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NEGATIVE DECLARATION

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

PROJECT NO. (or Title): General Plan Amendment/Zone Change 18-0366

COMMENT PERIOD BEGINS: May 7, 2019

COMMENT PERIOD ENDS: June 6, 2019

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

Air Quality Impact Mitigation Measures:

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

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

Biological Resources Impact Mitigation Measures:

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

Cultural Resources Impact Mitigation Measures:

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

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

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

Greenhouse Gas Emissions Mitigation Measures:

7. Prior to the issuance of building permits, the applicant/developer shall provide quantitative proof to the Planning Division of the use of design measures and/or compliance with standards to reduce the project's operational GHG emissions by 29% below 2005 business-as-usual emissions. Regulation and policy that would result in the reduction of GHG emissions in new residential and commercial developments include, but are not limited to, Title 24 efficiency standards, Title 20 appliance energy efficiency standards, 2005 building energy efficiency standards, and SJVAPCD air quality guidelines and rules.

Traffic Impact Mitigation Measures:

8. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program as well as payment of Local Mitigation towards 4.93% of the cost of a signal at the Cottonwood Road/Watts Drive intersection.

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

INITIAL STUDY
ENVIRONMENTAL ANALYSIS

1. **Project Title:** General Plan Amendment/Zone Change 18-0366

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

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

4. **Project Location:** Located generally on the northwest corner of the Cottonwood Road/East Planz Road intersection

5. **Project Sponsor's Name and Address:** Gilmar Construction, Inc.
   Attn: Gilbert Wong
   608 Davies Court
   Bakersfield, CA 93309

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

7. **Zoning:** R-2 (Limited Multiple Family Dwelling)

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

Gilmar Construction, Inc. representing Ali Alnajar (property owner), is proposing a General Plan Amendment/Zone Change (GPA/ZC) on 0.66 gross acres located generally on the northwest corner of the Cottonwood Road/East Planz Road intersection. The request includes: (1) an amendment of the Land Use Element of the *Metropolitan Bakersfield General Plan* (MBGP) land use designation from LMR (Low Medium Density Residential) to GC (General Commercial), or a more restrictive designation, and (2) a change in zone classification from R-2 (Limited Multiple Family Dwelling) to C-2 (Regional Commercial), or a more restrictive district.

The project changes the land use designation and zone district on approximately one-half the acreage of Assessor's Parcel Number (APN) 170-200-15 (3151 Cottonwood Road). This parcel is currently "split" in its MBGP land use designation and zone district where the western portion of the parcel is designated LMR (Low Medium Density Residential) by the MBGP and zoned R-2 (Limited Multiple Family Dwelling), and the eastern portion is designated GC and zoned C-2. This proposed GPA/ZC would correct the split zoning and MBGP designation on APN 170-200-15 to make the land use designation and zone district for the entire parcel GC and C-2, respectively.

If this GPA/ZC were approved, the property owner proposes to develop a one-story gas station with convenience store and quick service restaurant on the entirely of APN 170-200-15, which is a total of 1.05 gross acres in size and includes the 0.66 acres proposed in this GPA/ZC request. The building heights would be a maximum of about 27 feet, and the gross square footage area of the buildings would be 2,784 square feet (sf).

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

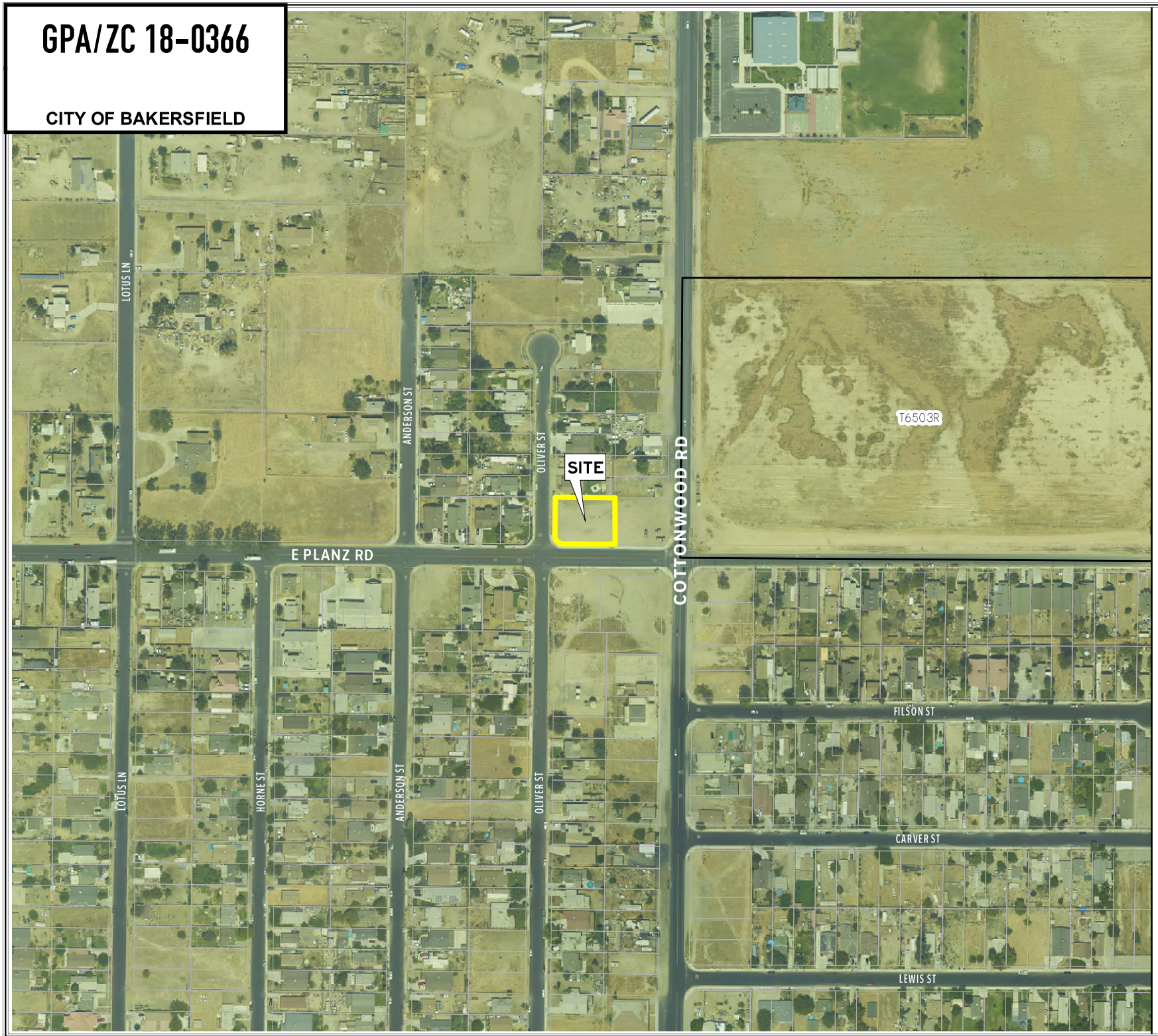
The project site consists of a vacant parcel of land. To the north of, and adjacent to, the site is the Arvin-Edison Canal, and further north are existing single-family and multiple-family residential as well as commercial uses. To the east are existing single-family residential uses. To the south of, and adjacent to, the site is vacant land, and further to the south are existing single-family residential as well as industrial, and agriculture uses. To west are existing single-family and multiple-family residential uses. Valle Verde Elementary School is located a little over 500 feet to the west of the project site.

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

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

GPA/ZC 18-0366

CITY OF BAKERSFIELD



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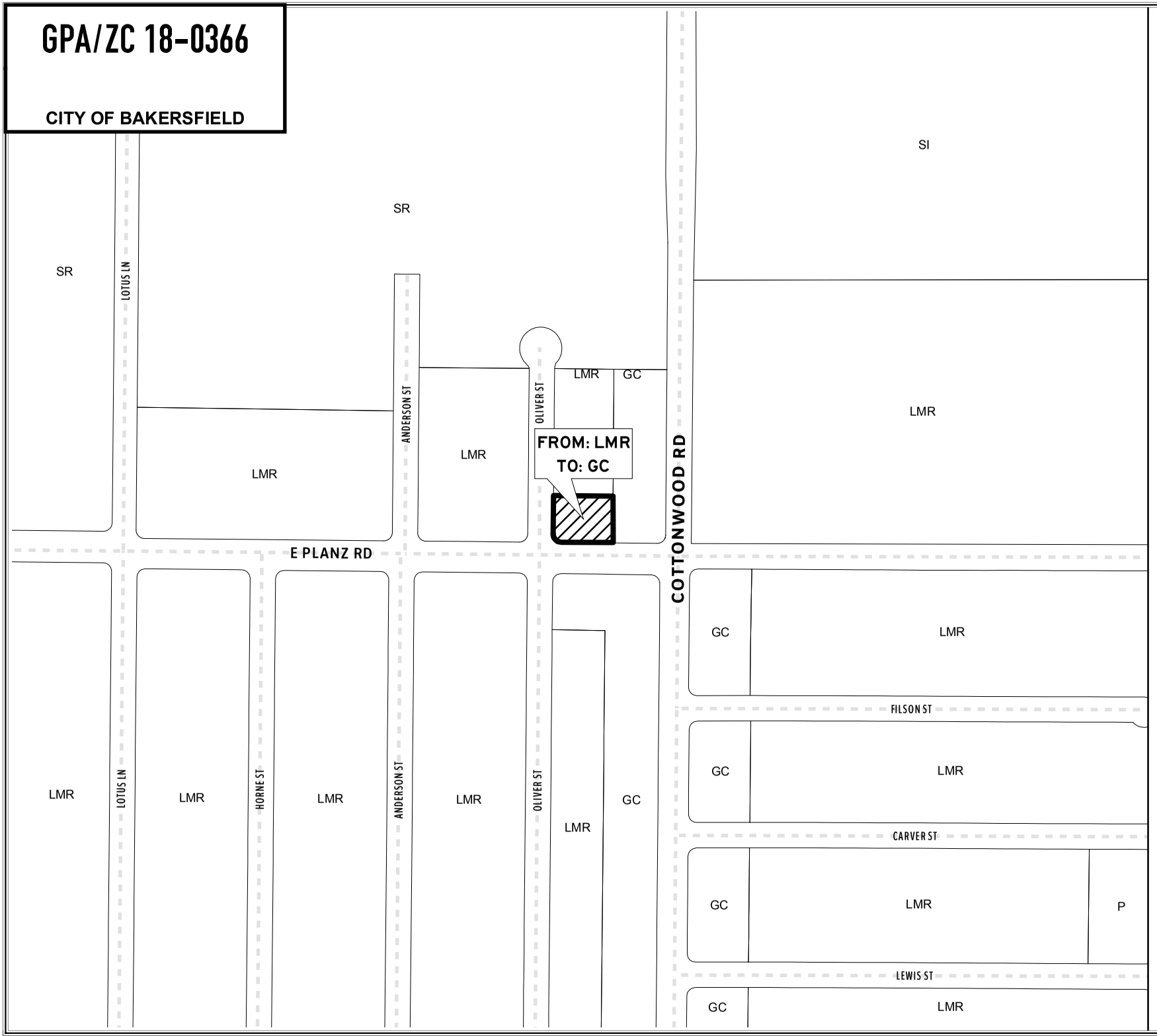

LEGEND (GENERAL PLAN LAND USE)

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

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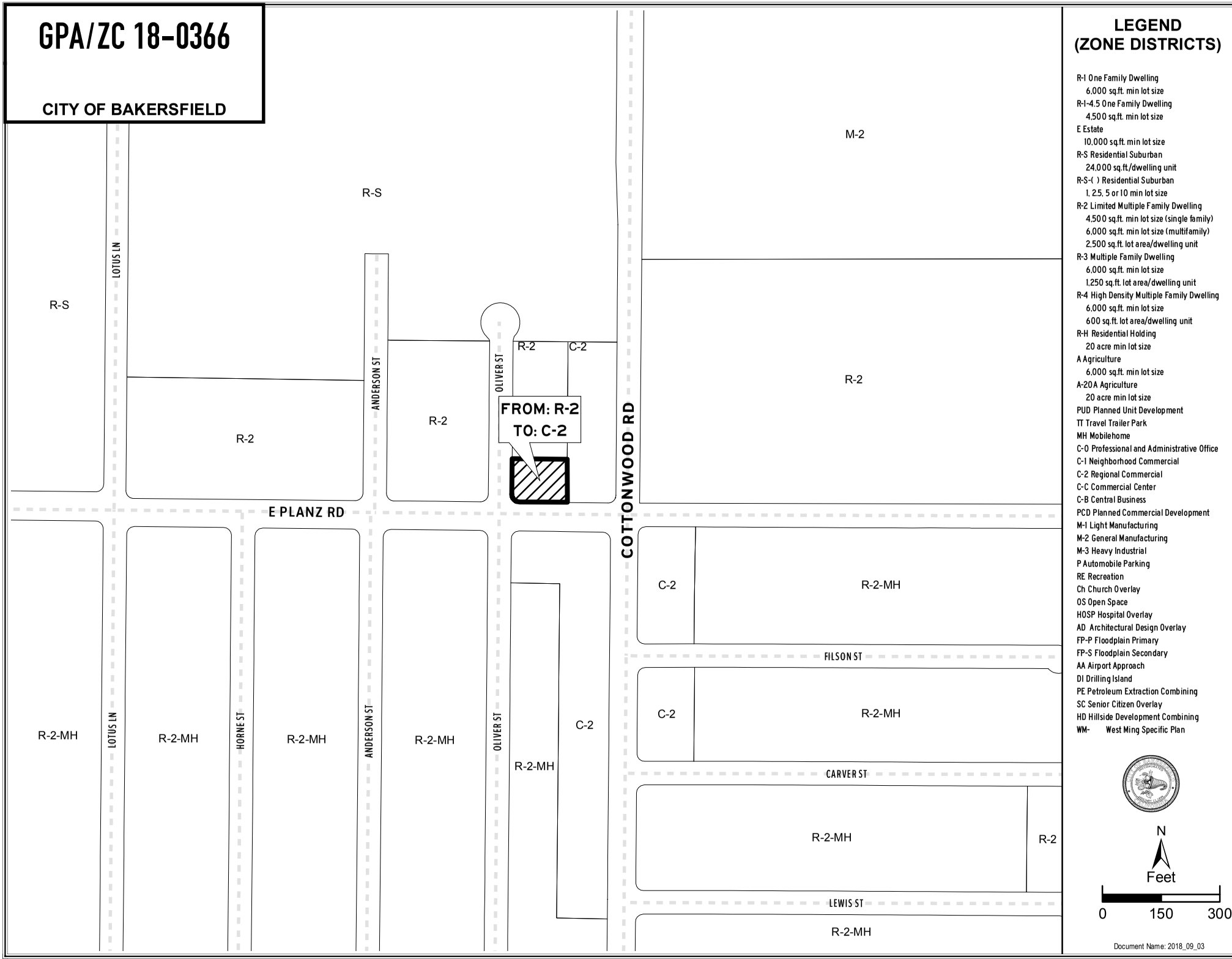
Document Name: 2018_09_03

GPA/ZC 18-0366

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

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

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

ENVIRONMENTAL DETERMINATION:

On the basis of this initial evaluation:

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

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

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

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

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

Signature

May 7, 2019
Date

Steve Esselman, Principal Planner
Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	☐	☐	☐	■
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	■	☐
d) Result in inadequate emergency access?	☐	■	☐	☐

XVIII. TRIBAL CULTURAL RESOURCES:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	■
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☐	■

XVIV. UTILITIES AND SERVICE SYSTEMS: Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	■	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	■	☐
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	■	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	■	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	■	☐

XX. WILDFIRES: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	■	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	■	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	■	☐

XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major	☐	■	☐	☐

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

EVALUATION OF ENVIRONMENTAL EFFECTS

I. AESTHETICS

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

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

Mandatory insignificance determinations per PRC Section 21099 are not applicable to this project because the project is not a residential, mixed-use residential, or employment center project on an infill site within a transit priority area.

The existing visual environment in the area surrounding the project is a mix of predominantly multiple-family residential land uses, commercial land uses along Cottonwood Road, and vacant lots. The project does not conflict with any applicable vista protection standards, scenic resource protection requirements or design criteria of federal, state, or local agencies, and, with the GPA/ZC, the project would be consistent with the *Metropolitan Bakersfield General Plan* (MBGP) designations and zone districts per the Zoning Ordinance for the project area. The project site is located within an area having slopes from 0 to 5%. The area is not regarded or designated within the *Metropolitan Bakersfield General Plan* as visually important or "scenic." The construction of a residential development at the site would be in character and compatible with other existing residential land uses in the vicinity of the site and is a natural extension of the urban growth occurring in the project area. Therefore, the project would not have a substantial adverse effect on a scenic vista.

b. **No impact.** Based on a field visit, it was determined that here are no trees, rock outcrops, or buildings (historic or otherwise) located at the project site. Additionally, the project is not located adjacent to or near any officially designated or potentially eligible scenic highways to be listed on the California Department of Transportation (Caltrans) State Scenic Highway System (Caltrans 2019). The closest section of highway eligible for state

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

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

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

II. AGRICULTURE RESOURCES

a. **No impact.** The Farmland Mapping and Monitoring Program (DOC 2019a) designates the gross acreage of APN 170-200-15 (that includes the 0.66 acres proposed in this GPA/ZC request) as Urban. The site is not being farmed or grazed, and the site is bordered by major streets and development. The project does not convert 100 acres or more of the farmlands designated Prime, Unique, or of Statewide Importance to nonagricultural uses. Therefore, the project would not significantly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.

b. **No impact.** APN 170-200-15 is currently split zoned R-2 (the 0.66-acre portion that is proposed in this GPA/ZC request) and C-2 (the remainder of APN 170-200-15), and is not under a Williamson Act contract. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract.

c. **No impact.** As discussed in II.b, the project site is split zoned R-1 and C-2. There are no forested lands located on the site. Therefore, the project would not conflict with existing zoning for, or cause rezoning of forest land or timberland, or timberland zoned Timberland Production.

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

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

III. AIR QUALITY

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

Emission sources because of the project would include ground disturbance and other construction-related work as well as operational emissions typical of a gas station (e.g., predominantly emissions from vehicles coming to and from the proposed gas station with convenience store).

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

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

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

Source: EnviroTech 2019.

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

Construction Emissions						
Emissions Source	**Pollutant (tons/year)**					
	ROG	**NOX**	**CO**	**SOX**	**PM10**	**PM2.5**
Construction	0.09	0.60	0.47	0.0008	0.04	0.04
SJVAPCD Threshold	10	10	100	27	15	15
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: EnviroTech 2019.

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

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

Operational Emissions						
Emissions Source	**Pollutant (tons/year)**					
	ROG	**NOX**	**CO**	**SOX**	**PM10**	**PM2.5**
Operations	1.00	8.96	6.15	0.02	0.74	0.22
SJVAPCD Threshold	10	10	100	27	15	15
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: EnviroTech 2019.

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

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

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

Cumulative Emissions						
Emissions Inventory	**Pollutants (tons/year)**					
	ROG	**NOX**	**CO**	**SOX**	**PM10**	**PM2.5**
Kern County – 2012[1]	36,026	26,426	58,108	949	16,097	4,964
SJVAB – 2012[1]	218,964	119,282	490,998	4,526	117,567	40,150
Project	1.00	8.96	6.15	0.02	0.74	0.22
Project % of Kern	0.003	0.034	0.011	0.002	0.005	0.004
Project % of SJVAB	0.0005	0.0075	0.0013	0.0004	0.0006	0.0005
[1]Latest inventory available as of May 2018.						

As shown in the above table, the project does not pose a significant increase to estimated cumulative emissions for criteria pollutants in nonattainment within Kern County and the greater SJVAB. The project's regional contribution to cumulative impacts

would be negligible (well less than 1% for all pollutants under consideration) and therefore, the project's contribution is not cumulatively considerable.

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

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

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

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

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

SJVAPCD Rule 9510 requires the reduction of emissions of nitrogen oxides (NOX) and particulate matter smaller than ten microns in aerodynamic diameter (PM10) associated with construction and operational activities of development projects occurring within the San Joaquin Valley. Rule 9510 applies to new development projects that would equal or exceed specific size limits called applicability thresholds (e.g., developing more than 2,000 square feet of commercial space, 25,000 square feet of light industrial space, 10,000 square feet of heavy industrial space, or 50 residential units). The project is subject to SJVAPCD Rule 9510 because it exceeds the applicability threshold of 50 residential or dwelling units. Accordingly, the project must reduce a portion of the emissions occurring during construction and operational phases through on-site measures, or pay off-site mitigation fees. The objective of this rule is to reduce construction NOX and PM10 emissions by 20% and 45%, respectively, as well as to reduce operational NOX and PM10 emissions by 33.3% and 50%, respectively, when compared to unmitigated projects. The

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

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

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

The closest sensitive receptors to the project site are nearby residences surrounding the project site. The AQIA concluded that the project would not significantly affect such receptors because the majority of the potential air quality impacts are related to increases in traffic and therefore, the project is no expected to result in localized impacts that would affect nearby sensitive receptors (EnviroTech 2019). Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations.

d. **Less than significant with mitigation incorporated.** The Air Quality Impact Analysis (AQIA) (EnviroTech 2019) concludes that the project would not emit any objectionable odors because the Bakersfield area has a long history or oil and gas uses that emit similar odors and the gas station would be regulated by the SJVAPCD for odor. With the implementation of Mitigation Measure 1, which requires proof of SJVAPCD compliance including odor regulations, the project would not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

a. **Less than significant with mitigation incorporated.** A reconnaissance-level biological survey was performed on the 0.66-acre portion of APN 170-200-15 proposed in this GPA/ZC request. No evidence of sensitive species or nesting birds were found during the survey (WKEC 2018).

San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*) can occur on the project site. No indicators of occupation or use by these species (e.g., scat, tracks, nesting materials,

prey remains, or any other sign) were identified during the field survey (WKEC 2018). Despite any indication of use during the survey, there is potential for use by these species in the future.

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

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

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

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

c. **No impact.** Based on the results of the field, there are no wetlands, as defined by Section 404 of the federal Clean Water Act (CWA), located within the project site (WKEC 2018). Therefore, the project would not have a substantial adverse effect on federally-protected wetlands.

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

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

reduce potential impacts to nursery sites. With the implementation of Mitigation Measure 3, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

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

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

V. CULTURAL RESOURCES

a. **No Impact.** A qualified archaeologist surveyed APN 17-200-15 and identified no cultural resources, including any structures on the parcel (BCR 2019). Therefore, the project would not cause a substantial adverse change in the significance of a historical resource.

b. **Less than significant with mitigation incorporated.** It has been concluded that the project site does not contain any known archaeological resources (BRC 2019). However, there is still the potential to unearth previously unknown archaeological resources at the site, and grading and other ground-disturbing activities have the potential to damage or destroy such resources. Mitigation Measure 4 requires that construction workers are provided with cultural awareness training. Mitigation Measure 5 requires ceasing work and investigating any discovery in the event that previously unknown archaeological resources are unearthed during construction. With the implementation of Mitigation Measures 4 and 5, the project would not cause a substantial adverse change in the significance of an archaeological resource.

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

VI. ENERGY

a. **Less-than-significant impact.** The development is the new construction of a gas station with convenience store. Project construction would require temporary energy demands typical of other residential construction projects that occur throughout the state and this development's construction would not result in inefficient or unnecessary consumption of energy resources beyond typical commercial construction. All new construction within the City of Bakersfield must adhere to modern building standards, including California Code of Regulations Title 24, which outlines energy efficiency standards for new residential and nonresidential buildings to ensure that new buildings do not wastefully,

inefficiently, or unnecessarily consume energy. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

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

VII. GEOLOGY AND SOILS

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

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

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

iii. **Less-than-significant impact.** The most common seismic-related ground failure is liquefaction and lateral spreading. In both cases, during periods of ground motion caused by an event such as an earthquake, loose materials transform from a solid state to near-liquid state because of increased pore water pressure. Such ground failure generally requires a high water table and poorly draining soils in order for such ground failure to occur. The project site's soils are Kimberlina fine sandy loam, saline-sodic, 0 to 2% slopes, which are generally well draining (USDA

2019). The water table underlying the project area is generally about 300 to 350 feet below ground surface (bgs) and therefore, groundwater levels are not close enough to the ground surface to result in sufficiently saturated soils suitable for liquefaction. As a result, the potential for liquefaction at the project site is low. In addition, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction.

iv. **No Impact.** In Kern County, the common types of landslides induced by earthquake occur on steeper slopes found in the foothills and along the Kern River Canyon; in these areas, landslides are generally associated with bluff and stream bank failure, rock slide, and slope slip on steep slopes (Bakersfield 2001). The project site is generally flat, there are no such geologic features located at the project site, and the site is not located near the Kern River Canyon. Therefore, the project would not expose people or structures to potential substantial adverse effects involving landslides.

b. **Less-than-significant impact.** The project site's soils have low-to-medium susceptibility to sheet and rill erosion by rainfall and low susceptibility to wind erosion at the ground surface (USDA 2009). The relatively low precipitation in the project area [on average about 6 inches/year] results in surface runoff that is intermittent and temporary in nature. The erosion potential at the site, low average rainfall, and the fact that the soils are well drained does not make the project site susceptible to substantial soil erosion or loss of topsoil.

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

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

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

Subsidence is part of the baseline condition in the project area due to historic groundwater pumping and the resultant subsidence that occurs with such activities. The project would not substantially contribute to this baseline condition because the

projected water use has been conditionally approved by the California Water Service (CalWater) (CalWater 2018). The project site has been considered by CalWater against its most current Urban Water Management Plan (UWMP) and it was concluded that CalWater had sufficient existing capacity to service the project. Therefore, the project has already been considered in the groundwater analysis in the UWMP and would not exacerbate subsidence in the area beyond the baseline condition.

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

d. **Less-than-significant impact.** When a soil has 35% or more clay content, it is considered a clayey soil. Kimberlina soils generally have 6 to 25% clay content (USDA 2009) and therefore, do not have a high potential to be expansive. Additionally, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on expansive soil creating substantial risks to life or property.

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

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

The cultural resources survey concluded that there were no cultural resources present at APN 170-200-15, including paleontological resources (BCR 2019). Similar to archaeological resources, there is the potential to unearth previously unknown paleontological resources at the site, and grading and other ground-disturbing activities have the potential to damage or destroy such resources. With the implementation of Mitigation Measure 5, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

VIII. GREENHOUSE GAS EMISSIONS

a. **Less than significant with mitigation incorporated.** The project would generate an incremental contribution and, when combined with the cumulative increase of all other

sources of greenhouse gases (GHG), could contribute to global climate change impacts. Although the project is expected to emit GHG, the emission of GHG by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects. A project's GHG emissions typically would be relatively very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Therefore, a project's GHG emissions and the resulting significance of potential impacts are more properly assessed on a cumulative basis.

The project has modeled 2005 business as usual (BAU) GHG emissions of 1,778 metric tons of carbon dioxide equivalent (CO_2e) emissions (EnviroTech 2019). According to the SJVAPCD, for a project to conform to the goals of AB 32, at least a 29% reduction from the BAU period by 2020 must be demonstrated. Mitigation Measure 7 requires the applicant/developer to provide quantitative proof to the Planning Division of the use of design measures and/or compliance with standards to reduce the project's operational GHG emissions by 29% below 2005 BAU emissions. With implementation of Mitigation Measure 7, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

b. **Less than significant with mitigation incorporated.** CARB is responsible for the coordination and administration of both federal and state air pollution control programs within California. According to *California's Climate Change Scoping Plan*, there must be statewide reduction GHG emissions to 1990 levels by 2020. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 29% from BAU emission levels projected for 2020. In addition, per SB 375 requirements, CARB has adopted regional reduction targets, which call for a 5% reduction in per-capita emissions by 2020 and 10% reduction in 2035 within the San Joaquin Valley using 2005 as the baseline. These regional reduction targets will be a part of the Kern COG Sustainable Communities Strategy. The SJVAPCD has adopted guidance (*Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*) and a policy (District Policy – Addressing GHG Emission Impacts for Stationary Source Projects under CEQA When Serving as the Lead Agency).

With implementation of Mitigation Measure 7, the project would not interfere with the implementation of AB 32 and SB 375 because it would be consistent with the GHG emission reduction targets identified by CARB and the Scoping Plan by achieving BAU GHG emissions reduction greater than the 29% targeted reduction goal. The project is consistent with these statewide measures and considered not significant or cumulatively considerable under CEQA. Therefore, the project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG.

IX. HAZARDS AND HAZARDOUS MATERIALS

a. **Less-than-significant impact.** The project would not involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. However, construction activities would require the transport, storage, use, and/or disposal of hazardous materials such as fuels and greases for the fueling/servicing of construction equipment, and there is the potential for upset and accident conditions that could release such material into the environment. Such

substances would be stored in temporary storage tanks/sheds that would be located at the site. Although these types of materials are not acutely hazardous, they are classified as hazardous materials and create the potential for accidental spillage, which could expose construction workers. All transport, storage, use, and disposal of hazardous materials used in the construction of the project would be in strict accordance with federal and state laws and regulations. During construction of the project, Material Safety Data Sheets (MSDS) for all applicable materials present at the site would be made readily available to onsite personnel. During construction, non-hazardous construction debris would be generated and disposed of at approved facilities for handling such waste. Also, during construction, waste disposal would be managed using portable toilets located at reasonably accessible onsite locations.

The project proposes the development of a gas station and convenience store. Day-to-day activities at the site would involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act, namely gasoline transport and subterranean storage. The routine transport of gasoline to the station would have to comply with all laws and regulations related to hazardous materials routes and the proper transfer of gasoline to the storage tanks at the site. All modern safety precautions, such as automatic pump shutoff stations, would be required to adhere to modern code. Additionally, maintenance of the facility would require the transport, storage, use, and/or disposal of hazardous materials such as paints, cleaners, oils, batteries, and pesticides. Employees should follow any instructions for use and storage provided on product labels carefully to prevent any accidents in the workplace. Users should also read product labels for disposal directions to reduce the risk of products exploding, igniting, leaking, mixing with other chemicals, or posing other hazards on the way to a disposal facility. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b. **Less-than-significant impact.** Please refer to response VIX.a. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment.

c. **Less-than-significant impact.** The closest sensitive receptors to the project site are nearby residences surrounding the project site. The AQIA concluded that the project would not significantly affect such receptors because the majority of the ambient air quality emissions are related to increases in traffic and therefore, the development is not expected to result in localized impacts, such as CO hot spots (EnviroTech 2019). Therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.

d. **No impact.** The EnviroStor (DTSC 2019) and Cortese (CalEPA 2019) lists pursuant to Government Code (GC) Section 65962.5 were reviewed. No portion of the project site is identified on either list, which provides the location of known hazardous waste concerns. Therefore, the project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to GC Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

e. **Less-than-significant impact.** The project site is located within the Kern County *Airport Land Use Compatibility Plan* area, and more specifically within Zone C of the Bakersfield

Municipal Airport Overlay (Kern County 2012). The Airport is located about 0.5 miles to the west of the project site. A one-story gas station with convenience store is an allowed use within Zone C (Kern County 2012). Therefore, the project would not result in an additional safety hazards beyond the baseline condition of working and owning a business near an airport. Existing airplane noise if part of the baseline condition for the site and interior and exterior noise standards ensure that existing airplane noise is not beyond these standards and excessive. Therefore, the project would not result in a safety hazard or excessive noise for people residing or working in the project area.

f. **Less-than-significant impact.** The project would have to develop or improve roads to the site as well as internal roads that are in compliance with the City's Fire Code to allow emergency vehicles adequate access to the site and all portions of the site. Access to the site would be maintained throughout the construction period, and appropriate detours would be provided in the event of potential temporary road closures. The project would not interfere with any local or regional emergency response or evacuation plans because the project would not result in a substantial alteration to the adjacent and area circulation system. The project is typical of urban development in Bakersfield, and is not inconsistent with the adopted City of Bakersfield Hazardous Materials Area Plan (Bakersfield 1997). This plan identifies responsibilities and provides coordination of emergency response at the local level to hazardous materials incidents. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

g. **Less-than-significant impact.** The project site is not located within a "very high," "high," or "moderate" fire hazard severity zone (CalFire 2008). The site consists of vacant land, and its vicinity is developed with residential land uses that do not possess high fuel loads that have a high potential to cause a wildland fire. The project site would be developed with hardscapes and irrigated landscaping, which would further reduce fire potential at the site. Additionally, the City and County require "defensible space" within areas of the County susceptible to wildland fires as shown on CalFire maps through the Fire Hazard Reduction Program. Defensible space is the buffer created between a building and the grass, trees, shrubs, or any wildland area that surrounds it. Therefore, the project would not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands.

X. HYDROLOGY AND WATER QUALITY

a. **Less-than-significant impact.** Construction would include ground-disturbing activities. As discussed in VII.b, the project site's soil types have a low-to-medium susceptibility to sheet and rill erosion by rainfall and a low susceptibility to wind erosion at the ground surface. Disturbance of onsite soils during construction could result in soil erosion and siltation, and subsequent water quality degradation through increased turbidity and sediment deposition during storm events to offsite locations. Additionally, disturbed soils have an increased potential for fugitive dust to be released into the air and carried offsite. As described in VII.b, the project would be required to comply with the General Permit. To conform to the requirements of the General Permit, a SWPPP would need to be prepared that specifies BMPs to prevent construction pollutants from moving offsite. The project is required to comply with the General Permit because project-related construction activities would disturb at least 1 acre of soil.

The City owns and maintains a municipal separate storm sewer system (MS4). The project's operational urban storm water discharges are covered under the Central Valley Water Quality Control Board (CVRWQCB) *National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements General Permit for Discharges from Municipal Separate Storm Sewer Systems* (Order No. R5-2016-0040; NPDES No. CAS0085324) (MS4 Permit) (CVRWQCB 2016). The MS4 Permit mandates the implementation of a storm water management framework to ensure that water quality is maintained within the City because of operational storm water discharges throughout the City, including the project site. By complying with the General Permit and MS4 Permit, the project would not violate any water quality standards or waste discharge requirements.

b. **Less-than-significant impact.** Potable water from the project would be supplied by CalWater. The GCWD receives various supplies of potable water, including from groundwater sources. The project's projected water use has been conditionally approved by CalWater (CalWater 2018) and therefore, the project site has been considered by the GCWD against its most current UWMP. By state law, current UWMPs do not need to address the Sustainable Groundwater Management Act (SGMA) or sustainable groundwater management at this time. It was concluded that CalWater had sufficient existing capacity to service the project. As a result, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

c. The following discusses whether the project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces.

    i. **Less-than-significant impact.** The project site does not contain any blue-line streams or other surface water features (BCR 2019) and therefore, the project would not alter the course of a river or stream. The project site would be graded and, as a result, the internal drainage pattern at the site would be altered from the baseline condition. Additionally, the project would result in increased impervious surfaces (i.e., building pads, sidewalks, asphalt parking area, etc.) at the site, which would reduce percolation to ground and result in greater amounts of storm water runoff concentrations at the site. If uncontrolled, differences in drainage patterns and increased impervious surfaces could result in substantial erosion or siltation on- or offsite. However, the project would be required to comply with the General Permit during construction and MS4 permit during operation. In order to comply with the MS4 Permit, the City requires compliance with adopted building codes, including complying with an approved drainage plan, which avoids on- and offsite flooding, erosion, and siltation problems. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite.

    ii. **Less-than-significant impact.** Please refer to response X.c.i. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.

iii. **Less-than-significant impact.** Please refer to response X.c.i. Therefore, the project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

iv. **No Impact.** The project site is located outside the 500-year floodplain and is not located within a 100-year flood hazard area (FEMA 2019). Therefore, the project would not impede or redirect flood flows.

d. **Less-than-significant impact.** As discussed in responses X.g and IX.h, the project is not located within a floodplain. There are no nearby levees that would be susceptible to failure or flooding of the site. The project site, like most of the City, is located within the Lake Isabella flood inundation area (Kern County 2017), which is the area that would experience flooding in the event that there was a catastrophic failure of the Lake Isabella Dam. There is an approved Lake Isabella Dam Failure Evacuation Plan (Kern County 2009) that establishes a process and procedures for the mass evacuation and short-term support of populations at risk below the Lake Isabella Dam. The City would utilize the Evacuation Plan to support its Emergency Operations Plans (EOPs). With implementation of the Evacuation Plan, the project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

e. **Less-than-significant impact.** Please refer to response X.c.i. There is currently no adopted groundwater management plan for the project site or its vicinity. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan

XI. LAND USE AND PLANNING

a. **No impact.** The project is a continuation of the existing urban development pattern of the City. The project does not include a long and linear feature, such as a freeway, railroad track, block wall, etc., that would have the potential to divide a community. The project is the development of a finite 1.04-acre project site surrounded by established streets that does not impede existing or future movement or development of the City. Therefore, the project would not physically divide an established community.

b. **No impact.** The project requires a GPA to be consistent with the MBGP, namely a change from LMR (Low Medium Density Residential) to GC (General Commercial). The project also requires a ZC to be consistent with the Zoning Ordinance, namely a change from R-2 (Limited Multiple Family Dwelling) to C-2 (Regional Commercial). If the GPA/ZC were to be approved by the City, the project would be consistent with both the MBGP and Zoning Ordinance. Therefore, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

XII. MINERAL RESOURCES

a. **No impact.** The project site is not within the administrative boundaries of an oilfield and there are no oil wells found on the site (DOGGR 2019). The only other potential mineral resource in the area is aggregate for the making of concrete. Aggregate is mined in

alluvial fans and along existing and historical waterways. There are no blue-line water features or existing or planned aggregate mining operations at the site. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

b. **No impact.** The project site is currently designated LMR and, if the GPA is approved, this designation would change to GC. No portion of the site is designated for a potential mineral resource extraction use such as R-MP (Mineral and Petroleum). Therefore, the project would not result in the loss of availability of a locally-important mineral resource recovery site that is delineated in a local general plan, specific plan or other land use plan.

XIII. NOISE

a. **Less-than-significant impact.** The project would generate both short-term construction noise and operational noise. The first type of short-term construction noise would result from transport of construction equipment and materials to the project site, and construction worker commutes. These transportation activities would incrementally raise noise levels on access roads leading to the site. A one-time trip to move pieces of heavy equipment for grading and construction activities would result in single-event noise at a distance of 50 feet from a sensitive noise receptor that would reach a maximum level of 84 A-weighted decibels (dBA). Because the equipment would be left onsite for the duration of project construction, the one-time trip would not add to the daily traffic noise in the project vicinity. The total daily vehicle trips resulting from construction worker commutes would be minimal when compared to existing traffic volumes on the affected streets, and the long-term noise level change would not be perceptible.

The second type of short-term construction noise is related to noise generated during project construction. The site preparation and grading phase, which includes excavation and grading, tends to generate the highest noise levels because earthmoving equipment is the noisiest construction equipment. Construction noise levels during grading would be less than 70 dBA, which would not exceed the hourly noise level standard at the nearest sensitive uses. Construction noise would cease to occur once project construction is completed. The project will also be required to comply with the construction hours specified in the City Noise Ordinance, which states that construction activities are limited to the hours of 6:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 9:00 p.m. on weekends.

Project operations would generate sound levels similar to nearby commercial land uses to the north and south, which would have to comply with Bakersfield Municipal Code regarding noise. Stationary operational noise levels at all points around the project site would experience noise level impacts that would be less than the daytime and nighttime hourly noise level standards of 55 dBA and 50 dBA, respectively. Project-related operational traffic would have very small noise level increases along roadway segments in the project vicinity. Parking lot noise, including engine sounds, car doors slamming, car alarms, loud music, and people conversing, would also occur at the project site. It was determined that the noise levels at all points around the project site would experience noise level impacts that would be less than the City's daytime and nighttime maximum noise level standards of 75 dBA and 70 dBA.

Therefore, the project would not generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies

b. **Less-than-significant impact.** Some ground-borne vibration and noise would originate from earth movement and building activities during the project's construction phase. Ground-borne noise and vibration from construction activity would be mostly low to moderate). The closest structures to the project site are the existing residential uses to the northeast. The closest structures are approximately 300 feet from the project construction area limits. The operation of typical construction equipment would generate ground-borne vibrations that would not exceed guidelines that are considered safe for any type of buildings. Operation of the proposed residential use would not generate ground-borne vibration. Therefore, the project would not expose persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

c. **Less-than-significant impact.** Please refer to response IX.e. Therefore, the project would not expose people residing or working in the project area to excessive noise levels for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

XIV. POPULATION AND HOUSING

a. **No impact.** The project is the development of a gas station and convenience store and does not directly induce population growth through the development of residential land uses or indirectly by the extension infrastructure or removal of another barrier to growth. Therefore, the project would not induce substantial population growth in an area, either directly or indirectly.

b. **No impact.** The project site consists of vacant land. Therefore, the project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

XV. PUBLIC SERVICES

a. The following discusses whether the project would result in substantial adverse physical impacts to public services. The need for additional public service is generally directly correlated to population growth and the resultant additional population's need for services beyond what is currently available.

    i. **Less-than-significant impact.** Fire protection services for the Metropolitan Bakersfield area are provided through a joint fire protection agreement between the City and County. The project may necessitate the addition of fire equipment and personnel to maintain current levels of service, and this potential increase in fire protection services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.

ii. **Less-than-significant impact.** Police protection for the project would be provided by the Bakersfield Police Department. Potential increase in services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.

iii. **No impact.** The project is not growth inducing and therefore, is not a driver for population growth, including the need for additional schools. Nonetheless, the project would help pay for additional schools through property tax revenues generated by the project. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.

iv. **No impact.** The project is not growth inducing and therefore, is not a driver for population growth, including the need for additional recreational opportunities. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.

v. **Less-than-significant impact.** The project and eventual buildup of this area would result in an increase in maintenance responsibility for the City. Though the project may necessitate increased maintenance for other public facilities, this potential increase can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities.

XVI. RECREATION

a. **No impact.** Please refer to response XV.a.iv. Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b. **No impact.** Please refer to response XV.a.iv. Therefore, the project would not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

XVII. TRANSPORTATION AND TRAFFIC

a. **Less than significant with mitigation incorporated.** The project would result in temporary construction-related traffic impacts. Construction workers traveling to and from the project site as well as construction material delivery would result in additional vehicle trips to the area's roadway system. Construction material delivery may require a number of trips for oversized vehicles that may travel at slower speeds than existing traffic and, due to their size, may intrude into adjacent travel lanes. These trips may temporarily degrade level of service (LOS) on area roadways and at intersections. Additionally, the total number of vehicle trips associated with all construction-related traffic (including construction worker trips) could temporarily increase daily traffic volumes on local roadways and intersections. The project may require temporary lane closures or the need for flagmen to safely direct traffic on roadways near the project site. However, once the project is built, it would not result in any permanent traffic-related effects.

Policy 36 of the Metropolitan Bakersfield General Plan Circulation Element states:

> Prevent streets and intersections from degrading below Level of Service "C" where possible due to physical constraints (as defined in a Level of Service standard) or when the existing Level of Service if below "C" prevent where possible further degradation due to new development or expansion of existing development with a three-part mitigation program: adjacent right-of-way dedication, access improvements and/or an area-wide impact fee. The area-wide impact fee would be used where the physical changes for mitigation are not possible due to existing development and/or the mitigation measure is part of a larger project, such as freeways, which will be built at a later date.

A Traffic Study (R&S 2018) that analyzed operational traffic impacts was prepared for the project to determine if operations would degrade the performance of the circulation system per the requirements of Policy 36. Policy 36 of the Circulation Element of the MBGP requires the City to prevent streets and intersections from degrading below a level of service C, where possible, through dedication of adjacent right-of-way, access improvements, or an area-wide impact fee. In addition, the Subdivision Ordinance requires all onsite street improvements and a proportional share of boundary street improvements to be built at the time the property is developed.

The Traffic Report concluded that the project would result in Level of Service that operate below an acceptable level per Policy 36 for three intersections (Cottonwood/Watts, Cottonwood/Planz, and Cottonwood/White) and two roadway segments (Cottonwood from Watts to Planz and Cottonwood from White to Planz) with the addition of project traffic in existing and future year scenarios, which is a potentially significant impacts. Mitigation Measure 8 requires participation in the Regional Transportation Impact Fee Program where the applicant/developer pays the current adopted fee in place for the land use type as well as mandates payment of Local Mitigation to pay 4.93% of the cost to place a signal at the Cottonwood Road/Watts Drive intersection (see Mitigation Measures 8). With implementation of this mitigation, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

b. **No impact.** While public agencies may immediately apply Section 15064.3 of the updated CCR (or CEQA Guidelines), statewide application is not required until July 1, 2020. This CCR Section 15064.3(b) states:

Criteria for Analyzing Transportation Impacts.

> (1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.
>
> (2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.
>
> (3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.
>
> (4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The Traffic Study (Swanson 2018) concluded that the project would increase total daily traffic trips in comparison to the baseline land use, but that mitigation would reduce traffic impacts to less than significant. Application of vehicle miles traveled (VMT) is not required in Lead agency CEQA documents until July 1, 2020. Therefore, the project would not be in conflict or be inconsistent with CCR Section 15064.3(b).

c. **Less-than-significant impact.** The project would have to comply with all conditions placed on it by the City Traffic Engineering Division in order to comply with accepted traffic engineering standards intended to reduce traffic hazards, including designing the roads so that they do not result in design feature hazards. The project is with the City limits and surrounded by compatible existing and planned land uses and land use designations. Therefore, the project would not substantially increase hazards due to a design feature or incompatible uses.

d. **Less than significant with mitigation incorporated.** There is the potential that, during the construction phase, the project would impede emergency access. For projects that require minor impediments of a short duration (e.g., pouring a new driveway entrance), the project would be required to obtain a street permit from City Public Works. If a project requires lane closures and/or the diversion of traffic, then a Traffic Control Plan would be required. During operations, the project would have to comply with all applicable City policies and requirements to ensure adequate emergency access.

Mitigation Measure 9 requires that, if necessary, the applicant/developer obtains a street permit or develop and get approved a Traffic Control Plan, for the construction period. With implementation of mitigation, the project would not result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

a. **No impact.** The project requires a GPA and therefore, request for consultation letters were sent to a list of tribal contacts received from the Native American Heritage Commission in compliance with Senate Bill (SB) 18. In the letters, the City stated that the applicable tribes may request consultation with the City regarding the preservation of, and/or mitigation of impacts to, California Native American cultural places in connection with the project. To date, none of the tribes have responded to the request. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed in the California Register of Historical Resources or in a local register of historical resources.

b. **No impact.** Based on the results of the SB 18 consultation inquiry to applicable tribes, the City has determined that there are no tribal cultural resources found at the site. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant.

XVIV. UTILITIES AND SERVICE SYSTEMS

a. **Less-than-significant impact**. The project could require the construction of new water, storm water drainage, sewer facilities; above and/or belowground electrical facilities, natural gas facilities, and telecommunications (e.g., cable, fiber optics, phone, etc.) typical of commercial development. Water, storm water, and sewer structures would have to be designed to meet the City's *Current Subdivision & Engineering Design Manual* (Bakersfield 1999). Compliance with the Design Manual would ensure that the such facilities would not result in significant environmental effects. Electrical, natural gas, and telecommunications facilities would be placed by the individual serving utilities; these entities already have in place safety and siting protocols to ensure that placement of new utilities to serve new construction would not have a significant effect on the environment. Therefore, the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b. **Less-than-significant impact.** The project is within CalWater's water service area. CalWater has provided a letter stating that water service can be supplied in compliance with their current UWMP that accounts for normal, dry, and multiple dry years (CalWater 2018). Therefore, the project has sufficient water supplies available to serve the project

and reasonably foreseeable future development during normal, dry and multiple dry years.

c. **Less-than-significant impact.** It is anticipated that a commercial development generates 0.5 gallons per day (GPD) of wastewater per square foot and therefore, the proposed 2,784-square-foot commercial building would require available capacity to dispose of 1,392 GPD [or 0.001 million gallons per day (MGD)]. Wastewater as a result of the project would be treated at WWTP No. 2, which is owned and operated by the City. WWTP No. 2 has an overall capacity of 25 MGD and a current available capacity of 11.3 MGD (Bakersfield 2019). The project's contribution would account for 0.009% of the available capacity and therefore, WWTP No. 2 has sufficient capacity to serve the project. As a result, it has been determined that the wastewater treatment provider which serves or may serve the project has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

d. **Less-than-significant impact.** It is assumed that solid waste generated as a result of the project would be disposed at the Bena Landfill located at 2951 Neumarkel Road, Bakersfield, CA 93307. As of July 2013, the landfill had a remaining permitted capacity of 32,808,260 cubic yards and a maximum permitted throughput of 4,500 tons/day (CalRecycle 2019a). Using a factor of 5 pounds solid waste/1,000 square foot/day (CalRecycle 2019b) for commercial uses, a 2,784-square-foot commercial building would generate about 14 pounds solid waste/day (0.007 tons/day). The 0.007 tons/day of solid waste generated by the project accounts for 0.0002% of the maximum permitted throughput of the landfill. Therefore, the project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

e. **Less-than-significant impact.** By law, the project would be required to comply with federal, state, and local statutes and regulations, including those relating to waste reduction, litter control, and solid waste disposal.

XX. WILDFIRE

a. **Less-than-significant impact.** Please refer to response IX.f. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

b. **Less-than-significant impact.** Please refer to response IX.g. Additionally, the project site is relatively flat, not near wildlands, the site and its surrounding do not possess high fuel loads (i.e., lots of vegetation and other burnable material) to exacerbate wildfire risks and therefore, fire-related pollutant concentrations. Therefore, the project would not exacerbate wildfires and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

c. **Less-than-significant impact.** Please refer to responses IX.a, XX.a, and XX.b. Therefore, the project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

d. **Less-than-significant impact.** The project site is relatively flat, is not within a floodplain, and is not in a moderate- to high-risk area for wildfires. Therefore, the project would not

expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

a. **Less than significant with mitigation incorporated.** The project is subject to the terms of the MBHCP and associated Section 10(a)(1)(b) and Section 2801 permits issued to the City of Bakersfield by the U.S. Fish and Wildlife Service and the California State Department of Fish and Wildlife, respectively. Terms of the permit require applicants for all development projects within the plan area to pay habitat mitigation fees, excavate known kit fox dens, and notify agencies prior to grading. There are no important examples of the major periods of California history or prehistory found at the site. Therefore, the project, with mitigation, would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

b. **Less-than-significant impact.** As described in the responses above, the project has no impacts that would be defined as individually limited, but cumulatively considerable.

c. **Less than significant with mitigation incorporated.** As described in the responses above, the project, with mitigation, would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

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