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

TUESDAY OCTOBER 22, 2019  5:30p.m.

CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN

CALL TO ORDER  Mayor Jose Gurrola

PLEDGE OF ALLEGIANCE

INVOCATION

******************************************************************************

ROLL CALL  Jose Gurrola  Mayor
Jazmin Robles  Mayor Pro Tem
Gabriela Martinez  Councilmember
Olivia Trujillo  Councilmember
Mark S. Franetovich  Councilmember

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STAFF  Richard Breckinridge  City Manager
Shannon Chaffin  City Attorney – Aleshire & Wynder
Jeff Jones  Finance Director
Scot Kimble  Chief of Police
Pawan Gill  Director of Administrative Services
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 Martinez ___ CM Trujillo ___ CM Franetovich ___ MPT Robles ___ Mayor Gurrola ___

2. CLOSED SESSION ITEM(S)
   A. CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation Initiative of litigation pursuant to Government Code § 54956.9(d)(4))
      Two Potential Cases
   B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code § 54957(b)(1)
      Position: City Manager
   C. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code, § 54957.6):
      City Negotiator: Jerry Breckinridge, City Manager and Pawan Gill, Director of Administrative Services
      Employee Organizations: Arvin Police Officers Association (APOA) and Central California Association of Public Employees SEIU Local 521.

3. 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.)

4. PRESENTATION(S)
   A. Swearing In of New Police Officer, Edwin Richard Jimenez
      Cecilia Vela, City Clerk

5. CONSENT AGENDA ITEM(S)
   A. Approval of Demand Register(s) of September 21, 2019 – October 18, 2019.
   B. Approval of Payroll Register(s) of October 04, 2019 and October 18, 2019.
   C. Approval of the Minutes of the Regular Meeting(s) of October 08, 2019.
   D. Approval of A Resolution of the City Council of the City of Arvin Memorializing and Authorizing Short-Term Loan(s) from the Sanitation Enterprise Fund and/or the Sewer Connection Fee Fund to the City’s General Fund In An Amount Not to Exceed $3,000,000 (Three Million Dollars).
   E. Approval of A Resolution of the City Council of the City of Arvin for the Approval and Recordation of Final Map for Tract 6677 Phase 1 and Approval of Subdivision Improvement Agreement.
Staff recommends approval of the Consent Agenda.

Motion ________ Second _____________ Vote ________

Roll Call: CM Martinez ___ CM Trujillo ___ CM Franetovich ___ MPT Robles ___ Mayor Gurrola ___

6. PUBLIC HEARING ITEM(S)

A. A Public Hearing to Consider Introduction of An Ordinance of the City Council of the City of Arvin to Amend Section 2.24.010 of Chapter 2.24 of Title 2 of the Arvin Municipal Code Regarding the Composition of Planning Commission Members. (City Manager)

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 Martinez ___ CM Trujillo ___ CM Franetovich ___ MPT Robles ___ Mayor Gurrola ___

B. A Public Hearing to Consider and Approve A Resolution of the City Council of the City of Arvin Adopting A Mitigated Negative Declaration And A Mitigation Monitoring And Reporting Program For General Plan Amendment 2013-01 and Zone Change 2013-01 – Ariston Project (CEQA Resolution); and

Approving A Resolution Of The City Council Of The City Of Arvin Approving General Plan Amendment 2013-01-Ariston Project Changing The Land Use Designation On 62+/- Acres From Light Industrial And Heavy Industrial To 32.89 Acres To Light Industrial, 8.01 Acres To General Commercial, 13.46 Acres To Medium Density Residential, And 7.01 Acres To High Density Residential; And Associated Mitigated Negative Declaration (General Plan Amendment Resolution); and

Approving Introduction of An Ordinance of the City Council of the City of Arvin, California, Adopting An Uncodified Ordinance Amending The Official Zoning Map, Heretofore Adopted By Section 17.06.020 Of The Arvin Municipal Code, For Zone Change 2013-01 (Ariston) (Zoning Change Ordinance) (Senior Planner)

Staff recommends that the City Council open the public hearing, allow for public testimony, close the hearing and consider the following:

1. Approve the CEQA Resolution,
2. Approve the General Plan Amendment Resolution; and
3. Introduce the Zoning Change 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 Martinez ___ CM Trujillo ___ CM Franetovich ___ MPT Robles ___ Mayor Gurrola ___

7. STAFF REPORTS

8. COUNCIL MEMBER COMMENTS

9. 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 October 18, 2019.

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Total Invoices: 80
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### Edit List of Invoices - Summary

**Demand Register 10.03.19**

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| 50035    | PG & E              | 9.90        |
| 50036    | PG & E              | 132.26      |
| 50052    | PUBLIC WORKS COUNTY OF KERN | 2,447.22   |
| 50033    | DELIA REYES         | 100.00      |
| 50034    | DELIA REYES         | 50.00       |
| 50041    | SC COMMUNICATIONS, INC | 133.42   |
| 50038    | SO. CAL. GAS CO.    | 181.15      |
| 50040    | SUN RIDGE SYSTEMS   | 1,015.00    |

**Grand Total:** 106,220.63

**Net Total:** 106,220.63

**Outstanding Invoice Total:** 106,220.63

**Total Invoices:** 28
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Vendor Total: 162.12
# Edit List of Invoices - Detail

## Demand Register 10.10.19

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- O'REILLY AUTOMOTIVE, INC: 16.61
- PACIFIC IRRIGATION: 290.95
- PG & E: 322.63
- PRO FORCE LAW ENFORCEMENT: 929.66

**Total Vendor Amount:** 1,859.32

**Gross Amount:** 5,897.83

**Attachment:** Demand Register Sept 21, 2019 - Oct 18, 2019 (Demand Register(s) of September 21, 2019 – October 18, 2019)
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**Vendor Total:**

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1,534.20

104.00

260.00

70.29

6,600.00

6,600.00

6,600.00

6,600.00
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| Less Credit Memos: | 0.00 |
| Net Total: | 49,928.14 |
| Less Hand Check Total: | 0.00 |
| Outstanding Invoice Total: | 49,928.14 |

Total Invoices: 52
# Earnings Report

**PAYROLL 10/04/19**

**Date:** 10/18/2019  
**Time:** 15:38:05

**Emp. Code Desc.: CITY OF ARVIN**  
**From:** 10/04/2019 to 10/04/20

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# Cost Report

**PAYROLL 10/04/19**

**Date:** 10/18/2019  
**Time:** 15:37:46

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## EARNINGS REPORT

**PAYROLL 10/18/19**

**Emp. Code Desc.: CITY OF ARVIN**

From 10/18/2019 to 10/18/20

City of Arvin

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Grand Total: Employee Count: 55

0.00 12,801.70 0.00 0.00 737.87 0.00 0.00 0.00 0.00 0.00

| COST REPORT

**PAYROLL 10/18/19**

**Emp. Code Desc.: CITY OF ARVIN**

From 10/18/2019 to 10/18/20

City of Arvin

| Employee Name | Employee ID | PER3E | PER3S | FUTA | PERSE | PERSE | MC | MC1 | PER1E | PER1E | PER2D | PER2D | PER2E | PER2E | PER2M | PER2M | SS | SS1 | Other |
|---------------|-------------|-------|-------|------|-------|-------|----|-----|-------|-------|-------|-------|-------|-------|-------|-----|-----|-------|
|               |             | 0.00  | 0.00  | 0.00 | 0.00  | 0.00  | 1,600.59| 420.81| 0.00 | 1,357.10| 0.00  | 0.00  | 968.45| 0.00  |
|               |             | 1,184.28| 119.59| 0.00 | 0.00  | 0.00  | 0.00 | 0.00| 0.00 | 0.00 | 0.00 | 2,565.27| 23,882.8| 0.00 |     |    |     |
|               |             | 2,349.07| 0.00  | 0.00| 0.00  | 0.00  | 0.00| 0.00| 2,100.18| 2,455.24| 6,727.23| 2,035.07|     |     |    |     |

Grand Total: Employee Count: 55
REGULAR MEETING MINUTES
ARVIN CITY COUNCIL / SUCCESSOR AGENCY TO THE ARVIN COMMUNITY REDEVELOPMENT AGENCY / ARVIN HOUSING AUTHORITY / ARVIN PUBLIC FINANCING AUTHORITY

OCTOBER 08, 2019

CALL TO ORDER @ 5:49PM

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL: CM Martinez and CM Trujillo absent; All others present.

1. Approval of Agenda as To Form.

Motion to approve the Agenda with the following changes:
- Remove Consent Agenda Item 4C.
- Remove Consent Agenda Item 4D.

Motion Mayor Gurrola Second MPT Robles Vote 3-0

2. CLOSED SESSION ITEM(S)
   A. CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation Initiation of litigation pursuant to Government Code § 54956.9(d)(4))
      One Potential Case
   
   B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code § 54957(b)(1)
      Position: City Manager
   
   C. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code, § 54957.6):
      City Negotiator: Jerry Breckinridge, City Manager and Pawan Gill, Director of Administrative Services
      Employee Organizations: Arvin Police Officers Association (APOA) and Central California Association of Public Employees SEIU Local 521.

CLOSED SESSION REPORT BY CITY ATTORNEY:
No reportable action.

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

A. Approval of the Minutes of the Regular Meeting(s) of September 24, 2019.

B. Approval of A Resolution of the City Council of the City of Arvin to Authorize the Mayor and/or City Manager to Enter Into A Contract with Diamond IT in an Amount Not to Exceed $87,109.26 for the Purchase of Three Dell Power Edge Servers, Related Software and Installation Charges, and Financing of the Same.

Resolution No. 2019-79
Agreement No. 2019-21

C. Approval of A Resolution of the City Council of the City of Arvin to Amend the SB1 Priority List to Include Franklin Street, Authorization of the Use of Those SB1 Funds for Professional Engineering in Preparation for an Application for A Community Development Block Grant for the Reconstruction of Franklin Street.

Above Consent Agenda Item 4C removed from the agenda.

D. Approval of Task Order No. 1902 Pursuant to Section 2.4 of the Professional Services Agreement Entered Into Between the City of Arvin and DeWalt Corporation Dated September 1, 2017 for the Reconstruction of Franklin Street.

Above Consent Agenda Item 4D removed from the agenda.

E. Approval for the City Council to Exercise Discretion to Act as Planning Commission for the Ariston Project: General Plan Amendment and Zone Change.

F. Approval of A Resolution of the City Council of the City of Arvin Authorizing Submittal of An Application for A Caltrans Sustainable Transportation Planning Grant to Update the General Plan for the City of Arvin and Authorizing the City Manager, or His Designee to Execute All Related Grant Documents and Authorizing Related Action.

Resolution No. 2019-80

G. Approval of A Resolution of the City Council of the City of Arvin Accepting the Bid Received from James E. Thompson, Inc. (DBA JTS Construction) for the Construction of A Park and Ride Facility, Finding A CEQA Class 1 and Class 32 Categorical Exemption, and the Execution of A Construction Contract with JTS Construction for the Construction of the Park and Ride Project.

Resolution No. 2019-81
Agreement No. 2019-22

Staff recommends approval of the Consent Agenda.

Above Consent Agenda Items 4C and 4D removed from the agenda.

Motion to approve Consent Agenda Items 4A, 4B, 4E, 4F, and 4G.
Motion MPT Robles Second Mayor Gurrola Vote 3-0
5. STAFF REPORTS

6. COUNCIL MEMBER COMMENTS

7. ADJOURNED @ 6:27PM

Respectfully submitted,

______________________________
Cecilia Vela, City Clerk
CITY OF ARVIN
Staff Report

Meeting Date: October 22, 2019

TO: City Council
FROM: Jeff Jones, Finance Director
       Jerry Breckinridge, City Manager
SUBJECT: A RESOLUTION OF THE CITY OF ARVIN MEMORIALIZING AND AUTHORIZING SHORT-TERM LOAN(S) FROM THE SANITATION ENTERPRISE FUND AND/OR THE SEWER CONNECTION FEE FUND TO THE CITY’S GENERAL FUND IN AN AMOUNT NOT TO EXCEED $3,000,000 (THREE MILLION DOLLARS).

BACKGROUND:

The City of Arvin is the process of purchasing three electric busses at a cost of approximately three million dollars ($3,000,000) which are funded by several different reimbursable grant sources. The purchase of the busses combined with costs on other reimbursable grants, creates a timing need for cash flow.

Although the City will eventually receive reimbursement from various grant agencies, the payments to the City are not immediate. As a result, the City is required to pay for the costs of the project from its General Bank Account (“General Fund”) until reimbursement payments are received from those grantors.

Reimbursement processing can take from 60-90 days before the City receives payment from the funding source. As a result of this delay from a process that is outside of the City’s control, and given the potential timing of payments to vendors that will need to be made pending reimbursement, it is anticipated there may be insufficient funds to allow for timely payments to these projects along with the City’s other General Fund obligations.

To prepare for this eventuality, the City desires to take steps to ensure that there is sufficient liquidity in the general fund to address a potential short-term cash flow issue. This situation can be resolved by obtaining short-term loans from other City funds.

Specifically, this resolution proposes that the City’s General Fund borrow via short term loans up to $1,950,000 from the Sanitation Enterprise Fund and up to $950,000 from the Sewer Connection Fee fund. Current cash balances in those funds are about $3,000,000, and while borrowing against those funds to support the General Fund may temporarily deplete cash balances in those funds to a low amount, the Sanitation Fund will receive a bi-annual payment
from the County of Kern in December in the amount of approximately $1,100,000 which is sufficient to handle any short-term cash needs of the Sanitation Fund.

Upon receipt of each reimbursement, the Sanitation Fund and the Sewer Connection Fees Fund shall be promptly paid the short-term loan amount from the General Fund. The short-term loan(s) shall be repaid with interest at the rate received by LAIF for investments that are in effect at the time of the applicable short-term loan.

**FINANCIAL IMPACT:**

The General Fund will have to forego approximately $6,000 in interest income during FY 19/20 as a result of having to borrow cash from the Sanitation and Sewer Connection Funds.
RESOLUTION

A RESOLUTION OF THE CITY OF ARVIN MEMORIALIZING AND AUTHORIZING SHORT-TERM LOAN(S) FROM THE SANITATION ENTERPRISE FUND AND/OR THE SEWER CONNECTION FEE FUND TO THE CITY’S GENERAL FUND IN AN AMOUNT NOT TO EXCEED $3,000,000 (THREE MILLION DOLLARS).

WHEREAS, the City of Arvin (“City”) is a municipal corporation organized and operating under the laws of the State of California; and

WHEREAS, the City of Arvin is the process of purchasing three electric busses at a cost of approximately three million dollars ($3,000,000) which are funded by several different reimbursable grant sources; and

WHEREAS, in addition to the electric bus project, the City will continue to incur costs on other reimbursable grants, which further creates a timing need for cash flow

WHEREAS, although the City will eventually receive reimbursement from various grant agencies, the payments to the City are not immediate. As a result, the City is required to pay for the costs of the project from its General Bank Account (“General Fund”) until reimbursement payments are received from those grantors.

WHEREAS, reimbursement processing can take from 60-90 days before the City receives payment from the funding source. As a result of this delay from a process that is outside of the City’s control, and given the potential timing of payments to vendors that will need to be made pending reimbursement, it is anticipated there may be insufficient funds to allow for timely payments to these projects along with the City’s other General Fund obligations; and

WHEREAS, to prepare for this eventuality, the City desires to take steps to ensure that there is sufficient liquidity in the general fund to address a potential short-term cash flow issue; and

WHEREAS, the City of Arvin owns and operates the Wastewater Treatment Plant; and

WHEREAS, the City of Arvin Wastewater Treatment Plant is an enterprise which has a financial operation within the City of Arvin Sanitation Fund; and

WHEREAS, the Sanitation Fund has current cash deposits of approximately $1,950,000; and

WHEREAS, the City of Arvin maintains a special revenue fund for sewer connection fees; and

WHEREAS, the Sewer Connection Fees fund has current cash deposits of approximately $950,000; and

WHEREAS, if needed to cover a short-term funding issue, the City of Arvin desires
to authorize the borrowing of up to $1,950,000 from the Sanitation Fund and $950,000 from the Sewer Connection Fees Fund to the General Fund, which funds shall be promptly repaid upon receipt of reimbursement with interest at the rate received by Local Agency Investment Fund (LAIF) for investments.

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

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

2. The City of Arvin approves short-term loan(s) from the Sanitation Fund to General Fund in the amount not to exceed $1,950,000 and the Sewer Connection Fees Fund in an amount not to exceed $950,000. Said short-term loan(s) shall only be made to ensure adequate General Fund liquidity or to address short-term cash flow problems pending reimbursement from the state for the following projects:

   - Purchase of three (3) electric busses
   - Any current open grant project, such short-term repayment loan to be approved by the City Manager and the Finance Director.

Upon receipt of each reimbursement, the Sanitation Fund and the Sewer Connection Fees Fund shall be promptly paid the short-term loan amount from the General Fund. The short-term loan(s) shall be repaid with interest at the rate received by LAIF for investments that are in effect at the time of the applicable short-term loan.

3. The City Manager or Finance Director is authorized to transfer sufficient funds, up to but not to exceed $2,900,000, through fiscal year 2019/2020, consistent with the approval set forth above.
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 22nd day of October, 2019 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.
TO: City Council

FROM: Adam Ojeda, City Engineer
Jerry Breckinridge, City Manager

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN FOR THE APPROVAL AND RECORDATION OF FINAL MAP FOR TRACT 6677 PHASE 1 AND APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT

BACKGROUND:
Tract 6677 Phase 1 is comprised of 54 lots and 2 remainder lots proposed to subdivide 20.54 acres bounded by Varsity Drive on the North, Tejon Highway on the East, previously recorded Tract 6667 to the West and Kovacevich Park to the South. A Vesting Tentative Tract Map was approved by the City Council on February 26th, 2008 with various conditions of approval. LeOra, LLC (LeOra) requested a 6 year extension to the map and was granted said extension by the City Council on April 9th, 2019 with additional conditions of approval imposed.

A final map has been prepared by LeOra, which shows the subdivision of the 54 lots, 2 remainder lots, and easements and dedications for utilities, sidewalks, and streets for approval by the City Council. A portion of the improvements in the eventual public right-of-way have been constructed, and were conditioned by the City Council at the time of approval of the Vesting Tentative Map to be completed prior to the approval of a final map or to provide sufficient security for the portion of improvements not yet completed. Improvements completed by LeOra, LLC to date include earthwork and grading, sewer, water, and curb and gutter. Although LeOra, LLC has completed these improvements, said improvements have not been formally dedicated to, or accepted by the City, and a subdivision improvement agreement is still required as a condition precedent to approval of the final map.

Pursuant to the approval of the Vesting Tentative Map, LeOra has provided security, in the form of an Irrevocable Letter of Credit, in the full amount of those items that have not been constructed and 10% of the estimated costs of the improvements that have been completed. Following final acceptance by the City Council, LeOra will be eligible for a reduction of their letter of credit by 90% of all work items not already completed per the approved Vesting Tentative Map. LeOra will then be required to provide a substitute security for maintenance
purposes for a period of one year following acceptance of all improvements by the City.

The map has been signed by the Owner, Notary, Surveyor of Record, City Surveyor, and said map has been filed for approval. Should Council approve the map, it will be signed by the City Clerk, Secretary of the Planning Commission, and the City Engineer prior to being recorded with the County Recorder.

All other conditions required to allow the recordation of the final map as approved by the Arvin City Council have been met. Documents required by the approval of the Vesting Tentative Map are attached to this staff report.

The lots are ready for building permits pending the approval of pad elevation and compaction certificates and grading permits. The repair of streets, curbs, gutters, sidewalks, and other improvements in the public right-of-way that may be damaged during construction of homes should be conditions for the issuance of building permits.

This staff report will also serve as a means to reiterate two conditions that were imposed by resolution 2019-31 which granted the 6 year extension to the Vesting Tentative Map.

1) LeOra shall be responsible for reimbursing the City for the cost of a third-party or other inspector to conduct building inspections for tract 6677.
2) LeOra shall be responsible for cleaning the sump bounded by tract 6677 and A Street before the 49th building permit is issued. Because the proposed phase shall construct 54 homes, this requirement will be triggered.

The City desires to approve the subdivision improvement agreement with LeOra, LLC, and approve the Final Map for Tract 6677 Phase 1.

FINANCIAL IMPACT:

No significant cost impacts to the city.

RECOMMENDATION:

Staff recommends the approval of the subdivision agreement and the final map for Tract 6677 Phase 1, and the recordation of said map.
RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN
FOR THE APPROVAL AND RECORDATION OF FINAL MAP FOR
TRACT 6677 PHASE 1 AND APPROVAL OF SUBDIVISION
IMPROVEMENT AGREEMENT

WHEREAS, Tract 6677 Phase 1 is comprised of 54 lots and 2 remainder lots proposed
to subdivide 20.54 acres bounded by Varsity Drive on the North, Tejon Highway on the East,
previously recorded Tract 6667 to the West and Kovacevich Park to the South; and

WHEREAS, a Vesting Tentative Tract Map was approved by the City Council on
February 26th, 2008 with various conditions of approval for LeOra, LLC (Subdivider); and

WHEREAS, a Vesting Tentative Tract Map was approved by the City Council on
February 26th, 2008 with various conditions of approval; and

WHEREAS, the Subdivider has prepared a final map which shows 54 lots, 2 remainder
lots, easements and dedications within the public right-of-way; and

WHEREAS, a portion of the public improvements have been constructed including
grading, sewer, water, and curb and gutter; and

WHEREAS, the Subdivider has provided an Irrevocable Letter of Credit for the full cost
of improvements not yet constructed and 10% for those improvements that have been improved
to date; and

WHEREAS, a subdivision agreement shall be necessary to assure the timely and proper
completion of those improvements not yet completed; and

WHEREAS, said subdivision agreement has been prepared by the City, and is agreeable
to the Subdivider; and

WHEREAS, the final map has been signed and endorsed by the Owner and his
representatives as well as by the City Surveyor; and

WHEREAS, all requirements have been met as required by previous City Council
actions to allow for the approval and recordation of the proposed final map; and

WHEREAS, lots are ready for building permits following the approval of the final map;
and

WHEREAS, the Subdivider shall be responsible for the repair of any currently
constructed or soon to be constructed public improvements through the life of Construction until
such time as the City Council formally accepts all improvements as complete; and

WHEREAS, the Subdivider is responsible for reimbursing the City for the full cost of a third party building inspector that is mutually agreed to by both parties during the building permit phase; and

WHEREAS, the Subdivider is responsible for cleaning the sump bounded by tract 6677 and A street before the issuance of the 49th building permit; and

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

Section 1: The foregoing recitals are true and correct.

Section 2: The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed approved by the Council.

Section 3: The Council authorizes the City Manager or designee to execute the Subdivision Improvement Agreement for Tract 6677 Phase 1 on behalf of the City, materially in conformance with those set forth in the attached proposed subdivision agreement hereto, subject to approval as to legal form by the City Attorney.

Section 4: The map is hereby approved, contingent upon the occurrence of the following conditions:

   a. Execution of the Subdivision Improvement Agreement for Tract 6677 Phase 1, including the posting of required security and proof of insurance;

Section 5: Any and all streets, public utility easements, public utility facilities, access rights and any parcels of land and easements offered for dedication of the map are hereby accepted, unless it is stated on the Final Map that said dedications are subject to City acceptance of Developer installed improvements.

Section 6: The City Clerk, City Planner, and City Engineer are authorized to take any additional steps necessary for enabling recordation of the final map for tract 6677 Phase 1.
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 22nd day of October, 2019 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.
WHEN RECORDED MAIL TO:

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

NO FEE – Government Code Section 6103

City of Arvin
Planning Department
141 Plumtree Drive, Arvin, CA 93203
Phone: 661-854-6183

SUBDIVISION IMPROVEMENT AGREEMENT
TRACT NO. 6677

Attachment: Subdivision Agreement Tract 6677-DRAFT (Approve final map and subdivision agreement for tract 6677 phase 1)
Subdivision Improvement Agreement
Tract No. 6677
Page 2

Agreement No:__________

THIS AGREEMENT, is entered into this ___ day of ______, 2019 by and between the CITY OF ARVIN, a municipal corporation ("City") and LEORA LLC, a California limited liability company ("Subdivider"). City and Subdivider are jointly referred to herein as "the Parties".

RECITALS

WHEREAS, the City Council of Arvin approved resolution number 08-13 on February 26th, 2008 which approved Vesting Tentative Map 6677 and General Plan Amendment 2006-1 as proposed by LeOra, LLC; and

WHEREAS, said resolution affirmed conditions of approval and an environmental Mitigated Negative declaration document with an implementation plan; and

WHEREAS, a public hearing was held by the Planning Commission on February 5th, 2008 culminating in the approval of resolution APC 08-03 for the same map, amendment, and implementation plan above; and

WHEREAS, the approval by the City Council was set to expire on February, 26th, 2019; and

WHEREAS, the City Council approved Resolution 2019-31 on April 9th, 2019 which granted a six-year extension to the expiration date through April 9, 2025; and

WHEREAS, said extension set additional conditions for the Subdivider; and

WHEREAS, the subdivision which Subdivider is creating is Tract 6677 and shall be referred to herein as "the Subdivision" and is more particularly described as follows:

Lots 1 through __, inclusive, and Outlots __ and __ of the Final Map of Tract No. 6677 according to the map thereof recorded on __________, 20____ in Volume ______ of Plats at Page(s) ______, Kern County Records.

; and

WHEREAS, Subdivider has submitted improvement plans to the City Engineer - a grading and drainage plan ("the Grading Plan" herein), a water circulation plan ("the Water Plan" herein), a street improvement plan ("the Street Improvement Plan" herein), and a sewer plan ("the Sewer Plan" herein). All improvement plans, as a group, shall be referred to herein as "the Subdivision Improvement Plans"; and

WHEREAS, the City Engineer has previously approved the Grading Plan, the Street Improvement Plans and the Sewer Plan, the District Engineer for Arvin Community Services Water District and the Kern County Fire Department in cooperation with the City Engineer have previously
Subdivision Improvement Agreement  
Tract No. 6677  
Page 3

approved the Water Plan, and the Subdivision Improvement Plans are incorporated herein by reference as if set forth in full; and

WHEREAS, Subdivider has submitted the final map to the Arvin City Council for approval in accordance with the Map Act, the previously approved resolutions and conditions of approval, the applicable City Ordinances, and said final map shall be referred to as the "Final Subdivision Map of Tract 6677" or "Final Subdivision Map"; and

WHEREAS, Subdivider has complied with all provisions of the Map Act, the City Ordinances and conditions of approval of APC resolution 08-03 and City Council resolution 08-13, excepting only that Subdivider has not formally completed the improvement work therefor, but desires to enter into an agreement with City to complete the required improvement work within the time and manner provided herein; and

WHEREAS, the Arvin City Council is willing to approve the Final Subdivision Map, and to accept on behalf of City all of the streets, alleys, easements and pedestrian ways dedicated thereon or deeded to City in connection therewith, under the terms and conditions hereinafter more particularly set forth.

AGREEMENT

NOW, THEREFORE, incorporating the foregoing recitals herein, City and Subdivider mutually agree as follows:

I.

Concurrently upon the execution of this Agreement and upon posting by Subdivider of the Improvement Security as mentioned herein, City, by and through its City Council, does hereby agree to approve the Final Subdivision Map of Tract 6677, and to accept all streets, alleys, easements and pedestrian ways dedicated thereon or deeded by Subdivider to City in connection therewith. Improvement Security shall be as hereinafter provided for, to be approved by the Arvin City Council and shall be in the amounts fixed by said City Council.

II.

For and in consideration of the approval of the Final Subdivision Map, and for and in consideration of the acceptance of the streets, alleys, easements and pedestrian ways dedicated thereon or deeded to City in connection therewith, Subdivider hereby agrees as follows:

Subdivider shall construct, at its sole cost and expense, those improvements, shown on the Subdivision Improvement Plans, all as approved by the City Engineer and applicable agencies, all of which are incorporated in this Agreement by reference as a part hereof, and which are generally designated as follows: Curbs, gutters, sidewalks, cross gutters, grading, paving, drive approaches, masonry block walls, sanitary sewers, water distribution system, street name signs, street signs,
Subdivision Improvement Agreement
Tract No. 6677
Page 4

striping, storm drain improvements, underground street lighting and utility systems and landscaping, subject only to those terms agreed upon between Subdivider and City which are reimbursable to Subdivider. The construction cost estimates, and corresponding security requirements for these improvements, and reimbursement costs if any, are set forth in Exhibit "A" and incorporated by reference. In addition to the Covenants affecting land development, if any, Subdivider shall comply with all Conditions of Approval set forth in the Conditions of Approval for the Final Subdivision Map, any conditional use permit or other entitlement for the Subdivision, and any amendments thereto, not already fully completed or performed as of the date of the approval of the Final Subdivision Map and which are not otherwise set forth in this Agreement. Compliance shall include, but is not limited to, any condition to convey to a specific party a fee interest or easement in any parcels in the Subdivision upon Subdivider’s completion of all required improvements to said parcels. Subdivider’s compliance with such conditions shall be completed within a reasonable time as determined by City, in City’s sole discretion, commencing upon the City Engineer sending written notice to Subdivider of the outstanding condition and time in which Subdivider is required to comply, and Subdivider shall timely comply.

1. IMPROVEMENTS CONSTRUCTED:

(a) Subdivider shall construct and improve all of the Easements and Pedestrian Ways dedicated to City or deeded by Subdivider to City in connection therewith, pursuant to and in accordance with those provisions of the Arvin Municipal Code applicable thereto and, more particularly pursuant to and in accordance with the final map or any Subdivision Improvement Plans approved and signed by the City Engineer. Street improvements consisting of curbs, gutters and sidewalks, drive approaches, CMU walls, public landscaping, asphalt pavement, striping and signage, utilities, and related concrete work as per the final map and any approved Street Improvement Plan shall be constructed at the time the Tract 6677 is developed.

(b) Subdivider shall install a Water Distribution System, including the construction and installation of all pipelines, appurtenances, and services to each lot, pursuant to and in accordance with those provisions of the Arvin Municipal Code applicable thereto, and as approved by the Arvin Community Water Services District, and more particularly pursuant to and in accordance with the final map and any approved Water Plan.

(c) Subdivider shall install a Sanitary Sewer System, including the construction and installation of all pipelines, manholes, appurtenances, and laterals to each lot, pursuant to and in accordance with those provisions of the Arvin Municipal Code applicable thereto, and more particularly pursuant to and in accordance with the final map and any approved Sewer Plan.

(d) Subdivider shall site grade, compact and improve building sites, so as to drain properly within the Subdivision, pursuant to and in accordance with the final
map and any approved Grading Plan.

(e) Subdivider shall install a Storm Sewer System, including the construction and installation of all pipelines, manholes, catch basins, appurtenances, and temporary or permanent drainage sumps pursuant to and in accordance with those provisions of the Arvin Municipal Code applicable thereto, and more particularly pursuant to and in accordance with the final map and any approved Grading Plan.

(f) Subdivider shall install the Landscape and Irrigation System, including the construction and installation of all soil preparation and amendments, perimeter structures, underground irrigation, plants, trees and shrubs, pursuant to and in accordance with the Street Plan.

(g) Subdivider shall construct all public utilities as required by Section 16.12.120 of the Arvin Municipal Code. Services from the public utilities, consisting of telephone, gas, electric, water, sewer and cable television service shall be provided for each lot within the Subdivision.

(h) Subdivider shall furnish City with written statements from the providers of electricity, gas, telephone and cable television services, specifying that financial arrangements and terms for the installation of all electrical, gas, telephone and cable television services have been made for the Subdivision. The terms thereof shall guarantee the installation of said services to each lot as required at no cost to City and shall be subject to the approval of the City Engineer.

(i) Subdivider shall provide for the setting or placement of all permanent monuments required for the Subdivision by Section 16.16.110 of the Arvin Municipal Code. Said permanent monuments shall be placed or set in accordance with said Municipal Code and shall be located in such positions and shall be of the character and type specified therein.

(j) Subdivider shall remove, relocate or replace all obstructions, or otherwise make all necessary arrangements to have said obstructions relocated, at his own expense. Said obstructions and their removal and/or relocation shall appear on the approved Subdivision Improvement Plans, and shall not hinder any construction.

(k) All changes, relocations or modifications required for the development of the Subdivision to existing city utilities, streets and facilities whether within the boundaries of the Subdivision or offsite, and all changes, relocations and modifications to other public utilities including, but not limited to electric, gas, water or telephone lines, caused by the development of the Subdivision
shall be paid for by Subdivider, if Subdivider damages any public or private utility, said utility is to be repaired or replaced at Subdivider’s expense.

(l) Subdivider shall complete all improvements required by Resolution 2019-31, including remediating the City owned sump located just west of the project at the corner of North A and Bautista, including the removal of debris, sump improvements and securing the site. Said improvements shall be completed before the 49th building permit is issued for Tract No. 6677.

(m) Subdivider shall coordinate all work done by Subdivider’s contractors and subcontractors, such as scheduling the sequence of operations and the determination of liability if one operation delays another. In no case shall representatives of City be placed in the position of making decisions that are the responsibility of Subdivider. It shall further be the responsibility of Subdivider to give the City Engineer written notice not less than two working days in advance of the actual date on which work is to be started. Failure on the part of Subdivider to notify the City Engineer may cause delay for which Subdivider shall be solely responsible.

(n) Subdivider shall (a) be required to pay, and shall cause its contractor and subcontractors to pay, prevailing wages for the construction of (i) specific improvements for which Subdivider receives credits or reimbursements as identified in Exhibit “A”, if any, and (ii) those improvements, if any, that are “public works” under Chapter 1, Part 7, Division 2 of the California Labor Code, including Section 1720(a) (collectively, the “PW Improvements”); and (b) comply with any applicable provisions of California Labor Code Sections 1720 et seq. and implementing regulations of the Department of Industrial Relations. Subdivider shall or shall cause its contractor to keep and retain such records as are necessary to determine that prevailing wages have been paid as may be required by law. During the construction of the PW Improvements, if any, Subdivider shall, or shall cause its contractor to, post at the Subdivision the applicable prevailing rates of per diem wages. Subdivider shall indemnify, hold harmless and defend (with counsel reasonably acceptable to the City) City against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including Subdivider, its contractors and subcontractors) to pay prevailing wages as required by law or to comply with the other applicable provisions of California Labor Code Sections 1720 et seq. and the implementing regulations of the Department of Industrial Relations in connection with construction of any PW Improvements.
Subdivision Improvement Agreement  
Tract No. 6677  
Page 7

2. MANNER OF CONSTRUCTION:

The improvements designated above shall be installed and constructed in accordance with all of the following (in order of precedence):

(a) Arvin Municipal Code.
(b) Standard City plans and specifications.
(c) The California Subdivision Map Act.
(d) Approved plans, specifications and profiles (including the final map).
(f) Good engineering practices and workmanlike manner.

3. TIME FOR COMPLETION:

All of said improvements shall be completed in full in accordance with the terms of this Agreement and to the satisfaction of the City Engineer within eighteen (18) months from the date of approval of this Agreement, to wit: on or before the 13TH day of February, 2021, or any extension of said completion date granted by the City Council. Any work which affects any existing City maintained road or traffic thereon shall be completed within thirty (30) working days from start of work within the City maintained road.

4. INSPECTION AND APPROVAL OF WORK:

(a) All improvement work shall be subject to inspection by the City Engineer or his designee and shall be found to be in substantial compliance with the approved Subdivision Improvement Plans and Arvin City Standards.

(b) Inspection of the improvements by City shall not relieve Subdivider of any obligation to fulfill the Agreement as prescribed. Defective work shall be made good, and unsuitable materials may be rejected, notwithstanding the fact that such defective work and unsuitable materials have been previously overlooked by the City Engineer or City Inspector and accepted.

(c) When all of the required improvement work has been satisfactorily completed, upon written application of Subdivider, the City Engineer or his designee shall inspect the same within a reasonable time. If such improvement work meets City requirements, the City Engineer or his
Subdivision Improvement Agreement
Tract No. 6677
Page 8

designee shall forward his recommendation to City Council showing the date of inspection and approval.

(d) If the City Council approves the recommendation, it shall make its order accepting or approving the work of improvement.

(e) Such order of acceptance or approval made by the City Council shall be deemed operative from the time of approval of the work of improvement by the City Engineer or his designee.

(f) Except as otherwise provided, Subdivider and surety shall be deemed released from liability for damage or injury to such work so accepted by said Council, and from the maintenance thereof, from and after the time said order is operative. However, the foregoing provision shall not relieve Subdivider or its surety from any damage or injury to such work of improvement or any maintenance required therefor arising from any other work undertaken by Subdivider or its surety, or as may necessarily be done by City in the performance of any part of the required improvement work as a result of any default in the performance of this Agreement by Subdivider or its surety or arising from any willful act or negligent act or omission of Subdivider or its surety or their contractors, agents or employees, or arising from defective work or labor done or defective materials furnished in the performance of the Agreement.

(g) At the time of making of the order of acceptance or approval of such work, as the case may be, said Council shall affect a reduction of the improvement security in accordance with other provisions of this Agreement upon request by Subdivider.

5.  CHANGES AND ALTERATIONS:

(a) Subdivider shall make no change or alteration in such work except with written approval by the City Engineer.

(b) Subdivider shall carry out such changes or alterations in such work as may be ordered by the City Engineer in the exercise of its reasonable discretion, as follows:
   (i) As required by the Map Act;
   (ii) As consistent with City ordinance, applicable at the time of approval of the Development Agreement; or
   (iii) As made necessary by conditions of the soil, topography, drainage, flood hazard, or fire hazard not foreseen at the time of approval of the Development Agreement.
In any case, all changes or alterations in such work shall be otherwise performed and fully and timely completed in accordance with all other provisions of this Agreement.

Within sixty (60) days following City's acceptance of subdivision improvements, Subdivider shall provide City Engineer with original set of improvement plans containing the appropriate posted "Record Drawings" changes. Changes shall be clearly noted as changes on the Subdivision Improvement Plans.

6. GUARANTEE AGAINST DEFECTS:

Subdivider hereby guarantees all features of the work of improvement for a period of one (1) year following the acceptance of the work against defective work or labor done, or defective material furnished, in the performance of this Agreement; and Subdivider agrees to correct, repair or replace promptly when demanded by City all such defective work or labor done, or defective materials furnished, as may be discovered within such one (1) year period and reported to the City Council.

7. IMPROVEMENT SECURITY:

(a) As provided for in Section 16.16.020 of the Arvin Municipal Code, this Agreement shall be secured by good and sufficient security, which shall be filed with City prior to certification of the final map by the City Engineer. Such improvement security shall consist of either (1) a faithful performance bond or bonds by one or more duly authorized corporate sureties; or (2) a deposit, either with City or a responsible escrow agent or trust company, selected by City, of cash or negotiable bonds of the kind approved for securing deposits of public moneys, or (3) an irrevocable instrument of credit from one or more responsible financial institutions regulated by State or Federal government and pledging that the funds are on deposit and guaranteed for payment on demand by City. The forms of all documents relating to such security shall be subject to approval by the City Attorney. The corporate surety bond shall conform substantially with the form set forth in Section 66499.1 of the Map Act. The estimated cost of the various features of the work of improvement shall be used, if applicable, as the basis for the reduction of bonds in connection with the final completion of any feature of the work (or any unit thereof). Costs referred to herein are as set forth on the Costs Estimate for the Subdivision, as submitted for approval to, and on file in the office of, the City Engineer.

(b) The estimated remaining cost of the various features of the work of improvement, to be used as the basis for determination of the amount of such security and for reduction of security in accordance with other provisions of this Agreement, is as set forth in Exhibit “A.”
(c) Said improvement security shall be in the amount of 100% of the total estimated cost of the incomplete improvements, conditioned upon the faithful performance of the Agreement, as follows:

(i) The faithful performance and full and timely completion of the work according to this Agreement; and

(ii) The guarantee and maintenance of the work of improvement for a period of one (1) year following the completion and approval thereof, against defective work or labor done, or defective materials furnished, in the performance of this Agreement; and

(d) Said improvement security shall also be in an additional amount of 100% of the total estimated cost of the improvement, securing payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement; and if such portion of the improvement security is:

(i) A cash deposit, suit may be maintained against the holder of such deposit; or

(ii) A surety bond, suit may be maintained against the surety, or an instrument of credit, suit may be maintained against the financial institution of obligating itself as trustee on such instrument.

8. REDUCTION AND RELEASE OF SECURITY:

(a) Improvement security (if any) may be reduced or released on order of the City Engineer in accordance with this Section.

(b) Improvement security (if any) given for the faithful performance of the Agreement shall be reduced at the time and in the manner provided herein, subject to retention of security for defects as hereinafter provided.

(c) Whenever improvement security (if any) is reduced on account of approval of units of the work such shall be subject to retention of security for defects and security against damage as hereinafter provided.

(d) In any case, however, City in the exercise of its reasonable discretion shall retain ten percent (10%) of the improvement security, for faithful performance to secure the maintenance and guarantee of such improvement work for a period of one (1) year following the operative date of the order of said Council for the acceptance or approval thereof, as the case may be, and (in the case of acceptance or approval of a unit of the improvement work as its
Subdivision Improvement Agreement
Tract No. 6677
Page 11

progresses) to secure the maintenance and guarantee of the work of improvement so accepted or approved against damage thereto by any other work undertaken by Subdivider or its surety. The amounts of improvement security so retained shall be finally released one (1) year following the operative date of the order of the City Council for the acceptance or approval thereof, as the case may be, provided that no defective work or labor done or defective materials furnished in the performance of the work has been discovered within such one (1) year period and reported in writing to the Subdivider by the City Council, City Engineer, or City Manager, and further provided (in the case of acceptance of a unit or units of the improvement work as it progresses) that no damage has been done to the required improvement work so accepted by any other work undertaken by Subdivider or its surety.

(e) Improvement security for payment to the contractor, or any of his subcontractors of any person renting equipment or furnishing labor or materials to them for the work of improvement may, six (6) months after the completion of the work of improvement and the making of the order for its acceptance or approval, as the case may be, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to City, and if no such action is filed, such improvement security may be released in full.

9 COMPLETION BY SURETY OR CITY:

(a) If the City Council, in the exercise of its reasonable discretion, shall determine:

(i) That Subdivider has failed to properly and fully complete all of the work of improvement in accordance with this Agreement, and within the time (or any extension of time) provided herein; and

(ii) That Subdivider has failed or neglected to begin work, or any feature of the work, within a time which will reasonably allow its completion within the time (or any extension of time) provided in this Agreement; or

(iii) That Subdivider has created an unsafe or hazardous condition which requires immediate correction.

(iv) That Subdivider has abandoned any of the work; or

(v) That Subdivider has failed to keep the work under direct control of a superintendent, manager, engineer or other competent agent.
(vi) That Subdivider (if he shall be an individual) has been declared incompetent or placed under the care of a guardian or conservator, or has disappeared; or

(vii) That Subdivider has filed a petition in bankruptcy or has been declared bankrupt;

the City Council may determine to, and City may give Subdivider and its Surety fourteen (14) days' written notice to proceed with the work, without prejudice to any other remedy City may have in law or equity.

(b) If the Surety shall proceed with the work, the Surety shall be subject to all of the provisions of this Agreement as in the case of Subdivider.

(c) If Subdivider or its Surety shall fail or neglect to proceed with the work diligently and in good faith in accordance with this Agreement after such notice has been given, City may thereafter, at its sole option and without prejudice to any other remedy, provide the necessary supervision, equipment, materials and labor as it may determine necessary to undertake and complete the work of improvement or any part thereof in the manner required by this Agreement, by independent contract or by City forces, all for the account and at the expense of Subdivider, and Subdivider and its Surety shall be liable to City and shall pay City on demand, any expenses incurred by City in the course thereof.

10 INDEMNIFICATION PROVISIONS:

Subdivider shall be obligated as follows:

(a) To the furthest extent allowed by law, Subdivider shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, Subdivider or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees, litigation and legal expenses incurred by City or held to be the liability of City, including plaintiff's or petitioner’s attorney’s fees if awarded, in connection with City’s defense of its actions in any proceeding), arising or alleged to have arisen directly or indirectly out of performance or in any way connected with: (i) the making of this Agreement; (ii) the performance of this Agreement; (iii) the performance or installation of the work or improvements by Subdivider and Subdivider’s employees, officers, agents, contractors or subcontractors; (iv) the design, installation, operation, removal or maintenance of the work and improvements; (v) Subdivider and Subdivider’s employees, officers, agents,
contractors or subcontractor’s failure to provide prevailing wages as may be required by law; or (vi) City’s granting, issuing or approving use of this Agreement.

(b) Subdivider’s obligations under the preceding sentence shall apply regardless whether City or any of its officers, officials, employees or agents are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of City or any of its officers, officials, employees, agents or volunteers.

(c) If Subdivider should subcontract all or any portion of the work to be performed under this Agreement, Subdivider shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of paragraphs “a” and “b” of this Section. Notwithstanding the preceding sentence, any subcontractor who is a “design professional” as defined in Section 2782.8 of the California Civil Code shall, in lieu of indemnity requirements set forth in paragraphs “a” and “b” of this Section, be required to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers to the furthest extent allowed by law, including as limited by Civil Code Section 2782.8, from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, its principals, officers, employees, agents or volunteers in the performance of this Agreement.

(d) Subdivider further agrees that the use for any purpose and by any person of any and all of the streets and works and improvements hereinbefore specified, shall be at the sole and exclusive risk of Subdivider at all times prior to final acceptance by City of the completed street and other improvements thereon and therein. This Section shall survive termination or expiration of this Agreement.

11. ATTORNEY’S FEES ON SUIT:

If either party is required to commence any proceeding or legal action to enforce or interpret any term or condition of this Agreement, the prevailing party in such proceeding or action shall be entitled to recover from the other party its reasonable attorney's fees and legal expenses. For the purposes of this Agreement, “attorneys’ fees” and “legal expenses” include, without limitation, paralegals’ fees and expenses, attorneys, consultants fees and expenses, expert witness fees and
expenses, and all other expenses incurred by the prevailing party’s attorneys in the course of the representation of the prevailing party in anticipation of and/or during the course of litigation, whether or not otherwise recoverable as “attorneys’ fees” or as “costs” under California law, and the same may be sought and awarded in accordance with California procedure as pertaining to an award of contractual attorneys’ fees.

12. INSURANCE REQUIREMENTS:

Throughout the life of this Agreement, Subdivider shall pay for and maintain in full force and effect all policies of insurance described in this Section with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide, or (ii) authorized by City Manager for the City of Arvin. The following policies of insurance are required:

(a) COMMERICAL GENERAL LIABILITY insurance, which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and shall include insurance for bodily injury, property damage, and personal and advertising injury with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, contractual liability (including indemnity obligations under this Agreement), with limits of liability of not less than $1,000,000 per occurrence for bodily injury and property damage, $1,000,000 per occurrence for personal and advertising injury and $2,000,000 aggregate for products and completed operations, and $2,000,000 general aggregate.

(b) COMMERICAL AUTOMOBILE LIABILITY insurance, which shall be at least as broad as the most current version of Insurance Services Office (ISO) Business Auto Coverage Form CA 00 01 and shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Section 1, subsection A.1 entitled “Any Auto”), with combined single limits of liability of not less than $5,000,000 per accident for bodily injury and property damage.

(c) PROFESSIONAL LIABILITY (Errors and Omissions) insurance appropriate to the respective person's profession (applicable only to those subcontractors who are providing Professional Services to Subdivider), with limits of liability of not less than $1,000,000 per claim/occurrence and $2,000,000 policy aggregate.

(d) WORKERS’ COMPENSATION insurance as required under the California Labor Code.
Subdivision Improvement Agreement
Tract No. 6677
Page 15

(e) EMPLOYERS’ LIABILITY with minimum limits of liability of not less than $1,000,000 each accident, $1,000,000 disease policy limit and $1,000,000 disease each employee.

Subdivider shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Subdivider shall also be responsible for payment of any self-insured retentions.

Except as authorized by the City Manager, the above described policies of insurance shall be endorsed to provide an unrestricted 30 calendar day written notice in favor of City of policy cancellation of coverage, except for the Workers’ Compensation policy which shall provide a 10 calendar day written notice of such cancellation of coverage. In the event any policies are due to expire during the term of this Agreement, Subdivider shall provide a new certificate evidencing renewal of such policy(ies) not less than 15 calendar days prior to the expiration date of the expiring policy(ies). Upon issuance by the insurer, broker, or agent of a notice of cancellation in coverage, Subdivider shall file with City a new certificate and all applicable endorsements for such policy(ies).

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form and shall name City, its officers, officials, agents, employees and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Subdivider’s insurance shall be primary and no contribution shall be required of City. In the event claims-made forms are used for any Professional Liability coverage, either (i) the policy(ies) shall be endorsed to provide not less than a five (5) year discovery period, or (ii) the coverage shall be maintained for a minimum of five (5) years following the termination of this Agreement and the requirements of this Section relating to such coverage shall survive termination or expiration of this Agreement. Any Workers’ Compensation insurance policy shall contain a waiver of subrogation as to City, its officers, officials, agents, employees and volunteers; if Subdivider shows that such waiver is not reasonably commercially available, the City Manager may waive this specific requirement.

Subdivider shall have furnished City with the certificate(s) and applicable endorsements for all required insurance prior to City’s execution of the Agreement. Subdivider shall furnish City with copies of the actual policies upon the request of the City Manager at any time during the life of the Agreement or any extension, and this requirement shall survive termination or expiration of this Agreement.

The fact that insurance is obtained by Subdivider or its subcontractors shall not be deemed to release or diminish the liability of Subdivider or its subcontractors including without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City, its officers, officials, agents, employees and volunteers, shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Subdivider or its subcontractors. Approval or purchase of any insurance contracts or
policies shall in no way relieve from liability nor limit the liability of Subdivider, its principals, officers, agents, employees, persons under the supervision of Subdivider, vendors, suppliers, invitees, subcontractors, consultants or anyone employed directly or indirectly by any of them.

If at any time during the life of the Agreement or any extension, Subdivider fails to maintain the required insurance in full force and effect, the City Engineer for the City, or his/her designee, may order that Subdivider, or its contractors or subcontractors, immediately discontinue any further work under this Agreement and take all necessary actions to secure the work site to insure that public health and safety is protected. All payments due or that become due to Subdivider shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement.

If Subdivider should subcontract all or any portion of the services to be performed under this Agreement, Subdivider shall require each subcontractor to provide insurance protection in favor of City, its officers, officials, employees, volunteers and agents in accordance with the terms of each of the preceding paragraphs, except that the subcontractors’ certificates and endorsements shall be on file with Subdivider and City prior to the commencement of any work by the subcontractor.

13. IMPACT FEE:

No additional impact fees are due to the City.

14. FEES AND REIMBURSEMENTS:

Subdivider agrees to pay fees and costs consistent with the requirements of the applicable resolutions, except as may be modified as set forth in this Section.: Consistent with Resolution 2019-31, the Parties acknowledge the following obligations and agree as follows:

(a) For the entire duration of years one (1) through three (3) of the extension provided by Resolution 2019-31, Subdivider shall be subject to the adopted written ordinances, policies, standards and fees (“Vested Rights”) that were of record at the time the application for vesting tentative tract map (“VTTM”) 6677 was deemed complete. With respect to the pulling of building permits, Subdivider shall be entitled to the Vested Rights so long as an application for the building permit is submitted within the initial three-year period. Subdivider’s Vested Rights shall be extended for any period of time in which a stay of development occurs.

(b) During years four (4) through six (6), not including any stay required by law, Subdivider shall be subject to the then current ordinances, policies, standards and
fees. Subdivider shall not be entitled to the Vested Rights if any building or other permit is applied for within the last three years of the extension.

(c) Any delays beyond the control of Subdivider, including, but not limited to, development moratoriums, shall stay the extension being granted pursuant to Resolution 2019-31, if otherwise required by law, and Subdivider shall be entitled to an extension equal to the amount of time of such delay.

(d) The Parties acknowledge that Subdivider’s agreement to the conditions of the extension does not in any way alter Subdivider’s right to challenge a proposed increase in development fees not already currently approved by the City at the time of adoption of Resolution 2019-31.

(e) Consistent with Resolution 2019-31, Subdivider agrees to reimburse the City for the cost of a third-party or other inspector mutually selected by the City and developer to conduct building inspections during those periods of time when construction is actively occurring in the Subdivision. If Subdivider is in compliance with the conditions of Resolution 2019-31, consistent with said Resolution City staff shall use reasonable efforts to process any newly submitted permit applications and plans as follows:

(i) Tract Improvement Plans – newly submitted and complete plan check packets shall be approved within three weeks from the first submittal and within two weeks from each additional plan check submittal.

(ii) Home Architectural & Structural Plans – newly submitted and complete architectural and structural plans shall be approved within three weeks from the first submittal and within two weeks from each additional plan check submittal.

(iii) Building Permits – the City shall issue building permits within one-week from submittal of a complete application.

15. MAINTENANCE DISTRICTS:

As part of the conditions of approval, Subdivider hereby consents and agrees to annex property in the Subdivision into a Maintenance District for the City of Arvin Lighting and Landscaping Maintenance District #2 (District #2) with respect to the Landscaping and Lighting Act of 1972 at the same rate of levy assessment imposed for similarly-situated properties. Subdivider agrees to waive notice of the public hearing on the initial annexation (including the initial levy) into District #2; Subdivider does not waive notice of public hearings on any subsequent levy proposed to be assessed on any portion of the Subdivision.
1. OBLIGATION RUNNING WITH LAND

This Agreement shall burden the Subject Property described and constitute a covenant running with the land in favor of and for the benefit of City shall be binding upon the successors, transferees, and heirs of Subdivider. Subdivider consents to the recordation of this Agreement with the Kern County Recorder.

2. WAIVER

The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.

3. SUCCESSOR STATUTES INCORPORATED

All references to a statute or ordinance shall incorporate any or all successor statute or ordinance enacted to govern the activity now governed by the statute or ordinance, noted herein to the extent, however, that incorporation of such successor statute or ordinance does not adversely affect the benefits and protections granted to Subdivider under this Agreement.

4. INCORPORATION OF ATTACHMENTS

All recitals and attachments to this Agreement, including all Exhibits referenced herein, and all subparts thereto, are incorporated herein by this reference.

5. TIME IS OF THE ESSENCE

Time is of the essence of this Agreement, and the same shall bind and inure to the benefit of the parties hereto, their successors and assigns.

6. NO ASSIGNMENT

No assignment of this Agreement or of any duty or obligation of performance hereunder shall be made in whole or in part by Subdivider without the written consent of City.

7. CAPTIONS

Section, paragraph and other captions or headings contained in this Agreement are inserted as a matter of convenience and for reference, and in no way define, limit, extend or otherwise describe the scope or intent of the Agreement or any provision hereof and shall not affect in any way the meaning or interpretation of this Agreement.
8. AMBIGUITIES OR UNCERTAINTIES

Any ambiguities or uncertainties herein shall be equally and fairly interpreted and construed without reference to the identity of the Party or Parties preparing this Agreement, on the express understanding and agreement the Parties participated equally in the negotiation and preparation of the Agreement, or have had equal opportunity to do so. Accordingly, the Parties hereby waive the benefit of California Civil Code §1654 and any successor or amended statute, providing that in cases of uncertainty, language of a contract should be interpreted most strongly against the Party who caused the uncertainty to exist.

9. SEVERABLE PROVISIONS

The provisions of this Agreement are severable. The invalidity or unenforceability of any one provision in this Agreement shall not affect the validity or enforceability of the other provisions, which shall remain in full force and effect.

10. RELEASE OF CONDITIONS

The conditions and obligations of this Agreement shall remain in full force and effect until such time as City’s Engineer issues a written release finding the conditions and obligations of this Agreement have been fully satisfied and are no longer required for public health and safety reasons and thereafter records such release with the Kern County Recorder.

11. LIMITATION OF LEGAL ACTS

Except as provided by the Section entitled “Attorney’s Fees on Suit,” in no event shall the City, or its officers, agents or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed Subdivider’s sole legal remedy for breach or violation of this Agreement by City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement. The City may enforce this Agreement in any manner available at law or in equity, including, but not limited to, reversion to acreage.

12. VENUE

This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of California, excluding, however, any conflict of laws rule which would apply the law of another jurisdiction. Venue for purposes of the filing of any action regarding the enforcement or interpretation of this Agreement and any rights and duties hereunder shall be Kern County, California.
13. ACKNOWLEDGEMENT OF CONTENT

Each party acknowledges that they have read and fully understand the contents of this Agreement. This Agreement represents the entire and integrated agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be modified only by written instrument duly authorized and executed by both City and Subdivider.

[Signatures on following page]
IN WITNESS WHEREOF, the Parties have duly executed this Agreement on the day and year first above written.

“CITY”

CITY OF ARVIN,
a municipal corporation

By: ____________________________
   Jose Gurrola, Mayor

October __________, 2019

ATTEST:

______________________________
Cecilia Vela, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: ____________________________
   Shannon Chaffin, City Attorney

RECOMMENDED FOR APPROVAL

By: ____________________________
   Adam Ojeda, City Engineer

“SUBDIVIDER”

LEORA, LLC,
a California limited liability company

By: ____________________________
   Michael F. Hair, Managing Member

October __________, 2019

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:
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF ____________

On __________, 2019 before me, ________________, personally appeared _____________, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature: ____________________

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☑ INDIVIDUAL
☑ CORPORATE OFFICER

TITLE(S)

☑ PARTNER(S) ☑ LIMITED ☑ GENERAL
☑ ATTORNEY-IN-FACT
☑ TRUSTEE(S)
☑ GUARDIAN/CONSERVATOR
☑ OTHER

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE
Attachment: Subdivision Agreement Tract 6677-DRAFT (Approve final map and subdivision agreement for tract 6677 phase 1)
SUBORDINATION

The undersigned as holder of the beneficial interest in and under that certain Deed of Trust recorded on {__________}, 20__, in the office of the Kern County Recorder, as Document No. {__________} of which the Deed of Trust in, by and between {Full Name of Trustor}, as Trustor, {Full Name of Trustee}, as Trustee and {Full Name of Beneficiary}, as Beneficiary, hereby expressly subordinates said Deed of Trust and its beneficial interest thereto to the foregoing Subdivision Improvement Agreement for Tract No. 6677.

DATED: ____________________, 2019

BENEFICIARY

By: ______________________________________

Name: __________________________________________

Title: ___________________________________________

By: ______________________________________

Name: __________________________________________

Title: ___________________________________________

(Beneficiary to print/type document information, Name, Title and attach Notary Acknowledgment)
RESOLUTION NO. 08-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN
APPROVING VESTING TENTATIVE TRACT MAP NO. 6677 AND
GENERAL PLAN AMENDMENT NO. 2006-1, SUBJECT TO THE
CONDITIONS OF APPROVAL CONTAINED HERIN

WHEREAS, a Vesting Tentative Tract Map was submitted by Michael F. Hair/Le Ora, LLC. 6752 Iron Oak Drive, Bakersfield, CA 93312, for property identified as North Half of the North East Quarter of the Southeast Quarter of Section 23, Township 31 South, Range 29 East, M.D.B.M. in the Unincorporated Area, County of Kern, State of California, also identified as Assessor Parcel Numbers: 190-030-05, -06, -07, and -13; and

WHEREAS, the applicant has also submitted applications for a General Plan Amendment from the County’s General Plan Land Use designation of Mineral and Petroleum (8.4) to the City of Arvin General Plan Designation of Low Density Residential 1.2 m (1 to 6 units/acre) and a concurrent Zone change to pre-zone the property from the County’s Limited Agricultural (A-1) to the City of Arvin One Family Dwelling Zone (R-1); and

WHEREAS, the subject property is within the Sphere of Influence, in the unincorporated areas of Kern County, the applicant has applied for the Annexation of said lands into the City; and

WHEREAS, the proposed Tentative Tract Map consists of a plan to subdivide approximately 20.37 Gross Acres of land into 98 buildable single-family lots and one lot for the construction of the storm drainage pond; and

WHEREAS, a public hearing on the matter was heard by the Planning Commission at its meeting on February 5, 2008, notice of which showing the date, time and place of hearing was duly given; and

WHEREAS, a public hearing on the matter was heard by the City Council at its meeting on February 26, 2008, notice of which showing the date, time and place of hearing was duly given; and

WHEREAS, the General Plan Amendment complies with the policies of the Arvin General Plan and its Spheres of Influence; and

WHEREAS, after considering the record as a whole and proposed mitigation measures, in compliance with the California Environmental Quality, it has been determined that there is no evidence that the proposed project will have any significant effect on the environment, and will not have any potential to adversely affect wildlife resources or the habitat upon which the wildlife depends;

NOW, THEREFORE, the Arvin City Council does hereby resolve to approve the Mitigated Negative Declaration, Vesting Tentative Tract Map No. 6677 and General Plan Amendment No. 2006-1, subject to the following conditions:
PLANNING AND ENGINEERING

1. The applicant shall initiate the annexation process with the City and receive approval from the Kern County Local Agency Formation Commission annexing the subject property into the City prior to commencing grading or building at the site.

2. The applicant shall comply with all the mitigation measures proposed in Exhibit A of this Resolution.

3. A copy of the current Preliminary Title Report shall be submitted to the Planning and Engineering Departments prior to submittal of any improvement plans or final map.

4. An Engineer’s Estimate of the cost of improvements shall be submitted to and approved by the City prior to approval of improvement plans.

5. To the extent possible, the subdivision shall utilize energy conservation techniques in its development to the satisfaction of the Planning and Building Director. The Developer shall submit a plan to the Director for review and approval.

6. This map is conditioned upon the Developer defending, indemnifying and holding harmless the City, its agents, officers, consultants, and/or employees.

7. All development shall comply with City Municipal Codes, including updates, Buildings and Construction; Subdivisions, including amendments and revisions to the date permits are issued; and the City Improvement Standards.

8. The safety and security of the project must satisfy Local, County, State, Federal ordinances, California Building Code, and California Occupational Safety and Health Association (CAL/OSHA).

9. This map is subject to applicable District, Local, City, County, State, And Federal statutes, ordinance, regulations, standards and policies.

10. Improvements within the map must comply with American with Disabilities Act (ADA) Standards and regulations.

11. The developer shall obtain necessary permits and/or approvals from all agencies having jurisdiction over property being mapped.

12. Issues concerning the Williamson Act must be completed prior to the approval of the final map, if applicable.

13. Contractors and subcontractors shall obtain a business license from the City prior to beginning work.

14. The developer shall comply with San Joaquin Valley Unified Air Pollution Control District and City regulations regarding the reduction of air emissions resulting from the project.
15. Development is in A and AO floodplain:

For areas in an A zone, new construction, substantial improvement and other proposed new development of any structure shall have the lowest floor, including basement, elevated at or above the base flood elevation, or as required by the Receive and Discharge Study.

For areas in an AO zone, new construction, substantial improvement and other proposed new development of any structure shall have the lowest floor, including basement, elevated a minimum of one foot above the highest adjacent natural grade upstream of the structure, or as required by the Receive and Discharge Study.

16. Grading of the site shall comply with engineering standards so as to protect properties on the tract and neighboring properties. All grading plans shall be submitted for review and approval by the City Engineer.

17. The Developer shall obtain a letter of compliance from the City Engineer with regards to excavation of materials buried at the site and re-compaction of the site as needed.

18. If, during development and construction, artifacts of prehistoric or historic occupation are discovered, construction activities, which might disturb or destroy such artifacts or evidences, shall be ceased until the development/construction site can be evaluated by a qualified archaeologist and a recommendation made as to their preservation and/or recordation.

19. This project is subject to District, Local, City, County, State, and Federal fees. Applicable City Fees including developer fees, frontage fees, and plan check fees, permits and other fees must be paid at the Building Department prior to issuance of permits.

20. The developer shall pay Community Services District water fees in effect for the property and present proof of payment prior to issuance of building permit.

21. Utilities shall be installed underground in accordance with each of the utility company requirements and with the City requirements.

22. The Developer shall dedicate public utility easements within the development where required by the City and affected utilities.

23. Noise during construction shall be mitigated to the fullest reasonable extent. If complaints are received, the City may impose restrictions such as limitation of hours of operation to daylight hours or other appropriate and reasonable measures.

24. The developer shall provide written documentation from the Division of Oil and Gas addressing the proximity of abandoned well locations. Any structures or roadways shall be set back per requirements of the Division of Oil and Gas. A map with the location and size of wells shall be provided to the Building Inspector and City Engineer.
25. The Developer shall provide to the City a preliminary soils report to address all improvements.

26. If development disturbs more than 1 acre of land, Developer is required to complete the Kern County NPDES Eligibility Form and the Kern County Designer Certification Form and submit them to the City Engineer.

27. Developer shall submit an onsite drainage study for the 10-year and the 5-day storm event per Kern County Standards. Verify the capacity of the sump(s) where incremental drainage runoff due to the development is to be retained. Verify location of the overflow condition. All storm drainage facilities plans and pertinent calculations shall be reviewed and approved by the City Engineer.

28. The developer shall apply to form a landscape and lighting district or annex into an existing one to maintain landscaping, lighting, and the drainage sump.

29. Developer shall be required to construct half-width full improvements along the boundary of the project as shown upon the Tentative Tract Map. Interior roads shall be developed according to City Standards. Improvements to include, but not be limited to, roadway construction, striping, curb, gutter, sidewalk, drive approaches, wheelchair ramps, street lighting and signage.

30. The Developer shall construct a 6-foot high decorative brick wall with landscaping along public street frontages.

31. Street name signs showing addresses and stop signs shall be provided as required by the City standards.

32. The developer shall install lighted address sign on each residence to identify them in case of emergencies.

33. The Developer shall submit a Street Name Map and a Master addressing Map for approval by the Planning and Building Director.

34. Street lighting and proper location shall be provided as required by the City standards.

35. The Developer shall provide for all facilities required by fire and law enforcement for continuous service of the tract phases which shall include, but are not limited to, easements for vehicle turnaround areas, turnaround area full section paving, manholes, cleanouts, blow offs, fire hydrants, valves, drainage structures, lighting and any other improvements needed to provide such services. Required facilities shall be approved by the City Engineer and shown on the improvement plans.

36. Sewer and Water plans shall be submitted and approved by the City Engineer before improvement plans are approved by the City.
37. Developer shall construct potable water system for each dwelling unit, parcel or lot created, per the standards, conditions and policies of the Kern County Fire Department and the Arvin Community Services Water District, and shall have water improvement plans and specifications approved by said Fire Department and Community Services District.

38. Developer shall construct sanitary sewers and connections for each dwelling unit, parcel or lot created, per the standards, conditions and policies of Veolia Water and the City of Arvin, and shall have sewer improvement plans and specifications reviewed and approved by the City and the local water utility.

39. The Developer shall satisfy the requirements of the Sewer Department and the City Engineer in terms of sewer improvement plans prior to the approval of the final tract map.

40. The developer shall obtain a Will Serve Letter from Veolia Water and submit it to the Planning and Building Director prior to approval of Final Tract Map.

41. The Developer shall submit a Will Serve letter from the Arvin Community Water District verifying domestic water availability prior to approval of any Final Tract Map.

42. All improvements shall be installed prior to recordation of the Final Map, or securities as deemed sufficient by the City, shall be provided in accordance with the Subdivision Map Act and Municipal Code.

43. Prior to recordation of the final map, the Developer shall request annexation into an existing Lighting and Landscape Maintenance District or cause formation of the new district, whichever is feasible under correct laws. Developer shall be required to maintain all landscaping, including the replacement of any trees or shrubs that do not survive within public right-of-way and landscape easements for a period of six months after final inspection of the landscape improvements. Developer shall be fully responsible for paying all costs for the improvements until the City accepts said improvements.

44. Developer’s engineer to provide to the City Planning Department with an electronic copy of the Final Map in AutoCAD format.

45. Development shall be subject to the current City adopted fee schedule (s) including any and all impact fees (and/or) permit fees. The developer shall be responsible to pay, any and all fees. Fees to be paid at time of issuance of building permit(s).

46. All residential drive approaches within the project to satisfy current ADA requirements.

**Wastewater Treatment Plant**

47. The Project will not be allowed to connect to the City Sewer System until all improvements necessary to connect to the sewer system are constructed to city standards.
48. The project must comply with all City of Arvin Improvement Standards.

49. That all mechanical equipments for heating/cooling shall be placed on the ground for all homes adjacent to public rights-of-way.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Arvin City Council on the 26th day of February 2008 by the following vote:

AYES: CM Stoner, CM Ojeda, MPT Flores, Mayor Tarver

NOES: 

ABSTAIN: 

ABSENT: CM Brar

ATTEST: CECILIA VELA, City Clerk

CITY OF ARVIN

By: TIM TARVER, Mayor
EXHIBIT ‘A’

City of Arvin

INITIAL STUDY AND ENVIRONMENTAL ANALYSIS

1.0 PROJECT TITLE: Rancho Vista II Application and Tract 6677

2.0 LEAD AGENCY NAME AND ADDRESS:
City of Arvin
200 Campus Drive
P.O. Box 540
Arvin, CA 93203

3.0 CONTACT PERSON:
Issac A. George
Director of Planning
City of Arvin
(661) 854-3134

4.0 PROJECT LOCATION:

The project location is outside and immediately adjacent on the east and north of the City Limits of Arvin, County of Kern, State of California (Figure 1), on approximately 20.0 acres in the north half of the southeast quarter of Section 23, Township 31 South, Range 29 East, MDB&M, in the Arvin United States Geological Survey topographical quadrangle map. The project site is located at the southwest corner of Tejon Highway and Varsity Avenue (Figure 2).

Site information is as follows:

<table>
<thead>
<tr>
<th>Property Name</th>
<th>Rancho Vista II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Southwest corner of Tejon Highway and Varsity Avenue</td>
</tr>
<tr>
<td>APN</td>
<td>193-006-06, 196-006-07, 196-006-08 (Figure 3)</td>
</tr>
<tr>
<td>Zoning</td>
<td>(County of Kern) A-I Limited Agricultural</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>20.0 ac</td>
</tr>
<tr>
<td>Present Use</td>
<td>Prior cultivated agricultural land</td>
</tr>
<tr>
<td>Adjacent Uses</td>
<td>Grapes vineyard</td>
</tr>
<tr>
<td></td>
<td>Kovacevich Park, Mobil Home Park</td>
</tr>
<tr>
<td></td>
<td>and an industrial shop and yard</td>
</tr>
<tr>
<td></td>
<td>Railroad tracks, residences and packing shed</td>
</tr>
<tr>
<td></td>
<td>Proposed Residential Subdivision (Tentative Tract 6677)</td>
</tr>
<tr>
<td>Access</td>
<td>Varsity Avenue, Tejon Highway</td>
</tr>
<tr>
<td>Public Services</td>
<td>Yes, Kern County Services District</td>
</tr>
<tr>
<td>Water</td>
<td>Yes, Kern County Fire Department</td>
</tr>
<tr>
<td>Fire</td>
<td>Yes, City of Arvin</td>
</tr>
<tr>
<td>Sewer</td>
<td>Yes, City of Arvin Police Department</td>
</tr>
</tbody>
</table>

5.0 PROJECT SPONSOR’S NAME AND ADDRESS:

LeOra, LLC.
Michael Hair,
Managing Member
P.O. Box 368
McFarland, CA 93250

City of Arvin
May 2007

Exhibit - 2
6.0 GENERAL PLAN DESIGNATION:

<table>
<thead>
<tr>
<th>Existing General Plan Designation</th>
<th>Proposed General Plan City of Arvin</th>
<th>Acres Involved</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.4 (Mineral and Petroleum)</td>
<td>Low Density Residential</td>
<td>20.0</td>
<td>N ¼ SE ¼, Sec. 23, T31S, R29E, MDB&amp;M</td>
</tr>
</tbody>
</table>

7.0 ZONING:

<table>
<thead>
<tr>
<th>Existing Zoning County of Kern</th>
<th>Proposed City of Arvin Zone</th>
<th>Acres</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 (Limited Agriculture)</td>
<td>R-1 One-Family Residential</td>
<td>20.0</td>
<td>N ¼ SE ¼, Sec. 23, T31S, R29E, MDB&amp;M</td>
</tr>
</tbody>
</table>

8.0 OTHER REQUIRED AGENCY APPROVALS

City of Arvin Planning Commission
City of Arvin City Council
LAFCO approval for annexation into the City of Arvin

9.0 PROJECT DESCRIPTION

The proposed project is a plan to construct a single family, low density residential subdivision at the location of a former citrus grove. The applicant is requesting annexation into the City of Arvin, with a change in the City of Arvin General Plan designation from County of Kern General Plan designation Mineral and Petroleum (8.4) to the City of Arvin General Plan designation of Low Density Residential (1.2), a zone change from Kern County Limited Agricultural (A-1) to the City of Arvin One-family Residential (R-1) and an approval of a Vesting Tentative Tract Map No. 6677 for 97 homes (Figure 4). The development would include single and two-story homes of three to five bedrooms ranging in size from 1,080 to 1,950 square feet.

The proposed development is outside the existing boundaries of the City of Arvin, Kern County, California, but is within its present Sphere of Influence (SOI). The site will require a City of Arvin General Plan Amendment and a zoning change to accommodate the proposed residential use. A density of 4.2 units per acre is estimated.

10.0 ENVIRONMENTAL SETTING

The proposed project is most recently a former orchard, with urban residential development to the west, vineyards to the north, citrus grove to the east and residential development and the Kovacevich Park to the south and east. Arvin High School is about a half mile west of the site. The project site also supported various oil and gas facilities which have been abandoned over the years.
The following analysis addresses specific environmental impacts that could result from the proposed project and presents mitigation measures proposed by the City of Arvin to minimize these impacts when possible.

**Climate**
The project site is located in the southeastern end of the San Joaquin Valley where the Mediterranean climate is characterized by hot, dry summers and wet, cool winters. Precipitation usually commences in November, reaches a climax during winter months, and ends in March in dry-average years and in April or May in wet years. The average annual precipitation is 6.18 inches. The average high temperature in the summer ranges in the upper 90°Fs with a mean of 77.9°F. The average minimum is 52°F with a low of 38°F. A tule fog may extend for days at a time following brief winter rains.

**Soils**
The nearly level area of the project site is covered by Hesperia sandy loam soil mapping unit (1988). This deep well drained soil is formed on alluvial fans derived from granite rock with slopes less than 2% (Chang 1988) and areas of irregular shape. Typically, the surface layer is brown sandy loam about four inches thick. The subsurface of this mapping unit to a depth of 70 inches is brown and light yellowish brown sandy loam and fine sandy loam. Also included in the mapping unit making up about ten percent of the unit are small areas of DiGiorgio soils, Whitewolf soils and deep sandy soil similar to Hesperia but with thin stratified layers below a depth of 20 inches. In some areas the surface layer is loam. Permeability of this soil is moderately rapid with slow runoff creating a low hazard for erosion. The effective rooting depth of this soil is 60 inches or more.

**Drainage**
Limitations to construction on these types of soils may include rare periods of flooding due to water accumulation in low or flat sites with inadequate disposal or drainage systems on these types of soils.

### 11.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

- **Known Signif.**
  - Known significant environmental impacts.

- **Unknown Poten. Signif.**
  - Unknown potentially significant impacts which need further review to determine significance level.

- **Poten. Signif. and Mitig.**
  - Potentially significant impacts which can be mitigated to less than significant levels.

- **Not Signif.**
  - Impacts which are not considered significant.

- **Reviewed Under Previous Document**
  - The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case.
11.1 AESTHETICS/VISUAL RESOURCES

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Change to the visual character of an area?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Glare or night lighting which may affect adjoining areas?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Visually incompatible structures?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The southern Sierra, Tehachapi, and San Emigdio mountain ranges surround the eastern and southern sides of the San Joaquin Valley around Arvin. However, the project is not anticipated to significantly obstruct the scenic vista or create incompatible structures. The agricultural character of the site will be changed to an urban setting and will be consistent with the land uses on the adjacent urban lands which border two sides of the project site.

Mitigation and Residual Impact:

Overall lighting will be increased; however, landscaping could help mitigate any negative effects that could occur to wildlife using adjacent agricultural areas. Street lighting will be consistent with City standards and should be shielded from adjacent agricultural lands.

11.2 AGRICULTURAL RESOURCES

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. An effect upon any unique or other farmland of State or Local Importance?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Impact Discussion:

Farmland will be converted to urban development and the zoning will be changed from Limited Agriculture to One-family Residential. A cumulative loss of agricultural land will occur that has previously been identified to be a potentially significant impact (Kern Council of Governments 1988).
Mitigation and Residual Impact:

Loss of prime farmland is a cumulative significant impact, but it has been treated already in the City of Arvin General Plan (Bacerra 1983) and Master Environmental Impact Report for the City of Arvin General Plan (Kern Council of Governments 1988). The only possible mitigation is to ensure proper planning to minimize urban sprawl to prevent unnecessary or premature loss of agricultural lands. The contiguous development, adjacent to existing urban areas is consistent with that approach.

11.3 AIR QUALITY

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. The creation of objectionable smoke, ash or odors?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Extensive dust generation?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Environmental Setting:

Federal Air Standards

The project location has been designated as unclassified/attainment for the National Ambient Air Quality Standards (NAAQS) for CO and NOx; attainment for SO₂ and non-attainment/serious for the PM₁₀ standards. The project location has been designated as non-attainment/serious for the O₃ eight-hour average standard and non-attainment for the PM₂.₅ standard. A Federal designation for lead has not been made and NAAQS do not exist for O₃ (1-hour average), hydrogen sulfide (H₂S), sulfates or visible reducing particles.

State Air Standards

The project location has been designated as non-attainment/extreme with the state one hour standard for O₃, non-attainment with the PM₁₀ standards, unclassified for the H₂S and visibility reducing particles, and attainment for all other compounds for which a state standard exists. State ambient air quality standards for ozone on an eight-hour average and PM₂.₅ have not been established.
Impact Discussion:

Under the air quality impact analysis (Insight 2005) conducted, the project was found to be consistent with the adopted growth forecast and in conformance with the Air Quality Attachment Plan and its adopted growth forecast (KCOG 2002).

When modeled including compliance with all local, state and federal requirements, based on the emission estimates prepared in accordance with the AQIA (Air Quality Impact Analysis) for the project (Insight’s Environmental Consultants (December 2005) (Appendix 1), the project has less than significant impacts. The project will have long term air quality impacts. But the incremental effects of this twenty acre development will be mitigated to the extent feasible and these impacts also will remain below a level of significance under the San Joaquin Valley Air Pollution Control District’s (SIVAPCD) compliance thresholds before the addition of mitigation measures.

Mitigation and Residual Impact:

The following air mitigation measures have either been applied to the project through the URBEMIS 8.7.0 Model or will be implemented in conjunction with SIVAPCD rules of which compliance is required (Insight 2005):

**PM10 Mitigation Measures**

The criteria pollutant most affected by proposed mitigation measures will be PM10. As the project will be completed in compliance with SIVAPCD Regulation VIII, dust control measures will be taken to ensure compliance specifically during grading and construction phases. The mitigation measures to be taken are as follows:

1. Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20% opacity.
2. Water all haul roads (unpaved) a minimum of three-times/day or whenever visible dust from such roads is capable of drifting from the site or approaches 20% opacity.
3. Reduce speed on unpaved roads to less than 15 miles per hour.
4. Install and maintain a trackout control device that meets the specifications of SIVAPCD Rule 6041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicle with three or more axles.
5. Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover.
6. Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading, or cut and fill operations with application of water or by presoaking.
7. When transporting materials offsite, maintain a fireboard limit of at least 6 inches and cover or effectively wet to limit visible dust emissions.
8. Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and use of blowers is expressly forbidden).
PM$_{10}$ Mitigation Measures (continued)

9. Stabilize the surface of storage piles following the addition or removal of materials using water or chemical stabilizers/suppressants.
10. Remove visible stack-out from the site at the end of each workday.
11. Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).
12. Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-cure and emulsified asphalt paving materials.
13. Grading should be conducted in phases.
14. Project site shall not be cleared of existing vegetation cover until required by construction.
15. The project developer shall revegetate graded areas as soon as it is feasible after construction is completed.

Measures to Reduce Construction Equipment Exhaust

The GAMAQI guidance document lists the following measures as approved and recommended for construction activities:

1. Maintain all construction equipment as recommended by manufacturer manuals.
2. Shut down equipment when not in use for extended periods of time.
3. Construction equipment shall operate no longer than eight (8) cumulative hours per day.
4. Use electric equipment for construction whenever possible in lieu of diesel or gasoline powered equipment.
5. Curtail use of high-emitting construction equipment during periods of high or excessive ambient pollutant concentrations such as “Spare-the-Air” days as declared by the SJVAPCD.
6. All Construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to substantially reduce NO$_x$ emissions.
7. On-Road and Off-Road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer’s guidelines.
8. On-Road and Off-Road diesel equipment shall use diesel particulate filters if permitted under manufacturer’s guidelines.
9. On-Road and Off-Road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer’s guidelines.
10. Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NO$_x$ emissions.
11. All construction workers shall be encouraged to shuttle (car-pool) to retail establishments or to remain on-site during lunch breaks.
12. All construction activities within the project area shall be discontinued during the first stage smog alerts.
13. Construction and grading activities shall not be allowed during first stage ozone alerts. First stage ozone alerts are declared when the ozone level exceeds 0.20 ppm (1-hour average).
Other Air Mitigation Measures

The following mitigation measures are recommended to further reduce the potential for long term emissions from the completed project following the completion of construction:

1. The project design shall comply with standards set forth in Title 24 of the Uniform Building Code to minimize total consumption of energy.
2. Applicants shall be required to comply with applicable mitigation measures in the Air Quality Attainment Plan, District Rules, Traffic Control Measures, Regulation VIII and Indirect Source Rules for the SJVUAPCD.
3. The developer shall petition the City of Arvin Transportation Service (ATS) to conduct a service study to determine if the project site warrants being included into the ATS operational system.
4. If the ATS service study indicates that the development qualifies for addition to the ATS system, specific bus turnouts and shelters shall be located at appropriate locations to serve commercial and residential sites within the project area in consultation with the City of Arvin Transportation Service. The bus turnouts and shelters shall be planned by developers in the project area and local transportation coordinating entities to encourage the efficient and practical use of public transit entities servicing the project area.
5. The developer shall comply with the provisions of SJVAPCD Rule 4601 - Architectural Coatings, during the construction of all buildings and facilities. Application of architectural coatings shall be completed in a manner that poses the least emissions impacts whenever such application is deemed proficient.
6. The developer shall comply with the provisions of SJVAPCD Rule 4641 during the construction and pavement of all roads and parking areas within the project area. Specifically, the developer shall not allow the use of:

   a) Rapid cure cutback asphalt;
   b) Medium cure cutback asphalt;
   c) Slow cure cutback asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.3);
   d) Emulsified asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.4).
11.4 BIOLOGICAL RESOURCES

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<tr>
<th>Flora</th>
<th>Known</th>
<th>Unknown</th>
<th>Poten. Sigiff</th>
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<th>Reviewed Under Previous Document</th>
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<td>d.</td>
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<td>e.</td>
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<td>f.</td>
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<th>Fauna</th>
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<td>h.</td>
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<td>i.</td>
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<td>j.</td>
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<td>k.</td>
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Existing Plant and Animal Communities/Conditions:

Vegetation

The site is a fallow agricultural field comprised of 20.0 acres of most recently a former citrus grove that included an area of petroleum production on the western edge of the parcel. The site is dominated by typical ruderal vegetation abundant in fallow agricultural fields. No native natural habitat exists. No threatened and endangered plant species or habitats of concern are known to be present on the site, nor generally occur in the adjacent sequentally disturbed active agricultural habitats such as this former citrus grove (Wolfe 2006) (Appendix 6).
Wildlife

Wildlife diversity in contiguous acreage of the same agricultural habitat type tends to be low. Although no sign (scat, dens, tracks, prey remains) of the San Joaquin kit fox was observed, it may range through the area. Birds may roost, nest and forage among citrus trees. Although an orchard provides a level of habitat for wildlife, urban landscaping of grasses, trees and shrubs can be anticipated to increase diversity of bird species. Use of the proposed site by mammals will decrease. However, these losses would be mostly black-tailed jackrabbit, skunk and California ground squirrel, all of which are considered to be agricultural pests. The use of orchards by threatened and endangered species in the southern San Joaquin Valley generally is limited to movement corridors and to those areas adjacent to habitats. This is not the case for this site as there is no adjacent natural habitat. However, the project site remains within the range of the San Joaquin kit fox, as well as other species of concern, which could move through the site.

Searches of the California Natural Diversity Data Base (CNDDB 2005) confirmed that the San Joaquin kit fox (*Vulpes macrotis mutica*) and the Moesten blister beetle (*Lytta moestus*) have been previously documented in the general area. No other threatened or endangered species have been documented by the CNDDB to occur within the proposed project area. The burrowing owl, protected by the Migratory Bird Treaty Act, is known to occur on farmlands and may use culverts, pipes, squirrel burrows or other burrows.

Impact Discussion:

**Vegetation**

No adverse impacts will occur to threatened and endangered plant species or habitats of concern, as none are present on or adjacent to the site.

**Wildlife**

As the endangered San Joaquin kit fox is known to range in the area, a direct impact could occur if they were present. If burrowing owl, or other wildlife species of concern inhabited the site prior to development, they could be impacted as well.

**Mitigation and Residual Impact:**

Prior to excavating or construction, a preconstruction survey shall be completed to ensure no threatened and endangered species or other species of concern are present. This survey will include night-spotlighting and tracking or scent stations to determine if the endangered San Joaquin kit fox is foraging on the site, if recommended by a qualified biologist. In addition, the burrowing owl, protected by the Migratory Bird Treaty Act, could inhabit California ground squirrel burrows, pipes or culverts present on the project site. If either species or other protected species are identified during the preconstruction surveys, the applicant shall consult with the California Department of Fish and Game and the US Fish and Wildlife Service as appropriate.
Mitigation and Residual Impact (continued)

In addition, to prevent incidental take during construction, the standard agency take avoidance measures (Appendix 2) shall be employed to prevent take of potentially ranging San Joaquin kit fox. These include, but are not limited to:

1) Training regarding the potential presence of threatened or endangered species shall be conducted for site contractors. Information regarding the required environmental mitigation and take avoidance measures for threatened and endangered species shall be provided to anyone who may purchase, lease, contract on or operate on the project site.

2) Minimization of night-time work. Any temporary construction lights or permanent lighting should be installed in accordance with City of Arvin standards and should be directed downward and shielded away from adjacent agricultural fields.

3) Solid wastes and food stuffs and other wastes shall be kept contained, be regularly removed from the project site and properly disposed of in accordance with local and state regulations.

4) Slow speed limits, less than 15 mph, shall be employed on the project site.

5) All construction equipment and vehicles shall be restricted to the surveyed project site, and shall not enter unsurveyed adjacent areas.

6) Trenches and excavations or covered to prevent entrapment shall be provided with escape ramp.

7) Pipes, culverts and other tubular goods that wildlife can enter shall be kept covered to prevent wildlife entrapment.

8) If San Joaquin kit fox burrows are encountered on the project site during construction, they shall be avoided by a 100' radius exclusion zone and a biologist shall be contacted to determine the course of action. Harassment of the San Joaquin kit fox is not allowed without a permit.
11.5 CULTURAL AND HISTORIC RESOURCES

Will the proposal result in:

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</thead>
<tbody>
<tr>
<td>a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site?</td>
<td>X</td>
<td></td>
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<tr>
<td>b. Disruption or removal of human remains?</td>
<td>X</td>
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<tr>
<td>c. Increased potential for trespassing, vandalizing, or savoring archaeological resources?</td>
<td>X</td>
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<tr>
<td>d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?</td>
<td>X</td>
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<tbody>
<tr>
<td>e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?</td>
<td>X</td>
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<tr>
<td>f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?</td>
<td>X</td>
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<td>g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?</td>
<td>X</td>
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<tbody>
<tr>
<td>h. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?</td>
<td>X</td>
<td></td>
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<tr>
<td>i. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?</td>
<td>X</td>
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</table>

Existing Conditions:

The project site is a former citrus grove. During a cultural resource survey (Three Girls and a Shovel 2005) (Appendix 3), one prehistoric cultural resource was located on the project site.

Impact Discussion:

No adverse impacts are anticipated based on the results of the field survey.

Mitigation and Residual Impact:

1) The prehistoric object was recorded. Recordation is considered to be adequate mitigation. No further archaeological work is recommended for the project area, unless something is found during construction.
Mitigation and Residual Impact (continued)

2) If new cultural resources are located during utilization of the property, work must halt in the vicinity and the finds must be assessed by a qualified archaeologist or paleontologist, depending on the finding.

3) If human remains are discovered at any time on the property, work must halt in the area of the find and the Kern County Coroner must be notified immediately (Health and Safety Code Section 7050.5). In addition, a qualified archaeologist will be notified.

11.6 ENERGY

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<tbody>
<tr>
<td>a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?</td>
<td>X</td>
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<tr>
<td>b. Requirement for the development or extension of new sources of energy?</td>
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<td>X</td>
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</table>

Impact Discussion:
Utilities (gas, electric, phone) already serve the adjacent residential development. No significant increase in demand or extension of sources is anticipated. No significant impacts are anticipated for energy related utilities.

Mitigation and Residual Impact:

Public utilities were evaluated under the previous General Plan Master Environmental Impact Report (EIR) (Kern Council of Governments 1988).

Although the above referenced EIR is an older document, the utilities (electricity, cable, gas, telephone) were deemed adequate to meet planned growth within the City limits and its identified Sphere of Influence.
11.7 FIRE PROTECTION

Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>Known</th>
<th>Unknown</th>
<th>Potent.</th>
<th>Not</th>
<th>Reviewed</th>
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</thead>
<tbody>
<tr>
<td>a. Introduction of development into an existing high fire hazard area?</td>
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<tr>
<td>b. Project-caused high fire hazard?</td>
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<td>c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?</td>
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<td>d. Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?</td>
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<tr>
<td>e. Development of structures beyond safe Fire Dept. response time?</td>
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</table>

Impact Discussion:

1) No hazardous fire habitat is present on the project site. The project is within the City limits and existing County of Kern Fire Department service area; however, the General Plan has developed safety implementation measures and action programs.

Mitigation and Residual Impact:

To reduce potential fire service impacts, in accordance with the City of Arvin Improvement Standards (1987), or the current version, the developer shall provide:

1) New fire hydrants as necessary in accordance with code at a maximum of 600 feet apart within residential areas.
2) A minimum of 500 gallons per minute for one-hour duration for the residential area shall be installed.
3) Compliance with applicable code and ordinance requirements for construction, access, water mains, fire flow and hydrants. These parameters are to be reviewed for compliance by the City of Arvin.
4) All homes shall have smoke alarms installed.

To ensure fire protection, the hazard mitigation measures of the City of Arvin General Plan, or their equivalent should be implemented:

1) The Kern County Fire Marshal and the City Building Inspector shall ensure that all buildings are designed and equipped for an adequate level of fire protection.
2) The Kern County Fire Department shall continue to drill and undergo a variety of preparedness tests to meet all emergency situations.
3) The City of Arvin should obtain from the Kern County Fire Department an updated fire hazard potential map, indicating areas with high brush fire dangers and areas with limited access to ensure adequate fire fighting capabilities.
Mitigation and Residual Impact (continued)

4) 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.

5) The City of Arvin should continue to support the Home Inspection Program by the Kern County Fire Department, and should encourage the installation of smoke detectors in residences.

6) 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.

7) The City of Arvin Building Department should maintain an updated inventory of potentially fire hazardous buildings.

8) The County of Kern Public Works Department and the City of Arvin Engineer's Office should be encouraged to reduce roadside fires through brush, weed and trash removal.

### 11.8 GEOLOGIC PROCESSES

<table>
<thead>
<tr>
<th>Will the proposal result in:</th>
<th>Known</th>
<th>Unknown</th>
<th>Potent.</th>
<th>Not Significant</th>
<th>Reviewed Under Previous Document</th>
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</thead>
<tbody>
<tr>
<td>a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?</td>
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<td>X</td>
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<tr>
<td>b. Disruption, displacement, compaction or over covering of the soil by cuts, fills or extensive grading?</td>
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<td>X</td>
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<td>c. Permanent changes in topography?</td>
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<td>X</td>
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<tr>
<td>d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?</td>
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<td>X</td>
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<tr>
<td>e. Any increase in wind or water erosion of soils, either on or off the site?</td>
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<td>X</td>
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<tr>
<td>f. Changes in deposition or erosion of beach sands or dunes, or changes in situation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?</td>
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<td>g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?</td>
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<td>h. Extraction of mineral or ore?</td>
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<td>X</td>
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<td>i. Excessive grading on slopes of over 20%?</td>
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<td>j. Sand or gravel removal or loss of topsoil?</td>
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<td>k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?</td>
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<td>l. Excessive spills, tailings or over-burden?</td>
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City of Arvin
March 2006
Revised May 2007

CEQA Initial Study
M.H. Wolfe and Associates Environmental Consulting Inc.
Impact Discussion:

a) The topography of the project site is relatively level. The seismic hazards are similar to the rest of the central valley. The White Wolf fault line runs within three miles of the south border of the City of Arvin SCEDC (2005). The White Wolf fault is a reverse fault with some left-lateral component of slip. The Edson Fault runs within eight miles of the city to the north, along with other unstable fault lines posing considerable threat, including the San Andreas, Garlock Sierra Nevada, Big Pine, Kern Canyon and Bear Mountain faults. Certainly, significant earthquakes are experienced in the southern San Joaquin Valley with the major risk to the project site being ground-shaking.

e) and k) Temporary impacts may occur relative to the potential for wind and water erosions of soils during construction. These may include dust from wind and vibration from mechanical equipment, such as bulldozers or other earthmoving equipment. The temporary vibration from earthmoving equipment will only occur during construction and during the day to prevent it from being a significant impact.

Mitigation and Residual Impact:

a) The project will implement the mitigation measures in the Master Environmental Impact Report for the City of Arvin General Plan (Bacerra 1988).

1) Buildings will be constructed according to the current Uniform Building Code and/or Improvement Standards (City of Arvin 1987) relative to earthquake protection.

2) A soils report shall be submitted to the City that identifies the potential for soils liquefaction and shall specify any necessary design criteria.

3) The City Engineer may request site specific soils tests. All recommendations contained in site specific soils reports shall be followed, unless modified by the City Engineer.

4) One prehistoric cultural resource was located on the project site. If any such features are encountered during construction (fossils of any kind, bones, other fossilized skeletal remains, or paleontological resources (other fossils), etc.) work around them will cease until a cultural resource specialist or paleontologist has been contacted to evaluate the findings.

e) Dust control measures will be used during construction, including the use of water, dust control chemicals, or suspension of earth moving activities during high winds. Following the completion of construction, landscaping will be installed (grass, trees, flowers, etc.) to prevent wind and water erosion of the soils. If construction occurs during the winter, open soils will be protected from water erosion by mulching, seeds, erosion blankets or other means.
### 11.9 HAZARDOUS MATERIALS/RISK OF UPSET

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<tr>
<td>a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?</td>
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<tr>
<td>b. The use, storage or distribution of hazardous or toxic materials?</td>
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<td>X</td>
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<tr>
<td>c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?</td>
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<tr>
<td>d. Possible interference with an emergency response plan or an emergency evacuation plan?</td>
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<tr>
<td>e. The creation of a potential public health hazard?</td>
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<td>X</td>
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<tr>
<td>f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.?)</td>
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<tr>
<td>g. Exposure to hazards from oil or gas pipelines or oil well facilities?</td>
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<td>h. The contamination of a public water supply?</td>
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**Existing Conditions:**

The proposed project site is being developed on former agricultural land. A Phase 1 Environmental Analysis has been conducted (Appendix 4). Consequently, the presence of herbicides, pesticides or fertilizers may be present in the soils, groundwater or surface runoff from the project site.

In addition, the site has previously been used for oil production. Various abandoned wells and related facilities have been present on the site and extensive soil staining is present. Old power poles that support unlagged power transformers are present (CTL 2005); consequently, the presence of polychlorinated biphenyls (PCBs) may be possible.

**Impact Discussion:**

The project itself is not anticipated to create or produce toxic materials; however, small amounts of hazardous materials may be present in construction paints, glues and other materials normally used in housing construction and by housing construction equipment (fuels and petroleum related products). As herbicides and pesticides have been used on the property over the past 50 years (CTL 2005), it can be anticipated that the soils may contain residues of herbicides and or pesticides or the ground water could be affected. In addition, the fueling, operation and repair of farm equipment could have resulted in the
Impact Discussion (continued)

accidental spills of hydraulic fluids, diesel and petroleum related products that may remain in the soils. Continuing farming on adjacent lands could impact residents from potential exposure to pesticide or herbicide sprays and/or fertilizers. Use of residentially applied fertilizers, herbicides and pesticides is likely for landscaping purposes. Hydrocarbon residues may be present in the soils from previous oil operations.

Mitigation and Residual Impact:

1) Prior to the initiation of construction, any potentially contaminated soils should be tested and removed and/or cleaned up in accordance with local, state and federal regulations.

2) The soils should be tested for the presence of herbicides or pesticides to ensure that they fall under state regulated levels.

3) In the event during construction unanticipated underground tanks or contaminated soils appear to have been encountered, those areas should be evaluated and cleaned up in accordance with local, state and federal regulations.

4) Project developers shall inform prospective homebuyers of the potential for exposure to agricultural chemicals that may be used on adjacent lands. This disclosure shall be made prior to the purchase of the property.

5) Spray drift from chemical applications on adjacent lands shall not be permitted. The applicators of the chemicals shall be responsible for assuring that spray drift does not occur by establishing buffer zones or by using alternative application techniques.

6) All applicable regulations pertaining to the application of agricultural chemicals adjacent to residences shall be followed.
## 11.10 LAND USE

**Will the proposal result in:**

<table>
<thead>
<tr>
<th>Will the proposal result in:</th>
<th>Known Significant</th>
<th>Unknown Potential Significant</th>
<th>Potentially Significant And Mitigable</th>
<th>Not Significant</th>
<th>Reviewed Under Previous Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Structures and/or land use incompatible with existing land use?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c. The induction of substantial growth or concentration of population?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e. Loss of existing affordable dwellings through demolition, conversion or removal?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h. The loss of a substantial amount of open space?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the community level effect on the community would be the basis for determining that the physical change would be significant.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>j. Conflicts with adopted airport safety zones?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### Existing Conditions:

The proposed subdivision requires an annexation into the City of Arvin; a zone change from Kern County Limited Agricultural to the City of Arvin One-family Residential and change from Kern County General Plan designation or Mineral and Petroleum to the City of Arvin General Plan Low Density Residential. Primary access roads and sewer service mains already are in place. No airports are near the project site. No adverse physical changes would result from an economic or social effect.
Impact Discussion:

Population growth in this area can be anticipated to be stimulated by this project and has already been evaluated as reflected in the City of Arvin General Plan (Kern Council of Governments 1988) that discusses projects such as this which would occur within the City of Arvin Sphere of Influence.

Mitigation and Residual Impact:

The development will be consistent with the City of Arvin General Plan, the City of Arvin Zoning Ordinance, with an approval of the annexation and zoning change, the City of Arvin Subdivision Ordinance, Subdivisions standards and applicable provisions for the California public Utilities Commission. New sewer lines will be constructed by the developer internal to the project and any sewer improvement(s) will be made in accordance with Standard Details of the City of Arvin Improvement Standards (1987) or the latest version in consultation with the City Engineer. The proposed new development is contiguous to existing development directly adjacent and outside the northeastern city limits, but is within the existing Sphere of Influence (Helt Engineering, City of Arvin Land Use Map 2004). Use of chemicals on adjacent agricultural lands will have to be modified to ensure avoidance of residential overspray.

The previous EIR (Kern Council of Governments 1988) notes that future sewer treatment after 1995 would require a capacity upgrades. The sewer management has been turned over by the City to a contractor, US Filter. Sewer capacity is believed to be adequate for this project, and plans for the expansion of the system already are underway (Carollo 2006a and 2006b). The California Regional Water Quality Control Board, Central Valley Region, approved expansion of the City of Arvin effluent treatment capacity RWQCB September 2006. As the City of Arvin does not have a “first come first serve” policy relative to the availability of city facilities, if capacity is not available at the time of the building permit application for construction, no building permits will be issued until treatment capacities are sufficient, otherwise there would be a finding of significant impact. Future expansion of the City will require further and continuing water development. In meeting with the City of Arvin, an adequate public water supply is available for this project (Mike Hair, personal communication 2005).
11.11 NOISE

<table>
<thead>
<tr>
<th>Will the proposal result in:</th>
<th>Known</th>
<th>Unknown</th>
<th>Poten. Signif. and Mitig.</th>
<th>Not Signif.</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Short-term exposure of people to noise levels exceeding County thresholds?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Existing Conditions:

The existing lands were former agricultural lands. Noise levels on these lands would have been low except during cultivation and harvest times, when heavy farming equipment would have been active. However, the Southern Pacific Railroad runs north and south, parallel to the east side of Tejon Highway adjacent to the eastern edge of the project site. The trains operate slowly within the City's sphere of influence. The noise from a residential neighborhood would be greater over the long term than the former agricultural land use.

Impact Discussion:

The project development will involve a temporary increase of noise from building construction and reduction to an overall lower level of noise may be higher on a daily average than farmland between cultivation and would be anticipated to be similar to the adjacent residential development. Construction noise is considered to be temporary in nature and would occur during daylight hours only. Consequently, its impacts are considered insignificant.

The long-term exposure to noise greater than 85dB may result in a hearing loss (AAO 2006). Recommended Federal traffic noise abatement levels are 65/70 Leq/h/L10/h to 52/55 Leq/h/L10/h (USDOT 2000). A noise analysis by Brown-Burtin (1988) indicate the noise from the train are 55db at 37 feet from the source, so the project site, being farther than that, the project site falls within acceptable levels in the State of California for residential land use (Bacerra 1988).

Mitigation and Residual Impact:

The City of Arvin General Plan (Bacerra 1988) and the Master Environmental Impact Report for the City of Arvin General Plan (Kern Council of Governments 1988) both provide for noise mitigation. Although less than 60dB would be heard at the distance of the first house to the tracks, the noise could be bothersome. The close proximity of
Mitigation and Residual Impact (continued)

homes to the tracks may warrant the use of a block wall, berm and/or trees to provide additional noise reduction.

11.12 PUBLIC FACILITIES

<table>
<thead>
<tr>
<th>Will the proposal result in:</th>
<th>Known</th>
<th>Unknown</th>
<th>Poten. Signif.</th>
<th>Not Signif.</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. A need for new or altered police protection and/or health care services?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Student generation exceeding school capacity?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?</td>
<td></td>
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</tr>
<tr>
<td>d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e. The construction of new storm water drainage or water quality control facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Impact Discussion:

The residential development would result in increased needs for police service schooling, and solid waste disposal needs. Sewer system expansions are already underway and it is believed that adequate treatment and disposal capacities are available for this project. The City of Arvin has a Police Department and also utilizes the Kern County Sheriff's Department under a mutual-aid contract. If additional staff is needed, they are available from other Kern County Sheriff substations, as well as the main headquarters in Bakersfield. Kern County has in-depth health care services in addition to local services. If the local medical offices cannot attract adequate doctors to fulfill the additional needs, the impacts of new development could be significant.

The increased needs for waste and sewer systems could all be potentially significant and cumulatively significant impacts of new development, which is the primary source of these types of impacts. The need for expansion of certain city facilities already has been addressed by an EIR (Kern Council of Governments 1988) and new or expanded facilities ultimately would be addressed by additional CEQA documentation at the time of their development as needed.
Mitigation and Residual Impact:

Development impact fees shall be in accordance with the applicable City of Arvin ordinances.

a) Police services need to continue to expand as described by Kern County of Governments (1988). The construction of new residential developments can be expected to help create desirable living conditions that would help attract additional medical professionals to live and do business in the City of Arvin. This is anticipated to help reduce this impact to less than significant.

b) This development is not anticipated to exceed school capacity.

c) The developer would be required to develop sewer system improvements internal to the property. All such additions shall be constructed to size and specification approved by the City Engineer and constructed in accordance with the City of Arvin Subdivision Standards.

d) At this time adequate treatment plant and effluent capacities are believed to be available for this project. However, if they are not at the time of the building permit application, no building permit will be issued. Any sewer related improvements and facilities associated with the project shall meet the requirements of the City of Arvin, the Kern County Environmental Health Services Department and the California Regional Water Quality Control Board, Central Valley Region.

Major water and sewer infrastructure facilities and improvements are the responsibility of the City of Arvin and/or the City and the developer as agreed. Any “off-tract” major improvement by a developer of a proposed project within the General Plan area shall be offset from the required development impact fees associated with the project. If the City Engineer’s impact analysis determines that the constructed “off-tract” improvements by the developer results in a credit balance in favor of the developer, then the City shall reimburse the developer for improvements initially constructed by the developer. The City shall reimburse the developer under a mutually acceptable agreement until the credit balance is removed.

e) A storm water drainage system will be constructed within the proposed project area by the developer. It will be designed in accordance with standard storm water runoff requirements and is located at the southwest corner of the project.
11.13 RECREATION

<table>
<thead>
<tr>
<th>Will the proposal result in:</th>
<th>Known</th>
<th>Unknown</th>
<th>Poten.</th>
<th>Not</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with established recreational uses of the area?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Conflict with hiking, equestrian and hiking trails?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

Impact Discussion:

No adverse impacts on recreation is anticipated. A large seven-acre park, Kovacevich Park, is directly adjacent to the proposed project. The existing park is more than adequate to accommodate public land requests for the new development.

Mitigation and Residual Impact:

No mitigation is needed.
### 11.14 TRANSPORTATION/CIRCULATION

<table>
<thead>
<tr>
<th>Will the proposal result in:</th>
<th>Known</th>
<th>Unknown</th>
<th>Patent</th>
<th>Not</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. A need for private or public road maintenance, or need for new roadway?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Effects on existing parking facilities, or demand for new parking?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Substantial impact upon existing transit systems (e.g., bus service) or alteration of present patterns of circulation or movement of people and/or goods?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Alteration to vehicular, rail or air traffic?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Inadequate sight distance?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ingress/egress?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>general road capacity?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>emergency access?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Impacts to Congestion Management Plan system?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Impact Discussion:**

A traffic study to determine future impacts was conducted by Pinnacle Civil Engineering (2005) (Appendix 5). In all cases, the implementation of the mitigation would result in a class "C" Level of Service (LOS). The LOS analyses indicated that a number of new vehicle signals would be required following the addition of the impacts of this project to the 2030 base volume. In addition, two street sections would fall below the LOS "C", These are portions of Comanche Drive and Bear Mountain Boulevard. The study concluded that with mitigation, the long-term cumulative impacts of the project would have less than significant impacts.

**Mitigation and Residual Impact:**

The project shall pay its pro-rated share of the cost of the traffic management improvements noted below:

1) **Comanche Drive from 1320' south of Bear Mountain Boulevard to 1320' north of Buena Vista Boulevard.** Provide two travel lanes for each direction.
Mitigation and Residual Impact (continued)

2) Bear Mountain Boulevard from 1320' west of Comanche Drive to Tejon Highway:
   Provide two lanes of travel in each direction.

In addition, by the year 2030, the following intersections should be signalized:

1) Bear Mountain Boulevard and Tejon Highway - Install a signal and expand the
   intersection to provide one dedicated left lane for the Northbound and Eastbound
   approaches, two dedicated left turn lanes for Southbound and Westbound
   approaches. Expansion to also include two dedicated through lanes and one
   dedicated right turn lane for all approaches;

2) Comanche Drive and Bear Mountain Boulevard – Install a signal and expand the
   intersection to provide one dedicated lane for each left, through, and right turn lanes
   on all approaches;

3) Bear Mountain Boulevard and Campus Drive- Expand the intersection to provide
   one dedicated right turn lane and one dedicated left turn lane for all approaches, one
   dedicated through lane for the Northbound and Southbound approaches, and two
   dedicated through lanes for the North and Southbound approaches;

4) Comanche Drive and Varsity Drive- Install a signal and expand the intersection to
   provide one dedicated through lane on all approaches, one dedicated Northbound
   and Westbound right turn lane and one dedicated Southbound and Westbound left
   turn lane;

5) Comanche Drive and Sunset Boulevard- Install a signal and expand the intersection
   to provide one left turn and one right turn on all approaches, two through lanes for
   North and Southbound approaches, and one through lane for East and Westbound
   approaches;

6) Comanche Drive and Buena Vista Boulevard- Install a signal and expand the
   intersection to provide one left turn and one right turn, on all approaches, two
   through lanes for North and Southbound approaches, and one through lane for East
   and Westbound approaches.
### 11.15 WATER RESOURCES/FLOODING

<table>
<thead>
<tr>
<th>Will the proposal result in:</th>
<th>Known</th>
<th>Unknown</th>
<th>Poten.</th>
<th>Net</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changes in currents, or the course or direction of water movements, in either marine or fresh waters?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Changes in percolation rates, drainage patterns, or the rate and amount of surface water runoff?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Changes in the amount of surface water in any water body?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Discharge, directly or through a storm drain system, into surface waters (including but not limited to wetlands, riparian areas, ponds, springs, creeks, streams, rivers, lakes, estuaries, tidal areas, bays, ocean, etc.) or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Alterations to the course or flow of flood water or used for private or public flood control projects?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Alteration of the direction or rate of flow of groundwater?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by wells or excavations or recharge interference?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Overdraft or overcommitment of any groundwater basin? Or, a significant increase in the existing overdraft or overcommitment of any groundwater basin?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The substantial degradation of groundwater quality including saltwater intrusion?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Substantial reduction in the amount of water otherwise available for public water supplies?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

City of Arvada
March 2006
Revised May 2007

M.H. Wolfe and Associates Environmental Consulting Inc.
Impact Discussion:

The entire City of Arvin is within Zone "AO," within the 100 year flood plain of Caliente Creek (FEMA 2003). Although its flows are ephemeral, flash flooding with widespread inundation can occur. Calculated sheet flows may range from one to three feet deep. The proposed project site, however, was outside of the most serious previous Caliente Creek flood pattern. No streams or drainages are present on or adjacent to the project site. The project will have no adverse affect on ground water quality; in fact the elimination of farming on the property should reduce the amount of herbicides and pesticides that may leach into its groundwater. However, drilling of new water supply wells may have a cumulative impact on ground water levels.

The presence of roofs, buildings, new surfaced roads and other hardscapes will increase local runoff.

Mitigation and Residual Impact:

To address the local flooding issues, a storm water drainage system will be installed in accordance with local and state requirements. The project will implement the mitigation measures in the Master Environmental Impact Report for the City of Arvin General Plan (Kern County Council of Governments 1988) for water supply, including water conservation measures.

The City needs to ensure that continued development of ground water will concurrently include recharge management to minimize adverse impacts of increased pumping for water supply on ground water levels.
### MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>3. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR?</td>
<td>X</td>
<td></td>
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</tr>
</tbody>
</table>

1) With the mitigation measures employed, the potential significant effects of the project to wildlife and their habitats will be mitigated to less than significant. No impacts to California history or prehistory are anticipated, but if they would occur, they could be potentially significant. The mitigation to avoid and evaluate such impacts will ensure any potential impact of that type will be mitigated to less than significant.

2) Any achievement of short term goals to long term disadvantage is not evident. The City of Arvin General Plan itself is designed to minimize premature loss of agricultural lands and to focus development in a productive manner. This project falls within the sphere of influence discussed by the previous Master EIR for the City of Arvin General Plan, so the unmitigatable loss of this agricultural land already has been addressed by CEQA documentation (KCOG 1988).
12.0 MANDATORY FINDINGS OF SIGNIFICANCE (continued)

3) The loss of agricultural lands and impacts is cumulatively considerably significant, but has been addressed by the Master EIR for the City of Arvin General Plan (1988). In addition, other potential significant issues, including air, waste, water and energy that have long term cumulative impacts, have already been addressed by Kern County Council of Governments (1988) in the Master EIR for the City of Arvin General Plan. The mitigation measures of that document are herein incorporated by reference, if not already delineated.

4) The project may have long term adverse affects on air quality that could affect human health, but these should be mitigated with the implementation of the measures herein described.

5) No known disagreement exists regarding the facts herein, or supported by other facts, of which we are aware of at this time, that would necessitate an EIR. The annexation area already has been addressed by a previous EIR, in anticipation of a project such as this within the defined Sphere of Influence.
12.1 AGENCIES CONTACTED

Adele Baldwin  
So. San Joaquin Valley  
Archeological Information Center  
9001 Stockdale Highway  
Bakersfield, CA 93311

Steven Butler, Chair  
Regional Water Quality Control Board  
1685 "B" Street  
Fresno, CA 93706-2007

Department of Transportation  
Office of Transportation Planning  
Attn: Jeff Sorenson  
P.O. Box 12616  
Fresno, CA 93778

Kern Council of Governments  
1401 19th Street  
Bakersfield, CA 93301

Kern County Fire Prevention  
Kevin Scott, Fire Marshall  
5642 Victor Street  
Bakersfield, CA 93308

Kern County Planning Department  
Attn: Special Projects Section  
2700 "M" Street, Suite 100  
Bakersfield, CA 93301

Kern County Roads Department  
2700 "M" Street, Suite 400  
Bakersfield, CA 93301-2370

Kern County Sheriff's Department  
Teri Mathis, 911 Coordinator  
2601 Panorama Drive  
Bakersfield, CA 93306

David Mitchell  
Division of Oil, Gas & Geothermal Resources  
4800 Stockdale Highway, #417  
Bakersfield, CA 93309

Pacific Gas & Electric  
Tom Aguilar  
4101 Wible Road  
Bakersfield, CA 93313

So. San Joaquin Municipal Utility District  
Attn: Bill Carlisle  
P.O. Box 279  
Delano, CA 93216

San Joaquin Valley Air Pollution Control District  
Attn: Heather Ellison  
2700 "M" Street, Suite 275  
Bakersfield, CA 93301

Southern California Edison  
Attn: Engineering  
2425 S. Blackstone Street  
Tulare, CA 93274

Time Warner Cable  
Engineering/Installation  
3600 N. Sillert Avenue  
Bakersfield, CA 93306

Division of Land Resource Protection  
Department of Conservation  
801 "K" Street, MS 13-71  
Sacramento, CA 95814
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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/Visual Resources
☒ Agriculture Resources
☒ Air Quality
☒ Biological Resources
☒ Cultural Resources
☐ Energy

☐ Fire
☒ Geology / Soils
☒ Hazards & Hazardous Material
☐ Land Use / Planning
☐ Mandatory Findings of Significance

☐ Noise
☒ Public Facilities
☐ Recreation
☒ Transportation/Traffic
☒ Water Resources/Flooding
DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

[Signature]
Issac A. George
Director of Planning

9/3/07

City of Arvin
March 2006
Revised May 2007

CSQA Initial Study
M.H. Wolfe and Associates Environmental Consulting Inc.
Attachment: Reso 08-13 dated February 26, 2008 from VTT6677 and MitMont Program (Approve final map and subdivision agreement for tract 6677)
14.1 Literature Cited (continued)


Insight Environmental Consultants. 2005. Air Quality Impact Analysis LeOra LLC Arvin Residential Development Project (Varsity Road Residential Development). Submitted to the City of Arvin Building and Planning Department, 141 Plum Tree Drive, Arvin, CA.


Three Girls and a Shovel. 2005. A Cultural Resources Assessment for 30.5 Acres South of Varsity Road, East of North Hill Street and West of Historic Tejon Highway, in Arvin, Kern County, California.


14.2 Persons Contacted

Max P. Baccara, Planning Director
City of Arvin
P.O. Box 548
Arvin, CA 93203

Michelle Breen
LeOra, LLC
P.O. Box 368
McFarland, CA 93250

Dale Duchanne, WWTP Manager
Veolia Water
P.O. Box 665
Arvin, CA 93203

Issac A. George, Director of Planning
City of Arvin
P.O. Box 548
Arvin, CA 93203

Michael Hair, Managing Member
LeOra, LLC
P.O. Box 368
McFarland, CA 93250

Jerry Helt, Helt Engineering, Inc.
2930 Union Ave.
Bakersfield, CA 93305

Nicola Manfredi
P.O. Box 40506
Bakersfield, CA 93384

Enrique Ochoa, City Manager
City of Arvin
P.O. Box 548
Arvin, CA 93203

Veolia Water North America West, LLC
18500 Rancho Drive
P.O. Box 665
Arvin, 93203
MITIGATED NEGATIVE DECLARATION

TO WHOM IT MAY CONCERN:

Pursuant to the California Environmental Quality Act of 1970 (CEQA), the State CEQA Guidelines, and the Kern County Guidelines for Implementation of CEQA and State CEQA Guidelines, the City of Arvin has made an Initial Study of possible environmental impacts of the following described project.

APPLICANT: LeOra, LLC.

APPLICATION: Rancho Vista II Application and Tract 6677

LOCATION: The project location is outside and immediately adjacent on the east and north of the City Limits of Arvin, County of Kern, State of California, on approximately 20.0 acres in the north half of the southeast quarter of Section 23, Township 31 South, Range 29 East, MDB&M, in the Arvin United States Geological Survey topographical quadrangle map. The project site is located southwest of the corner of Tejon Highway and Varsity Avenue.

DESCRIPTION OF PROPOSED PROJECT: The proposed project is a plan to construct a single-family, low density residential subdivision at the location of a former citrus grove which is now a fallow agricultural field. The applicant is requesting annexation into the City of Arvin, with a change in the City of Arvin General Plan designation from the County of Kern General Plan designation of Mineral and Petroleum (8.4), to the City of Arvin General Plan designation of Low Density Residential (1.2), a zone change from Kern County Limited Agricultural (A-1) to the City of Arvin One-family Residential (R-1) and an approval of a Vesting Tentative Tract Map No. 6677 for 97 homes. The development would include single and two-story homes of three to five bedroom ranging in size from 1,080 to 1,950 square feet.

The proposed development is outside the existing boundaries of the City of Arvin, Kern County, California, but is within its present Sphere of Influence (SOI). Development of the site will require a City of Arvin General Plan Amendment and a zoning change to accommodate the proposed residential use. A density of 1.5 units per acre is estimated.

MITIGATION MEASURES: Included in the Proposed Project to Avoid Potentially Significant Effects (if required):

Aesthetics/Visual Resources:

- Overall lighting will be increased; however, landscaping could help mitigate any negative effects that could occur to wildlife using adjacent agricultural areas. Street lighting will be consistent with City standards and should be shielded from adjacent agricultural lands.

Exhibit - 3
5. E. 2

Attachment: Reso 08-13 dated February 26 2008 fr VTT6677 and MitMont Program (Approve final map and subdivision agreement for tract 6677)
PM4 Mitigation Measures (continued)

11. Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).
12. Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-cure and emulsified asphalt paving materials.
13. Grading should be conducted in phases.
14. Project site shall not be cleared of existing vegetation cover until required by construction.
15. The project developer shall revegetate graded areas as soon as it is feasible after construction is completed.

Measures to Reduce Construction Equipment Exhaust

The GAMAQI guidance document lists the following measures as approved and recommended for construction activities:

1. Maintain all construction equipment as recommended by manufacturer manuals.
2. Shut down equipment when not in use for extended periods of time.
3. Construction equipment shall operate no longer than eight (8) cumulative hours per day.
4. Use electric equipment for construction whenever possible in lieu of diesel or gasoline powered equipment.
5. Curtail use of high-emitting construction equipment during periods of high or excessive ambient pollutant concentrations such as “Spare-the-Air” days as declared by the SJVAPCD.
6. All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to substantially reduce NOx emissions.
7. On-Road and Off-Road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer’s guidelines.
8. On-Road and Off-Road diesel equipment shall use diesel particulate filters if permitted under manufacturer’s guidelines.
9. On-Road and Off-Road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer’s guidelines.
10. Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NOx emissions.
11. All construction workers shall be encouraged to shuttle (car-pool) to retail establishments or to remain on-site during lunch breaks.
12. All construction activities within the project area shall be discontinued during the first stage smog alerts.
13. Construction and grading activities shall not be allowed during first stage ozone alerts. First stage ozone alerts are declared when the ozone level exceeds 0.09 ppm (1-hour average).
Other Air Mitigation Measures

The following mitigation measures are recommended to further reduce the potential for long term emissions from the completed project following the completion of construction:

1. The project design shall comply with standards set forth in Title 24 of the Uniform Building Code to minimize total consumption of energy.

2. Applicants shall be required to comply with applicable mitigation measures in the Air Quality Attainment Plan, District Rules, Traffic Control Measures, Regulation VIII and Indirect Source Rules for the SJVUAPCD.

3. The developer shall petition the City of Arvin Transportation Service (ATS) to conduct a service study to determine if the project site warrants being included into the ATS operational system.

4. If the ATS service study indicates that the development qualifies for addition to the ATS system, specific bus turnouts and shelters shall be located at appropriate locations to serve commercial and residential sites within the project area in consultation with the City of Arvin Transportation Service. The bus turnouts and shelters shall be planned by developers in the project area and local transportation coordinating entities to encourage the efficient and practical use of public transit entities servicing the project area.

5. The developer shall comply with the provisions of SJVAPCD Rule 4601 - Architectural Coatings, during the construction of all buildings and facilities. Application of architectural coatings shall be completed in a manner that poses the least emissions impacts whenever such application is deemed proficient.

6. The developer shall comply with the provisions of SJVAPCD Rule 4641 during the construction and pavement of all roads and parking areas within the project area. Specifically, the developer shall not allow the use of:

   a) Rapid cure cutback asphalt;
   b) Medium cure cutback asphalt;
   c) Slow cure asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.4);
   d) Emulsified asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.4).

Biological Resources:

Prior to excavating or construction, a preconstruction survey shall be completed to ensure no threatened and endangered species or other species of concern are present. This survey will include night-spotlighting and tracking or scent stations to evaluate use of the site by San Joaquin kit fox, if recommended by a qualified biologist following the field survey. In addition, the burrowing owl protected by the Migratory Bird treaty Act could inhabit California ground squirrel burrows, pipes or culverts present on the project site. If either species or other protected species are identified during the preconstruction surveys, the applicant shall consult with the California Department of Fish and Game and the US Fish and Wildlife Service as appropriate.
Biological Resources (continued)

In addition, to prevent incidental take during construction, the standard agency take avoidance measures included in the Initial Study, shall be employed to prevent take of potentially ranging San Joaquin kit fox. These include, but are not limited to:

1. Training regarding the potential presence of threatened or endangered species shall be conducted for site contractors. Information regarding the required environmental mitigation and take avoidance measures for threatened and endangered species shall be provided to anyone who may purchase, lease, contract on or operate on the project site.

2. Minimization of night-time work.

3. Solid wastes and food stuffs and other wastes shall be kept contained, be regularly removed from the project site and properly disposed of in accordance with local and state regulations.

4. Slow speed limits, less than 15 mph, shall be employed on the project site during construction.

5. All construction equipment and vehicles shall be restricted to the surveyed project site, and shall not enter unsurveyed adjacent areas.

6. Trenches and excavations shall be provided with escape ramps or covered to prevent entrapment.

7. Pipes, culverts and other tubular goods that wildlife can enter shall be kept covered to prevent wildlife entrapment.

8. If San Joaquin kit fox inhabit the site during construction, work in that area shall cease. A 100’ radius exclusion zone shall be established and a biologist contacted to determine the course of action.

Cultural and Historic Resources:

- One prehistoric object was located and recorded. Recordation is considered to be sufficient mitigation. No further archaeological work is recommended for the project.

- If new cultural resources are located during utilization of the property, work must halt in the vicinity and the finds must be assessed by a qualified archaeologist or paleontologist, depending on the finding.

- If human remains are discovered at any time on the property, work must halt in the area of the find and the Kern County Coroner must be notified immediately (Health and Safety Code Section 7050.5). In addition, a qualified archaeologist is required to be notified.

Fire Protection:

- To reduce potential fire service impacts, in accordance with the City of Arvin Improvement Standards (1987), or the current version, the developer shall provide:
Fire Protection (continued)

1. New fire hydrants as necessary in accordance with code at a maximum of 600 feet apart within residential areas.
2. A minimum of 500 gallons per minute for one-hour duration for the residential area shall be installed.
3. Compliance with applicable code and ordinance requirements for construction, access, water mains, fire flow and hydrants. These parameters are to be reviewed for compliance by the City of Arvin.
4. All homes shall have smoke alarms installed.

- To ensure fire protection, the hazard mitigation measures of the City of Arvin General Plan, or their equivalent should be implemented:

1. The Kern County Fire Marshall and the City Building Inspector shall insure that all buildings are designed and equipped for an adequate level of fire protection.
2. The Kern County Fire Department shall continue to drill and undergo a variety of preparedness tests to meet all emergency situations.
3. The City of Arvin should obtain from the Kern County Fire Department an updated fire hazard potential map, indicating areas with high brush fire dangers and areas with limited access.
4. 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.
5. The City of Arvin should continue to support the Home Inspection Program by the Kern County Fire Department, and should encourage the installation of smoke detectors in residences.
6. 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.
7. The Kern County Building Department should maintain an updated inventory of fire hydrant information.
8. The County of Kern Public Works Department's Environmental Protection Office should be encouraged to reduce roadside fires through brush, weed and trash removal.

Geologic Processes:

- The project will implement the mitigation measures in the Master Environmental Impact Report for the City of Arvin General Plan (Bacerra 1988).

1. Buildings will be constructed according to the current Uniform Building Code and/or Improvement Standards (City of Arvin 1987) relative to earthquake protection.
Geologic Processes (continued)

2. A soils report shall be submitted to the City that identifies the potential for soils liquefaction and shall specify any necessary design criteria.

3. The City Engineer may request site specific soils tests. All recommendations contained in site specific soils reports shall be followed, unless modified by the City Engineer.

4. If cultural resources are encountered during construction (e.g., chips, potential shards, arrowheads, purple glass, etc.), bones, other fossilized skeletal remains, or paleontological resources (fossils of any kind, etc.) work around them will cease until a cultural resource specialist or paleontologist has been contacted to evaluate the findings.

5. Dust control measures will be used during construction, including the use of water, dust control chemicals, or suspension of earth moving activities during high winds. Following the completion of construction, landscaping will be installed (grass, trees, flowers, etc.) to prevent wind and water erosion of the soils. If construction occurs during the winter, open soils will be protected from water erosion by mulching, seeds, erosion blankets or other means.

Hazardous Materials/Risk of Upset:

1. Prior to the initiation of construction, any potentially contaminated soils (petroleum products or PCB’s) should be tested and removed and/or cleaned up in accordance with local, state and federal regulations.

2. The soils should be tested for the presence of herbicides or pesticides to ensure that they fall under state regulated levels.

3. In the event during construction unanticipated underground tanks or contaminated soils appear to have been encountered, those areas should be evaluated and cleaned up in accordance with local, state and federal regulations.

4. Project developers shall inform prospective homeowners of the potential for exposure to agricultural chemicals that may be used on adjacent lands. This disclosure shall be made prior to the purchase of the property.

5. Applicators of the chemicals shall be responsible for assuring that spray drift does not occur by establishing buffer zones or by using alternative application techniques.

6. All applicable regulations pertaining to the application of agricultural chemicals adjacent to residences shall be followed.

Land Use:

The development will be consistent with the City of Arvin General Plan, the City of Arvin Zoning Ordinance, with an approval of the annexation and zoning change, the City of Arvin Subdivision Ordinance, Subdivisions standards and applicable provisions for the California Public Utilities Commission. New sewer lines will be constructed internal to the project and a sewer improvement will be made in accordance with Standard Details of the City of Arvin.
Land Use (continued)

Improvement Standards (1987) or the latest version. The new development is contiguous to existing development within the northeastern portion of the city limits and within the Sphere of Influence. Use of chemicals on adjacent agricultural lands will have to be modified to ensure avoidance of residential overspray.

- The sewer treatment capacity is anticipated to be adequate for this project, and expansion of the system is underway. The internal plant capacity was recently approved at 2MM gpd (RWQCB 2006). If the sewer capacity is not adequate at the time of the building permit application, none will be issued until the capacity has been expanded and addressed by separate CEQA documentation (Issac George, 2007, personal communication). Future expansion of the City will require further and continuing water development. In meeting with the City of Arvin, an adequate public water supply is available for this project (Mike Hair, personal communication 2005).

Noise:

- The City of Arvin General Plan (Bacerra 1988) and the Master Environmental Impact Report for the City of Arvin General Plan (Kern Council of Governments 1988) both provide for noise mitigation. Although less than 60dB would be heard at the distance of the first house to the tracks, the noise could be bothersome. The close proximity of homes to the tracks may warrant the use of a block wall, berm and/or trees to provide additional noise reduction.

Public Facilities:

Development impact fees shall be in accordance with the applicable City of Arvin ordinances.

- The construction of a wastewater system is expected to help create desirable living conditions that would help attract additional medical professionals to live and do business in the City of Arvin. This is anticipated to help reduce this impact to less than significant.

2. This development is not anticipated to exceed school capacity.

3. The developer would be required to develop sewer system improvements internal to the property. All such additions shall be constructed to size and specification approved by the City Engineer and constructed in accordance with the City of Arvin Subdivision Standards.

4. Any other necessary sewer related improvements and facilities associated with the project shall meet the requirements of the City of Arvin, the Kern County Environmental Health Services Department and the California Regional Water Quality Control Board, Central Valley Region.
RESOLUTION NO. 2019-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN REGARDING A DISCRETIONARY OF UP TO A TOTAL OF SIX-YEAR EXTENSION OF TIME TO THE EXPIRATION DATE FOR VESTING TENTATIVE TRACT MAP NO. 6677 PERTAINING TO APPROXIMATELY 20.37 ACRES OF PROPERTY LOCATED ON THE SOUTHWEST CORNER OF TEJON ROAD AND VARSITY AVENUE

WHEREAS, LeOra, LLC ("developer") has filed a request for a discretionary extension of time to the expiration date for Vesting Tentative Tract Map No. 6677 pertaining to approximately 20.37 acres of property generally located at the southwest corner of Tejon Road and Varsity Avenue; and

WHEREAS, Vesting Tentative Tract Map No. 6677 was accepted for processing and deemed complete in 2007; and

WHEREAS, Government Code section 66452.6 provides and establishes procedures for the legislative body to approve extensions of the tentative maps for a period not exceeding a total of six years; and

WHEREAS, LeOra, LLC has not previously requested any extensions of the Vesting Tentative Tract Map No. 6677; and

WHEREAS, LeOra, LLC, timely submitted a request for extension of Vesting Tentative Tract Map No. 6677; and

WHEREAS, LeOra, LLC, has also requested and agreed to the terms of the extension of Vesting Tentative Tract Map No. 6677 as set forth in this Resolution; and

WHEREAS, the City Council now desires to approve an extension of Vesting Tentative Tract Map No. 6677 under the term herein.

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

1. The City shall approve an upfront, six-year extension of VTTM 6677 that runs from the date of City Council approval, pursuant to Government Code, §66452.6(e), subject to the following conditions agreed to by the developer:

   a. For the entire duration of years one (1) through three (3) of the extension, developer shall be subject to the adopted written ordinances, policies, standards and fees ("Vested Rights") that were of record at the time the application for VTTM 6677 was deemed complete. With respect to the pulling of any building or other permits, developer shall be entitled to the Vested Rights so long as an application for the building permit is submitted within the initial three-year period. Developer’s Vested Rights shall be extended for any period of time in which a stay of development occurs.
b. During years four (4) through six (6), not including any stay required by law, developer shall be subject to the then current ordinances, policies, standards and fees. Developer shall not be entitled to the Vested Rights if any building or other permit is applied for within the last three years of the extension.

c. Any delays beyond the control of developer, including, but not limited to, development moratoriums, shall stay the extension being granted pursuant to this Resolution, if otherwise required by law, and developer shall be entitled to an extension equal to the amount of time of such delay.

d. Developer’s agreement to the conditions of the extension does not in any way alter developer’s right to challenge a proposed increase in development fees not already currently approved by the City.

2. As a condition of receipt of the extension, developer agrees to undertake the cost of remediating the City owned sump located just west of the project at the corner of North A and Bautista, which not only serves the project but the greater surrounding community. The remediation work shall include the removal of debris, sump improvements and securing the site. Said improvements shall be completed before the 49th building permit is issued for Tract No. 6677.

3. As a further condition of receiving the extension, developer agrees to reimburse the City for the cost of a third-party or other inspector mutually selected by the City and developer to conduct building inspections during those periods of time when construction is actively occurring in Tract No. 6677.

4. If developer is in compliance with the conditions of this Resolution, the City Council directs City staff to use reasonable efforts to process any newly submitted permit applications and plans as follows:

   a. Tract Improvement Plans – newly submitted and complete plan check packets shall be approved within three weeks from the first submittal and within two weeks from each additional plan check submittal.

   b. Home Architectural & Structural Plans – newly submitted and complete architectural and structural plans shall be approved within three weeks from the first submittal and within two weeks from each additional plan check submittal.

   c. Building Permits – the City shall issue building permits within one-week from submittal of a complete application.

///
///
///
///
///
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 09th day of April 2019 by the following vote:

AYES: CM Martinez, CM Trujillo, CM Franetovich, MPT Robles, Mayor Gurrola

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 Resolution passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.
July 31, 2019

Mr. Jerry Breckenridge
City of Arvin, City Manager
200 Campus Drive
Arvin, CA 93203

Re: Tracts 6677 Phases 1 and 2, Annexation into Landscape & Lighting District

Mr. Breckenridge,

Green Vine, LLC hereby requests annexation into the existing Landscape & Lighting District (Arvin Maintenance District No. 2) for Tract 6677 Phases 1 and 2.
If you need any maps, legal descriptions, application or title reports, please let me know.
Thank you for your assistance in this matter.

Sincerely,

Michael F. Hair
managing member, Green Vine, LLC
## PRELIMINARY ENGINEER’S ESTIMATE

**TRACT 6677 PHASE 1**

No. of Lots: 53  
Acreage: 11.26  
Job No: 19-1006

*Date: 09/12/19*  
Prepared By: RAB

### Item No.  
**Item Description**  
**Qty**  
**Unit**  
**Unit $**  
**Item $**  
**TOTALS**  
**Completed**  
**TOTALS**

#### Grading

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**Subtotal $115,200 90% $11,520**

#### Sewer Improvements

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**Subtotal $91,516 90% $13,202**

#### Water Improvements

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<td>13. 1&quot; Landscape Service</td>
<td>ea</td>
<td>$630.00</td>
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<td>14. 2&quot; Blow Off Assembly</td>
<td>3 ea</td>
<td>$750.00</td>
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<td>90%</td>
<td>$225</td>
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<tr>
<td>15. 1&quot; Services</td>
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<td>$750.00</td>
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<td>16. Tie-In</td>
<td>3 ea</td>
<td>$800.00</td>
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**Subtotal $243,500 90% $26,510**

#### Street Improvements

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<th>Item No.</th>
<th>Item Description</th>
<th>Qty</th>
<th>Unit</th>
<th>Unit $</th>
<th>Item $</th>
<th>TOTALS</th>
<th>Completed</th>
<th>TOTALS</th>
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<tr>
<td>17. (Varsity Ave.) A.C. Paving &amp; AG. Base</td>
<td>23,760 sf</td>
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<td>$62,489</td>
<td>90%</td>
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<tr>
<td>18. (Locals) A.C. Paving &amp; AG. Base</td>
<td>68,948 sf</td>
<td>$2.00</td>
<td>$137,896</td>
<td>90%</td>
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<td>19. Preparation &amp; Subgrade</td>
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<tr>
<td>20. Curb &amp; Gutter</td>
<td>16,150 lf</td>
<td>$12.25</td>
<td>$197,838</td>
<td>90%</td>
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<td>21. 4&quot; Thk. Sidewalk</td>
<td>13,595 sf</td>
<td>$2.50</td>
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<td>22. 6&quot; Thk. Drive approach</td>
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**Subtotal $493,331 90% $31,277**

Subtotal, All of above: $943,547  
SUBTOTAL, CONSTRUCTION COSTS: $943,547  
TOTAL ESTIMATED BOND/LOC: $366,508
Attachment: T6677 - Final Map  (Approve final map and subdivision agreement for tract 6677 phase 1)
Attachment T6677 - Final Map (Approve final map and subdivision agreement for tract 6677 phase 1)
**TRACT 6677-CLOSURES.txt**

Parcel name: 1

North: 2265521.18          East : 6314297.19  
Line Course: S 89-51-12 E  Length: 61.11  
  North: 2265521.03          East : 6314358.30  
Line Course: S 00-08-48 W  Length: 100.47  
  North: 2265420.56          East : 6314358.05  
Line Course: S 00-05-46 E  Length: 30.00  
  North: 2265390.56          East : 6314358.10  
Line Course: N 89-51-00 W  Length: 61.24  
  North: 2265390.72          East : 6314296.86  
Line Course: N 00-08-48 E  Length: 130.47  
  North: 2265521.18          East : 6314297.19  
Perimeter: 383.30  Area: 7,975 Sq Ft 0 Ac.  
Mapcheck Closure - (Uses listed courses, radii, and deltas)  
Error Closure: 0.00  
  Course: N 36-48-00 W  
Error North: 0.004  
  East : -0.003  
Precision 1: 383,290,000.00

Parcel name: 2

North: 2265521.03          East : 6314358.31  
Line Course: S 89-51-12 E  Length: 60.00  
  North: 2265520.87          East : 6314418.31  
Line Course: S 00-08-48 W  Length: 100.48  
  North: 2265420.39          East : 6314418.05  
Line Course: N 89-51-00 W  Length: 60.00  
  North: 2265420.55          East : 6314358.05  
Line Course: N 00-08-48 E  Length: 100.47  
  North: 2265521.03          East : 6314358.31  
Perimeter: 320.95  Area: 6,029 Sq Ft 0 Ac.  
Mapcheck Closure - (Uses listed courses, radii, and deltas)  
Error Closure: 0.01  
  Course: S 00-08-45 W  
Error North: -0.007  
  East : -0.000  
Precision 1: 32,093.00

Parcel name: 3

North: 2265520.87          East : 6314418.31  
Line Course: S 89-51-12 E  Length: 60.00  
  North: 2265520.72          East : 6314478.31  
Line Course: S 00-08-48 W  Length: 100.48  
  North: 2265420.24          East : 6314478.05  
Line Course: N 89-51-00 W  Length: 60.00  
  North: 2265420.40          East : 6314418.05  
Line Course: N 00-08-48 E  Length: 100.48  
  North: 2265520.87          East : 6314418.31  
Perimeter: 320.96  Area: 6,029 Sq Ft 0 Ac.  
Page 1
Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)
<table>
<thead>
<tr>
<th>Parcel name: 7</th>
<th>Parcel name: 8</th>
<th>Parcel name: 9</th>
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<td>Line Course: S 00-08-48 W</td>
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<td>Line Course: S 00-08-48 W</td>
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<td>Line Course: N 00-08-48 E</td>
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<td>Area: 6,030 Sq Ft 0 Ac.</td>
<td>Area: 6,029 Sq Ft 0 Ac.</td>
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Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01
Error North: -0.007
Precision 1: 32,099.00

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00
Error North: 0.003
Precision 1: 321,000,000.00

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00
Error North: 0.000
Precision 1: 320,980,000.00
TRACT 6677-CLOSURES.txt

Line Course: N 89-51-00 W Length: 60.00
North: 2265419.46 East : 6314778.05
Line Course: N 00-08-48 E Length: 100.50
North: 2265519.95 East : 6314778.30

Perimeter: 321.00 Area: 6,030 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: N 00-08-54 E
Error North: 0.003 East : 0.00
Precision 1: 321,000,000.00

Parcel name: 10

North: 2265677.97 East : 6314770.90
Line Course: S 89-51-12 E Length: 65.00
North: 2265677.81 East : 6314835.90
Line Course: S 00-08-48 W Length: 100.00
North: 2265577.81 East : 6314835.64
Line Course: N 89-51-12 W Length: 45.00
North: 2265577.92 East : 6314790.64
Line Course: N 44-51-12 W Length: 28.28
North: 2265597.97 East : 6314770.70
Line Course: N 00-08-48 E Length: 80.00
North: 2265677.97 East : 6314770.90

Perimeter: 318.28 Area: 6,300 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 44-51-12 E
Error North: -0.003 East : 0.003
Precision 1: 318,280,000.00

Parcel name: 11

North: 2265678.29 East : 6314647.90
Line Course: S 89-51-12 E Length: 65.00
North: 2265678.12 East : 6314712.90
Line Course: S 00-08-48 W Length: 80.00
North: 2265598.12 East : 6314712.69
Line Course: S 45-08-48 W Length: 28.28
North: 2265578.18 East : 6314692.65
Line Course: N 89-51-12 W Length: 45.00
North: 2265578.29 East : 6314647.65
Line Course: N 00-08-48 E Length: 100.00
North: 2265678.29 East : 6314647.90

Perimeter: 318.28 Area: 6,300 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: N 45-08-48 E
Error North: 0.003 East : 0.003
Precision 1: 318,280,000.00
Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)

Parcels

**Parcel name: 12**

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Perimeter: 320.00 Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
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Error North: 0.000 East: 0.000
Precision 1: 320,000,000.00

**Parcel name: 13**

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Perimeter: 320.00 Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 90-00-00 E
Error North: 0.000 East: 0.000
Precision 1: 320,000,000.00

**Parcel name: 14**

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Perimeter: 320.00 Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 90-00-00 E
Error North: 0.000 East: 0.000
Precision 1: 320,000,000.00
Parcel name: 15

North: 2265678.90       East: 6314407.90
Line Course: S 89-51-12 E Length: 60.00
North: 2265678.75       East: 6314407.90
Line Course: S 00-08-48 W Length: 100.00
North: 2265578.75       East: 6314467.64
Line Course: N 89-51-12 W Length: 60.00
North: 2265578.90       East: 6314407.64
Line Course: N 00-08-48 E Length: 100.00
North: 2265678.90       East: 6314407.90

Perimeter: 320.00       Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00       Course: S 90-00-00 E
Error North: 0.000       East: 0.000
Precision 1: 320,000,000.00

Parcel name: 16

North: 2265679.05       East: 6314347.90
Line Course: S 89-51-12 E Length: 60.00
North: 2265678.90       East: 6314407.90
Line Course: S 00-08-48 W Length: 100.00
North: 2265578.90       East: 6314407.64
Line Course: N 89-51-12 W Length: 60.00
North: 2265579.05       East: 6314347.64
Line Course: N 00-08-48 E Length: 100.00
North: 2265679.05       East: 6314347.90

Perimeter: 320.00       Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00       Course: S 90-00-00 E
Error North: 0.000       East: 0.000
Precision 1: 320,000,000.00

Parcel name: 17

North: 2265679.21       East: 6314287.90
Line Course: S 89-51-12 E Length: 60.00
North: 2265679.05       East: 6314347.90
Line Course: S 00-08-48 W Length: 100.00
North: 2265578.90       East: 6314347.64
Line Course: N 89-51-12 W Length: 60.00
North: 2265579.21       East: 6314287.64
Line Course: N 00-08-48 E Length: 100.00
North: 2265679.21       East: 6314287.90

Perimeter: 320.00       Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00       Course: S 90-00-00 E
Page 6
ERROR North: 0.000
Precision 1: 320,000,000.00

TRACT 6677-CLOSURES.txt

Parcel name: 18

North: 2265679.36
East: 6314227.80

Line Course: S 89-51-12 E
Length: 60.10

North: 2265679.21
East: 6314287.90

Line Course: S 00-08-48 W
Length: 100.00

North: 2265579.21
East: 6314287.64

Line Course: N 89-51-12 W
Length: 15.36

North: 2265579.25
East: 6314272.28

Curve Length: 44.79
Radius: 529.00
Tangent: 22.41
Course In: S 00-08-48 W
Course Out: N 04-42-18 W

RP North: 2265050.25
East: 6314270.93

End North: 2265577.47
East: 6314227.54

Line Course: N 00-08-48 E
Length: 101.90

North: 2265679.36
East: 6314227.80

Perimeter: 322.15
Area: 6,038 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00
Course: N 11-07-52 W

Error North: 0.005
East: -0.001
Precision 1: 322,150,000.00

Parcel name: 19

North: 2265569.82
East: 6314167.88

Line Course: N 80-57-14 E
Length: 60.68

North: 2265679.36
East: 6314227.80

Line Course: S 00-08-48 W
Length: 101.90

North: 2265577.46
East: 6314227.54

Curve Length: 60.54
Radius: 529.00
Tangent: 30.30
Course In: S 04-42-18 E
Course Out: N 11-15-43 W

RP North: 2265050.24
East: 6314270.93

End North: 2265569.06
East: 6314167.62

Line Course: N 00-08-48 E
Length: 100.76

North: 2265669.82
East: 6314167.88

Perimeter: 323.87
Area: 6,035 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00
Course: S 45-38-02 E

Error North: -0.003
East: 0.003
Precision 1: 323,880,000.00

Parcel name: 20

North: 2265660.23
East: 6314107.65

Page 7
TRACT 6677 - CLOSURES.txt

Line Course: N 80-57-14 E Length: 60.98
  North: 2265669.82  East: 6314167.87

Line Course: S 00-08-48 W Length: 100.76
  North: 2265569.06  East: 6314167.61

Curve Length: 15.55 Radius: 529.00
  Delta: 1-41-02 Tangent: 7.77
  Chord: 15.54 Course: S 77-53-46 W

Course In: S 11-15-43 E Course Out: N 12-56-45 W
  RP North: 2265050.25  East: 6314270.93
  End North: 2265565.80  East: 6314152.41

Curve Length: 45.33 Radius: 471.00
  Delta: 5-30-51 Tangent: 22.68
  Chord: 45.31 Course: S 79-48-41 W

Course In: N 12-56-45 W Course Out: S 07-25-54 E
  RP North: 2266024.83  East: 6314046.90
  End North: 2265557.79  East: 6314107.82

Line Course: N 00-05-45 W Length: 102.44
  North: 2265660.23  East: 6314107.65

Perimeter: 325.06  Area: 6,124 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01  Course: S 38-56-48 W
  Error North: -0.007  East: -0.006
Precision 1: 32,506.00

---

Parcel name: 21

  North: 2265765.02  East: 6314107.48

Curve Length: 41.30 Radius: 529.00
  Delta: 4-28-24 Tangent: 20.66
  Chord: 41.29 Course: N 81-30-40 E

Course In: N 06-15-08 W Course Out: S 10-43-32 E
  RP North: 2266290.87  East: 6314049.86
  End North: 2265771.11  East: 6314148.31

Curve Length: 20.11 Radius: 471.00
  Delta: 2-26-46 Tangent: 10.06
  Chord: 20.11 Course: N 80-29-51 E

Course In: S 10-43-32 E Course Out: N 08-16-46 W
  RP North: 2265308.34  East: 6314235.97
  End North: 2265774.43  East: 6314168.14

Line Course: S 00-08-48 W Length: 104.61
  North: 2265669.82  East: 6314167.88

Line Course: S 80-57-14 W Length: 60.98
  North: 2265660.23  East: 6314107.66

Line Course: N 00-05-45 W Length: 104.78
  North: 2265765.02  East: 6314107.48

Perimeter: 331.78  Area: 6,311 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01  Course: S 58-11-27 E
  Error North: -0.003  East: 0.005
Precision 1: 33,178.00

---

Parcel name: 22
TRACT 6677-CLOSURES.txt

North: 2265779.43  East: 6314168.14
Curve Length: 60.15  Radius: 471.00
Delta: 7-19-01  Tangent: 30.12
Chord: 60.11  Course: N 85-22-44 E
Course In: S 08-16-46 E  Course Out: N 00-57-45 W
RP North: 2265308.34  East: 6314235.97
End North: 2265779.27  East: 6314222.06
Line Course: S 00-08-48 W Length: 99.91
North: 2265679.36  East: 6314227.80
Line Course: S 80-57-14 W Length: 60.68
North: 2265669.82  East: 6314167.87
Line Course: N 00-08-48 E Length: 104.61
North: 2265774.43  East: 6314168.14
Perimeter: 325.35  Area: 6,164 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: N 16-17-27 W
Error North: 0.002  East: -0.001
Precision 1: 325,350,000.00

Parcel name: 23

North: 2265779.34  East: 6314237.17
Line Course: S 89-51-12 E Length: 50.98
North: 2265779.21  East: 6314288.15
Line Course: S 00-08-48 W Length: 100.00
North: 2265679.21  East: 6314287.90
Line Course: N 89-51-12 W Length: 60.10
North: 2265679.36  East: 6314227.80
Line Course: N 00-08-48 E Length: 99.91
North: 2265779.27  East: 6314228.05
Curve Length: 9.12  Radius: 471.00
Delta: 1-06-33  Tangent: 4.56
Chord: 9.12  Course: N 89-35-31 E
Course In: S 00-57-45 E  Course Out: N 00-08-48 E
RP North: 2265308.34  East: 6314235.97
End North: 2265779.34  East: 6314237.17
Perimeter: 320.11  Area: 6,010 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 56-52-46 W
Error North: -0.002  East: -0.003
Precision 1: 320,110,000.00

Parcel name: 24

North: 2265779.21  East: 6314288.16
Line Course: S 89-51-12 E Length: 60.00
North: 2265779.05  East: 6314348.16
Line Course: S 00-08-48 W Length: 100.00
North: 2265679.05  East: 6314347.90
Line Course: N 89-51-12 W Length: 60.00
North: 2265679.21  East: 6314287.90
Line Course: N 00-08-48 E Length: 100.00
North: 2265779.21  East: 6314288.16
Page 9
TRACT 6677-CLOSURES.txt

Perimeter: 320.00  Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East : 0.000
Precision 1: 320,000,000.00

Parcel name: 25

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<tr>
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Perimeter: 320.00  Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East : 0.000
Precision 1: 320,000,000.00

Parcel name: 26

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Perimeter: 320.00  Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East : 0.000
Precision 1: 320,000,000.00

Parcel name: 27

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Page 10
Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)
Line Course: S 44-51-12 E Length: 28.28
North: 2265758.12 East: 6314713.10
Line Course: S 00-08-48 W Length: 80.00
North: 2265768.12 East: 6314712.90
Line Course: N 89-51-12 W Length: 65.00
North: 2265678.29 East: 6314647.90
Line Course: N 00-08-48 E Length: 100.00
North: 2265778.29 East: 6314648.15

Perimeter: 318.28 Area: 6,300 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: N 44-51-12 W
Error North: 0.003 East: -0.003
Precision 1: 318,280,000.00

-------------------------------
Parcel name: 31

North: 2265777.92 East: 6314791.15
Line Course: S 89-51-12 E Length: 45.00
North: 2265777.81 East: 6314836.15
Line Course: S 00-08-48 W Length: 100.00
North: 2265767.81 East: 6314835.90
Line Course: N 89-51-12 W Length: 65.00
North: 2265677.97 East: 6314770.90
Line Course: N 00-08-48 E Length: 80.00
North: 2265757.97 East: 6314771.10
Line Course: N 45-08-48 E Length: 28.28
North: 2265777.92 East: 6314791.15

Perimeter: 318.28 Area: 6,300 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 45-08-48 W
Error North: -0.003 East: -0.003
Precision 1: 318,280,000.00

-------------------------------
Parcel name: 32

North: 2265935.97 East: 6314771.56
Line Course: S 89-51-12 E Length: 65.00
North: 2265935.81 East: 6314836.56
Line Course: S 00-08-48 W Length: 100.00
North: 2265835.81 East: 6314836.30
Line Course: N 89-51-12 W Length: 45.00
North: 2265835.92 East: 6314791.30
Line Course: N 44-51-12 W Length: 28.28
North: 2265855.97 East: 6314771.36
Line Course: N 00-08-48 E Length: 80.00
North: 2265935.97 East: 6314771.56

Perimeter: 318.28 Area: 6,300 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 44-51-12 E
Error North: -0.003 East: 0.003
Precision 1: 318,280,000.00
Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)

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**Parcel name: 33**

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**Perimeter:** 318.28 **Area:** 6,300 Sq Ft 0 Ac.

**Mapcheck Closure - (Uses listed courses, radii, and deltas)**

Error Closure: 0.00  
Course: N 45-08-48 E  
Error North: 0.003  
East: 0.003  
Precision 1: 318,280,000.00

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**Parcel name: 34**

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<tr>
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**Perimeter:** 320.00 **Area:** 6,000 Sq Ft 0 Ac.

**Mapcheck Closure - (Uses listed courses, radii, and deltas)**

Error Closure: 0.00  
Course: S 90-00-00 E  
Error North: 0.000  
East: 0.000  
Precision 1: 320,000,000.00

---

**Parcel name: 35**

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**Perimeter:** 320.00 **Area:** 6,000 Sq Ft 0 Ac.

Page 13
TRACT 6677-CLOSURES.txt

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East : 0.000
Precision 1: 320,000,000.00

Parcels:

Parcels name: 36
North: 2265936.75  East : 6314468.56
Line Course: S 89-51-12 E Length: 60.00
North: 2265936.59  East : 6314528.56
Line Course: S 00-08-48 W Length: 100.00
North: 2265836.59  East : 6314528.30
Line Course: N 89-51-12 W Length: 60.00
North: 2265836.75  East : 6314468.30
Line Course: N 00-08-48 E Length: 100.00
North: 2265936.75  East : 6314468.56
Perimeter: 320.00  Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East : 0.000
Precision 1: 320,000,000.00

Parcels name: 37
North: 2265936.90  East : 6314408.56
Line Course: S 89-51-12 E Length: 60.00
North: 2265936.75  East : 6314468.56
Line Course: S 00-08-48 W Length: 100.00
North: 2265836.75  East : 6314468.30
Line Course: N 89-51-12 W Length: 60.00
North: 2265836.90  East : 6314408.30
Line Course: N 00-08-48 E Length: 100.00
North: 2265936.90  East : 6314408.56
Perimeter: 320.00  Area: 6,000 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East : 0.000
Precision 1: 320,000,000.00

Parcels name: 38
North: 2265937.05  East : 6314348.56
Line Course: S 89-51-12 E Length: 60.00
North: 2265936.90  East : 6314408.56
Line Course: S 00-08-48 W Length: 100.00
North: 2265836.90  East : 6314408.30
Line Course: N 89-51-12 W Length: 60.00
North: 2265837.05  East : 6314348.30
Line Course: N 00-08-48 E Length: 100.00
Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)
TRACT 6677-CLOSURES.txt

North: 2265937.51  East: 6314168.56
Line Course: S 89-51-12 E  Length: 60.00
North: 2265937.36  East: 6314228.56
Line Course: S 00-08-48 W  Length: 100.08
North: 2265837.28  East: 6314228.30
Curve Length: 60.20  Radius: 529.00
Delta: 6-31-11  Tangent: 30.13
Chord: 60.16  Course: S 85-54-36 W
Course In: S 00-49-49 E  Course Out: N 07-21-00 W
RP North: 2265308.34  East: 6314235.97
End North: 2265832.99  East: 6314168.29
Line Course: N 00-08-48 E  Length: 104.52
North: 2265937.51  East: 6314168.56
Perimeter: 324.80  Area: 6,104 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01  Course: S 18-55-56 E
Error North: -0.005  East: 0.002
Precision 1: 32,480.00

--------------------------

Parcel name: 42

North: 2265927.35  East: 6314107.20
Line Course: N 80-35-44 E  Length: 62.19
North: 2265937.51  East: 6314168.56
Line Course: S 00-08-48 W  Length: 104.52
North: 2265832.99  East: 6314168.29
Curve Length: 31.17  Radius: 529.00
Delta: 3-22-32  Tangent: 15.59
Chord: 31.16  Course: S 80-57-44 W
Course In: S 07-21-00 E  Course Out: N 10-43-32 W
RP North: 2265308.34  East: 6314235.97
End North: 2265828.10  East: 6314137.52
Curve Length: 30.51  Radius: 471.00
Delta: 3-42-42  Tangent: 15.26
Chord: 30.51  Course: S 81-07-49 W
Course In: N 10-43-32 W  Course Out: S 07-00-50 E
RP North: 2266290.87  East: 6314049.86
End North: 2265823.40  East: 6314107.37
Line Course: N 00-05-45 W  Length: 103.96
North: 2265927.35  East: 6314107.20
Perimeter: 332.35  Area: 6,374 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: N 43-53-07 W
Error North: 0.003  East: -0.003
Precision 1: 332,350,000.00

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Parcel name: 43

North: 2266038.67  East: 6314107.02
Line Course: S 89-51-12 E  Length: 61.80
North: 2266038.51  East: 6314168.82
Line Course: S 00-08-48 W  Length: 101.00
TRACT 6677-CLOSURES.txt

North: 2265937.51  East: 6314168.56
Line  Course: S 80-35-44 W  Length: 62.19
North: 2265927.35  East: 6314107.21
Line  Course: N 00-05-45 W  Length: 111.32
North: 2266038.67  East: 6314107.02
Perimeter: 336.31  Area: 6,537 Sq Ft 0 Ac.
Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 88-37-53 E
Error North: -0.000  East: 0.001
Precision 1: 336,310,000.00

Parcel name: 44

North: 2266038.51  East: 6314168.82
Line  Course: S 89-51-12 E  Length: 60.00
North: 2266038.36  East: 6314228.82
Line  Course: S 00-08-48 W  Length: 101.00
North: 2265937.36  East: 6314228.56
Line  Course: N 89-51-12 W  Length: 60.00
North: 2265937.51  East: 6314168.56
Line  Course: N 00-08-48 E  Length: 101.00
North: 2266038.51  East: 6314168.82
Perimeter: 322.00  Area: 6,060 Sq Ft 0 Ac.
Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East: 0.000
Precision 1: 322,000,000.00

Parcel name: 45

North: 2266038.36  East: 6314228.82
Line  Course: S 89-51-12 E  Length: 60.00
North: 2266038.21  East: 6314288.82
Line  Course: S 00-08-48 W  Length: 101.00
North: 2265937.21  East: 6314288.56
Line  Course: N 89-51-12 W  Length: 60.00
North: 2265937.36  East: 6314228.56
Line  Course: N 00-08-48 E  Length: 101.00
North: 2266038.36  East: 6314228.82
Perimeter: 322.00  Area: 6,060 Sq Ft 0 Ac.
Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East: 0.000
Precision 1: 322,000,000.00

Parcel name: 46

North: 2266038.21  East: 6314288.82

Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)

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<th>Length</th>
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Perimeter: 322.00  Area: 6,060 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East: 0.000
Precision 1: 322,000,000.00

Parcel name: 47

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<td>2266038.05</td>
<td>6314348.82</td>
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<tr>
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<td>6314348.82</td>
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Perimeter: 322.00  Area: 6,060 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East: 0.000
Precision 1: 322,000,000.00

Parcel name: 48

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Perimeter: 322.00  Area: 6,060 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East: 0.000
Precision 1: 322,000,000.00

Page 18
Parcel name: 49

North: 2266037.75  East: 6314468.82
Line Course: S 89-51-12 E Length: 60.00
North: 2266037.59  East: 6314528.82
Line Course: S 00-08-48 W Length: 101.00
North: 2265936.59  East: 6314528.56
Line Course: N 89-51-12 W Length: 60.00
North: 2265936.75  East: 6314468.56
Line Course: N 00-08-48 E Length: 101.00
North: 2266037.75  East: 6314468.82

Perimeter: 322.00  Area: 6,060 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East: 0.000
Precision 1: 322,000,000.00

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Parcel name: 50

North: 2266037.59  East: 6314528.82
Line Course: S 89-51-12 E Length: 60.00
North: 2266037.44  East: 6314588.82
Line Course: S 00-08-48 W Length: 101.00
North: 2265936.44  East: 6314588.56
Line Course: N 89-51-12 W Length: 60.00
North: 2265936.59  East: 6314528.56
Line Course: N 00-08-48 E Length: 101.00
North: 2266037.59  East: 6314528.82

Perimeter: 322.00  Area: 6,060 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East: 0.000
Precision 1: 322,000,000.00

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Parcel name: 51

North: 2266037.44  East: 6314588.82
Line Course: S 89-51-12 E Length: 60.00
North: 2266037.29  East: 6314648.82
Line Course: S 00-08-48 W Length: 101.00
North: 2265936.29  East: 6314648.56
Line Course: N 89-51-12 W Length: 60.00
North: 2265936.44  East: 6314588.56
Line Course: N 00-08-48 E Length: 101.00
North: 2266037.44  East: 6314588.82

Perimeter: 322.00  Area: 6,060 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 90-00-00 E
Error North: 0.000  East: 0.000
Precision 1: 322,000,000.00

Page 19
TRACT 6677-CLOSURES.txt

Parcel name: 52

North: 2266037.29  East: 6314648.82
Line Course: S 89-51-12 E Length: 45.00
  North: 2266037.17  East: 6314693.82
Line Course: S 44-51-12 E Length: 28.28
  North: 2266017.12  East: 6314713.76
Line Course: S 00-08-48 W Length: 81.00
  North: 2265936.12  East: 6314713.56
Line Course: N 89-51-12 W Length: 65.00
  North: 2265936.29  East: 6314648.56
Line Course: N 00-08-48 E Length: 101.00
  North: 2266037.29  East: 6314648.82

Perimeter: 320.28 Area: 6,365 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: N 44-51-12 W
Error North: -0.003 East: -0.003
Precision 1: 320,280,000.00

Parcel name: 53

North: 2266036.92  East: 6314791.82
Line Course: S 89-51-12 E Length: 45.00
  North: 2266036.80  East: 6314836.82
Line Course: S 00-08-48 W Length: 101.00
  North: 2265935.81  East: 6314836.56
Line Course: N 89-51-12 W Length: 65.00
  North: 2265935.97  East: 6314771.56
Line Course: N 00-08-48 E Length: 81.00
  North: 2266016.97  East: 6314771.77
Line Course: N 45-08-48 E Length: 28.28
  North: 2266036.92  East: 6314791.82

Perimeter: 320.28 Area: 6,365 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 45-08-48 W
Error North: -0.003 East: -0.003
Precision 1: 320,280,000.00

Parcel name: 54

North: 2265499.36  East: 6314107.92
Curve Length: 58.37 Radius: 529.00
  Delta: 6-19-20 Tangent: 29.22
  Chord: 58.34 Course: N 80-12-55 E
Course In: N 06-37-25 W Course Out: S 12-56-45 E
  RP North: 2266024.83 East: 6314046.90
  End North: 2265509.28 East: 6314165.41
Curve Length: 107.63 Radius: 471.00
  Delta: 13-05-33 Tangent: 54.05
  Chord: 107.39 Course: N 83-36-01 E

Page 20
Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)

TRACT 6677 - CLOSURES.txt

Course In: S 12-56-45 E  Course Out: N 00-08-48 E
RP North: 2265050.25  East: 6314270.93
End North: 226521.25  East: 6314272.14

Line Course: S 89-51-12 E  Length: 25.06
North: 2265521.18  East: 6314297.20

Line Course: S 00-08-48 W  Length: 130.47
North: 2265390.71  East: 6314296.86

Line Course: N 89-51-00 W  Length: 188.76
North: 2265391.21  East: 6314108.10

Line Course: N 00-05-45 W  Length: 108.16
North: 2265499.36  East: 6314107.92

Perimeter: 618.44  Area: 23,204 Sq Ft 1 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01  Course: N 27-08-37 E
Error North: 0.006  East: 0.003
Precision 1: 61,845.00

Parcel name: Remainder of Lot B

North: 2266036.80  East: 6314836.82
Line Course: S 89-51-12 E  Length: 129.55
North: 2266036.47  East: 6314966.37

Line Course: S 00-05-29 E  Length: 617.52
North: 2265418.95  East: 6314967.35

Line Course: N 89-51-00 W  Length: 129.30
North: 2265419.29  East: 6314838.05

Line Course: N 00-08-48 E  Length: 100.50
North: 2265519.79  East: 6314838.31

Line Course: N 89-51-12 W  Length: 2.81
North: 2265519.80  East: 6314835.50

Line Course: N 00-08-48 E  Length: 517.00
North: 2266036.80  East: 6314836.82

Perimeter: 1496.68  Area: 80,506 Sq Ft 2 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01  Course: S 38-24-51 E
Error North: -0.007  East: 0.006
Precision 1: 149,666.00

Parcel name: Remainder of Lot C

North: 2266036.47  East: 6314966.36
Line Course: S 89-51-12 E  Length: 395.13
North: 2266035.46  East: 6315361.49

Line Course: S 44-58-10 E  Length: 42.34
North: 2266005.51  East: 6315391.41

Line Course: S 00-05-29 E  Length: 587.66
North: 2265417.85  East: 6315392.35

Line Course: N 89-51-00 W  Length: 425.00
North: 2265418.96  East: 6314967.35

Line Course: N 00-05-29 W  Length: 617.52
North: 2266036.47  East: 6314966.36

Perimeter: 2067.64  Area: 262,000 Sq Ft 6 Ac.

Page 21
Mapcheck Closure - (Uses listed courses, radii, and delmas)
Error Closure: 0.01
Course: N 41-00-08 E
Error North: 0.006
East: 0.005
Precision: 1: 206,765.00

Parcel name: Capistrano

North: 2265835.81
Line Course: N 89-51-12 W Length: 45.00
North: 2265835.92
Line Course: N 44-51-12 W Length: 28.28
North: 2265855.97
Line Course: N 89-51-12 W Length: 58.00
North: 2265856.12
Line Course: S 45-08-48 W Length: 28.28
North: 2265836.17
Line Course: S 89-51-12 W Length: 455.98
North: 2265837.34
Curve Length: 100.38
Delta: 10-52-20
Chord: 100.23
Course In: S 00-08-48 W Course Out: N 10-43-32 W
RP North: 2265308.34
End North: 2265828.10
Curve Length: 30.51
Delta: 3-42-42
Chord: 30.51
Course In: N 10-43-32 W Course Out: S 07-00-50 E
RP North: 2266290.87
End North: 2265823.40
Line Course: S 00-05-45 E Length: 58.38
North: 2265765.02
Curve Length: 41.30
Delta: 4-28-24
Chord: 41.29
Course In: N 06-15-08 W Course Out: S 10-43-32 E
RP North: 2266290.87
End North: 2265771.11
Curve Length: 89.38
Delta: 10-52-20
Chord: 89.24
Course In: N 10-43-32 W Course Out: N 00-08-48 E
RP North: 2265308.34
End North: 2265779.34
Line Course: S 89-51-12 E Length: 455.98
North: 2265778.17
Line Course: S 44-51-12 E Length: 28.28
North: 2265758.12
Line Course: S 89-51-12 E Length: 58.00
North: 2265757.97
Line Course: N 45-08-48 E Length: 28.28
North: 2265757.92
Line Course: S 89-51-12 E Length: 45.00
North: 2265777.80
Line Course: N 00-08-48 E Length: 58.00
North: 2265835.81

Perimeter: 1609.05 Area: 45,446 Sq Ft 1 Ac.
TRACT 6677-CLOSURES.txt

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00
Error North: -0.002
Precision 1: 1,609,030,000.00

-------------------------------

Parcel name: N/2 Capistrano

North: 2265835.81 East: 6314836.30
Line Course: N 89-51-12 W Length: 45.00
  North: 2265835.92 East: 6314791.30
  North: 2265855.97 East: 6314771.36
  North: 2265856.12 East: 6314713.36
  North: 2265836.17 East: 6314693.31
  North: 2265837.34 East: 6314237.33
Curve Length: 100.38 Radius: 529.00
  Delta: 10-52-20 Tangent: 50.34
  Chord: 100.23 Course: S 84-42-38 W
  Course In: S 00-08-48 W Course Out: N 10-43-32 W
  RP North: 2265308.34 East: 6314235.98
  End North: 2265828.10 East: 6314137.53
Curve Length: 30.51 Radius: 471.00
  Delta: 3-42-42 Tangent: 15.26
  Chord: 30.51 Course: S 81-07-49 W
  Course In: N 10-43-32 W Course Out: S 07-00-50 E
  RP North: 2266290.87 East: 6314049.87
  End North: 2265823.40 East: 6314107.39
Line Course: S 00-05-45 E Length: 29.20
  North: 2265794.20 East: 6314107.43
Curve Length: 35.91 Radius: 500.00
  Delta: 4-06-53 Tangent: 17.96
  Chord: 35.90 Course: N 81-19-54 E
  Course In: N 06-36-39 W Course Out: S 10-43-32 E
  RP North: 2266290.87 East: 6314049.87
  End North: 2265799.61 East: 6314142.92
Curve Length: 94.88 Radius: 500.00
  Delta: 10-52-20 Tangent: 47.58
  Chord: 94.73 Course: N 84-42-38 E
  Course In: S 10-43-32 E Course Out: N 00-08-48 E
  RP North: 2265308.34 East: 6314235.98
  End North: 2265808.34 East: 6314237.26
Line Course: S 89-51-12 E Length: 504.98
  North: 2265807.05 East: 6314742.23
Line Course: S 89-51-12 E Length: 94.00
  North: 2265806.81 East: 6314836.23
Line Course: N 00-08-48 E Length: 29.00
  North: 2265835.81 East: 6314836.30
Perimeter: 1534.41 Area: 22,725 Sq Ft 1 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01
Error North: 0.000
Precision 1: 153,440.00
Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677, phase 1)

TRACT 6677-CLOSURES.txt

Parcel name: S/2 Capistrano

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<td>Course Out: N 10-43-32 W</td>
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<td>Course Out: S 06-08-48 E</td>
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Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01
Error North: 0.002
Error East: 0.006
Precision 1: 153,417.00

Parcel name: Bautista

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<th>Length</th>
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<td>2265579.97</td>
<td>N 89-51-12 W</td>
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Page 24
Line Course: N 89-51-12 W  Length: 58.00
    North: 2265598.12    East: 6314712.70

Line Course: S 45-08-48 W  Length: 28.28
    North: 2265578.17    East: 6314692.65

Line Course: N 89-51-12 W  Length: 420.36
    North: 226579.25     East: 6314272.29

Curve Length: 120.88  Radius: 529.00
    Delta: 13-05-33     Tangent: 60.70
    Chord: 120.62       Course: S 83-36-01 W

Course In: S 00-08-48 W  Course Out: N 12-56-45 W
    RP North: 2265050.25  East: 6314270.94
    End North: 226565.80   East: 6314152.42

Curve Length: 45.33  Radius: 471.00
    Delta: 5-30-51     Tangent: 22.68
    Chord: 45.31       Course: S 79-48-41 W

Course In: N 12-56-45 W  Course Out: S 07-25-54 E
    RP North: 2266024.83  East: 6314046.91
    End North: 2265557.79  East: 6314107.83

Line Course: S 00-05-45 E  Length: 58.43
    North: 2265499.36    East: 6314107.93

Curve Length: 58.37  Radius: 529.00
    Delta: 6-19-20     Tangent: 29.22
    Chord: 58.34       Course: N 80-12-55 E

Course In: N 06-37-25 W  Course Out: S 12-56-45 E
    RP North: 2266024.83  East: 6314046.91
    End North: 2265509.27  East: 6314165.42

Curve Length: 107.63  Radius: 471.00
    Delta: 13-05-33     Tangent: 54.05
    Chord: 107.39       Course: N 83-36-01 E

Course In: S 12-56-45 E  Course Out: N 00-08-48 E
    RP North: 2265050.25  East: 6314270.94
    End North: 226521.24   East: 6314272.14

Line Course: S 89-51-12 E  Length: 563.36
    North: 226519.80     East: 6314835.50

Line Course: N 00-08-48 E  Length: 58.00
    North: 226577.781    East: 6314835.64

Perimeter: 1591.92  Area: 43,869 Sq Ft 1 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01
     Course: S 55-28-05 E
Error North: -0.004
     East: 0.006
Precision 1: 159,192.00

Parcel name: N/2 Bautista

North: 2265577.81    East: 6314835.64
Line Course: N 89-51-12 W  Length: 45.00
    North: 2265577.92    East: 6314790.64

Line Course: N 44-51-12 W  Length: 28.28
    North: 2265597.97    East: 6314770.70

Line Course: N 89-51-12 W  Length: 58.00
    North: 226598.12     East: 6314712.70

Line Course: S 45-08-48 W  Length: 28.28
    North: 226578.17     East: 6314692.65

Line Course: N 89-51-12 W  Length: 420.36
    North: 226579.25     East: 6314272.29

Curve Length: 120.88  Radius: 529.00
    Delta: 13-05-33     Tangent: 60.70
    Chord: 120.62       Course: S 83-36-01 W

Page 25
TRACT 6677-CLOSURES.txt

Course In: S 00-08-48 W  
Course Out: N 12-56-45 W
RP North: 2265050.25  
East: 6314270.94
End North: 2265565.80  
East: 6314152.42
Curve Length: 45.33  
Radius: 471.00
Delta: 5-30-51  
Tangent: 22.68
Chord: 45.31  
Course: S 79-48-41 W
Course In: N 12-56-45 W  
Course Out: S 07-25-54 E
RP North: 2266024.83  
East: 6314046.91
End North: 2265557.79  
East: 6314107.83
Line Course: S 00-05-45 E  
Length: 29.23
North: 2265528.56  
East: 6314107.88
Curve Length: 51.85  
Radius: 500.00
Delta: 5-56-31  
Tangent: 25.95
Chord: 51.83  
Course: N 80-01-30 E
Course In: N 07-00-14 W  
Course Out: S 12-56-45 E
RP North: 2266024.83  
East: 6314046.91
End North: 2265537.54  
East: 6314158.92
Curve Length: 114.25  
Radius: 500.00
Delta: 13-05-33  
Tangent: 57.38
Chord: 114.00  
Course: N 83-36-01 E
Course In: S 12-56-45 E  
Course Out: N 00-08-48 E
RP North: 2265050.25  
East: 6314270.94
End North: 2265550.24  
East: 6314272.22
Line Course: S 89-51-12 E  
Length: 469.36
North: 2265549.04  
East: 6314741.58
Line Course: S 89-51-12 E  
Length: 94.00
North: 2265484.80  
East: 6314835.58
Line Course: N 00-08-48 E  
Length: 29.00
North: 2265777.81  
East: 6314835.64

Perimeter: 1533.83  
Area: 22,716 Sq Ft 1 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01  
Course: S 58-31-33 E
Error North: -0.005  
East: 0.007
Precision 1: 153,382.00

Parcel name: S/2 Bautista

North: 2265548.81  
East: 6314835.57
Line Course: N 89-51-12 W  
Length: 94.00
North: 226549.05  
East: 6314741.57
Line Course: N 89-51-12 W  
Length: 469.36
North: 2265525.05  
East: 6314272.21
Curve Length: 114.25  
Radius: 500.00
Delta: 13-05-33  
Tangent: 57.38
Chord: 114.00  
Course: S 83-36-01 W
Course In: S 00-08-48 W  
Course Out: N 12-56-45 W
RP North: 2265050.25  
East: 6314270.93
End North: 2265537.54  
East: 6314158.92
Curve Length: 51.85  
Radius: 500.00
Delta: 5-56-31  
Tangent: 25.95
Chord: 51.83  
Course: S 80-01-30 W
Course In: N 12-56-45 W  
Course Out: S 07-25-54 E
RP North: 2266024.83  
East: 6314046.90
End North: 2265328.56  
East: 6314107.87
Line Course: S 00-05-45 E  
Length: 29.20
North: 2265499.36  
East: 6314107.92
Curve Length: 58.37  
Radius: 529.00
Page 26
Attachment: TRACT 6677 - CLOSURES.txt

TRACT 6677 - CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)

Delta: 6-19-20   Tangent: 29.22
Chord: 58.34     Course: N 80-12-55 E
Course In: N 06-37-25 W   Course Out: S 12-56-45 E
RP North: 2266024.83   East: 6314046.90
End North: 2265909.28   East: 6314165.41
Curve Length: 107.63   Radius: 471.00
Delta: 13-05-33   Tangent: 54.05
Chord: 107.39     Course: N 83-36-01 E
Course In: S 12-56-45 E   Course Out: N 00-08-48 E
RP North: 2265050.25   East: 6314270.93
End North: 2265521.25   East: 6314272.13
Line Course: S 89-51-12 E Length: 563.36
North: 2265519.81   East: 6314835.49
Line Course: N 00-08-48 E Length: 29.00
North: 2265548.81   East: 6314835.57

Perimeter: 1517.02    Area: 21,153 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00
Course: N 80-00-09 W
Error North: 0.000
East: -0.001
Precision 1: 1,517,020,000.00

Parcel name: Soledad

North: 2266082.17   East: 6314693.93
Line Course: S 89-51-12 E Length: 98.00
North: 2266081.92   East: 6314791.93
Line Course: S 00-08-48 W Length: 45.00
North: 2266036.92   East: 6314791.82
Line Course: S 45-08-48 W Length: 28.28
North: 2266016.97   East: 6314771.77
Line Course: S 00-08-48 W Length: 161.00
North: 2265855.97   East: 6314771.36
Line Course: S 44-51-12 E Length: 28.28
North: 2265835.93   East: 6314791.30
Line Course: S 00-08-48 W Length: 58.00
North: 2265777.93   East: 6314791.15
Line Course: S 45-08-48 W Length: 28.28
North: 2265757.98   East: 6314771.11
Line Course: S 00-08-48 W Length: 160.00
North: 2265597.98   East: 6314770.70
Line Course: S 45-08-48 W Length: 28.28
North: 2265577.93   East: 6314790.64
Line Course: S 00-08-48 W Length: 58.00
North: 2265519.93   East: 6314790.49
Line Course: N 89-51-12 W Length: 98.00
North: 2265520.18   East: 6314692.49
Line Course: N 00-08-48 E Length: 58.00
North: 2265578.18   East: 6314692.64
Line Course: N 45-08-48 E Length: 28.28
North: 2265598.13   East: 6314712.69
Line Course: N 00-08-48 E Length: 160.00
North: 2265758.13   East: 6314713.10
Line Course: N 44-51-12 W Length: 28.28
North: 2265778.18   East: 6314693.15
Line Course: N 00-08-48 E Length: 58.00
North: 2265836.18   East: 6314693.30
Line Course: N 45-08-48 E Length: 28.28
North: 2265856.12   East: 6314713.35

Page 27
Attachment: TRACT 6677 - LOT CLOSURES (Approve final map and subdivision agreement for tract 6677 phase 1)

TRACT 6677-CLOSURES.txt

Line Course: N 00-08-48 E Length: 161.00
North: 2266017.12 East: 6314713.76

Line Course: N 44-51-12 W Length: 28.28
North: 2266037.17 East: 6314693.82

Line Course: N 00-08-48 E Length: 45.00
North: 2266082.17 East: 6314693.93

Perimeter: 1386.27 Area: 40,636 Sq Ft 1 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 90-00-00 E
Error North: 0.000 East: 0.000
Precision 1: 1,386,240,000.00

Parcel name: E/2 Soledad

North: 2266082.05 East: 6314742.93

Line Course: S 89-51-12 E Length: 49.00
North: 2266081.92 East: 6314791.93

Line Course: S 00-08-48 W Length: 45.00
North: 2266036.92 East: 6314791.82

Line Course: S 45-08-48 W Length: 28.28
North: 2266016.97 East: 6314771.77

Line Course: S 00-08-48 W Length: 161.00
North: 2265855.97 East: 6314771.36

Line Course: S 44-51-12 E Length: 28.28
North: 2265835.93 East: 6314791.30

Line Course: S 00-08-48 W Length: 58.00
North: 2265777.93 East: 6314791.15

Line Course: S 45-08-48 W Length: 28.28
North: 2265757.98 East: 6314771.11

Line Course: S 00-08-48 W Length: 160.00
North: 2265597.98 East: 6314771.70

Line Course: S 44-51-12 E Length: 28.28
North: 2265577.93 East: 6314790.64

Line Course: S 00-08-48 W Length: 58.00
North: 2265519.93 East: 6314790.49

Line Course: N 89-51-12 W Length: 49.00
North: 2265520.06 East: 6314741.49

Line Course: N 00-08-48 E Length: 562.00
North: 2266082.05 East: 6314742.93

Perimeter: 1255.14 Area: 20,318 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01 Course: N 00-08-48 E
Error North: 0.012 East: 0.000
Precision 1: 125,512.00

Parcel name: W/2 Soledad

North: 2266082.05 East: 6314742.93

Line Course: N 89-51-12 W Length: 49.00
North: 2266082.17 East: 6314693.93

Line Course: S 00-08-48 W Length: 45.00
North: 2266037.17 East: 6314693.82
Attachment: TRACT 6677 - LOT CLOSURES

(Approve final map and subdivision agreement for tract 6677 phase 1)

TRACT 6677-CLOSURES.txt

Line Course: S 44-51-12 E Length: 28.28
North: 2266017.12 East: 6314713.76
Line Course: S 00-08-48 W Length: 161.00
North: 2265856.12 East: 6314713.35
Line Course: S 45-08-48 W Length: 28.28
North: 2265836.18 East: 6314693.30
Line Course: S 00-08-48 W Length: 58.00
North: 2265778.18 East: 6314693.15
Line Course: S 44-51-12 E Length: 28.28
North: 2265758.13 East: 6314713.10
Line Course: S 00-08-48 W Length: 160.00
North: 2265598.13 East: 6314712.69
Line Course: S 45-08-48 W Length: 28.28
North: 2265578.18 East: 6314692.64
Line Course: S 00-08-48 W Length: 58.00
North: 2265520.18 East: 6314692.49
Line Course: S 89-51-12 E Length: 49.00
North: 2265520.06 East: 6314741.49
Line Course: N 00-08-48 E Length: 562.00
North: 2266082.05 East: 6314742.93

Perimeter: 1255.14 Area: 20,318 Sq Ft 0 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01 Course: N 00-08-48 E
Error North: 0.012 East: 0.000
Precision 1: 125,512.00

Parcl name: Varsity and Tejon

North: 2266083.67 East: 6314106.94
Line Course: S 89-51-12 E Length: 1339.35
North: 2266080.24 East: 6315446.29
Line Course: S 00-05-29 E Length: 662.54
North: 2265417.70 East: 6315447.35
Line Course: N 89-51-00 W Length: 55.00
North: 2265417.85 East: 6315392.35
Line Course: N 00-05-29 W Length: 587.66
North: 2266005.51 East: 6315391.41
Line Course: N 44-58-10 W Length: 42.34
North: 2266035.46 East: 6315361.49
Line Course: N 89-51-12 W Length: 569.67
North: 2266036.92 East: 6314791.82
Line Course: S 45-08-48 W Length: 28.28
North: 2266016.97 East: 6314771.77
Line Course: N 89-51-12 W Length: 58.00
North: 2266017.12 East: 6314713.77
Line Course: N 44-51-12 W Length: 28.28
North: 2266037.17 East: 6314693.82
Line Course: N 89-51-12 W Length: 586.80
North: 2266038.67 East: 6314107.03
Line Course: N 00-05-45 W Length: 45.00
North: 2266083.67 East: 6314106.94

Perimeter: 4002.94 Area: 96,242 Sq Ft 2 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01 Course: N 77-30-36 E
Error North: 0.002 East: 0.007
Precision 1: 400,292.00

Page 29
CITY OF ARVIN  
Staff Report  

Meeting Date: October 22, 2019  

<table>
<thead>
<tr>
<th>TO:</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td>Jerry Breckinridge, City Manager</td>
</tr>
<tr>
<td>SUBJET:</td>
<td>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN TO AMEND SECTION 2.24.010 OF CHAPTER 2.24 OF TITLE 2 OF THE ARVIN MUNICIPAL CODE REGARDING THE COMPOSITION OF PLANNING COMMISSION MEMBERS</td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**
Staff recommends approval of the first reading of the proposed Ordinance to allow appointment of electors residing within the City’s sphere of influence, including within City limits.

**BACKGROUND:**
The City is currently experiencing difficulty obtaining a quorum for its Planning Commission. In order to expand the pool of candidates, the proposed ordinance would allow electors living within the City limits, as well as the City’s sphere of influence, to be appointed to serve on the Planning Commission. Commissioners from these areas would have a greater interest in the growth and expansion of development within the City and its sphere of influence as compared to persons residing elsewhere. The proposed ordinance will also ensure that the City Council will have a larger pool of potential participants in the Planning Commission, and hence the City’s business. The ordinance would also affirm the appointments of any member of the Planning Commission made since the beginning of the year who is living in the sphere of influence.

**FINANCIAL IMPACT:**
There is no financial impact as a result of the recommended action.

**ATTACHMENTS:**
An Ordinance Of The City Council Of The City Of Arvin To Amend Section 2.24.010 Of Chapter 2.24 Of Title 2 Of The Arvin Municipal Code Regarding The Composition Of Planning Commission Members
ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN
TO AMEND SECTION 2.24.010 OF CHAPTER 2.24 OF TITLE 2 OF THE
ARVIN MUNICIPAL CODE REGARDING THE COMPOSITION OF
PLANNING COMMISSION MEMBERS

WHEREAS, the Arvin Planning Commission is comprised of members appointed by the
City Council of the City of Arvin; and

WHEREAS, the current Arvin Municipal Code Section 2.24.010 requires that the
Planning Commission shall consist of five (5) members who shall be qualified electors of the
City; and

WHEREAS, the term “elector” generally means one qualified to vote in an election; and

WHEREAS, the decisions of the Planning Commission include issues both within the
City limits and in the City’s sphere of influence; and

WHEREAS, the City Council of the City of Arvin has appointed, and desires to be able
to appoint, members who reside within the City’s sphere of influence to also serve on the
Planning Commission and to expand the pool of potential candidates as appointees to the
Commission; and

WHEREAS, to accomplish this greater participation of members of the Planning
Commission the City Council of the City Council desires to amend Title 2, Chapter 2.24, Section
2.24.010 to allow appointed members of the Arvin Planning Commission to include those
residing within its sphere of influence.

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

SECTION 1. The Recitals set forth above are true and correct and incorporated herein by
reference.

SECTION 2. Section 2.24.010 of Chapter 2.24 Of Title 2 of The Arvin Municipal Code is
hereby amended to read in its entirety as follows:

Section 2.24.010 Composition.
The planning commission shall consist of five (5) members who shall be qualified
electors of the city, including those who reside within the city’s sphere of influence or
within its sphere of influence.
SECTION 3. Any appointment by the City Council of elector residing within the City’s sphere of influence to the Planning Commission, as either a member or an alternate, since January 1, 2019, is hereby affirmed and re-appointed without interruption.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed 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 5. The provisions of this Section shall be liberally construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety and convenience.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, section 36933.

SECTION 7. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.
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 22nd day of October, 2019 and adopted the Ordinance after second reading at a regular meeting held on the 22nd day of October, 2019, 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 Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.
TO: Arvin City Council

FROM: Jerry Breckinridge, City Manager
       Mitzy Cuxum

SUBJECT: Consideration of the following for the Ariston Project:

a. A Resolution Of The City Council Of The City Of Arvin Adopting A Mitigated Negative
   Declaration And A Mitigation Monitoring And Reporting Program For General Plan
   Amendment 2013-01 And Zone Change 2013-01 – Ariston Project (CEQA Resolution)

b. A Resolution Of The City Council Of The City Of Arvin Approving General Plan
   Amendment 2013-01-Ariston Project Changing The Land Use Designation On 62+-
   Acres From Light Industrial And Heavy Industrial To 32.89 Acres To Light Industrial, 8.01
   Acres To General Commercial, 13.46 Acres To Medium Density Residential, And 7.01 Acres To
   High Density Residential; And Associated Mitigated Negative Declaration (General Plan
   Amendment Resolution)

c. An Ordinance Of The City Council Of The City Of Arvin, California, Adopting An
   Uncodified Ordinance Amending The Official Zoning Map, Heretofore Adopted By Section
   17.06.020 Of The Arvin Municipal Code, For Zone Change 2013-01 (Ariston) (Zoning
   Change Ordinance)

RECOMMENDATION

Staff recommends that the City Council open the public hearing, allow for public testimony, close the hearing and consider the following:

1. Approve the CEQA Resolution,
2. Approve the General Plan Amendment Resolution; and
3. Introduce the Zoning Change 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.

BACKGROUND:

City Council on December 4, 2018 continued the public hearing off calendar at the request of the applicant. The applicant requested the postponement of the project in order to review the issues
raised during the Planning Commission of August 14, 2018. At that meeting the Planning Commission ultimately recommended the City Council approve the project and adopt the Mitigated Negative Declaration.

On June 25, 2019, the City Council heard a revised version of the project. However, the Planning Commission had not had an opportunity to hear or comment on the revised project. As a result, the City Council continued the public hearing and referred the revised proposed project and other considerations to the Planning Commission. The Planning Commission has now had the opportunity to have a public hearing and review the revised proposed project, and on October 15, 2019, the Planning Commission recommended approval of the modified project.

**UPDATE TO PROPOSED PROJECT:**

The modified project has addressed the concerns and issues raised by representatives of Grimmway Industrial operations who are located north of the project.

The proposed changes are shown on Exhibit A and B. Originally, the applicant had proposed residential and commercial usages along Sycamore Road. Now, the applicant is proposing to remove the residential component. This will mean the General Plan land use designation would remain industrial along the majority of Sycamore Road frontage with industrial zoning, the commercial land use designation at the southeast corner of Sycamore Road and Tejon Highway would remain as was previously considered, and residential will remain for the remainder of the project site. Due to the modifications, an addendum was submitted for the Traffic Analysis Study. The Traffic study area for the Southeast Corner of Sycamore Road and Tejon Highway. This was submitted on May 1, 2019 to the City of Arvin. The addendum to the Traffic Study demonstrates that the traffic will not increase with the proposed changes.

**CURRENT GENERAL PLAN LAND USE DESIGNATION AND ZONING:**

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 maps below demonstrate the current designation in accordance with the General Plan and the Zoning Map designations.
The applicant is requesting approval for a General Plan Amendment and zone change of 62+/- acres to re-designate the site as shown in below. These requested designations include: 32.89 acres along Sycamore Road from Heavy Industrial and Light Industrial to Light Industrial and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from Heavy Industrial and Light Industrial to General Commercial and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the along the easterly side of Tejon Highway from Heavy Industrial and Light Industrial to Medium
Density Residential and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from Heavy Industrial and Light Industrial to High Density Residential and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling.

MAINTENANCE OF HOUSING ELEMENT, LAND USE ELEMENT, CIRCULATION ELEMENT, AND ASSOCIATED MAPS AND DIAGRAMS:

Consistent with the adopted fee schedule, the project will be required to pay fees to off-set the cost of maintenance and update of the General Plan, Maps, and various codes. The project will also be required to pay other development impact fees, as well as fees for monitoring compliance with the Mitigation Monitoring Program, etc.

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 Planning Division located at 141 Plumtree Drive. 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 and Reporting Program. The filing and public notice has been submitted for public review and comment as required by the California Environmental Quality Act (CEQA). The analysis has been refreshed to address the proposed modifications to the project to remove residential uses from along Sycamore, and the reduced project is less impactful. A Mitigation Monitoring Program has been prepared to ensure implementation of mitigation measures, and the applicant has signed and has concurred with the mitigation measures and their implementation schedule.

EXHIBITS AND ATTACHMENTS:

- Resolution of the City of Arvin City Council of the City of Arvin Approving General Plan Amendment 2013-01;
- Uncodified Ordinance of the City of Arvin City Council Adopting Zone Change 2013-01 Ariston Project;
- Resolution of the City of Arvin City Council Adopting Mitigation Monitoring and Reporting Programs dated June 5, 2019 for GPA/ZC 2013-01 Ariston Project
- Planning Commission Resolutions Recommending Approval of GPA 2013-01, Zone Changes 2013-01, and CEQA Resolution.
- Public Hearing Notice for City Council Meeting of June 25, 2019 (this is a continued meeting)

Note: 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
ADOPTING A MITIGATED NEGATIVE DECLARATION AND A
MITIGATION MONITORING AND REPORTING PROGRAM FOR
GENERAL PLAN AMENDMENT 2013-01 AND ZONE CHANGE 2013-01 –
ARISTON PROJECT

WHEREAS, in December 2013, applications were submitted submitted by The Ariston Group, represented by Pinnacle Engineering (property owner Onkar S. Bisla) for a General Plan Amendment and Zone Change, now referred to as GPA and ZC 2013-01 (Ariston Project).

WHEREAS, the applicant has requested 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 project is a General Plan Amendment to re-designate the site as Exhibit B. The requested designations include: 32.89 acres along Sycamore Road from Heavy Industrial and Light Industrial to Light Industrial and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from Heavy Industrial and Light Industrial to General Commercial and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the easterly side of Tejon Highway from Heavy Industrial and Light Industrial to Medium Density Residential and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from Heavy Industrial and Light Industrial to High Density Residential and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling.

WHEREAS, the project site is located is located south side of Sycamore Road, east of Tejon Highway and west of Malovich Road.

WHEREAS, the project application was submitted in 2013 and has been delayed due to various 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 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, the City has subsequently assessed the proposed revisions to the project; and

WHEREAS, at its public hearing on October 15, 2019, the Planning Commission reassessed the updates to the Ariston Project proposed by GPA 2013-01 and ZC 2013-01, and recommended the City Council adopt a Mitigated Negative Declaration for the project; and

WHEREAS, the City conducted another public hearing on the Ariston Project on October 22, 2019; and

WHEREAS, the City Council now desires to adopt the Mitigated Negative Declaration and associated Mitigated Monitoring Reporting Program prior to its approval of GPA 2013-01 and ZC 2013-01.

NOW, THEREFORE, the City Council resolves as follows:

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

2. An environmental assessment was prepared by the City for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The City Council finds that, with all applicable mitigation measures applied to the project, impacts have been reduced to less than significant, and the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects. In response to the to the public comments on the projects affect, the analysis has been updated to address the proposed modifications to the project to remove residential uses from along Sycamore, and the reduced project is even less impactful as compared to the original project. Although the project was updated, the new project revisions would not result in new, avoidable significant effects. The applicant has signed and has concurred with the mitigation measures and their implementation schedule. Therefore, based on the attached environmental assessment and the list of identified mitigation measures, the City Council finds the project will not have a significant impact on the environment, adopts a Mitigated Negative Declaration for the project, and adopts a Mitigation Monitoring and Reporting Program attached as Exhibit “A” for the project.

3. This Resolution shall become effective immediately.

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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 22nd day of October 2019 by the following 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, ________________________________, Secretary 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.
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 1-20 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.

<table>
<thead>
<tr>
<th>Mitigation #1 Compliance with most current Uniform Building Codes</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future developers</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to issuance of a building permit</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>The most current UBC shall be applicable</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Building Inspector</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Review plans for conformance with the latest UBC</td>
</tr>
</tbody>
</table>
TRAFFIC: Mitigation and Project’s Pro-Rata Share of Costs

As discussed in the previous section, as a direct result of the addition of Project-generated traffic to Year 2035 estimated traffic, the intersection of Franklin Street and Derby Street will likely degrade to a LOS of less than “C”. However, based on the Modified Plan, the peak hour traffic signal warrant is not satisfied. In addition mitigation of this intersection improves to a Level of Service of “C” and better if intersection control was “upgraded” to a 4-way stop. Again, above and beyond the Traffic Impact Fee, the only obligation for the Project would be a pro-rata share of the cost of upgrading the intersection to a four-way stop.

I. Project’s Pro-Rata Share of Mitigation:

The Project’s pro-rata share of mitigation discussed in the previous section is the ration of Project-generated peak hour traffic (at the intersection of Franklin Street and Derby Street) to the total Year 2035 peak hour traffic at said intersection. The ratio is shown as follows:

Project’s Pro-Rata Share = 15%

II. Conclusions and Recommendations

The original traffic study, and moreover this addendum have indicated that traffic from the Project can be successfully mitigated to be less-than-significant.

The Modified Plan, from which this addendum is based, produces roughly one-half of the peak hour trips than that of the Original Plan.
Although this addendum identified mitigation for the Franklin and Derby as an all-way stop, the City may not want this modification, in part because the east leg of the intersection is a private drive.

It is noted that the Project will be obligated to pay the City’s Traffic Impact Fee, which is already intended to mitigate normal growth in the City. Additionally, it is likely the Project will be required to improve the half-width of both Sycamore Avenue and Tejon Highway. Sycamore Road is badly degraded: pavement has “alligator cracking”, potholing, differential settlement, and needs complete reconstruction.

<table>
<thead>
<tr>
<th>Mitigation #3 Traffic Mitigation</th>
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<tbody>
<tr>
<td>A direct result of the addition of Project-generated traffic to Year 2035 estimated traffic, the intersection of Franklin Street and Derby Street will likely degrade to a LOS of less than “C”. However, based on the Modified Plan, the peak hour traffic signal warrant is not satisfied. In addition, mitigation of this intersection improves to a Level of Service of “C” and better if intersection control was “upgraded” to a 4-way stop. Again, above and beyond the Traffic Impact Fee, the only obligation for the Project would be a pro-rata share of the cost of upgrading the intersection to a four-way stop. The Developer's provided an estimate of $4,350.00 for an all way stop at the intersection of Franklin Street and Tejon Highway in May 2019. 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 the applicant shall pay $4,350.00 for said all way stop.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for implementation</th>
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<tbody>
<tr>
<td>Future Developer</td>
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</table>

<table>
<thead>
<tr>
<th>Implementation Timing</th>
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<tbody>
<tr>
<td>Prior to or concurrent with first phase of development</td>
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<table>
<thead>
<tr>
<th>Mitigation Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment of $4,350.00 for the all way stop at Franklin and Tejon Highway.</td>
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</tbody>
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<tr>
<th>Agency/Individual Responsible for Monitoring</th>
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<tr>
<td>Future Developer and City Engineer</td>
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</tbody>
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<table>
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<tr>
<th>Action by Monitor</th>
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<tbody>
<tr>
<td>Insure that the payment for the all way stop is received.</td>
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<tr>
<th>Mitigation #4</th>
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<tr>
<td>The Project shall pay traffic impact fees for each development type</td>
</tr>
</tbody>
</table>
### Traffic Mitigation

<table>
<thead>
<tr>
<th>Traffic Mitigation</th>
<th>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.)</th>
</tr>
</thead>
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<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future Developer</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to or concurrent with first phase of development</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>Dedication of Right of Way and improvement of road system to city standards</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and City Engineer</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Insure that right of way and easements are dedicated and improvements are constructed to City Standards</td>
</tr>
</tbody>
</table>

### Mitigation #5 Traffic Mitigation

<table>
<thead>
<tr>
<th>Mitigation #5 Traffic Mitigation</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Future Developer</td>
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<tr>
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<tr>
<td>Mitigation Specifications</td>
<td>Dedication of Right of Way and improvement of road system and accessory improvements to city standards</td>
</tr>
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<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and City Engineer</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>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.</td>
</tr>
</tbody>
</table>

### 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-stripping or widening, improves the LOS (using 2035 volumes) of the entire intersection to “D”, (which is its current LOS). In addition, the resulting average vehicle delay is less than experienced under current conditions. Whether or not there is sufficient width to stripe right turn lanes without physically widening the
intersection is beyond the scope of this study. Other considerations for providing dedicated right-turn lanes include existing detector loops and modification of signal operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Recommended Mitigation:** Mitigation has not been shown to be warranted by this Study, and thus none is recommended. However, if future development widens the south half of El Camino Real, it may be possible to stripe more than single through lanes, thus increasing the intersection’s capacity without installation of a traffic signal.
12. **Intersection of El Camino Real and Tejon Highway:** This intersection is not currently signalized and is controlled as an “all-way” stop. Only the north half of El Camino Real and the west half of Tejon Highway, (north of El Camino Real), have been widened to their ultimate planned width, thus the intersection is not fully expanded. Neither road has been striped to dedicate any special lanes for turning movements.

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

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

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

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

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

**Street Segments:**

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

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

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

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

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

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

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

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
<table>
<thead>
<tr>
<th>Action by Monitor</th>
<th>Insure that right of way and easements are dedicated and improvements are constructed to City Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mitigation #7</strong></td>
<td><strong>Sewer</strong></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td><strong>Agency/Individual Responsible for implementation</strong></td>
<td><strong>Future Developer</strong></td>
</tr>
<tr>
<td><strong>Sewer Plant Capacity:</strong></td>
<td><strong>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.</strong> 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.</td>
</tr>
<tr>
<td><strong>Implementation Timing</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Mitigation Specifications</strong></td>
<td>Preparation of Master Sewer Plans and Wastewater Treatment Plant Capacity Analysis and installation of improvements as may be required to serve the project development.</td>
</tr>
<tr>
<td><strong>Agency/Individual Responsible for Monitoring</strong></td>
<td><strong>Future Developer, Wastewater Treatment Facility Operator, and City Engineer</strong></td>
</tr>
<tr>
<td><strong>Action by Monitor</strong></td>
<td>Require improvement plans, construction, and monitoring of infrastructure</td>
</tr>
</tbody>
</table>

| **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.

<table>
<thead>
<tr>
<th>Mitigation Specifications</th>
<th>Preparation of Master Sewer Plans and Wastewater Treatment Plant Capacity Analysis and installation of improvements as may be required to serve the project development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer, Wastewater Treatment Facility Operator, and City Engineer</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Require improvement plans, construction, and monitoring of infrastructure</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mitigation # 9</th>
<th>Water Supply to serve the proposed project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>See Mitigation #2 – Groundwater Recharge</td>
</tr>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future Developer and Arvin Community Services District</td>
</tr>
<tr>
<td>Arvin Community Services District – Water Purveyor</td>
<td>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.</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>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.</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>Compliance with the Arvin Community Services District infrastructure and improvements necessary to serve the project development</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and Arvin Community Services District</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Compliance with the Arvin Community Services District provide a will serve confirmation to the City of Arvin.</td>
</tr>
</tbody>
</table>

| Mitigation #10 Storm Drainage                | Provide necessary storm drainage system(s) master plan and improvements |
| See Mitigation #2 Groundwater Recharge       |                                                                     |
| 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       | 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. |
| See Mitigation Measure #1                    |                                                                     |
| 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 disturbance

### Agency/Individual Responsible for implementation

Future Developer

### Subject

Investigation of site for cultural and historical resources

### Implementation Timing

Prior to ground disturbance

### Mitigation Specifications

The project site shall be investigated by a qualified archaeologist prior to any ground disturbance activities. Findings and report shall be 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
<table>
<thead>
<tr>
<th>Action by Monitor</th>
<th>Require Field Investigation and verify findings and if action warranted implement Section 15064 .5 of the CEQA Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation #14</td>
<td><strong>Human Remains</strong></td>
</tr>
<tr>
<td></td>
<td>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).</td>
</tr>
<tr>
<td>Agency/Individual</td>
<td>Future Developer</td>
</tr>
<tr>
<td>Responsible for implementation</td>
<td></td>
</tr>
<tr>
<td>Subject</td>
<td>Investigation of site for cultural and historical resources</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to ground disturbance</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>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).</td>
</tr>
<tr>
<td>Agency/Individual</td>
<td>Future Developer, City Engineer, and Community Development Department Director</td>
</tr>
<tr>
<td>Responsible for Monitoring</td>
<td></td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Should human remains be found – Building Official shall stop all construction within 100 feet of the find.</td>
</tr>
<tr>
<td>Mitigation #15</td>
<td><strong>Public Services</strong></td>
</tr>
<tr>
<td></td>
<td>Prepare study and create Community Services District to fund future infrastructure and service, which may include staffing, and long term maintenance of infra-structure</td>
</tr>
<tr>
<td>Agency/Individual</td>
<td>Future Developer</td>
</tr>
<tr>
<td>Responsible for implementation</td>
<td></td>
</tr>
<tr>
<td>Subject</td>
<td>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</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>To be established at the applicants’ expense prior to or concurrent with any future development entitlement</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>Establish funding program for the implementation of Community Services District which is to include construction of infrastructure, maintenance,</td>
</tr>
<tr>
<td>Mitigation #16</td>
<td>Recreation</td>
</tr>
<tr>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Agency/Individual Responsible for Monitoring</strong></td>
<td>Future Developer and Community Development Director, City Engineer, Finance Director, and City Manager</td>
</tr>
<tr>
<td><strong>Action by Monitor</strong></td>
<td>Require completion of studies, establishment of financing, and monitoring of Community Services District or equivalent program.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mitigation #17</th>
<th>Transportation—Bus Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agency/Individual Responsible for implementation</strong></td>
<td>Future Developer</td>
</tr>
<tr>
<td><strong>Subject</strong></td>
<td>Development of Park and Recreational Facilities and/or payment of Park Development Fees per City Council</td>
</tr>
<tr>
<td><strong>Implementation Timing</strong></td>
<td>Prior to or concurrent with future entitlements and development</td>
</tr>
<tr>
<td><strong>Mitigation Specifications</strong></td>
<td>Dedication of lands for park purposes or payment of Park Fees per City Council resolution.</td>
</tr>
<tr>
<td><strong>Agency/Individual Responsible for Monitoring</strong></td>
<td>Future Development and Community Development Director</td>
</tr>
<tr>
<td><strong>Action by Monitor</strong></td>
<td>Prior to future entitlements provide for Park and Recreational Facilities per City Ordinance and Policies.</td>
</tr>
</tbody>
</table>

<p>| 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. |
| <strong>Agency/Individual Responsible for Monitoring</strong> | Future Developers, Transit Director, City Engineer |
| <strong>Action by Monitor</strong> | Review and approve locations for future bus stops prior to approval of future development |</p>
<table>
<thead>
<tr>
<th>Mitigation #18 Traffic/Noise Design Criteria Mitigation</th>
<th>Construct a minimum 6'-0&quot; solid Masonry wall, install landscaping, and irrigation systems along frontage of the future frontage road along the southern boundary of the project site separating residential from the industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future Developer</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to or concurrent with first phase of industrial development adjacent to residential zoned lands.</td>
</tr>
<tr>
<td>Design Criteria Lessens Conflict between Residential Development and</td>
<td>Lessens the potential land use conflict between the proposed residential and industrial development</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and City Engineer and City Planner</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>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.</td>
</tr>
<tr>
<td>Mitigation #19 Traffic/Noise Design Criteria Mitigation</td>
<td>Require disclosure to and acknowledgment from future residents that purchase residential dwellings adjacent to the proposed industrial development.</td>
</tr>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future Developer</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to or concurrent with first phase of residential development</td>
</tr>
<tr>
<td>Design Criteria Lessens Conflict between Residential Development and Existing Industrial</td>
<td>Discloses existing industrial operations and heavy truck traffic exists - Lessens the potential land use conflict between the adjacent and existing industrial operations.</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and City Engineer and City Planner</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>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.</td>
</tr>
</tbody>
</table>
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVIN APPROVING GENERAL PLAN AMENDMENT 2013-01-ARISTON PROJECT CHANGING THE LAND USE DESIGNATION ON 62+/- ACRES FROM LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL TO 32.89 ACRES TO LIGHT INDUSTRIAL, 8.01 ACRES TO GENERAL COMMERCIAL, 13.46 ACRES TO MEDIUM DENSITY RESIDENTIAL, AND 7.01 ACRES TO 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 32.89 acres to Light Industrial, 8.01 acres to General Commercial, 13.46 acres to Medium Density Residential, and 7.01 acres to High Density Residential; and

WHEREAS, the project application was submitted in 2013 by The Ariston Group and has been delayed for a variety of 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

01159.0005/608514.1
CC Resolution for GPA 2013-01 Ariston Project June 25, 2019
Page 1 of 5
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 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 applicant requested the City Council to continue the public hearing off-calendar in order to meet with and representatives of Grimmway, an industrial operation adjacent to and directly north of the proposed project; and

WHEREAS, the applicant and representatives of Grimmway industrial agreed to modifications of the proposed land use amendment and the applicant has requested minor modifications for consideration by the City Council; and

WHEREAS, the City Clerk published the required public hearing notice in the Bakersfield Californian on June 13, 2019 for the City Council meeting of June 25, 2019 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; and

WHEREAS, the City Council conducted a duly noticed public hearing on June 25, 2019, 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 Council referred the matter back to the Planning Commission for recommendations as to the updated project and continued the City Council hearing from time to time pending Planning Commission review; and
WHEREAS, the Planning Commission conducted a duly noticed public hearing on this matter on October 15, 2019, at which time all interested parties were given an opportunity to be heard and present evidence regarding the project, including the concurrently process zone district amendment and proposed mitigated negative declaration; and

WHEREAS, the City Council desires to adopt General Plan Amendment 2013-01.

NOW, THEREFORE, the City Council of the City of Arvin (the “Council”) hereby resolves as follows:

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

2. The City Council finds that it has concurrently adopted a Mitigated Negative Declaration for the Project by separate resolution, and the requirements of CEQA have been satisfied.

3. 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 approves 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.

4. 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 22nd day of October 2019 by the following 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, ____________________________, Secretary 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.
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
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA, ADOPTING AN UNCODIFIED ORDINANCE AMENDING THE OFFICIAL ZONING MAP, HERETOFORE ADOPTED BY SECTION 17.06.020 OF THE ARVIN MUNICIPAL CODE, FOR ZONE CHANGE 2013-01 (ARISTON)

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

WHEREAS, the requested zone changes area as follows: 32.89 acres along Sycamore Road from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the along the easterly side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling; and

WHEREAS, the applicant, The Ariston Group, has incorporated 7 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, as well as a mitigated negative declaration (MDN) for the project; 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’s 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, 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 the 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 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 applicant requested the City Council at the December 4, 2018 meeting to continue the public hearing off-calendar in order to meet with and representatives of Grimmway, an industrial operation adjacent to and directly north of the proposed project; and

WHEREAS, the applicant and representatives of Grimmway industrial agreed to modifications of the proposed zone designations and the applicant has requested minor modifications for consideration of the Planning Commission recommendation of August 14, 2018 by the City Council; and

WHEREAS, the City Clerk published the required public hearing notice in the Bakersfield Californian on June 13, 2019 for the City Council meeting of June 25, 2019 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 June 25, 2019, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Zone Change 2013-01; and

WHEREAS, the City Council on June 25, 2019 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 June 25, 2019, the City Council considered this matter consistent with the requirements of the law, and referred the matter back to the Planning Commission for a recommendation on the minor modifications to the project, and then continued the City Council hearing from time to time in order to allow the Planning Commission sufficient time to consider a recommendation; and

01159.0005/608525.1 Ordinance Zone Change 2013-01 (Ariston)  Page 2 of 8

Attachment: 4-CC- Ordinance Rezone Ariston Project (Ariston GPA/ZC/MND)
WHEREAS, at its duly noticed public hearing on October 15, 2019, the Planning Commission re-assessed the modifications to the Ariston Project and recommended the City Council adopt an ordinance approving Zone Change 2013-1 for the project; and

WHEREAS, the City conducted another public hearing on the Ariston Project on October 22, 2019 and considered the recommendations of the Planning Commission; and

WHEREAS, the City Council now desires to adopt an uncodified ordinance approving Zone Change 2013-1.

WHEREAS, the City Council now desires 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.

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

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

2. 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.

3. 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, and amends the Official Zoning Map, for Zone Change 2013-01 (Ariston). The Ordinance would establish a Zone Change from 32.89 acres along Sycamore
Road from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the along the easterly side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling as shown on Exhibit A and described therein.

4. 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 authorized by law.

5. 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 General Plan Amendment 2013-1, and applicant has paid all fees including the City's General Plan Maintenance Program, Maintenance of Various Maps, and Implementation of the Mitigation Monitoring and Reporting Program. 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 22nd day of October 2019, and adopted the Ordinance after the second reading at a regular meeting held on the ______ day of 2019, 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
<table>
<thead>
<tr>
<th>M-2 ZONE (LIGHT MANUFACTURING)</th>
<th>C-2 ZONE (COMMERCIAL)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LAND USE – LIGHT INDUSTRIAL</strong></td>
<td><strong>LAND USE - GENERAL COMMERCIAL</strong></td>
</tr>
<tr>
<td>BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;</td>
<td>BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;</td>
</tr>
<tr>
<td>BEGINNING AT THE NORTHWEST CORNER OF SECTION 36, SAID POINT MARKED WITH A CHISLED “+” ON A STONE PER THE RECORD OF SURVEY BOOK 23, PAGE 100 AND BEING THE CENTERLINE INTERSECTION OF SYCAMORE ROAD AND TEJON HIGHWAY; THENCE SOUTH 89°49’14” EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 526.00 FEET; THENCE (1) CONTINUING ALONG SAID NORTH LINE SOUTH 89°49’14” EAST, A DISTANCE OF 2160.14 FEET TO AN ENCASED 2” IRON PIPE MARKED L.S. 1911 PER RECORD OF SURVEY BOOK 23, PAGE 100 MARKED AS NORTH QUARTER CORNER OF SECTION 36; THENCE (2) DEPARTING FROM SAID NORTH QUARTER CORNER OF SECTION 36; THENCE (2) SOUTHWEST 0°04’52” WEST, 663.03 FEET TO A POINT ON THE WEST LINE OF SAID SECTION; THENCE (3) SOUTH 89°49’14” EAST, 2161.61 FEET TO THE POINT OF BEGINNING.</td>
<td>BEGINNING AT THE NORTHWEST CORNER OF SECTION 36, SAID POINT MARKED WITH A CHISLED “+” ON A STONE PER THE RECORD OF SURVEY BOOK 23, PAGE 100 AND BEING THE CENTERLINE INTERSECTION OF SYCAMORE ROAD AND TEJON HIGHWAY; THENCE (1) SOUTH 89°49’14” EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 526.00 FEET; THENCE (2) SOUTH 0°04’52” WEST, 663.03 FEET; THENCE (3) NORTH 89°49’23” WEST, 526.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION; THENCE (4) NORTH 0°04’52” EAST, 663.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING;</td>
</tr>
<tr>
<td>CONTAINS 32.89 ACRES MORE OR LESS</td>
<td>CONTAINS 8.01 ACRES MORE OR LESS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>R-2 ZONE (TWO FAMILY DWELLING)</th>
<th>R-4 ZONE (MULTIPLE FAMILY DWELLING)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LAND USE – MEDIUM DENSITY RESIDENTIAL</strong></td>
<td><strong>LAND USE – HIGH DENSITY RESIDENTIAL</strong></td>
</tr>
<tr>
<td>BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY</td>
<td>BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;</td>
</tr>
</tbody>
</table>
DESCRIBED AS FOLLOWS;
BEGINNING AT THE WEST QUARTER CORNER OF SECTION 36, SAID POINT MARKED WITH A BRASS CAP MONUMENT MARKED L.S. 5972 PER TRACT MAP 6409 AND BEING ON THE CENTERLINE OF TEJON HIGHWAY;
THENCE (1) SOUTH 89°49’31” EAST, 884.68 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36;
THENCE (2) NORTH 0°01’04” WEST, 663.02 FEET;
THENCE (3) NORTH 89°49’23” WEST, 883.94 FEET TO A POINT ON THE WEST LINE OF SECTION 36;
THENCE (4) SOUTH 0°04’52” WEST, 663.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.
CONTAINS 13.46 ACRES MORE OR LESS

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 36, SAID POINT MARKED WITH A BRASS CAP MONUMENT MARKED L.S. 5972 PER TRACT MAP 6409 AND BEING ON THE CENTERLINE OF TEJON HIGHWAY; THENCE SOUTH 89°49’31” EAST, 884.68 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36 TO THE POINT OF BEGINNING;
THENCE (1) CONTINUING ALONG SAID SOUTH LINE SOUTH 89°49’31” EAST, 459.86 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36;
THENCE (2) NORTH 0°01’04” EAST, 663.00 FEET;
THENCE (3) NORTH 89°49’23” WEST, 459.86 FEET;
THENCE (4) SOUTH 0°01’04” WEST, 663.02 FEET TO THE POINT OF BEGINNING.
CONTAINS 7.00 ACRES MORE OR LESS
Public Hearing Notice
City of Arvin City Council

Date: June 25, 2019
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.

City staff anticipate recommending the City Council refer this item back to the Planning Commission for an updated recommendation regarding the project. Staff will also recommend the City Council continue this item to a specific date and time to allow an adequate opportunity for the Planning Commission to make such a recommendation before further consideration by the City Council.

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, retain or amend the industrial 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 | Agent: Matt Vovilla LAV/Pinnacle Engineering 5401 Business Park S #204, Bakersfield, CA 93309 | Property Owner: Bisla Farms 4215 Waterfall Canyon Drive Bakersfield, CA 93313 |

Attachment: 5-Public Hearing Notice Ariston Project GPA 2013-01_APN 189-352-02 and -08 CC Mtg 062519_Published 061319
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 as a different use that currently designated.

The updated project proposes a i) general plan amendment and zone change for 32.89 acres along Sycamore Road from Heavy Industrial and Light Industrial to Light Industrial, and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; ii) a general plan amendment and zone change for 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from Heavy Industrial and Light Industrial to General Commercial, and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; iii) a general plan amendment and zone change for 13.46 Acres at the along the easterly side of Tejon Highway from Heavy Industrial and Light Industrial to Medium Density Residential, and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-Family Dwelling ; and iv) a general plan amendment and zone change for 7.0 Acres east side of Tejon Highway from Heavy Industrial and Light Industrial to High Density Residential and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling.

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: June 13, 2019  Bakersfield Californian
RESOLUTION NO. APC 2019-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THE CITY COUNCIL 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 32.89 ACRES TO LIGHT INDUSTRIAL, 8.01 ACRES TO GENERAL COMMERCIAL, 13.46 ACRES TO MEDIUM DENSITY RESIDENTIAL, AND 7.01 ACRES TO HIGH DENSITY RESIDENTIAL

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

WHEREAS, applicant Onkar S. Bilsa represented by Pinnacle Engineering 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 32.89 acres to Light Industrial, 8.01 acres to General Commercial, 13.46 acres to Medium Density Residential, and 7.01 acres to High Density Residential; and

WHEREAS, the project application was originally submitted in 2013 and delayed for a variety of 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
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 e-mails, comment letters, and one objection by e-mail;

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 applicant requested the City Council to continue the public hearing off-calendar in order to meet with and representatives of Grimmway, an industrial operation adjacent to and directly north of the proposed project; and

WHEREAS, the applicant and representatives of Grimmway industrial agreed to modifications of the proposed land use amendment and the applicant has requested minor modifications to the project for consideration by the City Council; and

WHEREAS, the City Clerk published the required public hearing notice in the Bakersfield Californian on June 13, 2019 for the City Council meeting of June 25, 2019 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 June 25, 2019, 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 Council referred the matter back to the Planning Commission for recommendations as to the updated project; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on this matter, at which time all interested parties were given an opportunity to be heard and present
evidence regarding the project, including the concurrently process zone district amendment and proposed mitigated negative declaration; and

**WHEREAS**, the Planning Commission now desires to recommend the City Council approve proposed General Plan Amendment 2013-01.

**NOW, THEREFORE**, the Planning Commission of the City of Arvin hereby resolves as follows:

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

2. 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 the amendment is otherwise consistent with the goals, policies and objectives the of the General Plan. The Planning Commission 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 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 Planning Commission of the City of Arvin at a regular meeting thereof held on the 15th day of October 2019 by the following vote:

AYES: PC Martinez, PC Hinojosa, VC Rivera, Chair Tinoco

NOES: 

ABSTAIN:

ABSENT: PC Moreno

ATTEST

______________________________
CECILIA VELA, Secretary

CITY OF ARVIN

By: _____________________________
    GERARDO TINOCO, Chair

APPROVED AS TO FORM:

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

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

EXHIBIT "B"
GENERAL PLAN AMENDMENT AND ZONE CHANGE
BEING A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 36, T.31S, R.29E., M.D.M., IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BEARING OF N 89°46'14" W SHOWN FOR THE CENTERLINE OF SYCAMORE ROAD PER THE RECORD OF SURVEY RECORDED IN BOOK 23 PAGE 100 IN THE KERN COUNTY RECORDER'S OFFICE WAS USED AS THE BASIS OF BEARING FOR THIS MAP.

LEGEND

- PROJECT BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING MONUMENT AS DESCRIBED
- EXISTING HEAVY INDUSTRIAL
- EXISTING A-2 ZONE
- GRADE: GENERAL COMMERCIAL
  ZONE: C-2 (GENERAL COMMERCIAL)
- GRADE: LIGHT INDUSTRIAL
  ZONE: M-2 (LIGHT MANUFACTURING)
- GRADE: MEDIUM DENSITY RESIDENTIAL
  ZONE: R-2 (TWO FAMILY DWELLING)
- GRADE: HIGH DENSITY RESIDENTIAL
  ZONE: R-4 (MULTIPLE FAMILY DWELLING)

01159.0005/573338.1
PC Resolution for GPA 2013-01 Ariston Project Oct 15, 2019
Page 5 of 5
RESOLUTION NO. APC 2019-07

AN RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN UNCODIFIED ORDINANCE 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)

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

WHEREAS, the applicant, Onkar S. Bisla represented by Pinnacle Engineering, has requested zone district changes as follows: 32.89 acres along Sycamore Road from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the along the easterly side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling; and

WHEREAS, the applicant has incorporated 7 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, as well as a mitigated negative declaration (MND) for the project; 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 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 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

01159.0005/573339.1
PC Reso Recommending Council Adopt Ordinance for Zone Change 2013-01 (Ariston)
Page 1 of 6
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 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 applicant requested the City Council at the December 4, 2018 meeting to continue the public hearing off-calendar in order to meet with and representatives of Grimmway, an industrial operation adjacent to and directly north of the proposed project; and

WHEREAS, the applicant and representatives of Grimmway industrial agreed to modifications of the proposed zone designations and the applicant has requested minor modifications for consideration of the Planning Commission recommendation of August 14, 2018 by the City Council; and

WHEREAS, the City Clerk published the required public hearing notice in the Bakersfield Californian on June 13, 2019 for the City Council meeting of June 25, 2019 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 Planning Commission conducted a duly noticed public hearing on June 25, 2019, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Zone Change 2013-01; and

WHEREAS, the City Council on June 25, 2019 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 June 25, 2019, the City Council considered this matter consistent with the requirements of the law, and referred the matter back to the Planning Commission for recommendation

WHEREAS, approval of Zone Change 2013-01 is warranted given public necessity, convenience, general welfare, and good zoning practices; and
WHEREAS, the Planning Commission desires to recommend the City Council adopt Zone Change 2013-01, for the project contingent upon approval of a resolution adopting General Plan Amendment 2013-01.

NOW, THEREFORE, the Planning Commission of the City of Arvin does resolve as follows:

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

2. The Planning Commission 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 policies 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.

3. The Planning Commission recommends the City Council adopt 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, and amend 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 recommended Ordinance would establish a Zone Change from 32.89 acres along Sycamore Road from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the along the easterly side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling as shown on Exhibit A and described in Exhibits B, C, D, and E.
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 15th day of October 2019 by the following vote:

AYES: PC Martinez, PC Hinojosa, VC Rivera, Chair Tinoco

NOES: 

ABSTAIN: 

ABSENT: PC Moreno

ATTEST

CECILIA VELA, Secretary

CITY OF ARVIN

By: GERARDO TINOCO, Chair

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, ______________________________, 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.
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

EXHIBIT "B"  ZONE CHANGE
BEING A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 36, T.31S., R.29E., M.D.M., IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA

BASIS OF BEARINGS
THE BEARING OF N 88°46'14" W SHOWN FOR THE CENTERLINE OF SYCAMORE ROAD PER THE RECORD OF SURVEY RECORDED IN BOOK 23 PAGE 100 IN THE KERN COUNTY RECORDER'S OFFICE WAS USED AS THE BASIS OF BEARING FOR THIS MAP.

LEGEND
- PROJECT BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING MONUMENT AS DESCRIBED
- EXISTING A-1 ZONE
- EXISTING A-2 ZONE
- C-2 (GENERAL COMMERCIAL) 8.01 ACRES
- N-2 (LIGHT MANUFACTURING) 32.59 ACRES
- R-2 (TWO FAMILY DWELLING) 13.46 ACRES
- R-4 (MULTIPLE FAMILY DWELLING) 7.00 ACRES

Scale: 1" = 300'

01159.0005/573339.1
PC Reso Recommending Council Adopt Ordinance for Zone Change 2013-01 (Ariston)
Page 5 of 6
M-2 ZONE (LIGHT MANUFACTURING)
LAND USE – LIGHT INDUSTRIAL

BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SECTION 36, SAID POINT MARKED WITH A CHISLED “+” ON A STONE PER THE RECORD OF SURVEY BOOK 23, PAGE 100 AND BEING THE CENTERLINE INTERSECTION OF SYCAMORE ROAD AND TEJON HIGHWAY; THENCE SOUTH 89°49'14" EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 526.00 FEET; THENCE (1) CONTINUING ALONG SAID NORTH LINE SOUTH 89°49'14" EAST, A DISTANCE OF 2160.14 FEET TO AN ENCASED 2" IRON PIPE MARKED L.S. 1911 PER RECORD OF SURVEY BOOK 23, PAGE 100 MARKED AS NORTH QUARTER CORNER OF SECTION 36; THENCE (2) DEPARTING FROM SAID NORTH QUARTER CORNER SOUTH 0°02'45" EAST, 662.95 FEET ALONG THE MID SECTION LINE; THENCE (3) NORTH 89°49'23" WEST, 2161.61 FEET; THENCE (4) NORTH 0°04'52" EAST, 663.03 FEET TO THE POINT OF BEGINNING.

CONTAINS 32.89 ACRES MORE OR LESS

C-2 ZONE (COMMERCIAL)
LAND USE - GENERAL COMMERCIAL

BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SECTION 36, SAID POINT MARKED WITH A CHISLED “+” ON A STONE PER THE RECORD OF SURVEY BOOK 23, PAGE 100 AND BEING THE CENTERLINE INTERSECTION OF SYCAMORE ROAD AND TEJON HIGHWAY; THENCE (1) SOUTH 89°49'14" EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 526.00 FEET; THENCE (2) SOUTH 0°04'52" WEST, 663.03 FEET; THENCE (3) NORTH 89°49'23" WEST, 526.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION; THENCE (4) NORTH 0°04'52" EAST, 663.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING;

CONTAINS 8.01 ACRES MORE OR LESS

R-2 ZONE (TWO FAMILY DWELLING)
LAND USE – MEDIUM DENSITY RESIDENTIAL

BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 36, SAID POINT MARKED WITH A BRASS CAP MONUMENT MARKED L.S. 5972 PER TRACT MAP 6409 AND BEING ON THE CENTERLINE OF TEJON HIGHWAY; THENCE (1) SOUTH 89°49'31" EAST, 884.68 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36; THENCE (2) NORTH 0°01'04" WEST, 663.02 FEET; THENCE (3) NORTH 89°49'23" WEST, 883.94 FEET TO A POINT ON THE WEST LINE OF SECTION 36; THENCE (4) SOUTH 0°04'52" WEST, 663.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

CONTAINS 13.46 ACRES MORE OR LESS

R-4 ZONE (MULTIPLE FAMILY DWELLING)
LAND USE – HIGH DENSITY RESIDENTIAL

BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 36, SAID POINT MARKED WITH A BRASS CAP MONUMENT MARKED L.S. 5972 PER TRACT MAP 6409 AND BEING ON THE CENTERLINE OF TEJON HIGHWAY; THENCE SOUTH 89°49'31" EAST, 884.68 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36 TO THE POINT OF BEGINNING; THENCE (1) CONTINUING ALONG SAID SOUTH LINE SOUTH 89°49'31" EAST, 459.86 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36; THENCE (2) NORTH 0°01'04" EAST, 663.00 FEET; THENCE (3) NORTH 89°49'23" WEST, 459.86 FEET; THENCE (4) SOUTH 0°01'04" WEST, 663.02 FEET TO THE POINT OF BEGINNING.

CONTAINS 7.00 ACRES MORE OR LESS

01159.0005/573339.1
PC Reso Recommending Council Adopt Ordinance for Zone Change 2013-01 (Ariston)
Page 6 of 6
RESOLUTION NO. APC 2019-08


WHEREAS, in December 2013, applications were submitted by Onkar S. Bisla represented by Pinnacle Engineering for a General Plan Amendment and Zone Change, now referred to as GPA and ZC 2013-01 (Ariston Project).

WHEREAS, the applicant has requested 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 project is a General Plan Amendment to re-designate the site as Exhibit B. The requested designations include: 32.89 acres along Sycamore Road from Heavy Industrial and Light Industrial to Light Industrial and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from Heavy Industrial and Light Industrial to General Commercial and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the along the easterly side of Tejon Highway from Heavy Industrial and Light Industrial to Medium Density Residential and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from Heavy Industrial and Light Industrial to High Density Residential and rezoning of the area from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling.

WHEREAS, the project site is located is located south side of Sycamore Road, east of Tejon Highway and west of Malovich Road.

WHEREAS, the project application was submitted in 2013 and has been delayed due to various 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 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, the City has subsequently assessed the proposed revisions to the project; and

WHEREAS, the Planning Commission has conducted public hearings and has recommended approval of the applicant’s request of the associated general plan amendments and zone changes; and

WHEREAS, the Planning Commission desires to recommend the City Council adopt the Mitigated Negative Declaration and associated Mitigation Monitoring Reporting Program.

NOW, THEREFORE, the Planning Commission resolves as follows:

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

2. An environmental assessment was prepared by the City for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The Planning Commission finds that, with all applicable mitigation measures applied to the project, impacts have been reduced to less than significant, and the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects. In response to the to the public comments on the projects affect, the analysis has been updated to address the proposed modifications to the project to remove residential uses from along Sycamore, and the reduced project is even less impactful as compared to the original project. Although the project was updated, the new project revisions would not result in new, avoidable significant effects. The applicant has signed and has concurred with the mitigation measures and their implementation schedule. Therefore, based on the attached environmental assessment and the list of identified mitigation measures, the Planning Commission recommends the City Council find the project will not have a significant impact on the environment, adopt a Mitigated Negative Declaration for the project, and adopt a Mitigation Monitoring and Reporting Program for the project.

3. 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 15th day of October 2019 by the following vote:

AYES: PC Martinez, PC Hinojosa, VC Rivera, Chair Tinoco

NOES: 

ABSTAIN: 

ABSENT: PC Moreno

ATTEST

CITY OF ARVIN

By: ________________________________

GERARDO TINOCO, Chair

APPROVED AS TO FORM:

By: ________________________________

SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, ________________________________, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.
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 Program 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 1-20 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.

<table>
<thead>
<tr>
<th>Mitigation #1 Compliance with most current Uniform Building Codes</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future developers</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to issuance of a building permit</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>The most current UBC shall be applicable</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Building Inspector</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Review plans for conformance with the latest UBC</td>
</tr>
</tbody>
</table>
Mitigation #2

**Ground water recharge**

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for implementation</th>
<th>Future developers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation Timing</td>
<td>Preparation of Drainage and Grading Plans and Prior to issuance of a building permit for any phase of the project.</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>Soils analysis and design for the detention basin areas shall be based on the most current methodology.</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>City Engineer</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Verify conformity of report with current standards of the geo-technical profession</td>
</tr>
</tbody>
</table>

**TRAFFIC: Mitigation and Project’s Pro-Rata Share of Costs**

As discussed in the previous section, as a direct result of the addition of Project-generated traffic to Year 2035 estimated traffic, the intersection of Franklin Street and Derby Street will likely degrade to a LOS of less than “C”. However, based on the Modified Plan, the peak hour traffic signal warrant is not satisfied. In addition mitigation of this intersection improves to a Level of Service of “C” and better if intersection control was “upgraded” to a 4-way stop. Again, above and beyond the Traffic Impact Fee, the only obligation for the Project would be a pro-rata share of the cost of upgrading the intersection to a four-way stop.

**I. Project’s Pro-Rata Share of Mitigation:**

The Project’s pro-rata share of mitigation discussed in the previous section is the ration of Project-generated peak hour traffic (at the intersection of Franklin Street and Derby Street) to the total Year 2035 peak hour traffic at said intersection. The ratio is shown as follows:

\[
\text{Project’s Pro-Rata Share} = 15\%
\]

**II. Conclusions and Recommendations**

The original traffic study, and moreover this addendum have indicated that traffic from the Project can be successfully mitigated to be less-than-significant.
The Modified Plan, from which this addendum is based, produces roughly one-half of the peak hour trips than that of the Original Plan.

Although this addendum identified mitigation for the Franklin and Derby as an all-way stop, the City may not want this modification, in part because the east leg of the intersection is a private drive.
It is noted that the Project will be obligated to pay the City’s Traffic Impact Fee, which is already intended to mitigate normal growth in the City. Additionally, it is likely the Project will be required to improve the half-width of both Sycamore Avenue and Tejon Highway. Sycamore Road is badly degraded: pavement has “alligator cracking”, potholing, differential settlement, and needs complete reconstruction.

### Mitigation #3

**Traffic Mitigation**

A direct result of the addition of Project-generated traffic to Year 2035 estimated traffic, the intersection of Franklin Street and Derby Street will likely degrade to a LOS of less than “C”. However, based on the Modified Plan, the peak hour traffic signal warrant is not satisfied. In addition, mitigation of this intersection improves to a Level of Service of “C” and better if intersection control was “upgraded” to a 4-way stop. Again, above and beyond the Traffic Impact Fee, the only obligation for the Project would be a pro-rata share of the cost of upgrading the intersection to a four-way stop.

The Developer's provided an estimate of $4,350.00 for an all way stop at the intersection of Franklin Street and Tejon Highway in May 2019. 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 the applicant shall pay $4,350.00 for said all way stop.

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for implementation</th>
<th>Future Developer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation Timing</td>
<td>Prior to or concurrent with first phase of development</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>Payment of $4,350.00 for the all way stop at Franklin and Tejon Highway.</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and City Engineer</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Insure that the payment for the all way stop is received.</td>
</tr>
<tr>
<td>Mitigation #4</td>
<td>Traffic Mitigation</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>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.)</td>
<td></td>
</tr>
</tbody>
</table>

| 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 |

<table>
<thead>
<tr>
<th>Mitigation #5</th>
<th>Traffic Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\[
\frac{260 \text{ vph (Project-generated PH Traffic)}}{1,166 \text{ vph (Year 2035 Total PHV)}} = 22\%
\]
### Mitigation #6
#### Traffic Mitigation

- **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

- **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
<table>
<thead>
<tr>
<th>Action by Monitor</th>
<th>Require improvement plans, construction, and monitoring of infrastructure</th>
</tr>
</thead>
</table>

### Mitigation # 8

#### Sewer
- **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**
- **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.

<table>
<thead>
<tr>
<th>Implementation Timing</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Specifications</td>
<td>Compliance with the Arvin Community Services District infrastructure and improvements necessary to serve the project development</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and Arvin Community Services District</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Compliance with the Arvin Community Services District provide a will serve confirmation to the City of Arvin.</td>
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</tbody>
</table>

**Mitigation #10 Storm Drainage**

See Mitigation #2 Groundwater Recharge

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for implementation</th>
<th>Future Developers and City Engineer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storm Drainage Studies and Improvements</td>
<td>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.</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to or concurrent with future entitlements.</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>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.</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Development and City Engineer</td>
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<tr>
<td>---------------------------------------------</td>
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<tr>
<td>Action by Monitor</td>
<td>Require plans and construction of necessary impartmentments to serve the project.</td>
</tr>
</tbody>
</table>

**Mitigation # 11**  
**Seismic and Liquefaction**  
See Mitigation Measure #1

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for implementation</th>
<th>Future Development and City Building Official</th>
</tr>
</thead>
</table>
| 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. |

<table>
<thead>
<tr>
<th>Implementation Timing</th>
<th>Plan Check Review and Prior to Issuance of Building Permit</th>
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</thead>
<tbody>
<tr>
<td>Mitigation Specifications</td>
<td>The most current UBC shall be applicable</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Development and City Building Official</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for Monitoring</th>
<th>Future Development and City Engineer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action by Monitor</td>
<td>Require plans and construction of necessary impartmentments to serve the project.</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Review plans for conformance with the latest UBC</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Mitigation #12</td>
<td>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.</td>
</tr>
<tr>
<td>Flooding</td>
<td>Future Developer and City Engineer</td>
</tr>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>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”.</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>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.</td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>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.</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and City Engineer</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>City Engineer to verify compliance with Title 16.32 Flood Management</td>
</tr>
</tbody>
</table>
Mitigation #13  
**Cultural Resources – Historical Resources**

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for implementation</th>
<th>Future Developer</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject</strong></td>
<td>Investigation of site for cultural and historical resources</td>
</tr>
<tr>
<td><strong>Implementation Timing</strong></td>
<td>Prior to ground disturbance</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for Monitoring</th>
<th>Future Developer, City Engineer, and Community Development Department Director</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action by Monitor</strong></td>
<td>Require Field Investigation and verify findings and if action warranted implement Section 15064.5 of the CEQA Guidelines</td>
</tr>
</tbody>
</table>

Mitigation #14  
**Human Remains**

<table>
<thead>
<tr>
<th>Agency/Individual Responsible for implementation</th>
<th>Future Developer</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject</strong></td>
<td>Investigation of site for cultural and historical resources</td>
</tr>
<tr>
<td><strong>Implementation Timing</strong></td>
<td>Prior to ground disturbance</td>
</tr>
</tbody>
</table>

**Mitigation Specifications**
Should any human remains be discovered during grading and/or 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).

<table>
<thead>
<tr>
<th>Agency/Individual</th>
<th>Future Developer, City Engineer, and Community Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible for Monitoring</td>
<td>Department Director</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Should human remains be found – Building Official shall stop all construction within 100 feet of the find.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mitigation #15</th>
<th>Public Services</th>
<th>Prepare study and create Community Services District to fund future infrastructure and service, which may include staffing, and long term maintenance of infra-structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future Developer</td>
<td></td>
</tr>
<tr>
<td>Subject</td>
<td>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-Roo 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</td>
<td></td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>To be established at the applicants’ expense prior to or concurrent with any future development entitlement</td>
<td></td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>Establish funding program for the implementation of Community Services District which is to include construction of infrastructure, maintenance, and staffing</td>
<td></td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future developer and Community Development Director, City Engineer, Finance Director, and City Manager</td>
<td></td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Require completion of studies, establishment of financing, and monitoring of Community Services District or equivalent program.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mitigation #16</th>
<th>Recreation</th>
<th>Require additional parks and recreational facilities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future Developer</td>
<td></td>
</tr>
<tr>
<td>Subject</td>
<td>Development of Park and Recreational Facilities and/or payment of Park Development Fees per City Council</td>
<td></td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to or concurrent with future entitlements and development</td>
<td></td>
</tr>
<tr>
<td>Mitigation Specifications</td>
<td>Dedication of lands for park purposes or payment of Park Fees per City Council resolution.</td>
<td></td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Development and Community Development Director</td>
<td></td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>Prior to future entitlements provide for Park and Recreational Facilities per City Ordinance and Policies.</td>
<td></td>
</tr>
<tr>
<td>Mitigation #17</td>
<td>Transportation—Bus Services</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Agency/Individual Responsible for implementation</strong></td>
<td>Future Developer</td>
<td></td>
</tr>
<tr>
<td><strong>Subject</strong></td>
<td>Transit stops and infrastructure improvements</td>
<td></td>
</tr>
<tr>
<td><strong>Implementation Timing</strong></td>
<td>Prior to or concurrent to future development</td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation Specifications</strong></td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mitigation #18</th>
<th>Traffic/Noise Design Criteria Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agency/Individual Responsible for implementation</strong></td>
<td>Future Developer</td>
</tr>
<tr>
<td><strong>Implementation Timing</strong></td>
<td>Prior to or concurrent with first phase of industrial development adjacent to residential zoned lands.</td>
</tr>
<tr>
<td><strong>Design Criteria Lessens Conflict between Residential Development and</strong></td>
<td>Lessens the potential land use conflict between the proposed residential and industrial development</td>
</tr>
<tr>
<td><strong>Agency/Individual Responsible for Monitoring</strong></td>
<td>Future Developer and City Engineer and City Planner</td>
</tr>
<tr>
<td><strong>Action by Monitor</strong></td>
<td>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.</td>
</tr>
<tr>
<td>Mitigation #19</td>
<td>Traffic/Noise Design Criteria Mitigation</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Require disclosure to and acknowledgment from future residents that purchase residential dwellings adjacent to the proposed industrial development.</td>
</tr>
<tr>
<td>Agency/Individual Responsible for implementation</td>
<td>Future Developer</td>
</tr>
<tr>
<td>Implementation Timing</td>
<td>Prior to or concurrent with first phase of residential development</td>
</tr>
<tr>
<td>Design Criteria Lessens Conflict between Residential Development and Existing Industrial Operations</td>
<td>Discloses existing industrial operations and heavy truck traffic exists - Lessens the potential land use conflict between the adjacent and existing industrial operations.</td>
</tr>
<tr>
<td>Agency/Individual Responsible for Monitoring</td>
<td>Future Developer and City Engineer and City Planner</td>
</tr>
<tr>
<td>Action by Monitor</td>
<td>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</td>
</tr>
</tbody>
</table>
EXHIBIT B - 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
Addendum for Traffic Study
at the Southeast Corner of Sycamore Road and Tejon Highway, Arvin, California

May 1, 2019

Project No. 10-457

Submitted by:
Matthew K. VoVilla, R.C.E. 43130

LAV//Pinnacle Engineering
12418 Rosedale Highway, Suite A
Bakersfield, CA 93312
(661) 869-0184
Addendum for Traffic Impact Study at the Southeast Corner of Sycamore Avenue and Tejon Highway, Arvin, California, May 1, 2019

Table of Contents
I. Introduction ...............................................................................................................................1
II. Purpose of Addendum ..............................................................................................................1
III. Background ..............................................................................................................................1
IV. Modified Land Use Plan .........................................................................................................1
V. Trip Generation – Original Plan vs. Modified Plan ..............................................................2
VI. Traffic Analysis .......................................................................................................................4
VII. Traffic Assignment .................................................................................................................4
VIII. Level of Service Calculations ............................................................................................5
IX. Mitigation and Project’s Pro-Rata Share of Costs ...............................................................8
X. Project’s Pro-Rata Share of Mitigation ..................................................................................8
XI. Conclusions and Recommendations .....................................................................................8

List of Tables:

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Project Trip Generation (Original)</td>
</tr>
<tr>
<td>1A</td>
<td>Project Trip Generation (Grimmway Plan)</td>
</tr>
<tr>
<td>5A</td>
<td>Intersection Level of Service (Grimmway Plan)</td>
</tr>
<tr>
<td>7A</td>
<td>Peak Hour Warrant Analysis (Grimmway Plan)</td>
</tr>
</tbody>
</table>

Appendix “A” Exhibit and Figures:

Exhibit “A” – Proposed Land Use & Zoning (Original)

Exhibit “B” – Proposed Land Use & Zoning (Grimmway Plan) dated 4-23-19

Figure 3: Year 2015 Existing P.M. Peak Hour Volumes & Turning Movements

Figure 6: Total Project Generated Traffic – Evening Peak Hour (All Land Uses)

Figure 7: Year 2015 Existing P.M. Peak Hour Volumes & Turning Movements Plus Project Generated Traffic

Figure 8: Year 2035 Projected P.M. Peak Hour Volumes & Turning Movements

Figure 9: Year 2035 Projected P.M. Peak Hour Volumes & Turning Movements Plus Project Generated Traffic
I. Introduction

This report is an addendum to the Traffic Impact Study prepared for a 62-acre mixed use development in the City of Arvin located at the southeast corner of Sycamore Avenue and Tejon Highway. The original Traffic Impact Study (TIS) for the Project was prepared as a component of the environmental document to satisfy the California Environmental Quality Act (CEQA). Since this report is considered an addendum to the original TIS, a thorough description of the Project, proposed land use and zoning, its surrounding vicinity, and existing street network in the City of Arvin are not repeated herein. This information can be obtained from the original TIS.

II. Purpose of Addendum

A modification of the Project’s proposed Land Use and Zoning (the Modified Plan), has been prepared to appease objection to the Project by an adjacent landowner. Although the Modified Plan is considered an environmentally less intense land use, an addendum to the TIS was recommended by the City Planning Department to quantify any change in both traffic impact and needed mitigation resulting from said Modified Plan.

III. Background

Exhibit “A” herein shows the Land Use and Zoning proposed as part of the Original Project. It is noted that the Project’s environmental document was circulated and ultimately found satisfactory by the City of Arvin’s Planning Department. The City’s Planning Department indicated support for the Project and prepared a resolution for the Arvin City Council to approve and adopt a Mitigated Negative Declaration for the Project, including an Amendment of the General Plan, and a Zone Change. Amid objections from an adjacent ag-industrial operation, the City’s Planning Commission unanimously voted for approval of the Project on December 4, 2018. Due to continued objections from an adjacent landowner, the Project was “pulled” from the Agenda of the first of two scheduled City Council Hearings. Since that time, a compromise or modified land use plan (Modified Plan) has been prepared that appears to be satisfactory to the Project Owner and the adjacent property owner (who had submitted objections to the Project). As demonstrated herein, the Modified Plan has a less intense traffic impact impact than the Original Plan.

IV. Modified Land Use Plan

The original land use plan, to include proposed amendments to the City’s General Plan and proposed Zone Changes, is shown herein as Exhibit “B”. The modified Plan is shown herein as Exhibit “B” dated 4-23-19.

To appease objections to the Project, the Modified Plan was prepared to remove any residential land use fronting Sycamore Road. The Modified Plan proposes only Industrial and Commercial Land fronting Sycamore Avenue.
V. Trip Generation – Original Plan vs. Modified Plan

The following Tables 1 and 1A provide Trip Generation Calculations for both the Original Plan and Modified Plan.
### Table 1: Trip Generation for 62-Acre GPA/ZC at Sycamore Road and Tejon Highway, Arvin, California

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Proposed Land Use</th>
<th>ITE Code</th>
<th>Gross Acreage</th>
<th>Gross Leasable Floor Area (1K S.F.)</th>
<th>Dwelling Units</th>
<th>Trip Rate</th>
<th>Veh Trips (vpd)</th>
<th>A.M. Peak Hour Trips</th>
<th>P.M. Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

#### Commercial - Land Uses

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Proposed Land Use</th>
<th>ITE Code</th>
<th>Gross Acreage</th>
<th>Gross Leasable Floor Area (1K S.F.)</th>
<th>Dwelling Units</th>
<th>Trip Rate</th>
<th>Veh Trips (vpd)</th>
<th>A.M. Peak Hour Trips</th>
<th>P.M. Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>C-1 (Commercial)</td>
<td>820</td>
<td>21.32</td>
<td>174</td>
<td>N/A</td>
<td>42.70</td>
<td>7,435</td>
<td>0.96 167</td>
<td>104 63</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**5% Reduction for "Capture" - All Land Uses:**

\[
\text{Reduction} = (372) \text{ Veh}
\]

**15% Reductions for "Pass-By" - Commercial Only:**

\[
\begin{align*}
\text{Reduction} & = (1,115) \\
\text{Reduction} & = (1,115) \\
\end{align*}
\]

**Subtotal - Commercial:**

\[
5,948
\]

#### Residential Land Uses

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Proposed Land Use</th>
<th>ITE Code</th>
<th>Gross Acreage</th>
<th>Gross Leasable Floor Area (1K S.F.)</th>
<th>Dwelling Units</th>
<th>Trip Rate</th>
<th>Veh Trips (vpd)</th>
<th>A.M. Peak Hour Trips</th>
<th>P.M. Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>R-2 (Multi-Family Apartments)</td>
<td>220</td>
<td>27.17</td>
<td>N/A</td>
<td>285</td>
<td>6.65</td>
<td>1,897</td>
<td>0.51 145</td>
<td>29 116</td>
</tr>
<tr>
<td>3</td>
<td>R-2 (Detached Single Family Homes)</td>
<td>210</td>
<td>13.13</td>
<td>N/A</td>
<td>98</td>
<td>9.52</td>
<td>937</td>
<td>0.75 74</td>
<td>19 55</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Gross Acreage:**

\[
61.62
\]

**5% Reduction for "Capture" - All Land Uses:**

\[
\text{Reduction} = (142) \text{ Veh}
\]

**Subtotal - Residential:**

\[
2,692
\]

**Subtotal - All Land Uses:**

\[
8,640
\]

### Table 1A: Trip Generation for Revised Land Use & Zoning Plan (Grimmway Plan)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Proposed Land Use</th>
<th>ITE Code</th>
<th>Gross Acreage</th>
<th>Gross Leasable Floor Area (1K S.F.)</th>
<th>Dwelling Units</th>
<th>Trip Rate</th>
<th>Veh Trips (vpd)</th>
<th>A.M. Peak Hour Trips</th>
<th>P.M. Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>C-1 (Commercial)</td>
<td>820</td>
<td>8.01</td>
<td>65</td>
<td>N/A</td>
<td>42.70</td>
<td>2,794</td>
<td>0.96 62</td>
<td>38 24</td>
</tr>
<tr>
<td>2</td>
<td>M-3 Heavy Industrial</td>
<td>120</td>
<td>32.89</td>
<td>N/A</td>
<td>N/A</td>
<td>6.75</td>
<td>222</td>
<td>1.98 65</td>
<td>52 13</td>
</tr>
<tr>
<td>3</td>
<td>R-2 (Multi-Family)</td>
<td>220</td>
<td>13.46</td>
<td>N/A</td>
<td>141</td>
<td>6.65</td>
<td>940</td>
<td>0.51 72</td>
<td>14 58</td>
</tr>
<tr>
<td>4</td>
<td>R-4 (Multi-Family Apartments)</td>
<td>223</td>
<td>7.00</td>
<td>N/A</td>
<td>126</td>
<td>0.44</td>
<td>55</td>
<td>0.3 38</td>
<td>12 26</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Gross Acreage:**

\[
61.36
\]

**5% Reduction for "Capture" - All Land Uses:**

\[
\text{Reduction} = (201) \text{ Veh}
\]

**Subtotal - All Land Uses:**

\[
4,011
\]

**Subtotal - All Land Uses:**

\[
3,810
\]
As indicated above, the Modified Plan results in a 56% decrease in Project-generated Average Daily Traffic; and 45% decrease in Project-generated evening peak hour traffic.

VI. Traffic Analysis

The TIS for the Original Plan identified and recommended mitigation for a number of facilities in the City that would be needed by the year 2035, if anticipated growth was realized. As discussed in the original study, the Project’s obligation for mitigation is warranted if Project-generated traffic causes a facility to fall below a Level of Service “C” either under present or anticipated future traffic conditions. In the case of this TIS, future traffic was estimated for the Year 2035. If a facility, under future traffic loads, degrades to a LOS of less than “C”, and the addition of Project traffic doesn’t degrade the LOS further, the Project then has no obligation to fund mitigation (above and beyond payment of the City’s published traffic impact fee).

The TIS for the Original Project identified only one intersection where mitigation was needed as a result of traffic generated by the Project: the intersection of Franklin Street and Derby Street. All other identified mitigation by the original study was needed without the addition of Project traffic. These facilities were not degraded further by the addition of Project-generated traffic.

VII. Traffic Assignment

As indicated in Section V the Modified Plan generates 45% less trips during the evening peak hour than the Original Plan. Given the decrease in trips, it is evident that no additional mitigation beyond that identified by the original TIS would be warranted by the Modified Plan. Again, it is noted that the original TIS only identified mitigation for the intersection of Franklin Street and Derby Street as the only obligation of the Project (again, referring to mitigation above and beyond payment of the City’s Traffic Impact Fee). The original TIS identified installation of a traffic signal as appropriate mitigation for said intersection, with Project’s funding obligation as a pro-rata share of the total cost. The Project’s pro-rata share of the cost of said mitigation was computed in the original TIS as a ratio of Project-generated traffic to the total future traffic during the Year 2035.

Again, given the decrease in Project-generated trips from the Modified Plan, it was assumed that there would be no additional mitigation required other than to the intersection of Franklin and Derby Street. To determine any obligation of the Project’s for funding mitigation, (based on the Modified Plan), Project-generated trips were assigned to the intersection of Franklin Street and Derby Street in the same percentage as the Original TIS. Given the Modified Plan’s decrease in overall trips from the Original Plan, the quantity of trips assigned to the intersection of Franklin Street and Derby Street was substantially less than the Original TIS. As discussed in the following sections, a decrease in Project-generated trips resulted in lesser mitigation, and a lesser pro-rata share of those costs assigned or obligated to the Project.
VIII. Level of Service Calculations

Using Project-generated trips from the Modified Plan, new LOS calculations were prepared for the intersection of Franklin Street and Derby Street. As with the original TIS, the LOS calculations for the Modified Plan indicated that the addition of Project-generated traffic did cause degradation of the LOS at intersection of Franklin and Derby Street. As shown in the following Table 5A, the addition of Project-generated traffic to the intersection of Franklin Street and Derby Street caused the westbound left, right, and thru movements to degrade from an A to a D under Year 2035 conditions.

Potential mitigation for this intersection included changing the intersection from a two-way stop to a four-way stop, or installation of a traffic signal. However, a couple of points that are worth noting when considering mitigation for this intersection: 1) The east leg of the intersection is a private drive, although it was counted and modeled in the analysis as the east leg; and 2) Given the total estimated traffic during Year 2035, including Project-generated traffic, the intersection does not satisfy the Peak Hour Signal Warrant. The Peak Hour Signal Warrant provides thresholds of intersection traffic volume, above which, warrant installation of a traffic signal. Again, under the Modified Plan, these warrant threshold were not exceeded, meaning installation of a traffic signal may not be needed. However, given the findings and recommendation of the Original TIS, the resultant LOS with signalization as mitigation was nevertheless analyzed. In addition to the signal, an All-way stop was also analyzed as potential mitigation. As shown in Table 5A, installation of a traffic signal would improve the future LOS to an “A” overall. Changing the intersection control to an All-Way stop would also improve the future LOS to a “C”.

It is noted that the nexus study for the City of Arvin’s traffic impact fee indicates it is intended to generate funding for installation of several traffic signal, but does not indicate which intersection are to receive said improvements.
Addendum for Traffic Impact Study for at the Southeast Corner of Sycamore Road and Tejon Highway, City of Arvin, May 1, 2019

### TABLE 5A: Intersection Level of Service (LOS) - Revised Land Use & Zoning Plan (Grimmway Plan)

<table>
<thead>
<tr>
<th>No.</th>
<th>Intersection</th>
<th>Time Period</th>
<th>Control</th>
<th>Northbound</th>
<th>Southbound</th>
<th>Eastbound</th>
<th>Westbound</th>
<th>Comp</th>
<th>Highest Ave. Delay (sec/veh)</th>
<th>Peak Hour Warrant Met (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>Franklin St. &amp; Derby-Tejon</td>
<td>Year 2015 P.M. Existing</td>
<td>2W A A A</td>
<td>A A A</td>
<td>B B B</td>
<td>A A A</td>
<td>B B B</td>
<td>10.7</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 2015 P.M. with Project</td>
<td>2W A A A</td>
<td>A A A</td>
<td>B B B</td>
<td>B B B</td>
<td>B B B</td>
<td>15.0</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 2035 P.M. without Project</td>
<td>2W A A A</td>
<td>A A A</td>
<td>C C C</td>
<td>A A A</td>
<td>B B B</td>
<td>17.6</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 2035 P.M. with Project</td>
<td>2W A A A</td>
<td>A A A</td>
<td>C C C</td>
<td>D D D</td>
<td>D D D</td>
<td>32.8</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 2035 P.M. with Project - Mitigated to add Add'td Thru &amp; Turn Lanes</td>
<td>2W A A A</td>
<td>A A A</td>
<td>C C B</td>
<td>C C A</td>
<td>C C C</td>
<td>22.6</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 2035 P.M. with Project - Mitigated to add 4W Stop, no signal</td>
<td>4W A C C</td>
<td>C C A</td>
<td>B B B</td>
<td>B B B</td>
<td>B B B</td>
<td>20.1</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 2035 P.M. with Project - Mitigated to add Signal</td>
<td>S A A A</td>
<td>A A A</td>
<td>D D D</td>
<td>E E E</td>
<td>A A A</td>
<td>9.4</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
Table 7A: Peak Hour Warrant Analysis - Revised Land Use and Zoning Plan (Grimmway Plan)

<table>
<thead>
<tr>
<th>No.</th>
<th>Existing Non-Signalized Intersection</th>
<th>Year 2015 Existing PM Volumes (Figure 3)</th>
<th>Year 2015 Existing PM Volumes Plus Project (Figure 7)</th>
<th>Year 2035 PM Volumes (Figure 8)</th>
<th>Year 2035 PM Volumes Plus Project (Figure 9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>Franklin St. &amp; Derby-Tejon Hwy.</td>
<td>28</td>
<td>397</td>
<td>N</td>
<td>61</td>
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Addendum for Traffic Impact Study for at the Southeast Corner of Sycamore Road and Tejon Highway, City of Arvin, May 1, 2019
IX. Mitigation and Project’s Pro-Rata Share of Costs

As discussed in the previous section, as a direct result of the addition of Project-generated traffic to Year 2035 estimated traffic, the intersection of Franklin Street and Derby Street will likely degrade to a LOS of less than “C”. However, based on the Modified Plan, the peak hour traffic signal warrant is not satisfied. In addition mitigation of this intersection improves to a Level of Service of “C” and better if intersection control was “upgraded” to a 4-way stop. Again, above and beyond the Traffic Impact Fee, the only obligation for the Project would be a pro-rata share of the cost of upgrading the intersection to a four-way stop.

X. Project’s Pro-Rata Share of Mitigation:

The Project’s pro-rata share of mitigation discussed in the previous section is the ration of Project-generated peak hour traffic (at the intersection of Franklin Street and Derby Street) to the total Year 2035 peak hour traffic at said intersection. The ratio is shown as follows:

\[
\text{Project’s Pro-Rata Share} = 15\%
\]

XI. Conclusions and Recommendations

The original traffic study, and moreover this addendum have indicated that traffic from the Project can be successfully mitigated to be less-than-significant.

The Modified Plan, from which this addendum is based, produces roughly one-half of the peak hour trips than that of the Original Plan.

Although this addendum identified mitigation for the Franklin and Derby as an all-way stop, the City may not want this modification, in part because the east leg of the intersection is a private drive.

Finally it is noted that the Project will be obligated to pay the City’s Traffic Impact Fee, which is already intended to mitigate normal growth in the City. Additionally, it is likely the Project will be required to improve the half-width of both Sycamore Avenue and Tejon Highway. Sycamore Road is badly degraded: pavement has “alligator cracking”, potholing, differential settlement, and needs complete reconstruction.
APPENDIX “A”

EXHIBITS AND FIGURES
6.B.9

ADDENDUM: EXHIBIT "A" - PROPOSED LAND USE PLAN (ORIGINAL PROJECT)

NOTES:

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

LEGEND

- C-1 (COMMERCIAL)
- R-2 (DETACHED HOMES)
- R-2 (MULTI-FAMILY APARTMENTS)

0 400 FT 800 FT

Attachment: 9-Addendum for Traffic Impact Study - Bista Project 5-1-19 (Ariston GPA/ZC/MND)
EXHIBIT "B"

ZONE CHANGE - MODIFIED ZONING

BEING A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4
OF SECTION 36, T.31S., R.29E., M.D.M., IN THE CITY OF ARVIN,
COUNTY OF KERN, STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BEARING OF N 89°49'14" W SHOWN FOR THE CENTERLINE OF SYCAMORE ROAD PER THE RECORD OF
SURVEY RECORDED IN BOOK 23 PAGE 100 IN THE KERN COUNTY RECORDER'S OFFICE WAS USED AS THE
BASIS OF BEARING FOR THIS MAP.

LEGEND

PROJECT BOUNDARY
EXISTING RIGHT OF WAY
EXISTING MONUMENT AS DESCRIBED
C-2 (GENERAL COMMERCIAL)
Zones as shown
M-2 (LIGHT MANUFACTURING)
3.49 ACRES
R-2 (TWO FAMILY DWELLING)
5.45 ACRES
R-4 (MULTIPLE FAMILY DWELLING)
7.89 ACRES

PROPOSED GPA & ZONE CHANGE
NW 1/4 SEC. 36 T.31 S. R.29 E.
TEJON HWY. & SYCAMORE RD.
ARVIN, CALIFORNIA

LAV

Pinnacle Engineering
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184     Fax: (661) 885-4155

ENGINEERING
●       PLANNING
       ● SURVEYING

Attachment: 9/Addendum for Traffic Impact Study - Bisla Project 5-19 (Ariston GPA/ZC/MND)
EXHIBIT "B"
GENERAL PLAN AMENDMENT - MODIFIED LAND USE

BEING A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4
OF SECTION 36, T.31 S., R.29 E., M.D.M., IN THE CITY OF ARVIN,
COUNTY OF KERN, STATE OF CALIFORNIA

THE BEARING OF N 89°49'14" W SHOWN FOR THE
CENTERLINE OF SYCAMORE ROAD PER THE RECORD OF SURVEY RECORDED IN BOOK 23 PAGE 100 IN THE
KERN COUNTY RECORDER'S OFFICE WAS USED AS THE
BASIS OF BEARING FOR THIS MAP.

EXHIBIT "B"
ADDENDUM: FIGURE 6
PROJECT GENERATED TRAFFIC - EVENING PEAK HOUR  
(MODIFIED LAND USES)

LEGEND:
- EXISTING ARTERIAL STREET
- EXISTING COLLECTOR STREET
- SEGMENT VOLUME - P.M. PEAK HOUR
- P.M. INTERSECTION TURNING MOVEMENTS

PROJECT SITE
ADDENDUM: FIGURE 7
YEAR 2015 P.M. PEAK HOUR VOLUMES & TURNING MOVEMENTS PLUS PROJECT GENERATED TRAFFIC (MODIFIED LAND USES)

LEGEND:

- EXISTING ARTERIAL STREET
- EXISTING COLLECTOR STREET
- SEGMENT VOLUME - P.M. PEAK HOUR
- P.M. INTERSECTION TURNING MOVEMENTS

PROJECT SITE

BEAR MOUNTAIN BLVD.
SOUTH HILL STREET
FRANKLIN STREET
MAY STREET
SYCAMORE ROAD
MALOWICH ROAD

LAV
Pinnacle Engineering
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184 Fax: (661) 885-4155

JOB No.: 10-457 DWG No.: TIS EXHIBIT DATE: 5/1/2019

Attachment: 9-Addendum for Traffic Impact Study - Bisla Project 5-1-19 (Ariston GPA/ZC/MND)
ADDENDUM: FIGURE 8
YEAR 2035 P.M. PEAK HOUR VOLUMES & TURNING MOVEMENTS
(MODIFIED LAND USES)

LEGEND:

EXISTING ARTERIAL STREET
EXISTING COLLECTOR STREET
SEGMENT VOLUME - P.M. PEAK HOUR
P.M. INTERSECTION TURNING MOVEMENTS

PROJECT SITE

BEAR MOUNTAIN BLVD.
SOUTH HILL STREET
FRANKLIN STREET
MEYER STREET
SYCAMORE ROAD
MALOWICH ROAD

0 1/4 Mi 1/2 Mi

12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184  Fax: (661) 885-4155

LAV// Pinnacle Engineering
ENGINEERING  •  PLANNING  •  SURVEYING

JOB No.: 10-457  DWG No.: TIS EXHIBIT  DATE: 5/1/2019

Attachment: 9-Addendum for Traffic Impact Study - Bisia Project 5-1-19 (Arison GPA/ZC/MND)