equity – Ensure an equitable distribution of the benefits among various demographic and user groups.*

The RTP further provides:

The 2014 Regional Transportation Plan (RTP) is a 26-year blueprint that establishes a set of regional transportation goals, policies, and actions intended to guide development of the planned multimodal transportation systems in Kern County. It has been developed through a continuing, comprehensive, and cooperative planning process, and provides for effective coordination between local, regional, state, and federal agencies. The Congestion Management Program (CMP) is designed to ensure that a balanced transportation system is developed, relating population and traffic growth, land use decisions, performance standards, and air quality improvements. New to the 2014 RTP, California's Sustainable Communities and Climate Protection Act, or Senate Bill (SB) 375, calls for the Kern County RTP to include a Sustainable Communities Strategy (SCS) that reduces greenhouse gas (GHG) emissions from passenger vehicles and light-duty trucks by 5 percent per capita by 2020 and 10 percent per capita by 2035 as compared to 2005. The California Air Resources Board (ARB) set the emissions reduction target for Kern County (and other areas of the state). Targets are reflective of conditions in each area of the state and are tailored to address conditions in each area. As will be discussed in more detail below, SB 375 will help meet the State goals included in Assembly Bill 32, the Global Warming Solutions Act of 2006. Meeting these targets will point the County toward overall sustainability and will provide benefits beyond reducing carbon emissions.

The updated RTP includes a Sustainable Communities Strategy (SCS) that reduces greenhouse gas (GHG) emissions from passenger vehicles and light-duty trucks by 5 percent per capita by 2020 and 10 percent per capita by 2035 as compared to 2005. The SCS component of the RTP will work in tandem with other RTP policies to reduce not only CO2 emissions but also federal criteria pollutant emissions. We will achieve and exceed our CO2 emissions reduction target set by CARB by achieving more than a 5% reduction by 2020 and more than a 10% by 2035 compared to the 2005 16.7 lbs. per capita.

Based on the analysis of strategies included in the SCS, CO2 emissions are anticipated to be 14.1% lower than 2005 levels by 2020 and 16.6% lower by 2035, exceeding the targets established by CARB in 2010.

10 GREENHOUSE GASES: ENVIRONMENTAL SETTING

10.1 GREENHOUSE EFFECT

As described by the U.S. EPA, GHGs act like a blanket around Earth, trapping energy in the atmosphere and causing it to warm. This phenomenon is called the greenhouse effect and is natural and necessary to support life on Earth. However, the buildup of GHGs can change Earth's climate and result in dangerous effects to human health and welfare and to ecosystems.[87]

[87] See U.S. EPA. Climate Change: Basic Information. Available at: https://www3.epa.gov/climatechange/basics/. Accessed: September 2016.

10.2 CLIMATE CHANGE EFFECTS

Globally, climate change has the potential to impact numerous environmental resources through anticipated, though uncertain, impacts related to future air temperatures and precipitation patterns.

Scientific modeling predicts that the continued emission of GHGs at or above current rates would induce more extreme climate changes during the 21st century than were observed during the 20th century. A warming of about 0.2 degree Celsius (°C, 0.36°F) per decade is projected, and there are identifiable signs that global warming is taking place, including substantial loss of ice in the Arctic.[88]

The understanding of the role that GHG emissions plays on global climate trends is complex and involves varying uncertainties and a balance of different effects. Acknowledging uncertainties regarding the rate at which anthropogenic (i.e., human caused) GHG emissions may continue to increase,[89] and the impact of such emissions on climate change, the IPCC devises emission scenarios that utilize various assumptions about the rates of economic development, population growth, and technological advancement over the course of the next century. While the projected effects of global warming on weather and climate are uncertain and likely to vary regionally, the following effects are expected by the IPCC.[90]

- It is very likely that the Arctic sea ice cover will continue to shrink and thin, with the Northern Hemisphere spring snow cover and global glacier volume also decreasing;
- It is virtually certain that there will be more frequent hot and fewer cold temperature extremes over most land areas on daily and seasonal timescales, with heat waves occurring at a higher frequency and duration;
- The global ocean will continue to warm during the 21st century, with heat penetrating from the surface to the deep ocean and affecting ocean circulation;
- Further uptake of carbon by the ocean will increase ocean acidification;
- Changes in the global water cycle in response to the warming over the 21st century will not be uniform. The contrast in precipitation between wet and dry regions and between wet and dry seasons will increase, although there may be regional exceptions;

Most aspects of climate change will persist for many centuries even if GHG emissions cease entirely.

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[88] IPCC (2013), "*Climate Change 2013 - The Physical Science Basis - Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.*" Available at: http://www.climatechange2013.org/images/report/WG1AR5_ALL_FINAL.pdf. Accessed: September 2016.

[89] These uncertainties are attributable to various factors under human control, such as future population growth and the locations of that growth; the amount, type, and locations of economic development; the amount, type, and locations of technological advancement; adoption of alternative energy sources; legislative and public initiatives to curb emissions; and public awareness and acceptance of methods for reducing emissions.

[90] IPCC (2013), "*Summary for Policymakers,*" Climate Change 2013 The Physical Science Basis Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Available at: http://www.ipcc.ch/pdf/assessment-report/ar5/wg1/WG1AR5_SPM_FINAL.pdf. Accessed: September 2016.

Potential secondary effects from global warming also include a global rise in sea level, impacts to agriculture and water supply, changes in disease vectors, and changes in habitat and biodiversity.

According to CARB, some of the potential California-specific impacts of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. The California Climate Change Center has released three assessment reports on climate change in California, the most recent in 2012.[91] Per California's Third Climate Change Assessment, by 2050, the State is projected to warm by approximately 2.7°F above 2000 averages, a threefold increase in the rate of warming over the last century.

To protect the State's public health and safety, resources, and economy, the California Natural Resources Agency—in coordination with other State agencies — has updated the *2009 California Climate Adaptation Strategy* with the 2014 *Safeguarding California: Reducing Climate Risk* plan. Additionally, in March 2016, the California Natural Resources Agency released *Safeguarding California: Implementation Action Plans*, a document that shows how California is acting to convert the recommendations contained in the 2014 *Safeguarding California* plan into action. The 2016 *Action Plans* document is divided by ten sectors,[92] and shows the path forward by presenting the risks posed by climate change, the adaptation efforts underway, and the actions that will be taken to safeguard residents, property, communities and natural systems.

10.3 GHG EMISSIONS INVENTORIES

Because the effects of GHG emissions on global climate change extend well beyond the project vicinity, the following discussion provides context regarding global, national, statewide and countywide GHG emission levels. While annual emission inventories provide the basis for establishing historical emission trends, there are many factors affecting GHG emissions, including the state of the economy, changes in demography, improved efficiency, and changes in environmental conditions.

10.3.1 GLOBAL/INTERNATIONAL

The global GHG emissions total reported in 2016 was approximately 49,000 million metric tons (MMT) CO2e. Energy generation, including electricity and transportation, accounts for 24,010 MMT CO2e or 49% of the inventory total. And, CO2 emissions from the United States represent approximately 15% of the global CO2 emissions. [93]

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[91] CEC (July 2012), "*Our Changing Climate 2012: Vulnerability and Adaptation to the Increasing Risks from Climate Change in California.*" Available at: http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf . Accessed: September 2016.

[92] The ten sectors include: agriculture; biodiversity and habitat; emergency management; energy; forestry; land use and community development; oceans and coastal resources and ecosystems; public health; transportation; and, water.

[93] U.S. EPA. Global Greenhouse Gas Emissions Data. Available at: https://www.epa.gov/ghgemissions/global-greenhouse-gas-emissions-data. Accessed: September 2016..

Table 10.3-1
Global CO_2e Emissions Inventory (2016)
(MMT CO_2e)

Sector	Emissions
Electricity and Heat Production (25%)	12,250
Industry (21%)	10,290
Agriculture, Forestry, and Other Land Use (24%)	11,760
Transportation (14%)	6,860
Buildings (6%)	2,940
Other Energy (10%)	4,900

Source: U.S. EPA (2018), *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 – 2016* EPA 430-R-18-003. Available at: https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks. Accessed: November 2018.

10.3.2 UNITED STATES

In 2016, total U.S. GHG emissions were 6,511 MMT CO_2e.[94] The emission inventory by sector in the U.S. for the Year 2014 is shown in **Table 10.3-2** below.

Table 10.3-2
U. S. CO_2e Emissions Inventory (2014)
(MMT CO_2e)

Economic Sector	Emissions
Electricity Generation (28%)	1,823
Transportation (28%)	1,823
Industry (22%)	1,432
Agriculture (9%)	586
Commercial & Residential (11%)	716
Other Energy (2%)	131

Source: U.S. EPA(April 2016), *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 – 2014* EPA 430-R-16-002. Available at: https://www3.epa.gov/climatechange/Downloads/ghgemissions/US-GHG-Inventory-2016-Main-Text.pdf. Accessed: September 2016.

Total U.S. emissions have increased by 2.4% from 1990 to 2016, and emissions increased from 2015 to 2016 by 1.9% (124 MM CO_2e). The decrease from 2015 to 2016 was due to a decrease in CO_2 emissions from fossil fuel combustion as a result from substitution from coal to natural gas and

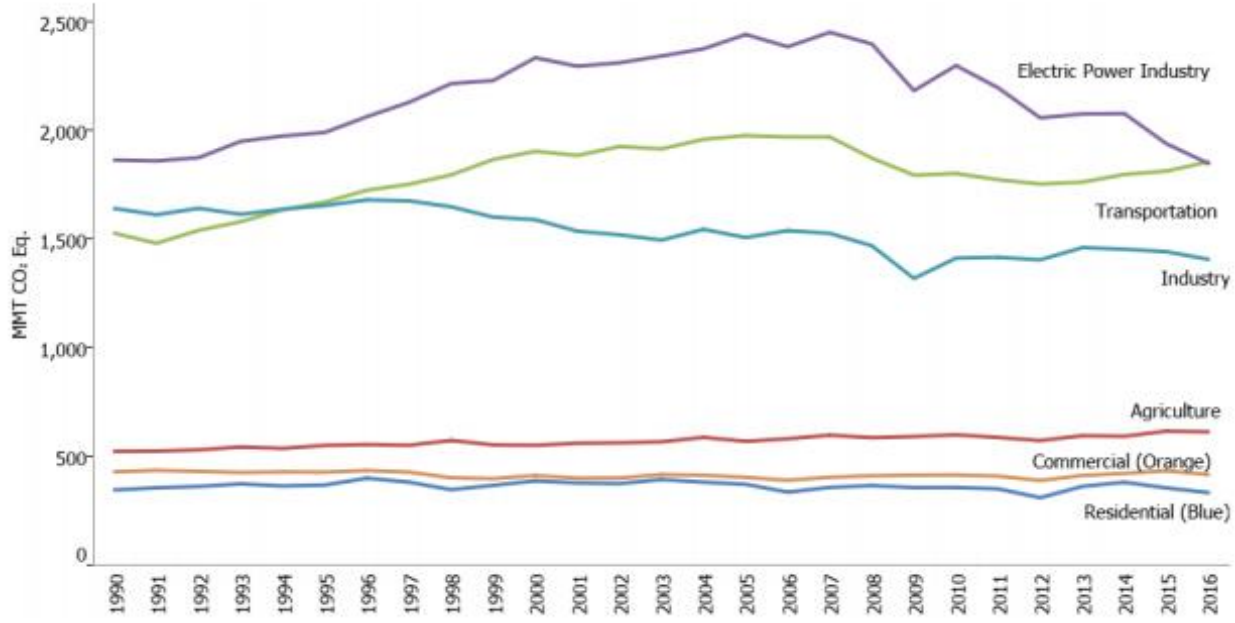
[94] U.S. EPA (April 2016), "*Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 – 2014*" EPA 430-R-16-002. Available at: https://www3.epa.gov/climatechange/Downloads/ghgemissions/US-GHG-Inventory-2016-Main-Text.pdf. Accessed: September 2016.

other non-fossil energy sources in the electric power sector and warmer winter conditions in 2016 resulting in a decreased demand for heating fuel in the residential and commercial sectors.

The primary GHG emitted by human activities in the United States was CO_2, representing approximately 82% of total GHG emissions. The largest source of CO_2 is the combustion of fossil fuels. Emissions resulting from fossil fuel combustion from transportation accounted for the largest portion (36%) of U.S. GHG emissions in 2016. Industrial activities accounted for the second largest portion (27%) and emissions from residential comprised the third largest portion. The commercial economic sector accounts for the remaining emissions generated by fossil fuel combustion.

CO_2e emissions by sector from 1990 through 2016 are shown in **Exhibit 22**. Transportation emissions have increased, electrical and industrial emissions have decreased and agricultural, commercial and residential emissions have remained nearly constant.

Exhibit 22
U. S. Emissions Allocated to Economic Sectors



Reference: Inventory Of U.S. Greenhouse Gas Emissions And Sinks:
1990-2016, USEPA #430-R-18-003

Sinks for GHGs include carbon sequestration in forests, trees in urban areas, agricultural soils, and land-filled yard trimmings and food scraps. These sinks, in aggregate, offset 11.5% of the total emissions in 2016.

10.3.3 CALIFORNIA

In 2016, California emitted approximately 429 MMT CO2e, a decrease of 12 MMT CO2e when compared to the 2015 inventory data (see Table 10.3-3).

Transportation is the source of approximately 39% of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 16%, and industrial sources at 21%. Agriculture and forestry is the source of approximately 8% of the State's GHG emissions. Residential and commercial activities also comprised approximately 9% of the inventory.

Table 10.3-3
California CO_2e Emissions Inventory (1990 to 2016)
(MMT CO_2e)

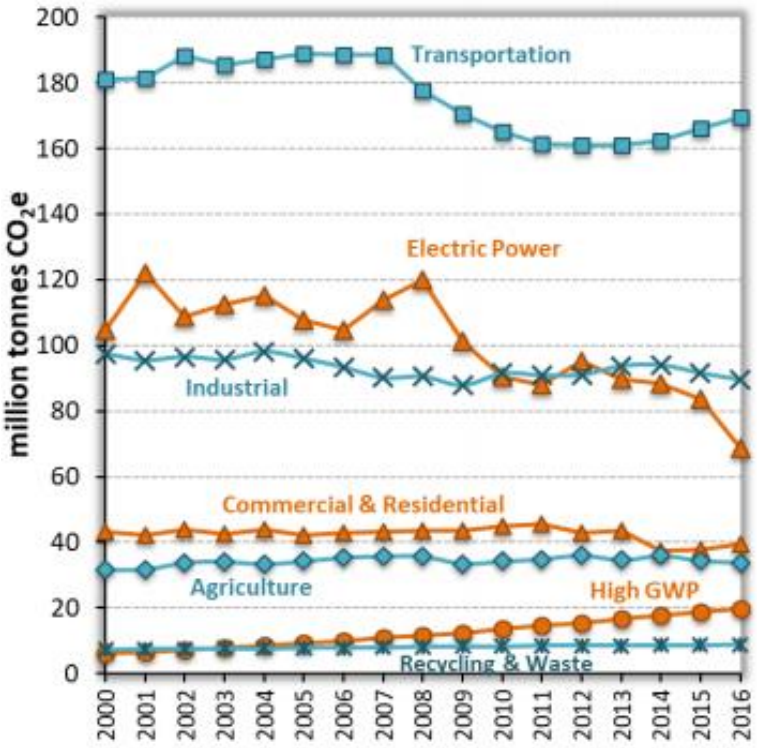
Categories included in the inventory	1990-1999[1]										2000-2016[2]																
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Electricity Generation (In State)	49	46	55	51	59	45	42	44	48	51	59	63	50	48	49	45	50	54	55	54	47	41	51	50	52	51	48
Electricity Generation (Imports)	62	57	50	56	56	54	50	56	58	56	46	59	59	65	66	63	55	60	66	48	44	47	44	40	37	34	26
Transportation	151	147	153	149	151	155	156	159	162	166	179	179	186	183	185	187	187	187	176	170	166	163	163	161	163	163	167
Industrial	103	100	97	95	94	96	98	104	105	102	104	103	104	103	106	104	102	99	99	97	101	101	101	104	104	93	90
Commercial	14	14	12	12	12	12	12	12	13	14	14	14	16	15	16	16	17	17	18	19	20	21	21	22	22	23	23
Residential	30	30	29	29	30	27	27	27	31	32	31	30	30	30	31	30	30	30	31	30	31	32	30	31	27	23	24
Agriculture & Forestry	24	22	23	23	23	24	23	24	24	25	32	32	34	34	34	34	36	36	36	34	35	36	37	35	36	35	34
Not Specified	1	1	1	2	3	5	6	7	8	10	0.4	0.3	0.2	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.7	0.7	0.7	0.7
Net California Emissions Inventory[3]	**427**	**410**	**412**	**409**	**422**	**411**	**409**	**428**	**444**	**451**	**466**	**480**	**480**	**480**	**488**	**480**	**477**	**484**	**481**	**452**	**445**	**442**	**448**	**444**	**442**	**441**	**429**

Notes:

1. CARB (2007), 1990 to 2004 Inventory Data and Documentation. Available at: http://www.arb.ca.gov/cc/inventory/1990level/1990data.htm. Accessed: September 2016.
2. CARB (June 2016), *0F1FCalifornia Greenhouse Gas Emissions for 2000 to 2016 – Trends of Emissions and Other Indicators.* Available at: http://www.arb.ca.gov/cc/inventory/pubs/reports/2000_2014/ghg_inventory_trends_00-14_20160617.pdf. Accessed: September 2016.
3. All numbers are rounded to the nearest whole number.

The inventory for 1990 through 2016 is shown graphically in **Exhibit 23**. The transportation sector remains the largest source of GHG emissions in the State, accounting for 36% of the inventory, and shows a small increase in emissions in 2016. Emissions from the electricity sector continue to decline due to growing zero-GHG energy generation sources. Emissions from the remaining sectors have remained relatively constant.

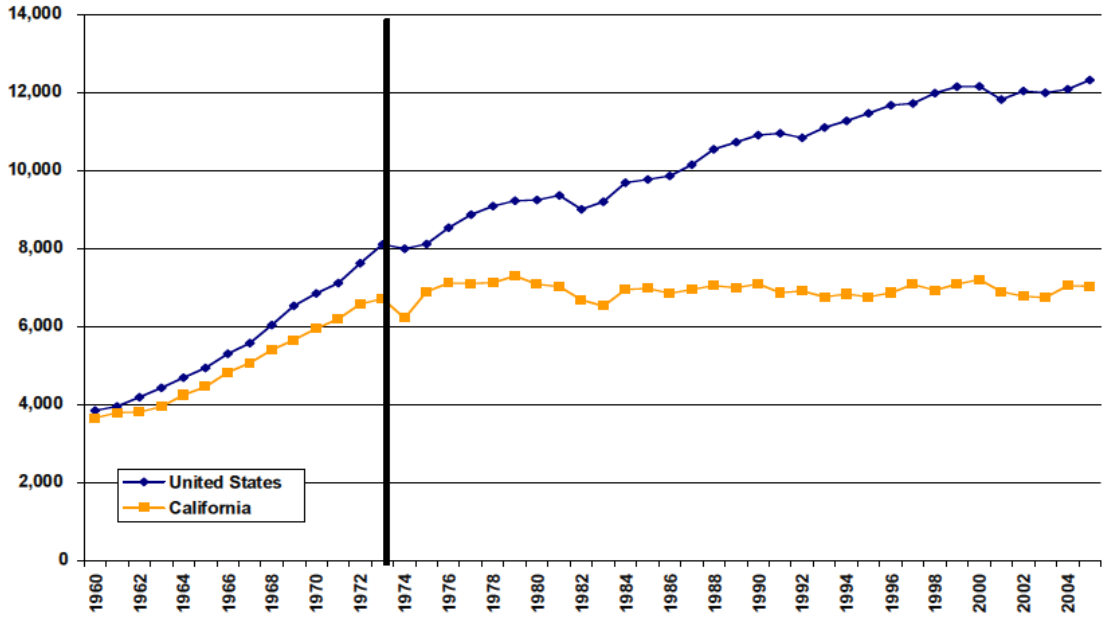
Exhibit 23
California GHG Emissions Trends by Sector (2000 to 2016)



Source: CARB, 2018, California Greenhouse Gas Emissions for 2000 to 2016

When compared to nationwide emissions inventory data, California's relative contribution is due primarily to the sheer size of California, as compared to other states. For example, Californians uses less electricity per person than the nationwide average. While per capita electricity consumption in the United States increased by nearly 50% over the past 30 years, California's per capita electricity use decreased, as shown in **Exhibit 24**, due in large part to cost-effective building and appliance efficiency standards and other energy efficiency programs. Another factor that has reduced California's fuel use and GHG emissions on a per capita basis is its mild climate, as compared to that of many other states.

Exhibit 24
California vs. U.S. Per Capita Electricity Use (1960 to 2005)
(Kilowatt Hours Per Person)



Source: California Energy Commission

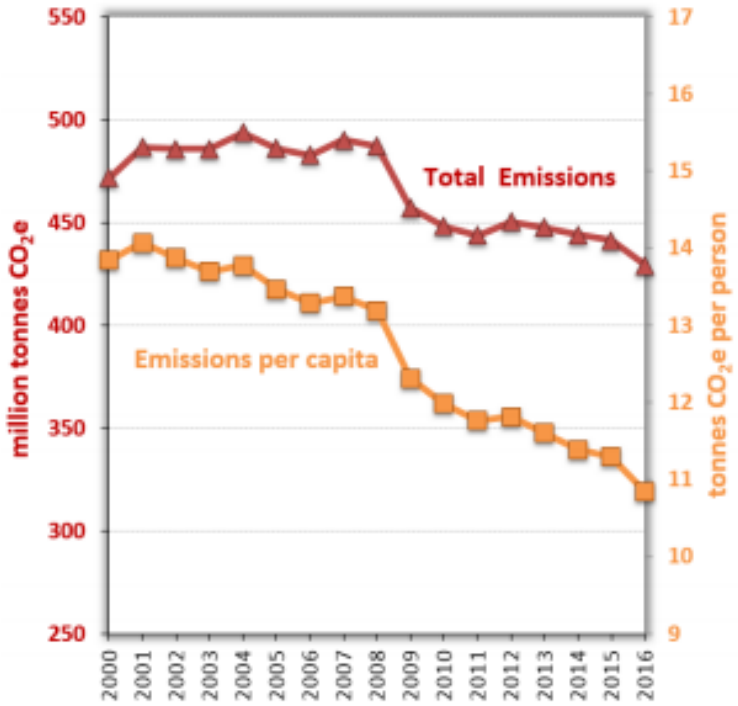
Per Capita Emissions[95]

As illustrated in **Exhibit 25**, in 2016, California had a gross per capita emissions level of 10.8 MT CO_2e/person. This compares favorably with a value of 14.5 MT CO_2e/person in 1990 and 13.9 MT CO_2e/person in 2000.

The per capita comparison is a useful metric for emissions evaluation because it shows that emissions have not grown consistently with population, indicating that various regulatory programs and policies have achieved emission reductions.

[95] CARB (June 2016), "*0F1FCalifornia Greenhouse Gas Emissions for 2000 to 2014 – Trends of Emissions and Other Indicators.*" Available at: http://www.arb.ca.gov/cc/inventory/pubs/reports/2000_2014/ghg_inventory_trends_00-14_20160617.pdf. Accessed: September 2016.

Exhibit 25
Total California GHG Emissions and Emissions per Capita (2000 to 2016)



Source: CARB, 2018, California Greenhouse Gas Emissions for 2000 to 2016

11 GREENHOUSE GASES: THRESHOLDS OF SIGNIFICANCE

11.1 APPENDIX G OF THE CEQA GUIDELINES

Per Appendix G of the CEQA Guidelines, the thresholds of significance for GHGs are:

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?

11.2 STATE OF CALIFORNIA

11.2.1 2020 TARGET

As previously discussed, AB 32 requires the State to return to its 1990 emissions level by 2020. Based on CARB's evaluation in the First Update, the AB 32 mandate equates to a 15% reduction from the estimated BAU emissions. Therefore, the significance evaluation that follows considers whether the proposed project's emissions would achieve a 15% reduction from the estimated BAU emissions, pursuant to the same assumptions used by CARB.

11.2.2 POST-2020 TARGETS

As previously discussed, SB 32 requires a 40% reduction from 1990 levels by 2030, and Executive Order S-3-05 requires an 80% reduction from 1990 levels by 2050. Therefore, the significance evaluation that follows considers whether the proposed project's emissions would conflict with the emissions trends that need to be established to achieve these goals.

11.3 SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

11.3.1 CEQA GUIDANCE FOR LAND USE AGENCIES

In accordance with the SJVAPCD's *Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*,[96] the significance evaluation that follows considers whether the proposed project's emissions would demonstrate a 29% reduction from the estimated BAU emissions.

Additionally, although not specifically issued to address GHGs, the SJVAPCD has published Air Quality Guidelines for General Plans that identify goals, policies and programs designed to reduce vehicle trips and miles traveled, as well as improve energy conservation. Projects with design features or mitigation measures that are consistent with these goals, policies and programs would reduce not only traditional air quality pollutants, but also GHGs. Therefore, the significance evaluation that follows considers whether the proposed project is consistent with the SJVAPCD's Air Quality Guidelines for General Plans.

11.4 KERN COUNCIL OF GOVERNMENTS

11.4.1 2014 SUSTAINABLE COMMUNITIES STRATEGY

The significance evaluation that follows considers whether the proposed project is consistent with the VMT-based metrics, trends and objectives of KCOG's 2014 Sustainable Communities Strategy. This evaluation uniquely focuses on the project's mobile source-related emissions from passenger cars and light-duty trucks.

11.5 KERN COUNTY

11.5.1 CLIMATE ACTION PLAN

The significance evaluation that follows considers whether the proposed project is consistent with the County's CAP, as provided by the Regional Transportation Plan and Sustainable Communities Strategy. The project will be part of the RTP area, and is expected to conform with RTP and SCS requirements.

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[96] SJVAPCD (December 2009), "*Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA.*" Available at: http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf. Accessed: September 2016.

12 PROJECT IMPACTS

12.1 MODELS AND METHODS USED IN ANALYSIS

CalEEMod was used to estimate project-generated construction and operational GHG emissions. Operations emissions were estimated for the gas station's completion in the year 2020 and combined with the remaining buildout in the year 2021, when the project has its first full year of operations. Mobile, area, energy, water and solid waste source emissions were estimated based on regulatory requirements, PDFs, and mitigation measures. If no information was available, default values were used.

12.2 RELEVANT PROJECT DESIGN FEATURES AND ELEMENTS

The project does not have any GHG emissions-reducing design features.

12.3 PROJECT-SPECIFIC ANALYSIS

12.3.1 EXISTING CONDITIONS

The property is mainly vacant land except for a number of single-family residences located throughout the property and areas acting as a lot for storage. The surrounding land is primarily residential with sparse commercial developments throughout.

12.3.2 BUSINESS-AS-USUAL EMISSIONS

Business-As-Usual (BAU) is a term used by California agencies to describe the rate of greenhouse gas emissions assuming no climate regulations. It is a projection into the future of the greenhouse gases which could be emitted by projects based on current technologies and existing regulations in the absence of other reductions. BAU includes forecasted demographic and economic growth, whereas the historic CEQA baseline non- greenhouse gas impact analysis does not include any growth factors. Understanding this difference, between historic CEQA analyses and the Greenhouse Gas element of CEQA is critical to a reasoned analysis of Global Climate Change impacts. The baseline for greenhouse gases is BAU.

The Business-As-Usual emissions for the project are estimated assuming the same methodology used by CARB to forecast the state-wide emissions. This projection assumes no change in vehicle fleet mix over time, no intervening climate change reductions measures, strategies or actions, and no VMT reduction from the central location of the jobsite (see **Appendix IX**, "Greenhouse Gas Emission Calculations").

Table 12.3-1
Project GHG Emissions (Business-As-Usual)

Emission Source	Metric Tons/Year CO_2e
Area-Source Emissions	0.01
Energy-Source Emissions	369.44
Mobile-Source Emissions	5,955.68
Waste-Source Emissions	92.79
Water-Source Emissions	25.54
Total Emissions	6,443.46

12.3.2.1 PROJECT UNMITIGATED/ MITIGATED [97]

The project does not have any project specific mitigation measures, therefore the project's unmitigated greenhouse gas emissions are the same as the mitigated emissions. (See **Appendix VIII**, "Greenhouse Gas Emission Calculations")

By year 2020, the enforcement of the California Light-Duty Vehicle Greenhouse Gas Standards, Low Carbon Fuel Standard will reduce the greenhouse gas emissions from mobile sources by approximately 20%.[98] The reduction has been applied to the calculation of project emissions from mobile sources.

Table 12.3-2
Project GHG Emissions (2020)

Emission Source	Metric Tons/Year CO_2e
Area-Source Emissions	0.01
Energy-Source Emissions	369.44
Mobile-Source Emissions	3,423.39
Waste-Source Emissions	92.79
Water-Source Emissions	25.54
Total Emissions	3,911.16

The percent reduction between the project's mitigated emission and Business-As-Usual (BAU) emissions for the project should be equal to or greater than 16%[99] to conform with the goals of AB 32 as indicated in the Scoping Plan supplement; the percent reduction between the project's

[97] This "unmitigated" value is calculated using the CalEEmod program in its currently adopted form with default settings with the exception that WZI conforms to the project specific trip lengths; electricity use and water supply-related emissions are zero; the project is remote and does not require electricity and water is pumped from an existing well to be used for dust control. Since the project does not have mitigation measures, the unmitigated and mitigated are the same.

[98] California Air Resources Board, Climate Change Scoping Plan, May 2014

[99] California Air Resources Board, Aug, 2011, Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document

mitigated emission and 2008 Scoping Plan Baseline emissions should be equal to or greater than 15% to conform with the goals of AB32; the percent reduction between the project's mitigated emission and BAU should be equal to or greater than 29% to conform with the goals of AB 32 in the Climate Change Action Plan (CCAP) with SJVAPCD. Thereby BAU and 2008 Scoping Plan Baseline are both treated as a greenhouse gas baseline for the project level analysis[100].

Table 12.3-3 below illustrate the project's greenhouse gas emissions compared to BAU and 2008 scoping plan baseline emissions. The percentage reductions *does* meet the SJVAPCD required 29% from BAU, explained further in section 12.3.2.2.

TABLE 12.3-3
Comparison of Net BAU and Project Mitigated Emissions (MT-CO_2e)

Emission Source	Business-as-usual	Project Mitigated (2020)
Total Emissions	6,443.46	3,911.16
Percentage Reduction		39.3%

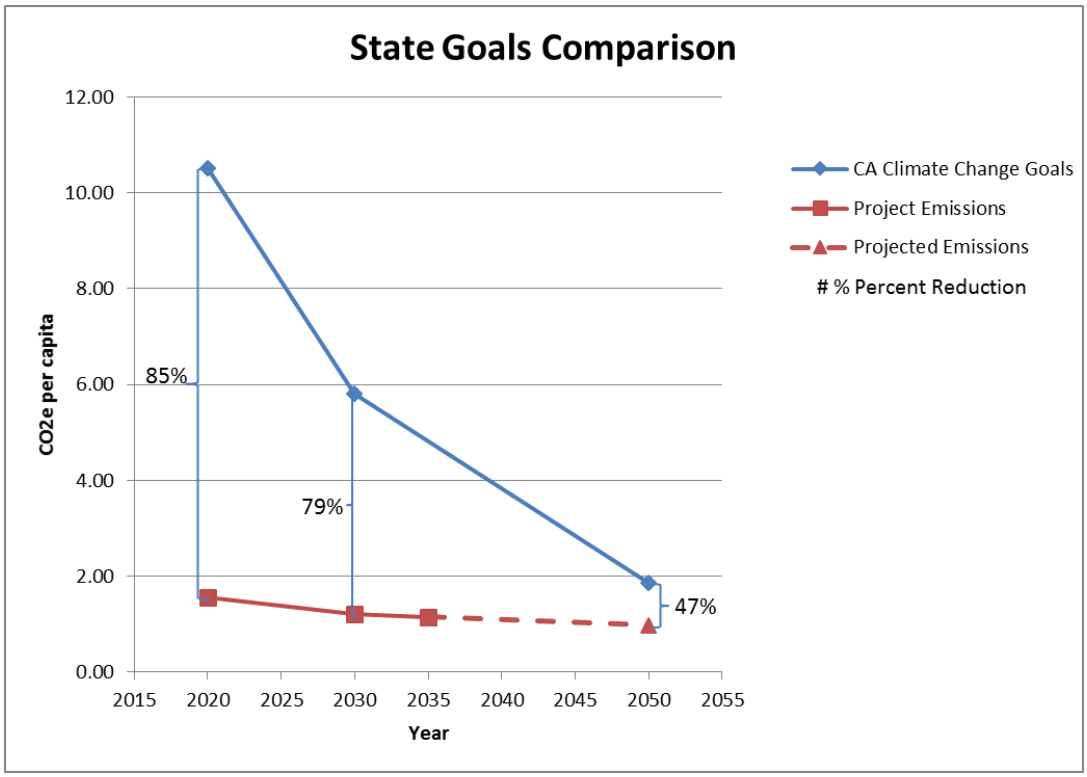
12.3.2.2 CONCLUSION REGARDING PROJECT SPECIFIC IMPACTS

The 29% GHG emission reduction compared to BAU has been met (**Table 12.3-3**). The required GHG reductions are an estimate. The project GHG impact is *less than significant*.

12.3.3 POST-2020 TARGETS

As illustrated in the chart below, the project's emissions trajectory is lower than the State's emissions trajectory on a per capita basis in 2020 and 2030. Specifically, as the chart below demonstrates, the project's per capita emissions remain below state goals through 2035, and if additional reductions from statewide efforts to reach the 2050 goal are applied, the project can be predicted to remain below statewide goals through 2050, and thereby would not obstruct the State's efforts to achieve its post-2020 goals. That being said, it should be noted that the State's inventory data includes sectors/sources not captured by this project.

[100] CARB, Climate Change Scoping Plan, Dec 2008, Pg 108



12.3.4 EVALUATION OF SIGNIFICANCE

Per Appendix G of the CEQA Guidelines, the thresholds of significance for GHGs, and project analysis for each are:

a) *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*

   As discussed in the analysis above, due to project features, and offsetting emissions through Emissions Reduction Credits, the project will not generate GHG emissions that may have a significant impact on the environment.

b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?*

   The project will conform with all applicable state and local plans, policies, and regulations.

Because the project does not exceed significance thresholds for either threshold, the Greenhouse Gas emissions impact of the project is *less than significant*.

13 VALLEY FEVER EXPOSURE

Coccidioidomycosis, more commonly known as "Valley Fever," is an infection caused by inhalation of the spores of the Coccidioides Immitis fungus, which grows in the soils of the southwestern United States. The fungus is very prevalent in the soils of California's San Joaquin Valley,

particularly in Kern County. The ecologic factors that appear to be most conducive to survival and replication of the spores are high summer temperatures, mild winters, sparse rainfall, and alkaline, sandy soils.

Based on skin test surveys, the incidence of Valley Fever is between 25,000 and 100,000 new infections per year, with 70 deaths annually in the United States. It is difficult to determine the exact number of primary pulmonary and disseminated (cases in which the spores spread throughout the body) cases contracted annually, since diagnosis and reporting of cases is very incomplete. In Kern County, data from laboratory test reports indicate the occurrence of about 270 symptomatic infections per year, including 12 disseminated cases with an average of 5 deaths annually.

At least 60 percent of primary coccidioidomycosis is acquired symptomatically, with a positive result on a skin test being the only manifestation of infection. Forty percent of the infections become symptomatic with a disease spectrum ranging from mild influenza-like illness to a fulminating dissemination resulting in death. Primary coccidioidomycosis is limited to the initial lesions in the lungs where symptoms typically include fever, which may be 99 to 104 degrees Fahrenheit, chills, profuse sweating at night, and chest pain, which may worsen to include coughing, loss of appetite, headache, generalized muscle and joint aches, and slight swelling and redness of the joints. The prognosis of primary coccidioidomycosis is usually reliable and symptoms generally clear within two or three weeks. Patients whose symptoms persist after 6 to 8 weeks may be considered to have persistent pulmonary coccidioidomycosis.

Dissemination of coccidioidomycosis to sites in the body other than the lungs usually occurs within the first or second month and can cause a variety of symptoms. Dissemination may involve any organ of the body, except those in the gastrointestinal tract. The skin, bones, joints, meninges, and genitourinary system are most commonly involved. Involvement of a vital organ may result in death. Meningitis occurs in one-third to one-half of all patients with disseminated disease. Untreated coccidioidal meningitis is usually fatal within less than two years.

The five major factors that have an effect on the susceptibility to coccidioidal dissemination are race, sex, pregnancy, age and immunosuppression. In a retrospective study of the Kern County Health Department records, 64 deaths were recorded for the period 1901 to 1936, when the County had a population of 82,570. According to this data, Mexicans were 3.4 times more likely than whites to develop coccidioidal dissemination; blacks were 13.7 times more likely; and Filipinos were 175.5 times more likely. Death due to the disease was five times greater for Mexicans, 23.3 times greater for blacks, and 191.4 times greater for Filipinos than for white patients. Adult white females are ordinarily quite resistant to dissemination of the disease, but if they acquire the infection during the last half of pregnancy, there is a risk that it will spread beyond the lungs. Children under five and older individuals, perhaps those above fifty, also appear to be more likely to undergo dissemination of the infection.

The highest incidence rates within Kern County have occurred in the areas of Northeast Bakersfield, Lamont-Arvin, Taft, and Edwards Air Force Base. New residents to the San Joaquin Valley have usually never been exposed to "Valley Fever," and as a result are particularly susceptible to the infection. Many longtime residents of the area have at some time been exposed to the fungus, become infected, and have recovered, and are thus immune. However, occasionally, changes in the

person's immune system brought about by other diseases or treatments which lower or suppress the immune system can allow a reactivation or reinfection.[101]

The soils in the areas of Arvin and Lamont are derived from decomposing Quaternary alluvial fan deposits. These, however, are sourced from Mesozoic Sierran granitic rocks having a different mineralogical and consequent chemical content than the soil in the area of the project. The soils in the area of Edwards Air Force Base are composed of decomposed, reworked non-marine alluvium, evaporite playa, sand, and terrace deposits. These have been derived from various Mesozoic granitic rocks. The increased aridity and prevalence of evaporites would alter the chemical composition, as compared to the soil in the area of the project, which forms in a wetter environment. The soils in the Taft area are mainly sourced from the nearby outcropping marine Miocene Monterey Formation consisting mainly of sands, silts and diatomites. These again should form a somewhat dissimilar mineralogical and consequent chemical content than the soil in the area of the project. The soils in the area of Sharks Tooth Hill in Northeast Bakersfield which is endemic for San Joaquin Valley Fever, *Coccidioidomycosis,* is composed of the decomposed marine Round Mountain Silt Member of the Miocene Monterey Formation. The soil in the area of the project is derived from decomposing Quaternary fluvial deposits as sourced from the Sierra Nevada Mountains, composed of Cretaceous granites. This rock type would lead to similar soils based upon the similar mineralogical and consequent chemical content. [102, 103]

The subject project area is not underlain by the type of sediments that are known to contain Valley Fever spores. Considering the SJVAPCD Regulation VIII dust control measures, the risk of contracting Valley Fever in connection with the cumulative impact of the subject projects is considered to be unlikely.

[101] http://www.vfce.arizona.edu/FAQ.htm#howdoigetvelleyfever

[102] United States Department of Agriculture, Soil Survey of Kern County California Northwestern Part, "Sheet NO. 30, Kern County, California" (Rosedale Quadrangle). 1988.

[103] State of California, Department of Conservation, Division of Mines and Geology, "Geologic Map of California," Bakersfield Sheet. 1964.

14 REFERENCES

14.1 CRITERIA POLLUTANTS

California Air Resources Board. *Air Pollution Control Laws, Health and Safety Code Div.26 Air Resource, §39000 et seq*. http://www.arb.ca.gov/bluebook/bb00/toc00.htm#hs26

California Air Resources Board. *The California Almanac of Emissions and Air Quality.* http://www.arb.ca.gov/aqd/almanac/almanac.htm

California Air Resources Board. (1992). *Emission Inventory Procedural Manual*, Section 4.10.

California Air Resources Board. *Ambient Air Quality Standards*. Retrieved from http://www.arb.ca.gov/research/aaqs/aaqs2.pdf.

California Air Resources Board. *Air Quality Data Statistics, Toxics Summaries*. Retrieved from http://www.arb.ca.gov/adam/welcome.html

California Energy Commission. (2005). *2005 Building Energy Efficiency Standards, Residential Compliance Manual* CEC-400-2005-005-CMF Revision 3.

Cal EPA Air Resources Board and Office of Environmental Health Hazard Assessment. (2003, May). *Staff Report: Public Hearing to Consider Amendments to the Ambient Air Quality Standards for Particulate Matter and Sulfates.*

CEQA website: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/appendices.html, "CEQA Guidelines Appendices, Appendix G."

Crow, David L. (2003, April). Memorandum, "*Board Briefing Report – Trends in Ozone Air Quality by County for the San Joaquin Valley Air Basin*."

Governor's Office of Planning and Research. (2008, June). "Technical Advisory."

Health Canada. "*Effects of Lead on Human Health*." Retrieved from website: http://www.hc-sc.gc.ca/iyh-vsv/environ/lead-plomb_e.html

Kern County Planning Department, *Revised Update of the General Plan EIR*, SCH No. 2002071027.

San Joaquin Valley Air Pollution Control District's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI)*, March 19, 2015 Revision*.

San Joaquin Valley Air Pollution Control District. (2006). *2006 PM_{10} Plan – San Joaquin Valley Plan to Attain Federal Standards for Particulate Matter 10 Microns and Smaller*.

San Joaquin Valley Air Pollution Control District. (2011, September). *Rules and Regulations*.

San Joaquin Valley Unified Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status retrieved from http://www.valleyair.org/aqinfo/attainment.htm

San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Website: http://www.valleyair.org/transportation/ceqaanalysislevels.htm,

State of California, Office of Environmental Health Hazard Assessment. *CEQA Project Analysis Levels*. Retrieved from http://www.oehha.org/air/toxic_contaminants/leadrpt.html

State of California, Department of Conservation, Division of Mines and Geology, (1964) "Geologic Map of California," Bakersfield Sheet.

USDA. Forest Service, website: http://www.fs.fed.us/

U.S. Department of Transportation. (1999, June 18). "Additional Supplemental Guidance for the Implementation of the Circuit Court Decision Affecting Transportation Conformity."

U.S. Environmental Protection Agency (U.S.EPA). (2000, June). *Air Quality Criteria for Carbon Monoxide*.

U.S. Environmental Protection Agency (U.S.EPA). (1996, July). *Air Quality Criteria for Ozone and Related Photochemical Oxidants*, (Volumes I, II, and III).

U.S. Environmental Protection Agency (U.S.EPA). (1999, May 14). *"Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision*."

U.S. Environmental Protection Agency (U.S.EPA). C. Cowherd, *et al., Control of Open Fugitive Dust Sources,* EPA-450/3-88-008

U.S. Environmental Protection Agency (U.S.EPA). (1990). *Clean Air Act, Title I – Air Pollution Prevention and Control*. Retrieved from http://www.epa.gov/air/caa/title1.html

U.S. Environmental Protection Agency (U.S.EPA). (2003). *Federal Register "Guideline on Air Quality Models," 40 CFR Part 51, Appendix W*.

U.S. Environmental Protection Agency (U.S.EPA). Federal Register *"8-Hour Ozone National Ambient Air Quality Standards; Final Rules,"* 40 CFR Part 81, 40 CFR Parts 50, 51, and 81.

U.S. Environmental Protection Agency (U.S.EPA). (1982, January). *Review of the National Ambient Air Quality Standards for Particulate Matter: Assessment of Scientific and Technical Information*.

U.S. Environmental Protection Agency (U.S.EPA). (2003, April). Memorandum, *"Designations for the Fine Particle National Ambient Air Quality Standards"* From: Jeffrey R. Holmstead.

Utah Department of Environmental Quality Division of Air Quality. Website http://www.airmonitoring.utah.gov/

Western Regional Climate Center website: http://www.wrcc.dri.edu/summary/Climsmsca.html, Bakersfield WSO ARPT, California NCDC 1981-2010 Monthly Normals.

AB 1493 (Pavley). *Briefing Package: Global Warming and Greenhouse Gas Emissions from Motor Vehicles*, Cal EPA, Appendix IV

AB 32 (amended). (2009, April). Retrieved from http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/ab_32_bill_20090402_amended_asm_v98.pdf

Cal EPA Air Resources Board. (2004, June 14). *DRAFT Staff Proposal Regarding the Maximum Feasible and Cost-Effective Reduction of Greenhouse Gas Emissions from Motor Vehicles*.

California Energy Commission. (2003, June 20). *Impact Analysis, 2005 Update to the California Energy Efficiency Standards*.

California Air Pollution Control Officers Association. http://www.capcoa.org

California Air Resourced Board. (2007, November). *Draft Greenhouse Gas inventory*. Retrieved from http://www.arb.ca.gov/cc/inventory/data/tables/rpt_Inventory_IPCC_Sum_2007-11-19.pdf

California Air Resources Board Climate Change Website. http://www.arb.ca.gov/cc/cc.htm

California Air Resources Board. (2007, October). *Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended For Board Consideration*.

California Air Resources Board. (2007, November). *Staff Report- California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit*.

California Air Resources Board. (2007, October). *Early Action Items to Mitigate Climate Change in California*. Retrieved from http://wwwarb.ca.govicc/cceaimeetings/ea final report.pdf

California Air Resources Board. (2008, May). *Initial Statement Of Reasons For Proposed Amendments To The California Consumer Products Regulation*.

California Air Resources Board. (2004, June 14). *DRAFT Staff Proposal Regarding the Maximum Feasible and Cost-Effective Reduction of Greenhouse Gas Emissions for Motor Vehicles*.

California Air Resources Board. (2007, March). Near-Term Solutions for Mitigation of Carbon Dioxide CARB Symposium.

California Air Resources Board. (2008, December). Climate Change Scoping Plan.

California Climate Action Registry. (2009, January). *General Reporting Protocol, Version 3.1*.

California Climate Change Portal. http://www.climatechange.ca.gov.

California Department of Finance. Population Estimate and Projection: http://www.dof.ca.gov/research/demographic/reports/

California Department of Water Resources. Climate Change and California Water Plan Website: http://www.waterplan.water.ca.gov/climate/

California Energy Commission Climate Change Proceedings. http://www.energy.ca.gov/global_climate_change/index.html

California Energy Commission. (2006, October). "*Inventory Of California Greenhouse Gas Emissions And Sinks: 1990 To 2004*", Draft Staff Report, Cec-600-2006-013-D.

California Energy Commission. (2007, December 5). *2007 Integrated Energy Policy Report*.

California Energy Commission. (2007). *Integrated Energy Policy Report Update*, CEC-100-2006-001-CMF.

California Energy Commission. California's Renewable Energy Programs. http://www.energy.ca.gov/renewables/index.html.

California Energy Commission. (2003, June 20). *Impact Analysis, 2005 Update to the California Energy Efficiency Standards for Residential and Non-residential Buildings.*

California Energy Commission. (2007, November 7). *Impact Analysis, 2008 Update to the California Energy Efficiency Standards for Residential and Non-residential Buildings.*

California Environmental Protection Agency Air Resources Board. (2004, August 6). *Technical Support document for Staff Proposal Regarding Reduction of Greenhouse Gas Emissions from Motor Vehicles.*

California Environmental Protection Agency. (2006, March). *Climate Action Team Report to Governor Schwarzenegger and the Legislature .*

California Public Utilities Commission. Climate Change Website: http://www.cpuc.ca.gov/PUC/energy/climate+change

CAPCOA. (2008, January). *CEQA & Climate Change, Evaluation and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*.

CEQA Guidelines. California Code of Regulations, Sections 15000 through 15387.

CIESIN website: http://www.ciesin.org/TG/PI/POLICY/montpro.html

City of Seattle. *U.S. Mayors Climate Protection Agreement*. Retrieved from http://www.seattle.gov/mayor/climate

Climate Action Team. (2006, March). Report to the Governor and Legislature. http://www.climatechange.ca.goviclirnate action_team/reports / index.html.

Climate Action Team. (2007, April). *Proposed Early Action Measures to Mitigate Climate Change in California.* Retrieved from http://www.climatechange.ca.gov/climate_action_team/reports/ 2007-04-20_CAT_REPORT.PDF

Climate Action Team. http://www.climatechange.ca.gov/climate_action_team/

CPUC. (2008). "California Long term Energy Efficiency Plan."

Executive Order S-01-07 (regarding low carbon standard for transportation fuels). http://gov.ca.gov/index.php?/executive-order/5172/

Governor's Office of Planning and Research website: http://www.opr.ca.gov

Green California Website: http://www.green.ca.gov/default.htm

http://www.arb.ca.gov/cc/inventory/data/forecast.htm#summary_forescast

http://www.eia.doe.gov/oiaf/1605/state/state_emissions.html

http://www.epa.gov/climatechange/emissions/index.html

ICLEI Cities for Climate Protection (CCP), http://www.iclei.org/

Institute for Local Government California Climate Action Network: http://www.cacities.org/index.jsp?displaytype=&section=climate&zone=ilsg

Intergovernmental Panel on Climate Change: http://www.ipcc.ch/

Local Governments for Sustainability (ICLEI): http://www.iclei.org

Mayors for Climate Protection: http://www.coolmayors.com

OPR List of Environmental Documents Addressing Climate Change. http://opr.ca.gov/ceqa/pdfs/Environmental_Assessment_Climate_Change.pdf

OPR List of Local Plans Addressing Climate Change. http://opr.ca.gov/ceqa/pdfs/City_and_County_Plans_Addressing_Climate_Change.pdf

Ramseur, Jonathan. (2007, December 5). *CRS Report for the U.S. Congress*.

San Joaquin Valley Air Pollution Control District. (2005). Air Quality Guidelines for General Plans.

SB 1368. http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1351-1400/ab_1368_bill_20090227_introduced.pdf

U.S. Conference of Mayors Climate Protection: http://www.usmayors.org/climateprotection/

U.S. EPA. (2008, April 15). Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 – 2006; EPA 430-R-08-005.

Union of Concerned Scientists and the Ecological Society of America. (1999). Confronting Climate Change in California.

United Nations Framework Convention on Climate Change: http://unfccc.int/2860.php

Biological Study
- of -
10.1 Acres +/- at Northeast Corner of Wible Road and Hosking Road
Assessor's Parcel #525-110-03, 04, 05, 06, and 15
Bakersfield, CA
Portion of SW ¼ of SW ¼ of Section 25, T30S, R27E, M.D.B.&M.

Prepared by: Adam Grimes – MESA Biological, LLC
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Date: November 12, 2018

Prepared for: Mr. Freddie Porter – Porter and Associates

Survey Background. On Novmber 9, 2018, at the request of Mr. Freddie Porter, a Biological Study was conducted on lands within approximately 10.1 acres +/-, located adjacent to a portion of the road limits of the northeast corner of Wible and Hosking Roads in south Bakersfield, CA (Portion of SW ¼ of SW ¼ of Section 25, T30S, R27E, M.D.B.&M.)(Figures 1-4).

While every effort is made to acurately describe and reproduce survey areas in this report (Figure 4), Planning Staff should refer directly to site plans (Figure 4) or other professionally rendered engineering documents for assessing impact acreage. The estimated Biological Clearance Survey area, not including a minimum 50 foot buffer, is approximately 10.1 acres.

Survey Purpose and Methodology. In preparation for review for Zone Change and General Plan Amendment, and California Environmental Quality Act (CEQA) analysis, the Survey and subsequent report are intended to satisfy requirements for species detection and avoidance set forth by regulatory agencies including the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS).

Also, this Biological Study is intended to evaluate the Site for potential effects to biological resources, including special status species, namely those possessing formal

conservation status by federal and state agencies as Threatened or Endangered Species, Species of Special Concern, and California Rare Plant Ranked 1A, 1B, 2A, or 2B. The Site evaluation included an assessment of distinguishing habitat features which may be provided special conservation status and protections by federal and state agencies. In preparation of the report, available scientific and regulatory agency literature, previous survey results and experiences in the region, maps, and online databases were consulted.

California Environmental Quality Act (CEQA) and California Endangered Species Act (CESA). Project permitting and approval requires compliance with CEQA, the 1984 CESA, and the 1977 Native Plant Protection Act (NPPA). The CESA and NPPA authorize the California Fish and Game Commission to designate Endangered, Threatened and Rare species and to regulate the taking of those species (§§2050-2098, Fish and Game Code). The California Code of Regulations (Title 14, §670.5) lists animal species considered Endangered or Threatened by the State.

The Natural Heritage Division of the California Department of Fish and Wildlife (CDFW) administers the state rare species program. The CDFW maintains lists of designated Endangered, Threatened, and Rare plant (CDFW 2016) and animal species (CDFW 2016a-b). Listed species either were designated under the NPPA or designated by the Fish and Game Commission. In addition to recognizing three levels of endangerment, the CDFW can afford interim protection to candidate species while they are being reviewed by the Fish and Wildlife Commission.

The CEQA (California Public Resource Code §§ 21000-21177) requires State agencies, local governments, and special districts to evaluate and disclose impacts from “projects” in the State. Section 15380 of the CEQA Guidelines clearly indicates that Species of Special Concern should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein.

Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are partially relevant to the Species of Special Concern. Project-level impacts to listed (rare, Threatened, or Endangered species) species are generally considered significant, thus requiring lead agencies to prepare an Environmental Impact Report to fully analyze and evaluate the impacts. In assigning “impact significance” to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon’s range affected by a project, regional effects, and impacts to habitat features.

Sensitive habitats include riparian corridors, wetlands, habitats for legally protected species and CDFW Species of Special Concern, areas of high biological diversity, areas providing important wildlife habitat, and unusual or regionally restricted habitat types. Habitat types considered sensitive include those listed on the California Natural Diversity Database’s (CNDDB) working list of “high priority” habitats (i.e., those habitats

that are rare or endangered within the borders of California) (Holland 1986).

CEQA specifies that significance of potential effects, resulting from projects, should be determined and stipulates that under certain conditions, project proponents may be required to prepare certain documents including a Negative Declaration (Section 2180c); Mitigated Negative Declaration (Section 21064.5); and Environmental Impact Report (Sections 21100, 21151).

The CEQA Guidelines establish the threshold for significance of impacts and effects: “a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.”

The Survey was conducted by Biologists experienced with regionally occurring animal and plant species, natural communities, and field survey methodologies. A primary focus of the survey was detection of the presence of potentially occurring sensitive biological species, their respective habitats, and sensitive habitat features. The CDFW and USFWS accepted methods for field surveys to detect presence of potentially occurring special-status plant and animal species were consulted (CBOC 1993, CDFG 2009, USFWS 1999 & 2011).

The intent of the Biological Reconnaissance Survey includes documenting site biological conditions and assessing the Site for potential activity and presence of special-status species. A visual survey of the entire Site was conducted by walking the perimeter of the site and linear transects spaced at less than 50 feet within the perimeter resulting in 100% visual coverage. Survey transects were intuitively controlled to focus on maximizing the potential to detect cryptic and rare species. Surveyed buffer areas were limited to visible portions and publicly accessible areas of adjacent lands (Figures 1-2). A photographic record of site conditions was performed (Figures 5-7).

The Site survey was conducted during a time with high probability of visual detection of potentially occurring listed and special-status species including sign (flowering, conspicuous vegetative period, scat, tracks, nests, potential burrows, etc.) of current or previous presence in the vicinity of the site. Special-status species include those possessing formal conservation status by federal or state agencies as Threatened, Endangered, or Species of Special Concern. In preparation of the report, available scientific and regulatory agency literature, previous survey results and experiences in the region, species occurrence maps, and online databases were consulted (Appendices A and B).

The California Natural Diversity Database and BIOS systems (CDFW), California Native Plan Society (CNPS) Online Rare Plant Inventory, and Information for Planning and Consulting (USFWS- Sacramento Office) were sourced for the Gosford 7.5 Minute USGS Quadrangle and 8 adjacent Quadrangles. Discussions, if applicable, are

constrained strictly to those species or habitats are present or may be potentially present within the limits of the Site.

Under CEQA, the following factors are assessed per Site biological conditions, habitat suitability, and species known to occur in the region of the Site. Impacts for the following are assessed in the scale of significance ranging from Potential-to-None, and also consider Mitigation to offset significance:

- Either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- On any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
- On federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Site Setting. The Site (Assessor's Parcel #525-110-03, 04, 05, 06, and 15) is located at the margins of developed portions of the City of Bakersfield, in Kern County, California. Minor elements of historic rural settlement, including small ranch-ette or farm-type housing and lots exist in small numbers throughout the surrounding area which is otherwise dominated by medium-high density housing development.

Survey Results - Site Conditions. No undisturbed habitat exists within the survey limits. The location currently exists in mixed states of development and cleared lot (historically agricultural use is evident). Disturbance within the limits includes several residential homes, extensive ad hoc storage, shop structures, livestock pens, agricultural equipment, and general equipment debris.

The cleared portions of the Site were recently cleared of surface vegetation. Other portions of open lands were interspersed within the developed portions and show signs of heavy compaction, but were otherwise denuded of vegetation.

Dominant herbaceous vegetation at the Site is included red brome (*Bromus madritensis* ssp. *rubens*), fiddleneck (*Amsinckia intermedia*), field mustards (*Brassica* spp.), and Russian thistle (*Salsola tragus*). A small stand of greened vegetation exists contiguous with what appears to be runoff watering from an adjacent residential lot. Trees on the margin and in adjacent lands consist primarily of ornamental trees and included representation by mulberry (*Morus* spp.), Chinese tree of heaven (*Ailanthus altissima*), camphor (*Cinnamomum camphora*), sweetgum (*Liquidambar styraciflua*), and others. A cellular communication tower, formed to resemble a giant sequoia exists near the east portion of the Site.

Wildlife observed on Site was limited to several small earthen burrows consistent with those excavated by pocket gopher (*Thomomys bottae*). Birds observed at the Site consisted of mourning dove (*Zenaida macroura*), feral pigeon (*Columba livia*), and house sparrow (*Passer domesticus*).

No special-status plant species were observed. Conditions at the Site, including periodic clearing and discing from edge to edge, have likely altered the pre-settlement conditions including soil and other microhabitat components necessary for most native plant species. A high density of nonnative annuals combined with competitive exclusion, isolation from source populations due to proximity and prevalence of disturbance on adjacent parcels, and periodic grading and compaction have likely further reduced the potential for native plant species to re-colonize.

No direct sign of occupation by any special-status species was detected. As the Site has been disced, cleared, and disturbed from edge to edge over several decades, and is isolated from source populations, it is unlikely that the Site would contain many of the regionally occurring native wildlife species. No scat/white-wash, feathers, prey remains, track, etc. was identified in proximity to any earthen burrow or “surrogate” artificial structure such that it would directly indicate occupation by any special-status species.

No nests or nesting behavior activities were observed among any detected wildlife.

No dens, burrows, rest sites, or any surrogate structures, were present which would indicate any presence of potentially occurring species status small mammals. No protocol nest survey was completed.

Biological Resources - Impact Analysis

The following sections are evaluated and assessed based on biological, abiotic, habitat features, and those resources known or suspected to occur in the region of the Site. They are arranged per CEQA-type checklist for Biological Resources.

1. Species Impacts: Either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans,

policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

No sign of occupation in form of direct observation, sign of scat, track, nests, burrows (natural and atypical) was observed.

Due to the isolated nature of the Site, historical land use, lack of nearby source populations of native special status species, and proximity to development, the potential for occurrence of many of the state or federal listed or special-status species is considered unlikely.

Several species considered potentially present within the urban portions of the margin of Bakersfield limits. The vagile nature of the species and nature of open lot use and occupation may provide opportunity for future occupation as well as occasional foraging within the Site limits.

Species which should receive consideration include the San Joaquin kit fox (*Vulpes macrotis mutica*), western burrowing owl (*Athene cunicularia*), and Swainson's hawk (*Buteo swainsoni*).

San Joaquin kit fox (Federal Endangered, State Threatened)- The San Joaquin kit fox is known to reside in many locations throughout the region of the Site. Typical sign of use or occupation may include scat, track, characteristic dens with evidence of prey remains or foraged food and trash items. Kit foxes are known to use multiple dens throughout the year and will also enlarge existing holes, such as those made by other burrowing mammals. Kit foxes are also known to use pipes or "surrogate" artificial structures as dens.

No kit fox or their sign was observed at the Site. While this species was not detected during the biological field surveys, the Site does include habitat consistent with the ecology of this animal and is within the species range. An Incidental Take Permit is typically recommended if Take avoidance cannot be fully achieved.

Swainson's hawk (State Threatened) – None were observed on Site. While the Site exists near the margin of urban development, it is unlikely that the species would elect to utilize any of the mature tree structures for nesting in lieu of other more ideal nest locations in rural settings near agricultural fields where hunting is more ideal. Also, given the high-level of activities under the taller structures, it is unlikely that a nesting pair would tolerate the disturbance to the extent that successful nesting would result.

While no members of this species were detected, and no protocol search was conducted, it may be appropriate to include avoidance measures and required Agency notification if the Site becomes occupied by the species in the future.

Burrowing owl (State Species of Special Concern) - None were observed on Site. Modifications to existing conditions may result in some degree of loss of habitat. The Site has habitat throughout that is considered poor quality with respect to use by this species for both nesting and wintering. Combined with presence detection, loss of habitat at the Site may displace individuals, but is not likely to result in a substantial adverse effect to this species.

2. Riparian Habitat or Sensitive Natural Communities - On any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

No riparian habitat or sensitive natural community exists on the Site or on adjacent parcels.

A single blue-line feature was identified, present strictly on map searches, however, no evidence was present onsite, nor immediately offsite in any direction that would indicate any channel or channelized flow with ingress or egress to and from the Site. Also, no sign of any bed, bank, channel, or constituent elements were present at the Site which would indicate wetlands or wetland features present at the Site.

No Army Corps of Engineers Jurisdictional Delineation (JD) was conducted, and given the complete lack of sign of any feature, vegetation element, or any remnant indication of wetland elements, it is unlikely that any JD would reveal different findings.

3. Federally protected wetlands - On federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

A single blue-line feature was identified, present strictly on map searches, however, no evidence was present onsite, nor immediately offsite in any direction that would indicate any channel or channelized flow with ingress or egress to and from the Site. Also, no sign of any bed, bank, channel, or constituent elements were present at the Site which would indicate wetlands or wetland features present at the Site.

No Army Corps of Engineers Jurisdictional Delineation (JD) was conducted, and given the complete lack of sign of any feature, vegetation element, or any remnant indication of wetland elements, it is unlikely that any JD would reveal different findings.

4. Wildlife Corridors or Native Wildlife Nursery Sites – Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

No nursery, rookery, maternal colony, or any other representative important source of

refuge for wildlife or fish are present on Site or in adjacent lands. Given the location, proximity to urban development and predominantly developed lands in the region, no such wildlife or fish features exist on adjacent lands and migratory or natural movement is not likely to be impeded based on the development of this Site.

5. Local policies or ordinances protecting biological resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Lead Agency review will fully assess impacts and coordinate review with entities to ensure local policy adherence. No known conflict currently exists.

6. Consistent with HCP's and NCCP's - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Lead Agency review and will fully assess impacts and coordinate review with entities to ensure local policy adherence. No known conflict currently exists.

Project Recommendations. As no direct sign of site occupation by kit foxes or other special-status species, including burrowing owl, was observed at the site or within visible portions of immediately adjacent developed and undeveloped lands, potential risk of "take" is considered low; however, some risk of take exists. Mitigation requirements are described in the following section.

Given the presence of a blue line feature (intermittent stream, slough, or other similar type of mapped elements), Agency notification may be appropriate for informal coordination and confirmation of absence of the historically mapped element.

Mitigation and Avoidance Requirements. As no special-status species or their sign was observed during the survey, and no intact habitat exists on Site or on adjacent lands, risk of direct Take is considered low; however, Lead Agency recommendations will aid in determining the mitigation and final avoidance and minimization requirements.

Literature Cited

CDFW. 2018. State and Federally Listed Endangered and Threatened Animals of California. State of California, The Natural Resources Agency, The Department of Fish and Wildlife, Biogeographic Data Branch, California Natural Diversity Database. September 2018.

CDFW. 2018a. State and Federally Listed Endangered, Threatened, and Rare Plants of California. State of California, The Resources Agency, Resource Management and Planning Division, Biogeographic Data Branch, California Natural Diversity Database. September 2018.

CDFW. 2018b. California Natural Diversity Database. State of California, Department of Fish and Wildlife Biogeographic Data Branch. Rarefind Version 5. Accessed October 2018.

CDFW. 2018c. Internet Mapping Application Products and Services: Biogeographic Information and Observation System (BIOS). State of California, Natural Resources Agency: Resource Management and Planning Division, Biogeographic Data Branch. Accessed October 2018.

CDFW. 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. California Department of Fish and Wildlife. November 1994.

CDFW. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. State of California Natural Resources Agency: Department of Fish and Wildlife. November 2009.

CDFW. 2008. California Bird Species of Special Concern. State of California, The Resources Agency, Resource Management and Planning Division, Biogeographic Data Branch, California Natural Diversity Database. April 2008.

Hickman, J.C. (Ed). 1993. The Jepson Manual. Higher Plants of California. University of California Press. Berkeley, CA 1400 p.

Swainson's Hawk Technical Advisory Committee (SHTAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee. May 2000.

USFWS. 1999. San Joaquin Kit Fox Survey Protocol for the Northern Range. Sacramento Fish and Wildlife Office. June 1999.

USWFW. 1998. Recovery plan for upland species of the San Joaquin Valley, California. Region 1, Portland, OR. 319 pp.

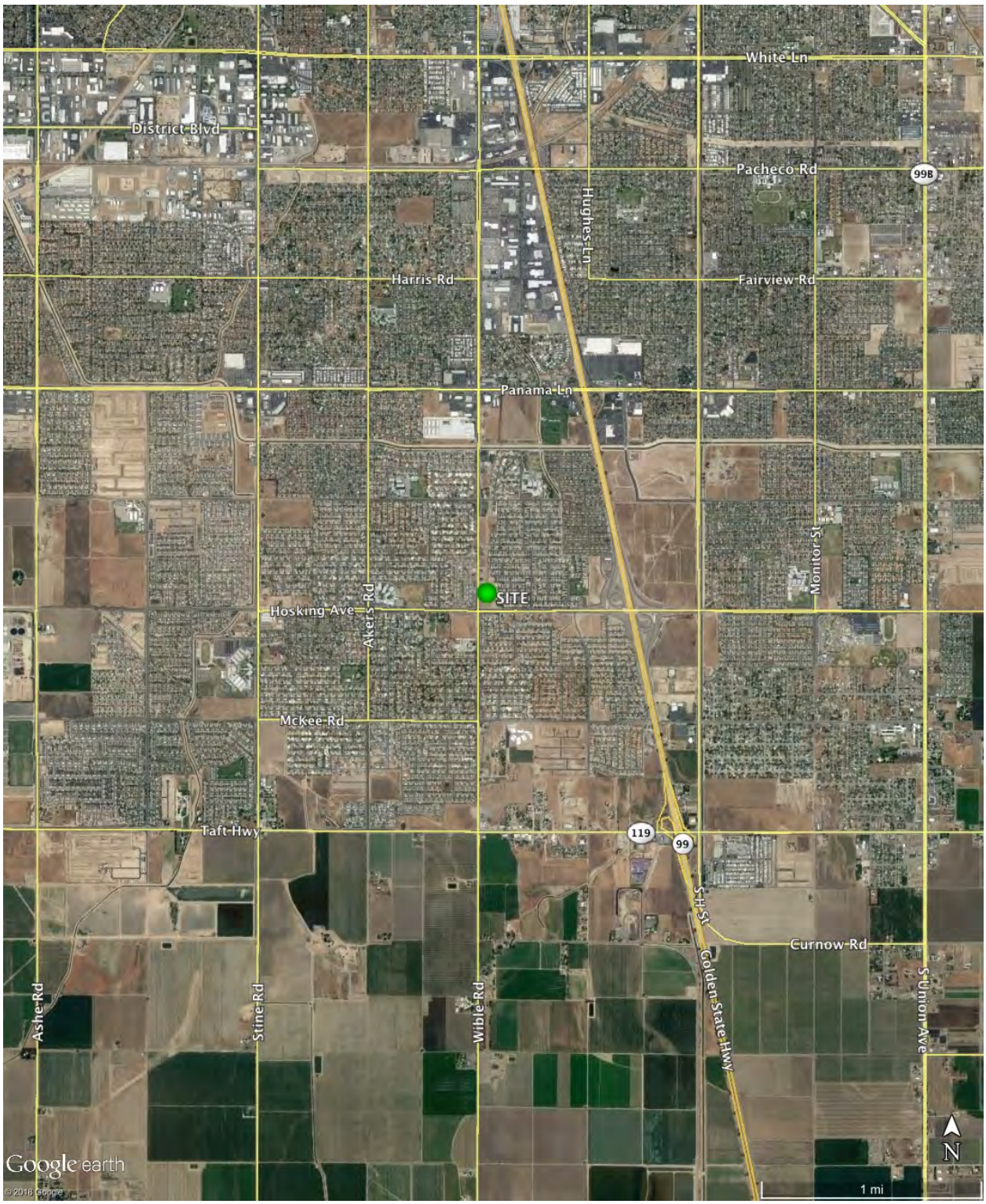


Figure 1. Aerial image of site location (bright green dot) in Bakersfield, CA. Image provided under license by Google Earth Pro 2018.

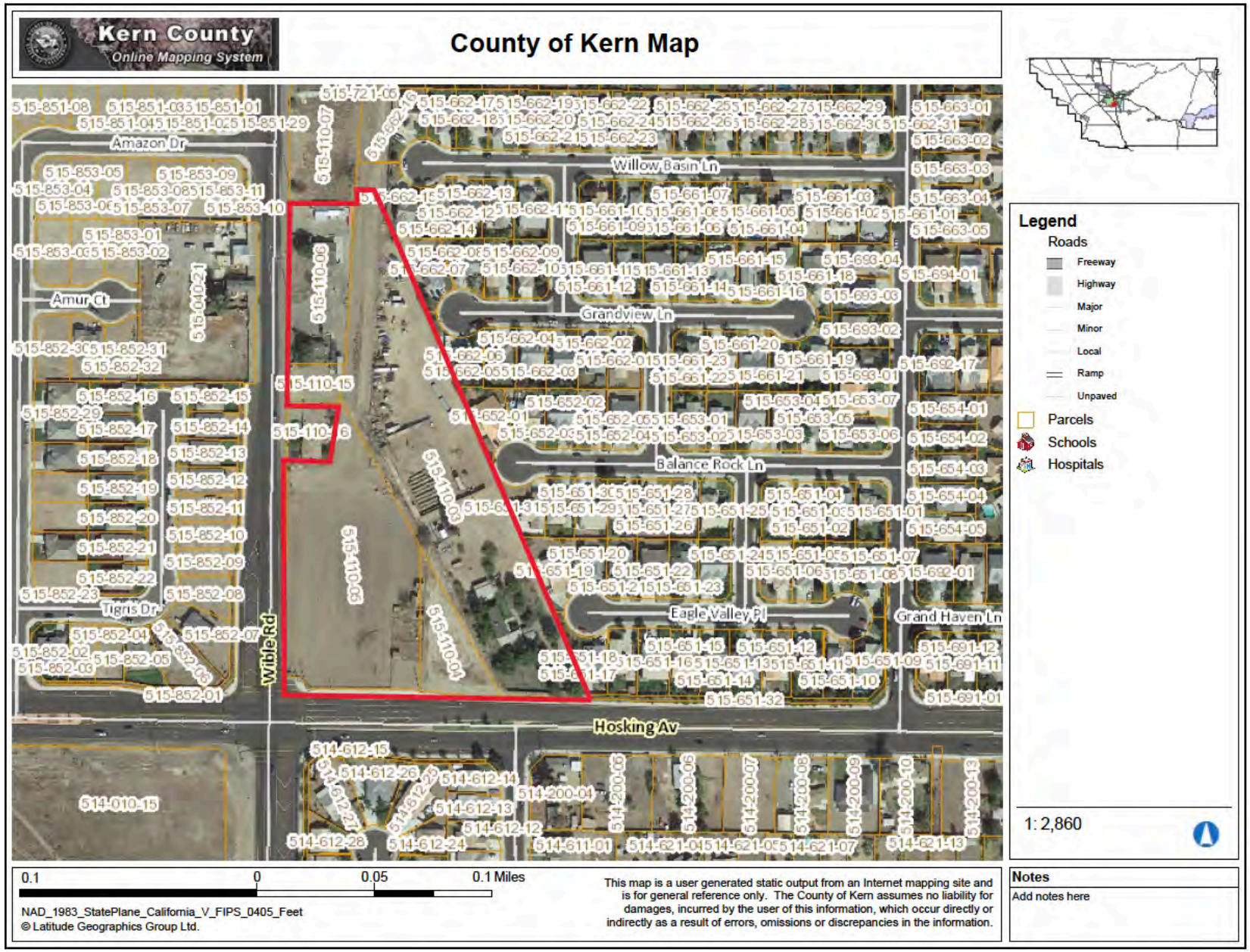


Figure 2. Aerial image of Site project limits and primary survey area (bright green outline).

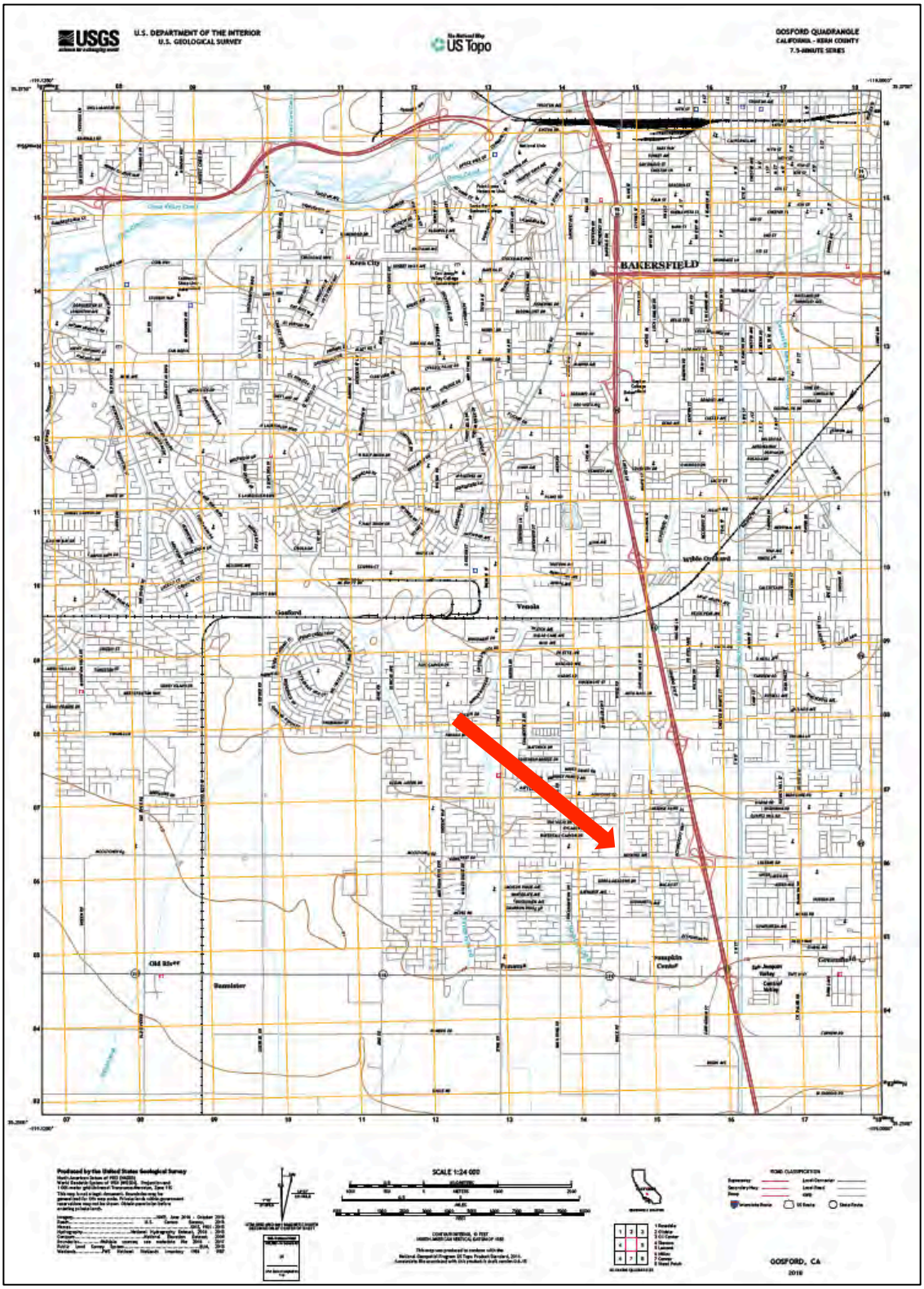
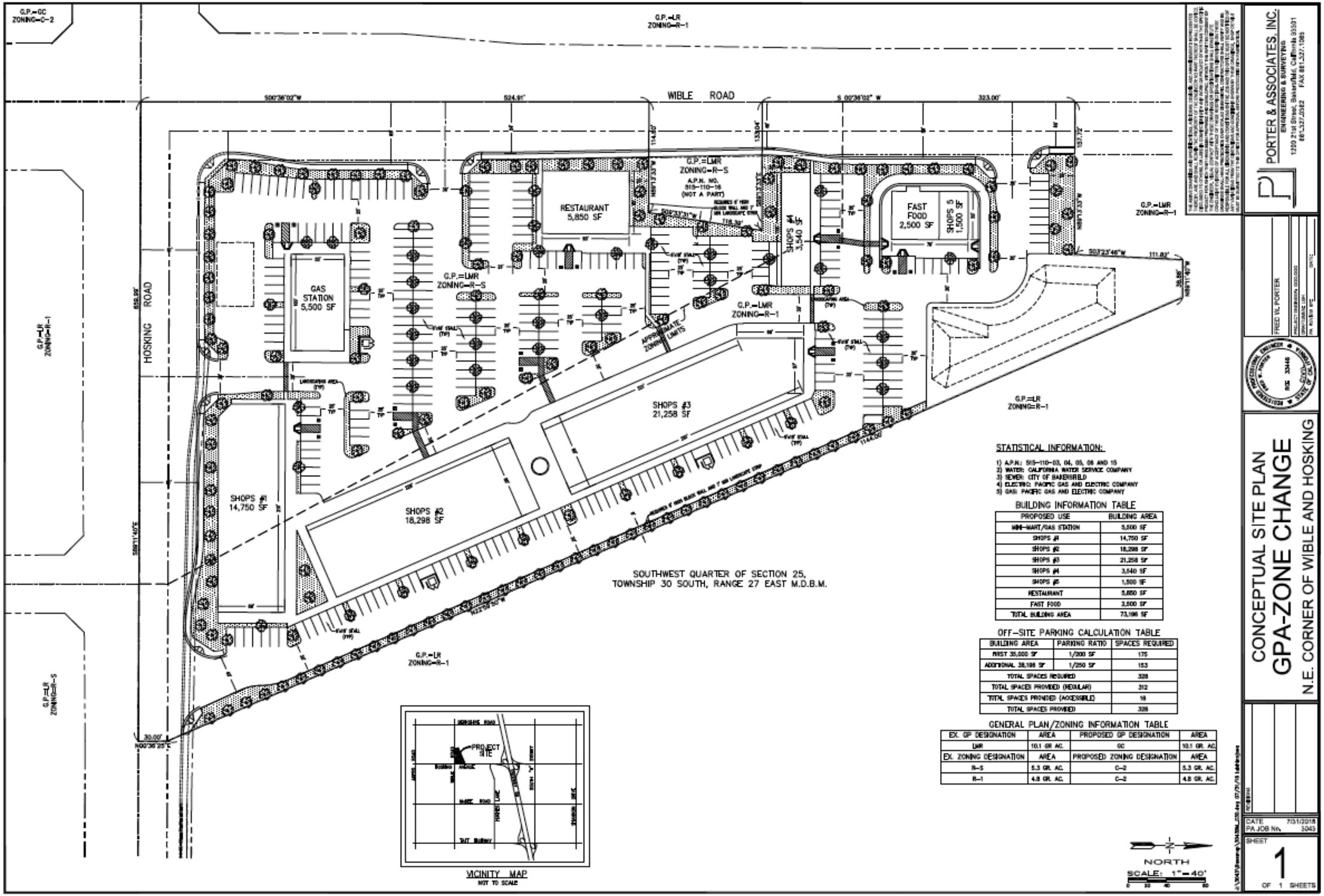


Figure 3. USGS 7.5 Minute Topographic image of Site and surrounding land (National Map Viewer 2018). Red arrow at approximate Site.



STATISTICAL INFORMATION:

1) A.P.N.: 515-110-03, 04, 05, 08 AND 15
2) WATER: CALIFORNIA WATER SERVICE COMPANY
3) SEWER: CITY OF BAKERSFIELD
4) ELECTRIC: PACIFIC GAS AND ELECTRIC COMPANY
5) GAS: PACIFIC GAS AND ELECTRIC COMPANY

BUILDING INFORMATION TABLE

PROPOSED USE	BUILDING AREA
MINI-MART/GAS STATION	5,500 SF
SHOPS #1	14,750 SF
SHOPS #2	18,298 SF
SHOPS #3	21,258 SF
SHOPS #4	3,540 SF
SHOPS #5	1,500 SF
RESTAURANT	5,850 SF
FAST FOOD	2,500 SF
TOTAL BUILDING AREA	73,196 SF

OFF-SITE PARKING CALCULATION TABLE

BUILDING AREA	PARKING RATIO	SPACES REQUIRED
FIRST 35,000 SF	1/200 SF	175
ADDITIONAL 38,196 SF	1/250 SF	153
TOTAL SPACES REQUIRED		328
TOTAL SPACES PROVIDED (REGULAR)		312
TOTAL SPACES PROVIDED (ACCESSIBLE)		16
TOTAL SPACES PROVIDED		328

GENERAL PLAN/ZONING INFORMATION TABLE

EX. GP DESIGNATION	AREA	PROPOSED GP DESIGNATION	AREA
LMR	10.1 GR. AC.	GC	10.1 GR. AC.
EX. ZONING DESIGNATION	AREA	PROPOSED ZONING DESIGNATION	AREA
R-S	5.3 GR. AC.	C-2	5.3 GR. AC.
R-1	4.8 GR. AC.	C-2	4.8 GR. AC.

Figure 4. Client provided line drawing.

Figure 5. Panoramic photograph 120 degrees during survey (November 2018) of Site from approximate north apex and photo center oriented approximately south.

Figure 6. Panoramic photograph 90 degrees during survey (August 2018) of Site from approximate southwest corner and photo center oriented approximately northeast.

Figure 7. Panoramic photograph 90 degrees during survey (August 2018) of Site from approximate southeast corner along undeveloped lot and photo center oriented approximately northwest. Note that the photo reference does not extend to the southeast homestead which was entirely fenced in privacy fencing and otherwise too densely developed to provide a clear reference photo.

Appendix A

Appendix A. CNDDB Species occurrence list generated from nine quad search.

Scientific_Name	Common_Name	Federal_Status	State_Status	CDFW_Status	CA_Rare_Plant_Rank
Batrachoseps relictus	relictual slender salamander	None	None	SSC	-
Lithobates pipiens	northern leopard frog		None	SSC	-
Spea hammondii	western spadefoot	None	None	SSC	-
Aquila chrysaetos	golden eagle	None	None	FP ; WL	-
Buteo swainsoni	Swainson's hawk	None	Threatened	-	-
Ardea alba	great egret	None	None	-	-
Ardea herodias	great blue heron	None	None	-	-
Egretta thula	snowy egret	None	None	-	-
Nycticorax nycticorax	black-crowned night heron	None	None	-	-
Charadrius montanus	mountain plover	None	None	SSC	-
Falco peregrinus anatum	American peregrine falcon	Delisted	Delisted	FP	-
Agelaius tricolor	tricolored blackbird	None	Candidate Endangered	SSC	-
Lanius ludovicianus	loggerhead shrike	None	None	SSC	-
Phalacrocorax auritus	double-crested cormorant	None	None	WL	-
Asio flammeus	short-eared owl	None	None	SSC	-
Asio otus	long-eared owl	None	None	SSC	-
Athene cunicularia	burrowing owl	None	None	SSC	-
Vireo bellii pusillus	least Bell's vireo	Endangered	Endangered	-	-
Andrena macswaini	An andrenid bee	None	None	-	-
Bombus crotchii	Crotch bumble bee	None	None	-	-
Desmocerus californicus dimorphus	valley elderberry longhorn beetle	Threatened	None	-	-
Lytta moesta	moestan blister beetle	None	None	-	-
Lytta morrisoni	Morrison's blister beetle	None	None	-	-
Rhaphiomidas trochilus	Valley mydas fly	None	None	-	-
Danaus plexippus pop. 1	monarch - California overwintering population	None	None	-	-
Vulpes macrotis mutica	San Joaquin kit fox	Endangered	Threatened	-	-
Dipodomys nitratoides nitratoides	Tipton kangaroo rat	Endangered	Endangered	-	-
Perognathus inornatus	San Joaquin Pocket Mouse	None	None	-	-
Eumops perotis californicus	western mastiff bat	None	None	SSC	-
Onychomys torridus tularensis	Tulare grasshopper mouse	None	None	SSC	-
Taxidea taxus	American badger	None	None	SSC	-
Ammospermophilus nelsoni	Nelson's antelope squirrel	None	Threatened	-	-
Antrozous pallidus	pallid bat	None	None	SSC	-
Lasiurus cinereus	hoary bat	None	None	-	-
Helminthoglypta callistoderma	Kern shoulderband	None	None	-	-
Gonidea angulata	western ridged mussel	None	None	-	-
Anniella grinnelli	Bakersfield legless lizard	None	None	SSC	-
Anniella pulchra	northern California legless lizard	None	None	SSC	-
Anniella sp.	California legless lizard	None	None	SSC	-

Arizona elegans occidentalis	California glossy snake	None	None	SSC	-
Masticophis flagellum ruddocki	San Joaquin coachwhip	None	None	SSC	-
Gambelia sila	blunt-nosed leopard lizard	Endangered	Endangered	FP	-
Emys marmorata	western pond turtle	None	None	SSC	-
Phrynosoma blainvillii	coast horned lizard	None	None	SSC	-
Xantusia vigilis sierrae	Sierra night lizard	None	None	SSC	-
Great Valley Cottonwood Riparian Forest	Great Valley Cottonwood Riparian Forest	None	None	-	-
Stabilized Interior Dunes	Stabilized Interior Dunes	None	None	-	-
Valley Saltbush Scrub	Valley Saltbush Scrub	None	None	-	-
Tortula californica	California screw moss	None	None	-	1B.2
Allium howellii var. howellii	Howell's onion	None	None	-	4.3
Heterotheca shevockii	Shevock's golden-aster	None	None	-	1B.3
Lasthenia ferrisiae	Ferris' goldfields	None	None	-	4.2
Layia leucopappa	Comanche Point layia	None	None	-	1B.1
Microseris sylvatica	sylvan microseris	None	None	-	4.2
Monolopia congdonii	San Joaquin woollythreads	Endangered	None	-	1B.2
Pseudobahia peirsonii	San Joaquin adobe sunburst	Threatened	Endangered	-	1B.1
Stylocline citroleum	oil neststraw	None	None	-	1B.1
Azolla microphylla	Mexican mosquito fern	None	None	-	4.2
Caulanthus californicus	California jewelflower	Endangered	Endangered	-	1B.1
Opuntia basilaris var. treleasei	Bakersfield cactus	Endangered	Endangered	-	1B.1
Atriplex cordulata var. cordulata	heartscale	None	None	-	1B.2
Atriplex coronata var. vallicola	Lost Hills crownscale	None	None	-	1B.2
Atriplex tularensis	Bakersfield smallscale	None	Endangered	-	1A
Astragalus hornii var. hornii	Horn's milk-vetch	None	None	-	1B.1
Trichostema ovatum	San Joaquin bluecurls	None	None	-	4.2
Calochortus palmeri var. palmeri	Palmer's mariposa-lily	None	None	-	1B.2
Calochortus striatus	alkali mariposa-lily	None	None	-	1B.2
Fritillaria striata	striped adobe-lily	None	Threatened	-	1B.1
Eremalche parryi ssp. kernensis	Kern mallow	Endangered	None	-	1B.2
Clarkia exilis	slender clarkia	None	None	-	4.3
Clarkia tembloriensis ssp. calientensis	Vasek's clarkia	None	None	-	1B.1
Chloropyron molle ssp. hispidum	hispid salty bird's-beak	None	None	-	1B.1
Eschscholzia lemmonii ssp. kernensis	Tejon poppy	None	None	-	1B.1
Diplacus pictus	calico monkeyflower	None	None	-	1B.2
Imperata brevifolia	California satintail	None	None	-	2B.1
Puccinellia simplex	California alkali grass	None	None	-	1B.2
Eriastrum hooveri	Hoover's eriastrum	Delisted	None	-	4.2
Eriastrum tracyi	Tracy's eriastrum	None	Rare	-	3.2
Leptosiphon grandiflorus	large-flowered leptosiphon	None	None	-	4.2
Navarretia setiloba	Piute Mountains navarretia	None	None	-	1B.1
Eriogonum gossypinum	cottony buckwheat	None	None	-	4.2

Delphinium purpusii	rose-flowered larkspur	None	None	-	1B.3
Delphinium recurvatum	recurved larkspur	None	None	-	1B.2
Eumops perotis californicus	western mastiff bat	None	None	SSC	-

Appendix B.

Appendix B. U.S. Fish & Wildlife Service IPaC Generated Species List.

Scientific_Name	Common_Name	Federal_Status
Sorex ornatus relictus	Buena Vista Lake Shrew	Endangered
Dipodomys ingens	Giant Kangaroo Rat	Endangered
Vulpes macrotis mutica	San Joaquin Kit Fox	Endangered
Dipodomys nitratoides nitratoides	Tipton Kangaroo Rat	Endangered
Empidonax traillii extimus	Southwestern Willow Flycatcher	Endangered
Coccyzus americanus	Yellow-billed Cuckoo	Threatened
Gambelia silus	Blunt-nosed Leopard Lizard	Endangered
Thamnophis gigas	Giant Garter Snake	Threatened
Rana draytonii	California Red-legged Frog	Threatened
Hypomesus transpacificus	Delta Smelt	Threatened
Branchinecta lynchi	Vernal Pool Fairy Shrimp	Threatened
Opuntia treleasei	Bakersfield Cactus	Endangered

A
PHASE I CULTURAL RESOURCE SURVEY
APNS 515-011-03, -04, -05, -06, AND -015
WIBLE AND HOSKING AVENUES,
CITY OF BAKERSFIELD, CALIFORNIA

Submitted to:
Porter and Associates
1200 21st Street
Bakersfield, California 93301

Keywords:
Gosford 7.5' Quadrangle, City of Bakersfield,
California Environmental Quality Act

Submitted by:
Hudlow Cultural Resource Associates
1405 Sutter Lane
Bakersfield, California 93309

Author:
Scott M. Hudlow

SEPTEMBER 2018

Management Summary

At the request of Porter and Associates, a Phase I Cultural Resource Survey was conducted on a 10.01-acre parcel in the City of Bakersfield, in accordance with the California Environmental Quality Act. The Phase I Cultural Resource Survey consisted of a pedestrian survey of the site and a cultural resource record search.

One cultural resource was identified. P-1 is a series of three historic outbuildings. The residence is no present. These three outbuildings date to the 1920s and include a false-front commercial structure. These outbuildings are abandoned. They are not potentially eligible for nomination to the California Register of Historic Resources under Criteria A, B, C, and D.

P-1 is a series of three abandoned 1920s outbuildings. As such, P-1 is not potentially eligible for nomination to the California Register of Historic Resources under Criteria C. Additionally, AV-1 is neither linked to any individuals, historical trends, nor has the potential to yield additional information in the future that qualifies it for potential nomination to the California Register of Historic Resources under Criteria A, B, or D.

No further work is required. If archaeological resources are encountered during the course of construction, a qualified archaeologist should be consulted for further evaluation.

If human remains or potential human remains are observed during construction, work in the vicinity of the remains will cease, and they will be treated in accordance with the provisions of State Health and Safety Code Section 7050.5. The protection of human remains follows California Public Resources Codes, Sections 5097.94, 5097.98, and 5097.99.

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1.0 Introduction

At the request of Porter and Associates, *Hudlow Cultural Resource Associates* conducted a Phase I Cultural Resource Survey at a location for a proposed commercial project at the northeast corner of Wible and Hosking Avenues, APNs 515-011-03, -04, -05, -06, and -015, in the City of Bakersfield, California in accordance with the California Environmental Quality Act. Hosking Avenue bounds the lot to the south and Wible Avenue bounds it to the west. The Phase I Cultural Resource Survey consisted of a pedestrian survey of the site and a cultural resource record search.

2.0 Survey Location

The project area is in the City of Bakersfield. It comprises a portion of the SW ¼ of the SW ¼ of Section 25, T.30S., R.27E., Mount Diablo Baseline and Meridian, as displayed on the United States Geological Survey (USGS) Gosford 7.5-minute quadrangle map (Figure 1). The project area is located at the northeast corner of Wible and Hosking Avenues in the City of Bakersfield, California.

3.0 Record Search

A record search of the project area and the environs within one half-mile was conducted at the Southern San Joaquin Archaeological Information Center. Scott M. Hudlow conducted the record search on August 29, 2018, AIC# 18-357. The record search revealed that eleven surveys have been conducted within one half-mile of the project area. No surveys have previously surveyed the parcel. No cultural resources have been identified within one half-mile of the project area. No cultural resources have been identified within the current project area boundaries.

4.0 Environmental Background

The project area is located at an elevation approximately 3654 feet above mean sea level in the Great Central Valley, which is composed of two valleys-- the Sacramento Valley and the San Joaquin Valley. The project area is located in the southwestern portion of the southern San Joaquin Valley, south of the Kern River. The former agricultural field is denuded of native vegetation; and is partially covered in weeds.

5.0 Prehistoric Archaeological Context

Limited archaeological research has been conducted in the southern San Joaquin Valley. Thus, consensus on a generally agreed upon regional cultural chronology has yet to be developed. Most cultural sequences can be summarized into several distinct time periods: Early, Middle, and Late. Sequences differ in their inclusion of various "horizons," "technologies," or "stages."

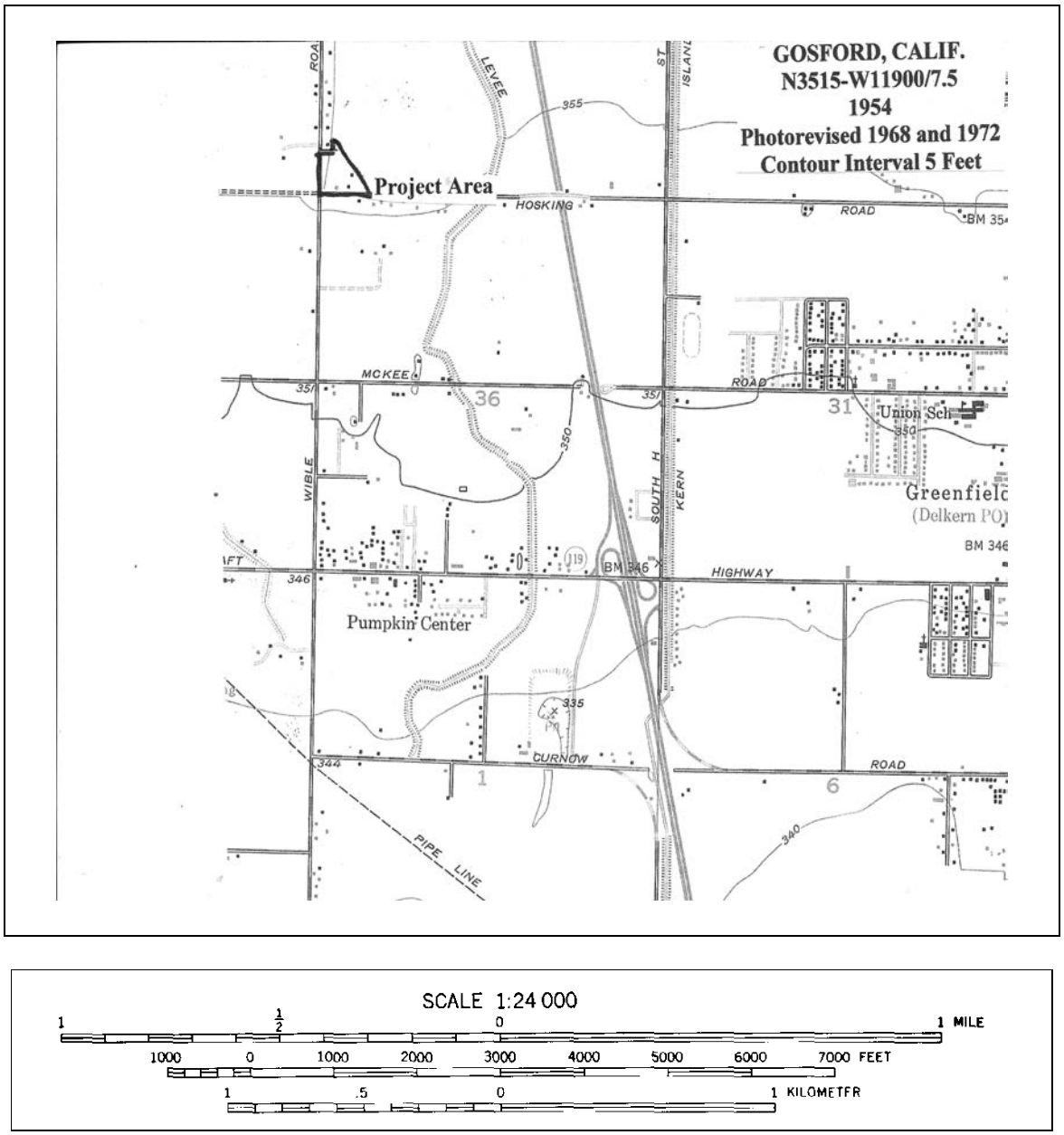

Figure 1
Project Area Location Map

A prehistoric archaeological summary of the southern San Joaquin Valley is available in Moratto (Moratto 1984).

Despite the preoccupation with chronological issues in most of the previous research, most suggested chronological sequences are borrowed from other regions with minor modifications based on sparse local data.

The following chronology is based on Parr and Osborne's Paleo-Indian, Proto-Archaic, Archaic, Post-Archaic periods (Parr and Osborne 1992:44-47). Most existing chronologies focus on stylistic changes of time-sensitive artifacts such as projectile points and beads rather than addressing the socioeconomic factors, which produced the myriad variations. In doing so, these attempts have encountered similar difficulties. These cultural changes are implied as environmentally determined, rather than economically driven.

Paleo-Indians, whom roamed the region approximately 12,000 years ago, were highly mobile individuals. Their subsistence is assumed to have been primarily big game, which was more plentiful 12,000 years ago than in the late twentieth century. However, in the Great Basin and California, Paleo people were also foragers who exploited a wide range of resources. Berries, seeds, and small game were also consumed. Their technology was portable, including manos (Parr and Osborne 1992:44). The paleo period is characterized by fluted Clovis and Folsom points, which have been identified throughout North America. The Tulare Lake region in Kings County has yielded several Paleo-Indian sites, which have included fluted points, scrapers, chipped crescents, and Lake Mojave-type points (Morratto 1984:81-2).

The Proto-Archaic period, which dates from approximately 11,000 to 8,000 years ago, was characterized by a reduction in mobility and conversely an increase in sedentism. This period is classified as the Western Pluvial Lake Tradition or the Proto-Archaic, of which the San Dieguito complex is a major aspect (Moratto 1984: 90-99; Warren 1967). An archaeological site along Buena Vista Lake in southwestern Kern County displays a similar assemblage to the San Dieguito type site. Claude Warren proposes that a majority of Proto-Archaic southern California could be culturally classified as the San Dieguito Complex (Warren 1967). The Buena Vista Lake site yielded manos, millingstones, large stemmed and foliate points, a mortar, and red ochre. During this period, subsistence patterns began to change. Hunting focused on smaller game and plant collecting became more integral. Large stemmed, lancelote (foliate) projectile points represent lithic technology during this period. Millingstones become more prevalent. The increased sedentism possibly began to create regional stylistic and cultural differences not evident in the paleo period.

The Archaic period persisted in California for the next 4000 years. In 1959, Warren and McKusiak proposed a three-phase chronological sequence based on a small sample of burial data for the Archaic period (Moratto 1984:189; Parr and Osborne 1992:47). It is distinguished by increased sedentism and extensive

seed and plant exploitation. Millingstones, shaped through use, were abundant. Bedrock manos and metates were the most prevalent types of millingstones (Parr and Osborne 1992:45). The central valley began to develop distinct cultural variations, which can be distinguished by different regions throughout the valley, including Kern County.

In the Post-Archaic period enormous cultural variations began manifesting themselves throughout the entire San Joaquin Valley. This period extends into the contact period in the seventeenth, eighteenth and nineteenth centuries. Sedentary village life was emblematic of the Post-Archaic period, although hunting and gathering continued as the primary subsistence strategy. Agriculture was absent in California, partially due to the dense, predictable, and easily exploitable natural resources. The ancestral Yokuts have possibly been in the valley for the last three thousand years, and by the eighteenth century were the largest pre-contact population, approximately 40,000 individuals, in California (Moratto 1984).

6.0 Ethnographic Background

The Yokuts are a Penutian-speaking, non-political cultural group. Penutian speakers inhabit the San Joaquin Valley, the Bay Area, and the Central Sierra Nevada Mountains. The Yokuts are split into three major groups, the Northern Valley Yokuts, the Southern Valley Yokuts, and the Foothill Yokuts.

The southern San Joaquin Valley in the Bakersfield and associated Kern County area was home to the Yokuts tribelet, Yawelmani. The tribelets averaged 350 people in size, had a special name for themselves, and spoke a unique dialect of Yokuts. Land was owned collectively, and every group member enjoyed the right to utilize food resources. The Yawelmani inhabited a strip of the southeastern San Joaquin Valley, north of the Kern River to the Tehachapi Mountains on the south, and from the mountains on the east, to approximately the old south fork of the Kern River on the west (Wallace 1978:449; Parr and Osborne 1992:19). The Yawelmani were the widest ranging of the Yokuts tribelets. A half dozen villages were located along the Kern River, including *Woilo* ("planting place" or "sowing place"), which was located in downtown Bakersfield, where the Amtrak station is located. A second village was located across the Kern River from *Woilo*, on the west bank.

The Southern Valley Yokuts established a mixed domestic economy emphasizing fishing, hunting, fowling, and collecting shellfish, roots, and seeds. Fish were the most prevalent natural resource; fishing was a productive activity throughout the entire year. Fish were caught in many different manners, including nets, conical basket traps, catching with bare hands, shooting with bows and arrows, and stunning fish with mild floral toxins. Geese, ducks, mud hens and other waterfowl were caught in snares, long-handled nets, stuffed decoys, and brushing brush to trick the birds to fly low into waiting hunters.

Mussels were gathered and steamed on beds of tule. Turtles were also consumed as were dogs, which might have been raised for consumption (Wallace 1978:449-450).

Wild seeds and roots provided a large portion of the Yokuts' diet. Tule seeds, grass seeds, fiddleneck, alfilaria were also consumed. Acorns, the staple crop for many California native cultures, were not common in the San Joaquin Valley. Acorns were traded into the area, particularly from the foothills. Land mammals, such as rabbits, ground squirrels, antelope and tule elk, were not hunted often (Wallace 1978:450).

The Yokuts occupied permanent structures in permanent villages for most of the year. During the late and early summer, families left for several months to gather seeds and plant foods, shifting camp locations when changing crops. Several different types of fiber-covered structures were common in Yokuts settlements. The largest was a communal tule mat-covered, wedge-shaped structure, which could house upward of ten individuals. These structures were established in a row, with the village chief's house in the middle and his messenger's houses were located at the ends of the house row. Dance houses and assembly buildings were located outside the village living area (Nabokov and Easton 1989:301).

The Yokuts also built smaller, oval, single-family tule dwellings. These houses were covered with tall mohya stalks or with sewn tule mats. Bent-pole ribs that met a ridgepole held by two crotched poles framed these small houses. The Yokuts also built a cone-shaped dwelling, which was framed with poles tied together with a hoop and then covered with tule or grass. These cone-shaped dwellings were large enough to contain multiple fireplaces (Nabokov and Easton 1989:301). Other structures included mat-covered granaries for storing food supplies, and a dirt-covered communally owned sweathouse.

Clothing was minimal, men wore a breechclout or were naked. Women wore a narrow fringed apron. Rabbitskin or mud hen blankets were worn during the cold season. Moccasins were worn in certain locations; however, most people went barefoot. Men wore no head coverings, but women wore basketry caps when they carried burden baskets on their heads. Hair was worn long. Women wore tattoos from the corners of the mouth to the chin; both men and women had ear and nose piercings. Bone, wood or shell ornaments were inserted into the ears and noses (Wallace 1978:450-451).

Tule dominated the Yokut's material culture. It was used for many purposes, including sleeping mats, wall coverings, cradles, and basketry. Ceramics are uncommon to Yokuts culture as is true throughout most California native cultures. Basketry was common to Yokuts culture. Yokuts made cooking containers, conical burden baskets, flat winnowing trays, seed beaters, and necked water bottles. Yokuts also manufactured wooden digging sticks, fire drills, mush stirrers, and sinew-backed bows. Knives, projectile points, and

scraping tools were chipped from imported lithic materials including obsidian, chert, and chalcedony. Stone mortars and pestles were secured in trade. Cordage was manufactured from milkweed fibers, animal skins were tanned, and awls were made from bone. Marine shells, particularly olivella shells, were used in the manufacture of money and articles of personal adornment. Shells were acquired from the Chumash along the coast (Wallace 1978:451-453).

The basic social and economic unit was the nuclear family. Lineages were organized along patrilineal lines. Fathers transmitted totems, particular to each paternal lineage, to each of his children. The totem was a bird or animal that no lineage member would kill or eat; the totems were dreamed of and prayers were given to the totems. The mother's totem was not passed to her offspring; but was treated with respect. Families sharing the same totem formed an exogamous lineage. The lineage had no formal leader nor did it own land. The lineage was a mechanism for transmitting offices and performing ceremonial functions. The lineages formed two moieties, East and West, which consisted of several different lineages. Moieties were customarily exogamous. Children followed the paternal moiety. Certain official positions within the villages were associated with certain totems. The most important was the Eagle lineage from which the village chief was appointed. A member of the Dove lineage acted as the chief's assistant. He supervised food distribution and gave commands during ceremonies. Another hereditary position was common to the Magpie lineage, was that of spokesman or crier.

7.0 Historical Overview

The city of Bakersfield was settled in the 1860s, soon after California joined the United States after the passage of the Compromise of 1850. The Compromise of 1850 allowed for California to join the Union as a free state even though a major portion of the state lied beneath the Missouri Compromise line; and was potentially subject to southern settlement and slavery. Americans had long been visiting and working in California prior to the admission of California into the Union.

European exploration of the region begins in the 1770s with the Spanish. In 1772, Pedro Fages arrived in the San Joaquin Valley searching for army deserters. Father Francisco Garces, a Jesuit priest, soon visited the vicinity in 1776. The Spanish empire collapsed in 1820, and California became Mexican territory. American exploration of the San Joaquin Valley begins in the 1820s with Jedediah Smith, Kit Carson, and Joseph Walker looking for commercial opportunities. The United States government began exploring California in the 1830s. Soon, the Americans will be searching for intercontinental railroad routes to link the eastern and western halves of the continent.

The defeat of the Mexicans during the Mexican-American War and the subsequent discovery of gold will drastically alter the complicated political realities of the west. The Mexican-American War was ostensible fought to settle

a boundary dispute wit h the Mexicans over the western boundary of the newly-annexed state of Texas, which had fought a successful rebellion against the Mexican Army in the mid 1830s. The Republic of Texas was an independent country for nine years until Texas was annexed by the United States in 1845. The outcome of the Mexican-American War was that Mexico rescinded its claims to much of the American southwest, in 1848, bringing these territories into the United States, including California.

In January 1849, the discovery of gold in Coloma, California changed the settlement of California, forever. In the summer of 1849, when the gold strike was publicly announced, the overnight settlement of California began. The Mexican population of California was small and limited to the coasts and a few of southern California's interior valleys. A sizable native population settled the remainder of California; Bakersfield and Kern County was Yokuts territory. The Gold Rush tipped the balance of native communities throughout California, as many of California's natives were decimated.

Many areas experienced smaller gold rushes, including the Kern River Valley, when gold was discovered in Keyesville in 1853. The gold was soon played out and the true future of the region was soon identified, farming, as the gold prospectors came down from the mountains. Kern Island, a median point along the Kern Delta, between the mouth of the Kern River and the Kern Lake, was settled in 1860. Soon, Col. Thomas Baker bought the property from the original owner, Christian Bohna and the settlement of Bakersfield began in earnest.

Col. Baker was lured to California by the prospects of gold; but was tamed by the farming. He was a practicing lawyer and surveyor and was slowing moved west from Ohio. He was involved in Iowa's territorial government and served in both the California senate and assembly before arriving in the area in the 1840s and 1850s. Col. Baker realized he had to drain the Kern Delta to manufacture usable farmland, and he also improved his land, creating one of the only transit locations between Los Angeles and Visalia in the 1860s.

Baker laid out the town and began the process of draining, diverting, and controlling the Kern River. In 1873, Bakersfield was incorporated and was the first city in the newly-created Kern County, which was previously a portion of Tulare County. In 1874, Bakersfield got a rail link with the establishment of the Southern Pacific line over the Tehachapi Pass. The train station was located in Sumner, a spite town that was established by the Southern Pacific about a mile east of downtown Bakersfield, now located in east Bakersfield. Bakersfield could now flourish as an agricultural community, producing fruits and grains.

The city of Bakersfield was expanding to the north in the early twentieth-century toward the Kern River, after its 1898 reincorporation. The city centered along Chester Avenue, which was the main north/south thoroughfare. The community of Sumner lied to the east, and the surrounding area in all directions

was farmland. The city of Bakersfield was a small community at the turn of the century, slightly less than 5,000 people lived in Bakersfield; an additional 17,000 people lived in Kern County (Maynard 1997:43). Bakersfield was a quiet city in the center of a farming region.

However, the discovery of the Kern River oil field in May 1899 quickly changed the face of the region. Bakersfield quickly became the center of a California oil boom, which made over the community. The population more than doubled in less than ten years, bringing prosperity to the area (Maynard 1997:43). Many people recognized that prosperity could not only be achieved through working in oil, but also through providing necessary services, such as milk products and lodging. The city of Bakersfield grew tremendously.

Between 1900 and 1950, Bakersfield and the greater Kern County region grew tremendously under the influence of two economic forces, agriculture and oil. By 1950, Bakersfield was a mid-sized city of approximately 50,000. It sported minor league baseball, had a regional airport, and was a major link along Route 99, which connected northern and southern California. In the late 1960s, Bakersfield was beginning to change again, as the Kern County Land Company was sold to Tenneco West, and Bakersfield began to suburbanize.

8.0 Field Procedures and Methods

On September 3, 2018, Scott M. Hudlow (for qualifications see Appendix I) conducted a pedestrian survey of the entire proposed project area. Hudlow surveyed in north/south transects at 15-meter (49 feet) intervals across the entire parcel. All archaeological material more than fifty years of age or earlier encountered during the inventory would have been recorded.

9.0 Report of Findings

One cultural resource was identified, P-1. Site P-1 is a series of three abandoned historic outbuildings (Figures 2-4). A fourth modern outbuilding is present. These three abandoned outbuildings date to the 1920s; a primary residence is no longer present. The three outbuildings are work buildings; the third outbuilding has the outward appearance of being a false-front commercial structure, but it a work building (see Figures 3-4). Each of these three buildings are one story in height; and two are oriented toward the west and one is oriented toward the south.

The first outbuilding is a one-story, frame, gable-roofed structure. The building rests on a wooden floor; its primary entrance is located in the west elevation in the southwest corner (see Figure 2). The frame structure is covered in vertical siding. A window opening pierces the south elevation. The north elevation has been obliterated, revealing the building's interior (Figure 5). The building is unfinished, the walls are open and exposed. A work bench is on the south elevation. A flue hole is present on the east elevation, indicating the

Figure 2
P-1, Building 1, View toward the East

Figure 3
P-1, Buildings 2 and 3, View toward the East

Figure 4
P-1, Buildings 2 and 3, View toward the Northwest

Figure 5
P-1, Building 1, View toward the Southeast

location of a possible stove for heating the small structure. The work building was also electrified.

The second building is another small, one-story, frame gable-roofed work building (see Figure 3 and 4). The primary entrance is toward the south (Figure 6). Board and batten vertical siding covers the structure. A window opening pierces the east elevation, which contains shelving. Pegboard still adheres to the west elevation. The walls are unfinished; however, the building is partially insulated. The flooring is a wooden deck, and the building rests on concrete block piers.

Figure 6
P-1, Building 2, View toward the North

The last building has the outward appearance of urban early twentieth-century false-front commercial construction, including a hitching post constructed of telephone poles, on the west elevation, however, it is another work building. The one-story frame, board and batten structure has a shed roof, hidden behind the false front. Rafters extend from the east elevation; and are boxed on the western elevation. A shed porch, which is possibly an addition, is

attached to the west elevation. The shed porch is raised on dimensional lumber supports. The porch deck is raised off the ground. The entire structure rests on concrete piers, which support wooden flooring. A centered entrance flanked by two window openings pierces the west, primary, elevation (see Figures 2, 3 and 7). The north, south, and east elevations are blank. The interior is again not finished, shelving is in the southeast corner (Figure 8).

Figure 7
P-1, Building 3, View toward the East, Western Elevation

Figure 8
P-1, Building 3, View toward the East of the Building's Interior

10.0 Management Recommendations

At the request of Porter and Associates, a Phase I Cultural Resource Survey was conducted on a 10.01-acre parcel in the City of Bakersfield, in accordance with the California Environmental Quality Act. The Phase I Cultural Resource Survey consisted of a pedestrian survey of the site and a cultural resource record search.

One cultural resource was identified. P-1 is a series of three historic outbuildings. The residence is no present. These three outbuildings date to the 1920s and include a false-front commercial structure. These outbuildings are abandoned. They are not potentially eligible for nomination to the California Register of Historic Resources under Criteria A, B, C, and D.

P-1 is a series of three abandoned 1920s outbuildings. As such, P-1 is not potentially eligible for nomination to the California Register of Historic Resources under Criteria C. Additionally, AV-1 is neither linked to any individuals, historical trends, nor has the potential to yield additional information in the future that qualifies it for potential nomination to the California Register of Historic Resources under Criteria A, B, or D.

No further work is required. If archaeological resources are encountered during the course of construction, a qualified archaeologist should be consulted for further evaluation.

If human remains or potential human remains are observed during construction, work in the vicinity of the remains will cease, and they will be treated in accordance with the provisions of State Health and Safety Code Section 7050.5. The protection of human remains follows California Public Resources Codes, Sections 5097.94, 5097.98, and 5097.99.

11.0 References

Maynard, John A.
1997 *Bakersfield: A Centennial Portrait.* Cherbo Publishing, Encino, California.

Moratto, Michael J.
1984 *California Archaeology*. Orlando, Florida, Academic Press.

Nabokov, Peter and Robert Easton
1989 *Native American Architecture.* Oxford University Press, New York, New York.

Parr, Robert E. and Richard Osborne
1992 *Route Adoption Study for Highway 58, Kern County, California.* Report on file, Southern San Joaquin Archaeological Information Center, California State University, Bakersfield, Bakersfield, California.

Wallace, William J.
1978 "Southern Valley Yokuts" in *Handbook of North American Indians*. Vol. 8, California, Robert F. Heizer, ed. Washington, D.C.: Smithsonian Institution, pp. 437-445.

Warren, Claude N. and M. B. McKusiak
1959 A Burial Complex from the southern San Joaquin Valley. Los Angeles: *University of California, Los Angeles, Archaeological Survey Annual Report, 1959*: 17-26.

Warren, Claude N.
1967 "The San Dieguito Complex: A Review and Hypothesis" *American Antiquity* 32(2): 168-185.

Appendix I

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(661) 834-9183 (w)

Education

The George Washington University
M.A. American Studies, 1993
Specialization in Architectural History,
American Material Culture, and Folklife

University of California, Berkeley
B.A. History, 1987
B.A. Anthropology, 1987
Specialization in Colonial History
and Historical Archaeology

Public Service

3/94- *Historic Preservation Commission.* City of Bakersfield, Bakersfield, California 93305.

7/97- *Newsletter Editor. California History Action,* newsletter for the California Council for the Promotion of History.

Relevant Work Experience

8/96- *Adjutant Faculty.* Bakersfield College, 1801 Panorama Drive, Bakersfield, California, 93305. Teach History 17A, Introduction to American History and Anthropology 5, Introduction to North American Indians.

11/95- *Owner, Sole Proprietorship.* Hudlow Cultural Resource Associates. 1405 Sutter Lane, Bakersfield California 93309. Operate small cultural resource management business. Manage contracts, respond to RFP's, bill clients, manage temporary employees. Conduct Phase I architectural and archaeological surveys for private and public clients; including the survey, documentary photography, measured drawings, mapping of structures, filing of survey forms, historic research, assessing impact and writing reports. Evaluated properties in lieu of their eligibility for the National Register of Historic Places in association with Section 106 and 110 requirements of the National Historic Preservation Act of 1966 and CEQA (California Environmental Quality Act).

Full resume available upon request.

Project No: 222-20

TRAFFIC STUDY

COMMERCIAL GPA & ZONE CHANGE
NORTHEAST CORNER OF HOSKING AVENUE & WIBLE ROAD
BAKERSFIELD, CALIFORNIA

Prepared for:

PORTER & ASSOCIATES, INC.

October 2018

Prepared by:

RUETTGERS & SCHULER
CIVIL ENGINEERS

1800 30th Street, Suite 260
Bakersfield, California 93301

DRAFT (10/16/18)

Ian J. Parks, RCE 58155

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INTRODUCTION

The purpose of this study is to evaluate the potential traffic impact of a proposed commercial General Plan Amendment (GPA) and Zone Change located on the northeast corner of Hosking Avenue and Wible Road in Bakersfield, California (see Figures 1 and 2 for Vicinity and Location maps).

A. Land Use, Site and Study Area Boundaries

The 10-acre site is currently zoned for single family residential. The proposed change is for 10-acres of retail commercial (GC & C-2), with 73,196 square feet of retail commercial buildings as shown on the current site plan (see Figure 3, Site Plan). As shown on the site plan, the retail commercial buildings include a 5,500 square foot convenience market with gas pumps, a 59,346 square foot shopping center, 5,850 square feet of high-turnover sit-down restaurant use, and 5,000 square feet of fast-food with drive-through restaurant use.

The site is bounded by Hosking Avenue to the south, Wible Road to the west, and residential development to the north and east.

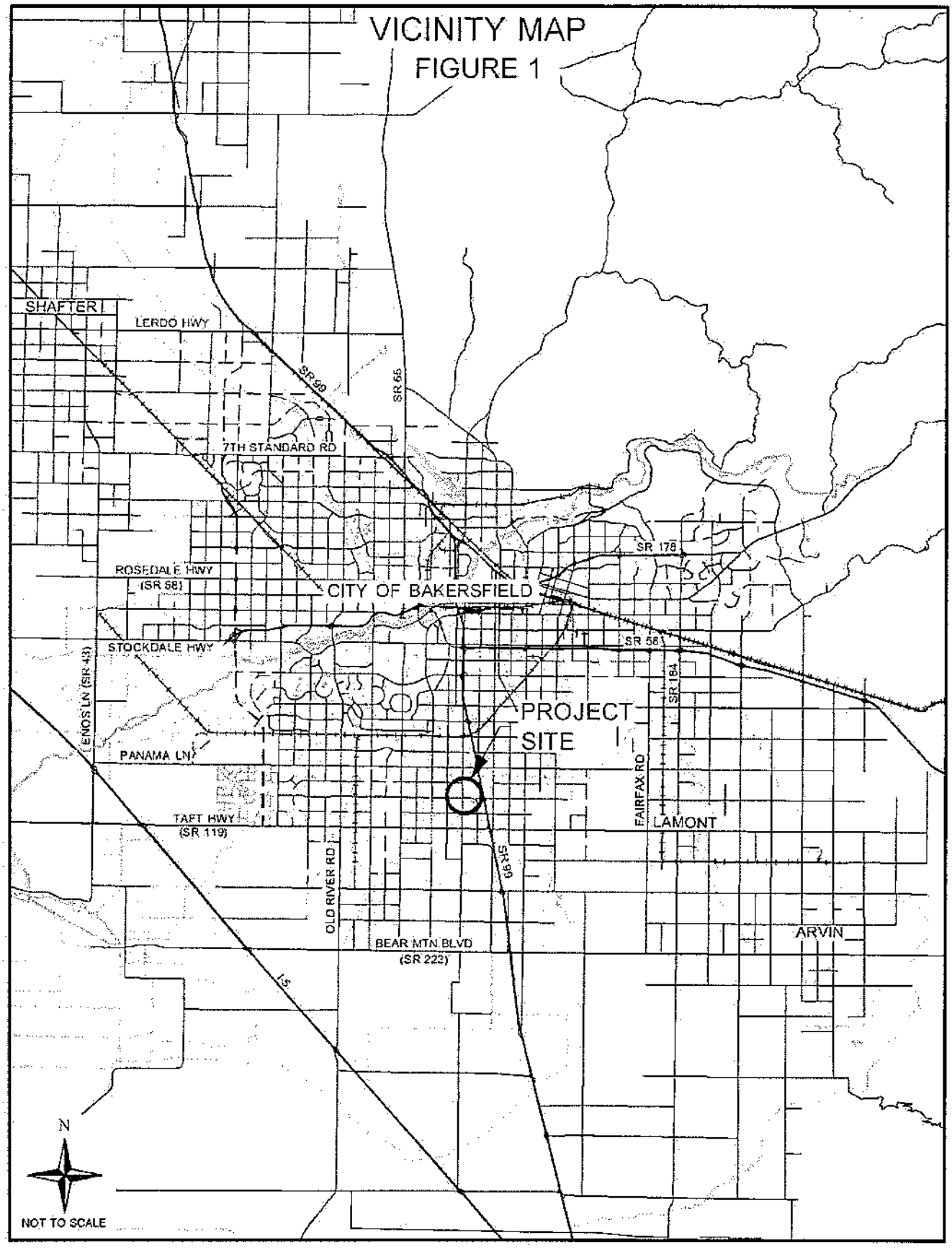
A total of 1 unsignalized intersection and 9 signalized intersections are included in the study. The scope of the study was developed in association with The City of Bakersfield Public Works Traffic Division, and Caltrans District 6.

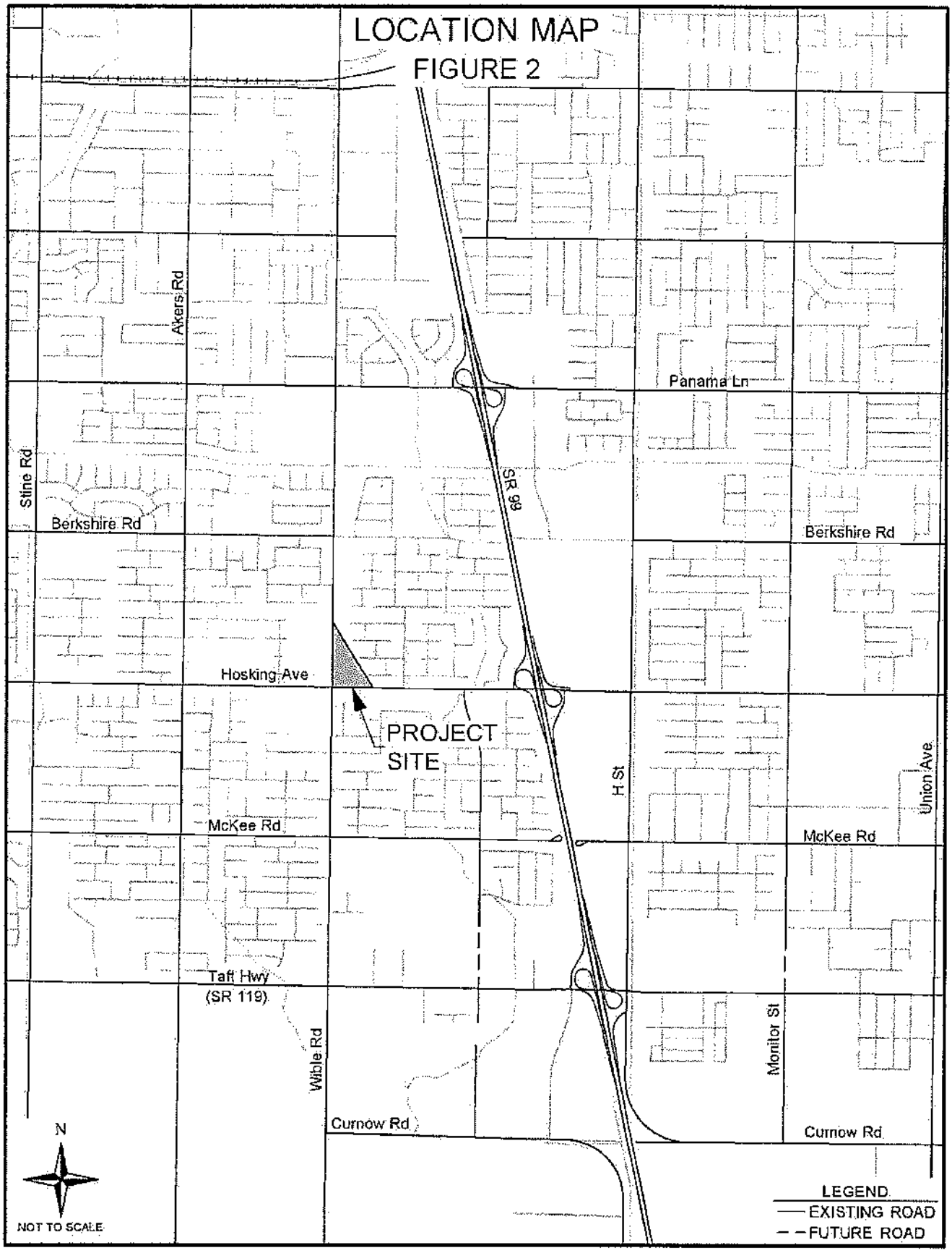
B. Existing Site Uses and Site Access

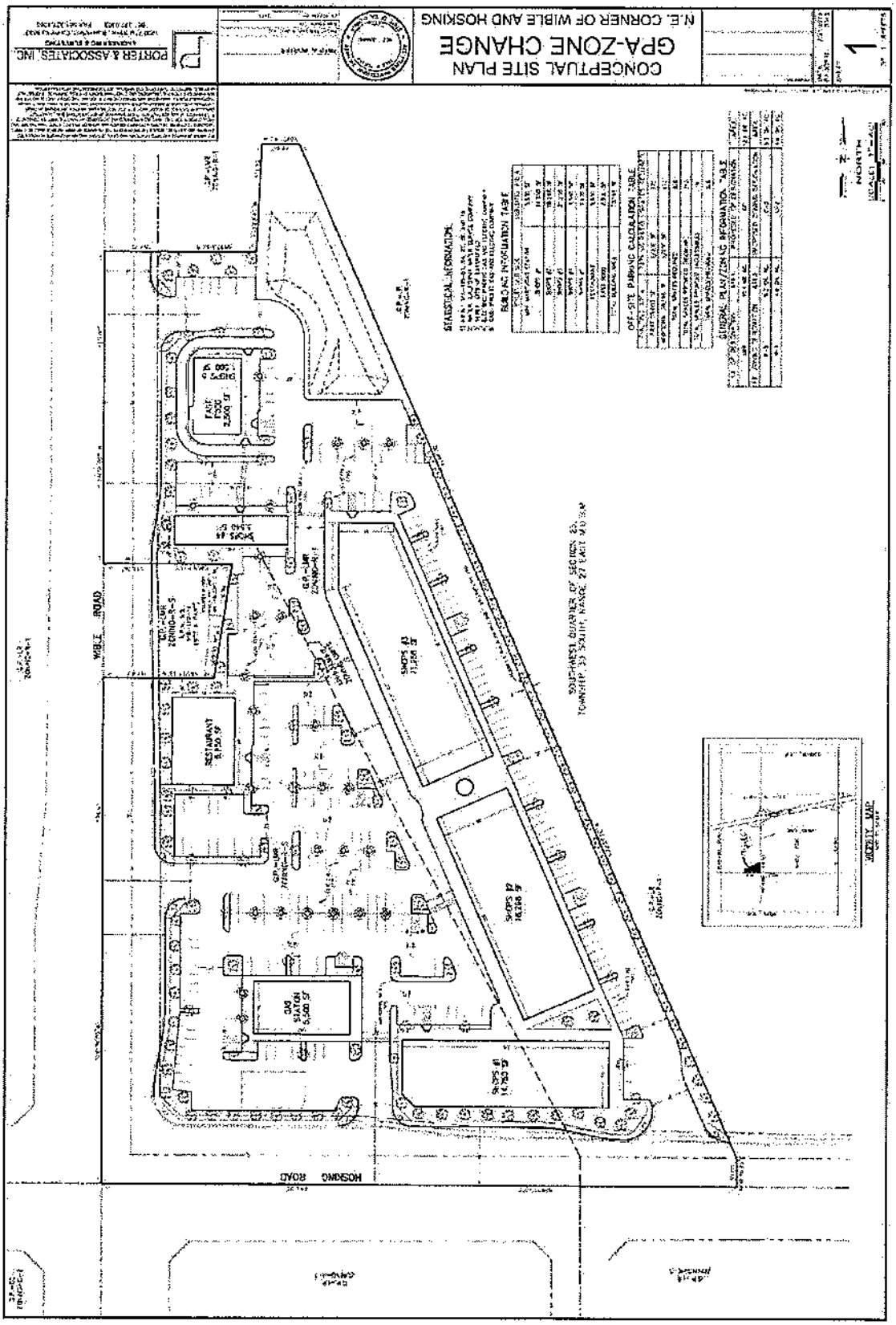
The project site currently includes two residences to the north as well as a residence to the east. There are also numerous vehicles and other small structures adjacent to the dividing wall between the project site and the residential community to the east. Access to the project is planned along Wible Road and Hosking Avenue.

C. Existing Uses in the Vicinity of the Site

Existing land uses in the vicinity of the site include residential developments in all directions, Stonecreek Junior High School to the west, and a vacant lot directly south along the south side of Hosking Avenue.


VICINITY MAP
FIGURE 1
SHAFTER
LERDO HWY
SR 99
SR 65
7TH STANDARD RD
SR 178
ROSEDALE HWY
(SR 58)
CITY OF BAKERSFIELD
STOCKDALE HWY
SR 58
ENOS LN (SR 43)
SR 184
PROJECT
SITE
PANAMA LN
FAIRFAX RD
LAMONT
TAFT HWY
(SR 119)
OLD RIVER RD
SR 99
BEAR MTN BLVD
(SR 222)
ARVIN
I-5
N
NOT TO SCALE


LOCATION MAP
FIGURE 2
Akers Rd
Panama Ln
Stine Rd
Berkshire Rd
SR 99
Berkshire Rd
Hosking Ave
PROJECT SITE
H St
Union Ave
McKee Rd
McKee Rd
Taft Hwy (SR 119)
Wible Rd
Monitor St
Curnow Rd
Curnow Rd
N
NOT TO SCALE
LEGEND
EXISTING ROAD
FUTURE ROAD



SITE PLAN
FIGURE 3

D. Roadway Descriptions

Akers Road is a north-south collector located midway between Stine Road and Wible Road. In the study area, Akers Road operates as a two-lane facility with a two-way left-turn lane. Akers Road provides access to residential land uses and some commercial land uses where it terminates at Ming Avenue.

Berkshire Road is an east-west collector located midway between Hosking Avenue and Panama Lane. It currently exists within the study area as a two-lane roadway at various stages of widening and improvement and provides access to residential land uses. Berkshire Road does not cross or connect with State Route 99.

Golden State Highway (State Route 99) is a north-south state highway that stretches almost the entire length of the Central Valley. Cities served include Bakersfield, Visalia, Fresno, Madera, Merced, Modesto, Stockton, and Sacramento. State Route 99 lies approximately two-thirds of a miles east of the project site where it operates as a 6-lane facility.

Hosking Avenue is an east-west arterial that operates as a two-to-four lane roadway at various stages of widening and improvement in the vicinity of the project. Hosking Avenue provides access primarily to residential and agricultural land uses, and has a recently constructed 5-lane interchange at State Route 99.

McKee Road is an east-west collector located midway between Taft Highway and Hosking Avenue. It currently exists within the study area as a two-lane roadway at various stages of widening and provides access primarily to residential land uses. McKee Road does not cross or connect with State Route 99.

Monitor Street is a north-south collector located midway between South H Street and South Union Avenue. It extends north from Hosking Avenue at Shannon Drive and provides access primarily to residential land uses. Monitor Street exists within the study area as a two-or-three lane roadway with improvements.

Panama Lane is designated as an arterial. It extends east from State Route 43 near Interstate 5 through the southern metropolitan Bakersfield area. It currently exists within the study area as a four-to-six lane roadway at various stages of widening and improvement and provides access to agricultural, residential and commercial land uses.

Taft Highway, an east-west roadway, is designated as an expressway west of State Route 99 (State Route 119) and as an arterial east of State Route 99. It currently exists as a two-lane roadway at various stages of widening adjacent to development between State Route 99 and South Union Avenue. Taft Highway continues as a two-lane roadway with graded shoulders east of South Union Avenue along the Panama Road alignment. Within the project vicinity, Taft Highway provides access from the communities of Greenfield, Weedpatch and Lamont to State Route 99.

PROJECT TRIP GENERATION AND DESIGN HOUR VOLUMES

The trip generation and design hour volumes shown in Table 1 were calculated using the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition, as well as data provided in the project proposal. The AM/PM rates and directional splits for ITE Land Use Codes 853 (Convenience Market with Gasoline Pumps), 820 (Shopping Center), 932 (High-Turnover Site-Down Restaurant), and 934 (Fast-Food Restaurant w/Drive-Thru) were used to estimate trip generation for weekday peak hour of adjacent street traffic.

Table 1
Project Trip Generation

General Information			Daily Trips		AM Peak Hour Trips			PM Peak Hour Trips		
ITE Code	Development Type	Variable	ADT RATE	ADT	Rate	In % Split/ Trips	Out % Split/ Trips	Rate	In % Split/ Trips	Out % Split/ Trips
853	Convenience Market with Gasoline Pumps	5.5 1000 sq ft GFA	624.2	3433	40.59	50% 112	50% 112	49.29	50% 136	50% 136
820	Shopping Center	59.346 1000 sq ft GLA	eq	4216	eq	62% 113	38% 69	eq	48% 177	52% 192
932	High-Turnover (Sit-Down) Restaurant	5.85 1000 sq ft GFA	112.18	656	9.94	55% 32	45% 26	9.77	62% 35	38% 22
934	Fast-Food Restaurant w/Drive-Thru	5 1000 sq ft GFA	470.95	2355	40.19	51% 102	49% 98	32.67	52% 85	48% 78
sub-total				10,660		359	305		433	428
Capture[1]		5%		533		18	15		22	21
Pass-by[2]		15%		731		22	14		32	32
Pass-by[3]		40%		2,315		86	84		88	86
Total				7,081		233	192		291	289

[1]Capture rate of 5%, per COB Subdivision & Design Manual, applied to all land uses.

[2]Pass-by rate of 15% applied to High-Turnover Restaurant and Shopping Center land uses only.

[3]Pass-by rate of 40% applied to Fast Food & Service Station land uses per COB Subdivision & Design Manual.

A pass-by rate of 15% was applied to the high-turnover restaurant and shopping center, and a pass-by rate of 40% was applied to the fast food restaurant and the service station, to account for trips which are made as intermediate stops between trip origin and ultimate destination. Pass-by trips are drawn from traffic passing the site, and therefore, do not add trips to the adjacent street system. The pass-by rates used for this study were based on City of Bakersfield guidelines.

A capture rate of 5% was applied to all land uses to account for trips between multiple land uses within the project. The capture rate used for this study was also developed based on City of Bakersfield guidelines.

TRIP DISTRIBUTION AND ASSIGNMENT

The trip distribution shown in Table 2 represents the likely movement of traffic accessing the project site by direction. Project traffic distribution was estimated based on a review of the proposed project land use and potential draw from population centers, as well as input from the City of Bakersfield's Traffic Division. Assignments of project peak hour traffic to the study intersections are shown in Figure 4.

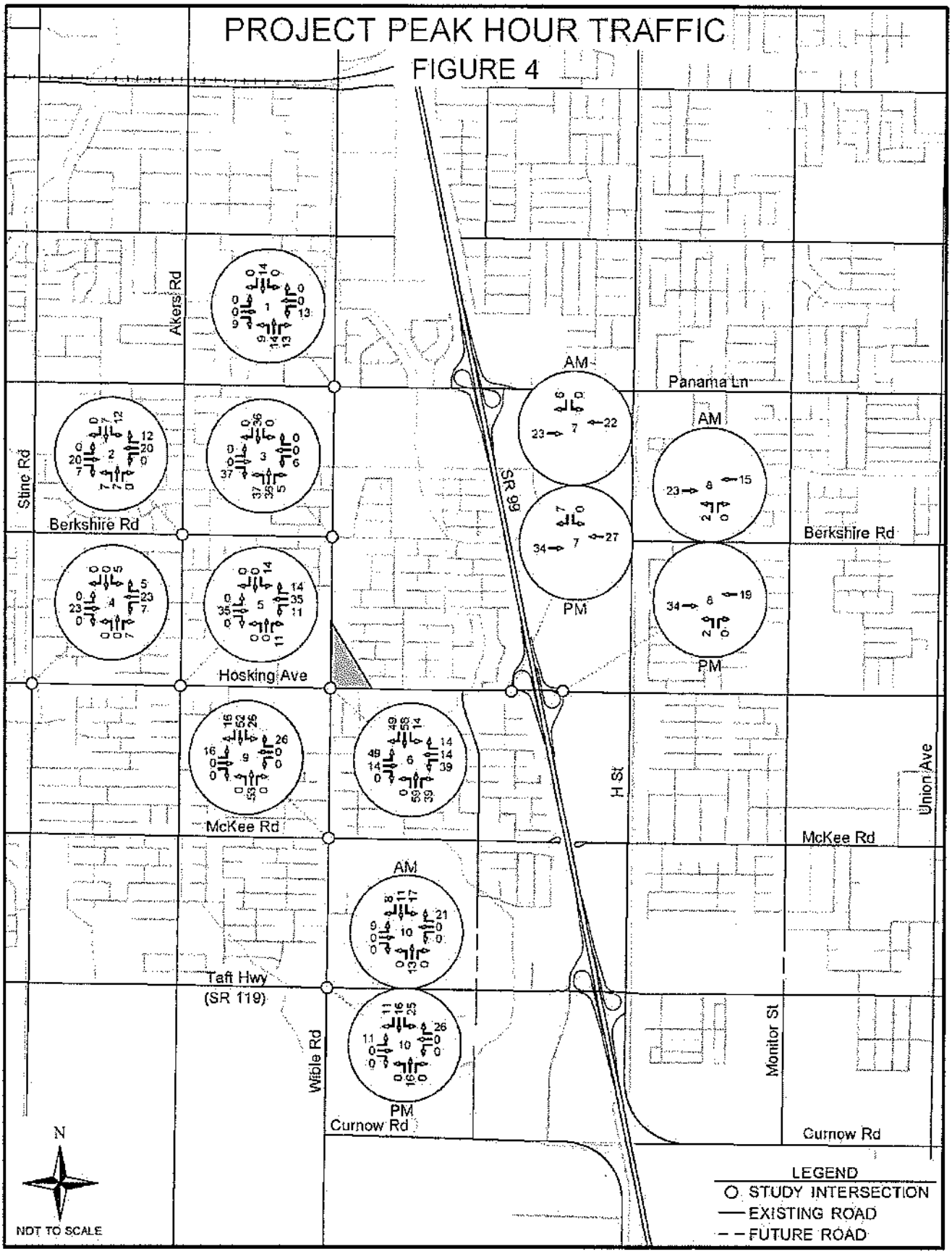
Table 2
Project Trip Distribution

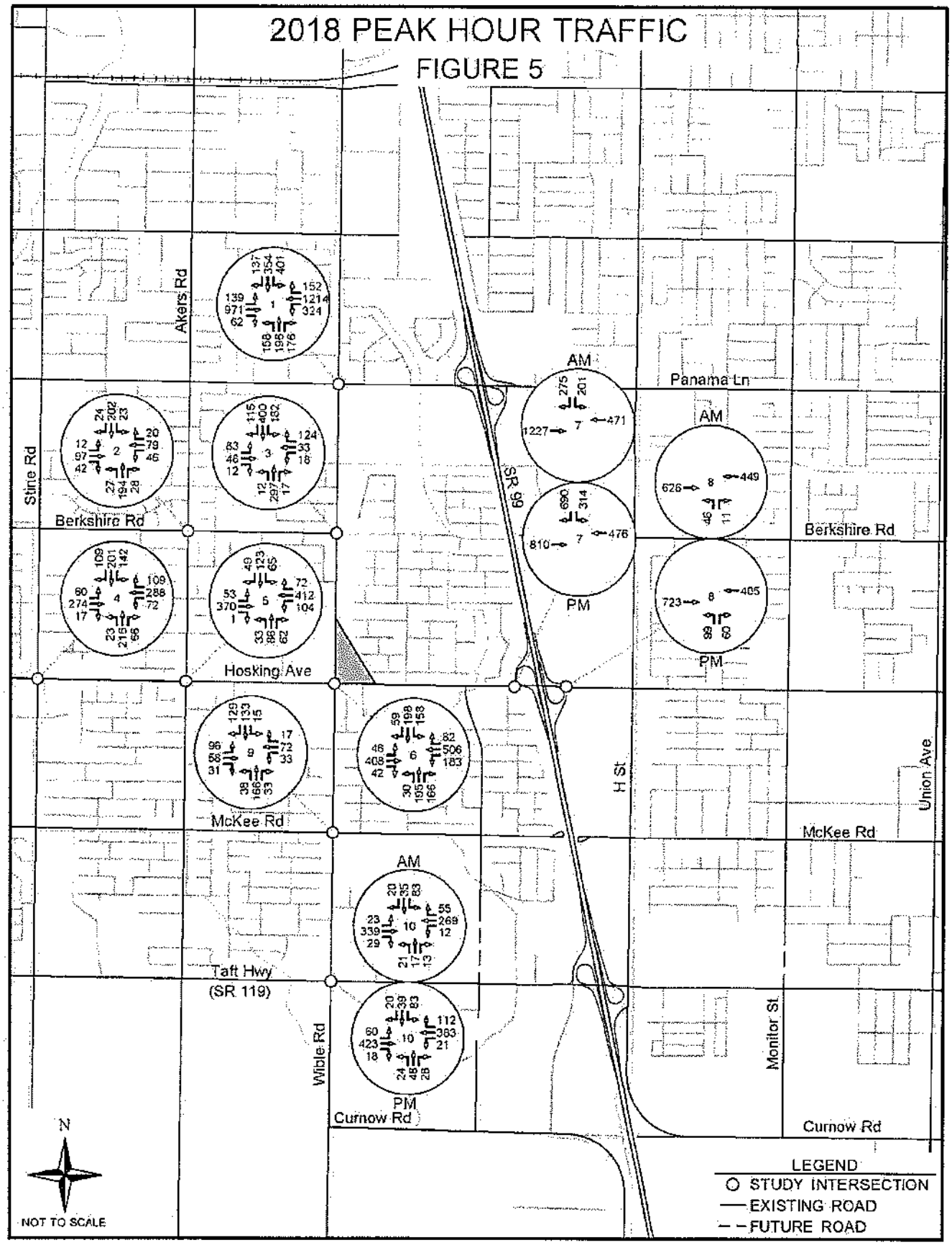
Direction	Percent	Roadway
North	25	Wible Road
South	20	Wible Road
East	25	Hosking Avenue
West	30	Hosking Avenue

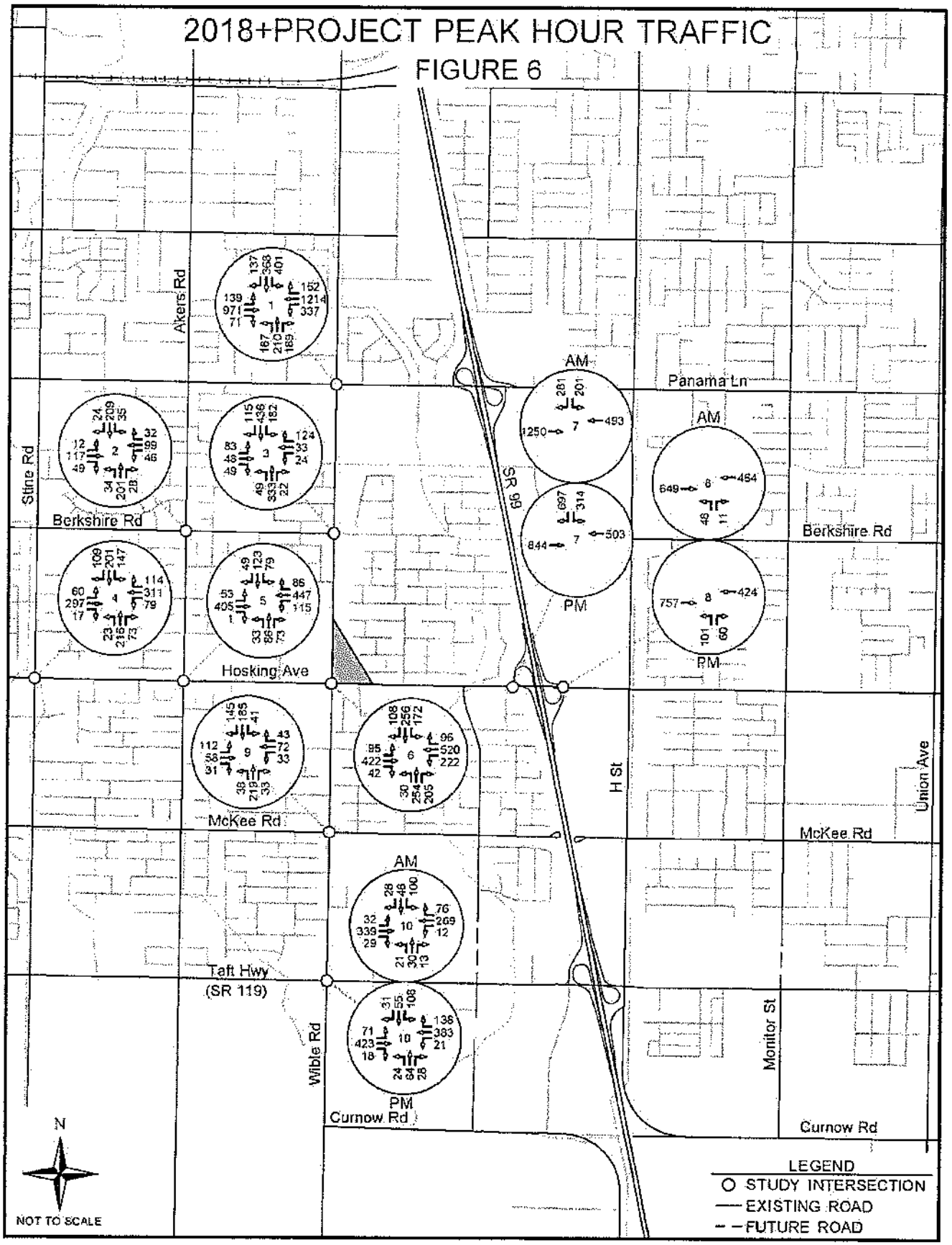
EXISTING AND FUTURE TRAFFIC

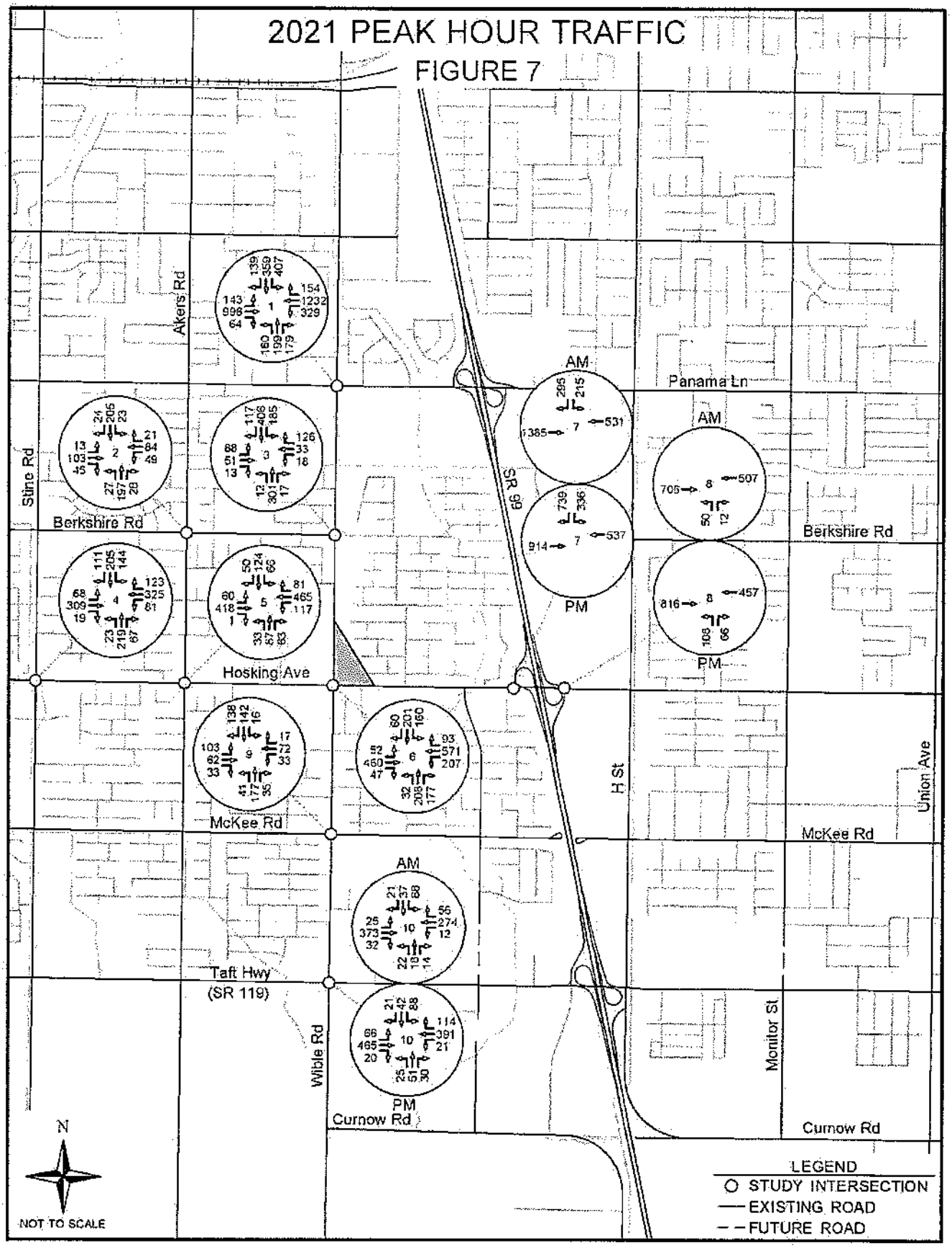
Existing weekday AM and PM peak hour volumes and turning movements were field measured at the study intersections in September 2018 (AM counts for state facilities only). Existing volumes are shown in Figure 5, and existing plus project volumes are presented in Figure 6. Figures 7 and 8 represent the build year (2021) and build year (2021) plus project traffic volumes.

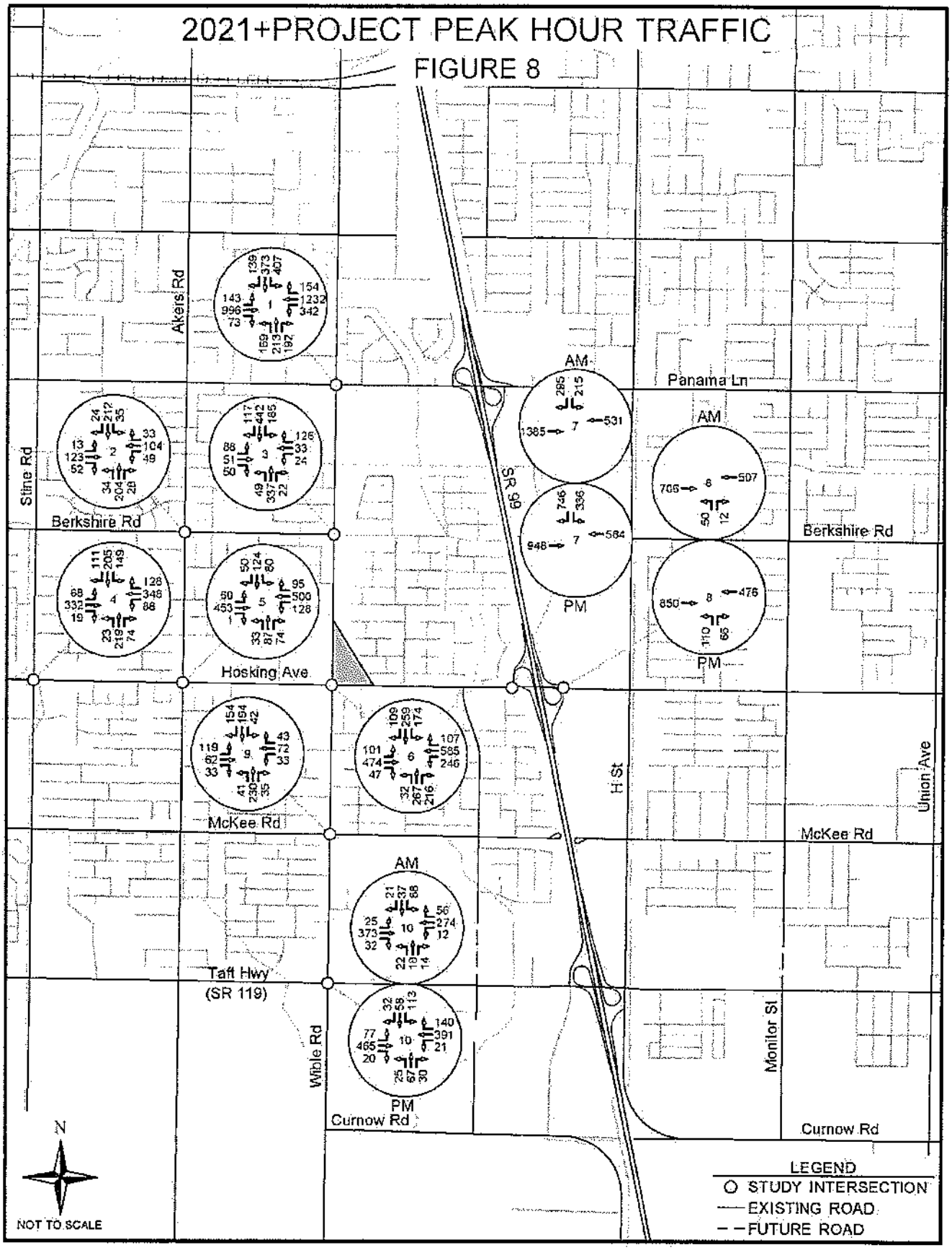
Average annual growth rates ranging between 0.2 and 4 percent were applied to existing peak hour volumes to estimate future volumes for the year 2035. These growth rates were estimated based on a review of existing development and KernCOG traffic model data. Cumulative traffic was also estimated for projects that would not yet be accounted for in the KernCOG traffic model. A list of active tentative projects, within a 2-mile radius of the project site is included in the appendix. A cumulative trip generation and distribution was then created and added to the future traffic volume estimates at the study intersections. Future peak hour volumes for the year 2035 are shown in Figure 9. Future plus project peak hour volumes are shown in Figure 10.


PROJECT PEAK HOUR TRAFFIC
FIGURE 4
Akers Rd
Stine Rd
Berkshire Rd
Hosking Ave
McKee Rd
Taft Hwy
(SR 119)
Wible Rd
Curnow Rd
Panama Ln
SR 99
H St
Union Ave
Monitor St
AM
PM
N
NOT TO SCALE
LEGEND
STUDY INTERSECTION
EXISTING ROAD
FUTURE ROAD


2018 PEAK HOUR TRAFFIC
FIGURE 5
Akers Rd
Stine Rd
Berkshire Rd
Hosking Ave
McKee Rd
Taft Hwy
(SR 119)
Wible Rd
Curnow Rd
Panama Ln
SR 99
H St
Union Ave
Monitor St
AM
PM
N
NOT TO SCALE
LEGEND
STUDY INTERSECTION
EXISTING ROAD
FUTURE ROAD


2018+PROJECT PEAK HOUR TRAFFIC
FIGURE 6
Akers Rd
Stine Rd
Berkshire Rd
Hosking Ave
McKee Rd
Taft Hwy
(SR 119)
Wible Rd
Curnow Rd
Panama Ln
SR 99
H St
Union Ave
Monitor St
AM
PM
N
NOT TO SCALE
LEGEND
STUDY INTERSECTION
EXISTING ROAD
FUTURE ROAD


2021 PEAK HOUR TRAFFIC
FIGURE 7
Akers Rd
Stine Rd
Berkshire Rd
Hosking Ave
McKee Rd
Taft Hwy
(SR 119)
Wible Rd
Curnow Rd
SR 99
H St
Union Ave
Monitor St
Panama Ln
AM
PM
N
NOT TO SCALE
LEGEND
O STUDY INTERSECTION
— EXISTING ROAD
- - FUTURE ROAD


2021+PROJECT PEAK HOUR TRAFFIC
FIGURE 8
Akers Rd
Stine Rd
Berkshire Rd
Hosking Ave
McKee Rd
Taft Hwy
(SR 119)
Wible Rd
Curnow Rd
Panama Ln
SR 99
H St
Union Ave
Monitor St
AM
PM
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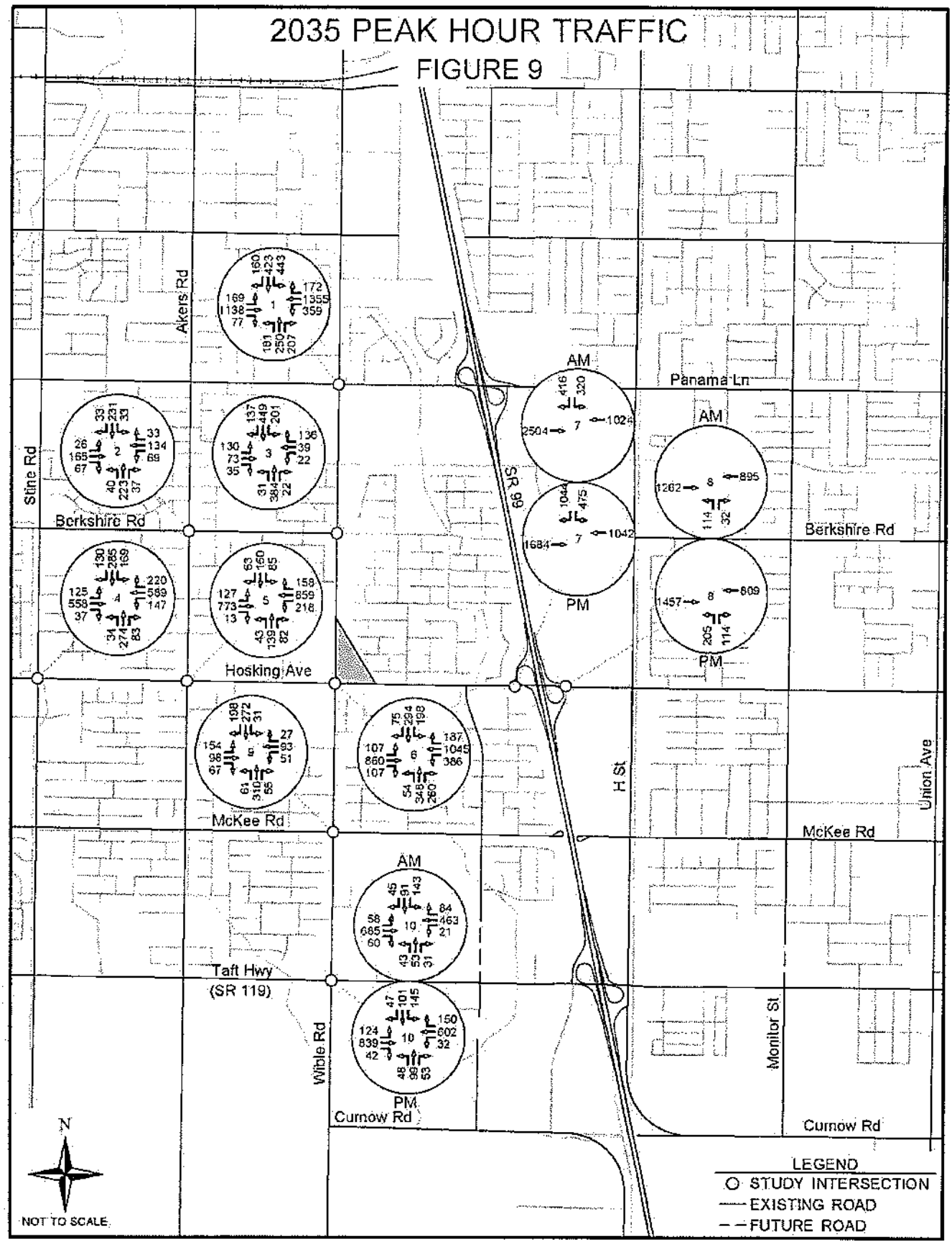
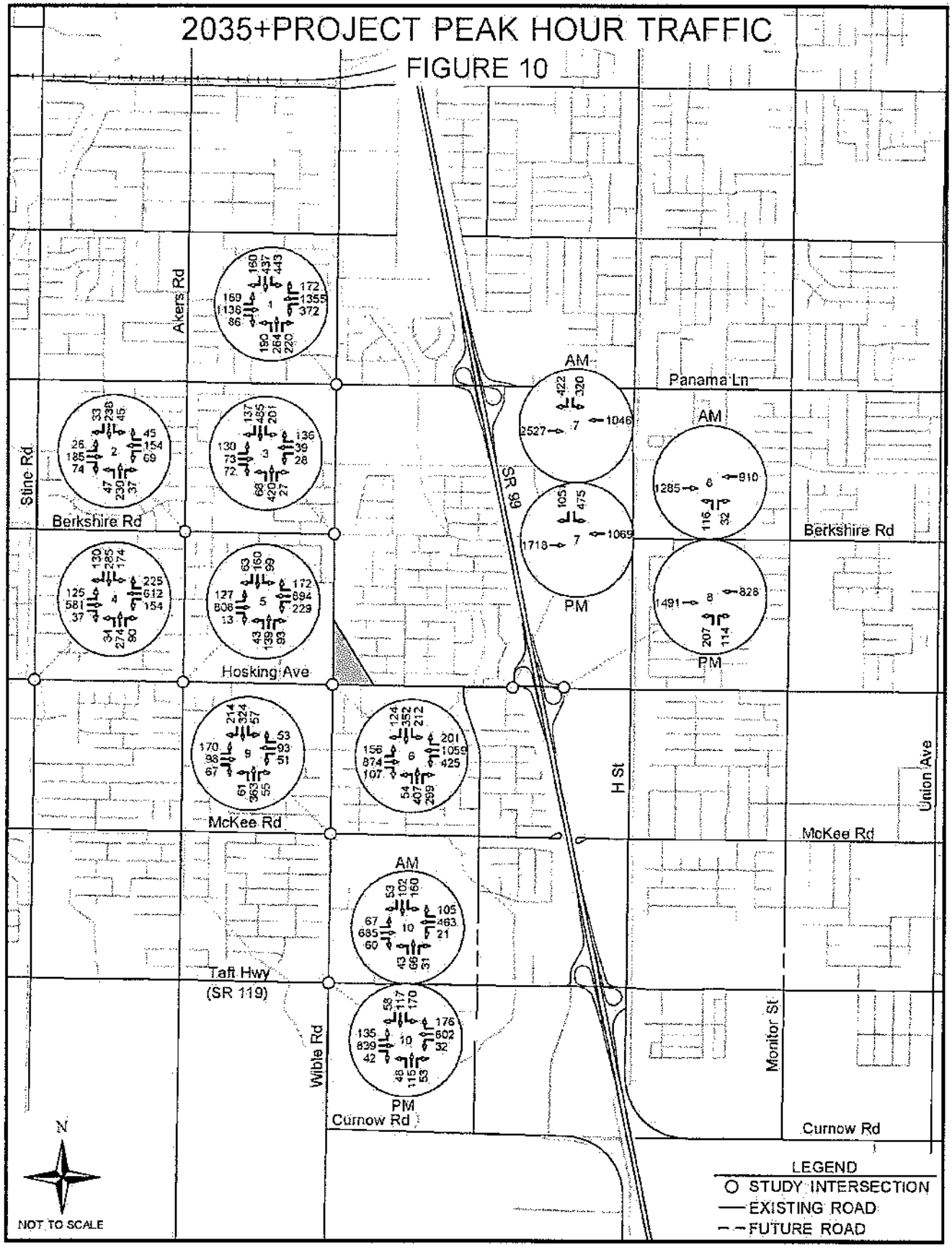
NOT TO SCALE
LEGEND
STUDY INTERSECTION
EXISTING ROAD
FUTURE ROAD


2035 PEAK HOUR TRAFFIC
FIGURE 9
Akers Rd
Stine Rd
Berkshire Rd
Hosking Ave
McKee Rd
Taft Hwy
(SR 119)
Wible Rd
Curnow Rd
Panama Ln
SR 99
H St
Union Ave
Monitor St
AM
PM
N
NOT TO SCALE
LEGEND
STUDY INTERSECTION
EXISTING ROAD
FUTURE ROAD


2035+PROJECT PEAK HOUR TRAFFIC
FIGURE 10
Akers Rd
Stine Rd
Berkshire Rd
Hosking Ave
McKee Rd
Taft Hwy
(SR 119)
Wible Rd
Curnow Rd
Panama Ln
SR 99
H St
Union Ave
Monitor St
AM
PM
N
NOT TO SCALE
LEGEND
STUDY INTERSECTION
EXISTING ROAD
FUTURE ROAD

SIGNIFICANT IMPACT CRITERIA

The City of Bakersfield utilizes three criteria to evaluate whether project traffic would cause a significant impact and therefore require mitigation. First, a significant impact would be found when the addition of project traffic causes the level of service of an intersection or roadway segment to drop below LOS C. Second, a significant impact would be found when an intersection or roadway segment operates below LOS C without project traffic and the addition of project traffic causes further degradation in the level of service. Third, for intersections that currently operate at LOS D, E or F, mitigation would be required when the addition of project traffic in the future year creates an additional control or an average delay per vehicle of more than 5 seconds.

These criteria have been adopted by the City of Bakersfield and are contained in various planning documents, such as the Circulation Element of the Metropolitan Bakersfield 2010 General Plan and Kern County's Congestion Management Program.

INTERSECTION ANALYSIS

A capacity analysis of the study intersections was conducted using Synchro 9 software from Trafficware. This software utilizes the capacity analysis methodology in the Transportation Research Board's 2010 Highway Capacity Manual. The analysis was performed for the weekday AM and PM peak hours for each of the following traffic scenarios (AM analyzed for state facilities only):

- Existing (2018) Traffic
- Existing (2018) + Project Traffic
- Build Year (2021)
- Build Year (2021) + Project
- Future (2035) Cumulative Traffic
- Future (2035) Cumulative + Project Traffic

Level of service (LOS) criteria for unsignalized and signalized intersections, as described in HCM 2010, are presented in the tables below. Level of service analysis results for the study intersections are presented in Tables 3 and 4. The intersection peak hour level of service goal for the City of Bakersfield is LOS C or better.

LEVEL OF SERVICE CRITERIA
UNSIGNALIZED INTERSECTION

Level of Service	Average Control Delay (sec/veh)	Expected Delay to Minor Street Traffic
A	≤ 10	Little or no delay
B	> 10 and ≤ 15	Short traffic delays
C	> 15 and ≤ 25	Average traffic delays
D	> 25 and ≤ 35	Long traffic delays
E	> 35 and ≤ 50	Very long traffic delays
F	> 50	Extreme delays

LEVEL OF SERVICE CRITERIA
SIGNALIZED INTERSECTIONS

Level of Service	Average Control Delay (sec/veh)	Volume-to-Capacity Ratio
A	≤ 10	< 0.60
B	> 10 and ≤ 20	0.61 - 0.70
C	> 20 and ≤ 35	0.71 - 0.80
D	> 35 and ≤ 55	0.81 - 0.90
E	> 55 and ≤ 80	0.91 - 1.00
F	> 80	> 1.00

Table 3
Intersection Level of Service
Weekday AM Peak Hour

#	Intersection	Control Type	2018	2018+ Project	2023 (Build Yr)	2023+ Project (Build Yr)	2035 Cum	2035 Cum+ Project	2035+Proj w/Mit[1]
7	SR 99 SB Off Ramp & Hosking Ave	Signal	B	B	B	B	D (50.4)	D (52.8)	C
8	SR 99 NB Off Ramp & Hosking Ave	Signal	A	A	A	A	A	A	-
10	Wible Rd & Taft Hwy (SR 119)	Signal	B	B	B	B	C	C	B

NOTE: Cum=Background Cumulative Traffic; Mit=Mitigation
[1]See Table 7 for Mitigation Measures.
[2]Mitigation due to PM level of service.

Table 4
Intersection Level of Service
Weekday PM Peak Hour

#	Intersection	Control Type	2018	2018+ Project	2023 (Build Yr)	2023+ Project (Build Yr)	2035 Cum	2035 Cum+ Project	2035+Proj w/Mit[1]
1	Wible Rd & Panama Ln	Signal	D (38.7)	D (39.3)	D (44.1)	D (44.5)	D (44.7)	D (45.4)	-[2]
2	Akers St & Berkshire Rd	Signal	C	C	C	C	C	C	-
3	Wible Rd & Berkshire Rd	Signal	C	C	C	C	C	C	-
4	Stine Rd & Hosking Ave	Signal	C	C	C	C	E (69.1)	E (69.4)	C
5	Akers Rd & Hosking Ave	Signal	C	C	C	C	C	C	-
6	Wible Rd & Hosking Ave	Signal	C	D (38.6)	D (35.4)	D (39.6)	F (84.1)	F (84.9)	C
7	SR 99 SB Off Ramp & Hosking Ave	Signal	B	B	B	B	E (56.4)	E (61.0)	C
8	SR 99 NB Off Ramp & Hosking Ave	Signal	A	A	A	A	A	A	-
9	Wible Rd & McKee Rd	All Way Stop	B	B	B	B	D (50.4)	E (37.9)	C
10	Wible Rd & Taft Hwy (SR 119)	Signal	C	C	B	B	E (69.9)	E (70.9)	C

NOTE: Cum=Background Cumulative Traffic; Mit=Mitigation
[1]See Table 7 for Mitigation Measures.
[2]No mitigation since addition of project traffic does not add more than 5 seconds of delay.

TRAFFIC SIGNAL WARRANT ANALYSIS

Weekday PM peak hour signal warrants were evaluated for the unsignalized intersection within the scope of the study based on the 2014 edition of the California Manual on Uniform Traffic Control Devices (2014 CA MUTCD). Signal warrants assess delay to traffic on minor street approaches at major street intersections. Signal warrant analysis results are presented in Table 5.

Table 5
Traffic Signal Warrants
Weekday PM Peak Hour

Intersection #9 - Wible Road & McKee Road						
Year	Without Project			With Project		
	Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met	Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met
2018	514	185	NO	661	201	NO
2021	549	198	NO	696	214	NO
2035	927	319	YES	1074	335	YES

It is important to note that a signal warrant defines the minimum condition under which signalization of an intersection might be warranted. Meeting this threshold does not suggest traffic signals are required, but rather, that other traffic factors and conditions be considered in order to determine whether signals are truly justified.

It is also noted that signal warrants do not necessarily correlate with level of service. An intersection may satisfy a signal warrant condition and operate at or above LOS C, or operate below LOS C and not meet signal warrant criteria.

ROADWAY ANALYSIS

Volume-to-capacity (v/c) ratios for roadway segments in the study area are shown in Table 6. A volume-to-capacity ratio of greater than 0.80 corresponds to a LOS of less than C, as defined in HCM 2010. The City of Bakersfield's operational goal for roadway capacity is LOS C or better.

Table 6
Roadway Capacity

Street	2018[1]	Project ADT	2021 ADT	2021+ Project	2035 ADT	2035+ Project	Existing Capacity	Mitigated Capacity	v/c(Ex) 2018	v/c(Ex) 2018+ Proj	v/c(Fu) 2021	v/c(Fu) 2021+ Proj	v/c(Fu) 2035	v/c(Fu) 2035+ Proj	v/c(Mit) 2035+Proj
Berkshire Rd: Stine Rd - Wible Rd	3149	903	3347	4250	4448	5351	15000	-	0.21	0.27	0.22	0.36	0.30	0.36	-
Hosking Ave: Stine Rd - Wible Rd	13507	1538	15242	16780	26792	28330	40000	-	0.34	0.38	0.38	0.71	0.67	0.71	-
Hosking Ave: Wible Rd - SR 99	17810	1636	20097	21733	35321	36957	60000	-	0.30	0.32	0.33	0.62	0.59	0.62	-
Akers Rd: Hosking Av - Panama Ln	8878	342	8973	9315	9429	9771	15000	-	0.59	0.61	0.60	0.65	0.63	0.65	-
Wible Rd: Hosking Av - Panama Ln	10283	2967	10912	13879	14399	17366	30000	-	0.34	0.44	0.36	0.58	0.48	0.58	-
Wible Rd: Taft Hwy (SR 119) - Hosking Ave	9861[2]	2381	10515	12896	14189	16570	15000	30000	0.66	**0.82**	0.70	**1.10**	0.95	**1.10**	0.55

[1]Published ADT data
[2]2018 Data not available; data grown out from previous available year.

MITIGATION

The Regional Transportation Impact Fee (RTIF) Program imposes fees on new development and includes a Regional Transportation Facilities List and Transportation Impact Fee Schedule. The Facilities List includes transportation improvements which are needed by the year 2035 to maintain a LOS C or better for new growth or to prevent the degradation of facilities which currently operate below LOS C. The Fee Schedule sets forth fees to be collected from new development to mitigate the need for transportation improvements.

Intersection and roadway improvements needed by the year 2035 to maintain or improve the operational level of service of the street system in the vicinity of the project are presented in Tables 7 and 8. Additionally, Tables 7 and 8 identify local mitigation improvements not covered by the RTIF Program or adjacent development, and the project's percent share for the cost of these improvements if needed.

Table 7
Future Intersection Improvements and Local Mitigation

#	Intersection	Total Improvements Required by 2035	Local Mitigation *(Improvements not covered by RTIF or adjacent development)*	Project Share for Local Mitigation
4	Stine Rd & Hosking Ave	Change EBT/R to 1 EBT, 1 EBR Change WBT/R to 1 WBT, 1 WBR Add: 1 EBT, 1 EBL, 1 WBT, 1 WBL, 2 NBT, 1 NBL, 2 SBT, 1 SBL	-[1]	N/A
6	Wible Rd & Hosking Ave	Change EBT/R to 1 EBT, 1 EBR Add: 1 EBT, 1 EBL, 1 WBT, 1 WBL, 2 NBT, 1 NBL, 2 SBT, 1 SBL	-[1]	N/A
7	SR 99 SB Off Ramp & Hosking Ave	Add 1 EBT[2]	-[1]	N/A
9	Wible Rd & McKee Rd	Install Signal Change NBT/R to 1 NBT, 1 NBR	-[1]	N/A
10	Wible Rd & Taft Hwy (SR 119)	Change SBT/R/L to 2 SBL, 3 SBT, 1 SBR Add: 2 EBT, 1 EBL, 2 WBT, WBL	-[1]	N/A

NOTES: NB=Northbound; L=Left-Turn Lane; SB=Southbound; T=Through Lane; EB=Eastbound; R=Right-Turn Lane; WB=Westbound

[1]All improvements are included in the Fee Program facilities list.

[2]Striping only.

Table 8
Future Roadway Improvements and Local Mitigation

Roadway Segment	Total Improvements Required by 2040	Local Mitigation (Improvements not covered by RTIF or adjacent development)
Wible Road: Taft Hwy (SR 119) to Hosking Ave	Add 2 Lanes	-

This study evaluated the potential traffic impact of a proposed commercial General Plan Amendment (GPA) and Zone Change located on the northeast corner of Hosking Avenue and Wible Road. Study findings are summarized below.

Intersection Level of Service

With the exception of the intersection at Wible Road & Panama Lane, all intersections within the scope of the study currently operate at or above LOS C during the weekday peak hours. With the addition of project traffic in the existing year, it is anticipated that Wible Road & Hosking Avenue will operate below level of service C.

It is anticipated that all intersections operating at or above LOS C in the existing plus project condition will continue to do so in the 2023 build year and 2023 build year plus project conditions.

By 2035, four additional intersections are anticipated to operate below a level of service C prior to the addition of project traffic (Stine Road & Hosking Avenue, SR 99 SB Off Ramp & Hosking Avenue, Wible Road & McKee Road, and Wible Road & Taft Highway/State Route 119). All other intersections operating at or above LOS C are anticipated to continue to do so with the addition of project traffic.

All study intersections meeting City of Bakersfield significant impact criteria can be mitigated to operate at LOS C during the weekday peak hours in the year 2035 through measures included in the Regional Transportation Impact Fee program.

Roadway Capacity

All roadway segments within the scope of the study currently operate at or above LOS C. It is anticipated that the roadway segment of Wible Road between Taft Highway (SR 119) and Hosking Avenue will operate below LOS C with the addition of project traffic in the existing year.

It is anticipated that all roadway segments operating at or above LOS C in the existing plus project condition will continue to do so through the future year 2035 and 2035 plus project conditions.

The segment of Wible Road between Taft Highway (SR 119) and Hosking Avenue, which meets the City of Bakersfield's significant impact criteria, can be mitigated to operate at an acceptable level of service through measures included in the Regional Transportation Impact Fee program.

CONCLUSION

Five study intersections and one roadway segment were identified to need improvements by the year 2035 in order to maintain acceptable levels of service (shown in Tables 7and 8). These improvements are included on the RTIF facilities list. Provided the RTIF improvements are constructed, it is anticipated that the proposed commercial General Plan Amendment (GPA) and Zone Change will have minimal impact on traffic operations in the vicinity of the project.

REFERENCES

1. California Manual on Uniform Traffic Control Devices for Streets and Highways, 2014 Edition, State of California, California State Transportation Agency, Department of Transportation (Caltrans), 2014
2. Highway Capacity Manual, Transportation Research Board, 2010
3. Traffic Count Database System (TCDS), Kern Council of Governments (Kern COG)
4. Trip Generation Manual, 9th Edition, Institute of Transportation Engineers (ITE), 2012

APPENDIX

CALIFORNIA WATER SERVICE
Bakersfield District 3725 South H Street, Bakersfield, CA 93304
Tel: (661) 837-7200

February 15, 2019

City of Bakersfield
Planning Department
1715 Chester Lane
Bakersfield, CA 93301

Will Serve Letter
Tract or Parcel Map No: *GPA/ZC 19-0035*
Developer: *Freddie Porter*

Dear City of Bakersfield:

As a regulated utility, California Water Service Company Bakersfield district ("Cal Water") has an obligation to provide water service in accordance with the rules and regulations of the California Public Utility Commission (CPUC). Assuming you receive all required permits from City of Bakersfield, Cal Water will provide water service to the above referenced project. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This will serve letter shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming our commitment to serve the above mentioned project. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable[1] water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells,[2] in addition to the cost of mains and services. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.

[1] This portion of the letter to be modified accordingly in the event the development for which this letter is being generated is to be served with potable and non potable water.
[2] For the districts that collect facility fees on a per lot basis, delete the reference to wells as a special facility here and add in the following sentence, "Developer will also be required to contribute towards Cal Water's water supply by paying facilities fees on a per lot basis as described in Rule 15"

CALIFORNIA WATER SERVICE

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.

If you have any questions regarding the above, please call me at *(661) 837-7240*.

Sincerely,

Geoff Fulks
District Manager

cc: Ting He – Cal Water Engineering Dept
File

Kern County
Superintendent
of Schools

Office of Mary C. Barlow ...advocates for children

May 17, 2019

City of Bakersfield – Planning Department
Attn: Steve Esselman, Principle Planner
1715 Chester Ave.
Bakersfield, CA 93301

Our File No.: CI19-0013

RE: **DEVELOPER FEES FOR**: GPA/ZC No. 18-0035 Map. No. 123-25
(Northeast corner of the Hosking Ave. and Wible Rd. intersection)

Dear Mr. Esselman,

This office represents the Greenfield Unioin Elementary and Kern High School Districts with regard to the imposition of developer fees, and appreciate the opportunity to respond on behalf of these districts regarding the proposed project. This letter is limited to addressing the possible effects which the project might have on school facilities created by students attributable to the project. It is not intended to address other possible environmental concerns which might be identified by the district(s) after reviewing it.

It is our determination that the above mentioned project proposing (1) an amendment of the Land Use Element of the *Metropolitan Bakersfield General Plan* land use designation LMR (Low Medium Density Residential) to GC (General Commercial), or a more restrictive district; and (2) a change in zone classification from R-S (Residential Suburban) to C-1 (Neighborhood Commercial) or a more restrictive district will have no significant effects on either of these district's facilities so long as statutory school facilities fees, if any, are collected as required by law and that no further mitigation measures regarding school facilities are necessary. Currently, these fees are set at $0.61 per square foot for commercial/industrial covered and enclosed space, an amount subject to COLA adjustment every two years.

Thank you for the opportunity to comment on the project. Should you have any questions, or if we can be of any further assistance in this matter, please contact me at 636-4599, or through e-mail at anwatson@kern.org.

Sincerely,

Mary C. Barlow
County Superintendent of Schools

awatson

Andrea Watson, Specialist
School District Facility Services

ALW
cc: District(s)

From:	Lau, Scott@DOT
To:	Steven Esselman
Cc:	Mendibles, Lorena@DOT
Subject:	GPA / ZC #19-0035
Date:	Monday, June 3, 2019 8:36:32 AM
Attachments:	image001.gif

Warning: This email originated from outside the City of Bakersfield. Think before you click!

Good morning,

I have reviewed GPA / ZC #19-0035 and have no comments.

Thank you,

CT_logo

Scott Lau

Transportation Planner
California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93778
(559) 445-5763

RECEIVED
JUN 03 2019
CITY OF BAKERSFIELD
PLANNING DEPARTMENT

May 31, 2019

Dear Mr. Esselman,

My name is Joe Jimenez. I am a resident of the StoneCreek community for over 16 years. One thing that led my wife and me to live in Bakersfield was how quiet and peaceful it was here. Living in new community was joyful and exciting.

What I am concerned about this proposed project is that we will lose and never gain back the peaceful and relaxed state of our lovely community. Changing the zoning of this community from R-2 to R-1 (Residential to Commercial) it a bad idea. It will damage the entire community for ever.

As to our conversation on the telephone the other day, putting a gas station/convenience Store in our community will create many new problems. As a retired LAPD Officer working in Los Angeles, I know first hand what kind of problems gas stations/ convenience stores bring. The word convenience store is a another term for "Liquor Store".

First, the traffic and noise will increase dramatically. Crimes will increase: robberies, thefts, assaults, loitering, homelessness, transients, drugs deals, minors seeking to buy alcohol. Not too mention, how will this impact property values? What will happen too our property taxes? Plus, having the liability of a gas station in a residential area in case an accident should occur.

We have plenty of gas stations/convenience stores already on Panama Lane and Taft Highway. How is another gas station /store located on the proposed site gonna benefit this community?

Will an Environmental Impact Report be done prior to making any Zoning changes?

Please consider the voices of hard working tax payers that live in this community.

Sincerely,

Joe and Linda Jimenez

CELL # 818 970-7214

California
Department of Conservation
Division of Oil, Gas, and Geothermal Resources

Gavin Newsom, Governor
David Bunn, Director
801 K Street, MS 18-05
Sacramento, CA 95814
T: (916) 445-9686

06/03/2019

City: Bakersfield - City of Bakersfield Development Services Department
Jose Gonzalez Ortiz
4800 Stockdale Highway, Bakersfield, CA 93309, USA
jose.gonzalezortiz@conservation.ca.gov

Construction Site Well Review (CSWR) ID: 1011595

Assessor Parcel Number(s): 51511003, 51511004, 51511005, 51511006, 51511015

Property Owner(s): Cindy Henson

Project Location Address: NE corner of Hosking Ave and Wible Rd, Bakersfield, California, 93313

Project Title: GPA/ZC No. 19-0035, Loc: NE corner of Hosking Ave and Wible Rd, APNs 51511003, 04, 05, 06, 15

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project dated 5/21/2019. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Kern County, within the boundaries of the following fields:

Our records indicate there are 0 known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation,

Gavin Newsom, Governor
David Bunn, Director
801 K Street, MS 18-05
Sacramento, CA 95814
T: (916) 445-9686

maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 334-3650 or via email at Emily.Loera@conservation.ca.gov

Sincerely,

For C. Campbell

Cameron Campbell
District Deputy

Mike Campisi
Pipeline Planning Assistant

9400 Oakdale Ave
Chatsworth, CA 91311

Tel: 213-231-6081

June 6, 2019

Steve Esselman
City of Bakersfield
sesselman@bakersfieldcity.us

Subject: **GPA/ZC 19-0035**

DCF: **1131-19NC**

The Transmission Department of SoCalGas does not operate any facilities within your proposed improvement. However, the Distribution Department of SoCalGas may maintain and operate facilities within your project scope.

To assure no conflict with the Distribution's pipeline system, please e-mail them at:

NorthwestDistributionUtilityRequest@semprautilities.com

Sincerely,

Mike Campisi
Pipeline Planning Assistant
SoCalGas Transmission Technical Services
SoCalGasTransmissionUtilityRequest@semprautilities.com

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Gavin Newsom
Governor

Kate Gordon
Director

RECEIVED
JUN 13 2019
CITY OF BAKERSFIELD
PLANNING DEPARTMENT

June 10, 2019

Steve Esselman
Bakersfield, City of
1715 Chester Avenue
2019059038
Bakersfield, CA 93301

Subject: GPA/ZC 19-0035
SCH#: 2019059038

Dear Steve Esselman

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 6/7/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, https://ceqanet.opr.ca.gov/2019059038/2.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

Thanks,

Brianna
CMO

From: Joe Jemenez <jred4jesus@sbcglobal.net>
Sent: Saturday, July 13, 2019 10:35 AM
To: City_Council <City_Council@bakersfieldcity.us>
Subject: Fw: Letter to Chris P.

Warning: This email originated from outside the City of Bakersfield. Think before you click!

----- Forwarded Message -----
From: David Palinsky <dpalinsk@gmail.com>
To: Joe Jimenez <Jred4jesus@sbcglobal.net>
Sent: Saturday, July 13, 2019, 10:31:23 AM PDT
Subject: Letter to Chris P.

Chris:

Thank you for taking time out your busy schedule to join our community group meeting on 7/3/2019 regarding General Plan Amendment/Zoning Change No. 19-0035 and listening to our concerns in opposition to the proposed changes.

As homeowners in the community impacted by the proposed changes, we are very concerned and opposed to changing the Land Use Element from Low Medium Density Residential (LMR) to General Commercial (GC) and rezoning the property from Residential Suburban (R-S) to Neighborhood Commercial (C-1). For many of us, knowing the zoning and designated land use around our properties, factored into the decision to purchase our homes. Rezoning from R-S to C-1 coupled with the completion of the proposed commercial development of a gas station, restaurant, fast food restaurant and five shops, will have negative impacts upon existing homeowners adjacent to and nearby the property in question. Our community believes commercial development will increase the homeless/transient population resulting in increased criminal activity in our neighborhood. Traffic will increase which will impact air quality, noise and risk to the many children crossing the Wible Road/Hosking Avenue intersection to and from school. Additionally, lighting, alley ways, deliveries, etc. will severely impact the quality of life for those homeowners who live on the east side of the property for which the changes are sought. Furthermore, commercial development with the exact same services the property owners intend to develop, exists both north and south and within about a half mile in each direction. We, the community members, do not see the need for commercial development at the Wible Road/Hosking Avenue intersection

Our community group, Wible Road Action Group, requests to be notified of all future notices, meetings and other activities related to General Plan Amendment/Zoning Change No. 19-0035. Any assistance with navigating and working with City Staff and the Planning Commission would be greatly appreciated.

Regards,

Joe Jimenez

President, Wible Road Action Group

Steven Esselman

From: Brett Vigil <brett.vigil@gmail.com>
Sent: Wednesday, August 21, 2019 8:10 PM
To: Steven Esselman
Subject: Opposition to Zoning Change
Attachments: MVIMG_20190821_200257.jpg

Warning: This email originated from outside the City of Bakersfield. Think before you click!

My name is Brett Vigil, and I live on Granite Hills St., and would be immediately affected by this zoning change.

(Picture attached)

I oppose this zoning change for a myriad of reasons and plan on attending the city hall meeting on September 5.

This email is to inform you that this is NOT a consent item/issue.

If you have any questions or concerns please contact me at 408-401-2003

-Brett Vigil

CITY OF BAKERSFIELD

NOTICE OF PUBLIC HEARING

FILE NO. GPA/ZC 19-0035

PROPOSED ON THIS SITE:

General Plan Amendment from LMR to GC

Zone Change from R-S and R-1 to C-1 (10.1 acres +/-)

PUBLIC HEARING	FOR INFORMATION CALL	
DATE: Sept. 5th, 2019 TIME: 5:30 PM LOCATION: CITY HALL 1501 TRUXTUN AVE.	DEVELOPER Michael E. Henson (661) 204-0816	PLANNING DIVISION (661) 326-3733 www.bakersfieldcity.u

Steven Esselman

From: Ingrid Henderson <inghnd59@yahoo.com>
Sent: Thursday, August 22, 2019 11:00 AM
To: Steven Esselman
Subject: File No GPA/ZC 19-0035

Warning: This email originated from outside the City of Bakersfield. Think before you click!

Dear Mr. Esselman,

my home is located on 3903 Bridgewater Way I am opposed to this zoning change for a number of reasons that would directly impact our quality of life in the Stonecreek neighborhood!

I am informing you that this is not a consent item.

you can reach me at 661-889-8829 if you have any questions to my opposition

I am planning on being at the city hall meeting on Sept 5.

Have your best day today!

Sincerely

Ingrid Henderson

Steven Esselman

From: David Palinsky <dpalinsk@gmail.com>
Sent: Thursday, August 22, 2019 12:58 PM
To: Steven Esselman
Subject: Re: General Plan Amendment/Zone Change No. 19-0035

Warning: This email originated from outside the City of Bakersfield. Think before you click!

Dear Mr. Esselman:

I am opposed General Plan Amendment/Zone Change No. 19-0035 proposed by Porter & Associates representing Cindy Henson (property owner).

As a homeowner in the community impacted by the proposed zoning change, I am very concerned about increasing the amount of commercial property in our community. My concerns include the following:

1. An increased presence of homeless/transient activities that always has negative effects on a community including criminal activity, pan handling, public defecation and litter.

2. A different traffic pattern, than if single family homes were developed, that I believe will increase traffic, noise and risk to the many children crossing the Wible and Hosking intersection to and from school.

3. Additionally, lighting, alley ways, deliveries, etc. will severely impact the quality of life for those homeowners who live closest to the property for which the changes are sought.Please provide notice of any meetings, hearings or other related activities for which public notice is required.

Regards,

David Palinsky

From:	Phil Burns
To:	Steven Esselman
Subject:	Fwd: Zone Change Wible and Hosking
Date:	Thursday, August 22, 2019 5:07:23 PM

Additional comments

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: City_Council <City_Council@bakersfieldcity.us>
Date: 8/22/19 4:59 PM (GMT-08:00)
To: bobgoodrich@bak.rr.com, City_Council <City_Council@bakersfieldcity.us>
Subject: RE: Zone Change Wible and Hosking

Good afternoon,

Thank you for your message. I will be sure to send it on to Vice Mayor Parlier and also to the Director of Development Services.

Brianna

Brianna Carrier
Administrative Analyst III
City Manager's Office
City of Bakersfield
(661) 326-3751

From: bobgoodrich@bak.rr.com <bobgoodrich@bak.rr.com>
Sent: Thursday, August 22, 2019 3:15 PM
To: City_Council <City_Council@bakersfieldcity.us>
Subject: Zone Change Wible and Hosking

RECEIVED
AUG 26 2019
CITY OF BAKERSFIELD
PLANNING DEPARTMENT

Attn: Steve Esselman,

We are opposed to the zoning change of the property located at the northeast corner of Wible and Hosking for the following reasons:

1. A gas station/convenience store/liquor store adds nothing to our neighborhood that is not already readily available nearby on Panama Lane.
2. These businesses are known to attract transients and homeless individuals. The Bakersfield Police Dept. can not keep up with the homeless problem already.
3. Stone Creek Jr. High School kids need to be safe walking to school and not exposed to the transient element and the increase in traffic.
4. We are opposed to a store selling alcoholic beverages so close to the Jehovah Witness Church across the street on Wible.
5. The noise and additional traffic will disrupt nearby quiet family neighborhoods.

Bob and Karen Goodrich
3412 McKee
Bakersfield CA. 93313

Karen Goodrich
Bob Goodrich

From: dassdebra@aol.com
To: Steven Esselman
Subject: NOT A CONSENT ITEM/ISSUE (Negative Zoning Change)
Date: Friday, August 23, 2019 5:13:58 PM

Warning: This email originated from outside the City of Bakersfield. Think before you click!

We are Debra and Samuel Jones and we live on Balance Rock Lane and would be directly/negatively impacted by this zoning change located at Wible and Hoskins Roads.

We vehemently oppose this zoning change for a number of reasons: It will create personal safety for children and residents in Granite Point, a great potential for vandalism/graffiti of personal property, homeless individuals camping out, littering, urinating,hazardous traffic implosion, and excessive trash accumulation in the neighborhood.

We plan to attend the city hall meeting on September 5, 2019. This email is to inform you that this is NOT A CONSENT ITEM/ISSUE.

Any questions/concerns regarding this zoning change, please contact us at (323)229-1801.

Samuel & Debra Jones
Home Owners, Granite Point

RECEIVED
AUG 2 6 2019
CITY OF BAKERSFIELD
PLANNING DEPARTMENT

August 22, 2019

Dear Steven Esselman and Bakersfield Planning Division,

This letter is in opposition to the proposed General Plan Amendment File Number: GPA/ZC 19-0035.

My wife and I live in the Sierra Meadows development, and we are concerned about the increased traffic, vagrants, noise and other negative impacts a commercial development will bring to our residential area.

We are unable to attend the city hall meeting on September 5th, but we want our voice to be considered. It is for this reason we are sending this letter.

If you would like to contact me, my number is 661-900-5103. We urge you and the planning division to reject the GP amendment and keep our neighborhood residential.

Respectfully,

Jonathan and Cindy Mullings

COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: September 5, 2019 **ITEM NUMBER:** New Business7.(a.)

TO: Planning Commission

FROM: Kevin F. Coyle, AICP CEP, Planning Director

PLANNER:

DATE:

WARD:

SUBJECT:
Update on Major Development Projects: Staff will provide an update on major development projects in the City.

APPLICANT:

OWNER:

LOCATION: City-Wide

STAFF RECOMMENDATION:
Receive and file.

ATTACHMENTS:

	Description	Type
	Development Update Presentation	Presentation

Project Update
Commercial
-
Residential

September 5, 2019

City Lights @ Former East Hills Mall

- 337,581 sf mixed-use shopping center
- 36.41 acres

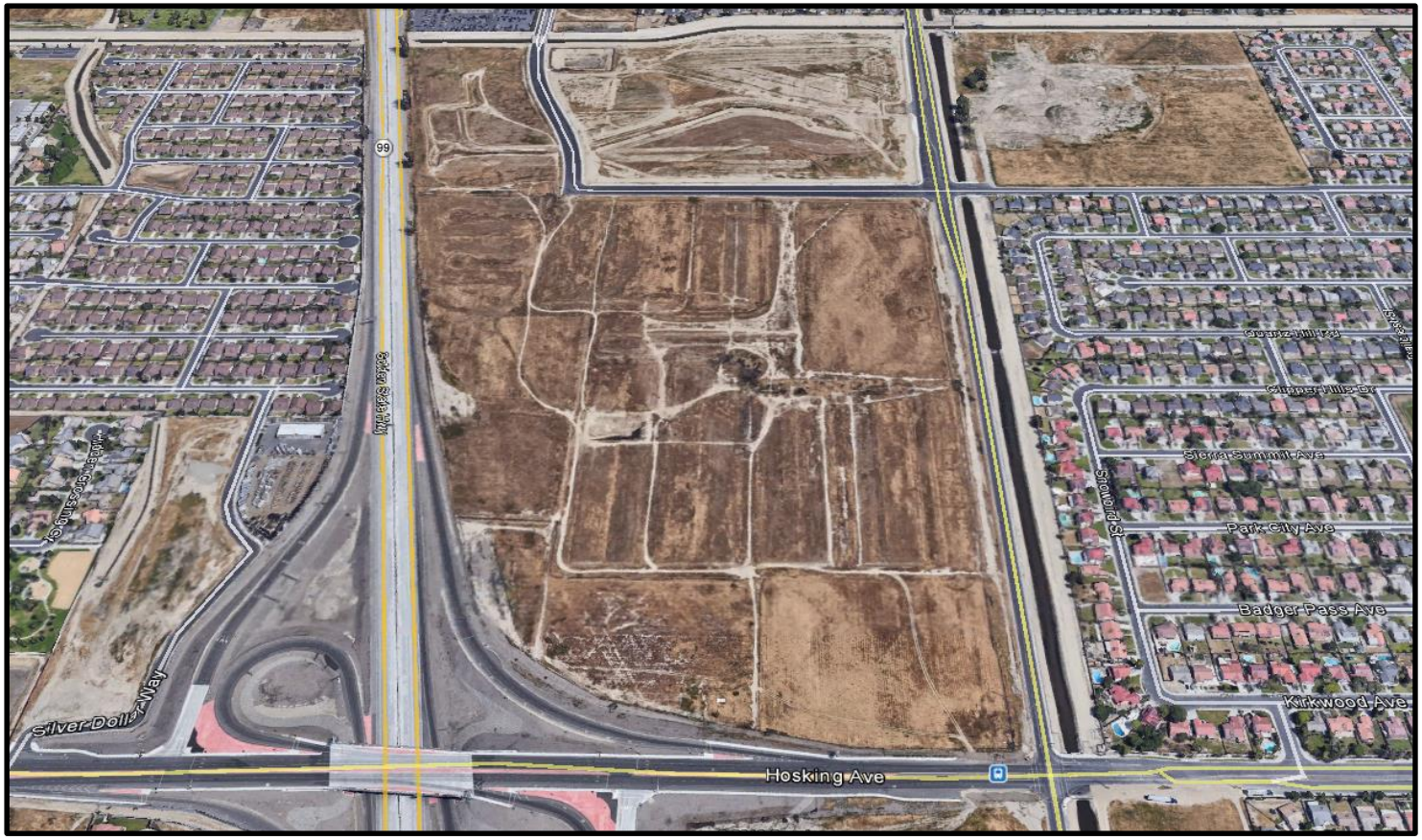
Bakersfield Commons @ Brimhall & Coffee

- 231,360 sf mixed-use shopping center
- 120,000 sf office
- 737 dwelling units
- 140 bed hospital

- 97.22 acres

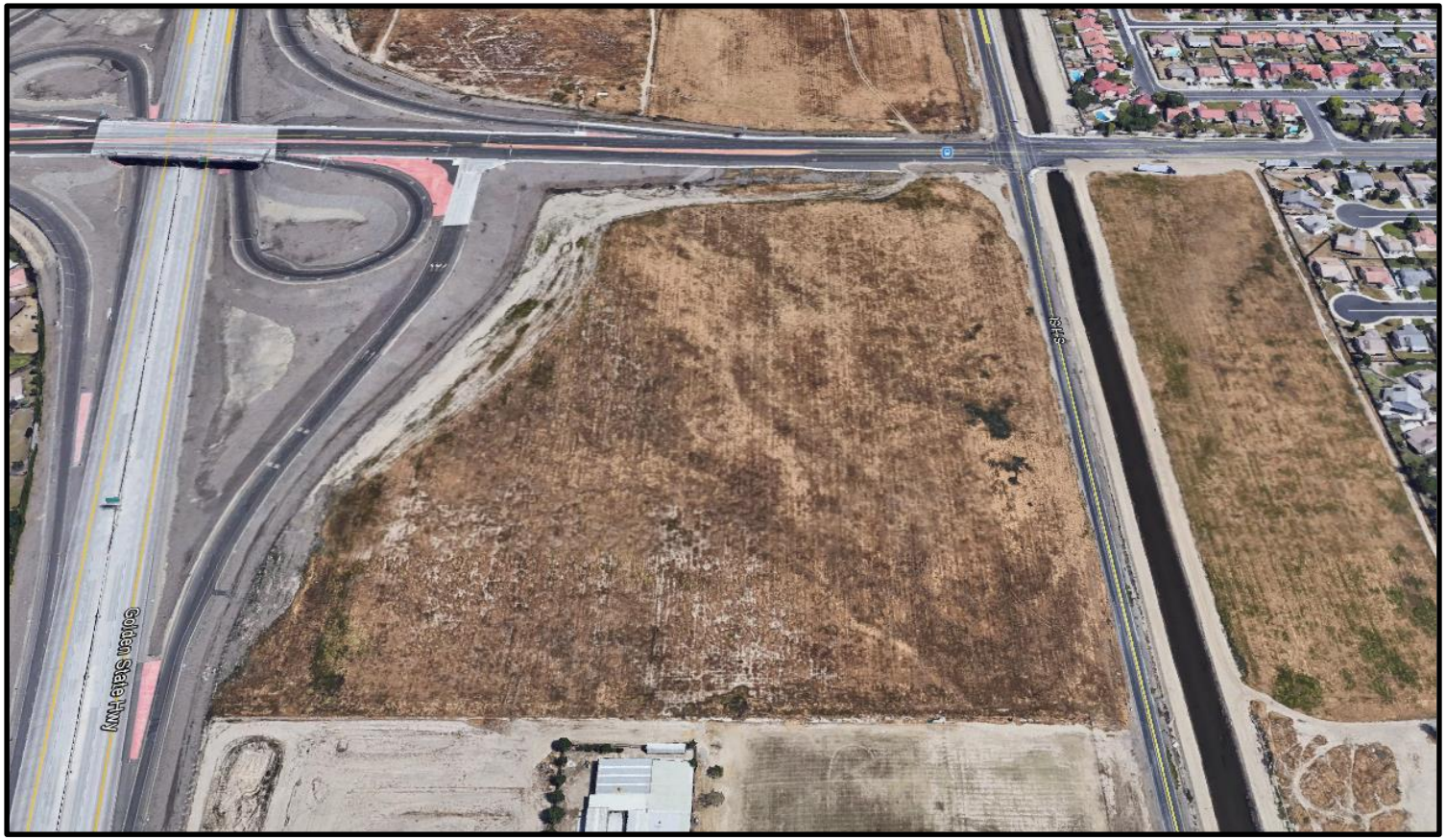
Gateway @ Hosking & S. H (NW Corner)

- 635,759 sf mixed-use shopping center
- 80 acres



The Point @ Hosking & S. H (SW Corner)

- 36,500 sf mixed-use shopping center
- 29.69 acres

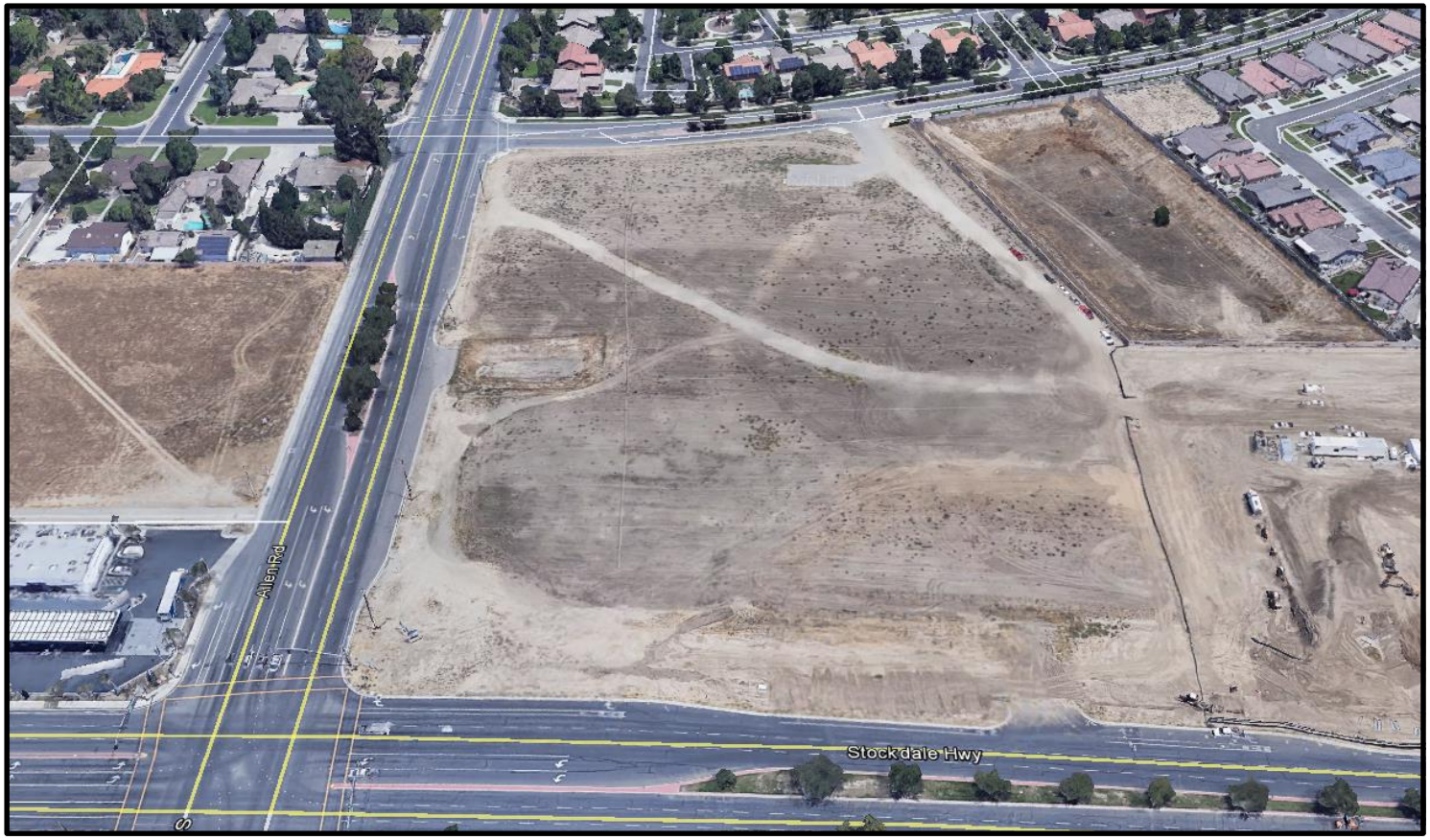


Stockdale & Buena Vista (SW Corner)

- 72,546 sf mixed-use shopping center
- 13.84 acres

Stockdale & Allen (NE Corner)

- 85,332 sf mixed-use shopping center
- 10.59 acres



The Shops @ Riverwalk

- 35,203 sf retail, office, restaurant
- 4.75 acres

Artisan Square @ Brimhall & Allen (NW Corner)

- Rancho Grande Mexican Grill, Urgent Care Facility

Valley Plaza

- Texas Roadhouse, Blaze Pizza, Boba Time, Panini Kabob
- Panera

Hwy 178 & Comanche (SE Corner)

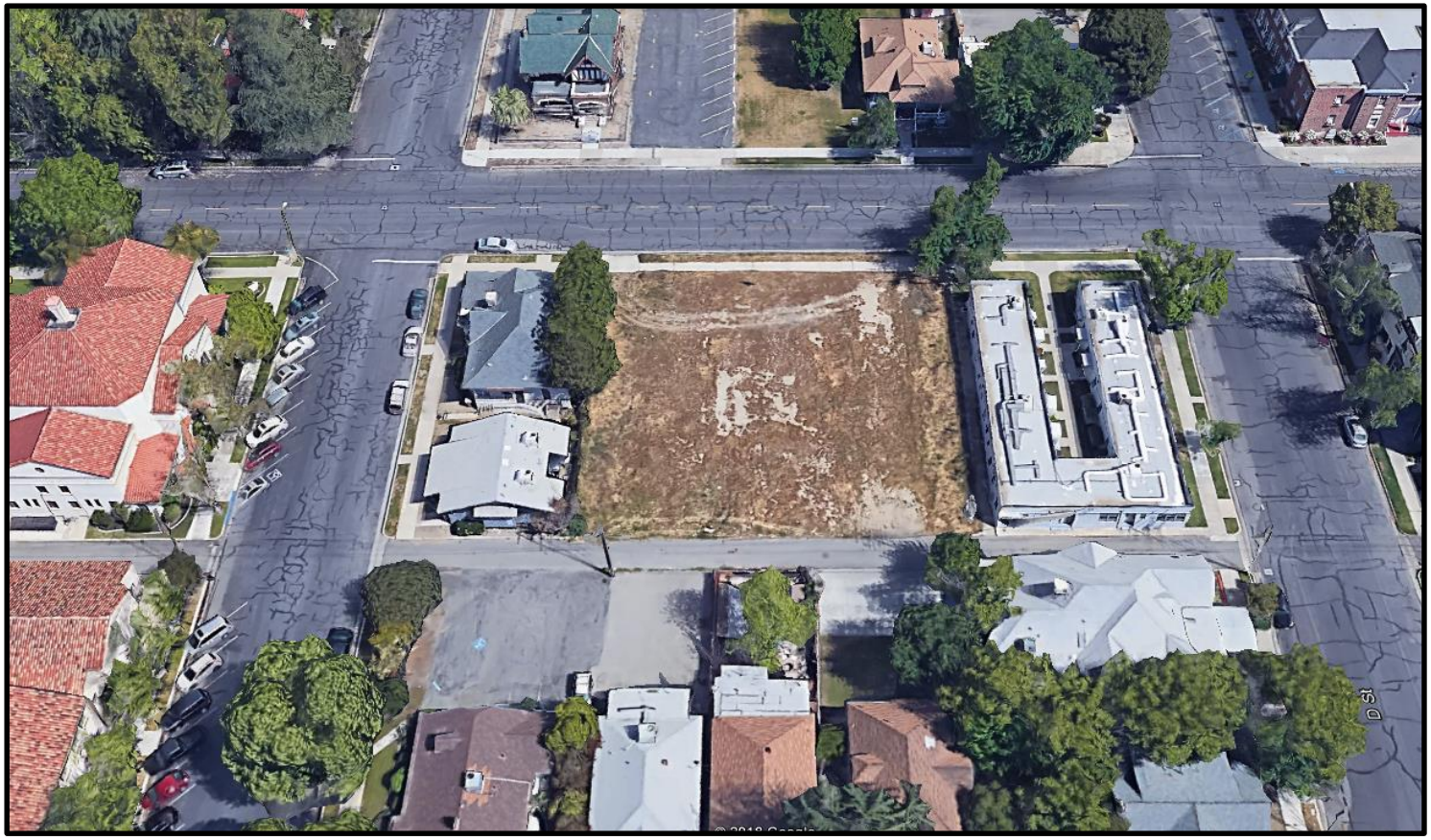
- Taco Bell, Shell
- 5.2 acres

Harris & Buena Vista (NE Corner)

- 144 dwelling unit apartment complex

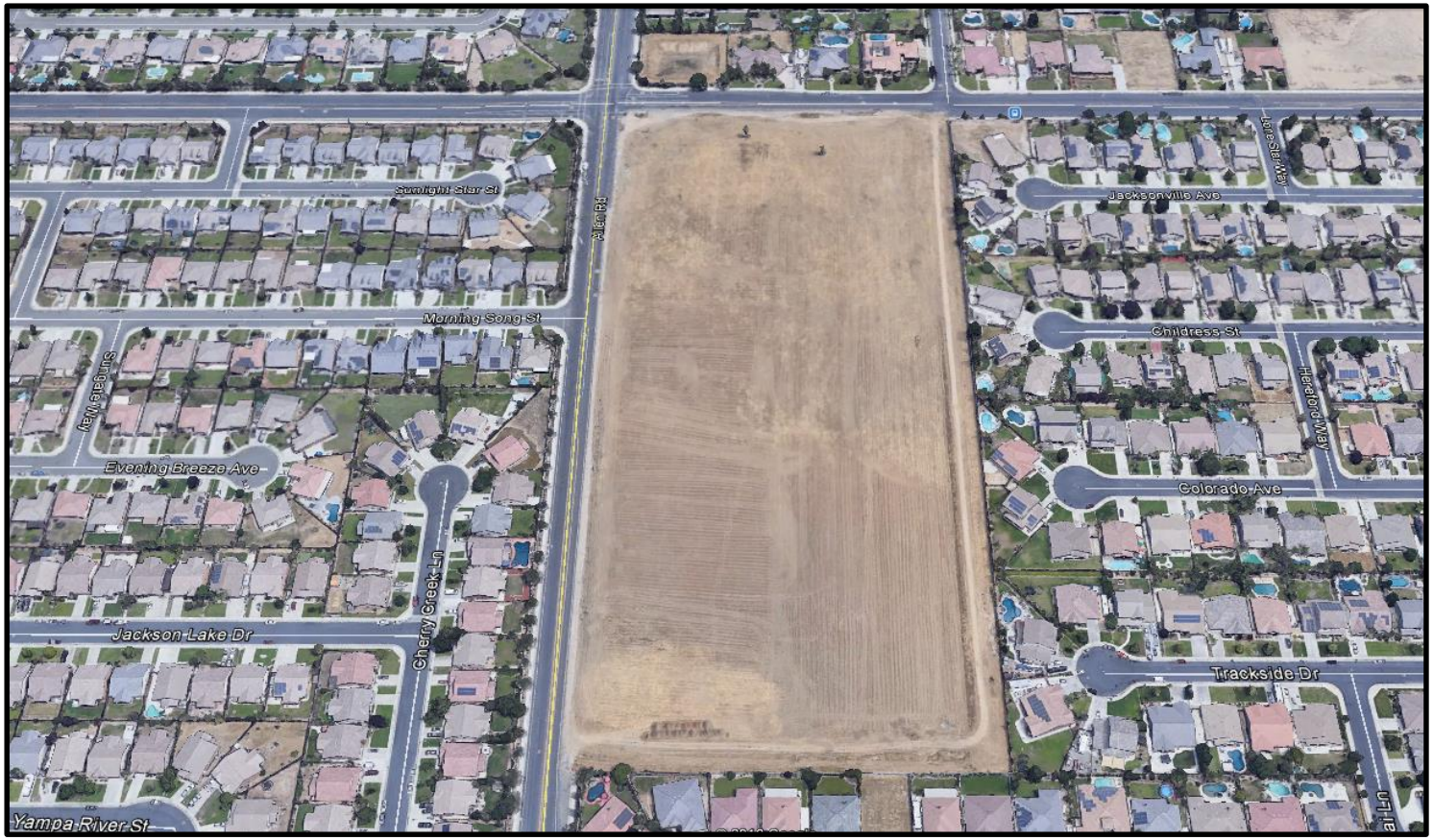
2125 18th Street

- 28 dwelling unit apartment complex



Allen & Reina (SE Corner)

- 304 dwelling unit apartment complex



Old Farm & Noriega (NE Corner)

- 176 dwelling unit apartment complex

Chester Tower @ Chester & 18th (SE Corner)

- 40 dwelling units on floors 3 thru 7