

**REGULAR MEETING
ARVIN PLANNING COMMISSION**

**TUESDAY AUGUST 14, 2018 6:00p.m.
CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN**

CALL TO ORDER

Chair Olivia Trujillo

PLEDGE OF ALLEGIANCE

ROLL CALL: Olivia Trujillo
Janett Zavala
Yesenia Martinez
Miguel Rivera
Gerardo Tinoco

Chairperson
Vice Chairperson
Planning Commissioner
Planning Commissioner
Planning Commissioner

STAFF: Jake Raper
Shannon L. Chaffin
Cecilia Vela

City Planner
City Attorney – Aleshire & Wynder
Secretary

PUBLIC COMMENTS:

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the City on any item listed on the agenda, or on any non-listed matter over which the City has jurisdiction. At special or emergency meetings, members of the public may only address the City on items listed on the agenda. The City may request speakers to designate a spokesperson to provide public input on behalf of a group, based on the number of people requesting to speak and the business of the City.

In accordance with the Brown Act, all matters to be acted on by the City must be posted at least 72 hours prior to the City meeting. In cases of an emergency, or when a subject matter needs immediate action or comes to the attention of the City subsequent to the agenda being posted, upon making certain findings, the City may act on an item that was not on the posted agenda.

AGENDA STAFF REPORTS AND HANDOUTS:

Staff reports and other disclosable public records related to open session agenda items are available at City Hall, 200 Campus Drive, Arvin, CA 93203 during regular business hours.

CONDUCT IN THE CITY COUNCIL CHAMBERS:

Rules of Decorum for the Public

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City, be subject to ejection from the meeting per Gov. Code Sect. 54954.3(c).

Removal from the Council Chambers

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Gov. Code Sect. 54954.3(c).

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City; and
- (d) Any other unlawful interference with the due and orderly course of said meeting.

AMERICANS with DISABILITIES ACT:

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, (661) 854-3134. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

1. Approval of Agenda As To Form. Motion _____ Second _____ Vote _____
Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

2. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Special Meeting of June 12, 2018.

Staff recommends approval of the Minutes of the Special Meeting of June 12, 2018.

Motion _____ Second _____ Vote _____
Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

4. PUBLIC HEARING(S)

A. Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Recommending the City Council I) Approve the Uncodified Ordinance for Third Amendment By and Between Auburn Oak Developers, LLC and the City of Arvin of the Development Agreement Between Sycamore Villas, LLC, and the City of Arvin, Concerning Tract 5816, Recorded on July 3, 2003 as Amended; and II) Adopt a CEQA Determination Per CEQA Guidelines Section 15061(b)(3). (City Planner)

Staff recommends the Planning Commission open the hearing; allow for public testimony; close the hearing; and approve the Resolution.

Motion _____ Second _____ Vote _____
Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

B. Public Hearing to Consider Approval of:

- 1) A Resolution of the Planning Commission of the City of Arvin Recommending the City Council of the City of Arvin Approve General Plan Amendment 2013-01 – Ariston Project Changing the Land Use Designation on 62+/_ Acres from Light Industrial and Heavy Industrial to 21.32 acres as General Commercial, 27.17 Acres as Medium-Density Residential, and 13.16 Acres as High Density Residential; And Associated Mitigated Negative Declaration;

- 2) A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Approve An Ordinance For Zone Change 2013-01 Ariston Project, Rezoning 62+/- Acres from Agricultural (A-1 and A-2) to General Commercial -Planned Development (C-2 PD) – 21.32 Acres; Two Family Dwelling Zone- Planned Development (R-2 PD) – 27.17 Acres; Limited Multiple Family Zone- Planned Development (R-3-PD) – 7.15 Acres; and Multiple Family Dwelling Zone – Planned Development (R-4-PD) - 6.01 Acres; and Associated Mitigated Negative Declaration. (City Planner)

Staff recommends the Planning Commission open the hearing; allow for public testimony; close the hearing; and approve the Resolutions.

Motion _____ Second _____ Vote _____
Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNMENT

I hereby certify, under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall Bulletin Board, not less than 72 hours prior to the meeting. Dated: August 10, 2018.



Cecilia Vela, Secretary

**SPECIAL MEETING MINUTES
ARVIN PLANNING COMMISSION**

JUNE 12, 2018

CALL TO ORDER @ 5:50 PM

[Announcement regarding Interim City Manager acting as Deputy Clerk/Secretary to the Planning Commission.]

PLEDGE OF ALLEGIANCE

ROLL CALL: PC Martinez and PC Rivera absent; All others present.

1. Approval of Agenda As To Form.

Motion to approve the Agenda.

Motion VC Zavala

Second Chair Trujillo

Vote 3-0

2. CLOSED SESSION

A. Conference with Legal Counsel Anticipated Litigation (Pursuant to Government Code § 54956.9) One potential case

Matter called.

Opened for public comment.

No public testimony received.

Adjourned into closed session.

Returned from closed session at approximately 6:12 p.m.

No reportable action taken in closed session.

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

NONE

5. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Special Meeting of May 30, 2018.

Staff recommends approval of the Minutes of the Regular Meeting of May 30, 2018.

Motion to approve Minutes of the Regular Meeting of May 30, 2018.

Motion VC Zavala

Second Chair Trujillo

Vote 3-0

6. PUBLIC HEARING(S)

- A.** Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Recommending Adoption Of An Ordinance By The City Council Of The City Of Arvin, California, To Adopt Text Amendment No. 2017-04, An Oil And Gas Ordinance For Regulation Of Petroleum Facilities And Operations, By Repealing Chapter 17.46, Title 17, And Adding Chapter 17.46 To Title 17, Of The Arvin Municipal Code, And Recommendation of Adoption of Categorical Exemption under CEQA Section 15308 (Actions By Regulatory Agencies For Protection Of Natural Resources)

Staff recommends the Planning Commission open the hearing; allow for public testimony; close the hearing; and approve the Resolution recommending the City Council adopt Text Amendment 2017-04 to adopt an updated oil and gas code and associated CEQA.

Staff presentation.

Hearing opened.

Public testimony received. 8 people spoke in support; 19 spoke in opposition.

Hearing closed.

Motion to approve the Resolution.

Motion PC Zavala Second Chair Trujillo Vote 3-0

Resolution No. APC 2018-11

[Brief recess to allow the public to exit chambers]

7. REPORTS FROM STAFF

NONE

8. PLANNING COMMISSIONER COMMENTS

NONE

9. ADJOURNED @ 8:02PM

Respectfully submitted,

Cecilia Vela, Secretary

Attachment: Minutes of the Special Planning Commission Meeting of June 12, 2018 (Minutes of the Special Meeting of June 12, 2018)



CITY OF ARVIN Staff Report

Meeting Date: August 14, 2018

TO: Planning Commission

FROM: Jake Raper, City Planner
Jerry Breckinridge, Interim City Manager

SUBJECT: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THE CITY COUNCIL I) APPROVE THE UNCODIFIED ORDINANCE FOR THIRD AMENDMENT BY AND BETWEEN AUBURN OAK DEVELOPERS, LLC AND THE CITY OF ARVIN OF THE DEVELOPMENT AGREEMENT BETWEEN SYCAMORE VILLAS, LLC, AND THE CITY OF ARVIN, CONCERNING TRACT 5816, RECORDED ON JULY 3, 2003 AS AMENDED; AND II) ADOPT A CEQA DETERMINATION PER CEQA GUIDELINES SECTION 15061(b)(3)

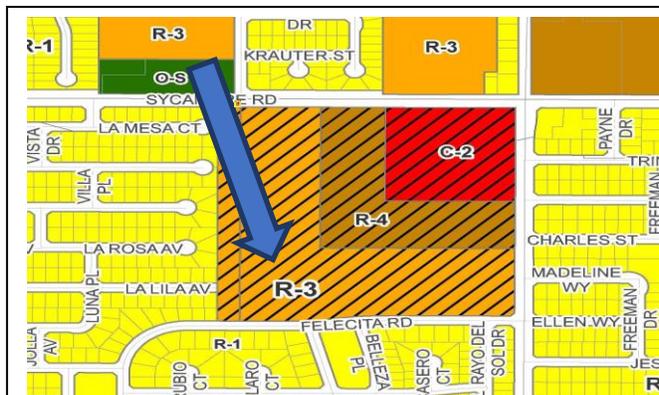
RECOMMENDATION:

Staff recommends that the Planning Commission of the City of Arvin (“Planning Commission”) adopt the attached Resolution of the Arvin Planning Commission recommending the City Council i.) Approve the Uncodified Ordinance for Third Amendment by and between Auburn Oak Developers LLC, and the City of Arvin of the Development Agreement between Sycamore Villas, LLC, and the City of Arvin, concerning Tract 5816, recorded on July 3, 2003 as amended and ii.) adopt a CEQA determination per CEQA Guidelines Section 15061(b)(3).

BACKGROUND:

The City of Arvin previously entered into a Development Agreement with Sycamore Villas, LLC, in July 3, 2003. The Development Agreement was amended, and Auburn Oak Developers

LLC (“Developer”) subsequently acquired Sycamore Villa LLC’s remaining portion of the property subject to the Development Agreement. The remaining portion of the property includes the areas referred to as Tract 5816 Phase 11 consisting of APN 189-351-58 – 21.33 acres, and APN 189-351-67 – 3.40 acres. A total of 24.73+/- Acres which is zoned R-3-MUO. The property is



located in the southwest portion of the city, and depiction of the location of the property is shown herein.

With a new property owner in place, City Staff and the Developer assessed the project and its requirements. As a result, the Developer requested an amendment to the Development agreement related to its property (“Third Amendment”). The proposed Third amendment would:

- Confirm the fee of \$2,300.00 per single family lot as was previously approved and set by prior amendments to the Development Agreement.
- Provide for mutual release of all past claims related to the property, and acknowledgement the City and Developer are not currently in default of the Development Agreement as amended.
- Extends the Development Agreement to the year 2026.
- Require the Developer to comply with its Annual Review and other requires of the Development Agreement as amended.
- Established a subsequent phasing agreement for the 140 single family lots.

The proposed Third Amendment complies with the policies of the City’s General Plan and is consistent with all applicable provisions of the General Plan. The proposed Third Amendment also complies with the requirements of California Government Code Sections 65865 through 65869.5. Staff have reviewed the Third Amendment, and found it will not be detrimental, or cause adverse effects, to the adjacent property owners, residents, or the general public, since the project will be substantially constructed in accordance with the plans and entitlements that were approved previously by the City, and development of any future phases will be subject to further review and consistency with the Development Agreement as amended. Finally, the proposed Third Amendment does not alter the clear and substantial benefit to the residents of the City of the project, since the proposed amendment makes not substantive changes to the project or to the Development Agreement.

ENVIRONMENTAL DETERMINATION:

The City has environmentally assessed the Third Amendment, and determined the Third Amendment is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the Third Amendment will have a significant, adverse, physical effect on the environment as the Third Amendment does not modify any physical aspect of the previously approved project, and merely affirms the party’s status under the previously adopted Development Agreement as amended.

ATTACHMENT(S)/EXHIBIT(S):

Resolution of the Arvin Planning Commission recommending the City Council Approve i.) the Uncodified Ordinance for Third Amendment by and between Auburn Oak Developers LLC and the City of Arvin of the Development Agreement between Sycamore Villas, LLC, and the City

of Arvin, concerning Tract 5816, recorded on July 3, 2003 as amended and ii) adopt a CEQA determination per CEQA Guidelines Section 15061(b)(3).

Exhibit A: An Uncodified Ordinance Of The City Council Of The City Of Arvin For A Third Amendment To The Development Agreement With Auburn Oak Developers, LLC, And CEQA Determination

Attachment 1: Planning Commission Public Hearing Notice

RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THE CITY COUNCIL I) APPROVE THE UNCODIFIED ORDINANCE FOR THIRD AMENDMENT BY AND BETWEEN AUBURN OAK DEVELOPERS, LLC AND THE CITY OF ARVIN OF THE DEVELOPMENT AGREEMENT BETWEEN SYCAMORE VILLAS, LLC, AND THE CITY OF ARVIN, CONCERNING TRACT 5816, RECORDED ON JULY 3, 2003 AS AMENDED; AND II) ADOPT A CEQA DETERMINATION PER CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, California Government Code Section 65864 *et seq.* authorizes cities to enter into development agreements with private property owners; and

WHEREAS, the City of Arvin City Council (the "City Council") previously entered into a Development Agreement with Sycamore Villas, LLC, pursuant to the authority of Government Code Sections 65864 through 65869.5 which was recorded on July 3, 2003, in the Kern County Official Records as Document Number 0203133456, ("Development Agreement"); and

WHEREAS, under the Development Agreement, Sycamore Villas, LLC had the right to sell, assign or transfer the Development Agreement, and all of its rights, duties and obligation thereunder, to any person, including a portion thereof; and

WHEREAS, Sycamore Villas, LLC, sold a portion of the property subject to the Development Agreement to K. Hovnanian at Ceilo, LLC, and transferred its obligations and rights to K. Hovnanian at Ceilo, LLC, thereunder, and K. Hovnanian at Ceilo, LLC, is a successor in interest to that portion of the property; and

WHEREAS, pursuant to Government Code Section 65868, development agreements may be amended; and

WHEREAS, the Development Agreement was subsequently amended, some amendments with Sycamore Villas, LLC, or K. Hovnanian at Ceilo, LLC as a party, and some without, depending on the portion of the property subject to the Development Agreement being affected; and

WHEREAS, Auburn Oak Developers, LLC ("Developer" or "Auburn") obtained the development rights to approximately 24.73 acres of property consisting of 140 lots in Tract 5816, Phase 11, also known as Assessor Parcel Numbers 189-351-58 and-67, generally located South of Sycamore Drive on the West Side of Meyer Street, which was previously held by Sycamore Villas, LLC, along with the rights and obligations as established by the Development Agreement established for Tract 5816; and

WHEREAS, the City and Developer desire to establish mutually beneficial obligations and benefits subject to the Third Amendment to the Development Agreement, and to do so by an amendment of the Development Agreement; and

WHEREAS, for the purposes of reference only, this amendment to the Development Agreement has been identified as the "Third Amendment to Development Agreement" ("Third Amendment" or "Auburn Third Amendment) relating to Auburn only; and

WHEREAS, pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that there is no possibility that the Third Amendment will have a significant, adverse, physical effect on the environment, and is not subject to the California Environmental Quality Act (CEQA), as the Third Amendment does not modify any physical aspect of the previously approved project, and merely affirms the party's status under the previously adopted Development Agreement as amended; and

WHEREAS, the City properly noticed the July 31, 2018 hearing before the Planning Commission for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on July, 2018, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Third Amendment.

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

1. The above recitals are true and correct.
2. The Planning Commission recommends to the City Council adopt a CEQA determination pursuant to CEQA Guidelines Section 15061(b)(3) that there is no possibility that the Third Amendment will have a significant, adverse, physical effect on the environment, and is not subject to the California Environmental Quality Act (CEQA), as the Third Amendment does not modify any physical aspect of the previously approved project, and merely affirms the party's status under the previously adopted Development Agreement as amended.
3. The Planning Commission recommends the City Council approve the proposed Third Amendment and uncodified ordinance attached hereto as Exhibit "A," and recommends the City Council make the following attendant findings:
 - a. The proposed Third Amendment to the Development Agreement complies with the policies of the City's General Plan. The proposed land uses and the density are also compliant per this requirement. Accordingly, the revision to the

Development Agreement is consistent with all applicable provisions of the General Plan.

- b. The proposed Third Amendment to the Development Agreement establishes mutual beneficial obligations and benefits for applicant and City.
- c. The proposed Third Amendment to the Development Agreement complies with the requirements of California Government Code Sections 65865 through 65869.5.
- d. The proposed Third Amendment to the Development Agreement will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the Project will be constructed in accordance with the plans and entitlements that were approved previously by the City, and development of any future phases will be subject to further review and consistency with the Development Agreement as amended.
- e. The proposed Third Amendment to the Development Agreement does not alter the clear and substantial benefit to the residents of the City of the Project, since the proposed amendment makes no substantive changes to the Project or to the Development Agreement.

4. This Resolution shall become effective immediately.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Arvin at a Regular Meeting thereof held on the 14th day of August, 2018 by the following vote:

ATTEST

CECILIA VELA, City Clerk

ARVIN PLANNING COMMISSION

By: _____
OLIVIA TRUJILLO, Chairperson

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN FOR A THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH AUBURN OAK DEVELOPERS, LLC, AND CEQA DETERMINATION

WHEREAS, California Government Code Section 65864 *et seq.* authorizes cities to enter into development agreements with private property owners; and

WHEREAS, the City of Arvin City Council (the "City Council") previously entered into a Development Agreement with Sycamore Villas, LLC, pursuant to the authority of Government Code Sections 65864 through 65869.5, which was recorded on July 3, 2003, in the Kern County Official Records as Document Number 0203133456, ("Development Agreement"); and

WHEREAS, under the Development Agreement, Sycamore Villas, LLC, had the right to sell, assign or transfer the Development Agreement, and all of its rights, duties and obligation thereunder, to any person, including a portion thereof; and

WHEREAS, Sycamore Villas, LLC, sold a portion of the property subject to the Development Agreement to K. Hovnanian at Ceilo, LLC, and transferred its obligations and rights to K. Hovnanian at Ceilo, LLC, thereunder, and K. Hovnanian at Ceilo, LLC, is a successor in interest to that portion of the property; and

WHEREAS, pursuant to Government Code Section 65868, development agreements may be amended; and

WHEREAS, the Development Agreement was subsequently amended, some amendments with Sycamore Villas, LLC, or K. Hovnanian at Ceilo, LLC as a party (including a Third Amendment to Development Agreement referred to herein as the "Hovnanian Third Amendment"), and some without, depending on the portion of the property subject to the Development Agreement being affected; and

WHEREAS, LeOra LLC obtained a portion of the development rights previously held by Sycamore Villas, LLC, for Tract 5816, Phases 5, 9 and 10 along with the rights and obligations as established by the Development Agreement established for Tract 5816; and

WHEREAS, the City and LeOra LLC amended the Development Agreement ("LeOra Third Amendment"); and

WHEREAS, Westminster Capital, Inc. ("Westminster"), obtained a portion of the development rights previously held by Sycamore Villas, LLC, for Tract 5816, which is a portion of the property previously owned by Sycamore Villas, LLC that was not at any time owned by LeOra, LLC or K. Hovnanian at Ceilo, LLC; and

WHEREAS, the City and Westminster amended the Development Agreement (“Westminster Third Amendment”) and the City Council approved said Westminster Third Amendment on May 15, 2018; and

WHEREAS, prior to the effectiveness of said amendment, Westminster transferred a portion of its land, approximately 24.73 acres of property consisting of 140 lots in Tract 5816, Phase 11, also known as Assessor Parcel Numbers 189-351-58 and-67, generally located South of Sycamore Drive on the West Side of Meyer, to Auburn Oak Developers, LLC (“Auburn”); and

WHEREAS, Auburn desires to clarify its status as a successor in interest as to its portion of the former Sycamore Villas, LLC, property by entering into a Third Amendment to the Development Agreement as amended; and

WHEREAS, the City and Auburn desire to establish mutually beneficial obligations and benefits subject to the Third Amendment to the Development Agreement, and to do so by an amendment of the Development Agreement; and

WHEREAS, for the purposes of reference only, this amendment to the Development Agreement has been identified as the "Third Amendment to Development Agreement" ("Third Amendment") relating solely to Auburn; and

WHEREAS, neither the LeOra Third Amendment, nor the Hovnanian Third Amendment, nor the Westminster Third Amendment are subject to this Third Amendment, nor does this Third Amendment affect either the LeOra Third Amendment or the Hovnanian Third Amendment, or the Westminster Third Amendment, as each involves separate property subject to the Development Agreement; and

WHEREAS, the City has environmentally assessed this proposed Third Amendment, and determined that there is no possibility that the Third Amendment may have a significant physical effect on the environment, and is not subject to the California Environmental Quality Act (“CEQA”); and

WHEREAS, the City properly noticed the July 31, 2018 Planning Commission special meeting to consider the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

WHEREAS, the City Planning Commission conducted a duly noticed public hearing on July 31, 2018, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Third Amendment, and after which the Planning Commission adopted Resolution No. _____, recommending the City Council adopt this Ordinance; and

WHEREAS, the City properly noticed the _____, 2018 hearing before the City Council for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the

proposed projects; and

WHEREAS, the City Council conducted a duly noticed public hearing on _____, 2018, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Third Amendment, and after which this Ordinance was introduced by the City Council; and

WHEREAS, the City Council considered this matter on _____, 2018, at which time all interested parties were given another opportunity to be heard and present evidence regarding the proposed Third Amendment.

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

Section 1. The City Council determines pursuant to CEQA Guidelines Section 15061(b)(3) that that it can be seen with certainty that there is no possibility that the Third Amendment will have a significant, adverse, physical effect on the environment, and is not subject to the California Environmental Quality Act (CEQA), as the Third Amendment does not modify any physical aspect of the previously approved project, and merely affirms the party's status under the previously adopted Development Agreement as amended.

Section 2. The City Council finds the proposed Third Amendment to the Development Agreement complies with the policies of the City's General Plan. Accordingly, the revision to the Development Agreement is consistent with all applicable provisions of the General Plan. The proposed land uses and the density are also compliant per this requirement.

Section 3. The City Council finds the proposed Third Amendment to the Development Agreement establishes mutual beneficial obligations and benefits for Auburn Oak Developers, LLC, and the City.

Section 4. The City Council finds the proposed Third Amendment to the Development Agreement complies with the requirements of California Government Code Sections 65865 through 65869.5.

Section 5. The City Council finds proposed the Third Amendment to the Development Agreement will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the Project will be constructed in accordance with the plans and entitlements that were approved previously by the City, and development of any future phases will be subject to further review and consistency with the Development Agreement as amended.

Section 6. The City Council finds the proposed Third Amendment to the Development Agreement does not alter the clear and substantial benefit to the residents of the City of the Project, since the proposed amendment makes no substantive changes to the Project or to the Development Agreement.

Section 7. For the foregoing reasons, and based on the information contained in any staff report, supporting documentation, minutes and other records of the proceedings, all of which are incorporated herein by this reference, the City Council hereby adopts this Ordinance and approves the proposed Third Amendment to the Development Agreement, which amendment is attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 8. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

Section 9. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the ____ day of _____ 2018, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2018 by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

Exhibit A: Third Amendment To Development Agreement (Auburn)

I, _____, City Clerk of the City of Arvin, California, DO
HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

Attachment: Uncodified Ordinance_Third Amend to Dev Agmt_Auburn Oak Developers (Reso PC Recommending Council Approve the

EXHIBIT A

THIRD AMENDMENT TO DEVELOPMENT AGREEMENT

Attachment: Uncodified Ordinance_Third Amend to Dev Agmt_Auburn Oak Developers (Reso PC Recommending Council Approve the

RECORDED AT THE REQUEST OF
AND WHEN RECORDED RETURN TO
(Document exempt from recording fees
pursuant to Cal. Gov. Code §27383)

CITY OF ARVIN
Attn: City Clerk
200 Campus Drive
Arvin, CA 93203

(Space Above This Line for Recorder’s Office Use Only)

AGREEMENT NO. 2018-

THIRD AMENDMENT TO DEVELOPMENT AGREEMENT

This Third Amendment to Development Agreement (“Third Amendment”) is made and entered into effective as of _____, 2018, and entered into by or between AUBURN OAK DEVELOPERS, LLC, a California Limited Liability Company (“Developer”), and the CITY OF ARVIN, a municipal corporation (“the City”). Developer and the City are collectively referred to herein as (“Parties”).

RECITALS

A. The City previously entered into a Development Agreement with Sycamore Villas, LLC, (“Sycamore”) pursuant to the authority of Government Code Sections 65864 through 65869.5 which was recorded on July 3, 2003, in the Kern County Official Records as Document Number 0203133456, (“Development Agreement”).

B. Thereafter, K. Hovnanian at Cielo LLC represented it acquired title for a certain portion of the property from Sycamore Villas, LLC that was subject to the Development Agreement on November 11, 2005 (“KHAC Property”). The KHAC Property is not subject to this Third Amendment.

C. The Development Agreement was subsequently amended effective July 24th, 2007, by document entitled “Amendment To The Development Agreement,” Agreement No. 2007-18, which was recorded on October 9, 2007, in the Kern County Official Records as Document Number 0207204984 (“First Amendment”).

D. The Development Agreement was again subsequently amended and entered into as the June 12, 2009, by document entitled “Second Amendment To Development Agreement,” Agreement No. 2009-26, which was recorded on December 18, 2009, in the Kern County Official Records as Document Number 0209185187 (“Second Amendment”).

E. Thereafter, and as set forth below, Developer subsequently obtained the rights and obligations under the Development Agreement for Phase 11 of Tract 5816 of the property legally described in Exhibit “A” attached hereto (“Property”), which is a portion of the property previously owned by Sycamore Villas, and then Westminster Capital, Inc. (Westminster), and that was not was not at any time KHAC Property.

F. Effective November 1, 2016, the City and K. Hovnanian at Cielo LLC amended the Development Agreement by document entitled for the sake of reference “Third Amendment to Development Agreement,” (Agreement No. 2016-42), which was recorded on December 8, 2016, in the Kern County Official Records as Document Number 0216176492 (“Hovnanian Third Amendment”). The Hovnanian Third Amendment is not subject to this Third Amendment, nor does this Third Amendment affect the Hovnanian Third Amendment, as each involves separate property subject to the Development Agreement.

G. Effective May 5, 2017, the City and LeOra LLC amended the Development Agreement by document entitled for the sake of reference “Third Amendment to Development Agreement,” (Agreement No. 2017-06), which was recorded by the City on May 25, 2017, in the Kern County Official Records as Document Number 217066767, and recorded by LeOra LLC on June 13, 2017, in the Kern County Official Records as Document Number 217075798, (“LeOra Third Amendment”). The LeOra Third Amendment is not subject to this Third Amendment, nor does this Third Amendment affect the either the Hovnanian Third Amendment, as each involves separate property subject to the Development Agreement.

H. On May 15, 2018 the Arvin City Council approved amendment of the Development Agreement between the City of Arvin and Westminster by document entitled for the sake of reference “Third Amendment to Development Agreement,” (Agreement No. 2018-12), which was recorded by the City on May 23, 2018, in the Kern County Official Records as Document Number 000218063885 (“Westminster Third Amendment”). The Westminster Third Amendment is not subject to this Third Amendment, nor does this Third Amendment affect the either the Hovnanian Third Amendment or the LeOra Third Amendment, as each involves separate property subject to the Development Agreement.

I. Although approved on May 15, 2018, the uncodified ordinance enacting the Third Amendment did not become effective until the 31st day after approval. Prior to the effective date of June 15, 2018 Westminster transferred a portion of its land, approximately 24.73 acres of property consisting of 140 lots in Tract 5816, Phase 11, also known as Assessor Parcel Numbers 189-351-58 and -67, generally located South of Sycamore Drive on the West Side of Meyer Street, to Developer. As a result, Developer is not subject to, and has no rights or remedies under, the Westminster Third Amendment.

J. The Parties now desire to enter into this Third Amendment to the Development Agreement. For reference purposes only, the Parties have identified this amendment as the “Third Amendment to Development Agreement” (“Third Amendment” or “Auburn Third Amendment”).

K. This Third Amendment specifically applies only to the real property legally described in Exhibit A to this Third Amendment.

L. The City has determined that this Third Amendment furthers the public health, safety and general welfare, and that the provisions of this Agreement are consistent with the goals and policies of the General Plan. For the reasons recited herein, the City and Developer have determined that the project is a development for which an amendment to the Development Agreement is appropriate. It is also the intent of the Parties to clarify obligations for the Property and to resolve any potential claims against the City.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. Recitals. The Recitals are incorporated into this Third Agreement as if set forth in full herein.

2. Fees. The total cost for all permits, inspections, checks, fees and other charges associated in any way with the development of real property or the construction of improvements on lots thereon (collectively, “Fees”) for single family residential lots within the Property shall remain capped at \$2,300 per lot in accordance with Section 5 of the First Amendment and shall not be affected by this Third Amendment. To the extent fees have not been addressed by the First Amendment, such as those related to non-single family residential lots, the Fees shall remain as set forth in the Development Agreement, Paragraph 3.6 (Exactions).

3. Term. Section 2.2 of the Development Agreement shall be amended to extend the term to July 3, 2026. Should a moratorium or any similar restriction on the issuance of building permits be imposed by any municipal or government agency that is applicable to the Property, the term of the Development Agreement shall be extended for a period equal to the length of the moratorium or restriction.

4. Subsequent Phasing. Phase 11 of Tract 5816 has already been phased. Notwithstanding any other term of the Development Agreement, Developer may further divide the property encompassed by Phase 11 into further Phases. Developer shall pay \$0.00 to City for processing the first additional final

map and first phase including processing, recording, annexation to the Landscape and Lighting District, master utility plans, CEQA, etc. Thereafter, for each phase that is then processed, Developer shall pay the fee rate then in effect, including any additional final map review and processing, final map improvement plans, annexation to the Landscape and Lighting District, master utility plans, CEQA, etc., in an amount not to exceed \$10,000 per additional phase. Fees for subsequent development of each lot within each of the phases remain capped at \$2,300 per lot as noted above. Nothing in this Third Amendment waives any requirement mandated by state law, such as performance and payment bonds, etc.

5. Remainder Unchanged. Except as specifically modified and amended in this Third Amendment, the Development Agreement as amended by the Parties remains in full force and effect and is binding upon the Parties.

6. Release. Parties, individually, and on behalf of its successors, trustees, creditors, and assigns, completely releases, acquits, and forever discharges the other Party, its agents, officers, employees, attorneys, successors, predecessors, insurers, and members of the governing board or council, from any and all claims, rights, demands, obligations, liabilities, claims or causes of action of any and every kind, nature and character, whether known or unknown, whether in law or in equity, which it may have had, or ever had, or could in the future have against the other Party for any act or omission that occurred prior to entering into the Third Amendment, and which are in any way related to the Development Agreement as amended. This release contained herein is made notwithstanding Section 1542 of the California Civil Code which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

The Parties expressly acknowledge that this release is intended to include without limitation, all claims and causes of action that a Party does not know or suspect to exist in his favor and that this release contemplates the extinguishment of all such claims and causes of action for any acts, omissions or events which are in any way related to the Development Agreement as previously amended and occurred prior to the effective date of the Third Amendment. To be clear, and notwithstanding any other language in this Third Amendment, this release only applies to claims, etc., related to i) the Development Agreement as amended; and ii) the Property. Further, no claims arising after the date of this Third Amendment (i.e., future claims) are being released by either Party.

7. No Default. The Parties each represent and warrant to the other that, as of the date of this Third Amendment, neither Party is aware of any breach or default (or with the giving of notice or the passage of time, of any event that could constitute a breach or default) of the other Party under the Development Agreement as amended. Nothing in this Paragraph shall constitute a waiver of Developer's obligations to comply with the Development Agreement as amended, including obligations to install any improvements that may be required by the Development Agreement as amended by the Parties, notwithstanding the passage of time.

8. Continuing Obligations. Developer shall comply with its Annual Review and other requirements of the Development Agreement as amended by the Parties.

9. No Admission of Liability. This Third Amendment and compliance with it, shall not operate or be construed as an admission by the City of any liability, misconduct, or wrongdoing whatsoever.

10. Counterparts. This Third Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, but all together shall constitute but one and the same agreement.

///

11. Successors. This Third Amendment shall be binding upon and inure to the benefit of the heirs, executors, successors and assigns of the Parties hereto.

IN WITNESS WHEREOF, the Parties have duly executed this Third Amendment on the day and year first above written.

CITY OF ARVIN,
a municipal corporation

AUBURN OAK DEVELOPERS, LLC,
a California Limited Liability Company

By: _____
Jose Gurrola, Mayor

By: _____
Victor Baldivia, Manager
_____, 2018

_____, 2018

ATTEST:

Note: Developer’s signature shall be notarized, and appropriate attestations shall be included as may be required by the bylaws, articles of incorporation, or other rules or regulations applicable to developer’s business entity.

Cecilia Vela, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Name:
Title:

By: _____
Shannon L. Chaffin, City Attorney

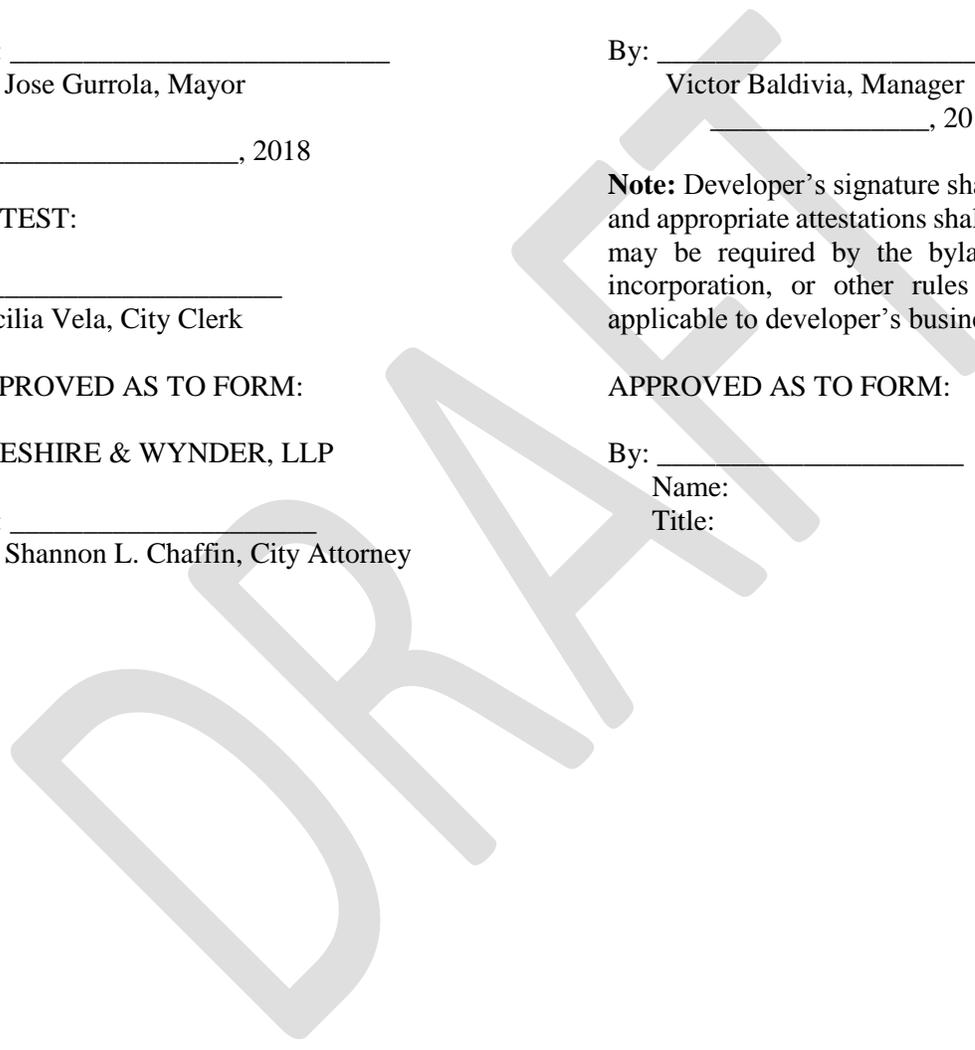


Exhibit A

Legal Description of Developer Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A: APN 189-351-58 & 67 [CONSISTING OF 140 LOTS IN TRACT 5816, PHASE 11]

PARCEL 1 OF PARCEL MAP 11401 IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA AS PER MAP RECORDED MAY 16, 2006 IN BOOK 54, PAGES 192 THROUGH 194, INCLUSIVE, OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND AS EXCEPTED BY ANN DERBY TIPTON AND EVE DERBY STOCKTON IN DEED RECORDED MAY 24, 1960 IN BOOK 3269, PAGE 798 OF OFFICIAL RECORDS.

DRAFT

Public Hearing Notice
City of Arvin Planning Commission

Date: July 31, 2018

Place: City of Arvin Council Chambers, 200 Campus Drive, Arvin, CA 93203

Time: 6:00 PM

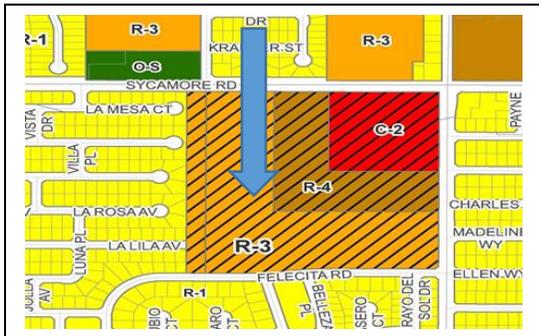
Notice is hereby given that the Planning Commission of the City of Arvin, California, will conduct a public hearing, at which time the public may be present and be heard, to consider the following recommendations to the City Council of the City of Arvin:

- Resolution recommending the City Council adopt an Uncodified Ordinance For Third Amendment By And Between Auburn Oaks Developers, LLC, And The City Of Arvin, Of The Development Agreement Between Sycamore Villas, LLC, And The City Of Arvin, Concerning Tract 5816, Recorded On July 3, 2003 As Amended; and
- Associated recommendation to adopt a CEQA determination per CEQA Guidelines Section 15061(B)(3) for the project.

Project Location/Diagram: The Third Amendment covers the property consisting of 140 lots in Tract 5816, Phase 11, also known as Assessor Parcel Numbers 189-351-58 and -67, generally located South of Sycamore Drive on the West Side of Meyer Street as depicted in the diagram below.

Applicant/Property Owner: Applicant Representative: Victor Baldivia, 2228 Brundage Lane, Bakersfield, CA 93304. Property Owner: Auburn Oaks Developers LLC, 2228 Brundage Lane, Bakersfield, CA 93304.

The purpose of the public hearing is to consider a recommendation to the City Council that it adopt the proposed uncodified ordinance, a Third Amendment to the Development Agreement (“Third Amendment”) between Auburn Oaks Developers LLC, a California Limited Liability Company, and the City of Arvin. This is an amendment to the original Development Agreement recorded July 3, 2003, and affects the property generally depicted in the diagram below and more specifically identified as Assessor Parcel Numbers 189-351-58 and -67 and zoned as R-3 MUO;



and the CEQA findings required thereof. Staff has performed an environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061(b)(3) the adoption of the proposed uncodified ordinance is exempt from CEQA as it can be seen with certainty that there is no possibility that the Third Amendment will have a significant, adverse, physical effect on the environment, and is not subject to the California Environmental Quality Act (CEQA), as the Third Amendment does not modify

any physical aspect of the previously approved project, and merely affirms the party’s status under the previously adopted Development Agreement as amended.

Attachment: Public Hearing Notice_Third Amend to Dev Agmt_Auburn Oak Developers (Reso PC Recommending Council Approve the

Any person wishing to address the Commission may provide oral and/or written testimony at the meeting, or submit written comments to the Community Development Department at the above said address.

Additional information on the proposed uncodified ordinance Third Amendment to the Development Agreement, including copies in hard copy or electronic format, may be obtained from the City of Arvin, City Hall, 200 Campus Drive, Arvin, California, 93203, or the City's web site at www.arvin.org. All persons interested in this topic who have questions, would like to provide feedback, or ask questions are invited to attend. Written comments may be submitted to the City Clerk's office until 4:00 p.m. on the hearing date. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to the public hearing (Government Code Section 65009). Address any communications or comments regarding the project to Cecilia Vela, City Clerk, at 200 Campus Drive, Arvin, CA 93203, (661) 854-3134, cvela@arvin.org.

/s/

Cecilia Vela, City Clerk

Published: July 17, 2018, Bakersfield Californian



**CITY OF ARVIN
Planning Commission**

Meeting Date: August 14, 2018

TO: Arvin Planning Commission Members

FROM: Jake Raper, City Planner
Jerry Breckinridge, Interim City Manager

SUBJECT: Resolution Recommending the City Council of the City of Arvin Approve General Plan Amendment 2013-01-Ariston Project by approving the change of Land Use Designation on 62+/- Acres from Light Industrial and Heavy Industrial to 21.32 acres as General Commercial, 27.17 Acres as Medium-Density Residential, and 13.16 Acres as High Density Residential; Resolution Recommending the City Council of the City of Arvin adopted An Uncodified Ordinance, Zone Change 2013-01 Ariston Project, Rezoning 62+/- Acres From Agricultural (A-1 and A-2) to General Commercial -Planned Development (C-2 PD) – 21.32 Acres; Two Family Dwelling Zone- Planned Development (R-2 PD) – 27.17 Acres; Limited Multiple Family Zone- Planned Development (R-3-PD) – 7.15 Acres; and Multiple Family Dwelling Zone – Planned Development (R-4-PD) - 6.01 Acres; and Adopt the associated Mitigated Negative Declaration for GPA 2013-01 and ZC 2013-01 for the Ariston Project; and Adopted the Mitigation Monitoring Program for GPA/ZC 2013-01 for the Ariston Project

RECOMMENDATION

Staff recommends that the Planning Commission adopt the following:

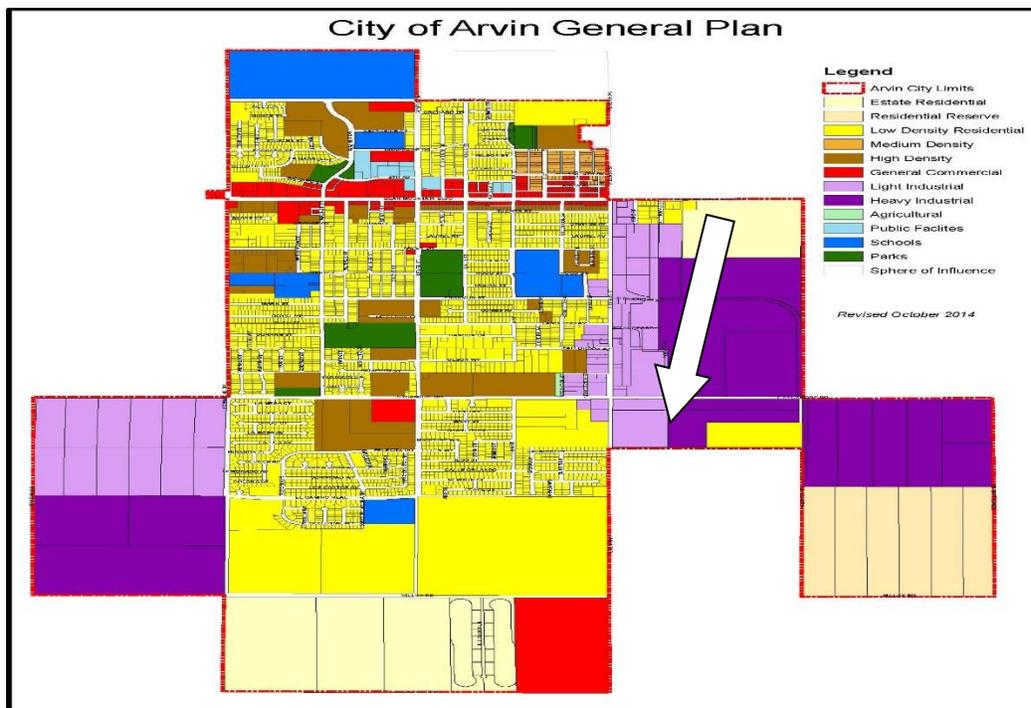
- (1) Resolution Recommending the City Council of the City of Arvin Approve General Plan Amendment 2013-01-Ariston Project by approving the change of Land Use Designation on 62+/- Acres from Light Industrial and Heavy Industrial to 21.32 acres as General Commercial, 27.17 Acres as Medium-Density Residential, and 13.16 Acres as High Density Residential;
- (2) Resolution Recommending the City Council of the City of Arvin adopted An Uncodified Ordinance, Zone Change 2013-01 Ariston Project, Rezoning 62+/- Acres From Agricultural (A-1 and A-2) to General Commercial -Planned Development (C-2 PD) – 21.32 Acres; Two Family Dwelling Zone- Planned Development (R-2 PD) – 27.17 Acres; Limited Multiple Family Zone-Planned Development (R-3-PD) – 7.15 Acres; and Multiple Family Dwelling Zone – Planned Development (R-4-PD) - 6.01 Acres;
- (3) Adoption of the associated Mitigated Negative Declaration for GPA 2013-01 and ZC 2013-01 for the Ariston Project; and
- (4) Adoption of the Mitigation Monitoring Program for GPA/ZC 2013-01 for the Ariston Project

BACKGROUND

On November 19, 2013, the City Council adopted Resolution No. 2013-27 approving the cancellation of the Agricultural Preserve Contract Number 13 for the 62+ acre site and approved a Negative Declaration for the project. On November 25, 2013, the City filed the Notice of Determination and California Department of Fish and Game Fees on November 25, 2013 for the project. The project name was then referred to as the Bisla Farms project.

In December 2013, applications were submitted for a General Plan Amendment and Zone Change, now referred to as GPA and ZC 2013-01 (Ariston Project). The applicant is requesting that the City amend the land use designation and rezone the two parcels, APN's 189-352-02 (18.36 Acres) and -08 (38.99 Acres) consisting of 62 +/- gross acres. The site is located south side of Sycamore Road, east of Tejon Highway and west of Malovich Road.

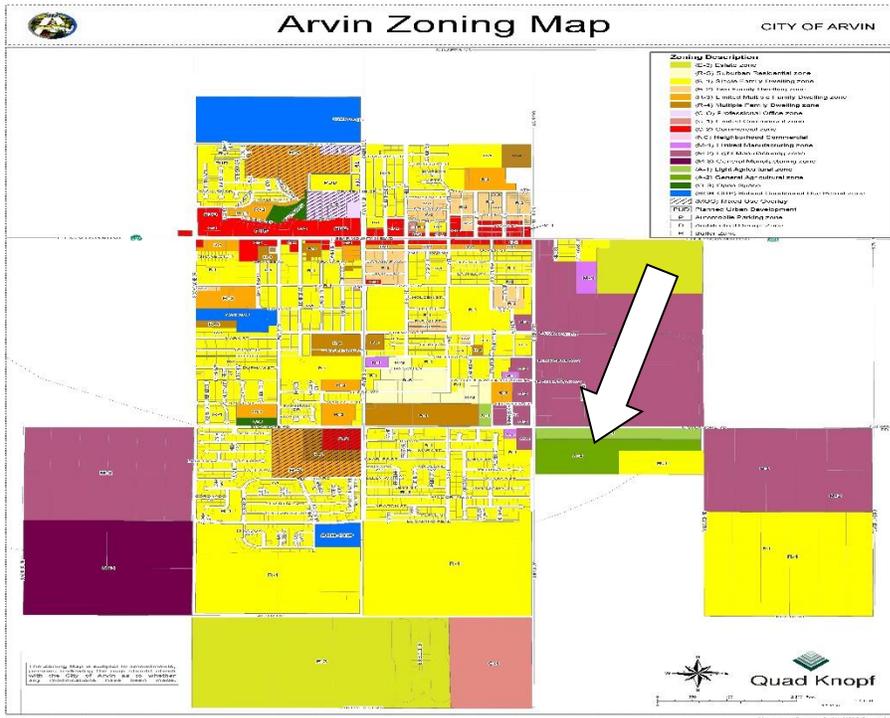
Currently, the 2012 Arvin General Plan Land Use Designation applies two land use designations to the site. The westerly one-third is designated "Light Industrial" and the easterly two-thirds of the site is designated "Heavy Industrial". These designations allow for a variety of industrial uses; the Light Industrial designation is generally intended for less intensive uses like warehousing and smaller-scale manufacturing operations while the Heavy Industrial designation accommodates a wide variety of more intensive industrial activities.



The applicant is requesting approval for a General Plan Amendment of 62+/- acres to re-designate the site as shown in Figure 5. These requested designations include: 41+/- acres designated as Residential as follows: 27.17 Acres "Medium Density Residential -Permitting up to a maximum of 15 units per acre"; 13.6 Acres High Density Residential – Permitting up to a maximum of 20 and 24 units per acre", and 21.32 acres designated "General Commercial"

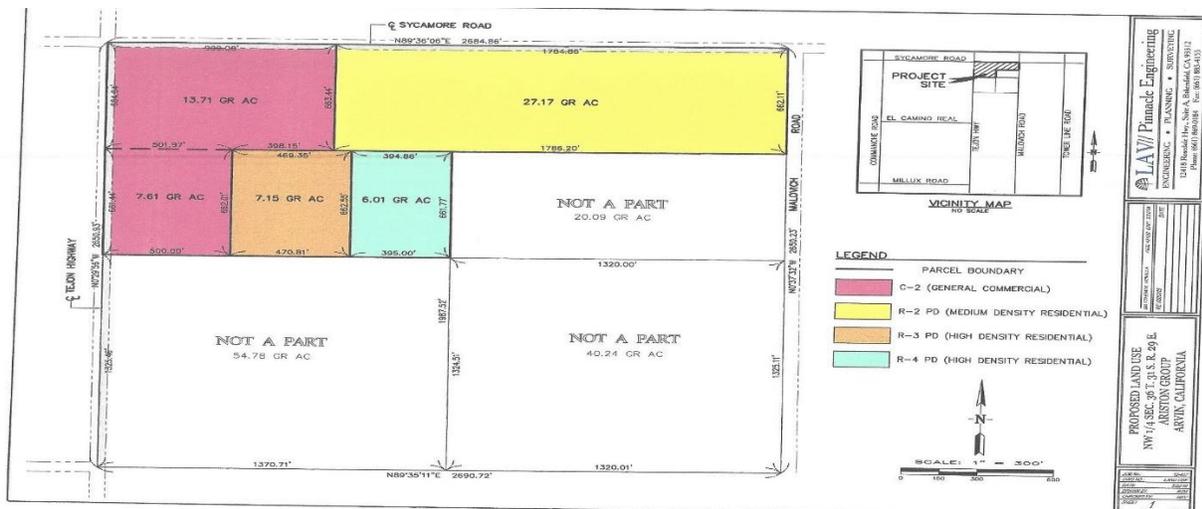
A

The project site is currently zoned A-1 Light Agricultural and A-2 General Agricultural as shown below.



The applicant is requesting four zoning classifications as shown on the proposed Land Use and Zoning Diagram as noted below:

- 27.17 Acres zoned R-2-PD (Two Family Dwelling Zone- Planned Development) permitting up to 15 units per acre;
- 7.15 Acres zoned R-3-PD (Limited Multiple Family Zone- Planned Development) permitting up to a maximum of 20 units per acre;
- 6.01 Acres zoned R-4-PD (Multiple Family Dwelling Zone – Planned Development) permitting up to a maximum of 24 units per acre, and
- 21.32 acres zoned C-2-PD (General Commercial - Planned Development)



The R-2-PD Residential Zoned Lands – 27.17 Acres: The R-2-PD zone is a residential zone that allows for both single family residential development as well as duplexes. The minimum lot size in this zone is 6,000 square feet, and the minimum lot area per dwelling (for duplexes) is 3,000 square feet. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics. The maximum lot coverage is 50%. Potential development of 405 residential units within the R-2-PD designated lands

The R-3-PD Residential Zoned Lands- 7.15 Acres: The R-3-PD zone is a residential zone that allows only high density residential development. The land area must be developed of not less than 20 units per acre. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics. Potential development of the 7.25 acres would yield 143 units that would be considered affordable housing.

The R-4-PD-- Residential Zoned Lands- 6.01 Acres: The R-4-PD zone is a residential zone that allows only high density residential development. The land area must be developed of not less than 24 units per acre. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics. Potential development of the 6.01 acres would yield 144 units that would be considered affordable housing.

The C-2-PD - General Commercial- Planned Development allows a variety of commercial activities. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics.

(Note: Categorical Exemption Section 65863(h) - An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the CEQA (Division 13) (commencing with Section 21000) of the PRC to identify, analyses, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a “project” for purposes of the CEQA (Division 13 (commencing with Section 21000) of the PRC.

The City has established a implementation program which establishes a no net loss of affordable housing sites. Some sites identified in the 2017 Housing Element are either committed via a vesting tentative map or limitations due to location of oil and gas extraction activity. The proposed designation for R-3-PD Limited Multiple Family of 7.15 Acres; and R-4-PD for 6.01 Acres insures that the No Net Loss policy as established by the 2013-2023 Housing Element is implemented.

Land surrounding the subject property is designated by the Arvin General Plan as follows, Refer to General Plan Map above:

- North: “Light Industrial”, “Heavy Industrial”

- South: “Low Density Residential” (Note: General Plan Amendment and Rezone to Industrial has been requested) and County agricultural designation
- West: “Low Density Residential”, and “Light Industrial”
- East: “Heavy Industrial”

Update of Housing Element, Land Use Element, Circulation Element, and Associated Maps:

Should the City approve the requested General Plan Land Use Designation Amendments and the Requested Zone Changes this will require the City to update various Elements of its General Plan.

Housing Element; The City will be required to update the Housing Element to reflect the new land use designations and proposed new housing units. Update the Housing Programs as to the implementation of its work programs. This will also require the update of various tables and population projections and other data to keep the Housing Element current with these actions.

Land Use Element: The Land Use Element will need updating to reflect the new zoning designations, tables, implementation policies, etc.

Circulation Element: The Circulation Element will need updating to incorporate the conclusions of the Traffic Study findings, updating it traffic assumptions, tables and exhibits by incorporating the various Mitigation Measures that apply City Wide; and

Base Maps – Land Use Map, Housing Opportunity Diagrams, etc will be in need of updating.

The City of Arvin adopted Fees in 2018 establishing a fee schedule to ensure that the future actions of residents will off-set the cost of the maintenance and update of the General Plan, Maps, and various codes. As the project moves forward to development other fees will be required as adopted by the City.

Based on the adopted fee schedule; it is recommended that the project applicant pay the following fees, upon action by the City Council:

- Map Maintenance Fee: \$500.00
- General Plan Maintenance Fee: \$0.022 per square foot of gross land area
(Project site is 62 acres X 43,560 =2,700,720 Square Feet X \$0.022 =-\$59,416.00)

Project Analysis and Environmental Review:

The project applicants have prepared a series of studies that have analyzed the potential infrastructure and service needs and Staff has completed an appropriate environmental study which is applicable to proposed project. Various studies include; traffic, water, and sewer that address the infrastructure needs to serve the project. Other analyses completed were; air quality, aesthetics, biological resources, greenhouse gas emissions, population and housing, agricultural resources, cultural resources, hazards and hazardous materials, mineral resources, public services, tribal cultural resources, geology and soils, hydrology and water, noise, recreation and utilities and service systems. The analyses and studies are on file at the Community Development Department. Conclusions of these studies and the completion of the Initial Study for the project has resulted in the preparation of a Mitigated Negative Declaration and a

Mitigation Monitoring Program. The filing and public notice has been submitted for public review and comment as required by the California Environmental Quality Act.

The Mitigated Negative Declaration has identified a number of Mitigation Measures and Reporting Requirements as is required by the California Environmental Quality Act a Mitigation Monitoring Program, Section 15097, has been prepared and as is required by CEQA, the applicant has signed and has concurred with the mitigation measures and their implementation schedule. No negative comments have been received as of the preparation of the staff report. Should comments be received, they will be addressed at the Planning Commission meeting and written responses prepared.

The City has adopted various fees to ensure that the project applicants pay their full cost in the processing and monitoring their approvals. One such fee is a deposit of \$1500.00 for facilitating and tracking a Mitigation Monitoring Program. The applicant shall be required to deposit \$1,500.00 for the monitoring of the mitigation measures as may be adopted for this project.

Exhibits and Attachments:

- Resolution of the City of Arvin Planning Commission recommending the City Council of the City of Arvin Approve General Plan Amendment 2013-01;
- Resolution of the City of Arvin Planning Commission recommending approval of Uncodified Ordinance Adopting Zone Change 2013-01 Ariston Project;
- Initial Study for GPA/ZC 2013-01 Ariston Project
- Resolution adopting Mitigation Monitoring and Reporting Program dated July 26, 2018 for GPA/ZC 2013-1-01 Ariston Project – to be recorded with the Kern County Recorder’s office.
- Project Correspondence – GPA/ZC 2013-01 Ariston Project –
- Various Studies and support documents on File at the Community Development Department, 141 Plumtree Drive, Arvin, CA – Traffic, Air Quality, Sewer, Water.

EXHIBIT A

Ariston Project – GPA – ZC 2013 -01
Assessor Parcel Numbers 189-352-02 and -08
Location South of Sycamore, East of Tejon Highway and West of Malovich Road
Mitigation Monitoring Reporting And Applicable Programs

Introduction

All public agencies are required by Section 15097 Mitigation Monitoring and Reporting to adopt monitoring programs when they approve proposed projects subject to environmental impact reports (EIR) or mitigated negative declarations (MND) that include mitigation measures to avoid significant adverse environmental impacts. The mitigation monitoring program is designed to ensure compliance with mitigation measures during project implementation in order to avoid significant adverse environmental impacts.

The law was passed in response to statewide historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. Monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of mitigation measures would include enough detailed information and enforcement procedures to ensure compliance with the mitigation measures. This mitigation monitoring program is designed to provide a mechanism to ensure compliance with both existing and proposed mitigation measures.

Applicant’s Signature and Commitment to Implement Mitigation Monitoring, Reporting, and Program:

Print Name: Signature Date

(As an authorized representative or agent, I am authorized to sign, and I commit to the implementation of the Monitoring Program, Mitigation Measures 1-17 as established herein.)

Monitoring Program Procedures

It is required that the City of Arvin use this mitigation monitoring program for the proposed project. The mitigation monitoring program should be implemented as follows:

The Community Development Department (CCD), or its designee, shall be responsible for coordination of the mitigation monitoring program. The CCD shall be responsible for completing the mitigation monitoring program and distributing the mitigation monitoring program to the responsible individuals or agencies for their use in monitoring the mitigation measures. It is the responsibility of the CCD to convey to all individuals and agencies who will use this program, that it must be thoroughly read and understood in order to properly implement its mitigations.

Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring program have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency shall submit a copy of the mitigation monitoring program to the CCD to be placed in the project file. If the mitigation measure has not been complied with, the mitigation monitoring program shall not be returned to the CCD.

Prior to the completion of the proposed project, the CCD shall review the mitigation monitoring program to ensure that all mitigation measures and additional conditions of project approval included in the mitigation monitoring program have been complied with.

If a responsible individual or agency determines that a non-compliance has occurred, a written notice shall be delivered by certified mail to the entity or individual responsible for the project within 10 days, with a
Mitigation Monitoring Reporting Program - GPA 2013-01 Ariston Project July 2018 Page 1 of 20

Attachment: Exhibit A to Staff Report (Ariston Project)

copy to the CCD, describing the non-compliance and specifying the manner in which compliance within a specified period of time will be attained. If a non-compliance still exists at the expiration of the specified period of time, additional entitlements or construction may be halted and fines may be imposed at the discretion of the city.

Monitoring Program

The basis for this mitigation monitoring program is the existing mitigation measures contained in the *Initial Study prepared by City of Arvin Community Development Department for the Ariston Project based upon various studies prepared by the applicant and correspondence received from responsible agencies and/or individuals*. These mitigation measures become conditions of project approval which the project proponent is required to complete before, during, and after implementation of the proposed project.

Mitigation # 1 Compliance with most current Uniform Building Codes	All development within the project site shall be designed in accordance with the earthquake standards contained in the Uniform Building Code, subject to the review and approval of the Building Inspector prior to issuance of a building permit.
Agency/Individual Responsible for implementation	Future developers
Implementation Timing	Prior to issuance of a building permit
Mitigation Specifications	The most current UBC shall be applicable
Agency/Individual Responsible for Monitoring	Building Inspector
Action by Monitor	Review plans for conformance with the latest UBC

Mitigation #2 Ground water recharge	Ariston project developers shall prepare a construction implementation soils analysis and design for the detention basin areas, with the intent that they also be utilized as groundwater recharge facilities. This can be completed in a phased manner and shall be subject to the review and approval of the City Engineer prior to issuance of a building permit for any phase of the project.
Agency/Individual Responsible for implementation	Future developers
Implementation Timing	Preparation of Drainage and Grading Plans and Prior to issuance of a building permit for any phase of the project.
Mitigation Specifications	Soils analysis and design for the detention basin areas shall be based on the most current methodology.

Agency/Individual Responsible for Monitoring	City Engineer
Action by Monitor	Verify conformity of report with current standards of the geo-technical profession

Mitigation #3 Traffic Mitigation	The Project shall pay traffic impact fees for each development type in accordance with the City's Traffic Impact Fee Program Update of 2015 and as may be amended. The fee will be computed and collected at the time of building permit application. (Note: The project will be subject to any updated fees associated with the City's Traffic Impact Fee Program in effect at the time of project development.)
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to or concurrent with first phase of development
Mitigation Specifications	Dedication of Right of Way and improvement of road system to city standards
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer
Action by Monitor	Insure that right of way and easements are dedicated and improvements are constructed to City Standards

Mitigation #4 Traffic Mitigation	The Project shall pay 22% of the cost of a traffic signal at the intersection of Franklin Street and Darby Street. Said Project share of the traffic signal will be further pro-rated among the various land uses proposed by the Project based on trips for each development type. The Developer's engineer shall prepare an estimate for the traffic signal, and the allocation of this cost to each Project land use. This cost and fee allocation must be approved by the Arvin City Engineer and will be in addition to the Traffic Impact Fee collected at the time of building permit application. Prior to any land division or development entitlement for any portion of the property said estimate for traffic signal cost shall be prepared and must receive approval by the City Engineer.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to or concurrent with first phase of development

Mitigation Specifications	Dedication of Right of Way and improvement of road system to city standards
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer
Action by Monitor	Insure that right of way and easements are dedicated and improvements are constructed to City Standards

Mitigation #5 Traffic Mitigation	In addition to the off-site mitigation measures as identified in the Traffic Impact Study dated 2016, the project shall be required to dedicate road right-of-way along the property frontage, improvement of frontage which include, curb, gutter, sidewalk, street improvements, and accessory improvements such as; noise attenuation walls, landscaping, irrigation systems, etc. Any off-site improvements identified in the traffic report may be required by the City Engineer.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to or concurrent with first phase of development
Mitigation Specifications	Dedication of Right of Way and improvement of road system and accessory improvements to city standards
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer
Action by Monitor	Insure that right of way and easements are dedicated and improvements are constructed to City Standards / Additional Mitigation Measures as noted in the 2016 Traffic Study may be required by the City Engineer.

TRAFFIC MITIGATION MEASURES AS IDENTIFIED IN THE 2016 TRAFFIC STUDY

A. Requirements for Mitigation

In accordance with County of Kern Standards, a traffic facility, i.e., a street or street intersection, must be analyzed for LOS, and the need for mitigation improvements if it is subjected to 50 or more Project-generated peak hour trips. Mitigation improvements are normally considered necessary if the combined effect of Project-generated traffic and non-Project traffic causes a particular intersection or street segment to degrade to a Level of Service (LOS) less than “C”. Non-Project traffic includes future traffic volumes estimated for the Year 2035. If mitigation is warranted, the Project is normally obligated to pay its pro-rata share of these improvement costs. Typically, an exception to the above occurs when an existing facility operates at a Level of Service of less than “C” under existing conditions, (prior to the addition of Project traffic). In this case, the Project is normally only obligated to pay its pro-rata share of mitigation improvements that would restore the facility to its pre-project or existing Level of Service, thus maintaining the status quo.

Attachment: Exhibit A to Staff Report (Ariston Project)

Recommended Mitigation

It should be reiterated that the level of mitigation improvements recommended herein is based on anticipated traffic volumes for the Year 2035, which includes Project-generated traffic.

In the following, each of the intersections and street segments included within the scope of this study are discussed with regard to existing and future level of service, the need for mitigation improvements. As mentioned, the Project's obligation towards funding recommended mitigation improvements is typically a proportionate share based on the ratio of Project-generated traffic to Total Future Traffic Volume. Except as otherwise provided, "signal modifications" or "signal upgrades" at a minimum were considered to provide a single dedicated left turn lane, dual dedicated through lanes, and a single dedicated right turn lane for each approach leg. This is a conservative approach and would provide latitude for additional capacity increasing improvements such as dual left turn lanes, or multiple through lanes.

All Level of Service Calculations have been provided in Appendix "B" of this report. As indicated, Table 5 is a matrix of calculated Level of Services for the various studied scenarios.

Intersections:

1. **Intersection of Bear Mountain Boulevard (SR 223) and Comanche Drive:** This intersection is currently signalized. The Comanche Drive approaches each have single dedicated lanes for left and right turns and the through movement. The Bear Mountain Boulevard approaches both have a single dedicated lane for left turns. The east "approach" of Bear Mountain is striped for two through lanes in each direction; however the west "approach" is in various stages of widening and is presently striped only for one through lane. The east and west legs have sufficient existing width to provide dedicated right turn lanes; however, neither are striped for such.

During the evening peak hour, under existing conditions, this intersection has been calculated to operate at a LOS of "D", with an average vehicle delay of about 34 seconds. Under future (Year 2035) traffic volumes, and under present day level of improvements, this intersection is expected to degrade to a LOS of "F". Calculations indicate a future LOS of "F" either with or without addition of Project-generated traffic.

Recommended Mitigation: Expand the intersection to provide a minimum of (2) dedicated through lanes, (2) dedicated left turn lanes, and a single dedicated right turn lane for all movements.

At the present time, due to the existing width of Comanche Drive, expansion of the intersection as described is not feasible. However, for the City of Arvin to reach the volume of traffic projected for the Year 2035, substantial growth and development will have to occur. Much of the growth is anticipated to be "infill" as there remains large parcels of vacant land in the City limits that are zoned for a variety of urban land uses. It is assumed this growth will "close" gaps in City Street widening, with the requirements of development

and associated fees to provide funding for those improvements. Generally, the capacity of a street is controlled by its narrowest segment. Until fully widened, streets cannot be striped for more than one through lane in each direction. Similarly an intersection cannot be improved to reach its fully capacity until streets are fully widened, i.e., two or more lanes through lanes are needed to “receive” dual left turns.

It can be argued that if growth does not occur as projected herein, estimated future traffic volumes will not be realized, and the Level of Service (LOS) of streets and intersections will not degrade and the level of mitigation identified herein will not be needed.

This intersection is characteristic of every “offsite” intersection and street analyzed in this study in that nearly every facility is expected to degrade to a LOS less than “C” under anticipated future traffic loads, (without the addition of Project-generated traffic). With two exceptions, discussed later in this report, the addition of Project-generated traffic to these facilities, although increasing the average vehicle delay by a small percentage, does not sufficiently degrade the facility to cause to drop to a lower LOS.

As indicated, a summary of Level of Service (LOS) calculations for the various scenarios analyzed is included herein as Table 5.

2. **Intersection of Bear Mountain Boulevard and Meyer Street:** This intersection is currently signalized. The north of the intersection, being the north Meyer Street approach, have single dedicated lanes for left and right turns, as well as the through movement. The south leg of the intersection has a dedicated lane for left turns, and a shared lane for through movements and right turns. The Bear Mountain Boulevard approaches both have single dedicated left turn lanes, and two through lanes. Right turns from Bear Mountain are from the shared through lane.

Under existing conditions, this intersection has been calculated to operate at a LOS of “D” during the evening peak hour. Under future (Year 2035) traffic volumes, and under present day level of improvements, this intersection is expected to degrade to a LOS of “F”. Calculations indicate a future LOS of “F” will occur either with or without addition of Project-generated traffic.

Recommended Mitigation: Although Bear Mountain Boulevard is not striped to provide dedicated right turn lanes, there is sufficient width in the number two lane such it can function as two lanes to accommodate some right-turn movements. Adding dedicated right-turn lanes to the BMB approaches, either by re-striping or widening, improves the LOS (using 2035 volumes) of the entire intersection to “D”, (which is its current LOS). In addition, the resulting average vehicle delay is less than experienced under current conditions. Whether or not there is sufficient width to stripe right turn lanes without physically widening the intersection is beyond the scope of this study. Other considerations for providing dedicated right-turn lanes include existing detector loops and modification of signal operation.

3. **Intersection of Bear Mountain Boulevard and Hill Street:** This intersection is currently signalized, with a dedicated single left turn lane and two through lanes for both eastbound and westbound movements. The north and south legs do not have dedicated lanes for turning movements, but drivers do share the lane for right turns and through movements. The existing signal provides for protected left turn movements only for east and westbound traffic.

On-street parking is permitted on Bear Mountain Boulevard to within about 75-feet from the intersection.

Under existing conditions, this intersection has been calculated to operate at a LOS of “B” during the evening peak hour. Under future (Year 2035) traffic volumes, and the intersection’s present-day level of improvement, the level of service of this intersection is expected to degrade to an “C”, with some individual movements at a “D”. The calculations indicate said future LOS’s are anticipated either with or without the addition of Project-generated traffic.

Recommended Mitigation: It appears right-of-way acquisition would be necessary to expand this intersection to provide dedicated lanes for all movements. However, elimination of parking on Bear Mountain Boulevard could provide enough width to stripe dedicated right turn lanes for east and westbound traffic. Again, the composite LOS under 2035 traffic has been calculated at a “C”, and thus no further analysis was performed.

4. **Intersection of Bear Mountain Boulevard and Derby Street (Tejon Highway south of Sycamore):** This intersection is not currently signalized, with stop-control for the Derby Street approaches. (Derby Street becomes Tejon Highway south of Sycamore Avenue). The west approach of Bear Mountain Boulevard (or west leg), currently has a single dedicated left turn lane and two lanes for through traffic. The east approach of Bear Mountain Blvd. is a two lane road, but is slightly expanded at the intersection to provide a left turn lane.

Similar to Comanche Drive to the west, development has occurred along the west frontage of Derby Street, while the east side has remained either in agriculture, or ag-industrial uses. Although sufficient width exists, the Derby Street approaches have not been striped to provide any dedicated lanes for through or turning movements. The east and west legs each have two dedicated through lanes and single dedicated left turn lanes.

A rail line runs parallel and along the east side of Derby, crossing Bear Mountain Boulevard. An existing signalized crossing arm exists for the rail crossing. Of course this presents challenges to intersection improvements, a future signal installation, signal operation, pavement detector loops and roadway widening.

Under existing conditions, this intersection has been calculated to operate at a LOS of “A” during the evening peak hour. Under future (Year 2035) traffic volumes, and the

intersection's present day level of improvement, the level of service of this intersection is expected to degrade to an "F". As discussed, a LOS of "F" is expected either with or without the addition of Project-generated traffic. The anticipated future volume at this intersection, without the addition of Project-generated traffic is sufficient to satisfy the warrant for signalization.

Recommended Mitigation: Options for mitigation include the addition of dedicated turning lanes to the Derby Street approaches, (without installation of a traffic signal). A second option is the installation of a traffic signal. Installation of traffic signal would also include dedicated turning lanes. Adding dedicated lanes for the Derby Street approaches (without installation of a signal), would improve the Year 2035 LOS from an "F" to a "D". Signalizing this intersection, along with dedicated lanes, would improve the LOS to a "C".

5. **Intersection of Franklin and Meyer Street:** This intersection is not currently signalized and controlled as an "all-way" stop. Both Franklin and Meyer Streets appear fully widened at a curb to curb width of 68 feet plus or minus. Although very faint, both streets have been striped for two lanes, with no additional expansion or striping for turn lanes at the intersection itself. Thus, left and right turns for all approaches are from shared lanes.

The analysis of this intersection indicates this intersection should function at a LOS of "C" and better, under Year 2035 traffic (with or without the addition of Project-generated traffic). In addition said future traffic does not meet the minimum warrant threshold to satisfy the Peak Hour Signal Warrant.

Recommended Mitigation: The future LOS is anticipated to be satisfactory, and future volumes do not satisfy the Peak Hour Signal Warrant. Therefore, mitigation improvements are not recommended at this intersection.

6. **Intersection of Franklin Street and Derby Street/Tejon Highway:** Franklin Street currently "tees" into Derby Street from the West. The east leg of this intersection at this time only functions as a private drive to an agricultural packing and storage facility. However, the City's General Plan shows Franklin Street ultimately running east from Derby Street to Malovich Road. This intersection is not currently signalized, does not have any additional width or dedication lanes for turning movements, and is only stop-controlled for Franklin Street.

Without the addition of Project-generated traffic, calculations indicate under Year 2035 traffic, this intersection should function at a LOS of "B" and better, However, the addition of Project-generated traffic causes the intersection to degrade to a LOS of "E", under Year 2035 traffic. In addition said future traffic does not meet the minimum warrant threshold to satisfy the Peak Hour Signal Warrant.

Recommended Mitigation: Addition of through lanes and turning lanes will improve the LOS, (under future traffic), to a "D"; but does not restore the pre-project LOS of "B".

Although the intersection does not satisfy the Peak Hour Signal Warrant, installation of a signal at this intersection would restore the pre-Project LOS.

7. **Intersection of Sycamore Road and Comanche Drive:** This intersection is not currently signalized and is currently controlled as an “all-way” stop. The centerline of Comanche Drive is also the west line of the City of Arvin limits. Lands on the west frontage of Comanche Drive are still in agricultural production, while property along the east frontage of Comanche has undergone urban development. Consequently the east half of Comanche in the vicinity of Sycamore has been widened to its ultimate planned width. The west half of Comanche, with the exception of intersection expansions, has not been widened to more than a single lane.

Both Sycamore Road and Comanche Drive have centerlines that run along section lines and thus are considered major roadways

Sycamore Road, within the City limits is currently in various stages of widening. At this intersection, Sycamore and the “east half” of Comanche are widened to their ultimate planned width. Again, the west half of this intersection is un-improved beyond single lanes, which are shared for all movements.

In addition, future traffic volumes at this intersection, either with or without Project-generated traffic, are sufficient to satisfy the Peak Hour Warrant for a traffic signal.

Recommended Mitigation: Although anticipated future traffic volumes satisfy the Peak Hour signal warrant, expanding this intersection to at least one dedicated lane for all through and turning movements will improve this intersection to a LOS of “C” or better.

8. **Intersection of Sycamore Road and Meyer Street:** This intersection is not currently signalized and is controlled as an “all-way” stop. In addition, this intersection is not fully expanded due to gaps in development along the frontages of both streets. Currently all turning movements are from shared lanes, with the exception of the east approach for Sycamore: which provides a striped dedicated right turn lane.

Under existing conditions, this intersection has been calculated to operate at a LOS of “B” during the evening peak hour. Under future (Year 2035) either with or without addition of Project-generated traffic, the level of service of this intersection degrades to an “F”.

In addition, future traffic volumes at this intersection, either with or without Project-generated traffic, are sufficient to satisfy the Peak Hour Warrant for a traffic signal.

Proposed Mitigation: Installation of a traffic signal, along with expanding the intersection to provide at least one dedicated lane for all through and turning movements will improve the LOS to a “C” or better. It should also be noted that prior to signal installation, expansion of this intersection to provide at least one dedicated lane for all turning movements will greatly reduce the average vehicle delay.

9. **Intersection of Sycamore Road and Derby Street/Tejon Highway:** This intersection is not currently signalized and is controlled as an “all-way” stop. Only the north half of Sycamore and the west half of Tejon Highway, (north of Sycamore), have been widened to their ultimate planned width, thus the intersection is not fully expanded. The north approach of Tejon Highway has a dedicated right turn lane. Other than that, all other movements at this intersection are from shared lanes.

Under existing conditions, this intersection has been calculated to operate at a LOS of “A” and “B” during the evening peak hour. Under future (Year 2035) with the addition of Project-generated traffic, the level of service of this intersection degrades to an “F”.

Recommended Mitigation: Widening of both Sycamore Road and Tejon/Derby are funded by the Traffic Impact Fee program. These improvements are shown in this study to improve the LOS to a “C”, under Year 2035 traffic volumes.

10. **Intersection of Sycamore Road and Malovich Road:** This intersection is not currently signalized and is controlled as an “all-way” stop. Sycamore is paved at this intersection, but Malovich Road is nothing more than a dirt farm road. However, since this roads are in the City’s system, this intersection was analyzed

Under future (Year 2035) either with or without the Project, the level of service of this intersection is anticipated to operate at a LOS of “A”.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended.

11. **Intersection of El Camino Real and Meyer Street:** This intersection is not currently signalized and is controlled as an “all-way” stop. Meyer Street to the north and El Camino Real to the west are fully widened “collector” status roads. Ultimate curb to curb width of both Roads is 68 feet. However, El Camino Real east of the intersection and Meyer Street south of the intersection are only two lane roads.

El Camino Elementary school is sited at the southwest corner of this intersection, and the north and west leg of the intersection has been striped for crosswalks. The land at the southeast corner of the intersection is still in agriculture

The west approach of El Camino and the north approach of Meyer Street have been striped to provide single dedicated lanes for all turning and through movements.

Although El Camino appears to have been planned as a collector status road, on-street parking is permitted, as well as direct residential drive access. This somewhat limits possible LOS-improving mitigation for the road.

Under future (Year 2035) either with or without the Project, the level of service of this intersection degrades to LOS's of "C" and "B", respectively. In addition said future traffic volumes do not satisfy the Peak Hour Signal warrant.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended. However, if future development widens the south half of El Camino Real, it may be possible to stripe more than single through lanes, thus increasing the intersection's capacity without installation of a traffic signal

12. **Intersection of El Camino Real and Tejon Highway:** This intersection is not currently signalized and is controlled as an "all-way" stop. Only the north half of El Camino Real and the west half of Tejon Highway, (north of El Camino Real), have been widened to their ultimate planned width, thus the intersection is not fully expanded. Neither road has been striped to dedicate any special lanes for turning movements

Under future (year 2035) either with or without the Project, the level of service of this intersection is anticipated to operate at a LOS of "A". In addition, future traffic volumes do not satisfy the Peak Hour Warrant.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended.

13. **Intersection of El Camino Real and Comanche Drive:** El Camino Real currently terminates just east of Comanche Drive. However it is apparent that this intersection will be one day constructed as urban development pushes southward. Comanche Drive pavement currently terminates roughly 1,300 south of Sycamore Road, and 1,300 north of the further intersection of El Camino Real. Said pavement is consistent with the southern limit of urban development.

Since this intersection does not currently exist, existing traffic volumes could not be obtained. Also, extrapolation or projecting future counts using methods herein was not possible. However, based on the volumes of surrounding intersections, and the fact that this intersection is near extremity of urban development, it is unlikely this intersection would realize any higher volumes or worse conditions than the intersection of Comanche and Sycamore, or El Camino Real and Meyer Street. It should also be noted that the area to the northeast of this has been planned for residential development, and thus any future development is unlikely to create a spike in trip generation.

Proposed Mitigation: Based on said empirical analysis, mitigation improvements for this intersection are not recommended. It is anticipated that if anticipated growth in the City is realized, improvements to this intersection will be made as part of surrounding development.

Street Segments:

As shown in Table 6 herein, Streets analyzed include Bear Mountain Boulevard, Franklin Street, Sycamore Road, Comanche Drive, Meyer Street, and Derby Street/Tejon Highway. With the exception of Comanche Drive, under Year 2035 traffic volume, and with the addition of Project-generated traffic, all streets are anticipated to operate at a LOS of “C” or better. A one mile segment of Comanche Drive between Sycamore and Bear Mountain Boulevard has been shown to degrade to an LOS of “E” by the year 2035, with or without the addition of Project-generated traffic. This segment of Comanche Drive currently only provides one lane in each direction. The addition of a lane to each direction of Comanche will improve the LOS to a “B” or better in each direction. Table 6

It is noted that the LOS of Comanche Drive between Sycamore and Bear Mountain from is degrade to an “E” under future traffic loads. As with most facilities, the degradation of LOS under future traffic loads occurs with or without the addition of Project traffic. Also, this same segment of Comanche Drive is currently funded by the City’s Traffic Impact Fee Program, and thus the Project should have no additional funding obligation for this facility shows the resultant LOS with lanes additions. It is noted that portions of Comanche Drive that have only been widened east of the road’s centerline, due to lack of frontage development on the west side, have sufficient width to be striped for four lanes of traffic.

Since gaps in road widening for the studied street segments will be remedied as part of frontage development, and existing street segment LOS’s are satisfactory, no mitigation is recommended for “offsite” streets within the study limits. It is anticipated that Sycamore, Tejon Highway, and Malovich Road will be widened along their respective frontages as part of the Project’s improvements.

Similarly, the LOS of the intersection of Sycamore Road with Tejon Highway/Derby Street is degraded from a “B” to an “F”, by the addition of Project-generated traffic. However, widening of both Sycamore Road and Tejon/Derby are funded by the Traffic Impact Fee program. These improvements are shown in this study to improve the LOS to a “C”, under Year 2035 traffic volumes. Therefore, the Project should have no additional funding obligation for this facility

The intersection of Franklin Street and Derby, by Year 2035, has been shown to degrade rom an LOS of “B” to “E”, with the addition of Project-generated traffic. As supported by the calculations herein, installation of a traffic signal has been determined the only mitigation that will restore the intersection’s LOS to the pre-Project LOS of “B”. However, it should be noted again, that the estimated future peak hour volumes do not warrant a signal.

Again, although the City’s Traffic Impact Fee Program funds installation of four signals, the location is unknown. Based on estimated future traffic, the Project’s obligation funding obligation is taken as the ratio of Project-generated traffic to Year 2035 total peak hour volume, as follows:

$$\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%$$

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Mitigation #6 Traffic Mitigation	Prior to project development an internal circulation and traffic master street layout (must include adjacent lands as well) shall be required and approved by the City Engineer prior to or current with future land divisions or development.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to or concurrent with first phase of development
Mitigation Specifications	Dedication of Right of Way and improvement of road system to city standards
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer
Action by Monitor	Insure that right of way and easements are dedicated and improvements are constructed to City Standards

Mitigation #7 Sewer	Design and Implementation: There are a number of options to provide sewer pipelines to the Project, which have been outlined in the attached detailed sewer study. All existing sewer lines have sufficient excess capacity, at the time of the written report, to accommodate sewer flows from the Project.
Agency/Individual Responsible for implementation	Future Developer
Sewer Plant Capacity:	At maximum build-out, the Project theoretically will generate an average sewage flow of 122 gallons per minute - gpm, or 0.18 Million Gallons per Day — MGD. The existing capacity of the Sewage Treatment Plant currently has headworks and pumping capacity of 2.0 MGD and 4.0 MGD for average and peak capacities, respectively. The existing average daily flow to the plant varies from less than 1.2 MGD during winter months to a peak of 1.4 MGD during August. The addition of flow from the Project (0.18 MGD) and the existing peak flow to the plant (1.4 MGD), yields 1.58 MGD. This amount is less than the existing plant capacity, without upgrades.
Implementation Timing	Infrastructure to be constructed by future developers as may be required to serve the project development. Prior to any project entitlement, Site Development, Tentative Map, etc. a master sewer plan must be prepared and must receive approval by the City.
Mitigation Specifications	Preparation of Master Sewer Plans and Wastewater Treatment Plant Capacity Analysis and installation of improvements as may be required to serve the project development.
Agency/Individual Responsible for Monitoring	Future Developer, Wastewater Treatment Facility Operator, and City Engineer

Action by Monitor	Require improvement plans, construction, and monitoring of infrastructure
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Mitigation # 8 Sewer	Sewer System Upgrades and Improvement Plans
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to any project entitlement, Site Development, Tentative Map, etc. a master sewer plan must be prepared and must receive approval by the City.
Sewer Plant Capacity	<p>The City of Arvin (in partnership with Veolia Water, Inc.) provides sewer service to most developed properties within its city limits. The existing system consists of a network of 6- and 8- inch collection lines that connect to 10- and 12- and 18-inch mains. These connect to the city's wastewater treatment plant (WWTP) located southwest of the urban area. The nearest sewer line to the subject site is an existing 10-inch line under Sycamore Road. Staff with Veolia indicates the grade in this line is fairly level and future development in this part of the community may require installation of a lift station.</p> <p>Arvin's WWTP is designed to accommodate an average daily flow of 2.0 million gallons per day (mgd) and up to 4.0 mgd for peak flows. In recent months the plant has been experiencing an average daily flow varies from 1.2 mgd during winter months to 1.4 mgd during August.</p>
Mitigation Specifications	Preparation of Master Sewer Plans and Wastewater Treatment Plant Capacity Analysis and installation of improvements as may be required to serve the project development.
Agency/Individual Responsible for Monitoring	Future Developer, Wastewater Treatment Facility Operator, and City Engineer
Action by Monitor	Require improvement plans, construction, and monitoring of infrastructure

Mitigation # 9 Water See Mitigation #2 – Groundwater Recharge	Water Supply to serve the proposed project
Agency/Individual Responsible for implementation	Future Developer and Arvin Community Services District
Arvin Community Services District – Water Purveyor	Water service in Arvin is provided by the Arvin Community Services District (ACSD) which operates a series of groundwater wells, distribution lines, pumps and storage tanks. Currently the district operates five active wells and has two inoperative wells. Distribution lines include 8, 10 and 12 inch mains along with 4- and 6-inch local lines. Peak water demand typically occurs during August and has reached 3.6 million

	<p>gallons per day (mgd). The current peak capacity of the system is about 6.0 mgd (4,600 gallons per minute). According to the environmental study that was prepared for the Arvin General Plan, future development that is prescribed by the Plan would demand an additional 2.3 mgd of water by 2030. The study indicates there is adequate capacity in the system to accommodate growth projected to occur in the General Plan.</p> <p>In the vicinity of the subject site, there is an 8-inch water line under Sycamore Road on the north edge of the site. There is also an 8-inch line under Malovich Road on the east side of the site. Well #1 is the nearest well to the site, located on Derby Road about ¼ mile north of Sycamore Road. The District plans to abandon this well soon, which would result in the well at 801 Charles Street being the closest to the site.</p>
Implementation Timing	Prior to or current to any project entitlement, Site Development, Tentative Map, etc. approval must be provided to the City from the Arvin Community Service District.
Mitigation Specifications	Compliance with the Arvin Community Services District infrastructure and improvements necessary to serve the project development
Agency/Individual Responsible for Monitoring	Future Developer and Arvin Community Services District
Action by Monitor	Compliance with the Arvin Community Services District provide a will serve confirmation to the City of Arvin.

Mitigation #10 Storm Drainage See Mitigation #2 Groundwater Recharge	Provide necessary storm drainage system(s) master plan and improvements
Agency/Individual Responsible for implementation	Future Developers and City Engineer
Storm Drainage Studies and Improvements	<p>Storm drainage within the City is provided by the City of Arvin. The City's system includes curbs and gutters, drainage inlets, pipelines and drainage basins. The City's Storm Drainage Master Plan was adopted in 2009 and indicates the existing system is adequate, with some exceptions, including Derby Street (north of the site) which has no curbs and gutters and suffers from ponding and flooding problems during rainy weather.</p> <p>There are currently no storm drainage facilities on the subject site – facilities would have to be installed by the developer at the time the site is developed. This would likely include installation of on-site drainage basins.</p>
Implementation Timing	Prior to or concurrent with future entitlements.
Mitigation Specifications	<p>Prior to or concurrent with any project entitlement, Site Development, Tentative Map, etc. a master storm drainage plan must be prepared and must receive approval by the City.</p> <p>Improvements are to be implemented prior to or concurrent with future development.</p>

Agency/Individual Responsible for Monitoring	Future Development and City Engineer
Action by Monitor	Require plans and construction of necessary impartsments to serve the project.
Mitigation # 11 Seismic and Liquefaction See Mitigation Measure #1	All development within the project site shall be designed in accordance with the earthquake standards contained in the Uniform Building Code, subject to the review and approval of the Building Inspector prior to issuance of a building permit.
Agency/Individual Responsible for implementation	Future Development and City Building Official
Geological Hazards	<p>Arvin is in an area that is subject to significant ground movement resulting from earthquake activity. In 1952, an earthquake along the White Wolf Fault, which is located less than three miles east of the City caused immense and widespread damage to the City and the region. This 7.5 magnitude earthquake resulted in many deaths and damaged buildings beyond repair.</p> <p>Liquefaction is another seismic-related safety risk. It is defined as a phenomenon in which water-saturated granular soils are temporarily transformed from a solid to a liquid state because of a sudden shock or strain, typically occurring during earthquakes. Although the local water table averages 210 feet below the soil surface, the high seismic activity of the region may cause some seismic-related ground failure.</p> <p>The occurrence of a major earthquake in the central and southern California region could result in loss of life, injury and property damage. Ground shaking would be responsible for the majority of the damage within the City of Arvin. However, this hazard is no greater than those present in other areas of the central and southern California region. In addition, the absence of earthquake faults in the City may result in a lesser seismic hazard than other areas. Furthermore, all construction of new buildings or rehabilitation of existing buildings must be in conformance with the latest adopted edition of the Uniform Building Code, zoning codes and State Building codes, to ensure that development will be in compliance with earthquake safety regulations</p>
Implementation Timing	Plan Check Review and Prior to Issuance of Building Permit
Mitigation Specifications	The most current UBC shall be applicable
Agency/Individual Responsible for Monitoring	Future Development and City Building Official
Action by Monitor	Review plans for conformance with the latest UBC
Mitigation #12 Flooding	In order to minimize flooding impacts, and pursuant to FEMA requirements, Chapter 15.32 (Floodplain Management) of the Arvin

	Municipal Code establishes flood-resistant standards for building anchoring, construction materials and methods, storage of materials, utilities and land subdivisions. In addition, FEMA requires that for all new construction, the ground floor must be raised at least 24 inches above the highest adjacent grade
Agency/Individual Responsible for implementation	Future Developer and City Engineer
Subject	<p>According to the Federal Emergency Management Agency (FEMA), portions of the City are in the 100-year flood zone with designation zones A, AO and X. The Flood Zones are defined as: Zone A – Areas subject to flooding by the one percent annual change flood (100-year storm) with no base flood elevation determined; Zone AO -- Areas subject to flooding by the one percent chance flood with flood depths of one to three feet with an average depth and flood velocity determined; Zone X (shaded) – Areas of a 0.2 percent annual chance flood, areas subject to the one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile, and areas protected by levees for the one percent annual chance flood.</p> <p>Because the City is in the 100-year flood zone, mandatory flood insurance purchase requirements and floodplain management standards apply. About half of the subject site is within the AO zone; one third within Zone X and a smaller area within Zone “A”.</p>
Implementation Timing	<p>In accordance with the City of Arvin's Flood Plain Ordinance, development will have to consider receive and discharge of flood water, and elevation of building pads above the flood depth.</p> <p>Receive and discharge of flood waters will be dependent upon street and lot layout for the Project. And vise-versa, the layout of the site must consider receive and discharge of flood waters. Provide elevation certificates as grading plan and submittal with or prior to submittal of building permits.</p>
Mitigation Specifications	In order to minimize flooding impacts, and pursuant to FEMA requirements, Chapter 15.32 (Floodplain Management) of the Arvin Municipal Code establishes flood-resistant standards for building anchoring, construction materials and methods, storage of materials, utilities and land subdivisions. In addition, FEMA requires that for all new construction, the ground floor must be raised at least 24 inches above the highest adjacent grade.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer
Action by Monitor	City Engineer to verify compliance with Title 16.32 Flood Management prior to Building Permit Issuance.
Mitigation #13 Cultural Resources – Historical Resources	Require on-site investigation prior to ground disturbance
Agency/Individual Responsible for implementation	Future Developer
Subject	Investigation of site for cultural and historical resources

Implementation Timing	Prior to ground disturbance
Mitigation Specifications	The project site shall be investigated by a qualified archaeologist prior to any ground disturbance activities. Findings and report shall be filed with the City of Arvin Community Development Department. Should any findings of significances be identified appropriate mitigation measures shall be implemented as recommended by the archaeologist. Refer to §15064.5, CEQA Guidelines
Agency/Individual Responsible for Monitoring	Future Developer, City Engineer, and Community Development Department Director
Action by Monitor	Require Field Investigation and verify findings and if action warranted implement Section 15064 .5 of the CEQA Guidelines

Mitigation #14 Human Remains	While unlikely due to past grading and agricultural activities, should any human remains be discovered during grading and construction, the Kern County Coroner must be notified immediately. (The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission [NAHC] if the remains are Native American. The most likely descendants then have 24 hours to recommend proper treatment or disposition of the remains, following the NAHC guidelines).
Agency/Individual Responsible for implementation	Future Developer
Subject	Investigation of site for cultural and historical resources
Implementation Timing	Prior to ground disturbance
Mitigation Specifications	Should any human remains be discovered during grading and/or construction, the Kern County Coroner must be notified immediately. All work shall be halted within a radius of 100 feet. (The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission [NAHC] if the remains are Native American. The most likely descendants then have 24 hours to recommend proper treatment or disposition of the remains, following the NAHC guidelines).
Agency/Individual Responsible for Monitoring	Future Developer, City Engineer, and Community Development Department Director
Action by Monitor	Should human remains be found – Building Official shall stop all construction within 100 feet of the find.
Mitigation #15 Public Services	Prepare study and create Community Services District to fund future infrastructure and service, which may include staffing, and long term maintenance of infra-structure
Agency/Individual Responsible for implementation	Future Developer
Subject	To insure that future growth may be provided the needed services such as Fire, Police, storm drainage maintenance, road infrastructure maintenance, the project shall be required

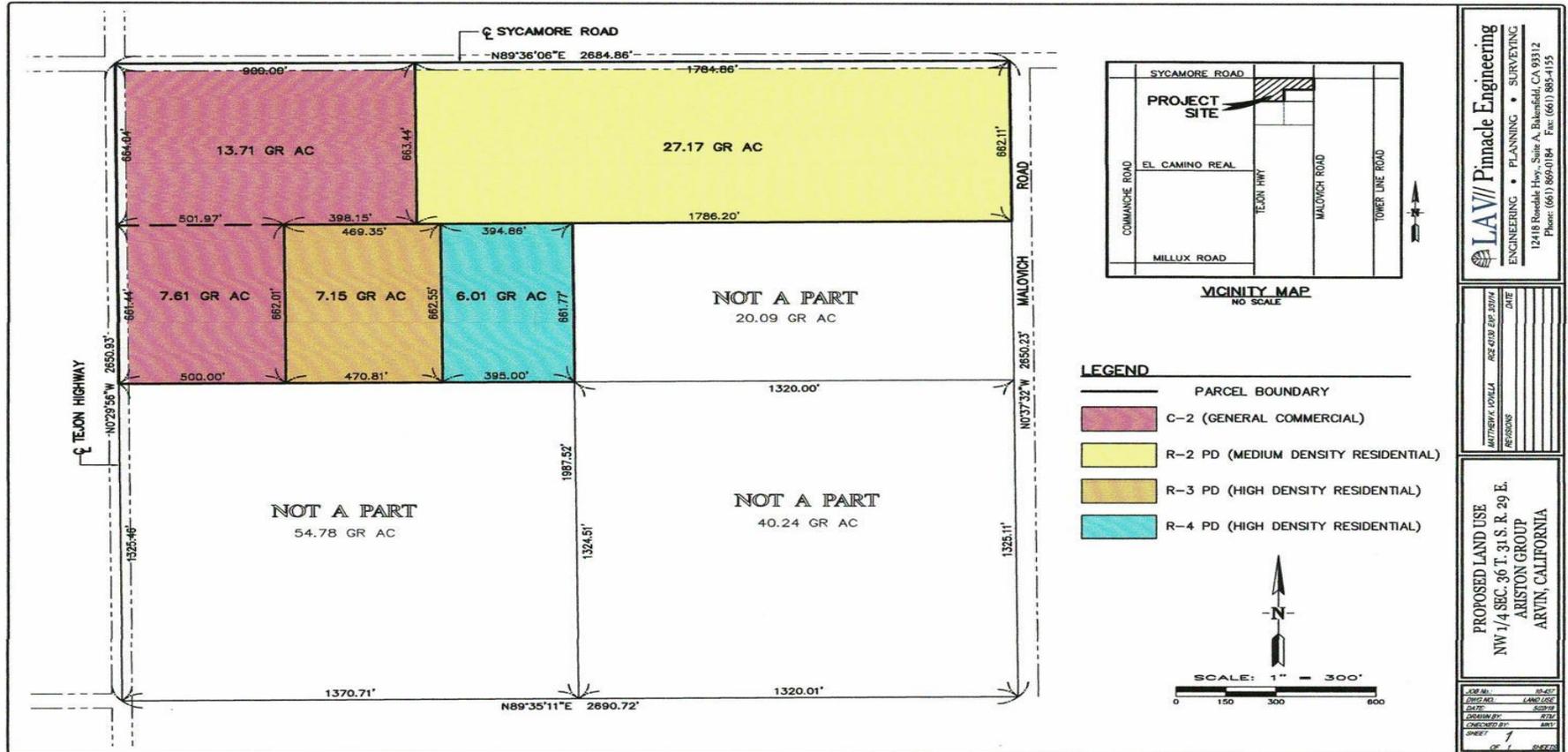
	to establish a Community Services District or equivalent funding mechanism, known as the Mello-Roos Community Facilities Act of 1982 per California Code sections 53311 through 53317.5 and 53340 through 53344.4 or equivalent at the cost of the developer
Implementation Timing	To be established at the applicants' expense prior to or concurrent with any future development entitlement
Mitigation Specifications	Establish funding program for the implementation of Community Services District which is to include construction of infrastructure, maintenance, and staffing
Agency/Individual Responsible for Monitoring	Future developer and Community Development Director, City Engineer, Finance Director, and City Manager
Action by Monitor	Require completion of studies, establishment of financing, and monitoring of Community Services District or equivalent program.

Mitigation #16 Recreation	Require additional parks and recreational facilities.
Agency/Individual Responsible for implementation	Future Developer
Subject	Development of Park and Recreational Facilities and/or payment of Park Development Fees per City Council
Implementation Timing	Prior to or concurrent with future entitlements and development
Mitigation Specifications	Dedication of lands for park purposes or payment of Park Fees per City Council resolution.
Agency/Individual Responsible for Monitoring	Future Development and Community Development Director
Action by Monitor	Prior to future entitlements provide for Park and Recreational Facilities per City Ordinance and Policies.

Mitigation #17 Transportation—Bus Services	Provide for future bus stops and infrastructure improvements
Agency/Individual Responsible for implementation	Future Developer
Subject	Transit stops and infrastructure Improvements
Implementation Timing	Prior to or concurrent to future development
Mitigation Specifications	In anticipation of expanded bus service to the project area, the developers shall coordinate with the City of Arvin Transit Department to determine specifications and locations of bus stops necessary at the project area. They shall then incorporate these stops into their project designs as easements, which shall be submitted to and approved by the City Engineer prior to the approval of a final subdivision map.

Agency/Individual Responsible for Monitoring	Future Developers, Transit Director, City Engineer
Action by Monitor	Review and approve locations for future bus stops prior to approval of future development

EXHIBIT A - GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATIONS - AMENDMENTS GPA-/ZC 2013-01 ARISTON PROJECT - ASSESSOR PARCEL NUMBERS: 189-352-02 AND 189-352-08



Attachment: Exhibit A to Staff Report (Ariston Project)

RESOLUTION NO. _____**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THE CITY COUNCIL OF THE CITY OF ARVIN APPROVE GENERAL PLAN AMENDMENT 2013-01-ARISTON PROJECT CHANGING THE LAND USE DESIGNATION ON 62+/_ ACRES FROM LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL TO 21.32 ACRES AS GENERAL COMMERCIAL, 27.17 ACRES AS MEDIUM-DENSITY RESIDENTIAL, AND 13.16 ACRES AS HIGH DENSITY RESIDENTIAL; AND ASSOCIATED MITIGATED NEGATIVE DECLARATION**

WHEREAS, the City of Arvin (the “City”) has an adopted General Plan; and

WHEREAS, the applicant Ariston Group (“applicant” or “developer”) has submitted an application to amend the General Plan Land Use Element for Assessor’s Parcel Numbers 189-352-02 and -08 consisting of 62+/- Acres from Light Industrial and Heavy Industrial to 21.32 acres as General Commercial, 27.17 Acres as Medium-Density Residential, and 13.16 Acres as High Density Residential (“GPA 2013-1” or “General Plan Amendment 2013-1”); and

WHEREAS, the applicant is also seeking a rezone per Zone Change 2013-1, which is being considered concurrently with GPA 2013-1; and

WHEREAS, the project application was submitted in 2013 and has been delayed due to various factors; and

WHEREAS, Staff in 2013, 2014 and 2018 distributed the project application to the various responsible agencies for review and comment; and

WHEREAS, the City received comments from the various agencies which either verified that the propose project would not be detrimental to the various agencies ability to serve based upon either expanding and/or extending infrastructure needs of the agency, or designing the future development projects to meet standards and completion of improvements; and

WHEREAS, the applicant has prepared special studies to support the proposed amendments to the General Plan that include; traffic studies, water analysis, wastewater treatment analysis, storm drainage analysis, air quality analysis, etc. providing assurance that the project could be served upon build out of the project; and

WHEREAS, an environmental Initial Study and a Notice of Intent to Adopt a Mitigated Negative Declaration for the project, including GPA 2013-1, were prepared by the City as lead agency in accordance with the requirements of the California Environmental Quality Act (“CEQA”), and sent to all responsible and trustee agencies and posted in the Office of the County Clerk; and,

WHEREAS, the Notice of Intent to adopt a Mitigated Negative Declaration was filed with the Kern County Clerk’s office and a public review period of twenty (20) days, from July 9, 2018 to July 29, 2018 was provided.

WHEREAS, copies of the environmental document and General Plan Amendment 2013-01 (Ariston Project) were made available for public inspection during public review period at the City Clerk's office and the City of Arvin Community Development Department, 141 Plumtree Drive, Arvin, California and on the City's website; and,

WHEREAS, during the 20-day public review period of the Initial Study and Notice of Intent to adopt the Mitigated Negative Declaration, the City received two inquires requesting additional information and did not receive any comment letters.

WHEREAS, the City properly noticed the July 31, 2018 hearing before the Planning Commission for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed project; and

WHEREAS, the City Clerk published the required public hearing notice in the Bakersfield Californian on July 9, 2018 and mailed the public notice to surrounding property owners within 300 feet of the project on July 9, 2018; and

WHEREAS, proof of the published public hearing notice and verification of the 300-foot property owner public hearing notice is on file at the City Clerks' office.

WHEREAS, the special Planning Commission of July 31, 2018 was continued to August 14 2018; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 14, 2018, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed General Plan Amendment 2013-01; and

WHEREAS, the City has adopted various fees required for the City's General Plan Maintenance Program and Maintenance of Various Maps to address amendments to the General Plan; and

WHEREAS, under the fees as currently adopted, the project is required pay fees to the City prior to or concurrent with the approval of the requested General Plan Amendment 2013-01 as follows:

- Map Maintenance Fee per map: \$500.00
- General Plan Maintenance Fee: \$59,416.00 based on \$0.022 per square foot of gross land area (62 acres x 43,560 = 2,700,720 sq. ft. x \$0.022 = \$59,416.00)

WHEREAS, the project, including General Plan Amendment 2013-01, is consistent with the underlying intent and purpose of the General Plan; and

WHEREAS, the Planning Commission desires to recommend approval of General Plan Amendment 2013-01 to the City Council.

NOW, THEREFORE, the Planning Commission of the City of Arvin (the "Planning Commission") resolves as follows:

1. The above recitals are true and correct.
2. The Planning Commission finds as follows:
 - a. The Initial Study/Mitigated Negative Declaration attached to this Resolution reflects the City’s independent judgement and analysis;
 - b. On the basis of the whole record , including the Initial Study, and any comments received and the responses to said comments, that there is no substantial evidence that the project, collectively or singularly, will have a significant effect on the environment; and
 - c. The project mitigation imposed, as described in the Initial Study and supporting documents, will avoid any potentially significant effects to a point where there are no significant adverse impact on the environment would occur with the mitigation imposed.

Based on the foregoing, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration for the project as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. Additionally, the Planning Commission recommends the City Council adopt the associated Mitigation Monitoring and Reporting Program for the Project. The Planning Commission further recommends the Department of Community Development located at 200 Campus Dr, Arvin, CA 93203 serve as the custodian of all documents or other material which constitutes the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based, and that the Council authorize and direct the Director of the Department of Community Development, or designee, to execute and file with the Kern County Clerk, within five business days of the adoption of this Ordinance, an approval of the project a Notice of Determination that complies with CEQA Guidelines, section 15075.

3. The Planning Commission finds that it is in the public interest to amend the General Plan as proposed by General Plan Amendment 2013-01, and recommends the City Council approve the General Plan Amendment 2013-01 as reflected on the Land Use Diagram – Exhibit A, subject to payment of all required fees.

4. This Resolution shall become effective immediately.

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Attachment: 2-PC Reso GPA 2013-01 Ariston Project - Copy [Revision 2] (Ariston Project)

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Arvin at a regular meeting thereof held on the 14th day of August, 2018 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
OLIVIA TRUJILLO, Chairperson

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, General Counsel
Aleshire & Wynder, LLP

I, _____, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

Attachment: 2-PC Reso GPA 2013-01 Ariston Project - Copy [Revision 2] (Ariston Project)

RESOLUTION NO. _____

A RESOLUTION OF THE ARVIN PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE AN ORDINANCE FOR ZONE CHANGE 2013-01 ARISTON PROJECT, REZONING 62+/-ACRES FROM AGRICULTURAL (A-1 AND A-2) TO GENERAL COMMERCIAL - PLANNED DEVELOPMENT (C-2 PD) – 21.32 ACRES; TWO FAMILY DWELLING ZONE- PLANNED DEVELOPMENT (R-2 PD) – 27.17 ACRES; LIMITED MULTIPLE FAMILY ZONE- PLANNED DEVELOPMENT (R-3-PD) – 7.15 ACRES; AND MULTIPLE FAMILY DWELLING ZONE – PLANNED DEVELOPMENT (R-4-PD) - 6.01 ACRES; AND ASSOCIATED MITIGATED NEGATIVE DECLARATION.

WHEREAS, the City of Arvin (the “City”) has an adopted General Plan and zoning ordinance; and

WHEREAS, the applicant Ariston Group (“applicant” or “developer”) has submitted applications to amend the Zoning Designation for Assessor’s Parcel Numbers 189-352-02 and -08 consisting of 62+/- Acres from Agricultural (A-1) and (A-2); and

WHEREAS, the requested zone changes area as follows: rezoning 21.32 acres to (C-2) General Commercial -Planned Development; 27.17 acres to (R2-PD) Two Family Dwelling Zone- Planned Development; 7.15 acres to (R3-PD) Limited Multiple Family Zone- Planned Development; (R-3-PD; and 6.01 acres to (R4-PD) Multiple Family Dwelling Zone – Planned Development (R-4-PD), as shown on Exhibit A (“Zone Change 2013-1” or “ZC 2013-1”); and

WHEREAS, the applicant did modify the application to incorporate 13.17 acres for high density residential at the request of City Staff to assist in the implementation of the 2013-2023 Housing Element goals, polices, and work programs; and

WHEREAS, the City is concurrently considering General Plan Amendment 2013 for the project site; and

WHEREAS, the project application was submitted in 2013 and has been delayed due to various factors; and

WHEREAS, Staff in 2013 and 2014 distributed the project application to the various responsible agencies for review and comment; and

WHEREAS, in 2018 Staff redistributed the project to the various responsible agencies for review and comment to refresh and update the project information; and

WHEREAS, Staff meet with the applicant’s representative to discuss the designation of 13.16 acres as High Density Residential that would be developed at a minimum density in accordance with the 2013-2023 Housing Element goals and policies resulting in an opportunity for high density residential development (affordable housing); and

WHEREAS, the R-2-PD Residential Zoned Lands – 27.17 acres is a residential zone that allows for both single family residential development as well as duplexes, with a minimum lot size in this zone is 6,000 square feet, and the minimum lot area per dwelling (for duplexes) is 3,000 square feet. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics; and the potential development of 405 residential units within the R-2-PD designated lands; and

WHEREAS, the R-3-PD Residential Zoned Lands- 7.15 Acres is a residential zone that allows only high density residential development. The land area must be developed of not less than 20 units per acre, the Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics, potential development of the 7.25 acres would yield 143 units that would be considered affordable housing; and

WHEREAS, the R-4-PD- Residential Zoned Lands- 6.01 acres is a residential zone that allows only high density residential development, the land area must be developed with no less than 24 units per acre, the Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics, potential development of the 6.01 acres would yield 144 units that would be considered affordable housing; and

WHEREAS, the C-2-PD - General Commercial- Planned Development allows a variety of commercial activities, the Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics; and

WHEREAS, per the 2013-2023 Housing Element of the General Plan, the City has established an implementation program which establishes a no net loss of affordable housing sites; and

WHEREAS, the proposed designation for R-3-PD Limited Multiple Family of 7.15 Acres; and R-4-PD for 6.01 Acres insures that the no net loss policy as established by the 2013-2023 Housing Element will have sufficient lands to implement the no-net loss policy, and will add additional housing stock beyond the minimum required by the Housing Element; and

WHEREAS, the City received comments from the various agencies which either verified that the propose project would not be detrimental to the various agencies ability to serve based upon either expanding and/or extending infrastructure needs of the agency, or designing the development projects to meet standards and completion of improvements; and

WHEREAS, the applicant has prepared special studies to support the proposed amendments to the general plan that include; traffic studies, water analysis, wastewater treatment analysis, storm drainage analysis, air quality analysis, etc. providing assurance that the project could be served upon build out of the project; and

WHEREAS, an environmental Initial Study and a Notice of Intent to Adopt a Mitigated Negative Declaration were prepared by the City, as lead agency, in accordance with the requirements of the California Environmental Quality Act (“CEQA”), and sent to all responsible and trustee agencies and posted in the Office of the County Clerk; and,

WHEREAS, the Notice of Intent to adopt a Mitigated Negative Declaration was filed with the Kern County Clerk’s office and a public review period of twenty (20) days, from July 9, 2018 to July 29, 2018 was provided.

WHEREAS, copies of the environmental document, General Plan Amendment 2013-01 and Zone Change 2013-1 were made available for public inspection during public review period at the City Clerk’s office and the City of Arvin Community Development Department, 141 Plumtree Drive, Arvin, California and on the City’s website; and,

WHEREAS, during the 20-day public review period of the Initial Study and Notice of Intent to adopt the Mitigated Negative Declaration, the City received two inquires requesting additional information and did not receive any comment letters.

WHEREAS, the City properly noticed the July 31, 2018 hearing before the Planning Commission for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

WHEREAS, the City Clerk published the required public hearing notice in the Bakersfield Californian on July 9, 2018 and mailed the public notice to surrounding property owners within 300 feet of the project on July 9, 2018; and

WHEREAS, proof of the published public hearing notice and verification of the 300-foot property owner public hearing notice is on file at the City Clerks’ office; and

WHEREAS, the special meeting of the Planning Commission on July 31, 2018 was continued to the next regular meeting on August 14, 2018, including consideration of General Plan Amendment 2013-1 and Zone Change 2013-1; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 14, 2018, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed zone change for ZC 2013-01 Ariston Project and the Mitigated Negative Declaration; and

WHEREAS, the City has adopted various fees required for the City’s General Plan Maintenance Program and Maintenance of Various Maps; and

WHEREAS, consistent with these approved fees, the applicant shall pay to the City prior to or concurrent with the approval of the requested General Plan Amendment 2013 and Zone Change 2013 fees currently set at the following amounts:

- Map Maintenance Fee for each map type: \$500.00

- General Plan Maintenance Fee: \$59,416.00, which is \$0.022 per square foot of gross land area (62 acres x 43,560 ft./ac. = 2,700,720 sq. ft. x \$0.022/sq. ft.= \$59,416.00)

WHEREAS, the ZC 2013-1 is warranted given public necessity, convenience, general welfare, and good zoning practices; and

WHEREAS, the Planning Commission intends to recommend the City Council adopt Zone Change 2013-01, including the associated Mitigated Negative Declaration, for the project contingent upon City Council approval of an ordinance adopting General Plan Amendment 2013-1 and payment of all required fees.

NOW, THEREFORE, the Planning Commission of the City of Arvin (the “Planning Commission”) resolves as follows:

1. The above recitals are true and correct.
2. The Planning Commission finds as follows:
 - a. The Initial Study/Mitigated Negative Declaration attached to this Resolution reflects the City’s independent judgement and analysis;
 - b. On the basis of the whole record, including the Initial Study, and any comments received and the responses to said comments, that there is no substantial evidence that the project, collectively or singularly, will have a significant effect on the environment; and
 - c. The project mitigation imposed, as described in the Initial Study and supporting documents, will avoid any potentially significant effects to a point where there are no significant adverse impact on the environment would occur with the mitigation imposed.

Based on the foregoing, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration for the project as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. Additionally, the Planning Commission recommends the City Council adopt the associated Mitigation Monitoring and Reporting Program for the Project. The Planning Commission further recommends the Department of Community Development located at 200 Campus Dr, Arvin, CA 93203 serve as the custodian of all documents or other material which constitutes the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based, and that the Council authorize and direct the Director of the Department of Community Development, or designee, to execute and file with the Kern County Clerk, within five business days of the adoption of this Ordinance, an approval of the project a Notice of Determination that complies with CEQA Guidelines, section 15075.

3. The Planning Commission finds that public necessity, convenience, general welfare, or good zoning practices justify adoptions of Zone Change 2013-1. Specifically, the change is consistent with the General Plan goals and policies, any operative plan, or adopted policy. The

change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed housing, consistent with the General Plan any applicable operative plan, or adopted policy. Additionally:

- a. Zone Change 2013-01 is consistent with the General Plan in that the rezoning directly implements adopted polices of the General Plan Land Use Element in that the overall density is in compliance.
- b. Zone Change 2013-01, assists in the implementation of the Housing Element in providing opportunity site for high density residential development, provides for additional housing stock, and provides for additional affordable housing.
- c. The area subject to Zone Change 2013-01 is physically suitable for the proposed type of and intensity of development in that the site is flat with no unique geologic characteristics visible.

As such, the Planning Commission recommends the City Council approve Zone Change 2013-01, and rezone the subject property consistent with Exhibit "A" to the attached Ordinance.

4. This Resolution shall take effect immediately.

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I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Arvin at a regular meeting thereof held on the 14th day of August 2018 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
OLIVIA TRUJILLO, Chairperson

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, General Counsel
Aleshire & Wynder, LLP

I, _____, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

Attachment: 3-PC Reso and Ord - Ariston Project [Revision 2] (Ariston Project)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN
ADOPTING ZONE CHANGE 2013-01 ARISTON PROJECT AND
ADOPTION OF A MITIGATED DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE ARISTION
PROJECT**

WHEREAS, the City of Arvin (the “City”) has an adopted General Plan and zoning ordinance; and

WHEREAS, the applicant Ariston Group (“applicant” or “developer”) has submitted applications to amend the zoning designation for Assessor’s Parcel Numbers 189-352-02 and -08 consisting of 62+/- Acres from Agricultural (A-1) and (A-2); and

WHEREAS, the requested zone changes area as follows: rezoning 21.32 acres to (C-2) General Commercial -Planned Development; 27.17 acres to (R2-PD) Two Family Dwelling Zone- Planned Development; 7.15 acres to (R3-PD) Limited Multiple Family Zone- Planned Development; (R-3-PD; and 6.01 acres to (R4-PD) Multiple Family Dwelling Zone – Planned Development (R-4-PD), as shown on Exhibit A (“Zone Change 2013-1” or “ZC 2013-1”); and

WHEREAS, the applicant did modify the application to incorporate 13.17 acres for high density residential at the request of City Staff to assist in the implementation of the 2013-2023 Housing Element goals, polices, and work programs; and

WHEREAS, the City is concurrently considering General Plan Amendment 2013 for the project site; and

WHEREAS, the project application was submitted in 2013 and has been delayed due to various factors; and

WHEREAS, on November 19, 2013, Land Conservation Contract #13 was cancelled for the subject site in anticipation for urban development; and

WHEREAS, project area was designated as Light Industrial and Heavy Industrial; in 2013; and

WHEREAS, the project site 2013 zoning remained as Agricultural with portions of the site zoned as Light Agricultural (A-1) and General Agricultural (A-2); and

WHEREAS, the City has adopted various fees required for the City’s General Plan Maintenance Program and Maintenance of Various Maps; and

WHEREAS, consistent with these approved fees, the applicant is required to pay to the City prior to or concurrent with the approval of the requested General Plan Amendment 2013 and Zone Change 2013 fees currently set at the following amounts:

- Map Maintenance Fee for each map type: \$500.00
- General Plan Maintenance Fee: \$59,416.00, which is \$0.022 per square foot of gross land area (62 acres x 43,560 ft./ac. = 2,700,720 sq. ft. x \$0.022/sq. ft.= \$59,416.00).

27.17**WHEREAS**, the City properly noticed the August 14, 2018 Planning Commission special meeting to consider the proposed General Plan Amendment 2013-1, Zone Change 2013-1, and associated CEQA pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

WHEREAS, the City Planning Commission conducted a duly noticed public hearing on August 14, 2018, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Zone Change 2013-01 – Ariston Project and after which the Planning Commission adopted a Resolution recommending the City Council adopt this Ordinance; and

WHEREAS, the City properly properly noticed the _____, 2018 hearing before the City Council for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

WHEREAS, the City Council on _____, 2018 conducted a public hearing at a meeting regarding the introduction and first reading of this ordinance, during which it received a staff presentation and provided an opportunity to the public to submit testimony, and after closing the public hearing and after Council deliberation voted to introduce this ordinance; and,

WHEREAS, on **Month Day, 2018** the City Council again considered this matter consistent with the requirements of the law, and desires to adopt this ordinance; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred; and

WHEREAS, approval of ZC 2013-1 is warranted given public necessity, convenience, general welfare, and good zoning practices; and

WHEREAS, the City Council intends to adopt Zone Change 2013-01, including the associated Mitigated Negative Declaration, for the project contingent upon approval of an ordinance adopting General Plan Amendment 2013-1 and payment of all required fees.

NOW, THEREFORE, the City Council of the City of Arvin does ordain as follows:

Section 1. The above recitals are true and correct.

Section 2. The City Council finds as follows:

- a. The Initial Study/Mitigated Negative Declaration attached to this Resolution reflects the Council's independent judgement and analysis;

- b. On the basis of the whole record , including the Initial Study, and any comments received and the responses to said comments, there is no substantial evidence that the project, collectively or singularly, will have a significant effect on the environment; and
- c. The project mitigation imposed, as described in the Initial Study and supporting documents, will avoid any potentially significant effects to a point where there are no significant adverse impact on the environment would occur with the mitigation imposed.

Based on the foregoing, the City Council adopts the Mitigated Negative Declaration for the project as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. Additionally, the City Council adopts the associated Mitigation Monitoring and Reporting Program for the Project. The Department of Community Development located at 200 Campus Dr, Arvin, CA 93203 serve as the custodian of all documents or other material which constitutes the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based, and the Council authorizes and directs the Director of the Department of Community Development, or designee, to execute and file with the Kern County Clerk, within five business days of the adoption of this Ordinance, an approval of the project a Notice of Determination that complies with CEQA Guidelines, section 15075.

Section 3. The City Council finds that public necessity, convenience, general welfare, or good zoning practices justify adoptions of Zone Change 2013-01. Specifically, the change is consistent with the General Plan goals and policies, any operative plan, or adopted policy. The change implements adopted polices of the General Plan Land Use Element in that the overall density complies is consistent with the General Plan. Approval of the change would assist with the implementation of the 2013-2023 Housing Element Goals and Policies in providing opportunity site for high density residential development. The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed housing, consistent with the General Plan any applicable operative plan, or adopted policy. Additionally:

- a. Zone Change 2013-01 is consistent with the General Plan in that the rezoning directly implements adopted polices of the General Plan Land Use Element in that the overall density is in compliance.
- b. Zone Change 2013-01, assists in the implementation of the Housing Element in providing opportunity site for high density residential development, provides for additional housing stock, and provides for additional affordable housing.
- c. The area subject to Zone Change 2013-01 is physically suitable for the proposed type of and intensity of development in that the site is flat with no unique geologic characteristics visible.

Section 4. The City Council adopts Zone Change 2013-01, which rezones APN 189-352-02 and -08, located on the south side of Sycamore Road, east of Tejon Highway (Derby Street) and west of Malovich Road, from Agricultural (A-1) and (A-2) to 21.32 acres to (C-2)

General Commercial -Planned Development; 27.17 acres to (R2-PD) Two Family Dwelling Zone- Planned Development; 7.15 acres to (R3-PD) Limited Multiple Family Zone- Planned Development; (R-3-PD; and 6.01 acres to (R4-PD) Multiple Family Dwelling Zone – Planned Development (R-4-PD), as shown on Exhibit A.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

Section 6. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Notwithstanding, this Ordinance shall not take effect until the City Council has approved Zone Change 2013-1, and applicant has paid all fees including the City’s General Plan Maintenance Program and Maintenance of Various Maps. If either said approval or payments have not occurred within sixty (60) days of the date of the adoption of this Ordinance, this Ordinance shall not take effect and will be null and void.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council of the City of Arvin after waiving reading, except by Title, at a special meeting thereof held on the XX day of MONTH 2018, and adopted the Ordinance after the second reading at a regular meeting held on the _____ day of _____ 2018, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney

Attachment: 3-PC Reso and Ord - Ariston Project [Revision 2] (Ariston Project)

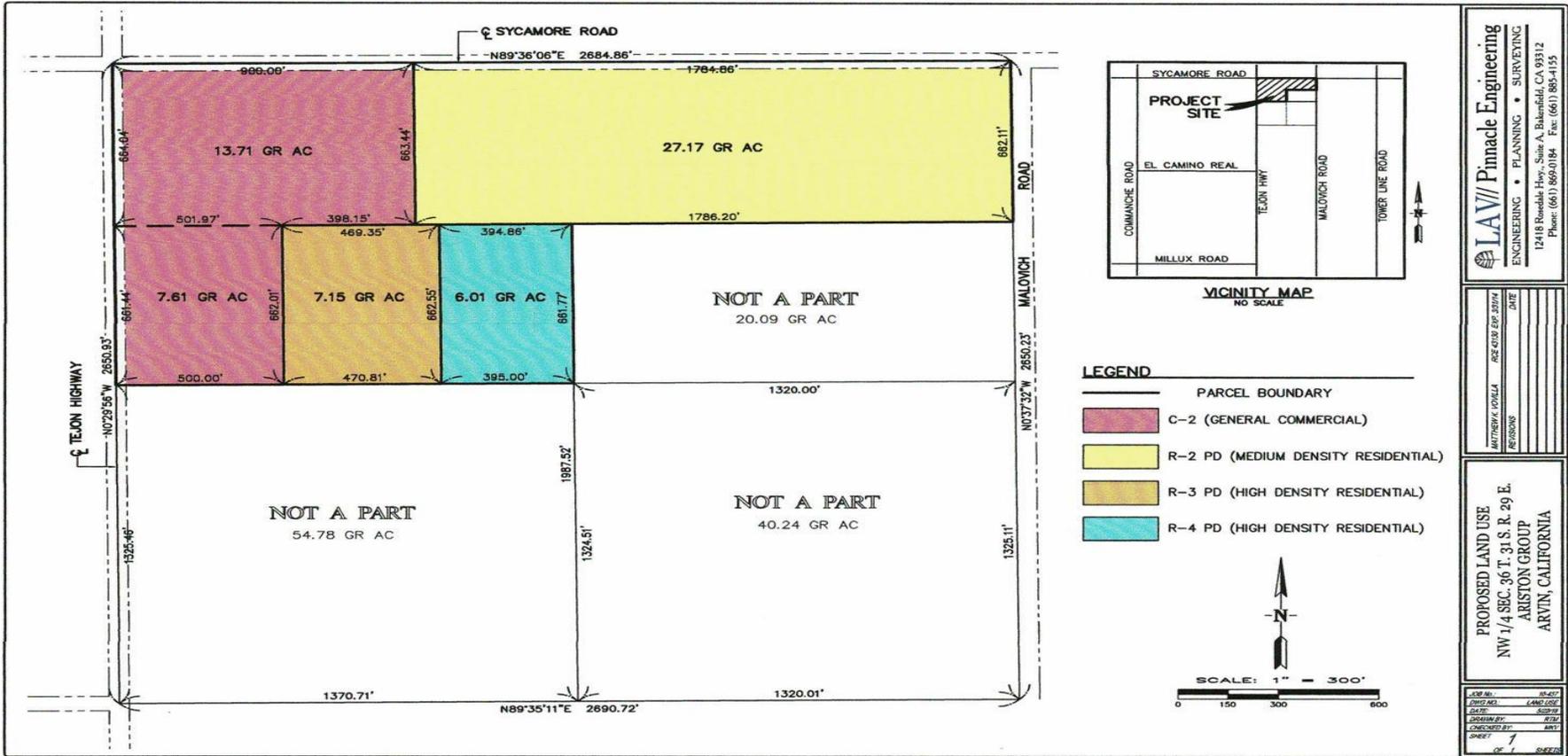
Aleshire & Wynder, LLP

Exhibit A: Land Use Designation and Zoning Designation Map for GPA/ZC 2013-01 Ariston Project.

I, _____, City Clerk of the City of Arvin, California, DO
HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and
adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

Attachment: 3-PC Reso and Ord - Ariston Project [Revision 2] (Ariston Project)

EXHIBIT A - GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATIONS - AMENDMENTS GPA-/ZC 2013-01
ARISTON PROJECT - ASSESSOR PARCEL NUMBERS: 189-352-02 AND 189-352-08



LAVI Pinnacle Engineering
ENGINEERING • PLANNING • SURVEYING
12418 Rosedale Hwy., Suite A, Buenafield, CA 93112
Phone: (661) 869-0194 Fax: (661) 863-4135

DATE	DATE
REVISIONS	REVISIONS
DATE	DATE
REVISIONS	REVISIONS

PROPOSED LAND USE
NW 1/4 SEC. 36 T. 31 S. R. 29 E.
ARISTON GROUP
ARVIN, CALIFORNIA

DATE	DATE
REVISIONS	REVISIONS
DATE	DATE
REVISIONS	REVISIONS

Attachment: 3-PC Reso and Ord - Ariston Project [Revision 2] (Ariston Project)

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

CORESPONDENCE – ARISTON PROJECT – GPA / ZC 2013-01			
Date	Agency	Subject	Page
Oct 31 2016- Resubmitted July 19 2018	Arvin- Edison Storage District	Water Supply Demand – Conversion from Agricultural use verses Commercial and Residential Use	1-2
Nov 2, 2017	To Project Applicant	Follow up meeting – new deposit required of \$10,000 -	3-6
May 4, 2018	From – City Engineer	Comments and recommended conditions of approval for project	7-8
May 18, 2018	From – City Engineer	Comments on proposed project	9
April 27, 2018	From – VEOLIA – Sewer	Comments relating to the sewer plant capacity	10
July 12 2018	From – VEOLIA – Sewer	Future Development to address actual design and construction o=f sewer extensions and potential upgrades of existing collection system in to provide needed sewer capacity	11-12
June 4, 2018	Pinnacle Engineering	Traffic Mitigation	13-15
March 30 2018	From – VEOLIA – Sewer	Consultant has done a thorough job reviewing the impacts on the existing sewer system. – Wastewater section of the application appears to be complete .	16
May 24, 2018	Pinnacle Engineering	Modified Land Use Modification at request of City Staff – Request 13 acres of high density residential general plan land use designation and zone change to R-3 and R-4	17-19
June 29 2011	Calif Historical Resources Info System – Fresno, Kern Kings, Madera and Tulare	Recommend prior to ground disturbance recommend a qualified professional archaeologist conduct a field survey of the entire parcel to determine if cultural resources are present.	20-21
September 17 2015	Native American Heritage Commission	Consultation with NAHC and CHRIS – Note on-site field survey be made a condition of approval	22-29
November 2, 2012	Arvin Community Services District – Application for will-serve letter	Request for will serve for water service	30-31
September 10, 2015	Email from Arvin Community Services District to Karl Schoettler	Water information and capacity	32-35
November 19 2013	Planning Commission Resolution No. 2013-27	Cancellation of Williamson Act Contact and Negative Declaration with Legal Description for the 60+ Acres.	36-41

November 25 2013	Kern County Clerk – Filing of NOD and Fish and Game Fees	Notice of Determination – Williamson Act Contract Cancellation NOD and Payment of Dept of Fish and Wildlife Fees of 2,156 Receipt No. 15130512	42-45
October 4, 2013	Department of Conservation	Cancellation of Land Conservation Contract #13	46-48
June 4 2018	Pinnacle Engineering	Traffic Mitigation Measures	49-70
August 10 2015	Department of Transportation District #6	Comments on the Draft Traffic Study	71-72
August 11, 2018	Department of Conservation – Division of Oil, Gas, Geothermal Resources (DOGGR)	Project is located in the Mountain View oil field - no known oil, gas, or geothermal wells located within the project boundary . If any oil wells are encountered – must contact DOGGR for remedial plugging and abandonment	73-74



ARVIN-EDISON WATER STORAGE DISTRICT

Resubmitted 7/10/2018
To City of Arvin

October 31, 2016

DIRECTORS

Edwin A. Camp
President
Jeffrey G. Glumarra
Vice President
John C. Moore
Secretary/Treasurer
Howard R. Frick
Ronald R. Lehr
Dennis B. Johnston
Charles Fanucchi
Catalino M. Martinez
Kevin E. Pascoe

David Brletic, Contract City Planner
COLLINS & SCHOETTLER
1002 W. Main Street
Visalia, CA 93291
Phone: (559) 393-0315
Electronic Mail: daYid@weplancities.com

**Re: City of Arvin General Plan Amendment No. 2013-01 and
Zone Change No. 2013-01 (Project)**

STAFF

Steven C. Collup
Engineer-Manager
David A. Nixon
Deputy General Manager
Jeevan S. Muhar
Assistant Manager
Christopher P. Krauter
General Superintendent

Dear Mr. Brletic:

Thank you for the opportunity to provide comments on the subject Project. Arvin-Edison Water Storage District's (AEWSD) jurisdictional boundaries encompass the City of Arvin's boundary in its entirety.

AEWSD's concerns, if any, revolve around water supply issues and it is unclear if the proposed land use conversion would create an *additional* water supply demand on the groundwater basin. The conversion of historically irrigated (or agricultural) lands into developed lands would be acceptable to the degree water demands are not increased but merely converted from one use to another. AEWSD found no evidence or analysis that compared the water supply demand from the proposed land use conversion (residential and commercial) to that of the existing conditions (almond orchard).

Please feel free to contact me if you have any questions or comments.

Thank you,

David A. Nixon,
Deputy General Manager

cc: Board of Directors
Jeevan Muhar, Assistant Manager
Ernest Conant, Esq.
City of Arvin
Arvin Community Services District

JSM:sj\AEWSD\CityofArvin\Brletic.David.AE.comments.to.Gen.Plan.Amendment.10.16.docx

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)



ARVIN-EDISON WATER STORAGE DISTRICT

October 31, 2016

DIRECTORS

Edwin A. Camp
President
Jeffrey G. Giumarra
Vice President
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Secretary/Treasurer
Howard R. Frick
Ronald R. Lehr
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1002 W. Main Street
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Phone: (559) 393-0315
Electronic Mail: daYid@weplancities.com

**Re: City of Arvin General Plan Amendment No. 2013-01 and
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STAFF

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General Superintendent

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Please feel free to contact me if you have any questions or comments.

Thank you,

David A. Nixon,
Deputy General Manager

cc: Board of Directors
Jeevan Muhar, Assistant Manager
Ernest Conant, Esq.
City of Arvin
Arvin Community Services District

JSM:sj\AEWSD\CityofArvin\Brletic,David,AE.comments.to.Gen.Plan.Amendment.10.16.docx

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)



CITY OF ARVIN

November 2, 2017

MAYOR

Jose Flores

MAYOR PRO TEM

Erika Madrigal

COUNCIL MEMBERS

Jose Gurrola, Jr.

Jess Ortiz

Jazmin Robles

CITY MANAGER

Alfonso Noyola, ICMA-CM

Onkar Bisla
4225 Waterfall Canyon Dr
Bakersfield, CA 93313

Dave Cowin, the Ariston Group
2344 Tulare St #300
Fresno, CA 93721

Pinnacle Civil Engineering
5401 Business Park South
Bakersfield, CA 93309

LAV Consulting & Engineering, Inc.
5401 Business Park South
Bakersfield, CA 93309
Attn: Matt VoVilla

REF: Follow Up – Meeting - Artiston - General Plan Amendment/Zone Change Southeast Corner of Sycamore Road and Tejon Highway

Dear Messer's,

Thank you for meeting with me and Mr. Raper regarding the project and your perspective and information regarding the status of the project. Based upon our discussion, you stated that many documents exist and are in your possession, which we do not have in the City files. You also expressed the belief that the project was being processed and the City has all the information on the project.

Unfortunately, the City records, as you expressed, are not to be found. As the previous letter to Pinnacle Civil Engineering and Mr. Cowin stated, the City has no record of activity since late 2014. As previously stated, the City of Arvin has experienced a series of turnovers in staffing and as was discussed, the City files are very incomplete to almost non-existent.

We provided you a copy of the City's Project Development and Cost Recovery Agreement at the meeting, in which we indicated that a deposit of \$10,000.00 will be required in order for staff to further review and investigate the project. The City's fees for this type of project is based upon cost recovery from the project sponsor. Cost recovery is based upon the rate of pay of City Staff and Consultants time expended on the project review and processing. We also discussed the possibility of you providing information on the project, studies, application, initial study, etc. for staff to establish a base line for its review and processing. Should this information not be provided, the previous letter remains in effect and for the project to move forward a new application will be required. Should the information on the previous application be provided

Phone (661) 854-3134
Fax (661) 854-0817

200 Campus Drive
P.O. Box 548
Arvin, California 93203

[Ariston Project
[November 2, 2017
Page 2 of 2

upon receiving the Project Development and Cost Recovery Agreement with the deposit, staff will begin to review the information that is provided. In as much, as there are new staff, i.e.. City Engineer, City Attorney, Contract Planner, and new Community Development Director the project information will be analyzed and additional information may be required.

Please advise the City as to your next steps.

1. Submittal of the Project Development and Cost Recover Agreement with the deposit;
2. Submittal of the Project Information as we discussed; or
3. Submittal of a new application with supporting documents.

Should you wish to proceed as discussed above or reactivate your application, please advise in writing as to the direction you wish to proceed. My phone number is 661-854-2622 and my email address is mbrown@arvin.org.

Sincerely,

Marti Brown,
Community Development Director

CC: Jake Raper, JAS Contract Planner

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

Ariston Project Overview

Applicant: Dave Cowin, The Ariston Group
2344 Tulare St # 300,
Fresno, CA 93721
(559) 264-5400
email: wdcowin@thearistongroup.com

Agent: Matt Vovilla
LAV/Pinnacle Engineering
5401 Business Park S #204, Bakersfield, CA 93309
(661) 869-0184
email: matt@pinnaclex2.com

Site: 62± acres on the south side of Sycamore Road, east of Derby Road (see project location in Attachment "A" and aerial photo in Attachment "B").

APN's: 189-352-02 & 189-352-08

Project Description (from applicant's statement)

The following statement was provided by the applicant:

The Project, located at the southeast corner of Sycamore Avenue and Tejon Highway, in the City of Arvin, comprises 61.62 acres of proposed residential and commercial development. The Assessor's Parcel Numbers are 189-352-02 & 189352-08.

The Project site is currently zoned as "Agriculture" and is being farmed as almond orchards. However, the site is within the Arvin City limits and has a land use designation as "Industrial" by the City's General Plan. The Project proposes to change both the zoning and General Plan land use designation to allow 40.31 acres of multi-family development and 21.32 acres of general commercial. Specifically, the Project proposes a land use designation of Medium Density Residential, and a zoning of R-2 for 40.31 acres; and a land use designation of General Commercial, and a zoning of C-1 for 21.32 acres.

The Project proposes 27.17 acres of multi-family apartments to the east of the proposed commercial fronting Sycamore, and 13.14 acres of single-family detached homes south of the proposed Commercial which will front Tejon Highway. It should be noted that although the Project proposes single-family detached homes, the desired density slightly exceeds that permitted by an R-1 zoning, therefore the multi-family land use and zone designation is necessary.

At this stage of Project, street and lotting layouts have not been designed.

In response to a request for clarification on potential products on the residentially-zoned portion of the site, the following was received from the applicant:

The use map will have a footnote added on R-2 designated areas to reflect ability to ultimately build out either MFR or attached/detached product. The product type would be consistent with what is permitted per R-2 standards; but I want to make sure we've provided for ability to adjust in the future to provide whatever is in demand at that time without having to go through major entitlement revisions.

Proposed zoning and land use designations

Attachment "C" shows the proposed zoning and general plan land use designations that are being requested for the site.

Sample Designs

Sample designs that illustrate products the applicant may build are in Attachment "D"

Previous Actions

The City Council approved cancellation of the agricultural preserve contract for the site on December 3, 2013, in anticipation of future development.

In terms of the current General Plan Amendment/Zone Change application, the City has prepared an Initial Environmental Study, which is currently being circulated for public review/comment. The study included preparation of traffic and air quality technical studies (paid for by the applicant).

Related Issues

When we first received this application we had questions based on the site's location with respect to existing and future industrial zoning in the area. The applicant indicated they had discussed this with the previous city planner who had expressed support for the project - primarily because there is the precedent of a 75-lot single family residential subdivision (Tract 6756) that was approved immediately to the southeast, setting a precedent for residential development in the area (see Attachment "E").

Subject: RE: GP/ZC 2014-01 responses

From: aojeda@dewaltcorp.com

To: jraper@arvin.org; jakeraper@yahoo.com

Date: Thursday, May 17, 2018 04:47:12 PM PDT

Jake

As discussed, I have looked into the Ariston development a little more, and I do have some additional comments.

Per the C2 2015, Traffic Impact Fee Study (attached), development is responsible for the construction (or reconstruction) of streets up to the centerline as well as curb, gutter, and sidewalk for the full ultimate ROW. As such, this would require the reconstruction of both Sycamore and Tejon up to the centerline. Both roads were identified in the most recent Pavement Management System as needing to be reconstructed. Both roads are identified as minor arterials in the circulation element, and are to have a 110' ROW. Additionally, we would be open to allowing for a credit against their TIF due if they would be willing to reconstruct beyond the centerline. Considering the condition of the roads in question, this would be highly advisable as I would think they want to make the development more marketable to future tenants. Sycamore east of Tejon is perhaps the worst condition road in Arvin.

One caveat regarding work beyond the centerline is that the city does not own all of the ROW to allow for a full 110' build out on either road, and the city is not in a position to purchase the additional ROW. So the request would be for the applicant to reconstruct as much of the roads as practicably possible.

The TIF is presumed to be currently set at \$7,874/1,000SF for commercial and \$2,740/DU for high density developments and \$3,943/DU for single family.

Regarding the ongoing discussion on the signalization of the intersection of Sycamore/Tejon; I have asked our resident traffic engineer to review the 4/25/16 LAV/Pinnacle report. Her only concern was that they have assumed trip generations that are appropriate for a shopping center, but there is no allowance for anything such as restaurants/fast food places that have higher AM/PM peak rates. With this being said, we do not believe that this will change the mitigation recommendations for 2015 of 2035, but we would like to make sure the report is as accurate as can be reasonably expected. As such, we would like to numbers to be updated to reflect some reasonable proportionate share of restaurant generation versus shopping center, and it would be best to update the numbers, if possible, to 2018/2038 (or 2017/2037) as opposed to 2015/2035 as this report is now a little dated.

Regarding the signalization of the intersection, I have looked, and it does not appear that this intersection was a part of the TIF program. So it appears that we do not have a legislative mechanism to use any of their TIF monies for a future signal at that intersection. However, we could also be open to agreeing to credit their TIF liability should they offer to design and construct a signal. As I have said, despite the analysis from the TIS, we are concerned about this intersection, and it has been shown that a signal would be warranted by 2035.

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

Please let me know if you need any additional comments or analysis from me.

Thanks

Adam Ojeda

O: 661.323.4600 x118

C: 661-205-7623



C2 Consult 2015.pdf
8.2MB

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

From: Adam Ojeda [mailto:aojeda@dewaltcorp.com]
Sent: Friday, May 4, 2018 5:24 PM
To: Jake Raper <jraper@arvin.org>; Jake Email <jakeraper@yahoo.com>
Subject: GP/ZC 2014-01 responses

Jake

This is in response to the application for Ariston. I have looked, but do not seem to have the response form that you regularly send out with these. So please accept the below as my responses. Additionally, please recall my previous concerns regarding the fact that this development is proposing commercial and residential directly adjacent to the proposed light industrial for the Cattani development which seems to be headed toward marijuana manufacturing. I was thinking that the three might not be appropriate to be adjacent to one another.

Suggestions to Reduce Impacts/Address Concerns

1. Engineering has significant concerns regarding the intersection of Tejon and Sycamore. Traffic study does not recommend signalization of Tejon and Sycamore, but is strongly advised. This would be a city sponsored project that the city cannot currently fund.

Required Conditions of Approval

1. As stated by the San Joaquin Valley Air Pollution Control District, applicant must comply with Air District Rule 9510 for Indirect Source Review
2. As stated by the San Joaquin Valley Air Pollution Control District, applicant must develop a Health Risk Assessment
3. Applicant must improve Sycamore Rd between Tejon Rd and Malovich Rd. Improvements must comply with city standards for a 110' major arterial, and must include curb, gutter, and sidewalk. Runoff must go to city sump or dry well inlets.
 - a. Applicant must do same for Tejon south of Sycamore to the southern limits of the project
4. Applicant must build and dedicate a local road along the southern portion of the property.
5. Drainage study required. All runoff must be contained on site.
6. Applicant must connect to city sanitary sewer system currently running to intersection of Meyer St and El Camino Real. Septic systems will not be allowed.
7. Applicant must agree to enter into an existing LLMD or to enter into a future LLMD created either for this development alone or with other developments throughout the city.

Thanks,

Adam Ojeda; P.E.
 Arvin City Engineer



DEWALT CORPORATION

1930 22nd Street
 Bakersfield, CA 93301
 O: 661.323.4600 x118
 C: 661-205-7623

aojeda@dewaltcorp.com
www.dewaltcorp.com

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

9 OF 74

Jake Raper

From: Ducharme, Dale <dale.ducharme@veolia.com>
Sent: Friday, April 27, 2018 2:59 PM
To: Jake Raper
Cc: Adam Ojeda
Subject: Ariston Project Rezone APN 189-352-02 and -08

Jake:

I miss-read the zone change discussion. I was under the impression the zoning would decrease, not increase sewer demand based on zoning.

At this time the Arvin WWTP has the hydraulic capacity to serve this property, but may not have the organic loading capacity. The City of Arvin is currently in the preliminary stage of designing plant upgrades to increase plant organic capacity.

The Section discussing Plant capacity needs to be re-written to discuss the actual current plant capacity. I would be happy to sit down with Adam Ojeda and the applicant's engineer to discuss the actual plant status.

Dale Ducharme
Project Manager, Arvin CA
Municipal & Commercial Business
VEOLIA NORTH AMERICA

tel

+1 661 854 2421
 / cell

+1 661 632 6414

/ fax +1 661 854 3869

PO Box 665 / 2401 El Camino Real, Arvin, CA 93203

dale.ducharme@veolia.com
www.veolianorthamerica.com

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Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

10 OF 74

Subject: FW: ^_Ariston^_ Project - GP/ZC 2014-01

From: jraper@arvin.org
To: matt@pinnacle2.com
Cc: jakeraper@yahoo.com; jraper@arvin.org; aojeda@dewaltcorp.com
Date: Tuesday, April 3, 2018 08:50:41 AM PDT

Matt- for your information and file. Jake

Jake Raper

City Planner

C.C.D.

Planning Department

141 Plumtree Dr.

Arvin, CA 93203

Phone (661) 854-2822

Fax (661) 854-2969

Email: jraper@arvin.org

CONFIDENTIALITY NOTICE

THIS ELECTRONIC MAIL TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY RETURN IT TO THE SENDER.

From: Ducharme, Dale [mailto:dale.ducharme@veolia.com]
Sent: Friday, March 30, 2018 1:05 PM
To: Jake Raper <jraper@arvin.org>
Subject: Ariston Project - GP/ZC 2014-01

Jake:

Thank you for forwarding the Request for Comments on the Ariston Project to me. You may be surprised to learn that this is the first I information I have ever received regarding this project. That said:

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

Jake Raper

From: Dale Ducharme <dale.ducharme@veolia.com>
Sent: Thursday, July 12, 2018 1:07 PM
To: Jake Raper
Subject: Re: 189-352-02 and 08 Veolia comments

This was written on the wrong response sheet.

Dale Ducharme
Project Manager, Arvin CA
Municipal & Commercial Business
VEOLIA NORTH AMERICA

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 / cell

+1 661 632 6414

/ fax +1 661 854 3869

PO Box 665 / 2401 El Camino Real, Arvin, CA 93203

dale.ducharme@veolia.com
www.veolianorthamerica.com

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On Thu, Jul 12, 2018 at 1:04 PM Dale Ducharme <dale.ducharme@veolia.com> wrote:
 Jake:

Future specific development projects will have to address actual design and construction of sewer extensions and., potential, upgrades of existing collection system to provide needed sewer capacity.

Dale Ducharme
Project Manager, Arvin CA
Municipal & Commercial Business
VEOLIA NORTH AMERICA

tel

+1 661 854 2421

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

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/ fax +1 661 854 3869

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Resourcing the world  **VEOLIA**



Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

12 OF 74

Subject: RE: Bisla GPA & Zone Change -

From: matt@pinnacle2.com
To: jakeraper@yahoo.com
Cc: ada@pinnacle2.com; lav@Pinnacle2.com; juggy@elitedevelopments.net;
wdcowin@thearistongroup.com; bislafarms@yahoo.com
Date: Monday, June 4, 2018 05:06:38 PM

Jake:

I am resending this file – when I review my email, I realized there as a lot of stuff from the original traffic study that I did not mean to send. The attached is the corrected version. (There was a lot of mitigation that was identified that will be remedied by the existing TIF program.

Please use the attached and discard the earlier submittal.

Sorry for any confusion.

Matt

Matt VoVilla, P.E., QSD/P
LAV//Pinnacle Engineering
12418 Rosedale Hwy., Suite A
O: 661.869.0184
C: 661.204.7131

From: Matt Vovilla <matt@pinnacle2.com>
Sent: Monday, June 4, 2018 1:08 PM
To: 'jakeraper@yahoo.com' <jakeraper@yahoo.com>
Cc: 'Alyssa Allen' <ada@pinnacle2.com>; lav@Pinnacle2.com; 'Juggy Tut' <juggy@elitedevelopments.net>; David Cowin (wdcowin@thearistongroup.com)

130F74

<wdcowin@thearistongroup.com>; 'bislafarms@yahoo.com' <bislafarms@yahoo.com>
Subject: Bisla GPA & Zone Change -

Jake:

Attached please find the mitigation section for the Project. I included a little background in case you wanted that to put in the staff report.

As you know, the City of Arvin has a fairly comprehensive Traffic Impact Fee Program, which funds most major improvements. The purpose of the Traffic Impact Study was to identify any mitigation that is needed, but not funded by the fee program. In this case, it was the signalization of Franklin and Derby Streets. The Project needs to pay 22 percent of that cost, which should be pro-rated to the various land uses, and collected with the base Traffic Impact Fees at the time of application for building permits.

I have attached the word file, rather than a PDF, so you could glean what you wanted or revise. Obviously, we would like to get an advanced copy of the Conditions to review before the public hearing.

Thanks for you help. Please call if you would like to discuss anything.

Sincerely,

Matt

Matt VoVilla, P.E., QSD/P

LAV//Pinnacle Engineering

12418 Rosedale Hwy., Suite A

O: 661.869.0184

C: 661.204.7131

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

14 OF 74



Traffic Mitigation for Bisla GPA-ZC - Arvin 6-1-18.docx
16.2kB

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

15 OF 74

Fri 3/30/2018 1:05 PM
Ducharme, Dale <dale.ducharme@veolia.com>
Ariston Project - GP/ZC 2014-01

Jake:

Thank you for forwarding the Request for Comments on the Ariston Project to me. You may be surprised to learn that this is the first information I have ever received regarding this project. That said:

The consultant has done a thorough job reviewing the impacts on the existing sewer system. They have identified multiple methods of delivering the sewage to the existing infrastructure. As stated in the report, the actual development plans will identify the actual preferred solution. The wastewater section of the application appears to be complete.

Dale Ducharme
Project Manager, Arvin CA
Municipal & Commercial Business
VEOLIA NORTH AMERICA

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/ cell

+1 661 632 6414

/ fax +1 661 854 3869

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www.veolianorthamerica.com

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

16 OF 74



LAV// Pinnacle Engineering

12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312

Phone: (661) 869-0184 Fax: (661) 885-4155

May 24, 2018

City of Arvin, Planning Department
Attn: Jake Raper
141 Plumtree Drive
Arvin, California 93203

RE: Revised Land Use Designations, APN's 189-352-02 & 189-352-08, at the Southeast Corner of Sycamore Road and Tejon Highway, City of Arvin

As requested by the City of Arvin Planning Department and on behalf of my client, the Ariston Group, we would like to request a revision to our application to reflect the following changes:

- Commercial (21.32 Acres) C-1 to C-2 PD General Commercial
- Residential (27.17 Acres) R-2 Multi Family to R-2 PD Medium Density Residential
- Residential (13.16 Acres) R-2 Detached to 7.15 acres R-3 PD and 6.01 Acres R-4 PD High Density Residential

It is the intent of the Developer to provide the City of Arvin with the a wide variety of much needed housing options.

Thank you for your consideration of this matter. We are happy to meet with you and Staff to discuss the proposed project, and any considerations you may have.

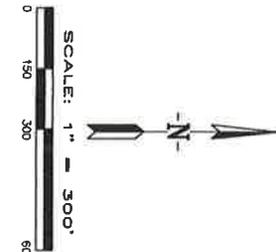
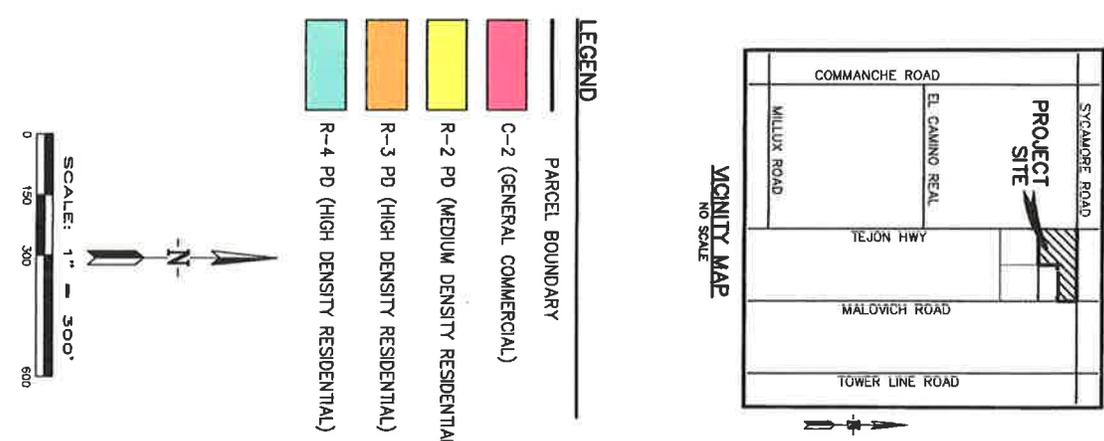
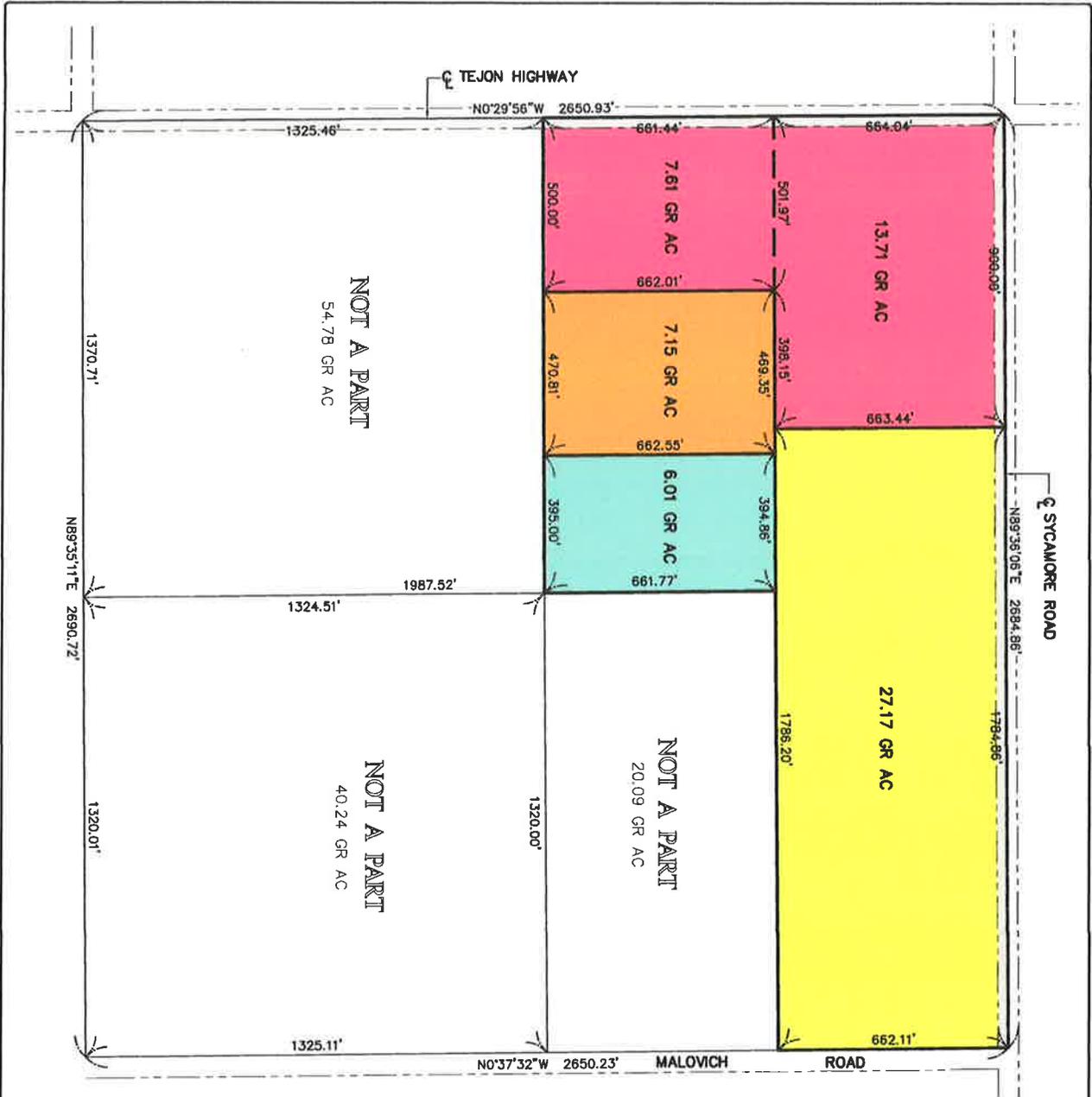
Sincerely,

Leslie VoVilla, President
LAV //Pinnacle Engineering

Cc: The Ariston Group

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

17 of 74

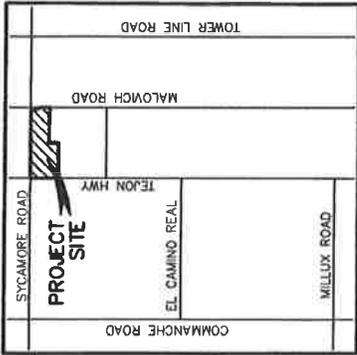


<p>PROPOSED LAND USE NW 1/4 SEC. 36 T. 31 S. R. 29 E. ARISTON GROUP ARVIN, CALIFORNIA</p>	<p>MATTHEW K. NOVILLA HCE 43130 EXP. 3/31/14 REVISIONS DATE</p>	<p>LAV// Pinnacle Engineering ENGINEERING • PLANNING • SURVEYING 12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312 Phone: (661) 869-0184 Fax: (661) 885-4155</p>
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Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

of 74

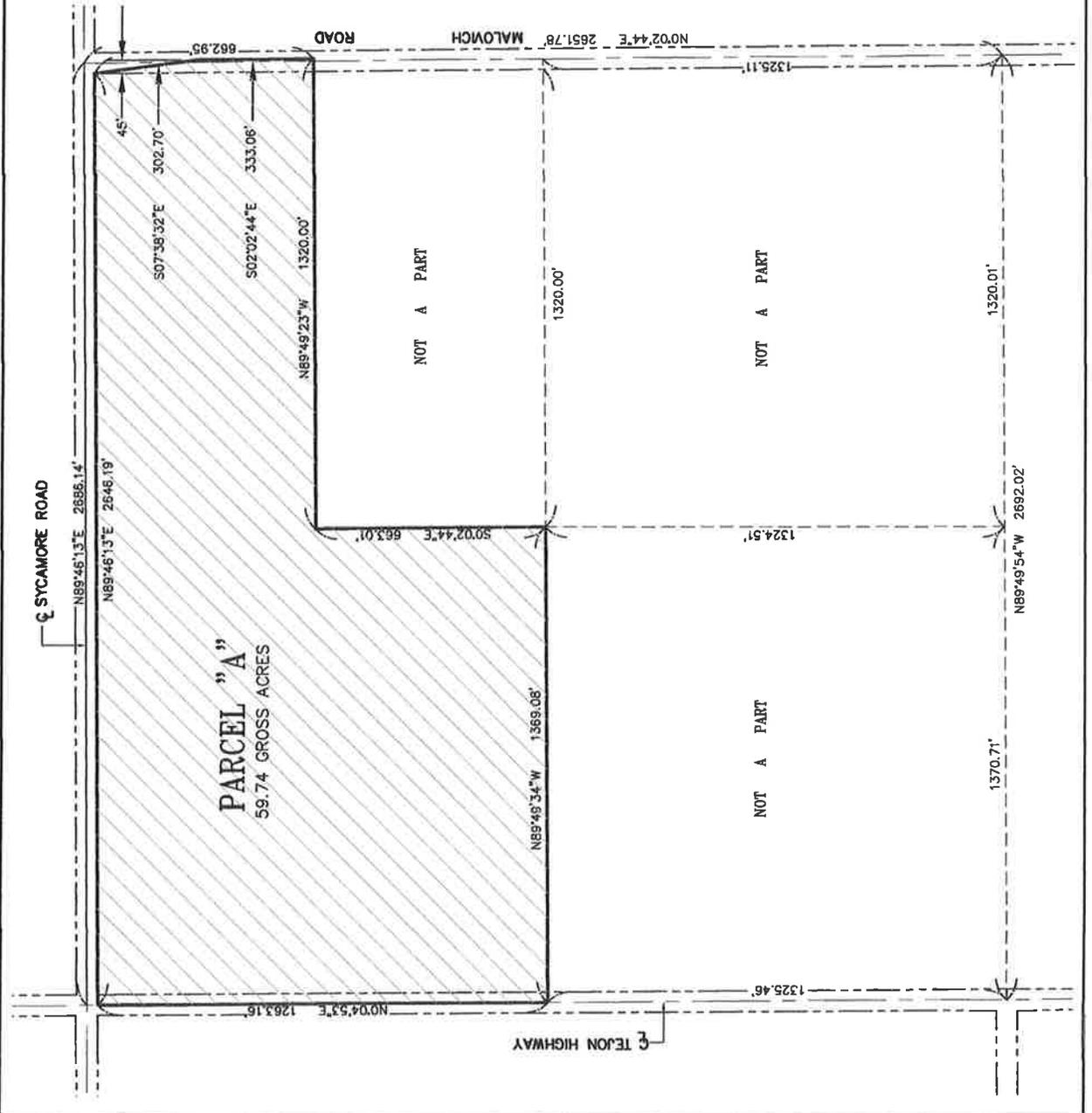
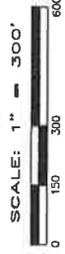
LAV//Pinnacle Engineering ENGINEERING • PLANNING • SURVEYING 12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312 Phone: (661) 869-0184 Fax: (661) 885-4135	MATHEW VOELTA REGISTERED CIVIL ENGINEER LICENSE NO. 4128	MENTIONS DATE	GENERAL PLAN AMENDMENT AND ZONE CHANGE NW 1/4 SECTION 36, T31S, R29E, MDM ARVIN, CALIFORNIA
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VICINITY MAP
NO SCALE

LEGEND

- GPA/ZC BOUNDARY
- STREET RIGHT OF WAY
- STREET CENTERLINE
- - - EXISTING PARCEL LINE



**CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM**



**FRESNO
KERN
KINGS
MADERA
TULARE**

Southern San Joaquin Valley
Information Center
California State University, Bakersfield
9001 Stockdale Highway
31 MW
Bakersfield, California 93311-1022
(661) 654-2289 FAX (661) 654-2415
E-mail: ssjvic@csu.edu

TO: Matt VoVilla (RS# 11-240)
Pinnacle Civil Engineering, Inc.
4620 California Avenue
Bakersfield, CA 93309

DATE: June 29, 2011

RE: Job # 11-457: General Plan Amendment and Zone Change on property located at the corners of Sycamore Road and Tejon Road, City of Arvin

County: Kern

Map(s): Arvin 7.5'

The Southern San Joaquin Valley Information Center is under contract to the State Office of Historic Preservation and is responsible for the local management of the California Historical Resources Inventories. The Center is funded by research fees and a grant from the State Office of Historic Preservation. The Information Center does not conduct fieldwork and is not affiliated with any archaeological consultants who conduct fieldwork.

CULTURAL RESOURCES RECORDS SEARCH

The Information Center files include known and recorded archaeological and historic sites, inventory and excavation reports filed with this office, and properties listed on the National Register of Historic Places, The Historic Property Data File (3/15/11), the California Register, the California Historical Landmarks, the California Inventory of Historic Resources, and the California Points of Historical Interest. The following summarizes the known historical resources information currently available for this subject property based in part on the sources outlined above.

PRIOR CULTURAL RESOURCE INVENTORIES WITHIN THE PROJECT AREA AND A ONE-HALF MILE RADIUS

According to the information in our files, there have been two (2) previous cultural resource studies conducted within the project area, KE-00633 and KE-01416. There have been two (2) additional studies conducted within a one-half mile radius, KE-01220 and KE-03229.

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

20 OF 74

(RS # 11-240)

**KNOWN AND/OR RECORDED CULTURAL RESOURCES WITHIN THE PROJECT AREA AND
A ONE-HALF MILE RADIUS**

There are no recorded cultural resources within the project area or within a one-half mile radius and it is not known if any exist there. Please note that no data does not mean negative data.

There are no known cultural resources within the project area that are listed in the National Register of Historic Places, the California Register, California Inventory of Historic Resources, California Points of Historical Interest, or the California State Historic Landmarks.

COMMENTS/RECOMMENDATIONS

We understand this project consists of a General Plan Amendment and Zone Change. As no ground disturbance is to take place, if the land is vacant, no further archaeological investigation is needed at this time. However, prior to any future ground disturbance activities, we recommend a qualified professional archaeologist conduct a field survey of the entire parcel to determine if cultural resources are present. If you have any questions or comments, or need any additional information, please don't hesitate to contact our office at (661) 654-2289.

By

Brian E. Hemphill, Ph. D.
Coordinator

Date: June 29, 2011**Fee:** \$225.00/hr. (Priority Service)

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

21 OF 74

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., ROOM 100
 West SACRAMENTO, CA 95691
 (916) 373-3710
 Fax (916) 373-5471



September 17, 2015

Karl Schoettler
 City of Arvin
 1002 W. Main Street
 Visalia, CA 93291

Email to: karl@weplancities.com

RE: SB 18 Consultation, General Plan Amendment/Zone Change 2014-01, Kern County.

Dear Mr. Schoettler,

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans. Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above project.

As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and California Historic Resources Information System (CHRIS) to determine if any cultural places are located within the area(s) affected by the proposed action. A *Sacred Lands File* search was completed and no sites were found. Local governments should be aware that records maintained by the NAHC and CHRIS are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a cultural place.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: Katy.Sanchez@nahc.ca.gov.

Sincerely,

Katy Sanchez

Associate Government Program Analyst

22 of 74

Native American Tribal Consultation List
Kern County
September 17, 2015

Kern Valley Indian Council
Julie Turner, Secretary
P.O. Box 1010
Lake Isabella , CA 93240

(661) 366-0497
(661) 340-0032 Cell

Southern Paiute
Kawaiisu
Tubatulabal
Koso
Yokuts

*-SSV info the
study will be
made available.*

Kern Valley Indian Council
Robert Robinson, Co-Chairperson

P.O. Box 401
Weldon , CA 93283
brobinson@iwwisp.com
(760) 378-4575 Home
(760) 549-2131 Work

Tubatulabal
Kawaiisu
Koso
Yokuts

Santa Rosa Rancheria Tachi Yokut Tribe
Rueben Barrios Sr., Chairperson

P.O. Box 8
Lemoore , CA 93245

(559) 924-1278

Tache
Tachi
Yokut

Tule River Indian Tribe
Neil Peyron, Chairperson

P.O. Box 589
Porterville , CA 93258
chairman@tulerivertribe-nsn.gov
(559) 781-4271

Yokuts

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson

1179 Rock Haven Ct.
Salinas , CA 93906
kwood8934@aol.com
(831) 443-9702

Foothill Yokuts
Mono
Wuksache

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

This list is current only as of the date of this document.
Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.
This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3 and 65362.4 et seq.
General Plan Amendment/Zone Change 2014-01, City of Arvin, Kern County.

23 of 74

PLEASE EXPEDITE IF POSSIBLE

Local Government Tribal Consultation List Request

Native American Heritage Commission

1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
916-373-3710
916-373-5471 - Fax
nahc@nahc.ca.gov

Type of List Requested

CEQA Tribal Consultation List (AB 52) - Per Public Resources Code § 21080.3.1, subs. (b), (d), (e) and 21080.3.2

General Plan (SB 18) - Per Government Code § 65352.3.

Local Action Type:

General Plan General Plan Element General Plan Amendment
 Specific Plan Specific Plan Amendment Pre-planning Outreach Activity

Required Information

Project Title: GENERAL PLAN AMENDMENT/ZONE CHANGE 2014-01

Local Government/Lead Agency: CITY OF ARVIN

Contact Person: KARL SCHOETTER

Street Address: 1002 W. MAIN STREET

City: VISALIA Zip: 93291

Phone: 559 734-5757 Fax: 559 734-5767

Email: karl@weplancities.com

Specific Area Subject to Proposed Action

County: KERN City/Community: ARVIN

Project Description:

REQUEST TO AMEND GENERAL PLAN AND LAND USE DESIGNATIONS FOR A 62 ACRE SITE LOCATED ON THE SOUTH SIDE OF SUGAMORE ROAD, EAST OF TEJON HIGHWAY.

Additional Request

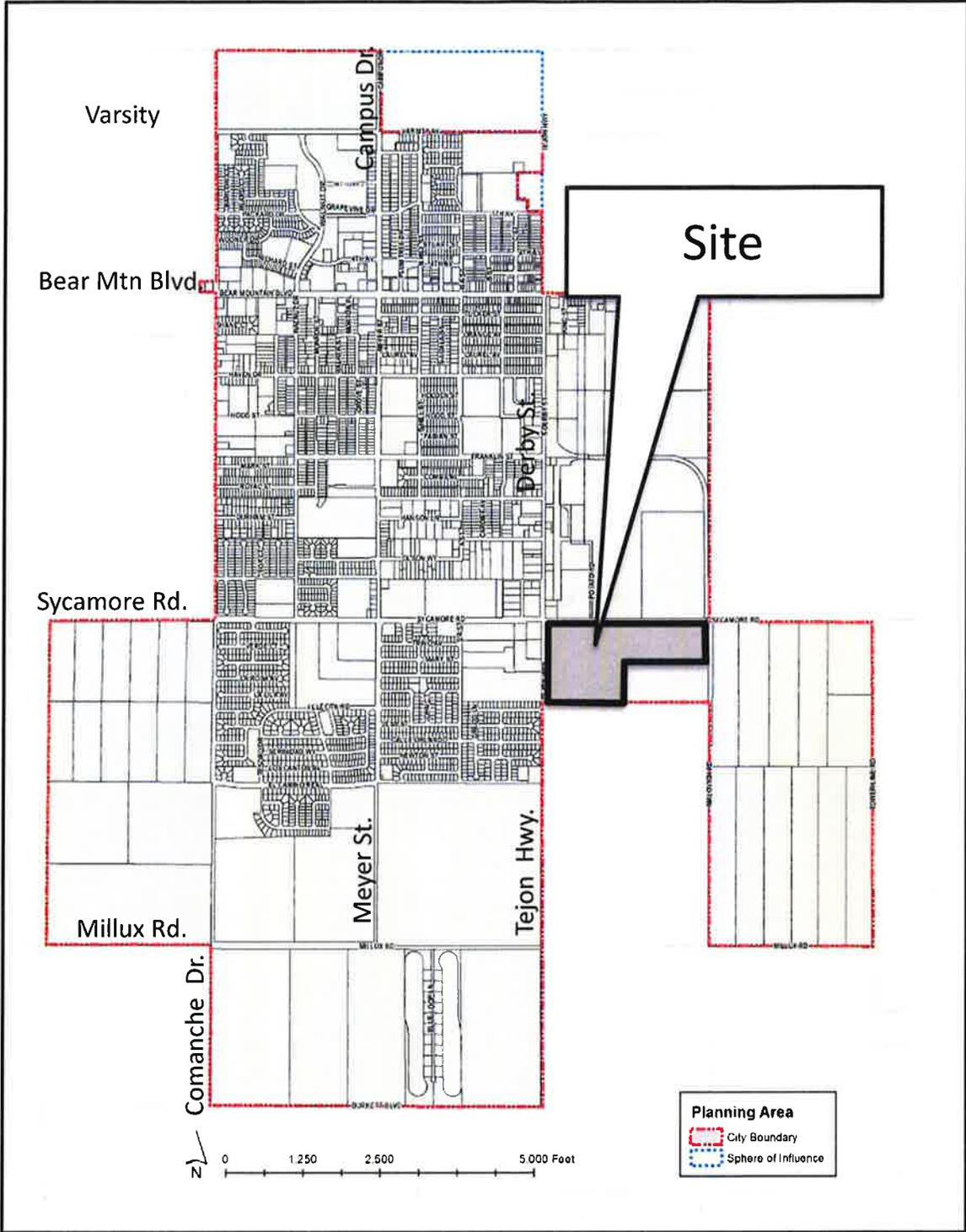
Sacred Lands File Search - Required Information:

USGS Quadrangle Name(s): ARVIN

Township: 31 S. Range: 29 E Section(s): 36

24 OF 74

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)



Project Location
 General Plan Amendment/Zone
 Change 2014-01

Map 1
CITY OF ARVIN

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

25 OF 74

EXHIBIT "A"

PARCEL "A"

BEING ALL THAT PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM THE NORTH 30 FEET THEREOF FOR THE USE AND PURPOSE OF A PUBLIC HIGHWAY AS CONVEYED TO THE COUNTY OF KERN, IN DEED RECORDED APRIL 14, 1929 IN BOOK 356, PAGE 137 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM A TRIANGULAR PARCEL OF LAND CONVEYED TO THE SOUTHERN PACIFIC COMPANY IN DEED RECORDED JANUARY 12, 1924 IN BOOK 8 PAGE 119 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36 WITH THE SOUTHERLY BOUNDARY LINE OF RIGHT OF WAY FOR SYCAMORE ROAD RUNNING EAST AND WEST ALONG THE NORTH LINE OF SAID SECTION, THENCE WESTERLY ALONG SAID SOUTH BOUNDARY LINE OF RIGHT OF WAY FOR SYCAMORE ROAD 40 FEET; THENCE SOUTHEASTERLY IN A STRAIGHT LINE, 302.7 FEET, MORE OR LESS, TO A POINT IN THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE NORTHERLY ALONG SAID EAST LINE 300 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE SOUTH HALF OF THE EAST 1320 FEET OF SAID LAND AS CONVEYED TO THE CITY OF ARVIN HOUSING AUTHORITY IN DEED RECORDED APRIL 27, 1992 IN BOOK 6665, PAGE 473 OF OFFICIAL RECORDS.

CONTAINS 59.74 GROSS ACRES MORE OR LESS

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

26 OF 19

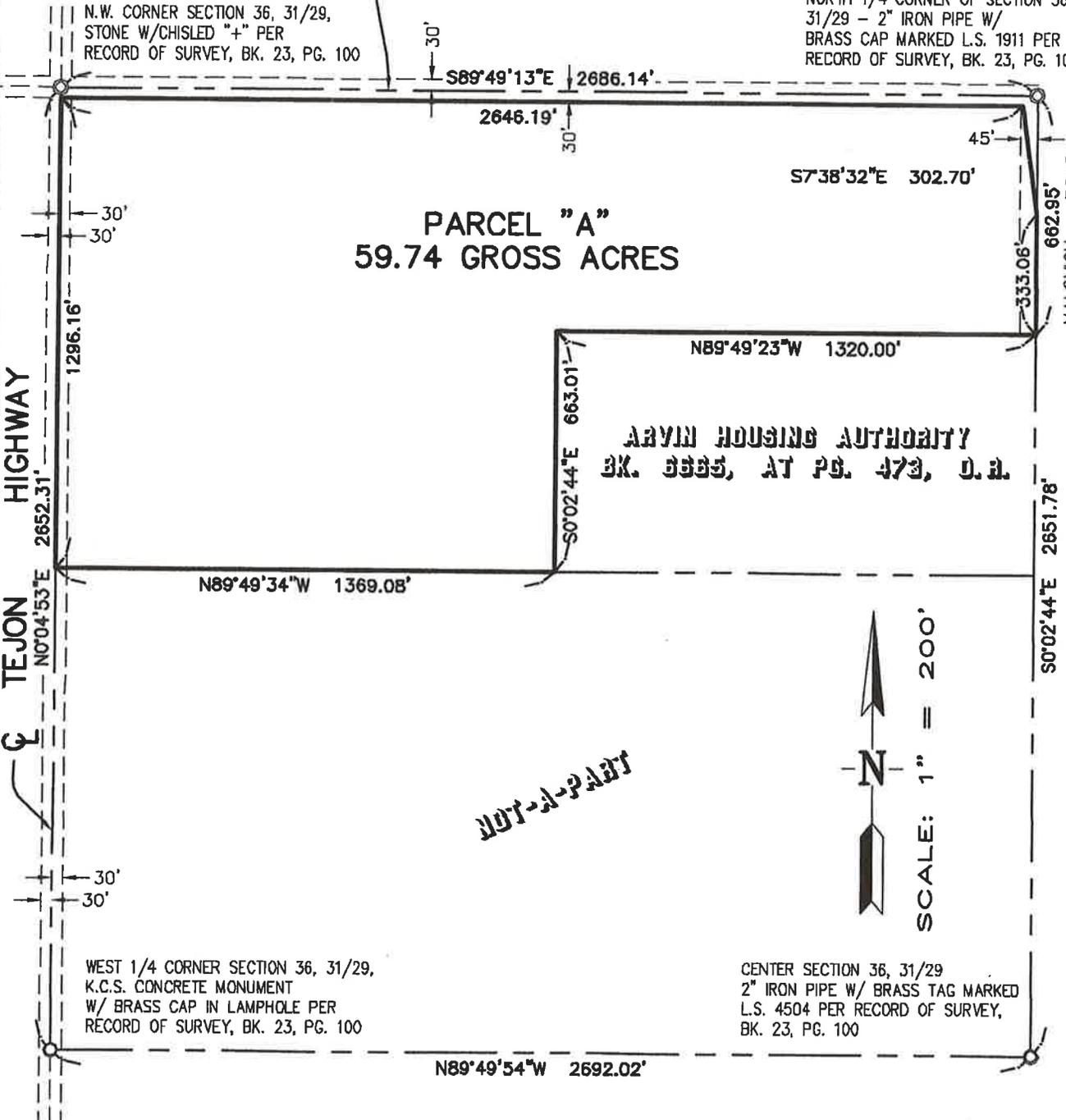
EXHIBIT "B"

NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 31 SOUTH, RANGE 29 EAST, M.D.M.

SYCAMORE ROAD

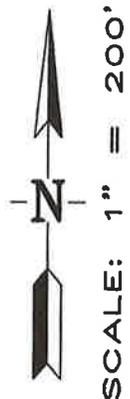
N.W. CORNER SECTION 36, 31/29,
STONE W/CHISLED "+" PER
RECORD OF SURVEY, BK. 23, PG. 100

NORTH 1/4 CORNER OF SECTION 36,
31/29 - 2" IRON PIPE W/
BRASS CAP MARKED L.S. 1911 PER
RECORD OF SURVEY, BK. 23, PG. 100



PARCEL "A"
59.74 GROSS ACRES

ARVIN HOUSING AUTHORITY
BK. 5555, AT PG. 473, D.R.



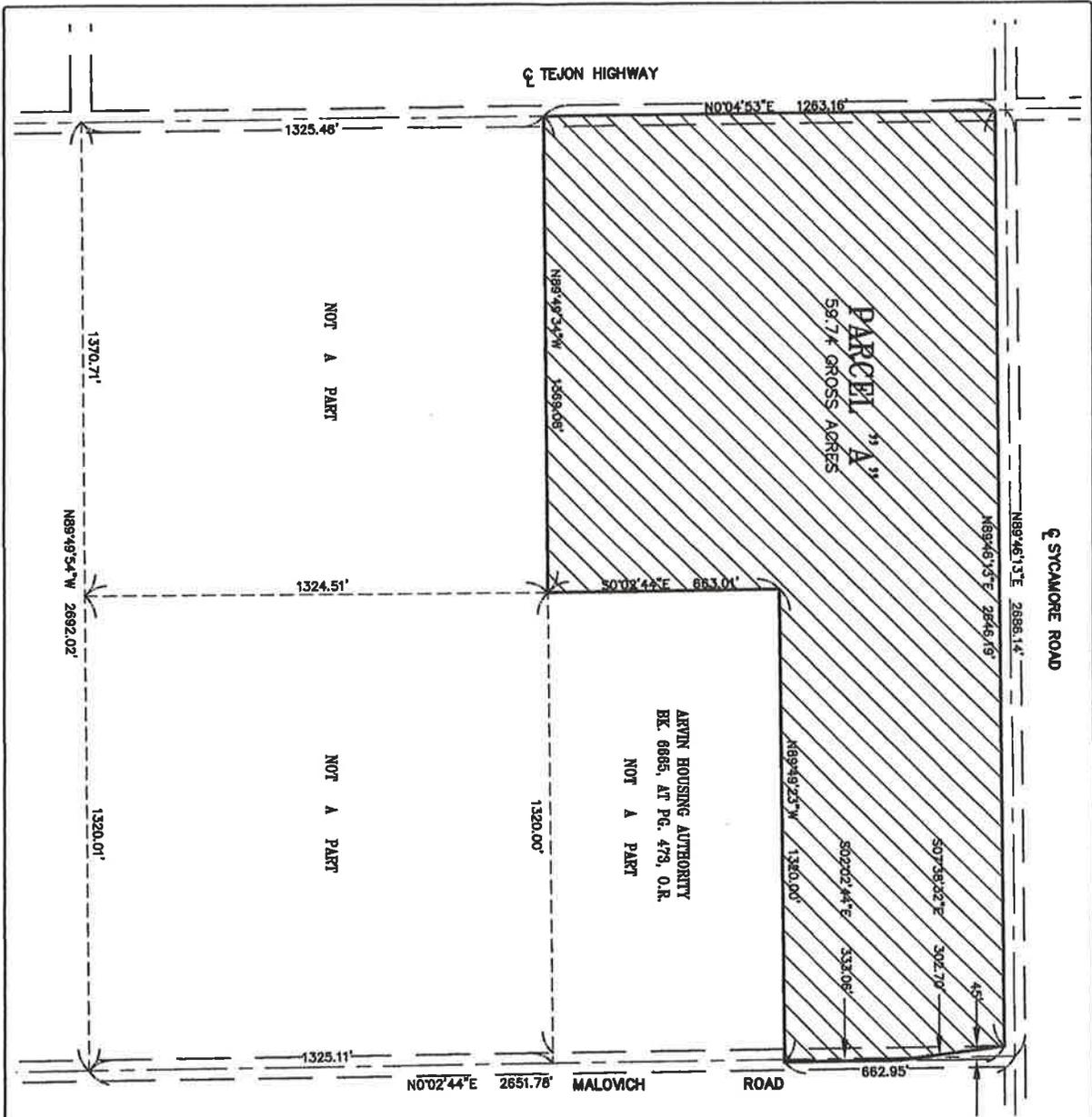
NOT A PART

WEST 1/4 CORNER SECTION 36, 31/29,
K.C.S. CONCRETE MONUMENT
W/ BRASS CAP IN LAMPHOLE PER
RECORD OF SURVEY, BK. 23, PG. 100

CENTER SECTION 36, 31/29
2" IRON PIPE W/ BRASS TAG MARKED
L.S. 4504 PER RECORD OF SURVEY,
BK. 23, PG. 100

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

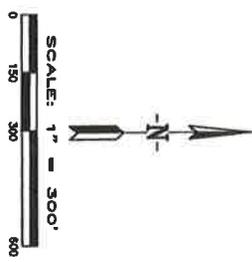
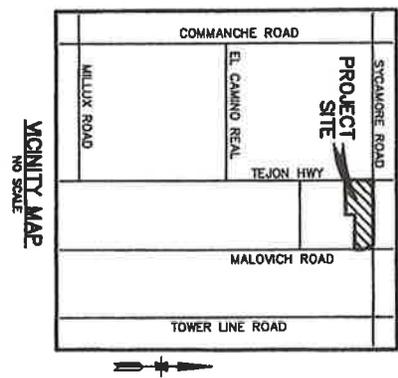
27 OF 74



- NOTES:**
1. NOTED PARCEL MAY BE CHANGED TO R-2 DEPENDING ON MARKET.
 2. INDICATED ACREAGES INCLUDE ROADWAY HALF-WIDTHS.

LEGEND

	GPA/ZC BOUNDARY
	STREET RIGHT OF WAY
	STREET CENTERLINE
	EXISTING PARCEL LINE



DATE	1/11/14
DRAWN BY	MM
CHECKED BY	MM
APPROVED BY	MM
SHEET	1
TOTAL SHEETS	1

GENERAL PLAN AMENDMENT AND ZONE CHANGE
 NW 1/4 SECTION 36, T31 S, R29E, MDM
 ARVIN, CALIFORNIA

MATTHEW K. VOILLA	RCE 43140 EXP. 3/31/14
REVISIONS	DATE

Pinnacle Civil Engineering, Inc.
 6401 Business Park South, Suite 204, Bakersfield, CA 93309
 Phone: (661) 869-0184 Fax: (661) 377-0076

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

28-079

ARVIN COMMUNITY SERVICES DISTRICT

309 CAMPUS DR.

ARVIN, CALIFORNIA 93203

(661) 854-2127

APPLICATION FOR WILL-SERVE LETTER

(Incomplete Applications will be Rejected)

Date: 11/2/2012

Name/Company: Pinnacle Civil Engineering, on behalf of Ariston Group

Address: 4620 California Avenue, Bakersfield, CA, 93309

Contact Person: Matt VoVilla

Phone Number: (661)869-0184

Property Requesting Will-Serve Letter -

Location: Southeast Corner of Tejon Highway and Sycamore Road

Assessors Parcel Number: 189-350-02 & 189-350-08

Total Acreage of Development: 61.62 acres

Development Parameters Requested (fill in quantities)* -

Projected Completion Date: June 2014 Date Water Service Required: Jan' 2014

- Number of Meters requested: (2) Commercial, (112) SF Res., (470) MF Res. Size of Meters requested: 4" Commercial, 3/4" Residential SF & MF

Current Zoning: A (Agriculture) Projected Zoning: C-1, R-1 and R-2

Residential Use

Single Family Dwellings: 109 Average Living Space Sq Footage: 1,400 SF to 1,800 SF

30 of 74

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

Multi-Family Units: 464 Average Living Space Sq Footage: 800 SF

Mobile Home Spaces: N/A

Commercial Use

Acres of Commercial Use: 12.0

Description of Use: Unknown at this time

Fire Demands: 1,000 gpm for 2 hours

Industrial Use

Acres of Industrial Use: N/A

Description of Use: _____

Fire Demands: _____

ACSD METER SIZING POLICY

* Pursuant to the District rules and regulations, the District has the authority and right to determine the appropriate meter size for the properties it serves at its sole discretion. Such determination is generally made when a property requests a Will-Serve Letter for the first time. However, that determination may be reevaluated by the District at any time, if the District determines that there has been any change in the use of the property that increases, or decreases, water usage, thus requiring a different size meter to serve the property. Users making any material change in the size, character or extent of the equipment or operations must immediately give the District written notice of the extent and nature of the change. The failure to provide said written notice shall be deemed a misdemeanor violation of District Ordinance No. 1 punishable pursuant to section 19 of the Penal Code and it may result in back charges, penalties and disconnection of service.

If there is a change in use that requires a larger meter, the owner of the property shall apply for a Will-Serve Letter in accordance with that change in use and pay the appropriate fees for such change. For instance, if a customer remodels, or adds an addition, which increases the parcels water demand from that which would be served by the already installed 3/4 inch meter to a 1 inch meter, the customer shall be required to apply for a new Will-Serve Letter and shall be required to pay the difference in fees between the two meter sizes, including but not limited to capacity fees.

31 OF 74

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

Thursday, September 10, 2015 2:03 PM

Subject: RE: Water supply for proposed development at Sycamore and Derby in Arvin

Date: Thursday, September 10, 2015 12:27 PM

From: Fernando Pantoja <fpantoja@arvincsd.com>

To: Karl Schoettler <karl@weplancities.com>

Karl,

I will provide info to your questions, I also attached the hydraulic analysis that was done a few years ago on this location. If you need more clarification please don't hesitate to ask.

Item #

1. The District currently has 6 active wells and 1 inactive wells. Also we do currently have a 8" main on the north side of Sycamore but will have a 16" on the south side by June, 2016.
2. Everything looks accurate.
3. 2 gpm
4. It varies on the landscape but we estimate 2 gpm per unit. Our engineer would do have to look at plans to differ.
5. It varies and what kind of business is at the location.
6. 3 MGD
7. 6 MGD
8. At this time because of conservation efforts demand has been reduced, but before the amount was minimal and enough for single family homes only.
9. The District would only be able to serve this project in phases, a new Water Well would have to be drilled to supply this project.
10. State mandate for Arvin CSD is 28%. District has exceeded with an average of over 32%.

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

32 OF 74

Respectfully,

Fernando Pantoja
 General Manager
 Arvin Community Services District
 Office: 661-854-2127
 Fax: 661-854-8230
 Cell: 661-205-6432

From: Karl Schoettler [mailto:karl@weplancities.com]
Sent: Thursday, September 10, 2015 11:57 AM
To: Fernando Pantoja <fpantoja@arvincsd.com>
Subject: Water supply for proposed development at Sycamore and Derby in Arvin

Hi Fernando:

This is Karl Schoettler – I'm part of the city planning team that handles planning for Arvin. We've met before but it's been a long time. AS you may know we have an application for a zone change for about 62 acres of land located on the south side of Sycamore Road, east of Tejon Highway. The applicant's ultimate plan for this site is to develop about 47.6 acres with a combination of single family homes and duplexes, and the remainder (about 13.7 acres) would be developed with a shopping center. The amount of development being considered is as follows:

- 285 multi family units
- 98 single family units on 6,000 square foot lots
- 174,000 square feet of retail commercial floor space on 13.7 acres

At this time I am working on the environmental analysis for the zone change and I need to include some information about the project's water demand and the ability of ACSD to serve the project with water. Can you help me with that? The questions I'm looking to answer are:

1. I have the following information on existing water facilities, including facilities in the vicinity of the site. Can you confirm if this information is correct or needs to be updated:
 Currently the ACSD operates five active wells and has two inoperative wells. In the

33 OF

vicinity of the subject site, there is an 8-inch water line under Sycamore Road on the north edge of the site. There is also an 8-inch line under Malovich Road on the east side of the site. Well #1 is the nearest well to the site, on Derby Road about π mile north of Sycamore Road. The District plans to abandon this well soon, which would result in the well at 801 Charles Street being the closest to the site.

2. I have the following information on water use from a previous environmental study. Can you confirm if this information is correct or needs to be updated:

Peak water demand typically occurs during August and has reached 3.6 million gallons per day (mgd). The current peak capacity of the system is about 6.0 mgd (4,600 gallons per minute). According to the environmental study that was prepared for the Arvin General Plan, future development that is prescribed by the Plan would demand an additional 2.3 mgd of water by 2030. The study indicates there is adequate capacity in the system to accommodate growth projected to occur in the General Plan.

Notwithstanding the foregoing information, can you also respond to the following questions:

3. What is average the daily water demand for single family homes in Arvin?
4. What is the average daily water demand for multi family residential homes?
5. What is the average daily water use for retail commercial development (or the daily demand for a typical range of uses)?
6. What is Arvin's maximum daily water demand (typically during August).
7. What is the maximum pumping capacity of the water system?
8. What is the unused water capacity in the system during peak times?
9. Do you believe the system has capacity to serve development of the subject site?
10. What is Arvin's water reduction mandate percentage from the State, and has Arvin been meeting that requirement?

Please share any other thoughts or concerns that you think should be reflected in the study.

I hope the foregoing questions are clear. Let me know if they don't make sense or or you have questions or need additional information.

34 OF 74

Sincerely,

Karl Schoettler
Collins & Schoettler
1002 W. Main Street
Visalia, CA 93291
(559) 734-8737
fax: 734-8767
www.weplancities.com <<http://www.weplancities.com>>

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

35 OF 74

RESOLUTION NO. 2013-27

A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF ARVIN TO (1) MAKE THE NECESSARY FINDINGS AND APPROVE A DETERMINATION OF A NEGATIVE DECLARATION PURSUANT TO CEQA GUIDELINES, SECTION 15074; AND, (2) MAKE THE FINDINGS REQUIRED BY GOVERNMENT CODE, SECTION 51282 AND APPROVE THE CANCELLATION OF A LAND CONSERVATION CONTRACT (WILLIAMSON ACT) FOR APPROXIMATELY 60 ACRES ON CERTAIN PROPERTY WITHIN THE CITY OF ARVIN, LOCATED ON THE SOUTH SIDE OF SYCAMORE ROAD, EAST OF TEJON HIGHWAY AND WEST OF MALOVICH ROAD.

WHEREAS, The applicant, Bisla Farms, Inc., 4215 Waterfall Canyon Drive, Bakersfield, CA 93313 filed an application requesting the cancellation of a Land Conservation Contract (Williamson Act) on that certain property within the corporate boundaries of the City of Arvin as hereinafter described; and

WHEREAS, the requested cancellation involves a site containing approximately 60 acres covering portions of the northeast quarter of Section 36, Township 31S South, Range 29E East, Mount Diablo Base and Meridian, as described in Exhibit "A", and shown in Exhibit "B"; ("Subject Property") and

WHEREAS, the subject property is within the corporate boundaries of the City of Arvin in the County of Kern, State of California; and

WHEREAS, the subject property is also served by the Arvin Community Services District; and

WHEREAS, the property lies within a path of development and is designated for urban uses by the Land Use Element of the Arvin General Plan; and

WHEREAS, said urban development projects as well as local government agency efforts have extended supporting utilities and infrastructure in the vicinity of the property; and

WHEREAS, according to Government Code, section 51282, the City Council may grant tentative approval for cancellation of a Land Conservation Contract if it determines that the cancellation is consistent with the purposes of Chapter 7 of the Government Code, entitled "Agricultural Land" by making the following findings and supporting said findings with substantial evidence:

- 1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
- 2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- 3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.
- 4) That cancellation will not result in discontinuous patterns of urban development.
- 5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted

land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

WHEREAS, with respect to the first finding required to approve the cancellation, the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the Government Code, said notice was recorded on July 9, 2007, as Document No. 0207142581, in the Office of the Kern County recorder; and

WHEREAS, with respect to the second finding required to approve the cancellation, City staff has concluded that the cancellation is not likely to result in the removal of adjacent contracted lands from agricultural use, since there is no evidence in the record to suggest that this project will be precedent setting, and no comments were received to indicate there might be other lands removed from Contract, with remaining cultivated properties being unaffected; and

WHEREAS, with respect to the third finding required to approve the cancellation, the cancellation is for an alternative use which is consistent with the Arvin General Plan which has designated this site for urban development since 1988; and

WHEREAS, with respect to the fourth finding required to approve the cancellation, City staff has determined that the cancellation will not result in discontinuous patterns of urban development since adjacent lands in the City of Arvin are developed or approved for urban development and the property lies within the path of urban development and between existing and approved urban projects; and

WHEREAS, with respect to the first finding required to approve the cancellation, City staff has determined that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted lands. The site is located between approved urban projects and will result in a more contiguous pattern of urban development than other, noncontracted lands farther from existing urbanized lands; and

WHEREAS, for the above-described project, an Initial Study was conducted and it was determined that the proposed project would not have a significant effect on the environment, and, therefore, a Negative Declaration was prepared for the project in accordance with CEQA (the California Environmental Quality Act); and

WHEREAS, the Kern County Assessor has determined the cancellation value to be \$300,878; and

WHEREAS, 12½% of that value would be \$37,610; and

WHEREAS, the City Council of the City of Arvin, in accordance with the provisions of Section 65355 of the Government Code, conducted and held a public hearing on Tuesday, November 5, 2013, on the above described proposal, notice of time and place of the hearing have been given at least ten (10) calendar days before the hearing by publication in the Arvin Tiller, a local newspaper of general circulation; and

WHEREAS, the City Council has considered and hereby makes the following findings:

1. The cancellation is compatible with the surrounding uses.
2. The cancellation is consistent with the Arvin General Plan.

3. That the cancellation is consistent with the purposes of Title 5, Division 1, Part 1, Chapter 7 (the California Land Conservation Act of 1965 or the Williamson Act) of the Government Code.
4. Based on the absence of evidence in the record as required by Section 21082.2 of the State of California Public Resources Code (CEQA) for the purpose of documenting significant effects, it is the conclusion of the Lead Agency that this project will result in impacts that fall below the threshold of significance with regard to wildlife resources and, therefore, must be granted a "de minimis" exemption in accordance with Section 711 of the State of California Fish and Game Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arvin as follows:

1. The above recitals, incorporated herein, are true and correct.
2. Based upon its consideration of the evidence in the record, including the Initial Study prepared for the Negative Declaration prepared by City staff referenced above and based upon its own independent judgment, the Council hereby determines that for the cancellation of the Land Conservation Contract (Williamson Act) could not have a significant effect on the environment and hereby adopts the Negative Declaration for the cancellation of the Land Conservation Contract (Williamson Act) covering the Subject Property.
3. The Council hereby determines that the cancellation of the Land Conservation Contract on the Subject Property is consistent with the purposes of Chapter 7 of the Government Code based upon the following findings and supporting evidence:
 - 3.1 The cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the Government Code, said notice was recorded on July 9, 2007, as Document No. 0207142581, in the Office of the Kern County recorder.
 - 3.2 The cancellation is not likely to result in the removal of adjacent contracted lands from agricultural use, since there is no evidence in the record to suggest that this project will be precedent setting, and no comments were received to indicate there might be other lands removed from Contract, with remaining cultivated properties being unaffected.
 - 3.3. The cancellation is for an alternative use which is consistent with the Arvin General Plan which has designated this the site for urban development since 1988.
 - 3.4 The cancellation will not result in discontinuous patterns of urban development since adjacent lands in the City of Arvin are developed or approved for urban development and the property lies within the path of urban development and between existing and approved urban projects; and
 - 3.5 There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted lands. The site is located between approved urban projects and will result in a more contiguous pattern of urban

development than other, noncontracted lands farther from existing urbanized lands; and

- 4. The City Council hereby approves the tentative cancellation of the Land Conservation Contract (Williamson Act) on 60± acres, as described in Exhibit "A", and shown generally in Exhibit "B", located on the south side of Sycamore Road, east of Tejon Highway and west of Malovich Road, subject to payment of a cancellation fee of \$37,610 to be recomputed if not paid within a year of the tentative cancellation's approval and subject to the applicant's written agreement to defend, hold harmless and indemnify the City, its officials, officers, employees, representatives from any and all loss, liability, finds, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any third party legal action or other proceeding that challenges or contests the City Council's tentative approval of the Land Conservation Contract or claims or alleges a violation of CEQA or any other law in connection with the adoption of the negative declaration referenced herein.
- 5. Staff is authorized to record the tentative cancellation upon satisfaction of all conditions.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted, by the Council of the City of Arvin at a regular meeting thereof held on the 19th day of November, 2013 by the following vote:

AYES: CM Vasquez, CM Gurrola, CM Ojeda, MPT Pichardo, Mayor Flores

NOES: _____

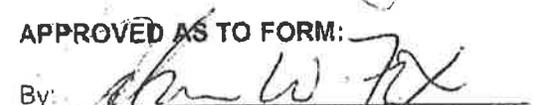
ABSENT: _____

ABSTAIN: _____

ATTEST

CECILIA VELA, City Clerk

CITY OF ARVIN
By: 
JOSE FLORES, Mayor

APPROVED AS TO FORM:
By: 
JOHN W. FOX, City Attorney

Exhibits Attached:
Exhibit A – Williamson Act Cancellation Legal Description
Exhibit B – Location Map

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

EXHIBIT "A"

PARCEL "A"

BEING ALL THAT PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM THE NORTH 30 FEET THEREOF FOR THE USE AND PURPOSE OF A PUBLIC HIGHWAY AS CONVEYED TO THE COUNTY OF KERN, IN DEED RECORDED APRIL 14, 1929 IN BOOK 356, PAGE 137 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM A TRIANGULAR PARCEL OF LAND CONVEYED TO THE SOUTHERN PACIFIC COMPANY IN DEED RECORDED JANUARY 12, 1924 IN BOOK 8 PAGE 119 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

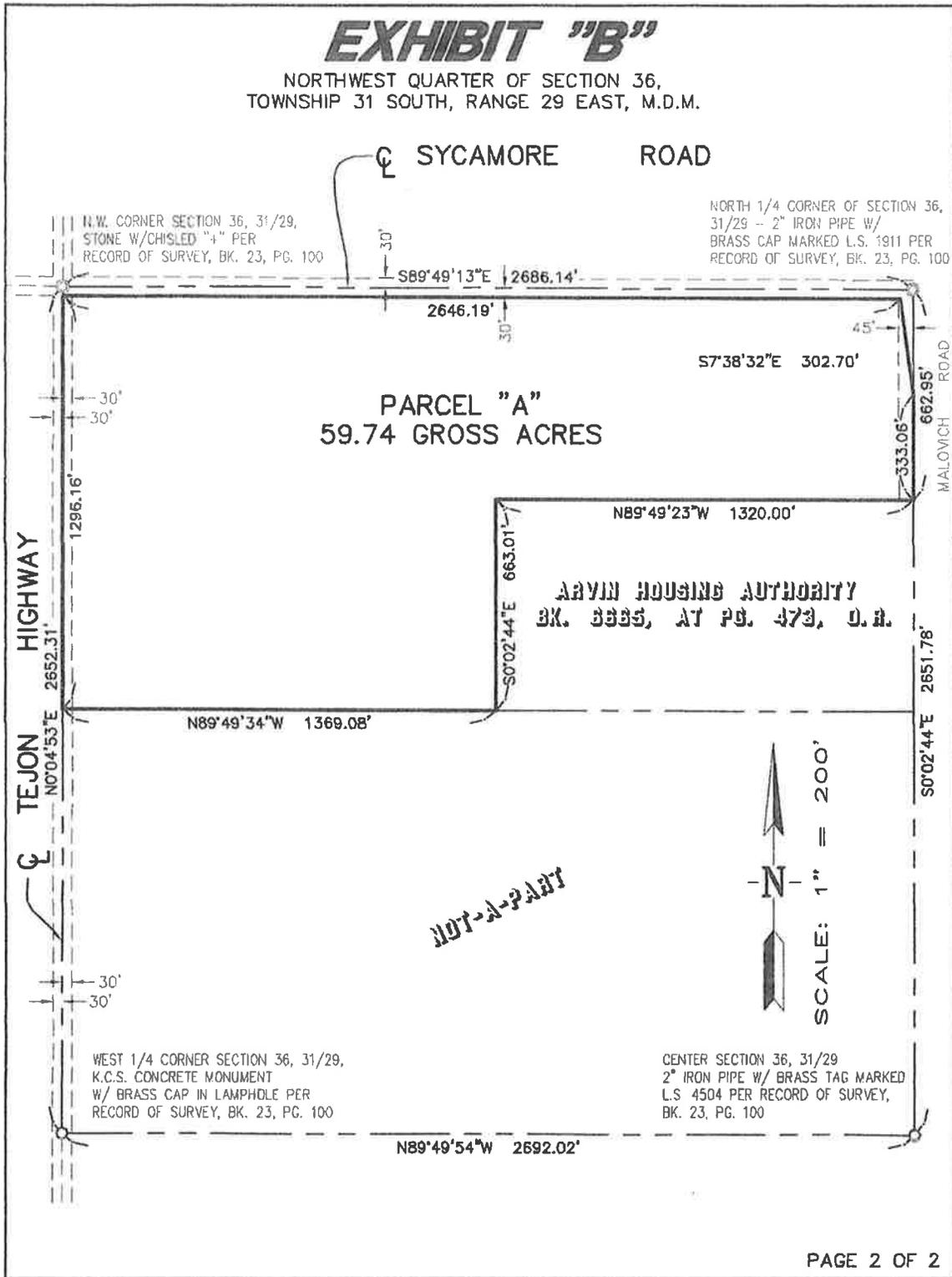
BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36 WITH THE SOUTHERLY BOUNDARY LINE OF RIGHT OF WAY FOR SYCAMORE ROAD RUNNING EAST AND WEST ALONG THE NORTH LINE OF SAID SECTION, THENCE WESTERLY ALONG SAID SOUTH BOUNDARY LINE OF RIGHT OF WAY FOR SYCAMORE ROAD 40 FEET; THENCE SOUTHEASTERLY IN A STRAIGHT LINE, 302.7 FEET, MORE OR LESS, TO A POINT IN THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE NORTHERLY ALONG SAID EAST LINE 300 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE SOUTH HALF OF THE EAST 1320 FEET OF SAID LAND AS CONVEYED TO THE CITY OF ARVIN HOUSING AUTHORITY IN DEED RECORDED APRIL 27, 1992 IN BOOK 6665, PAGE 473 OF OFFICIAL RECORDS. CONTAINS 59.74 GROSS ACRES MORE OR LESS

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

EXHIBIT "B"

NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 31 SOUTH, RANGE 29 EAST, M.D.M.



Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

CEQA
Transmittal Memorandum

This form must be completed and attached to each CEQA document filed with the County Clerk.
1) If notice requires F&G receipt, you must provide a minimum of 3 copies of the document.
2) If notice does not require F&G receipt, you must provide a minimum of 2 copies of the document

TYPE OR PRINT CLEARLY

LEAD AGENCY City of Arvin
PROJECT TITLE Agricultural Preserve Contract Cancellation 2013-01 (Bisla)

PROJECT APPLICANT Bisla Farms, Inc.
PHONE NUMBER (661) 835-1969

PROJECT APPLICANT ADDRESS 4215 Waterfall Canyon Drive
CITY Bakersfield STATE CA ZIP CODE 93313

WORK ORDER # _____ 30-Day Posting 35-Day Posting 45-Day Posting

CONTACT PERSON Tim Chapa PHONE NUMBER (661) 854-3134

CHECK DOCUMENT BEING FILED:

NO FEE REQUIRED		
<input type="checkbox"/> Notice of Availability	<input type="checkbox"/> Notice of Preparation	<input type="checkbox"/> Notice of Public Hearing
<input type="checkbox"/> Notice of Intent	<input checked="" type="checkbox"/> Other Notice of <u>Determination</u>	

<input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT (EIR).....	\$2995.25
<input type="checkbox"/> Previously Paid (must attach receipt)	Receipt #
<input type="checkbox"/> DFG No Effect Determination (F&G letter must be attached)	No Fee
<input type="checkbox"/> County Administrative Fee	\$50.00
TOTAL \$ _____	

<input checked="" type="checkbox"/> MITIGATED NEGATIVE DECLARATION OR NEGATIVE DECLARATION.....	\$2156.25
<input type="checkbox"/> Previously Paid (must attach receipt)	Receipt #
<input type="checkbox"/> DFG No Effect Determination (F&G letter must be attached)	No Fee
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00
TOTAL \$ <u>2,206.25</u>	

<input type="checkbox"/> NOTICE OF EXEMPTION.....	NO FEE
<input type="checkbox"/> County Administrative Fee	\$50.00
TOTAL \$50.00	

*Additional copies are to be returned to: City of Arvin, City Hall, PO Box 548, Arvin, CA 93203 Attn: City Clerk

*Method of return: _____ Hold for pick-up/Call # _____ Interoffice Mail

PAYMENT METHOD: ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING

- Cash/Money Order
- JV - Dept _____ Fund _____ Expense Key _____
- Check
- Credit Card

3000

42 OF 216

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

RECEIVED WITH FEE
RECEIPT# 15130512

FILED
KERN COUNTY

NOV 25 2013

MARY B. BEDARD
AUDITOR CONTROLLER-COUNTY CLERK
BY [Signature] DEPUTY

NOTICE OF DETERMINATION

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

From City of Arvin
200 Campus Drive
Arvin, CA 93203

Subject: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code
Title: Agricultural Preserve Contract Cancellation 2013-01 (SCH # 2013101015)
Project Applicant: City Arvin
Contact Person: Tim Chapa, City Manager, (661) 854-3134
Project Location: City of Arvin, County of Kern, California

Project Description: The project is a request for early cancellation of an agricultural preserve contract on two parcels containing a total of approximately 60 acres. The site is located on the south side of Sycamore Road, between Tejon Highway on the west and Malovich Road on the east.

This is to advise that the City Council of the City of Arvin has approved the above described project on November 19, 2013 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were not made a condition of the approval of the project.
4. A statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with record of project approval is available for public inspection during regular business hours at: Arvin City Hall, 200 Campus Drive, Arvin, California.

<u>[Signature]</u>	<u>11/25/13</u>	<u>CITY MANAGER</u>
Tim Chapa	Date	Title

Date Received for Filing and Posting: _____

Notice of Environmental Document
Posted by County Clerk on 11/25/13
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

2222

43

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)



State of California—Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

PRINT CLEAR

RECEIPT# 15130512
STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY CITY OF ARVIN			DATE 11/25/2013
COUNTY/STATE AGENCY OF FILING Kern County, California			DOCUMENT NUMBER 3222
PROJECT TITLE AGRICULTURAL PRESERVE CONTRACT CANCELLATION 2013-01 (BISLA)			
PROJECT APPLICANT NAME BISLA FARMS, INC.			PHONE NUMBER (661) 835-1969
PROJECT APPLICANT ADDRESS 4215 WATERFALL CANYON DRIVE	CITY BAKERSFIELD	STATE CA	ZIP CODE 93313
PROJECT APPLICANT (Check appropriate box).			
<input type="checkbox"/> Local Public Agency	<input type="checkbox"/> School District	<input type="checkbox"/> Other Special District	<input type="checkbox"/> State Agency <input checked="" type="checkbox"/> Private Entity

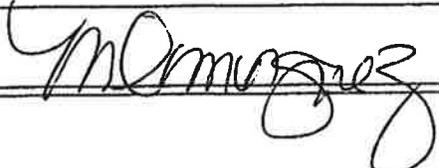
CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$2,995.25	\$	<u>0.00</u>
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (ND)(MND)	\$2,156.25	\$	<u>2,156.25</u>
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$	<u>0.00</u>
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,018.50	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	<u>50.00</u>
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption			
<input type="checkbox"/> DFW No Effect Determination (Form Attached)			
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

Cash Credit Check Other _____

TOTAL RECEIVED \$ 2,206.25

SIGNATURE X 	TITLE
-----------------------------------------------------------------------------------------------------------	-------

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

44 08

Kern County
Clerks Office
1115 Truxtun Ave
Bakersfield CA 93301
661-868-3588

CEQA	
County Clerk	
Fee	
#3222	1 @ \$50.000
	\$50.00
NOD w/ Neg	
Dec	1 @
#3222	\$2,156.250
	\$2,156.25
Total	\$2,206.25
Check #2537	\$2,206.25
Change	\$0.00

ORDER NO: 32612
11/25/2013 3:42:14 PM
BAKERSFIELD
MONICA DOMINGUEZ

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

45 OF



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

October 4, 2013

Via Email: Karl@weplancities.com
 Mr. Karl Schoettler, Contract City Planner
 City of Arvin Planning Department
 141 Plumtree Drive
 Arvin, CA 93203

SUBJECT: CANCELLATION OF LAND CONSERVATION CONTRACT #13

Dear Mr. Schoettler:

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation Act. The Department has reviewed the cancellation petition submitted by the City of Arvin (City) and offers the following recommendations.

PROJECT DESCRIPTION

The project proposes development of an approximately 62 acre site into general commercial (21.23 acres) and residential uses (40.30 acres). The site is designated by the City's General Plan for light and heavy industrial uses. It is located in the City of Arvin, Kern County, at the southeast corner of Sycamore Road and Tejon Highway.

To the north, the project site abuts parcels designated and developed for industrial use. The project site's south boundary abuts land under cultivation as almond orchards and a portion of a residential subdivision that has been approved but is not yet under construction. West of the project site the land is developed with residential uses, while to the east, the site abuts agricultural lands.

The entire site is classified as Prime Farmland and is currently in almond production. A notice of nonrenewal was recorded on July 9, 2007.

REQUIRED CANCELLATION FINDINGS

The requirements necessary for cancellation of Land Conservation contracts are outlined in Government Code Section 51282. The City must document the justification for the cancellation through a set of findings. Based on the City's petition, it appears that the findings for Consistency

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

46 of 74

Cancellation #13
 October 4, 2013
 Page 2 of 3

with the Land Conservation Act are being addressed. The Department's comments are outlined below:

(1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

The notice of nonrenewal was recorded on July 9, 2007.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The site is located in the City of Arvin. The north and west boundary of the project site abuts urban development within in the City's Enterprise zone, which has been targeted for economic growth and revitalization. A number of the parcels to the south have been approved for development, but have not yet broken ground. To the east and southwest are lands which are still devoted to agriculture.

Due to the site being located within the City of Arvin and adjacent to other parcels that have been or are soon to be under construction, it is unlikely that the cancellation would be the cause of the removal of adjacent lands from agricultural use.

(3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

The project is consistent within the City's General Plan, which designates the site for light and heavy industrial uses.

(4) That cancellation will not result in discontinuous patterns of urban development.

The project site is located within the City's limits and adjacent to existing and approved urban development on three sides. Therefore, the cancellation will not result in discontinuous patterns of urban development.

(5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Due to the site being located within the City of Arvin, adjacent to other parcels already or soon to be under construction, and designated for light and heavy industrial uses, the project site would provide more contiguous patterns of urban development than development of proximate noncontracted land.

CANCELLATION FINDINGS CONCLUSIONS

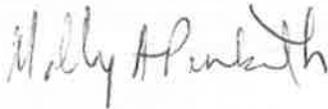
Thank you for the opportunity to provide comments on the proposed cancellation. Please provide our office with a copy of the public notice for the tentative cancellation 10 working days before the hearing, and a copy of the recorded Tentative Cancellation Resolution within 30 days after approval of the tentative cancellation, pursuant to Government Code section 51284.

47 OF 74

Cancellation #13
October 4, 2013
Page 3 of 3

Within 30 days of the landowner, satisfying the conditions and contingencies required in a Certificate of Tentative Cancellation, and payment of the required fee, the Board will record a Certificate of Cancellation for the contract. The City Treasurer is required to send the cancellation fee¹ to State Controller within 30 days of recordation of the Certificate of Cancellation and a copy of the recorded final cancellation resolution to the DOC². If you have any questions concerning our comments, please contact Meri Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

Sincerely,



Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

Cc: Mr. Karl Schoettler
Collins & Schoettler
1002 W. Main Street
Visalia, CA 93291

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

¹ Please include information identifying the cancellation on the check: APN(s) or project name or number.

² When sending information to the DOC, please also confirm the date the cancellation payment was made to the State Controller.

48 of 74

Subject: Re: Bisla GPA & Zone Change -

From: jakeraper@yahoo.com

To: matt@pinnacle2.com

Cc: ada@pinnacle2.com; lav@Pinnacle2.com; juggy@elitedevelopments.net;
wdcowin@thearistongroup.com; bislafarms@yahoo.com; jraper@arvin.org

Date: Monday, June 4, 2018 03:58:35 PM

Thanks Matt I will be working on the reports this week. Jake

On Monday, June 4, 2018 01:07:56 PM PDT, Matt Vovilla <matt@pinnacle2.com> wrote:

Jake:

Attached please find the mitigation section for the Project. I included a little background in case you wanted that to put in the staff report.

As you know, the City of Arvin has a fairly comprehensive Traffic Impact Fee Program, which funds most major improvements. The purpose of the Traffic Impact Study was to identify any mitigation that is needed, but not funded by the fee program. In this case, it was the signalization of Franklin and Derby Streets. The Project needs to pay 22 percent of that cost, which should be pro-rated to the various land uses, and collected with the base Traffic Impact Fees at the time of application for building permits.

I have attached the word file, rather than a PDF, so you could glean what you wanted or revise. Obviously, we would like to get an advanced copy of the Conditions to review before the public hearing.

Thanks for you help. Please call if you would like to discuss anything.

Sincerely,

Matt

Matt VoVilla, P.E., QSD/P
LAV//Pinnacle Engineering
12418 Rosedale Hwy., Suite A
O: 661.869.0184
C: 661.204.7131



Traffic Mitigation for Bisla GPA-ZC - Arvin 6-1-18.docx
27kB

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

46 OF 74

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On Monday, June 4, 2018 01:07:56 PM PDT, Matt Vovilla <matt@pinnaclex2.com> wrote:

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Sincerely,

Matt

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

47 OF 74

Matt VoVilla, P.E., QSD/P
LAV//Pinnacle Engineering
12418 Rosedale Hwy., Suite A
O: 661.869.0184
C: 661.204.7131

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

48 OF 74

Traffic Mitigation Section – GPA and Zone Change – Bisla Project

Background:

In 2015, the City of Arvin prepared an update to the Traffic Impact Fee (TIF) for land development projects. Given anticipated population growth for the City, the Nexus Study for Traffic Impact Fee Update identified transportation improvements that would be needed in the future to maintain a good level of service for roads and intersections. These improvements include such things as road widening and installation of traffic signals. As part of the Nexus Study for the TIF, a comprehensive list of future transportation mitigation needs was determined as well as an associated cost for all of those improvements. Using this total cost, Transportation Impact Fees for commercial, industrial, offices and the various forms of residential land use were developed that fairly distributed those fees among the various development types as a pro-rata share based on vehicular trips. The City of Arvin's Traffic Impact Fee program includes a unit fee for single and multi-family dwelling units. For commercial, industrial and office projects, the Traffic Impact Fee is based on historic and published vehicle trip data for said development types.

Again, the intent of the Nexus Study was to identify all needed future traffic mitigation improvements. However, should the Traffic Impact Study (TIS) for a project identify a needed traffic mitigation improvement that is not covered by the TIF program, then said project must pay its pro-rata share for said mitigation improvement. The pro-rata share being the ratio of Project-generated traffic to estimated future traffic multiplied by the cost of mitigation improvement.

In the case of this Project, the TIS estimated the intersection of Franklin Street and Derby, by Year 2035, would degrade from a LOS of "B" to "E", (with the addition of Project-generated traffic). The TIS for the Project also determined that installation of a traffic signal was the only mitigation that would restore the intersection's LOS to the pre-Project LOS of "B".

The City's Traffic Impact Fee Program funds installation of four signals; however, the location for these was not specified in the Nexus Study. Based on estimated future traffic, and the assumption that the intersection of Franklin and Derby was not one of the four signals funded by the TIF program, it was assumed that the Project would be obligated to fund its pro-rata share of this traffic signal. The Project's funding obligation being taken as the ratio of Project-generated traffic to Year 2035 total peak hour volume, as follows:

$$\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%$$

Therefore, traffic mitigation for the Project is specifically defined as follows:

1. The Project shall pay traffic impact fees for each development type in accordance with the City's Traffic Impact Fee Program Update of 2015. The fee will be computed and collected at the time of building permit application.
2. The Project shall pay 22% of the cost of a traffic signal at the intersection of Franklin Street and Darby Street. Said Project share of the traffic signal will be further pro-rated among the various land uses proposed by the Project based on trips for each development type. The Developer's engineer shall prepare an estimate for the traffic signal, and the allocation of this cost to each Project land use. This cost and fee allocation must be approved by the Arvin City Engineer and will be in addition to the Traffic Impact Fee collected at the time of building permit application.

V. TRAFFIC MITIGATION

A. Requirements for Mitigation

In accordance with County of Kern Standards, a traffic facility, i.e., a street or street intersection, must be analyzed for LOS, and the need for mitigation improvements if it is subjected to 50 or more Project-generated peak hour trips. Mitigation improvements are normally considered necessary if the combined effect of Project-generated traffic and non-Project traffic causes a particular intersection or street segment to degrade to a Level of Service (LOS) less than “C”. Non-Project traffic includes future traffic volumes estimated for the Year 2035. If mitigation is warranted, the Project is normally obligated to pay its pro-rata share of these improvement costs. Typically, an exception to the above occurs when an existing facility operates at a Level of Service of less than “C” under existing conditions, (prior to the addition of Project traffic). In this case, the Project is normally only obligated to pay its pro-rata share of mitigation improvements that would restore the facility to its pre-project or existing Level of Service, thus maintaining the status quo.

B. Recommended Mitigation

It should be reiterated that the level of mitigation improvements recommended herein is based on anticipated traffic volumes for the Year 2035, which includes Project-generated traffic.

In the following, each of the intersections and street segments included within the scope of this study are discussed with regard to existing and future level of service, the need for mitigation improvements. As mentioned, the Project’s obligation towards funding recommended mitigation improvements is typically a proportionate share based on the ratio of Project-generated traffic to Total Future Traffic Volume. Except as otherwise provided, “signal modifications” or “signal upgrades” at a minimum were considered to provide a single dedicated left turn lane, dual dedicated through lanes, and a single dedicated right turn lane for each approach leg. This is a conservative approach and would provide latitude for additional capacity increasing improvements such as dual left turn lanes, or multiple through lanes.

All Level of Service Calculations have been provided in Appendix “B” of this report. As indicated, Table 5 is a matrix of calculated Level of Services for the various studied scenarios.

51 OF 74

Intersections:

1. **Intersection of Bear Mountain Boulevard (SR 223) and Comanche Drive:** This intersection is currently signalized. The Comanche Drive approaches each have single dedicated lanes for left and right turns and the through movement. The Bear Mountain Boulevard approaches both have a single dedicated lane for left turns. The east “approach” of Bear Mountain is striped for two through lanes in each direction; however the west “approach” is in various stages of widening and is presently striped only for one through lane. The east and west legs have sufficient existing width to provide dedicated right turn lanes; however, neither are striped for such.

During the evening peak hour, under existing conditions, this intersection has been calculated to operate at a LOS of “D”, with an average vehicle delay of about 34 seconds. Under future (Year 2035) traffic volumes, and under present day level of improvements, this intersection is expected to degrade to a LOS of “F”. Calculations indicate a future LOS of “F” either with or without addition of Project-generated traffic.

Recommended Mitigation: Expand the intersection to provide a minimum of (2) dedicated through lanes, (2) dedicated left turn lanes, and a single dedicated right turn lane for all movements.

At the present time, due to the existing width of Comanche Drive, expansion of the intersection as described is not feasible. However, for the City of Arvin to reach the volume of traffic projected for the Year 2035, substantial growth and development will have to occur. Much of the growth is anticipated to be “infill” as there remains large parcels of vacant land in the City limits that are zoned for a variety of urban land uses. It is assumed this growth will “close” gaps in City Street widening, with the requirements of development and associated fees to provide funding for those improvements. Generally, the capacity of a street is controlled by its narrowest segment. Until fully widened, streets cannot be striped for more than one through lane in each direction. Similarly an intersection cannot be improved to reach its fully capacity until streets are fully widened, i.e., two or more lanes through lanes are needed to “receive” dual left turns.

It can be argued that if growth does not occur as projected herein, estimated future traffic volumes will not be realized, and the Level of Service (LOS) of streets and intersections will not degrade and the level of mitigation identified herein will not be needed.

This intersection is characteristic of every “offsite” intersection and street analyzed in this study in that nearly every facility is expected to degrade to a LOS less than “C” under anticipated future traffic loads, (without the addition of Project-generated traffic). With two exceptions, discussed later in this report, the addition of Project-generated traffic to these facilities, although increasing the average vehicle delay by a small percentage, does not sufficiently degrade the facility to cause to drop to a lower LOS.

As indicated, a summary of Level of Service (LOS) calculations for the various scenarios analyzed is included herein as Table 5.

2. **Intersection of Bear Mountain Boulevard and Meyer Street:** This intersection is currently signalized. The north of the intersection, being the north Meyer Street approach, have single dedicated lanes for left and right turns, as well as the through movement. The south leg of the intersection has a dedicated lane for left turns, and a shared lane for through movements and right turns. The Bear Mountain Boulevard approaches both have single dedicated left turn lanes, and two through lanes. Right turns from Bear Mountain are from the shared through lane.

Under existing conditions, this intersection has been calculated to operate at a LOS of “D” during the evening peak hour. Under future (Year 2035) traffic volumes, and under present day level of improvements, this intersection is expected to degrade to a LOS of “F”. Calculations indicate a future LOS of “F” will occur either with or without addition of Project-generated traffic.

Recommended Mitigation: Although Bear Mountain Boulevard is not striped to provide dedicated right turn lanes, there is sufficient width in the number two lane such it can function as two lanes to accommodate some right-turn movements. Adding dedicated right-turn lanes to the BMB approaches, either by re-striping or widening, improves the LOS (using 2035 volumes) of the entire intersection to “D”, (which is its current LOS). In addition, the resulting average vehicle delay is less than experienced under current conditions. Whether or not there is sufficient width to stripe right turn lanes without physically widening the intersection is beyond the scope of this study. Other considerations for providing dedicated right-turn lanes include existing detector loops and modification of signal operation.

3. **Intersection of Bear Mountain Boulevard and Hill Street:** This intersection is currently signalized, with a dedicated single left turn lanes and two through lanes for both eastbound and westbound movements. The north and south legs do not have dedicated lanes for turning movements, but drivers do share the lane for right turns and through movements. The existing signal provides for protected left turn movements only for east and westbound traffic.

On-street parking is permitted on Bear Mountain Boulevard to within about 75-feet from the intersection.

Under existing conditions, this intersection has been calculated to operate at a LOS of “B” during the evening peak hour. Under future (Year 2035) traffic volumes, and the intersection’s present day level of improvement, the level of service of this intersection is expected to degrade to an “C”, with some individual movements at a “D”. The calculations indicate said future LOS’s are anticipated either with or without the addition of Project-generated traffic.

Recommended Mitigation: It appears right-of-way acquisition would be necessary to expand this intersection to provide dedicated lanes for all movements. However, elimination of parking on Bear Mountain Boulevard could provide enough width to stripe

dedicated right turn lanes for east and westbound traffic. Again, the composite LOS under 2035 traffic has been calculated at a “C”, and thus no further analysis was performed.

4. **Intersection of Bear Mountain Boulevard and Derby Street (Tejon Highway south of Sycamore):** This intersection is not currently signalized, with stop-control for the Derby Street approaches. (Derby Street becomes Tejon Highway south of Sycamore Avenue). The west approach of Bear Mountain Boulevard (or west leg), currently has a single dedicated left turn lane and two lanes for through traffic. The east approach of Bear Mountain Blvd. is a two lane road, but is slightly expanded at the intersection to provide a left turn lane.

Similar to Comanche Drive to the west, development has occurred along the west frontage of Derby Street, while the east side has remained either in agriculture, or ag-industrial uses. Although sufficient width exists, the Derby Street approaches have not been striped to provide any dedicated lanes for through or turning movements. The east and west legs each have two dedicated through lanes and single dedicated left turn lanes.

A rail line runs parallel and along the east side of Derby, crossing Bear Mountain Boulevard. An existing signalized crossing arm exists for the rail crossing. Of course this presents challenges to intersection improvements, a future signal installation, signal operation, pavement detector loops and roadway widening.

Under existing conditions, this intersection has been calculated to operate at a LOS of “A” during the evening peak hour. Under future (Year 2035) traffic volumes, and the intersection’s present day level of improvement, the level of service of this intersection is expected to degrade to an “F”. As discussed, a LOS of “F” is expected either with or without the addition of Project-generated traffic. The anticipated future volume at this intersection, without the addition of Project-generated traffic is sufficient to satisfy the warrant for signalization.

Recommended Mitigation: Options for mitigation include the addition of dedicated turning lanes to the Derby Street approaches, (without installation of a traffic signal). A second option is the installation of a traffic signal. Installation of traffic signal would also include dedicated turning lanes. Adding dedicated lanes for the Derby Street approaches (without installation of a signal), would improve the Year 2035 LOS from an “F” to a “D”. Signalizing this intersection, along with dedicated lanes, would improve the LOS to a “C”.

5. **Intersection of Franklin and Meyer Street:** This intersection is not currently signalized and controlled as an “all-way” stop. Both Franklin and Meyer Streets appear fully widened at a curb to curb width of 68 feet plus or minus. Although very faint, both streets have been striped for two lanes, with no additional expansion or striping for turn lanes at the intersection itself. Thus, left and right turns for all approaches are from shared lanes.

The analysis of this intersection indicates this intersection should function at a LOS of “C” and better, under Year 2035 traffic (with or without the addition of Project-generated

traffic). In addition said future traffic does not meet the minimum warrant threshold to satisfy the Peak Hour Signal Warrant.

Recommended Mitigation: The future LOS is anticipated to be satisfactory, and future volumes do not satisfy the Peak Hour Signal Warrant. Therefore, mitigation improvements are not recommended at this intersection.

6. **Intersection of Franklin Street and Derby Street/Tejon Highway:** Franklin Street currently “tees” into Derby Street from the West. The east leg of this intersection at this time only functions as a private drive to an agricultural packing and storage facility. However, the City’s General Plan shows Franklin Street ultimately running east from Derby Street to Malovich Road. This intersection is not currently signalized, does not have any additional width or dedication lanes for turning movements, and is only stop-controlled for Franklin Street.

Without the addition of Project-generated traffic, calculations indicate under Year 2035 traffic, this intersection should function at a LOS of “B” and better, However, the addition of Project-generated traffic causes the intersection to degrade to a LOS of “E”, under Year 2035 traffic. In addition said future traffic does not meet the minimum warrant threshold to satisfy the Peak Hour Signal Warrant.

Recommended Mitigation: Addition of through lanes and turning lanes will improve the LOS, (under future traffic), to a “D”; but does not restore the pre-project LOS of “B”. Although the intersection does not satisfy the Peak Hour Signal Warrant, installation of a signal at this intersection would restore the pre-Project LOS.

7. **Intersection of Sycamore Road and Comanche Drive:** This intersection is not currently signalized and is currently controlled as an “all-way” stop. The centerline of Comanche Drive is also the west line of the City of Arvin limits. Lands on the west frontage of Comanche Drive are still in agricultural production, while property along the east frontage of Comanche has undergone urban development. Consequently the east half of Comanche in the vicinity of Sycamore has been widened to its ultimate planned width. The west half of Comanche, with the exception of intersection expansions, has not been widened to more than a single lane.

Both Sycamore Road and Comanche Drive have centerlines that run along section lines and thus are considered major roadways.

Sycamore Road, within the City limits is currently in various stages of widening. At this intersection, Sycamore and the “east half” of Comanche are widened to their ultimate planned width. Again, the west half of this intersection is un-improved beyond single lanes, which are shared for all movements.

Under existing conditions, during the evening peak hour, this intersection has been calculated to operate at a LOS of “B”. Under future (Year 2035) traffic volumes, and the

present day level of improvement, this intersection is anticipated to degrade to a LOS of “F” with or without the addition of Project-generated traffic.

In addition, future traffic volumes at this intersection, either with or without Project-generated traffic, are sufficient to satisfy the Peak Hour Warrant for a traffic signal.

Recommended Mitigation: Although anticipated future traffic volumes satisfy the Peak Hour signal warrant, expanding this intersection to at least one dedicated lane for all through and turning movements will improve this intersection to a LOS of “C” or better.

8. **Intersection of Sycamore Road and Meyer Street:** This intersection is not currently signalized and is controlled as an “all-way” stop. In addition, this intersection is not fully expanded due to gaps in development along the frontages of both streets. Currently all turning movements are from shared lanes, with the exception of the east approach for Sycamore: which provides a striped dedicated right turn lane.

Under existing conditions, this intersection has been calculated to operate at a LOS of “B” during the evening peak hour. Under future (Year 2035) either with or without addition of Project-generated traffic, the level of service of this intersection degrades to an “F”.

In addition, future traffic volumes at this intersection, either with or without Project-generated traffic, are sufficient to satisfy the Peak Hour Warrant for a traffic signal.

Proposed Mitigation: Installation of a traffic signal, along with expanding the intersection to provide at least one dedicated lane for all through and turning movements will improve the LOS to a “C” or better. It should also be noted that prior to signal installation, expansion of this intersection to provide at least one dedicated lane for all turning movements will greatly reduce the average vehicle delay.

9. **Intersection of Sycamore Road and Derby Street/Tejon Highway:** This intersection is not currently signalized and is controlled as an “all-way” stop. Only the north half of Sycamore and the west half of Tejon Highway, (north of Sycamore), have been widened to their ultimate planned width, thus the intersection is not fully expanded. The north approach of Tejon Highway has a dedicated right turn lane. Other than that, all other movements at this intersection are from shared lanes.

Under existing conditions, this intersection has been calculated to operate at a LOS of “A” and “B” during the evening peak hour. Under future (Year 2035) with the addition of Project-generated traffic, the level of service of this intersection degrades to an “F”.

Recommended Mitigation: Widening of both Sycamore Road and Tejon/Derby are funded by the Traffic Impact Fee program. These improvements are shown in this study to improve the LOS to a “C”, under Year 2035 traffic volumes.

10. **Intersection of Sycamore Road and Malovich Road:** This intersection is not currently signalized and is controlled as an “all-way” stop. Sycamore is paved at this intersection,

but Malovich Road is nothing more than a dirt farm road. However, since this roads are in the City's system, this intersection was analyzed

Under future (Year 2035) either with or without the Project, the level of service of this intersection is anticipated to operate at a LOS of "A".

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended.

11. **Intersection of El Camino Real and Meyer Street:** This intersection is not currently signalized and is controlled as an "all-way" stop. Meyer Street to the north and El Camino Real to the west are fully widened "collector" status roads. Ultimate curb to curb width of both Roads is 68 feet. However, El Camino Real east of the intersection and Meyer Street south of the intersection are only two lane roads.

El Camino Elementary school is sited at the southwest corner of this intersection, and the north and west leg of the intersection has been striped for crosswalks. The land at the southeast corner of the intersection is still in agriculture.

The west approach of El Camino and the north approach of Meyer Street have been striped to provide single dedicated lanes for all turning and through movements.

Although El Camino appears to have been planned as a collector status road, on-street parking is permitted, as well as direct residential drive access. This somewhat limits possible LOS-improving mitigation for the road.

Under future (Year 2035) either with or without the Project, the level of service of this intersection degrades to LOS's of "C" and "B", respectively. In addition said future traffic volumes do not satisfy the Peak Hour Signal warrant.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended. However, if future development widens the south half of El Camino Real, it may be possible to stripe more than single through lanes, thus increasing the intersection's capacity without installation of a traffic signal.

12. **Intersection of El Camino Real and Tejon Highway:** This intersection is not currently signalized and is controlled as an "all-way" stop. Only the north half of El Camino Real and the west half of Tejon Highway, (north of El Camino Real), have been widened to their ultimate planned width, thus the intersection is not fully expanded. Neither road has been striped to dedicate any special lanes for turning movements

Under future (year 2035) either with or without the Project, the level of service of this intersection is anticipated to operate at a LOS of "A". In addition, future traffic volumes do not satisfy the Peak Hour Warrant.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended.

- 13. **Intersection of El Camino Real and Comanche Drive:** El Camino Real currently terminates just east of Comanche Drive. However it is apparent that this intersection will be one day constructed as urban development pushes southward. Comanche Drive pavement currently terminates roughly 1,300 south of Sycamore Road, and 1,300 north of the further intersection of El Camino Real. Said pavement is consistent with the southern limit of urban development.

Since this intersection does not currently exist, existing traffic volumes could not be obtained. Also, extrapolation or projecting future counts using methods herein was not possible. However, based on the volumes of surrounding intersections, and the fact that this intersection is near extremity of urban development, it is unlikely this intersection would realize any higher volumes or worse conditions than the intersection of Comanche and Sycamore, or El Camino Real and Meyer Street. It should also be noted that the area to the northeast of this has been planned for residential development, and thus any future development is unlikely to create a spike in trip generation.

Proposed Mitigation: Based on said empirical analysis, mitigation improvements for this intersection are not recommended. It is anticipated that if anticipated growth in the City is realized, improvements to this intersection will be made as part of surrounding development.

Street Segments:

As shown in Table 6 herein, Streets analyzed include Bear Mountain Boulevard, Franklin Street, Sycamore Road, Comanche Drive, Meyer Street, and Derby Street/Tejon Highway. With the exception of Comanche Drive, under Year 2035 traffic volume, and with the addition of Project-generated traffic, all streets are anticipated to operate at a LOS of “C” or better. A one mile segment of Comanche Drive between Sycamore and Bear Mountain Boulevard has been shown to degrade to an LOS of “E” by the year 2035, with or without the addition of Project-generated traffic. This segment of Comanche Drive currently only provides one lane in each direction. The addition of a lane to each direction of Comanche will improve the LOS to a “B” or better in each direction. Table 6 shows the resultant LOS with lanes additions. It is noted that portions of Comanche Drive that have only been widened east of the road’s centerline, due to lack of frontage development on the west side, have sufficient width to be striped for four lanes of traffic.

Since gaps in road widening for the studied street segments will be remedied as part of frontage development, and existing street segment LOS’s are satisfactory, no mitigation is recommended for “offsite” streets within the study limits. It is anticipated that Sycamore, Tejon Highway, and Malovich Road will be widened along their respective frontages as part of the Project’s improvements.

C. Project’s Pro-Rata Share of Mitigation

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

A Project’s pro-rata share of mitigation cost has become a complicated calculation. Generally, agencies with a Traffic Impact Fee (TIF) program require Projects to pay a pro-rata share of warranted improvements that are not funded already by the TIF Fee Program. The City of Arvin currently has a Traffic Impact Fee Program, which funds 4 traffic signals at undefined intersections, as well as widening of Sycamore Road, El Camino Real, Comanche Drive, Walnut Street, Campus/Meyer Street and Tejon Highway/Derby Street.

Typically, a Project’s obligation to fund additional mitigation, (above and beyond the normal development traffic impact fee), is required if Project-generated traffic degrades the LOS of a facility to less than “C”. However, if a facility currently operates at an LOS of less than “C” (without the addition of project traffic), then the Project’s obligation is only to restore the facility’s LOS to a pre-development condition.

It is noted that the LOS of Comanche Drive between Sycamore and Bear Mountain from is degrade to an “E” under future traffic loads. As with most facilities, the degradation of LOS under future traffic loads occurs with or without the addition of Project traffic. Also, this same segment of Comanche Drive is currently funded by the City’s Traffic Impact Fee Program, and thus the Project should have no additional funding obligation for this facility.

Similarly, the LOS of the intersection of Sycamore Road with Tejon Highway/Derby Street is degraded from a “B” to an “F”, by the addition of Project-generated traffic. However, widening of both Sycamore Road and Tejon/Derby are funded by the Traffic Impact Fee program. These improvements are shown in this study to improve the LOS to a “C”, under Year 2035 traffic volumes. Therefore, the Project should have no additional funding obligation for this facility.

The intersection of Franklin Street and Derby, by Year 2035, has been shown to degrade from an LOS of “B” to “E”, with the addition of Project-generated traffic. As supported by the calculations herein, installation of a traffic signal has been determined the only mitigation that will restore the intersection’s LOS to the pre-Project LOS of “B”. However, it should be noted again, that the estimated future peak hour volumes do not warrant a signal.

Again, although the City’s Traffic Impact Fee Program funds installation of four signals, the location is unknown. Based on estimated future traffic, the Project’s obligation funding obligation is taken as the ratio of Project-generated traffic to Year 2035 total peak hour volume, as follows:

$$\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%$$

59 of 74

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

Traffic Mitigation Section – GPA and Zone Change – Bisla Project

Background:

In 2015, the City of Arvin prepared an update to the Traffic Impact Fee (TIF) for land development projects. Given anticipated population growth for the City, the Nexus Study for Traffic Impact Fee Update identified transportation improvements that would be needed in the future to maintain a good level of service for roads and intersections. These improvements include such things as road widening and installation of traffic signals. As part of the Nexus Study for the TIF, a comprehensive list of future transportation mitigation needs was determined as well as an associated cost for all of those improvements. Using this total cost, Transportation Impact Fees for commercial, industrial, offices and the various forms of residential land use were developed that fairly distributed those fees among the various development types as a pro-rata share based on vehicular trips. The City of Arvin's Traffic Impact Fee program includes a unit fee for single and multi-family dwelling units. For commercial, industrial and office projects, the Traffic Impact Fee is based on historic and published vehicle trip data for said development types.

Again, the intent of the Nexus Study was to identify all needed future traffic mitigation improvements. However, should the Traffic Impact Study (TIS) for a project identify a needed traffic mitigation improvement that is not covered by the TIF program, then said project must pay its pro-rata share for said mitigation improvement. The pro-rata share being the ratio of Project-generated traffic to estimated future traffic multiplied by the cost of mitigation improvement.

In the case of this Project, the TIS estimated the intersection of Franklin Street and Derby, by Year 2035, would degrade from a LOS of "B" to "E", (with the addition of Project-generated traffic). The TIS for the Project also determined that installation of a traffic signal was the only mitigation that would restore the intersection's LOS to the pre-Project LOS of "B".

The City's Traffic Impact Fee Program funds installation of four signals; however, the location for these was not specified in the Nexus Study. Based on estimated future traffic, and the assumption that the intersection of Franklin and Derby was not one of the four signals funded by the TIF program, it was assumed that the Project would be obligated to fund its pro-rata share of this traffic signal. The Project's funding obligation being taken as the ratio of Project-generated traffic to Year 2035 total peak hour volume, as follows:

$$\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%$$

Therefore, traffic mitigation for the Project is specifically defined as follows:

1. The Project shall pay traffic impact fees for each development type in accordance with the City's Traffic Impact Fee Program Update of 2015. The fee will be computed and collected at the time of building permit application.
2. The Project shall pay 22% of the cost of a traffic signal at the intersection of Franklin Street and Darby Street. Said Project share of the traffic signal will be further pro-rated among the various land uses proposed by the Project based on trips for each development type. The Developer's engineer shall prepare an estimate for the traffic signal, and the allocation of this cost to each Project land use. This cost and fee allocation must be approved by the Arvin City Engineer and will be in addition to the Traffic Impact Fee collected at the time of building permit application.

V. TRAFFIC MITIGATION

A. Requirements for Mitigation

In accordance with County of Kern Standards, a traffic facility, i.e., a street or street intersection, must be analyzed for LOS, and the need for mitigation improvements if it is subjected to 50 or more Project-generated peak hour trips. Mitigation improvements are normally considered necessary if the combined effect of Project-generated traffic and non-Project traffic causes a particular intersection or street segment to degrade to a Level of Service (LOS) less than “C”. Non-Project traffic includes future traffic volumes estimated for the Year 2035. If mitigation is warranted, the Project is normally obligated to pay its pro-rata share of these improvement costs. Typically, an exception to the above occurs when an existing facility operates at a Level of Service of less than “C” under existing conditions, (prior to the addition of Project traffic). In this case, the Project is normally only obligated to pay its pro-rata share of mitigation improvements that would restore the facility to its pre-project or existing Level of Service, thus maintaining the status quo.

B. Recommended Mitigation

It should be reiterated that the level of mitigation improvements recommended herein is based on anticipated traffic volumes for the Year 2035, which includes Project-generated traffic.

In the following, each of the intersections and street segments included within the scope of this study are discussed with regard to existing and future level of service, the need for mitigation improvements. As mentioned, the Project’s obligation towards funding recommended mitigation improvements is typically a proportionate share based on the ratio of Project-generated traffic to Total Future Traffic Volume. Except as otherwise provided, “signal modifications” or “signal upgrades” at a minimum were considered to provide a single dedicated left turn lane, dual dedicated through lanes, and a single dedicated right turn lane for each approach leg. This is a conservative approach and would provide latitude for additional capacity increasing improvements such as dual left turn lanes, or multiple through lanes.

All Level of Service Calculations have been provided in Appendix “B” of this report. As indicated, Table 5 is a matrix of calculated Level of Services for the various studied scenarios.

Intersections:

1. **Intersection of Bear Mountain Boulevard (SR 223) and Comanche Drive:** This intersection is currently signalized. The Comanche Drive approaches each have single dedicated lanes for left and right turns and the through movement. The Bear Mountain Boulevard approaches both have a single dedicated lane for left turns. The east “approach” of Bear Mountain is striped for two through lanes in each direction; however the west “approach” is in various stages of widening and is presently striped only for one through lane. The east and west legs have sufficient existing width to provide dedicated right turn lanes; however, neither are striped for such.

During the evening peak hour, under existing conditions, this intersection has been calculated to operate at a LOS of “D”, with an average vehicle delay of about 34 seconds. Under future (Year 2035) traffic volumes, and under present day level of improvements, this intersection is expected to degrade to a LOS of “F”. Calculations indicate a future LOS of “F” either with or without addition of Project-generated traffic.

Recommended Mitigation: Expand the intersection to provide a minimum of (2) dedicated through lanes, (2) dedicated left turn lanes, and a single dedicated right turn lane for all movements.

At the present time, due to the existing width of Comanche Drive, expansion of the intersection as described is not feasible. However, for the City of Arvin to reach the volume of traffic projected for the Year 2035, substantial growth and development will have to occur. Much of the growth is anticipated to be “infill” as there remains large parcels of vacant land in the City limits that are zoned for a variety of urban land uses. It is assumed this growth will “close” gaps in City Street widening, with the requirements of development and associated fees to provide funding for those improvements. Generally, the capacity of a street is controlled by its narrowest segment. Until fully widened, streets cannot be striped for more than one through lane in each direction. Similarly an intersection cannot be improved to reach its fully capacity until streets are fully widened, i.e., two or more lanes through lanes are needed to “receive” dual left turns.

It can be argued that if growth does not occur as projected herein, estimated future traffic volumes will not be realized, and the Level of Service (LOS) of streets and intersections will not degrade and the level of mitigation identified herein will not be needed.

This intersection is characteristic of every “offsite” intersection and street analyzed in this study in that nearly every facility is expected to degrade to a LOS less than “C” under anticipated future traffic loads, (without the addition of Project-generated traffic). With two exceptions, discussed later in this report, the addition of Project-generated traffic to these facilities, although increasing the average vehicle delay by a small percentage, does not sufficiently degrade the facility to cause to drop to a lower LOS.

As indicated, a summary of Level of Service (LOS) calculations for the various scenarios analyzed is included herein as Table 5.

63 OF 74

2. **Intersection of Bear Mountain Boulevard and Meyer Street:** This intersection is currently signalized. The north of the intersection, being the north Meyer Street approach, have single dedicated lanes for left and right turns, as well as the through movement. The south leg of the intersection has a dedicated lane for left turns, and a shared lane for through movements and right turns. The Bear Mountain Boulevard approaches both have single dedicated left turn lanes, and two through lanes. Right turns from Bear Mountain are from the shared through lane.

Under existing conditions, this intersection has been calculated to operate at a LOS of “D” during the evening peak hour. Under future (Year 2035) traffic volumes, and under present day level of improvements, this intersection is expected to degrade to a LOS of “F”. Calculations indicate a future LOS of “F” will occur either with or without addition of Project-generated traffic.

Recommended Mitigation: Although Bear Mountain Boulevard is not striped to provide dedicated right turn lanes, there is sufficient width in the number two lane such it can function as two lanes to accommodate some right-turn movements. Adding dedicated right-turn lanes to the BMB approaches, either by re-striping or widening, improves the LOS (using 2035 volumes) of the entire intersection to “D”, (which is its current LOS). In addition, the resulting average vehicle delay is less than experienced under current conditions. Whether or not there is sufficient width to stripe right turn lanes without physically widening the intersection is beyond the scope of this study. Other considerations for providing dedicated right-turn lanes include existing detector loops and modification of signal operation.

3. **Intersection of Bear Mountain Boulevard and Hill Street:** This intersection is currently signalized, with a dedicated single left turn lanes and two through lanes for both eastbound and westbound movements. The north and south legs do not have dedicated lanes for turning movements, but drivers do share the lane for right turns and through movements. The existing signal provides for protected left turn movements only for east and westbound traffic.

On-street parking is permitted on Bear Mountain Boulevard to within about 75-feet from the intersection.

Under existing conditions, this intersection has been calculated to operate at a LOS of “B” during the evening peak hour. Under future (Year 2035) traffic volumes, and the intersection’s present day level of improvement, the level of service of this intersection is expected to degrade to an “C”, with some individual movements at a “D”. The calculations indicate said future LOS’s are anticipated either with or without the addition of Project-generated traffic.

Recommended Mitigation: It appears right-of-way acquisition would be necessary to expand this intersection to provide dedicated lanes for all movements. However, elimination of parking on Bear Mountain Boulevard could provide enough width to stripe

64 OF 74

dedicated right turn lanes for east and westbound traffic. Again, the composite LOS under 2035 traffic has been calculated at a “C”, and thus no further analysis was performed.

4. **Intersection of Bear Mountain Boulevard and Derby Street (Tejon Highway south of Sycamore):** This intersection is not currently signalized, with stop-control for the Derby Street approaches. (Derby Street becomes Tejon Highway south of Sycamore Avenue). The west approach of Bear Mountain Boulevard (or west leg), currently has a single dedicated left turn lane and two lanes for through traffic. The east approach of Bear Mountain Blvd. is a two lane road, but is slightly expanded at the intersection to provide a left turn lane.

Similar to Comanche Drive to the west, development has occurred along the west frontage of Derby Street, while the east side has remained either in agriculture, or ag-industrial uses. Although sufficient width exists, the Derby Street approaches have not been striped to provide any dedicated lanes for through or turning movements. The east and west legs each have two dedicated through lanes and single dedicated left turn lanes.

A rail line runs parallel and along the east side of Derby, crossing Bear Mountain Boulevard. An existing signalized crossing arm exists for the rail crossing. Of course this presents challenges to intersection improvements, a future signal installation, signal operation, pavement detector loops and roadway widening.

Under existing conditions, this intersection has been calculated to operate at a LOS of “A” during the evening peak hour. Under future (Year 2035) traffic volumes, and the intersection’s present day level of improvement, the level of service of this intersection is expected to degrade to an “F”. As discussed, a LOS of “F” is expected either with or without the addition of Project-generated traffic. The anticipated future volume at this intersection, without the addition of Project-generated traffic is sufficient to satisfy the warrant for signalization.

Recommended Mitigation: Options for mitigation include the addition of dedicated turning lanes to the Derby Street approaches, (without installation of a traffic signal). A second option is the installation of a traffic signal. Installation of traffic signal would also include dedicated turning lanes. Adding dedicated lanes for the Derby Street approaches (without installation of a signal), would improve the Year 2035 LOS from an “F” to a “D”. Signalizing this intersection, along with dedicated lanes, would improve the LOS to a “C”.

5. **Intersection of Franklin and Meyer Street:** This intersection is not currently signalized and controlled as an “all-way” stop. Both Franklin and Meyer Streets appear fully widened at a curb to curb width of 68 feet plus or minus. Although very faint, both streets have been striped for two lanes, with no additional expansion or striping for turn lanes at the intersection itself. Thus, left and right turns for all approaches are from shared lanes.

The analysis of this intersection indicates this intersection should function at a LOS of “C” and better, under Year 2035 traffic (with or without the addition of Project-generated

traffic). In addition said future traffic does not meet the minimum warrant threshold to satisfy the Peak Hour Signal Warrant.

Recommended Mitigation: The future LOS is anticipated to be satisfactory, and future volumes do not satisfy the Peak Hour Signal Warrant. Therefore, mitigation improvements are not recommended at this intersection.

6. **Intersection of Franklin Street and Derby Street/Tejon Highway:** Franklin Street currently “tees” into Derby Street from the West. The east leg of this intersection at this time only functions as a private drive to an agricultural packing and storage facility. However, the City’s General Plan shows Franklin Street ultimately running east from Derby Street to Malovich Road. This intersection is not currently signalized, does not have any additional width or dedication lanes for turning movements, and is only stop-controlled for Franklin Street.

Without the addition of Project-generated traffic, calculations indicate under Year 2035 traffic, this intersection should function at a LOS of “B” and better, However, the addition of Project-generated traffic causes the intersection to degrade to a LOS of “E”, under Year 2035 traffic. In addition said future traffic does not meet the minimum warrant threshold to satisfy the Peak Hour Signal Warrant.

Recommended Mitigation: Addition of through lanes and turning lanes will improve the LOS, (under future traffic), to a “D”; but does not restore the pre-project LOS of “B”. Although the intersection does not satisfy the Peak Hour Signal Warrant, installation of a signal at this intersection would restore the pre-Project LOS.

7. **Intersection of Sycamore Road and Comanche Drive:** This intersection is not currently signalized and is currently controlled as an “all-way” stop. The centerline of Comanche Drive is also the west line of the City of Arvin limits. Lands on the west frontage of Comanche Drive are still in agricultural production, while property along the east frontage of Comanche has undergone urban development. Consequently the east half of Comanche in the vicinity of Sycamore has been widened to its ultimate planned width. The west half of Comanche, with the exception of intersection expansions, has not been widened to more than a single lane.

Both Sycamore Road and Comanche Drive have centerlines that run along section lines and thus are considered major roadways.

Sycamore Road, within the City limits is currently in various stages of widening. At this intersection, Sycamore and the “east half” of Comanche are widened to their ultimate planned width. Again, the west half of this intersection is un-improved beyond single lanes, which are shared for all movements.

Under existing conditions, during the evening peak hour, this intersection has been calculated to operate at a LOS of “B”. Under future (Year 2035) traffic volumes, and the

present day level of improvement, this intersection is anticipated to degrade to a LOS of “F” with or without the addition of Project-generated traffic.

In addition, future traffic volumes at this intersection, either with or without Project-generated traffic, are sufficient to satisfy the Peak Hour Warrant for a traffic signal.

Recommended Mitigation: Although anticipated future traffic volumes satisfy the Peak Hour signal warrant, expanding this intersection to at least one dedicated lane for all through and turning movements will improve this intersection to a LOS of “C” or better.

8. **Intersection of Sycamore Road and Meyer Street:** This intersection is not currently signalized and is controlled as an “all-way” stop. In addition, this intersection is not fully expanded due to gaps in development along the frontages of both streets. Currently all turning movements are from shared lanes, with the exception of the east approach for Sycamore: which provides a striped dedicated right turn lane.

Under existing conditions, this intersection has been calculated to operate at a LOS of “B” during the evening peak hour. Under future (Year 2035) either with or without addition of Project-generated traffic, the level of service of this intersection degrades to an “F”.

In addition, future traffic volumes at this intersection, either with or without Project-generated traffic, are sufficient to satisfy the Peak Hour Warrant for a traffic signal.

Proposed Mitigation: Installation of a traffic signal, along with expanding the intersection to provide at least one dedicated lane for all through and turning movements will improve the LOS to a “C” or better. It should also be noted that prior to signal installation, expansion of this intersection to provide at least one dedicated lane for all turning movements will greatly reduce the average vehicle delay.

9. **Intersection of Sycamore Road and Derby Street/Tejon Highway:** This intersection is not currently signalized and is controlled as an “all-way” stop. Only the north half of Sycamore and the west half of Tejon Highway, (north of Sycamore), have been widened to their ultimate planned width, thus the intersection is not fully expanded. The north approach of Tejon Highway has a dedicated right turn lane. Other than that, all other movements at this intersection are from shared lanes.

Under existing conditions, this intersection has been calculated to operate at a LOS of “A” and “B” during the evening peak hour. Under future (Year 2035) with the addition of Project-generated traffic, the level of service of this intersection degrades to an “F”.

Recommended Mitigation: Widening of both Sycamore Road and Tejon/Derby are funded by the Traffic Impact Fee program. These improvements are shown in this study to improve the LOS to a “C”, under Year 2035 traffic volumes.

10. **Intersection of Sycamore Road and Malovich Road:** This intersection is not currently signalized and is controlled as an “all-way” stop. Sycamore is paved at this intersection,

but Malovich Road is nothing more than a dirt farm road. However, since this roads are in the City's system, this intersection was analyzed

Under future (Year 2035) either with or without the Project, the level of service of this intersection is anticipated to operate at a LOS of "A".

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended.

11. **Intersection of El Camino Real and Meyer Street:** This intersection is not currently signalized and is controlled as an "all-way" stop. Meyer Street to the north and El Camino Real to the west are fully widened "collector" status roads. Ultimate curb to curb width of both Roads is 68 feet. However, El Camino Real east of the intersection and Meyer Street south of the intersection are only two lane roads.

El Camino Elementary school is sited at the southwest corner of this intersection, and the north and west leg of the intersection has been striped for crosswalks. The land at the southeast corner of the intersection is still in agriculture.

The west approach of El Camino and the north approach of Meyer Street have been striped to provide single dedicated lanes for all turning and through movements.

Although El Camino appears to have been planned as a collector status road, on-street parking is permitted, as well as direct residential drive access. This somewhat limits possible LOS-improving mitigation for the road.

Under future (Year 2035) either with or without the Project, the level of service of this intersection degrades to LOS's of "C" and "B", respectively. In addition said future traffic volumes do not satisfy the Peak Hour Signal warrant.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended. However, if future development widens the south half of El Camino Real, it may be possible to stripe more than single through lanes, thus increasing the intersection's capacity without installation of a traffic signal.

12. **Intersection of El Camino Real and Tejon Highway:** This intersection is not currently signalized and is controlled as an "all-way" stop. Only the north half of El Camino Real and the west half of Tejon Highway, (north of El Camino Real), have been widened to their ultimate planned width, thus the intersection is not fully expanded. Neither road has been striped to dedicate any special lanes for turning movements

Under future (year 2035) either with or without the Project, the level of service of this intersection is anticipated to operate at a LOS of "A". In addition, future traffic volumes do not satisfy the Peak Hour Warrant.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended.

- 13. **Intersection of El Camino Real and Comanche Drive:** El Camino Real currently terminates just east of Comanche Drive. However it is apparent that this intersection will be one day constructed as urban development pushes southward. Comanche Drive pavement currently terminates roughly 1,300 south of Sycamore Road, and 1,300 north of the further intersection of El Camino Real. Said pavement is consistent with the southern limit of urban development.

Since this intersection does not currently exist, existing traffic volumes could not be obtained. Also, extrapolation or projecting future counts using methods herein was not possible. However, based on the volumes of surrounding intersections, and the fact that this intersection is near extremity of urban development, it is unlikely this intersection would realize any higher volumes or worse conditions than the intersection of Comanche and Sycamore, or El Camino Real and Meyer Street. It should also be noted that the area to the northeast of this has been planned for residential development, and thus any future development is unlikely to create a spike in trip generation.

Proposed Mitigation: Based on said empirical analysis, mitigation improvements for this intersection are not recommended. It is anticipated that if anticipated growth in the City is realized, improvements to this intersection will be made as part of surrounding development.

Street Segments:

As shown in Table 6 herein, Streets analyzed include Bear Mountain Boulevard, Franklin Street, Sycamore Road, Comanche Drive, Meyer Street, and Derby Street/Tejon Highway. With the exception of Comanche Drive, under Year 2035 traffic volume, and with the addition of Project-generated traffic, all streets are anticipated to operate at a LOS of “C” or better. A one mile segment of Comanche Drive between Sycamore and Bear Mountain Boulevard has been shown to degrade to an LOS of “E” by the year 2035, with or without the addition of Project-generated traffic. This segment of Comanche Drive currently only provides one lane in each direction. The addition of a lane to each direction of Comanche will improve the LOS to a “B” or better in each direction. Table 6 shows the resultant LOS with lanes additions. It is noted that portions of Comanche Drive that have only been widened east of the road’s centerline, due to lack of frontage development on the west side, have sufficient width to be striped for four lanes of traffic.

Since gaps in road widening for the studied street segments will be remedied as part of frontage development, and existing street segment LOS’s are satisfactory, no mitigation is recommended for “offsite” streets within the study limits. It is anticipated that Sycamore, Tejon Highway, and Malovich Road will be widened along their respective frontages as part of the Project’s improvements.

C. Project’s Pro-Rata Share of Mitigation

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

69 OF 74

A Project’s pro-rata share of mitigation cost has become a complicated calculation. Generally, agencies with a Traffic Impact Fee (TIF) program require Projects to pay a pro-rata share of warranted improvements that are not funded already by the TIF Fee Program. The City of Arvin currently has a Traffic Impact Fee Program, which funds 4 traffic signals at undefined intersections, as well as widening of Sycamore Road, El Camino Real, Comanche Drive, Walnut Street, Campus/Meyer Street and Tejon Highway/Derby Street.

Typically, a Project’s obligation to fund additional mitigation, (above and beyond the normal development traffic impact fee), is required if Project-generated traffic degrades the LOS of a facility to less than “C”. However, if a facility currently operates at an LOS of less than “C” (without the addition of project traffic), then the Project’s obligation is only to restore the facility’s LOS to a pre-development condition.

It is noted that the LOS of Comanche Drive between Sycamore and Bear Mountain from is degrade to an “E” under future traffic loads. As with most facilities, the degradation of LOS under future traffic loads occurs with or without the addition of Project traffic. Also, this same segment of Comanche Drive is currently funded by the City’s Traffic Impact Fee Program, and thus the Project should have no additional funding obligation for this facility.

Similarly, the LOS of the intersection of Sycamore Road with Tejon Highway/Derby Street is degraded from a “B” to an “F”, by the addition of Project-generated traffic. However, widening of both Sycamore Road and Tejon/Derby are funded by the Traffic Impact Fee program. These improvements are shown in this study to improve the LOS to a “C”, under Year 2035 traffic volumes. Therefore, the Project should have no additional funding obligation for this facility.

The intersection of Franklin Street and Derby, by Year 2035, has been shown to degrade from an LOS of “B” to “E”, with the addition of Project-generated traffic. As supported by the calculations herein, installation of a traffic signal has been determined the only mitigation that will restore the intersection’s LOS to the pre-Project LOS of “B”. However, it should be noted again, that the estimated future peak hour volumes do not warrant a signal.

Again, although the City’s Traffic Impact Fee Program funds installation of four signals, the location is unknown. Based on estimated future traffic, the Project’s obligation funding obligation is taken as the ratio of Project-generated traffic to Year 2035 total peak hour volume, as follows:

$$\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%$$

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

70 OF 74

DEPARTMENT OF TRANSPORTATION

DISTRICT 6

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-6035

FAX (559) 445-5875

TTY 711

www.dot.ca.gov



Serious drought. Help save water!

received 8-10-15

August 6th, 2015

2135-IGR/CEQA
06-KER-223-21.43
GPA/ZC TIS

Mr. Matthew VoVilla
LAV / Pinnacle Engineering
5401 Business Park South, Suite 204
Bakersfield, CA 93309

Dear Mr. VoVilla:

Thank you for the opportunity to review the Traffic Impact Study (TIS) for the General Plan Amendment (GPA) and Zone Change (ZC) for 62 acres of residential and commercial development. The project proposes a land use designation of Medium Density Residential, and a Zoning of R-2 for 40.31 acres; and a land use designation of General Commercial, and a zoning of C-1 for 21.32 acres. The project is located at the southeast corner of Sycamore Road and Tejon Highway in the City of Arvin.

Based on the information provided, Caltrans has the following comments:

- On Figure 2, please provide the A.M. Peak Hour volumes and turning movements for the following intersections: SR 223 and Meyer Street, SR 223 and Comanche Drive, and Franklin Street and Meyer Street.
- If the project is expected to generate traffic at the Malovich and SR 223 intersection, then the paving of Malovich road should be included in the conditions of approval for any subsequent proposals.
- The distribution percentage of the project trip generation on SR 223 seems low. Please provide justification.
- On page 2 of 27, under State Highway 223, the signalized intersection located at S. Hill Street and SR 223 is missing from the analysis.
- Per the Caltrans 2013 Daily Truck Traffic counts, the Truck percentages on SR 223 range from 10% to 13%. Please correct the HCS analysis data accordingly.

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

71 OF 74

Mr. Matthew VoVilla
August 6, 2015
Page 2

- Per the Highway Capacity Manual, "Peak Hour Factor" default value should be 0.88 for rural and 0.92 for urban if actual data is not available. Please implement this in the analysis.

Please address the above comments and resubmit for review. If you have any further questions, contact Kevin Lum at (559) 444-2583.

Sincerely,



for: Sandra Scherr, Senior Transportation Planner
Planning South Branch



State of California • Natural Resources Agency
 Department of Conservation
Division of Oil, Gas, and Geothermal Resources
Inland District
 4800 Stockdale Highway • Suite 100
 Bakersfield, CA 93309
 (661) 322-4031 • FAX (661) 861-0279

Edmund G. Brown Jr., Governor

April 11, 2018

Mr. Jake Raper, AICP JAS Contract Planner
 City of Arvin
 Community Development Department, Planning Division
 141 Plumtree Drive
 Arvin, CA 93203

Subject: Ariston Project – GP/ZC 2014-01, Bisla Farms

Dear Mr. Raper:

The Department of Conservation, Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced Request for Comments and submits the following evaluation.

The project is located in Kern County, within the Mountain View oil field administrative boundaries. Division records indicate there are no known oil, gas, or geothermal wells located within the project boundary as identified in the notice, and therefore, no further review by the Division is required.

If during development activities, any wells are encountered that were not part of this review, the property owner/developer shall immediately notify the Division's construction site well review engineer in the Bakersfield district office. The district office will send a follow-up well evaluation letter to the property owner and local permitting agency. Remedial plugging and abandonment operations may be required.

Thank you for the opportunity to comment on this project. Should any questions arise, please contact me in the Bakersfield district office at **(661) 334-3662**.

Sincerely,

Michael Toland
 Senior Oil and Gas Engineer
 Environmental Unit Supervisor

Attachment: Correspondence on GPA ZC 2013-01 (Ariston Project)

73 OF

Johnson, Michael@DOC <Michael.Johnson@conservation.ca.gov>
DOGGR comments on Construction Site Review

TO: Jake Raper <jraper@arvin.org>

CC: Perez, Jan@DOC <Jan.Perez@conservation.ca.gov>; Chan, Crina@DOC
<Crina.Chan@conservation.ca.gov>; Shular, Tim@DOC <Tim.Shular@conservation.ca.gov>; Toland,
Michael@DOC <Michael.Toland@conservation.ca.gov>; Solanki, Max@DOC
<Max.Solanki@conservation.ca.gov>

Good afternoon

Please find attached comments from the Division of Oil, Gas, and Geothermal Resources regarding
Ariston Project – GP/ZC 2014-01, Bisla Farms.

Thank you

Michael Johnson

*Associate Oil and Gas Engineer
California Department of Conservation
Division of Oil, Gas, and Geothermal Resources
Bakersfield, CA
(661) 334-3667
<http://www.conservation.ca.gov/dog>*

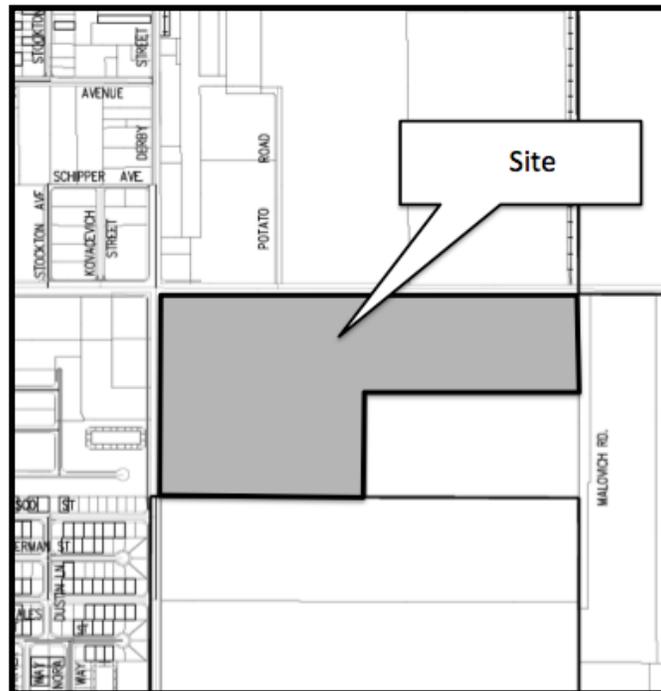


City of Arvin

**Environmental Assessment 2018-10
Initial Environmental Study and
Proposed Mitigated Negative Declaration**

for

General Plan Amendment 20013-01/Zone Change 2013-01 (Ariston)



Prepared for

City of Arvin

Prepared by

**City of Arvin – Community Development Department
Updated June 2018**

Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)

City of Arvin**ENVIRONMENTAL INITIAL STUDY/CHECKLIST**

General Plan Amendment 2013-01/Zone Change 2013-01 (Ariston)".

The applicant is seeking approval of a general plan amendment from Light Industrial and Heavy Industrial and zone change from A-1, Light Agricultural and General Agricultural to C-2-PD General Commercial for 21.32 Acres and R-2-PD Two Family for 27.17 Acres; R-3-PD Limited Multiple Family for 7.15 Acres; and R-4-PD for 6.01 Acres – Project consists of 62 acres located south of Sycamore Road, east of Tejon Highway (Derby St.) and west of Malovich Road in the City of Arvin.

**1. Project Overview**

General Plan Amendment 2013-01/Zone Change 2013-01 (Ariston)". The applicant is seeking approval of a general plan amendment from Light Industrial and Heavy Industrial and zone change from A-1, Light Agricultural and General Agricultural to C-2-PD General Commercial for 21.32 Acres and R-2-PD Two Family for 27.17 Acres; R-3-PD Limited Multiple Family for 7.15 Acres; and R-4-PD for 6.01 Acres – Project consists of 62 acres located south of Sycamore Road, east of Tejon Highway (Derby St.) and west of Malovich Road in the City of Arvin.

2. PURPOSE OF THE INITIAL STUDY

The California Environmental Quality Act (CEQA) requires that the Lead Agency of a project – in this case the City of Arvin – evaluate the direct and indirect environmental impacts associated with the project. Projects may, however, be exempt from CEQA through either statutory exemptions or categorical exemptions. Projects not qualifying for exemption must be evaluated within the framework of an Initial Study to establish the potential significance of known or expected environmental impacts.

An Initial Study constitutes preliminary analysis of potential project impacts to be used for assessing a need to prepare a detailed EIR. The purpose of an Initial Study, according to the CEQA Guidelines [Section 15063(c)], is to:

1. Facilitate environmental assessment early in the design of a project;
2. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration;
3. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
4. Enable an applicant or Lead Agency to modify a project and effect modifications to the project or elements of the proposed project, mitigating potentially adverse significant impacts, and thereby enabling the project to qualify for a Mitigated Negative Declaration;
5. Eliminate unnecessary EIRs;
6. Determine whether a previously prepared EIR could be used with the project; and
7. Assist the preparation of an EIR, if one is required, by:
 - a) Focusing the EIR on the effects determined to be significant;
 - b) Identifying the effects determined not to be significant;

- c) Explaining the reasons for determining that potentially significant effects would not be significant with appropriate mitigation actions; and
- d) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project’s environmental effects.

This Initial Study is prepared as the basic document for determining whether implementation of the project may cause significant adverse environmental impacts.

3. ENVIRONMENTAL ANALYSIS

A. Project Title:

City of Arvin General Plan Amendment 2013-01 and Zone Change 2013-01 – Ariston Project

B. Lead Agency Name and Address:

City of Arvin
 200 Campus Drive
 Arvin, CA 93203

C. Contact Person and Phone Number:

Jake Raper – City Planner JAS Planning Consultant 141 Plumtree Drive Arvin, CA 93203 661-854-2822	Cecilia Vela, City Clerk City of Arvin 200 Campus Drive PO Box 548 Arvin, CA 93203 (661) 854-3134
---------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------

D. Project Location:

The City of Arvin is located in Kern County. The City is situated approximately 10 miles east of SR-99 and about 15 miles southeast of downtown Bakersfield and about 100 miles north of downtown Los Angeles. The General Plan Amendment and Zone Change are identified as APN’s 189-352-02 and -08 (“Project Site”) located at the acres located south of Sycamore Road, east of Tejon Highway (Derby St.) and west of Malovich Road in the City of Arvin. **Figure 1** shows the regional location of the City and Figure 2 General Plan Land Use Diagram shows the location of the proposed Project Site.

E. Project Sponsor’s Name and Address:

Applicant: Dave Cowin, The Ariston Group 2344 Tulare St # 300, Fresno, CA 93721 (559) 264-5400 email: wdcowin@thearistongroup.com	Agent: Matt Vovilla LAV/Pinnacle Engineering 5401 Business Park S #204, Bakersfield, CA 93309 (661) 869-0184 email: matt@pinnacle2.com	Property Owner: Bisla Farms 4215 Waterfall Canyon Drive Bakersfield, CA 93313
-----------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------

Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)

F. General Plan Designation:

Light Industrial and Heavy Industrial

Figure 2 - Illustrates the General Plan Land Use designations.

G. Zoning:

A-1, Light Agricultural and General Agricultural

Figure 3 illustrates the zoning for the City.

1.0 INTRODUCTION**Executive Summary**

This document is an analysis of the potential environmental impacts of the project entitled General Plan Amendment 2013-01/Zone Change 2013-01 (Ariston) proposed in the City of Arvin. The applicant is seeking approval to amend the zoning and land use designations on two parcels containing approximately 62 acres of land located south of Sycamore Road, east of Tejon Highway (Derby Street) and west of Malovich Road.

The City Council approved cancellation of the agricultural preserve contract for the site on December 3, 2013, in anticipation of future development, Resolution No. 2013-27 and filed the Notice of Determination on November 25, 2013. Also, the City and Applicant filed the Department of Fish and Game Fee on November 11, 2013 in the amount of \$2,156.25. Receipt Number 15130512.

This environmental study determined the project, with mitigation, would not have a significant impact on the environment. Consistent with the California Environmental Quality Act, the City has elected to prepare a "Mitigated Negative Declaration".

A more thorough discussion of environmental impacts is found in Section 4.0 of this document.

1.1 What is This Document?

The following document is an analysis of potential environmental impacts of the project entitled General Plan Amendment 2013-01/Zone Change 2013-01 (Ariston) being proposed in the City of Arvin.

The California Environmental Quality Act (CEQA) requires public agencies to evaluate the potential environmental effects of land use projects and actions that may impact the environment. A request to amend land use and zoning designations is deemed a "project" under CEQA and must be evaluated for its environmental impacts.

The first step of environmental review is to determine whether a project is exempt from further review. CEQA contains a list of projects and actions normally considered to be exempt. The act of amending land use and zoning designations is not exempt from review. The next step is to prepare an Initial Environmental Study (IES). The IES is an initial review of the project and its potential effects. The IES includes:

- A profile of existing conditions on the project site and vicinity.
- A checklist of potential environmental effects of the project. This checklist helps the agency focus its examination of environmental issues.

- A discussion of the environmental effects contained on the checklist.
- A list of measures (mitigation measures) that can be employed to reduce or eliminate environmental effects resulting from the project.

The purpose of the IES is to determine the magnitude of potential environmental impacts of the project. The IES will make one of three determinations regarding the project:

- **The project will not have a significant impact on the environment.** A Negative Declaration is prepared to adopt the findings of the study.
- **The project could have a significant impact on the environment**, however mitigation measures have been devised that will minimize those potential impacts to a level that is considered "less than significant". A Mitigated Negative Declaration is prepared to adopt the findings of the study.
- **The project will have a significant impact on the environment** and an Environmental Impact Report (EIR) must be prepared. An EIR is an in-depth discussion of the project and its impacts. Mitigation measures that can reduce the magnitude of the impacts must also be discussed. The EIR must also examine alternatives to the project that may or may not reduce environmental impacts. These alternatives could include an alternative site or a different way to design the project. The EIR must also discuss "cumulative impacts" which are impacts that will occur when the project is considered along with other development in the area or the region that may be occurring in the same time frame.

Within an EIR, impacts that cannot be reduced to a level that is "less than significant" must be acknowledged. When considering these impacts, the decision-making body must consider and adopt a "Statement of Overriding Considerations" - a statement contained in a resolution that finds that the benefits of the project outweigh its negative environmental effects.

Environmental analysis must be conducted before the decision-making body can take action on the project itself - in this case, amending land use and zoning designations.

Public Review

CEQA requires the environmental analysis to be made available for public review. This allows members of the public, individuals, property owners and potentially affected public agencies to review the findings of the study. The review period for this Initial Environmental Study is 20 days. Individuals and agencies may submit comments on the study during the public review period. The City will be responsible for preparing written responses on any comment letters or phone calls received during the review process. Proposed time line for public review and hearings before the Planning Commission and City Council is as follows:

NOI to adopted Mitigated Negative Declaration - File with County Clerk	June 28, 2018	
Review Period	20 days	July 20, 2018
Notice to Newspaper	Send to Newspaper on June 28, 2018	Publish on June 30, 2018
Review Period	20 days	July 20, 2018
Proposed Special Planning Commission – Hearing Date	July 31, 2018	
Publish in Newspaper Proposed Planning Commission Hearing Date	Send Notice to Newspaper on July 18, 2018	Publish on July 20, 2018
Proposed City Council Hearing Date	August 21, 2018	

Newspaper Public Hearing Notice for City Council meeting	Send Notice to Newspaper on August 8 2018	Publish CC Hearing date on August 10, 2018
----------------------------------------------------------	-------------------------------------------	--------------------------------------------

The Planning Commission and City Council must consider the findings of the IES in public hearings. Any person may speak on the environmental study at the public hearing and the decision-making bodies must consider any comments. If, after taking testimony from the public, considering written comments submitted during the public review period, and considering the environmental study itself, the decision-making body feels that the findings of the study are correct, they may then adopt the findings of the study. If however, the decision-making body feels the study does not adequately analyse and document the project, it may require additional study.

What is a "Significant Impact"?

The word "significant" is a subjective term, however, CEQA contains a list of impacts that are normally considered to be "significant". Impacts most commonly found to be significant for development projects in Valley communities include:

- Loss of prime farmland
- Impacts to air quality that exceed adopted thresholds
- Loss of endangered plant and animal species
- Exceeding capacity of infrastructure systems - local water or sewer systems
- Impacts/overdraft of groundwater
- Traffic/circulation
- Public services
- Growth-inducing impacts
- Cumulative impacts

This list is not all-inclusive impacts will vary depending on the nature of a specific project, its site and surroundings. It should also be noted that if an impact was acknowledged as significant in a previous environmental document (such as a General Plan EIR), a subsequent EIR is not typically required.

2.0 PROJECT INFORMATION

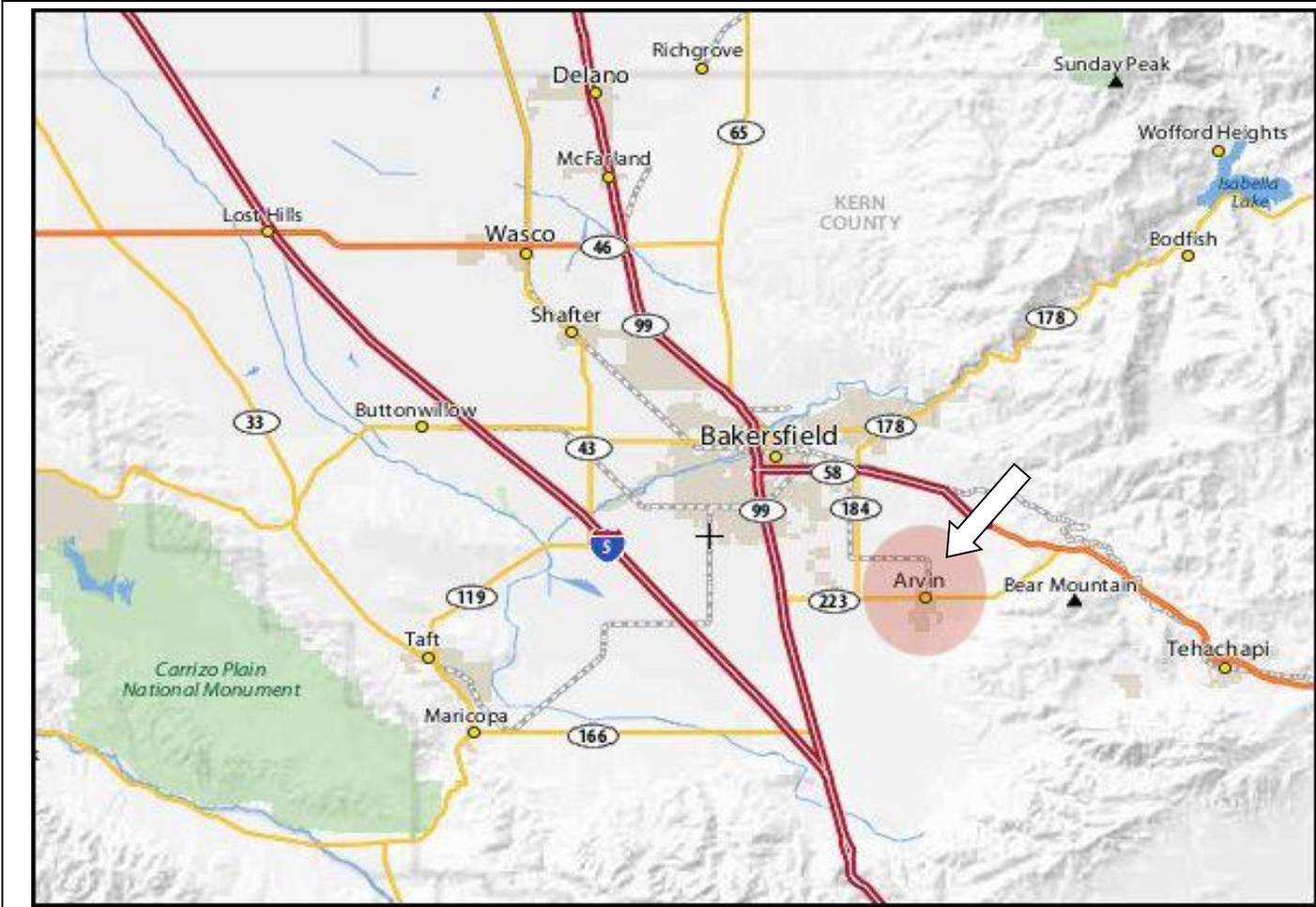
2.1 Location

The City of Arvin is located on State Highway 223 about ten miles east of State Highway 99, in the southeast corner of the San Joaquin Valley (see Figure 1). The City is located about 20 miles southeast of Bakersfield, the largest city in Kern County and the county seat.

The project site (see Figure 2) encompasses approximately 62 acres, in the southeast part of the City of Arvin, and is generally located on the south side of Sycamore Road, east of Tejon Highway, and west of Malovich Road.

The Project site is identified by Assessor Parcel Numbers 189-352-02 and -08: See Figure 4

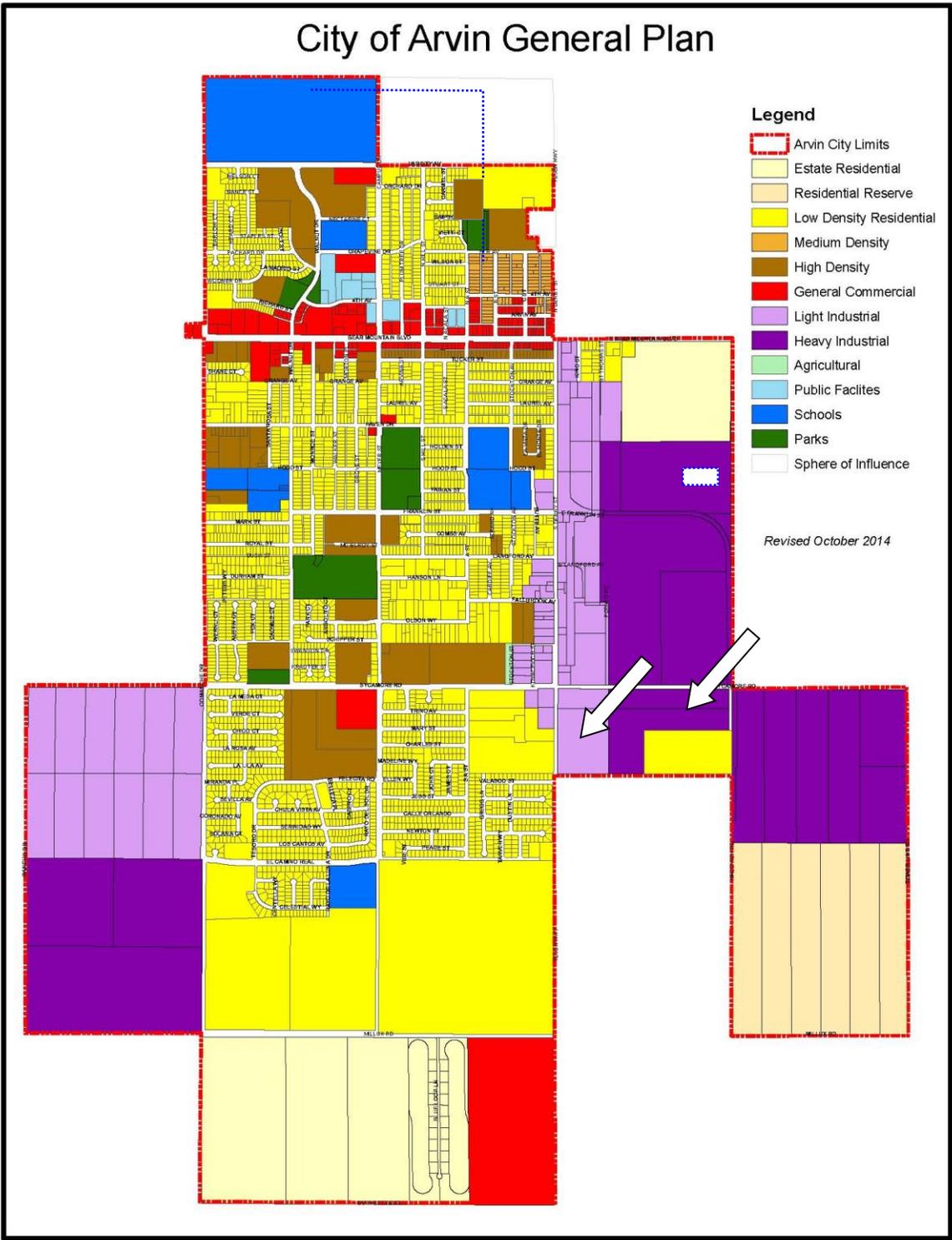
Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)



City of Arvin General Plan Amendment and Zone Change 2013-01

**Figure 1
Regional Location of the
City of Arvin**

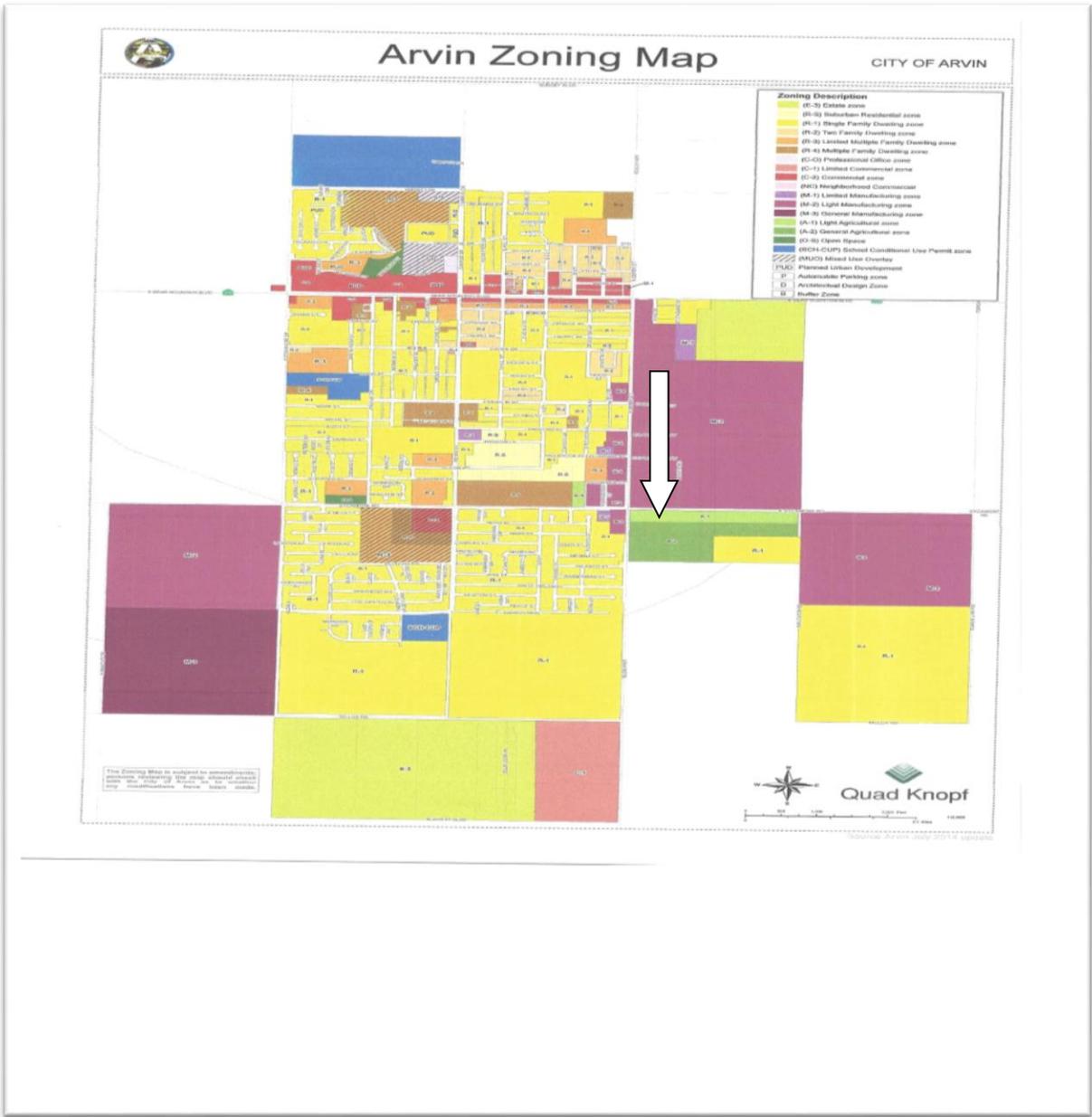
Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)



Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)

City of Arvin General Plan and Rezone 2013-01 – Project Location

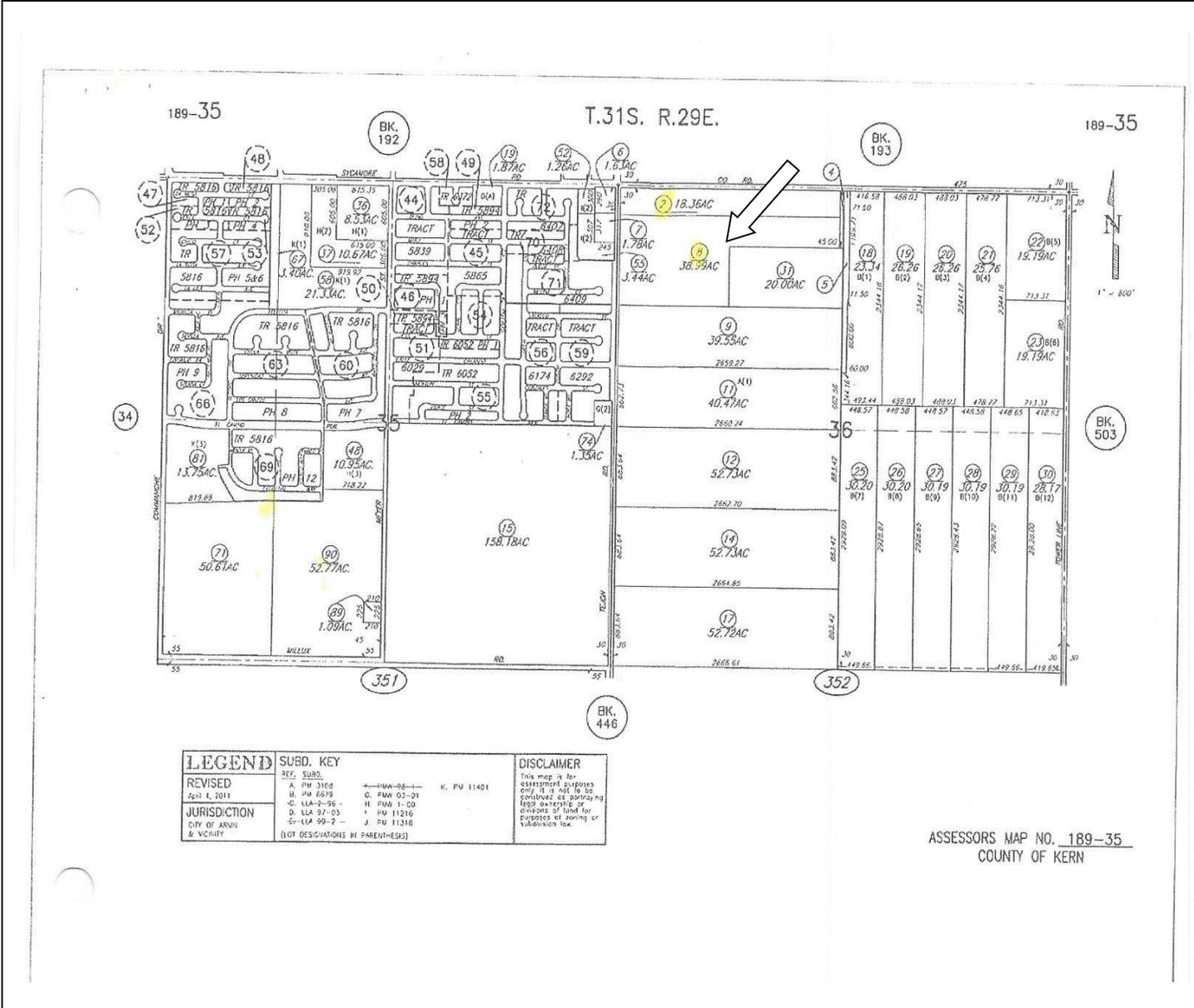
**Figure 2
General Plan Land Use Map**



General Plan Amendment and Rezone 2013-01

Figure 3 -City of Arvin Zoning Map As of 2018

Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)



Assessor Map Numbers 189-350-02 and -08:

Figure 4

2.2 Project Description

The project is a request for an amendment to the General Plan land use designation and zoning for the subject site (see below). The Assessor Parcel Numbers of the subject parcels are 189-352-02 and 189-352-08. The site is within Arvin City limits. On December 3, 2013 the City Council approved the early cancellation of an agricultural preserve contract that applied to the site.

Currently, the 2012 Arvin General Plan applies two land use designations to the site. The westerly one-third is designated "Light Industrial" and the easterly two-thirds of the site is designated "Heavy Industrial". These designations allow for a variety of industrial uses; the Light Industrial designation is generally intended for less

Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)

intensive uses like warehousing and smaller-scale manufacturing operations while the Heavy Industrial designation accommodates a wide variety of more intensive industrial activities.

The applicant is requesting approval for a General Plan Amendment to re-designate the site as shown in Figure 5.

These designations include:

40.13 acres designated as Residential – 27.17 Acres “Medium Density Residential -Permitting up to a maximum of 15 units per acre”; 13.6 Acres High Density Residential – Permitting up to a maximum of 20 and 24 units per acre”

21.32 acres designated “General Commercial”

In terms of zoning, the land use designations translate into the following zoning categories:

27.17 Acres zoned R-2-PD (Two Family Dwelling Zone- Planned Development) permitting up to 15 units per acre; R-3-PD (Limited Multiple Family Zone- Planned Development) permitting up to a maximum of 20 units per acre; and R-4-PD (Multiple Family Dwelling Zone – Planned Development) permitting up to a maximum of 24 units per acre. 21.32 acres zoned C-2-PD (General Commercial - Planned Development)

R-2-PD Residential Zoned Lands – 27.17 Acres: The R-2-PD zone is a residential zone that allows for both single family residential development as well as duplexes. The minimum lot size in this zone is 6,000 square feet, and the minimum lot area per dwelling (for duplexes) is 3,000 square feet. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics. The maximum lot coverage is 50%. Minimum yard setbacks are as follows:

Front Yard: 25 feet, minimum

Side Yard: 5 feet, minimum

Rear Yard: 5 feet, minimum

Potential development of 405 residential units within the R-2-PD designated lands

R-3-PD Residential Zoned Lands- 7.15 Acres: The R-3-PD zone is a residential zone that allows only high density residential development. The land area must be developed of not less than 20 units per acre. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics.

Potential development of the 7.25 acres would yield 143 units that would be considered affordable housing.

R-4-PD Residential Zoned Lands- 6.01 Acres: The R-4-PD zone is a residential zone that allows only high density residential development. The land area must be developed of not less than 24 units per acre. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics.

Potential development of the 6.01 acres would yield 144 that would be considered affordable housing.

C-2-PD General Commercial- Planned Development allows a variety of commercial activities. The Planned Development combined zone designation allows flexibility in the design and potential reduction of development standards dependent upon the design and project characteristics.

(Note: Categorical Exemption Section 65863(h) - An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the CEQA (Division 13) (commencing with Section 21000) of the PRC to identify, analyse, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a “project” for purposes of the CEQA (Division 13 (commencing with Section 21000) of the PRC.

The City has established a implementation program which establishes a no net loss of affordable housing sites. Some sites identified in the 2017 Housing Element are either committed via a vesting tentative map or limitations due to location of oil and gas extraction activity. The proposed designation for R-3-PD Limited Multiple Family of 7.15 Acres; and R-4-PD for 6.01 Acres insures that the No Net Loss policy is implemented.

Land surrounding the subject property is designated by the Arvin General Plan as follows:

North: “Light Industrial”, “Heavy Industrial”

South: “Low Density Residential” (Note: General Plan Amendment and Rezone to Industrial has been requested) and County agricultural designation

West: “Low Density Residential”, “Light Industrial”

East: “Heavy Industrial”

The site is currently zoned with two zoning designations. A strip along the northern edge of the site is zoned A-1 (Light Agricultural). The remainder of the site (to the south) is zoned A-2 (General Agriculture). The A-1 and A-2 zones allow various types of agricultural uses – with more intensive agricultural activities permitted in the A-2 zone. The existing orchards on the site are permitted in both the A-1 and A-2 zones.

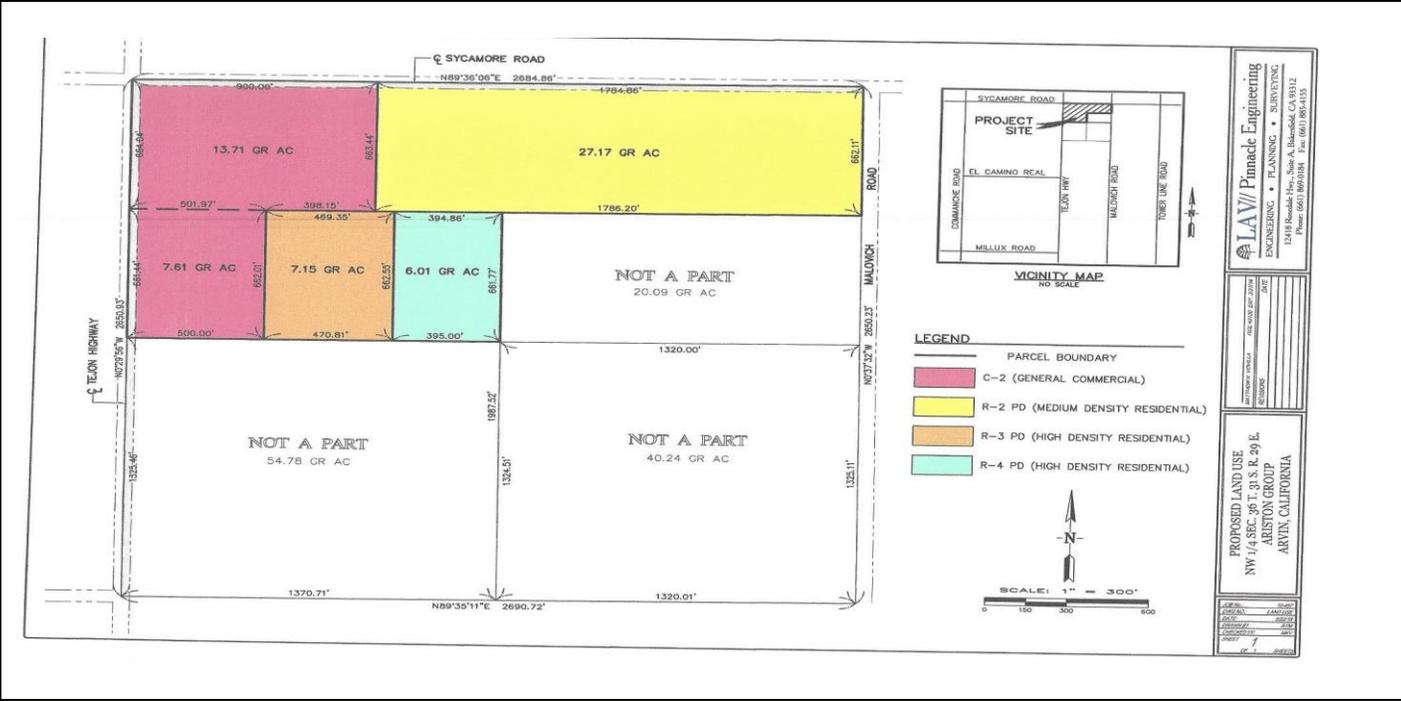
Surrounding adjacent parcels are zoned as follows:

West: R-1 (Single Family Residential) and M-2 (Light Manufacturing)

North: M-2 (Light Manufacturing)

East: R-1 (Single Family Residential) and A-2 (General Agriculture)

South: County agricultural zoning



Proposed Land Use Designation

Figure 5

**Table 39 Excerpt from 2017 Housing Element
CURRENT DEVELOPMENT STANDARDS**

Standards	R-1	R-2	R-3	R-4	R-S	E	E-1	E-2	E-3	E-4	E-5	MOU
Min. Lot Size	6,000 sf 8,000 sf (R-1-8) 10,000 sf (R-1-10) Varies (R-1-PUD)	6,000 sf 7,500 sf (R-2-7.5)	6,000 sf	6,000 sf	6,000 sf	10,000 sf	12,000 sf	18,000 sf	24,000 sf	1 Acre	2.5 Acre	6,000
Max. Density	6 du/ac.	15 du/ac.	20 du/ac.	24 du/ac.	6 du/ac.	1 du /1.25 ac.	Underlying Res Zone or du /ac Com. Z					
Max. Building Height Stores (Feet)	2.5 (35 ft.)	2.5 (35 ft.)	2.5 (35 ft.)	4 (45 ft.)	2.5 (35 ft.)	2.5 (35 ft.)	2.5 (35 ft.)	2.5 (35 ft.)	2.5 (35 ft.)	2.5 (35 ft.)	2.5 (35 ft.)	4 (45 ft.)
Min. Front Yard	25 ft.	25 ft.	15 ft.	10 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	10 ft
Min. Side Yard	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Min. Rear Yard	10 ft.	5 ft.(15ft)	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	15 ft
Min. Unit Size	775 sf 1,251 sf (R-1-8) 1,500 sf (R-1-10) Varies (R-1-PUD)	NA 1,200 sf (R-2-7.5)	NA	NA	NA	NA	NA	NA	NA	NA	NA	N/A

Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)

Source: Arvin Municipal Code

.3 Existing Land Use

Figure 6 shows an aerial photo of the site and surrounding areas. The subject property is currently planted with almond orchards. There is also a sump basin for irrigation water in the north central part of the site. Surrounding properties are characterized with a variety of uses, as follows:

- West: Single family residential and agricultural chemical company
- North: Agricultural processing facilities and fallow land
- East: Vacant land (with an uncompleted residential subdivision) and field crops
- South: Agricultural (orchards)

Figure 6: Aerial Photo



Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)

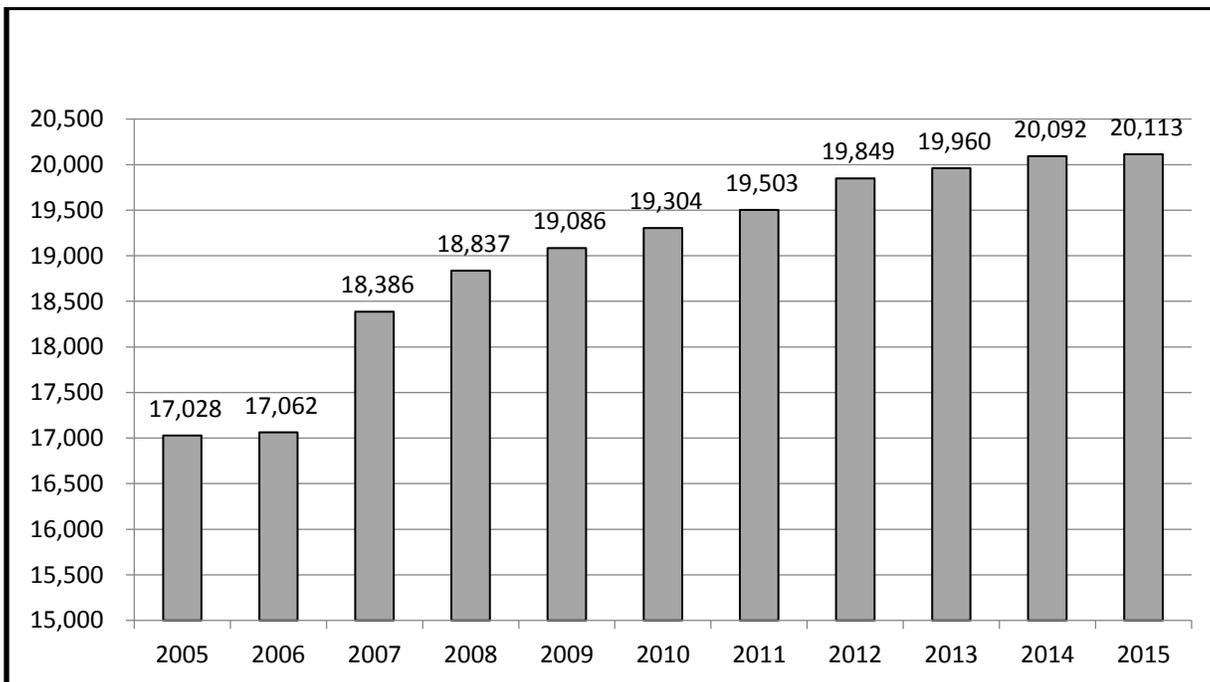
3.0 PROJECT SETTING

3.1 Population

Arvin’s population has shown a steady pattern of growth, levelling off in recent years. Since 2002 the population has grown at an average annual rate of 2-1/2 percent. Actual growth has ranged from 0.2% to 7.2% per year. Since 2010 population growth has slowed to about 1.3% per year. The estimated population in 2015 was 20,113 persons. Chart 1 shows population growth since 2005. According to the Arvin Housing Element, Arvin’s population increased about 49% from 2000 to 2010.

Using recent population growth rate observed since 2010 (1.3% per year) Arvin’s population would be expected to grow to 21,850 persons by 2020, and 24,860 by 2030. Using the higher annual rate of 2.5% per year observed since 2000, population would be projected to reach 23,725 by 2020 and 30,370 by 2030. At this point it appears prudent to expect the lower growth rate to be more realistic.

Chart 1
City of Arvin - Population Growth 2005 - 2015



Source: California Department of Finance, U.S. Census Bureau, 2005 – 2015.

3.2 Traffic and Circulation

The subject site has access from three major roadways, including Sycamore Road, Tejon Highway and Malovich Road. Sycamore Road is an east-west Arterial roadway that runs across the north side of the site. Within the vicinity of the site Sycamore features one travel lane in each direction along with gravel shoulders.

Transportation planning and policies in Arvin are provided for in the 2012 Arvin Circulation Element – an element of the Arvin General Plan. According to the Circulation Element, Sycamore is designated as a Minor Arterial

Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)

road. Ultimate improvements call for a right-of-way of 80 feet, accommodating two travel lanes, medians and channelized turn lanes at intersections with minor arterials and collectors.

Tejon Highway (also referred to as Derby Road) is a north-south roadway that runs along the west side of the site. In the vicinity of the site this roadway features one travel lane in each direction. Portions of the roadway have been widened with curbs, gutters and sidewalks, along the west side of the road. Tejon Highway is also designated as a Minor Arterial by the Arvin Circulation Element.

Malovich Road runs along the east side of the site. This roadway terminates a short distance south of the site, where an unfinished residential subdivision has been started. In the vicinity of the site Malovich features one travel lane in each direction along with gravel shoulders. Malovich is designated as a “Collector” roadway by the Arvin Circulation Element. For collector streets the Circulation Element calls for an ultimate design standard with a right of way of 68 feet accommodating one travel lane, a center median and bike lanes.

The intersection of Sycamore and Tejon Highway is controlled by stop signs for traffic on all approaches. The intersection of Sycamore and Malovich is controlled with a stop sign for northbound traffic on Malovich.

There are currently no other alternative transportation facilities in the vicinity of the site, such as bike lanes, sidewalks, walking trails, or transit stops. Development that may occur in the future would be expected to install sidewalks, bike lines and transit stops (where required).

A Traffic Impact Study was prepared for the project and is attached as Appendix “A”. The results of the study are discussed in Section 4.0.

Proposed Mitigation Measures:

Background:

In 2015, the City of Arvin prepared an update to the Traffic Impact Fee (TIF) for land development projects. Given anticipated population growth for the City, the Nexus Study for Traffic Impact Fee Update identified transportation improvements that would be needed in the future to maintain a good level of service for roads and intersections. These improvements include such things as road widening and installation of traffic signals. As part of the Nexus Study for the TIF, a comprehensive list of future transportation mitigation needs was determined as well as an associated cost for all of those improvements. Using this total cost, Transportation Impact Fees for commercial, industrial, offices and the various forms of residential land use were developed that fairly distributed those fees among the various development types as a pro-rata share based on vehicular trips. The City of Arvin's Traffic Impact Fee program includes a unit fee for single and multi-family dwelling units. For commercial, industrial and office projects, the Traffic Impact Fee is based on historic and publish vehicle trip data for said development types.

Again, the intent of the Nexus Study was to identify all needed future traffic mitigation improvements. However, should the Traffic Impact Study (TIS) for a project identify a needed traffic mitigation improvement that is not covered by the TIF program, then said project must pay its pro-rata share for said mitigation improvement. The

pro-rata share being the ratio of Project-generated traffic to estimated future traffic multiplied by the cost of mitigation improvement.

In the case of this Project, the TIS estimated the intersection of Franklin Street and Derby, by Year 2035, would degrade from a LOS of "B" to "E", (with the addition of Project-generated traffic). The TIS for the Project also determined that installation of a traffic signal was the only mitigation that would restore the intersection's LOS to the pre-Project LOS of "B".

The City's Traffic Impact Fee Program funds installation of four signals; however, the location for these was not specified in the Nexus Study. Based on estimated future traffic, and the assumption that the intersection of Franklin and Derby was not one of the four signals funded by the TIF program, it was assumed that the Project would be obligated to fund its pro-rata share of this traffic signal. The Project's funding obligation being taken as the ratio of Project-generated traffic to Year 2035 total peak hour volume, as follows:

$$\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%$$

Therefore, **traffic mitigation** for the Project is specifically defined as follows:

1. The Project shall pay traffic impact fees for each development type in accordance with the City's Traffic Impact Fee Program Update of 2015. The fee will be computed and collected at the time of building permit application. (Note: The project will be subject to any updated fees associated with the City's Traffic Impact Fee Program in effect at the time of project development. – Added by Staff June 2018)
2. The Project shall pay 22% of the cost of a traffic signal at the intersection of Franklin Street and Darby Street. Said Project share of the traffic signal will be further pro-rated among the various land uses proposed by the Project based on trips for each development type. The Developer's engineer shall prepare an estimate for the traffic signal, and the allocation of this cost to each Project land use. This cost and fee allocation must be approved by the Arvin City Engineer and will be in addition to the Traffic Impact Fee collected at the time of building permit application. (Note: Prior to any land division or development entitlement for any portion of the property said estimate for traffic signal cost shall be prepared and must receive approval by the City Engineer. – Added by Staff June 2018)
3. In addition to the off-site mitigation measures as identified in the Traffic Impact Study dated 2016, the project shall be required to dedicate road right-of-way along the property frontage, improvement of frontage which include, curb, gutter, sidewalk and street improvements. Any off-site improvements identified in the traffic report may be required by the City Engineer. . (Added by Staff June 2018)
4. Prior to project development an internal circulation and traffic master street layout (must include adjacent lands as well) shall be required and approved by the City Engineer prior to or current with future land divisions or development. (Added by Staff June 2018)

3.3 Utilities

Sewer

A Limited Sewer, Domestic Water, and Hydrology Study was completed for the proposed project.

At maximum build-out, the Project theoretically will generate an average sewage flow of 122 gallons per minute - gpm, or 0.18 Million Gallons per Day — MGD.

The existing capacity of the Sewage Treatment Plant currently has headworks and pumping capacity of 2.0 MGD and 4.0 MGD for average and peak capacities, respectively. The existing average daily flow to the plant varies from less than 1.2 MGD during winter months to a peak of 1.4 MGD during August.

The addition of flow from the Project (0.18 MGD) and the existing peak flow to the plant (1.4 MGD), yields 1.58 MGD. This amount is less than the existing plant capacity, without upgrades.

Design and Implementation: There are a number of options to provide sewer pipelines to the Project, which have been outlined in the attached detailed sewer study. All existing sewer lines have sufficient excess capacity to accommodate sewer flows from the Project.

Implementation Condition: Prior to any project entitlement, Site Development, Tentative Map, etc. a master sewer plan must be prepared and must receive approval by the City.

The City of Arvin (in partnership with Veolia Water, Inc.) provides sewer service to most developed properties within its city limits. The existing system consists of a network of 6- and 8- inch collection lines that connect to 10- and 12- and 18-inch mains. These connect to the city's wastewater treatment plant (WWTP) located southwest of the urban area. The nearest sewer line to the subject site is an existing 10-inch line under Sycamore Road. Staff with Veolia indicates the grade in this line is fairly level and future development in this part of the community may require installation of a lift station.

Arvin's WWTP is designed to accommodate an average daily flow of 2.0 million gallons per day (mgd) and up to 4.0 mgd for peak flows. In recent months the plant has been experiencing an average daily flow varies from 1.2 mgd during winter months to 1.4 mgd during August.

Implementation Condition: Prior to or concurrent of any project entitlement, Site Development, Tentative Map, etc. a master sewer plan must be prepared and must receive approval by the City.

Water

Water service in Arvin is provided by the Arvin Community Services District (ACSD) which operates a series of groundwater wells, distribution lines, pumps and storage tanks. Currently the district operates five active wells and has two inoperative wells. Distribution lines include 8, 10 and 12 inch mains along with 4- and 6-inch local lines. Peak water demand typically occurs during August and has reached 3.6 million gallons per day (mgd). The current peak capacity of the system is about 6.0 mgd (4,600 gallons per minute). According to the environmental study that was prepared for the Arvin General Plan, future development that is prescribed by the Plan would

demand an additional 2.3 mgd of water by 2030. The study indicates there is adequate capacity in the system to accommodate growth projected to occur in the General Plan.

In the vicinity of the subject site, there is an 8-inch water line under Sycamore Road on the north edge of the site. There is also an 8-inch line under Malovich Road on the east side of the site. Well #1 is the nearest well to the site, located on Derby Road about ¼ mile north of Sycamore Road. The District plans to abandon this well soon, which would result in the well at 801 Charles Street being the closest to the site.

Implementation Condition: Prior to or current to any project entitlement, Site Development, Tentative Map, etc. approval must be provided to the City from the Arvin Community Service District.

Storm Drainage

Storm drainage within the City is provided by the City of Arvin. The City's system includes curbs and gutters, drainage inlets, pipelines and drainage basins. The City's Storm Drainage Master Plan was adopted in 2009 and indicates the existing system is adequate, with some exceptions, including Derby Street (north of the site) which has no curbs and gutters and suffers from ponding and flooding problems during rainy weather.

There are currently no storm drainage facilities on the subject site – facilities would have to be installed by the developer at the time the site is developed. This would likely include installation of on-site drainage basins.

Implementation Condition: Prior to or concurrent with any project entitlement, Site Development, Tentative Map, etc. a master storm drainage plan must be prepared and must receive approval by the City.

Gas and Electricity

Pacific Gas and Electric Company provides electrical service in Arvin. There are existing electricity and gas supply lines in the vicinity of the subject site. It is the responsibility of developers to extend these lines and install distribution facilities to serve new projects.

3.4 Biological Resources

The environmental report for the Arvin General Plan indicates that the San Joaquin Kit Fox, Blunt Nose Leopard Lizard and Tipton Kangaroo Rat are known as species of concern that might be present in and around the City (however unlikely). Much of the City has been developed and/or cultivated with urban uses for decades, thereby reducing the chance of occurrences of these species (and of habitat that would support them).

The subject site has been intensively cultivated for agricultural purposes for many decades. There appears to be no habitat that would support the existence of rare, threatened and endangered species.

No Mitigation Measures have been identified as a needed requirement for biological resources.

3.5 Geological Hazards

Arvin is in an area that is subject to significant ground movement resulting from earthquake activity. In 1952, an earthquake along the White Wolf Fault, which is located less than three miles east of the City caused immense

and widespread damage to the City and the region. This 7.5 magnitude earthquake resulted in many deaths and damaged buildings beyond repair.

Liquefaction is another seismic-related safety risk. It is defined as a phenomenon in which water-saturated granular soils are temporarily transformed from a solid to a liquid state because of a sudden shock or strain, typically occurring during earthquakes. Although the local water table averages 210 feet below the soil surface, the high seismic activity of the region may cause some seismic-related ground failure.

The occurrence of a major earthquake in the central and southern California region could result in loss of life, injury and property damage. Ground shaking would be responsible for the majority of the damage within the City of Arvin. However, this hazard is no greater than those present in other areas of the central and southern California region. In addition, the absence of earthquake faults in the City may result in a lesser seismic hazard than other areas. Furthermore, all construction of new buildings or rehabilitation of existing buildings must be in conformance with the latest adopted edition of the Uniform Building Code, zoning codes and State Building codes, to ensure that development will be in compliance with earthquake safety regulations

Implementation Program: All new structures shall be constructed in compliance with the Uniform Building Code.

3.6 Flooding

According to the Federal Emergency Management Agency (FEMA), portions of the City are in the 100-year flood zone with designation zones A, AO and X. The Flood Zones are defined as:

- Zone A – Areas subject to flooding by the one percent annual chance flood (100-year storm) with no base flood elevation determined.
- Zone AO -- Areas subject to flooding by the one percent chance flood with flood depths of one to three feet with an average depth and flood velocity determined.
- Zone X (shaded) – Areas of a 0.2 percent annual chance flood, areas subject to the one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile, and areas protected by levees for the one percent annual chance flood.

Because the City is in the 100-year flood zone, mandatory flood insurance purchase requirements and floodplain management standards apply.

About half of the subject site is within the AO zone; one third within Zone X and a smaller area within Zone “A”.

In order to minimize flooding impacts, and pursuant to FEMA requirements, Chapter 15.32 (Floodplain Management) of the Arvin Municipal Code establishes flood-resistant standards for building anchoring, construction materials and methods, storage of materials, utilities and land subdivisions. In addition, FEMA requires that for all new construction, the ground floor must be raised at least 24 inches above the highest adjacent grade.

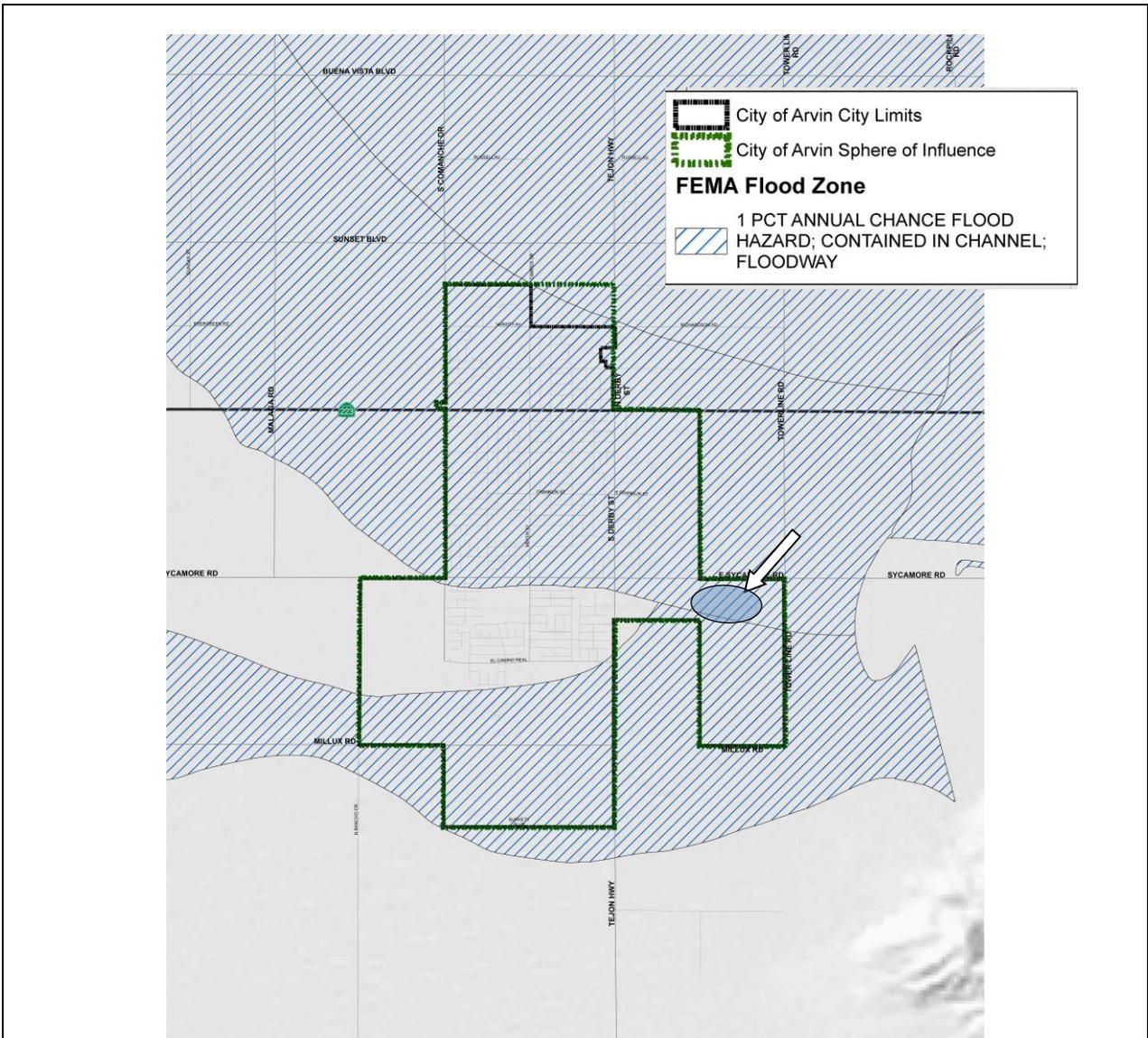
Implementation Requirements: In accordance with the City of Arvin's Flood Plain Ordinance, development will have to consider receive and discharge of flood water, and elevation of building pads above the flood depth. Receive and discharge of flood waters will be dependent upon street and lot layout for the Project. And vise-versa, the layout of the site must consider receive and discharge of flood waters.

3.7 Soils

Soils in the Arvin area are well suited for intensive crop production when irrigated. The Hesperia series soils dominate the Arvin area, particularly the Hesperia loamy fine sand and the fine sandy loam. Their color ranges from light-grayish brown to light brown. The surface soils are usually low in organic material and either slightly calcareous or non-calcareous. The subsoils extend to a depth of 31 to 60 inches and are more calcareous than the surface layer. Soils in the Arvin area generally have a fair to moderate holding capacity and have very good drainage.

These soils, which are classified as primary I and II soils under Soil Conservation Services guidelines, are influential in the area's recognition as a highly productive agricultural area. The main crops associated with this soil type are cotton, tomatoes, sugar beets, garlic, onions, grapes, and potatoes. With irrigation water available for the area, agriculture is the dominant land use surrounding the City.

Danger of erosion of this Hesperia soil is slight, due to the low degree of slope of the land and to the highly permeable nature of Hesperia loam. The combination of these two characteristics results in a situation of slight water runoff. Water tends to soak into the ground before it travels very far down slope, and thus contributes little to erosion. However, unplanted soils would be susceptible to wind erosion.



Source: Federal Emergency Management Agency, <http://www.arvin.org/wp-content/uploads/2017/02/Arvin-Flood.pdf>

City of Arvin -General Plan and Rezone 2013-01

FEMA Flood Hazard

Attachment: E1-IS Introduction Ariston 2018 IS - GP-ZC 2013-01 (Ariston Project)

Surrounding Land Uses and Setting

The project site (see Figure 2) encompasses approximately 62 acres, in the southeast part of the City of Arvin, and is generally located on the south side of Sycamore Road, east of Tejon Highway, and west of Malovich Road.

- West: Single family residential and agricultural chemical company
- North: Agricultural processing facilities and fallow land
- East: Vacant land (with an uncompleted residential subdivision) and field crops
- South: Agricultural (orchards)

M. Other Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement).

- State of California Department of Conservation, Division of Oil, Gas & Geothermal
- Kern County Fire Department
- San Joaquin Valley Air District
- State of California Regional Water Quality Control Board
- State of California Department of Transportation District 6

N. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|-----------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities and Service Systems |
| | <input type="checkbox"/> Mandatory Findings of Significance | |

O. 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 the mitigation measures described on an attached sheet have been added to the project. 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 significant effect(s) on the environment, but at least one effect 1) has been adequately analysed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the

earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An ENVIRONMENTAL IMPACT REPORT is required, but it must analyse only the effects that remain to be addressed.

I find that the project has been designed to self-mitigate environmental concerns by incorporation mitigations in the proposed project operational statement checklist and will be conditioned upon compliance with Title 17.46 Oil and Gas Production and qualifies for a Class 3 Categorical Exemption AND Section 15061(b)(3) General Rule.

Signature	Date
Jake Raper	City Planner
Printed Name	Title

4.0 DISCUSSION OF POTENTIAL ENVIRONMENTAL IMPACTS

This section of the Initial Environmental Study analyses potential impacts of the proposed project. For each topic a determination of the magnitude of the impact is made (via checklist) and then the impact is analysed and discussed. Where appropriate, mitigation measures are identified that will reduce or eliminate an impact.

I. Aesthetics				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or night-time views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Item (a) and (b): No Impact. The City of Arvin is located in the southern portion of San Joaquin Valley and is situated between the City of Bakersfield to the north and the Los Angeles County borders to the south. The surrounding farmlands and the southern portion of the Sierra Nevada and Tehachapi Mountains are the dominant features of the scenic vistas to the east of the City. The surrounding farmlands are the dominant feature along the City’s borders. The City is not located in an area known to have a “scenic vista,” nor is it situated along a City-, County- or State-designated scenic highway or corridor. Due to the physical features of the local roadways, landscape and built environment, no potential exists within the foreseeable future for satisfying the necessary criteria for establishment of new scenic highways. Since the proposed project is a general plan amendment and zone change, not physical development is proposed, it will not have any adverse aesthetic impacts not already addressed in prior the environmental documents prepared for the General Plan, Zoning Ordinance, and amendments.

Item (c): No Impact. The proposed general plan and zone change amendment, in and of itself, is not a development project that will degrade the existing visual character of the City. It is a policy document with housing policies, and programs intended to improve existing housing conditions, which will further improve the character and overall quality of the residential neighborhoods of the City. In addition, compliance with the General Plan policies presented below will ensure that visual impacts on the City is not adversely impacted:

Attachment: E2- IS -Pt 1 Check List GP-ZC 2013-01 (Ariston Project)

- LU-1.1 Ensure that all new development incorporates sound design practices and is compatible with the scale, mass and character of the surrounding area.**
- LU-1.2 Provide high-quality public spaces that incorporate attractive landscaping and streetscaping for the benefit of present and future Arvin residents.**

Item (d) No Impact. Current sources of illumination in the City generally consist of streetlamps, parking lot lighting, architectural lighting, traffic signals, minor identification signs and other interior and exterior lighting associated with existing residential development. The primary sources of additional light and glare may come from parking lot and building lighting, and from the extensive use of reflective building materials. As a policy document, the proposed Housing Element Amendment will have no impacts on light or glare. Also, adherence to existing development standards in the Zoning Ordinance that address building materials, landscaping, building height and intensity, architectural requirements, fences and walls, and light and glare will be sufficient to minimize any potential visual impacts from future residential development.

Discussion:

The site is characterized by agricultural uses – primarily almond orchards. Surrounding areas including agricultural uses (field and tree crops) and urban uses (residential neighbourhoods and industrial uses). The subject site and surrounding areas are not identified as scenic vistas within any adopted policies or ordinances. Completion of a General Plan Amendment and zone change will have no effect on the aesthetics of the site. The site is within Arvin’s existing city limits and is designated by the General Plan for future urban development. Any future development of the site will be required to comply with Arvin’s zoning standards for screening and landscaping, to improve the aesthetic appearance of the site. Further, the environmental analysis that was prepared for the Arvin General Plan acknowledged the aesthetic impact of urban development replacing agricultural landscapes as the community grows. It is likely that the appearance of residential and commercial development would be more aesthetically compatible than would industrial development.

II. Agricultural Resources

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

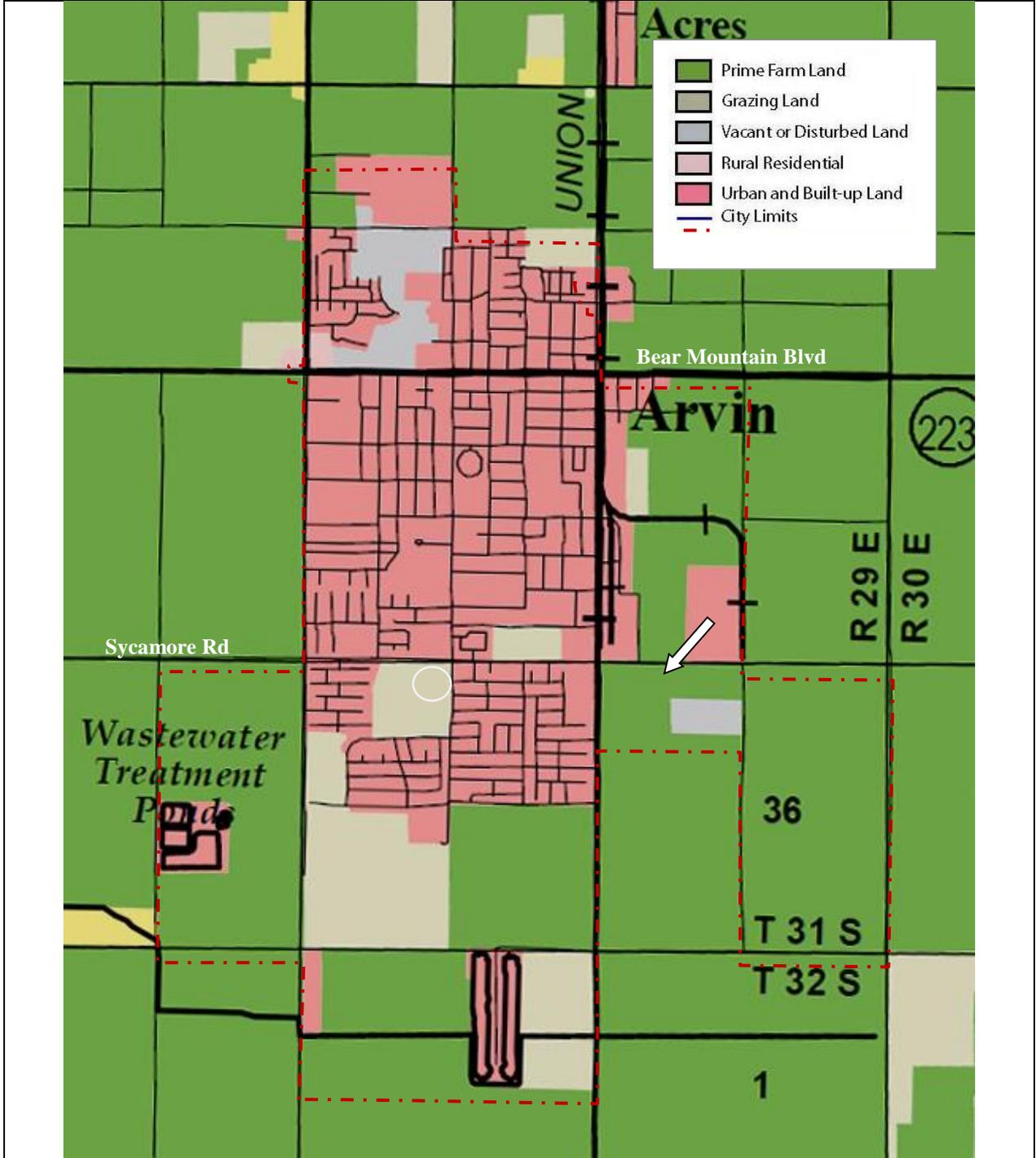
Items (a) through (e): No Impact. The City of Arvin is located in Kern County, in the southern Central Valley of California. The Central Valley is among the most fertile and productive agricultural environments in the nation, and is thus considered to be among the State’s most valued resources. The soils in the area are well-suited for intensive crop production and have been heavily farmed for nearly 100 years. The California Department of Conservation, Farmland Mapping and Monitoring Program’s map of Kern County Important Farmlands (2016), which is illustrated in Figure 5, indicates certain land within the City, primarily on the eastern and southern portion of the City, to be considered prime farmland and grazing land. The issue of prime farmland in the City was addressed in the General Plan Conservation and Open Space Element, which presents policies and measures aimed at protecting and enhancing the City’s natural resources, including agriculturally productive soils.

Attachment: E2- IS -Pt 1 Check List GP-ZC 2013-01 (Ariston Project)

The site is planted with almonds and according to the Important Farmland Maps maintained by the State of California Department of Conservation the site is considered to be prime farmland. Prime farmland is defined as land which has the best combination of physical and chemical characteristics for crop production. A Land Evaluation and Site Assessment (LESA) model was previously performed in 2013 for cancellation of the agricultural preserve contract that previously applied to the site. The LESA analysis indicated that eventual conversion of the site from agricultural to non-ag uses will not be a significant impact. This analysis takes into account a number of factors, including soil quality, water availability, water quality, adjacent development and other factors. The study notes that arsenic contamination in the site's agricultural well has been resulting in decreasing crop yields on the site. In addition, the site is already designated for urban development by the Arvin General Plan. The impact of converting farmland to urban development was previously acknowledged in the environmental study for the General Plan. The act of amending the General Plan (which has designated the site for urban development since at least 1989) and zoning is not considered to be a significant impact

The ag preserve contract that previously applied to the site was cancelled in 2013. Therefore, there is no conflict with any ag preserve contracts. The site is zoned for agricultural use, however it has been designated for urban development by the Arvin General Plan, since 1988. The environmental study that was prepared for the Arvin General Plan acknowledged the impacts that would result from the conversion of agricultural land to urban uses to accommodate community growth. Given the foregoing circumstances, the proposed General Plan Amendment and zone change are not considered significant impacts.

As noted previously, an agricultural preserve contract for the site was terminated in 2013. Re-designating and rezoning the site can theoretically result in pressure to develop nearby farmland. However, in this case the subject site is already within the City of Arvin and is already designated for urban development by the General Plan. Further, the environmental study prepared for the Arvin General Plan acknowledged the impact of the conversion of agricultural land to non-agricultural urban use as an ongoing result of the growth of the City. Land on three sides of the site is also within city limits and is also designated for urban development. Urban development, including residential and industrial uses is present on some of this land. To predict with certainty that the General Plan amendment and zone change will result in the conversion to other farmland to non-agricultural use is speculative. Accordingly, this impact is less than significant.



Source: California Department of Conservation, Farmland Mapping and Monitoring Program (2016)

City of Arvin

Figure 8
Kern County Important Farmlands

Attachment: E2- IS -Pt 1 Check List GP-ZC 2013-01 (Ariston Project)

III. Air Quality

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Item (a): No Impact. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the agency in charge of improving and managing the air quality within that region. The SJVAPCD is made up of eight counties in California's Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the San Joaquin Valley Air Basin (Air Basin) portion of Kern, which includes the City of Arvin. The Federal and California Clean Air Acts state that if the Air Basin fails to "attain" an established standard (i.e., a maximum average concentration or a maximum number of days exceeding a certain concentration) for a pollutant covered under the law, the Air District must prepare a plan to achieve attainment within a specified time frame. The Air Basin is currently in nonattainment for the State 1-hour ozone standard, the Federal and State 8-hour ozone standards, the State particulate matter (PM10) standard, and the State and Federal fine particulate (PM2.5) standards.

Item (b): Less Than Significant Impact. According to the SJVAPCD, Joaquin Valley is not in compliance with State and Federal Ambient Air Quality Standards. **Table 1** shows that the San Joaquin Valley is not in nonattainment with Federal standards in Ozone-(eight hour) and PM2.5. Under State standards, the San Joaquin Valley is out of compliance in Ozone (one and eight hour), PM10, and PM2.5.

Table 1
San Joaquin Valley Attainment Status

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone-One Hour	No Federal Standard	Nonattainment/Severe
Ozone- Eight Hour	Nonattainment/Extreme	Nonattainment
PM 10	Attainment	Nonattainment
PM 2.5	Nonattainment	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

Source: San Joaquin Valley Air Pollutant Control District www.valleyair.org

Item (c): No Impact. As discussed above, Arvin is located in the San Joaquin Valley Air Basin and monitored by the SJVAPCD. San Joaquin Valley is not in compliance with State and Federal Ambient Air Quality Standards. The San Joaquin Valley Air Basin is currently in serious nonattainment for the eight-hour federal standard for ozone, and nonattainment for the federal PM2.5 standard. Under State standards, the San Joaquin Valley Air Basin is out of compliance in Ozone (one- and eight- hour), PM10, and PM2.5.

Item (d): No Impact. A sensitive receptor is defined as populations such as children, athletes, and elderly and sick persons that are more susceptible to the effects of air pollution than the population at large. The City includes numerous schools and other facilities frequented by sensitive receptors. The project site is not located close to from sensitive receptors.

Item (e): No Impact. The project will not involve any process, equipment or materials which will be objectionable to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, etc.

Summary of Air Quality Impact Analysis:

WZI Inc. (WZI) was asked to prepare an air quality impact assessment for the Arvin Mixed-Use Rezoning Project, referred to within as the proposed project, on behalf of Pinnacle Civil Engineering. This assessment

examines the potential impact on air quality resulting from the proposed project located in the southeaster portion of, Kern County, California. 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), January 10, 2002 Revision.

The Arvin Mixed-Use project is a proposed 61.62 Acre development comprised of C-1 Commercial, updated to a C-2 PD General Commercial, R-2 Multi-Family Residential, and R-2 Single Family Residential, added R-3 PD and R-4 PD for high density residential (affordable housing). The proposed project is located between Tejon Highway and Malovich Road, just south of Sycamore Road in the city of Arvin, California. More specifically, the proposed project will reside on the Northwest ¹/₄ Section 36, Township 31 South, Range 29 East (**Figure 1- Exhibit 1** "Project Location Map"). The current land use for the project site is Agriculture and the zoning is A (**Figure 2 - Exhibit 2** "Land Use Designations" and Figure 5 -**Exhibit 3** "Zoning Map"). The proposed land use is General Commercial (~~C-2~~) ~~Neighborhood Commercial (C-1)~~ and single and multi-family residential (R-2) – 27.17 Acres; R-3 Limited Multi Family 7.15 Acres; and R-4 High Density Residential – 6.01 Acres. The project requires a General Plan land use amendment and a zone change. The Shopping Center comprising the commercial development portion will consist of 174,000 square feet of commercial buildings. This study is based on the following development scenario:

**TABLE 1.1-1
Development Scenario**

CURRENT ZONING	BUILDING SIZE OR # OF UNITS	PROPOSED DEVELOPMENT
A	174,000 Square Feet	Commercial (C-1)
A	405 285 units	R-2 Multi Family Residential
A	288-98 units	R-2 Multi Family Residential R-3 and R-4

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 Scientists. 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), within the City of Arvin. 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 following pages:

1.2.1 CONSTRUCTION AND OPERATIONS PHASE

The construction of the proposed project is expected to begin in 2016 and end in 2018. 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	NOx	CO	Kilo	PM2.	SOx
Unmitigated						
2016	2.2298	6.6229	8.7317	1.1839	0.578	0.0145
2017	3.3329	2.5714	3.6447	0.4681	0.219	0.00685
2018	0.7539	0.0806	0.2099	0.0376	0.013	0.00049
Mitigated (Including ISR Reductions)						
2016	1.7419	1.9162	8.2477	0.7686	0.243	0.0145
2017	3.1287	0.6535	3.7128	0.3393	0.098	0.00685
2018	0.7452	0.0196	0.2092	0.0328	0.008	0.00049

Operation of the project will begin mid-2016. The project will be in full operation in year 2018 at its build out.

**TABLE 1.2-2
Operational Emissions (tons/year)**

Year	ROG	NOx	CO	PMics	PM2.5	Sox
Unmitigated (Baseline)						
2018	9.2381	3.0617	27.6403	1.8178	0.5917	0.0288
Mitigated (Including ISR Reductions)						
2018	8.7056	2.9072	27.5075	1.7774	0.5534	0.0278

The total project emissions for the year 2018 represents the project maximum year emissions. The results are shown in **Table 1.2-3**.

¹ The maximum year emissions are determined based on the sum of the project criteria pollutants ROG, NOx, PM10 and PM2.5 emissions.

**TABLE 1.2-3
Total Project Maximum Year Emissions -2017 (tons/year)**

Emission	ROG	NOx	CO	PM10	PM2.5	SOx
Unmitigated (Baseline)						
Construction Emissions				0.7539	0.0806	0.00049
Operational Emissions				9.2381	3.0617	0.0288
Total Emissions-Unmitigated				9.992	3.8677	0.02929
Mitigated (Including ISR reductions)						
Construction Emissions				0.7452	0.0196	0.00049
Operational Emissions	8.7056	2.9072	27.5075	1.7774	0.5534	0.0278

Total Emissions-Mitigated 9.4508 2.9268 27.7176 1.8102 0.56238 0.02785
SJVAPCD Level of Significance **10** **NIA** **15** **15*** **N/A**

*USEPA specified interim use of PM₁₀ 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 one-mile radius of the proposed project. Seven (7) projects were identified and modelled using the CalEEMod Version 2013.2.2 computer model to predict the cumulative impacts. Emissions for the operational phase of the proposed projects were based on housing lot totals provided by the Arvin 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
Average Cumulative Construction Emissions (tons/year)

Name	ROG	NOx	CO	PM10	PM2.5	SOx
The Project	1.67	0.86	4.06	0.38	0.12	0.00728
Cumulative Projects	5.7	24.04	17.12	2.64	1.84	0.014
Total	7.37	24.9	21.18	3.02	1.96	0.02128

*the above numbers for "The Project" include ISR reductions

TABLE 1.2-5
Cumulative Emissions -Operational Sources (tons/year)

Name	ROG	NOx	CO	PM10	PM2.s	SOx
The Project	8.7056	2.9072	27.5075	1.7774	0.5534	0.0278
Cumulative Projects	35.08	28.22	294.44	43.37	39.09	0.87
Total	43.7856	31.1272	321.9475	45.1474	39.6434	0.8978

*the above numbers for "The Project" include ISR reductions

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 that approximately 250 jobs are projected in Traffic Analysis Zones (TAZs) #837 by the year 2035. Based on the TAZ analysis, the jobs increase to 538 in year 2035. The number of jobs is above the Kern COG projections in the project TAZ.

Regional TAZ Analysis results are based on the project TAZs and the abutting TAZs. Kern COG's projection indicates there will 1,609 jobs in year 2035. Based on the new tracts information and the proposed project, there will be approximately 2,319 jobs in the TAZ. The number of jobs is above the Kern COG's projection.

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 modelling 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 Plans² 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 un compounded 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.

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)

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 project specific Criteria Pollutant impacts based on Criteria Pollutant Modelling 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 Modelling and SJVAPCD Operational Thresholds are considered to be less than significant.
- The project specific health risks impacts based on modelling and the San Joaquin Valley Air SJVAPCD standards are considered to be less than significant.
- The project specific CO health risk impact based on modelling 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.
- The project specific impacts from greenhouse gases from the proposed development are considered to be 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 Modelling and San Joaquin Valley Air Pollution Control District (SJVAPCD) Operational Thresholds are considered to be less than significant. 2007 PM10 Maintenance Plan, 2004 Extreme Ozone Attainment Demonstration Plan, and the 2007 Ozone Attainment Plan, San Joaquin Valley Air
- Pollution Control District

IV. Biological Resources

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have substantial adverse effects, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attachment: E2- IS -Pt 1 Check List GP-ZC 2013-01 (Ariston Project)

Discussion

Item (a): No Impact. The current Arvin General Plan Conservation and Open Space Element states that the San Joaquin kit fox, Blunt-nose leopard lizard, and the Tipton kangaroo rat are species of concern that might be present in or near the City. However, much of the City has been cultivated and/or developed with urban uses for a number of years, and it is unlikely that the proposed Project will affect the occurrence of any wildlife species. None of these species is known to have been observed in the City. Therefore, compliance with the General plan policies presented below will further ensure that biological resource impacts are less than significant.

- CO-6.1** Protect sensitive and significant ecological areas of unique vegetation and wildlife.
- CO-6.2** Protect from extinction the identified endangered species which recognize the Arvin area as part of their natural range.
- CO-6.3** Consider the establishment of protected open space areas, planted with native valley vegetation, to serve as wildlife habitat and natural laboratory for public education purposes.
- CO-6.4** Implement a relocation program for any rare and/or endangered animal species found in urbanized areas.

Items (b) and (c): No Impact. The entire City of Arvin is devoid of riparian habitat or other sensitive natural community. The City's only surface water resources are the two man-made water ski lakes in the gated-residential community located along Blue Loop Road in the southern portion of the City, approximately two and one-half miles south of the Project Site. The other surface water resources include the partially concrete-lined Arvin-Edison Canal that extends north-south about three miles outside of the City boundaries. In addition, there are no federally protected wetlands within the City.

Item (d): No Impact. The City is developed with urban uses, vacant, or cultivated for agricultural production, and therefore, does not serve as a wildlife dispersal or migration corridor.

Items (e) and (f): No Impact. The City shall comply with the Kern County Valley Floor Wildlife Habitat Conservation Plan, which identifies various categories of land for the purpose of prioritizing habitat conservation efforts. The City of Arvin is not identified as an area of “sensitive and significant ecological areas,” “protected open space areas,” or land known to be inhabited by endangered species. Furthermore, the City's Municipal Code does not include any ordinances regarding the protection of biological resources, including trees.

Cultural Resources

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion Items (a), (b) and (c): No Impact. Much of the City has previously been disturbed, either through urban development or cultivation. According to the National Register of Historic Places, no existing structures that are considered as having significant historical value exist in the City. In addition, prior environmental documents for the annexation of the project area indicated that there were no listed historic properties or archaeological sites within the project area. However, the Southern San Joaquin Valley Archaeological Information Center indicated there is a possibility that archaeological resources might be present. Historically, the Yokuts tribe populated the San Joaquin Valley from the Sacramento-San Joaquin River Delta south to Bakersfield and also the adjacent foothills of the Sierra Nevada mountain range. The Yokuts tribe also inhabited the foothills of the Coastal Range, which lies to the west of the San Joaquin Valley. In addition, while there is no listed evidence of known archaeological or paleontological resources in the City, if future activities in the City reveal previously unidentified cultural deposits, an archaeologist must be afforded the opportunity to evaluate any additional finds and to complete the analysis in accordance with CEQA guidelines, as amended. Should more extensive remains be identified, grading/construction shall be halted in the area of concern so that the findings can be assessed. If it is determined that more formal data recovery is needed, a controlled excavation shall be required to adequately record the find and recover the associated cultural materials. The project area has been severely disturbed over at least the past fifty years with agricultural activities (plowing, ripping, construction of channels and drainage basin, etc.). As noted previously, the site is occupied with almond orchards and an irrigation drainage basin. There are no known historical resources located on the project site. Further, the environmental study prepared for the Arvin General Plan did not identify any historic resources on the site or surrounding areas. The City consulted with the Southern San Joaquin Valley Information Center at CSU Bakersfield to request a records search on previous cultural resource searches in the subject area. The Center reported no records of previous searches or any known cultural resources on the subject site. However, the Center does recommend the site be investigated by a qualified archaeologist prior to

Attachment: E2- IS -Pt 1 Check List GP-ZC 2013-01 (Ariston Project)

any ground disturbance activities. This requirement will be incorporated into conditions of approval for any future development of the site.

Mitigation Measure and Implementation Condition: The project site shall be investigated by a qualified archaeologist prior to any ground disturbance activities. Findings and report shall be filed with the City of Arvin Community Development Department. Should any findings of significances be identified appropriate mitigation measures shall be implemented as recommended by the archaeologist. Refer to §15064.5 below.

Item (d): No Impact. As part of the General Plan Update Mitigated Negative Declaration, adopted in 2012, the Native American Heritage Commission conducted a record search of sacred lands, and their research failed to identify the presence of Native American sacred lands in portions of the City.

Mitigation Measure and Implementation Condition: The project site shall be investigated by a qualified archaeologist prior to any ground disturbance activities. Findings and report shall be filed with the City of Arvin Community Development Department. Should any findings of significances be identified appropriate mitigation measures shall be implemented as recommended by the archaeologist.

EIR OR NEGATIVE DECLARATION; MITIGATION MEASURES

(a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion

of the recommended special environmental impact report required by this section.

(d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

(e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:

(1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.

(2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.

(3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:

(A) Two hundred dollars (\$200) per unit for any of the next 99 units.

(B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.

(C) One hundred dollars (\$100) per unit in excess of 500 units.

(f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

(g) As used in this section, "unique archaeological resource" means an archaeological artefact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

(h) As used in this section, "nonunique archaeological resource" means an archaeological artefact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

(i) As part of the objectives, criteria, and procedures required by Section 21082 or as part of conditions imposed for mitigation, a lead agency may make provisions for archaeological sites accidentally discovered during construction. These provisions may include an immediate evaluation of the find. If the find is determined to be a unique archaeological resource, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set

forth in this section. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

(j) This section does not apply to any project described in subdivision (a) or (b) of Section 21065 if the lead agency elects to comply with all other applicable provisions of this division. This section does not apply to any project described in subdivision (c) of Section 21065 if the Association of Environmental Professionals 2016 CEQA Statute 40 applicant and the lead agency jointly elect to comply with all other applicable provisions of this division.

(k) Any additional costs to any local agency as a result of complying with this section with respect to a project of other than a public agency shall be borne by the project applicant.

(l) Nothing in this section is intended to affect or modify the requirements of Section 21084 or 21084.1.

Discussion: The project is a request for a General Plan amendment and zone change. While unlikely due to past grading and agricultural activities, should any human remains be discovered during grading and construction, the Kern County Coroner must be notified immediately. (The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission [NAHC] if the remains are Native American. The most likely descendants then have 24 hours to recommend proper treatment or disposition of the remains, following the NAHC guidelines).

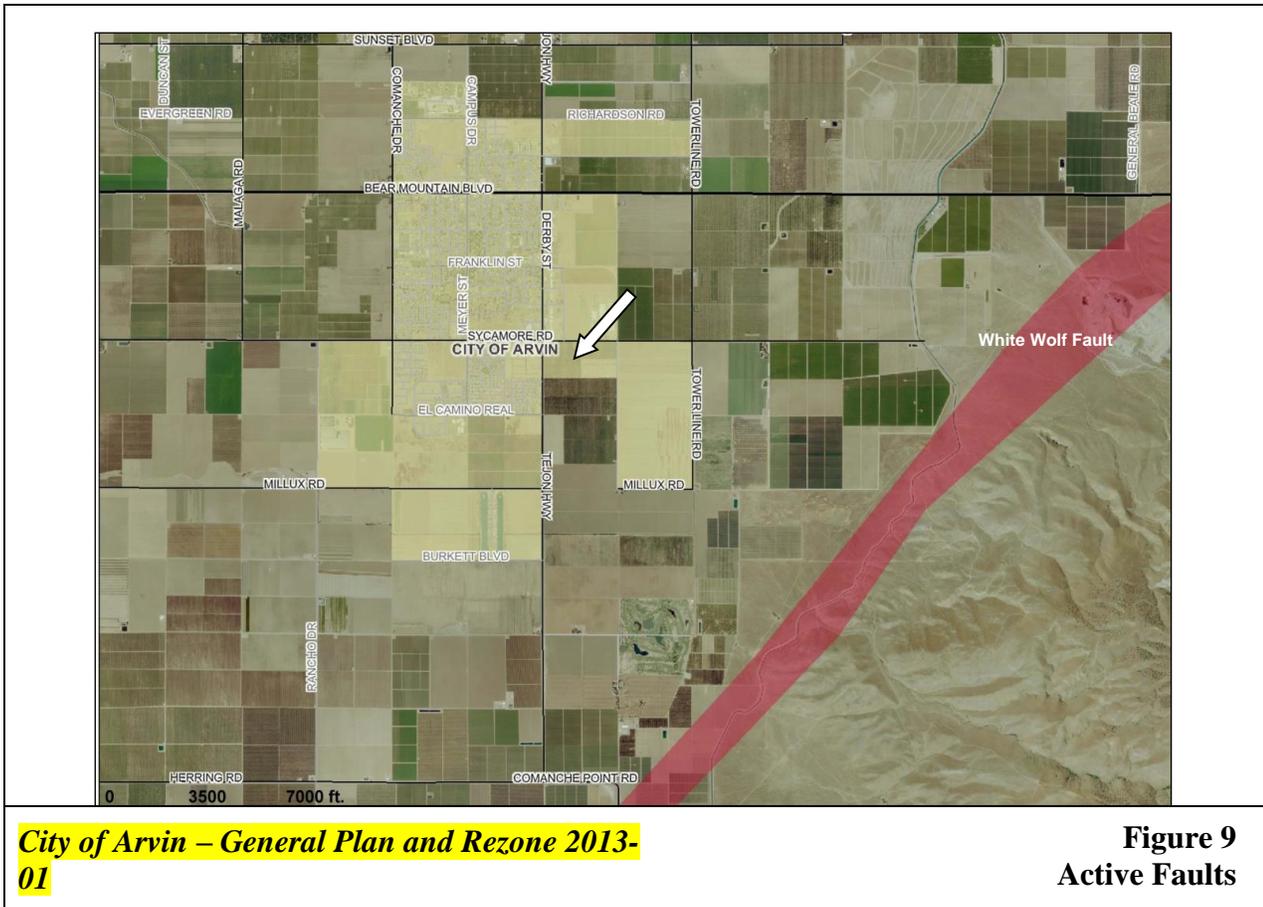
Mitigation Measure and Implementation Condition: Should any human remains be discovered during grading and/or construction, the Kern County Coroner must be notified immediately. All work shall be halted within a radius of 100 feet. (The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission [NAHC] if the remains are Native American. The most likely descendants then have 24 hours to recommend proper treatment or disposition of the remains, following the NAHC guidelines).

VI. Geology and Soils

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. <i>Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</i>				
i. <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 base on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. <i>Strong seismic ground shaking?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. <i>Seismic-related ground failure, including liquefaction?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. <i>Landslides?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. <i>Result in substantial soil erosion or the loss of topsoil?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. <i>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? Section 2.0 of environmental analysis indicates "less than Significant Impact."</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. <i>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. <i>Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Items (a i), (a ii) and (a iii): No Impact. Earthquake safety is important to all California residents, especially to the residents and workers of the Arvin, which is in a region of active faults. In 1952, an earthquake along the White Wolf Fault, which is located less than three miles east of the City and shown in **Figure 9**, caused immense and widespread damage to the City and the region. This 7.5 magnitude earthquake resulted in many deaths and damaged buildings beyond repair.



Liquefaction is another seismic-related safety risk. It is defined as a phenomenon in which water-saturated granular soils are temporarily transformed from a solid to a liquid state because of a sudden shock or strain, typically occurring during earthquakes. Although the local water table averages 210 feet below the soil surface, the high seismic activity of the region may cause some seismic-related ground failure.

The occurrence of a major earthquake in the central and southern California region could result in loss of life, injury and property damage. Ground shaking would be responsible for the majority of the damage within the City of Arvin. However, this hazard is no greater than those present in other areas of the central and southern California region. Furthermore, all construction of new buildings or rehabilitation of existing buildings shall be in conformance with the latest adopted edition of the Uniform Building Code, zoning codes and State Building codes, to ensure that any development will be in compliance with earthquake safety regulations. In addition, to minimize the impact with respect to seismic ground shaking, the applicant of a major development shall provide the City for its review and consent a comprehensive geological investigation that explores and evaluates soil engineering criteria, and document the potential for seismically induced ground shaking on the building site. Such investigations shall be conducted by a licensed civil engineer specializing in the practice of soil mechanics, and by a certified engineering geologist. Construction shall be in compliance with the findings and recommendations of the required investigations.

Item (a iv) No Impact. A landslide is the descent of earth and rock down a slope. Since Arvin sits at the foothills of the Tehachapi Mountains, there is a slight downward slope to its topography. In the northern portion of the City the elevation is approximately 460 feet above sea level and it gradually slope down to the south to an elevation of approximately 400 feet above sea level, a difference of only 60 feet over a three-mile distance. The length of the Project Site (north-south) is only 660 feet and relatively flat; therefore, the potential for a landslide does not exist.

Item (b): Less Than Significant Impact. The potential for soil erosion is low to moderate. New development on the Project Site may require some grading to provide for building pads, parking facilities, utilities, and drainage. According to the General Plan, lose of top soil is slight, due to the low degree of slope of the land and to the highly permeable nature of the soil. Policy 1.1.3 of the General Plan Safety Element requires all proposed development to adhere to safe and accepted practices for minimizing hazards from adverse soil, subsidence or erosion conditions.

Items (c) and (d): Less Than Significant Impact. All construction and development in the Project Site, as well as Citywide, will adhere to the California Building Code and standard building practices, policies and guidelines to ensure that any geologic impacts including on- and off-site landslides, lateral spreading, subsidence and expansive soils are less than significant.

Item (e): No Impact. Arvin's wastewater system is serviced by the City, and according to the City, the existing system is adequate to meet the needs of its residents and businesses. Most of the City has sewer lines that connect to the municipal sewer system; however, a few parcels are still dependent on septic tanks for sewer disposal. The majority of the parcels on septic tanks are located in the industrial areas along Derby Street south of Bear Mountain Boulevard. The City is currently examining the adequacy of the municipal sewer system for all Arvin residents and the cost of connecting the few remaining units to the system. All future housing developments will be adequately connected to the existing wastewater system using funds collected through development fees currently established by the City.

VII. Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Item (a): No Impact. The construction and operation of the proposed Project would generate greenhouse gas (GHG) emissions through the burning of fossil fuels or other emissions of GHGs, which are likely to contribute to cumulative impacts related to global climate change. The gases that are widely seen as the principal contributors to climate change are:

- Carbon dioxide (CO₂)
- Methane (CH₄)
- Nitrous oxide (N₂O)
- Hydrofluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulfur Hexafluoride (SF₆)

According to the requirements of SB 97, the Natural Resources Agency adopted amendments to the CEQA Guidelines for the mitigation of GHG emissions and analysis of the effects of GHG emissions. The adopted CEQA Guidelines provide regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents, while giving lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

Item (b): No Impact. In 2006, the State passed the California Global Warming Solutions Act of 2006 (AB 32), which requires the California Air Resources Board to design and implement emission limits, regulation, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. In 2008, the State passed SB 375, which creates regional planning processes designed to reduce GHG emissions in accordance with AB 32. These processes tie GHG reduction targets to the region’s land use and transportation strategic plans, which in turn will influence the City’s own local plans for land use and affordable housing.

The proposed Project is consistent with General Plan policies, which follow the key principles identified in State law and guidance documents, such as uses for mineral extraction. Thus, the Project does not conflict with AB 32 or SB 375. Furthermore, the City, as a member of the Kern Council of Governments, will participate in implementing the adopted Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS), which integrates land use and transportation planning.

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the project and expressed no concerns with greenhouse gas emissions, supporting the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will adhere to the Air District Rules described in Section III. A. B. C. D. Air Quality

VIII. Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. <i>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or propose school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. <i>Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. <i>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 for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. <i>For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. <i>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. <i>Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Items (a), (b) and (c): No Impact. The proposed Project does not include any specific development projects nor propose any construction activities that would result in hazards due to the emission, transport, use or disposal of hazardous materials.

For household hazardous waste, the City directs Arvin residents to dispose of this waste such as paints, used motor oil, poisons and garden chemicals at one of the Mountainside Disposal Centers. The nearest Collection Center to the City is the CVT Recycling Center located at 8665 S. Union Ave, Bakersfield, CA 93307. Any

increases in the disposal of household hazardous waste will be disposed of at this location

Item (d): No Impact. The Project Site is not included on a list of hazardous materials sites pursuant to Government Code Section 65962.5. The only site within the City of any potential significance is the Brown and Bryant site located on Derby Street, south of Bear Mountain Boulevard, which is identified by the EPA on its National Priorities List (NPL) as a property of highest priority for remediation under the Superfund Program. This Superfund site is located approximately one mile north of the Project Site. The Brown and Bryant site is also identified on the Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS), the California Department of Toxic Substances Control (DTSC) Calsites or Site Mitigation and Brownfields Reuse Programs Database (SMBRPD), and the Hazardous Waste and Substances Site List (Cortese List AB 3750). In addition, the Regional Water Quality Control Board's (RWQCB) Leaking Underground Storage Tanks (LUST) database does not show any recorded sites within the City that are open and undergoing investigation or remediation for leaking underground storage tanks.

Items (e) and (f): No Impact. The nearest airport to the Project Site is Bakersfield Municipal Airport which is located approximately 18 miles to the northwest, and the nearest private airport is the agricultural (crop dusting) landing strip located approximately three miles to the southwest of the Project Site. The Project Site and the City as a whole is not located within the limits of the airport impact zone.

Operational Statement Checklist – self-mitigation as part of the operational statement. All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands

Item (g): No Impact. The proposed Project does not propose any changes to the roadway system or evacuation routes designed by the City that will interfere or have a negative impact on emergency response. The evacuations of people will proceed according to the City's policies related to emergency preparedness. In addition, the City will coordinate emergency response and relief services with county, state, federal and volunteer agencies. The operational statement checklist discusses delivery of equipment and materials to the project site. Trucking routes will be adhered to per the Circulation Element.

Item (h): No Impact. The entire City is shown as “unzoned” on the Fire Hazard Severity Zone map for Kern County produced by the California Department of Forestry and Fire Protection (CalFire) and is not identified as a high-risk area. Furthermore, the proposed Project is aligned with the existing General Plan Safety Element, which includes a policy which ensures the safety of the residents of the City through proper consideration of location of earthquakes faults and their relationship to development, natural flooding hazards from storm runoff slope development and related problems of earth slippages and hazards for fire in brush or grasslands. Safety Element programs that specifically address fire and fire-related hazards include:

- Encourage and promote improved fire and geologic hazard insurance programs
- Review and update as necessary the community's disaster preparedness and emergency plans
- Continue the ongoing program of education inspection and abatement of fire hazards through fire prevention measures
- Maintain weed abatement and brush clearance programs to reduce fire hazards to developed property in the immediate vicinity of vacant, undeveloped land

Develop proper mitigation measures to protect new urban development projects from possible brush fire hazards

IX. Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. <i>Violate any water quality standards or waste discharge requirements?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. <i>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 (e.g., the production rate of pre-existing land uses or planned uses for which permits have been granted)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. <i>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 which would result in substantial erosion or siltation on- or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. <i>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, which would result in flooding on- or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. <i>Otherwise substantially degrade water quality?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. <i>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. <i>Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. <i>Inundation of seiche, tsunami, or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Item (a): No Impact. Water runoff from the Project Site may include spills and other chemicals that cumulatively may result in degradation of off-site surface waters. However, as part of Section 402 of the Clean Water Act, the EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control direct storm water discharge. In California, the State Water Quality Control Board administers the NPDES permitting program. The NPDES program regulates industrial pollutant discharges, which include construction activities. All new construction projects more than five acres must prepare a Storm Water Pollution Prevention Plan (SWPPP) and file a Notice of Intent with the State Water Resources Control Board under the requirement of Statewide Industrial Storm Water Permit for General Construction Activities.

Item (b): No Impact. The current 2012 General Plan designates the Project Site for Light Industrial and Heavy Industrial use. Since the Project Site is currently vacant, any development on the site would increase the amount of impermeable surfaces that could result in additional urban runoff and contribute to the reduced amount of groundwater recharge.

Previous to 1966, water levels reflected a decline as local groundwater extraction by the Arvin Community Services District and local agricultural operators. The groundwater extractions exceeded recharge. However, since 1966, the Arvin-Edison Water Storage District has engaged in a program of groundwater replenishment, which resolved any depletion of ground water supply or quality of ground water. Furthermore, compliance with the current General Plan policies presented below will further ensure that impacts on groundwater recharge will be less than significant:

- CO-3.1 Encourage continued groundwater recharge efforts of the Arvin-Edison Water Storage District.
- CO-3.2 Embark on a public education program regarding water conservation practices in residential, commercial, industrial and public facility development.
- CO-3.4 Require thorough information in all environmental assessments for projects which may have a substantial effect on groundwater levels.

Items (c), (d) and (e): No Impact. For the purposes of this environmental assessment, the Project could result in an increase of domestic water consumption, as noted in the Domestic Water report. There are no streams or rivers traversing the Project Site. The resultant conclusion would be No Impact due to on-site containment.

Item (f): No Impact. Adherence to applicable standards, policies and best management practices will ensure that potential impacts related to water quality and storm water discharge would be No Impact.

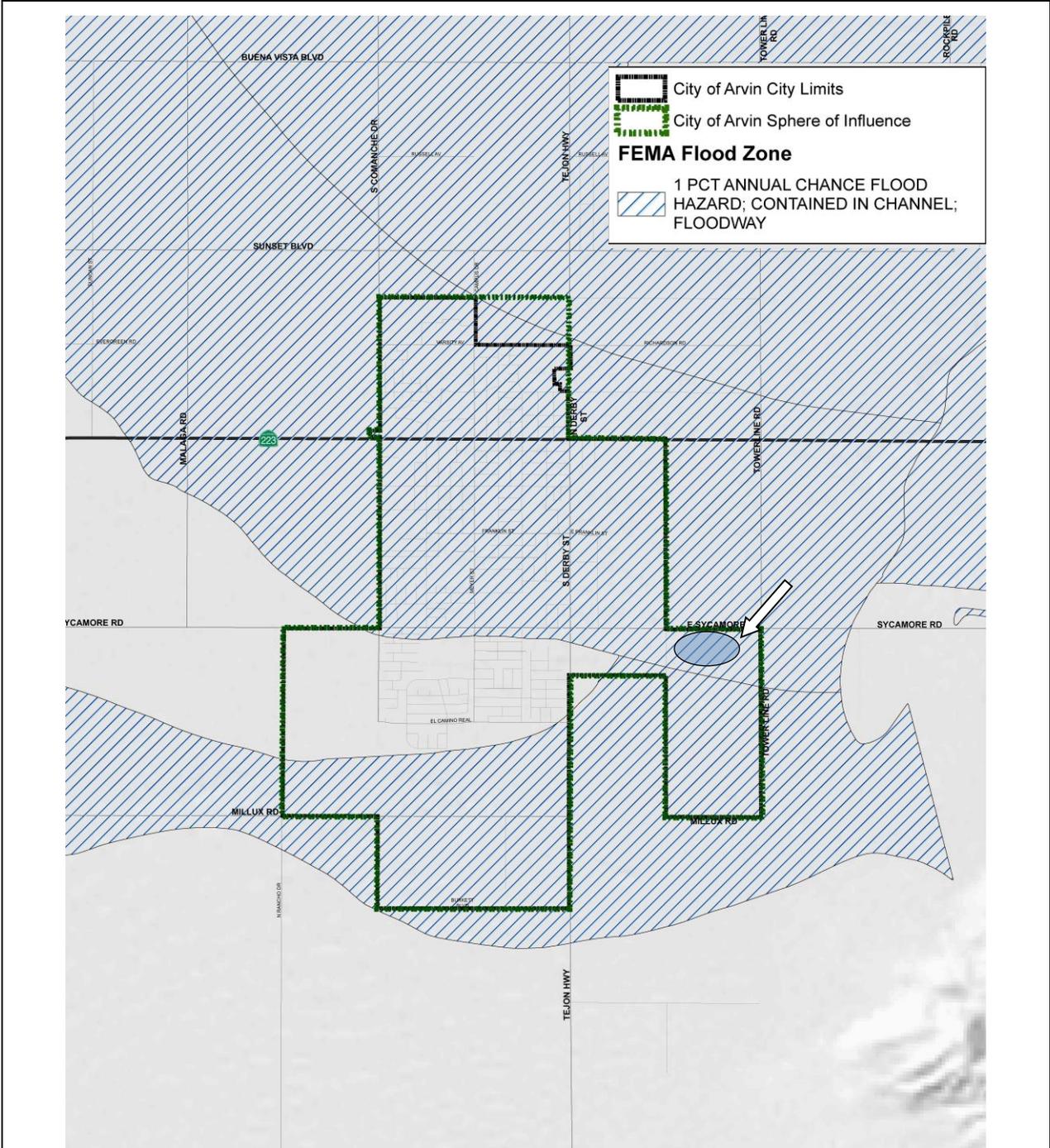
Items (g) and (h): No Impact. The City participates in the National Flood Insurance Program. According to the Federal Emergency Management Agency (FEMA) Flood Hazard map shown in **Figure 10**, much of the City is in the 100-year flood zone (one percent annual change flood). FEMA categorizes most of the City as being within Zone AO, wherein there exists a one percent or greater chance of flooding in a given year, with an average depth of one to three feet. Other areas within Arvin are included in Zone A, in which flooding has a one percent chance per year to occur, but no depths have been established. The remainder of the City's area is located in Zone X, or areas of moderate (0.2% to 0.5% annual chance) flood hazard. Because the City is in the 100-year flood zone, mandatory flood insurance purchase requirements and floodplain management standards apply.

In order to minimize flooding impacts, and pursuant to FEMA requirements, Chapter 15.32 (Floodplain Management) of the Arvin Municipal Code establishes flood-resistant standards for building anchoring, construction materials and methods, storage of materials, utilities and land subdivisions. Adherence to the City's Municipal Code Chapter 15.32 will reduce any potential impacts to less than significant levels.

Item (i): No Impact. Catastrophic failure of the Isabella Dam system could release significant amounts of water towards the City of Arvin, located about 55 miles to the southwest. Future development in the City could result in the exposure of additional people and property to flood hazards, although reductions in the amount of water contained in Lake Isabella, combined with the vast distance flood waters must travel to the City of Arvin, reduce such potential impacts. In addition, adherence to City and FEMA development standards will further reduce such potential impacts.

Item (j): No Impact. A seiche is a standing or stationary wave in an enclosed or partially enclosed body of water, such as lakes, reservoirs, and bays. The only enclosed bodies of water within the City of Arvin that could induce seiche or seiche-related phenomena are two man-made lakes located in the southern portion of the City. Due to the relatively small size of the lakes and their distance from the Project Site, seiche would not impact the Project Site.

A tsunami, also referred to as a tidal wave, is a sea wave generated by submarine earthquakes, major landslides, or volcanic action. Arvin is located in the Central Valley, hundreds of miles from the California coastline, thus eliminating the potential hazard to people and structures from tsunamis. The possibility of mudflows does not exist, given the absence of hillside and mountainous terrain within the City.

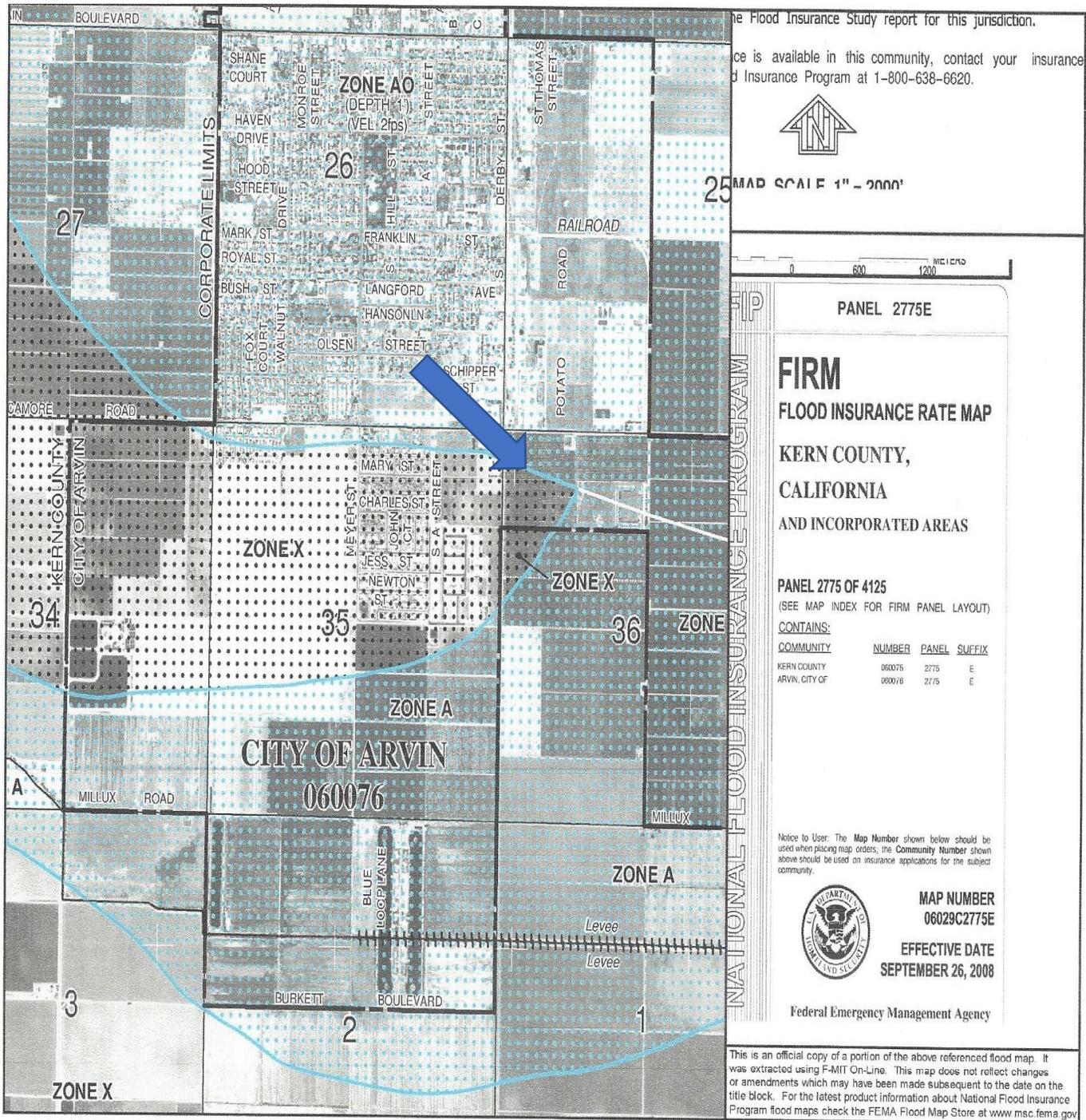


Source: Federal Emergency Management Agency, <http://www.arvin.org/wp-content/uploads/2017/02/Arvin-Flood.pdf>

City of Arvin -General Plan and Rezone 2013-01

FEMA Flood Hazard

Attachment: E2- IS -Pt 1 Check List GP-ZC 2013-01 (Ariston Project)



Attachment: E2- IS -Pt 1 Check List GP-ZC 2013-01 (Ariston Project)

X. Land Use and Planning

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

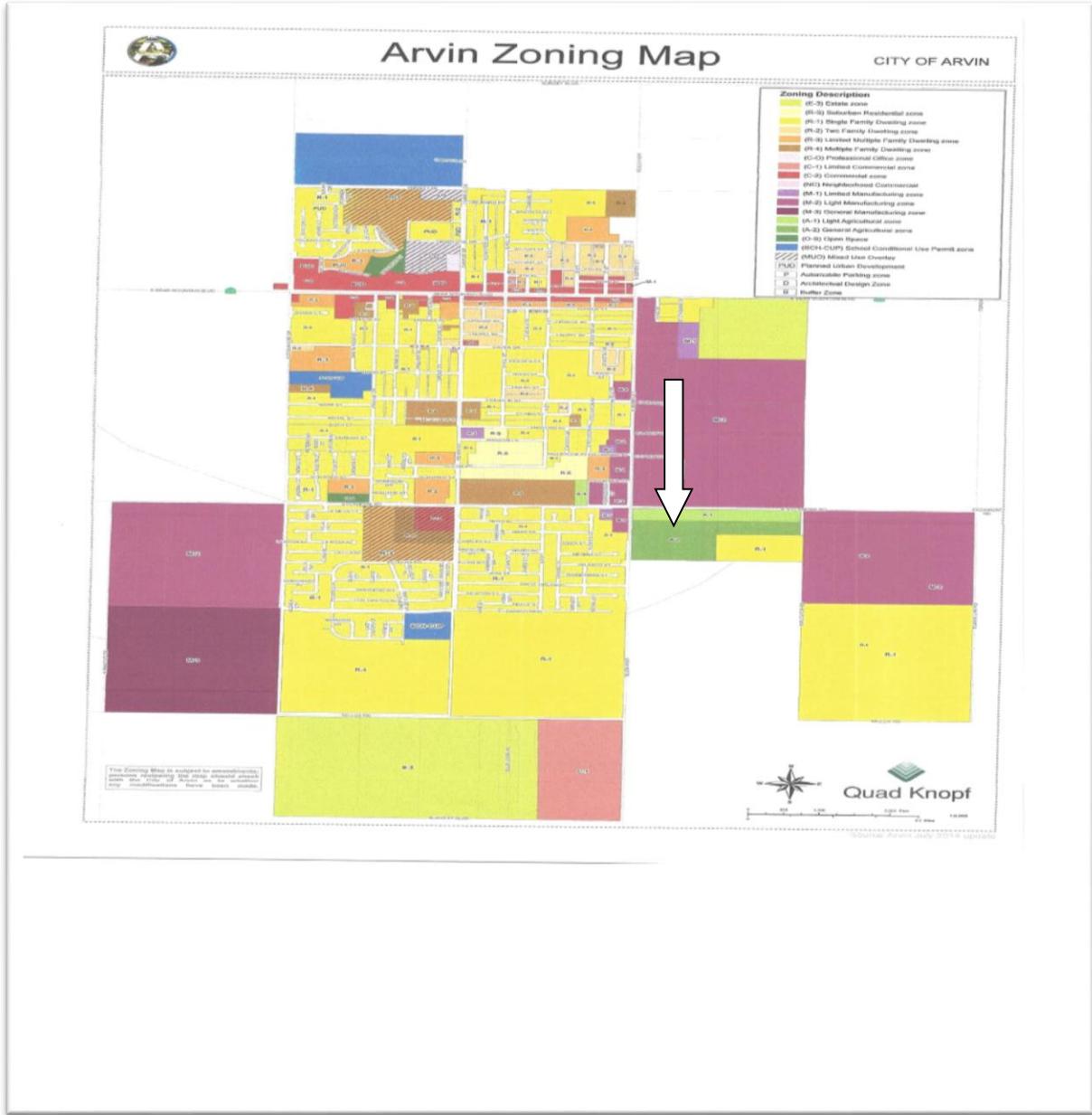
Item (a): No Impact. The project is a request for a General Plan amendment and zone change, to allow a mix of residential and commercial development on a site that is currently in agricultural use, but which is designated by the General Plan for future residential development. There is no aspect of the current request that would physically divide the established community. The site is bordered by several major streets, including Sycamore Road, Tejon Highway and Malovich Road. These roadways will form logical boundaries between the site and surrounding areas, including industrial areas to the north.

Item (b): Less Than Significant Impact. The proposed request conflicts with the existing General Plan land use designation and zoning designation for the site. The Land Use map designates a portion of the site “Heavy Industrial” with the remaining area designated “Light Industrial”. In terms of zoning a portion of the site is designated A-1 (Light Agriculture) and the remainder is zoned A-2 (General Agriculture). The proposed general plan amendment of residential and commercial provided for additional high density residential development for affordable housing and a variety of housing opportunity ranging from single family, duplex, townhouses, condominiums and increased opportunity for services and amenities in the southern portion of the city. Establishing a planned development overlay provides the city and project sponsor opportunity to incorporate and establish design concepts that insure a safe and healthy environment will be created

Item (c): No Impact. As previously discussed in Section IV (Biological Resources) of this document, the City will comply with the Kern County Valley Floor Wildlife Habitat Conservation Plan.

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

Zoning Map As



Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

General Plan Amendment and Rezone 2013-01

Figure 3 -City of Arvin of 2018

XI. Mineral Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Items (a), (b): No Impact. The General Plan does not identify any areas within the City where significant mineral deposits are present, nor does it identify any mineral resource recovery sites. Therefore, no significant loss of known mineral resources of future value to the region or the State is anticipated.

There are no known mineral resources on or near the site. There are operating and abandoned oil wells in and around Arvin, however there are none known to exist on the subject site. The site is designated for urban development by Arvin’s General Plan – at the time any future development is proposed a detailed evaluation of the potential for abandoned wells must be conducted. This includes consultation with the State of California Division of Oil, Gas and Geothermal Resources. Consultation with the State of California Division of Oil, Gas and Geothermal Resources dated April 11, 2018 no known gas or oil wells are known to exist in the project area

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

XII. Noise

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Items (a), (b), (c) and (d): Less Than Significant Impact. The City is exposed to noise from construction activities and traffic on the City’s roadway system. The Bear Mountain Boulevard (SR-223) is a major arterial that traverses the City east-west. Much of the long-term ambient noise in the northern portion of the City is from traffic noise on Bear Mountain Boulevard. As traffic increase as a result of future development, long-term noise is also anticipated to increase and impact residential neighborhoods. However, any future developments will be subject to the following General Plan Noise Element policy: Preserve and ensure a safe and quiet environment

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

in residential neighborhoods. Noise levels will adhere to the noise standards for residential properties in the City's Municipal Code and presented in **Table 2**.

Table 2
Residential Noise Standards

Noise Level	Time Period
55 dB(A)	7:00 a.m.--10:00 p.m.
50 dB(A)	10:00 p.m.--7:00 a.m.

Source: Arvin Municipal Code

Construction-related noise is generally short-term and temporary and is acceptable provided it is limited to the houses established in Municipal Code Chapter 9.08 (Noise Disturbance Ordinance), which states the times allowed for construction to be between 6 a.m. and 9 p.m. except with urgent cases of health and safety of the public, which would need approval by the City Manager.

The project is a request for a General Plan amendment and zone change – no development is currently proposed. The project proposes land use and zoning designations that would allow a combination of residential and commercial development on the subject site. The most conspicuous likely source of noise impact to the site would be from traffic on major roadways that border the site, including Sycamore Road on the north, Tejon Highway on the west and Malovich Road on the east. To buffer sensitive land uses (such as single family residential development) from these noise sources, the City typically requires the installation of solid masonry walls along major roadways. This type of mechanism will be considered in the review of any development that is proposed for the site.

Development brought about by the Project will be consistent with the existing General Plan Noise Element policies and the noise ordinance in the Municipal Code, which will minimize noise exposure for sensitive land uses.

Items (e) and (f): Less Than Significant Impact. The nearest airport to the City is Bakersfield Municipal Airport which is located approximately 18 miles to the northwest, and the nearest private airport is the agricultural (crop dusting) landing strip located approximately three miles to the southwest of the city limits.

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

XIII. Population and Housing

		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Item (a): Less Than Significant Impact. The Project's potential increase in population is estimated at 3000 residents. In 2017, the City had a population of 19,304 residents, and according to the 2012 General Plan, the City's population holding capacity is 40,355 residents, and addition 21,051 residents. The population increase of the proposed Project represents only 1.9 percent of the City's population growth. As an urbanized city with established residential neighborhoods, Arvin does not require significant expansion of roads and other infrastructure that could induce additional population growth, and only incremental capacity improvements to existing infrastructure are anticipated.

The project consists of a request for a General Plan amendment and a zone change to allow for a range of residential developments that will include high density residential development, a variety of housing type opportunities ranging from single family, duplexes, townhouses, condominiums and commercial development. Based on preliminary data based on the general plan housing unit density approximately 680 units may be developed. (Note: R-2 PD at 27.1 Acres – housing density 15 units per acre yields approximately 405 residential units; R-3 PD at 7.25 Acre – housing density of a mandatory 20 units per acre yields approximately 143 housing units; and R-4 PD at 6.01 Acres – housing density of a mandatory 24 units per acre yields approximately 144 housing units. Based on an average of 4.3 persons per dwelling and a total of 692 housing units, the project could result in a build-out population of 2,975 persons. Residential densities that are proposed within the project will be consistent with maximum densities that are allowed in the R-2 (Two Family Dwelling); R-3 (Limited Multiple Family); and R-4 (Multiple Family) zones.

While development of the site will introduce a new grouping of population that was not forecast by the 2012 Arvin General Plan, this increase in population may be offset by a reduction in potential employment sources associated with the existing industrial designations that are applied to the land. In other words, the potential for one or more significant employers will be negated by the proposed action. Such employers could have generated a significant increase in employment (and the need for housing) in Arvin.

In addition, Arvin's General Plan forecasts a build out population of approximately 40,000 persons by the year 2035. The project would constitute a small part of that amount. It is believed that with the extremely low growth rate experienced since with economic meltdown of the mid 2000's that there is a growing pent-up demand for new housing and commercial development in Arvin. The project will function to accommodate some of that demand.

Proposed Residential Zoning Designations – refer to Map 3: a. A total of 40.13 acres designated as Residential with; i. 27.17 Acres “Medium Density Residential -Permitting up to a maximum of 15 units per acre”; ii. 13.6 Acres High Density Residential – Permitting up to a maximum of 20 and 24 units per acre”. In terms of zoning, the land use designations translate into the following zoning categories:

R2-PD: 27.17 Acres zoned R-2-PD (Two Family Dwelling Zone- Planned Development) permitting up to 15 units per acre.

R-3-PD (Limited Multiple Family Zone- Planned Development) requires a mandatory development of a maximum of 20 units per acre.

R-4-PD (Multiple Family Dwelling Zone – Planned Development) requires a mandatory development of 24 units per acre

The city has adopted a no net loss policy which requires the City or the project applicant to replace lands that have been identified for high density residential development are committed to or predesignated for a lesser density than mandated by the City's General Plan for High Density residential development. This project creates an additional 13.6 acres of land for High Density residential development. This project will implement the no net loss high density residential lands that have either a vesting tentative map or development agreement that limits the implementation and creation of high density residential development.

Items (b) and (c): No Impact. The proposed Project would allow higher residential densities on a site that is currently vacant, and therefore, would not displace any homes or residents. As previously discussed in the Land Use section, the adoption of the Project would provide needed affordable housing within the City. The purpose of the Project is to implement the No Net Loss of high density housing units identified in the 2008-2013 Housing Element.

XIV. Public Services

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 these public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Item (a i): Less Than Significant Impacts. Fire protection service is provided by the Kern County Fire Department. The Fire Department operates Station 54 on 301 Campus Drive, Arvin, CA. 93203. As presented in **Table 3**, according to the Arvin General Plan Update MND, in 2012, Station 54 had nine (9) staff members and two (2) fire engines. According to the Arvin 2016 Municipal Service Review (2016 MSR), the Fire Department responds to approximately 692 service calls annually within the city limits and has an average response time of 4 minutes and 14 seconds. The 2016 MSR did not indicate any infrastructure or service deficiencies regarding the Kern County Fire Department. Further, the current General Plan’s Safety Element includes goals and policies that would ensure adverse fire hazard and protection impacts would be minimized:

The project is a request for a General Plan amendment and zone change to allow future development of a combination of residential and commercial projects, and no development is currently proposed. Prior to or concurrent with any future development a funding source will be required and reviewed to ensure that fire safety is considered and oversight of the Fire Department is provided in the project review. All new development is typically required to install fire hydrants and most new development is required to provide fire sprinklers within buildings, and establishment of an annual funding program for these services. With the provision of these

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

standards and fire department oversight, and funding program, the project’s impacts on fire protection resources will be less than significant. In addition, the City will require the establishment of Community Service District or equivalent financing structure which will require the establishment of an annual funding contributing to the provision of public services such as fire services, police services, storm drainage maintenance, and other public services.

1. The Fire Marshall and the City Building Inspector shall ensure that all buildings are designed and equipped for an adequate level of fire protection.
2. The City should construct and develop new water wells, wherever feasible, to increase water supply and water pressure, thus insuring adequate fire protection in existing and future developments.
3. The City of Arvin should introduce and support community programs that train the general public to assist the police, fire, and civil defense personnel during periods of fire or flood.
4. The City of Arvin shall continue coordination and cooperation with the Arvin Community Services District and Arvin-Edison Water Storage District to assure wise management of the natural resources and to discourage unnecessary ground water withdrawal.

Table 3
Fire Protection Services

Location	Service and Equipment	Staffing	Function
Fire Station 54 301 Campus Drive, Arvin	2 Fire Engines	9 Staff (3 Shifts)	Fire Fighting Fire Prevention Hazmat Management

Source: KCFD Kern County Fire Department, Station 54, 2012

Mitigation Measure: To insure that future growth may be provided the needed services such as Fire, Police, storm drainage maintenance, road infrastructure maintenance, the project shall be required to establish a Community Services District or equivalent funding mechanism, known as the Mello-Roos Community Facilities Act of 1982 per California Code sections 53311 through 53317.5 and 53340 through 53344.4 or equivalent be established at the applicants expense prior to or concurrent with any future development entitlement.

Item (a ii): Less Than Significant Impact. Police protection services for the City of Arvin are provided by the Arvin Police Department from its headquarters located at 200 Campus Drive, Arvin, CA 93203. According to the City’s 2016 Municipal Service Review, in 2016, there were 17 sworn officers at the Arvin Police Department. The City provides 0.85 officers per 1,000 population, which is below the 1.00 officer per 1,000 population standard of service that the City wants to provide. Therefore, the Project’s potential increase in units and populations would increase the demand for additional law enforcement officers.

Mutual aid agreements with the Kern County Sheriff’s Department and California Highway Patrol could help supplement police protection services in the City. In addition, the current General Plan

includes Crime Prevention Through Environmental Design (CPTED) policies, which would be required of new residential development. These policies would further reduce the demand for police protection. Also, compliance with the current General Plan Community Health Element policy presented below will further ensure that impacts on police protection will be less than significant:

CH-8.2 Pursue an integrated strategy to reduce street crime and improve personal safety.

Mitigation Measure: To insure that future growth may be provided the needed services such as Fire, Police, storm drainage maintenance, road infrastructure maintenance, the project shall be required to establish a Community Services District or equivalent funding mechanism, known as the Mello-Roos Community Facilities Act of 1982 per California Code sections 53311 through 53317.5 and 53340 through 53344.4 or equivalent be established at the applicants expense prior to or concurrent with any future development entitlement.

Item (a iii): Less Than Significant Impact. The proposed Project's increase in the population would result in an increase in demand for school services. To supplement to costs associated with the additional students, the City imposes a development fee of \$9.69 per square foot of residential development, which goes to the Arvin Union and Kern High School Districts. In addition, compliance with the current General Plan policies presented below will further ensure that impacts on schools will be less than significant:

LU-17.1 Ensure the provision of adequate land for school campuses, according to the level of need identified by the appropriate school districts and private institutions.

LU-17.2 Accommodate institutions of higher learning, such as community colleges and trade schools, to the greatest extent feasible by removing regulatory barriers.

Item (a iv): Less Than Significant Impact. The additional population growth that could result from the adoption of the proposed Project would require additional parks and recreational facilities. Currently there are five parks within the City totaling approximately 47 acres. The current the land-to-resident ratio is 2.5 acres per 1,000 residents. The Statewide Park Development and Community Revitalization Act of 2088 (AB 31) considers any community with a ratio of three acres per 1,000 residents as a "critically underserved community".

The project is a request for a General Plan amendment and zone change on the subject site, located south of Sycamore Road, east of Tejon Highway and west of Malovich Road in the southeast part of Arvin. No development is currently proposed, therefore there will be no increase in the use of parks or other recreation facilities. The project will facilitate future development of the site with a combination of residential and commercial uses. These uses will increase the demand for local park and recreational facilities. As noted under #XIV above, the City collects a park development fee against new development projects which is used to develop new park facilities. The City also has the ability to require the dedication of land (in lieu of fees) for use for parks. These factors can be used to reduce the project's impact on recreation resources.

To ensure that any new recreational facilities do not have any adverse physical effects on the environment, the City shall comply with the following Conservation and Open Space Element policies:

CO-2.3 Maintain parks and public facilities in a way that enhances the appearance of City's General Plan and Zone Change 2013-01 Ariston Project

public spaces and contributes to the City's identity.

- CO-2.4 Ensure existing facilities are maintained in good working order to address the passive and active recreational needs of Arvin residents.
- CO-2.6 Identify and pursue opportunities to open up school playgrounds and playfields to public recreational use outside of school hours through joint-use agreements with the appropriate school districts.
- CO-2.9 Promote the use of vacant public land within developed neighborhoods for temporary recreational uses.

Item (a v): Less Than Significant Impact. The proposed Project would increase demand for public services and facilities; however, implementation of the following policies to enhance the expand and enhance the existing public facilities would result in less than significant impacts on public facilities: To insure that the city's ability to provide and maintain service, the City shall require the establishment of Community Service District or equivalent financing structure which will require the establishment of an annual funding contributing to the provision of public services such as fire services, police services, storm drainage maintenance, and other public services.

- CO-2.3 Maintain parks and public facilities in a way that enhances the appearance of City's public spaces and contributes to the City's identity.
- CO-2.4 Ensure existing facilities are maintained in good working order to address the passive and active recreational needs of Arvin residents.
- CO-2.6 Identify and pursue opportunities to open up school playgrounds and playfields to public recreational use outside of school hours through joint-use agreements with the appropriate school districts.
- CO-2.7 Encourage conservation and promotion of the City's historical and cultural resources.
- CO-2.8 Promote the development and design of the public facilities (e.g. City Hall) area near Jewett Square, as the focal point of the community and to develop the City's identity.
- CO-2.9 Promote the use of vacant public land within developed neighborhoods for temporary recreational uses.

Mitigation Measure: To insure that future growth may be provided the needed services such as Fire, Police, storm drainage maintenance, road infrastructure maintenance, the project shall be required to establish a Community Services District or equivalent funding mechanism, known as the Mello-Roos Community Facilities Act of 1982 per California Code sections 53311 through 53317.5 and 53340 through 53344.4 or equivalent be established at the applicants expense prior to or concurrent with any future development entitlement

XV. Recreation

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Items (a), (b): Less Than Significant Impact. The additional population growth that could result from the adoption of the proposed Project would require additional parks and recreational facilities. The Arvin General Plan land use policies reflect one of the key principals of sustainable communities, a focus on creating pedestrian and bicycle-friendly environments. Compliance with the following proposed policies encourage physical activity through the built environment and underutilized land:

- LU-1.2 Provide high-quality public spaces that incorporate attractive landscaping and streetscaping for the benefit of present and future Arvin residents.
- LU-2.1 Require new development, wherever possible, to provide convenient, direct and safe bicycle and pedestrian connections.
- LU-2.2 Create active neighborhood districts that cluster jobs, services, goods and cultural and recreational uses within walking distance of residences to create a focus for community activity.
- LU-5.1 To the greatest extent possible, seek opportunities to expand the use of streets and other public rights-of-way as active transportation and recreation spaces through pedestrian-friendly design, shade trees, parkways and other enhancements.
- LU-5.3 Ensure that new development incorporates, where feasible, access to parks, trails and natural areas, creating a series of green connections throughout the City.

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

XVI. Transportation and Traffic

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Items (a) and (b): Less Than Significant Impact. The City’s 2012 Circulation Element utilized the Ken County COG data in its preparation and evaluation of existing and future circulation system needs. The 2010 Highway Capacity Manual (HCM 201) was used in defining six levels of service for various street types. With “A” representing the best operating conditions and” F” the worst. The City of Arvin adopted a minimum Level of Service (LOS) standard of D for the Circulation Element and traffic analysis purposes. Existing daily traffic volumes (2010) for Tejon Highway was 3,600, Campus Drive was 3,400 and Bear Mountain Boulevard was 8,100.

The Traffic Impact Study has identified a number of mitigation measures that would be required by the cumulative development within the City.

Planning for traffic generation for multi-family residential units are estimated at 6 trips per day. Utilizing this planning assumption, the increase of 680 units and with 6 trips per day would result in approximately 5,000 trips per day.

Item (c): No Impact. The nearest airport to the city is Bakersfield Municipal Airport which is located approximately 18 miles to the northwest, and the nearest private airport is the agricultural (crop dusting) landing strip located approximately three miles to the southwest of the city. The runway extends east and west parallel and adjacent to Millux Drive. There are no critical air traffic control patterns or designated approach/take off zones over the City such that an increase in air traffic or flight pattern that would create safety risks to both residents and air travelers.

Item (d): No Impact. The proposed Project does not include any specific design features to streets that would create hazardous curves or incompatible land uses. One of the purposes of a Land Use Element is to create land use patterns that encourage safe neighborhood with compatible uses.

Item (e): No Impact. The proposed Project would not alter circulation patterns identified in the Circulation Element. The City has designated specific evacuation routes, including major and secondary arterial roadways, which permit adequate emergency access.

Item (f): Less Than Significant Impact. The proposed Project does not conflict with any adopted policies, plans or programs supporting alternative transportation. In fact, the proposed Project incorporates the principals of sustainable communities and SB 375 which aim to reduce greenhouse gas (GHG) emissions through transportation and land use planning such as encouraging higher residential densities and infill development. In addition, current General Plan policies encourage pedestrian- and bicycle-friendly environments:

- LU-2.1 Require new development, wherever possible, to provide convenient, direct and safe bicycle and pedestrian connections.
- LU-2.2 Create active neighborhood districts that cluster jobs, services, goods and cultural and recreational uses within walking distance of residences to create a focus for community activity.

Traffic and Circulation

The subject site has access from three major roadways, including Sycamore Road, Tejon Highway and Malovich Road. Sycamore Road is an east-west Arterial roadway that runs across the north side of the site. Within the vicinity of the site Sycamore features one travel lane in each direction along with gravel shoulders.

Transportation planning and policies in Arvin are provided for in the 2012 Arvin Circulation Element – an element of the Arvin General Plan. According to the Circulation Element, Sycamore is designated as a Minor Arterial road. Ultimate improvements call for a right-of-way of 80 feet, accommodating two travel lanes, medians and channelized turn lanes at intersections with minor arterials and collectors.

Tejon Highway (also referred to as Derby Road) is a north-south roadway that runs along the west side of the site. In the vicinity of the site this roadway features one travel lane in each direction. Portions of the roadway have been widened with curbs, gutters and sidewalks, along the west side of the road. Tejon Highway is also designated as a Minor Arterial by the Arvin Circulation Element.

Malovich Road runs along the east side of the site. This roadway terminates a short distance south of the site, where an unfinished residential subdivision has been started. In the vicinity of the site Malovich features one travel lane in each direction along with gravel shoulders. Malovich is designated as a “Collector” roadway by the Arvin Circulation Element. For collector streets the Circulation Element calls for an ultimate design standard with a right of way of 68 feet accommodating one travel lane, a center median and bike lanes.

The intersection of Sycamore and Tejon Highway is controlled by stop signs for traffic on all approaches. The intersection of Sycamore and Malovich is controlled with a stop sign for northbound traffic on Malovich.

There are currently no other alternative transportation facilities in the vicinity of the site, such as bike lanes, sidewalks, walking trails, or transit stops. Development that may occur in the future would be expected to install sidewalks, bike lines and transit stops (where required).

A Traffic Impact Study was prepared for the project and is attached as Appendix “A”. The results of the study are discussed in Section 4.0.

Background:

In 2015, the City of Arvin prepared an update to the Traffic Impact Fee (TIF) for land development projects. Given anticipated population growth for the City, the Nexus Study for Traffic Impact Fee Update identified transportation improvements that would be needed in the future to maintain a good level of service for roads and intersections. These improvements include such things as road widening and installation of traffic signals. As part of the Nexus Study for the TIF, a comprehensive list of future transportation mitigation needs was determined as well as an associated cost for all of those improvements. Using this total cost, Transportation Impact Fees for commercial, industrial, offices and the various forms of residential land use were developed that fairly distributed those fees among the various development types as a pro-rata share based on vehicular trips. The City of Arvin's Traffic Impact Fee program includes a unit fee for single and multi-family dwelling units. For commercial, industrial and office projects, the Traffic Impact Fee is based on historic and publish vehicle trip data for said development types.

Again, the intent of the Nexus Study was to identify all needed future traffic mitigation improvements. However, should the Traffic Impact Study (TIS) for a project identify a needed traffic mitigation improvement that is not covered by the TIF program, then said project must pay its pro-rata share for said mitigation improvement. The pro-rata share being the ratio of Project-generated traffic to estimated future traffic multiplied by the cost of mitigation improvement.

In the case of this Project, the TIS estimated the intersection of Franklin Street and Derby, by Year 2035, would degrade from a LOS of "B" to "E", (with the addition of Project-generated traffic). The TIS for the Project also determined that installation of a traffic signal was the only mitigation that would restore the intersection's LOS to the pre-Project LOS of "B".

The City's Traffic Impact Fee Program funds installation of four signals; however, the location for these was not specified in the Nexus Study. Based on estimated future traffic, and the assumption that the intersection of Franklin and Derby was not one of the four signals funded by the TIF program, it was assumed that the Project would be obligated to fund its pro-rata share of this traffic signal. The Project's funding obligation being taken as the ratio of Project-generated traffic to Year 2035 total peak hour volume, as follows:

$$\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%$$

Therefore, **traffic mitigation** for the Project is specifically defined as follows:

1. The Project shall pay traffic impact fees for each development type in accordance with the City's Traffic Impact Fee Program Update of 2015. The fee will be computed and collected at the time of building permit application. (Note: The project will be subject to any updated fees associated with the City's Traffic Impact Fee Program in effect at the time of project development. – Added by Staff June 2018)
2. The Project shall pay 22% of the cost of a traffic signal at the intersection of Franklin Street and Darby Street. Said Project share of the traffic signal will be further pro-rated among the various land uses proposed by the Project based on trips for each development type. The Developer's engineer shall prepare an estimate for the traffic signal, and the allocation of this cost to each Project land use. This cost and fee allocation must be approved by the Arvin City Engineer and will be in addition to the Traffic Impact Fee collected at the time of building permit application. (Note: Prior to any land division or development entitlement for any portion of the property said estimate for traffic signal cost shall be prepared and must receive approval by the City Engineer. – Added by Staff June 2018)
3. In addition to the off-site mitigation measures as identified in the Traffic Impact Study dated 2016, the project shall be required to dedicate road right-of-way along the property frontage, improvement of frontage which include, curb, gutter, sidewalk and street improvements. Any off-site improvements identified in the traffic report may be required by the City Engineer. . (Added by Staff June 2018)

4. Prior to project development an internal circulation and traffic master street layout (must include adjacent lands as well) shall be required and approved by the City Engineer prior to or current with future land divisions or development. (Added by Staff June 2018)

The project is a request for a General Plan amendment and zone change, to re-designate the site from future industrial use, to a combination of residential and commercial uses Future development will generate vehicular traffic that will affect area roadways. The City required a traffic impact analysis to be prepared for the request (see Appendix C). The study analysed the project’s potential impact on area roadways and identified mitigation measures that could be employed to offset impacts of future development of the project site.

The study determined traffic conditions for the four following time frames/scenarios:

1. Current traffic conditions
2. Year 2030 traffic conditions
3. Year 2030 traffic conditions with the project added

Trip Generation

Table 1 of the Traffic Impact Analysis provides trip generation rates for the residential and commercial uses that are proposed to ultimately be developed on the site. This table is repeated below

Commercial - Land Uses						24 Hour Trips		A.M. Peak Hour Trips				P.M. Peak Hour Trips				
Item No.	Proposed Land Use	ITE Code	Gross Acreage	Gross Leasable Floor Area (1K S.F.)	Dwelling Units	Trip Rate	Veh Trips (vpd)	Trip Rate	Veh Trips (vph)	Split In	Split Out	Trip Rate	Veh Trips (vph)	Split In	Split Out	
1	C-1 (Commercial)	820	21.32	174	N/A	42.94	7,477	1.00	174	106	68	3.73	650	318	331	
15% Reduction for "Capture" - All Land Uses:							(1,122)				(16)	(10)			(48)	(50)
40% Reductions for "Pass-By" - Commercial Only:							(2,991)				(42)	(27)			(127)	(132)
Subtotal - Commercial:							3,365				48	31			143	149

Residential Land Uses						24 Hour Trips		A.M. Peak Hour Trips				P.M. Peak Hour Trips				
Item No.	Proposed Land Use	ITE Code	Gross Acreage	Gross Leasable Floor Area (1K S.F.)	Dwelling Units	Trip Rate	Veh Trips (vpd)	Trip Rate	Veh Trips (vph)	Split In	Split Out	Trip Rate	Veh Trips (vph)	Split In	Split Out	
2	R-2 (Multi-Family Apartments)	220	27.17	N/A	285	6.65	1,897	0.51	145	29	116	0.62	177	115	62	
3	R-2 (Detached Single Family Homes)	210	13.13	N/A	98	9.57	942	0.77	76	19	57	1.02	100	63	37	
Total Gross Acreage			61.62	Subtotal - Residential:			9,569				144	234			178	99
15% Reduction for "Capture" - All Land Uses:							(1,435)				(22)	(35)			(27)	(15)
Subtotal - Residential:							8,134				122	199			152	84
Total - All Land Uses:							11,498				170	230			295	233

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

The foregoing table indicates a total of 11,498 trips per day generated by all uses at the site. During the morning peak hour a total of 400 trips would be generated and during the afternoon peak hour a total of 528 trips would be generated. These traffic volumes assume a 15 percent reduction for “capture” and a 40% reduction for “passby” traffic (for the commercial portion only).

The traffic study distributed these traffic volumes on area roadways to arrive at potential circulation impacts of the project.

Traffic conditions were modeled for morning and evening peak travel times. Levels of service for intersections (both signalized and unsignalized) and roadway segments are provided from the Highway Capacity Manual as follows:

Table 1: Level of Service for Signalized Intersections

Level of Service	Stopped Delay per Vehicle (in seconds)
A	< 5
B	5.1 to 15.0
C	15.1 to 25.0
D	25.1 to 40.0
E	40.1 to 60.0
F	> 60

Table 2: Level of Service for Unsignalized Intersections

Level of Service	Research Capacity	Expected Delay to Minor Street Traffic
A	>400	Little or no delay
B	300 – 399	Short traffic delay
C	200 - 299	Average traffic delay
D	100 - 199	Long traffic delay
E	0 – 99	
F	See note 1	

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

Table 3: Level of Service for Highway and Arterial Segments

Level of Service	Description
A	Free flow conditions, unimpeded ability to maneuver and pass, very little delay, no platoons, highest average travel speeds
B	Mostly free flow conditions; presence of other vehicles begins to be noticeable. Passing is required to maintain speeds, slightly less average travel speeds than Level of Service "A".
C	Traffic density clearly affects the ability to pass and maneuver within the stream. Speeds are reduced to about 50 mph on highways and to about 50% of the average on urban arterials.
D	Unstable flow. Speeds are reduced from 40% to 60% of normal. Passing demand is high although mostly impossible on 2-Lane Highways. Traffic disruptions usually cause extensive queues.
E	Very unstable flow at or near capacity. Passing and maneuvering virtually impossible. Extensive platooning on highways and queuing on arterials. Speeds range from 20 mph or less on arterials and 2-Lane Highways, and up to 50 mph on Multi-Lane Highways.
F	Forced or breakdown flow. Demand exceeds capacity. Vehicles experience short spurts of movement followed by stoppages. Intersection congestion, long queues and delays are common.

The City has an adopted standard of Level of Service “C” as a threshold of significance, which provides that the function of intersections and roadway segments should not drop below this threshold. The traffic study indicates that several intersections will drop below Level of Service “C” by the year 2035 with or without development of the proposed site – if no improvements are made to subject intersections or roadway segments.

Intersections Needing Improvements:

Bear Mountain Blvd (State Route 223) and Comanche Drive. The western leg of this intersection (on Bear Mountain Blvd) is currently constrained as it is a single lane that approaches the intersection. To continue to function adequately by 2035 the intersection will need to be upgraded to provide at least two through lanes, two left turn lanes and a single right turn lane for all legs.

Bear Mountain Blvd and Derby Street. The Derby Street approaches will be a constraint to operations, as they provide only a single lane that provides for through, left- and right-turn movements. The presence of the railroad that parallels Derby also inhibits future improvements, especially to the east Bear Mountain Boulevard leg. The study indicates that by 2035 this intersection warrants the installation of a traffic signal. Other design options include installation of dedicated left turn lanes on the Derby approaches to the intersection.

Sycamore Road and Comanche Drive. Under current conditions this intersection operates at LOS of “B”. Under year 2035 conditions (without the project) the intersection degrades to LOS F. With the project the intersection degrades to LOS E. Again, those levels of service are if no improvements are made to the intersection, which is currently not fully improved. Conditions can be improved in the future with the addition of a dedicated lane for all through and turning movements. This will improve operations to LOS C or better. Ultimately a traffic signal is warranted at this intersection by 2035.

Sycamore Road and Meyer Street. Under current conditions this intersection operates at LOS “B” By 2035 the intersection is projected to operate at LOS “F” with or without development of the subject site. Operations can be improved to LOS “C” or better through installation of a traffic signal as well as expanding the intersection to provide at least one dedicated lane for all through and turning movements.

Intersections that Do Not Warrant Mitigation

The following intersections were analysed and will remain at LOS “C” or above, with or without the project by the year 2035:

- Franklin Street and Meyer Street
- Franklin Street and Derby Street/Tejon Highway
- Sycamore Road and Derby Street/Tejon Highway
- Sycamore Road and Malovich Road
- El Camino Real and Meyer Street
- El Camino Real and Tejon Highway
- El Camino Real and Comanche Drive

Roadway Segments

All roadway segments that were analysed by the traffic study are projected to operate at LOS “C” by the year 2035 with or without project-generated traffic, with the exception of Comanche Drive between Sycamore Road and Bear Mountain Boulevard, which will degrade to LOS “D” if no improvements are made. It is anticipated that this roadway will improve over time as parcels that front the road are developed and required to widen the roadway along their frontages. In addition the City will likely dedicate funding to improvement of the road, such as widening and repaving of segments that do not have new project development.

Project Mitigation

At the time the site is developed, the project will be required to pay traffic impact fees to the City of Arvin. The current applicable traffic impact fee rates are:

- Single Family Dwellings: \$7,646 per unit
- Multiple Family Dwellings: \$5,313 per unit
- Commercial uses: \$7,874 per 1,000 square feet of floor area

It is also anticipated that Caltrans will require pro-rated impact fees for future improvements to State Route 223 (Bear Mountain Boulevard).

As noted previously the project will also be required to dedicate right of way and improve roadways that abut the project site, including Sycamore Road, Tejon Highway and Malovich Road. The applicant will be required to improve these roadways to City standards as contained in the Arvin Circulation Element and Arvin Improvement Standards. Typical improvements will include widening of the roadways along with installation of curbs, gutters, sidewalks and street lamps as well as landscaping

. TRAFFIC MITIGATION

A. Requirements for Mitigation

In accordance with County of Kern Standards, a traffic facility, i.e., a street or street intersection, must be analyzed for LOS, and the need for mitigation improvements if it is subjected to 50 or more Project-generated peak hour trips. Mitigation improvements are normally considered necessary if the combined effect of Project-generated traffic and non-Project traffic causes a particular intersection or street segment to degrade to a Level of Service (LOS) less than “C”. Non-Project traffic includes future traffic volumes estimated for the Year 2035. If mitigation is warranted, the Project is normally obligated to pay its pro-rata share of these improvement costs. Typically, an exception to the above occurs when an existing facility operates at a Level of Service of less than “C” under existing conditions, (prior to the addition of Project traffic). In this case, the Project is normally only obligated to pay its pro-rata share of mitigation improvements that would restore the facility to its pre-project or existing Level of Service, thus maintaining the status quo.

Recommended Mitigation

It should be reiterated that the level of mitigation improvements recommended herein is based on anticipated traffic volumes for the Year 2035, which includes Project-generated traffic.

In the following, each of the intersections and street segments included within the scope of this study are discussed with regard to existing and future level of service, the need for mitigation improvements. As mentioned, the Project's obligation towards funding recommended mitigation improvements is typically a proportionate share based on the ratio of Project-generated traffic to Total Future Traffic Volume. Except as otherwise provided, "signal modifications" or "signal upgrades" at a minimum were considered to provide a single dedicated left turn lane, dual dedicated through lanes, and a single dedicated right turn lane for each approach leg. This is a conservative approach and would provide latitude for additional capacity increasing improvements such as dual left turn lanes, or multiple through lanes.

All Level of Service Calculations have been provided in Appendix "B" of this report. As indicated, Table 5 is a matrix of calculated Level of Services for the various studied scenarios.

Intersections:

1. **Intersection of Bear Mountain Boulevard (SR 223) and Comanche Drive:** This intersection is currently signalized. The Comanche Drive approaches each have single dedicated lanes for left and right turns and the through movement. The Bear Mountain Boulevard approaches both have a single dedicated lane for left turns. The east "approach" of Bear Mountain is striped for two through lanes in each direction; however the west "approach" is in various stages of widening and is presently striped only for one through lane. The east and west legs have sufficient existing width to provide dedicated right turn lanes; however, neither are striped for such.

During the evening peak hour, under existing conditions, this intersection has been calculated to operate at a LOS of "D", with an average vehicle delay of about 34 seconds. Under future (Year 2035) traffic volumes, and under present day level of improvements, this intersection is expected to degrade to a LOS of "F". Calculations indicate a future LOS of "F" either with or without addition of Project-generated traffic.

Recommended Mitigation: Expand the intersection to provide a minimum of (2) dedicated through lanes, (2) dedicated left turn lanes, and a single dedicated right turn lane for all movements.

At the present time, due to the existing width of Comanche Drive, expansion of the intersection as described is not feasible. However, for the City of Arvin to reach the volume of traffic projected for the Year 2035, substantial growth and development will have to occur. Much of the growth is anticipated to be "infill" as there remains large parcels of vacant land in the City limits that are zoned for a variety of urban land uses. It is assumed this growth will "close" gaps in City Street widening, with the requirements of development and associated fees to provide funding for those improvements. Generally, the capacity of a street is controlled by its narrowest segment. Until fully widened, streets cannot be striped for more than one through lane in each direction. Similarly an

intersection cannot be improved to reach its fully capacity until streets are fully widened, i.e., two or more lanes through lanes are needed to “receive” dual left turns.

It can be argued that if growth does not occur as projected herein, estimated future traffic volumes will not be realized, and the Level of Service (LOS) of streets and intersections will not degrade and the level of mitigation identified herein will not be needed.

This intersection is characteristic of every “offsite” intersection and street analyzed in this study in that nearly every facility is expected to degrade to a LOS less than “C” under anticipated future traffic loads, (without the addition of Project-generated traffic). With two exceptions, discussed later in this report, the addition of Project-generated traffic to these facilities, although increasing the average vehicle delay by a small percentage, does not sufficiently degrade the facility to cause to drop to a lower LOS.

As indicated, a summary of Level of Service (LOS) calculations for the various scenarios analyzed is included herein as Table 5.

2. **Intersection of Bear Mountain Boulevard and Meyer Street:** This intersection is currently signalized. The north of the intersection, being the north Meyer Street approach, have single dedicated lanes for left and right turns, as well as the through movement. The south leg of the intersection has a dedicated lane for left turns, and a shared lane for through movements and right turns. The Bear Mountain Boulevard approaches both have single dedicated left turn lanes, and two through lanes. Right turns from Bear Mountain are from the shared through lane.

Under existing conditions, this intersection has been calculated to operate at a LOS of “D” during the evening peak hour. Under future (Year 2035) traffic volumes, and under present day level of improvements, this intersection is expected to degrade to a LOS of “F”. Calculations indicate a future LOS of “F” will occur either with or without addition of Project-generated traffic.

Recommended Mitigation: Although Bear Mountain Boulevard is not striped to provide dedicated right turn lanes, there is sufficient width in the number two lane such it can function as two lanes to accommodate some right-turn movements. Adding dedicated right-turn lanes to the BMB approaches, either by re-striping or widening, improves the LOS (using 2035 volumes) of the entire intersection to “D”, (which is its current LOS). In addition, the resulting average vehicle delay is less than experienced under current conditions. Whether or not there is sufficient width to stripe right turn lanes without physically widening the intersection is beyond the scope of this study. Other considerations for providing dedicated right-turn lanes include existing detector loops and modification of signal operation.

3. **Intersection of Bear Mountain Boulevard and Hill Street:** This intersection is currently signalized, with a dedicated single left turn lanes and two through lanes for both eastbound and westbound movements. The north and south legs do not have dedicated lanes for turning movements, but drivers do share the lane for right turns and through

movements. The existing signal provides for protected left turn movements only for east and westbound traffic.

On-street parking is permitted on Bear Mountain Boulevard to within about 75-feet from the intersection.

Under existing conditions, this intersection has been calculated to operate at a LOS of “B” during the evening peak hour. Under future (Year 2035) traffic volumes, and the intersection’s present day level of improvement, the level of service of this intersection is expected to degrade to an “C”, with some individual movements at a “D”. The calculations indicate said future LOS’s are anticipated either with or without the addition of Project-generated traffic.

Recommended Mitigation: It appears right-of-way acquisition would be necessary to expand this intersection to provide dedicated lanes for all movements. However, elimination of parking on Bear Mountain Boulevard could provide enough width to stripe dedicated right turn lanes for east and westbound traffic. Again, the composite LOS under 2035 traffic has been calculated at a “C”, and thus no further analysis was performed.

4. **Intersection of Bear Mountain Boulevard and Derby Street (Tejon Highway south of Sycamore):** This intersection is not currently signalized, with stop-control for the Derby Street approaches. (Derby Street becomes Tejon Highway south of Sycamore Avenue). The west approach of Bear Mountain Boulevard (or west leg), currently has a single dedicated left turn lane and two lanes for through traffic. The east approach of Bear Mountain Blvd. is a two lane road, but is slightly expanded at the intersection to provide a left turn lane.

Similar to Comanche Drive to the west, development has occurred along the west frontage of Derby Street, while the east side has remained either in agriculture, or ag-industrial uses. Although sufficient width exists, the Derby Street approaches have not been striped to provide any dedicated lanes for through or turning movements. The east and west legs each have two dedicated through lanes and single dedicated left turn lanes.

A rail line runs parallel and along the east side of Derby, crossing Bear Mountain Boulevard. An existing signalized crossing arm exists for the rail crossing. Of course this presents challenges to intersection improvements, a future signal installation, signal operation, pavement detector loops and roadway widening.

Under existing conditions, this intersection has been calculated to operate at a LOS of “A” during the evening peak hour. Under future (Year 2035) traffic volumes, and the intersection’s present day level of improvement, the level of service of this intersection is expected to degrade to an “F”. As discussed, a LOS of “F” is expected either with or without the addition of Project-generated traffic. The anticipated future volume at this intersection, without the addition of Project-generated traffic is sufficient to satisfy the warrant for signalization.

5. **Intersection of Franklin and Meyer Street:** This intersection is not currently signalized and controlled as an “all-way” stop. Both Franklin and Meyer Streets appear fully widened at a curb to curb width of 68 feet plus or minus. Although very faint, both streets have been striped for two lanes, with no additional expansion or striping for turn lanes at the intersection itself. Thus, left and right turns for all approaches are from shared lanes.

The analysis of this intersection indicates this intersection should function at a LOS of “C” and better, under Year 2035 traffic (with or without the addition of Project-generated traffic). In addition said future traffic does not meet the minimum warrant threshold to satisfy the Peak Hour Signal Warrant.

Recommended Mitigation: Options for mitigation include the addition of dedicated turning lanes to the Derby Street approaches, (without installation of a traffic signal). A second option is the installation of a traffic signal. Installation of traffic signal would also include dedicated turning lanes. Adding dedicated lanes for the Derby Street approaches (without installation of a signal), would improve the Year 2035 LOS from an “F” to a “D”. Signalizing this intersection, along with dedicated lanes, would improve the LOS to a “C”.

Recommended Mitigation: The future LOS is anticipated to be satisfactory, and future volumes do not satisfy the Peak Hour Signal Warrant. Therefore, mitigation improvements are not recommended at this intersection.

6. **Intersection of Franklin Street and Derby Street/Tejon Highway:** Franklin Street currently “tees” into Derby Street from the West. The east leg of this intersection at this time only functions as a private drive to an agricultural packing and storage facility. However, the City’s General Plan shows Franklin Street ultimately running east from Derby Street to Malovich Road. This intersection is not currently signalized, does not have any additional width or dedication lanes for turning movements, and is only stop-controlled for Franklin Street.

Without the addition of Project-generated traffic, calculations indicate under Year 2035 traffic, this intersection should function at a LOS of “B” and better, However, the addition of Project-generated traffic causes the intersection to degrade to a LOS of “E”, under Year 2035 traffic. In addition said future traffic does not meet the minimum warrant threshold to satisfy the Peak Hour Signal Warrant.

Recommended Mitigation: Addition of through lanes and turning lanes will improve the LOS, (under future traffic), to a “D”; but does not restore the pre-project LOS of “B”. Although the intersection does not satisfy the Peak Hour Signal Warrant, installation of a signal at this intersection would restore the pre-Project LOS.

7. **Intersection of Sycamore Road and Comanche Drive:** This intersection is not currently signalized and is currently controlled as an “all-way” stop. The centerline of Comanche Drive is also the west line of the City of Arvin limits. Lands on the west frontage of Comanche Drive are still in agricultural production, while property along the east frontage of Comanche has undergone urban development. Consequently the east half of Comanche in the vicinity of Sycamore has been widened to its ultimate planned width. The west half

of Comanche, with the exception of intersection expansions, has not been widened to more than a single lane.

Both Sycamore Road and Comanche Drive have centerlines that run along section lines and thus are considered major roadways

Sycamore Road, within the City limits is currently in various stages of widening. At this intersection, Sycamore and the “east half” of Comanche are widened to their ultimate planned width. Again, the west half of this intersection is un-improved beyond single lanes, which are shared for all movements.

In addition, future traffic volumes at this intersection, either with or without Project-generated traffic, are sufficient to satisfy the Peak Hour Warrant for a traffic signal.

Recommended Mitigation: Although anticipated future traffic volumes satisfy the Peak Hour signal warrant, expanding this intersection to at least one dedicated lane for all through and turning movements will improve this intersection to a LOS of “C” or better.

8. **Intersection of Sycamore Road and Meyer Street:** This intersection is not currently signalized and is controlled as an “all-way” stop. In addition, this intersection is not fully expanded due to gaps in development along the frontages of both streets. Currently all turning movements are from shared lanes, with the exception of the east approach for Sycamore: which provides a striped dedicated right turn lane.

Under existing conditions, this intersection has been calculated to operate at a LOS of “B” during the evening peak hour. Under future (Year 2035) either with or without addition of Project-generated traffic, the level of service of this intersection degrades to an “F”.

In addition, future traffic volumes at this intersection, either with or without Project-generated traffic, are sufficient to satisfy the Peak Hour Warrant for a traffic signal.

Proposed Mitigation: Installation of a traffic signal, along with expanding the intersection to provide at least one dedicated lane for all through and turning movements will improve the LOS to a “C” or better. It should also be noted that prior to signal installation, expansion of this intersection to provide at least one dedicated lane for all turning movements will greatly reduce the average vehicle delay.

9. **Intersection of Sycamore Road and Derby Street/Tejon Highway:** This intersection is not currently signalized and is controlled as an “all-way” stop. Only the north half of Sycamore and the west half of Tejon Highway, (north of Sycamore), have been widened to their ultimate planned width, thus the intersection is not fully expanded. The north approach of Tejon Highway has a dedicated right turn lane. Other than that, all other movements at this intersection are from shared lanes.

Under existing conditions, this intersection has been calculated to operate at a LOS of “A” and “B” during the evening peak hour. Under future (Year 2035) with the addition of Project-generated traffic, the level of service of this intersection degrades to an “F”.

Recommended Mitigation: Widening of both Sycamore Road and Tejon/Derby are funded by the Traffic Impact Fee program. These improvements are shown in this study to improve the LOS to a “C”, under Year 2035 traffic volumes.

10. **Intersection of Sycamore Road and Malovich Road:** This intersection is not currently signalized and is controlled as an “all-way” stop. Sycamore is paved at this intersection, but Malovich Road is nothing more than a dirt farm road. However, since this roads are in the City’s system, this intersection was analyzed

Under future (Year 2035) either with or without the Project, the level of service of this intersection is anticipated to operate at a LOS of “A”.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended.

11. **Intersection of El Camino Real and Meyer Street:** This intersection is not currently signalized and is controlled as an “all-way” stop. Meyer Street to the north and El Camino Real to the west are fully widened “collector” status roads. Ultimate curb to curb width of both Roads is 68 feet. However, El Camino Real east of the intersection and Meyer Street south of the intersection are only two lane roads.

El Camino Elementary school is sited at the southwest corner of this intersection, and the north and west leg of the intersection has been striped for crosswalks. The land at the southeast corner of the intersection is still in agriculture

The west approach of El Camino and the north approach of Meyer Street have been striped to provide single dedicated lanes for all turning and through movements.

Although El Camino appears to have been planned as a collector status road, on-street parking is permitted, as well as direct residential drive access. This somewhat limits possible LOS-improving mitigation for the road.

Under future (Year 2035) either with or without the Project, the level of service of this intersection degrades to LOS’s of “C” and “B”, respectively. In addition said future traffic volumes do not satisfy the Peak Hour Signal warrant.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended. However, if future development widens the south half of El Camino Real, it may be possible to stripe more than single through lanes, thus increasing the intersection’s capacity without installation of a traffic signal

12. **Intersection of El Camino Real and Tejon Highway:** This intersection is not currently signalized and is controlled as an “all-way” stop. Only the north half of El Camino Real and the west half of Tejon Highway, (north of El Camino Real), have been widened to their ultimate planned width, thus the intersection is not fully expanded. Neither road has been striped to dedicate any special lanes for turning movements

Under future (year 2035) either with or without the Project, the level of service of this intersection is anticipated to operate at a LOS of “A”. In addition, future traffic volumes do not satisfy the Peak Hour Warrant.

Recommended Mitigation: Mitigation has not been shown to be warranted by this Study, and thus none is recommended.

13. **Intersection of El Camino Real and Comanche Drive:** El Camino Real currently terminates just east of Comanche Drive. However it is apparent that this intersection will be one day constructed as urban development pushes southward. Comanche Drive pavement currently terminates roughly 1,300 south of Sycamore Road, and 1,300 north of the further intersection of El Camino Real. Said pavement is consistent with the southern limit of urban development.

Since this intersection does not currently exist, existing traffic volumes could not be obtained. Also, extrapolation or projecting future counts using methods herein was not possible. However, based on the volumes of surrounding intersections, and the fact that this intersection is near extremity of urban development, it is unlikely this intersection would realize any higher volumes or worse conditions than the intersection of Comanche and Sycamore, or El Camino Real and Meyer Street. It should also be noted that the area to the northeast of this has been planned for residential development, and thus any future development is unlikely to create a spike in trip generation.

Proposed Mitigation: Based on said empirical analysis, mitigation improvements for this intersection are not recommended. It is anticipated that if anticipated growth in the City is realized, improvements to this intersection will be made as part of surrounding development.

Street Segments:

As shown in Table 6 herein, Streets analyzed include Bear Mountain Boulevard, Franklin Street, Sycamore Road, Comanche Drive, Meyer Street, and Derby Street/Tejon Highway. With the exception of Comanche Drive, under Year 2035 traffic volume, and with the addition of Project-generated traffic, all streets are anticipated to operate at a LOS of “C” or better. A one mile segment of Comanche Drive between Sycamore and Bear Mountain Boulevard has been shown to degrade to an LOS of “E” by the year 2035, with or without the addition of Project-generated traffic. This segment of Comanche Drive currently only provides one lane in each direction. The addition of a lane to each direction of Comanche will improve the LOS to a “B” or better in each direction. Table 6

It is noted that the LOS of Comanche Drive between Sycamore and Bear Mountain from is degrade to an “E” under future traffic loads. As with most facilities, the degradation of LOS under future traffic loads occurs with or without the addition of Project traffic. Also, this same segment of Comanche Drive is currently funded by the City’s Traffic Impact Fee Program, and thus the Project should have no additional funding obligation for this facility shows the resultant LOS with lanes additions. It is noted that portions of Comanche Drive General Plan and Zone Change 2013-01 Ariston Project

that have only been widened east of the road’s centerline, due to lack of frontage development on the west side, have sufficient width to be striped for four lanes of traffic.

Since gaps in road widening for the studied street segments will be remedied as part of frontage development, and existing street segment LOS’s are satisfactory, no mitigation is recommended for “offsite” streets within the study limits. It is anticipated that Sycamore, Tejon Highway, and Malovich Road will be widened along their respective frontages as part of the Project’s improvements.

Similarly, the LOS of the intersection of Sycamore Road with Tejon Highway/Derby Street is degraded from a “B” to an “F”, by the addition of Project-generated traffic. However, widening of both Sycamore Road and Tejon/Derby are funded by the Traffic Impact Fee program. These improvements are shown in this study to improve the LOS to a “C”, under Year 2035 traffic volumes. Therefore, the Project should have no additional funding obligation for this facility

The intersection of Franklin Street and Derby, by Year 2035, has been shown to degrade from an LOS of “B” to “E”, with the addition of Project-generated traffic. As supported by the calculations herein, installation of a traffic signal has been determined the only mitigation that will restore the intersection’s LOS to the pre-Project LOS of “B”. However, it should be noted again, that the estimated future peak hour volumes do not warrant a signal.

Again, although the City’s Traffic Impact Fee Program funds installation of four signals, the location is unknown. Based on estimated future traffic, the Project’s obligation funding obligation is taken as the ratio of Project-generated traffic to Year 2035 total peak hour volume, as follows:

$$\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%$$

XVII. Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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:</i></p>				
<p><i>i) 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),</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>ii) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Items (a)(i) and (ii): Less Than Significant Impact. As previously discussed in Section V: Cultural Resources, the Southern San Joaquin Valley Archaeological Information Center indicated there is a possibility that archaeological resources might be present. Historically, the Yokuts tribe populated the San Joaquin Valley from the Sacramento-San Joaquin River Delta south to Bakersfield and also the adjacent foothills of the Sierra Nevada mountain range. The Yokuts tribe also inhabited the foothills of the Coastal Range, which lies to the west of the San Joaquin Valley. However, as mentioned previously, the Native American Heritage Commission conducted a record search of sacred lands, and their research failed to identify the presence of Native American sacred lands in portions of the City. Additionally, the local Kern Valley Indian Tribes indicated that there are no known sensitive tribal lands in the City.

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)

XVIII. Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected commitments?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>g. Comply with federal, state, and local statutes and regulations related to solid waste?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Items (a), (b), (e): Less Than Significant impact. The City of Arvin is responsible for sewer service in the City. Wastewater generated in the City is conveyed by sewer trunk lines to the wastewater treatment plant, located in the southwest portion of the City. There is a remaining treatment capacity of 750,000 gallons per day (gpd) at the wastewater treatment facility.

The proposed Project would result in an increase in wastewater generated over the existing conditions and the holding capacity of the 2012 General Plan. According to the 2012 General Plan MND/IS, the holding capacity of the 2012 General Plan would generate an estimate of 1.7 million gpd of wastewater from existing levels. This level of wastewater would exceed the remaining capacity of the City's wastewater treatment facility. Assuming a wastewater generation factor of 220 gpd per multi-family unit, the proposed Zone Change could result in 31,240 gpd of additional wastewater flowing into the treatment facility.

As the City develops over time, decisions regarding development approval will be governed by a commitment to ensuring that public infrastructure and utilities are able to adequately serve the new uses.

To ensure that infrastructure will accommodate future levels of growth, the Land Use Element contains the following policy designed to reduce the potential impact of increased wastewater generation from potential new development:

- LU-6.2** Ensure residential densities are compatible with available public service and infrastructure systems.

Item (c): Less than Significant Impact. The City’s existing drainage facilities include curb and gutter, cross gutters, drainage inlets, siphons, storm drain pipeline, and drainage basins. The drainage system empties into storage ponds where, due to the high permeability of the soil, most of the water percolates into the water table.

According to the Drainage Master Plan Update (2010), the existing storm drainage collection and retention system are adequate; however, there are three exceptions, including inlet siphons on Bear Mountain Boulevard, which become clogged with trash and debris and overflow onto adjacent streets; the Smothermon Park basin, which overflows onto adjacent parkland; and Derby Street between Bear Mountain Boulevard and Sycamore Avenue, which lacks curbs and gutters and has no street crown, making it prone to flooding. The City is currently in the process of addressing these three drainage and retention system inadequacies in the Drainage Master Plan.

Impermeable surfaces are expected to increase over time as new development occurs on vacant or under-developed properties. Such improvements could result in additional urban run-off into the existing drainage system. However, all new development on vacant land will be required to provide adequate improvements in order to accommodate future growth and infrastructure needs.

Compliance with the General Plan policies presented below will further ensure that impacts will be less than significant:

- CO-5.2:** Implement the measures for drainage improvements as specified in the Master Drainage Plan for Arvin.
- CO-5.3** Direct the City Engineer and Flood Control District to review all development proposals and ensure adequate protection from flood damage.

Item (d): Less than Significant Impact. The City’s water supply comes from the local groundwater wells, operated and maintained by the Arvin Community Service District (ACSD), a privately-owned utility company formed in 1956. ACSD provides water service for the residents of Arvin and the surrounding county area and operates five active wells and has two inactive wells. The well water is currently distributed in the City through ACSD’s water distribution system, which includes 8, 10 and 12-inch water mains. According to the ACSD, the maximum potential rate of production is approximately 5,250 gpm. The water system also includes a 500,000-gallon above-ground storage tank and an elevated 70,000-gallon storage tank.

According to the Arvin Water Master Plan, the City’s demand for water during the peak month (August) in 2007 was approximately 3.6 million gallons per day (gpd). The 2012 General Plan MND/IS indicates that the holding capacity under the current General Plan would result in an estimated increase in water consumption of about 2.6 million gpd, an increase of approximately 72 percent over 2012 levels. This would be an average demand at buildout of approximately 4,330 gpm, which was less than the maximum production rate stated by the ACSD. Assuming a water consumption generation factor of 220 gpd per multi-family unit, the proposed Project, which includes an additional 142 multi-family units could result in the consumption of water by an addition 31,240 gpd or an average of 22 gpm. The additional water

consumption of could total 4,352 gpm at buildout, which is still below the maximum rate of production of 5,250 gpm.

In 2013, the City adopted the CALGreen standards for all development citywide. CALGreen sets targets for energy efficiency, water consumption, dual plumbing systems for potable and recyclable water, diversion of construction waste from landfills and use of environmentally sensitive materials in construction and design. The water efficiency and conservation standards will also help reduce need for additional water supply.

Additionally, the following General Plan water conservation policies will ensure that there is a sufficient supply of water:

- CO-3.1 Encourage continued groundwater recharge efforts of the Arvin-Edison Water Storage District.
- CO-3.2 Embark on a public education program regarding water conservation practices in residential, commercial, industrial and public facility development.
- CO-3.3 Encourage the use of reclaimed wastewater for appropriate uses such as agricultural irrigation or frost protection.
- CO-3.4 Require thorough information in all environmental assessments for projects which may have a substantial effect on groundwater levels.
- CO-4.1 Monitor water quality regularly in all wells in the Arvin Community Services District.
- CO-4.2 Investigate means of protecting the groundwater supply from contamination by agricultural chemicals.
- CO-4.3 Ensure that all components of the City's infrastructure related to water delivery and consumption, including those on private property, are functioning properly to protect water quality.

Item (f): Less than Significant Impact. Mountainside Disposal, a private solid waste disposal company, provides refuse and recycling service for the City of Arvin. The solid waste collected within the City by Mountainside Disposal is transported to the Metropolitan Recycling Corporation facility located at 2601 S. Mt. Vernon Avenue, Bakersfield. This facility separates recyclable material and non-recyclable waste. Non-recyclable waste is disposed at the Bakersfield Metropolitan Landfill, also known as Bena Landfill. This landfill is located at 2951 Neumarkel Road, Bakersfield, which is approximately 10 miles north of Arvin. The Bena Landfill is owned and operated by the County of Kern Waste Management Department.

According to the 2012 General Plan MND/IS, solid waste generated by the 2012 General Plan's holding capacity would generate an estimated 100,800 pounds or approximately 50 tpd over existing levels. The Bena Landfill currently receives an average of approximately 1,194 tpd, thus the addition of the solid waste generated from the 2012 General Plan would total approximately 1,246 tpd in the future. Since the Bena Landfill is permitted to remain operational until 2042 and the total solid waste generated by the 2012 General Plan holding capacity was well below the 4,500 tpd, solid waste impacts of the 2012 General Plan was considered to be less than significant.

The proposed Project could result in approximately 288 multi-family units, and assuming a generation rate of 4 pounds of solid waste per unit, it is estimated that an estimated additional 1000 pounds, Adding the additional tpd to the 2012 General Plan estimate of 1,246 tpd is still below permitted maximum disposal in this landfill is 4,500 tons per day and, therefore, solid waste impacts of the proposed Project is considered less than significant.

The City's Municipal Code also includes CALGreen Building Standards for all development citywide. In addition to energy efficiency and water conservation, CALGreen also sets targets for the diversion of construction waste from landfills and use of environmentally sensitive materials in construction and design. Additionally, compliance with the General Plan policies presented below will further ensure that impacts will be less than significant:

- CO-8.1 Implement diversion programs related to business collection including commercial onsite recycling and commercial onsite green waste pick up.
- CO-8.2 Promote public education and outreach regarding municipal waste programs, how they work and their benefits.
- CO-8.3 Continue waste management practices that meet or exceed requirements stipulated by the California Integrated Waste Management Act.

Item (g): Less Than Significant Impact. Assembly Bill (AB 939) requires the City to adopt and implement a Source Reduction and Recycling Element (SRRE) and to divert 25 percent of the solid waste stream from landfills by 1995 and 50 percent of the solid waste from landfills by the year 2000. According to the California Department of Resources Recycling and Recovery (CalRecycle), the City did not meet both the 25 percent diversion rate in 1995 and the 50 percent diversion rate in 2000.

In 2004, California Integrated Waste Management Board (CIWMB) issued Compliance Order to the City of Arvin. The CIWMB found that the City achieved a 2000 diversion rate of 28 percent and had not sufficiently implemented solid waste diversion programs identified in its planning documents. As part of the compliance order, the CIWMB ordered the City to enter into a local assistance plan (LAP) program. Although the City was out of compliance and eventually paid a fine in 2005, by 2007 the CIWMB ruled that the City of Arvin had satisfactorily met all of the conditions of its compliance order. The proposed project has incorporated the following policies, which states "Maintain solid waste collection and disposal services in accordance with California state standards" to ensure that the City is in compliance with federal, state, and local statutes and regulations related to solid waste.

XIX. Mandatory Findings of Significance

		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a. <i>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 of 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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. <i>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)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. <i>Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Item (a): Less Than Significant Impact. Refer to previous statements in Section IV (Biological Resources) and Section V (Cultural Resources).

Item (b): Less Than Significant Impact. As assessed in this Initial Study there are no impacts or less than significant impacts for all issues, and existing policies and planning practices of the City will ensure project and cumulative impacts will be assessed and addressed, as individual projects are introduced.

Item (c): Less Than Significant Impact. Previous sections reviewed the proposed Project's potential impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazardous materials, hydrology and water, land use, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, tribal resources and utilities. All impacts were determined to have no impacts or less than significant impacts, and therefore, as explained in these previous sections, implementation of the proposed Project will not result in significant impacts on the environment and on human beings.

Attachment: E3- IS Pt 2 Land Use forward GP-ZC 2013-01 (Ariston Project)



CITY OF ARVIN
Planning Commission

Meeting Date: July 31, 2018

TO:	Arvin Planning Commission Members
FROM:	Jerry Breckinridge, Interim City Manager Jake Raper, City Planner
SUBJECT:	Supplemental Information – GPA and ZC 2013-01 Ariston Project

RECOMMENDATION

Receive Supplemental Correspondence and Information for GPA/ZC 2013-01 for the Ariston Project

RECEIVED CORRESPONDENCE:

Attached Correspondence:

1. Emails from State of California Department of Transportation, District 6, dated July 31, 2018; Pages 1 through 3
2. Email response to City of Arvin, Planning responding to Cal Trans questions, dated July 31, 2018; Pages 4 through 6.
3. Email from Tom Dee on behalf of Grimmway Enterprises, Inc. Discussions relating to noise and traffic along Sycamore Road and Letter of Objection dated August 10, 2018.
4. Attachments via Email Responses to Grimmway Enterprises, Inc. identified concerns; (Dates August 11, 2018; August 10, 2018, July 30, 2018, July 27, 2018) pages 5 through
 - a. Mitigation Monitoring Reporting and Applicable Programs dated July 27, 2018 addressing Noise along Sycamore Road, Design of and construction of road improvements, landscape and irrigation, and construction of block wall; and notification to future home buyers that industrial activities are existing – Full Disclosure. Page 10
 - b. Letter of Objection – Dated August 10, 2018 – Grimmway Enterprises, Inc – Frozen Food – Summary of Objections i) non compatible land use, inconsistency in both density data used for calculations insufficient reports - Land Use Incompatibly without proper buffering; ii) Safety/Health Risk – Potential safety hazards associated with heavy industrial uses such as, air quality, noise, and traffic; iii) Noise; Water; iv) Ground water; Air; Traffic; The Commercial Property; Pages 11 and 12
 - c. Response from project applicant to concerns identified above;
 - d. Telephone conversation from Community Development Department requesting reservation and design of road right of way along the south and east sides of the project for future circulation for the 20 acre site adjacent to the project.

- e. Email from project applicant providing new land use diagram showing both Sycamore Road notation for road improvements and block wall and providing for future traffic circulation along the south and east boundaries of the project for the adjacent 20-acre site- August 14, 2018; Pages 13 through 15.

5. Email dated August 14, 2018 San Joaquin Valley Unified Air Pollution control District - No additional comments at this time; Page 16
6. Email dated August 14, 2018 – water consumption comparison between agricultural irrigation and residential usage – Agriculture Irrigation estimated 16,600 acre feet per year; Residential consumption 122 acre feet per year, Commercial usage estimated at 30 acre feet per year; Pages 17 and 18
7. CEQA Exemption for Affordable Housing Sites – The City Staff requested the applicant to identify 13 acres for high density residential development (Affordable Housing). The California Environmental Quality Act CEQA – has established Section 65863 (h) exemption – not a project under CEQA. Page 19
8. Community Development Department Planning Division Response to Letter of Objection – Dated August 10, 2018 – Grimmway Enterprises, Inc – Frozen Food – Summary of Objections i) non compatible land use, inconsistency in both density data used for calculations insufficient reports - Land Use Incompatibly without proper buffering; ii) Safety/Health Risk – Potential safety hazards associate with heavy industrial uses such as, air quality, noise, and traffic; iii) Noise; Water; iv) Ground water; Aire; Traffic; The Commercial Property; Pages 20 through 26

9. Project Sponsor response to Grimmway Objection letter. Pages 27 through 29.

Jake Raper
City Planner

C.C.D.
Planning Department
141 Plumtree Dr.
Arvin, CA 93203
Phone (661) 854-2822
Fax (661) 854-2969
Email: jraper@arvin.org

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From: Lopez, Luisa@DOT [mailto:Luisa.Lopez@dot.ca.gov]
Sent: Tuesday, July 31, 2018 8:43 AM
To: Jake Raper <jraper@arvin.org>
Cc: Navarro, Michael@DOT <michael.navarro@dot.ca.gov>
Subject: City of Arvin Ariston Project

Hello Jake,

Please see attachment for the Ariston Project.

Respectfully,

Luisa Lopez, Transportation Planner
California Department of Transportation
1352 W. Olive Avenue
P.O. Box 12616
Fresno, CA 93778-2616
Telephone: (559) 444-2583

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-5868

FAX (559) 445-5875

TTY 711

www.dot.ca.gov

*Making Conservation a
California way of life.*

July 31, 2018

06-KER-223-21.43
Traffic Impact Study
Ariston ProjectJake Raper
City of Arvin
Community Development
141 Plumtree Drive
Arvin, California 93203

Dear Mr. Raper:

Thank you for the opportunity to review the Traffic Impact Study (TIS) for a commercial and residential development. The proposed project is located on the southeast corner of Sycamore Road and Tejon Highway, south of State Route (SR) 223. The project proposes a zoning and land use change to 41.3 acres for multi-family residential uses, and 21.3 acres for general commercial uses.

To ensure a safe and efficient transportation system, Caltrans appreciates early consultation and coordination on local development projects that utilize the multimodal transportation network. Based on the information provided, Caltrans provides the following comments consistent with the State's Smart Mobility goals that support a vibrant economy and build communities:

The TIS indicates only two SR 223 intersections at Comanche Drive and Meyer Street are signalized; however, SR 223 at Hill Street is also signalized. Please revise.

The traffic counts were taken between 6:30 and 8:30 for the morning peak travel period, and between 4:00 and 6:00 for the evening peak travel period. Please state how the specific times were established.

In order to accommodate the projected future traffic demand at the intersection of SR 223 and Derby Street, the TIS recommends that one of the options would be to signalize the intersection. The configuration of the intersections for this option is not clearly defined and review of the signal worksheet is also unclear.

The TIS recommends expanding the existing configurations at SR 223 intersections at Comanche Drive, Meyer Street, and Hill Street to accommodate projected future demand. An expected configuration at Comanche Drive would require additional right-of-way for two through movements, dual left-turn movements, and a dedicated right-turn movement on all four approaches. Expanded configurations at Meyer Street and Hill Street would likely require additional right-of-way for the addition of dedicated right-turn lanes on the eastbound and

Mr. Raper
July 31, 2018
Page 2

westbound SR 223 approaches; however, this is not feasible. There might not be enough space to simply stripe in these right-turn lanes.

Caltrans currently has a project under development to signalize the intersection of SR 223 and Derby Street. This project is fully funded by the State Highway Operation and Protection Program (SHOPP) and the Highway Safety Improvement Program (HSIP). Caltrans recommends the project proponent contribute a fair share to the City of Arvin Impact Fee program so that funding can be established for future improvements.

If you have any questions, contact Luisa Lopez, Transportation Planner, at (559) 444-2583.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Navarro', is written over a horizontal line.

MICHAEL NAVARRO, Chief
Transportation Planning- South

Emailed

Jake Raper
City Planner

C.C.D.
Planning Department
141 Plumtree Dr.
Arvin, CA 93203
Phone (661) 854-2822
Fax (661) 854-2969
Email: jraper@arvin.org

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From: Matt Vovilla [mailto:matt@pinnacle2.com]

Sent: Tuesday, July 31, 2018 3:41 PM

To: Jake Raper <jraper@arvin.org>

Cc: 'Adam Ojeda' <aojeda@dewaltcorp.com>; bislafarms@yahoo.com; David Cowin <wdcowin@thearistongroup.com>; 'Juggy Tut' <juggy@elitedevelopments.net>; 'Kiyo ' <kiyo@pinnacle2.com>; brent@pinnacle2.com; lav@Pinnacle2.com

Subject: RE: City of Arvin Ariston Project

Jake:

Isn't Caltrans' response beyond their allotted time for review?

However, having said that, their comments are easy enough to respond to. I will prepare a formal response that includes the following:

- We can state that there are two more signalized intersections on SR 223 (Bear Mountain). This only improves the Level of Service.
- We counted a two hour span during the morning and evening historic or typical rush hour. The peak period was taken as the highest 1 hour period within that two hour count. We use the peak period of each facility even if these times didn't correspond exactly. For example, if two adjacent intersections had peak periods 15 minutes apart, will still used their respective peak traffic volumes in the analysis: very conservative.

- SR 223 and Derby Street Signalization: If this isn't clear to Caltrans, we can certainly clarify. I will have to check to see if 40 or more Project generated trips reach this intersection.

Matt

Matt VoVilla, P.E., QSD/P
LAV//Pinnacle Engineering
12418 Rosedale Hwy., Suite A
O: 661.869.0184
C: 661.204.7131

From: Jake Raper <jraper@arvin.org>
Sent: Tuesday, July 31, 2018 12:16 PM
To: Matt Vovilla <matt@pinnacle2.com>
Cc: Adam Ojeda <aojeda@dewaltcorp.com>
Subject: FW: City of Arvin Ariston Project

Matt and Adam – received comments from Cal Trans today. Please review and let me know if we need to modify any content of the reports. Thanks. Jake

Jake Raper
City Planner

C.C.D.
Planning Department
141 Plumtree Dr.
Arvin, CA 93203
Phone (661) 854-2822
Fax (661) 854-2969
Email: jraper@arvin.org

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To: Jake Raper <jraper@arvin.org>
Cc: Navarro, Michael@DOT <michael.navarro@dot.ca.gov>
Subject: City of Arvin Ariston Project

Hello Jake,

Please see attachment for the Ariston Project.

Respectfully,

Luisa Lopez, Transportation Planner

California Department of Transportation

1352 W. Olive Avenue

P.O. Box 12616

Fresno, CA 93778-2616

Telephone: (559) 444-2583

Subject: Fw: Re: GPA / ZC 2013-01

From: jakeraper@yahoo.com

To: lav@pinnaclex2.com

Date: Saturday, August 11, 2018 10:09:18 AM PDT

AUGUST 11 2018

Hi - Please be prepared to respond to the concerns presented by Mr. Dee - please submit your responses to me on Monday - Thanks. Jake

----- Forwarded Message -----

From: jake raper <jakeraper@yahoo.com>

To: Tom Dee <tdee@rgfproperties.us>

Cc: 'Arvin - Matt VoVilla' <lav@pinnaclex2.com>; 'Shannon L. Chaffin' <schaffin@awattorneys.com>; 'Jeffrey Jones' <jeffjones@arvin.org>; 'R. Jerry Breckinridge' <jbreckinridge@arvin.org>; 'Cecilia Vela' <cvela@arvin.org>; 'Brandon Grimm' <bgrimm@grimmway.com>; "jameger@gmail.com" <jameger@gmail.com>; 'Jeff Huckaby' <JHuckaby@grimmway.com>; 'Carl Voss' <CVoss@grimmway.com>

Sent: Friday, August 10, 2018 05:54:11 PM PDT

Subject: Re: GPA / ZC 2013-01

Thank you for your letter dated August 10, 2018. Jake

On Friday, August 10, 2018 05:06:10 PM PDT, Tom Dee <tdee@rgfproperties.us> wrote:

Hello Jake,

Grimmway has had several meetings internally regarding the proposed GPA/ZC 2013-01 and unfortunately we don't see this GPA/ZC ever being compatible with Heavy Industrial Uses or Grimmway operations located directly north of the proposal.

Attached please find our Objection Letter dated 8-10-2019

Please call if you have any questions.

Tom Dee

661-993-4491

7 OF 29

AUG 10 2018

From: jake raper [mailto:jakeraper@yahoo.com]

Sent: Friday, August 10, 2018 5:54 PM

To: Tom Dee

Cc: 'Arvin - Matt VoVilla'; Shannon L. Chaffin; 'Jeffrey Jones'; 'R. Jerry Breckinridge'; 'Cecilia Vela'; 'Brandon Grimm'; jameger@gmail.com; 'Jeff Huckaby'; 'Carl Voss'

Subject: Re: GPA / ZC 2013-01

Thank you for your letter dated August 10, 2018. Jake ✓

On Friday, August 10, 2018 05:06:10 PM PDT, Tom Dee <tdee@rgfproperties.us> wrote:

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Attached please find our Objection Letter dated 8-10-2019

Please call if you have any questions.

Tom Dee

661-993-4491

JULY 30-

From: jake raper <jakeraper@yahoo.com>

Sent: Monday, July 30, 2018 1:17 PM

To: Tom Dee <tdee@rgfproperties.us>

Cc: Arvin - Matt VoVilla <lav@pinnacle2.com>; Shannon L. Chaffin <schaffin@awattorneys.com>; Jeffrey Jones <jeffjones@arvin.org>; R. Jerry Breckinridge <jbreckinridge@arvin.org>; Jake Raper <jraper@arvin.org>; Cecilia Vela <cvela@arvin.org>

Subject: <<SPAM>> Re: <<SPAM>> Additional Design Criteria and Mitigation to address concerns of adjacent industrial activity

8 OF 29

Tom and Matt. The Planning Commission meeting of July 31 will be continued to August 14, 2018 - I will send you out more information later. Jake ✓

On Monday, July 30, 2018 10:10:11 AM PDT, Tom Dee <tdee@rgfproperties.us> wrote: ✓

July 30 2018

Perfect thanks.

On Jul 30, 2018, at 10:09 AM, Jake Email <jakeraper@yahoo.com> wrote: ✓

Tom I would expect that road connection will occur onto Sycamore but there designs will need to meet city standards etc - also spacing of intersections will meet city standards and City Engineers criteria

Sent from my iPhone

On Jul 30, 2018, at 9:55 AM, Tom Dee <tdee@rgfproperties.us> wrote: ✓

Thanks Jack,

Do we need to do anything regarding ingress and egress access restrictions from Sycamore Road ? All new homes, driveways, multi family access and lots should be access via internal subdivision circulation. ✓

Thanks

Tom Dee

661-993 - 4491

On Jul 27, 2018, at 4:31 PM, Jake raper <jakeraper@yahoo.com> wrote: ✓

July 27 18

Matt and Tom - per our discussion this afternoon, attached are the proposed additional design criteria and mitigation that responds to the potential future conflict between residential development and the existing industrial operations that Tom, Matt, and I discussed today. ✓

Let me know if you need additional clarification regarding this matter. Jake

<Mitigation and Desgin Criteria July 27, 2018.docx> ✓

9 of 29

EXHIBIT A-1
July 27, 2018

Ariston Project – GPA – ZC 2013 -01
Assessor Parcel Numbers 189-352-02 and -08
Location South of Sycamore, East of Tejon Highway and West of Malovich Road
Mitigation Monitoring Reporting And Applicable Programs

Applicant's Signature and Commitment to Implement Mitigation Monitoring, Reporting, and Program:

Richard M. V. B... 7/30/18
Print Name: Signature Date

(As an authorized representative or agent, I am authorized to sign, and I commit to the implementation of the Monitoring Program, Mitigation Measures 1-17 and Added Additional Mitigation and Design Criteria 18-19, July 27,2018.)

Mitigation #18 Traffic/Noise Design Criteria Mitigation	Construct a minimum 6'-0" solid Masonry wall, install landscaping, and irrigation systems along frontage of Sycamore Road adjacent to the residential designated lands and limit the height of residential units to a single story along Sycamore Road.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to or concurrent with first phase of residential development adjacent to Sycamore Road.
Design Criteria Lessens Conflict between Residential Development and Existing Industrial Uses	Lessens the potential land use conflict between the adjacent and existing industrial operations and truck traffic along Sycamore Road.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer and City Planner
Action by Monitor	Insure that right of way and easements are dedicated and improvements are constructed to City Standards / Additional Mitigation Measures as noted in the 2016 Traffic Study may be required by the City Engineer.

Mitigation #19 Traffic/Noise Design Criteria Mitigation	Require disclosure to and acknowledgment from future residents that purchase residential dwellings adjacent to Sycamore Road that noise from existing industrial operations and that heavy truck traffic exists and will likely increase over time as future industrial development occurs.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to or concurrent with first phase of residential development adjacent to Sycamore Road.
Design Criteria Lessens Conflict between Residential Development and Existing Industrial Uses	Discloses existing industrial operations and heavy truck traffic exists - Lessens the potential land use conflict between the adjacent and existing industrial operations and truck traffic along Sycamore Road.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer and City Planner
Action by Monitor	Insure that right of way and easements are dedicated and improvements are constructed to City Standards / Additional Mitigation Measures as noted in the 2016 Traffic Study may be required by the City Engineer.

10 OF 29

Grimmway Enterprises, Inc - Frozen Foods
830 East Sycamore Road
Arvin, CA 93203

August 10, 2018

SENT VIA E-MAIL

City of Arvin
City Planner - JAS Planning Consultants
Mr. Jack Reaper
141 Plumtree Drive
Arvin, CA. 93203

Re: PROJECT DESCRIPTION: General Plan Amendment 2013-01/Zone Change 2013-01 "(Ariston)". Approval of a general plan amendment from Light Industrial and Heavy Industrial and zone change from A-1, Light Agricultural and A-2 General Agricultural to Land Use Designations and Zoning as follows: General Commercial with C-2-PD General Commercial zoning for 21.32 Acres, and Medium Density Residential with R-2-PD Two Family zoning for 27.17 Acres; High Density Residential with R-3-PD Limited Multiple Family zoning for 7.15 Acres; and R-4-PD zoning for 6.01 Acres – Project consists of 62 acres located south of Sycamore Road, east of Tejon Highway (Derby St.) and west of Malovich Road in the City of Arvin.

As density later modified by letter dated May 24, 2018.

Revised Commercial (21.32 Acres) C-1 to C-2 PD General Commercial
Residential (27.17 Acres) R-2 Multi Family to R-2 PD Medium Density Residential
Residential (13.16 Acres) R-2 Detached to 7.15 acres R-3 PD and 6.01 Acres R-4 PD
High Density Residential.

Dear Mr. Raper;

Grimmway Enterprises, Inc., ("Grimmway") writes this Letter of Objection to the above-mentioned General Plan Amendment and Zone Change.

Grimmway owns and operates a 40-acre Freezer Facility directly north of this proposal. They employ approximately 155 employees at this location. The Facility operates 24 hours a day, 7 days a week and is a vital component of our operating platform, food production and distribution processes.

While we were very appreciative of your offer implementing additional mitigation we still have many concerns. The proposed project is potentially 692 Residential and Multifamily homes and 21.32 acre of Retail Commercial which is considerable project and we believe is it not compatible with the existing "Heavy Industrial Land Uses."

In review of the Staff Report and supporting data we find many inconsistencies in both density data used for calculations and insufficient reports. Therefore, we conclude a reasonable environmental determination cannot be made.

LAND USE INCOMPATIBLY – the mixture of heavy industrial users and multifamily, without proper

buffer zones is an incompatible land use. We base this on noise, air quality, truck traffic, traffic, safety, hours of operations and land use.

SAFETY / HEALTH RISK – With the addition of residential homes and apartments this proposal will be introducing children to the many potential safety hazards associated with heavy industrial uses such as, air quality, noise and traffic.

NOISE - There are no Noise Impact Analysis or Acoustical Studies in the application, noise impact and mitigation are undetermined.

WATER – There is insufficient data to conclude a reasonable environmental determination for the project. The Will Server letter was issued in 11-2-2012 and has no supporting data for water demands, pumping capacity, water quality, arsenic in the water, fire flows, long term supply and storage. A detailed Technical Water Report is warranted.

GROUND WATER – We don't find reports or references addressing the cumulative impacts on the groundwater basin, all the water provide by Arvin Community Water Service District is pumped from ground. No data has been provided to determine future ground water conditions and long-term water supply.

AIR – the WZI Project Air Study is 5 years old and based on 285 multifamily and 98 single family so that would underestimate the Air Quality Impact and ISR Analysis as well and all construction projection are now dated. The Air Quality Analysis seems lacking, green house gases analysis, mobile sources, indirect sources, emissions, climate change, SJVAPCD-ISR issues, fugitive dust and cumulative affects.

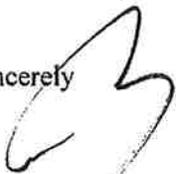
TRAFFIC –Based on the Traffic Study revised 4-25-2016, the Trip Generation shown are 285 multifamily and 98 single family detached, quite a bit lower than the proposed project.

THE COMMERCIAL PROPERTY – 21 acers of new retail commercial is considered by local Commercial Brokers as substantial, based on historical commercial absorption in the City of Arvin is there a need for additional retail commercial? Should be a commercial warrant study done to see if commercial retail is even viable at the locations? and if built, what will the effect be on the local down town existing commercial businesses, it there the potential of urban decay affecting existing commercial retail users in the City of Arvin. Is there any effect or impacts related to potential cannabis sales in the proposed commercial zone?

These are a few of our concerns. We believe that the property should remain as currently designated in the City of Arvin General Plan, Light and Heavy Industrial.

Please call if you have any questions – my cell number is 661-993-4491.

Sincerely



Thomas Dee
Agent – Grimmway Enterprises

cc Brandon Grimm, Jeffery Huckaby, Carl Voss

Thanks Matt. Let me know when you are ready to discuss the responses to the Grimmway objection letter.

Jake Raper
City Planner

C.C.D.
Planning Department
141 Plumtree Dr.
Arvin, CA 93203
Phone (661) 854-2822
Fax (661) 854-2969
Email: jraper@arvin.org

CONFIDENTIALITY NOTICE

THIS ELECTRONIC MAIL TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY RETURN IT TO THE SENDER.

From: Matt Vovilla [mailto:matt@pinnaclex2.com]
Sent: Monday, August 13, 2018 5:11 PM
To: Jake Raper <jraper@arvin.org>
Cc: 'Juggy Tut' <juggy@elitedevelopments.net>; bislafarms@yahoo.com; David Cowin <wdcowin@thearistongroup.com>
Subject: FW: Arvin Land Use Exhibit

Jake:

As requested, I have attached an exhibit showing both the road running along the common property line, and the proposed block wall and landscape strip.

A letter in response to Grimmway's objections is forthcoming.

Matt

Matt VoVilla, P.E., QSD/P
LAV//Pinnacle Engineering
12418 Rosedale Hwy., Suite A
O: 661.869.0184
C: 661.204.7131

13 OF 29

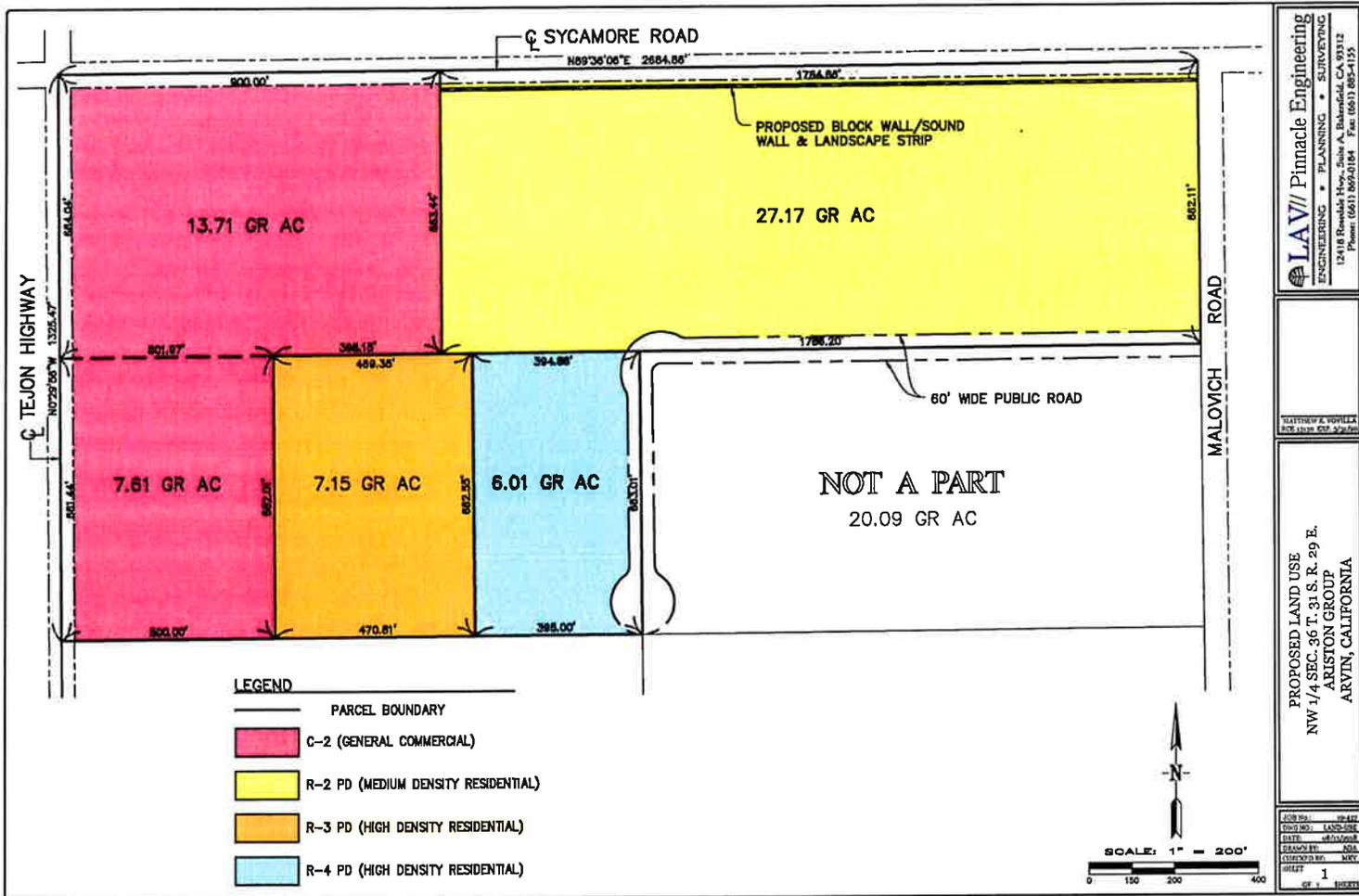
From: Alyssa Allen <ada@pinnaclex2.com>
Sent: Monday, August 13, 2018 4:25 PM
To: matt@pinnaclex2.com
Subject: Arvin Land Use Exhibit

Matt,

Attached is an exhibit showing the proposed block/sound wall and the 60' wide public road.

Alyssa Allen
LAV // Pinnacle Engineering
12418 Rosedale Hwy., Suite A
Bakersfield, CA 93312
Ph: 661.869.0184

14 OF 29



15 OF 29

Jake Raper
City Planner

C.C.D.
Planning Department
141 Plumtree Dr.
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Phone (661) 854-2822
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Email: jraper@arvin.org

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From: Cherie Clark [mailto:Cherie.Clark@valleyair.org]
Sent: Tuesday, August 14, 2018 2:49 PM
To: Jake Raper <jraper@arvin.org>; jakeraper@yahoo.com
Subject: General Plan Amendment 2013-01 and Zone Change 2013-01 (Ariston Project)

Project: General Plan Amendment 2013-01 and Zone Change 2013-01 (Ariston Project)

District CEQA Reference No: 20180759

Dear Mr. Raper:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a mixed use residential and commercial development, located at the south side of Sycamore Road, east of Derby Road, in Arvin, CA. The District has previously commented on this project and has no additional comments at this time.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Cherie Clark at (559) 230-5940.

Sincerely,

Cherie Clark
Air Quality Specialist
Permits
San Joaquin Valley APCD
1990 E. Gettysburg Ave.
Fresno, CA 93726
559-230-5940

*Service*Teamwork*Attitude*Respect*

16 OF 29

Jake Raper

To: Matt Vovilla
Subject: RE: Bisla-Ariston GPA and Zone Change

Thanks.

Jake Raper
City Planner

C.C.D.
Planning Department
141 Plumtree Dr.
Arvin, CA 93203
Phone (661) 854-2822
Fax (661) 854-2969
Email: jraper@arvin.org

CONFIDENTIALITY NOTICE

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From: Matt Vovilla [mailto:matt@pinnaclex2.com]
Sent: Tuesday, August 14, 2018 11:18 AM
To: Jake Raper <jraper@arvin.org>
Subject: Bisla-Ariston GPA and Zone Change

Jake: You had asked for a comparison between domestic water usage and irrigation demand for the 60 acres. Using data for Southern California, we calculate an irrigation demand for almonds and the domestic water usage as follows:

- Irrigation Demand for 60 Acres of Almonds: 16,600 Acre Feet/year
- Domestic Water Demand – Residential Use Only (Based on 100 gallons per day per person): 122 Acre Feet/year.
- Commercial Water Demand: (There are rates for commercial that vary wildly, but using “service commercial”, we arrive at 30 Acre Feet/Year.
- The Project’s total water demand is estimated as: 152 Acre Feet per year, which is significantly less than the irrigation demand of 16,600 Acre-Feet per year.

Finally, as you know, Grimmway’s objections are almost all based on the discrepancy between the number of dwelling units shown in the studies, verses what is theoretically possible now that 6 acres of R-4 has been included into the Project. The discrepancy is caused only by the addition of 6 acres to R-4. When the City asked us to change 6 acres of multi-family to R-4, it

was our understanding that the studies would not be invalidated. Yet, Grimmway has picked up on that, and is now using it against the Project.

At this point, we think it is best to ask for a continuance until our responses can be prepared. I also think a simple solution is to go back to the original land use plan, which excludes the R-4. This would eliminate almost all of the objection points from Grimmway.

Can you call me immediately to discuss?

Thanks,

Matt

Matt VoVilla, P.E., QSD/P
LAV//Pinnacle Engineering
12418 Rosedale Hwy., Suite A
O: 661.869.0184
C: 661.204.7131

18 OF 29

Jake Raper

From: jake raper <jakeraper@yahoo.com>
Sent: Monday, August 13, 2018 3:17 PM
To: Matt Vovilla
Cc: Jake Raper; Jake Raper
Subject: CE 65863 - this discussion is included in the Staff Report as well.

(Note: Categorical Exemption Section 65863(h) - An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the CEQA (Division 13) (commencing with Section 21000) of the PRC to identify, analyses, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a "project" for purposes of the CEQA (Division 13 (commencing with Section 21000) of the PRC.

The City has established a implementation program which establishes a no net loss of affordable housing sites. Some sites identified in the 2017 Housing Element are either committed via a vesting tentative map or limitations due to location of oil and gas extraction activity. The proposed designation for R-3-PD Limited Multiple Family of 7.15 Acres; and R-4-PD for 6.01 Acres insures that the No Net Loss policy as established by the 2013-2023 Housing Element is implemented.

19 OF 29



CITY OF ARVIN

August 14, 2018

MAYOR
Jose Gurrola

MAYOR PRO TEM
Jess Ortiz

COUNCIL MEMBERS
Jazmin Robles
Erika Madrigal
Gabriela Martinez

INTERIM CITY MANAGER
Jerry Breckinridge

Grimmway Enterprises, Inc. Frozen Foods
830 East Sycamore
Arvin, CA 93203

Ref: Letter of Objection – GPA and ZC 2013 Ariston Project

Gentlemen,

The City of Arvin Community Development Department Planning Division is in receipt of your letter of objection dated August 10, 2018. Staff provides the following response to your concerns and questions;

1. Grimmway owns and operates a 40-acre Freezer Facility directly north of this proposal. They employ approximately 155 employees at this location. The Facility operates 24 hours a day, 7 days a week and is a vital component of our operating platform, food production and distribution processes.
 - 1a. Reply: Thank you for the background information.
 2. While we were very appreciative of your offer implementing additional mitigation we still have many concerns. The proposed project is potentially 692 Residential and Multifamily homes and 21.32 acre of Retail Commercial which is considerable project and we believe is it not compatible with the existing "Heavy Industrial Land Uses."
 - 2a. Reply. The Community Development Department has reviewed the City's General Plan Land Use Element and finds no conflict with the proposed project and rezoning the 60+/- Acres to Commercial and Residential. In fact, the adopted Housing Element has a number of specific goals, policies, and programs that requires the City to ensure that a no net loss of lands for affordable housing and that development within the High Density Residential general plan land use designation are developed at a minimum density to insure that high density housing (affordable housing) can be developed.
 3. In review of the Staff Report and supporting data we find many inconsistencies in both density data used for calculations and insufficient reports. Therefore, we conclude a reasonable environmental determination cannot be made.
 - 3a. Reply. The project has been distributed two times to all responsible and interested agencies requesting comments and recommendations as to potential environmental mitigations. The most recent distribution occurred in April 2018 to refresh the previous studies to ensure that the information remains pertinent. No comments have been received that would indicate that the reports are not sufficient in content and substance, therefor the City has completed its Initial Study as is required by the California Environmental Quality Act (CEQA) and has determined

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Fax (661) 854-0817

200 Campus Drive
P.O. Box 548
Arvin, California 93203

26 of 29

that the project as a whole will have less than significant effect on the environment. As is required by CEQA, the City has prepared a Mitigated Negative Declaration and has recommended the adoption of a Mitigation Monitoring Program which will insure implementation of the various programs relating to future development. Staff believes that the environmental review is sufficient and the recommendation to adopt a Mitigate Negative Declaration is appropriate.

4. LAND USE INCOMPATIBLY - the mixture of heavy industrial users and multifamily, without proper buffer zones is an incompatible land use. We base this on noise, air quality, truck traffic, traffic, safety, hours of operations and land use.

4a. Reply. As is noted on the City's General Plan Land Use diagram residential development within the project area is a mixture of industrial and residential land use designations. It is noted that to the immediate west of the project is Low Density Residential and Industrial. Lands to the south of the project is currently general planned and zoned as residential. Therefore, the proposed project, in Staff's analysis, would be compatible subject to and based upon the implementation of the mitigation measures as are to be established.

4b. Noise is addressed by the proposed Mitigation Measure No. 19 and 20 which requires a minimum of a 6'-0" block wall, limiting residential development to single store along Sycamore Road. In addition, per our discussion, Mitigation Measure 20 requires disclosure to all future home buyers that industrial activities exist and they are put on notice of such activities. Per our discussion, these mitigation measures were addressed now rather than later when a proposed tentative map and precise development plans are proposed in the future.

4c. Air Quality. Air quality analysis was conducted by the project applicant and based upon that analysis, the air quality impact is less than significant. In addition, as to ensure that the Air Quality section is appropriate, the San Joaquin Air District was included in the distribution in April 2018. No comment had been received during the review period. However, to ensure that the San Joaquin Air District comment on the project, late correspondence was requested and was received on August 14, 2018 advising that the Air District has no additional comments on the project at this time.

4d. Truck Traffic -Sycamore Road and Tejon Hwy are identified in the City's General Plan as a Minor Arterial which requires the development of a four lane and median in between the two lanes with a right of way of 90 to 110 feet. The Traffic Analysis has identified extensive mitigation measures related to the project and future growth within the City. The project will be required to improve Sycamore Road, Malovich Road, and Tejon Hwy to city standards upon development. As is noted in the Circulation Element, Malovich Road is classified and Collectors. Sycamore Road from Tower Line Road to the east and Tejon Road to the west of the project is noted as Truck Routes.

4e. Traffic – the traffic analysis has determined a number of mitigation measures that will require this project and future projects to implement improvements as is required by the Circulation Element. The project analysis has provided specific mitigation measures to be implemented and the payment of Traffic Impact Fees to pay for the fair share costs of future improvements to respond future traffic increases.

4f. Safety – in the environmental review and analysis no safety issues have been identified.

4g. Hours of operation and land use. See reply 4a above. Hours of operations the project includes the development of single family, potential duplexes, and multi-family residential development and Commercial development. See Mitigation Measure No. 20 which requires full disclosure of the industrial operations adjacent to the proposed project.

21 of 29

5. SAFETY / HEALTH RISK - With the addition of residential homes and apartments this proposal will be introducing children to the many potential safety hazards associated with heavy industrial uses such as, air quality, noise and traffic.

5a. Reply. The project applicant, at the request of the Community Development Department, has provided for approximately 13 acres of high density residential development on the southern portion of the project site. Based upon the Housing Element Goals, Policies and Programs the need for high density residential development is needed to insure that a no net loss policy is implemented for affordable housing. As noted in the draft Staff Report, the provision of affordable housing sites are exempt (Note: Categorical Exemption Section 65863(h) - An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the CEQA (Division 13) (commencing with Section 21000) of the PRC to identify, analyses, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a "project" for purposes of the CEQA (Division 13 (commencing with Section 21000) of the PRC.

The increase in housing units, the 13.6 acres of which 7.15 acres is proposed as High-Density Residential - Zoning of R-3 and 6.01 is proposed as High-Density Residential - Zoning of R-4 is affordable housing sites, and it may be presumed as mandated by the implementing programs of the housing element - no net loss of affordable housing sites. As discussed in the Staff Report, this site does not have the conflict of oil and gas wells as does the other identified opportunity sites in the housing element.

6. NOISE - There are no Noise Impact Analysis or Acoustical Studies in the application, noise impact and mitigation are undetermined.

6a. Reply. In my discussions with Tom Dee of Grimmway and working the project applicant I prepared an additional mitigation to be considered by the City:

EXHIBIT A-1
July 27, 2018

Ariston Project – GPA – ZC 2013 -01
Assessor Parcel Numbers 189-352-02 and -08
Location South of Sycamore, East of Tejon Highway and West of Malovich Road
Mitigation Monitoring Reporting And Applicable Programs

Applicant's Signature and Commitment to Implement Mitigation Monitoring, Reporting, and Program:

Print Name: _____ Signature _____ Date _____

22 of 29

(As an authorized representative or agent, I am authorized to sign, and I commit to the implementation of the Monitoring Program, Mitigation Measures 1-17 and Added Additional Mitigation and Design Criteria 18-19, July 27,2018.)

Mitigation #18 Traffic/Noise Design Criteria Mitigation	Construct a minimum 6'-0" solid Masonry wall, install landscaping, and irrigation systems along frontage of Sycamore Road adjacent to the residential designated lands and limit the height of residential units to a single story along Sycamore Road.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to or concurrent with first phase of residential development adjacent to Sycamore Road.
Design Criteria Lessens Conflict between Residential Development and Existing Industrial Uses	Lessens the potential land use conflict between the adjacent and existing industrial operations and truck traffic along Sycamore Road.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer and City Planner
Action by Monitor	Insure that right of way and easements are dedicated and improvements are constructed to City Standards / Additional Mitigation Measures as noted in the 2016 Traffic Study may be required by the City Engineer.

Mitigation #19 Traffic/Noise Design Criteria Mitigation	Require disclosure to and acknowledgment from future residents that purchase residential dwellings adjacent to Sycamore Road that noise from existing industrial operations and that heavy truck traffic exists and will likely increase over time as future industrial development occurs.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	Prior to or concurrent with first phase of residential development adjacent to Sycamore Road.
Design Criteria Lessens Conflict between Residential Development and Existing Industrial Uses	Discloses existing industrial operations and heavy truck traffic exists - Lessens the potential land use conflict between the adjacent and existing industrial operations and truck traffic along Sycamore Road.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer and City Planner
Action by Monitor	Insure that right of way and easements are dedicated and improvements are constructed to City Standards / Additional Mitigation Measures as noted in the 2016 Traffic Study may be required by the City Engineer

23 of 29

WATER- There is insufficient data to conclude a reasonable environmental determination for the project. The Will Server Jetter was issued in 11-2-2012 and has no supporting data for water demands, pumping capacity, water quality, arsenic in the water, fire flows, long term supply and storage. A detailed Technical Water Report is warrened.

Reply: : The total estimated dwelling units are an estimate only based on maximum density permitted by the proposed general plan designations - No Tract map is proposed. Water mitigation no. 2 Groundwater recharge and mitigation no. 9 address the water requirements and final clearance from Arvin Community Services District. Also under Agencies commenting on pages 30-35 of 74 provides the correspondence between the then Planning Consultant and ACSD. The ACSD correspondence dated September 10, 2015 states " 9. the district would only be able to serve this project in phases, a new water well would have to be drilled to supply this project." In addition, the most recent correspondence from the Arvin -Edison Water Storage District - "AEWSD's concern, if any, revolve around water supply issues and it is unclear if the proposed land use conversion would create an additional water supply demand on the groundwater basin."

My conclusion: Based on the information in the file, my belief that the water supply has been adequately addressed for this phase of review.

7. GROUND WATER - We don't find reports or references addressing the cumulative impacts on the groundwater basin, all the water provide by Arvin Community Water Service District is pumped from ground. No data has been provided to determine future ground water conditions and long-term water supply.

7a. The project applicant provided an analysis of the ground water consumption for Agricultural operations and the conversion for residential and commercial uses.

- Irrigation Demand for 60 Acres of Almonds: 16,600 Acre Feet/year
- Domestic Water Demand – Residential Use Only (Based on 100 gallons per day per person): 122 Acre Feet/year.
- Commercial Water Demand: (There are rates for commercial that vary wildly, but using “service commercial”, we arrive at 30 Acre Feet/Year.
- The Project’s total water demand is estimated as: 152 Acre Feet per year, which is significantly less than the irrigation demand of 16,600 Acre-Feet per year.

8. AIR - the WZI Project Air Study is 5 years old and based on 285 multifamily and 98 single family so that would underestimate the Air Quality Impact and ISR Analysis as well and all construction projection are now dated. The Air Quality Analysis seems lacking, greenhouse gases analysis, mobile sources, indirect sources, emissions, climate change, SN APCD-ISR issues, fugitive dust and cumulative effects.

8a. The applicant has prepared extensive Air Quality Analysis which was reviewed by the San Joaquin Air District. Based upon the study the air quality impacts are less than significant.

: The San Joaquin Air District was consulted in the early processing of the application and was re-notified with the most recent distribution - to refresh

24 of 29

the data. The applicant consultant WZI Inc. prepared an air quality impact assessment for the project for the 318 residential units and their conclusion was all identified issues were less than significant - an error on the form under this section marked the incorrect box but the written discussion supports that conclusion.

As noted in the draft Staff Report, the provision of affordable housing sites are exempt (Note: Categorical Exemption Section 65863(h) - An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the CEQA (Division 13) (commencing with Section 21000) of the PRC to identify, analyses, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a "project" for purposes of the CEQA (Division 13 (commencing with Section 21000) of the PRC.

The increase in housing units, the 13.6 acres of which 7.15 acres is proposed as High-Density Residential - Zoning of R-3 and 6.01 is proposed as High-Density Residential - Zoning of R-4 is affordable housing sites, and it may be presumed as mandated by the implementing programs of the housing element - no net loss of affordable housing sites. As discussed in the Staff Report, this site does not have the conflict of oil and gas wells as does the other identified opportunity sites in the housing element.

The air district did provide email correspondence dated August 14, 2018 that the district has no additional comments at this time.

9. TRAFFIC -Based on the Traffic Study revised 4-25-2016, the Trip Generation shown are 285 multifamily and 98 single family detached, quite a bit lower than the proposed project.

9a. As noted in the draft Staff Report, the provision of affordable housing sites are exempt (Note: Categorical Exemption Section 65863(h) - An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the CEQA (Division 13) (commencing with Section 21000) of the PRC to identify, analyses, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city,

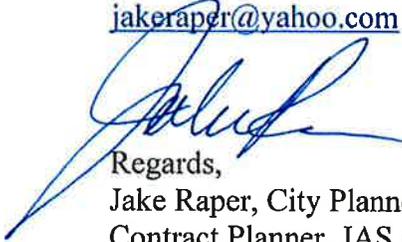
county, or city and county to identify and make available additional adequate sites is a "project" for purposes of the CEQA (Division 13 (commencing with Section 21000) of the PRC.

25 of 29

10. THE COMMERCIAL PROPERTY - 21 acers of new retail commercial is considered by local Commercial Brokers as substantial, based on historical commercial absorption in the City of Arvin is there a need for additional retail commercial? Should be a commercial warrant study done to see if commercial retail is even viable at the locations? and if built, what will the effect be on the local down town existing commercial businesses, it there the potential of urban decay affecting existing commercial retail users in the City of Arvin. Is there any effect or impacts related to potential cannabis sales in the proposed commercial zone?

10a. Reply. The commercial designation provides for future commercial opportunities on the southern parts of the Community. Staff believes that the potential for commercial development to accommodate the future residential development in the southern area of the city is appropriate.

Should you have any questions, please do not hesitate to contact me at 805-234-7908 or email at jakeraper@yahoo.com or 661-854-2822 or email at jraper@arvin.org.



Regards,
Jake Raper, City Planner
Contract Planner, JAS Consultants

CC: City Manager

26 of 29



LAV// Pinnacle Engineering

12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312

Phone: (661) 869-0184 Fax: (661) 885-4155

City of Arvin
Mr. Jake Raper, City Planner – JAS Consultants
141 Plumtree Drive
Arvin, CA 93203

August 14, 2018

RE: Bisla General Plan Amendment and Zone Change – Roughly 60 Acres at the Southwest Corner of Sycamore Road and Tejon Highway, Arvin, California

Dear Mr. Raper:

I am receipt of the letter from Mr. Tom Dee, an Agent of Grimmway Enterprises, to your attention dated August 10, 2018. On behalf of Grimmway Enterprises, Mr. Dee's letter of the 10th objected to the Project and he expressed a number of concerns relating to the proximity of the Project with Grimmway's 40-acre freezer facility located on the north side of the Sycamore Road

As you are aware, one of the principle purposes of the Project was to help satisfy the City's Housing element, which demonstrated a lack of affordable housing. The proposed Project has a mixed land use, with a substantial component of affordable multi-family housing as well as commercial property proposed. The Project is "sited" on the south side of Sycamore Road between Tejon Highway and Malovich Road. The Project's frontage along the south side of Sycamore Road is roughly 2,700 feet. The Grimmway facility, from Malovich westerly, has a little less than 1,000 feet of frontage along the north side Sycamore. Opposite the Grimmway facility, the Project proposes medium density residential, aka multi-family and R-2.

In his letter of August 10th, Mr. Dee provided arguments against the Project in eight categories. It seems that the main point of objection from Mr. Dee and Grimmway is that the number of proposed dwelling units has increased with the addition of the 13 acres of R-3 and R-4. As you know, this change was only made at the request of the City, and the City apparently has passed an ordinance that renders R-3 and R-4 as categorically exempt from CEQA. Removal of roughly 13 acres from the environmental document drastically reduces the impacts of all studies, including Traffic Impact, Sewer and Domestic Water.

I have attached a copy of Mr. Dee's letter for reference. Mr. Dee's comments are not numbered, but in the attached copy, I have numbered for the purpose of referencing our responses. In the following I have provided responses to each of Mr. Dee's comments:

Response to Comments No. 1 through 3: Comment No. 1 is a very general comment that seems to preface all other categories of noise, air quality, truck traffic, traffic in general, safety, hours of operation and land use. Comments 2 and 3 pertain to Safety/Health and Noise. Again, these comments can be referenced on the attached copy of Mr. Dee's letter of August 10th.

Please be aware that in preparation of all required environmental studies, we met at the Project site with City Planners, the City Redevelopment Agency Director, and the City Manager. These meetings were held during normal business hours during summer months. We considered the summer months

27 OF 29

the likely peak of activity at the Grimmway freezer facility. The noise and traffic at these times seemed to be very benign and were never considered to be an issue. Thus City staff did not feel that a noise study was needed. Furthermore, actual traffic counts along Sycamore Road indicated trucks comprised 3 percent of traffic, which is substantially less than almost all urban areas. As residential development occurs, the percentage of truck traffic could drop even further.

The Traffic Impact Study for this project indicates that Sycamore currently functions at a Level of Service of "A", and will continue to do so through the Year 2040.

It is noted that Sycamore Road is a designated Arterial Roadway, and as such, has an ultimate right-of-way of 110 feet and is intended to carry a significant traffic load. Furthermore, the closest structure within Grimmway's freezer operation is more than 300 feet north of the centerline of Sycamore Road, resulting in a buffer of well over 400 feet from any future residence. We also note that the Project will not have houses or apartments directly fronting Sycamore Road. Instead, the south side of Sycamore will be landscaped to include a masonry sound wall. These measures will provide more than an adequate buffer for Grimmway's operation. We could also compare this project to so many residential developments in nearby communities that abut both freeways, expressways, and major arterials: All of these successfully mitigate traffic noise with landscaping and masonry sound walls. Finally, the City has "conditioned" this Project such that residential units that are "sited" next to said masonry wall, will not exceed one story.

With respect to Safety, Mr. Dee's did not mention his specific concern. If Mr. Dee's concern is related to traffic safety, it is unwarranted. Sycamore Road has very good sight distance, and any new entrance or connection will be designed with adequate sight distance in accordance with City and Caltrans' Standards. Additionally, there is a direct positive relationship between the Level of Service of traffic and safety. A road with a good LOS is safer than one with a poor LOS. As indicated in the Traffic Impact Study, Sycamore Road has been shown to function at a Level of Service "A" through the Year 2035.

If Mr. Dee's is concern about pedestrian safety, the Project will improve Sycamore to have adequate sidewalks and striped cross-walks.

Response to Comments 4 through 6: Water, Ground Water and Air: Studies of ground-water impacts were not required for this project, nor has any other agency, including the Arvin CSD Water Department, expressed concerns. During planning for this Project, numerous discussions were held with the director of the Arvin Community Services District. In our discussions, we were informed that roughly half of the Project could be served with the existing system, and the entirety of the Project easily once another well was developed and brought on-line. We know the CSD has a very good contract engineer that specializes in sustainable ground water, (Dee Jasper and Associates), and we didn't question doubt the information provided.

We should also note that the Project's estimated water use is roughly ½ that used for farming of Almonds. The Project's domestic water use has been estimated at 152 acre-feet per year, as opposed to 296 acre-feet needed to farm almonds.

With respect to Air Quality, we should note that the environmental document for this Project has been circulated twice, and received no comments pertaining to the Air Study. As you know, the Air District confirmed this via a phone call today.

28 OF 29

Comment No. 7 pertaining to Traffic Impact: It is noted that the Traffic Impact Study was reviewed by the County of Kern and the City of Arvin's contract City Engineers, who were satisfied with the completeness of the Study. Due to the length of time required to get this Project before the Planning Commission and City Council, the City has had three separate contract City Engineers, all of which review the study and found it acceptable. That is not to say that these City Engineers, including HELT Engineering, Quad-Knopf, and Dewalt did not have comments, but their comments were addressed and the Study was determined satisfactory.

Furthermore, additional counts have been performed as recent as February of 2018, that continue to validate the original Traffic Impact Study.

Thank you for your assistance in this Project. As you know, I received the objection letter from Grimmway Enterprises yesterday, and therefore request some latitude to expand on our responses in the future.

Sincerely,

Matt VoVilla, P.E., QSD/P

29 OF 29