REGULAR MEETING AGENDA
OF THE
ARVIN CITY COUNCIL / SUCCESSOR AGENCY TO THE ARVIN COMMUNITY REDEVELOPMENT AGENCY / ARVIN HOUSING AUTHORITY / ARVIN PUBLIC FINANCING AUTHORITY

TUESDAY DECEMBER 04, 2018 6:00p.m.
CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN

CALL TO ORDER Mayor Jose Gurrola

PLEDGE OF ALLEGIANCE

INVOCATION

****

ROLL CALL	Jose Gurrola	Mayor
	Jess Ortiz	Mayor Pro Tem
	Jazmin Robles	Councilmember
	Erika Madrigal	Councilmember
	Gabriela Martinez	Councilmember

****

STAFF	Richard G. Breckinridge	City Manager/Interim Chief of Police
	Shannon L. Chaffin	City Attorney – Aleshire & Wynder
	Jeff Jones	Finance Director
	Adam Ojeda	City Engineer – DeWalt Corporation
	Cecilia Vela	City Clerk

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: CM Robles ____ CM Madrigal ____ CM Martinez ____ MPT Ortiz _____ Mayor Gurrola ____

2. **PUBLIC COMMENTS**
   (This is the opportunity for the public to address the City Council on any matter on the agenda or any item of interest to the public that is within the subject matter jurisdiction of the City Council.)

3. **CONSENT AGENDA ITEM(S)**

   A. Approval of Demand Register(s) of November 03, 2018 – November 30, 2018.

   B. Approval of Payroll Register(s) of November 16, 2018 and November 30, 2018.

   C. Approval of the Minutes of the Regular Meeting(s) of November 06, 2018.

   D. Approval of A Resolution of the City Council of the City of Arvin Accepting the Work Completed by Griffith Company and Filing the Notice of Completion for the DiGiorgio Sidewalk Project.

   E. Approval of A Resolution of the City Council of the City of Arvin Amending Agreement No. 06-1680, Dated June 29, 2018, Between the City of Arvin and the California Department of Transportation Defining the Terms and Conditions for Installing Traffic Signals in the City of Arvin 0.2 Miles West of Derby Street to King Street.

   F. Approval of A Resolution of the City Council of the City of Arvin Authorization the City Staff to Submit an Application to the Department of Resources Recycling and Recovery (CalRecycle) for Payment Programs and Authorizing Related Actions.

   G. Approval of A Resolution of the City Council of the City of Arvin Authorizing the Submittal of Applications to the Department of Resources Recycling and Recovery (CalRecycle) for all CalRecycle Grants and Authorizing Related Actions.

   H. Accept Aleshire & Wynder, LLP, Charitable Donation of $500 for the benefit of the Arvin Historical Society. (Mayor Jose Gurrola)

   Staff recommends approval of the Consent Agenda.

Motion _____ Second _____ Vote _____

Roll Call: CM Robles ____ CM Madrigal ____ CM Martinez ____ MPT Ortiz _____ Mayor Gurrola ____

4. PUBLIC HEARING(S)

A. A Public Hearing to Consider the Application Design Phase for the 2018/2019 Funding Year of the State's Community Development Block Grant Program and Any Related Actions. (Grant Writer)

Staff recommends to open the hearing, allow for public testimony, and close the hearing. A second hearing will be held in early January 2019 to approve the final projects once they have been identified.

Motion _____ Second _____ Vote _____

Roll Call: CM Robles ____ CM Madrigal ____ CM Martinez ____ MPT Ortiz _____ Mayor Gurrola ____

B. A Public Hearing to Consider and Approve A Resolution of the City Council of the City of Arvin Denying the Appeals of, and Affirming, the Planning Commission's Approval of Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA –Ismaili Market – Expansion of a Non-Conforming Use – Regarding Storage and Patio Use, and Denial of Expansion for a Take-Out Kitchen, Located within the R-1 Single Family Dwelling Zone at 240 Langford in Arvin, and adoption of a Finding Per CEQA Guidelines Section 15061(B) (3). ***(Item continued from meeting of September 18, 2018: public comment/hearing portion of proceeding was closed at that meeting; item was further continued at the meeting of October 2, 2018 and meeting of November 6, 2018)*** (City Planner)

Staff recommends approval of the Resolution.

Motion _____ Second _____ Vote _____

Roll Call: CM Robles ____ CM Madrigal ____ CM Martinez ____ MPT Ortiz _____ Mayor Gurrola ____

C. A Public Hearing to Consider and Approve 1) A Resolution of the City Council of the City of Arvin Approving General Plan Amendment 2013-01-Ariston Project; 2) Introduction of An Ordinance Of The City Of Arvin, California, Amending The Official Zoning Map, Heretofore Adopted By Section 17.06.020 Of The Arvin Municipal Code, Being The Zoning Ordinance of the City Of Arvin, for Zone Change 2013-01 (Ariston); and 3) Adoption of a Mitigated Negative Declaration and Mitigation Monitoring Reporting and Applicable Program for GPA 2013-01 and ZC 2013-01 for the Ariston Project. (City Planner)

Staff recommends to open the hearing, allow for public testimony, close the hearing and consider the following:

1. Approve the Resolution.

2. Introduce the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the Ordinance; and

3. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting and Applicable Programs for GPA 2013-01 and ZC 2013-01 for the Ariston Project.

Motion _____ Second _____ Vote _____

Roll Call: CM Robles ____ CM Madrigal ____ CM Martinez ____ MPT Ortiz _____ Mayor Gurrola ____

D. A Public Hearing to Consider an Introduction of An Ordinance of the City Council of the City of Arvin Amending Appendix A to Chapter 1.24 to the Arvin Municipal Code Relating to the City's Conflict of Interest Code. (City Clerk)

Staff recommends the City Council consider introducing the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the Ordinance.

Motion _____ Second _____ Vote _____

Roll Call: CM Robles ____ CM Madrigal ____ CM Martinez ____ MPT Ortiz _____ Mayor Gurrola ____

5. STAFF REPORTS

A. Monthly Financial Report – October 2018 (Finance Director)

6. COUNCIL MEMBER COMMENTS

7. CLOSED SESSION ITEM(S)

A. Conference with Labor Negotiators (Pursuant to Government Code §54957.6)
City Negotiator: Pawan Gill, Director of Administrative Services
Organizations: Arvin Police Officers Association (APOA) and Service Employees International Union (SEIU) Local 521

B. Conference with Legal Counsel: Anticipated Litigation (Pursuant to Government Code § 54956.9(d)(4)
One Potential Case

C. Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9(d)(1)) Citizens for a Better Arvin v. City of Arvin and City Council (Real Party In Interest: Petro Lud, Inc.) Kern County Superior Court Case No. BCV-18- 102949-KCT

D. Public Employee – Appointment (Pursuant to Government Code §54957)
Position – Chief of Police

8. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the Arvin City Council Chambers Bulletin Board not less than 72 hours prior to the meeting. Dated November 30, 2018.

Cecilia Vela, City Clerk

Edit List of Invoices - Summary

DEMAND LIST 11.15.18

3.A.a

Date: 11/16/2018
Time: 3:53 pm
Page: 1

City of Arvin

Ref. No.	Vendor Name	Invoice No.	Posting Date PONumber	Invoice Date	Invoice Description	Invoice Amount
48102	ACC BUSINESS		11/16/2018	10/27/2018	INTERNET ACCESS A#1205939	
		182842924				1,020.92
					Vendor Total:	1,020.92
48103	ALLSTATE		11/16/2018	10/29/2018	POST TAX OCT. 2018	
		CASE#91936 POST TAX 10/18				245.58
					Vendor Total:	245.58
48104	AMERICAN BUSINESS MACHINES		11/16/2018	11/01/2018	BUSINESS CARDS-CITY MANAGE	
		419145				106.18
					Vendor Total:	106.18
48117	OLAN R. ARMSTRONG		11/16/2018	11/02/2018	OFFICE SUPPLIES -POLICE DEPT	
		OFFICE SUPPLIES 11.2.18				139.41
					Vendor Total:	139.41
48105	AT&T		11/16/2018	10/13/2018	CALNET 3 A#9391056024	
		000012040125				528.79
48106	AT&T		11/16/2018	10/13/2018	CALNET 3 A#9391033189	
		000012038362				361.04
					Vendor Total:	889.83
48136	BAKERSFIELD VETERINARY		11/16/2018	11/16/2018	VET SVC. 10.11.18	
		289464				120.00
					Vendor Total:	120.00
48107	BLACKBURN OIL COMPANY LLC		11/16/2018	10/31/2018	FUEL USAGE OCT. 2018	
		FUEL USAGE OCT. 2018				11,972.89
					Vendor Total:	11,972.89
48114	BRECKINRIDGE, RICHARD "JERRY"		11/16/2018	11/16/2018	TRAVEL EXPENSE 10.24.18	
		TRAVEL 10.24.18				34.31
					Vendor Total:	34.31
48112	C & T AUTOMOTIVE, INC		11/16/2018	11/02/2018	MAINTENANCE FLEET#275	
		900025426				465.84
48113	C & T AUTOMOTIVE, INC		11/16/2018	11/07/2018	MAINTENANCE FLEET#269	
		900025454				45.12
48115	C & T AUTOMOTIVE, INC		11/16/2018	10/31/2018	MAINTENANCE FLEET #279	
		900025413				297.48
48116	C & T AUTOMOTIVE, INC		11/16/2018	10/29/2018	MAINTENANCE FLEET #273	
		900025404				69.00
					Vendor Total:	877.44
48108	CALIFORNIA DEPARTMENT OF TAX		11/16/2018	11/16/2018	FUEL USAGE REPORT	
		FUEL USAGE REPORT 7/01-9/30/18				1,293.71
					Vendor Total:	1,293.71
48109	CENTRAL CALIF. ASSOC. PUBLIC		11/16/2018	11/16/2018	UNION DUES 11.2.18	
		UNION DUES 11.2.18				676.49
					Vendor Total:	676.49
48118	CHIEF SUPPLY CORPORATION		11/16/2018	10/22/2018	SUPPLIES UNIT#273& #279	
		103367				244.80
48119	CHIEF SUPPLY CORPORATION		11/16/2018	10/15/2018	SUPPLIES POLICE DEPT.	
		99417				562.45
					Vendor Total:	807.25
48110	CLARK PEST CONTROL		11/16/2018	10/31/2018	PEST CONTROL VET'S HALL	
		PEST CONTROL 10.31.18				80.00
48111	CLARK PEST CONTROL		11/16/2018	10/31/2018	PEST CONTROL COM. CENTER	
		PEST CONTROL COM. CENTER 10/18				100.00

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

Edit List of Invoices - Summary

DEMAND LIST 11.15.18

Date: 11/16/2018
Time: 3:53 pm
Page: 2

City of Arvin

Ref. No.	Vendor Name	Invoice No.	Posting Date PONumber	Invoice Date	Invoice Description	Invoice Amount
					Vendor Total:	180.00
48120	CODE 3 UNIFORMS	1733	11/16/2018	11/16/2018	OFFICER SAFETY GEAR	760.09
					Vendor Total:	760.09
48121	CORELOGIC SOLUTIONS, LLC	81910586	11/16/2018	11/16/2018	METROSCAN MONTHLY DUES	137.50
48122	CORELOGIC SOLUTIONS, LLC	8191463	11/16/2018	11/16/2018	METROSCAN MONTHLY DUES	137.50
48123	CORELOGIC SOLUTIONS, LLC	81927321	11/16/2018	11/16/2018	METROSCAN MONTHLY DUES	137.50
					Vendor Total:	412.50
48141	DEPARTMENT OF JUSTICE	335306	11/16/2018	11/05/2018	FINGERPRINTING SVC. OCT. 2018	498.00
					Vendor Total:	498.00
48124	DIAMOND TECHNOLOGIES, INC	22906	11/16/2018	10/31/2018	OFFICE 365 SVC. OCT. 2018	861.10
					Vendor Total:	861.10
48133	FORENSIC NURSE SPECIALISTS INC	3370	11/16/2018	11/16/2018	AP18-1225	1,000.00
48134	FORENSIC NURSE SPECIALISTS INC	3401	11/16/2018	11/16/2018	AP18-1494	1,025.00
					Vendor Total:	2,025.00
48125	GENERAL OFFICE	13539	11/16/2018	10/02/2018	METER READING PD/COMM.DEV.	685.51
48126	GENERAL OFFICE	13649	11/16/2018	11/01/2018	METER READING PD/COMM.DEV.	551.25
					Vendor Total:	1,236.76
48127	JAS PACIFIC	PC5130	11/16/2018	11/16/2018	PLAN CHECK SVC. JULY 2018	1,218.75
48128	JAS PACIFIC	BI 12999	11/16/2018	11/16/2018	BUILDING INSPECTR SVC. JULY 1	3,000.00
48129	JAS PACIFIC	BI 13020	11/16/2018	11/16/2018	PLANNER SVC. JULY 2018	22,301.79
					Vendor Total:	26,520.54
48135	KERN COUNTY ANIMAL SERVICES	JULY-SEP. 2018	11/16/2018	11/16/2018	VET SVC. JULY-SEP 2018	19,750.00
					Vendor Total:	19,750.00
48132	KERN COUNTY FIRE DEPARTMENT	18-00374 2	11/16/2018	11/16/2018	FIRE PROTECTION FY 2017-2018	381,263.00
					Vendor Total:	381,263.00
48130	KING DOOR CO, INC	BL RECEIPT#31808	11/16/2018	11/16/2018	BUSINESS LICENSE REFUND	50.00
					Vendor Total:	50.00
48131	OPEN & SHUT ENTERPRISES	72262	11/16/2018	10/04/2018	NW VEH. GATE REPAIR	240.00
					Vendor Total:	240.00
48137	PG & E	A#8440977428-2 10.31.18	11/16/2018	10/31/2018	UTILITY SVC. 10.2.18-10.31.18	340.69
48138	PG & E	A#4776920476-0 11.08.18	11/16/2018	11/16/2018	UTILITY SVC. 10.9.18-11.07.18	441.65

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

Edit List of Invoices - Summary

DEMAND LIST 11.15.18

Date: 11/16/2018
Time: 3:53 pm
Page: 3

City of Arvin

Ref. No.	Vendor Name	Invoice No.	Posting Date PONumber	Invoice Date	Invoice Description	Invoice Amount
48139	PG & E		11/16/2018	11/16/2018	UTILITY SVC. 10.9.18-11.07.18	
		A#8831924329-6 11.8.18				47.23
					Vendor Total:	829.57
48140	PROVOST & PRITCHARD		11/16/2018	10/25/2018	SYCAMORE PROJECT SVC. SEP 2	
		70387				1,287.50
					Vendor Total:	1,287.50
48142	QUAD KNOPF, INC		11/16/2018	11/16/2018	DERBY MTN. 5370-025	
		94810				484.20
					Vendor Total:	484.20
48143	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7206564950-0-2				91.99
48144	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7205801852-0-2				83.54
48145	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7205211347-0-2				64.73
48146	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7205648781-0-4				12.44
48147	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		720486993-0-2				22.72
48148	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7204896993-0-3				22.72
48149	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7205648781-0-1				77.68
48150	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7206564950-0-1				19.26
48151	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7205648781-0-3				20.99
48152	STAPLES BUSINESS ADVANTAGE		11/16/2018	11/16/2018	OFFICE SUPPLIES-COMM.DEV.DE	
		7205801852-0-1				31.38
					Vendor Total:	447.45
48153	VANTAGE POINT TRANSFER AGENTS		11/16/2018	11/16/2018	457K LOAN/CONTRIBUTIONS11.2.	
		457K LOAN/CONTRIBUTIONS11.2.18				257.95
					Vendor Total:	257.95
48158	VERIZON WIRELESS 609123961-1		11/16/2018	10/25/2018	CELL PHONES SVC. PD 9.26-10.25	
		9817229870				471.03
					Vendor Total:	471.03
48157	VERIZON WIRELESS 609123961-3		11/16/2018	10/25/2018	AIR CARDS PD. 9.26.18-10.25.18	
		9817229871				646.17
					Vendor Total:	646.17
48155	VERIZON WIRELESS 609123961-4		11/16/2018	10/25/2018	WIRELESS SVC. 9.26.18-10.25.18	
		9817229872				304.08
					Vendor Total:	304.08
48156	VERIZON WIRELESS A#642023305-1		11/16/2018	10/28/2018	WIRELESS SVC. 9.29.18-10.28.18	
		9817391568				120.18
					Vendor Total:	120.18
48154	ZEE MEDICAL SERVICE		11/16/2018	11/16/2018	SUPPLIES TRANSIT	
		34-215692				86.28
					Vendor Total:	86.28

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

Edit List of Invoices - Summary

DEMAND LIST 11.15.18

Date: 11/16/2018
Time: 3:53 pm
Page: 4

City of Arvin

Ref. No.	Vendor Name	Invoice No.	Posting Date	PONumber	Invoice Date	Invoice Description	Invoice Amount
						Grand Total:	456,915.41
						Less Credit Memos:	0.00
						Net Total:	456,915.41
						Less Hand Check Total:	0.00
	Total Invoices: 57					Outstanding Invoice Total:	456,915.41

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

Edit List of Invoices - Summary

DEMAND LIST 11.27.18

3.A.a

Date: 11/28/2018
Time: 10:49 am
Page: 1

City of Arvin

Ref. No.	Vendor Name	Invoice No.	Posting Date PONumber	Invoice Date	Invoice Description	Invoice Amount
48160	A1 BATTERY	66654	11/27/2018	11/08/2018	MAINTENANCE FLEET#266	59.56
48165	A1 BATTERY	66906	11/27/2018	11/26/2018	MAINTENANCE FLEET#268	207.72
					Vendor Total:	267.28
48162	AIRGAS WEST	9957485966	11/27/2018	10/31/2018	RENT CYL IND. LARGE ACETYLEN	72.23
					Vendor Total:	72.23
48161	ALESHIRE & WYNDER, LLP	LEGAL SVC. OCT. 2018	11/27/2018	11/27/2018	LEGAL SVC. OCT. 2018	31,745.14
					Vendor Total:	31,745.14
48166	ARVIN COMM SERVICES DIST	FINAL CLOSING BILL CIT0043	11/27/2018	11/09/2018	FINAL CLOSING CIT 0043	22.96
					Vendor Total:	22.96
48167	ARVIN POLICE OFFICERS	COA UNION DUES NOV.2-16.2018	11/27/2018	11/27/2018	COA UNION DUES NOV.2-16.2018	520.00
					Vendor Total:	520.00
48169	AT&T MOBILITY	287251442687X10282018	11/28/2018	11/28/2018	WIRELESS SVC. 9.23.18-10.22.18	138.13
					Vendor Total:	138.13
48170	BENJAMIN MOORE PAINTS	B0044316	11/28/2018	11/01/2018	GRAFFITI REMOVAL COA	283.55
					Vendor Total:	283.55
48171	BLUE SHIELD OF CALIFORNIA	183170027200	11/28/2018	11/28/2018	MEDICAL INSURANCE DEC. 2018	15,059.30
					Vendor Total:	15,059.30
48172	BROADLUX, INC	BR9I1732-46	11/28/2018	09/01/2018	O&M FUEL SVC. OCT. 2018	252.50
48173	BROADLUX, INC	BR9I1732-47	11/28/2018	10/01/2018	O&M FUEL SVC. NOV. 2018	252.50
48174	BROADLUX, INC	BR9I1732-48	11/28/2018	11/01/2018	O&M FUEL SVC. DEC. 2018	252.50
					Vendor Total:	757.50
48163	BUSINESS LICENSE REFUND	REIMBURSEMENT RECEIPT#31903	11/27/2018	11/27/2018	BUSINESS LICENSE REFUND	50.00
					Vendor Total:	50.00
48175	C & T AUTOMOTIVE, INC	900025415	11/28/2018	10/31/2018	MAINTENANCE FLEET#319	497.63
48176	C & T AUTOMOTIVE, INC	900025518	11/28/2018	11/21/2018	MAINTENANCE FLEET#252	193.05
					Vendor Total:	690.68
48178	CARTWRIGHT WHEEL & BRAKE SVC	041027	11/28/2018	10/26/2018	MAINTENANCE FLEET#2011 FORI	911.69
					Vendor Total:	911.69
48177	CENTRAL CALIF. ASSOC. PUBLIC	COA UNION DUES 11.16.18	11/28/2018	11/28/2018	COA UNION DUES 11.16.18	676.49
					Vendor Total:	676.49

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

Edit List of Invoices - Summary

DEMAND LIST 11.27.18

Date: 11/28/2018
Time: 10:49 am
Page: 2

City of Arvin

Ref. No.	Vendor Name	Invoice No.	Posting Date PONumber	Invoice Date	Invoice Description	Invoice Amount
48180	CLEAN CUT LANDSCAPE MANAGEMENT	1638	11/28/2018	10/31/2018	LANDSCAPE MAINTENANCE LLMI	610.00
48181	CLEAN CUT LANDSCAPE MANAGEMENT	1637	11/28/2018	10/31/2018	LANDSCAPE MAINTENANCE LLMI	2,620.00
					Vendor Total:	3,230.00
48182	COMMUNICATION ENTERPRISES	1096670	11/28/2018	11/01/2018	450 PAMPA LTR DISPATCH M&I	165.00
48183	COMMUNICATION ENTERPRISES	1096669	11/28/2018	11/01/2018	450 PAMPA LTR DISPATCH TRANS	135.00
					Vendor Total:	300.00
48186	DIAMOND IT PREPAID USE 28-397	22890	11/15/2018	11/15/2018	PREPAID IT SVCS.	0.00
48187	DIAMOND IT PREPAID USE 28-397	22889	11/15/2018	11/15/2018	PREPAID IT SVCS. POLICE DEPT.	0.00
					Vendor Total:	0.00
48184	DIAMOND TECHNOLOGIES, INC	22627	11/28/2018	09/30/2018	NETWORK MANAGEMENT CARD	1,091.91
48185	DIAMOND TECHNOLOGIES, INC	22525	11/28/2018	08/31/2018	IT SERVICES- OFFICE 365	852.80
48188	DIAMOND TECHNOLOGIES, INC	23682568	11/28/2018	11/06/2018	DELL POWEREDGE SERVER/LICE	1,404.92
					Vendor Total:	3,349.63
48189	FEDEX	6-376-89222	11/28/2018	11/21/2018	FEDEX SVC. COMM.DEV.DEPT.	80.24
48190	FEDEX	6-371-94408	11/28/2018	11/28/2018	FEDEX SVC. OCT. 2018	521.99
					Vendor Total:	602.23
48191	GRAINGER	9940594592	11/28/2018	10/19/2018	SUPPLIES-COMMUNITY CENTER	20.15
					Vendor Total:	20.15
48192	GRANITE CONSTRUCTION	1493277	11/28/2018	10/29/2018	POTHOLE MATERIALS-M&I DEPT.	1,879.13
					Vendor Total:	1,879.13
48179	GUARDIAN	GROUP ID:00	11/28/2018 473727 11.20.18	11/20/2018	BUNDLE INSURANCE DEC. 2018	5,699.78
					Vendor Total:	5,699.78
48193	HEREDIA CABLING SOLUTIONS, INC	2055	11/28/2018	11/26/2018	CAL COPS GRANT-APD-011	2,670.99
					Vendor Total:	2,670.99
48194	JIM BURKE FORD	170510C	11/28/2018	10/05/2018	MAINTENANCE FLEET#304	4,825.15
48195	JIM BURKE FORD	171894	11/28/2018	11/12/2018	MAINTENANCE FLEET#319	1,046.93
					Vendor Total:	5,872.08
48168	JT2 INC DBA TODD COMPANIES	8	11/28/2018	10/08/2018	SYCAMORE DRAINAGE PROJECT	604,150.77
					Vendor Total:	604,150.77
48196	JTS TRUCKING REPAIR	226841	11/28/2018	11/09/2018	MAINTENANCE FLEET#209	90.00
48197	JTS TRUCKING REPAIR	226942	11/28/2018	11/08/2018	MAINTENANCE FLEET#207	900.06

H - Hand Check

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

Edit List of Invoices - Summary

DEMAND LIST 11.27.18

Date: 11/28/2018
Time: 10:49 am
Page: 3

City of Arvin

Ref. No.	Vendor Name	Invoice No.	Posting Date PONumber	Invoice Date	Invoice Description	Invoice Amount
48198	JTS TRUCKING REPAIR	227028	11/28/2018	11/13/2018	MAINTENANCE FLEET#110	180.00
48199	JTS TRUCKING REPAIR	227301	11/28/2018	11/16/2018	MAINTENANCE FLEET#207	180.00
48200	JTS TRUCKING REPAIR	227667	11/28/2018	11/27/2018	MAINTENANCE FLEET#207	652.74
48201	JTS TRUCKING REPAIR	227668	11/28/2018	11/27/2018	MAINTENANCE FLEET#207	491.05
48202	JTS TRUCKING REPAIR	227669	11/28/2018	11/27/2018	MAINTENANCE FLEET#205	540.08
					Vendor Total:	3,033.93
48203	KAISER PERMANENTE	CUST ID:000300785-0000 12.5.18	11/28/2018	11/28/2018	MEDICAL INSURANCE DEC. 2018	19,671.79
					Vendor Total:	19,671.79
48204	KERN COUNTY	1160-00775	11/28/2018	11/28/2018	CJIS ACCESS OCT-DEC. 2018	210.00
					Vendor Total:	210.00
48205	KERN PRINT SERVICES	42154	11/28/2018	11/28/2018	OFFICE SUPPLIES-COMM.DEV.DE	104.82
					Vendor Total:	104.82
48206	KERN RIVER POWER EQUIPMENT INC	86318	11/28/2018	10/31/2018	MOWER #4 REPAIR	132.62
					Vendor Total:	132.62
48164	CARINA R MOTLEY	EDUCATION REIMBURSEMENT 11.18	11/27/2018	11/27/2018	EDUCATION REIMBURSEMENT 11	396.01
					Vendor Total:	396.01
48207	MOUNTAINSIDE DISPOSAL	PROPERTY TAXES 11.16.18	11/28/2018	11/16/2018	PROPERTY TAXES 11.16.18	44,627.11
48208	MOUNTAINSIDE DISPOSAL	520029	11/28/2018	11/09/2018	ROLLOFF SVC. OCT. 2018	1,252.33
48209	MOUNTAINSIDE DISPOSAL	519436	11/28/2018	10/31/2018	LANDFILL FEE OCT. 2018	162.12
					Vendor Total:	46,041.56
48210	OFFICE DEPOT	228254067001	11/28/2018	11/07/2018	OFFICE SUPPLIES-POLICE DEPT.	471.15
48211	OFFICE DEPOT	234704483001	11/28/2018	11/21/2018	OFFICE SUPPLIES-POLICE DEPT.	82.92
48212	OFFICE DEPOT	234698105001	11/28/2018	11/21/2018	OFFICE SUPPLIES-POLICE DEPT.	200.00
					Vendor Total:	754.07
48213	O'REILLY AUTOMOTIVE, INC	4451-381395	11/28/2018	10/31/2018	STREET PAINTING-M&I DEPT.	47.61
48214	O'REILLY AUTOMOTIVE, INC	4451-382550	11/28/2018	11/07/2018	TOOLS CITY YARD SHOP	19.47
					Vendor Total:	67.08
48216	PACIFIC TIRE ARVIN	21966	11/28/2018	11/02/2018	MAINTENANCE FLEET#203	323.60
48217	PACIFIC TIRE ARVIN	22050	11/28/2018	11/28/2018	MAINTENANCE FLEET#205	248.19
					Vendor Total:	571.79
48159	PG & E	ELECTRIC SVC.10.13.18-11.15.18	11/27/2018	11/27/2018	ELECTRIC SVC.10.13.18-11.15.18	14,662.06

H - Hand Check

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

Edit List of Invoices - Summary

DEMAND LIST 11.27.18

Date: 11/28/2018
Time: 10:49 am
Page: 4

City of Arvin

Ref. No.	Vendor Name	Invoice No.	Posting Date PONumber	Invoice Date	Invoice Description	Invoice Amount
48215	PG & E		11/28/2018	11/20/2018	4TH PAYMENT ARRANGEMENT 2(	
		4TH PAYMENT ARRANGEMENT 2018				1,177.82
					Vendor Total:	15,839.88
48218	PITNEY BOWES		11/28/2018	10/31/2018	POSTAGE LEASING 8.30-11.29.18	
		3102563243				252.84
					Vendor Total:	252.84
48219	PROVOST & PRITCHARD		11/28/2018	11/08/2018	ARVIN SOI EXPANSION CODE AM	
		70515				10,375.00
					Vendor Total:	10,375.00
48220	SO. CAL. GAS CO.		11/28/2018	11/06/2018	NATURAL GAS VEHICLE FUEL 10/	
		A#085-832-2970-6 11.6.18				13.09
					Vendor Total:	13.09
48221	STAPLES BUSINESS ADVANTAGE		11/28/2018	10/13/2018	OFFICE SUPPLIES-CITY HALL	
		7205157918-0-1				9.95
					Vendor Total:	9.95
48222	SUPPLYWORKS		11/28/2018	10/23/2018	CLEANING SUPPLIES-COA	
		461271496				204.04
					Vendor Total:	204.04
48223	TEL-TEC SECURITY SYSTEMS		11/28/2018	11/01/2018	FIRE ALARM MONITORING-ADOB	
		641401				55.00
					Vendor Total:	55.00
48224	TRACTOR SUPPLY CO		11/28/2018	11/02/2018	WEED CONTROL-COA	
		259420				235.94
					Vendor Total:	235.94
48225	VANTAGE POINT TRANSFER AGENTS		11/28/2018	11/28/2018	457K LOAN/CONTRIBUTION 11.16	
		457K LOAN/CONTRIBUTION 11.16				257.95
					Vendor Total:	257.95
48227	WELLS FARGO LEASE PMTS		11/28/2018	10/29/2018	LEASE COPIER-COMM.DEV.DEPT	
		5005441715				121.16
					Vendor Total:	121.16
48226	WESTERN ALLIANCE BANK-LN PMT		11/28/2018	10/31/2018	LOAN#04500161025-61025	
		A#04500161025-61025 10.31.18				271,703.50
					Vendor Total:	271,703.50

Grand Total:	1,049,021.73
Less Credit Memos:	0.00
Net Total:	1,049,021.73
Less Hand Check Total:	0.00
Outstanding Invoice Total:	1,049,021.73

Total Invoices: 69

H - Hand Check

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

Edit List of Invoices - Detail w/GL

DEMAND LIST 11.27.18

Date: 11/29/2018
Time: 7:34 am
Page 1

City of Arvin

Ref. No. / Vendor No.	Vendor Name / Vendor Address / City / State/Province Zip/Postal / Email Address	Post Date / Pay. Date / Disc. Date / Due Date / Inv. Date	PO Number / Req. No. / Disc. % / Invoice No.	Bank / Hold? / Sep. Ck.? / 1099?	Invoice Description Line 2 / Invoice Description Line 2 / Use Description 1 On Check / Hand Check Number/Date	Gross Amount / Taxes Withheld / Discount / Net Amount
	FERNANDO LOPEZ	11/29/2018		BOFA	INTERPRETER SVC. 12.4-12.8	
	[redacted]	11/29/2018		N		200.00
48228	[redacted]	11/29/2018		N	N	0.00
12-952	[redacted]	11/29/2018	0.00	Y	0	0.00
	<Emailing Stub Disabled>	11/29/2018	INTERPRETER SVC. 12.4-1			200.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-011-5051	INTERPRETER SERVICES		200.00	0.00
Distribution Total			200.00	0.00

Vendor Total:	200.00
Grand Total:	200.00
Less Credit Memos:	0.00
Net Total:	200.00
Less Hand Check Total:	0.00
Outstanding Invoice Total:	200.00

Total Invoices: 1

Recap by Fund

Fund #	Fund Name	Amount To Pay	Amount To Relieve
100	GENERAL FUND	200.00	0.00
	Grand Total:	**200.00**	**0.00**

Attachment: Demand Register(s) of November 03, 2018 - November 30, 2018 (Approval of Demand Register(s) of November 03, 2018 –

EARNINGS REPORT

11-16-18 PAYROLL

Emp. Code Desc.: CITY OF ARVIN
From 11/16/2018 to 11/16/20
City of Arvin

Date: 11/29/2018
Time: 16:02:53

Employee Name	Employee ID	15X	1X	1XFTO	25X	2X	3X	ADJ	ADLCO	Oth
		ADMLV	ALLOW	BERV	BNFT1	COMP	CTO	CTYWK	DEGRE	Tot
		DIFFL	FH	FTO	HLPER	HOL	HP1X	INSUR	JURY	
		LONG	MILIT	MISC	PBD	PBD3	PBDCO	PERE	PERS	
		PHALW	POST	PTO	REG	RETOT	RETRO	SCKCO	SEVR	
		SHOEA	SICK	SRO	STDBY	TRAIN	TUPGR	UACL	UAPEP	
		UNADV	URCL	URPEP	VAC	VACCO	VACTO	WRKCO	STLMT	
		ADPAY	SSWEP							
Grand Total:	Employee Count: 49	0.00	22,063.05	0.00	0.00	301.70	0.00	0.00	4,209.14	0.0
		0.00	0.00	0.00	715.45	0.00	1,256.36	801.86	276.94	136,184.2
		196.35	0.00	258.46	0.00	5,343.08	6,054.08	1,494.16	340.48	
		2,154.51	1,252.80	0.00	475.78	0.00	0.00	0.00	0.00	
		300.00	732.39	0.00	81,276.13	0.00	0.00	0.00	0.00	
		0.00	2,920.46	0.00	0.00	0.00	82.67	0.00	0.00	
		90.78	0.00	0.00	621.67	0.00	0.00	1,603.74	0.00	
		191.84	1,170.40							

COST REPORT

11-16-18 PAYROLL

Emp. Code Desc.: CITY OF ARVIN
From 11/16/2018 to 11/16/20
City of Arvin

Date: 11/29/2018
Time: 16:03:17

Employee Name	Employee ID		FUTA	MC	MC1	PER1E	PER2D	PER2E	PER2M	Oth
		PER3E	PER5E	PER6E	PER9E	PERCP	PERS	PERS1	PERS2	Tot
		PERS3	PERS4	PERS5	PERS6	PERS8	PERS9	SS	SS1	
		SUTA								
Grand Total:	Employee Count: 49	0.00	0.00	1,653.24	510.52	0.00	701.89	0.00	940.78	0.0
		1,474.25	119.74	0.00	0.00	736.29	0.00	0.00	2,233.30	23,955.6
		2,753.32	0.00	0.00	1,834.21	1,626.93	0.00	6,952.22	2,418.97	
		0.00								

Attachment: Payroll Register(s) of November 16, 2018 and November 30, 2018 (Approval of Payroll

COST REPORT

11-30-18 PAYROLL

Emp. Code Desc.: CITY OF ARVIN
From 11/30/2018 to 11/30/20
City of Arvin

Date: 11/29/2018
Time: 16:03:42

Employee Name	Employee ID									
			FUTA	MC	MC1	PER1E	PER2D	PER2E	PER2M	Oth
		PER3E	PER5E	PER6E	PER9E	PERCP	PERS	PERS1	PERS2	Tot
		PERS3	PERS4	PERS5	PERS6	PERS8	PERS9	SS	SS1	
		SUTA								
Grand Total:	Employee Count: 43	0.00	0.00	1,550.37	500.17	0.00	701.89	0.00	940.78	0.0
		1,543.11	119.89	0.00	0.00	736.29	0.00	0.00	2,254.50	23,490.3
		2,879.70	0.00	0.00	1,772.56	1,604.36	0.00	6,511.71	2,374.97	
		0.00								

EARNINGS REPORT

11-30-18 PAYROLL

Emp. Code Desc.: CITY OF ARVIN
From 11/30/2018 to 11/30/20
City of Arvin

Date: 11/29/2018
Time: 16:04:03

Employee Name	Employee ID									
		15X	1X	1XFTO	25X	2X	3X	ADJ	ADLCO	Oth
		ADMLV	ALLOW	BERV	BNFT1	COMP	CTO	CTYWK	DEGRE	Tot
		DIFFL	FH	FTO	HLPER	HOL	HP1X	INSUR	JURY	
		LONG	MILIT	MISC	PBD	PBD3	PBDCO	PERE	PERS	
		PHALW	POST	PTO	REG	RETOT	RETRO	SCKCO	SEVR	
		SHOEA	SICK	SRO	STDBY	TRAIN	TUPGR	UACL	UAPEP	
		UNADV	URCL	URPEP	VAC	VACCO	VACTO	WRKCO	STLMT	
		ADPAY	SSWEP							
Grand Total:	Employee Count: 43	0.00	19,492.85	0.00	0.00	357.60	0.00	0.00	0.00	0.0
		0.00	0.00	521.90	715.45	0.00	1,575.17	801.86	274.34	126,665.3
		232.05	278.40	314.99	0.00	9,504.28	6,281.08	0.00	0.00	
		2,132.59	0.00	0.00	278.70	0.00	0.00	0.00	0.00	
		0.00	713.59	0.00	75,060.46	0.00	0.00	0.00	0.00	
		0.00	1,619.64	0.00	0.00	0.00	53.08	0.00	0.00	
		90.78	0.00	0.00	2,932.48	894.00	0.00	1,603.74	0.00	
		0.00	936.32							

Attachment: Payroll Register(s) of November 16, 2018 and November 30, 2018 (Approval of Payroll

REGULAR MEETING MINUTES

ARVIN CITY COUNCIL / SUCCESSOR AGENCY TO THE ARVIN COMMUNITY REDEVELOPMENT AGENCY / ARVIN HOUSING AUTHORITY / ARVIN PUBLIC FINANCING AUTHORITY

NOVEMBER 06, 2018

CALL TO ORDER @ 6:02PM

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL: Mayor Gurrola absent; All others present.

1. **Approval of Agenda as To Form.**

Motion to add the following Consent Agenda Item as a "subsequent need" item:
Authorization to Oppose the Federal Government's Litigation Against the State of California Challenging the State's Sanctuary State Law, and Authorize and Direct the Mayor and City Attorney to Sign an Amicus Brief Opposing the Same on Behalf of the City of Arvin.

Motion CM Robles Second CM Martinez Vote 2-2-0 (CM Madrigal and CM Martinez voted No. Motion fails.)

Motion to add the following Closed Session Item to the agenda:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code § 54957(b)(1)
Position: City Attorney

Motion CM Robles Second CM Martinez Vote 4-0

Motion to approve the Agenda with the addition of Closed Session Item:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code § 54957(b)(1)
Position: City Attorney

Motion CM Martinez Second CM Robles Vote 4-0

2. **PUBLIC COMMENTS**
(This is the opportunity for the public to address the City Council on any matter on the agenda or any item of interest to the public that is within the subject matter jurisdiction of the City Council.)

DRAFT

Attachment: Minutes of the Regular Meeting of November 06, 2018 (Approval of the Minutes of the Meeting(s) of November 06, 2018)

Attachment: Minutes of the Regular Meeting of November 06, 2018 (Approval of the Minutes of the Meeting(s) of November 06, 2018)

DRAFT

3. PRESENTATION(S)

A. Swearing In - Police Officers Armando Pantoja, Jr. and Adrian Hernandez
Cecilia Vela, City Clerk

B. Street Story Link – A Web and Phone Application
Kate M. Beck, University of CA, Berkley

4. CONSENT AGENDA ITEM(S)

A. Approval of Demand Register(s) of October 12, 2018 – November 02, 2018.

B. Approval of Payroll Register(s) of October 19, 2018 and November 02, 2018.

C. Approval of the Minutes of the Regular Meeting(s) of October 16, 2018.

D. Approval of A Resolution of the City Council of the City of Arvin Regarding the Preparing of the 2019 Local Appointments List and Posting of the Same.
Resolution No. 2018-70

E. Approval of A Resolution of the City Council of the City of Arvin to Approve the Arvin Chamber of Commerce's Special Event Permit Application and Waive City Costs Associated with the Event.
Resolution No. 2018-71

F. Approval of A Resolution of the City Council of the City of Arvin to Approve the St. Thomas Church Special Event Permit Application and Waive City Costs Associated with this Event.
Resolution No. 2018-72

G. Approval of A Proclamation Proclaiming November 2018 as Domestic Violence Awareness Month.

H. Approval of A Resolution of the City Council of the City of Arvin Augmenting the FY 18/19 Sanitation Fund Budget to Authorize an Increase in the Construction Budget by $106,346 and Amend Task Orders 3 and 4 with Veolia West Operating Systems in the Same Amount for Parshall Flume Upgrade.
Resolution No. 2018-73

I. Approval of A Resolution of the City Council of the City of Arvin Authorizing A Contract By and Between the City of Arvin and Veolia for Updating the City's Sanitary Sewer Management Program (SSMP) and Authorizing the Mayor and/or City Manager to Enter Into A Contract with Veolia in the Amount Not To Exceed $375,992 for the SSMP study.
Resolution No. 2018-74
Agreement No. 2018-18

Staff recommends approval of the Consent Agenda.

Motion to approve Consent Agenda Items 4A – 4I.
Motion MPT Ortiz Second CM Madrigal Vote 4-0

5. **PUBLIC HEARING(S)**
   A. A Public Hearing to Consider and Approve A Resolution of the City Council of the City of Arvin Denying the Appeals of, and Affirming, the Planning Commission's Approval of Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA –Ismaili Market – Expansion of a Non-Conforming Use – Regarding Storage and Patio Use, and Denial of Expansion for a Take-Out Kitchen, Located within the R-1 Single Family Dwelling Zone at 240 Langford in Arvin, and adoption of a Finding Per CEQA Guidelines Section 15061(B) (3). ***(Item continued from meeting of September 18, 2018: public comment/hearing portion of proceeding was closed at that meeting; item was further continued at the meeting of October 2, 2018)*** (City Planner)

   Staff recommends approval of the Resolution.

No quorum in attendance for above Public Hearing Item 5A. Public hearing automatically continued to the following Council Meeting of December 04, 2018.

6. **STAFF REPORTS**
   A. Monthly Financial Report – September 2018 (Finance Director)

7. **COUNCIL MEMBER COMMENTS**

8. **CLOSED SESSION ITEM(S)**
   A. Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9(d)(1)) Ronald Austin v. Arvin Police Department, et al., Kern County Superior Court Case No. BCV-18-101803

   B. Conference with Labor Negotiators (Pursuant to Government Code §54957.6) City Negotiator, Pawan Gill, Human Resources Administrator Employee Organizations: Arvin Police Officers Association (APOA) and Service Employees International Union (SEIU) Local 521

   C. Conference with Legal Counsel: Anticipated Litigation (Pursuant to Government Code § 54956.9(d)(4)
   One Potential Case

DRAFT

Attachment: Minutes of the Regular Meeting of November 06, 2018 (Approval of the Minutes of the Meeting(s) of November 06, 2018)

D. Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code § 54956.9(d)(1)) Citizens for a Better Arvin v. City of Arvin and City Council (Real Party In Interest: Petro Lud, Inc.) Kern County Superior Court Case No. BCV-18- 102949-KCT

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code § 54957(b)(1)
Position: City Attorney

CLOSED SESSION REPORT BY CITY ATTORNEY:
No reportable action.

9. ADJOURNED @ 7:10PM

Respectfully submitted,

_____

Cecilia Vela, City Clerk

DRAFT

Attachment: Minutes of the Regular Meeting of November 06, 2018 (Approval of the Minutes of the Meeting(s) of November 06, 2018)

CITY OF ARVIN
Staff Report

Meeting Date: December 4, 2018

TO:	City Council
FROM:	Adam Ojeda, City Engineer Jerry Breckinridge, City Manager
SUBJECT:	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA, ACCEPTING THE WORK COMPLETED BY GRIFFITH COMPANY AND FILING THE NOTICE OF COMPLETION FOR THE DIGIORGIO SIDEWALK PROJECT

BACKGROUND:

The City of Arvin solicited construction bids for the DiGiorgio Sidewalk Project. The construction of the project is funded by TDA funds. The scope of the project was to install approximately 2,200 LF of new concrete sidewalk along the east and west portions of existing DiGiorgio Park as well as a new curb ramp at the intersection of Haven Drive and S. Hill Street.

The project was advertised for bid on May 10, 2018, and bids were received on June 6, 2018. Two bids were received and Council awarded the project to Griffith Company on July 3, 2018 in the amount of $110,226.00.

Construction began on August 13, 2018 and was completed on August 27, 2018 within the available construction budget. The contractor has provided a certificate of warranty which shall commence at the time of acceptance of the work by the City Council for a period of one year, and shall cover the cost to repair or replace any defective or improperly installed improvements upon written notification by the City Engineer.

FINANCIAL IMPACT:

The allocation of funds was approved during the July 3, 2018 Council meeting for the DiGiorgio Sidewalk Project in the amount of $110,226.00. The total authorized bid amount for the construction of the project was $121,248.60 including a 10% contingency of $11,022.60. No change orders were necessary for this project, and the final budget remains at $110,226.00. The project was completed within the allocated budget, and $11,022.60 remains.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA, ACCEPTING THE WORK COMPLETED BY GRIFFITH COMPANY AND FILING THE NOTICE OF COMPLETION FOR THE DIGIORGIO SIDEWALK PROJECT

WHEREAS, the City of Arvin desired to construct approximately 2,200 LF of concrete sidewalk at existing DiGiorgio Park along the east and west portions that parallel Meyer Street and S. Hill Street; and

WHEREAS, the project was awarded to Griffith Company on July 3, 2018 in the amount of $110,226.00; and

WHEREAS, no change orders were executed during this project; and

WHEREAS, the construction of the project was completed by Griffith Company on August 27, 2018; and

WHEREAS, the City Engineer has verified the completion of the project and the completion of paperwork is pending; and

WHEREAS, the Contractor has provided a warranty to cover the costs to repair or replace improvements that are defective or found to have been improperly installed for a period of one year; and

WHEREAS, said warranty shall take effect upon approval by the City Council of this resolution on the date of the applicable council meeting; and

WHEREAS, the City desires to accept the DiGiorgio Sidewalk Project as complete.

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

1. The City Council accepts the work performed by performed Griffith Company for the DiGiorgio Sidewalk Project as complete.

2. The City Council approves the final contract amount of $110,226.00.

3. The City Council authorizes the City Manager to execute the Notice of Completion and the City Clerk to file the Notice of Completion within 15 days of acceptance.

4. The City Manager is authorized to release the 5% retention Griffith Company 35 days

after the filing of the Notice of Completion if no pending claims or liens are timely filed.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Arvin at a Regular Meeting thereof held on the 4th day of December, 2018 by the following vote:

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

I, _____, City Clerk 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 City Council of the City of Arvin on the date and by the vote indicated herein.

Recording Requested By:
For the benefit of the
CITY OF ARVIN

When Recorded Mail to:
City of Arvin
City Clerk
200 Campus Drive
Arvin, CA 93203

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is **OWNER** or Agent of the **OWNER** of the interest or estate stated below in the property hereinafter described.
2. The **FULL NAME** of the **OWNER** is City of Arvin
3. The **FULL ADDRESS** of the **OWNER** is 200 Campus Drive, Arvin, CA 93203
4. The **NATURE OF THE INTEREST** or **ESTATE** of the undersigned is: In Fee.

(if other than fee, Strike "In Fee" and insert, for example, "Purchaser under contract of purchase," or "Lessee.")

5. The **FULL NAMES** and **FULL ADDRESSES** of **ALL PERSONS**, if any, **WHO HOLD SUCH INTEREST** or **ESTATE** with the undersigned as **JOINT TENANTS IN COMMON** are:

Names Addresses

6. The full names and full addresses of the predecessors in interest of the undersigned if the property was transferred subsequent to the commencement of the work of improvement herein referred to:

Names Addresses

7. A work of improvement on the property hereinafter described was **COMPLETED** August 27, 2018
8. The work of improvement completed is described as follows: DiGiorgio Sidewalk Project
9. The **NAME OF THE ORIGINAL CONTRACTOR**, if any, for such work of improvement is: Griffith Company
10. The street address of said property is: DiGiorgio Park
11. The property on which said work of improvement was completed is in the City of Arvin County of Kern, State of California,

and is described as follows:

The work consists of new concrete sidewalk along the east and west sides of existing DiGiorgio Park and a new curb ramp at the intersection of S. Hill Street and Haven Drive

Date Richard Breckinridge, City Manager

Verification for **INDIVIDUAL** owner

I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the owner of the aforesaid interest or estate in the property described in the above notice; that I have said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.

Date and Place Signature of Owner named in paragraph 2

Verification for **NON-INDIVIDUAL** owner: I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the **City Manager** of the aforesaid interest or estate in the property described in the above notice; that I have read the said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.

Date and Place Richard Breckinridge, City Manager

SUBSCRIBED AND SWORN TO before me on

[Notary Public], [Title]

Revised 9/22/2003

SINCE 1902

GRIFFITH COMPANY

CORPORATE OFFICE
3050 E. Birch Street
Brea, CA 92821
[714] 984-5500
Fax [714] 854-9754

CENTRAL REGION
1128 Carrier Parkway Ave.
Bakersfield, CA 93308
[661] 392-6640
Fax [661] 393-9525

SOUTHERN REGION
12200 Bloomfield Ave.
Santa Fe Springs, CA 90670
[562] 929-1128
Fax [562] 864-8970

STRUCTURE DIVISION
3050 E. Birch Street
Brea, CA 92821
[714] 984-5500
Fax [714] 854-0227

UNDERGROUND DIVISION
3050 E. Birch Street
Brea, CA 92821
[714] 984-5500
Fax [714] 854-0226

LANDSCAPE DIVISION
3050 E. Birch Street
Brea, CA 92821
[714] 984-5500
Fax [714] 854-7843

CONCRETE DIVISION
12200 Bloomfield Ave.
Santa Fe Springs, CA 90670
[562] 929-1128
Fax [562] 864-8970

MATERIALS DIVISION
3050 E. Birch Street
Brea, CA 92821
[714] 984-5500
Fax [714] 854-0229

www.griffithcompany.net

CA Contractors License #88

NV Contractors License #78889

AZ Contractors License #292209

November 26, 2018

Griffith Company
Central Region
1128 Carrier Parkway Avenue
Bakersfield, CA 93301

Guarantee and Warranty: DiGorgio Park

To whom it may concern,

This guarantee and warranty is made pursuant to the contract between the owner and the contractor together with all plans and specifications referred to therein (the Contract Documents). This guarantee and warranty shall in no way be construed to limit in any manner any of the provisions of the contract documents or to modify or limit any of the obligations, liabilities and duties of the Guarantor thereunder.

We, the undersigned, herby warrant and/or guarantee that the work, which we have furnished and/or installed for the above mentioned project, has been performed in accordance with the with the contract documents and that the work as installed will fulfill all of the warranty or guarantee requirements included in these contract documents. We hereby agree to replace at our sole cost and expense any normal wear and tear for a period of (1) YEAR from the date of acceptance. If, however, the period of guarantee is stipulated in excess of (1) year by the contact documents, contractor shall be bound as specified in the contract documents. All guarantees and warranties will inure to the benefit of the owner. This guarantee and warranty shall not apply to work, which has been abused, neglected, or altered by others.

Upon notification of defective or improperly installed items covered under the contractor's warranty the contractor agrees to
man the job" within 72 business hours of receiving notice to perform necessary repairs.

Antonio Rosas
Project Manager

CITY OF ARVIN
Staff Report

Meeting Date: December 4, 2018

TO:	City Council
FROM:	Jeff Jones, Finance Director Jerry Breckinridge, City Manager
SUBJECT:	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN AMENDING AGREEMENT NO. 06-1680, DATED JUNE 29, 2018, BETWEEN THE CITY OF ARVIN AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION DEFINING THE TERMS AND CONDITIONS FOR INSTALLING TRAFFIC SIGNALS IN THE CITY OF ARVIN 0.2 MILES WEST OF DERBY STREET TO KING STREET

BACKGROUND:

On June 29, 2018, CALTRANS and the City of Arvin (City), collectively referred to as PARTIES, entered into AGREEMENT No. 06-1680, on June 29, 2018, defining the terms and conditions for installing traffic signals in Arvin 0.2 miles west of Derby Street to King Street, referred to as PROJECT

An updated analysis of HSIP grant funds available to the City indicated that amount available for the City to contribute to Caltrans increased on the Project by $98,175 for a new total of $498,175.

In order to complete the Project, Caltrans has requested that the City approve amendment one to agreement 06-1680.

Following is the terms of the amended agreement: (original agreement is included as attachment #1 to this staff report.

IT IS THEREFORE MUTUALLY AGREED:

1. Article 4 in the AGREEMENT is replaced in its entirety to read as follows:

   PARTIES now seek CITY will contribute an amount of $498,175 to the PROJECT. Contributed funds will be used for the PROJECT.

2. Article 5 in the AGREEMENT is replaced in its entirety to read as follows:

   PARTIES agree that funds will be contributed to the following PROJECT COMPONENT:

   · RIGHT OF WAY CAPITAL
   · CONSTRUCTION CAPITAL

3. Article 14 in the AGREEMENT is replaced in its entirety to read as follows:

   CITY will contribute the funds listed below:

FUNDING TABLE			
Fund Source	**Fund Type**	**Project Component**	**Amount**
FEDERAL	HSIP	Right of Way Capital	$300,000
FEDERAL	HSIP	Construction Capital	$198,175
Total Funds			$498,175

4. All other terms and conditions of the AGREEMENT shall remain in full force and effect.

FINANCIAL IMPACT:

No impact to the general fund. The Finance Director, in conjunction with the staff from Quad Knopf, have determined that the after the contribution of $498,175 to Caltrans that sufficient funding will remain in the HSIP grant - the grant which is funding the City's share of the Project - to cover future City staff costs involved in implementing the project.

Attachments:

(1) 06-1680 Amendment #1 - Local Contribution with City of Arvin 11-14-18
(2) 06-1680 - Executed Agreement between Caltrans and City of Arvin
(3) June 05, 2018 Staff Report - Derby Signal Coop Agreement with Caltrans

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN AMENDING AGREEMENT NO. 06-1680, DATED JUNE 29, 2018, BETWEEN THE CITY OF ARVIN AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION DEFINING THE TERMS AND CONDITIONS FOR INSTALLING TRAFFIC SIGNALS IN THE CITY OF ARVIN 0.2 MILES WEST OF DERBY STREET TO KING STREET

WHEREAS, On June 29, 2018 the City of Arvin (City) and the State of California Department of Transportation (Caltrans) entered into Agreement Number 06-1680 (Agreement) defining the terms and conditions for installing traffic signals in Arvin 0.2 miles west of Derby Street to King Street (Project); and

WHEREAS, the Agreement established that Arvin will contribute an amount of $400,000 to the Project; and

WHEREAS, as a result of an updated analysis which determined HSIP funds available to the City for contribution to the project to be $498,175; and

WHEREAS, as a result of said analysis that the City now desires to increase contribution of HSIP funds by $98,175, for a total contribution of $498,175; and

WHEREAS, as a result of the increased contribution by the City, Caltrans now requires an amendment to the Agreement in order to complete the Project; and

WHEREAS, the Derby Signal Project has already been environmentally assessed, and there are no changes in circumstances or conditions which would require additional assessment. As such, the requirements of the California Environmental Quality Act have been satisfied, and no further environmental assessment is required.

NOW THEREFORE BE IT RESOLVED, by the City Council of Arvin as follows: that the Mayor and/or City Manager are authorized to sign amendment number one to Agreement Number 06-1680 on project 061400162 regarding installation of traffic signals from 0.2 miles west of Derby Street to King Street.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Arvin at a Regular Meeting thereof held on the 4th day of December, 2018 by the following vote:

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

I, _____, City Clerk 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 City Council of the City of Arvin on the date and by the vote indicated herein.

Agreement No.: 06-1680 A1
Project Id: 0614000162
EA: 0S510
06 KER 223 (21.0/21.3)

Attachment: 06-1680 A1 Local Contribution with City of Arvin 11142018 DT (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

DRAFT

AMENDMENT NO. 1 TO AGREEMENT 06-1680

This Amendment No. 1 to AGREEMENT 06-1680, effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City of Arvin, a body politic and municipal corporation or chartered city of the State of California, referred to hereinafter as CITY.

RECITALS

1. CALTRANS and CITY, collectively referred to as PARTIES, entered into AGREEMENT No. 06-1680, on June 29, 2018, defining the terms and conditions for installing traffic signals in Arvin 0.2 miles west of Derby Street to King Street, referred to as PROJECT.

2. The AGREEMENT established CITY will contribute an amount of $400,000 to the PROJECT. Contributed funds will be used for the PROJECT.

3. The AGREEMENT established PARTIES agree that funds will be contributed to the following PROJECT COMPONENT:

   - CONSTRUCTION CAPITAL

4. PARTIES now seek CITY will increase contributed amount of HSIP funds from $400,000 to $498,175.

IT IS THEREFORE MUTUALLY AGREED:

1. Article 4 in the AGREEMENT is replaced in its entirety to read as follows:

   PARTIES now seek CITY will contribute an amount of $498,175 to the PROJECT. Contributed funds will be used for the PROJECT.

Agreement No.: 06-1680 A1
Project Id: 0614000162
EA: 0S510
06 KER 223 (21.0/21.3)

2. Article 5 in the AGREEMENT is replaced in its entirety to read as follows:

   PARTIES agree that funds will be contributed to the following PROJECT COMPONENT:

   - RIGHT OF WAY CAPITAL
   - CONSTRUCTION CAPITAL

3. Article 14 in the AGREEMENT is replaced in its entirety to read as follows:

   CITY will contribute the funds listed below:

FUNDING TABLE			
Fund Source	**Fund Type**	**Project Component**	**Amount**
FEDERAL	HSIP	Right of Way Capital	$300,000
FEDERAL	HSIP	Construction Capital	$198,175
Total Funds			$498,175

4. All other terms and conditions of the AGREEMENT shall remain in full force and effect.

5. This AMENDMENT is deemed to be included and made part of the AGREEMENT.

DRAFT

Attachment: 06-1680 A1 Local Contribution with City of Arvin 11142018 DT (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Agreement No.: 06-1680 A1
Project Id: 0614000162
EA: 0S510
06 KER 223 (21.0/21.3)

SIGNATURES

PARTIES declare that:

1. Each PARTY is an authorized legal entity under California state law.
2. Each PARTY has the authority to enter into this agreement.
3. The people signing this agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
Sharri Bender Elhert
District Director

CITY OF ARVIN

By: _____
Jose Gurrola
Mayor

VERIFICATION OF FUNDS AND AUTHORITY:

By: _____
William Etherton
District Budget Manager

CERTIFIED AS TO FINANCIAL TERMS AND POLICIES:

By: _____
Darwin Salmos
HQ Accounting Supervisor

DRAFT

Attachment: 06-1680 A1 Local Contribution with City of Arvin 11142018 DT (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Agreement No.: 06-1680
Project Id: 0614000162
EA: 0S510
06 KER 223 (21.0/21.3)

COOPERATIVE AGREEMENT

Local Contribution Only

This AGREEMENT, effective on JUN 29 2018, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City of Arvin, a body politic and municipal corporation or chartered city of the State of California, referred to hereinafter as CITY.

RECITALS

1. PARTIES are authorized to enter into a cooperative agreement for improvements to the State Highway System (SHS) per the California Streets and Highways Code sections 114 and 130.

2. The term AGREEMENT, as used herein, includes this document and any associated attachments, exhibits, and amendments.

3. For the purpose of this AGREEMENT, installing traffic signals in Arvin 0.2 miles west of Derby Street to King Street, will be referred to hereinafter as PROJECT. This description only serves to identify the PROJECT. The project scope of work is defined in the appropriate authorizing documents per the Project Development Procedures Manual.

4. CITY will contribute an amount of $400,000 to the PROJECT. Contributed funds will be used for the PROJECT.

5. PARTIES agree that funds will be contributed to the following PROJECT COMPONENT:

   - CONSTRUCTION CAPITAL

6. PARTIES hereby set forth the terms, covenants, and conditions for CITY's contribution toward the PROJECT.

Attachment: 06-1680 Executed City of Arvin Local Contribution Proj Id0614000162 EA 0S510 062918 (Amendment 1 to Agreement 06-1680, Cal

Attachment: 06-1680 Executed City of Arvin Local Contribution Proj Id0614000162 EA 0S510 062918 (Amendment 1 to Agreement 06-1680, Cal

ROLES AND RESPONSIBILITIES

7. CALTRANS is the SPONSOR and IMPLEMENTING AGENCY for the PROJECT.

8. CITY is a FUNDING PARTY contributing a fixed amount toward the PROJECT as shown in the FUNDING TABLE.

9. CALTRANS is responsible for completing all work for the PROJECT.

GENERAL CONDITIONS

10. All obligations of CALTRANS under the terms of this AGREEMENT are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.

11. The cost of any engineering support performed by CALTRANS includes all direct and applicable indirect costs. CALTRANS calculates indirect costs based solely on the type of funds used to pay support costs. State and federal funds administered by CALTRANS are subject to the current Program Functional Rate. All other funds are subject to the current Program Functional Rate and the current Administration Rate. The Program Functional Rate and Administration Rate are adjusted periodically.

12. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this AGREEMENT. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless CITY and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

13. This AGREEMENT is intended to be PARTIES' final expression and supersedes any oral understanding or writings pertaining to PROJECT.

INVOICE AND PAYMENT

14. CITY will contribute the funds listed below:

FUNDING TABLE			
Fund Source	**Fund Type**	**Project Component**	**Amount**
FEDERAL	HSIP	Construction Capital	$400,000
Total Funds			$400,000

15. CALTRANS will draw from state and federal funds that are provided by CITY without invoicing CITY when CALTRANS administers those funds and CALTRANS has been allocated those funds by the CTC and whenever else possible. Otherwise invoicing and payment will occur in accordance with the following:

16. CALTRANS will submit to CITY monthly invoices for the prior month's expenditures.

17. CITY will pay the invoiced amount within forty-five (45) calendar days of receipt of the invoice unless CITY is paying with Electronic Funds Transfer (EFT). When paying with EFT, CITY will pay the invoiced amount within five (5) calendar days of receipt of the invoice.

18. If CITY has received Electronic Funds Transfer (EFT) certification from CALTRANS then CITY will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.

19. After all work for the PROJECT is complete, CALTRANS will submit a final accounting for all costs. Based on the final accounting CALTRANS will, if necessary, refund CITY the unexpended local fund sources shown in the FUNDING TABLE.

20. This AGREEMENT will terminate upon CALTRANS' receipt of the PROJECT funds. However, all indemnification articles will remain in effect until terminated or modified in writing by mutual agreement.

Attachment: 06-1680 Executed City of Arvin Local Contribution Proj Id0614000162 EA 0S510 062918 (Amendment 1 to Agreement 06-1680, Cal

Attachment: 06-1680 Executed City of Arvin Local Contribution Proj Id0614000162 EA 0S510 062918 (Amendment 1 to Agreement 06-1680, Cal

DEFINITIONS

FUNDING PARTY – A PARTY who commits a defined dollar amount to the PROJECT.

IMPLEMENTING AGENCY – The party responsible for managing the scope, cost, and schedule of a project component to ensure the completion of that component.

PARTY – The term that references a signatory agencies to this AGREEMENT.

PARTIES – The term that collectively references all of the signatory agencies to this AGREEMENT. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one party's individual actions legally bind the other PARTIES.

SPONSOR – The PARTY that accepts the obligation to secure financial resources to fully fund PROJECT. This includes any additional funds beyond those committed in this AGREEMENT necessary to complete the full scope of PROJECT.

PROJECT COMPONENT – A distinct portion of the planning and project development process of a capital project as outlined in California Government Code, section 14529(b).

- **PID (Project Initiation Document)** – The activities required to deliver the project initiation document for PROJECT.
- **PA&ED (Project Approval and Environmental Document)** – The activities required to deliver the project approval and environmental documentation for PROJECT.
- **PS&E (Plans, Specifications, and Estimate)** – The activities required to deliver the plans, specifications, and estimate for PROJECT.
- **R/W (Right of Way) SUPPORT** –The activities required to obtain all property interests for PROJECT.

- **R/W (Right of Way) CAPITAL** – The funds for acquisition of property rights for PROJECT.

- **CONSTRUCTION SUPPORT** – The activities required for the administration, acceptance, and final documentation of the construction contract for PROJECT.

- **CONSTRUCTION CAPITAL** – The funds for the construction contract.

Attachment: 06-1680 Executed City of Arvin Local Contribution Proj Id0614000162 EA 0S510 062918 (Amendment 1 to Agreement 06-1680, Cal

CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTY to this AGREEMENT. PARTIES will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this AGREEMENT.

The primary AGREEMENT contact person for CALTRANS is:
Paul Pineda, Project Manager
2015 E. Shields Avenue, Suite 100
Fresno, CA 93726
Office Phone: (661) 326-3416
Mobile Phone: (559) 287-2128
Email: paul.pineda@dot.ca.gov

The primary AGREEMENT contact person for CITY is:
Jeff Jones, Finance Director
200 Campus Drive
Post Office Box 548
Arvin, CA 93203
Office Phone: (661) 854-3134
Email: jeffjones@arvin.org

Attachment: 06-1680 Executed City of Arvin Local Contribution Proj Id0614000162 EA 0S510 062918 (Amendment 1 to Agreement 06-1680, Cal

Agreement No.: 06-1680
Project ID: 0614000162

SIGNATURES

PARTIES declare that:

1. Each PARTY is an authorized legal entity under California state law.
2. Each PARTY has the authority to enter into this AGREEMENT.
3. The people signing this AGREEMENT have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
Sharri Bender Elhert
District Director

VERIFICATION OF FUNDS AND AUTHORITY:

By: _____
William Etherton
District Budget Manager

CERTIFIED AS TO FINANCIAL TERMS AND POLICIES:

By: _____
Darwin Salmos
HQ Accounting Supervisor

CITY OF ARVIN

By: _____
Jose Gurrola
Mayor

Attachment: 06-1680 Executed City of Arvin Local Contribution Proj Id0614000162 EA 0S510 062918 (Amendment 1 to Agreement 06-1680, Cal

CITY OF ARVIN
Staff Report

Meeting Date: June 5, 2018

TO:	City Council
FROM:	Jeff Jones, Finance Director Jerry Breckinridge, Interim City Manager
SUBJECT:	Approval of a Resolution of the City Council of the City of Arvin to authorize the Mayor and/or the Interim City Manager to sign a cooperative agreement - local contribution only - with the State of California - Department of Transportation (Caltrans) in respects to project 0614000162 - installing traffic signals in the City of Arvin miles west of Derby street to King street and also authorizing the Mayor and/or Interim City Manager to sign a deobligation letter in respects to the same project

BACKGROUND:

On March 17, 2016, District Agreement Number 06-1618, Project ID 0614000162 was signed and agreed to between State of California Department of Transportation (Caltrans) and the City of Arvin for installing traffic signals in the City of Arvin 0.2 miles west of Derby Street to King Street (project).

To date substantial progress has been made on the project, including basic design, appraisals of properties where right of way access is needed, communications with the San Joaquin Valley Railroad regarding re-design of the railroad crossing just east of the intersection of Bear Mountain Valley Blvd and Tejon Highway.

However, at this time it has been agreed by the City management and Caltrans staff that Caltrans take over the project. Factors for this decision include current lack of City staff resources and the familiarity of Caltrans in the area of right-of-way acquisition.

In order to complete the transfer, the Mayor and/or Interim City Manager will be required to sign (1) a new project agreement with Caltrans and (2) a deobligation of current project funding. Those documents are attached to the staff report.

ENVIRONMENTAL:

The Derby Signal Project has already been environmentally assessed, and there are no changes in circumstances or conditions which would require additional assessment. As such, the

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

requirements of the California Environmental Quality Act have been satisfied, an no further environmental assessment is required

FINANCIAL IMPACT:

None to the general fund as this project was grant funded.

ATTACHMENTS:
06-1680 EA 0S510 Proj 0618000158 Agreement 042018 TD
2016-05 Cooperative Agreement CALTRANS HSIP Improvements to Derby and Br Mtn SR223 for Traffic Signal_021616

Agreement No.: 06-1680
Project Id: 0614000162
EA: 0S510
06 KER 223 (21.0/21.3)

COOPERATIVE AGREEMENT

Local Contribution Only

This AGREEMENT, effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City of Arvin, a body politic and municipal corporation or chartered city of the State of California, referred to hereinafter as CITY.

RECITALS

1. PARTIES are authorized to enter into a cooperative agreement for improvements to the State Highway System (SHS) per the California Streets and Highways Code sections 114 and 130.

2. The term AGREEMENT, as used herein, includes this document and any associated attachments, exhibits, and amendments.

3. For the purpose of this AGREEMENT, installing traffic signals in Arvin 0.2 miles west of Derby Street to King Street, will be referred to hereinafter as PROJECT. This description only serves to identify the PROJECT. The project scope of work is defined in the appropriate authorizing documents per the Project Development Procedures Manual.

4. CITY will contribute an amount of $400,000 to the PROJECT. Contributed funds will be used for the PROJECT.

5. PARTIES agree that funds will be contributed to the following PROJECT COMPONENT:

   - CONSTRUCTION CAPITAL

6. PARTIES hereby set forth the terms, covenants, and conditions for CITY's contribution toward the PROJECT.

ROLES AND RESPONSIBILITIES

7. CALTRANS is the SPONSOR and IMPLEMENTING AGENCY for the PROJECT.

8. CITY is a FUNDING PARTY contributing a fixed amount toward the PROJECT as shown in the FUNDING TABLE.

9. CALTRANS is responsible for completing all work for the PROJECT.

GENERAL CONDITIONS

10. All obligations of CALTRANS under the terms of this AGREEMENT are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.

11. The cost of any engineering support performed by CALTRANS includes all direct and applicable indirect costs. CALTRANS calculates indirect costs based solely on the type of funds used to pay support costs. State and federal funds administered by CALTRANS are subject to the current Program Functional Rate. All other funds are subject to the current Program Functional Rate and the current Administration Rate. The Program Functional Rate and Administration Rate are adjusted periodically.

12. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this AGREEMENT. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless CITY and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

13. This AGREEMENT is intended to be PARTIES' final expression and supersedes any oral understanding or writings pertaining to PROJECT.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

INVOICE AND PAYMENT

14. CITY will contribute the funds listed below:

FUNDING TABLE			
Fund Source	Fund Type	Project Component	Amount
FEDERAL	HSIP	Construction Capital	$400,000
Total Funds			$400,000

15. CALTRANS will draw from state and federal funds that are provided by CITY without invoicing CITY when CALTRANS administers those funds and CALTRANS has been allocated those funds by the CTC and whenever else possible. Otherwise invoicing and payment will occur in accordance with the following:

16. CALTRANS will submit to CITY monthly invoices for the prior month's expenditures.

17. CITY will pay the invoiced amount within forty-five (45) calendar days of receipt of the invoice unless CITY is paying with Electronic Funds Transfer (EFT). When paying with EFT, CITY will pay the invoiced amount within five (5) calendar days of receipt of the invoice.

18. If CITY has received Electronic Funds Transfer (EFT) certification from CALTRANS then CITY will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.

19. After all work for the PROJECT is complete, CALTRANS will submit a final accounting for all costs. Based on the final accounting CALTRANS will, if necessary, refund CITY the unexpended local fund sources shown in the FUNDING TABLE.

20. This AGREEMENT will terminate upon CALTRANS' receipt of the PROJECT funds. However, all indemnification articles will remain in effect until terminated or modified in writing by mutual agreement.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

DEFINITIONS

FUNDING PARTY – A PARTY who commits a defined dollar amount to the PROJECT.

IMPLEMENTING AGENCY – The party responsible for managing the scope, cost, and schedule of a project component to ensure the completion of that component.

PARTY – The term that references a signatory agencies to this AGREEMENT.

PARTIES – The term that collectively references all of the signatory agencies to this AGREEMENT. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one party's individual actions legally bind the other PARTIES.

SPONSOR – The PARTY that accepts the obligation to secure financial resources to fully fund PROJECT. This includes any additional funds beyond those committed in this AGREEMENT necessary to complete the full scope of PROJECT.

PROJECT COMPONENT – A distinct portion of the planning and project development process of a capital project as outlined in California Government Code, section 14529(b).

- **PID (Project Initiation Document)** – The activities required to deliver the project initiation document for PROJECT.
- **PA&ED (Project Approval and Environmental Document)** – The activities required to deliver the project approval and environmental documentation for PROJECT.
- **PS&E (Plans, Specifications, and Estimate)** – The activities required to deliver the plans, specifications, and estimate for PROJECT.
- **R/W (Right of Way) SUPPORT** –The activities required to obtain all property interests for PROJECT.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

- **R/W (Right of Way) CAPITAL** – The funds for acquisition of property rights for PROJECT.
- **CONSTRUCTION SUPPORT** – The activities required for the administration, acceptance, and final documentation of the construction contract for PROJECT.
- **CONSTRUCTION CAPITAL** – The funds for the construction contract.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTY to this AGREEMENT. PARTIES will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this AGREEMENT.

The primary AGREEMENT contact person for CALTRANS is:
Paul Pineda, Project Manager
2015 E. Shields Avenue, Suite 100
Fresno, CA 93726
Office Phone: (661) 326-3416
Mobile Phone: (559) 287-2128
Email: paul.pineda@dot.ca.gov

The primary AGREEMENT contact person for CITY is:
Jeff Jones, Finance Director
200 Campus Drive
Post Office Box 548
Arvin, CA 93203
Office Phone: (661) 854-3134
Email: jeffjones@arvin.org

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

SIGNATURES

PARTIES declare that:

1. Each PARTY is an authorized legal entity under California state law.
2. Each PARTY has the authority to enter into this AGREEMENT.
3. The people signing this AGREEMENT have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
Sharri Bender Elhert
District Director

VERIFICATION OF FUNDS AND AUTHORITY:

By: _____
William Etherton
District Budget Manager

CERTIFIED AS TO FINANCIAL TERMS AND POLICIES:

By: _____
Darwin Salmos
HQ Accounting Supervisor

CITY OF ARVIN

By: _____
Jose Gurrola
Mayor

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

District Agreement No.: 06
Project ID: 0614000162
EA: 06- 0S510
06 KER 223 (PM 21.0/21.3)

COOPERATIVE AGREEMENT COVER SHEET

Work Description

Improve traffic control at the intersection of SR-223 and Derby Street, in the City of Arvin, in Kern County

Contact Information

CITY OF ARVIN
CITY CLERK'S OFFICE
AGMT NO 2016-05

CALTRANS

Paul Pineda, Project Manager
900 Truxtun Avenue, Suite 200
Bakersfield, CA 93301
Office Phone: (661) 326-3416
Email: Paul.Pineda@dot.ca.gov

ARVIN

Alfonso Noyola, City Manager
200 Campus Drive
Arvin, CA 93203
Office Phone: (661) 854-3134
Fax Number: (661) 854-0817
Email: anoyola@arvin.org

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Table of Contents

RECITALS 1
RESPONSIBILITIES 2
Sponsorship 2
Funding 2
Implementing Agency 3
Independent Quality Assurance 3
CEQA/NEPA Lead Agency 3
Environmental Permits, Approvals and Agreements 3
Right of Way (R/W) 4
Schedule 5
Additional Provisions 6
GENERAL CONDITIONS 10
DEFINITIONS 14
SIGNATURES 18
FUNDING SUMMARY No. 01 1
FUNDING TABLE 1
SPENDING SUMMARY 1
Funding 2
Invoicing and Payment 2
Right of Way Support (R/W SUPPORT) 2
Right of Way Capital (R/W CAPITAL) 2
Signatures 3
CLOSURE STATEMENT 2

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

COOPERATIVE AGREEMENT

CITY OF ARVIN
CITY CLERK'S OFFICE
AGMT NO 2016-05

MAR 1 7 2016

This AGREEMENT, effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

Arvin, a body politic and municipal corporation of the State of California, referred to hereinafter as CITY.

RECITALS

1. PARTNERS are authorized to enter into a cooperative agreement for improvements to the state highway system (SHS) per the California Streets and Highways Code sections 114 and 130.

2. For the purpose of this AGREEMENT, improve traffic control at the intersection of SR-223 and Derby Street, in the City of Arvin, in Kern County will be referred to hereinafter as PROJECT. The project scope of work is defined in the PROJECT initiation and approval documents (e.g. Project Study Report, Permit Engineering Evaluation Report, or Project Report).

3. All responsibilities assigned in this AGREEMENT to complete the following PROJECT COMPONENTS will be referred to hereinafter as OBLIGATIONS:

   - Right of Way Support (R/W SUPPORT)

   - Right of Way Capital (R/W CAPITAL)

4. This AGREEMENT is separate from and does not modify or replace any other cooperative agreement or memorandum of understanding between PARTNERS regarding the PROJECT.

5. The following work associated with this PROJECT has been completed or is in progress:

   - CALTRANS approved the Categorical Exemption on August 10, 2015 (Cooperative Agreement No. 06-1618).

   - CALTRANS approved the Categorical Exclusion on August 10, 2015 (Cooperative Agreement No. 06-1618).

   - CALTRANS is developing the Plans, Specifications and Estimate on January 15, 2018 (Cooperative Agreement No. 06-0000).

6. In this AGREEMENT capitalized words represent defined terms, initialisms, or acronyms.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

7. PARTNERS hereby set forth the terms, covenants, and conditions of this AGREEMENT, under which they will accomplish OBLIGATIONS.

RESPONSIBILITIES

Sponsorship

8. CITY is the SPONSOR for the PROJECT COMPONENTS in this AGREEMENT.

Funding

9. FUNDING PARTNERS, funding sources, funding limits, spending limits, and invoicing/payment details are documented in the FUNDING SUMMARY. The FUNDING SUMMARY is incorporated and made an express part of this AGREEMENT.

   PARTNERS will execute a new FUNDING SUMMARY each time the funding details change. The FUNDING SUMMARY will be executed by a legally authorized representative of the respective PARTNERS. The most current fully executed FUNDING SUMMARY supersedes any previous FUNDING SUMMARY created for this AGREEMENT. Replacement of the FUNDING SUMMARY will not require an amendment to the body of this AGREEMENT unless the funding changes require it.

10. PARTNERS will not incur costs beyond the funding commitments in this AGREEMENT.

11. Unless otherwise documented in the FUNDING SUMMARY, all fund types contributed to a PROJECT COMPONENT will be spent proportionately within that PROJECT COMPONENT.

12. Unless otherwise documented in the FUNDING SUMMARY, any savings recognized within a PROJECT COMPONENT will be credited or reimbursed, when allowed by policy or law, in proportion to the amount contributed to that PROJECT COMPONENT by each fund type.

13. All costs incurred for WORK except those that are specifically excluded in this AGREEMENT are OBLIGATIONS COSTS. OBLIGATIONS COSTS are to be paid from the funds shown in the FUNDING SUMMARY. Costs that are not OBLIGATIONS COSTS are to be paid by the PARTNER incurring the costs from funds that are outside the scope of this AGREEMENT.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Implementing Agency

14. CITY is the IMPLEMENTING AGENCY for RIGHT OF WAY.

15. The IMPLEMENTING AGENCY for a PROJECT COMPONENT will provide a Quality Management Plan (QMP) for that component as part of the PROJECT MANAGEMENT PLAN. The Quality Management Plan describes the IMPLEMENTING AGENCY's quality policy and how it will be used. The Quality Management Plan is subject to CALTRANS review and approval.

16. Any PARTNER responsible for completing WORK shall make its personnel and consultants that prepare WORK available to help resolve WORK-related problems and changes for the entire duration of the PROJECT including PROJECT COMPONENT work that may occur under separate agreements.

Independent Quality Assurance

17. CALTRANS will provide Independent Quality Assurance for the portions of WORK within the existing and proposed SHS right-of-way.

    CALTRANS' Independent Quality Assurance efforts are to ensure that CITY's quality assurance activities result in WORK being developed in accordance with the applicable standards and within an established Quality Management Plan. Independent Quality Assurance does not include any efforts necessary to develop or deliver WORK or any validation by verifying or rechecking work performed by another party.

    When CALTRANS performs Independent Quality Assurance it does so for its own benefit. No one can assign liability to CALTRANS due to its Independent Quality Assurance.

    The cost of CALTRANS' Independent Quality Assurance is not an OBLIGATIONS COST.

CEQA/NEPA Lead Agency

18. CALTRANS is the CEQA Lead Agency for the PROJECT.

19. CALTRANS is the NEPA Lead Agency for the PROJECT.

Environmental Permits, Approvals and Agreements

20. PARTNERS will comply with the commitments and conditions set forth in the environmental documentation, environmental permits, approvals, and applicable agreements as those commitments and conditions apply to each PARTNER's responsibilities in this AGREEMENT.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

21. Unless otherwise assigned in this AGREEMENT, the IMPLEMENTING AGENCY for a PROJECT COMPONENT is responsible for all PROJECT COMPONENT WORK associated with coordinating, obtaining, implementing, renewing, and amending the PROJECT permits, agreements, and approvals whether they are identified in the planned project scope of work or become necessary in the course of completing the PROJECT.

Right of Way (R/W)

22. As IMPLEMENTING AGENCY for R/W, CITY is responsible for all R/W SUPPORT WORK except those R/W SUPPORT activities and responsibilities that are assigned to another PARTNER in this AGREEMENT and those activities that may be specifically excluded.

23. CALTRANS will be responsible for completing the following R/W SUPPORT activities:

CALTRANS Work Breakdown Structure Identifier (If Applicable)	OBLIGATION COST
Independent Quality Assurance	No
220 Right of Way Engineering	Yes
300 Final Right of Way Engineering	Yes

24. This AGREEMENT includes the R/W SUPPORT PROJECT COMPONENT but does not include the PS&E PROJECT COMPONENT. Completion of R/W SUPPORT is dependent upon completion of some activities in PS&E. PARTNERS acknowledge that the WORK will not result in a product that can be used to advertise and award a contract for the CONSTRUCTION SUPPORT/CAPITAL PROJECT COMPONENTS without completing some activities under a separate agreement or by later amending this AGREEMENT.

25. The selection of R/W personnel and WORK within the completed PROJECT's SHS right-of-way will be performed in accordance with federal and California laws and regulations, and CALTRANS' policies, procedures, standards, practices, and applicable agreements.

26. CITY will make all necessary arrangements with utility owners for the timely accommodation, protection, relocation, or removal of any existing utility facilities that conflict with construction of the PROJECT or that violate CALTRANS' encroachment policy.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

27. CITY will provide CALTRANS a copy of conflict maps, Relocation Plans, proposed Notices to Owner, Reports of Investigation, and Utility Agreements (if applicable) for CALTRANS' concurrence prior to issuing the Notices to Owner and executing the Utility Agreement. All utility conflicts will be fully addressed prior to Right of Way Certification and all arrangements for the protection, relocation, or removal of all conflicting facilities will be completed prior to construction contract award and included in the PROJECT plans, specifications, and estimate.

28. CITY will determine the cost to positively identify and locate, protect, relocate, or remove any utility facilities whether inside or outside SHS right-of-way in accordance with federal and California laws and regulations, and CALTRANS' policies, procedures, standards, practices, and applicable agreements including but not limited to Freeway Master Contracts.

29. Caltrans will provide a land surveyor licensed in the State of California to be responsible for surveying and right-of-way engineering. All survey and right-of-way engineering documents will bear the professional seal, certificate number, registration classification, expiration date of certificate, and signature of the responsible surveyor.

30. CITY will utilize a public agency currently qualified by CALTRANS or a properly licensed consultant for all right-of-way activities. A qualified right-of-way agent will administer all right-of-way consultant contracts.

    CITY will submit a draft Right of Way Certification document to CALTRANS six (6) weeks prior to the scheduled Right of Way Certification milestone date for review.

    CITY will submit a final Right of Way certification document to CALTRANS for approval prior to the PROJECT advertisement.

31. Physical and legal possession of right-of-way must be completed prior to construction advertisement, unless PARTNERS mutually agree to other arrangements in writing. Right of way conveyances must be completed prior to OBLIGATION COMPLETION, unless PARTNERS mutually agree to other arrangements in writing.

32. CALTRANS' acceptance of right-of-way title is subject to review of an Updated Preliminary Title Report provided by CITY verifying that the title is free of all encumbrances and liens. Upon acceptance, CITY will provide CALTRANS with a Policy of Title Insurance in CALTRANS' name.

33. The California Transportation Commission is responsible for hearing and adopting Resolutions of Necessity.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Schedule

34. PARTNERS will manage the schedule for OBLIGATIONS through the work plan included in the PROJECT MANAGEMENT PLAN.

Additional Provisions

35. PARTNERS will perform all OBLIGATIONS in accordance with federal and California laws, regulations, and standards; FHWA STANDARDS; and CALTRANS STANDARDS.

36. CALTRANS retains the right to reject noncompliant WORK, protect public safety, preserve property rights, and ensure that all WORK is in the best interest of the SHS.

37. Each PARTNER will ensure that personnel participating in OBLIGATIONS are appropriately qualified or licensed to perform the tasks assigned to them.

38. PARTNERS will invite each other to participate in the selection of any consultants who participate in OBLIGATIONS.

39. CALTRANS will issue, upon proper application, the encroachment permits required for WORK within SHS right-of-way. Contractors and/or agents, and utility owners will not work within the SHS right-of-way without an encroachment permit issued in their name. CALTRANS will provide encroachment permits to PARTNERS, their contractors, consultants and agents, and utility owners at no cost. If the encroachment permit and this AGREEMENT conflict, the requirements of this AGREEMENT shall prevail.

40. The IMPLEMENTING AGENCY for a PROJECT COMPONENT will coordinate, prepare, obtain, implement, renew, and amend any encroachment permits needed to complete the PROJECT COMPONENT WORK.

41. If any PARTNER discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and that PARTNER will notify all PARTNERS within twenty-four (24) hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and a plan is approved for its removal or protection.

42. PARTNERS will hold all administrative drafts and administrative final reports, studies, materials, and documentation relied upon, produced, created, or utilized for the PROJECT in confidence to the extent permitted by law and where applicable, the provisions of California Government Code section 6254.5(e) shall protect the confidentiality of such documents in the event that said documents are shared between PARTNERS.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

PARTNERS will not distribute, release, or share said documents with anyone other than employees, agents, and consultants who require access to complete the PROJECT without the written consent of the PARTNER authorized to release them, unless required or authorized to do so by law.

43. If a PARTNER receives a public records request pertaining to OBLIGATIONS, that PARTNER will notify PARTNERS within five (5) working days of receipt and make PARTNERS aware of any disclosed public documents. PARTNERS will consult with each other prior to the release of any public documents related to the PROJECT.

44. If HM-1 or HM-2 is found during a PROJECT COMPONENT, the IMPLEMENTING AGENCY for that PROJECT COMPONENT will immediately notify PARTNERS.

45. CALTRANS, independent of the PROJECT, is responsible for any HM-1 found within the existing SHS right-of-way. CALTRANS will undertake, or cause to be undertaken, HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to the PROJECT schedule.

    The cost for HM MANAGEMENT ACTIVITIES related to HM-1 found within the existing SHS right-of-way is not an OBLIGATIONS COST and CALTRANS will pay, or cause to be paid, all costs for HM-1 ACTIVITIES.

46. CITY, independent of the PROJECT, is responsible for any HM-1 found within the PROJECT limits and outside the existing SHS right-of-way. CITY will undertake, or cause to be undertaken, HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to the PROJECT schedule.

    The cost of HM MANAGEMENT ACTIVITIES related to HM-1 found within the PROJECT limits and outside of the existing SHS right-of-way is not an OBLIGATIONS COST and CITY will pay, or cause to be paid, all costs for such ACTIVITIES.

47. If HM-2 is found within the PROJECT limits, the public agency responsible for the advertisement, award, and administration (AAA) of the PROJECT construction contract will be responsible for HM MANAGEMENT ACTIVITIES related to HM-2.

48. CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.

49. The IMPLEMENTING AGENCY for each PROJECT COMPONENT will furnish PARTNERS with written monthly progress reports during the implementation of OBLIGATIONS in that component.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

50. Any PARTNER that is responsible for completing OBLIGATIONS will accept, reject, compromise, settle, or litigate claims arising from those OBLIGATIONS.

51. PARTNERS will confer on any claim that may affect OBLIGATIONS or PARTNERS' liability or responsibility under this AGREEMENT in order to retain resolution possibilities for potential future claims. No PARTNER will prejudice the rights of another PARTNER until after PARTNERS confer on the claim.

52. If the PROJECT expends state or federal funds, each PARTNER will comply with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards of 2 CFR, Part 200. PARTNERS will ensure that any for-profit party hired to participate in the OBLIGATIONS will comply with the requirements in 48 CFR, Chapter 1, Part 31. When state or federal funds are expended on the PROJECT these principles and requirements apply to all funding types included in this AGREEMENT.

53. PARTNERS will maintain, and will ensure that any party hired by PARTNERS to participate in OBLIGATIONS will maintain, a financial management system that conforms to Generally Accepted Accounting Principles (GAAP), and that can properly accumulate and segregate incurred PROJECT costs and billings.

54. PARTNERS will maintain and make available to each other all OBLIGATIONS-related documents, including financial data, during the term of this AGREEMENT.

    PARTNERS will retain all OBLIGATIONS-related records for three (3) years after the final voucher.

55. PARTNERS have the right to audit each other in accordance with generally accepted governmental audit standards.

    CALTRANS, the state auditor, FHWA (if the PROJECT utilizes federal funds), and CITY will have access to all OBLIGATIONS-related records of each PARTNER, and any party hired by a PARTNER to participate in OBLIGATIONS, for audit, examination, excerpt, or transcription.

    The examination of any records will take place in the offices and locations where said records are generated and/or stored and will be accomplished during reasonable hours of operation. The auditing PARTNER will be permitted to make copies of any OBLIGATIONS-related records needed for the audit.

    The audited PARTNER will review the draft audit, findings, and recommendations, and provide written comments within thirty (30) calendar days of receipt.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Upon completion of the final audit, PARTNERS have thirty (30) calendar days to refund or invoice as necessary in order to satisfy the obligation of the audit.

Any audit dispute not resolved by PARTNERS is subject to mediation. Mediation will follow the process described in the General Conditions section of this AGREEMENT.

56. If the PROJECT expends state or federal funds, each PARTNER will undergo an annual audit in accordance with the Single Audit Act and the federal Office of Management and Budget (OMB) Circular A-133.

57. If the PROJECT expends federal funds, any PARTNER that hires an A&E consultant to perform WORK on any part of the PROJECT will ensure that the procurement of the consultant and the consultant overhead costs are in accordance with Chapter 10 of the *Local Assistance Procedures Manual.*

58. If WORK stops for any reason, IMPLEMENTING AGENCY will place the PROJECT right-of-way in a safe and operable condition acceptable to CALTRANS.

59. If WORK stops for any reason, each PARTNER will continue to implement all of its applicable commitments and conditions included in the PROJECT environmental documentation, permits, agreements, or approvals that are in effect at the time that WORK stops, as they apply to each PARTNER's responsibilities in this AGREEMENT, in order to keep the PROJECT in environmental compliance until WORK resumes.

60. The cost of awards, judgments, or settlements generated by OBLIGATIONS is an OBLIGATIONS COST.

61. The cost of legal challenges to the environmental process or documentation is an OBLIGATIONS COSTS.

62. Fines, interest, or penalties levied against a PARTNER are not an OBLIGATIONS COST and will be paid, independent of OBLIGATIONS COST, by the PARTNER whose action or lack of action caused the levy.

63. The cost of any engineering support performed by CALTRANS includes all direct and applicable indirect costs. CALTRANS calculates indirect costs based solely on the type of funds used to pay support costs. State and federal funds administered by CALTRANS are subject to the current Program Functional Rate. All other funds are subject to the current Program Functional Rate and the current Administration Rate. The Program Functional Rate and Administration Rate are adjusted periodically.

64. Travel, per diem, and third-party contract reimbursements are an OBLIGATIONS COST only after those hired by PARTNERS to participate in OBLIGATIONS incur and pay those costs.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Payments for travel and per diem will not exceed the rates paid rank and file state employees under current California Department of Personnel Administration (DPA) rules current at the effective date of this AGREEMENT.

If CITY invoices for rates in excess of DPA rates, CITY will fund the cost difference and reimburse CALTRANS for any overpayment.

65. If there are insufficient funds available in this AGREEMENT to place PROJECT right-of-way in a safe and operable condition, the appropriate IMPLEMENTING AGENCY will fund these activities until such time as PARTNERS amend this AGREEMENT.

That IMPLEMENTING AGENCY may request reimbursement for these costs during the amendment process.

66. CITY will furnish CALTRANS with the Project History Files related to the PROJECT facilities on SHS within sixty (60) days following the completion of each PROJECT COMPONENT. CITY will prepare the Project History File in accordance with the Project Development Procedures Manual, Chapter 7. All material will be submitted neatly in a three-ring binder and on a CD ROM in PDF format.

GENERAL CONDITIONS

67. PARTNERS understand that this AGREEMENT is in accordance with and governed by the Constitution and laws of the State of California. This AGREEMENT will be enforceable in the State of California. Any PARTNER initiating legal action arising from this AGREEMENT will file and maintain that legal action in the Superior Court of the county in which the CALTRANS district office that is signatory to this AGREEMENT resides, or in the Superior Court of the county in which the PROJECT is physically located.

68. All CALTRANS' OBLIGATIONS under this AGREEMENT are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

69. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this AGREEMENT. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless CITY and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

70. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CITY, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CITY under this AGREEMENT. It is understood and agreed that CITY, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CITY, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

71. PARTNERS do not intend this AGREEMENT to create a third party beneficiary or define duties, obligations, or rights in parties not signatory to this AGREEMENT. PARTNERS do not intend this AGREEMENT to affect their legal liability by imposing any standard of care for fulfilling OBLIGATIONS different from the standards imposed by law.

72. PARTNERS will not assign or attempt to assign OBLIGATIONS to parties not signatory to this AGREEMENT without an amendment to this AGREEMENT.

73. CITY will not interpret any ambiguity contained in this AGREEMENT against CALTRANS. CITY waives the provisions of California Civil Code section 1654.

    A waiver of a PARTNER's performance under this AGREEMENT will not constitute a continuous waiver of any other provision.

74. A delay or omission to exercise a right or power due to a default does not negate the use of that right or power in the future when deemed necessary.

75. If any PARTNER defaults in its OBLIGATIONS, a non-defaulting PARTNER will request in writing that the default be remedied within thirty (30) calendar days. If the defaulting PARTNER fails to do so, the non-defaulting PARTNER may initiate dispute resolution.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

76. PARTNERS will first attempt to resolve AGREEMENT disputes at the PROJECT team level. If they cannot resolve the dispute themselves, the CALTRANS district director and the executive officer of CITY will attempt to negotiate a resolution. If PARTNERS do not reach a resolution, PARTNERS' legal counsel will initiate mediation. PARTNERS agree to participate in mediation in good faith and will share equally in its costs.

    Neither the dispute nor the mediation process relieves PARTNERS from full and timely performance of OBLIGATIONS in accordance with the terms of this AGREEMENT. However, if any PARTNER stops fulfilling OBLIGATIONS, any other PARTNER may seek equitable relief to ensure that OBLIGATIONS continue.

    Except for equitable relief, no PARTNER may file a civil complaint until after mediation, or forty-five (45) calendar days after filing the written mediation request, whichever occurs first.

    PARTNERS will file any civil complaints in the Superior Court of the county in which the CALTRANS district office signatory to this AGREEMENT resides or in the Superior Court of the county in which the PROJECT is physically located. The prevailing PARTNER will be entitled to an award of all costs, fees, and expenses, including reasonable attorney fees as a result of litigating a dispute under this AGREEMENT or to enforce the provisions of this article including equitable relief.

77. PARTNERS maintain the ability to pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.

78. If any provisions in this AGREEMENT are found by a court of competent jurisdiction to be, or are in fact, illegal, inoperative, or unenforceable, those provisions do not render any or all other AGREEMENT provisions invalid, inoperative, or unenforceable, and those provisions will be automatically severed from this AGREEMENT.

79. If during performance of WORK additional activities or environmental documentation is necessary to keep the PROJECT in environmental compliance, PARTNERS will amend this AGREEMENT to include completion of those additional tasks.

80. Except as otherwise provided in the AGREEMENT, PARTNERS will execute a formal written amendment if there are any changes to OBLIGATIONS.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

81. When WORK performed on the PROJECT is done under contract and falls within the Labor Code section 1720(a)(1) definition of "public works" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771, PARTNERS shall conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of Regulations found in Title 8, Division 1, Chapter 8, Subchapter 3, Articles 1-7. PARTNERS shall include prevailing wage requirements in contracts for public work and require contractors to include the same prevailing wage requirements in all subcontracts. Work performed by a PARTNER's own employees is exempt from the Labor Code's Prevailing Wage requirements.

82. If WORK is paid for, in whole or part, with federal funds and is of the type of work subject to federal prevailing wage requirements, PARTNERS shall conform to the provisions of the Davis-Bacon and Related Acts, 40 U.S.C. § 276(a).

    When applicable, PARTNERS shall include federal prevailing wage requirements in contracts for public work. WORK performed by a PARTNER's employees is exempt from federal prevailing wage requirements.

83. PARTNERS agree to sign a CLOSURE STATEMENT to terminate this AGREEMENT. However, all indemnification, document retention, audit, claims, environmental commitment, legal challenge, maintenance and ownership articles will remain in effect until terminated or modified in writing by mutual agreement or expire by the statute of limitations.

84. PARTNERS intend this AGREEMENT to be their final expression that supersedes any oral understanding or writings pertaining to the OBLIGATIONS. The requirements of this agreement shall preside over any conflicting requirements in any documents that are made an express part of this AGREEMENT.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

DEFINITIONS

AGREEMENT – This agreement including any attachments, exhibits, and amendments.

CALTRANS STANDARDS – CALTRANS policies and procedures, including, but not limited to, the guidance provided in the Project Development Procedures Manual (PDPM) and the CALTRANS Workplan Standards Guide for the Delivery of Capital Projects (WSG) [which contains the CALTRANS Work Breakdown Structure (WBS) and was previously known as the WBS Guide] and is available at http://www.dot.ca.gov/hq/projmgmt/guidance.htm.

CEQA (California Environmental Quality Act) – The act (California Public Resources Code, sections 21000 et seq.) that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those significant impacts, if feasible.

CFR (Code of Federal Regulations) – The general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

CLOSURE STATEMENT – A document signed by PARTNERS that verifies the completion of all OBLIGATIONS included in this AGREEMENT and in all amendments to this AGREEMENT.

FHWA – Federal Highway Administration.

FHWA STANDARDS – FHWA regulations, policies and procedures, including, but not limited to, the guidance provided at www.fhwa.dot.gov/topics.htm.

FUNDING PARTNER – A PARTNER that commits funds in this AGREEMENT to fulfill OBLIGATIONS. A FUNDING PARTNER accepts the responsibility to provide the funds it commits in this Agreement.

FUNDING SUMMARY – An executed document that names FUNDING PARTNER(S), includes a FUNDING TABLE, SPENDING SUMMARY, deposit amounts, and invoicing and payment methods.

FUNDING TABLE – The table that designates funding sources, types of funds, and the PROJECT COMPONENT in which the funds are to be spent. Funds listed on the FUNDING TABLE are "not-to-exceed" amounts for each FUNDING PARTNER.

GAAP (Generally Accepted Accounting Principles) – Uniform minimum standards and guidelines for financial accounting and reporting issued by the Federal Accounting Standards Advisory Board that serve to achieve some level of standardization. See http://www.fasab.gov/accepted.html.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

HM-1 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law whether it is disturbed by the PROJECT or not.

HM-2 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by the PROJECT.

HM MANAGEMENT ACTIVITIES – Management activities related to either HM-1 or HM-2 including, without limitation, any necessary manifest requirements and disposal facility designations.

IMPLEMENTING AGENCY – The PARTNER responsible for managing the scope, cost, and schedule of a PROJECT COMPONENT to ensure the completion of that component.

IQA (Independent Quality Assurance) – CALTRANS' efforts to ensure that another PARTNER's quality assurance activities are in accordance with the applicable standards and the PROJECT's Quality Management Plan (QMP). When CALTRANS performs Independent Quality Assurance it does not develop, produce, validate, verify, re-check, or quality control another PARTNER's work products.

NEPA (National Environmental Policy Act of 1969) – This federal act establishes a national policy for the environment and a process to disclose the adverse impacts of projects with a federal nexus.

OBLIGATIONS – All WORK responsibilities and their associated costs.

OBLIGATION COMPLETION – PARTNERS have fulfilled all OBLIGATIONS included in this AGREEMENT and have signed a COOPERATIVE AGREEMENT CLOSURE STATEMENT.

OBLIGATIONS COST(S) – The cost(s) to complete the responsibilities assigned in this AGREEMENT. Costs that are specifically excluded in this AGREEMENT or that are not incurred in the performance of the responsibilities in this AGREEMENT are not OBLIGATIONS COSTS.

OBLIGATIONS COSTS are to be paid from the funds shown in the FUNDING SUMMARY. Costs that are not OBLIGATIONS COSTS are to be paid by the party that incurs the cost from funds that are outside the scope of this AGREEMENT.

PARTNER – Any individual signatory party to this AGREEMENT.

PARTNERS – The term that collectively references all of the signatory agencies to this AGREEMENT. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one PARTNER's individual actions legally bind the other PARTNER.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

PROJECT COMPONENT – A distinct portion of the planning and project development process of a capital project as outlined in California Government Code, section 14529(b).

- PID (Project Initiation Document) – The work required to deliver the project initiation document for the PROJECT in accordance with CALTRANS STANDARDS.
- PA&ED (Project Approval and Environmental Document) – The work required to deliver the project approval and environmental documentation for the PROJECT in accordance with CALTRANS STANDARDS.
- PS&E (Plans, Specifications, and Estimate) – The work required to deliver the plans, specifications, and estimate for the PROJECT in accordance with CALTRANS STANDARDS.
- R/W (Right of Way) –The project components for the purpose of acquiring real property interests for the PROJECT in accordance with CALTRANS STANDARDS.
  - R/W (Right of Way) SUPPORT –The work required to obtain all property interests for the PROJECT.
  - R/W (Right of Way) CAPITAL – The funds for acquisition of property rights for the PROJECT.
- CONSTRUCTION – The project components for the purpose of completing the construction of the PROJECT in accordance with CALTRANS STANDARDS.
  - CONSTRUCTION SUPPORT – The work required for the administration, acceptance, and final documentation of the construction contract for the PROJECT.
  - CONSTRUCTION CAPITAL – The funds for the construction contract.

PROJECT MANAGEMENT PLAN – A group of documents used to guide the PROJECT's execution and control throughout that project's lifecycle.

QMP (Quality Management Plan) – An integral part of the PROJECT MANAGEMENT PLAN that describes IMPLEMENTING AGENCY's quality policy and how it will be used.

R/W (Right of Way) CAPITAL – See PROJECT COMPONENT.

R/W (Right of Way) SUPPORT – See PROJECT COMPONENT.

SHS (State Highway System) – All highways, right-of-way, and related facilities acquired, laid out, constructed, improved, or maintained as a state highway pursuant to constitutional or legislative authorization.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

SPENDING SUMMARY – A table that identifies the funds available for expenditure by each PARTNER. The table shows the maximum reimbursable expenditure for each PARTNER in each PROJECT COMPONENT.

SPONSOR – Any PARTNER that accepts the responsibility to establish scope of the PROJECT and the obligation to secure financial resources to fund the PROJECT COMPONENTS in this AGREEMENT. A SPONSOR is responsible for adjusting the PROJECT scope to match committed funds or securing additional funds to fully fund the PROJECT COMPONENTS in this AGREEMENT. If this AGREEMENT has more than one SPONSOR, funding adjustments will be made by percentage (as outlined in Responsibilities). Scope adjustments must be developed through the project development process and must be approved by CALTRANS as the owner/operator of the SHS.

WORK – All efforts to complete the OBLIGATIONS included in this AGREEMENT as described by the activities in the CALTRANS Workplan Standards Guide for the Delivery of Capital Projects (WSG).

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

District Agreement No.: 06-1
Project ID: 0614000162
EA: 06- 0S510
06 KER 223 (PM 21.0/21.3)

SIGNATURES

PARTNERS are empowered by California Streets and Highways Code section 114 and 130 to enter into this AGREEMENT and have delegated to the undersigned the authority to execute this AGREEMENT on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this AGREEMENT.

Signatories may execute this AGREEMENT through individual signature pages provided that each signature is an original. This AGREEMENT is not fully executed until all original signatures are attached.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
SHARRI BENDER EHLERT
District Director

Certified as to funds:

By: _____
WILLIAM ETHERTON
Budget Manager

CITY OF ARVIN

By: _____
JOSE FLORES
Mayor

Attest:

By: _____
CECILIA VELA
City Clerk

Approved as to form and procedure:

By: _____
JOHN W. FOX
City Attorney

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

District Agreement No.: 06-1618
Project ID: 0614000162
EA: 06- 0S510
06 KER 223 (PM 21.0/21.3)

FUNDING SUMMARY NO. 01

FUNDING TABLE

v. 2

		IMPLEMENTING AGENCY →	CITY		
Source	FUNDING PARTNER	Fund Type	R/W SUPPORT	R/W CAPITAL	Totals
State	CALTRANS	SHOPP	345,000	74,000	419,000
Local	CITY	Local	163,000	200,000	363,000
Totals			508,000	274,000	782,000

SPENDING SUMMARY

v 22

	R/W Support		R/W CAPITAL		
Fund Type	CALTRANS	CITY	CALTRANS	CITY	Totals
State Funds					
SHOPP	345,000	0	74,000	0	419,000
Local Funds					
Local	0	163,000	0	200,000	363,000
Totals	345,000	163,000	74,000	200,000	782,000

Funding

Invoicing and Payment

1. PARTNERS will invoice for funds where the SPENDING SUMMARY shows that one PARTNER provides funds for use by another PARTNER. PARTNERS will pay invoices within forty-five (45) calendar days of receipt of invoice when not paying with Electronic Funds Transfer (EFT). When paying with EFT, CITY will pay invoices within five (5) calendar days of receipt of invoice.

2. If CITY has received EFT certification from CALTRANS then CITY will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.

3. When a PARTNER is reimbursed for actual costs, invoices will be submitted each month for the prior month's expenditures. After all PROJECT COMPONENT WORK is complete, PARTNERS will submit a final accounting of all PROJECT COMPONENT costs. Based on the final accounting, PARTNERS will invoice or refund as necessary to satisfy the financial commitments of this AGREEMENT.

Right of Way Support (R/W SUPPORT)

4. No invoicing or reimbursement will occur for the R/W SUPPORT PROJECT COMPONENT.

Right of Way Capital (R/W CAPITAL)

5. No invoicing or reimbursement will occur for the R/W CAPITAL PROJECT COMPONENT.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

Signatures

PARTNERS are empowered by California Streets and Highways Code sections 114 and 130 to enter into this AGREEMENT and have delegated to the undersigned the authority to execute this FUNDING SUMMARY on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this FUNDING SUMMARY.

Signatories may execute this FUNDING SUMMARY through individual signature pages provided that each signature is an original. This FUNDING SUMMARY is not fully executed until all original signatures are attached.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: Sharri Bender Ehlert
SHARRI BENDER EHLERT
District Director

Date: 3/17/2016

By:
WILLIAM ETHERTON
District Budget Manager

By:
HQ ACCOUNTING

CITY OF ARVIN

By:
JOSE FLORES
Mayor

Date: February 25, 2016

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

District Agreement No.: 06-1618
Project ID: 0614000162
EA: 06- 0S510
06 KER 223 (PM 21.0/21.3)

CLOSURE STATEMENT INSTRUCTIONS

PLEASE DO NOT SIGN UNTIL PROJECT IS COMPLETED

1. Did PARTNERS complete all scope, cost and schedule commitments included in this AGREEMENT and any amendments to this AGREEMENT?

   YES / NO

2. Did CALTRANS accept and approve all final deliverables submitted by CITY?

   YES / NO

3. Did the CALTRANS HQ Office of Accounting verify that all final accounting for this AGREEMENT and any amendments to this AGREEMENT were completed?

   YES / NO

4. If construction is involved, did the CALTRANS District Project Manager verify that all claims and third party billings (utilities, etc.) have been settled before termination of the AGREEMENT?

   YES / NO

5. Did PARTNERS complete and transmit the As-Built Plans, Project History File, and all other required contract documents?

   YES / NO

If ALL answers are "YES", this form may be used to TERMINATE this AGREEMENT.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

District Agreement No.: 06-1618
Project ID: 0614000162
EA: 06- 0S510
06 KER 223 (PM 21.0/21.3)

CLOSURE STATEMENT

PARTNERS agree that they have completed all scope, cost, and schedule commitments included in Agreement 06-1618 and any amendments to the agreement.

The final signature date on this document terminates Agreement 06-1618 except survival articles.

All survival articles in Agreement 06-1618 will remain in effect until expired by law, terminated or modified in writing by PARTNER's mutual agreement, whichever occurs earlier.

The people signing this Agreement have the authority to do so on behalf of their public agencies.

CALTRANS

By:_____

Name:

District Director

Date: _____

ARVIN

By:_____

Name:

Mayor

Date: _____

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

RESOLUTION

APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN TO AUTHORIZE THE MAYOR AND/OR THE INTERIM CITY MANAGER TO SIGN A COOPERATIVE AGREEMENT - LOCAL CONTRIBUTION ONLY - WITH THE STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION (CALTRANS) IN RESPECTS TO PROJECT 0614000162 - INSTALLING TRAFFIC SIGNALS IN THE CITY OF ARVIN 0.2 MILES WEST OF DERBY STREET TO KING STREET AND ALSO AUTHORIZING THE MAYOR AND/OR INTERIM CITY MANAGER TO SIGN A DEOBLIGATION LETTER IN RESPECTS TO THE SAME PROJECT

WHEREAS, On March 17, 2016, District Agreement Number 06-1618, Project ID 0614000162 was signed and agreed to between State of California Department of Transportation (Caltrans) and the City of Arvin for installing traffic signals in the City of Arvin 0.2 miles west of Derby Street to King Street (project); and

WHEREAS, Although, substantial progress has been made on the project, it has been determined that it best that Caltrans take over management of this project; and

WHEREAS, The City intends to request that Caltrans deobligate $450,000 in funds on this project so Caltrans can complete it; and

WHEREAS, Caltrans requires a new cooperative agreement between the City of Arvin and Caltrans in order to complete the project; and

WHEREAS, the Derby Signal Project has already been environmentally assessed, and there are no changes in circumstances or conditions which would require additional assessment. As such, the requirements of the California Environmental Quality Act have been satisfied, an no further environmental assessment is required.

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

1. The Council authorizes the Mayor and/or Interim City Manager to sign a Cooperative Agreement (Local Contribution Only) with Caltrans on project 0614000162 regarding installation of traffic signals on Derby Street to King Street.

3. The Council approves authorizing the Mayor and/or Interim City Manager to sign a de-obligation letter regarding funding on this same project, subject to approval as to legal form by the City Attorney.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Arvin at a Regular Meeting thereof held on the 5th day of June, 2018 by the following vote:

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

I, _____, City Clerk 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 City Council of the City of Arvin on the date and by the vote indicated herein.

Attachment: Staff Report Coop Agmt Cal Trans - Derby Traffic Signal_060518 (Amendment 1 to Agreement 06-1680, Cal Trans Derby Signal

CITY OF ARVIN
Staff Report

Meeting Date: December 4, 2018

TO:	City Council
FROM:	Jeff Jones, Finance Director Jerry Breckinridge, City Manager
SUBJECT:	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN AUTHORIZING THE CITY STAFF TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle) FOR PAYMENT PROGRAMS AND AUTHORIZING RELATED ACTIONS

BACKGROUND:
The City of Arvin in collaboration with Mountainside Disposal provides recycling services, and public outreach recycling programs in the community. The City intends to apply to all available CalRecycle Payment Programs that it is eligible for.

FINANCIAL IMPACT:
Staff has determined the application for funds to the CalRecycle Payment Program will continue to have a positive fiscal impact.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN AUTHORIZING THE CITY STAFF TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) FOR PAYMENT PROGRAMS AND AUTHORIZING RELATED ACTIONS

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g) the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and procedures governing the administration of the payment programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, the payment program allows regional participation; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, a regional applicant's governing body to declare by resolution certain authorizations related to the administration of the payment programs.

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

1. The above recitals are true and correct;

2. The Arvin City Council hereby authorizes the City Manager, or his designee to submit an application to CalRecycle for any and all payment programs offered; and

3. The Arvin City Council hereby authorizes the City Manager, or his designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payments; and

4. The Arvin City Council hereby further resolves that this authorization is effective from December 4th, 2018, until rescinded by the Signature Authority or this governing body.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Arvin at a Regular Meeting thereof held on the 4th day of December, 2018 by the following vote:

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

I, _____, City Clerk 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 City Council of the City of Arvin on the date and by the vote indicated herein.

CITY OF ARVIN
Staff Report

Meeting Date: December 4, 2018

TO:	City Council
FROM:	Jeff Jones, Finance Director Jerry Breckinridge, City Manager
SUBJECT:	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN AUTHORIZING THE SUBMITTAL OF APPLICATIONS TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle) FOR ALL CALRECYCLE GRANTS AND AUTHORIZING RELATED ACTIONS

BACKGROUND:
The City of Arvin in collaboration with Mountainside Disposal provides recycling services, and public outreach recycling programs within in the community. The City intends to apply to all available CalRecycle Grant Programs that it is eligible for in order to fund its recycling activities. This resolution will enable the City of Arvin to apply to all CalRecycle grant funding programs for a period of five years with one resolution.

FINANCIAL IMPACT:
Staff has determined the application for funds to the CalRecycle Payment Program will continue to have a positive fiscal impact.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN AUTHORIZING THE SUBMITTAL OF APPLICATIONS TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) FOR ALL CALRECYCLE GRANTS AND AUTHORIZING RELATED ACTIONS

WHEREAS, Public Resources Code sections 48000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

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

1. The above recitals are true and correct;

2. The Arvin City Council hereby authorizes the City Manager, or his designee to submit an application to Cal Recycle for all grants for which the City of Arvin is eligible; and

3. The Arvin City Council hereby authorizes the City Manager or his designee, is hereby authorized and empowered to execute in the name of the City of Arvin all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant projects; and

4. The Arvin City Council hereby further resolves that this authorization is effective for up to five years from the date of this resolution from December 4th, 2018 until December 4, 2023, unless rescinded by the signature authority or this governing body.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Arvin at a Regular Meeting thereof held on the 4th day of December, 2018 by the following vote:

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

I, _____, City Clerk 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 City Council of the City of Arvin on the date and by the vote indicated herein.

CITY OF ARVIN
Staff Report

Meeting Date: December 4, 2018

TO:	City Council
FROM:	Pawan Gill, Human Resources Administrator Jerry Breckinridge, City Manager
SUBJECT:	A Public Hearing to Consider the Application Design Phase for the 2018/2019 Funding Year of the State's Community Development Block Grant Program and Any Related Actions

BACKGROUND:
The City of Arvin intends to apply for and use CDBG program funds. This public hearing is the first phase in which the City is Arvin is seeking community input for the selection of potential projects that would serve the needs of the community.

City staff recommends applying to the State's non-entitlement CDBG program. After completing a robust community outreach effort and based on public input, staff will recommend approving the selected projects in January and applying by February 5th, 2019.

- Public Improvements, facilities and infrastructure improvements up to $3,000,000
- Up to two public service programs up to $500,000
- Planning and Technical Assistance up to $100,000 (requires a 5% or $ 5,000 match)

The CDBG Program is a grant funding source for fiscal year 2018/2019 and 2019/2020 with project design beginning in fiscal year 2018/2019 if awarded.

RECOMMENDATION:
Staff recommends conducting the public hearing to provide opportunity for public participation, and to conduct a further hearing in early January to approve the final projects once they have been identified.

FISCAL IMPACT:
The City of Arvin is required to provide a match fund of $5,000 for the Economic Development Planning Grant if approved. No match funds are required for the other activities.

ATTACHMENTS:

1) Pre-Application Hearings: Project Design Phase Notice of Public Hearings for Possible CDBG Application (Published 11-20-2018)
2) Spanish translated notice posted within the community
3) Activity Funding Chart

PRE-APPLICATION HEARINGS: PROJECT DESIGN PHASE

NOTICE OF PUBLIC HEARINGS FOR POSSIBLE CDBG APPLICATIONS

NOTICE IS HEREBY GIVEN that the City Council of the City of Arvin will conduct a public hearing on Tuesday, December 4, 2018 at 6:00 p.m., at Arvin City Council Chambers, 200 Campus Drive, Arvin CA. 93203, in order to discuss possible applications for funding under the Fiscal Year 2018/2019 State Community Development Block Grant (CDBG) Program and to solicit citizen input on possible competitive and supplemental activities to be included in these applications.

The Community Development and Economic Development Components of the State CDBG program publish a combined "Notice of Funding Availability" (NOFA's) each program year. Eligible Cities and counties may submit applications for CDBG funds under these NOFA's. Approximately $3,000,000 is available under the General Allocation NOFA each year. Up to $500,000 is available under the Economic Development Enterprise Allocation each year. Also, the Economic Development Over–the-Counter Allocation can award up to $3,000,000 per year. Each year Planning and Technical Assistance Grants up to $100,000 under the Community Development Component and $100,000 from the Economic Development Component are awarded on a first come first serve basis. The state issues two small NOFA's each year under the Native American and Colonia's allocations. The Native American allocation only for areas where concentrations of low-income Native Americans live, who are part of a federally recognized Indian tribe or Rancheria. The Colonia's funding is only for designated communities within 150 miles of the Mexican American border.

Eligible activities under the above allocations and NOFA's consist of: Homeownership assistance and housing rehabilitation programs; public facilities and public improvements projects (including public improvements in support of new housing construction; public service programs, planning studies, economic development business assistance and microenterprise activities. Economic development programs and projects are also eligible along with planning activities. Eligible activities paid for with State CDBG funds must meet one or more of the three National Objectives listed in CDBG Federal Statutes as follows: benefit to low income households or persons (also called Target Income Group (TIG); elimination of slums and blight; or meeting urgent community development need.

The City of Arvin anticipates submitting an application under the State CDBG NOFA's published during the 2018/2019 program year. *The City of Arvin does not have program nor anticipates receiving CDBG program Income that must be expended prior to expending awarded grant funds.* A separate public hearing will be held to discuss and approve the application prior to submittal to the State.

The purpose of this public hearing will be to give citizens an opportunity to make their comments known regarding what types of eligible activities the City of Arvin should be applying for under the State CDBG program. If you are unable to attend the public hearing, you may direct written comments to the City of Arvin, Pawan Gill, Director of Administrative Services, 200 Campus Drive, P.O. Box 548, Arvin, CA. 93203, or you may telephone (661) 854-3134. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

The City of Arvin promotes fair housing and makes all programs available to low and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

Published: Bakersfield Californian, November 20, 2018

/s/
Cecilia Vela, City Clerk

AUDIENCIA PREVIA A LA SOLICITUD: FASE DISEÑO DE PROYECTO
AVISO DE AUDIENCIA PÚBLICA/REUNIÓN DE LA COMUNIDAD PARA POSIBLES APLICACIONES DE CDBG

Por este medio se da aviso de que una audiencia pública/reunión de la comunidad se celebrará el martes, 4 de diciembre 2018 a las 6:00 p.m. en los edificios de la cámara del concilio de la ciudad de Arvin localizados en el 200 Campus Drive, Arvin CA. 93203, para discutir posibles solicitudes para el financiamiento en el año Fiscal 2018/2019 del Programa de subvención de desarrollo comunitario (CDBG) del estado y solicitar las opiniones de ciudadanos sobre posibles actividades a incluir en estas aplicaciones.

El general y componentes de desarrollo económico del programa CDBG del estado publican avisos de disponibilidad de fondos (NOFA) cada año del programa. Condados y ciudades elegibles podrán presentar solicitudes para los fondos CDBG bajo estos NOFA. Aproximadamente $3,000,000 están disponibles bajo el NOFA de asignación General cada año. Hasta $500,000 están disponible bajo la asignación económica de empresa de desarrollo cada año. También, el desarrollo económico sobre-el-contador de asignación puede conceder hasta $3,000,000 por año. Cada año planificación y las subvenciones de asistencia técnica otorgan hasta $100,000 por el componente general y $100,000 de la componente de desarrollo económico se conceden en una manera de primer llegado primer servido. El estado emite dos pequeños NOFA anualmente en las asignaciones de los nativos americanos y de Colonia. La asignación indígena es sólo para las áreas donde las concentraciones donde viven los americanos nativos de bajos ingresos, los cuales forman parte de una tribu reconocida federalmente o Rancheria. La financiación de Colonia es sólo para las comunidades designadas la cuales se encuentran dentro de 150 millas de la frontera estadounidense con México.

Las actividades elegibles bajo las asignaciones y de NOFA Consisten en: vivienda – nuevos proyectos de construcción; adquisición de vivienda y los programas de rehabilitación de viviendas; centro comunitario y proyectos de obras públicas; programas de servicios públicos y estudios de planificación. También son elegibles junto con actividades de planificación de proyectos y programas de desarrollo económico. Actividades elegibles las cuales son pagadas con fondos CDBG del estado deben cumplir con uno o varios de los tres objetivos nacionales contemplados en el estatuto Federal CDBG de acuerdo con lo siguiente: benefician a hogares de bajos ingresos o personas (también llamadas grupo de ingreso objetivo (TIG)); eliminación de tugurios y plagas; o satisface una necesidad urgente de desarrollo comunitario (una necesidad resultante de una declaración de desastre de estado Federal).

La ciudad de Arvin anticipa presentar aplicaciones bajo uno o más de los programas del estado NOFA CDBG publicados durante el año 2018/2019. La ciudad de Arvin no tiene programa ni se anticipa a recibir ingresos del programa CDBG que deben ser gastados antes de gastar fondos de subvención. Aplicaciones se prevén en los componentes General y económico, así como la planificación y los componentes de asistencia técnica. Se celebrará una audiencia pública independiente para discutir y aprobar cada propuesta de aplicación antes de la presentación para el estado.

El propósito de esta audiencia pública será darles a los ciudadanos la oportunidad de conocer sus comentarios sobre qué tipos de actividades subvencionables la ciudad debe solicitar bajo el programa CDBG del estado. Si no puede asistir a la audiencia pública, puede dirigir sus comentarios por escrito a la Directora de Administración de la Ciudad de Arvin, Pawan Gill, 200 Campus Drive, P.O. Box 548, Arvin, California 93203, o usted puede llamar por teléfono al (661) 854-3134. Además, un archivo de información pública está disponible para revisión en la dirección antes mencionada entre el horario de 8:00 am 5:00 pm en días laborables.

La ciudad promueve la equidad de vivienda y hace que todos los programas sean disponibles para familias de ingresos bajos y moderados sin importar edad, raza, color, religión, sexo, nacionalidad, preferencia sexual, estado civil o discapacidad.

****Aviso legal sobre los documentos traducidos: "siempre y sólo para información"****

/s/ _____
Cecilia Vela, City Clerk

2018 CDBG APPLICATION
Funding Limits and Activities Chart

Application Maximum $3,000,000 (excluding Colonia, Native American and OTC Activities)

For grant funds, jurisdictions can submit only one application for one Planning Activity (PTA) and up to two non-PTA activities. For combination programs and public services, please refer to the 2018 CDBG NOFA.

CDBG NOFA

Award Limits, Eligible Activities and Activity Limits

Economic Development

Enterprise Fund Activities

Maximum: $ 500,000 for BA, ME, or combo

Business Assistance (BA):

Loans to businesses:

- Construction loans
- Land acquisition
- Loans - privately owned on-site improvements
- Loans - business start-ups
- Equipment purchase loans
- Facade Improvement Program
- Working Capital loans

Microenterprise (ME):

- Technical Assistance/Training
- Microenterprise Loans
- General support such as transportation & day care

ED Over-The-Counter (OTC) – Max: $3 million

Includes grants to local jurisdictions for public infrastructure and/or off-site improvements.
Activities require a different application process. Based on State Reg 7062.1(b)(7)(c)(2) OTC awards are limited to $3,000,000 per jurisdiction per year, except for multi–year funding. Refer to the OTC Section of the Application for additional information.

Housing Program Activities

Maximum: $ 1,000,000

- Homeownership Assistance (HA) Program
- Housing Rehab (HR) Program for Single Family Homes

Combo Maximum: $1,000,000

- Housing Combo Program (HA + HR)

Multi-Family (MFH) Activities

Maximum: $ 3,000,000

- MFH Rental Rehab (with or without Acquisition)

Public Service Activities
(Two services = One Activity)

Maximum: $ 500,000

- Funding for operating costs including labor, supplies, materials, etc.

Public Improvements Activities

Maximum: $ 3, 000,000

- Acquisition, construction or installation of public improvement projects
- Public Improvements in-Support-of Housing New Construction (PIHNC)

Public Facilities Activities

Maximum: $ 3, 000,000

- Acquisition, new construction, or rehabilitation of buildings/grounds for public purposes

Planning & Technical Assistance (PTA) Activities (one study only)

Maximum: $ 100,000

- Either Economic Development or Community Development

Colonia Eligible Activities

Maximum: Community Development Program Limits Apply

- CDBG Activities - Approved activities which address the need for potable water supply, sewage systems, and decent, safe and sanitary housing

Native American Eligible Activities

Maximum: Community Development Program Limits Apply

- Eligible activities include housing or housing-related activities **only**

Attachment: Activity Funding Limits Chart 2018 (Public Hearing for CDBG Design Phase)

CITY OF ARVIN
Staff Report

Meeting Date: December 4, 2018

TO: City Council

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

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN DENYING THE APPEALS OF, AND AFFIRMING, THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT (CUP) AND SITE DEVELOPMENT PLAN (SDP) 2018-240LA – ISMAILI MARKET- EXPANSION OF A NON-CONFORMING USE-REGARDING STORAGE AND PATIO USE, AND DENIAL OF EXPANSION FOR A TAKE OUT KITCHEN, LOCATED WITHIN THE R-1-SINGLE FAMILY DWELLING ZONE AT 240 LANGFORD IN ARVIN, AND ADOPTION OF A FINDING PER CEQA GUIDELINES SECTION 15061(B)(3)

BACKGROUND:

This item has been continued from a previous matter held at the Arvin City Council Meeting of September 18, 2018. The public comment portion of the hearing was closed at the meeting of September 18, 2018. As directed, Staff returned with a Resolution per Council's direction and for final consideration and vote on October 2, 2018. However, there was not a quorum of the Council members present who heard the appeal on September 18, 2018, and as a result the matter was continued to the council meeting of October 16, 2018. There was also not a quorum of the Council members present who heard the appeal on September 18, 2018 at the council meeting of October 16, 2018, and the matter was continued to November 6, 2018 for final consideration where it was once again continued to the meeting of December 4, 2018 due to no quorum. Public comment period currently remains closed, and this Resolution is now before the Council for final consideration and vote.

RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT(S)/EXHIBIT(S):

Resolution

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN DENYING THE APPEALS OF, AND AFFIRMING, THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT (CUP) AND SITE DEVELOPMENT PLAN (SDP) 2018-240LA – ISMAILI MARKET- EXPANSION OF A NON-CONFORMING USE- REGARDING STORAGE AND PATIO USE, AND DENIAL OF EXPANSION FOR A TAKE OUT KITCHEN, LOCATED WITHIN THE R-1-SINGLE FAMILY DWELLING ZONE AT 240 LANGFORD IN ARVIN, AND ADOPTION OF A FINDING PER CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, applicant Maher Ahmed Saleh ("Applicant") is seeking approval of a Conditional Use Permit (CUP) and a Site Development Plan (SDP) to allow for the expansion of a non-conforming neighborhood grocery store (commercial use) located in a residential zone; and

WHEREAS, the subject property is located at the northeast corner of Langford Avenue and Stockton Avenue and is zoned R-1-Single Family Dwelling ("property" or "site"); and

WHEREAS, the property is currently developed with a 24'-6" by 50'-0," 1,274 square-foot neighborhood market, a 1,346-square foot residence and a 700-square foot detached garage, all of which were built prior to the City's incorporation on December 21, 1960; and

WHEREAS, pursuant to Section 17.08.020 (R-1 Zone) of the Municipal Code, a commercial use is not an allowed use within the R-1 Zone; and

WHEREAS, the neighborhood grocery store on the property is a legal-nonconforming use as to those uses which were in lawful existence when the property was rezoned to the R-1 Zone; and

WHEREAS, as a rule, a non-conforming use may be maintained and continued provided there is no increase or enlargement of the area, space, or volume occupied or devoted to the non-conforming use, and there is no intensification of the land use; and

WHEREAS, in 2015 the Applicant applied for a 490-square foot (20'-0'' by 24.5') addition to the existing store, which the Applicant represented would be used as a storage area; and

WHEREAS, the application for the 490-square foot addition was approved for storage only; an open patio area and serving windows were neither sought by Applicant or approved by City staff; and

WHEREAS, a building permit was issue for construction, but said issuance was an

oversight by City staff and the permit was issued erroneously; and

WHEREAS, notwithstanding, the Applicant failed to exercise his rights under the permit, failed to pay fees required by the permit, and failed to timely construct the improvements prior to the expiration of the building permit; and

WHEREAS, approximately two years after the building permit was erroneously issued and after the building permit had long since expired by its own terms, Applicant partially constructed a 490-square foot addition as a take out kitchen and a 800-square foot open patio ("Expansion") area to the existing neighborhood market in 2017; and

WHEREAS, construction on the Expansion was done without a building permit or any other approval by the City, and was not inspected by the City for compliance with the building code, etc., as required by law for construction; and

WHEREAS, in 2017 the applicant was cited for constructing the Expansion without proper approval or building permits; and

WHEREAS, Applicant subsequently sought approval of a Conditional Use Permit (CUP) and a Site Development Plan (SDP) to allow for the Expansion; and

WHEREAS, after notice as required by law, the Planning Commission considered the matter at a public hearing on April 19, 2018, and has received testimony and other evidence at the meeting; and

WHEREAS, after considering all evidence in the record, the Planning Commission adopted a CEQA finding under CEQA Guidelines section 15061(b)(3) and approved the CUP with conditions; and

WHEREAS, these conditions limited the Expansion to just use as a storage unit; and

WHEREAS, Applicant timely appealed the determination of the Planning Commission to the City Council; and

WHEREAS, the City provided notice of the Council hearing of the appeal; and

WHEREAS, the City Council received and reviewed the appeals of the Planning Commission's decision granting the CUP at a duly noticed meeting on September 18, 2018; and

WHEREAS, a public hearing was held, and the public was provided an opportunity to comment on the appeals to the Planning Commission decision; and

WHEREAS, and public testimony and evidence, both written and oral, was considered by the City Council; and

WHEREAS, unlike legislative acts (General Plan amendments, rezones and ordinances, etc.), a conditional use permit is an entitlement that is reviewed as a quasi-adjudicatory proceeding; and

WHEREAS, the Municipal Code provides that "The decision appealed from shall be affirmed unless reversed by a vote of not less than a majority of all members of the city council;" and

WHEREAS, the City Council has more limited discretion when reviewing appeals involving a conditional use permit, in that it is a quasi-adjudicatory proceeding; and

WHEREAS, after considering all public testimony and receiving information provided to date, the City Council closed public testimony and deliberated on the appeals based on the evidence in the administrative record; and

WHEREAS, after consideration of said public testimony and information in the record, the City Council determined that there was substantial evidence in the record that the CUP complied with the City's Municipal Code as conditioned for storage use, but could not be issued as requested by the Applicant to allow for use as a take out and patio; and

WHEREAS, the City Council did not find any substantial evidence in the record that the CUP failed to comply with specific requirements of the City's Municipal Code as conditioned as a storage unit, or which would require overturning the Planning Commission decision and denial of the CUP; and

WHEREAS, the City Council also determined that there was substantial evidence in the record to support a determination that the project was subject to a finding under section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the City Council continued the item to the next regular meeting of October 2, 2018, with direction to staff to return with a resolution consistent with Council's determination for final approval; and

WHEREAS, the City Council also directed staff to return with a resolution for discussion which would initiate a plan amendment and rezone for the property that would allow the property to be used for take out if the appropriate CUP, etc., was subsequently approved; and

WHEREAS, although there was a quorum of the Council available for general business on October 2, 2018, there was not a quorum present of Council members who had participated in the hearing on this matter on September 18, 2018; and

WHEREAS, the matter was continued to the next regular meeting on October 16, 2018; and

WHEREAS, although there was a quorum of the Council available for general business on October 16, 2018, there was not a quorum present of Council members who had participated in the hearing on this matter on September 18, 2018; and

WHEREAS, the matter was continued to the next regular meeting on November 06, 2018; and

WHEREAS, at the Council meeting of November 06, 2018, there was no quorum present of Council members who had participated in the hearing on this matter on September 18, 2018; and

WHEREAS, the matter was continued to the next regular meeting on December 04, 2018; and

WHEREAS, the City Council now desires to deny the appeals and uphold the decision of the Planning Commission to approve the CUP with conditions; and

WHEREAS, nothing in this Resolution preclude the Applicant from immediately seeking to amend the approved CUP or seeking a new CUP for take out, as may be warranted.

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

Section 1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the recitals above of this Resolution are true and correct and incorporated herein.

Section 2. Administrative Record. The proceedings and all evidence introduced before the Planning Commission at the public hearing, including staff reports, attachments, and presentations, are hereby incorporated into the record of this proceeding. These documents, along with any staff reports, documents, testimony or evidence submitted to the City Council, including all documents specified under applicable State law including Public Resources Code section 21167.6(e), shall comprise the entire record of proceedings for any claims under CEQA.

Section 3. CEQA. The City Council finds and determines that there is substantial evidence in the administrative record to support the Planning Commission determination that the project falls within CEQA Guidelines section 15061(b)(3), and the City Council further finds and determines this project falls within CEQA Guidelines section 15061(b)(3) as the project does not have the potential for causing a significant effect on the environment. The extension has already been built, including the portion for storage. Removal of the take out windows and the patio will not create a reasonable possibility of a significant, adverse environmental impact and is instead likely to reduce vehicular and pedestrian traffic, noise, and allow for landscaping to be installed.

Section 4. Findings Regarding CUP. The City Council finds and determines that

there is substantial evidence in the administrative record to support the Planning Commission determination that the CUP, as conditioned, is consistent with the requirements of the Municipal Code requirements applicable to the CUP. Additionally, the City Council also independently finds and determines that there is substantial evidence in the entire administrative record that the CUP, as conditioned, is consistent with the requirements of the Municipal Code requirements applicable to the CUP. The City Council further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the following findings:

a. The use proposed by Conditional Use Permit is consistent with the City of Arvin's General Plan and zoned district designation.

b. The use proposed by Conditional Use Permit is consistent with the City of Arvin's Municipal Code.

c. The use proposed is not detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.

d. The CUP is in compliance with all applicable laws and ordinances.

These findings are appropriate for all the items in the record, including:

The existing neighborhood grocery store on the property is considered a legal non-conforming use and is subject to the rules and regulations of Section 17.52.010 of the Municipal Code which address non-conforming land uses. Specifically, a non-conforming use may be maintained and continued; provided there is no physical change other than maintenance and repair. Additional uses may be added per Arvin Municipal Code 17.08.020 (J) additional uses may be permitted according to the provisions of Chapter 17.56, conditional use permits.

The addition of 490 square foot room for storage to an existing 1200 square foot neighborhood grocery store is concluded to be a nonintrusive use and the approval of a Conditional Use Permit to permit said addition has met the provisions of Chapter 17.56 conditional use permits.

Chapter 17.05 Uses Permitted Subject to Administrative Approval and Chapter 17.60 Site Development Permits require approval of new construction to insure compliance with City Standards. The proposed additions, additional storage area and open patio area, meet the requirements Section 17.60.040 A and B in that the additions shall meet city laws and ordinances; comply with City Policies, compliance with planning and engineering standards.

The proposed use or building will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working the neighborhood.

The proposed 490-square foot storage addition storage space and modified open patio area would not provide an intensification of land use as well as the open patio area. For instance,

additional storage space would not result in an increase of the commercial sales area, and it would not generate additional parking spaces. The additional storage area would not generate additional customer demand. The approval of additional floor area as storage space, as opposed to a take-out kitchen, would not in of itself create an intensification of land use. For instance, additional storage space would not result in an increase of the commercial sales area, and it would not require any more parking spaces than what would otherwise already be required.

The addition when compliant with the conditions of approval the additional floor area for storage only would not create any new nonconforming setbacks.

Although the property is not being used consistent with the R-1 zoning, the proposed use, as conditioned, is deemed essential or desirable to the public convenience or welfare, and is in harmony with the various elements or objectives of the comprehensive general plan.

Section 5. Findings Regarding Site Development Permit. The City Council finds and determines that there is substantial evidence in the administrative record to support the Planning Commission determination that the Site Development Permit (SDP), is consistent with the requirements of the Municipal Code requirements applicable to the SDP. Additionally, the City Council also independently finds and determines that there is substantial evidence in the entire administrative record that the SDP is consistent with the requirements of the Municipal Code requirements applicable to the SDP. The City Council further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the following findings:

a. The SDP is in compliance with all applicable laws and ordinances;

b. The SDP is in compliance with all applicable city policies duly adopted by a majority vote of the planning commission or the city council;

c. The SDP is in conformance with the latest accepted planning and engineering standards covering the following area: site layout, building appearance and structural design, landscaping, water and sewer service and other utilities, surface drainage and erosion control, fire protection, access, traffic circulation and parking; and

d. Under the circumstances of this particular case, the proposed use or buildings will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.

Section 6. Use as Take Out and Patio Inconsistent with Municipal Code. The City Council affirms the Planning Commission finding that Applicant's request to allow a 490-square foot addition for use as a take-out kitchen and the patio is denied as an impermissible expansion of a non-conforming use, is incompatible with the surrounding uses, and is prohibited by Arvin Municipal Code section 17.52.010(a) and (b). The City Council also independently finds Applicant's request to allow a 490-square foot addition for use as a take-out kitchen and the patio

is an impermissible expansion of a non-conforming use, is incompatible with the surrounding uses, and is prohibited by Arvin Municipal Code section 17.52.010(a) and (b).

Section 7. Appeal Denied. For all the foregoing reasons, and each of them, the City Council finds that there was no substantial evidence submitted into the administrative record that would warrant denial of the CUP, including the CEQA for the project. As such, the appeal is denied in its entirety.

Section 8. Use Permit Approved. For all the foregoing reasons, and each of them, the City Council upholds the Planning Commission approval of Conditional Use Permit and Site Development Plan 2018-240LA, as conditioned. Further, for all of the foregoing reasons and based upon the substantial evidence in the record before it, and given that there is no substantial evidence in the administrative record that would warrant denial. The City Council also independently approves Conditional Use Permit and Site Development Plan 2018-240LA, subject to the same conditions as approved by the Planning Commission:

a. At the street side yard setback, the proposed 490 square foot addition, including the open patio, may not encroach any closer to the property line than 10’-0” as is required by the city code;

b. All walk-up service windows and outside countertops shall be removed prior to approval of Conditional Use Permit and Site Development Plan (SDP) 2018-240LA taking effect. The property shall not be used for take out dining or a take out kitchen.

c. That the area shall be used for storage only in relationship to the existing store.

d. All property owner(s) and business owners(s) shall submit affidavits of acceptance of the conditions of approval for this project prior to approval of Conditional Use Permit and Site Development Plan (SDP) 2018-240LA taking effect.

e. Approval of the Site Development Plan shall be contingent upon approval of the Conditional Use Permit taking effect.

f. Any business conducted on the premises shall maintain a business license and comply with the Arvin Municipal Code at all times.

Section 9. Future Entitlement(s). Nothing in this Resolution preclude the Applicant from immediately seeking other entitlements for the property, including a new or amended CUP for take out, as may be warranted and consist with the City’s Municipal Code, policies and procedures.

Section 10. Effectiveness. This Resolution shall become effective immediately.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Arvin at a Regular Meeting thereof held on the 4th day of December, 2018 by the following vote:

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

I, _____, City Clerk 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 City Council of the City of Arvin on the date and by the vote indicated herein.

CITY OF ARVIN
City Council

Meeting Date: December 4, 2018

TO: Arvin City Council

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

SUBJECT: Resolution of the City Council of the City of Arvin Approving 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;

An Ordinance Of The City Of Arvin, California, Amending The Official Zoning Map, Heretofore Adopted By Section 17.06.020 Of The Arvin Municipal Code, Being The Zoning Ordinance Of The City Of Arvin, for Zone Change 2013-01 (Ariston). The Ordinance proposes a Zone Change from A-1, Light Agricultural and A-2 General Agricultural to C-2-PD General Commercial for 21.32 acres, R-2-PD Two Family for 27.17 Acres, R-3 Limited Multiple Family for 7.15 acres, and R-4 for 6.01 acres, for the Project. Uncodified Ordinance and

Adopt the associated Mitigated Negative Declaration and Mitigation Monitoring Reporting and Applicable Program for GPA 2013-01 and ZC 2013-01 for the Ariston Project.

RECOMMENDATION:

Staff recommends that the City Council open the public hearing, allow for public testimony, close the hearing and consider the following:
(1). Approve Resolution of the City Council of the City of Arvin Approving 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). Introducing the Ordinance to be read by title only, waive first reading, and introduce: An Ordinance Of The City Of Arvin, California, Amending The Official Zoning Map, Heretofore Adopted By Section 17.06.020 Of The Arvin Municipal Code, Being The Zoning Ordinance Of The City Of Arvin, for Zone Change 2013-01 (Ariston). The Ordinance proposes a Zone Change from A-1, Light Agricultural and A-2 General Agricultural to C-2-PD General Commercial for 21.32 acres, R-2-PD Two Family for 27.17 Acres, R-3 Limited Multiple Family for 7.15 acres, and R-4for 6.01 acres, for the Project.

Attachment: 1. Staff Report GP and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

(3) Adoption of the associated Mitigated Negative Declaration and Mitigation Monitoring Reporting and Applicable Programs for GPA 2013-01 and ZC 2013-01 for the Ariston Project; and

ALTERNATIVE ACTION AND CONSIDERATION:

The applicant's representatives, in their letter dated November 19, 2018, "have withdrew its support of the Planning Commission recommendation and will solely support the City Council if it reduces the scope of the project back to that which resembles the original request." Based on this position, Staff believes that the City Council has several alternatives:
Alternative 1: Approve the project as recommended by the Planning Commission over the applicant's representative withdrawal of support of the project as recommended by the Planning Commission.
Alternative 2: Refer the applications back to the Planning Commission for their reconsideration and require additional studies to be prepared addressing the environmental issues raised in the Nossaman LLP letter dated September 11, 2018;
Alternative 3: Consider the project to be withdrawn or disapprove the project should the City Council not wish to consider the "Reduce Density Project" per the applicant's representative statement of November 19, 2018.
Alternative 4: Should the City Council support the "Reduced Density Project" per the applicant's representatives statement of November 19, 2018. Should the City Council support the "Reduced Density Project", staff recommends the public hearing be continued to the next scheduled City Council meeting and direct staff to prepare and update resolution, ordinance, and mitigation monitoring reporting and applicable programs for the reduced density project.
Alternative 5: Other actions that the City Council may deem appropriate.

BACKGROUND:

November 19, 2018 - The applicant's representatives prepared a letter dated November 19, 2018 addressing to and responding to the Nossaman LLP letter dated September 11, 2018. The applicant's representative has withdrawn its support of the Planning Commission recommendation and will solely support the City Council if it reduces the scope of the project back to that which resembles the original request. Specifically, a change in zone classification from A-1 and A-2 to C2-PD, and R-2-PD in conjunction with a corresponding change in map code designs from Light Industrial and Heavy Industrial to General Commercial and Medium Density Residential. The applicant's representatives reasoning for this request is as follows:

- Subsequent conversations with City staff on the need for the request to include the R-3 and R-4 zone districts have proven informative. While not technically necessary to maintain consistency with the City's Housing Element, the request provides an "opportunity" to address Arvin's housing demands as mandated by State law. The applicant would like to assist the City in that endeavor. Nevertheless, ensuring land use compatibility with existing and future planned land uses is also important and Grimmway, an adjacent property owner, has expressed concerns regarding the density of residential development permitted by the R-3 and R-4 Districts.

- The mitigation measures developed were based upon technical studies developed for the C-1 and R-2 zone districts and the resulting impacts identified for the intensity of those types of development. While the applicant acknowledges the original request was for the C-1 zone district, that district also allows for a wide

Attachment: 1. Staff Report GP and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

variety of uses allowed in the C-2 zone district. Such uses include, but are not limited to: banks, drug stores/pharmacy, grocery, fruit and vegetable stores, hardware stores, restaurants, and offices, business, professional, government or public utility. With the inclusion of the PD District, the applicant is of the belief that the necessary assurances and safeguards will be in place to address future development in the C-2 zone district at the time it is considered.

- Adoption of the MND for the reduced scope of project is in conformance with CEQA Guidelines Section 15073.5 which specifies:

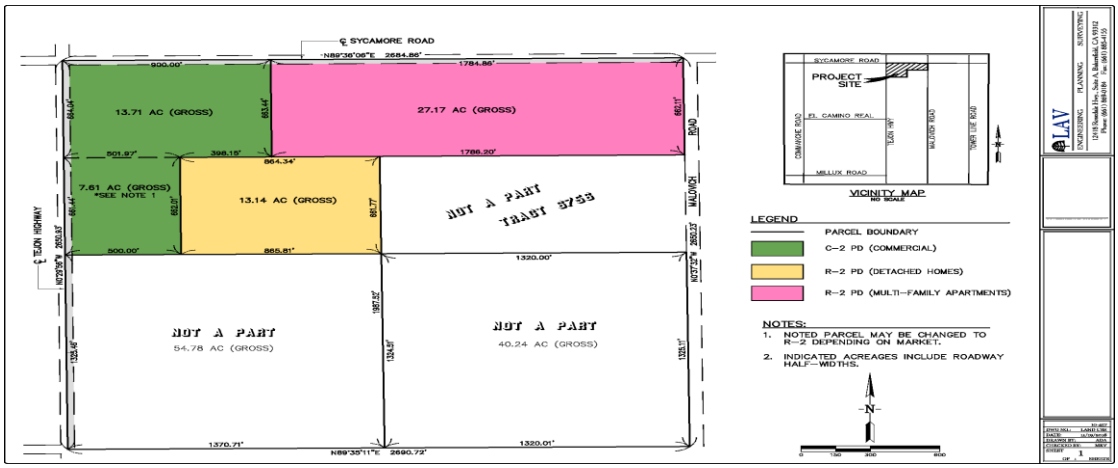
  (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073 . . .

  (c) <u>Recirculation is not required under the following circumstances:</u> . . .

  ... (2) <u>New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.</u>

In accordance CEQA Guidelines Section 15164 the applicant does not believe that an "addendum" to the existing MND need be prepared prior to the City Councils consideration of the request. Addendums are prepared when there are changes or additions to a project after an environmental document has been adopted. The action taken by the Planning Commission on August 14, 2018, was a recommendation to the
City Council.

APPLICANT REDUCED DENSITY PROJECT – NOVEMBER 19, 2018



November 20, 2018 - Staff prepared and reposted a public hearing notice and did mail the reposted public hearing notice to the surrounding property owners of the public hearing date of December 4, 2018.

Attachment: 1. Staff Report GP and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

October 2, 2018 - Staff prepared and posted a public hearing notice and did mail the same to the surrounding property owners of the public hearing date of October 2, 2018. The applicant was provided a copy of the letter of opposition and they in turn have requested a continuance to November 20, 2018 so that they may adequately address the items of concerns. The Arvin City Council previously cancelled the regular City Council Meeting of November 20, 2018 and therefore, staff requested to continue the hearing to the City Council Meeting of December 04, 2018.

September 11, 2018 - On September 11, 2018 correspondence from Nossaman LLP was received by the City listing objections to the project and the environmental documentation prepared for the project.

August 14, 2018- At the Planning Commission public hearing one letter of opposition was introduced and entered into the record. Staff prior to the meeting prepared Supplemental Information Report which contained correspondence from various agencies and one opposition letter via email from representatives of Grimmway Enterprises Inc.

On August 14, 2018, the Planning Commission conducted a public hearing on the proposed projects and after the meeting adopted Resolution Numbers APC 2018-13 and APC 2018-14 recommending the City Council approve the projects and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program.

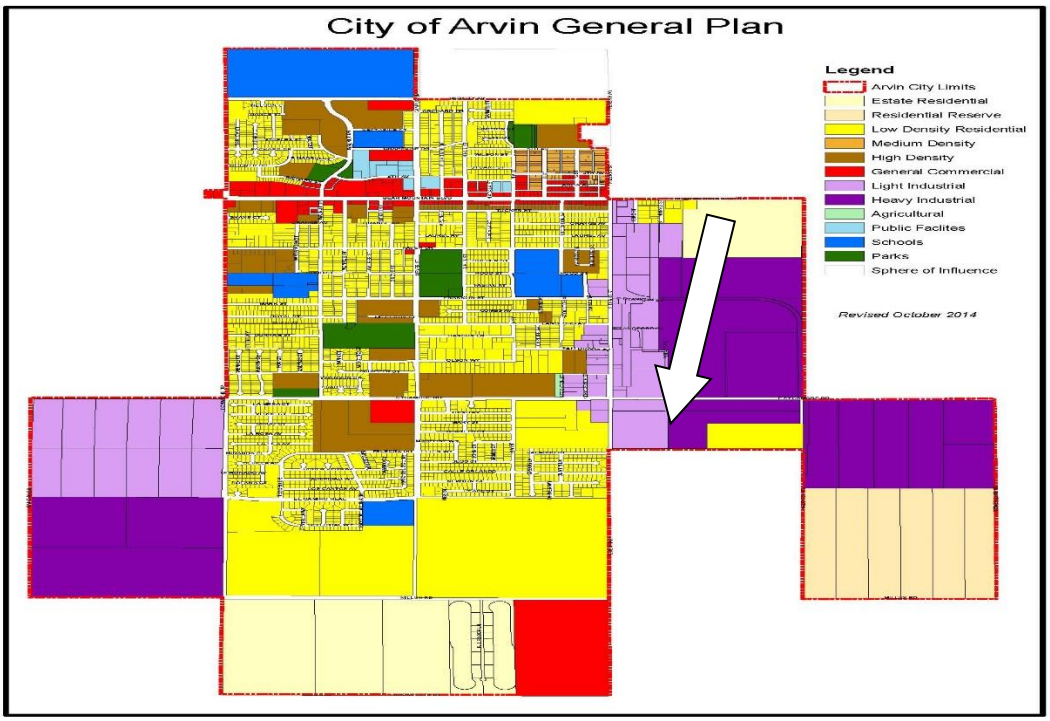
Past Actions on the Project:

December 2013- 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 is located south side of Sycamore Road, east of Tejon Highway and west of Malovich Road.

November 19, 2013 - 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.

THE FOLLOWING INFORMATION AND REPORT WAS PREPARED FOR AND CONSIDERED BY THE PLANNING COMMISSION ON AUGUST 14, 2018:

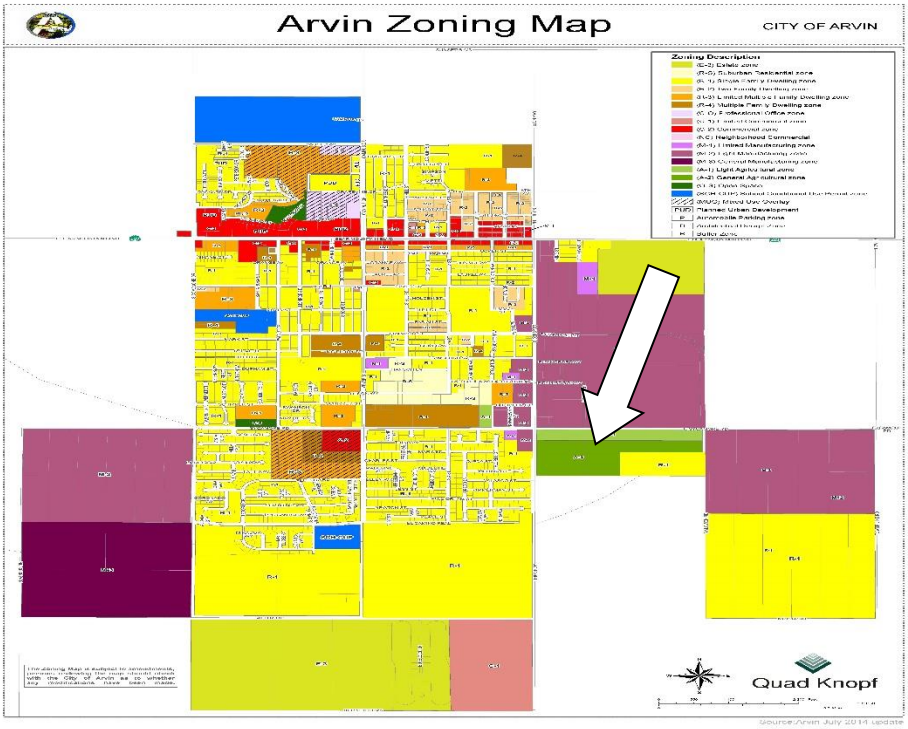
Currently, the 2012 Arvin General Plan Land Use Designation applies two land use designations to the site. The westerly one-third is designated "Light Industrial" and the easterly two-thirds of the site is designated "Heavy Industrial". These designations allow for a variety of industrial uses; the Light 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"

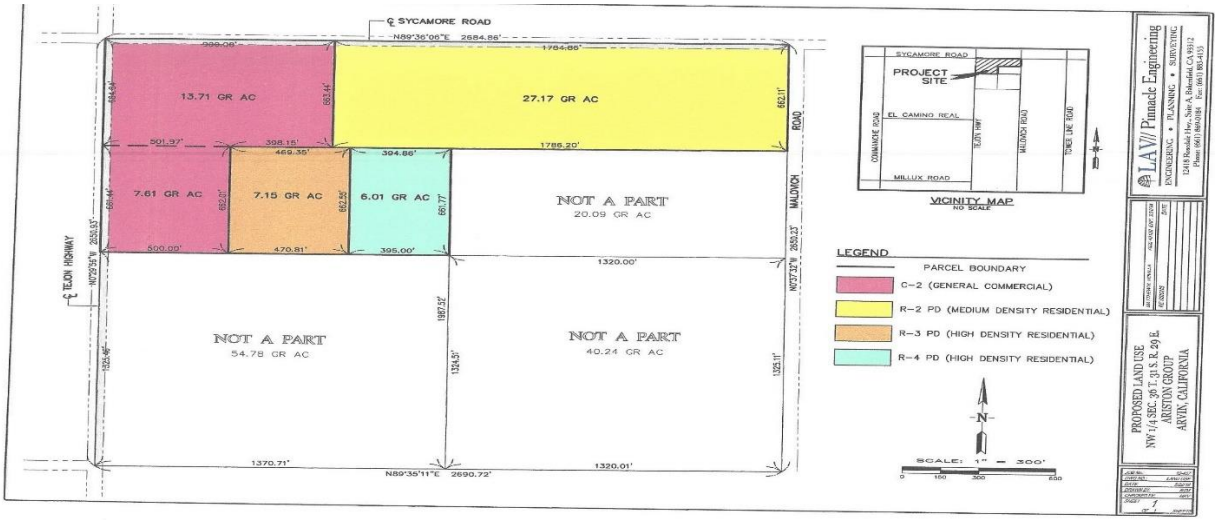
The project site is currently zoned A-1 Light Agricultural and A-2 General Agricultural as shown below.

Attachment: 1. Staff Report GP and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)



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 (Limited Multiple Family Zone- Planned Development) permitting up to a maximum of 20 units per acre;
- 6.01 Acres zoned R-4 (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)



Attachment: 1. Staff Report GP and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

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 Residential Zoned Lands- 7.15 Acres: The R-3zone 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. Potential development of the 7.25 acres would yield 143 units that would be considered affordable housing. NOTE: The staff initially recommended and the Planning Commission concurred that the R-3 Zone be combined with a Planned Development (PD) designation. However, for the site to be eligible as an opportunity site, the City must classify the lands as permitted by right without additional governmental approvals. The PD designation would require additional public hearings and discretionary actions by the City. Therefore, Staff has recommended removal of the PD designation.)The R-4-- Residential Zoned Lands- 6.01 Acres: The R-4zone 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 Potential development of the 6.01 acres would yield 144 units that would be considered affordable housing. NOTE: The staff initially recommended, and the Planning Commission concurred that the R-4 Zone be combined with a Planned Development (PD) designation. However, for the site to be eligible as an opportunity site, the City must classify the lands as permitted by right without additional governmental approvals. The PD designation would require additional public hearings and discretionary actions by the City. Therefore, Staff has recommended removal of the PD designation.)

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" and County agricultural designation
- West: "Low Density Residential", and "Light Industrial"
- East: "Heavy Industrial"

Maintenance of Housing Element, Land Use Element, Circulation Element, and Associated Maps and Diagrams:

Should the City approve the General Plan Land Use Amendments and the Zone Changes this will require the City to update various sections of the General Plan and it various maps and diagrams.
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. This may be completed during its annual report to the Department of Housing and Community Development (HCD).

Land Use Diagrams for the General Plan Land Use and Zoning 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 and Diagrams – Land Use Diagram, 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).

These fees will allow the city to maintain the various general plan elements as may be approved from time to time.

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

Attachment: 1. Staff Report GP and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

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 Council of the City of Arvin Approving General Plan Amendment 2013-01;
- Uncodified Ordinance of the City Council of the City of Arvin Adopting Zone Change 2013-01 Ariston Project;
- Attachments A, A-1 and A-2 - Mitigation Monitoring and Reporting Programs dated July 27, 2018 and September 19, 2018 for GPA/ZC 2013-1-01 Ariston Project (Note: to be recorded with the Kern County Recorder's office.) November 19, 2018 Murray Tragish – Responding to the Nossamna LLP letter date September 11, 2018 and withdrawing its support of the Planning Commission recommendation and will only support a reduced density project.
- September 11, 2018 Nossaman LLP – Opposition to the proposed project and Mitigated Negative Declaration for General Plan Amendment and Zone Change 2013-01
- Planning Commission Resolution No.'s 2018-13 Recommending Approval of GPA 2013-01 and Resoluiton No. 2018 Recommending Approval of Zone Changes 2013-01 dated August 14, 2018.
- Planning Commission Agenda Dated August 14, 2018 for GPA/ZC 2013-01 Ariston Project:
  - Planning Commission Agenda;
  - Planning Commission Staff Report – August 14, 2018;
  - Exhibit A – Mitigation Monitoring Reporting and Applicable Programs

Attachment: 1. Staff Report GP and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

- Resolution No. DRAFT for General Plan Amendment 2013-01;
- Resolution No. DRAFT for Zone Change 2013-01 and DRAFT Ordinance Amending Zoning for the Ariston Project
- Correspondence – Ariston Project GPA/ZC 2013-01
- Initial Study – Environmental Assessment 2018-10 for GPA/ZC 2013-01
- Supplemental Information -GPA/ZC 2013-01; Emails and Letters

Various Studies and support documents on File at the Community Development Department, 141 Plumtree Drive, Arvin, CA.

.

RESOLUTION NO. _____

A RESOLUTION OF 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; AND ASSOCIATED MITIGATED NEGATIVE DECLARATION

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

WHEREAS, the applicant has submitted applications 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; and

WHEREAS, the project application was submitted in 2013 and has been delayed due to staff changes and delay due to other factors; and

WHEREAS, Staff in 2013 and 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 were prepared by the City, as lead agency, in accordance with the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City CEQA Guidelines, 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,

Attachment: 2. Reso GPA and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

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 four inquires requesting additional information and received four emails, comment letters, and one objection by email;

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 on August 14, 2018 adopted Resolution No. 2018-13 recommending the City Council approve the proposed General Plan Land Use Designations; and

WHEREAS, the City Clerk published the required public hearing notice in the Bakersfield Californian for the City Council meeting of October 2, 2018 and mailed the public notice to surrounding property owners within 300 feet of the project for the October 2, City Council meeting; and

WHEREAS, the City Council meeting of October 2, 2018 was continued to November 20, 2018 and subsequently continued to December 4, 2018 at the applicant's request; and

WHEREAS, the City Clerk republished the required public hearing notice in the Bakersfield Californian on November 23, 2018 for the City Council meeting of December 4, 2018 and mailed the public notice to surrounding property owners; 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 City Council conducted a duly noticed public hearing on December 4, 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, under the fees as currently adopted, the project is required to 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 are (62 acres X 43,560 = 2,700,720 sq. ft. X $0.022 = $59,416.00
- All other fees as adopted by the City Council.

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

NOW, THEREFORE, the City Council of the City of Arvin (the "Council") hereby finds, determines, resolves and orders as follows:

1. The above recitals are true and correct.

Attachment: 2. Reso GPA and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

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 City Council adopt the associated Mitigation Monitoring and Reporting Program for the Project (Attachments A, A-1, and A-2). The City Council hereby directs the City Clerk located at 200 Campus Dr, Arvin, CA 93203 to 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 City Manager or designee, to execute and the City Clerk to 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.

2. The City Council finds that it is in the public interest to amend the General Plan as proposed by General Plan Amendment 2013-01, and 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 within 30 days of adoption.

3. This Resolution shall become effective immediately.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Arvin at its regular meeting thereof held on the 4th day of December, 2018 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Attachment: 2. Reso GPA and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

_____
CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

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

I, _____, City Clerk of the City Council 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 City Council of the City of Arvin on the date and by the vote indicated herein.

Attachment: 2. Reso GPA and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

EXIBIT A 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

Insert Land Use Diagram -

ATTACH MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT (A-1, A-2, AND A-3)

Attachment: 2. Reso GPA and ZC 2013-01 Ariston_Dec 4, 2018 (Public Hearing - Ariston Project)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP, HERETOFORE ADOPTED BY SECTION 17.06.020 OF THE ARVIN MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF ARVIN, FOR ZONE CHANGE 2013-01 (ARISTON) AND ADOPTION OF A MITIGATED DECLARATION AND MITIGATION MONITORING REPORTING AND APPLICABLE PROGRAMS

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

WHEREAS, the requested zone changes area as follows: Zone Change from A-1, Light Agricultural and A-2 General Agricultural to C-2-PD, General Commercial for 21.32 acres, R-2-PD Two Family for 27.17 Acres, R-3 Limited Multiple Family for 7.15 Acres, and R-4 for 6.01 Acres as shown on Exhibit A ("Zone Change 2013-01" or "ZC 2013-01"); 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 fees in effect as 2018 to the City within 30 days of the approval of the requested General Plan Amendment 2013 and Zone Change 2013; but not limited to:

- 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).

- All fees adopted and in effect 2018 shall be paid by the project applicant.

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 noticed the December 4, 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 December 4, 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 December 4, 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 2013-01 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 and Mitigation Monitoring Reporting and Applicable Programs, for the project contingent upon approval of a resolution adopting General Plan Amendment 2013-01 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 (Attachments A, A-1, and A-2). The City Clerk 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 City Manager, 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 189-35202 and -08, located on the south side of Sycamore Road, east of Tejon Highway (Derby Street) and west of Malovich Road, amends the OFFICIAL ZONING MAP, Heretofore Adopted By Section 17.06.020 Of The Arvin Municipal Code, Being The Zoning Ordinance Of The City Of Arvin, for Zone Change 2013-01 (Ariston). The Ordinance establishes a Zone Change from A-1, Light Agricultural and A-2 General Agricultural to C-2-PD General Commercial for 21.32 acres, R-2-PD Two Family for 27.17 Acres, R-3 Limited Multiple Family for 7.15 acres, and R-4 for 6.01 acres, 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 regular meeting thereof held on the___ day of 201_, and adopted the Ordinance after the second reading at a regular meeting held on the _____ day of 201_, by the following roll call vote:

AYES:_____

NOES:_____

ABSTAIN: _____

ABSENT: _____

ATTEST

_____
CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
JOSE GURROLA, Mayor

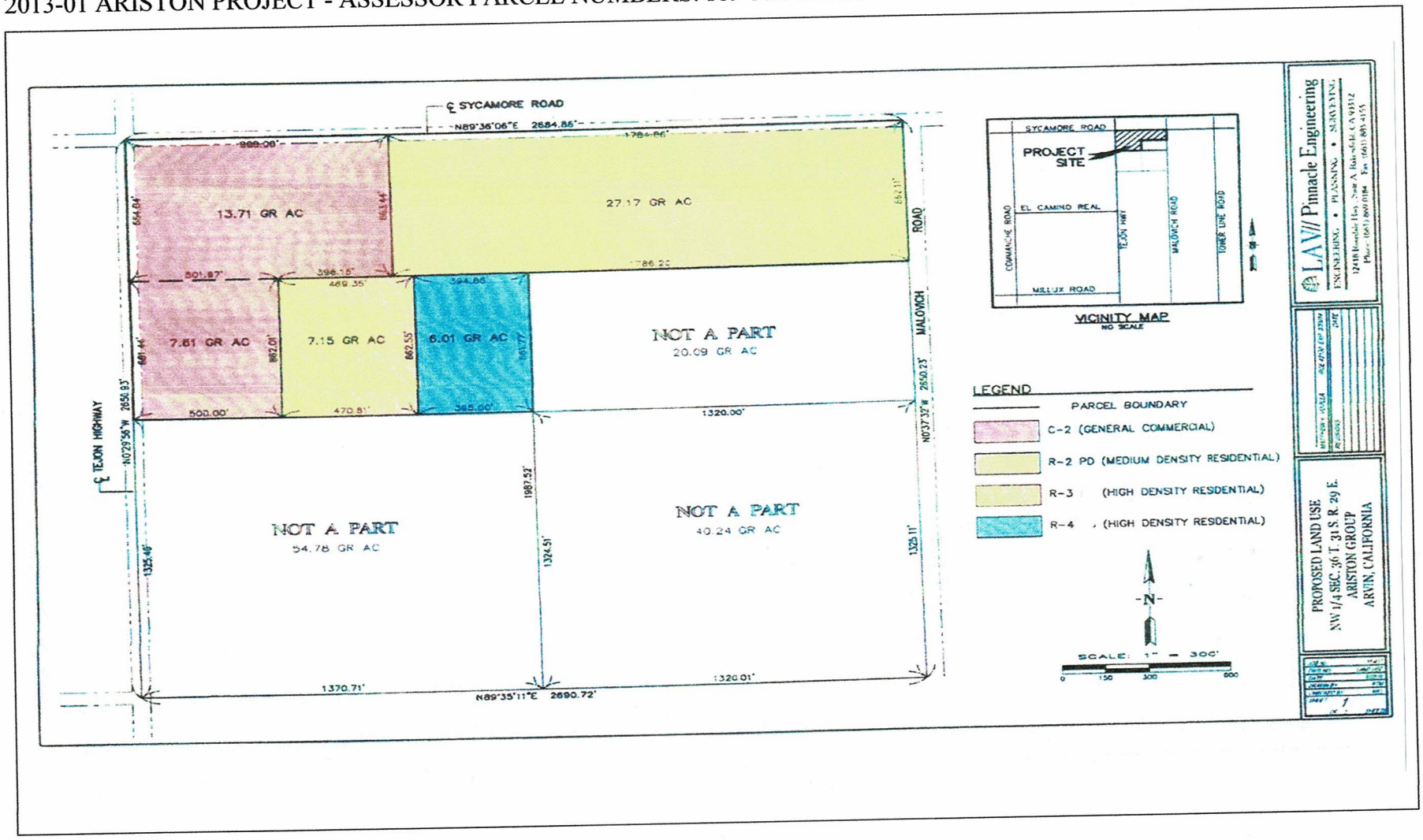
APPROVED AS TO FORM:

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

Exhibit A: 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.

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 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:

ONKAR S. BISHA Omkar S. Bisha 7-27-18

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 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 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.

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 at 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 Higway:** 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:

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

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

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	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.
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 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 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	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 Timing	Prior to or concurrent with future entitlements.
Mitigation Specifications	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. Improvements are to be implemented prior to or concurrent with future development.
Agency/Individual Responsible for Monitoring	Future Development and City Engineer
Action by Monitor	Require plans and construction of necessary impartments 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	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 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	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. 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".
Implementation Timing	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. Provide elevation certificates ag grading plan and submittal with or prior to submittal of building permits.
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 distribuance
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 filled 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

ATTACHMENT 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: ONKAR S. BISRA Onkar S. Bisra 9-19-18

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

ATTACHMENT A-2
August 14, 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

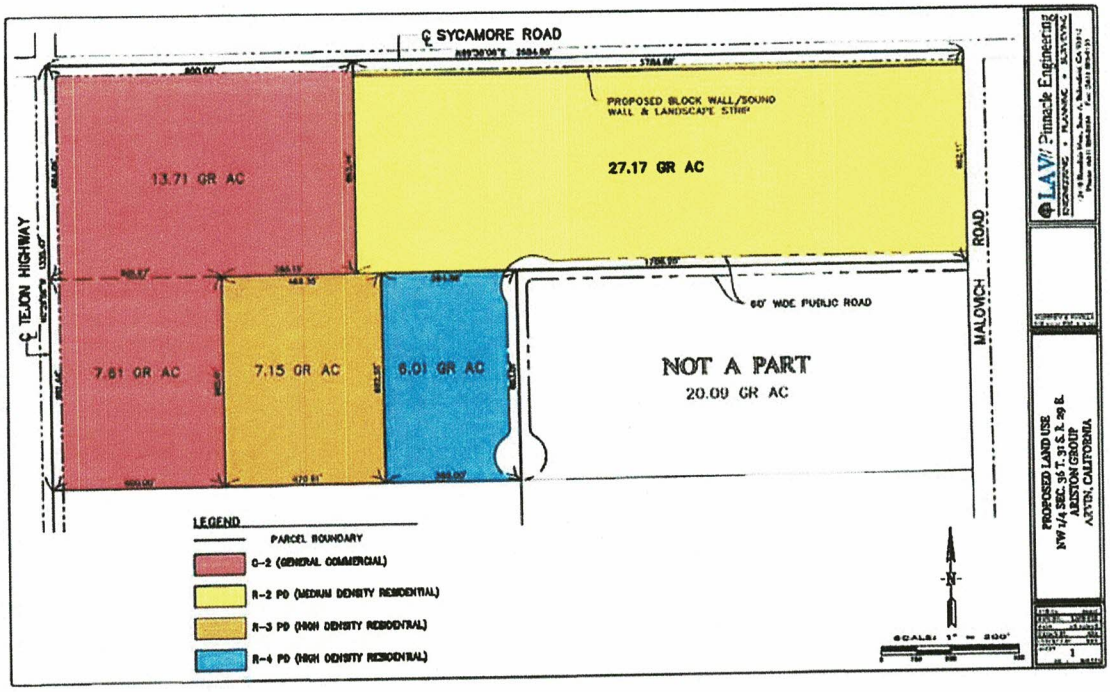
Applicant's Signature and Commitment to Implement Mitigation Monitoring, Reporting, and Program:

ONKAR S. BISAT Onkar S. Bisat 9-19-18

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, and Added Additional Mitigation and Design Criteria 20.)

Mitigation #20 Traffic/Noise Design Criteria Mitigation – Sycamore Road and Perimeter Road South and West of Project Site for traffic circulation and utility easements	1. 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. 2. Provide 30'-0" public road and utility easement on south side and east side of project for potential future traffic circulation and utilities.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	1. Prior to or concurrent with first phase of residential development adjacent to Sycamore Road 2. Prior to or concurrent with the any future discretionary permit affecting the south side and east side of the project site
Design Criteria Lessens Conflict between Residential Development and Existing Industrial Uses	1. Lessens the potential land use conflict between the adjacent and existing industrial operations and truck traffic along Sycamore Road. 2. Provides for future traffic circulation for the 20 acre site immediately south and east of the project.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer and City Planner
Action by Monitor	1.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. 2. Insure that right of way and easements are reserved and/or dedicated for future traffic circulation for the 20 -acre site immediately south and east of the project. Require half road improvements to be constructed and/or enter into a deferred street improvement agreement with appropriate bonding and financial assurances for the completion of the improvements.
	Refer to Diagram below.


℄ SYCAMORE ROAD
PROPOSED BLOCK WALL/SOUND WALL & LANDSCAPE STRIP
13.71 GR AC
27.17 GR AC
℄ TEJON HIGHWAY
MALOWICH ROAD
60' WIDE PUBLIC ROAD
7.61 GR AC
7.15 GR AC
6.01 GR AC
NOT A PART
20.09 GR AC
LEGEND
PARCEL BOUNDARY
C-2 (GENERAL COMMERCIAL)
R-2 PD (MEDIUM DENSITY RESIDENTIAL)
R-3 PD (HIGH DENSITY RESIDENTIAL)
R-4 PD (HIGH DENSITY RESIDENTIAL)
N
SCALE: 1" = 200'
LAW/ Pinnacle Engineering
PROPOSED LAND USE
NW 1/4 SEC. 36 T. 31 S. R. 29 E.
ARISTON GROUP
ARVIN, CALIFORNIA

Public Hearing Notice
City of Arvin City Council

Date: December 4, 2018
Place: City of Arvin Council Chambers, 200 Campus Drive, Arvin, CA 93203
Time: 6:00 PM or at such time as the agenda permits

Notice is hereby given that the City Council 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:

- Approval of a Resolution of the City Council of the City of Arvin for General Plan Amendment 2013-01 (Ariston). The Resolution amends the Arvin General Plan from Light Industrial and Heavy Industrial to Medium Density Residential – 27.17 acres, High Density Residential – 13.6 acres, and General Commercial – 22.32 Acres, for a total area of 62+/- acres for the Project.
- An Ordinance Of The City Of Arvin, California, Amending The Official Zoning Map, Heretofore Adopted By Section 17.06.020 Of The Arvin Municipal Code, Being The Zoning Ordinance Of The City Of Arvin, for Zone Change 2013-01 (Ariston). The Ordinance proposes a Zone Change from A-1, Light Agricultural and A-2 General Agricultural to C-2-PD General Commercial for 21.32 acres, 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, for the Project.
- The adoption of Mitigated Negative Declaration for the project pursuant to the California Environmental Quality Act.

Proposed General Plan Amendment 2013-01 and Zone Change 2013-01 may be modified to reduce development intensity as may be determined by the City Council, which could allow for reduction to C-1-PD, or less intense residential uses such as R-1-PD Single Family or R-2-PD, the removal of the PD designation, or a combination of similar uses identified in this Notice.

Project Location/Diagram: Assessor Parcel Numbers 189-352-02 and -08 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, County of Kern, California. (See diagram, below, for a general depiction of the location.) The applicant, agent and property owner for the affected parcels are as follows:

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	Property Owner: Bisla Farms 4215 Waterfall Canyon Drive Bakersfield, CA 93313

The purpose of the public hearing by the City Council is consider approval of the proposed General Plan Amendments and Zone Changes, which would allow for future development of the property

Attachment: 6. Public Hearing Notice Artison Project_Dec 4, 2018 (Public Hearing - Ariston Project)

as a different use that currently designated. The proposed R-3-PD zone is a residential zone that allows only high density residential development that provides for affordable housing. The land area must be developed of not less than 20 units per acre would yield 143 units. 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. Potential development of the 6.01 acres would yield 144 housing units that would be considered affordable housing. 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. Potential development of 405 residential units within the R-2-PD designated lands. The C-2-PD General Commercial- Planned Development allows a variety of commercial activities that will provide needed services.

The City of Arvin, as lead agency, has conducted an environmental analysis for the above-described project, contained in an initial study. The City of Arvin, proposes to adopt a Mitigated Negative Declaration for this project. The initial study has concluded that the proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. With the mitigation imposed, there is no substantial evidence in the record that this project may have any direct, indirect or cumulative effects on the environment that are significant.

Any person wishing to address the City Council 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 project, 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 provide comments, 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. 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.

Cecilia Vela, City Clerk
Published: November 23, 2018 Bakersfield Californian

Attachment: 6. Public Hearing Notice Artison Project_Dec 4, 2018 (Public Hearing - Ariston Project)

ATTACHMENT 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:

ONKAR S. BISHA Omkar S. Bisha 7-27-18

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 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 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.

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 at 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

Attachment: 7. Mitigation Monitoring and Reporting Program (Public Hearing - Ariston Project)

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 Higway:** 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:

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

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

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	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.
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 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 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	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 Timing	Prior to or concurrent with future entitlements.
Mitigation Specifications	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. Improvements are to be implemented prior to or concurrent with future development.
Agency/Individual Responsible for Monitoring	Future Development and City Engineer
Action by Monitor	Require plans and construction of necessary impartments 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	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 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	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. 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".
Implementation Timing	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. Provide elevation certificates ag grading plan and submittal with or prior to submittal of building permits.
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 distribuance
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 filled 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

ATTACHMENT 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: ONKAR S. BISRA Onkar S. Bisra 9-19-18

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

ATTACHMENT A-2
August 14, 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:

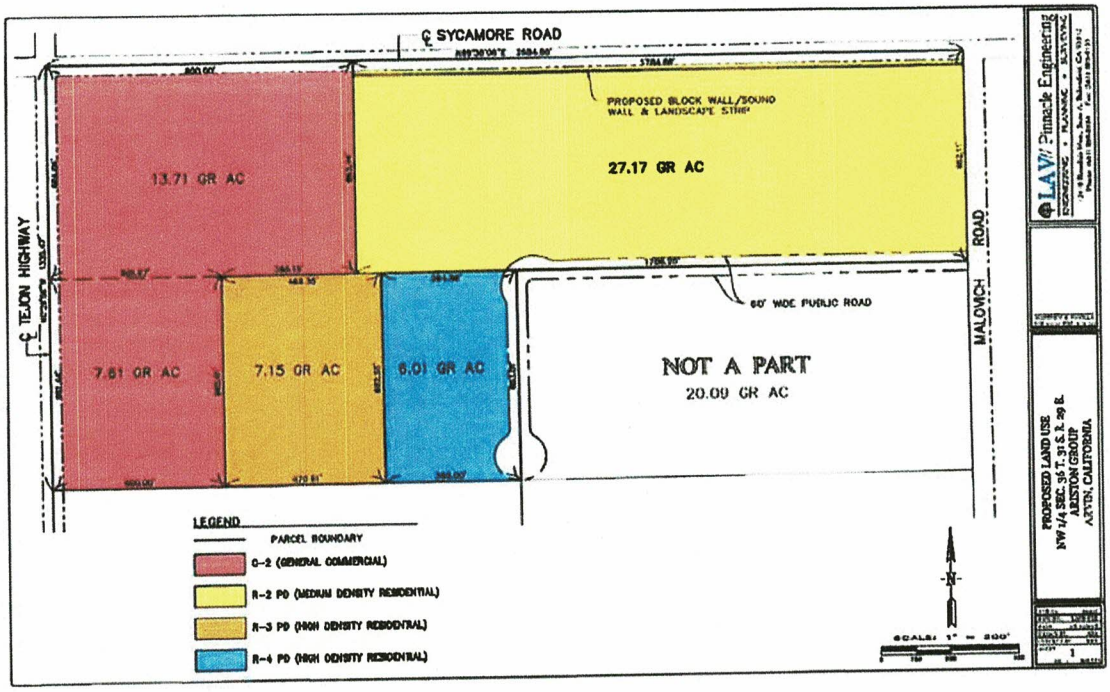
ONKAR S. BISAT Onkar S. Bisat 9-19-18

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, and Added Additional Mitigation and Design Criteria 20.)

Mitigation #20 Traffic/Noise Design Criteria Mitigation – Sycamore Road and Perimeter Road South and West of Project Site for traffic circulation and utility easements	1. 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. 2. Provide 30'-0" public road and utility easement on south side and east side of project for potential future traffic circulation and utilities.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	1. Prior to or concurrent with first phase of residential development adjacent to Sycamore Road 2. Prior to or concurrent with the any future discretionary permit affecting the south side and east side of the project site
Design Criteria Lessens Conflict between Residential Development and Existing Industrial Uses	1. Lessens the potential land use conflict between the adjacent and existing industrial operations and truck traffic along Sycamore Road. 2. Provides for future traffic circulation for the 20 acre site immediately south and east of the project.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer and City Planner
Action by Monitor	1.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. 2. Insure that right of way and easements are reserved and/or dedicated for future traffic circulation for the 20 -acre site immediately south and east of the project. Require half road improvements to be constructed and/or enter into a deferred street improvement agreement with appropriate bonding and financial assurances for the completion of the improvements.
	Refer to Diagram below.

Attachment: 7. Mitigation Monitoring and Reporting Program (Public Hearing - Ariston Project)


℄ SYCAMORE ROAD
PROPOSED BLOCK WALL/SOUND WALL & LANDSCAPE STRIP
13.71 GR AC
27.17 GR AC
℄ TEJON HIGHWAY
7.61 GR AC
7.15 GR AC
6.01 GR AC
60' WIDE PUBLIC ROAD
NOT A PART
20.09 GR AC
MALONCH ROAD
LEGEND
PARCEL BOUNDARY
C-2 (GENERAL COMMERCIAL)
R-2 PD (MEDIUM DENSITY RESIDENTIAL)
R-3 PD (HIGH DENSITY RESIDENTIAL)
R-4 PD (HIGH DENSITY RESIDENTIAL)
N
SCALE: 1" = 200'
LAW/ Pinnacle Engineering
PROPOSED LAND USE
NW 1/4 SEC. 35 T. 31 S. R. 29 E.
ARISTON GROUP
ARVIN, CALIFORNIA

LAW OFFICES
MURRAY TRAGISH
1405 COMMERCIAL WAY
SUITE 130
BAKERSFIELD, CALIFORNIA 93309
(661) 324-2648
FAX (661) 324-2654
E-MAIL: murray@murraytragish.com

November 19, 2018

Mayor Joe Gurrola, Jr.
Councilmembers
Arvin City Council
200 Campus Drive
Arvin, California 93203

VIA ELECTRONIC MAIL
jgurrola@arvin.org
cvela@arvin.org
AND FIRST-CLASS MAIL

Re: Ariston Project; General Plan Amendment / Zone Change 2013-01
City Council Meeting – December 4, 2018

Dear Mayor Gurrola and Councilmembers:

The undersigned has been retained by the Applicants for the Ariston Project to respond to the Grimmway Enterprises, Inc. ("Grimmway") objections to my clients' General Plan Amendment and Zone Change 2013-01 ("Project"), currently scheduled to be heard before your council on December 4, 2018.

On or about August 14, 2018, the Ariston Project was heard for consideration by the Arvin Planning Commission, and notwithstanding the initial Grimmway objections to the Project, the Planning Commission recommended approval by the Arvin City Council.

Subsequently, Grimmway, by and through its retained counsel, Gregory W. Sanders of the law firm of Nossaman, LLP, filed extensive formal objections through a letter dated September 11, 2018, and filed with the City Council.

My offices retained Scott F. Denney, AICP, to prepare a written response to Gregory W. Sanders' September 11, 2018 objections letter to the Ariston Project. Mr. Denney was previously employed by the Kern County Planning Department for approximately 30-years in various capacities, and upon his recent retirement, held the position of Division Chief for Energy and Permitting. Attached to this letter for your convenient review is the Curriculum Vitae of Scott F. Denney.

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

Based on the foregoing, also attached to this letter is Mr. Denney's written responses in behalf of the Applicants for the Ariston Project concerning the September 11, 2018 Sanders/Grimmway objections to the Project.

Respectfully submitted,
LAW OFFICES OF MURRAY TRAGISH

Murray Tragish

MT/ab

Enclosures

Cc: Jake Raper

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

SCOTT F. DENNEY, AICP

3606 Strawberry Meadow Ct.
Bakersfield CA 93313
(661) 472-5865
scott@denney.us

Experience

Kern County Planning and Natural Resources Department 1988 to 2018

Division Chief – Energy/Permitting 2017 to 2018

- Managed day-to-day operations of a relatively new ministerial permitting division.
- Supervised work in accordance with departmental policy; coordinated work assignments and reviewed work of subordinates for accuracy and completeness.
- Acted as the Zoning Administrator on behalf of the Director.
- As needed, determined priorities and objectives as well as made recommendations to the Director; coordinated the functions with the other various divisions.
- Advised the Director and Executive Management Team concerning development projects, policies, procedures, personnel matters, staff development and fiscal matters.
- Evaluated the functions, operations and divisional needs of the division and developed improved administrative policies, organization and procedures.
- Maintained statistics and data relating to the operations of the assigned division.
- Acted as the hearing officer.
- Acted for the Director in their absence.
- Maintains cooperative work relations with other County departments, private and public agencies.
- Met with community groups, organizations, and members of the public.
- Represented the department at various hearings and meetings.

Division Chief – Current Planning 2010 to 2017

- Managed day-to-day operations of a discretionary permitting division.
- Directly supervised management staff in the activities of the assigned division.
- Acted as the Zoning Administrator on behalf of the Director.
- Review and recommend departmental positions on proposals and projects.
- Prepared complex reports.
- Reviewed and prepared mitigated negative declarations as well as environmental impact reports to affirm project's compliance with CEQA.
- Maintains statistics and data relating to the operations of the assigned division.
- Acted as a hearing officer
- Acted for the Director in their absence.
- Maintains cooperative work relations with other County departments, private and public agencies.
- Attended meetings and made presentations to the Planning Commission and the Board of Supervisors.
- Meets with community groups, organizations, and members of the public.
- Represents the department at various hearings and meetings.
- Review all preliminary review letters, notices of public hearing and staff reports for all Current Planning cases.

Supervising Planner – Advance Planning 2005 to 2010

DRAFT

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

- Reviewed cases received by the Advance Planning Division and entered them into the County's CUPS database prior to assignment to staff.
- Reviewed complex plans and project proposals for consistency with the County's General and Specific Plans.
- Prepared mitigated negative declarations as well as environmental impact reports to affirm project's compliance with CEQA.
- Tracked status and progress from initial review to final public consideration on all cases assigned by me to staff
- Reviewed all preliminary review letters, notices of public hearing and staff reports prepared for all cases assigned by me to staff.

Planner I, II, III 1992-2005

- Preformed case review to determine project's consistency with the County's adopted General and Specific Plans as well as the applicable provisions of the Zoning Ordinance.
- Processed general and specific plan amendments, zone changes, conditional use permit, zone variances and zone modifications in addition to Williamson Act Land Use contracts as well as summary and nonsummary vacations.
- Was primary staff reviewer for all surface mining and reclamation plan proposals.
- Prepared preliminary review letters, notices of public hearing, staff reports as well as environmental documents (mitigated negative declarations and environmental impact reports) prepared for cases assigned by me.

Building Plans Technician I, II, III 1988-1992

- Reviews residential and commercial permit applications and related documents for accuracy and completeness
- Performed research related to land use, data files and records, maps, photographs, and other records.
- Assisted in the preparation of plans and prepared related project documents.
- Calculated and/or collected fees and assessments in accordance with applicable county ordinances.
- Issued permits initially by hand and later by computer.
- Assisted applicants, other organizations and agencies, co-workers and the general public by providing information and answering routine questions.

Education

Boise State University May 1981
Boise, Id.
Associate of Applied Science, Drafting Technology

Professional Development

American Institute of Certified Planners (AICP) August 2009

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

Scott F. Denney
3606 Strawberry Meadow Court
Bakersfield, California 93313
Cell: (661) 472-5865

November 19, 2018

Mayor Joe Gurrola, Jr.
Councilmembers
Arvin City Council
200 Campus Drive
Arvin, California 93203

Re: Ariston Project; General Plan Amendment / Zone Change 2013-01 and Associated Proposed Mitigated Negative Declaration:

Dear Mayor Gurrola and Councilmembers:

Following the Arvin Planning Commission's decision on August 14, 2018, to recommend approval of the Ariston Project, a letter from Nossaman, LLP on behalf of Grimmway Enterprises, Inc. (Grimmway) was received by the City of Arvin (City). Grimmway had previously expressed opposition to the project at the Planning Commission hearing and the Nossaman letter, dated September 11, 2018, was written to comment on the adequacy of the: *"Initial Environmental Assessment and Mitigated Negative Declaration ("MND") prepared by the City of Arvin for the Ariston Project . . ."*.

The City scheduled the project for consideration by the City Council at its October 2, 2018, meeting and requested that the applicant prepare a response to the letter received. Whereupon review of the correspondence the applicant requested a continuance to the City Council's meeting of November 20, 2018, in order to address the concerns raised. As the Council had previously cancelled its meeting of November 20, 2018, the request was continued the City Council's meeting of December 04, 2018.

The following is the applicant's response to concerns raised regarding the adequacy of the MND prepared by the City. The written response is in a format which summarizes each of Grimmway's bold topic concerns raised in the original letter followed by applicant's response.

A. Grimmway Objection: Summary

- **The Project is Not Exempt from CEQA Review**

  Grimmway states that the City relies on Government Code section 65863, subdivision (h), to conclude that the high-density affordable housing component of the Project (7.25 acres proposed to be zoned R-3-PD, authorizing the development of 143 units and 6.01 acres proposed to be zoned R-4-PD, authorizing the development of 144 units) is exempt from environmental review under the California Environmental Quality Act (CEQA). Grimmway states that the City is in error and that the whole of the Project is required to be analyzed, and any significant environmental impacts mitigated in accordance with the provisions of CEQA. Grimmway is of the opinion that the City has failed to do that.

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

Grimmway reminds the City as to what the referenced government code provides for as well as why the California Legislature amended the code as part of SB 166 in 2017. Grimmway also states that SB 166 resulted in jurisdictions being required to identify and make available additional adequate sites for the development of affordable housing when the approval of a development project caused the jurisdiction's inventory of affordable housing sites to drop below mandated levels. It is Grimmway's opinion that the City failed to analyze the environmental impacts of the Project as a whole, inclusive of the impacts of high-density residential development on approximately thirteen (13) acres of the project site.

Response to Grimmway Objections: References to section 65863 in both the Planning Commission staff report and the MND following the project description were intended to elaborate on the requirements of State law as well as the Project's need to maintain consistency with the City's adopted Housing Element (HE). To that end future discussion will correctly identify the referenced section as being part of the 'Government Code" and not a "Categorical Exemption" under the provisions of CEQA.

The applicant concurs that the enactment of zoning ordinances and general plan amendments that result in either direct or reasonably foreseeable indirect changes to the physical environment are subject to CEQA review. Following a preliminary review of the Project, the City conducted an initial study (IS) to determine if the request may have a significant effect on the environment. The City concluded that with adherence to existing, adopted development standards and proposed mitigation measures, the Project would not result in a significant effect on the environment. Consequently, preparation of a Mitigated Negative Declaration (MND) was warranted.

The applicant agrees with Grimmway that the Project is not exempt from environmental review as evidenced by: (a) the City's decision to prepare an MND; (b) the absence of findings in any of the resolutions prepared related to the usage of categorical or statutory exemptions in consideration of the Project; and (c) the absence of references in the Notice of Intent (NOI) or published notice of public hearings regarding the usage of categorical or statutory exemptions in consideration of the Project.

However, the applicant does not agree that the City failed to analyze the environmental impacts for the whole of the project. The reasoning for that conclusion is elaborated below.

B. Grimmway Objection: Summary

- **The City Failed to Analyze the Whole of the Project**

Grimmway states that CEQA defines "project" broadly as "the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. "Grimmway goes on to remind the City that the California Supreme Court in *Laurel Heights Improvement* Assn. *v. Regents of the University of California* (1988) 47 Cal. 3d 376, 396, held that a lead agency is required to analyze the environmental effects of a future expansion or action if it is a reasonably foreseeable consequence of the initial project and will likely change the scope or nature of the initial project or its environmental effects. Furthermore the Court observed that this standard is consistent with the

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

principle that "environmental considerations do not become submerged by chopping a large project into many little ones - each with a minimal potential impact on the environment- which cumulatively may have disastrous consequences."

It is Grimmway's opinion that the Project record demonstrates that development of the Project site requires the addition of a groundwater well to Arvin Community Services District's (ACSD) system. This opinion is predicated upon the development of documentation in 2015 and 2018 analyzing the Project which states that the existing water system has the physical capacity to supply the Project in phases and that another well will have to developed and brought online to meet the Project's water demand at full build-out. Consequently, development of additional groundwater resources is a reasonably foreseeable consequence that will likely change the scope of the Project's environmental effects on groundwater resources, housing and population, and air quality, among other resources.

With respect to groundwater resources, Grimmway believes the record suggests that the Project's water demand may contribute to an exceedance of the peak capacity of the ACSD system. The City's General Plan did not consider the development of commercial and high-density residential development on the Project site and the MND affirms the number of dwelling units proposed exceeds the build-out projections assumed in the City's 2012 General Plan EIR. Diversion of limited groundwater supplies to urban uses may also result in indirect adverse impacts on agricultural production, which the City has failed to consider.

Grimmway asserts the City is required to analyze the environmental impacts of constructing additional water supply infrastructure together with the Project. At a minimum, the City is required to analyze the cumulative impacts of the Project and the development of an additional groundwater well, which it has also failed to do.

Response to Grimmway Objections: The concerns raised have been analyzed in the MND prepared. A table has been prepared (below) which identifies the identified concern, its location within the MND and if mitigation is proposed associated with the identified impact. It should also be noted that CEQA does not require mitigation of "less-than-significant impacts".

Potential Environmental Impacts		
Specific Concern	**Location in MND**	**Mitigation**
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?	Section XVIII - Utilities and Service Systems (b)	Yes. Mitigation Measure Nos. 7, 8, 9
Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or	Section XVIII - Utilities and Service Systems (d); Section XIV - Public Services (a)	Yes. Mitigation Measure No. 9

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

expanded entitlements needed?		
Reasonably foreseeable consequence that will likely change the scope of the Project's environmental effects on groundwater resources.	Section IX - Hydrology and Water Quality (b)	Yes. Mitigation Measure Nos. 2, 10
Reasonably foreseeable consequence that will likely change the scope of the Project's environmental effects on housing and population.	Section XIII - Population and Housing (a), (b) & (c)	No. Payment of fees in accordance with the City's adopted fee schedule will be sufficient to address costs associated with maintenance and update of the General Plan, Maps, and various codes.
Reasonably foreseeable consequence that will likely change the scope of the Project's environmental effects on and air quality.	Section III - Air Quality (a), (b) & (c)	No. Adherence with Air District rules and regulations sufficient to address potential impacts.
Cumulative impacts of the Project.	Section XIX - Mandatory Findings of Significance (b)	Yes. Mitigation Measure Nos. 3, 4, 5, 15 & 17

C. Grimmway Objection: Summary

- **The City is Required to Prepare an EIR Before Taking Action on the Project**

Grimmway reminded the City that CEQA requires the preparation of an EIR whenever the record includes substantial evidence supporting a fair argument that the proposed project may produce significant environmental effects. The "fair" argument standard creates a low threshold for requiring the preparation of an EIR. The standard is founded upon the principle that, because adopting a negative declaration has a 'terminal effect on the environmental review process,' an EIR is necessary to substitute some degree of factual certainty for tentative opinion and speculation' and to resolve uncertainty created by conflicting assertions. The fair argument standard reflects a clear preference in the law for the preparation of an EIR over some abbreviated form of environmental review, as Grimmway believes was conducted in this case.

It is Grimmway's contention that substantial evidence supports a fair argument that the Project will result in potentially significant, unmitigated air quality, climate change, and traffic impacts. Accordingly, CEQA requires the City to prepare an EIR prior to taking action on the Project.

Response to Grimmway Objection: For the purposes of clarification, CEQA Guidelines Section 15382, defines "significant effect" as:

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

CEQA Guidelines Section 15064(b), states:

"The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area."

CEQA Guidelines Section 15384, defines "substantial evidence" as:

(a) "Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

(b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts

CEQA Guidelines Section *15064(h)(4), states:*

"The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable."

CEQA Statutes Section 21064.5 defines "mitigated negative declaration" as:

"Mitigated negative declaration" means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment"

The applicant agrees with the references for the evaluation of projects under the provisions of CEQA; however, the applicant concurs with the City's decision to prepare an MND as there is no substantial evidence, supported by fact(s), which demonstrates a significant effect that cannot be reduced to a less than significant level through existing regulations, ordinances or proposed mitigation measures exists in the record to date. The reasoning for that conclusion is discussed below.

D. Grimmway Objection: Summary

- **The Project Will Result In Potentially Significant, Unmitigated Air Quality Impacts**

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

Grimmway reminds the City that the San Joaquin Valley Air Basin is in serious non-attainment of federal standards for ozone and fine particulate matter (e.g., combustion emissions and diesel particulates) as is in non-compliance with state air quality standards for ozone, fine particulates, and coarse particulate matter (e.g., dust). As such, any incremental increase in ambient concentrations of ozone, fine particulate matter and coarse particulate matter as a result of Project construction and operations may be deemed potentially significant.

Grimmway takes exception to the MND's usage of a 2015 air quality impact study for a previous project proposed on the site approximately half the size of the Project under review. With the City's modification of the Project to include high density residential development on approximately 13 acres previously slated for single-family detached homes, the City has failed to require the Project proponent to update the study to analyze the Project that is actually under review. Grimmway also opines that the study is inadequate as it fails to disclose estimated daily construction emissions even for the smaller project previously analyzed. Grimmway believes this omission is significant and justifies it under the premise that construction activities can vary from day to day (for example, grading may occur in combination with other activities on certain days), and do not occur 365 days per year {construction activities typically cease on the weekends and during holidays).

Additionally, for criteria pollutants, such as ozone and ozone precursors (oxides of nitrogen or "NOx" and volatile organic compounds, or "VOCs") and particulate matter, the San Joaquin Air Pollution Control District considers any emissions rate in excess of 100 pounds per day to result in a significant impact. Grimmway notes that construction activities associated with comparable developments exceed the 100 pound per day threshold for ozone precursors, resulting in a potentially significant air quality impact without mitigation.

Consequently, Grimmway asserts that a fair argument, based on substantial evidence, can be made that the Project will result in potentially significant short-term air quality impacts during Project construction and that the City is required to prepare an EIR that identifies and addresses the Project's potentially significant air quality impacts.

Response to Grimmway Objections: The applicant concurs with Grimmway as to the location of the project, the air basin's federal and State status and the usage of an air quality impact study original prepared for the project prior to its revision. This information, as well as construction and operational emissions, is evaluated in detail within Section III - Air Quality of the Initial Study.

The applicant notes that historically special interest groups have suggested what has come to be known as the "one molecule theory." This theory supposes the addition of even one molecule of a criteria pollutant in a nonattainment air basin would constitute a significant increase. While these groups have attempted to enforce this theory in various jurisdictions, the Court of Appeals has held that CEQA does not require this approach. One court has stated, "the one [additional] molecule rule is not the law" *(Communities for a Better Environment* versus California Resources Agency 2002, *103 Cal. App. 4th 98,119*). Therefore, while the air basin's cumulative air quality impacts would remain significant without the project (i.e., since the Air Basin is considered to be in nonattainment for certain criteria pollutants) a proposed project's incremental contribution to these

impacts can be mitigated to the extent feasible and poses an insignificant contribution to the cumulative impacts on the Basin's air quality.

The MND was circulated to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review. The SJVAPCD is a permitting agency in charge of improving and managing the air quality within the Project region. The SJVAPCD did not take exception to the conclusion that compliance with existing rules and regulations was sufficient to address impacts on air resources.

E. Grimmway Objection: Summary

- **The City Failed to Analyze the Project's Potentially Significant, unmitigated Greenhouse Gas Emissions**

Grimmway reminds the City that with the enactment of the Global Warming Solutions Act of 2006 (AB 32), the State of California embarked on a program to reduce greenhouse gas emissions from the state's land use and energy sectors, among others. Consistent with AB 32 and state and local regulatory schemes for reducing greenhouse gas emissions, CEQA requires public agencies to analyze and avoid significant emissions of greenhouse gases prior to approving projects. CEQA directs agencies to "make a good faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project and to mitigate significant climate change impacts of development projects. As the California Supreme Court held in *Cleveland National Forest Foundation v. San Diego* Assn. *of Governments* (2017) 3 Cal.5th 497, 499, lead agencies "must ensure that CEQA analysis [of greenhouse gas emissions) stays in step with evolving scientific knowledge and state regulatory schemes." Grimmway contends the MND fails entirely to consider the Project's greenhouse gas emissions.

Grimmway states the Project will emit greenhouse gases from the exhaust of equipment used during construction and exhaust of vehicles during operation, as well as in connection with electricity used during Project operations. Therefore, Grimmway asserts there is a fair argument, based on substantial evidence, that the Project will result in potentially significant emissions of greenhouse gases.

Grimmway then notes in order to attain sufficient greenhouse gas emissions reduction to ensure project consistency with 2020 emission reduction goals under AB 32, what an adjacent air district (i.e., South Coast Air Quality Management District) recommends as an interim significance threshold. Whereupon Grimmway compares the scope/results of the Project's air quality study with the adjacent air district threshold to conclude an exceedance in the threshold before mitigation will occur. Furthermore, because the Project's intensity has been revised since the study's preparation the Project's greenhouse gas emissions would substantially exceed significance thresholds for greenhouse gases. Grimmway also states that comparable projects proposed within Kern County have been found to result in significant emissions of greenhouse gases and cites an example.

Finally, Grimmway states that because the MND fails to quantify the Project's significant greenhouse gas emissions or require mitigation to reduce Project emissions, it can be assumed that

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

the Project will continue to emit significant amounts of greenhouse gases over the long-term, and will therefore conflict with SB 375-mandated greenhouse gas emissions reduction targets for the land use and transportation sectors in 2035, as well as SB 32 mandated emissions reductions in 2030. Therefore an EIR must be prepared which documents the Project's greenhouse gas emissions and propose mitigation measures to reduce emissions below a level of significance.

Response to Grimmway Objection: The applicant concurs with Grimmway as to the enactment of the Global Warming Solutions Act of 2006 (AB 32) and the requirements of CEQA to analyze and avoid significant emissions of greenhouse gases prior to approving projects.

Climate change is a shift in the average weather patterns that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms. Global climate change means change in the climate of the Earth as a whole. It can occur naturally as in the case of the Ice Age or as some evidence suggests, can result from man's activities on the Earth. Climate varies constantly, warming and cooling occurs at varying rates, magnitudes, and time scales in response to solar variations, orbital variations, volcanic eruptions, and a variety of other natural forcing. According to the California Air Resources Board (CARB), the climate change that is occurring today differs from previous climate changes in both rate and magnitude, although this conclusion is still being debated in the scientific community.

Greenhouse gases are those gases that trap heat in the atmosphere. The effect is analogous to the way a greenhouse retains heat. The principal greenhouse gases are carbon dioxide (CO2) methane (CH4) NOx, ozone, water vapor and fluorinated gases. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources and aircraft) is the single largest source of greenhouse gas emissions, accounting for approximately one-half of greenhouse gas emissions globally. Construction activities associated with heavy equipment operation, truck deliveries, use of raw materials and worker commute trips would temporarily generate greenhouse gases and long-term operations of the project, and specifically the increase in mobile sources (shuttle travel to and from the site) would generate greenhouse gas. In addition, greenhouse gas will be increased during the implementation phase by the daily use, indoor lighting systems and/or heating and cooling systems.

The CARB and U.S. Environmental Protection Agency (EPA) regulate greenhouse gas emissions within the State of California and the United States, respectively. Although CARB has primary regulatory responsibility within California for greenhouse gas emissions, local agencies can also adopt policies for greenhouse gas emissions reductions. CARB has divided California into Regional Air Basins according to topographic drainage features. The project site is located in the SJVAPCD jurisdiction.

At this time, neither the federal government, the State of California, nor the Arvin City Council has adopted a threshold to measure the impacts of greenhouse gas resulting from a specific project. While the project will generate some greenhouse gas emissions during both the construction and implementation phases, both directly and indirectly, there are no established thresholds to determine if those emissions have a significant impact on greenhouse gases in the environment.

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

There are a variety of Statewide rules and regulations that have been implemented or are in development in California that mandate the quantification or reduction of greenhouse gases. Assembly Bill (AB) 32, the California Global Warming Act of 2006, requires California to reduce its greenhouse gas emissions to 1990 levels by 2020, which is nearly a 30 percent cut from "business-as-usual" emission levels projected for 2020, or about a 15 percent cut from today's emission levels.

Under CEQA, an analysis and mitigation of emissions of greenhouse gases and climate change in relation to a proposed project is required where it has been determined that a project will result in a significant addition of greenhouse gases. Certain air pollution control districts have proposed their own levels of significance.

An air quality impact analysis was prepared for a similar proposed project on the site. That project's greenhouse gas emissions were estimated using the CalEEMOD program and the total greenhouse gas emissions quantified. This evaluation and analysis is in Section VII - Greenhouse Gas Emissions of the Initial Study.

It should be noted that Grimmway is: (1) employing a threshold from an adjacent air district not involved in the permitting of the project; and (2) making a conclusion that the "doubling" of a project scope has a similar, direct 1:1 correlation to its greenhouse emissions.

Historically, SJVAPCD staff has concluded that existing science is inadequate to support quantification of impacts that project-specific greenhouse gas emissions have on global climatic change. This is readily understood when one considers global climatic change is the result of the sum total of greenhouse gas emissions, both manmade and natural that occurred in the past; that is occurring now; and will occur in the future. The effects of project-specific greenhouse gas emissions are cumulative, and without mitigation their incremental contribution to global climatic change could be considered cumulatively considerable. The District staff concludes this cumulative impact is best addressed by requiring all projects subject to CEQA to reduce their greenhouse gas emissions through project design elements.

The MND was circulated to the SJVAPCD for review. As previously stated the SJVAPCD is a permitting agency in charge of improving and managing the air quality within the Project region. The SJVAPCD did not take exception to the MND's conclusion on potential greenhouse gas emission impacts.

Based on the information in the record to date, it was the determination of the City that should the request be approved, implementation of the Project in accordance with any future design features, applicable laws, ordinances, and regulations, should provide the necessary assurances that potential impacts resulting from the project's generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment would be less than significant.

F. Grimmway Objection: Summary

- **The Project Will Result In Potentially Significant, Unmitigated Traffic Impacts**

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

Grimmway states the traffic impact analysis employed was prepared in 2016 and, like the previously discussed air quality study discussed above, is of the opinion that it's outdated. The Project has been significantly revised since the preparation of the original study and with the City's modification of the Project to include more dwelling units under the high-density residential development now proposed, the traffic impacts will be greater. Grimmway notes that even the smaller development scenario analyzed was found to cause significant traffic delays and multiple intersections to fall below the required Level of Service C under County of Kern standards. Therefore, there is a fair argument, based on substantial evidence, that the near doubling of projected trip generation associated with the Project under review will result in potentially significant, unmitigated traffic impacts within the City.

Grimmway goes on to state that under County of Kern standards, a traffic facility, such as a street or intersection, must be examined for potentially significant traffic impacts if it is subjected to just 50 or more Project generated peak hour trips. As discussed throughout their letter, Grimmway does not believe the City has analyzed the traffic impact of the high-density residential component of the Project. However, even if it were conservatively assumed that high-density residential generates the same number of individual car trips as multi-family apartments, the modified Project would generate an additional nineteen hundred (1900) daily vehicle trips. This estimate is conservative because high-density residential, authorizing a minimum of 20 dwelling units per acre, would certainly support more commuters and associated daily car trips than a density of 15 dwelling units per acre under the R-2 zoning. Absent mitigation, the Project's residential component will exceed the capacity of the local circulation network. The City is required to prepare an EIR that fully discloses the Project's traffic impacts and recommends all feasible mitigation measures to reduce those impacts below a level of significance.

Response to Grimmway Objection: A traffic impact analysis was prepared for the Project prior to its revision. This information is evaluated in detail within Section XVI - Transportation and Traffic of the Initial Study.

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 adopted a minimum Level of Service (LOS) standard of D for the Circulation Element and traffic analysis purposes. However, the City has an adopted standard of Level of Service "C" as a threshold of significance for CEQA, which provides that the function of intersections and roadway segments should not drop below this threshold.

The traffic study identified 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. The traffic study concluded that several intersections would drop below Level of Service "C" by the year 2035 with or without development of the proposed site.

- ✓ A project is under development to signalize the intersection of SR 223 and Derby Street which 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.

CalTran's comments can be addressed without the need to recirculate the TIS. The City notes that where the concerns raised affect proposed mitigation measures CEQA Guidelines Section 15073.5(c) provides for the revision of such measures so long as:

- The mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
- Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
- New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration

Based upon a review of the information in the record to date, the applicant does not concur with Grimmway that the TIS is out of date or is not sufficiently representative of the anticipated traffic volumes. While the applicant agrees implementation of the revised Project will generate more traffic than the original project and that at full build out the revised Project will generate more traffic, other factors also come into consideration. Specifically, the LOS for the City's traffic circulation system will drop below Level of Service "C" by the year 2035 with or without project generated traffic. It has not been substantiated that the 1900 additional trip purported by Grimmway are a significant deviation from the 11,498 total trips per day identified in the TIS and their occurrence with respect to morning and afternoon peak hours. Lastly, like implementation of the Arvin General Plan, implementation of the Project will be phased. Residential, commercial and industrial map codes designated within Arvin include areas presently undeveloped and may not occur within the time frame of the present General Plan. The City has requested that the project proponent include the PD (Planned Development) district as part of the zone change request. Inclusion of this district requires the approval of a subsequent plan at a noticed, scheduled public hearing making it a discretionary action. Unlike ministerial projects all discretionary actions are subject to CEQA.

The applicant believes an environmental review of the Project's potential impacts on the City's traffic/circulation system has been sufficiently performed to identify reasonably foreseeable impacts. Without more information on the specific type of commercial development and exact number of dwellings, their size, and siting for ingress and egress, further review for traffic impacts is somewhat speculative. The applicant notes that number of dwellings used in its evaluation is very conservative in that no accommodation has been made to identify requisite areas for associated internal roads, parking, drainage areas, open space, and landscaping. The reduction of buildable

lot area would reduce the scope of onsite development and lessen a number of the identified impacts.

G. Conclusion

- **Grimmway Position.**

Grimmway believes the City's CEQA analysis is deficient in a number of respects, each of which is fatal to the MND. Grimmway is of the opinion that the City erroneously:

- Concluded it was not required to analyze the high-density residential component;
- Failed to analyze an additional groundwater well needed to supply water;
- Significantly underestimated/failed to mitigate impacts on:
  - Air quality
  - Climate change; and
  - Traffic circulation

Consequently, Grimmway believes the City should withdraw the MND for the Project and prepare an EIR that fully documents the Project's direct and reasonably foreseeable significant impacts on the City's services, roadway infrastructure, and ambient air quality.

Applicant's Response: The applicant understands Grimmway's concerns but respectfully disagrees with their conclusion that the City should withdraw the MND and prepare an EIR for the Project. While the applicant understands Grimmway's concern is to ensure proper evaluation and subsequent mitigation of identified significant impacts, at this time it would appear consensus can only be reached by agreeing to disagree.

The applicant's original request was for a change in zone classification from A-1 and A-2 to C-1 and R-2 along with corresponding changes in map code designations for consistency with the Arvin General Plan (GP) as required by State law. The site's present A-1 and A-2 zone districts are inconsistent with the site's designation as "Light Industrial" and "Heavy Industrial" by the City's GP. In making the original request, supporting technical studies and documentation were prepared based on the scope of that proposal.

However, in 2018, with changes to the Arvin Housing Element, City staff requested that the applicant revise their request to include the more intensive C-2, R-3 and R-4 zone districts along with the original R-2 zone district requested. Staff informed the applicant that the changes in residential zone district were necessary to maintain the project's consistency with the City's Housing Element. In addition to the changes in proposed base zone districts, City staff also requested the inclusion of the Planned Development (PD) district. The purpose of the PD District is to ensure through the preparation and submission of comprehensive development plans which provide for proper site layout, design character and integration with the surrounding area. The applicant agreed with the understanding that there would be no need for revisions to the existing technical studies.

With the concerns raised solely by Grimmway as to the adequacy of the MND and in an effort to address their neighbor concerns, the applicant withdraws its support of the Planning Commission

recommendation and requests, and will solely support the City Council if it reduces the scope of the project back to that which resembles the original request. Specifically, a change in zone classification from A-1 and A-2 to C-2 PD and R-2 PD in conjunction with a corresponding change in map code designations from "Light Industrial" and "Heavy Industrial" to "General Commercial" and "Medium Density Residential". The reasoning for that conclusion is discussed below:

- Subsequent conversations with City staff on the need for the request to include the R-3 and R-4 zone districts have proven informative. While not technically necessary to maintain consistency with the City's Housing Element, the request provides an "opportunity" to address Arvin's housing demands as mandated by State law. The applicant would like to assist the City in that endeavor. Nevertheless, ensuring land use compatibility with existing and future planned land uses is also important and Grimmway, an adjacent property owner, has expressed concerns regarding the density of residential development permitted by the R-3 and R-4 Districts.

- The mitigation measures developed were based upon technical studies developed for the C-1 and R-2 zone districts and the resulting impacts identified for the intensity of those types of development. While the applicant acknowledges the original request was for the C-1 zone district, that district also allows for a wide variety of uses allowed in the C-2 zone district. Such uses include, but are not limited to: banks, drug stores/pharmacy, grocery, fruit and vegetable stores, hardware stores, restaurants, and offices, business, professional, government or public utility. With the inclusion of the PD District, the applicant is of the belief that the necessary assurances and safeguards will be in place to address future development in the C-2 zone district at the time it is considered.

- Adoption of the MND for the reduced scope of project is in conformance with CEQA Guidelines Section 15073.5 which specifies:

  (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073 . . .

  (c) <u>Recirculation is not required under the following circumstances</u>: . . .

  ... (2) <u>New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects</u>.

In accordance CEQA Guidelines Section 15164 the applicant does not believe that an "addendum" to the existing MND need be prepared prior to the City Councils consideration of the request. Addendums are prepared when there are changes or additions to a project after an environmental document has been adopted. The action taken by the Planning Commission on August 14, 2018, was a recommendation to the City Council.

Sincerely,

Scott F. Denney, AICP

Attachment: 7.1 Murray Tragis - Nov 19 2018 - Response to Grimmway Objections (Public Hearing - Ariston Project)

NOSSAMAN LLP

ATTORNEYS AT LAW

18101 Von Karman Avenue
Suite 1800
Irvine, CA 92612
T 949.833.7800
F 949.833.7878

Gregory W. Sanders
D 949.477.7669
gsanders@nossaman.com

Refer To File #: -

VIA FEDEX AND EMAIL

September 11, 2018

Mayor Jose Gurrola Jr. and Councilmembers
City Council
City of Arvin
200 Campus Drive
Arvin, CA 93203

Re: Mitigated Negative Declaration for General Plan Amendment and Zone Change 2013-01; Ariston Project

Dear Mayor Gurrola Jr. and Councilmembers:

We are writing on behalf of Grimmway Enterprises, Inc. ("Grimmway") to comment on the Initial Environmental Assessment and Mitigated Negative Declaration ("MND") prepared by the City of Arvin for the Ariston Project General Plan Amendment and Zone Change (No. 2013-01) (collectively, "Project"). The Project proposes to amend the land use designation of two parcels, totaling approximate 62 acres, located in the City of Arvin, south of Sycamore road, east of Tejon Highway, and west of Malovich Road, from Light Industrial and Heavy Industrial to General Commercial and a mix of High Density Residential and Medium Density Residential for approximately 21 acres and 41 acres, respectively. The Project also includes a zone change of the same parcels from Light Agricultural and General Agricultural to general commercial and a mix of two-family and multi-family residential. According to the City, the proposed land use designation and zoning changes would authorize the development of up to 692 residential units and 174,000 square feet of commercial space on the Project site. The increase in population associated with the Project is estimated at **three thousand** residents. This represents an increase of **15 percent** above the City's population in 2017.

The Project as proposed exceeds full build-out projections under the City's2012 General Plan, will tax the City's limited groundwater resources and roadway capacity, and will result in potentially significant and unmitigated impacts on air quality, climate change, and traffic. The City has failed to adequately analyze, disclose and mitigate these impacts, among others. In particular, the City erroneously exempted the Project's high-density residential component from environmental review under the California Environmental Quality Act ("CEQA"), Pub. Resources Code, § 21000 et seq., and, as a result, has significantly underestimated the Project's environmental impacts. The City also failed to analyze the environmental effects of an additional groundwater well that is needed to support the Project's water demand. There is a fair argument, based on substantial evidence, that the Project will result in significant impacts to air quality during Project construction, significant and unmitigated emissions of greenhouse gases, and significant and unmitigated traffic delay and hazards impacts within the City.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

For the above reasons, described more fully below, we respectfully request the City to withdraw the MND and prepare an Environmental Impact Report ("EIR") that fully discloses the Project's significant environmental impacts and recommends all feasible mitigation measures to reduce those impacts below a level of significance.

These comments are intended to supplement Grimmway's initial comments on the Project, dated August 10, 2018. We reserve the right to provide further comments on the MND and the Project general plan amendment and zone change applications.

I. The Project is Not Exempt from CEQA Review.

The City relies on Government Code section 65863, subdivision (h), to conclude that the high-density affordable housing component of the Project (7.25 acres proposed to be zoned R-3-PD, authorizing the development of 143 units and 6.01 acres proposed to be zoned R-4-PD, authorizing the development of 144 units) is exempt from environmental review under CEQA. The City is in error. The whole of the Project is required to be analyzed, and its significant environmental impacts mitigated in accordance with CEQA's requirements. The City failed to do that here.

Government Code section 65863, subdivision (h), provides:

> 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 California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to identify, analyze, 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 California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).***

(Emphasis added.) The California Legislature added the above provision to the Government Code in 2017 as part of a housing package of 15 bills aimed at significantly increasing the development of affordable housing in California. Government Code section 65863, subdivision (h), proposed as part of SB 166 (2017), amended the Planning and Zoning Law to prohibit cities and counties from causing their inventory of sites identified for lower-income homes in the housing element to fall below regional housing needs.[1]

SB 166 changed the law to require jurisdictions to identify and make available additional adequate sites for the development of affordable housing when the approval of a development project caused the jurisdiction's inventory of affordable housing sites to drop below mandated levels. Government Code section 65863, subdivision (h), exempts from CEQA review the

[1] Legislative Counsel Digest, Senate Bill No. 166 (2017), attached as **Attachment 1**.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

action involving the identification of additional sites for lower-income housing, such as amendments to a housing element. The provision, by its terms, does not amend CEQA to exempt from environmental review subsequent zoning actions or other land use approvals that are "projects," within the meaning of CEQA.[2]

The enactment of zoning ordinances and general plan amendments that result in either direct or reasonably foreseeable indirect changes to the physical environment are subject to CEQA review. [3] The enactment of Government Code section 65863, subdivision (h), has not altered this requirement. As discussed in the following sections, the record demonstrates that the Project will result in a number of potentially significant environmental impacts that have not been adequately addressed by the City. The City was required, but failed to analyze the environmental impacts of the Project as a whole, inclusive of the impacts of high-density residential development on approximately 13 acres of the Project site.

II. The City Failed to Analyze the Whole of the Project.

CEQA defines "project" broadly as "**the whole of an action**, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[4] The California Supreme Court in *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 396, held that a lead agency is required to analyze the environmental effects of a future expansion or action if it is a reasonably foreseeable consequence of the initial project and will likely change the scope or nature of the initial project or its environmental effects. The Court observed that this standard is consistent with the principle that "environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences."[5]

The record before the City clearly demonstrates that development of the Project site to support the residential and commercial uses described in Project General Plan Amendment and Zone Change No. 2013-01 applications requires the addition of a groundwater well to Arvin Community Services District's system. Specifically, a memorandum from LAV/Pinnacle Engineering to the City of Arvin, dated August 14, 2018, states that the existing water system has the physical capacity to supply only half of the Project, and that another well will have to developed and brought online to meet the Project's water demand at full build-out.[6] The City was made aware of this information as early as 2015 through email correspondence with the

---

[2] See Gov. Code, § 65863, subd. (h), Pub. Resources Code, § 21065 [defining project]; Cal. Code Regs., tit. 14 ["CEQA Guidelines"], § 15378, subd.(a)(1) [same]; see also Public Interest Law Project, SB 166 (2017), *No-Net-Loss Law Strengthened Fortified Housing Element Site Preservation Requirements*, attached as **Attachment 2.**

[3] CEQA Guidelines, § 15378, subd. (a)(1).

[4] CEQA Guidelines, § 15378, subd. (a), emphasis added.

[5] *Laurel Heights Improvement Assn. v. Regents of the University of California,* 47 Cal.3d at p. 396 (internal citations and quotations omitted).

[6] Memo from LAV/Pinnacle Engineering to City of Arvin, August 14, 2018, p. 2.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

General Manager of the Arvin Community Services District. The development of additional groundwater resources is a reasonably foreseeable consequence of the Project that will likely change the scope of the Project's environmental effects on groundwater resources, housing and population, and air quality, among other resources.

With respect to groundwater resources, the record before the City suggests that the Project's water demand may contribute to an exceedance of the peak capacity of the Arvin Community Services District system. In an email dated September 10, 2015, the General Manager of the Arvin Community Services District confirmed that the peak capacity of the system is approximately 6 million gallons of water per day ("mgd"), and that existing demand combined with water demand anticipated under the 2012 General Plan would reach approximately 5.9 mgd by 2030. The General Plan did not consider the development of commercial and high-density residential development on the Project site and the MND confirms that the number of dwelling units proposed as part of the Project exceeds the build-out projections assumed by the City in 2012 General Plan EIR.[7] Diversion of limited groundwater supplies to urban uses may also result in indirect adverse impacts on agricultural production, which the City has failed to consider.

The City is required to analyze the environmental impacts of constructing additional water supply infrastructure together with the Project.[8] At a minimum, the City is required to analyze the cumulative impacts of the Project and the development of an additional groundwater well, which it has also failed to do.[9]

III. The City is Required to Prepare an EIR Before Taking Action on the Project.

CEQA requires the preparation of an EIR whenever the record includes substantial evidence supporting a fair argument that the proposed project may produce significant environmental effects.[10] The "fair argument" standard creates a low threshold for requiring the preparation of an EIR.[11] "The standard is founded upon the principle that, because adopting a negative declaration has a 'terminal effect on the environmental review process,' an EIR is necessary to 'substitute some degree of factual certainty for tentative opinion and speculation' and to resolve 'uncertainty created by conflicting assertions.'"[12] The fair argument standard reflects a clear preference in the law for the preparation of an EIR over some abbreviated form of environmental review, as was conducted here.[13]

---

[7] See MND, at p.20.

[8] See *Laurel Heights Improvement Assn. v. Regents of the University of California*, *supra*, 47 Cal.3d at p. 396.

[9] See *ibid.*

[10] Pub. Resources Code, §§ 21080, subd. (d), 21082.2, subd. (d); CEQA Guidelines, § 15064, subd. (f)(1).

[11] *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 784, 754.

[12] Remy et al., Guide to CEQA (11th Ed. 2007), p. 249 [internal citations omitted].

[13] See *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Substantial evidence supports a fair argument that the Project will result in potentially significant, unmitigated air quality, climate change, and traffic impacts. Accordingly, CEQA requires the City to prepare an EIR prior to taking action on the Project.

A. The Project Will Result in Potentially Significant, Unmitigated Air Quality Impacts.

The Project is located within the San Joaquin Valley Air Basin, which is designated under federal law in serious non-attainment of federal standards for ozone and fine particulate matter (e.g., combustion emissions and diesel particulates). The San Joaquin Valley Air Basin is also in non-compliance with state air quality standards for ozone, fine particulates, and coarse particulate matter (e.g., dust). As such, any incremental increase in ambient concentrations of ozone, fine particulate matter and coarse particulate matter as a result of Project construction and operations may be deemed potentially significant.

The MND purports to analyze Project air quality impacts by relying on a 2015 study prepared by WZI, Inc. That study analyzed a project that is approximately **half the size** of the Project under review. Specifically, the WZI, Inc. study assumed that up to 383 residential units would be developed on the Project site, whereas the Project proposes to develop the site with up to 692 dwelling units. Since preparation of the WZI, Inc., the City has modified the Project to include high density residential development on approximately 13 acres previously slated for single-family detached homes. However, the City has failed to require the Project proponent to update the study to analyze the Project that is actually under review.

The WZI, Inc. study is also inadequate because it fails to disclose estimated daily construction emissions even for the much smaller project that was previously analyzed. This omission is significant because construction activities vary from day to day (for example, grading may occur in combination with other activities on certain days), and do not occur 365 days per year (construction activities typically cease on the weekends and during holidays). Accordingly, portraying Project construction emissions solely in terms of tons per year, as is done in the WZI, Inc. study and the MND, obscures and likely underestimates the actual emissions rate for even the smaller project analyzed by the City.

There is a fair argument, based on substantial evidence, that the Project will result in potentially significant short-term air quality impacts during Project construction. For criteria pollutants, such as ozone and ozone precursors (oxides of nitrogen or "NOx" and volatile organic compounds, or "VOCs") and particulate matter, the San Joaquin Air Pollution Control District considers any emissions rate in excess of 100 pounds per day to result in a significant impact.[14] Construction activities associated with the comparable developments exceed the 100 pound per day threshold for ozone precursors, resulting in a potentially significant air quality

[14] SJAPCD, Ambient Air Quality Analysis Project Daily Emissions Assessment, May 31, 2013, available at http://www.valleyair.org/transportation/CEQA%20Rules/Ambient-Air-Quality-Analysis-Project-Daily-Emissions-Assessment.pdf.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

impact without mitigation.[15] The City is required to prepare an EIR that identifies and addresses the Project's potentially significant air quality impacts.

B. The City Failed to Analyze the Project's Potentially Significant, Unmitigated Greenhouse Gas Emissions.

With the enactment of the Global Warming Solutions Act of 2006 (AB 32), the State of California embarked on an aggressive program to reduce greenhouse gas emissions from the state's land use and energy sectors, among others. Consistent with AB 32 and state and local regulatory schemes for reducing greenhouse gas emissions, CEQA requires public agencies to analyze and avoid significant emissions of greenhouse gases prior to approving projects.[16] Regulations implementing CEQA direct public agencies to "make a good faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project" and to mitigate significant climate change impacts of development projects.[17] As the California Supreme Court held in *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 499, lead agencies "must ensure that CEQA analysis [of greenhouse gas emissions] stays in step with evolving scientific knowledge and state regulatory schemes." Here, the MND fails entirely to consider the Project's greenhouse gas emissions, in contravention to state law.[18]

The Project will emit greenhouse gases from the exhaust of equipment used during construction and exhaust of vehicles during operation, as well as in connection with electricity used during Project operations.[19] There is a fair argument, based on substantial evidence, that the Project will result in potentially significant emissions of greenhouse gases.

In order to attain sufficient greenhouse gas emissions reduction to ensure project consistency with 2020 emission reduction goals under AB 32, the South Coast Air Quality Management District ("SCAQMD") recommends an interim significance threshold of 3,000 metric tons of carbon dioxide equivalent gases per year for residential and commercial

---

[15] Environmental Impact Report for the Cimarron Ridge Specific Plan, p. 5.1-14, excerpts attached as **Attachment 3.** The Cimarron Ridge Specific Plan Project in the City of Menifee comprises 756 dwelling units (no commercial) and open space. That Project was determined to result in construction emissions of NOx at a rate of 181 pounds per day.

[16] Pub. Resources Code, § 21083.5; CEQA Guidelines, §15064.4.

[17] CEQA Guidelines, § 15064.4, subd. (a).

[18] Although the Project MND states that the Project encourages higher residential densities and infill development with the aim of reducing greenhouse gas emissions, the MND fails to support this statement. (See MND, p. 64.) The City's conclusion that the Project would result in a net decrease of greenhouse gas emissions is unsupported and not verifiable. The Project also does not meet CEQA's definition of infill projects. (See Pub. Resources Code, §§ 21061.2, 21072.)

[19] See, e.g., Reina Ranch Project EIR, p. 4.3-85, available at https://kernplanning.com/environmental-doc/reina-ranch-project/.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

projects.[20] The WZI, Inc. study discussed in Section III.A above, concludes that the development of 383 residential units and 21,000 square feet of commercial space on the Project site would generate 4,074.5 metric tons of carbon dioxide equivalent gases per year before mitigation,[21] in excess of SCAQMD's significance threshold. Because the Project as proposed would roughly double the number of dwelling units that could be developed on the Project site, the Project's greenhouse gas emissions would substantially exceed significance thresholds for greenhouse gases. Additionally, comparable projects proposed within Kern County have been found to result in significant emissions of greenhouse gases. For example, Kern County found that the Reina Ranch Project, comprising the development of 253 single-family residential dwelling units on 76.36 acres, to result in potentially significant emissions of greenhouse gases.[22]

Finally, because the MND fails to quantify the Project's significant greenhouse gas emissions or require mitigation to reduce Project emissions, it can be assumed that the Project will continue to emit significant amounts of greenhouse gases over the long-term, and will therefore conflict with SB 375-mandated greenhouse gas emissions reduction targets for the land use and transportation sectors in 2035,[23] as well as SB 32 mandated emissions reductions in 2030.[24] The City is required to prepare an EIR that fully documents the Project's greenhouse gas emissions and proposes mitigation measures that may reduce such emissions below a level of significance.

C. The Project Will Result in Potentially Significant, Unmitigated Traffic Impacts.

The traffic impact analysis relied upon in the MND was prepared in 2016 and, like the air quality study discussed above, is outdated The maximum number of dwelling units assumed in the traffic impact analysis is 383, as opposed to the currently proposed 692 dwelling units.[25] Even the smaller development scenario analyzed by the City was found to cause significant traffic delays and multiple intersections to fall below the required Level of Service C under County of Kern standards.[26,27] There is a fair argument, based on substantial evidence, that the near doubling of projected trip generation associated with the Project under review will result in potentially significant, unmitigated traffic impacts within the City.

---

20 http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf (see page 3-13.)

21 WZI, Inc., Air Quality Impact Analysis 2015, p. 84.

22 Reina Ranch Project EIR, at p. 4.3-95.

23 For a discussion of SB 375, refer to a briefing prepared by the Institute for Local Government, available at http://www.ca-ilg.org/post/basics-sb-375.

24 The bill text is available through the California Legislative Service as follows: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32

25 See LAV/Pinnacle Engineering, Traffic Impact Study, p. 8, Table 1.

26 See, generally, LAV/Pinnacle Engineering, Traffic Impact Study.

27 Traffic conditions that fall below Level of Service C are characterized by 40% to 60% speed reductions, high passing demand, and traffic disruptions due to extensive queuing.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Under County of Kern standards, a traffic facility, such as a street or intersection, must be examined for potentially significant traffic impacts if it is subjected to just 50 or more Project-generated peak hour trips. As discussed throughout this letter, the City has not analyzed the traffic impact of the high-density residential component of the Project. However, even if it were conservatively assumed that high-density residential generates the same number of individual car trips as multi-family apartments, the modified Project would generate an additional **nineteen hundred** daily vehicle trips.[28] This estimate is conservative because high-density residential, authorizing a minimum of 20 dwelling units per acre, would certainly support more commuters and associated daily car trips than a density of 15 dwelling units per acre under R-2 zoning. Absent mitigation, the Project's residential component will exceed the capacity of the local circulation network. The City is required to prepare an EIR that fully discloses the Project's significant traffic impacts and recommends all feasible mitigation measures to reduce those impacts below a level of significance.

IV. Conclusion.

The City's CEQA analysis is deficient in a number of respects, each of which is fatal to the MND. As discussed above, the City erroneously concluded that it is not required to analyze the high-density residential component of the Project, failed to analyze an additional groundwater well that is needed to supply the Project with water, and significantly underestimated and failed to mitigate the Project's impacts on air quality, climate change, and traffic circulation within the City. The City should withdraw the MND for this ill-advised Project and prepare an EIR that fully documents the Project's direct and reasonably foreseeable significant impacts on the City's limited public services and roadway infrastructure, and ambient air quality.

Sincerely,

Gregory W. Sanders

Gregory W. Sanders
of Nossaman LLP

GWS:lmb

---

[28] For 383 dwelling units and 174,000 square feet of commercial, LAV/Pinnacle Engineering calculated total daily vehicle trips at 8,640. The new project, inclusive of the high-density residential component would authorize the development of an additional 287 dwelling units. (MND, p. 33.) The assumed trip generation for R-2 multi-family apartments is 6.65 per dwelling unit (LAV/Pinnacle Engineering, Table 1). 287 x 6.65 = 1,908.5

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

ATTACHMENT 1

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Senate Bill No. 166

CHAPTER 367

An act to amend Section 65863 of the Government Code, relating to land use.

[Approved by Governor September 29, 2017. Filed with Secretary of State September 29, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 166, Skinner. Residential density and affordability.

The Planning and Zoning Law requires a city, county, or city and county to ensure that its housing element inventory, as described, can accommodate its share of the regional housing need throughout the planning period. The law also prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the city, county, or city and county makes written findings supported by substantial evidence that the reduction is consistent with the adopted general plan, including the housing element, and that the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need. The city, county, or city and county may reduce the residential density for a parcel if it identifies sufficient sites, as prescribed, so that there is no net loss of residential unit capacity.

This bill, among other things, would prohibit a city, county, or city and county from permitting or causing its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households. The bill also would expand the definition of "lower residential density" if the local jurisdiction has not adopted a housing element for the current planning period or the adopted housing element is not in substantial compliance, as specified. The bill would additionally require a city, county, or city and county to make specified written findings if the city, county, or city and county allows development of any parcel with fewer units by income category than identified in the housing element for that parcel. Where the approval of a development project results in fewer units by income category than identified in the housing element for that parcel and the remaining sites in the housing element are not adequate to accommodate the jurisdiction's share of the regional housing need by income level, the bill would require the jurisdiction within 180 days to identify and make available additional adequate sites. The bill would provide that an action that creates an obligation to identify or make available additional adequate sites and the action to

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

identify or make available those sites would not create an obligation under the California Environmental Quality Act to identify, analyze, or mitigate the environmental impacts of that subsequent action, as specified. By increasing the duties of local agencies, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65863 of the Government Code is amended to read:

65863. (a) Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583 can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

(b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

4.C.i

finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(c) (1) If a reduction in residential density for any parcel would result in the remaining sites in the housing element not being adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, the jurisdiction may reduce the density on that parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

(2) If the approval of a development project results in fewer units by income category than identified in the jurisdiction's housing element for that parcel and the jurisdiction does not find that the remaining sites in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need by income level, the jurisdiction shall within 180 days identify and make available additional adequate sites to accommodate the jurisdiction's share of the regional housing need by income level. Nothing in this section shall authorize a city, county, or city and county to disapprove a housing development project on the basis that approval of the housing project would require compliance with this paragraph.

(d) The requirements of this section shall be in addition to any other law that may restrict or limit the reduction of residential density.

(e) This section requires that a city, county, or city and county be solely responsible for compliance with this section, unless a project applicant requests in his or her initial application, as submitted, a density that would result in the remaining sites in the housing element not being adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. In that case, the city, county, or city and county may require the project applicant to comply with this section. The submission of an application for purposes of this subdivision does not depend on the application being deemed complete or being accepted by the city, county, or city and county.

(f) This section shall not be construed to apply to parcels that, prior to January 1, 2003, were either (1) subject to a development agreement, or (2) parcels for which an application for a subdivision map had been submitted.

(g) (1) If the local jurisdiction has adopted a housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3, for purposes of this section, "lower residential density" means the following:

(A) For sites on which the zoning designation permits residential use and that are identified in the local jurisdiction's housing element inventory described in paragraph (3) of subdivision (a) of Section 65583, fewer units

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

on the site than were projected by the jurisdiction to be accommodated on the site pursuant to subdivision (c) of Section 65583.2.

(B) For sites that have been or will be rezoned pursuant to the local jurisdiction's housing element program described in paragraph (1) of subdivision (c) of Section 65583, fewer units for the site than were projected to be developed on the site in the housing element program.

(2) (A) If the local jurisdiction has not adopted a housing element for the current planning period within 90 days of the deadline established by Section 65588 or the adopted housing element is not in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 within 180 days of the deadline established by Section 65588, "lower residential density" means any of the following:

(i) For residentially zoned sites, a density that is lower than 80 percent of the maximum allowable residential density for that parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

(ii) For sites on which residential and nonresidential uses are permitted, a use that would result in the development of fewer than 80 percent of the number of residential units that would be allowed under the maximum residential density for the site parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

(B) If the council of governments fails to complete a final housing need allocation pursuant to the deadlines established by Section 65584.05, then for purposes of this paragraph, the deadline pursuant to Section 65588 shall be extended by a time period equal to the number of days of delay incurred by the council of governments in completing the final housing need allocation.

(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 California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to identify, analyze, 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 California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

ATTACHMENT 2

SB 166 (2017)

No-Net-Loss Law Strengthened Fortified Housing Element Site Preservation Requirements

OVERVIEW

The 2017 California legislative session yielded a "housing package" of 15 bills that significantly increased both the financing of affordable housing development and the obligation of local governments to plan, zone and approve affordable housing developments. This memorandum focuses on SB 166 (Skinner), a bill that substantially strengthens the No-Net-Loss Law's[1] obligations for jurisdictions to preserve sufficient sites to address the community's identified need for lower-income housing.[2]

SB 166 amends the No-Net-Loss Law to require that the land inventory and site identification programs in the housing element always include sufficient sites to accommodate the unmet RHNA. When a site identified in the housing element as available for the development of housing to accommodate the lower-income portion of the RHNA is actually developed for a higher income group, the locality must either (1) identify and rezone if necessary an adequate substitute site or (2) demonstrate that the land inventory already contains an adequate substitute site.

The bill applies to housing element updates/revisions and amendments and development approvals beginning January 1, 2018. HCD will be publishing technical assistance and eventually guidance memoranda interpreting the law and explaining how the department will implement the requirements in 2018. *See HCD's California's 2017 Housing Package*. Below are a summary, description and identification of possible implementation issues.

[1] Government Code § 65863.

[2] PILP also has prepared memoranda analyzing other planning and zoning law pieces of the housing package, including AB 1397 (strengthening the Housing Element Law obligation that housing elements identify and make available adequate sites to meet the RHNA), AB 1505 (authorizing application of inclusionary zoning to rental housing), and SB 167 (strengthening the Housing Accountability Act ("Anti-NIMBY law")).

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

BACKGROUND & SUMMARY

SB 166 modifies the No-Net-Loss Law—Government Code § 65863—to make sure that localities at all times have sites available *and* identified in their housing elements to meet their unmet Regional Housing Needs Allocation (RHNA). Before amendment, the law prohibited local governments from reducing density of a site or approving development on a site at less than the density attributed to the site in the housing element unless it found that there were sufficient other sites in the housing element *or* designated a replacement site. Rather than simply identifying sites for the housing element at the beginning of the planning period, the No-Net-Loss statute requires jurisdictions to ensure that they maintain the availability of sufficient sites at sufficient densities to address the RHNA needs for lower income housing—*or* to take remedial action by identifying and if necessary rezoning, alternative sites to replace the ones not developed at the affordability or the densities projected in the site inventory.

The amendments in SB 166 strengthened these requirements to ensure that the land inventory and site identification programs of a housing element always include sufficient sites to accommodate the community's share of the regional housing needs in all income categories. It requires that, if a local government approves development that does not include lower income housing on a site identified in the housing element to accommodate the lower income RHNA, it must identify and rezone a replacement site if the remaining sites are insufficient to accommodate the lower income RHNA.

The significant amendments to the No-Net-Loss Law are:

- ***"At All times"* the Housing Element Land Inventory and Site Identification Program Must Accommodate the Remaining Unmet RHNA.** (§ 65583(a).)
- *"At No Time"* ***May A Community Allow Development That Causes the Land Inventory to Become Insufficient to Meet the Unmet RHNA for Lower- and Moderate-Income Households, Unless Alternative Sites Are Made Available in 180 Days.*** (§ 65863(a) & (c)(2).)
- ***Reduction Of Density* Prohibited Without Strict Findings:**

  1) Reduction consistent with the general plan/housing element, *and*

  2) Remaining housing element sites are adequate to accommodate the RHNA for each income level and meet the requirements of §65583.2 (as amended by AB 1397—i.e., sites must be shown to be zoned at sufficient densities and actually available during the planning period with access to infrastructure). (§ 65863(b)(1).)

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

- ***Approval Of Fewer Units* Than Attributed to the Site in the Housing Element Prohibited Without Strict Findings that:**

  1) The remaining sites identified in the element meet the requirements of § 65583.2 (as amended by AB 1397 [see above], and

  2) The remaining sites are sufficient to accommodate the RHNA. (§ 65863(b)(2).)

- ***Exception Allowing Density Reductions:*** Density may be reduced even if the remaining housing element sites are insufficient to accommodate the RHNA ***if*** the jurisdiction identifies sufficient "additional, adequate, and available sites with an equal or greater residential density" so that there is "*no net loss of residential capacity*." (§ 65863(c)(1).)

- ***Exception Allowing Development of Fewer Units:*** If approval of a development results in fewer units by income category than identified in the housing element and remaining sites are insufficient, the jurisdiction must **make sufficient additional sites available within 180 days**. (§ 65863(c)(2).)

- ***Definition of "Lower Residential Density."***

  1) *If the jurisdiction's housing element is in substantial compliance*: the proposed development includes fewer units than were projected for the site in the housing element. (§ 65863(g)(1).)

  2) *If the jurisdiction does not have a housing element adopted within 90 days of the statutory deadline* ***or*** *has an element otherwise not in substantial compliance:* a) a residential density that is lower than 80% of maximum density ***or*** b) 80% of the default density required by § 65583.2(g), whichever is greater. (§ 65863(g)(2).)[3]

- ***CEQA Not Applicable to Downzoning a Housing Element Site.*** **A downzoning that triggers an obligation to identify additional sites pursuant to this law creates no CEQA obligation. *However*, that does not exempt the subsequent rezoning action from CEQA. (§65863(h))**

[3] Default densities are the densities listed in §65853.2 as the densities presumed sufficient to make lower income housing development feasible. They range for 10 units/acre to 30 units/per acre depending on whether the community is rural, suburban or urban.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

DETAILS

Housing Element Land Inventories and Site Identification Programs Must Make Sufficient Sites Available to Accommodate Lower- & Moderate-Income RHNA "At All Times." **(§ 65863(a).)**

The legislation first adds that the obligation of the housing element to identify and make available sites to meet the unmet portion of the RHNA applies "at all times," extending throughout the housing element planning period. It goes on to state that, except as provided in the statute, "at no time" shall the community permit or cause the inventory to become insufficient to meet the unmet lower- and moderate-income RHNA. These two mandates would seem to require that a community amend its housing element if at any time the existing land inventory, together with the housing element programs to rezone sites, does not indicate the community has sufficient site for its lower- and moderate-income needs. So, if a site identified in the element as available to accommodate a portion of the lower income RHNA but instead is to be developed with market rate housing, the community must identify and if necessary rezone sites to replace the lower income housing site developed with market rate housing.

Communities May Not Reduce the Density or Allow Development at a "Lower Residential Density" or with "Fewer Units" than Declared in the Housing Element Without Specific Findings. **(§ 65863(b).)**

§65863(g)—"Lower Residential Density Defined"

For a jurisdiction with a housing element in substantial compliance, "lower residential density" means sites where fewer units than projected in the element are proposed. (§65863(g)(1))

For residential or mixed use sites in a jurisdiction *without* an element either not adopted within 90 days of the statutory deadline *or* not brought into compliance within 180 days of the deadline, "lower residential density means:

1) For residentially zoned sites, a density that is lower than 80% of maximum density *or* 80% of the default density required by §65583.2(c)(3), whichever is greater. (§ 65863(g)(2)(i).)

2) For mixed use sites, a use that would result in development of fewer than 80% of the maximum *units* allowed by the site's zoning *or* 80% of the *density* that must be allowed under § 65583.2(c)(3), whichever is greater. (§ 65863(g)(2)(ii).)

For instance, if a site designated as a site available to accommodate lower income housing in the housing element because it is zoned at the §65583.2(c)(3) "default" density of 30

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

units/acre is instead developed at 80% or less of 30 units/acre (i.e. 24 units/acre or less), the site has been developed at a lower density.

§ 65863(b)(1)—Findings Required if Site Density is Reduced

Under the new legislation, communities are not only precluded from reducing densities to a "lower residential density" unless remaining sites are sufficient to accommodate the RHNA, but they must also ensure that the sites meet the stricter adequacy and site availability requirements added to §65583.2 by AB 1397-- i.e. sites must be shown to be actually available during the planning period with access to infrastructure. Density reduction for sites identified in the housing element must be justified by findings that:

1) The reduction is consistent with the housing element, and

2) Remaining housing element sites are adequate under the requirements of §65583.2 *and* sufficient to meet the RHNA

To assist with this determination, the bill requires that the finding:

> [S]hall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(§ 65863(b)(1)(B).)

§ 65863(b)(2)—Findings Required if Fewer Units Approved

As with approval of reductions in density, if a development is approved with "fewer units by income category than identified in the jurisdiction's housing element for that parcel," the community must a make a finding whether the remaining Housing Element sites are adequate under the requirements of §65583.2 *and* sufficient to meet the RHNA . The finding must include the same level of quantification required for reduction of density under §65863(b)(1)(B).

A Community May Only Reduce Housing Element Site Density or Approve a Development with Fewer Units if the Community Identifies Sufficient Replacement Sites. **(§ 65863(c).)**

A jurisdiction may reduce the allowable density for a particular site even though the remaining housing element sites are insufficient to accommodate the RHNA if the jurisdiction identifies sufficient "additional, adequate, and available sites with an equal or greater residential density" so that there is "no net loss of residential capacity." (§ 65863(c)(1).) In other words, if a jurisdiction reduces the allowable density for one of the sites it identified to meet its RHNA, and, if that loss of density will result in the overall site inventory becoming insufficient to accommodate the RHNA, then the jurisdiction must identify an alternative site or

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

sites that (1) are available for the development of housing, (2) have an equal or greater allowable residential density than the site that was downzoned, and (3) are adequate to accommodate the RHNA foregone by the downzoning. It may accomplish this by either identifying a new site or increasing the density of another site not already identified in the inventory as needed to meet a portion of the RHNA.

If a community seeks to approve of a development that would result in *fewer units* by income category than identified in the housing element, and if the remaining sites in the element are insufficient, the jurisdiction must make sufficient additional adequate sites available within 180 days of the approval. (§ 65863(c)(2).)

A jurisdiction, however, may not disapprove a housing development solely on the basis that approving the project would require identification of additional adequate sites.

An Action That Obligates A Community to Identify Additional Sites Does Not Trigger CEQA. **(§ 65863(h).)**

If compliance with the No-Net-Loss law requires a community to identify and make available additional sites, the action triggering the application of the No-Net-Loss law "creates no obligation" under CEQA. However, this exemption does not apply to any action necessary to make the additional sites available, such as rezoning or increasing the density of the additional sites. That subsequent action could be deemed a "project" under CEQA depending on the nature and possible environmental effect of the particular action. If a required rezoning is deemed a project under CEQA, then CEQA analysis could cause the rezoning to take longer than 180 days. A jurisdiction, however, should consider that possibility and move expeditiously to comply with CEQA and accomplish the necessary land use changes within the 180 day envelope.

IMPLEMENTATION ISSUES

- **Application to Charter Cities.** Some have suggested, incorrectly, we believe, that the No-Net-Loss Law does not apply to charter cities because § 65863 is in the chapter covered by § 65803, which provides, in part, that "[e]xcept as otherwise provided, this chapter shall not apply to a charter city. . . ." But § 65863 implements the site inventory and identification and zoning obligations that the Housing Element Law places on all cities and counties regardless of charter status. Section 65863 expressly specifies the contents of the land inventory and program of action sections the general plan housing element, and consequently, it must be read together with those provisions of the Housing Element Law that clearly apply to charter cities. By its express terms it adds detail and content to all local housing elements by setting out the required contents of the land inventory and site program, and by prohibiting divergence from the its requirements in only very limited circumstances. It is, therefore, an express exception to § 65803.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

- **Amendment of Housing Elements.** Some have also wondered whether SB 166 requires formal amendment of the housing element when new sites are identified/rezoned to replace those with reduced densities or development approval for housing for a different affordability level assumed in the housing element. The language of SB 166 mandates that "at all times" the housing element land inventory and site identification programs must make sufficient sites available to accommodate the RHNA for each income actually requires the locality to amend its housing element should the existing land inventory or programs become insufficient. That mandate seems to expressly require amendment of the element so that there can be a proper analysis of the replacement sites and public input into the choice of sites. But, do those specific amendments trigger the formal HCD review required of the mandated 5 year/8 year revisions by § 65585?

- **HCD Enforcement Pursuant to AB 72.** Under AB 72 also adopted in 2017, HCD is empowered to determine whether the actions of a community are out of compliance with the No-Net-Loss law. If it finds the community has violated the law, it may revoke its approval of the housing element if it has approved the housing element, and it may refer the issue to the Attorney General. See Government Code §65863 and PILP's memorandum on AB 72 on our website.

Contact PILP! The Public Interest Law Project provides technical assistance and advocacy support to local legal services organizations engaging in housing element advocacy. Address: 449 15th Street, Suite 301, Oakland, CA 94612; Telephone: 510-891-9794; Email: admin@pilpca.org; Website: **www.pilpca.org**.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

ATTACHMENT 3

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

DRAFT ENVIRONMENTAL IMPACT REPORT

Cimarron Ridge
Specific Plan #2013-247

Menifee, California

SCH No. 2014051029

Project Applicant:

Van Daele Homes
2900 Adams Street, Suite C-25
Riverside, CA 92504
Contact: Brian Hardy
Senior Project Manager
951.354.2121

Lead Agency:

CITY OF MENIFEE
Community Development Department
29714 Haun Road
Menifee, CA 92586
Contact: Russell Brady, Contract Planner
951.672.6777

Prepared by:

ALBERT A. WEBB ASSOCIATES
3788 McCray Street
Riverside, CA 92506
Contact: Sonya Hooker, Director of Planning and Environmental Services
951.686.1070

February 2015

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

TABLE OF CONTENTS AND ACRONYMS

The Table of Contents for the Draft EIR including the list of tables, figures, and appendices is presented below. The acronyms, units of measurement, and chemical symbols used throughout the Draft EIR are identified immediately following the Table of Contents.

Table of Contents

1. Executive Summary 1-1
   1.1 Introduction 1-1
   1.2 Project Location and Setting 1-1
   1.3 Existing Land Use and Zoning Designation 1-1
   1.4 Surrounding Land Uses 1-1
   1.5 Project Background 1-2
   1.6 Project Description 1-2
   1.7 Land Use Applications 1-4
   1.8 Project Objectives 1-5
   1.9 Discretionary Actions and Approvals 1-6
   1.10 Areas of Potential Controversy 1-8
   1.11 Environmental Analysis 1-10
   1.12 Summary of Project Alternatives 1-40
   1.13 Environmentally Superior Alternative 1-50

2. Introduction 2-1
   2.1 Purpose and Scope 2-1
   2.2 Authorization 2-1
   2.3 Lead and Responsible Agencies 2-1
   2.4 Project Applicant 2-1
   2.5 Compliance with CEQA 2-1
      2.5.1 Environmental Procedures 2-2
      2.5.2 Potentially Significant Environmental Effects 2-3
      2.5.3 Format 2-3
   2.6 Documents Incorporated by Reference 2-4

3. Project Description 3-1
   3.1 Project Location and Setting 3-1
      3.1.1 Project Location 3-1
      3.1.2 Existing Land Use and Zoning Designation 3-1
      3.1.3 Surrounding Land Uses 3-1
   3.2 Project Characteristics 3-8
      3.2.1 Project Background 3-8
      3.2.2 Proposed Project 3-8
      3.2.3 Proposed Project Infrastructure/Utilities 3-17

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

3.3 Project Objectives 3-20
3.4 Discretionary Actions and Approvals 3-20

4. Environmental Effects Found Not to be Significant 4-1
4.1 Effects Found Not to Be Significant During Preparation of the NOP 4-1
4.1.1 Aesthetics 4-1
4.1.2 Agriculture and Forest Resources 4-3
4.1.3 Geology and Soils 4-3
4.1.4 Hazards and Hazardous Materials 4-5
4.1.5 Hydrology and Water Quality 4-8
4.1.6 Mineral Resources 4-13
4.1.7 Population and Housing 4-14
4.1.8 Public Services 4-15
4.1.9 Recreation 4-17
4.1.10 Utilities and Systems Services 4-17
4.2 Initial Study/Notice of Preparation Comment Letters 4-22
4.3 Effects Found Not to be Significant as Part of the EIR Analysis 4-28
4.3.1 Air Quality 4-28
4.3.2 Greenhouse Gas Emissions 4-28
4.3.3 Land Use and Planning 4-30
4.3.4 Noise 4-30
4.4 Effects Found to be Less Than Significant with Mitigation as Part of the EIR Analysis 4-30
4.4.1 Biological Resources 4-30
4.4.2 Cultural and Paleontological Resources 4-31
4.4.3 Greenhouse Gas Emissions 4-32
4.4.4 Noise 4-34

5. Potentially Significant Environmental Effects 5-1
5.1 Air Quality 5.1-1
5.1.1 Setting 5.1-1
5.1.2 Thresholds of Significance 5.1-7
5.1.3 Related Regulations 5.1-7
5.1.4 Environmental Impacts Before Mitigation 5.1-9
5.1.5 Proposed Mitigation Measures 5.1-19
5.1.6 Summary of Project-Specific Environmental Effects after Mitigation Measures are Implemented 5.1-21
5.1.7 Summary of Cumulative Environmental Effects after Mitigation Measures are Implemented 5.1-23
5.1.8 References 5.1-24
5.2 Biological Resources 5.2-1
5.2.1 Setting 5.2-1

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

5.2.2 Existing Conditions 5.2-1
5.2.3 Thresholds of Significance 5.2-2
5.2.4 Related Regulations 5.2-3
5.2.5 Project Design Features 5.2-5
5.2.6 Environmental Impacts Before Mitigation 5.2-6
5.2.7 Proposed Mitigation Measures 5.2-9
5.2.8 Summary of Project-Specific Environmental Effects after Mitigation Measures are Implemented 5.2-10
5.2.9 Summary of Cumulative Environmental Effects after Mitigation Measures are Implemented 5.2-10
5.2.10 References 5.2-10

5.3 Cultural Resources 5.3-1
5.3.1 Setting 5.3-1
5.3.2 Research Methods 5.3-5
5.3.3 Thresholds of Significance 5.3-8
5.3.4 Related Regulations 5.3-8
5.3.5 Project Design Features 5.3-10
5.3.6 Environmental Impacts Before Mitigation ..... 5.3 -10
5.3.7 Proposed Mitigation Measures 5.3-12
5.3.8 Summary of Project- Specific Environmental Effects after Mitigation Measures are Implemented 5.3-14
5.3.9 Summary of Cumulative Environmental Effects after Mitigation Measures are Implemented 5.3-14
5.3.10 References 5.3-14

5.4 Greenhouse Gas Emissions 5.4-1
5.4.1 Setting 5.4-1
5.4.2 Thresholds of Significance 5.4-4
5.4.3 Related Regulations 5.4-5
5.4.4 Environmental Impacts 5.4-13
5.4.5 Proposed Mitigation Measures 5.4-20
5.4.6 Summary of Project- Specific Environmental Effects after Mitigation Measures are Implemented 5.4-20
5.4.7 Summary of Cumulative Environmental Effects after Mitigation Measures are Implemented 5.4-21
5.4.8 References 5.4-21

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

5.5 Land Use and Planning 5.5-1
5.5.1 Setting 5.5-1
5.5.2 Proposed Project 5.5-2
5.5.3 Thresholds of Significance 5.5-4
5.5.4 Related Regulations 5.5-4
5.5.5 Project Design Features 5.5-5
5.5.6 Environmental Impacts before Mitigation 5.5-5
5.5.7 Proposed Mitigation Measures 5.5-10
5.5.8 Summary of Project Specific Envrionmental Effects after Mitigation Measures are Implemented 5.5-10
5.5.9 Summary of Cumulative Environmental Effects after Mitigation Measures are Implemented 5.-5-10
5.5.10 References 5.5-10

5.6 Noise 5.5-1
5.6.1 Setting 5.5-1
5.6.2 Thresholds of Significance 5.5-7
5.6.3 Related Regulations 5.5-7
5.6.4 Project Design Features 5.5-11
5.6.5 Environmental Impacts Before Mitigation 5.5-11
5.6.6 Proposed Mitigation Measures 5.5-22
5.6.7 Summary of Project- Specific Environmental Effects after Mitigation Measures are Implemented 5.5-23
5.6.8 Summary of Cumulative Environmental Effects after Mitigation Measures are Implemented 5.5-24
5.6.9 References 5.5-24

5.7 Transportation/Traffic 5.6-1
5.7.1 Setting 5.6-1
5.7.2 Study Area 5.6-2
5.7.3 Level of Service Methodology 5.6-5
5.7.4 Required Level of Service 5.6-6
5.7.5 Level of Service Existing Conditions 5.6-6
5.7.6 Thresholds of Significance 5.6-8
5.7.7 Related Regulations 5.6-8
5.7.8 Project Design Features 5.6-10
5.7.9 Traffic Impact Analysis Methodology 5.6-10
5.7.10 Environmental Impacts Before Mitigation 5.6-14
5.7.11 Proposed Mitigation Measures 5.6-28
5.7.12 Summary of Project- Specific Environmental Effects after Mitigation Measures are Implemented 5.6-32

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

5.7.13 Summary of Cumulative Environmental Effects after Mitigation Measures are Implemented 5.6-35
5.7.14 References 5.6-36

6. Consistency with Regional Plans 6-1
6.1 Setting 6-1
6.2 Related Regulations 6-2
6.3 Consistency Analysis 6-3
6.4 References 6-9

7. Other CEQA Topics 7-1
7.1 Cumulative Impact Analysis 7-1
7.1.1 Introduction 7-1
7.1.2 Assessment of Cumulative Impacts 7-1
7.1.3 Aesthetics 7-6
7.1.4 Agricultural and Forest Resources 7-6
7.1.5 Air Quality 7-6
7.1.6 Biological Resources 7-7
7.1.7 Cultural and Paleontological Resources 7-8
7.1.8 Geology and Soils 7-9
7.1.9 Greenhouse Gas Emissions 7-9
7.1.10 Hazards and Hazardous Materials 7-10
7.1.11 Hydrology and Water Quality 7-11
7.1.12 Land Use and Planning 7-12
7.1.13 Noise 7-12
7.1.14 Population and Housing 7-13
7.1.15 Public Services 7-14
7.1.16 Transportation/Traffic 7-14
7.1.17 Utilities and Service Systems 7-18
7.2 Significant Unavoidable Adverse Impacts 7-20
7.3 Growth Inducing Impacts 7-20
7.4 Significant Irreversible Environmental Changes which would be Involved in the Proposed Project Should it be Implemented 7-21
7.5 Consistency with Regional Plans 7-21
7.6 References 7-22

8. Alternatives to the Proposed Project 8-1
8.1 Project Objectives 8-1
8.2 Significant Unavoidable Impacts 8-1
8.3 Less than Significant Impacts 8-1
8.4 Rationale for Alternative Selection 8-1
8.5 Alternatives Rejected from Consideration 8-2
8.5.1 Alternative Site 8-3
8.5.2 Higher Density Residential Alternative 8-3

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

8.6 Description of Alternatives 8-4
8.6.1 Alternative 1 – No Project/No Development 8-4
8.6.2 Alternative 2 – Development of the Previously Approved Tentative Tract Maps 8-8
8.6.3 Alternative 3 – Reduced Density Alternative 8-12
8.7 Comparison of Alternatives 8-18
8.8 Environmentally Superior Alternative 8-28
8.9 References 8-28

9. References 9-1

9.1 Document Preparation Staff 9-6

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

List of Figures

Figure 3.0-1 Regional Location 3-2
Figure 3.0-2 Project Site 3-3
Figure 3.0-3 USGS Topographic Map 3-4
Figure 3.0-4 Existing General Plan Land Use 3-5
Figure 3.0-5 Existing Zoning Designations 3-6
Figure 3.0-6 Surrounding Land Uses 3-7
Figure 3.0-7 Land Use Plan 3-9
Figure 3.0-8 Conceptual Development Plan 3-11
Figure 3.0-9 Tentative Parcel Map No. 36657 3-15
Figure 3.0-10 Tentative Tract Map No. 36658 3-16
Figure 3.0-11 Off-Site Infrastructure 3-18
Figure 3.0-12 Existing General Plan Land Use and General Plan Roadway Network 3-19
Figure 5.3-1 Site Photographs 5.3-2
Figure 5.6-1 Ambient Noise Measurement Locations 5.5-5
Figure 5.6-2 Land Use Compatibility for Community Noise Exposure 5.5-9
Figure 5.6-3 Unmitigated Traffic Noise Level Contours (Northern portion of site) 5.5-16
Figure 5.6-4 Unmitigated Traffic Noise Level Contours (Southern portion of site) 5.5-17
Figure 5.6-5 Mitigated Traffic Noise Level Contours (Northern portion of site) 5.5-18
Figure 5.6-6 Mitigated Traffic Noise Level Contours (Southern portion of site) 5.5-19
Figure 5.7-1 Intersection Locations and Phasing Plan Used in Analysis 5.6-4
Figure 7-1 Cumulative Development Location Map 7-5

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

List of Tables

Table 1.0-A Tentative Tract Map Summary 1-2
Table 1.0-B Land Use Summary 1-2
Table 1.0-C Detailed Land Use Summary 1-3
Table 1.0-D Draft EIR Impact Summary Matrix/Mitigation Monitoring Program 1-10
Table 1.0-E Comparison of Alternatives Matrix 1-40
Table 3-A Tentative Tract Map Summary 3-8
Table 3-B Land Use Summary 3-10
Table 3-C Detailed Land Use Summary 3-12
Table 4.0-A State Quimby Required Parkland and Proposed Parkland 4-16
Table 4.0-B Landfill Capacity 4-20
Table 4.0-C Estimated Construction-Related Solid Waste Generation 4-20
Table 4.0-D Solid Waste Generation 4-21
Table 4.0-E Summary of Comments Received in Response to the NOP 4-22
Table 4.0-F Project Consistency with CARB Scoping Plan Measures 4-29
Table 4.0-G Project BAU GHG Emissions 4-32
Table 4.0-H Project 2020 GHG Emissions with Mitigation and Regulations 4-33
Table 5.1-A Air Quality Monitoring Summary – 2010–2012 (SRA 24) 5.1-6
Table 5.1-B SCAQMD CEQA Regional Significance Thresholds 5.1-11
Table 5.1-C Construction Equipment Mix 5.1-13
Table 5.1-D Phase 1 Estimated Daily Construction Emissions 5.1-14
Table 5.1-E Phase 2 Estimated Daily Construction Emissions 5.1-14
Table 5.1-F Summary of Unmitigated Operational Emissions 5.1-15
Table 5.1-G Local Construction Emissions at the Nearest Receptors for Phase I and Phase 2 ..... 5.1-17
Table 5.1-H Phase 1 Estimated Daily Construction Emissions– Mitigated 5.1-21
Table 5.1-I Phase 2 Estimated Daily Construction Emissions – Mitigated 5.1-22
Table 5.1-J Mitigated Local Construction Emissions at the Nearest Receptors 5.1-22
Table 5.1-K Operational Criteria Pollutants Regional Air Emissions – Mitigated 5.1-23
Table 5.4-A Global Warming Potential and Atmospheric Lifetimes 5.4-4
Table 5.4-B Unmitigated Project 2020 GHG Emissions 5.4-16
Table 5.4-C Project BAU GHG Emissions 5.4-16
Table 5.4-D Project 2020 GHG Emissions with Mitigation and Regulations 5.4-16
Table 5.4-E Project Consistency with CARB Scoping Plan Measures 5.4-18
Table 5.5-A Proposed Land Use Plan 5.5-3
Table 5.5-B Project Consistency with General Plan Policies 5.5-7
Table 5.6-A Representative Environmental Noise Levels 5.5-2
Table 5.6-B Measured Existing Ambient Noise Levels 5.5-4
Table 5.6-C Modeled Existing Roadway Traffic Noise 5.5-6
Table 5.6-D Ground-borne Vibration Impact Criteria – Structural Damage 5.5-8

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Table 5.6-E Stationary Source Noise Standards....5.5-10
Table 5.6-F Typical Construction Equipment Noise Levels....5.5-12
Table 5.6-G Modeled Existing Plus Project Roadway Traffic Noise Results....5.5-14
Table 5.6-H Human Reaction to Typical Vibration Levels....5.5-21
Table 5.6-I Construction Equipment Vibration Source Levels....5.5-22
Table 5.7-A Los Criteria and Definitions....5.6-5
Table 5.7-B Existing Conditions: Intersection LOS....5.6-7
Table 5.7-C Trip Generation Rates....5.6-11
Table 5.7-D Project Trip Generation....5.6-12
Table 5.7-E Cumulative Projects Within the Study Area....5.6-13
Table 5.7-F Levels of Service- Existing Plus Ambient Growth Plus Project Phase I Conditions....5.6-15
Table 5.6-G Levels of Service- Existing Plus Ambient Growth Plus Project and Phase II Conditions....5.6-17
Table 5.6-H Levels of Service-Existing Plus Ambient Growth Plus Project Phase I With Improvements....5.6-20
Table 5.6-I Levels of Service-Existing Plus Ambient Growth Plus Project Phase I & II With Improvements....5.6-20
Table 5.6-J Levels of Service- Existing Plus Ambient Growth (2016) Plus Cumulative Plus Project Phase I Conditions Without Off-Site Improvements....5.6-21
Table 5.6-K Levels of Service- Existing Plus Ambient Growth (2017) Plus Cumulative Plus Project Phase I and Phase II Conditions Without Off-Site Improvements....5.6-24
Table 5.6-L Levels of Service- Existing Plus Ambient Growth (2016) Plus Cumulative Plus Project Phase I Conditions With Off-Site Improvements....5.6-26
Table 5.6-M Levels of Service- Existing Plus Ambient Growth (2017) Plus Cumulative Plus Project Phase I and Phase II Conditions With Off-Site Improvements....5.6-26
Table 5.6-N Project Phase I Mitigation Summary....5.6-33
Table 5.6-O Project Phase I and II Mitigation Summary....5.6-33
Table 5.6-P Project Phase I Cumulative Estimated Fair Share Responsibility....5.6-34
Table 5.6-Q Project Phase I and II Cumulative Estimated Fair Share Responsibility....5.6-35
Table 6.0-A SCAG City of Menifee Growth Forecasts....6-1
Table 6.0-B Projected Population....6-3
Table 6.0-C Projected Consistency with SCAG's 2012 Regional Transportation Plan....6-4
Table 6.0-D Projected Consistency with SCAG's Compass Growth Visioning Regional Growth Principles....6-7
Table 7.0-A Cumulative Development Projects....7-2
Table 7.0-B Levels of Service- Existing Plus Ambient Growth (2017) Plus Cumulative Plus Project Phase I and Phase II Conditions Without Off-Site Improvements....7-15
Table 7.0-C Levels of Service- Existing Plus Ambient Growth (2017) Plus Cumulative Plus Project Phase I and Phase II Conditions With Off-Site Improvements....7-17

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Table 7.0-D Location in the Draft EIR in which Consistency with Regional Plans is Discussed 7-22
Table 8.0-A Trip Generation Rates 8-3
Table 8.0-B Ability to Achieve Project Objectives Alternative 1 – No Project/ No Development 8-7
Table 8.0-C Alternative 2 –Development of the Previously Approved Tentative Tract Maps 8-8
Table 8.0-D Ability to Achieve Project Objectives Alternative 2- Development of the Previously Approved TTM's 8-11
Table 8.0-E Ability to Achieve Project Objectives Alternative 3 – Reduced Density 8-16
Table 8.0-F Comparison of Alternatives Matrix 8-18

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Appendices

A. Initial Study/Notice of Preparation (IS/NOP)

- Notice of Preparation (May 07, 2014), Initial Study, Distribution List, and Comments Received in Response to the Notice of Preparation
- Recirculated Notice of Preparation (August 18, 2014), Initial Study, Distribution List, and Comments Received in Response to the Recirculated Notice of Preparation

B Air Quality and Greenhouse Gas Emissions

- Cimarron Ridge Air Quality and Global Climate Change Impact Analysis, prepared by Kunzman Associates, Inc., January 31, 2014
- CalEEMod Output for Off-site Improvements, April 25, 2014.

C. Biological Resources

- General Habitat Assessment, prepared by Ecological Sciences, October 1, 2012
- General Habitat Assessment Addendum, prepared by Ecological Sciences, April 24, 2014
- General Habitat Assessment Update, Focused Narrow Endemic Plant Surveys, Focused Burrowing Owl Surveys, MSCHP Consistency Analysis, prepared by Ecological Sciences, October 1, 2013

D. Cultural Resources

- Phase 1 Cultural Resources Assessment: Tentative Tract Map 36658, prepared by CRM Tech, March 24, 2014
- Paleontological Resources Assessment Report: Tentative Tract Map No. 36658, prepared by CRM Tech, March 24,2014
- Addendum to Phase I Cultural Resources Assessment: Tentative Tract Map No. 36658 (Off-site Improvements), prepared by CRM Tech, April 21, 2014
- Addendum to Paleontological Resources Assessment Report, Tentative Tract Map No. 36658 (Off-site Improvements), prepared by CRM Tech, April 21, 2014

E. Noise

- Cimarron Ridge Noise Impact Analysis, prepared by Kunzman Associates, January 31, 2014

F. Traffic

- Traffic Impact Analysis Report for the Cimarron Ridge Specific Plan, prepared by Albert A. Webb Associates, December, 2014

G. Water Supply Assessment

- Water Supply Assessment Report for the Cimarron Ridge Specific Plan, prepared by Eastern Municipal Water District, May 21, 3014

H. Limited Environmental Review, Cimarron, Tract 36658, City of Menifee, Riverside County, California, prepared by Leighton and Associates, Inc., November 25, 2013.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Acronyms, Units of Measurement, Chemical Symbols

Acronyms, units of measurement and chemical symbols used throughout the Draft EIR are identified in this section.

Acronyms

AAQS	Ambient air quality standards
AB	Assembly Bill
AIC	Archaeological Information Center
AMSL	Above mean sea level
APN	Assessor Parcel Number
AQMP	Air Quality Management Plan
AST	Aboveground Storage Tank
BMPs	Best Management Practices
BP	Business Park
CAA	Clean Air Act
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDA	Chino Desalter Authority
CDFG	California Department of Fish and Game
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFD	Community Facility District
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CGBSC	California Green Building Standards Code
CHP	California Highway Patrol
CHSC	California Health and Safety Code
CIWMB	California Integrated Waste Management Board
COR	County of Riverside
COR GP	County of Riverside General Plan
COR GP FPEIR	County of Riverside General Plan Final Programmatic Environmental Impact Report
CPTED	Crime Prevention Through Environmental Design
CR	Commercial-Retail

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Acronyms

CT	Commercial-Tourist
CWA	Clean Water Act
DAMP	Drainage Area Management Plan
DDT	Dichlorodiphenyltrichloroethane
DEIR	Draft Environmental Impact Report
DFS	Delhi Sand flower-loving fly
DHS	Department of Health Services
DIF	Development Impact Fees
DOT	Department of Transportation
DTSC	Department of Toxic Substance Control
EIC	Eastern Information Center
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
FEIR	Final Environmental Impact Report
FESA	Federal Endangered Species Act
FHSZ	Fire Hazard Severity Zones
GCCE	Cimarron Ridge
GHG	Greenhouse gas
GLO	United States General Land Office
GP	City of Eastvale General Plan
GP FEIR	City of Eastvale General Plan Final Environmental Impact Report
HANS	Property Owner Initiated Habitat Acquisition and Negotiation Strategy
HCP	Habitat Conservation Plan
HDPE	High Density Polyehtylene
HDR	High Density Residential
HSWA	Hazardous and Solid Waste Amendments Act
HVAC	Heating, ventilating, and air-conditioning
I-15	Interstate 15
IBC	International Building Code
IEAU	Inland Empire Utilities Agency
IS/MND	Initial Study/Mitigated Negative Declaration
IS/NOP	Initial Study/Notice of Preparation
JCSD	Jurupa Community Services District
JPA	Joint Powers Authority
JPR	Joint Project Review
JVS	Jurupa Valley Station
LED	Light Emitting Diodes
LI	Light Industrial
LID	Low Impact Development

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Acronyms

LOS	Level of Service
LST	Localized significance thresholds
MBTA	Migratory Bird Treaty Act
MDP	Master Drainage Plan
$MMTCO_2e$ e	Million metric tonnes of carbon dioxide equivalent
MMRP	Mitigation Monitoring and Reporting Program
MPO	Metropolitan Planning Organization
MS4	Small Municipal Separate Storm Sewer System
MSHCP	Western Riverside County Multiple Species Habitat Conservation Plan
NAAQS	National Ambient Air Quality Standards
NAIOP	National Association of Industrial and Office Parks
NCCP	Natural Communities Conservation Plan
NDFE	Non-Disposal Facility Element
NEPA	National Environmental Policy Act
NEPS	Narrow Endemic Plants Species
NEPSSA	Narrow Endemic Plants Species Survey Area
NMCP	New Model Colony Plan
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NPS	Non-point Source
NRCS	Natural Resource Conservation Service
OBMP	Optimum Basin Management Plan
OCWD	Orange County Water District
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PMA	Private Maintenance Association
PRC	Public Resources Code
PRG	Preliminary Remediation Goal
PRMTP	Paleontological Resources Monitoring and Treatment Plan
RCA	Western Riverside County Regional Conservation Authority
RCB	Reinforced concrete box
RCFCWCD	Riverside County Flood Control and Water Conservation District
RCLIS	Riverside County Land Information System
RCP	Reinforced concrete pipe
RCPG	Regional Comprehensive Plan and Guide

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Acronyms

RCRA	Resource Conservation and Recovery Act
RST	Regional significance threshold
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
SARA Title III	Emergency Planning and Community Right-to-Know
SARBWQCP	Santa Ana Regional Water Quality Control Board
SB	Senate Bill
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCDC	State of California Department of Conservation
SCE	Southern California Edison
SCGC	Southern California Gas Company
SCH	State Clearinghouse
SOI	Sphere of Influence
SRRE	Source Reduction and Recycling Element
SP	Specific Plan
SRA	Source receptor area
SWANCC	Solid Waste Agency of Northern Cook County
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TDS	Total Dissolved Solids
UBC	Uniform Building Code
UWMP	Urban Water Management Plan
USACE	Unites States Army Corp of Engineers
USC	United States Code
USCB	United States Census Bureau
USDA	United States Department of Agriculture
USFWS	Unites States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground storage tank
VMT	Vehicle miles traveled
WBO	Western Burrowing Owl
WQMP	Water Quality Management Plan
WRCRWA	Western Riverside County Regional Wastewater Authority
WSA	Water Supply Assessment

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Units of Measurement and Chemical Symbols

>	Greater than
AFY	Acre feet per year
BGS	Below ground surface
CFC	Chloroflourocarbons
CFS	Cubic feet per second
CH_4	Methane
CO	Carbon monoxide
CO_2	Carbon dioxide
CY	Cubic yards
GPD	Gallons per day
Gpm	Gallons per minute
HC	Hydrocarbons
HCFC	Hyrdro-chloroflourocarbons
HFC	Hydroflourocarbons
LDMF	Local Development Mitigation Fee
LST	Localized Significance Threshold
MGD	Million Gallons per day
Mg/L	Milligrams per Liter
Mt	Metric tonne
N_2O	Nitrous oxide
NF_3	Nitrogen triflouride
NH_4N0_3	Ammonium nitrate
NO	Nitric oxide
NO_2	Nitrogen dioxide
NO_3	Nitrate
NO_X	Oxides of nitrogen
O_3	Ozone
Pb	Lead
PFC	Perflourocarbons
PM-10	Particulate matter 2.5 to 10 microns in diameter
PM-2.5_5	Particulate matter 2.5 microns or less in diameter
ppm	Parts per million
ROG	Reactive organic gases
SF_6	Sulfur hexaflouride
SO_2	Sulfur dioxide
SO_X	Oxides of sulfur

Units of Measurement and Chemical Symbols

SRA	Source Receptor Area
TCA	1,1,1-trichloroethane or methyl chloroform
TPD	Tons per day
VOC	Volatile organic compounds
$\mu g/m^3$	Micrograms per cubic meter

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

1. Executive Summary

1.1 Introduction

This Draft Environmental Impact Report (DEIR) has been prepared to inform the decision-makers and the public of the potentially significant environmental effects associated with implementation of the proposed Cimarron Ridge Specific Plan. The DEIR has been prepared pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code, Sections 21000, et seq.) and the State *CEQA Guidelines* (California Code of Regulations, Sections 15000, et seq.). The City of Menifee is the Lead Agency under CEQA and is responsible for the preparation of the preparation of this DEIR.

1.2 Project Location and Setting

The Project site is located in the northwest portion of the City of Menifee approximately two miles west of Interstate 215 (I-215), which provides local and regional access to the Project area as identified in **Figure 3.0-1, Regional Location**. Existing roads located near the site include Ethanac Road to the north, which ultimately connects to the I-215. Other existing roads currently serving the site include Goetz Road which traverses the eastern portion of the site. Valley Boulevard is located to the southeast of the site and terminates near Thornton Avenue. Chambers Avenue, and Thornton Avenue are located to east of the site and terminate at Valley Boulevard. Rouse Road is also located to the east of the site and terminates near Byers Road. Troy Lane and Byers Road, which are currently unpaved dirt roads are located to the east of the site. McLaughlin Road is located to the north and is also an unpaved dirt road. The Project site and the relationship to the surrounding roads are shown in **Figure 3.0-2, Project Site**. The Assessor's parcel numbers (APNs) for the Project site are 330-220-004, 330-220-005, 330-220-007, 330-220-008, 330-220-010, 330-220--011, 330-220-012, 330-220-013, 330-230-003, 330-230-010, 330-230-013, 330-230-015, 330-230-029, 330-230-032, 330-230-034, 330-230-035, 330-230-036, 330-230--037, 330-230-038, 330-230-039, 330-230-040, 330-230-041, 335-070-036, 335-070-037, 335-070-038, 335-070-039, 335-070-040, 335-070-041, 335-070-046, 335-070-047, 335-070-048, 335-430-017. The Project site is located within portions of Sections 17, 19 and 20, Township 5 South and Range 3 West of the San Bernardino Base and Meridian as identified in **Figure 3.0-3, USGS Topographic Map**.

1.3 Existing Land Use and Zoning Designation

The Project site has a current General Plan land use designation of 2.1-5 du/ac Residential (2.1-5R) as shown in **Figure 3.0-4 Existing General Plan Land Use**. As shown in **Figure 3.0-5 Existing Zoning Designations**, the existing zoning of the site is predominantly One-Family Dwellings (R-1) with a small portion of the site zoned One-Family Dwellings-10,000 square foot lot minimum (R-1-10,000) and Open Area Combining Zone (R-5).

1.4 Surrounding Land Uses

As shown in **Figure 3.0-6 Surrounding Land Uses** the Project site is bordered by vacant land and rural residential to the north. Single family residential subdivisions are located to the northwest of the site. South of these single family homes, along the western border of the site, land uses consist of vacant land followed by rural residential homes and ranch style properties along Sotelo Road. To the south of the project site is vacant land. Single family residential subdivisions are located immediately adjacent to the southeast of the site and are followed by rural residential to the northeast of the Project site.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

1.5 Project Background

The Project site was originally approved for development under three separate tentative tract maps (TTM's); TTM No. 25316, approved April 28, 1992; TTM No. 25745, approved December 14, 1993; and TTM No. 30552, approved May 4, 2004. The three TTM's were formally approved for 835 lots by the County of Riverside with accompanying conditions of approval. However, each TTM and its respective conditions of approval have expired. **Table 1.0-A-Tenative Tract Map Summary** provides a chronological summary of the previously approved TTM's.

Table 1.0-A-Tenative Tract Map Summary

Tentative Tract Map	Date Approved	Date Expired	Description
TTM 25316	April, 28,1992	April 28, 2003	Sub-divided approximately 102 acres into 369 lots
TTM 25745	December 14, 1993	December 14, 2001	Sub-divided approximately 118 acres into 428 lots
TTM 30552	June 15, 2004	May 4, 2008	Sub-divided approximately 20.5 acres into 38 lots
Total			**240.5 acres** into **835 lots**

In 2007 preliminary construction activities took place on the Project site. As can be seen in **Figure 3.0-2, Project Site,** the site was mass graded to provide elevated residential pads, graded roads and detention basins. All of the previous entitlements and construction activities were performed under the direction of a different applicant/owner. The site has remained untouched since the preliminary grading activities took place in 2007 and is now mostly covered with non-native grasses and weeds.

1.6 Project Description

The proposed Project includes adoption, construction and implementation of the Cimarron Ridge Specific Plan which comprises a land use plan, designation of planning areas, circulation network, open space and recreation standards, development standards, and maintenance requirements. The Specific Plan also sets forth guidelines for landscape and architectural design, infrastructure plans, phasing of development and administrative procedures. The proposed Land Use Plan as shown in **Figure 3.0-7** depicts the overall land use pattern proposed for the Cimarron Ridge Specific Plan. **Table 1.0-B, Land Use Summary**, provides a summary of the proposed land uses.

Table 1.0-B, Land Use Summary

Land Use Designation	Gross Area (Acres)	Density Range (du/ac)	Target Density	Proposed Dwelling Units	% of Total Acres
Medium Density Residential (MDR)	226.3	2.0-5.0	3.3	756	94.2%
Open Space Conservation (OS-C)	3.1				1.3%
Open Space Recreation (OS-R)	10.9				4.5%
Total	**240.3**	**2.0-5.0**	**3.3**	**756**	**100%**

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

As shown in **Table 1.0-B** above, a total of 756 homes are planned on 226.3 acres with a target density of 3.3 du/ac. The MDR land use classification includes conventional single family detached homes on minimum lot sizes varying between 5,000, 5,500, 6,500 and 10,000 square feet.

Table 1.0-C-Detailed Land Use Summary

Planning Area	Land Use Designation	Minimum Lot Size	Density Range	Target Density (Gross Acres)	Gross Area	Proposed Dwelling Units
1A	Medium Density Residential (MDR)	5,000 sq. ft.	2.0-5.0	3.6	36.8	134
1B	Open Space Recreation (OS-R)	-	-	-	0.2	-
2	Medium Density Residential (MDR)	10,000 sq. ft.	2.0-5.0	2.8	41.5	116
3	Medium Density Residential (MDR)	5,000 sq. ft.	2.0-5.0	3.9	26.2	104
4A	Medium Density Residential (MDR)	5,000 sq. ft.	2.0-5.0	3.6	35.7	130
4B	Open Space Recreation (OS-R)	-	-	-	0.7	-
5A	Medium Density Residential (MDR)	5,000 sq. ft.	2.0-5.0	3.4	28.5	102
5B	Open Space Recreation (OS-R)	-	-	-	10.0	-
6	Medium Density Residential (MDR)	5,500 sq. ft.	2.0-5.0	3.4	29.8	96
7A	Medium Density Residential (MDR)	6,500 sq. ft.	2.0-5.0	2.7	27.8	74
7B	Open Space Conservation (OS-C)	-	-	-	3.1	-
Total	**-**	**-**	**-**	**3.3 (average)**	**240.3**	**756**[1]

Figure 3.0-8-Conceptual Development Plan, illustrates land use combinations that will be implemented under the provisions of the Specific Plan. The Conceptual Development Plan differs from the Proposed Land Use Plan in that it distinguishes individual planning areas by minimum lot sizes. The four minimum lot sizes proposed for Cimarron Ridge are:

[1] Certain technical sections of this DEIR may reference 760 units or 782 units. The discrepancy is a result of minor changes to the land use plan that have occurred. However, these changes are minor and do not affect the overall findings of that analysis. Consequently, the implications of the reduction in units would not result any new significant impacts nor would it increase the severity of the previously analyzed impacts.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

- 5,000 square feet (Planning Areas 1A, 3, 4A and 5A)
- 5,500 square feet (Planning Area 6)
- 6,500 square feet (Planning Area 7A)
- 10,000 square feet (Planning Area 2)

The Conceptual Development Plan illustrates land use combinations that will be implemented under the provisions of the Specific Plan. However, the Conceptual Development Plan is illustrative in nature and the final alignment of streets and the final placement of lots may be decided during the tentative tract map process. With regard to individual planning areas, the Cimarron Ridge Specific Plan contains specific development standards and zoning criteria that would apply to each individual planning area based on the minimum lot sizes that are shown in **Figure 3.0-8.** Therefore while the underlying land use classification for each Planning Area will be Medium Density Residential (MDR), the Specific Plan contains detailed zoning standards for each planning area that will implement the Conceptual Development Plan as shown in **Figure 3.0-8.**

Development of the Project will require new infrastructure such as water, sewer, storm drain, roadways and dry utility services to be extended through the Project which will range from: upgrades and widening of the existing roadway network; construction of new roads and signals; construction of new and expanded water pipeline; construction of new and expanded sewer pipeline; construction and expansion of new and existing flood control facilities; and construction of water quality basins to improve the quality of stormwater runoff.

In addition to the on-site infrastructure proposed for the Project, off-site infrastructure is also needed to develop the Project. **Figure 3.0-11, Off-Site Infrastructure** shows the off-site road improvements, off-site water improvements, and off-site storm drain needed to serve the Project. This Draft EIR addresses these off-site improvements shown in **Figure 3.0-11** at a project-specific level of analysis.

Off-site Project construction will consist of grading and construction new roads, ripping pavement, entrenching through underlying soils, laying water pipeline, and repaving. Water needed for construction activities, both on and off-site, will be provided by the contractor.

The proposed Project will require utility services provided by the following purveyors:

Purveyor	Type of Services
Eastern Municipal Water District	Water
Eastern Municipal Water District	Sewer
Verizon	Telephone
Southern California Edison	Electricity
Southern California Gas Company	Natural Gas
Cable T.V	Time Warner Cable
Waste Management	Trash, Recycling and Greenwaste

1.7 Land Use Applications

The applications described below are included as part of the Project analyzed in this EIR.

- **Specific Plan No. 2013-247:** Implementation and development of the project requires adoption of the Cimarron Ridge Specific Plan which includes a land use plan, designation of planning

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

areas, circulation network, open space and recreation standards, development standards, maintenance requirements, phasing of development, administrative procedures and guidelines for architectural and landscape design. When adopted, the Specific Plan will regulate zoning for the Project site.

- **General Plan Amendment (GPA) No. 2014-016**: Implementation and development of the project requires an amendment to the City's General Plan to change the land use designation for the Project site, and to reflect circulation improvements proposed by the Project.

  A GPA will be necessary to change the General Plan land use designation from 2.1-5 du/ac Residential (2.1-5R) to Specific Plan (SP). The proposed change in land use is consistent with the existing General Plan land use density of 2.1-5.0 du per acre; however, the land use designation will just be changed to reflect that the project site is within a designated Specific Plan.

  In addition, a Technical Correction is needed to rectify mapping errors which resulted in inaccurate depictions of the alignment of Goetz Road. Specifically, *Exhibit C-3 Roadway Network* of the General Plan recognizes two alignments for Goetz Road at the intersection with Valley Boulevard: 1) the existing, built alignment of Goetz Road that would merge with Valley Boulevard, and, 2) the re-alignment of Goetz Road that would include a controlled intersection with Valley Boulevard. **Figure 3.0-12, Existing General Plan Land Use and General Plan Roadway Network** illustrates the existing General Plan land uses and roadway network shown in the General Plan, including both alignments for Goetz Road. The technical correction will change the General Plan Roadway Network to match what is shown on **Figure 3.0-7, Land Use Plan.**

- **Zone Change No. 2014-017**: A change of zone to the adopted Ordinance No. 348 will be necessary for the proposed project. The subject site is designated as One-Family Dwellings (R-1) with a small portion of the site zoned One-Family Dwellings-10,000 square foot lot minimum (R-1-10,000) and Open Area Combining Zone-Residential Developments (R-5). Hence, it will be necessary to change the zoning to Specific Plan.

- **Tentative Parcel Map 36657**: Proposes to create 7 parcels for financing and land conveyance purposes. TPM 36657 is shown in **Figure 3.0-9**.

- **Tentative Tract Map 36658**: Proposes to subdivide the approximately 240 acre project site to create 756 single family residential lots, and other lots for open space, recreation and drainage purposes as identified in **Figure 3.0-10**.

- **Development Agreement:** Agreement between the developer and City that will establish provisions for development of the Project such as, but not limited to, phasing of land uses, installation and financing of infrastructure, vesting of development rights, and timing of construction of public improvements.

1.8 Project Objectives

A clear statement of project objectives describing the underlying purpose of the Project is required to be provided as part of the Project Description. The overall intent of the Cimarron Ridge Specific Plan is to provide a residential master planned community with a variety of housing types and are within easy walking distances to recreational facilities, to serve existing and future residents of the City of Menifee. To achieve this intent, the following are the basic development objectives of the Cimarron Ridge Specific Plan:

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

- ***Quality of Life-*** Design Cimarron Ridge with an array of recreational amenities such as active and passive parks and pedestrian friendly trails to ensure a high quality of life for residents and visitors.
- ***Balance-*** Design Cimarron Ridge to provide a balanced mix of residential product types at appropriate densities with active and passive recreational opportunities that will complement the surrounding neighborhoods and create a viable community.
- ***Community Design***-Establish a strong community identity through the integration of design and architectural standards in the Specific Plan that will contain a rich pattern of landscaping, streetscaping, signage, and architecture to create attractive, walkable, and distinctive neighborhoods with a strong sense of place.
- ***Recreation***- Provide areas for active and passive recreation that will be accessible by an integrated trail and sidewalk system.
- ***Housing Opportunities***- Provide a mix of housing types that can accommodates a broad range of the market spectrum, including first-time homebuyers, move-up buyers, growing families, young professionals, and active adults.
- ***Diversity***- Establish development standards that will ensure a diversity of housing types with a variety of floor plans to meet the diverse needs of multigenerational families. Approval of hydrology/storm water drainage system and Water Quality Management Plan (WQMP).

1.9 Discretionary Actions and Approvals

The Draft EIR serves as an informational document for use by public agencies, the general public, and decision makers. This EIR discusses the impacts of development pursuant to the proposed Project and related components, and analyzes Project alternatives. This EIR will be used by the City of Menifee and responsible agencies in assessing impacts of the proposed Project.

The following public officials and agencies will use this EIR when considering the following actions:

- **City of Menifee City Council**
    a) Certification of Final Environmental Impact Report for the Cimarron Ridge Specific Plan.
    b) Approval and adoption of General Plan Amendment No. 2014-016 to change the current General Plan Land Use designation from 2.1-5 du/ac Residential to Specific Plan.
    c) Approval and adoption of Cimarron Ridge Specific Plan No. 2013-247, which includes the land use plan, zoning, design guidelines, and designation of planning areas associated with the development of the Cimarron Ridge Specific Plan.
    d) Approval and adoption by ordinance of Change of Zone No. 2014-017 which proposes to change the site zoning from One-Family Dwellings (R-1), One-Family Dwellings-10,000 square foot lot minimum (R-1-10,000) and Open Area Combining Zone-Residential Developments (R-5) to Specific Plan, which will reflect the proposed Project's land use designations and development standards.
    e) Approval and adoption of Tentative Parcel Map 36657 which proposes to create 7 parcels for financing and land conveyance purposes.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

f) Approval and adoption of Tentative Tract Map 36658 which proposes to subdivide the approximately 240 acre project site to create 756 single family residential lots, and other lots for open space, recreation and drainage purposes.

g) Approval and adoption by ordinance of a development agreement between the City and applicant that will establish provisions for development of the Project, including but not limited to phasing of land use, installation and financing of infrastructure, vesting of development rights and timing of construction of public improvements.

h) Implementation of the Specific Plan through the approval of land use proposals including, but not limited to, Subdivisions, Conditional Use Permits, Major Development Reviews and Minor Development Reviews.

- **City of Menifee Planning Commission**

  a) Recommendation to the City Council for Certification of Final Environmental Impact Report for the Cimarron Ridge Specific Plan.

  b) Recommendation to City Council regarding approval of General Plan Amendment No. 2014-016.

  c) Recommendation to City Council regarding approval of the Cimarron Ridge Specific Plan, No. 2013-247.

  d) Recommendation to City Council regarding approval of Change of Zone No. 2014-017.

  e) Recommendation to City Council regarding approval of Tentative Parcel Map No. 36657.

  f) Recommendation to City Council regarding approval of Tentative Tract Map No. 36658.

  g) Recommendation to the City Council regarding the development agreement between the City and applicant.

  h) Implementation of the adopted Specific Plan through the approval of land use proposals including, but not limited to, subdivisions and use permits.

- **City of Menifee Community Development Director**

  a) Implementation of the Specific Plan through the approval of land use proposals including, but not limited to, Minor Revisions and requests for modifications to the text and exhibits that may be necessary during the development of a project.

- **City of Menifee Public Works and Building and Safety Departments**

  a) Issuance of Building Permits, Grading Permits, Construction Permits and Encroachment Permits.

- **City of Menifee Engineering Department**

  a) Approval of hydrology/storm water drainage system and Water Quality Management Plan (WQMP).

- **Eastern Municipal Water District**

  i) Approval and construction of water and wastewater infrastructure improvements.

- **Regional Water Quality Control Board**

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

a) Issuance of a National Pollutant Discharge Elimination System (NPDES) Construction Permit.

1.10 Areas of Potential Controversy

An Initial Study was prepared by the City of Menifee Planning Department to assess the Project's potential to result in significant environmental impacts. A Notice of Preparation (NOP), which included the Initial Study, was circulated to 45 responsible agencies and interested parties. A notice advising of the availability of the NOP was posted by the Riverside County Clerk from May 7, 2014 until June 6, 2014. The NOP was posted at the California State Clearinghouse on May 7, 2014.

In accordance with Section 15082(c)(1) and Section 15083 of the CEQA Guidelines, a public scoping meeting was held on May 29, 2014 at 5:00 p.m. at the City of Menifee, 29714 Haun Road, Menifee CA 92586. Three members from the public attended this scoping meeting.

A revised Notice of Preparation, which included a revised project description, was re-circulated to the same 45 responsible agencies and interested parties. A notice advising of the availability of the NOP was posted by the Riverside County Clerk from August 18, 2014 until September 17, 2014. The revised NOP was posted at the California State Clearinghouse on August 18, 2014.

Copies of the original NOP (including the Initial Study) and NOP distribution list, as well as the revised NOP and NOP distribution list are located in Appendix A. Copies of comments regarding the NOP received by the City of Menifee Planning Department are also included in Appendix A.

By the close of the 30-day public review period on June 6, 2014, eleven responses to the IS/NOP were received. Comments in response to the IS/NOP were received from the following:

1) California Department of Transportation (Caltrans)
2) Eastern Municipal Water District
3) Riverside County Waste Management Department
4) Southern California Association of Governments
5) Mike and Elena Bloxton
6) City of Perris
7) Southern California Edison
8) California Department of Fish and Wildlife
9) County of Riverside Transportation Department
10) Pechanga
11) Rincon Band of Luiseno Indians

Subsequent to the close of the 30-day public review period on June 6, 2014, a revised NOP was posted by the Riverside County Clerk from August 18, 2014 until September 17, 2014. By the close of the 30-day public review period on September 17, 2014, eight responses to the recirculated IS/NOP were received. Comments in response to the recirculated IS/NOP were received from the following:

1) Southern California Association of Governments
2) Mike and Elena Bloxton

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

3) Inland Empire Biking Alliance
4) California Native American Heritage Commission
5) County of Riverside Transportation Department
6) Riverside County Waste Management Department
7) South Coast Air Quality Management District
8) California Department of Fish and Wildlife.

In accordance with Section 15123(b)(2) of the State *CEQA Guidelines*, areas of controversy known to the Lead Agency including issues raised by agencies and the public shall be identified in the EIR. Section 15123(b)(3) of the State *CEQA Guidelines* requires that an EIR identify issues to be resolved. The thresholds used to determine whether or not effects are significant are included in the "Thresholds of Significance" section for each topic discussion in this EIR.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

1.11 Environmental Analysis

The following table, **Table 1.0-D, Draft EIR Impact Summary Matrix/Mitigation Monitoring Program**, provides a summary of impacts related to the proposed Project. The table identifies significant environmental impacts resulting from the Project along with applicable mitigation, pursuant to State *CEQA Guidelines* Section 15123(b)(1).

Table 1.0-D, Draft EIR Impact Summary Matrix/Mitigation Monitoring Program

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Aesthetics	*Mitigation not required*	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Agriculture and Forestry	*Mitigation not required*	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Air Quality	Conflict with or obstruct implementation of the applicable air quality plan	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project would violate air quality standards or contribute substantially to an existing or projected air quality violation.	**MM Air 1:** The Project applicant shall ensure that the contract specifications list all applicable SCAQMD Rules and Regulations (such as Rule 403 for fugitive dust) and the construction contractor's construction specification package shall use construction equipment that have Tier 4 final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that have a 20% reduction in emissions. Prior to issuance of grading permits, proof of compliance shall be provided to the City in Project construction specifications, which shall include, but is not limited to, a copy of each unit's certified tier specification, T-BACT documentation, and CARB and/or SCAQMD operating permit(s). Alternatively, during the City's review process for applications under the Specific Plan, the applicant shall have conducted modeling of the criteria pollutant emissions of NO_X, PM-10, and PM-2.5 (regional NO_X from all construction activities and localized PM-10 and PM-2.5	Prior to Construction	Developer / Contractor	Significant and Unavoidable. A Statement of Overriding Considerations is required prior to Project approval

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		during grading only) with the proposed fleet of equipment. If the modeling shows that NO_X, PM-10, and PM-2.5 emissions would exceed the SCAQMD's significance thresholds for those emissions, the maximum daily equipment of the proposed development shall be limited to the extent that could occur without resulting in NO_X, PM-10, and PM-2.5 emissions in excess of SCAQMD's significance thresholds for those emissions. For implementing projects within the Specific Plan, the applicant shall be responsible for submitting a project-level air quality assessment that includes the modeling of emissions associated with the daily activities anticipated for the proposed development..			
		MM Air 2: As included in the design of any future maps submitted to the City and where existing ROW is available, the Project applicant shall provide sidewalks. The City building and safety department shall review all submittals prior to approval to ensure sidewalks are incorporated throughout the Project..	Prior to Construction	Developer / Contractor	Significant and Unavoidable. A Statement of Overriding Considerations is required prior to Project approval
		MM Air 3: In order to reduce energy consumption from proposed Project development, applicable plans (e.g., electrical plans) submitted to the City shall include the installation of high-efficiency lighting that is at least 5% more efficient than standard lighting. These plans shall be reviewed and approved by the applicable Department (e.g., Department of Building and Safety).	During Construction	Developer / Contractor	Significant and Unavoidable. A Statement of Overriding Considerations is required prior to Project approval
		MM Air 4 In order to reduce energy consumption from the proposed Project	During Construction	Developer / Contractor	Significant and Unavoidable. A

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		development, the Project applicant shall require that all building structures meet or exceed 2013 Title 24, Part 6 Standards and meet Green Building Code Standards. In addition, major appliances such as dishwashers, washing machines, and refrigerators installed in homes, shall be Energy Star-rated models. Proof of compliance will be required by the Department of Building and Safety in order to obtain a Final Inspection.			Statement of Overriding Considerations is required prior to Project approval
		MM Air 5: Currently Waste Management – City of Menifee provides a recycling program and recycle bins to all residents. The developer shall coordinate with Waste Management to ensure residents are provided information on obtaining recycling bins and are educated regarding the benefits, through handouts and signage throughout the community.	Post Construction	Developer	Significant and Unavoidable. A Statement of Overriding Considerations is required prior to Project approval
		MM Air 6: In order to improve air quality by reducing VOC emissions associated with the application of architectural coating, homebuilders shall apply VOC coatings and solvents with VOC content lower than SCAQMD Rule 1113 to residential dwelling units. In addition, homebuilders are encouraged to consider the use of pre-coated construction materials and materials that do not require painting. Construction specifications shall be included in the building specifications that assure these requirements are implemented. The specifications shall be reviewed by the City of Menifee's Building and Safety Department for compliance with this mitigation measure prior to issuance of a building permit.	During construction	Developer / Contractor	Significant and Unavoidable. A Statement of Overriding Considerations is required prior to Project approval

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	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)	See **MM Air 2** through **MM Air 6**, above.	See above	See above	Significant and Unavoidable. A Statement of Overriding Considerations is required prior to Project approval
	The proposed Project would expose sensitive to substantial pollutant concentrations.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project would not create objectionable odors that would affect a substantial number of people.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Biological Resources	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	**MM Bio 1:** Consistent with MSHCP Species Specific Conservation Objectives for burrowing owl, Objective 6 (page E-12), a pre-construction presence/absence survey burrowing owls shall be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities on-site as well as for off-site improvements. If ground disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed for owls. Take of active nests will be avoided. Passive relocation (use of one way doors and collapse of burrows) will occur when owls are present outside the nesting season.	Prior to construction	Developer / Contractor	Less than significant
	The proposed Project would 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 Wildlife or US Fish and Wildlife Service.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.				
	The proposed Project would 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.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	See **MM Bio 1** above, and **MM Bio 2:** In order to avoid violation of the MBTA and California Fish and Game Code site-preparation activities (removal of trees and vegetation) shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species. If site preparation activities are proposed during the nesting/breeding season (generally considered February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist 7 days prior to initiation of construction activities, to determine if active nests of species protected by the Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code, are present in the construction zone. If project activities are delayed or suspended for more than 30 days from the date of the pre-activity survey, surveys shall be repeated. If active nests are observed and located appropriate buffers (e.g., 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), within 100 feet of sensitive or protected	Prior to construction	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		songbird nests) shall be established and maintained during clearing and grubbing activities within the nesting season. No grading or heavy equipment activity shall take place within the established buffer until the nest is no longer active as determined by a qualified biologist.			
		MM Bio 3: In order to ensure the permanent loss of three jurisdictional drainages with 0.099 acre of wetland, 0.382 acre of mulefat scrub habitat, and 0.359 acre of unvegetated streambed that were previously located on the site have been appropriately mitigated, the applicant shall either provide documentation of the mitigation as outlined in the April 12, 2004 Streambed Alteration Agreement (Notification No. 1600-2003-5014-R6, Revision 1) to the City of Menifee Planning Department prior to issuance of a grading permit or shall obtain property at a 3:1 replacement ratio for moderate to good quality 0.099 acre of wetland, 0.382 acre of mulefat scrub habitat, and 0.359 acre of unvegetated streambed to be managed by the Western Riverside County Regional Conservation Authority as MSHCP Conserved Land or by the Riverside Land Conservancy with a conservation easement and endowment.	Prior to grading	Developer / Contractor	Less than significant
Cultural and Paleontological Resources	The proposed Project would create a substantial adverse change in the significance of an historical resource as defined in Section 15064.5.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	The Project would cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5.	**MM Cult 1:** If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance as determined in consultation with the Native American Tribe(s). 1) All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the Pechanga tribal representative(s) and the Community Development Director to discuss the significance of the find. 2) At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archaeologist, a decision shall be made, with the concurrence of the Community Development Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources. 3) Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. 4) Treatment and avoidance of the newly discovered resources shall be consistent	During construction	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		with the Cultural Resources Treatment and Monitoring Agreements entered into with the appropriate tribes.			
		MM Cult 2: If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the Community Development Director.	During construction	Developer / Contractor	Less than significant
		MM Cult 3: Prior to issuance of a grading permit, the Community Development Department shall review the proposed grading plans to determine the depth of grading, including but not limited to foundation excavations, trenching and utility installations. Should grading activities include excavation into native soils (i.e., below two feet in fill areas or areas where no prior grading activities occurred or fill materials have been added),	Prior to construction	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		then the project applicant shall retain a Riverside County qualified archaeologist to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources. 1) The Project Archaeologist and the representative(s) from the Native American Tribe (s) shall be included in the pre-grade meetings to provide cultural/historical sensitivity training including the establishment of set guidelines for ground disturbance in sensitive areas with the grading contractors. The Project Archaeologist and the Tribal representative(s) shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition and etc. The Project Archaeologist and the Tribal representative(s), shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required special interest or tribal monitors. 2) The developer/permit holder shall submit a fully executed copy of the contract to the Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this			

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		condition. 3) Any newly discovered cultural resources shall be subject to an evaluation, in consultation with the Native American Tribe(s) and which will require the development of a treatment plan and monitoring agreement for the newly discovered resources.			
		MM Cult 4: Tribal monitor(s) shall be required on-site during all ground disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Luiseno Indians and the Soboba Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist. Should an agreement between the Tribes and the Applicant/Permittee not be established within forty-five (45) days of the date the Applicant/Permittee initiates such an agreement with the Tribes, Native American monitoring shall not be required.	Prior and during construction	Developer / Contractor	Less than significant
	The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	**MM Paleo 1:** Should undisturbed Pleistocene-age sediments be encountered at depth as determined by the Project geologist, continuous monitoring for paleontological resources and a mitigation program to address potential	Prior, during and post construction	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		impacts to any paleontological deposits that are unearthed shall be required. The mitigation program shall be developed in accordance with the provisions of CEQA as well as with the proposed guidelines of the Society of Vertebrate Paleontology, and shall include but not be limited to: 1) The excavation of areas identified as likely to contain paleontologic resources shall be monitored by a qualified paleontological monitor. Monitoring shall be restricted to the underlying, undisturbed older Pleistocene-age sediments conducive to the preservation of fossils. The monitor shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The monitor will also remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens. 2) Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. 3) Specimens shall be identified, curated, and placed into a repository with permanent retrievable storage. 4) A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all			

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		recovered specimens. The report and inventory, when submitted to the City of Menifee, will signify completion of the program to mitigate impacts to paleontologic resources.			
	The Project would disturb any human remains, including those interred outside of formal cemeteries.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Geology and Soils	The proposed Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; ii) strong seismic ground shaking; iii) seismic-related ground failure, including liquefaction; iv) landslides.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project would result in substantial soil erosion or the loss of topsoil.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project is 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.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project is located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project will have a sewer system installed. Therefore, the proposed Project will not use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Greenhouse Gas	Generate greenhouse gas emissions, either	See **MM Air 2** through **MM Air 6**, above.	See above	See above	Less than

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Emissions	directly or indirectly, that may have a significant impact on the environment;				significant
	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	Mitigation not required	Not applicable	Not applicable	Less than significant
Hazards and Hazardous Materials	The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, but is listed on a orphan site, as a result, would it create a significant hazard to the public or the environment.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project is not 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 result in a safety hazard for people residing or working in the project area.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project is not within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project will not impair	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.				*required*
	The proposed Project will 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 unless implementation of mitigation measures are incorporated.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Hydrology and Water Quality	The Project would not violate any water quality standards or waste discharge requirements.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site; or 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.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The Project would not 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;	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	The Project would not otherwise substantially degrade water quality.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The Project would 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; or place within a 100-year flood hazard area structures which would impede or redirect flood flows.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The Project would not inundation by seiche, tsunami, or mudflow.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Land Use and Planning	The proposed Project will not physically divide an established community.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project will not conflict with any applicable habitat conservation plan or natural community conservation plan.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Mineral Resources	The proposed Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project will not 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.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Noise	The proposed Project would expose persons to generation of noise levels in excess of	**MM Noise 1:** Project construction activities, including deliveries, shall be limited to the	During construction	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	hours of 6:00 a.m. to 6:00 p.m. during the months of June through September and between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May.			
		MM Noise 2: During all Project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site.	During construction	Developer / Contractor	Less than significant
		MM Noise 3: The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the Project site during all Project construction.	During construction	Developer / Contractor	Less than significant
		MM Noise 4: During construction, the developer shall require that all contractors turn off all construction equipment and delivery vehicles when not in use and prohibit idling in excess of five (5) minutes.	During construction	Developer / Contractor	Less than significant
		MM Noise 5: For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to local residents. A sign shall be posted at the Project site with the contact phone number.	During construction	Developer / Contractor	Less than significant
		MM Noise 6: To reduce impacts from construction noise to off-site sensitive receptors, prior to construction within 400-feet of a sensitive receptor, a temporary 12 foot high noise barrier with a STC Rating of 15 dBA	Prior to construction	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		or greater shall be in place during construction. Plans showing the location of and STC Rating of the temporary noise barrier shall be submitted to the City Planning Director for review prior to the commencement of any Project-related construction within 400-feet of a sensitive receptor. The Planning Director shall review the location and STC rating of the noise barriers to confirm that the barriers will attenuate construction-related noise to the levels to 65 dBA or less. As an alternative to the herein described temporary noise barrier, the Project applicant may prepare and submit to the City Planning Director a Construction Noise Reduction Plan with supporting analysis that identifies alternative construction noise reduction strategies that achieve 65 dBA at the nearest sensitive receptor. If after review of the Noise Reduction Plan, the City Planning Director determines that the alternative noise reduction strategies proposed by said plan achieve the desired noise reduction, such strategies may be used in place of the temporary barrier described above.			
		MM Noise 7: The Project proponent shall construct barriers 8-feet in height above the residential pads located adjacent to Goetz Road and Valley Boulevard, and barriers of 6-feet in height above the residential pads located along McLaughlin Road. These barriers may be constructed of any material weighing at least 4 pounds per square foot. They must also descend all the way to the ground and contain no holes or openings. Barriers shall wrap around to protect the side yards of lots adjacent to intersections.	Prior to construction	Developer / Contractor	Less than significant
		MM Noise 8: Enhanced building construction methods and materials shall be employed to	Prior to construction	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		achieve interior noise levels of 45 dBA CNEL or less at single-family detached residential dwelling units adjacent to Goetz Road and Valley Boulevard. Building materials shall achieve a composite Sound Transmission Class value of 25 for single-family detached residential dwelling units adjacent to Valley Boulevard and a Sound Transmission Class value of 30 for single-family detached residential dwelling units along Goetz Road.			
		MM Noise 9: All proposed single-family detached residential dwelling units shall be provided with air conditioning/air ventilation units to allow for a closed window condition.	During construction	Developer / Contractor	Less than significant
	The Project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The Project has the potential to result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; and The proposed Project has the potential to result in the 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 and result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project	See **MM Noise 7, MM Noise 8** and **MM Noise 9**, above.	See above	See above	Less than significant
	The Project has the potential to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;	See **MM Noise 1, MM Noise 2, MM Noise 5** through **MM Noise 6**, above.	See above	See above	Less than significant
	The proposed Project is not located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.				
	The proposed Project is not located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Population and Housing	The proposed Project does have the potential to 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).	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project does not have the potential to displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project does not have the potential to displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Public Services	The proposed Project has the potential to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, or other public facilities: • Fire Protection • Police Protection	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	• Schools, or • Other Public Facilities - Library				
Recreation	The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The Project does not include recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Transportation	The Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; or 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.	**MM Trans 1:** Prior to construction, sight distance at the project entrance roadway shall be reviewed with respect to standard City of Menifee sight distance standards at the time of entitlement and confirmed during the preparation of final grading, landscape and street improvement plans.	Prior to construction	Developer / Contractor	Less than significant
		MM Trans 2: Participate in the phased construction of off-site traffic signals through payment of Project's fair share of traffic signal mitigation fees as shown in **Table 5.7-P** and **5.7-Q**.	Prior and during construction	Developer / Contractor	Significant until such time as the improvements are completed. A Statement of Overriding Considerations is required prior to Project approval.
		MM Trans 3: Signing/striping shall be implemented in conjunction with detailed construction plans for the Project site.	During construction	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		MM Trans 4: Prior to issuance of first occupancy permit for Planning Area 1 construct full width improvements on Thornton Avenue, and prior to issuance of the first occupancy permit for Planning Area 3 construct full width improvements on "U" Street between Goetz Road and Thornton Avenue within the Project boundary.	Prior to issuance of first occupancy permit for Planning Area 1 Thornton Avenue shall be completed between Goetz Road and Valley Boulevard Prior to issuance of the first occupancy permit for Planning Area 3 "U" Street shall be completed between Goetz Road and Thornton Avenue	Developer / Contractor	Less than significant
		MM Trans 5: Construct full width improvements on all other internal roadways within Phase I boundaries, prior to issuance of the first occupancy permit for Planning Area 3.	Prior to issuance of the first occupancy permit for Planning Area 3	Developer / Contractor	Less than significant
		MM Trans 6: Prior to issuance of the first occupancy permit for Planning Area 3 construct a temporary intersection of Goetz Road (NS) and U Street (South Goetz Project Driveway)(EW) with the following geometrics: Northbound: One shared left turn, through and right turn lane. Southbound: One shared left turn, through and right turn lane. Eastbound: One shared left turn, through and right turn lane. Stop controlled.	Prior to issuance of first occupancy permit for Planning Area 3	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		Westbound: One shared left turn, through and right turn lane. Stop controlled.			
		MM Trans 7: Prior to the issuance of the first occupancy permit for Planning Area 1 construct the intersection of Goetz Road (NS) and Sotelo Road-Thornton Avenue (EW) with the following geometrics: Northbound: One shared left turn, through and right turn lane. Southbound: One shared left turn, through and right turn lane. Eastbound: One shared left turn, through and right turn lane. Stop controlled. Westbound: One shared left turn, through and right turn lane. Stop controlled.	Prior to issuance of first occupancy permit for Planning Area 1	Developer / Contractor	Less than significant
		MM Trans 8: Prior to issuance of 61st occupancy permit for Planning Area 2 construct the intersection of Valley Boulevard (NS) and Thornton Avenue (EW) with the following geometrics: Northbound: One shared left turn, through and right turn lane. Southbound: One shared left turn, through and right turn lane. Eastbound: One shared left turn, through and right turn lane. Stop controlled. Westbound: One shared left turn, through and right turn lane. Stop controlled.	Prior to issuance of 61st occupancy permit for Planning Area 2	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		MM Trans 9: Prior to issuance of 61st occupancy permit for Planning Area 2 construct full width improvements on Goldenrod Avenue, Valley Boulevard and Goetz Road within the Project boundary.	Prior to issuance of 61st occupancy permit for Planning Area 2	Developer / Contractor	Less than significant
		MM Trans 10: Prior to issuance of the first occupancy permit for Planning Area 5 construct partial width improvements on the southerly side of McLaughlin Road at its ultimate cross-section as a collector roadway adjacent to Project boundary line.	Prior to issuance of the first occupancy permit for Planning Area 5	Developer / Contractor	Less than significant
		MM Trans 11: Prior to issuance of the first occupancy permit for Planning Area 5 construct partial width improvements on the westerly side of Byers Road at its ultimate cross-section as a collector roadway adjacent to Project boundary line.	Prior to issuance of the first occupancy permit for Planning Area 5	Developer / Contractor	Less than significant
		MM Trans 12: onstruct full width improvements on all other internal roadways within each Planning Area as it is constructed (5, 6, or 7).	Prior to issuance of the first occupancy permit for Planning Area 5, 6 or 7	Developer / Contractor	Less than significant
		MM Trans 13: Concurrent with the implementation of **MM Trans 9** construct the intersection of Goetz Road (NS) and Goldenrod Avenue-McLaughlin Road (EW) with the following geometrics: Northbound: One left turn lane. One shared through and right turn lane. Southbound: One left turn lane. One through lane. One right turn lane. Eastbound: One shared left turn, through and right turn lane. Stop controlled. Westbound: One shared left turn, through and right turn lane. Stop controlled.	Concurrent with the implementation of **MM Trans 9**	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		MM Trans 14: Concurrent with implementation of **MM Trans 10** construct the intersection of Project Driveway (McLaughlin) (NS) and McLaughlin Road (EW) with the following geometrics: Northbound: One shared left and right turn lane. Stop controlled. Southbound: Not Applicable. Eastbound: One shared through and right turn lane. Westbound: One shared left turn and through lane.	Concurrent with implementation of **MM Trans 10**	Developer / Contractor	Less than significant
		MM Trans 15: Concurrent with implementation of **MM Trans 11** construct the intersection of Byers Road (NS) and McLaughlin Road (EW) with the following geometrics: Northbound: One shared left and right turn lane. Stop controlled. Southbound: Not Applicable Eastbound: One shared through and right turn lane. Westbound: One shared left turn and through lane.	Concurrent with implementation of **MM Trans 11**	Developer / Contractor	Less than significant
		MM Trans 16: Prior to issuance of the first occupancy permit for Planning Area 5 construct the intersection of Goetz Road (NS) and Project Driveway (North Goetz) (EW) with the following geometrics: Northbound: One left turn lane. Two through lanes. Southbound: One through lane. One shared	Prior to issuance of the first occupancy permit for Planning Area 5	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		through and right turn lane. Eastbound: One shared left turn and right turn lane. Stop controlled. Westbound: Not Applicable.			
		MM Trans 17: Concurrent with implementation of **MM Trans 9** construct the intersection of Goetz Road-Valley Boulevard (NS) and Goetz Road (EW) with the following geometrics: Northbound: One left turn lane. One through lane. One shared through and right turn lane. Southbound: One left turn lane. One through lane. One shared through and right turn lane. Eastbound: One left turn lane. One shared through and right turn lane. Stop controlled. Westbound: One left turn lane. One shared through and right turn lane. Stop controlled.	Concurrent with implementation of **MM Trans 9**	Developer / Contractor	Less than significant
		MM Trans 18: Prior to issuance of the first occupancy permit for Planning Area 5 construct the intersection of Goetz Road (NS) and Project Driveway (South Goetz) (EW) with the following geometrics: Northbound: One shared left turn, through and right turn lane. Southbound: One shared left turn, through and right turn lane. Eastbound: One shared left turn, through and right turn lane. Stop controlled. Westbound: One shared left turn, through and right turn lane. Stop controlled.	Prior to issuance of the first occupancy permit for Planning Area 5	Developer / Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		MM Trans 19: Prior to issuance of 61st occupancy permit for Planning Area 2 construct Goetz Road as a major roadway from westerly project boundary (475 feet south of Goetz Road and Valley) to Thornton Avenue with 64 feet of pavement/median within 110 feet of right-of-way, with 14' outside lanes, 12' inside lanes and a 12' center two-way left-turn lane.	Prior to issuance of 61st occupancy permit for Planning Area 2	Developer / Contractor	Less than significant
		MM Trans 20: Prior to the issuance of the first occupancy permit for Planning Area 1 the Project applicant shall install a traffic signal at the intersection of Murrieta Road (NS) and Ethanac Road (EW) to include the following geometrics: Northbound: One shared left turn, through and right turn lane. Southbound: One shared left turn and through lane. One right turn lane. Eastbound: One left turn lane. One shared through and right turn lane. Westbound: One left turn lane. One shared through and right turn lane.	Prior to issuance of 1st occupancy permit for Planning Area 1	Developer / Contractor	Significant until such time as the improvements are completed. A Statement of Overriding Considerations is required prior to Project approval.
		MM Trans 21: Prior to the issuance of the first occupancy permit for Planning Area 1, the Project applicant shall pay fair share fees towards the installation of a westbound overlapping right turn traffic signal at the intersection of Goetz Road (NS) and Ethanac Road (EW) to include the following geometrics: Northbound: One left turn lane. One through lane. One right turn lane. Southbound: One left turn lane. Two through lanes. One right turn lane. Eastbound: One left turn lane. One through	Prior to issuance of 1st occupancy permit for Planning Area 1	Developer / Contractor	Significant until such time as the improvements are completed. A Statement of Overriding Considerations is required prior to Project approval.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		lane. One right turn lane. Westbound: Two left turn lanes. One through lane. One right turn lane.			
		MM Trans 22: Prior to issuance of 1st occupancy permit for Planning Area 5 construct 32' of pavement (one lane in each direction) of McLaughlin Road from easterly project boundary to Calle Emiliano with a 6' pedestrian walkway on one side.	Prior to issuance of 1st occupancy permit for Planning Area 5	Developer / Contractor	Less than significant
		MM Trans 23*:* Prior to issuance of 61st occupancy permit for Planning Area 2 construct 32' of pavement (one lane in each direction) of Valley Boulevard from 475' south of Goetz Road to Thornton Avenue. Construct a trail within the existing 110' section to provide connectivity to the proposed Project trail.	Prior to issuance of 61st occupancy permit for Planning Area 2	Developer / Contractor	Less than significant
		MM Trans 24: Prior to issuance of 61st occupancy permit for Planning Area 2 construct full width improvements of Goetz Road at its ultimate cross-section as a major roadway from McLaughlin Road north 784' to existing Goetz Road.	Prior to issuance of 61st occupancy permit for Planning Area 2	Developer / Contractor	Less than significant
		MM Trans 25: Prior to the issuance of the first occupancy permit for Planning Area 3 the Project applicant shall pay fair share fees towards installation of a traffic signal at the intersection of Murrieta Road (NS) and Thornton Avenue-Sun Meadows Drive (EW) to include the following geometrics: Northbound: One left turn lane. One through lane. One shared through and right turn lane. Southbound: One left turn lane. One shared through and right turn lane.	Prior to issuance of first occupancy permit for Planning Area 3	Developer / Contractor	Significant until such time as the improvements are completed. A Statement of Overriding Considerations is required prior to Project approval.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		Eastbound: One shared left turn, through and right turn lane. Westbound: One shared left turn, through and right turn lane.			
		MM Trans 26: Prior to the issuance of the first occupancy permit for Planning Area 5 the Project applicant shall pay fair share fees towards the installation of a traffic signal at the intersection of Murrieta Road (NS) and Chambers Avenue (EW) to include the following geometrics: Northbound: One left turn lane. One through lane. One shared through and right turn lane. Southbound: One left turn lane. One shared through and right turn lane. Eastbound: One shared left turn, through and right turn lane. Westbound: One left turn lane. One through lane. One right turn lane.	Prior to issuance of first occupancy permit for Planning Area 5	Developer / Contractor	Significant until such time as the improvements are completed. A Statement of Overriding Considerations is required prior to Project approval.
		MM Trans 27: In addition to the requirements of mitigation measures **MM Trans 1 through MM Trans 26**, the Project will participate in the cost of off-site improvements through payment of the Transportation Uniform Mitigation Fee (TUMF) and City of Menifee Development Impact Fees (DIF) at the time of construction as shown in **Table 5.7-P** and **5.7-Q**.	Prior to issuance of first occupancy permit for Planning Area 1	Developer / Contractor	Significant until such time as the improvements are completed. A Statement of Overriding Considerations is required prior to Project approval.
	The proposed Project will not 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.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	The Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project will not result in inadequate emergency access.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
	The proposed Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	*Mitigation not required*	*Not applicable*	*Not applicable*	*Mitigation not required*
Utilities	The proposed Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	*No mitigation is required.*	*Not applicable.*	*Not applicable.*	*Less than significant.*
	The proposed Project will not 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.	*No mitigation is required.*	*Not applicable.*	*Not applicable.*	*Less than significant.*
	The proposed Project will not 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.	*No mitigation is required.*	*Not applicable.*	*Not applicable.*	*Less than significant.*
	The proposed Project will have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.	*No mitigation is required.*	*Not applicable.*	*Not applicable.*	*Less than significant.*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	The proposed Project will not 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 demand in addition to the provider's existing commitments.	*No mitigation is required.*	*Not applicable.*	*Not applicable.*	*Less than significant.*
	The proposed Project will not be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	**MM UTIL 1**: Prior to issuance of a building permit for each phase, a Waste Recycling Plan (WRP) shall be submitted to Riverside County Waste Management Department for approval. Ata minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins, one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used for further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements can be made through the franchise hauler.	Prior to construction	Developer/ Contractor	Less than significant
		MM UTIL 2: Prior to issuance of occupancy permits for each phase, evidence (i.e., receipts or other type of verification) to demonstrate project compliance with the approved WRP shall be presented by the project proponent to the Planning Division of the Riverside County Waste Management Department.	Prior to construction	Developer/ Contractor	Less than significant

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	The proposed Project will comply with federal, state, and local statutes and regulations related to solid waste.	*No mitigation is required.*	*Not applicable.*	*Not applicable.*	*Less than significant.*

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

1.12 Summary of Project Alternatives

The Project objectives allow for the analysis of reasonable alternatives to the proposed Project. A range of reasonable alternatives, both on and off site, that would feasibly attain most of the basic Project objectives, while avoiding or substantially lessening the significant effects of the Project, must be analyzed per *CEQA Guidelines* Section 15126.6, which identifies the parameters within which consideration and discussion of alternatives to a proposed project should occur. Each alternative must be capable of avoiding or substantially lessening any significant effects of the proposed project. The rationale for selecting the alternatives to be evaluated and a discussion of the "no project" alternative are also required, pursuant to Section 15126.6. This Draft EIR evaluates 1) a No Project/No Development Alternative and 2) Previously Approved Tentative Tract Map Alternative, and 3) Reduced Density Alternative.

Table 1.0-E, Comparison of Alternatives Matrix, gives a summary of all Project alternatives considered in detail in the DEIR and identifies the areas of potential environmental effects per CEQA and ranks each alternative as less, same, or greater than the proposed Project with respect to each area.

Table 1.0-E, Comparison of Alternatives Matrix

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
Aesthetics	The Project would not substantially degrade the existing visual character or quality of the site or its surroundings. Impacts would be less than significant.	**Less** – This Alternative would retain the Project site's existing conditions. No impacts would occur.	**Same** – This Alternative would result in the development of the Project site with Impacts similar to the proposed Project. Impacts would be less than significant.	**Same** – This Alternative would result in the development of the Project site in accordance with a specific plan so impacts would be the same as the proposed Project. Impacts would be less than significant.
Agricultural and Forest Resources	The Project site does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.	**Same** – No loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impacts would occur.	**Same** – No loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impacts would occur.	**Same** – No loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impacts would occur.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
	No impacts would occur.			
Air Quality	The Project would violate air quality standards or contribute substantially to an existing or projected air quality violation; would 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); but would not conflict an air quality plan; or expose sensitive receptors to substantial pollutant concentrations; or create objectionable odors affecting substantial number of people. Significant impacts after mitigation.	**Less** – Impacts on air quality from construction and operation would be avoided. No impacts would occur.	**Greater** – Air quality impacts would be greater than that of the proposed Project due to an increase in vehicle trips and would not be reduced to less than significant levels. Significant impacts after mitigation.	**Less** – Air quality impacts would be less than that of the proposed Project due to a decrease in vehicle trips, but may not be reduced to less than significant levels. Potentially significant impacts after mitigation.
Biological Resources	Less than significant impacts to habitat. The Project would comply with MSCHP requirements. Less than significant impacts,	**Less** –No loss of land to development and all open space is retained thus, no loss of foraging habitat.	**Same** – The loss of potential habitat used by existing or potentially sensitive species would occur. However, potential impacts would be	**Same** – The loss of potential habitat used by existing or potentially sensitive species would occur. However, potential impacts would be

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
	with mitigation.	No impacts would occur.	reduced to below a level of significance through compliance with the same mitigation measures as required for the proposed Project Impacts would be less than significant with mitigation.	reduced to below a level of significance through compliance with the same mitigation measures as required for the proposed Project Impacts would be less than significant with mitigation.
Cultural and Paleontological Resources	No known cultural resources or paleontological resources would be impacted by project development, but the Project may impact unknown buried resources. Less than significant impact, with mitigation.	**Less** – This Alternative would not involve additional or deeper grading of the Project site and would have no impact upon unknown and potentially buried cultural resources. No impacts would occur.	**Same** – This Alternative may impact unknown buried resources similar to that of the proposed Project. Impacts would be reduced to less than significant through implementation of similar mitigation measures. Impacts would be less than significant.	**Same** – This Alternative may impact unknown buried resources similar to that of the proposed Project. Impacts would be reduced to less than significant through implementation of similar mitigation measures. Impacts would be less than significant.
Geology and Soils	With adherence to the recommendations in the final geotechnical report and the California Building Code, the Project would not contribute to significant geologic impacts. Less than significant impact.	**Less** – This Alternative would not involve any development so no structures, grading or soils disturbance would occur. No impacts would occur.	**Same** – This Alternative would require the same geotechnical design considerations as the proposed Project. Impacts would be less than significant.	**Same** – This Alternative would require the same geotechnical design considerations as the proposed Project. Impacts would be less than significant
Greenhouse Gas (GHG) Emissions	The Project would not generate GHG emissions, either directly or indirectly, that may have a cumulatively	**Less** –GHG emissions would remain at existing levels; new construction and operational emissions on the site would be	**Greater** –This Alternative would result in the development of 79 more units than the proposed Project.	**Less** –This Alternative would result in the development of 228 fewer units than the proposed Project. This

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
	significant impact on the environment, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Less than significant impacts with mitigation.	avoided. No impacts would occur.	This Alternative would still likely generate GHG emissions that meet the AB 32 reduction target of 28.5 percent. However, the total amount of GHG emissions that would be generated would be greater than the proposed Project due to the increased amount of traffic and units expected from development. In this regard, the impacts associated with this Alternative would be worse than the proposed Project Impacts would be less than significant	Alternative would still likely generate GHG emissions that meet the AB 32 reduction target of 28.5 percent. However, the total amount of GHG emissions that would be generated would be less than the proposed Project due to the decreased amount of traffic and overall dwelling units expected from development compared to the Project. In this regard, the impacts associated with this Alternative would be better than the proposed Project. Impacts would be less than significant
Hazards and Hazardous Materials	Through compliance with Federal, State, and local regulations, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Less than significant impacts.	**Less** – Under this Alternative the Project site would remain vacant. There would be no potential to 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. No impacts would occur.	**Same** – Under this Alternative, there is the potential for accidental release of hazardous materials during construction but would be reduced to less than significant through regulations similar to the proposed Project. Impacts would be less than significant.	**Same** – Under this Alternative, there is the potential for accidental release of hazardous materials during construction but would be reduced to less than significant through regulations similar to the proposed Project. Impacts would be less than significant.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
Hydrology and Water Quality	The Project would not violate any water quality standards or waste discharge requirements; substantially deplete groundwater supplies; substantially alter the existing drainage pattern of the site in a manner which would result in substantial erosion or siltation on-or off-site; substantially increase the rate or amount of surface runoff which would result in flooding on or off-site; create or contribute to runoff which would exceed the capacity of existing or planned stormwater drainage systems; otherwise substantially degrade water quality; 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. Impacts would be less than significant.	**Greater** – The existing condition regarding hydrology and water quality would continue on site; however, the Project's proposal to install water conservation measures, water quality basins, and a series of porous landscape detention sedimentation/filtration facilities to treat for pollutants and slow down storm flows prior to discharging into existing public storm drains would not be realized, which may contribute to greater long-term impacts than the proposed Project. Impacts would be less than significant.	**Same** –Construction of this Alternative would require preparation and implementation of a project specific WQMP, SWPPP, and compliance with NPDES permit requirements. Adherence to these regulatory requirements would reduce potential impacts to less than significant similar to the proposed Project. Impacts would be less than significant.	**Same** –Construction of this Alternative would require preparation and implementation of a project specific WQMP, SWPPP, and compliance with NPDES permit requirements. Adherence to these regulatory requirements would reduce potential impacts to less than significant similar to the proposed Project. Impacts would be less than significant.
Land Use and Planning	The Project would not physically divide an established community; conflict with any applicable	**Greater** – The site would remain vacant and underutilized and thus, not meet the goals and policies of	**Same –** This Alternative would be consistent with City of Menifee General Plan land use designations and surrounding	**Same –** This Alternative would be implemented through a specific plan just like the proposed Project and would

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
	land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; or conflict with any applicable habitat conservation plan or natural community conservation plan. Impacts would be less than significant.	the City of Menifee general plan. Impacts would be less than significant.	land use designations. Impacts would be less than significant.	be consistent with City of Menifee General Plan land use designations, proposed zoning and surrounding land uses. Impacts would be less than significant
Noise	The Project would not create significant impacts resulting from permanent increased noise levels to off-site roadways and sensitive receptors from increased traffic but would exceed threshold for noise levels during Project construction. Impacts would be significant and unavoidable after mitigation.	**Less** – This Alternative would not involve construction of the Project site and would not increase traffic noise on area roadways. No impacts would occur	**Greater** – This Alternative would generate more traffic and consequently more permanent noise resulting from increased traffic. However, these impacts could be reduced with mitigation measures similar to the proposed Project. Impacts would be less significant with mitigation.	**Less** – This Alternative would generate less traffic and consequently less permanent noise resulting from increased traffic. These impacts would likely be reduced with mitigation measures similar to the proposed Project Impacts would be less significant with mitigation.
Population and Housing	The Project would not substantially induce population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension	**Less** – The No Project/No Development Alternative would retain the Project site's existing conditions. Under this Alternative, no development or growth would occur.	**Same –** This Alternative would result in 79 more units than the proposed Project. Potential issues related to population and housing would be similar to that of the	**Same –** The Project would include land uses similar to the proposed Project. Impacts would be less than significant.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
	of roads or other infrastructure). The Project would not displace substantial numbers of existing housing; or displace substantial numbers of people. Impacts would be less than significant.	No impacts would occur.	proposed Project. Impacts would be less significant.	
Public Services	The Project would increase demand for fire or sheriff services slightly but would be less than significant through payment of development impact fees. Impacts would be less than significant.	**Less –** This Alternative would not result in increased demand for fire or sheriff services. No impacts would occur.	**Same** – Additional increase in the demand for sheriff and fire services would be offset through development impact fees. Impacts would be less than significant.	**Same** – Additional increase in the demand for sheriff and fire services would be offset through development impact fees. Impacts would be less than significant.
Transportation / Traffic	The Project would generate 7,491daily trip ends. Project-related Impacts would be less than significant with implementation of mitigation measures. Cumulative impacts would be significant due to uncertain timing of required off-site improvements.	**Less –** No generation of new daily trips. No impacts would occur.	**Greater** – This Alternative would generate more vehicle trips thus, greater impacts to level of service on area-wide intersections. Fair share fees would be paid to mitigate cumulative impacts but these cumulative impacts would not be able to be mitigated to less than significant. Project specific impacts would be less than significant but this Alternative would remain	**Less** – This Alternative would generate less vehicle trips compared to the proposed Project. Impacts to levels of service can be mitigated through implementation of improvements similar to the proposed Project. Fair share fees would be paid to mitigate cumulative impacts but these cumulative impacts would not be able to be mitigated to less than significant.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
			cumulatively significant.	Project specific impacts would be less than significant but this Alternative would remain cumulatively significant..
Utilities and Service Systems	The Project would generate new demand for water and sewer service but EMWD has sufficient capacity to serve project. Impacts would be less than significant.	**Less –** This Alternative would not increase demand for water or sewer service and would not result in increases to solid waste amounts. No impacts would occur.	**Same –** This Alternative would require extensions of water and sewer lines, electricity and cabling infrastructure similar to that of the proposed Project The increased demand for water and sewer services and the increased amount of solid waste that would be generated during construction and operation would be negligible Potential issues related to public services would be similar to that of the proposed Project. Impacts would be less than significant.	**Same –** This alternative would generate less demand for water and sewer than the proposed Project. However, the extensions of water and sewer lines would still be necessary under this alternative, the impacts of which would be no different than that of the proposed Project. The decreased demand for water and sewer services and the reduced amount of solid waste that would be generated during construction and operation would be negligible Impacts would be less than significant.
Environmentally Superior to Proposed Project?	***Not applicable***	**Yes**	**No**	**Yes**
Meets Project Objectives?	**Yes** (Meets 8 of the 8 Project Objectives)	**No** – As shown in Table 8-B, this alternative does not meet any of the 8 Project Objectives.	**No** – As shown in Table 8-D, this Alternative does not meet any of the 6 Project Objectives. This Alternative would result in the	**No** - As shown in Table 8-E, this alternative meets 2 of the 6 Project Objectives. Alternative 3 would not

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
			development of the Project site without a specific plan; consequently this alternative would not be developed as a master planned community and would not offer the same amenities as the proposed Project.	provide the same types of amenities that would otherwise be offered by the Project. This Alternative would generate fewer people and consequently would require less parkland. The 7 acre park proposed for Alternative 3 would satisfy the General Plan requirement of 5 acres of parkland per 1,000 residents. Therefore, unlike the proposed Project, small neighborhood parks would not be required and they would not be strategically placed throughout the site so that every resident would be within ½ mile of a park or be within reasonable walking distance to a park. In addition, Alternative 3 would limit the buildout of the site to a maximum of 532 units. This would restrict the types of residential products that could be offered and would limit residential

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

Environmental Issue	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Previously Approved Tentative Tract Maps	Alternative 3 Reduced Density
				densities. Consequently, this Alternative could not appeal to a range of the market spectrum.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing -

1.13 Environmentally Superior Alternative

Section 15126.6(e)(2) of the State *CEQA Guidelines*, requires the identification of the environmentally superior alternative. Of the alternatives evaluated above in this draft EIR, the No Project Alternative is the environmentally superior alternative, because the site would remain in its existing condition with no development. However, the beneficial impacts of the proposed Project would not be realized in the areas of aesthetics, geology and soils, hydrology/water Quality, or land use.

The State *CEQA Guidelines* also require the identification of another environmentally superior alternative if the No Project/No Development Alternative is the environmentally superior alternative. It should be noted that the proposed Project did result in significant and unavoidable Project-level impacts to Air Quality and Traffic/Transportation, as well as its cumulative impacts to Air Quality, and Traffic/Transportation. The two remaining alternatives selected for examination in this EIR also have similar impacts to the proposed Project. Nonetheless, an environmentally superior alternative as required by CEQA has been identified.

"CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." (CEQA Guidelines, Section 15021(d)). The proposed Project will create significant and unavoidable Project-level impacts to Air Quality, Noise, and Traffic/Transportation, as well as its cumulative impacts to Air Quality, and Traffic/Transportation. Thus, an alternative need be selected under CEQA.

Of the remaining Project alternatives, Alternative 3 – Reduced Density is considered environmentally superior. Alternative 3 would result in a total of 532 residential units compared to 760 for the proposed Project. Due to the reduction in overall size a 7 acre park, rather than a 10 acre park, would be included to serve the neighboring community. Alternative 3 would result in slightly lesser impacts to air quality, greenhouse gas emissions, noise, and transportation/traffic. This Alternative would have similar impacts to aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, public services and utilities as compared to the proposed Project. However, this alternative would not meet all of the basic Project Objectives found in Section 3 (Project Description).

The proposed Project will result in significant and unavoidable impacts even after implementation of mitigation. Likewise, the Alternatives will also result in similar significant unavoidable impacts. Therefore, none of the Alternatives will effectively lessen or avoid significant impacts that otherwise result from the proposed Project.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

5.1 Air Quality

The focus of this section is to analyze potential impacts related to Air Quality. Potential impacts related creating objectionable odors affecting a substantial number of people were found to be less than significant in the Initial Study/Notice of Preparation (IS/NOP) prepared for the Project (Appendix A).

The Air Quality and Global Climate Change Impact Analysis prepared by Kunzman Associates, October 3, 2014 (Kunzman(a1); also referred to as the "AQIA"), was conducted within the context of the California Environmental Quality Act (CEQA; California Public Resources Code 21000 *et seq.*), and is based on the methodology of the South Coast Air Quality Management District (SCAQMD). As recommended by SCAQMD, the California Emissions Estimator Model (CalEEMod™) version 2013.2.2 computer program was used to quantify Project-related emissions.

5.1.1 Setting

5.1.1.1 Physical Setting

The proposed Project is located within the City of Menifee in the portion of Riverside County that lies within the South Coast Air Basin (Basin), which is under the jurisdiction of the SCAQMD. The Basin is a 6,600-square-mile coastal plain bounded by the Pacific Ocean to the southwest and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties and all of Orange County. (AQIA, p. 5)

The ambient concentrations of air pollutants are determined by the amount of emissions released by sources and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources. (AQIA, p. 5)

Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The topography and climate of southern California combine to make the Basin an area of high air pollution potential. The Basin is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the west and high mountains around the rest of the perimeter. The general region lies in the semi-permanent high-pressure zone of the eastern Pacific, resulting in mild climate tempered by cool area breezes with light average wind speeds. (AQIA, p. 5)

The usually mild climatological pattern is disrupted occasionally by periods of extremely hot weather, winter storms, or Santa Ana winds. During the summer months, a warm air mass frequently descends over the cool, moist marine layer produced by the interaction between the ocean's surface and the lowest layer of the atmosphere. The warm upper layer forms a cap over the cool marine layer and inhibits the pollutants in the marine layer from dispersing upward. In addition, light winds during the summer further limit ventilation. Furthermore, sunlight triggers the photochemical reactions that produce ozone. The region experiences more days of sunlight than any other major urban area in the nation except Phoenix. (AQIA, p. 5)

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

The Menifee area is an interior valley of the Basin. Clouds and fog that form along the coast infrequently extend as far inland as the Menifee valley, and usually burn off quickly after sunrise. Precipitation is greatest during the winter season from December through February. Average temperatures are typically highest during August and lowest during December. The highest and lowest temperatures recorded were 100 degrees Fahrenheit and 34 degrees Fahrenheit. (AQIA, p. 5)

5.1.1.2 Categories of Emission Sources

Air pollutant emissions sources are typically grouped into two categories: stationary and mobile sources. These emission categories are defined and discussed in the following subsections.

Stationary Sources

Stationary sources are divided into two major subcategories: point and area sources. Point sources consist of a single emission source with an identified location. A single facility could have multiple point sources located on site. Stationary point sources are usually associated with manufacturing and industrial processes. Examples of point sources include boilers or other types of combustion equipment at oil refineries, electric power plants, etc. Area sources generally consist of many small emission sources which are distributed across the regional and are cumulatively substantial because there may be a large number of sources. Examples include residential water heaters; painting operations; lawn mowers; agricultural fields; landfills; and consumer products, such as barbecue lighter fluid and hair spray. (SCAQMD 1993, p. 3-2)

Mobile Sources

Mobile sources are motorized vehicles which are classified as either on-road or off-road. On-road mobile sources typically include automobiles and trucks that operate on public roadways. Off-road mobile sources include aircraft, ships, trains, and self-propelled construction equipment that operate off of public roadways. Mobile source emissions are accounted for as both direct source emissions (those directly emitted by the individual source) and indirect source emissions, which are sources that by themselves do not emit air contaminants but indirectly cause the generation of air pollutants by attracting vehicles. Examples of indirect sources include office complexes, commercial and government centers, sports and recreational complexes, and residential developments. (SCAQMD 1993, p. 3-3)

5.1.1.3 Air Pollution Constituents

Pollutants are generally classified as either criteria pollutants or non-criteria pollutants. Federal ambient air quality standards have been established for criteria pollutants, whereas no ambient standards have been established for non-criteria pollutants. For some criteria pollutants, separate standards have been set for different periods. (AQIA, p. 7)

Criteria Pollutants

Air pollutants are classified as either primary or secondary, depending on how they are formed. Primary pollutants are generated daily and are emitted directly from a source into the atmosphere. Examples of primary pollutants include carbon monoxide (CO), nitrogen dioxide (NO_2) and nitric oxide (NO),[1] sulfur dioxide (SO_2), particulates (PM-10 and PM-2.5) and various hydrocarbons (HC) or volatile organic

[1] NO_2 and NO are collectively known as oxides of nitrogen (NO_X).

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

compounds (VOC), which are also referred to as reactive organic gases (ROG). The predominant source of air emissions expected to be generated by the proposed Project is vehicle emissions. Motor vehicles primarily emit CO, NO_X, and VOC/ROG/HC.

Secondary pollutants are created over time and occur within the atmosphere as chemical and photochemical reactions take place. An example of a secondary pollutant is ozone (O_3), which is one of the products formed when NO_X reacts with HC in the presence of sunlight. Other secondary pollutants include photochemical aerosols. Secondary pollutants such as ozone represent major air quality problems in the Basin.

The Federal Clean Air Act of 1970 established the National Ambient Air Quality Standards (NAAQS). Six "criteria" air pollutants were identified using specific medical evidence available at that time, and NAAQS were established for those chemicals. The State of California has adopted the same six chemicals as criteria pollutants, but has established different allowable levels. The six criteria pollutants are: CO, NO_2, ozone, lead, PM-10, and sulfur dioxide. The following is a further discussion of the criteria pollutants, as well as volatile organic compounds.

- **Oxides of Nitrogen (NO_X)** include nitric oxide (NO) and nitrogen dioxide (NO_2) and contribute to air pollution. NO is a colorless, odorless gas formed by a combination of nitrogen and oxygen when combustion takes place under high temperatures and pressures. NO_2 is a reddish-brown gas formed by the combination of NO with oxygen. Combustion in motor vehicle engines, power plants, refineries, and other industrial operations, as well as ships, railroads, and aircraft, are the primary sources of NO_X. NO_2 at atmospheric concentrations is a potential irritant and can cause coughing in healthy people, can alter respiratory responsiveness and pulmonary functions in people with preexisting respiratory illness, and potentially lead to increased levels of respiratory illness in children. (USEPA 2005, Homepage) NO_X and the pollutants formed from NO_X can be transported over long distances, following the patterns of prevailing winds. Therefore controlling NO_X is often most effective if done from a regional perspective, rather than focusing on the nearest sources. (AQIA, p. 7)
- **Ozone (O_3)** is a colorless toxic gas that irritates the lungs and damages materials and vegetation. During the summer's long daylight hours, plentiful sunshine provides the energy needed to fuel photochemical reactions between NO_2 and VOC which results in the formation of O_3. Conditions that lead to high levels of O_3 are adequate sunshine, early morning stagnation in source areas, high surface temperatures, strong and low morning inversions, greatly restricted vertical mixing during the day, and daytime subsidence that strengthens the inversion layer (all of which are characteristic of western Riverside County). Ozone represents the worst air pollution-related health threat in the Basin as it affects people with preexisting respiratory illness as well as reduces lung function in healthy people. (SCAQMD 1993, p. 3-2)
- **Atmospheric Particulate Matter (PM)** is made up of fine solid and liquid particles, such as soot, dust, aerosols, fumes, and mists. PM-10 consists of particulate matter that is 10 microns or less in diameter, and PM-2.5 consists of particulate matter of 2.5 microns or less in size. Both PM-10 and PM-2.5 can be inhaled into the deepest part of the lung, contributing to health effects. The presence of these fine particles by themselves cause lung damage and interfere with the body's

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

ability to clear its respiratory tract. These particles can also act as a carrier of other toxic substances. (SCAQMD 1993, p. 3-3)

Sources contributing to particulate matter pollution include road dust, windblown dust, agriculture, construction, fireplaces and wood burning stoves, and vehicle exhaust. Specifically, SCAQMD data indicates the largest component of PM-10 particles in the area comes from dust (unpaved roads, unpaved yards, agricultural lands, and vacant land that has been disked). PM-2.5 particles are mostly manmade particles resulting from combustion sources.

- **Reactive Organic Gases/Volatile Organic Compounds (ROG/VOC)** are not classified as criteria pollutants and as such do not have any state or federal ambient air quality standards. However, a reduction in VOC emissions reduces certain chemical reactions which contribute to the formation of ozone, which is classified a criteria pollutant. VOCs are also transformed into organic aerosols in the atmosphere, contributing to higher PM-10 and lower visibility levels. Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations of VOCs because of interference with oxygen uptake. In general, ambient VOC concentrations in the atmosphere, even at low concentrations, are suspected to cause coughing, sneezing, headaches, weakness, laryngitis, and bronchitis. Some hydrocarbon components classified as VOC emissions are thought or known to be hazardous. Benzene, for example, is a hydrocarbon component of VOC emissions that is known to be a human carcinogen. (SCAQMD 2005, p. 1-5)
- **Carbon Monoxide (CO)** is a colorless, odorless, toxic gas produced by incomplete combustion of carbon-containing substances. Concentrations of CO are generally higher during the winter months when meteorological conditions favor the build-up of primary pollutants. (USEPA 2005, Homepage) Automobiles are the major source of CO in the Basin, although various industrial processes also emit CO through incomplete combustion of fuels. In high concentrations, CO can cause serious health problems in humans by limiting the red blood cells' ability to carry oxygen (SCAQMD 1993, p. 3-2).
- **Sulfur dioxide (SO_2)** is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. SO_2 can result in temporary breathing impairment in asthmatic children and adults engaged in active outdoor activities. When combined with PM, SO_2 can cause symptoms such as shortness of breath and wheezing; and, with long-term exposure, lead to the exacerbation of existing cardiovascular disease and respiratory illnesses (USEPA 2005, Homepage). Although SO_2 concentrations have been reduced to levels well below state and federal standards, further reductions in SO_2 emissions are needed because SO_2 is a precursor to sulfate and PM-10.
- **Lead (Pb)** concentrations once exceeded the state and federal air quality standards by a wide margin, but have not exceeded state or federal air quality standards at any regular monitoring station since 1982. Health effects associated with lead include neurological impairments, mental retardation, and behavioral disorders. At low levels, lead can damage the nervous systems of fetuses and result in lowered IQ levels in children (USEPA 2005, Homepage). Although special monitoring sites immediately downwind of lead sources recorded very localized violations of the

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

state standard in 1994, no violations have been recorded at these stations since 1996. Unleaded gasoline has greatly contributed to the reduction in lead emissions in the Basin. Since the proposed Project will not involve leaded gasoline, or other sources of lead emissions, this criteria pollutant is not expected to increase with Project implementation and therefore has not been analyzed in this Section of the Draft EIR.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are chemicals generally referred to as "non-criteria" air pollutants which are known or suspected to cause serious health problems, but do not have a corresponding ambient air quality standard. In addition to the above-listed criteria pollutants, toxic air contaminants (TACs) are another group of pollutants of concern. Sources of toxic air contaminants include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Cars and trucks release at least forty different toxic air contaminants. The most important of these toxic air contaminants, in terms of health risk, are diesel particulates, benzene, formaldehyde, 1,3-butadiene, and acetaldehyde. Public exposure to toxic air contaminants can result from emissions from normal operations as well as from accidental releases. Health effects of toxic air contaminants include cancer, birth defects, neurological damage, and death. (AQIA, p. 9)

Toxic air contaminants are less pervasive in the urban atmosphere than criteria air pollutants, however they are linked to short-term (acute) or long-term (chronic or carcinogenic) adverse human health effects. There are hundreds of different types of toxic air contaminants with varying degrees of toxicity. Sources of toxic air contaminants include industrial processes, commercial operations (e.g., gasoline stations and dry cleaners), and motor vehicle exhaust. (AQIA, pp. 9-10)

According to the 2005 California Almanac of Emissions and Air Quality, the majority of the estimated health risk from toxic air contaminants can be attributed to relatively few compounds, the most important of which is diesel particulate matter (DPM). Diesel particulate matter is a subset of PM2.5 because the size of diesel particles are typically 2.5 microns and smaller. The identification of diesel particulate matter as a toxic air contaminant in 1998 led the California Air Resources Board (CARB) to adopt the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-fueled Engines and Vehicles in September 2000. The plan's goals are a 75-percent reduction in diesel particulate matter by 2010 and an 85-percent reduction by 2020 from the 2000 baseline. Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material. The visible emissions in diesel exhaust are known as particulate matter or PM, which includes carbon particles or "soot." Diesel exhaust also contains a variety of harmful gases and over 40 other cancer-causing substances. California's identification of diesel particulate matter as a toxic air contaminant was based on its potential to cause cancer, premature deaths, and other health problems. Exposure to diesel particulate matter is a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. Overall, diesel engine emissions are responsible for the majority of California's potential airborne cancer risk from combustion sources. (AQIA, p. 10)

5.1.1.4 Monitored Air Quality

The SCAQMD has divided the District into 36 Source Receptor Areas (SRAs), operating monitoring stations in most of the areas. These SRAs are designated to provide a general representation of the local meteorological, terrain, and air quality conditions within the particular geographical area. The Project site is located within SRA 24, in Perris Valley, located at 237 ½ N. D Street, Perris. The monitoring station

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

is approximately 3.5 miles north-northwest of the Project site. However, SRA 24 does not monitor all criteria pollutants; where a pollutant is not monitored, data is supplemented from the adjacent monitoring station in SRA 25, located at 506 West Flint Street, Lake Elsinore, in the County of Riverside. (AQIA, p. 32) The current available data for years 2010-2012 from SRA 24 is shown on **Table 5.1-A – Air Quality Monitoring Summary – 2010-2012 (SRA 24)**. The data shows that during the past few years, the Project area has exceeded the ozone standards. However, it should be noted that due to the air monitoring station distance from the Project site, recorded air pollution levels at the air monitoring station reflect with varying degrees of accuracy, local air quality conditions at the Project site.

Table 5.1-A – Air Quality Monitoring Summary – 2010–2012 (SRA 24)

	Pollutant/Standard Source: SCAQMD	Monitoring Year		
		2010	2011	2012
No. Days Exceeded	**Ozone :**			
	Health Advisory - 0.15 ppm	0	0	0
	California Standard:			
	1-Hour - 0.09 ppm	42	44	28
	8-Hour - 0.07 ppm	77	77	65
	Federal Primary Standards:			
	8-Hour - 0.075 ppm	50	54	46
	Max 1-Hour Conc. (ppm)	0.122	0.125	0.111
	Max 8-Hour Conc. (ppm)	0.107	0.112	0.093
No. Days Exceeded	**Carbon Monoxide:**[a]			
	California Standard:			
	1-Hour - 20 ppm	0	0	0
	8-Hour - 9.0 ppm	0	0	0
	Federal Primary Standards:			
	1-Hour - 35 ppm	0	0	0
	8-Hour - 9.0 ppm	0	0	0
	Max 8-Hour Conc. (ppm)	0.67	0.67	0.52
No. Days Exceeded	**Nitrogen Dioxide :** [a]			
	California Standard:			
	1-Hour - 0.18 ppm	0	0	0
	Federal Standard:			
	Annual Arithmetic Mean (ppm)	0.06	0.05	0.041
	Max. 1-Hour Conc. (ppm)	0.0512	0.0503	0.0483
No. Days Exceeded	**Suspended Particulates (PM10):**			
	California Standards:			
	24-Hour - 50 $\mu g/m^3$	0	0	0
	Federal Primary Standards:			
	24-Hour – 150 $\mu g/m^3$	0	0	0
	Annual Arithmetic Mean ($\mu g/m^3$)	26.6	27.7	25.1
	Max. 24-Hour Conc. ($\mu g/m^3$)	51	65	62
No. Days Exceeded	**Fine Particulates (PM2.5):** [a]			
	California & Federal Primary Standards:			
	24-Hour – 35$\mu g/m^3$	0	0	0
	Annual Arithmetic Mean ($\mu g/m^3$)	--	10.8	10.5
	Max. 24-Hour Conc. ($\mu g/m^3$)	29.8	40.7	24.9

Source: AQIA, Tables 3 and 5

Note: -- No data available; ppm = parts per million; $\mu g/m^3$ = micrograms per cubic meter

[a] indicates data obtained from the SRA 25 Lake Elsinore-West Flint St monitoring station.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

5.1.2 Thresholds of Significance

According to Appendix G of the State *CEQA Guidelines*, impacts related to air quality may be considered potentially significant if the proposed Project would:

- conflict with or obstruct implementation of the applicable air quality plan;
- violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- expose sensitive receptors to substantial pollutant concentrations.

5.1.3 Related Regulations

5.1.3.1 Criteria Air Pollutant Regulations

The federal and state ambient air quality standards (AAQS) establish the context for the local air quality management plans (AQMP) and for determination of the significance of a project's contribution to local or regional pollutant concentrations. The federal and state AAQS are presented in **Table 5.1-A**. The AAQS represent the level of air quality considered safe, with an adequate margin of safety, to protect the public health and welfare. They are designed to protect those people most susceptible to further respiratory distress such as asthmatics, the elderly, very young children, people already weakened by other diseases or illness and persons engaged in strenuous work or exercise, all referred to as “sensitive receptors.” SCAQMD defines a "sensitive receptor" as a land use or facility such as residents, schools, childcare centers, athletic facilities, playgrounds, retirement homes, and convalescent homes. (SCAQMD 1993, p. 1-2)

Both federal and state Clean Air Acts require that each non-attainment area prepare a plan to reduce air pollution to healthful levels. The 1988 California Clean Air Act and the 1990 amendments to the federal Clean Air Act (CAA) established new planning requirements and deadlines for attainment of the air quality standards within specified time frames which are contained in the State Implementation Plan (SIP). Amendments to the SIP have been proposed, revised, and approved over the past decade. (SCAQMD 1993, p. 2-4) The currently adopted clean air plan for Basin is the 1999 SIP Amendment, approved by the USEPA in 2000.

The AQMP for the Basin establishes a program of rules and regulations directed at attainment of the state and national air quality standards. The AQMP control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans and/or population projections. The SCAQMD adopted an updated AQMP in December 2012, which outlines the air pollution measures needed to meet federal health-based standards for particulates (PM-2.5) in 2014 and also includes specific measures to further implement the ozone strategy in the 2007 AQMP to assist in attaining the ozone standard in 2023

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

(SCAQMD 2012, p. 1-18). The 2012 AQMP is submitted to ARB and USEPA for review and to be included as a revision to California's SIP. ARB approved the 2012 AQMP on January 25, 2013 and submitted it to the USEPA on February 13, 2013.[2]

The ARB maintains records as to the attainment status of air basins throughout the state, under both state and federal criteria. The portion of Basin within which the proposed Project is located is designated as a non-attainment area for ozone and PM-2.5 under both state and federal standards and PM-10 under state standards.

The Project will be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. They include the application of water or chemical stabilizers to disturbed soils at least twice a day; covering all haul vehicles before transport of materials; restricting vehicle speeds on unpaved roads to 15 mph; and sweeping loose dirt from paved site access roadways used by construction vehicles. In addition, it is required to establish a vegetative ground cover on disturbance areas that are inactive within 30 days after active operations have ceased. Alternatively, an application of dust suppressants can be applied in sufficient quantity and frequency to maintain a stable surface. Rule 403 also requires grading and excavation activities to cease when winds exceed 25 mph.

SCAQMD Rule 1113 governs the sale of architectural coatings and limits the volatile organic compounds (VOC) in paints and paint solvents. Although this rule does not directly apply to the Project, it does dictate the VOC content of paints available for purchase.

5.1.3.2 Toxic Air Contaminant Regulations

Toxic Air Contaminants (TACs) are regulated under both federal and state laws. Federally, the 1970 Amendments to the Clean Air Act included a provision to address air toxics. California regulates toxic air contaminants through its air toxics program, mandated in Chapter 3.5 (Toxic Air Contaminants) of the Health and Safety Code §39660, *et seq.*, and Part 6 Air Toxics "Hot Spots" Information and Assessment (§44300, *et seq.*). ARB, working in conjunction with the Office of Environmental Health Hazard Assessment (OEHHA), identifies TACs. Air toxic control measures may then be adopted to reduce ambient concentrations of the identified TAC below a specific threshold based on its effects on health, or to the lowest concentration achievable through use of best available control technology for toxics (T-BACT). The program is administered by the ARB. Air quality control agencies, including the SCAQMD, must incorporate air toxic control measures into their regulatory programs or adopt equally stringent control measures as rules within six months of adoption by ARB.

5.1.3.3 City of Menifee General Plan

The Circulation Element and Open Space and Conservation Element of the Menifee General Plan summarize air quality issues in the Basin, air quality-related plans and programs administered by federal, state, and special purpose agencies, and establishes goals and policies to improve air quality. Applicable goals and policies from the Circulation Element include:

Policy C-1.5: Minimize idling times and vehicle miles traveled to conserve resources, protect air quality, and limit greenhouse gas emissions.

[2] http://www.arb.ca.gov/planning/sip/planarea/2012%20AQMP%20Submittal%20Letter%20to%20U.S.%20EPA.pdf

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Policy C-2.2: Provide off-street multipurpose trails and on-street bike lanes as our primary paths of citywide travel, and explore the shared use of low speed roadways for connectivity wherever it is safe to do so.

Policy C-2.3: Require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, transit facilities, and other key destination points.

Policy C-2.4: Explore opportunities to expand the pedestrian and bicycle networks; this includes consideration of utility easements, drainage corridors, road rights-of-way and other potential options.

Policy C-2.5: Work with the Western Riverside Council of Governments to implement the Non-Motorized Transportation Plan for Western Riverside County.

Policy C-3.3: Provide additional development-related incentives to projects that promote transit use.

Policy C-4.1: Encourage the use of neighborhood electric vehicles and gold carts instead of automobiles for local trips.

Policy OSC-9.1: Meet state and federal clean air standards by minimizing particulate matter emissions from construction activities.

Policy OSC-9.2: Buffer sensitive land uses, such as residences, schools, care facilities, and recreation areas for major air pollutant emission sources, including freeways, manufacturing, hazardous materials storage, wastewater treatment, and similar uses.

Policy OSC-9.3: Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.

Policy OSC-9.4: Support the Riverside County Regional Air Quality Task Force, the Southern California Association of Government's Regional Transportation Plan/Sustainable Communities Strategy, and the South Coast Air Quality Management District's Air Quality Management Plan to reduce air pollution at the regional level.

Policy OSC-9.5: Comply with the mandatory requirements of the Title 24 Part 11 of the California Building Standards Code (CALGreen) and Title 24 Part 6 Building and Energy Efficiency Standards.

5.1.4 Project Design Features

The Project does not propose any Project Design Features to avoid or reduce potentially significant impacts to air quality.

5.1.5 Environmental Impacts before Mitigation

Threshold: *Would the proposed Project conflict with or obstruct implementation of the applicable air quality plan?*

The Air Quality Management Plan (AQMP) for the Basin sets forth a comprehensive program that will lead the Basin into compliance with all federal and state air quality standards. The AQMP control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments and local general plans. Accordingly, conformance with the AQMP

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

for development projects is determined by demonstrating compliance with local land use plans and/or population projections and meeting the land use designation set forth in the local General Plan (SCAQMD 1993, p. 12-2).

The SCAQMD CEQA Handbook states that "New or amended General Plan Elements (including land use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP." Strict consistency with all aspects of the plan is usually not required. A proposed project should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two key indicators of consistency:

(1) Whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.

(2) Whether the project will exceed the assumptions in the AQMP in 2012 or increments based on the year of project buildout and phase.

Criterion 1:

Based on the air quality modeling analysis contained in the Project-specific AQIA, short-term construction impacts will not result in significant impacts based on the SCAQMD regional and local thresholds of significance. However, the AQIA also found that even with mitigation, long-term operations impacts will result in significant impacts based on the SCAQMD regional thresholds of significance. (AQIA, p. 63)

Therefore, the proposed Project contributes to the exceedance of any air pollutant concentration standards and is found to be inconsistent with the AQMP for the first criterion. (AQIA, p. 70)

Criterion 2:

Consistency with the AQMP assumptions is determined by performing an analysis of the proposed Project with the assumptions in the AQMP. The emphasis of this criterion is to insure that the analyses conducted for the proposed Project are based on the same forecasts as the AQMP. The 2012-2035 Regional Transportation/Sustainable Communities Strategy, prepared by SCAG, 2012, consists of three sections: Core Chapters, Ancillary Chapters, and Bridge Chapters. The Growth Management, Regional Mobility, Air Quality, Water Quality, and Hazardous Waste Management chapters constitute the Core Chapters of the document. These chapters currently respond directly to federal and state requirements placed on SCAG. Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For this Project, the City Land Use Plan defines the assumptions that are represented in the AQMP. (AQIA, pp. 70-71)

The general plan land use designation for the site is Residential (2.1-5 units per acre). The proposed single-family detached residential dwelling units and park would be consistent with the current General Plan land use designation. Therefore, the proposed Project would not result in an inconsistency with the current land use designation in the City's General Plan. Therefore, the proposed Project is not anticipated to exceed the AQMP assumptions for the Project site and is found to be consistent with the AQMP for the second criterion. (AQIA, p. 71)

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Based on the failure of Criterion 1 above, the proposed Project will result in an inconsistency with the SCAQMD AQMP. Therefore, **a potentially significant impact will occur**.

Threshold: *Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

Air quality impacts can be divided into short-term and long-term impacts. Short-term impacts are usually related to construction and grading activities. Long-term impacts are usually associated with build-out conditions and long-term operations of a project. Both short-term and long-term air quality impacts can be analyzed on a regional and localized level. Regional air quality thresholds examine the effect of project emissions on the air quality of the Basin, while localized air quality impacts examine the effect of project emissions on the neighborhood around a particular site. The following information was derived from the AQIA which is found in Appendix B.1.

Regional Emissions Analysis

The thresholds contained in the SCAQMD CEQA Air Quality Handbook are considered regional thresholds (or mass daily thresholds) and are shown in **Table 5.1-B**. These regional thresholds were developed based on the SCAQMD's treatment of a major stationary source.

Table 5.1-B – SCAQMD CEQA Regional Significance Thresholds

Emission Threshold	Units	VOC	NO_X	CO	SO_X	PM-10	PM-2.5
Construction	lbs/day	75	100	550	150	150	55
Operations	lbs/day	55	55	550	150	150	55

Short-Term Construction Emissions

Short-term emissions consist of fugitive dust and other particulate matter, as well as exhaust emissions generated by construction-related vehicles. Short-term impacts will also include emissions generated during construction as a result of operation of personal vehicles by construction workers, asphalt degassing, and architectural coating (painting) operations.

The Project will be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. Compliance with this rule is achieved through application of standard best management practices in construction activities, such as application of water or chemical stabilizers to disturbed soils, managing haul road dust by application of water, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 miles per hour and establishing a permanent and stabilizing ground cover on finished sites. In addition, projects that disturb 50 acres or more of soil or move 5,000 cubic yards of materials per day are required to submit a Fugitive Dust Control Plan or a Large Operation Notification Form to SCAQMD. Based on the size of the Project (approximately 14 acres per day) a Fugitive Dust Control Plan or Large Operation Notification would be required. (AQIA, p. 45)

Short-term emissions were evaluated using the CalEEMod version 2013.2.2 computer program. CalEEMod is a computer model published by the SCAQMD for estimating air pollutant emissions. The CalEEMod program uses the EMFAC2011 computer program to calculate the emission rates specific for the

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

eastern portion of Riverside County for construction-related employee vehicle trips and the OFFROAD2011 computer program to calculate emission rates for heavy truck operations. EMFAC2011 and OFFROAD2011 are computer programs generated by CARB that calculates composite emission rates for vehicles. Emission rates are reported by the program in grams per trip and grams per mile or grams per running hour. Using CalEEMod, the peak daily air pollutant emissions during each phase was calculated and presented below. These emissions represent the highest level of emissions for each of the construction phases in terms of air pollutant emissions. (AQIA, p. 44)

The construction activities for the proposed Project are anticipated to include two phases. Phase one includes grading of 147.7 acres (141.1 acres on-site and 6.6 acres of off-site roadway construction of Valley Boulevard), building construction of 509 single-family detached residential dwelling units, painting and paving (Parcels/Planning Areas 1-4). Phase two includes grading of 100.7 acres (99.2 acres on-site and 1.5 acres of off-site roadway construction of McLaughlin Boulevard), building construction of 273 single-family detached residential dwelling units and a 10-acre park, painting and paving (Parcels/Planning Areas 5-7). Approximately 25 percent of each phase's area was anticipated to be paved for on-site roadways. The Project is anticipated to start construction no sooner than January 2015 and last approximately 18-24 months. It is anticipated that phase two will begin construction after phase one is complete. Phase one is anticipated to be completed by 2016 and phase two will be completed by 2017. Construction of phase 1 and 2 are not anticipated to overlap. (AQIA, p. 44)

Additional off-site improvements include the installation of water pipelines within Valley Boulevard and Ridgemoor Road, roadway construction of Goetz Road north of the Project boundary, and 1,000 feet of replacement water pipeline, shown in **Figure 3.0-11**. The off-site waterline is required during construction of phase one and the off-site roadway construction is assumed to be constructed during phase two. The disturbance area for the off-site improvements included in phase one equals approximately 6.3 acres, of which approximately 5.7 acres will be repaved. The disturbance area for the off-site improvements included in phase two equal approximately 3 acres, which will be paved. Subsequent to the evaluation of additional off-site improvements listed above, off-site storm drain is proposed within the right-of-way along portions of McLaughin Road, Geary Street, and Ethanac Road (**Figure 3.0-11**). The storm drain improvements will be constructed during phase 2 with the roadway improvements. The portion of off-site storm drain within McLaughlin Road would be constructed concurrently with the road improvements. The emissions from construction of approximately 0.75 miles of additional storm drain within Geary Street and Ethanac Road would be similar to those estimated for the off-site road improvements. Because construction of this portion of off-site storm drain is not expected to occur concurrently with the off-site road improvements and would be similar in intensity, the emissions were not separately estimated.

The major construction activities evaluated within each phase of the air quality analysis for the Project are as follows:

- Grading: Involves the cut and fill of land to ensure the proper base and slope for the construction foundation.
- Building construction: Involves the construction of structures and buildings.
- Architectural coating: Involves the application of coatings to both the interior and exterior of buildings or structures.
- Paving: Involves the laying of concrete or asphalt such as in parking lots or roads.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Building construction, paving and painting phases may overlap during construction of both phase one and phase two. The emissions for the overlapping construction phases were added together and the total shown in **Tables 5.1-D** and **5.1-E**. Due to the compressed construction schedule, CalEEMod default equipment numbers were doubled. (AQIA, p. 45)

The construction equipment mix assumed for each phase are provided in **Table 5.1-C – Construction Equipment Mix**, which were assumed to be identical in each phase of development.

Table 5.1-C – Construction Equipment Mix

Construction Activity	Equipment Type	Unit Amount	Hours/Day
Grading	Excavators	4	8
	Graders	2	8
	Rubber Tired Dozers	2	8
	Scrapers	4	8
	Tractors/Loaders/Backhoes	4	8
Phase 1 Off-site Improvement Grading[1]	Excavators	1	8
	Rubber Tired Dozers	1	8
	Tractors/Loaders/Backhoes	2	8
Phase 2 Off-site Improvement Grading[1]	Excavators	1	8
	Graders	1	8
	Rubber Tired Dozers	1	8
	Tractors/Loaders/Backhoes	1	8
Building Construction	Cranes	2	7
	Forklifts	6	8
	Generator Sets	2	8
	Tractors/Loaders/Backhoes	6	7
	Welders	2	8
Paving	Pavers	4	8
	Paving Equipment	4	8
	Rollers	4	8
Phase 1 Off-site Improvement Paving[1]	Pavers	1	8
	Rollers	1	8
	Cement and Mortar Mixer	1	8
Phase 1 Off-site Improvement Paving[1]	Pavers	1	8
	Rollers	1	6
	Cement and Mortar Mixer	1	6
Architectural Coating	Air Compressors	2	6

Source: Kunzman(a), Equipment mix from CalEEMod output is shown and is the same for each phase of Project development.

[1] Equipment list based on CalEEMod defaults. Output for off-site improvements contained in Appendix B.2 of this Draft EIR.

Table 5.1-D – Phase I Estimated Daily Construction Emissions and **Table 5.1-E – Phase 2 Estimated Daily Construction Emissions** shows the Project's maximum daily construction emissions for each phase of construction, based on the assumptions outlined above and activity as estimated by CalEEMod™.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Table 5.1-D – Phase 1 Estimated Daily Construction Emissions

Activity	Peak Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
Grading	13.72	158.30	104.20	0.13	13.74	9.81
Off-site Improvement Grading	2.47	26.37	20.09	0.02	4.09	2.68
Building Construction	14.47	98.65	130.87	0.26	17.83	8.12
Paving	6.45	50.50	31.85	0.04	3.17	2.69
Off-site Improvement Paving	1.01	9.10	5.93	0.01	0.63	0.51
Architectural Coating	39.09	6.10	15.79	0.03	2.58	1.02
Maximum Emissions[1]	**62.48**	**181.62**	**198.60**	**0.35**	**27.67**	**14.51**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Thresholds?	**No**	**Yes**	**No**	**No**	**No**	**No**

Source: Table 7 Kunzman (a) and Draft EIR Appendix B.2

Notes: [1] Maximum emissions are the greater of individual activities or the sum of overlapping activities. Construction phase, paving phase, and painting phase may overlap. Off-site improvement grading or paving may overlap with construction phase, paving phase, or painting phase, but do not overlap with each other.

Table 5.1-E – Phase 2 Estimated Daily Construction Emissions

Activity	Peak Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
Grading	13.11	149.81	100.54	0.13	13.00	9.37
Off-site Improvement Grading	3.04	32.16	21.99	0.02	4.29	2.90
Building Construction	11.97	84.63	105.53	0.22	14.79	6.95
Paving	5.35	44.91	31.34	0.04	2.86	2.41
Off-site Improvement Paving	1.28	7.33	5.22	0.01	0.52	0.41
Architectural Coating	48.62	5.43	12.39	0.03	2.10	0.85
Maximum Emissions[1]	**68.98**	**167.13**	**171.25**	**0.31**	**24.04**	**13.11**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Thresholds?	**No**	**Yes**	**No**	**No**	**No**	**No**

Source: Table 9 Kunzman (a)

Note: [1] Maximum emissions are the greater of individual activities or the sum of overlapping activities. Construction phase, paving phase, and painting phase may overlap. Off-site improvement grading or paving may overlap with construction phase, paving phase, or painting phase, but do not overlap with each other.

As shown above, criteria pollutant emissions from construction of the Project do not exceed any of the SCAQMD thresholds, except for NO_X.

Long-Term Operation Emissions

Long-term operational emissions occur after construction and include area sources, energy usage, and mobile sources. The criteria pollutants from these sources were estimated using CalEEMod™.

Mobile sources include emissions from the additional vehicle miles generated from the proposed Project. The vehicle trips associated with the proposed Project were obtained from the traffic analysis for the Project. The traffic analysis showed that the Project would generate 7,445 daily trips for the residential portion of the Project and 46 daily trips for the park portion of the Project. (AQIA, p. 55)

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Area sources include emissions from consumer products, landscape equipment and architectural coatings. Landscape maintenance includes fuel combustion emissions from equipment such as lawn mowers, rototillers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers, as well as air compressors, generators, and pumps. As specifics were not known about the landscaping equipment fleet, CalEEMod defaults were used to estimate emissions from landscaping equipment. (AQIA, p. 55)

Per SCAQMD Rule 1113 as amended on June 3, 2011, the architectural coatings that would be applied after January 1, 2014 would be limited to an average of 50 grams per liter or less and the CalEEMod model default VOC emissions have been adjusted accordingly. No other changes were made to the default area source parameters. (AQIA, p. 55)

Energy usage includes emissions from the generation of electricity and natural gas used on-site. No changes were made to the default energy usage parameters. However, 2013 Title 24 residential standards are at least 25 percent more efficient than 2008 Title 24 Standards (used as baseline in CalEEMod). (AQIA, p. 56)

Table 5.1-F – Summary of Unmitigated Operational Emissions, provides the worst-case summer or winter criteria pollutant emissions created from the proposed Project's long-term operations from both Phase I and Phase 2. VOC, NO_X, and CO emissions would exceed SCAQMD regional thresholds for Phase 1; Phase 2, for VOC only. When both phases are complete and fully operational, the Project would exceed SCAQMD regional thresholds for VOC, NO_X, CO, and PM-2.5. (AQIA, p. 56)

Table 5.1-F – Summary of Unmitigated Operational Emissions

Source	Maximum Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
SCAQMD Daily Thresholds	**55**	**55**	**550**	**150**	**150**	**55**
Phase I						
Area	190.96	3.89	298.86	0.41	39.11	39.10
Energy	0.51	4.34	1.85	0.03	0.35	0.35
Traffic	19.53	64.28	219.95	0.54	37.42	10.57
Total	**211.00**	**72.51**	**520.66**	**0.97**	**76.88**	**50.03**
Exceeds Threshold?	**Yes**	**Yes**	**No**	**No**	**No**	**No**
Phase 2						
Area	114.34	2.08	159.97	0.22	20.98	20.97
Energy	0.27	2.33	0.99	0.01	0.19	0.19
Traffic	9.85	32.40	110.11	0.29	20.33	5.73
Total	**124.46**	**36.81**	**271.08**	**0.53**	**41.50**	**26.89**
Exceeds Threshold?	**Yes**	**No**	**No**	**No**	**No**	**No**
Total Emissions Phase I and 2						
Total	**335.46**	**109.32**	**791.74**	**1.50**	**118.37**	**76.92**
Exceeds Threshold?	**Yes**	**Yes**	**Yes**	**No**	**No**	**Yes**

Source: Kunzman(a), Table 14

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Localized Emissions Analysis

Project-related air emissions may have the potential to exceed the state and federal air quality standards in the Project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the South Coast Air Basin. The proposed Project has been analyzed for the potential if local air quality impacts created from construction-related fugitive dust and diesel emissions, toxic air contaminants, local CO emission impacts from the Project-generated vehicular trips and from the potential local air quality impacts from on-site operations. (AQIA, pp. 46, 58)

Local Impacts from Construction

The SCAQMD has published a "Fact Sheet for Applying CalEEMod to Localized Significance Thresholds". CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily disturbance activity possible for each piece of equipment. The construction equipment numbers and hours of operation are shown above, in **Table 5.1-C**. Based on the construction equipment, the maximum daily disturbance area is 14 acres per day.[3] Phase one was used as a worst-case scenario. This is the maximum number of acres for both phases as phase one is larger than phase two. Although the Project exceeds 5 acres per day disturbance, per SCAQMD, the LST thresholds and tables can be used as a screening tool to determine if dispersion modeling would be necessary. (AQIA, p. 46)

The local air quality emissions from construction were analyzed using the SCAQMD's Mass Rate Localized Significant Threshold Look-up Tables and the methodology described in the *Localized Significance Threshold Methodology*, prepared by SCAQMD, revised July 2008. The Look-up Tables were developed by the SCAQMD in order to readily determine if the daily emissions of CO, NO_X, PM-10, and PM2.5 from the proposed Project could result in a significant impact to the local air quality. The emission thresholds were calculated based on SRA 24 and a disturbance value of five acres per day.[4] (AQIA, p. 46)

According to LST Methodology, any receptor located closer than 25 meters shall be based on the 25 meter thresholds. The nearest sensitive receptors are the existing single-family detached residential dwelling units directly east of the boundary of the site; therefore, the SCAQMD Look-up Tables for 25 meters was used. **Table 5.1-G** below shows the on-site emissions from the CalEEMod model for the different construction phases and the calculated emissions thresholds. (AQIA, p. 47)

[3] Because the equipment list for the off-site improvements is less than the equipment evaluated for the remaining construction activities in phase one and phase two, a separate LST analysis was not prepared. The emissions from off-site improvement construction would be equal to or less than those evaluated.

[4] The comparison against the 5-acres thresholds are a much more stringent as the project would be disturbing 14 acres, as the more acres you disturb, the larger the thresholds would be, For example the threshold values for disturbing 1 acre are lower than the threshold values for disturbing 2 acres and 5 acres respectively. The threshold values for disturbing 14 acres would be higher than the threshold values for disturbing 5 acres.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Table 5.1-G – Local Construction Emissions at the Nearest Receptors for Phase I and Phase 2

Source	Maximum Daily Emissions (lb/day)			
	NO_X	CO	PM-10	PM-2.5
SCAQMD Daily Thresholds	**270**	**1,577**	**13**	**8**
Phase I				
Grading	158.09	101.68	13.29	9.68
Building Construction	60.06	37.49	4.23	3.98
Paving	50.35	39.96	2.83	2.60
Architectural Coating	5.14	3.80	0.44	0.44
Exceeds Threshold?	**No**	**No**	**Yes**	**Yes**
Phase 2				
Grading	149.63	98.27	12.55	9.25
Building Construction	57.01	37.01	3.93	3.70
Paving	44.77	29.64	2.52	2.32
Architectural Coating	4.74	3.77	0.39	0.39
Exceeds Threshold?	**No**	**No**	**No**	**Yes**

Source: Kunzman(a), Table 12

As shown in the table, emissions of PM-10 and PM-2.5 would exceed the calculated local emissions thresholds at the nearest sensitive receptors during Phase 1 construction. PM-2.5 would exceed the thresholds during construction of Phase 2. However, implementation of **MM Air 1** will restrict the daily grading area to no more than five acres. As shown in **Table 5.1-J**, below, mitigated localized emissions will not exceed the screening LST thresholds at the closet sensitive receptor. As mitigated construction emissions would not exceed the stringent screening thresholds for 5 acres, a more detailed analysis is not required. Therefore, with mitigation, a less than significant local air quality impact would occur from construction of the proposed Project.

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the proposed Project. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of "individual cancer risk". "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70 year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Given the relatively limited number of heavy duty construction equipment and the short-term construction schedule, the proposed Project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the proposed Project. (AQIA, p. 47)

Local Impacts from On-Site Operation

According to SCAQMD LST methodology, LSTs would apply to the operational phase of a project, if the project includes stationary sources, or attracts mobile sources that may spend long periods queuing and idling at the site; such as industrial warehouse/transfer facilities. The proposed Project is a residential

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

project with a 10-acre park, and does not include such uses. Therefore due to the lack of stationary source emissions, no long-term localized significant threshold analysis is warranted. (AQIA, p. 58)

CO "Hot Spots" Analysis

A CO "hot spot" is a localized concentration of CO that is above state or federal 1-hour or 8-hour AAQS. Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles.

To determine if the proposed Project could cause emission levels in exceed of the CO standards discussed above, a sensitivity analysis is typically conducted to determine the potential for CO "hot spots" at a number of intersections in the general Project vicinity. Because of reduced speeds and vehicle queuing, "hot spots" potentially can occur at high traffic volume intersections with a Level of Service E or worse. (AQIA, p. 57)

The Project Specific Traffic Impact Analysis (Appendix F of this Draft EIR) showed that the Project would only generate a maximum of 7,445 trips per day for the residential uses and 46 trips a day for the park use. The highest intersection volume is 27,363 trips per day at Ethanac Road from Case Road-Barnett Road to the I-215 southbound freeway ramps in the Project plus cumulative scenario. The 1992 Federal Attainment Plan for Carbon Monoxide showed that an intersection which has a daily traffic volume of approximately 100,000 vehicles per day would not violate the CO standard. The volume of traffic at Project buildout with cumulative projects is 72,637 vehicles shy of necessary volume to even get close to causing a violation of the CO standard. Therefore no "hot spot" modeling was performed and no significant long-term air quality impact is anticipated to local air quality with the on-going use of the proposed Project. (AQIA, p. 58) No mitigation is required for impacts related to CO hot spots.

Conclusions

Based on the regional emissions analysis for the proposed Project, the unmitigated short-term construction emissions will not exceed SCAQMD thresholds, except for NO_X. The Project's unmitigated long-term emissions will exceed the SCAQMD regional thresholds for VOC, NO_X, CO and PM-2.5. The VOC emissions would be primarily from area sources and NO_X, and CO emissions would be primarily created from the Project's area sources and the motor vehicles (AQIA, p. 56).

Based on the localized analysis of the proposed Project, without mitigation, the short-term construction of the Project will result in localized air quality impacts to sensitive receptors in the Project vicinity from PM-10 and PM-2.5. It should be noted that the construction emissions are based on conservative assumptions to represent the maximum level of construction activity that may occur on the Project site. The Project does not contain any uses that would require a localized analysis from operations. Additionally, the proposed Project will not form any CO hot spots in the Project area.

Due to the regional operational emissions exceeding applicable thresholds, the Project will violate an air quality standard or contribute substantially to an existing or projected air quality violation, and impacts are considered to **significant and unavoidable without implementation of mitigation measures**. Mitigation measures **MM Air 1** through **MM Air 6** will be implemented to reduce air quality impacts. Please see Section 5.1.7, below, for a discussion of impacts after mitigation measures have been incorporated.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Threshold: *Would the Project 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)?*

As previously stated above (Related Regulations, Criteria Air Pollutants), the portion of the Basin within which the Project site is located is designated as a non-attainment area for ozone and PM-2.5 under both state and federal standards and for PM-10 under state standards.

SCAQMD considers the thresholds for project-specific impacts and cumulative impacts to be the same.[5] Therefore, projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. The SCAQMD mass daily significance thresholds are exceeded during construction. Thus, the Project would have a cumulatively considerable increase in emissions due to construction. In terms of localized air quality impacts, construction of the Project would not have a cumulatively considerable impact due to criteria pollutant emissions. For the Project, unmitigated operational emissions would exceed the SCAQMD's mass daily threshold for VOC, NO_X, CO, and PM-2.5 emissions. (AQIA, p. 56) Thus, the Project would have a cumulatively considerable increase in emissions due to operational-related VOC, NO_X, CO, and PM-2.5 emissions before mitigation.

Therefore, the Project is considered to have a cumulatively considerable net increase in non-attainment pollutants in the region under both state and federal standards and the impact is considered **significant and unavoidable without the implementation of mitigation measures**. Mitigation measures **MM Air 1** through **MM Air 6** will be implemented to reduce air quality impacts. Please see Section 5.1.7, below, for a discussion of impacts after mitigation measures have been incorporated.

Threshold: *Would the proposed Project expose sensitive receptors to substantial pollutant concentrations?*

The proposed Project consists of a residential specific plan. The majority of operational emissions are from mobile sources (traffic). Sensitive receptors, existing residences in this case, and the analysis of Project-related impacts upon those in the Project vicinity were evaluated in the threshold above, "Violate any air quality standard or contribute substantially to an existing or projected air quality violation."

As previously discussed and shown in **Table 5.1-G**, above, air quality impacts from construction would exceed SCAQMD local air quality significance thresholds for PM-10 and PM-2.5 without mitigation. However, there would be no long-term exceedances from Project operations because the Project does not contain sources that require localized analysis nor would the Project result in CO hot spots. Therefore, impacts are considered **significant without mitigation**.

5.1.6 Proposed Mitigation Measures

An Environmental Impact Report is required to describe feasible mitigation measures which could minimize significant adverse impacts (CEQA Guidelines, Section 15126.4). Mitigation measures were evaluated for their ability to eliminate or reduce the potential significant adverse impacts to air quality.

[5] The only exception is the hazard index significance threshold for toxic air contaminants.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

The following measures shall be implemented to eliminate or reduce potentially significant impacts to air quality.

Construction Measures

MM Air 1: The Project applicant shall ensure that the contract specifications list all applicable SCAQMD Rules and Regulations (such as Rule 403 for fugitive dust) and the construction contractor's construction specification package shall use construction equipment that have Tier 4 final engines, level 3 diesel particulate filters (DPF), with oxidation catalyst that have a 20% reduction in emissions. Prior to issuance of grading permits, proof of compliance shall be provided to the City in Project construction specifications, which shall include, but is not limited to, a copy of each unit's certified tier specification, T-BACT documentation, and CARB and/or SCAQMD operating permit(s). Alternatively, during the City's review process for applications under the Specific Plan, the applicant shall have conducted modeling of the criteria pollutant emissions of NO_X, PM-10, and PM-2.5 (regional NO_X from all construction activities and localized PM-10 and PM-2.5 during grading only) with the proposed fleet of equipment. If the modeling shows that NO_X, PM-10, and PM-2.5 emissions would exceed the SCAQMD's significance thresholds for those emissions, the maximum daily equipment of the proposed development shall be limited to the extent that could occur without resulting in NO_X, PM-10, and PM-2.5 emissions in excess of SCAQMD's significance thresholds for those emissions. For implementing projects within the Specific Plan, the applicant shall be responsible for submitting a project-level air quality assessment that includes the modeling of emissions associated with the daily activities anticipated for the proposed development.

Operational Measures

MM Air 2: As included in the design of any future maps submitted to the City and where existing ROW is available, the Project applicant shall provide sidewalks. The City building and safety department shall review all submittals prior to approval to ensure sidewalks are incorporated throughout the Project.

MM Air 3: In order to reduce energy consumption from proposed Project development, applicable plans (e.g., electrical plans) submitted to the City shall include the installation of high-efficiency lighting that is at least 5% more efficient than standard lighting. These plans shall be reviewed and approved by the applicable Department (e.g., Department of Building and Safety).

MM Air 4: In order to reduce energy consumption from the proposed Project development, the Project applicant shall require that all building structures meet or exceed 2013 Title 24, Part 6 Standards and meet Green Building Code Standards. In addition, major appliances such as dishwashers, washing machines, and refrigerators installed in homes, shall be Energy Star-rated models. Proof of compliance will be required by the Department of Building and Safety in order to obtain a Final Inspection.

MM Air 5: Currently Waste Management – City of Menifee provides a recycling program and recycle bins to all residents. The developer shall coordinate with Waste Management to ensure residents are provided information on obtaining recycling bins and are educated regarding the benefits, through handouts and signage throughout the community.

MM Air 6: In order to improve air quality by reducing VOC emissions associated with the application of architectural coating, homebuilders shall apply VOC coatings and solvents with VOC content lower than SCAQMD Rule 1113 to residential dwelling units. In addition, homebuilders are encouraged to consider

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

the use of pre-coated construction materials and materials that do not require painting. Construction specifications shall be included in the building specifications that assure these requirements are implemented. The specifications shall be reviewed by the City of Menifee's Building and Safety Department for compliance with this mitigation measure prior to issuance of a building permit.

5.1.7 Summary of Project-Specific Environmental Effects after Mitigation Measures are Implemented

Because the Project's operational emissions exceed SCAQMD thresholds, the Project is anticipated to conflict with implementation of the AQMP. This impact is considered **potentially significant and unavoidable**.

Implementation of mitigation measures **MM Air 1** will reduce the Project's short-term construction-related emissions. **MM Air 1** is recommended to address NO_X emissions from off-road equipment and is quantifiable in CalEEMod. The results of the mitigated regional threshold analysis are shown in **Table 5.1-H, Phase 1 Estimated Daily Construction Emissions – Mitigated** and **Table 5.1-I, Phase 2 Estimated Daily Construction Emissions – Mitigated**. The results of the mitigated localized threshold analysis are shown in **Table 5.1-J – Mitigated Local Construction Emissions at the Nearest Receptor**. As shown in **Tables 5.1-H** through **5.1-J**, the mitigated emissions of NO_X, PM-10, and PM-2.5 do not exceed applicable SCAQMD thresholds. Thus, **short-term construction impacts are considered less than significant after implementation of mitigation**.

Table 5.1-H – Phase 1 Estimated Daily Construction Emissions – Mitigated

Activity	Peak Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
Grading	1.68	5.24	69.56	0.12	5.71	2.72
Off-site Improvement Grading	2.47	26.37	20.09	0.02	4.09	2.68
Building Construction	7.81	42.15	128.20	0.26	13.61	4.16
Paving	2.94	9.91	34.76	0.04	0.75	0.47
Off-site Improvement Paving	1.01	9.10	5.93	0.01	0.63	0.51
Architectural Coating	38.34	1.17	15.66	0.03	2.14	0.58
Maximum Emissions[1]	**51.56**	**79.60**	**198.71**	**0.35**	**20.59**	**7.89**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Thresholds?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Table 8 Kunzman (a) and Draft EIR Appendix B.2

Notes: [1] Maximum emissions are the greater of individual activities or the sum of overlapping activities. Construction phase, paving phase, and painting phase may overlap. Off-site improvement grading or paving may overlap with construction phase, paving phase, or painting phase, but do not overlap with each other. Off-site improvement equipment was not assumed to require mitigation.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Table 5.1-I – Phase 2 Estimated Daily Construction Emissions – Mitigated

Activity	Peak Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
Grading	1.74	5.43	71.83	0.13	5.86	2.81
Off-site Improvement Grading	3.04	32.16	21.99	0.02	4.29	2.90
Building Construction	5.81	31.18	103.34	0.22	10.86	3.27
Paving	1.72	2.04	35.56	0.04	0.35	0.10
Off-site Improvement Paving	1.28	7.33	5.22	0.01	0.52	0.41
Architectural Coating	47.95	0.89	12.28	0.03	1.71	0.46
Maximum Emissions[1]	**58.52**	**66.27**	**173.17**	**0.31**	**17.21**	**6.73**
SCAQMD Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Thresholds?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Table 10 Kunzman (a)

Note: [1] Maximum emissions are the greater of individual activities or the sum of overlapping activities. Construction phase, paving phase, and painting phase may overlap. Off-site improvement grading or paving may overlap with construction phase, paving phase, or painting phase, but do not overlap with each other. Off-site improvement equipment was not assumed to require mitigation.

Table 5.1-J – Mitigated Local Construction Emissions at the Nearest Receptors

Source	Maximum Daily Emissions (lb/day)			
	NO_X	CO	PM-10	PM-2.5
SCAQMD Daily Thresholds	**270**	**1,577**	**13**	**8**
Phase I				
Grading	5.24	69.56	5.71	2.72
Building Construction	3.57	34.82	0.01	0.01
Paving	9.76	32.87	0.41	0.38
Architectural Coating	0.21	3.66	0.00	0.00
Exceeds Threshold?	**No**	**No**	**No**	**No**
Phase 2				
Grading	5.24	69.56	5.41	2.69
Building Construction	3.57	34.82	0.01	0.01
Paving	1.90	33.86	0.01	0.01
Architectural Coating	0.21	3.66	0.00	0.00
Exceeds Threshold?	**No**	**No**	**No**	**No**

Source: Kunzman(a), Table 13

Implementation of mitigation measures **MM Air 2** through **MM Air 6** will reduce the Project's long-term operation emissions of VOC, NO_X, CO, and PM-2.5 and are quantifiable in CalEEMod. Although implementation of mitigation measures **MM Air 2** through **MM Air 6** will reduce Project-generated CO and PM-2.5 emissions below thresholds, NO_X and VOC emission levels still exceed SCAQMD regional thresholds. The results of the mitigated regional threshold analysis are shown in **Tables 5.1-K – Operational Criteria Pollutants Regional Air Emissions– Mitigated**, below. This table reflects the quantitative reductions associated with mitigation measures **MM Air 2** and **MM Air 6**. Thus, **long-term operation impacts are considered significant and unavoidable after mitigation**.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

Table 5.1-K – Operational Criteria Pollutants Regional Air Emissions– Mitigated

Source	Maximum Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
SCAQMD Daily Thresholds	**55**	**55**	**550**	**150**	**150**	**55**
Phase I						
Area	58.08	0.50	42.63	0.00	0.84	0.84
Energy	0.40	3.45	1.47	0.02	0.28	0.28
Traffic	19.41	63.11	216.42	0.53	36.64	10.35
Total	**77.89**	**67.06**	**260.51**	**0.55**	**37.77**	**11.47**
Exceeds Threshold?	**Yes**	**Yes**	**No**	**No**	**No**	**No**
Phase 2						
Area	43.07	0.27	22.78	0.00	0.45	0.45
Energy	0.22	1.85	0.79	0.01	0.15	0.15
Traffic	9.79	31.82	108.35	0.29	19.91	5.61
Total	**53.07**	**33.93**	**131.92**	**0.30**	**20.51**	**6.21**
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**
Total Emissions Phase I and 2						
Total	**130.97**	**100.99**	**392.43**	**0.85**	**58.28**	**17.67**
Exceeds Threshold?	**Yes**	**Yes**	**No**	**No**	**No**	**No**

Source: Kunzman(a1), Table 15

5.1.8 Summary of Cumulative Environmental Effects after Mitigation Measures are Implemented

As discussed in Section 7.1.5, the proposed Project's cumulative contribution to air quality is considerable. Therefore, cumulative impacts are **significant and unavoidable** and a **statement of overriding consideration** would be required prior to Project approval.

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

5.1.9 References

The following references were used in the preparation of this section of the Draft EIR:

AQMP	South Coast Air Quality Management District, *2012 Air Quality Management Plan,* December 2012. (Available at http://www.aqmd.gov/aqmp/2012aqmp/Final/index.html, accessed March 20, 2014.)
KUNZMAN a1	Kunzman Associates, Inc., *Cimarron Ridge Air Quality and Global Climate Change Impact Analysis*, October 3, 2014. (Appendix B.1)
SCAQMD 1993	South Coast Air Quality Management District, *CEQA Air Quality Handbook*, November 1993. (Available at SCAQMD.)
SCAQMD 2005	South Coast Air Quality Management District, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005. (Available at http://www.aqmd.gov/prdas/aqguide/doc/aq_guidance.pdf, accessed March 20, 2014.)
USEPA 2005	U.S. Environmental Protection Agency, *Six Common Air Pollutants*, (Available at http://www.epa.gov/air/urbanair/, accessed March 20, 2014.)
Appendix B.2	CalEEMod Output for Off-site Improvements, April 25, 2014. (Appendix B.2)

Attachment: 7.2 Nossaman LLP-091118 to Mayor -CC Grimmway Enterprises, Inc. (Public Hearing - Ariston Project)

RESOLUTION NO. APC 2018-13

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.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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:

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 (Attachments A, A-1, and A-2). 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.

//////

//////

//////

//////

//////

//////

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - 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: PC Tinoco, VC Zavala, Chair Trujillo

NOES: _____

ABSTAIN: _____

ABSENT: PC Rivera, PC Martinez

ATTEST:

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
OLIVIA TRUJILLO, Chairperson

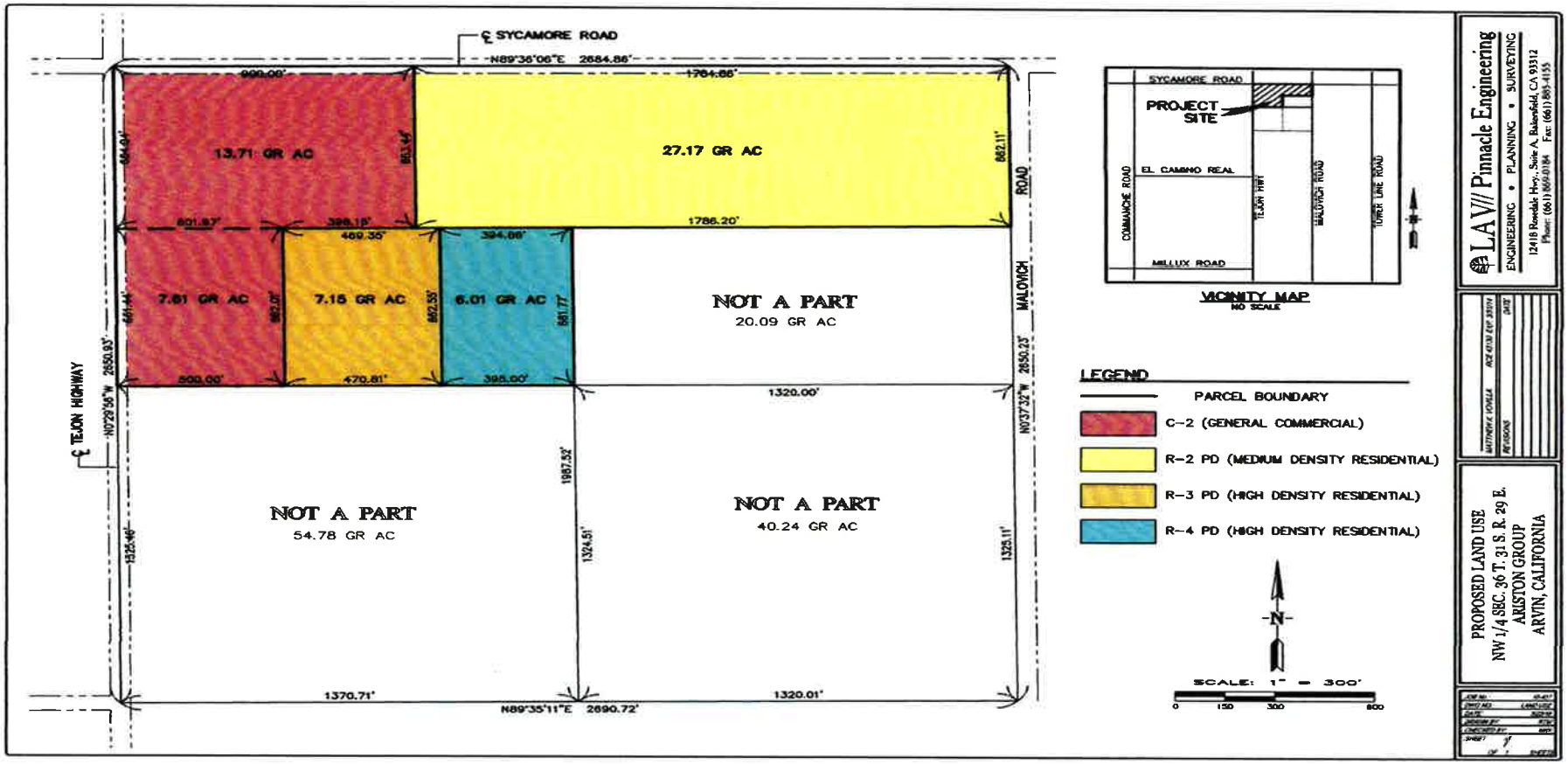
APPROVED AS TO FORM:

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: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - 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



Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

ATTACHMENT 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:

ONKAR S. BISHA — Onkar S. Bisha — 7-27-18

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 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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

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 at 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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 Higway:** Franklin Street currently "tees" into Derby Street from the West. The east leg of this intersection at this

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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:

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

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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	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.
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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 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 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.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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	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 Timing	Prior to or concurrent with future entitlements.
Mitigation Specifications	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. Improvements are to be implemented prior to or concurrent with future development.
Agency/Individual Responsible for Monitoring	Future Development and City Engineer
Action by Monitor	Require plans and construction of necessary impartments to serve the project.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston 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	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 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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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	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. 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".
Implementation Timing	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. Provide elevation certificates ag grading plan and submittal with or prior to submittal of building permits.
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.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

Mitigation #13 Cultural Resources – Historical Resources	Require on-site investigation prior to ground distribuance
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 filled 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.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

ATTACHMENT 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: ONKAR S. BISRA Onkar S. Bisra 9-19-18

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.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

ATTACHMENT A-2
August 14, 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:

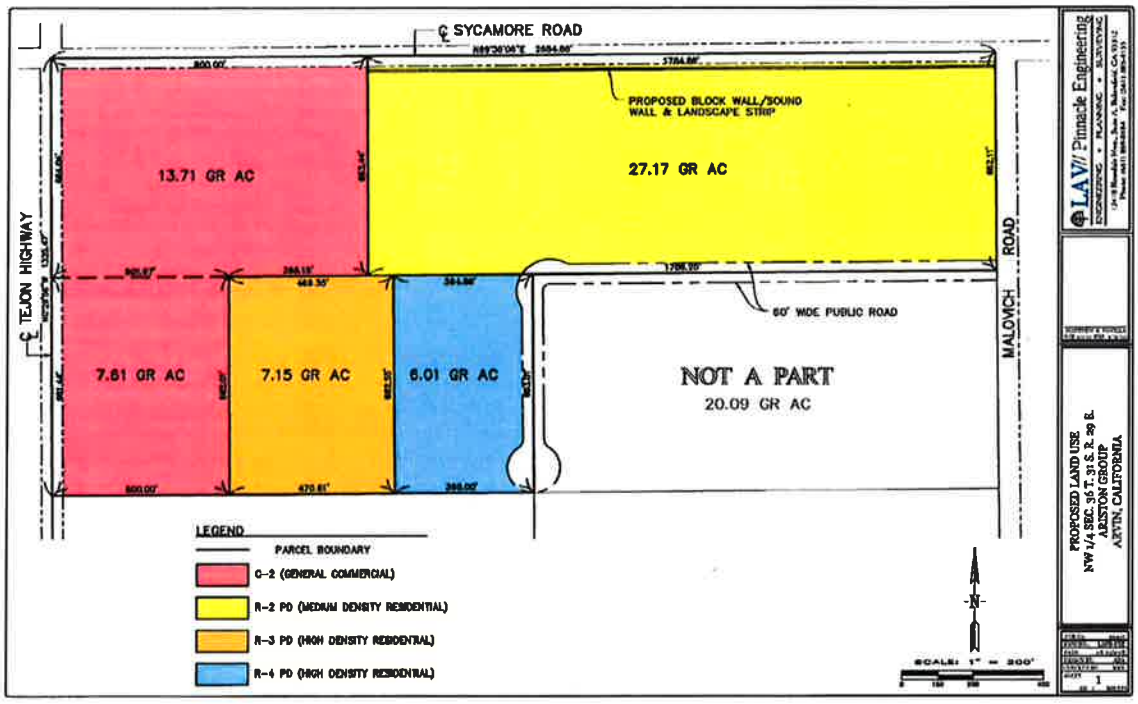
ONKAR S. BISLA Onkar S. Bisla 9-19-18

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, and Added Additional Mitigation and Design Criteria 20.)

Mitigation #20 Traffic/Noise Design Criteria Mitigation – Sycamore Road and Perimeter Road South and West of Project Site for traffic circulation and utility easements	1. 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. 2. Provide 30'-0" public road and utility easement on south side and east side of project for potential future traffic circulation and utilities.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	1. Prior to or concurrent with first phase of residential development adjacent to Sycamore Road 2. Prior to or concurrent with the any future discretionary permit affecting the south side and east side of the project site
Design Criteria Lessens Conflict between Residential Development and Existing Industrial Uses	1. Lessens the potential land use conflict between the adjacent and existing industrial operations and truck traffic along Sycamore Road. 2. Provides for future traffic circulation for the 20 acre site immediately south and east of the project.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer and City Planner
Action by Monitor	1.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. 2. Insure that right of way and easements are reserved and/or dedicated for future traffic circulation for the 20 -acre site immediately south and east of the project. Require half road improvements to be constructed and/or enter into a deferred street improvement agreement with appropriate bonding and financial assurances for the completion of the improvements.
	Refer to Diagram below.

Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)



Attachment: 7.3 Reso APC 2018-13 GPA 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

RESOLUTION NO. APC 2018-14

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 (Attachments A, A-1 and A-2). 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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - 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: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - 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:

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

- 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 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 Month Day, 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 Month Day, 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;

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 (Attachments A, A-1, and A-2). 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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 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

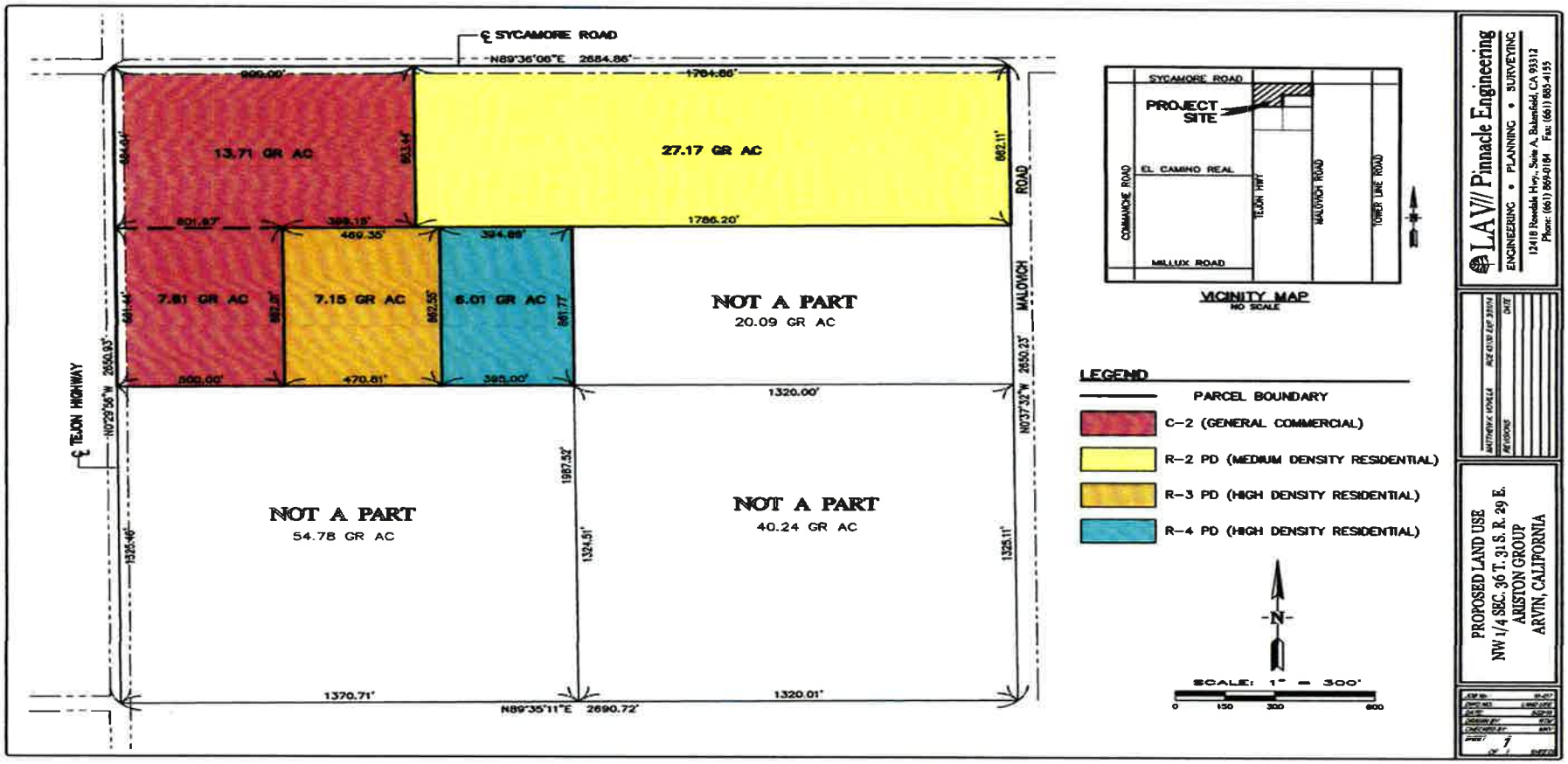
Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - 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



Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing -

ATTACHMENT 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:

ONKAR S. BISHA Omkar S. Bisha 7-27-18

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 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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

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 at 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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 Higway:** Franklin Street currently "tees" into Derby Street from the West. The east leg of this intersection at this

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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:

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

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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	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.
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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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 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 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.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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	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 Timing	Prior to or concurrent with future entitlements.
Mitigation Specifications	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. Improvements are to be implemented prior to or concurrent with future development.
Agency/Individual Responsible for Monitoring	Future Development and City Engineer
Action by Monitor	Require plans and construction of necessary impartments to serve the project.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston 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	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 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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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	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. 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".
Implementation Timing	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. Provide elevation certificates ag grading plan and submittal with or prior to submittal of building permits.
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.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

Mitigation #13 Cultural Resources – Historical Resources	Require on-site investigation prior to ground distribuance
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 filled 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.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

ATTACHMENT 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:

ONKAR S. BISRA Omkar S. Bisra 9-19-18

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.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

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

ATTACHMENT A-2
August 14, 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:

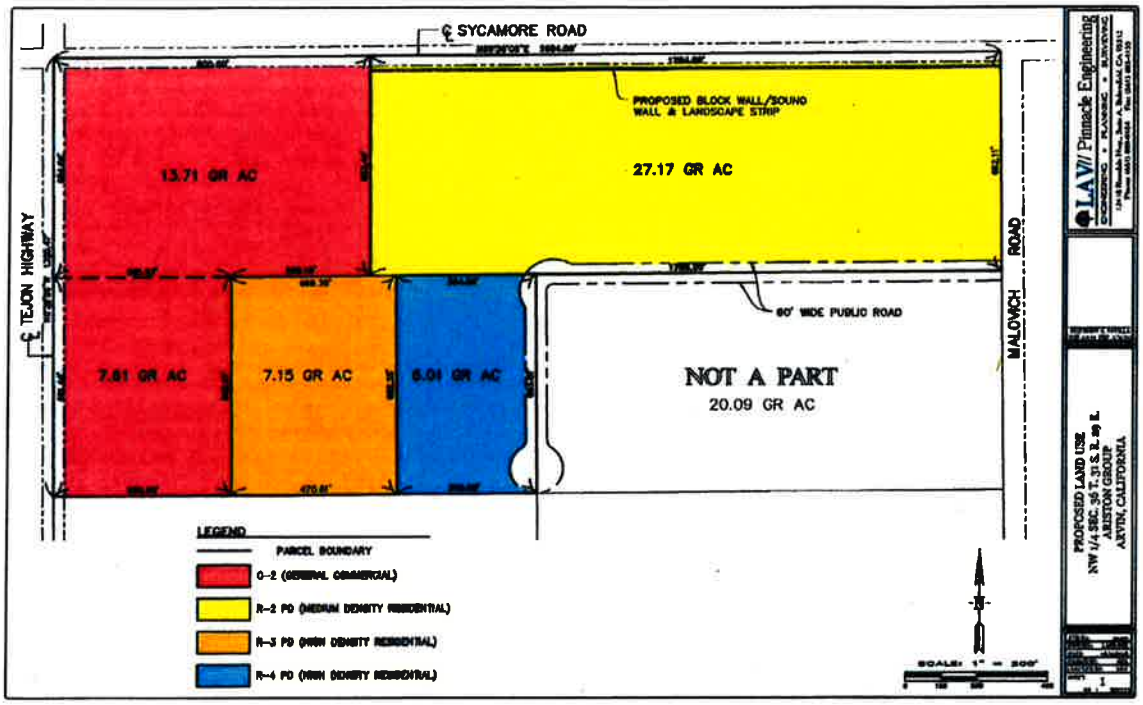
ONKAR S. BISLA Onkar S. Bisla 9-19-18

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, and Added Additional Mitigation and Design Criteria 20.)

Mitigation #20 Traffic/Noise Design Criteria Mitigation – Sycamore Road and Perimeter Road South and West of Project Site for traffic circulation and utility easements	1. 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. 2. Provide 30'-0" public road and utility easement on south side and east side of project for potential future traffic circulation and utilities.
Agency/Individual Responsible for implementation	Future Developer
Implementation Timing	1. Prior to or concurrent with first phase of residential development adjacent to Sycamore Road 2. Prior to or concurrent with the any future discretionary permit affecting the south side and east side of the project site
Design Criteria Lessens Conflict between Residential Development and Existing Industrial Uses	1. Lessens the potential land use conflict between the adjacent and existing industrial operations and truck traffic along Sycamore Road. 2. Provides for future traffic circulation for the 20 acre site immediately south and east of the project.
Agency/Individual Responsible for Monitoring	Future Developer and City Engineer and City Planner
Action by Monitor	1.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. 2. Insure that right of way and easements are reserved and/or dedicated for future traffic circulation for the 20 -acre site immediately south and east of the project. Require half road improvements to be constructed and/or enter into a deferred street improvement agreement with appropriate bonding and financial assurances for the completion of the improvements.
	Refer to Diagram below.

Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)



Attachment: 7.4 Reso APC 2018-14 Zone Change 2013-01 Ariston Project_081418 (Public Hearing - Ariston Project)

7.7 Various Studies and support documents on File at the Community Development Department, 141 Plumtree Drive, Arvin, CA

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	Chairperson
	Janett Zavala	Vice Chairperson
	Yesenia Martinez	Planning Commissioner
	Miguel Rivera	Planning Commissioner
	Gerardo Tinoco	Planning Commissioner

STAFF:	Jake Raper	City Planner
	Shannon L. Chaffin	City Attorney – Aleshire & Wynder
	Cecilia Vela	Secretary

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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;

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

DRAFT

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

DRAFT

CITY OF ARVIN
Staff Report

Meeting Date: August 14, 2018

TO: Planning Commission

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

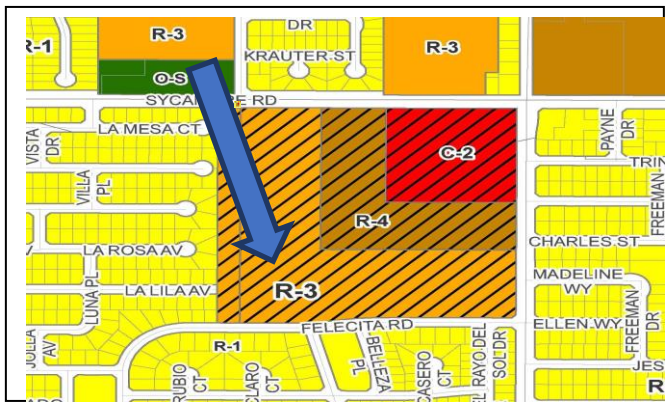
SUBJECT: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THE CITY COUNCIL I) APPROVE THE UNCODIFIED ORDINANCE FOR THIRD AMENDMENT BY AND BETWEEN AUBURN OAK DEVELOPERS, LLC AND THE CITY OF ARVIN OF THE DEVELOPMENT AGREEMENT BETWEEN SYCAMORE VILLAS, LLC, AND THE CITY OF ARVIN, 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



Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 was not at any time owned by LeOra, LLC or K. Hovnanian at Ceilo, LLC; and

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

EXHIBIT A

THIRD AMENDMENT TO DEVELOPMENT AGREEMENT

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

DRAFT

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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, 207, 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

DRAFT

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.

///

DRAFT

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

By: _____
Jose Gurrola, Mayor

_____, 2018

ATTEST:

_____
Cecilia Vela, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Shannon L. Chaffin, City Attorney

AUBURN OAK DEVELOPERS, LLC,
a California Limited Liability Company

By: _____
Victor Baldivia, Manager
_____, 2018

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.

APPROVED AS TO FORM:

By: _____
Name:
Title:

DRAFT

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

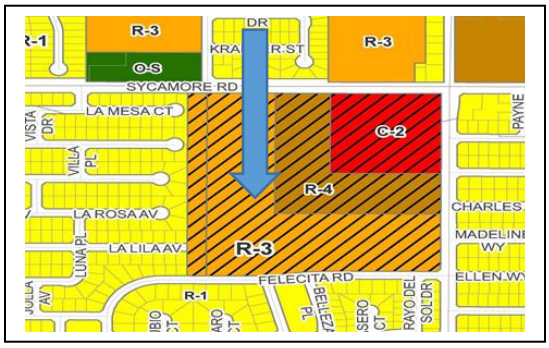
Notice is hereby given that the Planning Commission of the City of Arvin, California, will conduct a public hearing, at which time the public may be present and be heard, to consider the following recommendations to the City Council of the City of Arvin:

- 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

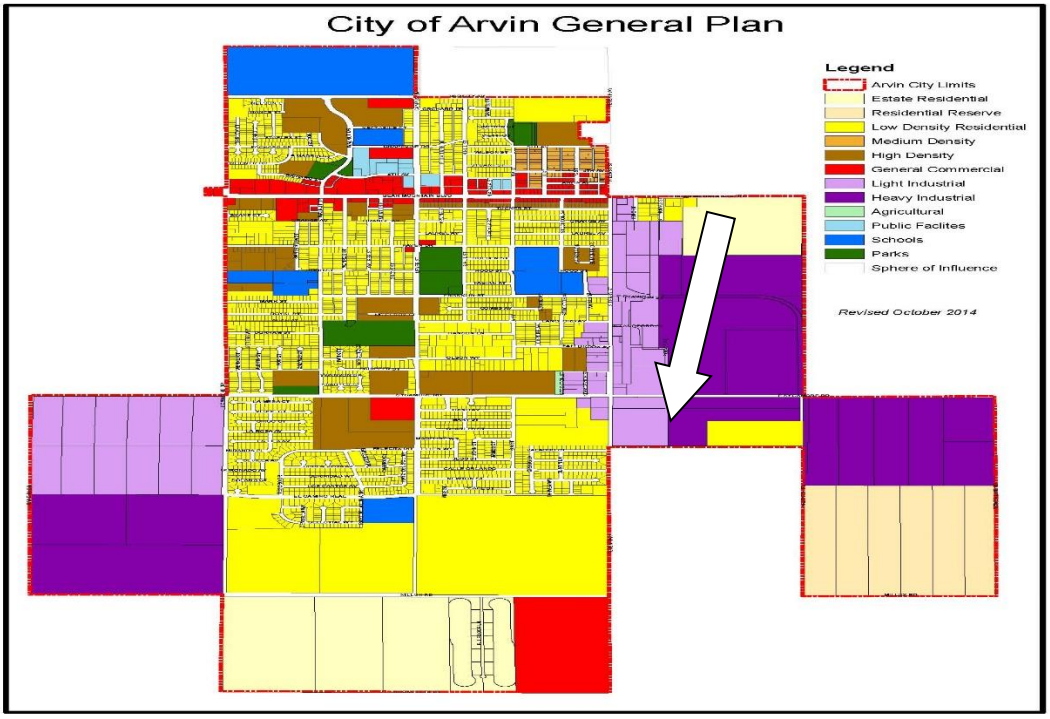
Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 is located south side of Sycamore Road, east of Tejon Highway and west of Malovich Road.

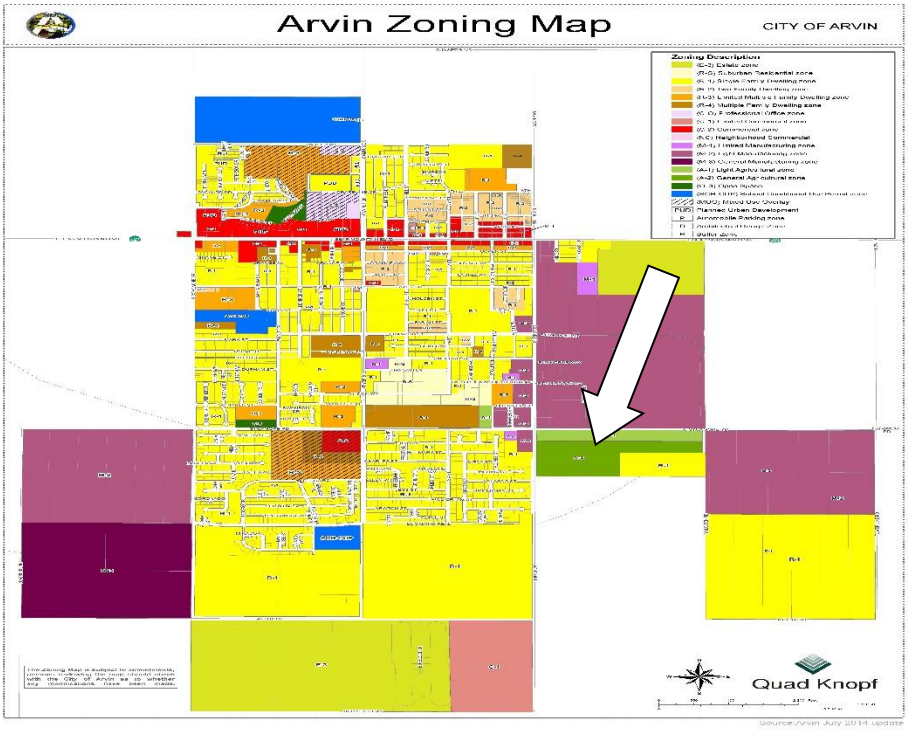
Currently, the 2012 Arvin General Plan Land Use Designation applies two land use designations to the site. The westerly one-third is designated "Light Industrial" and the easterly two-thirds of the site is designated "Heavy Industrial". These designations allow for a variety of industrial uses; the Light 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

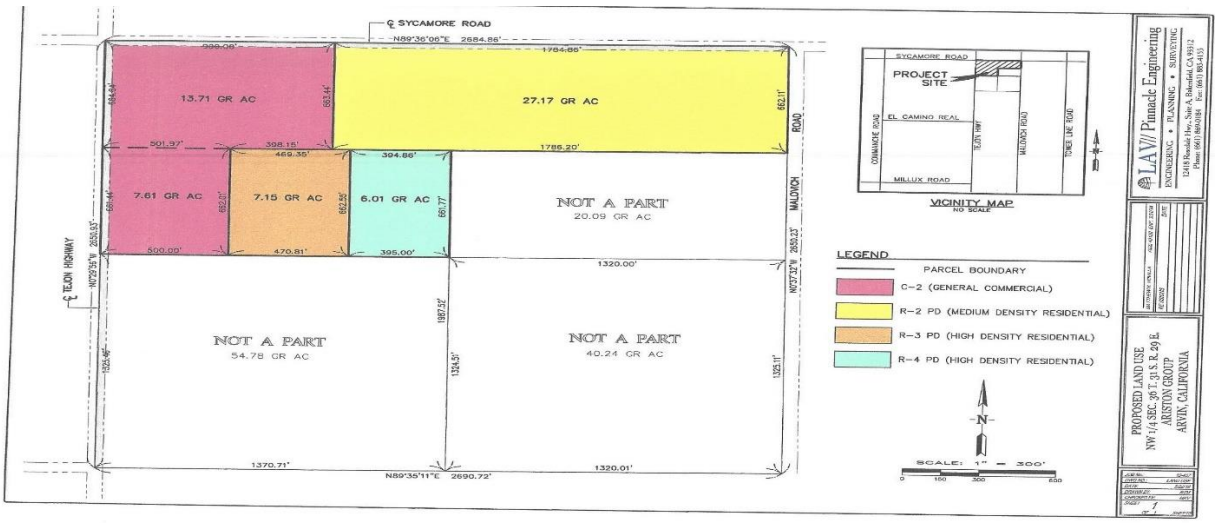
Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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 at 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 Higway:** 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".

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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:

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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:

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

Action by Monitor	Require improvement plans, construction, and monitoring of infrastructure

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	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.
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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

	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 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	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 Timing	Prior to or concurrent with future entitlements.
Mitigation Specifications	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. Improvements are to be implemented prior to or concurrent with future development.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

Agency/Individual Responsible for Monitoring	Future Development and City Engineer
Action by Monitor	Require plans and construction of necessary impartments 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	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 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

	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	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. 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".
Implementation Timing	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. Provide elevation certificates ag grading plan and submittal with or prior to submittal of building permits.
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 distribuance
Agency/Individual Responsible for implementation	Future Developer
Subject	Investigation of site for cultural and historical resources

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 filled 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

	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.

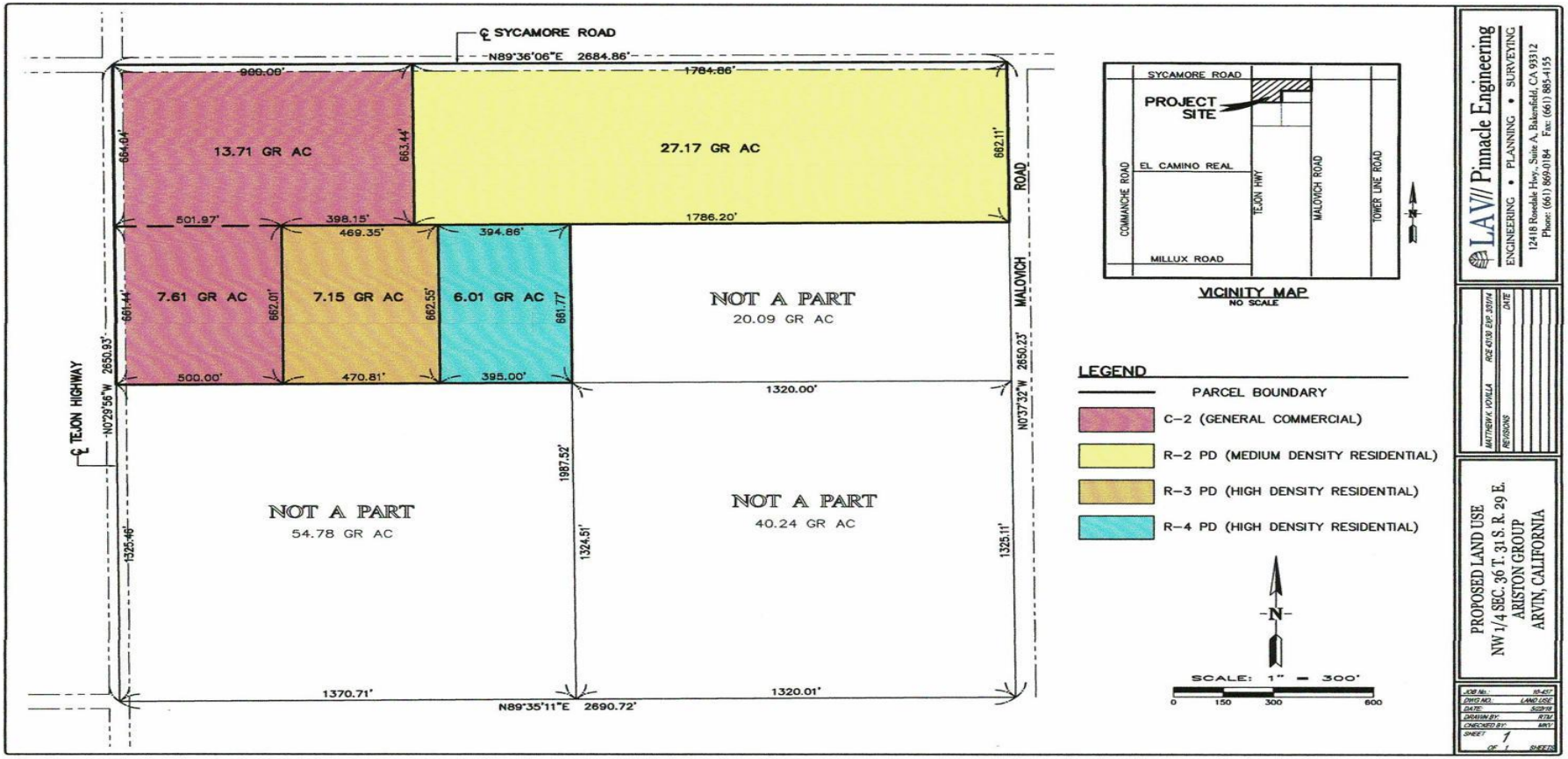
Mitigation #17 Transportation—Bus Services	Provide for future bus stops and infrastructure improvements
Agency/Individual Responsible for implementation	Future Developer
Subject	Transit stops and infrastructure Improvements
Implementation Timing	Prior to or concurrent to future development
Mitigation 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

EXIBIT 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



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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

//////

//////

//////

//////

//////

//////

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

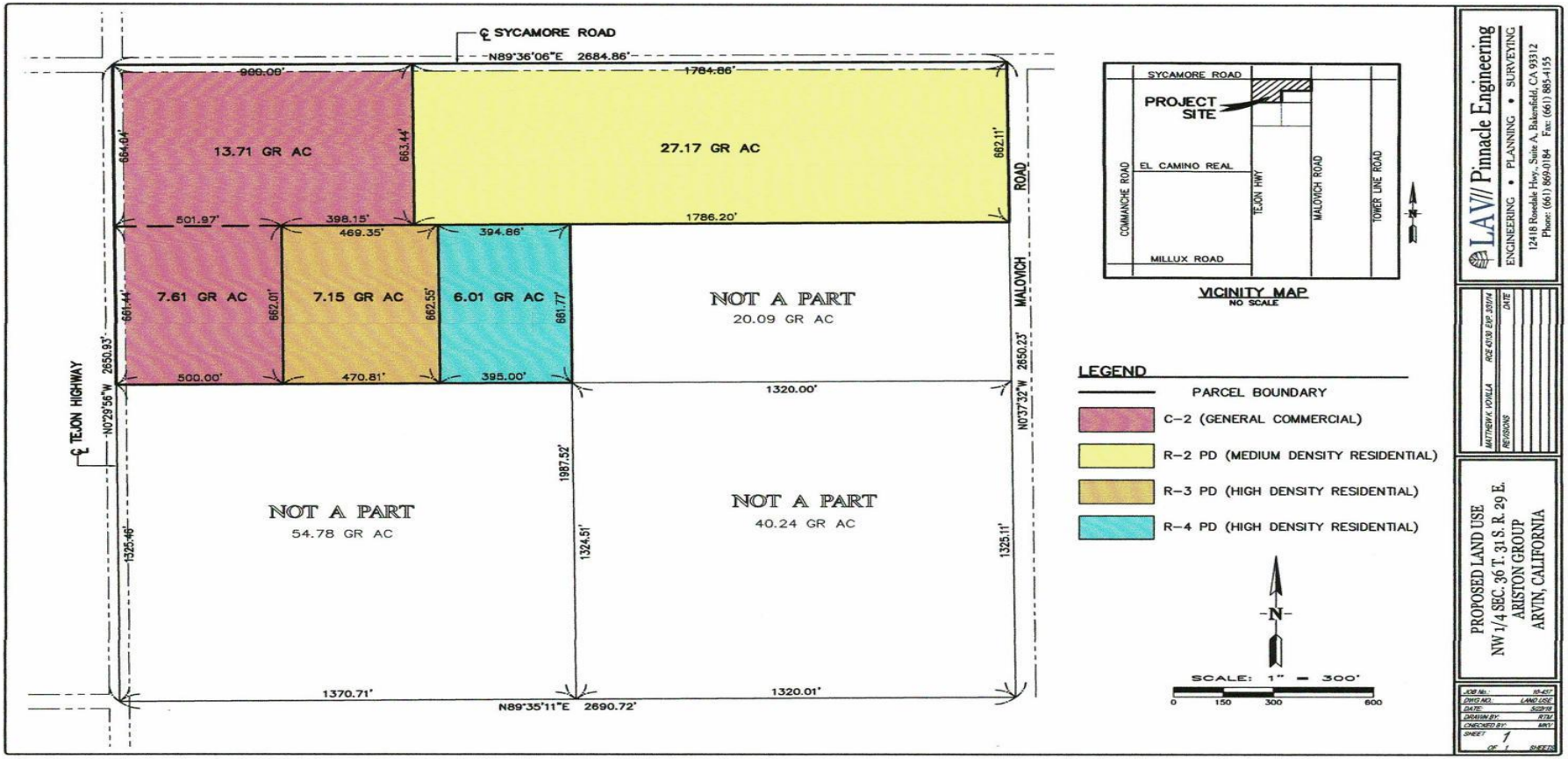
APPROVED AS TO FORM:

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

EXIBIT 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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.

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

//////

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.

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

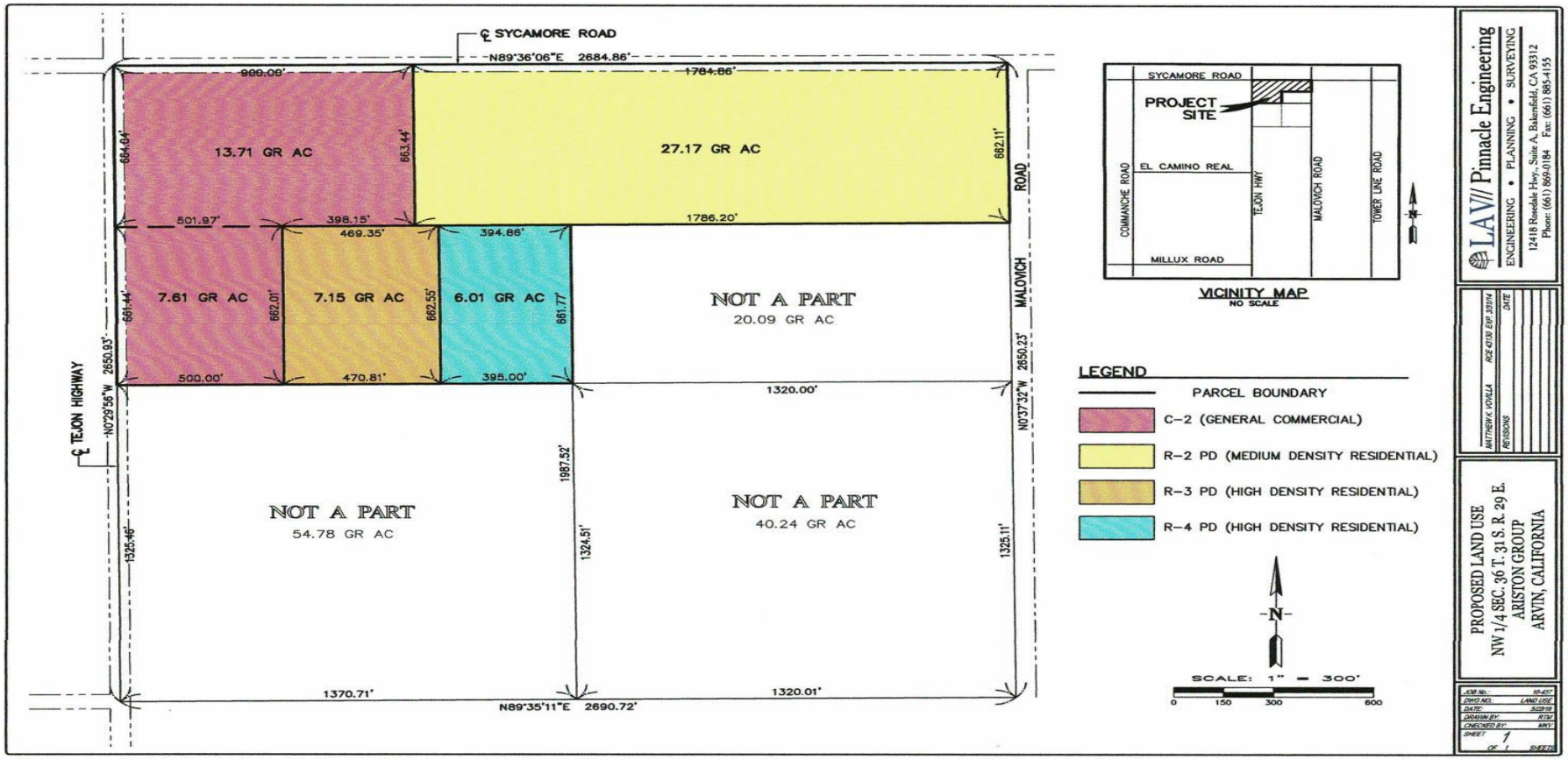
Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

EXIBIT 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



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 systemin 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

ARVIN-EDISON WATER STORAGE DISTRICT

Resubmitted 7/10/2018
To City of Arvin

October 31, 2016

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

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

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

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

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

20401 Bear Mountain Boulevard · P.O. Box 175 · Arvin, CA 93203
Telephone (661) 854-5573 · Fax (661) 854-5213 · E-mail: arvined@aewsd.org

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

ARVIN-EDISON WATER STORAGE DISTRICT

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

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

October 31, 2016

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

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

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

20401 Bear Mountain Boulevard · P.O. Box 175 · Arvin, CA 93203
Telephone (661) 854-5573 · Fax (661) 854-5213 · E-mail: arvined@aewsd.org

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-existant.

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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 Juaquin Valley Air Pollution Control District, applicant must comply with Air District Rule 9510 for Indirect Source Review
2. As stated by the San Juaquin 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 woul 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

Resourcing the world VEOLIA

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

From: jraper@arvin.org
To: matt@pinnaclex2.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:

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

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

Resourcing the world VEOLIA

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

/ 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

Resourcing the world VEOLIA

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

12 OF 74

Subject: RE: Bisla GPA & Zone Change -

From: matt@pinnaclex2.com
To: jakeraper@yahoo.com
Cc: ada@pinnaclex2.com; lav@Pinnaclex2.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@pinnaclex2.com>
Sent: Monday, June 4, 2018 1:08 PM
To: 'jakeraper@yahoo.com' <jakeraper@yahoo.com>
Cc: 'Alyssa Allen' <ada@pinnaclex2.com>; lav@Pinnaclex2.com; 'Juggy Tut' <juggy@elitedevelopments.net>; David Cowin (wdcowin@thearistongroup.com)

13 of 74

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

<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

14 of 74

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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 I 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

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

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.

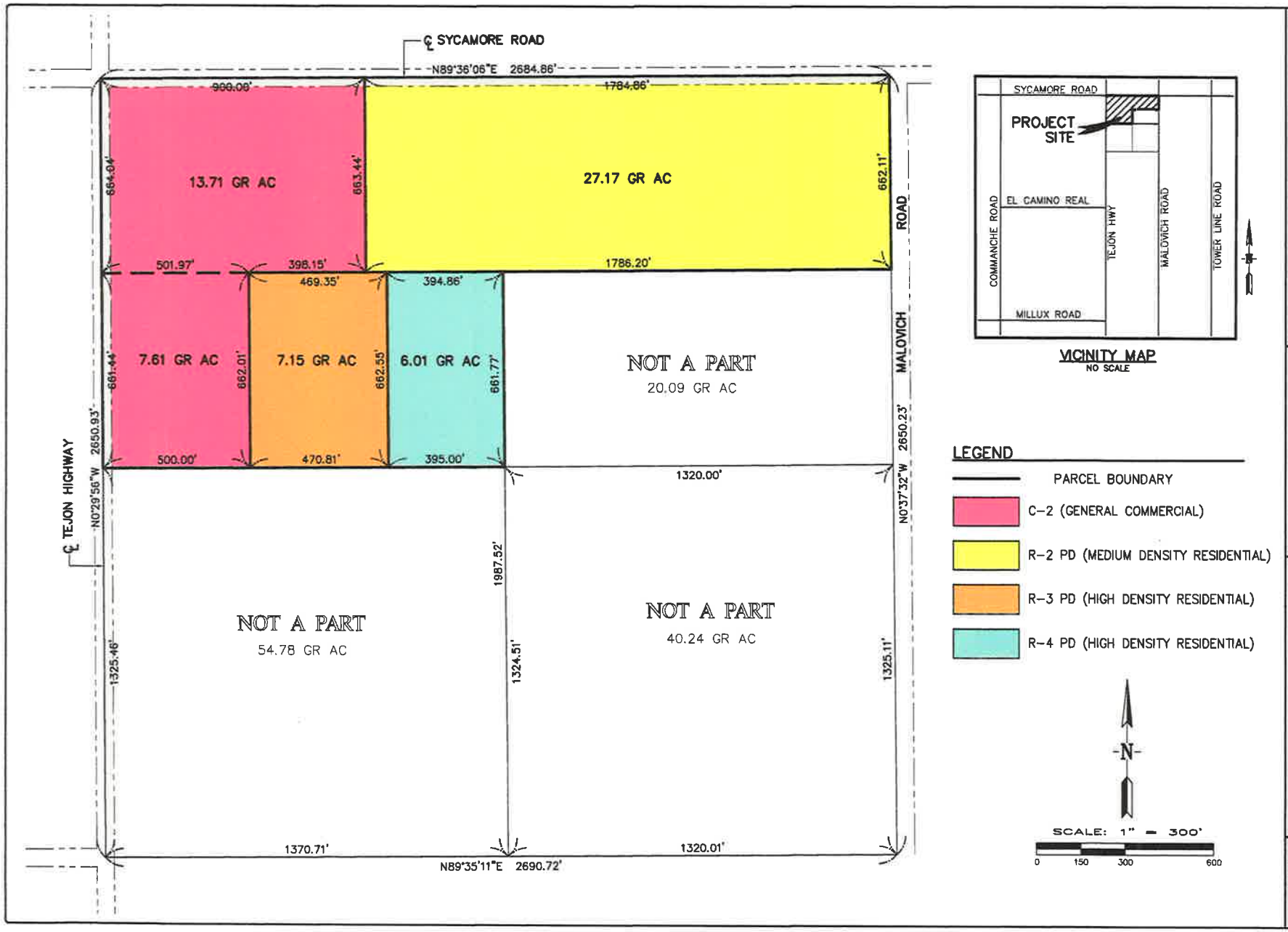
Thank you for your consideration of this matter. We are happy to meet with you and Staff to discuss the proposed project, and any considerations you may have.

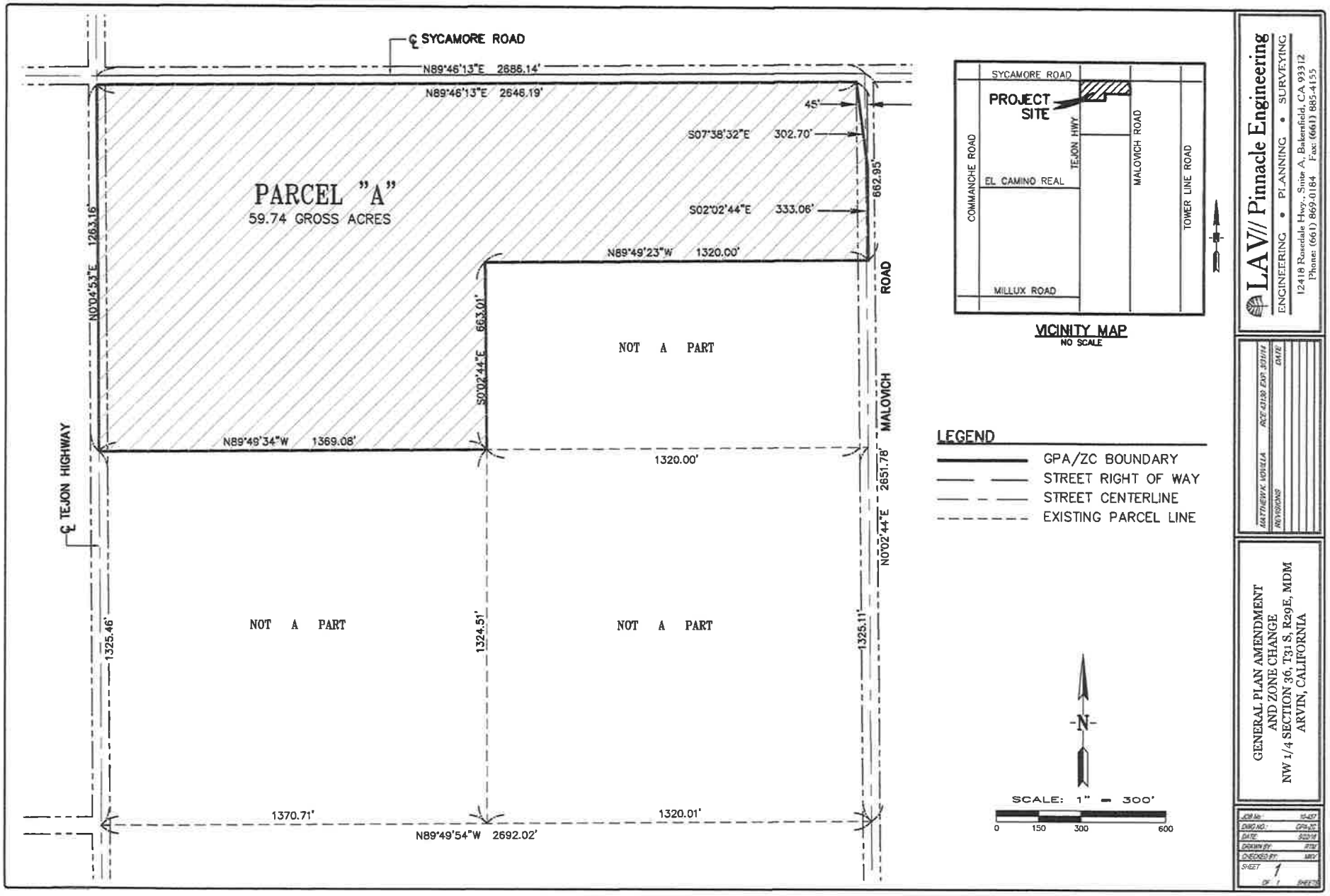
Sincerely,

Leslie VoVilla, President
LAV //Pinnacle Engineering

Cc: The Ariston Group

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)


℄ SYCAMORE ROAD
N89°36'06"E 2684.86'
900.06'
1784.86'
13.71 GR AC
27.17 GR AC
664.04'
663.44'
662.11'
501.97'
398.15'
1786.20'
469.35'
394.86'
7.61 GR AC
7.15 GR AC
6.01 GR AC
NOT A PART
20.09 GR AC
661.44'
662.01'
662.55'
661.77'
500.00'
470.81'
395.00'
1320.00'
℄ TEJON HIGHWAY
N0°29'56"W 2650.93'
MALOVICH ROAD
N0°37'32"W 2650.23'
1987.52'
NOT A PART
54.78 GR AC
NOT A PART
40.24 GR AC
1325.46'
1324.51'
1325.11'
1370.71'
1320.01'
N89°35'11"E 2690.72'
SYCAMORE ROAD
PROJECT SITE
EL CAMINO REAL
COMMANCHE ROAD
TEJON HWY
MALOVICH ROAD
TOWER LINE ROAD
MILLUX ROAD
VICINITY MAP
NO SCALE
LEGEND
PARCEL BOUNDARY
C-2 (GENERAL COMMERCIAL)
R-2 PD (MEDIUM DENSITY RESIDENTIAL)
R-3 PD (HIGH DENSITY RESIDENTIAL)
R-4 PD (HIGH DENSITY RESIDENTIAL)
N
SCALE: 1" = 300'
0 150 300 600
LAV// Pinnacle Engineering
ENGINEERING • PLANNING • SURVEYING
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184 Fax: (661) 885-4155
MATTHEW R. VOVILA RCE 43130 EXP. 3/31/14
REVISIONS
DATE
PROPOSED LAND USE
NW 1/4 SEC. 36 T. 31 S. R. 29 E.
ARISTON GROUP
ARVIN, CALIFORNIA
JOB NO: 15487
DWG NO: LAND USE
DATE: 5/2/13
DRAWN BY: RTM
CHECKED BY: MRV
SHEET 1 OF 1 SHEETS


℄ SYCAMORE ROAD
N89°46'13"E 2686.14'
N89°46'13"E 2646.19'
45'
S07°38'32"E 302.70'
S02°02'44"E 333.06'
N89°49'23"W 1320.00'
662.95'
PARCEL "A"
59.74 GROSS ACRES
N00°04'53"E 1263.16'
663.01'
S00°02'44"E
NOT A PART
N89°49'34"W 1369.08'
1320.00'
2651.78'
N00°02'44"E
℄ TEJON HIGHWAY
MALOVICH ROAD
1325.46'
NOT A PART
1324.51'
NOT A PART
1325.11'
1370.71'
1320.01'
N89°49'54"W 2692.02'
SYCAMORE ROAD
PROJECT SITE
COMMANCHE ROAD
TEJON HWY
MALOVICH ROAD
TOWER LINE ROAD
EL CAMINO REAL
MILLUX ROAD
VICINITY MAP
NO SCALE
LEGEND
GPA/ZC BOUNDARY
STREET RIGHT OF WAY
STREET CENTERLINE
EXISTING PARCEL LINE
N
SCALE: 1" = 300'
0 150 300 600
LAV// Pinnacle Engineering
ENGINEERING • PLANNING • SURVEYING
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184 Fax: (661) 885-4155
MATTHEW K. VOISELA RCE 43180 EXP. 3/31/18
REVISIONS DATE
GENERAL PLAN AMENDMENT
AND ZONE CHANGE
NW 1/4 SECTION 36, T31 S, R29E, MDM
ARVIN, CALIFORNIA
JOB No: 16-457
DWG NO.: GPA-ZC
DATE: 5/2/18
DRAWN BY: RTM
CHECKED BY: MKV
SHEET 1 OF 1 SHEETS

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@csub.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.

(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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

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

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

- SSJV Info Ctr
- study will be made cont.

Kern Valley Indian Council
Robert Robinson, Co-Chairperson
P.O. Box 401
Weldon , CA 93283
brobinson@iwvisp.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

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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** X **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 SCHOETTLER

Street Address: 1002 W. MAIN STREET

City: VISALIA **Zip:** 93291

Phone: 559 734-5767 **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 SYCAMORE ROAD, EAST OF TEJON HIGHWAY.

Additional Request

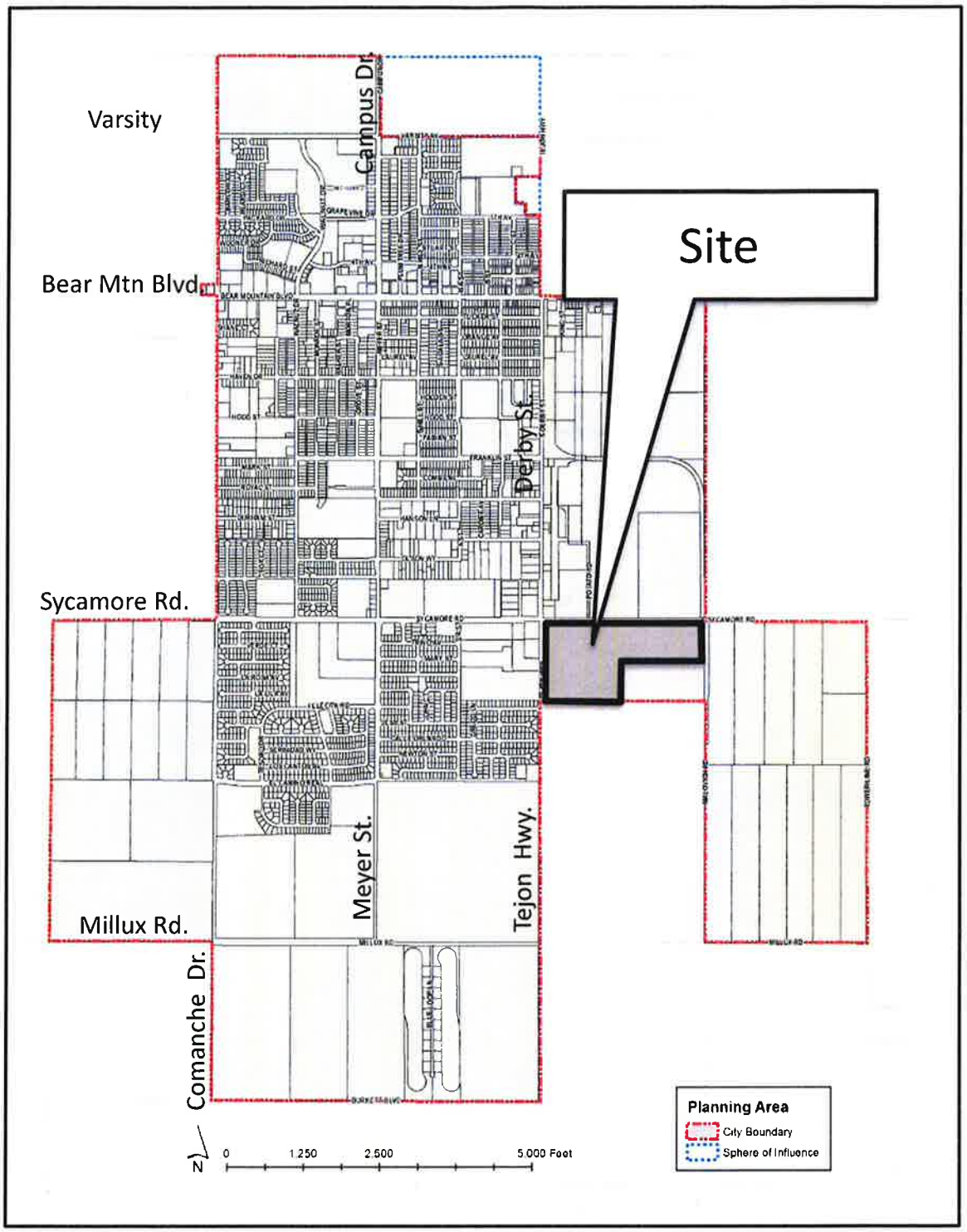
☐ **Sacred Lands File Search** - ***Required Information:***

USGS Quadrangle Name(s): ARVIN

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

24 OF 74

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



Project Location
General Plan Amendment/Zone Change 2014-01

Map 1
CITY OF ARVIN

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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.

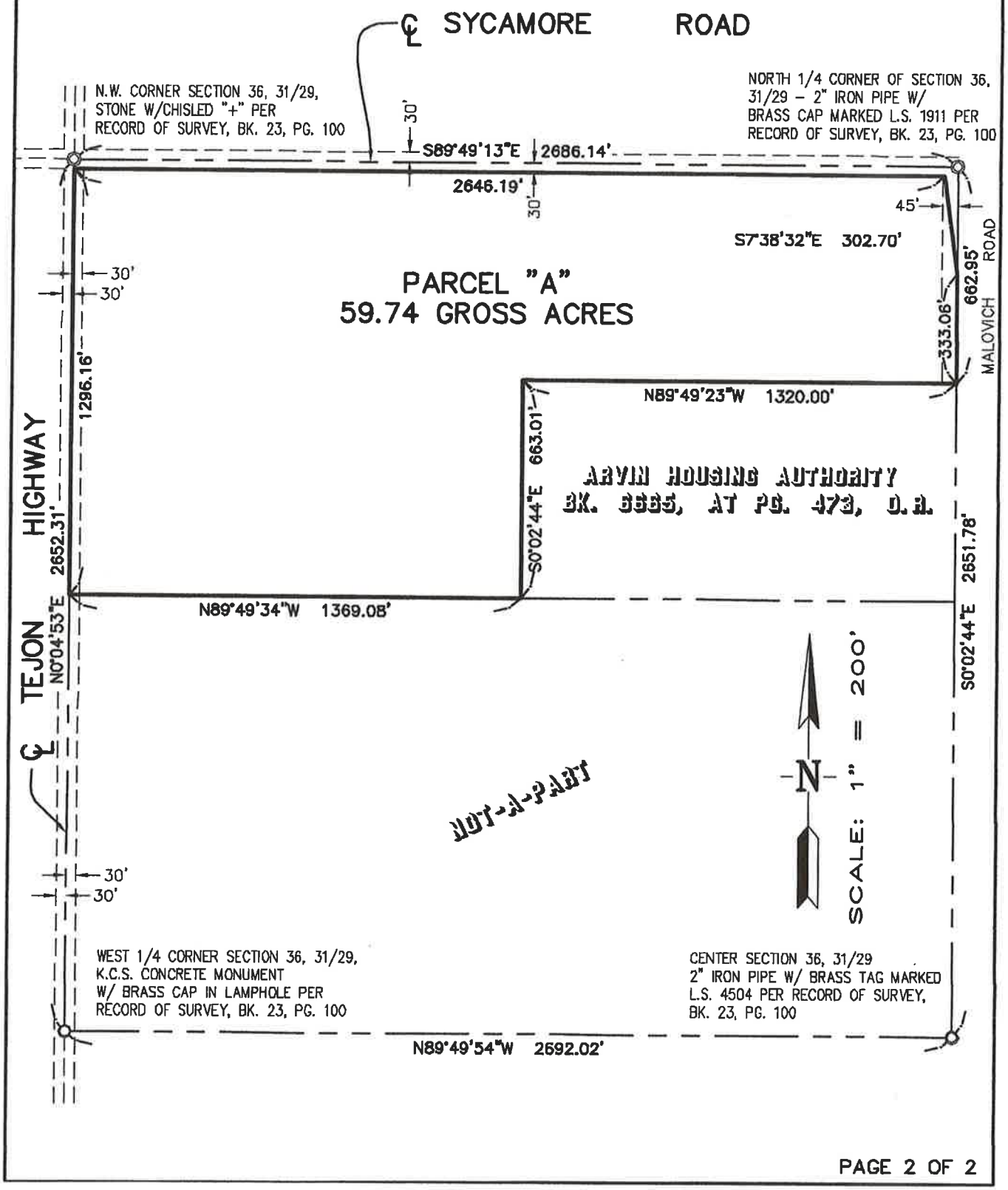
ALSO EXCEPTING THEREFROM THE SOUTH HALF OF THE EAST 1320 FEET OF SAID LAND AS CONVEYED TO THE CITY OF ARVIN HOUSING AUTHORITY IN DEED RECORDED APRIL 27, 1992 IN BOOK 6665, PAGE 473 OF OFFICIAL RECORDS.

CONTAINS 59.74 GROSS ACRES MORE OR LESS

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

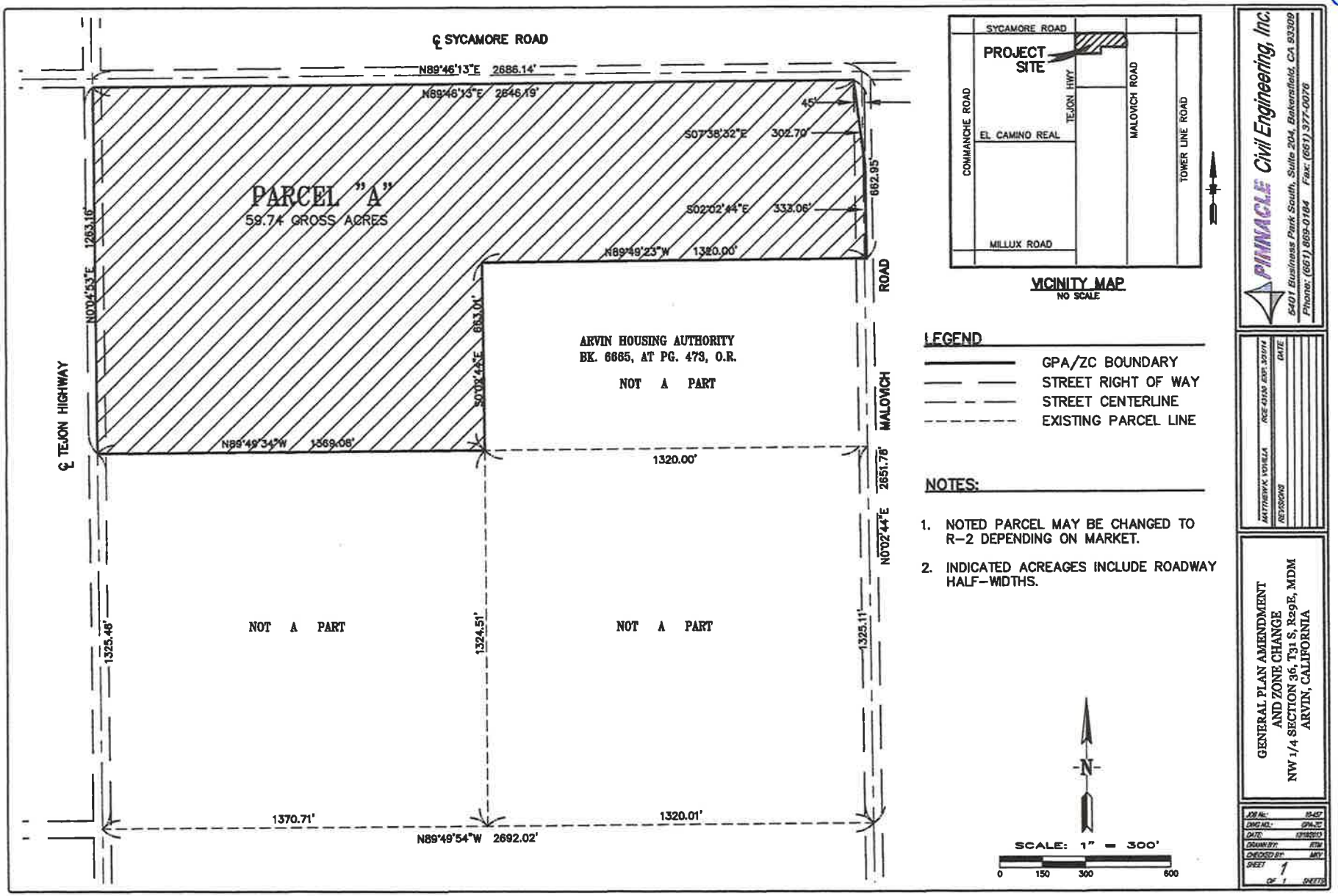
EXHIBIT "B"

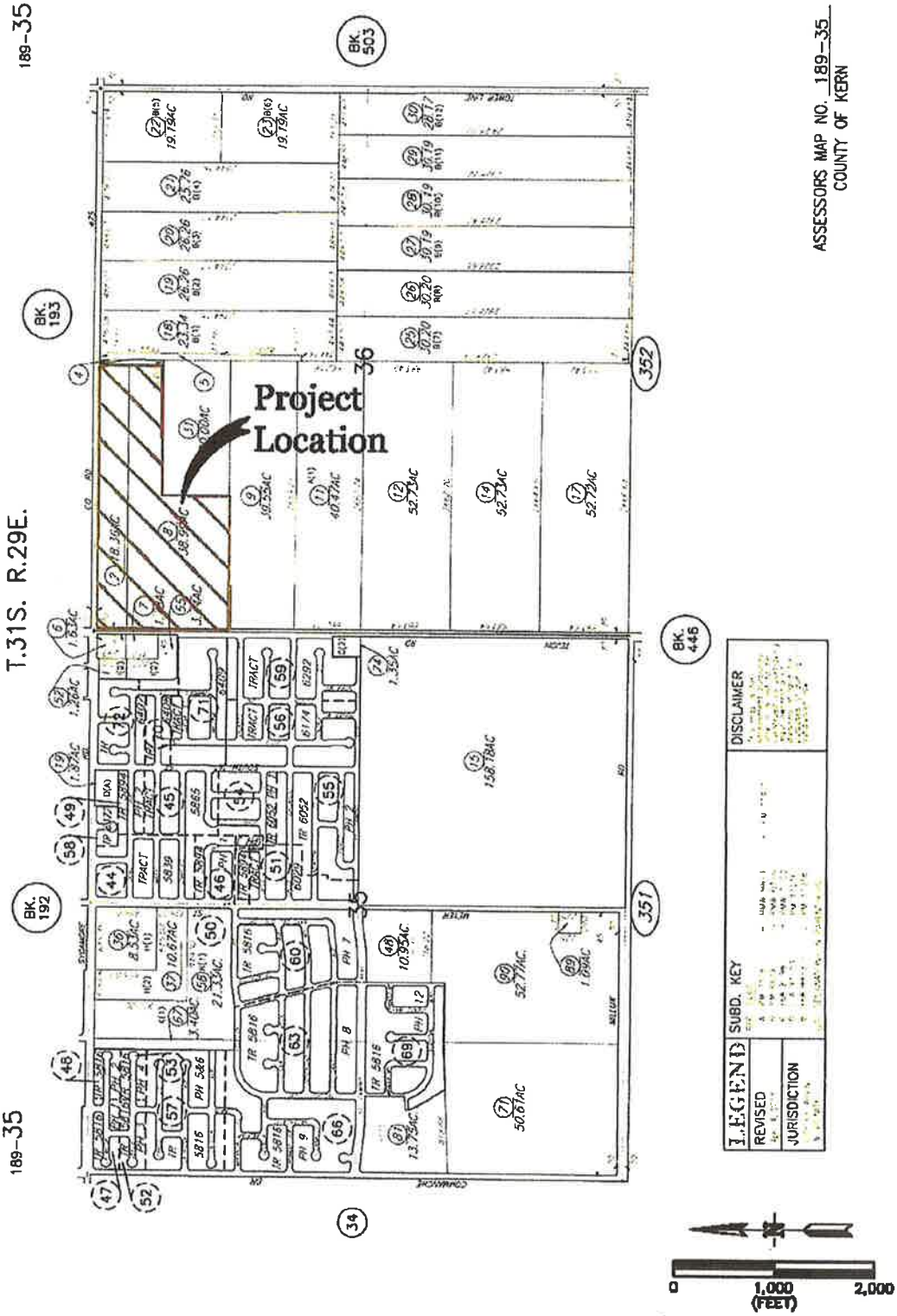
NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 31 SOUTH, RANGE 29 EAST, M.D.M.



PAGE 2 OF 2

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)


℄ SYCAMORE ROAD
N89°46'13"E 2686.14'
N89°46'13"E 2646.19'
45'
S07°38'32"E 302.70'
662.95'
S02°02'44"E 333.06'
N89°49'23"W 1320.00'
PARCEL "A"
59.74 GROSS ACRES
1283.16'
N00°04'53"E
℄ TEJON HIGHWAY
ARVIN HOUSING AUTHORITY
BK. 6665, AT PG. 473, O.R.
NOT A PART
683.01'
S00°02'44"E
N89°49'34"W 1369.08'
1320.00'
2651.78'
N00°02'44"E
MALOVICH ROAD
NOT A PART
NOT A PART
1325.46'
1324.51'
1325.11'
1370.71'
1320.01'
N89°49'54"W 2692.02'
SYCAMORE ROAD
PROJECT SITE
COMMANCHE ROAD
TEJON HWY
MALOVICH ROAD
TOWER LINE ROAD
EL CAMINO REAL
MILLUX ROAD
VICINITY MAP
NO SCALE
LEGEND
GPA/ZC BOUNDARY
STREET RIGHT OF WAY
STREET CENTERLINE
EXISTING PARCEL LINE
NOTES:
1. NOTED PARCEL MAY BE CHANGED TO R-2 DEPENDING ON MARKET.
2. INDICATED ACREAGES INCLUDE ROADWAY HALF-WIDTHS.
N
SCALE: 1" = 300'
0 150 300 600
PINNACLE Civil Engineering, Inc.
5401 Business Park South, Suite 204, Bakersfield, CA 93309
Phone: (661) 869-0184 Fax: (661) 377-0076
MATTHEW K. VOHELA RCE 43130 EXP. 3/31/14
REVISIONS
DATE
GENERAL PLAN AMENDMENT
AND ZONE CHANGE
NW 1/4 SECTION 36, T31 S, R29E, MDM
ARVIN, CALIFORNIA
JOB No: 1545
DWG NO.: GPA/ZC
DATE: 12/18/2013
DRAWN BY: RTM
CHECKED BY: MKV
SHEET 1 OF 1 SHEETS



PINNACLE Civil Engineering, Inc.
6401 Business Park South, Suite 204, Bakersfield, CA 93309
Phone: (661) 669-0184 Fax: (661) 377-0076

Exhibit "D" - Assessor's Parcel Map
Agricultural Conversion Study
Arvin, California

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

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.

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 discontiguous 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 discontiguous 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 Sate 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 Delcaration 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 discontiguous 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 recompuled 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, camages and costs (including attorney's fees, litigation expenses and administratie record prepration 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

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.

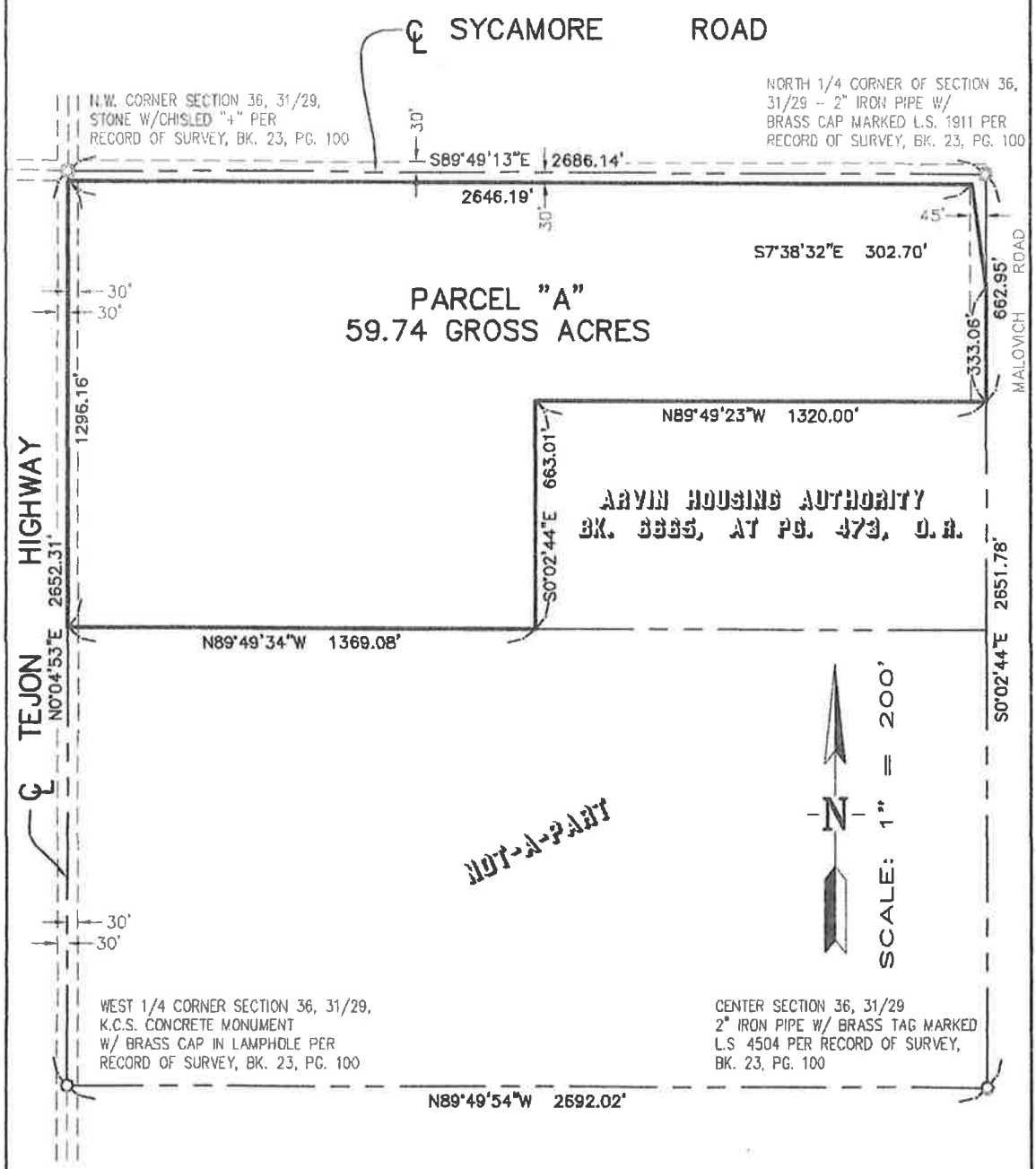
ALSO EXCEPTING THEREFROM THE SOUTH HALF OF THE EAST 1320 FEET OF SAID LAND AS CONVEYED TO THE CITY OF ARVIN HOUSING AUTHORITY IN DEED RECORDED APRIL 27, 1992 IN BOOK 6665, PAGE 473 OF OFFICIAL RECORDS.

CONTAINS 59.74 GROSS ACRES MORE OR LESS

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

EXHIBIT "B"

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



PAGE 2 OF 2

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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		
☐ Notice of Availability	☐ Notice of Preparation	☐ Notice of Public Hearing
☐ Notice of Intent	☑ Other Notice of Determination	

☐	ENVIRONMENTAL IMPACT REPORT (EIR)	$2995.25
☐	Previously Paid (must attach receipt)	Receipt #
☐	DFG No Effect Determination (F&G letter must be attached)	No Fee
☐	County Administrative Fee	$50.00
	TOTAL $	

☑	MITIGATED NEGATIVE DECLARATION OR NEGATIVE DECLARATION	$2156.25
☐	Previously Paid (must attach receipt)	Receipt #
☐	DFG No Effect Determination (F&G letter must be attached)	No Fee
☑	County Administrative Fee	$50.00
	TOTAL $	2,206.25

☐	NOTICE OF EXEMPTION	NO FEE
☐	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

42 OF

RECEIVED WITH FEE
RECEIPT# 151305 12

FILED
KERN COUNTY

NOV 25 2013

MARY B. BEDARD
AUDITOR CONTROLLER-COUNTY CLERK
BY _____ 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.

Tim Chapa	11/25/13	CITY MANAGER
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

PRINT CLEAR

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

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	CITY	STATE	ZIP CODE
4215 WATERFALL CANYON DRIVE	BAKERSFIELD	CA	93313

PROJECT APPLICANT (Check appropriate box).
- ☐ Local Public Agency
- ☐ School District
- ☐ Other Special District
- ☐ State Agency
- ☒ Private Entity

CHECK APPLICABLE FEES:

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

PAYMENT METHOD:
☐ Cash ☐ Credit ☒ Check ☐ Other _____

TOTAL RECEIVED $ 2,206.25

SIGNATURE: X

TITLE:

ORIGINAL - PROJECT APPLICANT COPY - DFG/ASB COPY - LEAD AGENCY COPY - COUNTY CLERK FG 753.5a (Rev. 11/12)

44 of

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

45 OF

NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

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

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 discontiguous 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 discontiguous 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 fee[1] to State Controller within 30 days of recordation of the Certificate of Cancellation and a copy of the recorded final cancellation resolution to the DOC[2]. 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

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

[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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

Subject: Re: Bisla GPA & Zone Change -

From: jakeraper@yahoo.com
To: matt@pinnaclex2.com
Cc: ada@pinnaclex2.com; lav@Pinnaclex2.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@pinnaclex2.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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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@pinnaclex2.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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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 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:

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 at 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 Higway:** 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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,

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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:

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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 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:

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 at 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 Higway:** 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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,

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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:

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

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.

- 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

State of California • Natural Resources Agency
Edmund G. Brown Jr., *Governor*
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

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

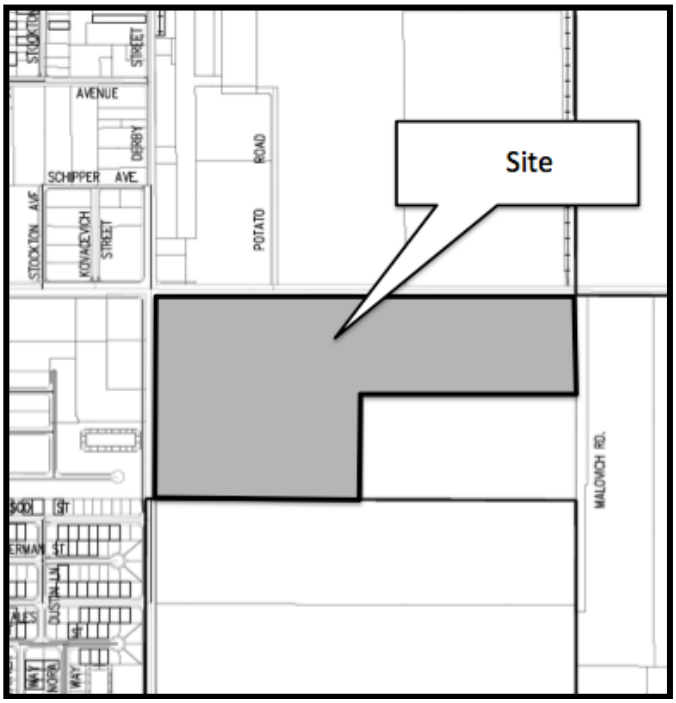
Michael Johnson
Associate Oil and Gas Engineer
California Department of Conservation
Division of Oil, Gas, and Geothermal Resources
Bakersfield, CA
(661) 334-3667
http://www.conservation.ca.gov/dog

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

City of Arvin
ENVIRONMENTAL INITIAL STUDY/CHECKLIST
General Plan Amendment2013-01/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 Amendment2013-01/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;

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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@pinnaclex2.com	Property Owner: Bisla Farms 4215 Waterfall Canyon Drive Bakersfield, CA 93313

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

- 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

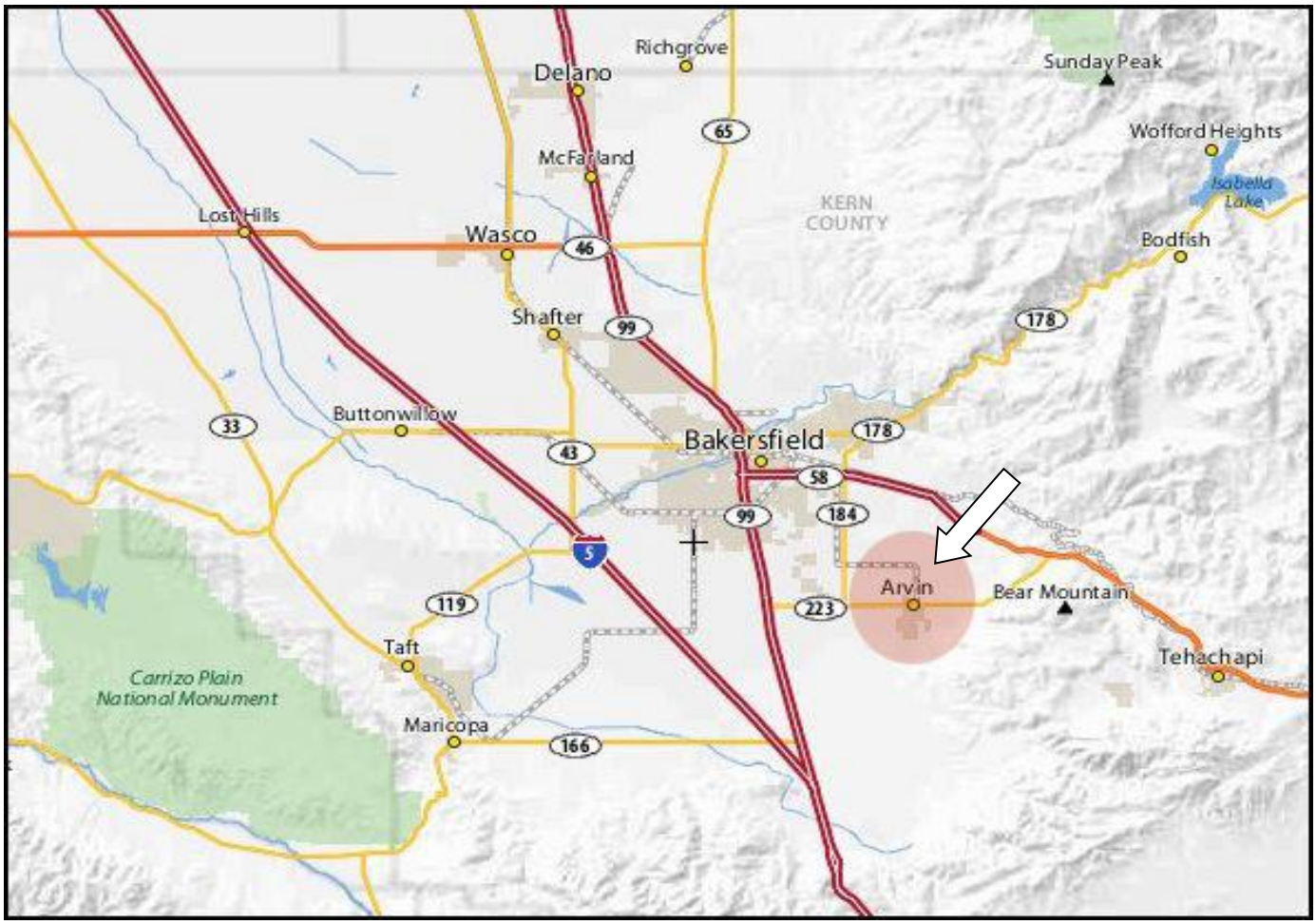
2.1 Location

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

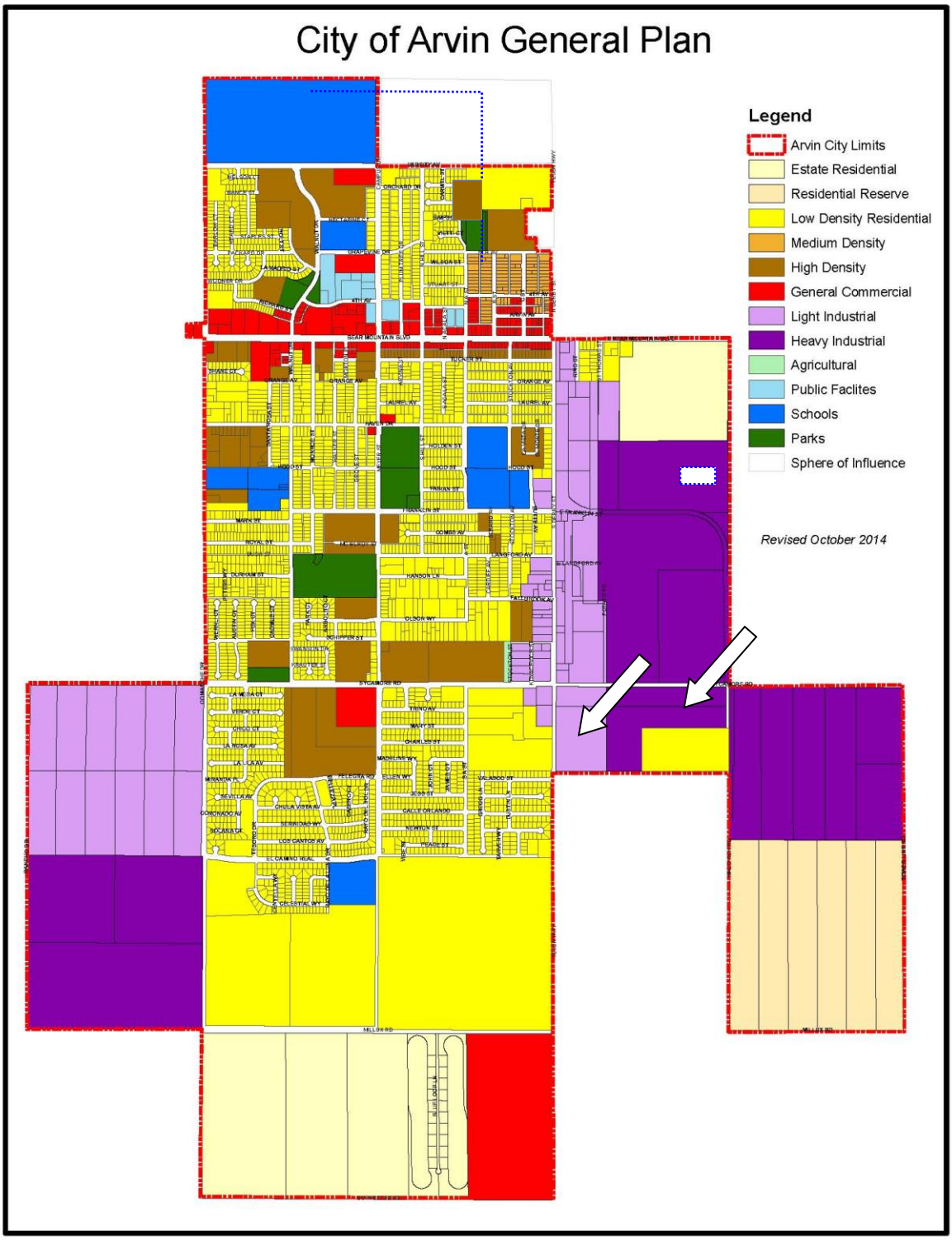
Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



City of Arvin General Plan Amendment and Zone Change 2013-01

Figure 1
Regional Location of the City of Arvin

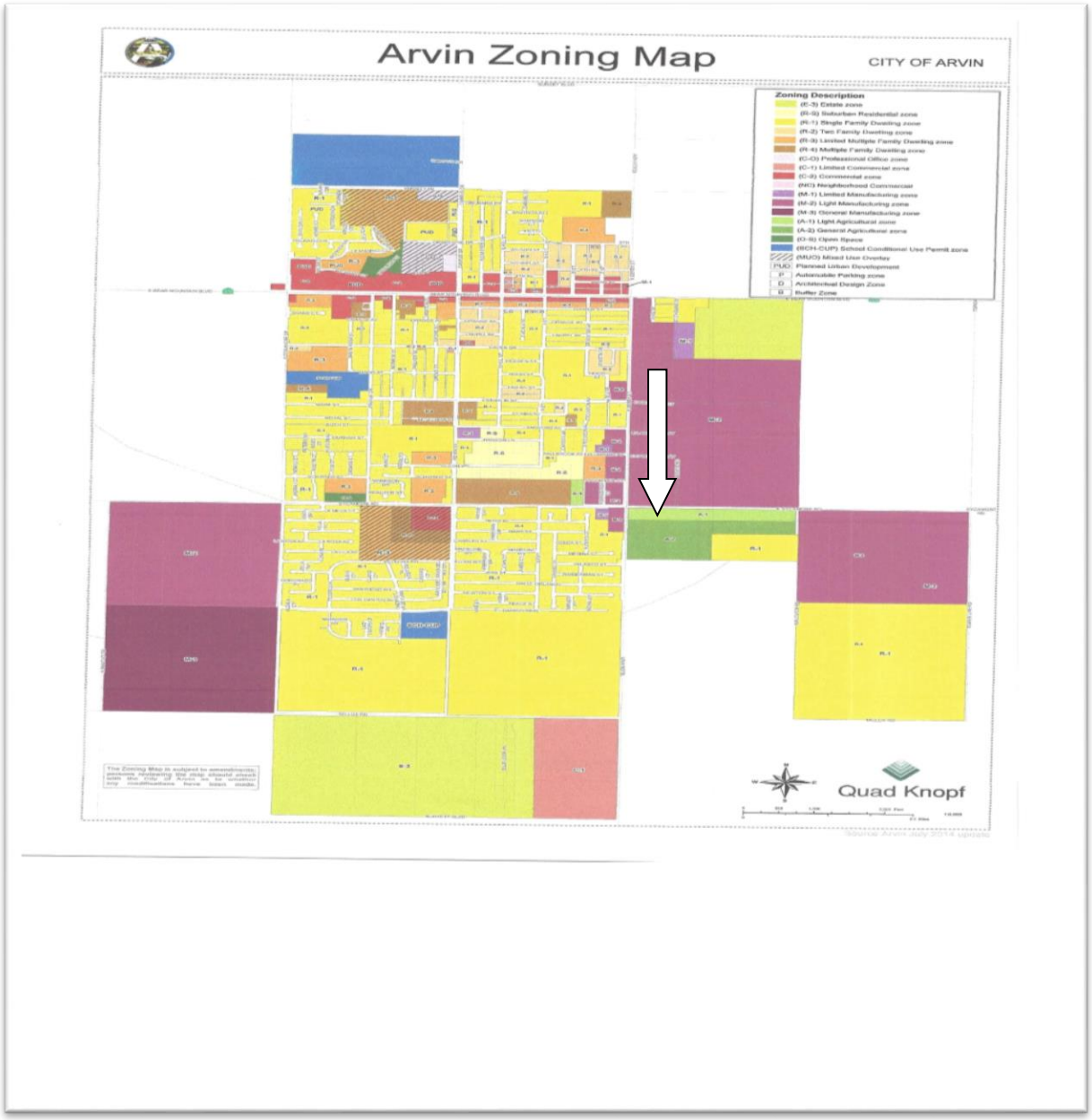
Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



City of Arvin General Plan and Rezone 2013-01 – Project Location

Figure 2
General Plan Land Use Map

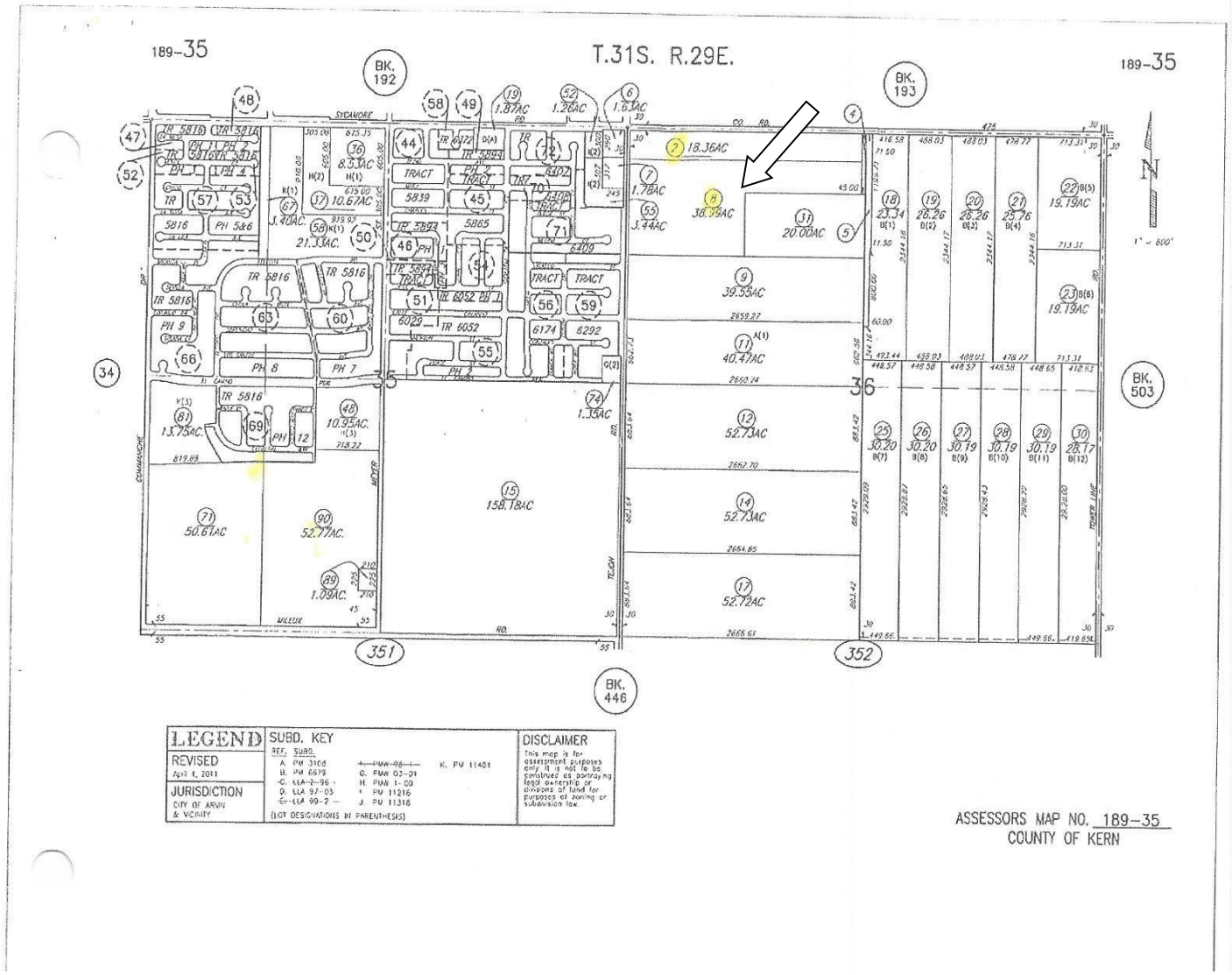
Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



General Plan Amendment and Rezone 2013-01

Figure 3 -City of Arvin Zoning Map As of 2018

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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

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:

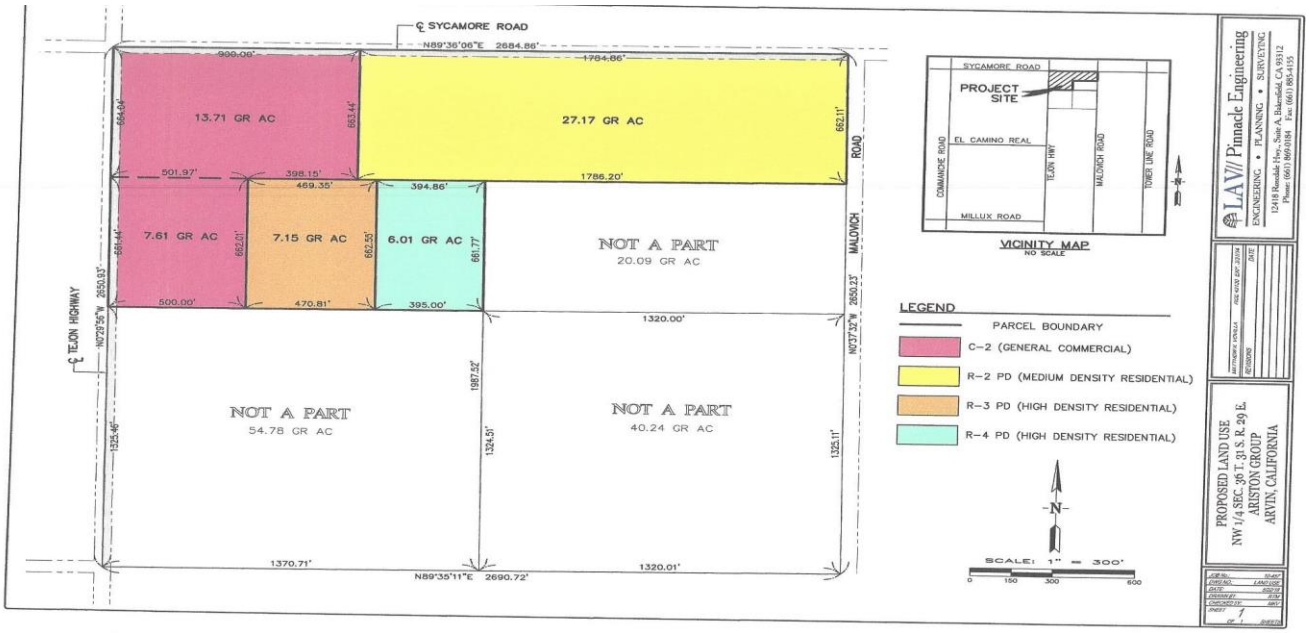
North: "Light Industrial", "Heavy Industrial"
South: "Low Density Residential" (Note: General Plan Amendment and Rezone to Industrial has been requested) and County agricultural designation
West: "Low Density Residential", "Light Industrial"
East: "Heavy Industrial"

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



Proposed Land Use Designation Figure 5

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.	1 du /1.25 ac.	1 du /1.25 ac.	1 du /1.25 ac.	1 du /1.25 ac	1 du /1.25 ac	Underl g 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 f
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

Source: Arvin Municipal Code

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

.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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

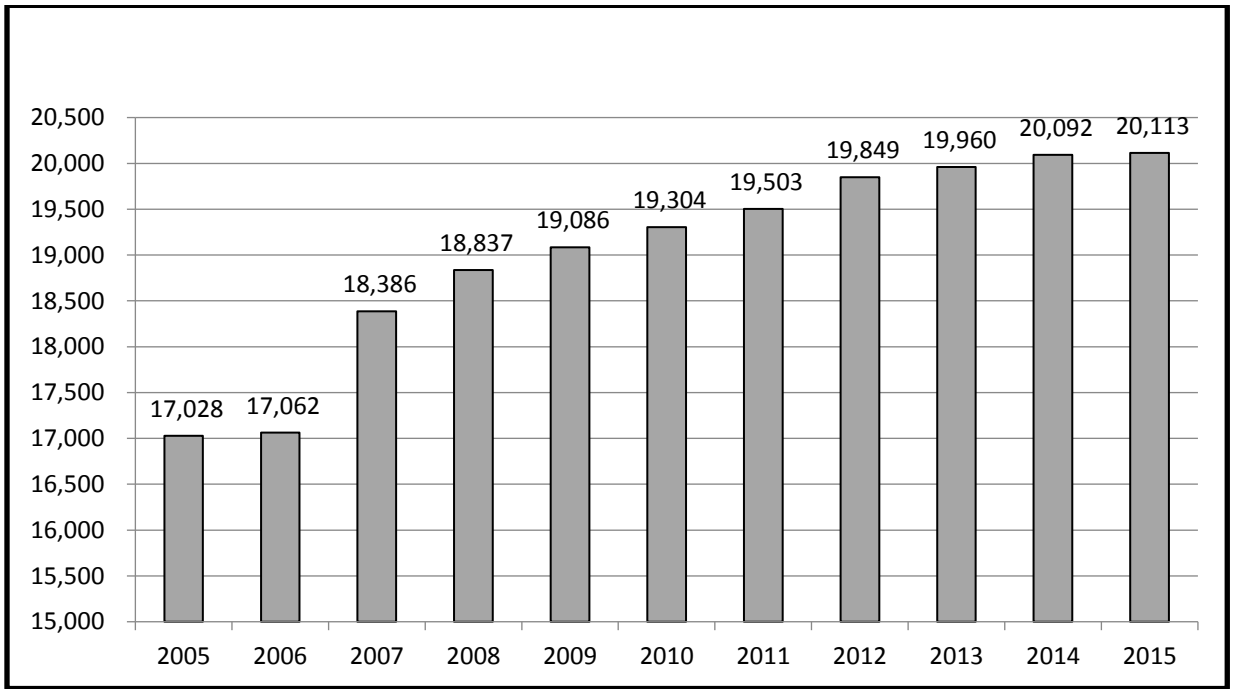
3.0 PROJECT SETTING

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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:

<u>Background:</u>

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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:

<u>260 vph (Project-generated PH Traffic)</u>
= 22% 1,166 vph (Year 2035 Total PHV)

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 competed 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 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.

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

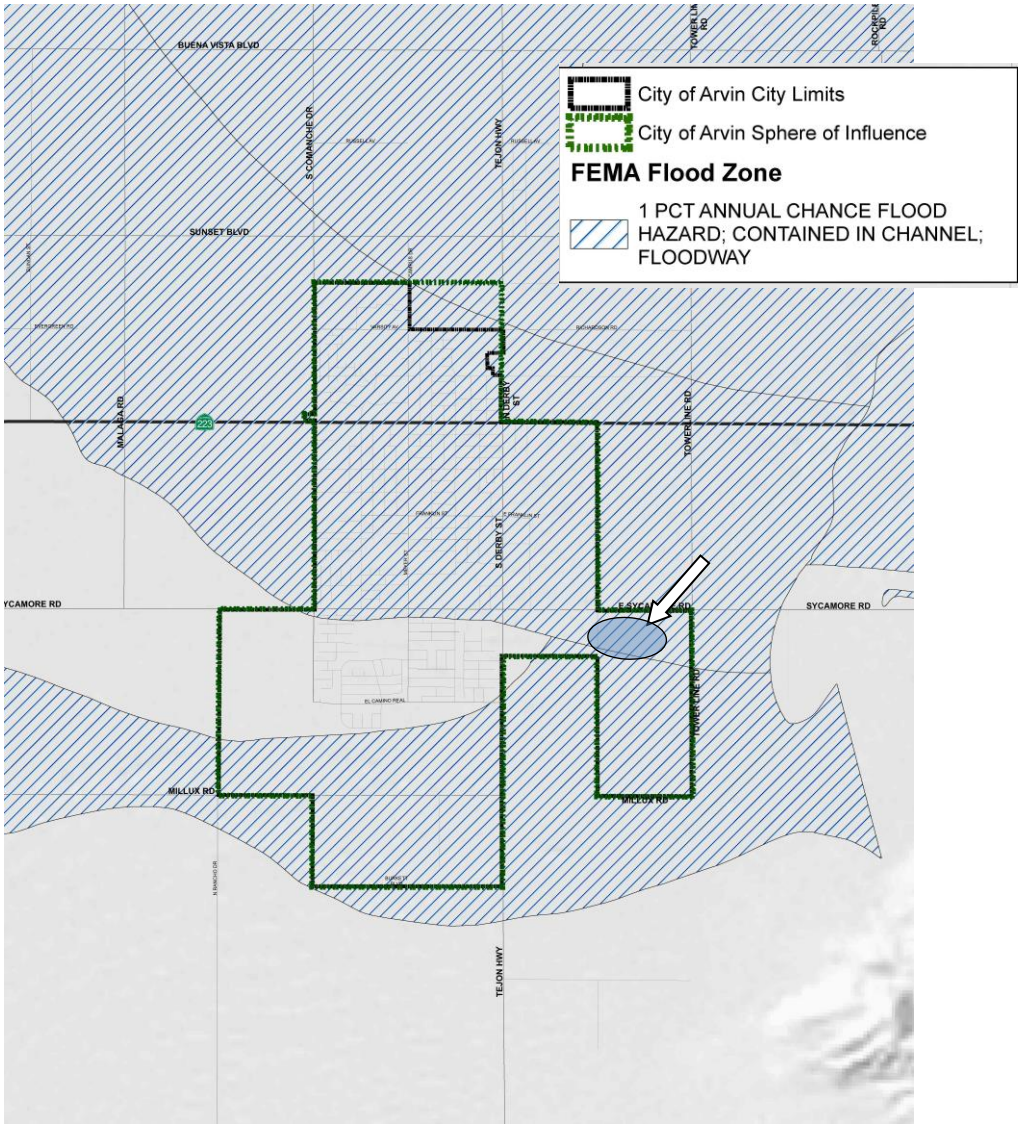
3.7 Soils

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



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**

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)

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 Juaquin 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.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology and Soils
☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials	☐ Hydrology and Water
☐ Land Use and Planning	☐ Mineral Resources	☐ Noise
☐ Population and Housing	☐ Public Services	☐ Recreation
☐ Transportation/ Circulation	☐ Tribal Cultural Resources	☐ Utilities and Service Systems
	☐ 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.

__X__ 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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?	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d. Create a new source of substantial light or glare, which would adversely affect day or night-time views in the area?	☐	☐	☐	☒

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, iit 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Discussion

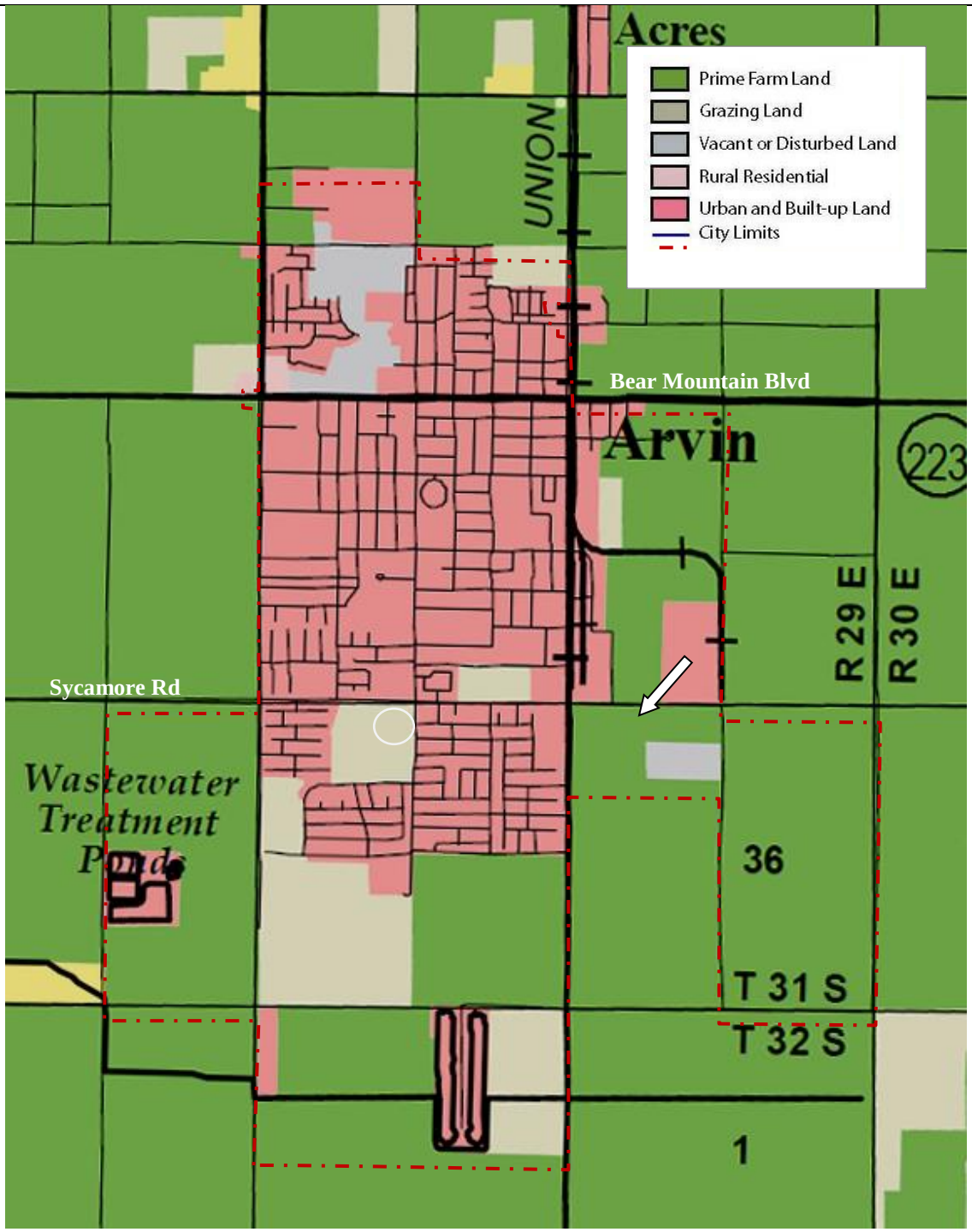
Items (a) through (e): No Impact. The City of Arvin is located in Kern County, in the southern Central Valley of California. The Central Valley is among the most fertile and productive agricultural environments in the nation, and is thus considered to be among the State's most valued resources. The soils 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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?	☐	☐	☐	☒
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

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 incompliance with Federal standards in Ozone-(eight hour) and PM2.5. Under State standards, the San Joaquin Valley in out of compliance in Ozone (one and eight hour), PM10, and PM2.5.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.**

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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	PM_10	$PIV1_2$,6	SOx
Unmitigated (Baseline)						
Construction Emissions	0.7539	0.0806	0.2099	0.0376	0.0138	0.00049
Operational Emissions	9.2381	3.0617	27.6403	1.8178	0.5917	0.0288
Total Emissions-Unmitigated	9.992	3.8677	27.8502	1.8554	0.6055	0.02929
Mitigated (Including ISR reductions)						
Construction Emissions	0.7452	0.0196	0.2092	0.0328	0.00898	0.00049
Operational Emissions	8.7056	2.9072	27.5075	1.7774	0.5534	0.0278

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

Total Emissions-Mitigated	9.4508	2.9268	27.7176	1.8102	0.56238	0.02785
SJVAPCD Level of Significance	**10**	**10**	**NIA**	**15**	**15***	**N/A**

*USEPA specified interim use of PMio threshold for PM2.5

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 Plans[2] recognized growth of the population and economy within the SJVAB. The plans predicted the workforce in Kern County to increase along with a 2.2 percent population increase annually from 2002 to 2030 (i.e., 62% total increase uncompounded for 28 years). The project is consistent with the Air Quality Attainment Plan. Therefore, the cumulative impact of this project, when considered with all projects in the areas of the San Joaquin Valley Air Basin, is considered less than significant.

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

. 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?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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 filled 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 filled 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
Association of Environmental Professionals 2016 CEQA Statute 39
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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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).

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

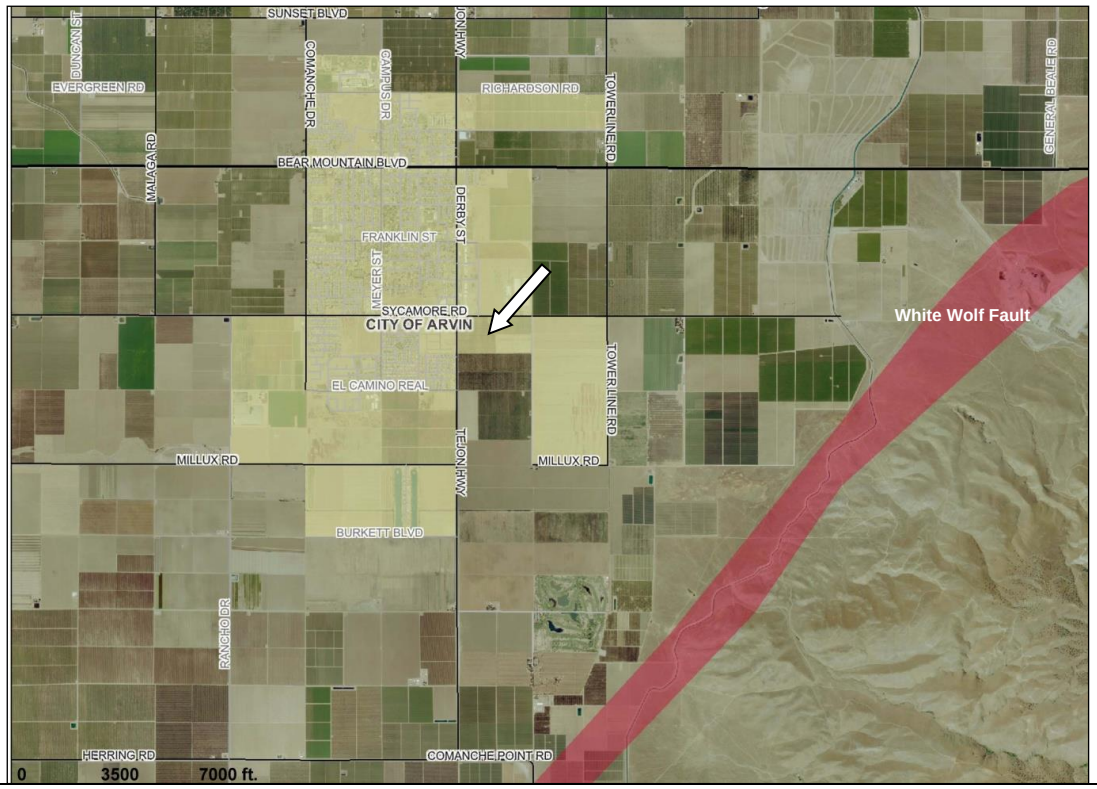
VI. Geology and Soils

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or base on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Section 2.0 of environmental analysis indicates "less than Significant Impact.	☐	☐	☐	☒
d. 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?	☐	☐	☒	☐
e. 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?	☐	☐	☐	☒

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



City of Arvin – General Plan and Rezone 2013-01

Figure 9
Active Faults

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

VII. Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*	☐	☐	☐	☒
b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*	☐	☐	☐	☒

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 (CO_2)
- Methane (CH_4)
- Nitrous oxide (N_2O)
- Hydrofluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulfur Hexafluoride (SF_6)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*	☐	☐	☐	☒
b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*	☐	☐	☐	☒
c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or propose school?*	☐	☐	☐	☒
d. *Be located on a site, which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?*	☐	☐	☐	☒
e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*	☐	☐	☐	☒
f. *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?*	☐	☐	☐	☒
g. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*	☐	☐	☐	☒
h. *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?*	☐	☐	☐	☒

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

IX. Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. *Violate any water quality standards or waste discharge requirements?*	☐	☐	☐	☒
b. *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)?*	☐	☐	☐	☒
c. *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?*	☐	☐	☐	☒
d. *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?*	☐	☐	☐	☒
e. *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?*	☐	☐	☐	☒
f. *Otherwise substantially degrade water quality?*	☐	☐	☐	☒
g. *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?*	☐	☐	☐	☒
h. *Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?*	☐	☐	☐	☒
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?*	☐	☐	☐	☒
j. *Inundation of seiche, tsunami, or mudflow?*	☐	☐	☐	☒

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

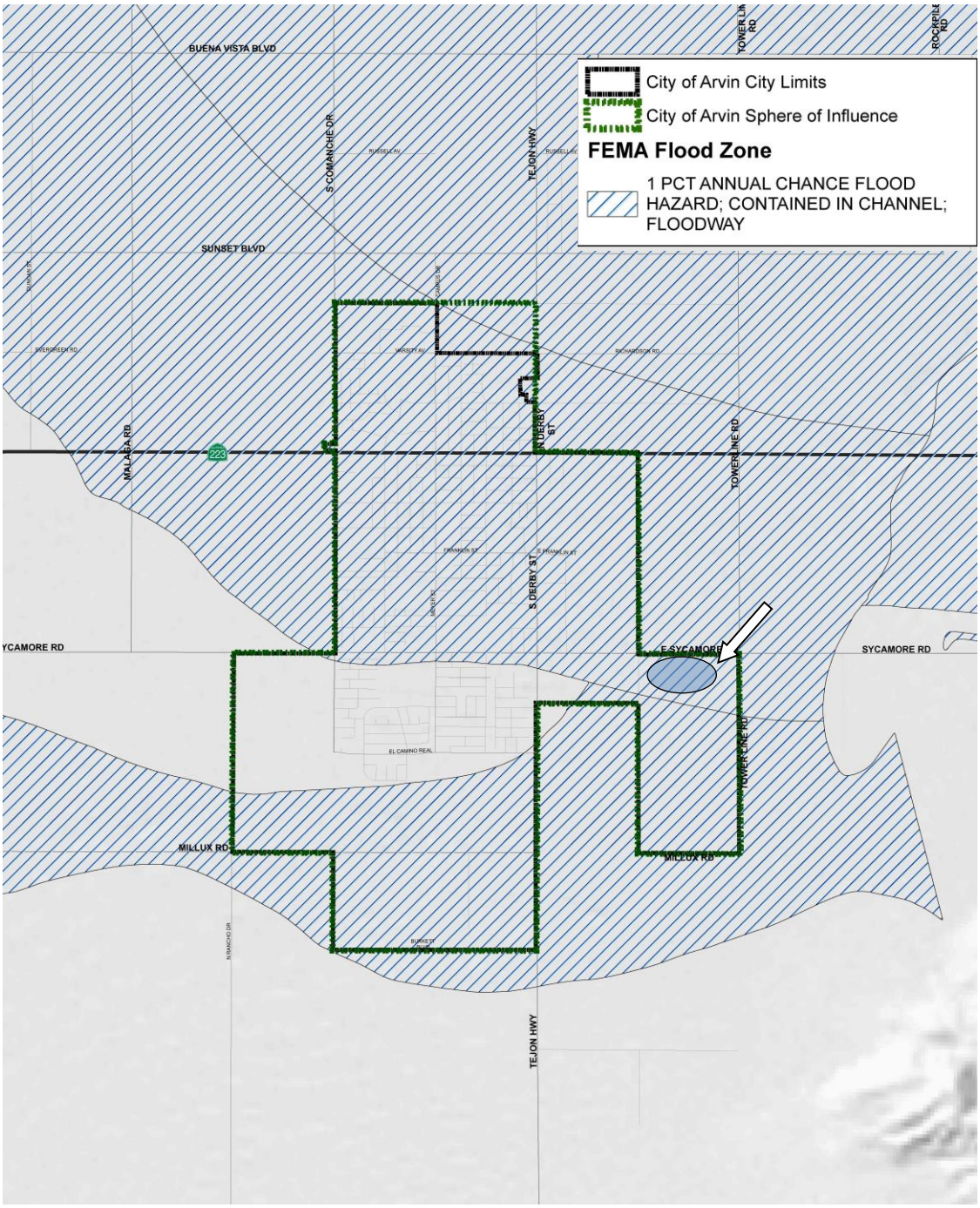
Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

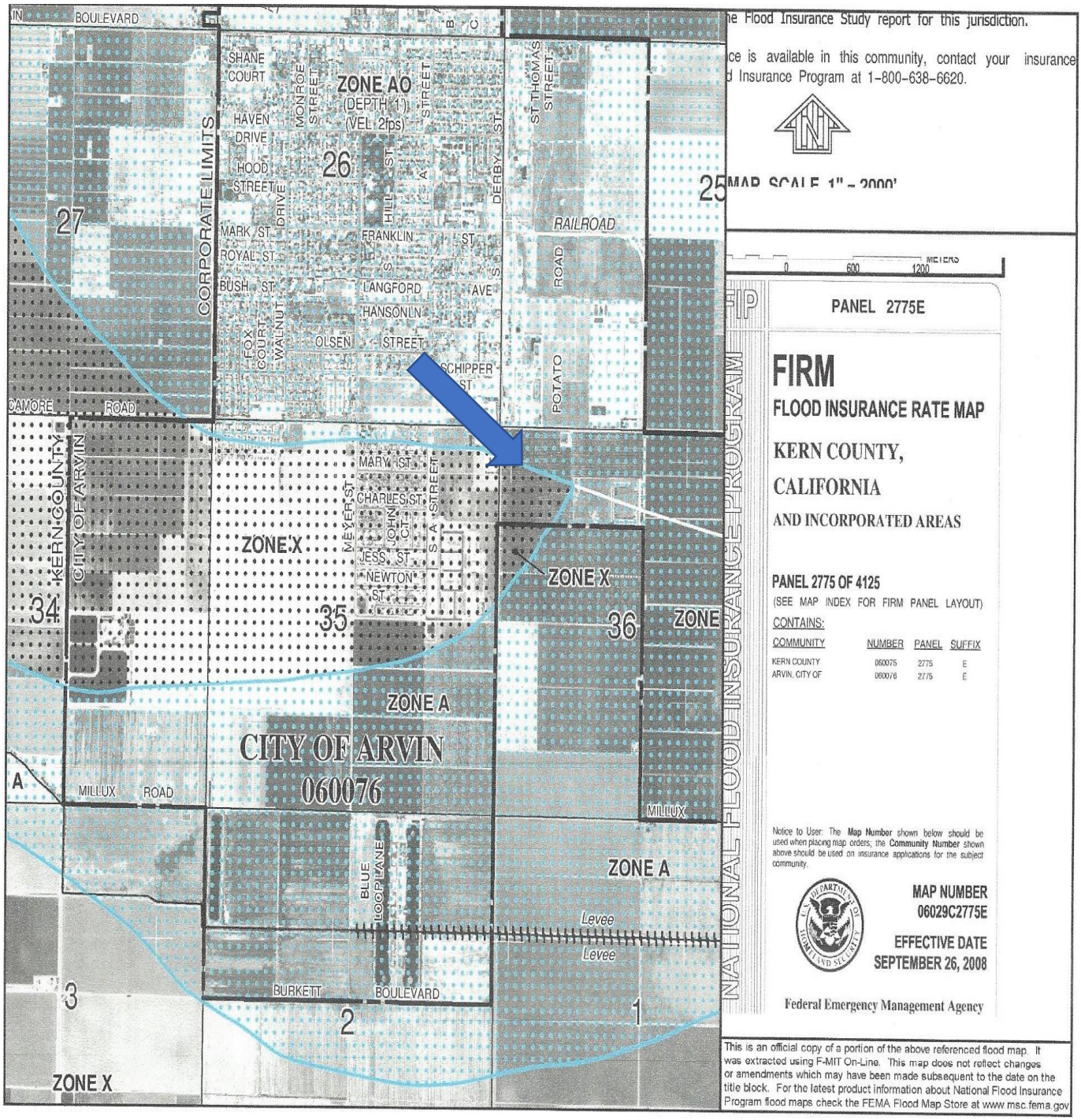
A tsunami, also referred to as a tidal wave, is a sea wave generated by submarine earthquakes, major landslides, or volcanic action. Arvin is located in the Central Valley, hundreds of miles from the California coastline, thus eliminating the potential hazard to people and structures from tsunamis. The 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

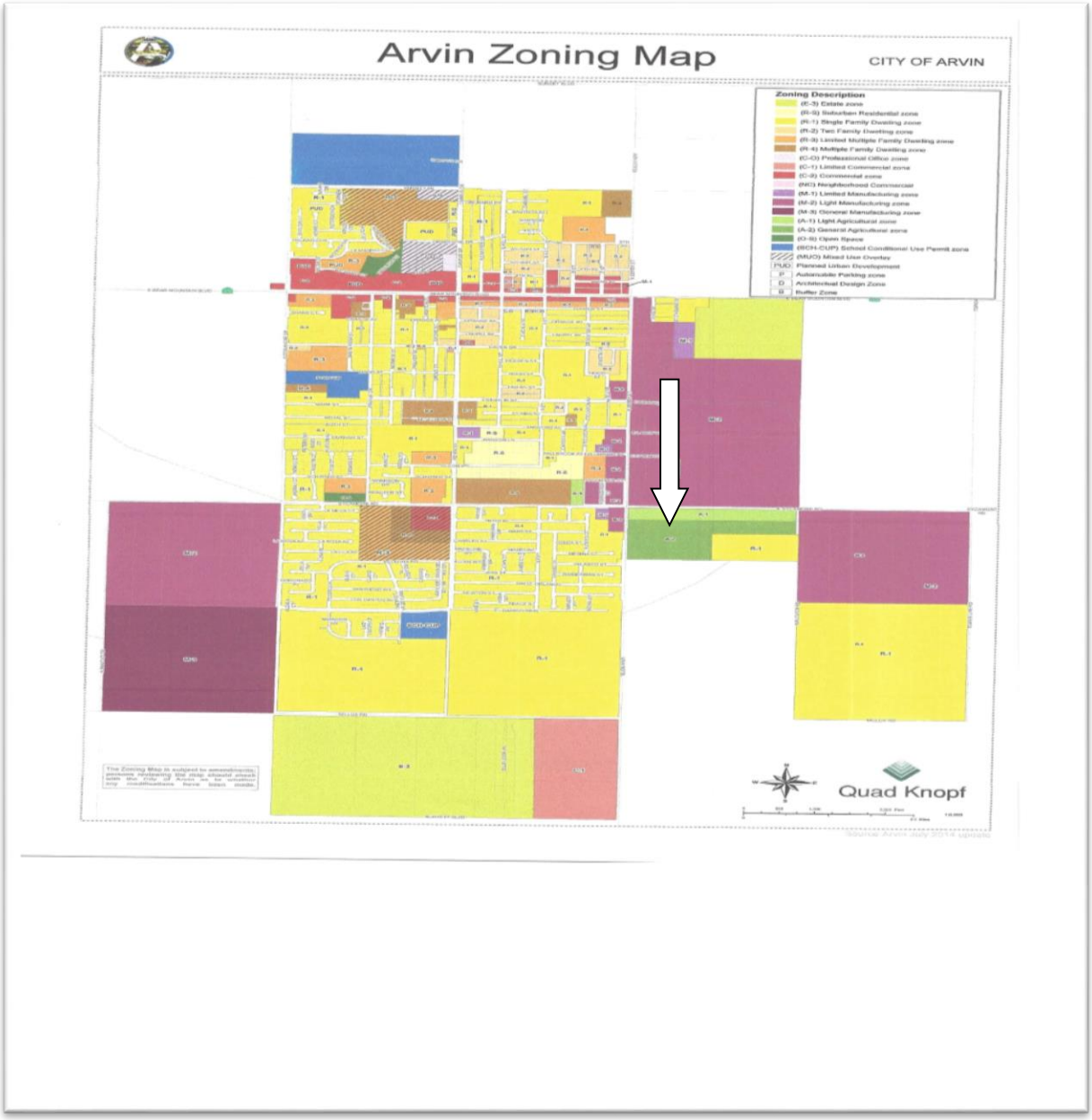
Item (a): No Impact. The project is a request for a General Plan amendment and zone change, to allow a mix of residential and commercial development on a site that is currently in agricultural use, but which is designated by the General Plan for future residential development. There is no aspect of the 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

Zoning Map As



General Plan Amendment and Rezone 2013-01

Figure 3 -City of Arvin of 2018

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

XI. Mineral Resources

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

XII. Noise

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d. A substantial temporary or periodic increase in ambient noise levels the project vicinity above levels existing without the project?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

XIII. Population and Housing

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	☐	☐	☒	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 crates 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☒	☐

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

includes Crime Prevention Through Environmental Design (CPTED) policies, which would be required of new residential development. These policies would further the 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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)?	☐	☐	☒	☐
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	☐	☐	☒	☐
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?	☐	☐	☐	☒
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e. Result in inadequate emergency access?	☐	☐	☐	☒
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?	☐	☐	☒	☐

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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:

<u>260 vph (Project-generated PH Traffic)</u>
= 22% 1,166 vph (Year 2035 Total PHV)

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)

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

Intersection Levels of Service

Unsignalized S = Signalized 1W = One Way Stop Control 4W = All Way Stop

Time Period	Control	Northbound Left	Northbound Thru	Northbound Right	Southbound Left	Southbound Thru	Southbound Right	Eastbound Left	Eastbound Thru	Eastbound Right	Westbound Left	Westbound Thru	Westbound Right	Comp LOS	Highest Ave. Delay (sec/veh)	Peak Hour Warrant Met (Yes/No)
r 2013 P.M. Existing	S	D	C	C	D	C	C	D	D	D	D	C	C	D	41.6	N/A
r 2013 P.M. with Project	S	D	C	C	D	C	C	D	D	D	D	C	C	D	42.1	N/A
r 2035 P.M. without Project	S	F	E	D	B	F	C	D	F	F	F	C	C	F	1360	N/A
r 2035 P.M. with Project	S	D	D	C	D	F	D	D	F	F	F	D	D	F	1577	N/A
r 2035 P.M. with Project - Mitigated to include T, 2 thru, & 1 RT lane in each direction	S	D	C	C	D	D	C	D	C	E	D	C	E	C	38	N/A
r 2013 P.M. Existing	S	D	B	B	D	B	B	D	D	D	D	D	D	D	43.4	N/A
r 2013 P.M. with Project	S	D	B	B	D	B	B	D	D	D	D	D	D	D	43.1	N/A
r 2035 P.M. without Project	S	D	F	F	D	D	D	D	D	D	D	C	C	D	73	N/A
r 2035 P.M. with Project	S	D	F	F	D	D	D	D	D	D	D	C	C	D	96	N/A
r 2035 P.M. with Project - Mitigated to add RT to EB, WB & NB legs	S	D	C	D	D	D	D	D	C	C	D	C	B	C	42	N/A
r 2013 P.M. Existing	2W	C	C	C	C	C	C	A	A	A	A	A	A	-	21.6	No
r 2013 P.M. with Project	2W	D	D	D	D	D	D	A	A	A	A	A	A	-	30.2	No
r 2035 P.M. without Project	2W	F	F	F	F	F	F	A	A	A	A	A	A	-	-	Yes
r 2035 P.M. with Project	2W	F	F	F	F	F	F	A	A	A	A	A	A	-	-	Yes
ar 2035 P.M. with Project - Mitigated to add dedicated LT lane, no signal	4W	C	D	D	B	F	F	C	B	B	B	D	D	D	51	Yes
ar 2035 P.M. with Project - Mitigated to add signal	S	D	B	B	D	B	B	D	D	D	D	D	D	C	45	Yes
r 2013 P.M. Existing	4W															No
r 2013 P.M. with Project	4W															No
r 2035 P.M. without Project	4W															No
r 2035 P.M. with Project	4W	B	B	B	B	B	B	B	A	A	B	B	B	B	13.2	No
r 2013 P.M. Existing	2W															No
r 2013 P.M. with Project	2W															No
r 2035 P.M. without Project	2W															No
r 2035 P.M. with Project	2W	B	B	B	A	A	A	B	B	B	B	B	B	B	14.7	No

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 new 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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 at 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 Higway:** 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".

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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:

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

XVII. Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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) 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),	☐	☐	☒	☐
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.	☐	☐	☒	☐

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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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
a. *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*	☐	☐	☒	☐
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?*	☐	☐	☒	☐
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?*	☐	☐	☒	☐
d. *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*	☐	☐	☒	☐
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?*	☐	☐	☒	☐
f. *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*	☐	☐	☒	☐
g. *Comply with federal, state, and local statutes and regulations related to solid waste?*	☐	☐	☒	☐

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 statues and regulations related to solid waste.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

XIX. Mandatory Findings of Significance

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

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 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: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - 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. Emal response to City of Arvin, Planning responding to Cal Trans questions, dated July 31, 2018; Pages 4 through 6.
3. Emaisl 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, 018; August 10, 2018, July 30, 2018, July 27, 2018) pages 5 through

    a. Mitigation Mitigatin Monitoring Rep;orting and Applicable Programs dated July 27, 2018 addressing Noise along Sycamore Road, Design of and construction of road improvments, 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 insufficent 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; Trafic; 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 adjancent to the proejct.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston 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; Trafic; The Commercial Property; Pages 20 through 26

9. Project Sponsor response to Grimmway Objection letter. Pages 27 through 29.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 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

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY · EDMUND G. BROWN Jr., Governor

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 Project

Jake 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

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,

MICHAEL NAVARRO, Chief
Transportation Planning- South

Emailed

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 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@pinnaclex2.com>; brent@pinnaclex2.com; lav@Pinnaclex2.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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

- 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@pinnaclex2.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

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: 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

August 11 2018

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

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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:

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

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@pinnaclex2.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

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>

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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:

James Bisch D. Yorg Bar 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.J 7 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 warrened.

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

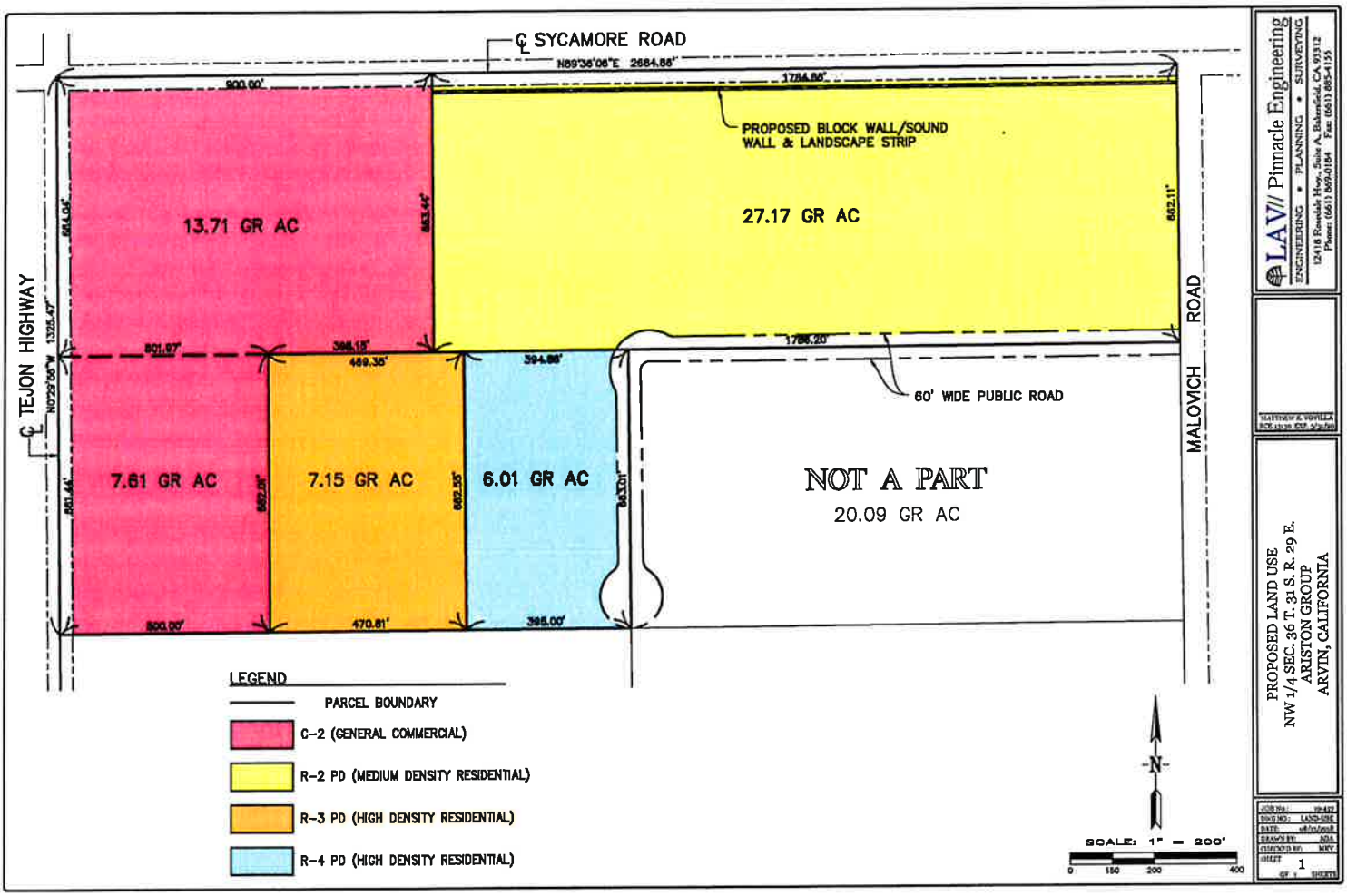
From: Alyssa Allen <ada@pinnaclex2.com>
Sent: Monday, August 13, 2018 4:25 PM
To: matt@pinnaclex2.com
Subject: Arvin Land Use Exhibit

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)



15 OF 29

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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: 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*

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
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: 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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

CITY OF ARVIN

MAYOR
Jose Gurrola

MAYOR PRO TEM
Jess Ortiz

COUNCIL MEMBERS
Jazmin Robles
Erika Madrigal
Gabriela Martinez

INTERIM CITY MANAGER
Jerry Breckinridge

August 14, 2018

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

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

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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 planed 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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

(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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

23 of

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

24 of

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.

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

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

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 that 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 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 that 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.

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

Attachment: 7.6 Planning Commission Meeting Agenda of Aug 14, 2018 (Public Hearing - Ariston Project)

CITY OF ARVIN
Staff Report

Meeting Date: December 4, 2018

TO:	City Council
FROM:	Cecilia Vela, City Clerk Jerry Breckinridge, City Manager
SUBJECT:	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA, AMENDING APPENDIX A TO CHAPTER 1.24 OF THE ARVIN MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE.

BACKGROUND:

A conflict of interest code informs the public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700). The City Council is the code reviewing body for City agencies. If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the code reviewing body for approval within 90 days. An agency's amended code is not effective until it has been approved by the code reviewing body.

Our agency's code needs to be amended because there has been changes to the agency's organizational structure and a new position of Director of Administrative Services has been added since the last code was approved on September 6, 2016.

RECOMMENDATION:

Staff recommends the City Council consider introducing the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the Ordinance.

FINANCIAL IMPACT:

None

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA, AMENDING APPENDIX A TO CHAPTER 1.24 OF THE ARVIN MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE.

THE CITY COUNCIL OF THE CITY OF ARVIN DOES ORDAIN AS FOLLOWS:

SECTION 1. Amendment of Appendix A to Chapter 1.24. Appendix A to Chapter 1.24 of the Arvin Municipal Code is hereby amended to read as follows:

Appendix A

CITY OF ARVIN CONFLICTS OF INTEREST CODE

LIST OF DESIGNATED POSITIONS

Consultants

Department Heads

Finance Director

Chief of Police

~~Community Development Director~~

Director of Administrative Services

Building Official/Code Enforcement Officer

City Clerk

Human Resources Administrator

~~Management Analyst~~

~~Parks Manager~~

Public Works Supervisor

Transit Manager

Members of Appointed Boards, Committees or Commissions

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would

have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. Effective Date. This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 4. Publication. The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

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 04th day of December, 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

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.

City of Arvin - General Fund Revenue Analysis
Fiscal Year 2018-19 as of 10/31/18. % of year = 33

Report updated 11/26/18. dollars in thousands ($000)

Category	Budget	YTD	Budget %
Administrative Cost Recovery	279	93	33.3%
Business License etc.	56	10	17.9%
Franchise Fees	445	84	18.9%
Grants	34	23	67.6%
Planning Department Fees	578	82	14.2%
Police Department Fees	38	12	31.6%
Property Tax Fees	256	27	10.5%
Rental of Facilities	54	17	31.5%
*Sales Tax - general	750	333	44.4%
*Sales Tax - Measure L	1,783	446	25.0%
**Vehicle License Fees/taxes	1,963	-	0.0%
One-Time Revenue	-		0.0%
Total General Fund Revenue YTD	6,236	1,127	18.1%

* Sales tax is through September, not October
** Vehicle License Fees received in December and April.

City of Arvin - General Fund Expense Analysis
Fiscal Year 2018-19 as of 10/31/18. % of year = 33

	Dollars in thousands (000)		
Category	Budget	YTD	Budget %
Salaries and Benefits	4,199	1,157	27.6%
Kern County Fire Contract	531	133	25.0%
General City Expenses	401	109	27.2%
*Professional Service Contracts	210	182	86.7%
Maintenance	225	40	17.8%
Legal	246	132	53.7%
Information Technology	128	18	14.1%
Utilities	226	82	36.3%
Total General Fund Expenses	6,166	1,853	30.1%

*Prof Serv Contracts: ($182k year to date)

Planning/Engineering:		
JAS Pacific - Planning	83	
JAS Pacific - Build Inspect	16	
DeWalt - Engineering	30	
Other	26	
Planning/Engineering total		155
Administration:		
Audit	13	
City Manager Recruitment	7	
Administration total		20
Police		7

Attachment: Monthly Financial Report - October 2018 (Monthly Financial Report - October 2018)