



Draft Environmental Impact Report

SCH No. 2022080337

Veteran's Affairs Community-Based Outpatient Medical Clinic Project

City of Bakersfield, California



Lead Agency:

City of Bakersfield
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301

May 4, 2023

DRAFT ENVIRONMENTAL IMPACT REPORT

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Site Plan Review No. 21-0399

Lead Agency

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Site Plan Review No. 21-0399

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APPENDICES (BOUND SEPARATELY)

- A. Initial Study, Notice of Preparation (NOP) and Written Comments on the NOP
- B. Air Quality - Small Project Analysis Level Assessment
- C. Biological Evaluation
- D. Cultural Resources Assessment
- E1. Geotechnical Engineering Investigation Update Memo
- E2. Geotechnical Engineering Investigation
- E3. Limited Soil Assessment
- F1. Phase I Environmental Site Assessment
- F2. Addendum I to Phase I Environmental Site Assessment
- G1. Hydrology and Hydraulics Report Update Memo
- G2. Hydrology and Hydraulics Report
- H. Noise and Vibration Study
- I. Traffic Study
- J. CalWater Will Serve Letter
- K. PG&E Will Serve Letter

ACRONYMS AND ABBREVIATIONS

<u>Acronym</u>	<u>Definition</u>
§	Section
>	greater than
≥	greater than or equal to
a.m.	Ante Meridiem (between the hours of midnight and noon)
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
AB 52	Native Americans: California Environmental Quality Act
AB 1493	Pavley Fuel Efficiency Standards
AB 1327	California Solid Waste Reuse and Recycling Act
AB 939	California Solid Waste Integrated Management Act
AB 1881	California Assembly Bill 1881, California Water Conservation Act of 2006
AC	Acres
ACMs	Asbestos Containing Materials
ACOE	Army Corps of Engineers
A.D.	Anno Domini
ADP	Area Drainage Plan
AERMOD	Air Quality Dispersion Modeling
ADT	Average Daily Traffic
AFY	Acre Feet per Year
AGI	Anacapa Geoservices, Inc.
AIA	Airport Influence Area
AICUZ	Air Installation Compatible Use Zone
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
AMSL	Above Mean Sea Level
A-P Act	Alquist-Priolo Earthquake Fault Zoning Act
APS	Alternative Planning Strategy
APN	Assessor Parcel Number
AQMP	Air Quality Management Plan
ARB	Air Reserve Base
ASTM	American Society of Testing and Materials
ASTs	Above ground storage tanks
Av.	Avenue
BACM	Best Available Control Measure

BAU	Business as Usual
B.C.	Before Christ
bgs	Below ground surface
Blvd.	Boulevard
BMPs	Best Management Practices
BLM	Bureau of Land Management
BPUSD	Baldwin Park Unified School District
BSA	Biological Study Area
C2F6	Hexafluoroethane
C2H6	Ethane
CA	California
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CA H2 Net	California Hydrogen Highway Network
CalEEMod™	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen Code	California Green Building Standards Code
Cal Pub Res. Code §42911	California Solid Waste Reuse and Recycling Act of 1991
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CAPSSA	Criteria Area Plant Species Survey Area
CARB	California Air Resources Board
CASSA	Criteria Area Species Survey Area
CASQUA	California Stormwater Quality Association
CAT	Climate Action Team
CAW	California American Water
CBC	California Building Code
CBSC	California Building Standards Code
CCR	California Code of Regulations
CCAA	California Clear Air Act
CDC	California Department of Conservation
CDD	Community Development Director
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act

CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CETAP	Community & Environmental Transportation Acceptability Process
CFC	California Fire Code
CFCs	Chlorofluorocarbons
C2F6	Hexaflouroethane
CF4	Tetraflouromethane
CF3CH2F	HFC-134a
CFR	Code of Federal Regulations
CFS	Cubic Feet per Second
CGS	California Geologic Survey
CH	Conservation Habitat
C2H6	Ethane
CH4	Methane
CH3CHF2	HFC-152a
CHF3	HFC-23
CHHSL	California Human Health Screening Level
CHL	California Historical Landmark
CHP	combined heat and power
CHRIS	California Historic Resources Information System
CIWMB	California Integrated Waste Management Board
CLCA	California Land Conservation Act
CLOMR	Conditional Letter of Map Revision
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
COG	Council of Governments
CO2	Carbon Dioxide
CO2e	Carbon Dioxide Equivalent
COHb	carboxyhemoglobin
CPUC	California Public Utilities Commission
CREED	Citizens for Responsible Equitable Environmental Development
CSU	California State University
CSRG	Conservation Summary Report Generator
CTC	California Transportation Commission
CTP	Clean Truck Program
CUP	Conditional Use Permit

CVIFD	Chino Valley Independent Fire District
CVUSD	Chino Valley Unified School District
CWA	Clean Water Act
CWC	California Water Code
CWHR	California Wildlife Habitat Relationships
CY	Cubic Yards
CZ	Change of Zone
dB	Decibel
dba	A-weighted Decibels
DBESP	Determination of Biologically Equivalent or Superior Preservation
DEH	Department of Environmental Health
DIF	Development Impact Fee
DOSH	Division of Occupational Safety and Health
DP	Development Permit
DPM	Diesel Particulate Matter
DRC	Design Review Committee
DRRP	Diesel Risk Reduction Plan
DTSC	Department of Toxic Substances Control
DU	Dwelling Unit
DU/AC	Dwelling units per acre
DWR	Department of Water Resources
e/o	East of
E+A+P	Existing plus Ambient Growth plus Project Conditions
E+A+P+C Conditions	Existing plus Ambient Growth plus Project Conditions plus Cumulative
E+P	Existing plus Project Conditions
EAP II	Energy Action Plan II
ECS	Environmental Constraints Sheet
EDR	EDR Sanborn
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EMFAC	Emission Factor Model
EO	Executive Order
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-To-Know Act
EPS	Emission Performance Standard
ESA	Environmental Site Assessment
et seq.	et sequentia, meaning "and the following"

EV	Electric Vehicle
F	Fahrenheit
FAA	Federal Aviation Administration
FAR	floor area ratio
FAR	Federal Aviation Regulations
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSZ	Fire Hazard Severity Zone
FIRM	Flood Insurance Rate Map
FHA	Federal Housing Administration
FHWA	Federal Highway Administration
FIA	Fiscal Impact Analysis
FICON	Federal Interagency Committee on Noise
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Association
FY	Fiscal Year
FYI	For Your Information
GCC	Global Climate Change
Gg	Gigagrams
GHG	Greenhouse Gas
GIS	Geographic Information System
GISD	Geographic Information Services Database
GgCO _{2e}	Gigagrams of carbon dioxide equivalent
GLO	General Land Office
GP	General Plan
GPA	General Plan Amendment
gpd	Gallons per Day
gpm	Gallons per minute
GPS	Global Positioning System
GSA	Groundwater Sustainability Agencies
GVWR	Gross Vehicle Weight Rating
GWP	Global Warming Potential
H ₂ O	Water Vapor
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HCS+	Highway Capacity Software Plus

HDG	HD Geosolutions, Inc.
HDV	Heavy-duty vehicles
HFCs	Hydrofluorocarbons
HET	High-Efficiency Toilet
HI	Hazard Index
HMBEP	Hazardous Materials Business Emergency Plan
HMMD	Hazardous Materials Management Division
HMMP	Hazardous Materials Management Plan
HMTA	Hazardous Materials Transportation Act
HMTAUSA	Hazardous Materials Transportation Uniform Safety Act
Hp	horsepower
HPLV	High Pressure Low Volume
HRI	Historical Resource Inventory
HSC	Health and Safety Code
HUC	Hydrologic Unit Code
HVAC	Heating, Ventilation, and Air Conditioning
I	Interstate
i.e.	that is
IA	Implementing Agreement
IBC	International Building Code
ICU	Intersection Capacity utilization
ID	Identification
IE	Infrastructure Element
IEPR	Integrated Energy Policy Report
INCE	Institute of Noise Control Engineering
IPA	Inland Port Airport
IPCC	Intergovernmental Panel on Climate Change
IRP	Installation Restoration Program
IS	Initial Study
ITE	Institute of Transportation Engineers
ITS	intelligent transportation systems
JD	Jurisdictional Delineation
JPA	Joint Powers Authority
JPR	Joint Project Review
kg	kilogram
kBTU	kilo-British thermal units
kWh	kilowatt-hour

LACDPW	Los Angeles County Department of Public Works
LACSD	Los Angeles County Sanitation District
LACFD	Los Angeles County Fire Department
LACTMA	Los Angeles County Metropolitan Transport Authority
LAFCD	Los Angeles Flood Control District
LAFCO	Local Agency Formation Commission
LARWQCB	Los Angeles Regional Water Quality Control Board
LBP	Lead based paint
lbs	pounds
LBVI	least Bell's vireo
LCA	Life-cycle analysis
LCFS	low carbon fuel standard
LDA	Light duty autos
LDV	Light duty vehicles
LED	light-emitting diode
Leq	equivalent continuous sound level
LHD	light-heavy duty trucks
LID	low impact development
Lmax	Maximum level measured over the time interval
Lmin	Maximum level measures over the time interval
LOMR	Letter of Map Revision
LOS	Level of Service
LSAA	Lake and Streambed Alteration Agreement
LSTs	Localized Significance Thresholds
LUST	Leaking Underground Storage Tank
M3	Cubic Meter
m-2	heavy manufacturing zone
MACT	Maximum achievable control technology
MBTA	Migratory Bird Treaty Act
MC	Municipal Code
MDP	Master Drainage Plan
MEISC	maximally exposed individual school child
MEIR	maximally exposed individual receptor
MEIW	maximally exposed individual worker
mg	milligrams
MGD	million gallons per day
MH	medium-heavy duty truck
MICR	Maximum Individual Cancer Risk
MM	Mitigation Measure

MMRP	Mitigation Monitoring and Reporting Program
MMTs	million metric tons
MMTCO _{2e}	million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
Mph	Miles per hour
MPO	Metropolitan Planning Organization
MRZ-3	Mineral Resource Zone 3
MRF	Material Recovery Facility
MS4	Municipal Separate Storm Sewer System
MT	metric ton
MTCO _{2e}	Metric Tons of Carbon Dioxide Equivalent
MUTCD	Manual on Uniform Traffic Control Devices
MWD	Metropolitan Water District
N/A	Not Applicable
n/o	North of
N ₂	Nitrogen
n.d.	no date
NAHC	Native American Heritage Commission
NAAQS	National Ambient Air Quality Standards
NAIOP	Commercial Real Estate Association
NATA	National Air Toxic Assessment
NB	Northbound
ND	Negative Declaration
NDC	nationally determined contributions
NEPSSA	Narrow Endemic Plant Species Survey Area
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHP	National Register of Historic Places
NHPA	National Historic Preservation Act
NIOSH	National Institute for Occupational Safety and Health
No.	Number
NO	Nitric Oxide
NO ₂	Nitrogen Dioxide
NOX	Nitrogen Oxides
N ₂	Nitrogen
N ₂ O	Nitrous Oxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
n.p.	No page

NPA	No project alternative
NPC	National Park Service
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NRCS	Natural Resources Conservation Service
O2	Oxygen
O3	Ozone
OD	Officially Designated
OEHHA	Office of Environmental Health Hazard Assessment
OHWM	Ordinary High-Water Mark
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Assessment
Ord.	Ordinance
Pb	Lead
PCBs	Polychlorinated biphenyls
PCEs	Passenger Car Equivalents
PDF	Project Design Feature
PeMS	Caltrans' Performance System Website
PF	Public Facilities land use designation
PFCs	Perfluorocarbons
PHF	peak hour factor
PHI	Points of Interest
P-I	Public Institutional land use designation
p.m.	Post Meridiem (between the hours of noon and midnight)
PM	Particulate Matter
PM2.5	Fine Particulate Matter (2.5 microns or smaller)
PM10	Fine Particulate Matter (10 microns or smaller)
Porter-Cologne	Porter-Cologne Water Quality Control Act
ppb	parts per billion
ppm	parts per million
pp.	pages
ppt	parts per trillion
PPV	peak particle velocity
PRC	Professional Regulation Commission
PRC	Public Resources Code
PSE	Public Safety Element
QPQ	Public/Quasi-Public
PV	photovoltaic

Rapanos Decision	John A. Rapanos v. United States; and June Carabell v. United States Army Corps of Engineers
RBBD	Road and Bridge Benefit District
RCA	Regional Conservation Authority
RCP	Reinforced Concrete Pipe
RCP	Regional Comprehensive Plan
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
Rd.	Road
REC	Recognized environmental Concerns
RECLAIM	Regional Clean Air Incentives Market
REL	Reference Exposure Level
REMEL	Reference Mean Emission Level
RHA	Rivers and Harbor Act of 1899
RIX	Rapid Infiltration Extraction
RME	resource management element
RMP	Resource Management Plan
RMS	root mean square
ROGs	Reactive Organic Gasses
ROW	Right of Way
RPS	Renewable Portfolio Standards
RPW	Relative Permanent Water
RPZ	Runway Protection Zone
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RV	Recreational Vehicle
RWQCB	Regional Water Quality Control Board
s/o	south of
SF/s.f.	square foot or square feet
SARA	Superfund Amendments and Reauthorization Act
SB18	Bill of Rights for Children and Youth of California
SB	Southbound
SB	Senate Bill
SB 375	California Senate Bill 375, Sustainable Communities and Climate Protection Act of 2008
SCAB	South Coast Air Basin
SCAG	Sothern California Association of Governments
SCAQMD	Southern Coast Air Quality Management District

SCCIC	South Central Coastal Information Center
SCH	California State Clearinghouse (Office of Planning and Research)
SCS	Sustainable Communities Strategy
SCWR	Southern Cottonwood Willow Riparian
SF6	Sulfur Hexafluoride
SLF	Sacred Lands File
SGMA	Sustainable groundwater management act
SHMA	Seismic Hazards Mapping Act
SIP	State Implementation Plan
SKR	Stephens' Kangaroo Rat
SMARA	Surface Mining Reclamation Act
SNUR	Significant New Use Rule
SO2	Sulfur Dioxide
SO4	Sulfates
SOX	Sulfur Oxides
SOI	Sphere of Influence
SP	Specific Plan
SPA	Specific Plan Amendment
SPT	Standard Penetration Test
SR	State Route
SRA	Source Receptor Area
SRRE	Source Reduction and Recycling Element
St.	Street
STC	Sound Transmission Class
SURRGO	Soil Survey Geographic
SUSMP	Standard Urban Stormwater Management Plan
SWANCC	Solid Waste Agency of Northern Cook County vs. USACE
SWFF	Southwestern willow flycatcher
SWH	solar water heaters
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Regional Control Board
TAC	Toxic Air Contaminants
TBD	To be determined
TEA-21	Transportation Equality Act for 21st Century
TIA	Traffic Impact Analysis
TNW	Traditional Navigable Water
TPM	Tentative Parcel Map
TRUs	Transportation Refrigeration Units
TS	Traffic Signal

TSCEA	Toxic Substance Control Act
TSF	Thousand Square Feet
TTM	Tentative Tract Map
TUMF	Transportation Uniform Mitigation Fee
µg	microgram
UBC	Uniform Building Code
UNFCCC	United Nations' Framework Convention on Climate Change
URBEMIS	URBan EMISsions
U.S.	United States
USACE	United States Army Corps of Engineers
USCB	United States Census Bureau
USEPA	United States Environmental Protection Agency
USDA	U.S. Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Society
USTs	Underground storage tanks
UWMP	Urban Water Management Plan
V/C	Volume to Capacity Ratio
VFP	Vehicle Fueling Positions
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
VPH	Vehicles per Hour
WDR	Water discharge report
w/o	West of
WoUS	Waters of the United States
WoS	Waters of the State
WQC	Water Quality Certification Program
WQMP	Water Quality Management Plan
WRF	Water Reclamation Facility
WRP	Water Reclamation Plan
WRRRA	Water Reuse and Recycle Act
WSA	Water Supply Assessment
YBP	Years before Present
Yr	year
ZC	Zone change

S.0 EXECUTIVE SUMMARY

S.1 INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.* requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project’s potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment. This Executive Summary complies with CEQA Guidelines Section 15123, “Summary.” Included are a concise description of the proposed Veterans Affairs Community-Based Outpatient Clinic Project, a summary of the physical environmental effects that could result from its implementation, a list of the mitigation measures that will be imposed by the City of Bakersfield with resulting significance conclusions regarding environmental effects, and a summary of alternatives to the Project that would avoid or lessen the significant environmental effects.

This Environmental Impact Report (EIR), having California State Clearinghouse (SCH) No. 2022080337 was prepared in accordance with CEQA Guidelines Article 9, Sections 15120-15132 to evaluate the potential environmental impacts associated with planning, constructing, and operating the proposed Veterans Affairs Community-Based Outpatient Clinic. The Project entails the proposed development of a 39,648 square foot (s.f.) Department of Veterans Affairs (VA) community-based outpatient medical clinic on a 10.05 gross acre site located approximately 0.15-mile west of State Route 99 (SR-99) and 250 feet southeast of the intersection of Olive Drive and Knudsen Drive.

The entitlement application filed by SASD Development Group, LCC (the Project Applicant) with the City of Bakersfield pertaining to the proposed Project is Site Plan Review No. 21-0399. These actions and the physical and operational aspects of the Project’s construction and operation are more fully described in Section 3.0, *Project Description*.

The City of Bakersfield determined that the scope of this EIR should cover 13 subject areas. The scope includes all of the subject areas listed in Appendix G to the CEQA Guidelines that the City determined could be significantly and adversely affected by the Project, taking into consideration public comment received by the City in response to this EIR’s Notice of Preparation (NOP). The 13 environmental subject areas that could be reasonably and significantly affected by planning, constructing, and/or operating the proposed Project are analyzed herein, including:

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Energy
6. Geology and Soils
7. Greenhouse Gas Emissions
8. Hazards and Hazardous Materials
9. Hydrology and Water Quality
10. Land Use and Planning
11. Noise
12. Transportation
13. Tribal Cultural Resources

Refer to EIR Section 4.0, *Environmental Analysis*, for a full account and analysis of the subject matters listed above. For each of the aforementioned subject areas, this EIR: 1) describes the physical conditions that existed at the approximate time this EIR's NOP was filed with the California State Clearinghouse (August 11, 2022); 2) discloses the type and magnitude of potential environmental impacts resulting from Project planning, construction, and operation; and 3) if warranted, recommends feasible mitigation measures that would reduce or avoid significant adverse environmental impacts that the proposed Project may cause. A summary of the proposed Project's significant environmental impacts and the mitigation measures that the City of Bakersfield would impose on the Project to lessen or avoid those impacts is included in this Executive Summary as Table S-1. The City of Bakersfield applies mitigation measures that it determines: 1) are feasible and practical for project applicants to implement; 2) are feasible and practical for the City of Bakersfield to monitor and enforce; 3) are legal for the City of Bakersfield to impose; 4) have an essential nexus to the Project's impacts; and 5) would result in a benefit to the physical environment. CEQA does not require the Lead Agency to impose mitigation measures that are duplicative of project design features or mandatory regulatory requirements.

S.2 PROJECT SITE LOCATION AND REGIONAL SETTING

The Project site is located within the northern portion of the City of Bakersfield in Kern County, California. Kern County is bound by Kings, Tulare, and Inyo counties to the north; San Bernardino County to the east; Los Angeles and Ventura counties to the south; and Santa Barbara and San Luis Obispo counties to the west. Specifically, the Project site is located approximately 0.15-mile west of State Route 99 (SR-99) and 250 feet southeast of the intersection of Olive Drive and Knudsen Drive. Under existing conditions, the Project site is vacant and undeveloped. The topography of the Project site and immediately surrounding area is characterized by relatively flat land. The Sierra Nevada Mountains are located approximately 3.6 miles to the northeast, the Tehachapi Mountains are located approximately 26.2 miles to the south, and the Coast Range is located approximately 36.3 miles to the west. Despite air quality improving across California and Kern County due to increasingly stringent regulatory requirements, the census tract containing the Project site (Census Tract 6029000507) is ranked by the State as being in the 83rd percentile for pollution burden (OEHHA, 2022).

S.3 PROJECT OBJECTIVES

CEQA Guidelines Section 15124(b) requires a statement of project objectives. The fundamental purpose and goal of the Veterans Affairs Community-Based Outpatient Clinic is to develop a community-based outpatient medical facility to serve area veterans. The Project would achieve its underlying purpose and goal through the following objectives.

- A. Establish a new VA community-based outpatient medical clinic in Bakersfield on a site that has been vetted by and selected by the U.S. Government within the following delineated area:
 - North: East on Olive Drive, southeast on Roberts Lane, southeast on Manor Street and then northeast on Panorama Drive to Fairfax Road.
 - East: South on Fairfax Road to E. Brundage Lane

- South: West on E. Brundage Lane, continuing on Brundage Lane to the intersection of Brundage Lane and SR-99.
 - West: The intersection of Gosford Road and White Lane, north to where Gosford Road becomes Coffee Road, north to Olive Drive.
- B. Establish a new VA community-based outpatient medical clinic that has a minimum size of 30,100 net usable square feet, and meets the VA’s physical design requirements.
- C. Provide high quality patient care for veterans in a safe, advanced-care medical facility throughout the Bakersfield area and surrounding communities.
- D. Enable veterans to receive health care at a medical facility that is easily accessible and nearby a State highway system to reduce out of area health trips.
- E. Develop a VA medical clinic that is capable of providing a diverse range of consolidated outpatient services, such as audiology, mental health, telehealth, ambulatory care, an eye clinic, physical and occupational therapy, prosthetics, dental services, a lab and pharmacy, and ancillary and diagnostic services, avoiding the need for veterans to travel out of the Bakersfield area for these services.
- F. Create a comprehensively planned, advanced-care VA medical clinic that provides community vitality, economic growth, and employment opportunities in the City of Bakersfield.
- G. Construct a VA medical clinic with maximum operational efficiency to optimize health care outcomes and create a space for increased patient and staff satisfaction.

S.4 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Substantive issues raised in response to this EIR’s NOP are summarized in Table 1-1 in Section 1.0, *Introduction*. Based on comments received in response to the NOP, concerns were raised regarding potential impacts to the environment pertaining to the topics of: Air Quality, Biological Resources, Cultural Resources, Tribal Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Transportation. No other areas of concern or controversy related to environmental effects were identified pertaining to the proposed Project, beyond the comments summarized in Table 1-1. Based on the Project’s background (refer to Subsection 1.3 in Section 1.0, *Introduction*), a controversial item associated with the Project expressed by the owner of the building at 1801 Westwind Drive (where the VA’s outpatient clinic is currently located), is alternative site locations for the proposed Project.

S.5 PROJECT ALTERNATIVES

S.5.1 NO PROJECT ALTERNATIVE

The No Project Alternative considers a scenario in which the proposed Project does not proceed. In this circumstance, the VA clinic is assumed to continue operating in its existing location at 1801 Westwind Drive and the Project site would remain undeveloped. However, there also is no guarantee that the VA clinic would continue to operate at the existing location if the No Project Alternative is selected in which case local medical services would be provided elsewhere.

S.5.2 NET ZERO ALTERNATIVE

The Net Zero Alternative considers the development of a VA clinic on the Project site with a design that would achieve net zero greenhouse gas emissions. To achieve this result, a smaller sized clinic than proposed by the Project and required by the U.S. Department of Veterans Affairs would be required. The Net Zero Alternative would reduce the size of the proposed clinic by 3,648 s.f. and construct a 36,000 s.f. clinic. Under this alternative, the exiting VA clinic located at 1801 Westwind Drive would no longer operate and a 36,000 s.f. clinic on the Project site would achieve net zero greenhouse gas emissions.

S.5.3 RENEWABLE ENERGY SYSTEM PROJECT DESIGN ALTERNATIVE

The Renewable Energy System Project Design Alternative considers the development of a VA clinic on the Project site with the same site design as proposed with the Project, but with the addition of a solar system on the building roof, the addition of canopy covers over parking areas equipped with solar panels, and the addition of on-site battery storage such that site operations could be powered without connecting to the electrical grid. Under this Alternative, the exiting VA clinic located at 1801 Westwind Drive would no longer operate and the Alternative would achieve a net reduction in greenhouse gas emissions compared to the existing condition. The total amount of energy needed to offset the Project is approximately 371,171 kWh/year. The building itself is expected to need 341,211 kWh/year, and the remaining 29,960 kWh/year is for the parking lot operations. These values are based on the mitigated electricity needs, which assumes a 10% improvement over Title 24 requirements. Assuming that 1 kW of rooftop solar in Bakersfield can generate about 1,650 kWh/year, solar panels capable of producing a total of 225 kW (207 kW for the building and 18 kW for the parking lot) would be required. Assuming that approximately 100 square feet (sq. ft.) of surface area are needed to hold 1kW of rooftop solar, 22,500 sq. ft. of solar panel coverage would be required on the site.

S.6 EIR PROCESS

This EIR has been prepared as a Project EIR pursuant to CEQA Guidelines Section 15161. As described by CEQA Guidelines Section 15161, a Project EIR is the most common type of EIR that: 1) examines the environmental impacts of a specific development project; 2) focuses primarily on the changes in the environment that would result from the development of the project; and 3) examines all phases of the project, including planning, construction, and operation.

This Draft EIR will be available for public review and comment for a minimum of 45 days. Following public review, the City of Bakersfield will prepare responses to written comments concerning environmental topics and publish a Final EIR. Before taking action to approve the Project, the City of Bakersfield (serving as the CEQA Lead Agency) has the obligation to: 1) ensure this EIR has been completed in accordance with CEQA; 2) review and consider the information contained in this EIR as part of its decision-making processes; 3) make a statement that this EIR reflects the City of Bakersfield's independent judgment; 4) ensure that all significant effects on the environment are avoided or substantially lessened where feasible; and, if necessary 5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are infeasible and citing the specific benefits of the proposed Project that outweigh its unavoidable adverse effects (CEQA Guidelines Sections 15090-15093).

S.7 SUMMARY OF IMPACTS, MITIGATION MEASURES AND CONCLUSIONS

S.7.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

The scope of detailed analysis in this EIR includes 13 subject areas identified in an Initial Study prepared pursuant to CEQA Guidelines Section 15063 and CEQA Statute Section 21002(e). The Initial Study, NOP, and public comments received in response to the NOP and scoping meetings, are attached to this EIR as *Technical Appendix A*. Subject areas for which the City concluded that impacts clearly would be less than significant and that do not warrant detailed analysis in this EIR include: agriculture and forestry resources; mineral resources; population and housing; public services; recreation; utilities and service systems; and wildfire. This EIR addresses these seven topics in EIR Subsection 5.0, *Other CEQA Considerations*.

S.7.2 IMPACTS OF THE PROPOSED PROJECT

Table S-1, *Summary of Impacts, Mitigation Measures, and Conclusions*, provides a summary of the proposed Project's environmental impacts, as required by CEQA Guidelines Section 15123(a). Also presented are the mitigation measures recommended by the City of Bakersfield to further avoid adverse environmental impacts or to reduce their level of significance. After the application of all feasible mitigation measures within the City of Bakersfield's jurisdictional authority, the Project would result in significant and unavoidable environmental effects under one environmental subject areas, as summarized below.

- Greenhouse Gas Emissions (Threshold a): Significant and Unavoidable Cumulatively-Considerable Impact. Although the Project's GHG emissions would only be a very small fraction of the global GHG emissions that contribute to climate change, the City is using a net-zero threshold. Because the Project would result in a net increase in GHG emissions as compared to existing conditions even with implementation of mitigation measures, the Project's impacts due to GHG emissions would be significant and unavoidable on a cumulatively-considerable basis.

Table S-1 Summary of Impacts, Mitigation Measures and Conclusions

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
4.1 Aesthetics					
Summary of Impacts					
<p><u>Threshold a:</u> The Project site does not comprise all or part of a scenic vista and does not contain any visually prominent scenic features. No unique views to scenic vistas are visible from the property. The Project would not substantially change a scenic view or substantially block or obscure a scenic vista; therefore, impacts to scenic vistas would be less than significant.</p>	<p>No mitigation is required.</p> <p>The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Aesthetics, which include the following:</p> <p>AES DF-1: Prior to the approval of building permits and other permits and approvals that authorize construction, the City of Bakersfield shall review the construction documents and plans to assure the following:</p> <ul style="list-style-type: none"> a. All lighting fixtures shall comply with applicable City of Bakersfield Municipal Code requirements pertaining to lighting and illumination of buildings, parking areas, and signs. b. All landscaping shall be installed to comply with all applicable City of Bakersfield Municipal Code standards pertaining to perimeter landscaping and minimum shade cover. 	City of Bakersfield	City of Bakersfield	Prior to approval of building permits.	Less-than-Significant Impact
<p><u>Threshold b:</u> The Project site is not located within the viewshed of a scenic highway and, therefore, the Project site does not contain any scenic resources visible from a scenic highway.</p>	No mitigation is required.	N/A	N/A	N/A	No Impact
<p><u>Threshold c:</u> The Project site is located within an urbanized area and would not conflict with applicable zoning and other</p>	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
regulations governing scenic quality during construction or operation.					
<u>Threshold d:</u> Project-related development would not create substantial light or glare. Compliance with Bakersfield Municipal Code requirements for lighting would ensure less than significant impacts associated with light and glare affecting day or nighttime views in the area from on-site lighting elements.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.2 Air Quality					
Summary of Impacts					
<u>Threshold a:</u> Project emissions would not exceed SJVAPCD thresholds for criteria pollutants, and as such the Project would be consistent with the AQMP.	<p>The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Air Quality, which include the following:</p> <p>AIR -RR-1: In compliance with SJVAPCD Rule 9510 (Indirect Source Review (ISR)), the Project Applicant or its successor in interest shall submit an Air Impact Assessment (AIA) application to the SJVAPCD, which will identify emission reduction measures for emissions of NO_x and PM₁₀. The performance measures listed below can be met through any combination of on-site emission reduction measures or off-site fees.</p> <p>a. Related to construction-related emissions, the exhaust emissions for construction equipment greater than fifty (50) horsepower used or associated with the project shall be reduced by the following amounts from the statewide average as estimated by the ARB: 20% of the total NO_x emissions, and 45% of the total PM₁₀ exhausts emissions. Construction emissions</p>	City of Bakersfield	City of Bakersfield	Prior to construction.	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>can be reduced by using less polluting construction equipment, which can be achieved by utilizing add-on controls, cleaner fuels, or newer lower emitting equipment.</p> <p>b. Related to operational emissions, NO_x emissions shall be reduced by 33.3% of the project's operational baseline NO_x emissions over a period of ten years as quantified in the approved AIA. PM₁₀ emissions shall be reduced by 50% of the project's operational baseline PM₁₀ emissions over a period of ten years as quantified in the approved AIA.</p>				
<p>Threshold b: Project emissions would not exceed any of the SJVAPCD significance thresholds.</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact</p>
<p>Threshold c: <u>The Project would not result in air quality emissions that would result in carcinogenic risk or non-cancer risk exceeding the identified thresholds of significance of one in 20 million and 1.0, respectively, and Project cancer and non-cancer risks would therefore be less than significant. The Project also would result in less than significant impacts due to visibility to nearby areas.</u></p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact</p>
<p>Threshold d: The Project is not considered a source of objectionable odors or odorous compounds.</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact</p>
<p>4.3 Biological Resources</p>					
<p>Summary of Impacts</p>					
<p>Threshold a: The Project contains suitable habitat for Crotch bumble bee, burrowing owl, San Joaquin Kit Fox (SJKF), and American badger. In the event that any of these species are present on the Project site at the time Project construction activities</p>	<p>BIO MM-1: Surveys to detect burrowing owls shall be conducted by a professional biologist in consultation with CDFW no more than 30 days prior to any ground disturbance activities on the Project site and can be conducted concurrently with the pre-activity surveys required per BIO MM-2, BIO MM-</p>	<p>Professional Biologist retained by Project Applicant</p>	<p>City of Bakersfield or its designee</p>	<p>30 days prior to ground disturbance</p>	<p>Less-than-Significant Impact with Mitigation Incorporated</p>

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
<p>commence, implementation of the Project would have the potential to significantly impact the species. The Project also has the potential to impact nesting migratory birds protected by the Migratory Bird Treaty Act (MBTA) and the CDFW.</p>	<p>3 and BIO MM-4. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a professional biologist verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If burrowing owls are observed using burrows during the surveys, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFW protocols, <i>Staff Report on Burrowing Owl Mitigation</i>, shall be implemented. In such case, exclusion devices shall not be placed until the young have fledged and are no longer dependent upon the burrow, as determined by a professional biologist. Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a professional biologist.</p> <p>BIO MM-2: If vegetation clearing or initial ground-disturbing construction activity occurs during the migratory bird nesting season (February 1 to August 31) a professional avian biologist shall conduct a nesting bird survey to identify any active nests present within the proposed work area. If active nests are found, initial ground disturbance shall be postponed or halted within a buffer area, established by the professional avian biologist, that is suitable to the particular bird species and location of the nest, until juveniles have fledged or the nest has been</p>	<p>Professional Biologist retained by Project Applicant</p>	<p>City of Bakersfield or its designee</p>	<p>Prior to ground disturbance if such disturbance will occur between February 1 and August 31</p>	

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>abandoned, as determined by the biologist. The construction avoidance area shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas.</p> <p>BIO MM-3: Prior to vegetation clearing or initial ground-disturbing construction activities, a professional biologist shall conduct a survey to determine the presence of suitable foraging, nesting, or over-wintering habitat for the Crotch bumblebee (CBB) within or immediately adjacent to the work limits. If suitable habitat is present, at least 2 visual surveys shall be conducted by a professional biologist between April 1 and May 30 to detect CBB on or within 100 feet of the work limits prior to vegetation removal/initial ground disturbance. The surveys shall target the peak flowering period of CBB preferred nectar plants and shall be conducted by a professional biologist who is familiar with CBB behavior and life history to determine presence/absence of CBB within one year of vegetation removal/initial ground disturbance. CBB individuals shall only be handled for identification if appropriate authorizations are issued. Surveys shall be conducted under suitable conditions for observation of bumble bees. Methods shall be in accordance agency protocols if issued. If no agency protocols have been issued at the time of the surveys, the following survey parameters will be applied: the professional biologist will walk slow (≤ 2 mph) meandering transects covering all portions suitable habitat within and immediately adjacent to the work limits containing suitable habitat; surveys will be conducted no earlier than 2 hours after sunrise and 3 hours before sunset, on mostly sunny days with</p>	Professional Biologist retained by Project Applicant	City of Bakersfield or its designee	Prior to ground disturbing activities	

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>temperature between 65° and 90°F; surveys will not be conducted on cloudy days (≥90% cloud cover) or under wet or windy conditions (≥8 mph). Surveyors will search for bumble bees in flight and potential nest sites.</p> <p>All potential CBB nests found in small mammal burrows, under thatched grasses, brush piles or other suitable ground locations shall be further examined based on observations of entering or exiting CBB. Observations of potential CBB nest sites shall be conducted for no less than 15 minutes per location where CBB are possibly entering/exiting, or a longer period as determined by the professional biologist. If no CBB or their nests are detected, no further measures will be necessary provided that vegetation removal/initial ground disturbance occurs prior to March 1 of the year following the negative survey. If vegetation/initial ground disturbance does not occur before March 1 of the year following the negative survey, the survey shall be repeated following the above procedure. If CBB is found to be present, BIO MM-5 shall apply.</p> <p>BIO MM-4: No more than 30 days prior to vegetation clearing or initial ground-disturbing construction activities, pre-construction surveys for San Joaquin kit fox and American badger shall be conducted by a professional biologist. The purpose of the preconstruction survey is to provide current biological information in order to implement all avoidance and minimization measures that are required based on any previous observations of special-status species and to update observations shall any new site occupation by special-status species occur. If any known San Joaquin kit fox dens are detected, implementation of the most recent</p>	Professional Biologist retained by Project Applicant	City of Bakersfield or its designee	30 days prior to ground disturbance	

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>USFWS protocols (<i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011)</i>) is required per BIO MM-5 unless protocols are issued by either CDFW or USFWS that supersede these protocols. If American badger is present, BIO MM-5 shall apply.</p> <p>BIO MM-5: If California or Federal listed threatened or endangered species are found occupying burrows, dens, or nests on the Project site or any such species could be injured or killed due to Project-related activities, the CDFW and/or USFWS (as appropriate) shall be contacted for further guidance. Should either agency determine that incidental take authorization is required prior to construction, the appropriate CESA/FESA authorization shall be obtained by the Project Applicant. CESA and FESA authorizations shall include measures addressing the respective state and/or federal listed species and shall include the following at a minimum:</p> <ul style="list-style-type: none"> a) Implementation of standardized biological resource protective measures included in BIO MM-4; b) Biological preconstruction surveys conducted by qualified biologists approved by each applicable agency no more than 30 days prior to conducting work on the Project site; c) If any known San Joaquin kit fox dens are detected, implementation of the most recent USFWS protocols (<i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011)</i>) unless protocols are issued by either CDFW or USFWS that supersede these protocols. 	Professional Biologist retained by Project Applicant	City of Bakersfield or its designee	If threatened or endangered species are found	

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>d) Destruction of San Joaquin kit fox dens shall follow the monitoring and excavation procedures in USFWS (2011).</p> <p>e) If CBB individuals or nests are detected during any surveys conducted per BIO MM-3, and the CBB remains a state candidate species or is listed under CESA, the Project Applicant shall obtain take authorization from CDFW prior to vegetation removal/initial ground disturbance. A CBB Mortality Reduction Plan shall be submitted for CDFW approval no less than 30 days prior to initial vegetation removal or ground disturbance and the Plan shall contain the following information at a minimum:</p> <ul style="list-style-type: none"> o Active CBB nests shall be avoided by 50 feet. If CBB nests cannot be avoided, the Plan shall include seasonal restrictions for disturbance within 50 feet of any nest and procedures for determining when nest impacts will be minimized. o Vegetation removal/initial ground disturbance shall be limited to the period when impacts to individual CBB that may be underground will be minimized (e.g., after nests have become inactive). o Prior to vegetation removal/initial ground disturbance, small mammal burrows that may harbor overwintering CBB queens shall be excavated by hand. The Plan shall include timing and excavation methods. In addition, the Plan shall include procedures for handling and disposition of CBB if encountered during burrow excavations. o The Plan shall include procedures for handling and disposition of individual CBB if they are encountered in the work 				

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>limits or on construction equipment during construction activities.</p> <p>f) Biological monitoring of initial ground disturbance during each phase of grading;</p> <p>g) Provision for compliance reporting to be provided to each agency as required in respective take authorizations;</p> <p>h) Compensation for habitat disturbance acceptable to CDFW (state listed species) and/or USFWS (federal listed species) at a ratio of no less than 3:1 for permanent impacts and 1.1:1 for temporary impacts to listed species habitat. The only existing approved conservation bank for impacts to San Joaquin kit fox habitat in Kern County is the Kern Water Bank Authority Conservation Bank. Lands used to mitigate for San Joaquin kit fox must be contiguous with other potentially occupied lands, provide suitable foraging and denning habitat for San Joaquin kit fox, and be located in the southern San Joaquin Valley portion of Kern County below 1,500' in elevation;</p> <p>i) Compensation land shall be funded for maintenance, protection, and management through establishment of a long-term funding mechanism such as an endowment. The endowment must be a non-wasting account that is acceptable to both CDFW and USFWS.</p> <p>BIO MM-6: All biological monitors working on the Project site shall be required by their contract to notify the USFWS and CDFW of the discovery of any protected species identified on the site other than nesting birds, Crotch bumblebee, San Joaquin kit fox and American badger which are addressed by BIO MM-1, BIO MM-2, BIO MM-3, BIO MM-4, and</p>	<p>Professional Biologist retained by Project Applicant</p>	<p>City of Bakersfield or its designee</p>	<p>If threatened or endangered species are found</p>	

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>BIO MM-5. Any take of protected wildlife shall be reported immediately to USFWS and CDFW.</p> <p>BIO MM-7: The Project Applicant shall ensure that the Project's construction contractors adhere to the following best management practices. Construction contractors shall be required by their contracts to comply with these best practices and permit periodic inspection of the construction site by City of Bakersfield staff or its designee to confirm compliance. A note that requires compliance is required on all grading and building plans approved by the City of Bakersfield.</p> <p>a. Traffic restraints and signs shall be established to minimize temporary disturbances during construction beyond the construction site boundaries. All construction traffic shall be restricted to designated access roads and routes, Project site, storage areas, and staging and parking areas. Off-road traffic outside designated Project boundaries shall be prohibited. A 15 mile-per-hour (24 kilometer-per-hour) speed limit shall be observed in all Project construction areas, except as otherwise posted on county roads and state and federal highways.</p> <p>b. All construction personnel involved in ground-disturbing construction activities shall attend a worker orientation program. The worker orientation program shall present measures required to avoid, minimize, and mitigate impacts to biological resources and shall include, at a minimum, the following subjects: A summary of the Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), and the Migratory Bird Treaty Act</p>	<p>Professional Biologist retained by Project Applicant</p>	<p>City of Bakersfield or its designee</p>	<p>During construction activities</p>	

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>(MBTA); biological survey results for the current construction area; life history information for the species of concern; biological resource avoidance, minimization, and mitigation requirements; consequences for failure to successfully implement requirements; and procedures to be followed if dead or injured wildlife are located during Project activities. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all biological resource mitigation measures. Forms verifying worker attendance shall be filed at the Project Applicant's office and be accessible to the City of Bakersfield, USFWS and CDFW staff. No untrained personnel shall be allowed to work onsite with the exception of delivery trucks that are only onsite for 1 day or less and are under the supervision of a trained employee.</p> <p>c. All equipment storage and parking during construction activities shall be confined to the designated construction area or to previously disturbed offsite areas that are not habitat for listed species.</p> <p>d. All Project construction activities involving initial surface disturbance shall occur during daylight hours.</p> <p>e. Trenches shall be inspected for entrapped wildlife each morning prior to the onset of construction. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped animals. Any wildlife so discovered shall be allowed to escape voluntarily, without harassment, before construction activities resume. A professional biologist may remove wildlife from a trench, hole or other entrapment out of harm's way if the immediate welfare of</p>				

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>the individual is in jeopardy. State or federal listed species may not be handled. Should any state or federal listed species become entrapped, CDFW and USFWS shall be contacted as appropriate.</p> <p>f. All food-related trash items such as wrappers, cans, bottles and food scraps generated by Project construction activities shall be disposed of in closed containers and removed at least once each week from the site. Deliberate feeding of wildlife shall be prohibited.</p> <p>g. To prevent harassment of special-status species, construction personnel shall not be allowed to have firearms or pets on the Project site.</p> <p>h. All equipment and work-related materials shall be contained in closed containers either in the work area or on vehicles. Loose items (e.g. rags, hose, etc.) shall be stored within closed containers or enclosed in vehicles when on the work site.</p> <p>i. All liquids shall be in closed, covered containers. Any spills of hazardous liquids shall not be left unattended until clean-up has been completed.</p> <p>j. Use of rodenticides and herbicides on the Project shall be prohibited unless approved by the USFWS and the CDFW. This is necessary to prevent primary or secondary poisoning of special-status species using adjacent habitats, and to avoid the depletion of prey upon which they depend. If rodent control must be conducted, zinc phosphide shall be used because of its proven lower risk to SJKF.</p> <p>k. Any employee who inadvertently kills or injures a listed species, or who finds any such wildlife dead, injured, or entrapped on the</p>				

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>Project site, shall be required to report the incident immediately to a designated site representative (e.g., foreman, project manager, environmental inspector, etc.).</p> <ul style="list-style-type: none"> l. In the case of entrapped wildlife that are listed species, escape ramps or structures shall be installed immediately, if possible, to allow the subject wildlife to escape unimpeded. m. In the case of injured special-status wildlife, the CDFW shall be notified immediately. During business hours Monday through Friday, the phone number is (559) 243-4017. For non-business hours, report to (800) 952-5400. Notification shall include the date, time, location, and circumstances of the incident. Instructions provided by the CDFW for the care of the injured animal shall be followed by the contractor onsite. n. In the case of dead wildlife that are listed as threatened or endangered, the USFWS and the CDFW shall be immediately (within 24 hours) notified by phone or in person, and shall document the initial notification in writing within 2 working days of the findings of any such wildlife. Notification shall include the date, time, location, and circumstances of the incident. o. Prior to commencement of construction, work areas not adjacent to public streets shall be clearly marked with fencing, stakes with rope or cord, or other means of delineating the work area boundaries. p. If any suspected federally or State protected plant or animal species is found to be present during Project-related construction activities, occupied areas shall be avoided and the construction contractor shall be required by its 				

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	contract to call a CDFW-approved biologist to the site to identify the species. If the species is protected, the qualified biologist shall notify the USFWS and CDFW of any previously unreported protected species. Any take of protected wildlife shall be reported immediately to USFWS and CDFW.				
<u>Threshold b:</u> There is no potential for the Project to 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 CDFG or USFWS because these resources do not exist on the Project site.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold c:</u> There is no potential for the Project to 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 because these resources do not exist on the Project site.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold d:</u> There is no potential for the Project to 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 because the Project site does not function as part of a wildlife movement corridor.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e:</u> There is no potential for the Project to conflict with any local policies or ordinance protecting biological resources because no such policies or ordinances are in place that have applicability to the Project site.	No mitigation is required.	N/A	N/A	N/A	No Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
<p><u>Threshold f:</u> 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 because not such plans are in place that have applicability to the Project site.</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No Impact</p>
<p>4.4 Cultural Resources</p>					
<p>Summary of Impacts</p>					
<p><u>Threshold a:</u> The Project would not impact any known historical resources and would not cause a substantial adverse change in the significance of any known historical resources pursuant to California Code of Regulation, Section 15064.5. However, there is a remote possibility that subsurface historical resources may exist and may be unearthed and impacted during Project-related construction activities. Therefore, the Project’s potential impact to potentially present subsurface historical resources would be significant prior to mitigation.</p>	<p>CR-MM-1: Prior to construction and as needed throughout the construction period involving ground-disturbing construction activities, 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 that meets the U.S. Secretary of the Interior’s Professional Qualification Standards. Workers attending the training shall sign a form that shall be kept by the Project Applicant and made available to the City of Bakersfield upon request.</p>	<p>Professional Cultural Resource Specialist retained by Project Applicant</p>	<p>City of Bakersfield or its designee</p>	<p>Prior to the issuance of a grading permit or any permit that authorizes ground disturbance</p>	<p>Less-than Significant Impact with mitigation incorporated</p>
	<p>CR MM-2: If suspected historical or archaeological resources are encountered during ground disturbance activities, the construction contractor(s) shall be required by their contract to immediately cease work within 100 feet of the resources and have the area partitioned off until a qualified cultural resource specialist that meets the U.S. Secretary of the Interior’s Professional Qualification Standards can evaluate the resources found and make recommendations. If the specialist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required. If cultural resources are discovered that</p>	<p>Construction Contractors and Professional Cultural Resource Specialist retained by Project Applicant</p>	<p>City of Bakersfield or its designee</p>	<p>If suspected cultural resources are encountered</p>	<p>Less-than Significant Impact with mitigation incorporated</p>

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>may have relevance to Native Americans, the specialist or Project Applicant must provide written notice to the City of Bakersfield, Tejon Indian Tribe, Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the specialist in consultation with the City of Bakersfield to receive input regarding treatment and disposition of the resource, which may include avoidance, testing, and/or excavation to prevent destruction of the resource and/or to allow documentation of the resource for research potential. 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.</p>				
<p><u>Threshold b:</u> The Project would not impact any known archaeological sites and would not cause a substantial adverse change in the significance of any known archaeological resources pursuant to California Code of Regulation, Section 15064.5. However, there is a possibility that subsurface archaeological resources may exist and may be unearthed and impacted during Project-related construction activities. Therefore, the Project's potential impact to potentially present subsurface archaeological resources would be significant prior to mitigation.</p>	<p>See CR-MM-1 above.</p> <p>See CR MM-2 above.</p>	<p>Professional Archaeologist retained by Project Applicant</p> <p>Construction Contractors and Professional Archaeologist retained by Project Applicant</p>	<p>City of Bakersfield or its designee</p> <p>City of Bakersfield or its designee</p>	<p>Prior to the issuance of a grading permit or any permit that authorizes ground disturbance</p> <p>If suspected cultural resources are encountered</p>	<p>Less-than Significant Impact with mitigation incorporated</p> <p>Less-than Significant Impact with mitigation incorporated</p>

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
<p><u>Threshold c:</u> The Project site does not contain a cemetery and no known cemeteries are located within the immediate site vicinity. Although the Project Applicant would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097 et. seq., the Project’s potential impacts to buried human remain, if discovered, s would be significant on a direct and cumulatively-considerable basis prior to mitigation.</p>	<p>CR MM-3: 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. Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).</p>	Construction Contractors	County Coroner	If human remains are discovered	Less-than Significant Impact with mitigation incorporated

4.5 Energy

Summary of Impacts

<p><u>Threshold a:</u> The amount of energy and fuel consumed by construction and operation of the Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems.</p>	No mitigation is required.	N/A	N/A	N/A	Less-than Significant Impact
<p><u>Threshold b:</u> The Project would not conflict with or obstruct the achievement of energy conservation goals within the State</p>	No mitigation is required.	N/A	N/A	N/A	

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
of California identified in State and local plans for renewable energy and energy efficiency.					
4.6 Geology and Soils					
Summary of Impacts					
<u>Threshold a:</u> Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Project site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project minimizes potential hazards related to seismic ground shaking to less than significant levels.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b:</u> Implementation of the Project would not result in substantial soil erosion or loss of topsoil. The Project Applicant would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities minimizing impacts to less than significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c:</u> There is no potential for the Project's construction or operation to cause, or be impacted by, on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the site-specific geotechnical report during Project construction.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d:</u> The Project site contains soils with very low susceptibility to expansion; therefore, the Project would not create	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
substantial direct or indirect risks to life or property associated with the presence of expansive soils. Impacts would be less than significant.					
<u>Threshold e:</u> No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold f:</u> The Project would not impact any known paleontological resource or unique geological feature. However, construction activities on the Project site extending more than six (6) feet in depth have the potential to unearth and adversely impact a unique paleontological resource or site or unique geologic feature that may be buried beneath the ground surface.	<p>GEO MM-1: Prior to construction and as needed throughout the construction period involving ground-disturbing construction activities, a construction worker paleontological resource awareness training program shall be provided to all new construction workers within one week of employment at the project site, if their work will involve ground-disturbing construction activities greater than six feet in depth in older alluvium soils. The training shall be prepared and conducted by a professional paleontologist. Workers attending the training shall sign a form that shall be kept by the Project Applicant and made available to the City of Bakersfield upon request.</p> <p>GEO MM-2: If paleontological resources are encountered, all work within 100 feet of the resources shall halt until a qualified paleontologist can be called to the site to evaluate the resources and make recommendations. Paleontological resource materials may include fossils, plant impressions, or animal tracks that have been preserved in rock. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts to less than significant levels.</p>	<p>Professional paleontologist retained by the Project Applicant</p> <p>Construction contractors and professional paleontologist retained by the Project Applicant</p>	<p>City of Bakersfield or its designee</p> <p>City of Bakersfield or its designee</p>	<p>Prior to the issuance of a grading permit</p> <p>If paleontological resources are discovered</p>	Less-than-Significant with Mitigation Incorporated

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>Construction within 100 feet of the resources found shall not resume until the appropriate mitigation measures are implemented or the materials are determined to be to be less than significant by the paleontologist.</p> <p>GEO MM-3: Recovered specimens, if any, shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storages shall be required for discoveries of significance as determined by the paleontologist.</p> <p>GEO MM-4: A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Bakersfield prior to final building inspection.</p> <p>The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Geology and Soils.</p> <p>GEO RR-5: In compliance with City of Bakersfield Municipal Code Chapter 15.05, <i>California Building Code</i>, construction of the Project is required to adhere to the California Building Standards Code and its requirement to prepare and adhere to site-specific recommendations contained in a geotechnical report</p>	<p>Professional paleontologist retained by the Project Applicant</p> <p>Professional paleontologist retained by the Project Applicant</p>	<p>City of Bakersfield or its designee</p> <p>City of Bakersfield or its designee</p>	<p>If paleontological resources are discovered</p> <p>If paleontological resources are discovered and prior to final building inspection</p>	

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>prepared for the Project site. As such, compliance with the recommendations provided in the Project’s geotechnical study prepared by Krazan & Associates, Inc. and dated May 6, 2019 (contained as <i>Technical Appendix E</i> to this EIR) is required.</p> <p>GEO RR-6: To address wind erosion, the Project construction activities are required to comply with the provisions of Chapter 15 Section 104.12 of the Bakersfield Municipal Code to ensure that dust abatement measures comply with the current standards set for by the San Joaquin Valley Air Pollution Control District (SJVAPCD).</p> <p>GEO RR-7: The Project Applicant is required, pursuant to the State Water Resources Control Board, to obtain coverage under the State’s General Construction Storm Water Permit for construction activities (NPDES permit). Compliance with the NPDES permit involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that construction contractors will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding.</p>				
4.7 Greenhouse Gas Emissions					
Summary of Impacts					

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
<p><u>Threshold a:</u> The Project would generate approximately 83.15 net new MT CO₂e annually of GHGs, which is significant on a cumulatively-considerable basis.</p>	<p>GHG MM-1: Construction contractors shall assure that construction equipment greater than 150 horsepower achieves or is equivalent to or better than Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 4 emissions standards, or Tier 3 standards if Tier 4 equipment is not available at the time of construction. Prior to grading and building permit issuance, the construction contractor(s) shall submit an equipment list to the City’s Development Services Director confirming that the equipment used is compliant.</p> <p>GHG MM-2: Construction contractors shall assure that hand tools, forklifts, and pressure washers used for construction are electric-powered and shall designate an area of the construction site where electric-powered construction vehicles and equipment can charge. The City of Bakersfield shall verify the location of the designated charging area in association with grading and building permit issuance.</p> <p>GHG MM-3: Project construction contractors shall tune and maintain all construction equipment in accordance with the equipment manufacturer’s recommended maintenance schedule and specifications. Maintenance records for all pieces of equipment shall be kept on-site for the duration of construction activities and shall be made available for periodic inspection by City of Bakersfield or its designee.</p>	<p>Construction contractors</p> <p>Construction contractors</p> <p>Construction contractors</p>	<p>City of Bakersfield or its designee</p> <p>City of Bakersfield or its designee</p> <p>City of Bakersfield or its designee</p>	<p>Prior to issuance of a grading permit and prior to issuance of a building permit, and during construction</p> <p>Prior to issuance of a grading permit and prior to issuance of a building permit, and during construction</p> <p>Prior to issuance of a grading permit and prior to issuance of a building permit, and during construction</p>	<p>Significant and Unavoidable Cumulatively-Considerable Impact</p>
	<p>The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of</p>				

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>Greenhouse Gas Emissions, which include the following:</p> <p>GHG RR-4: The building shall be constructed in compliance with Title 24 of the Uniform Building Code to minimize total consumption of energy. The City of Bakersfield shall confirm Title 24 compliance prior to the issuance of building permits.</p>				
<p><u>Threshold b:</u> The Project would be consistent with the CARB 2020 Scoping Plan Update, which was prepared to address the GHG reduction requirements set forth by SB 32. Because the Project would be consistent with the Scoping Plan Update, the Project also would not interfere with the State’s ability to achieve the GHG reduction requirements of SB 32. Thus, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and impacts would be less than significant.</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact</p>
<p>4.8 Hazards and Hazardous Materials</p>					
<p>Summary of Impacts</p>					
<p><u>Threshold a and b:</u> During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.</p>	<p>No mitigation is required.</p> <p>The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Hazards and Hazardous Materials.</p> <p>HAZ RR-1: Construction contractors shall be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact</p>

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>related materials, including but not limited requirements imposed by the EPA, DTSC, and the Central Valley RWQCB.</p> <p>HAZ RR-2: If the VA handles hazardous materials as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95, it shall be required to comply with California’s Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the Kern County Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP).</p> <p>HAZ RR-3: Activities involving the collection and disposal of medical wastes are required to comply with California’s Medical Waste Management Act of 2017.</p> <p>HAZ RR-4: All transporters of medical wastes must be registered hazardous waste haulers with a valid Hazardous Waste Transporter Registration through the California Department of Toxic Substances Control (DTSC).</p> <p>HAZ RR-5: The proposed Project would be required to comply with the Kern County Operational Area Hazardous Materials Area Plan to ensure compliance with established procedures, rules, and regulations for emergency responses in the event of a hazardous materials incident.</p>				
<p><u>Threshold c:</u> The Project Site is located within one-quarter mile of four schools; however, the Project would be required to</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact</p>

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
comply with applicable federal, State, and local regulations related to the handling, storage, use, and transport of hazardous materials and biomedical wastes to ensure that students are not exposed to substantial hazardous emissions or acutely hazardous materials, substances, or waste.					
<u>Threshold d:</u> The Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e:</u> The Project is consistent with the requirements of the Meadow Field ALUCP. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold f:</u> The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold g:</u> The Project site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk.	No mitigation is required.	N/A	N/A	N/A	No Impact
4.9 Hydrology and Water Quality					
<u>Threshold a and e:</u> The Project would be required to comply with a Stormwater Pollution Prevention Plan (SWPPP) for	The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
<p>construction-related activities, including grading. Best management practices (BMPs) would be implemented as part of the SWPPP to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated. Under long-term conditions, the Project's proposed water quality/retention basin would capture all first-flush flows generated on the Project site and infiltrate the captured water into the groundwater basin. Furthermore, the Project site is not tributary to any impaired water bodies listed on the CWA Section 303(d) list. As such, the Project has no potential to cause or contribute to surface water quality impacts downstream. Accordingly, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, and would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.</p>	<p>regulatory requirements pertaining to the topic of Hydrology and Water Quality, which include the following:</p> <p>HYD RR-1: The Project Applicant and construction contractor are required to comply with the requirements of a NPDES permit, and SWPPP. Compliance with the NPDES permit and the SWPPP require an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate discharges to surface water from storm water and non-stormwater discharges during construction activities.</p> <p>HYD RR-2: During construction, Project construction contractors are required to comply with the requirements of the 2022 California Green Building Standards Code (CalGreen, Part 11 of Title 24, California Code of Regulations) or any subsequent version of the Title 24 in effect at the time of building permit issuance, which requires among other items the installation of low water-use features.</p>				
<p><u>Threshold b:</u> The Project would be provided potable water by the Cal Water. The Cal Water UWMP for the Bakersfield District forecasts 70,314 acre-feet of reliable supply for a normal year, single-year drought, and multi-year drought in 5-year increments through 2045. Similarly, the Kern River Groundwater Sustainability Plan estimates groundwater safe yield combined with other sources of supply and supplemental supply projects which combined fully mitigate potential future</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact</p>

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
<p>overdraft. With respect to groundwater recharge, runoff generated on site would be conveyed to the proposed on-site water quality/retention basin, where the runoff would infiltrate into the on-site soils. Accordingly, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin, and impacts would be less than significant.</p>					
<p><u>Threshold c:</u> For the reasons discussed under the analysis of Thresholds a. and e., Project impacts to surface and groundwater quality would be less than significant. The Project has no potential to increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, and the Project would not create runoff water which would exceed the capacity of existing or planned stormwater drainage systems. Additionally, the Project site and surrounding areas are not subject to flood hazards. Accordingly, the Project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in flooding on or off site, exceed the capacity of existing or planned drainage systems, or impede or redirect flood flows. Impacts would be less than significant.</p>	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<p><u>Threshold d:</u> The Project site is not located within or near any flood hazard areas, is not subject to tsunami hazards, and there are no enclosed or semi-enclosed bodies of water in proximity to the Project site capable of</p>	No mitigation is required.	N/A	N/A	N/A	No Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
producing seiches that could affect the Project site. Accordingly, Project would not result in any impacts related to the risk of release of pollutants due to Project inundation from floods, tsunamis, or seiches.					
4.10 Land Use and Planning					
<u>Threshold a:</u> The Project has no potential to physically divide an established community.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold b:</u> The Project is a compatible land use within the Service Industrial (SI) General Plan designation and is consistent with the General Manufacturing (M-2) zoning classification, which allows all uses permitted in the CO zone, including medical clinics. The Project does not conflict with General Plan goals and policies and the general intent of the General Plan and has no potential to result in significant land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.11 Noise					
<u>Threshold a:</u> Noise levels generated by the Project's short-term construction would be less than significant at the nearest sensitive receptor. On-site operational noise levels would be less than significant at the nearest sensitive receptors. In addition, Project-related traffic noise increases would be below the identified thresholds of significance under Existing and long-range	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
<p>traffic conditions. Accordingly, 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, and impacts would be less than significant.</p>					
<p><u>Threshold b:</u> The Project's construction and operational activities would not result in a perceptible groundborne vibration or noise that exceed thresholds of significance.</p>	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<p><u>Threshold c:</u> The Project site is located within the Airport Influence Area of Meadows Field Airport but is located well outside of the 60 dBA CNEL noise level contour boundary of the airport. The Project medical outpatient commercial land use is considered normally acceptable with exterior noise levels of 55-60 dBA CNEL. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels related to a private airstrip, airport land use plan or public airport our public use airport.</p>	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.12 Transportation					
<p><u>Threshold a:</u> The Project is consistent with the Metropolitan Bakersfield General Plan, including the goals and policies of the General Plan Circulation Element, and also would be required to comply with all applicable requirements of the City's Municipal Code. As there are no other applicable programs, plans, ordinances, or policies addressing the circulation system,</p>	<p>No mitigation is required.</p> <p>The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Transportation, which include the following regulatory requirements.</p>	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
Project impacts due to a conflict with a program, plan, ordinance or policy addressing the circulation system would be less than significant.	<p>TRN RR-1: Prior to issuance of building permits, the Project Applicant shall pay appropriate Traffic Impact Fee (TIF) fees at the rates then in effect in accordance with Chapter 15.84 of the City's Municipal Code.</p> <p>TRN RR-2: All off-site roadway improvements shall comply with applicable provisions of City of Bakersfield Municipal Code Title 10 (Vehicles and Traffic) and Chapter 13.12 (Development Improvements Standards and Specifications).</p>				
<u>Threshold b:</u> The Project VMT is less than the threshold of significance and impacts would be less than significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c:</u> With mandatory compliance with City design standards, including standards contained within the City's Municipal Code, the Project would not substantially increase hazards due to a geometric design feature. Additionally, due to the short distance between the Project site and the on- and off-ramps at SR 99, the Project would not result in increased hazards to transportation as a result of incompatible uses, and impacts due to incompatible uses would be less than significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d:</u> The provision of adequate emergency access is required during both construction and long-term operation, in accordance with City of Bakersfield Municipal Code and Fire Department requirements. Accordingly, the Project would have adequate emergency access, and impacts would be less than significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM) DESIGN FEATURES (DF) AND REGULATORY REQUIREMENTS (RR)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
4.13 Tribal Cultural Resources					
<p><u>Threshold a:</u> The Project site does not contain any known tribal cultural resources. Nonetheless, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried or masked at the Project site.</p>	<p>Mitigation Measures CR MM-1 through CR MM-3 shall apply.</p>				<p>Less-than-Significant with Mitigation Incorporated</p>

1.0 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that all public agencies in the State of California having land use approval over project activities that have the potential to adversely affect the quality of the physical environment, regulate such activities so that impacts to the environment can be prevented to the extent feasible. Such activities are reviewed and monitored through the CEQA compliance process, as provided in the CEQA Statute (Public Resources Code Sections 21000- 21177, as amended) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387, as amended).

Under CEQA, if there is substantial evidence that a project could have a significant effect on the physical environment, an Environmental Impact Report (EIR) must be prepared (CEQA Guidelines Section 15064(a)(1)). This document serves as an EIR for a Veterans Affairs (VA) Community-Based Outpatient Clinic proposed in the City of Bakersfield. For purposes of this EIR, the term “Project” refers to all actions associated with implementation of the VA Community-Based Outpatient Clinic including its planning, construction, and ongoing operations. The term “Project Applicant” used herein refers to SASD Development Group, LLC, which is the entity that submitted a Site Plan Review application to the City of Bakersfield to entitle the Project. The term “Project site” refers to the property upon which the Project is proposed. The public agency with the principal responsibility for carrying out or approving a project or the first public agency to make a discretionary decision to proceed with a proposed project should ordinarily act as the Lead Agency pursuant to CEQA Guidelines Sections 15050-15051. The term “Lead Agency” used herein refers to the City of Bakersfield. Throughout this document, the terms “Draft EIR” and “Final EIR” may be used interchangeably since both are part of the ultimate EIR record; however, “Draft EIR” may be used specifically when referring to information provided in the volume made available for the CEQA-required 45-day public review period.

1.1 PURPOSES OF CEQA AND THIS EIR

As stated by CEQA Guidelines Section 15002(a), the basic purposes of CEQA are to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

The purposes of this EIR are to inform public agency decision-makers and the general public about the potentially significant environmental effects of the proposed VA Community-Based Outpatient Clinic, identify

possible ways to minimize the significant effects, and describe reasonable alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects (CEQA Guidelines Section 15121(a)). This EIR is an informational document that represents the independent judgment of the City of Bakersfield. Staff in the City’s Development Services Department reviewed and, as necessary, directed revisions to all submitted drafts, technical studies, and reports supporting this EIR for consistency with City policies and requirements, to ensure that this EIR reflects the City of Bakersfield’s independent judgment.

1.2 SUMMARY OF THE PROJECT EVALUATED BY THIS EIR

Refer to Section 3.0, *Project Description*, for a detailed description of these requested discretionary actions and the proposed physical and operational characteristics of the Project. Other related discretionary and administrative actions that are required to construct and operate the Project also are described in Section 3.0.

In summary, the Project Applicant proposes the development of a 39,648 square foot (s.f.) United States Department of Veterans Affairs (VA) community-based outpatient medical clinic on a 10.05 gross acre site located at 5512 Knudsen Drive, approximately 0.15-mile west of State Route 99 (SR-99) and 250 feet southeast of the intersection of Olive Drive and Knudsen Drive.

The discretionary governmental approval requested from the City of Bakersfield by the Project Applicant is:

- **Site Plan Review No. 21-0399** is a proposed site plan for the development of a medical outpatient facility on 10.05 gross acres, which would be operated by the United States Department of Veterans Affairs. Features include a 39,648 s.f. single-story building, a covered drop-off area, bicycle racks, a covered ambulatory pick-up area, an outdoor physical therapy area, an outdoor dining area, and an elevated loading dock. Landscaping is proposed along the perimeter of the Project site, around the building, and throughout the parking areas. In addition, a healing garden is proposed on the east side of the building, which would include a garden path and benches.

1.3 BACKGROUND

In 2010, the United States (U.S.) Congress authorized the replacement of the existing U.S. Department of Veterans Affairs outpatient medical clinic that is currently located at 1801 Westwind Drive in the City of Bakersfield. On July 1, 2014, the U.S. Department of Veterans Affairs (“the VA”) issued a solicitation for offers for up to a 20-year lease of at least 30,100 net usable square feet of building space in the northern portion of the City of Bakersfield to establish the new community-based outpatient medical clinic. A site was selected, but ultimately proved infeasible.

On December 9, 2019, the VA issued another solicitation of offers for up to a 20-year lease of at least 30,100 net usable square feet of building space. After an evaluation of submitted proposals, the VA awarded the lease to the Project Applicant with the intent to construct the community-based outpatient facility on the Project site. In 2020, the Project Applicant filed an application with the City of Bakersfield for Site Plan Review No. 20-0102 proposing a community-based outpatient medical clinic to be operated by the VA on the Project site.

The City evaluated the project and prepared a Mitigated Negative Declaration (MND) as the CEQA compliance document having State Clearinghouse (SCH) No. 2020120042. The MND was approved by the City's Planning Commission on January 7, 2021 and Site Plan Review No. 20-0102 was approved by the City's Development Services Director on January 8, 2021.

Progress for Bakersfield Veterans, LLC ("PBV"), the owner of the existing VA outpatient clinic at 1801 Westwind Drive that will lose its lease with the VA once the Project is operational, appealed the Development Services Director's Site Plan Review approval decision to the Planning Commission; the Planning Commission denied in the appeal on February 4, 2021. PBV then appealed the Planning Commission's decision to the City Council; the City Council denied the appeal on March 3, 2021. PBV also appealed the Planning Commission's approval of the MND to the City Council; the City Council denied the appeal on March 3, 2021. Subsequently, on April 7, 2021, PVC, filed a lawsuit entitled *Progress for Bakersfield Veterans, LLC, v. City of Bakersfield* (Kern County Superior Court Case No. BCV -21- 100778 Petitioning for a Writ of Mandate and Failure to Proceed in a Manner Requested by Law). As a result of the pending lawsuit, on July 14, 2021, legal counsel for the Project Applicant (SASD Development Group, LLC) attended a Bakersfield City Council meeting and requested that the City Council rescind the MND (Resolution No. 029-2021) and Site Plan No. 20-0102 (Resolution No. 030-2021), so that an EIR could be prepared for the project in an effort to avoid further litigation, and ensure that all of the Project's potential impacts are fully disclosed, analyzed and mitigated, even though the Project generally results in limited impacts. This EIR is the resulting EIR.

1.4 CEQA COMPLIANCE PROCESS

As a first step in the CEQA compliance process for this EIR, the City of Bakersfield prepared an Initial Study pursuant to CEQA Guidelines Section 15063. The Initial Study determined that implementation of the Project has the *potential* to cause or contribute to significant environmental effects, and a Project EIR, as defined by CEQA Guidelines Section 15161, will be prepared.

Pursuant to the procedural requirements of CEQA, on August 11, 2022, the City of Bakersfield filed a Notice of Preparation (NOP) with the California Office of Planning and Research (State Clearinghouse) and the Kern County Clerk, to indicate that an EIR would be prepared to evaluate the Project's potential to impact the environment. The NOP also was distributed to potential responsible and trustee agencies and other interested parties for a 30-day public review period that commenced on August 11, 2022. The purpose of distributing the NOP was to solicit responses in order to assist the City in identifying the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR.

The NOP, public review distribution list, and written comments received by the City of Bakersfield during the NOP public review period are provided in *Technical Appendix A* to this EIR. Please refer to Table 1-1, *Summary of NOP Comments*, for summarized comments received during the NOP public review period. The purpose of this table is to present a summary of the environmental topics that were expressed by public agencies, interested parties, and members of the general public to be of primary interest. Table 1-1 is not intended to list every comment received by the City during the NOP review period. Regardless of whether or not an environmental or CEQA-related comment is listed in the table, all relevant comments received in response to the NOP are addressed in this EIR.

Table 1-1 Summary of NOP Comments

Commenter	Comment	EIR Section Where Comment is Addressed
State Agencies		
California Department of Fish and Wildlife (CDFW)	<ul style="list-style-type: none"> Notes that the Project is within range of the State threatened and federally endangered San Joaquin kit fox, the State threatened Swainson’s hawk, the State candidate endangered Crotch bumblebee, and the State species of special concern American badger and burrowing owl. 	<i>4.3, Biological Resources</i>
	<ul style="list-style-type: none"> Notes that the Metropolitan Bakersfield Urban Development Take Permit expired on December 31, 2022. 	<i>4.3, Biological Resources</i>
	<ul style="list-style-type: none"> Recommends assessing presence/absence of San Joaquin kit fox, Swainson’s Hawk, Crotch bumblebee, American badger, and burrowing owl by conducting surveys and/or habitat assessment. 	<i>4.3, Biological Resources</i>
	<ul style="list-style-type: none"> Recommend consultation with CDFW regarding potential impacts to federally listed species 	<i>4.3, Biological Resources</i>
California Department of Conservation – Geologic Energy Management Division	<ul style="list-style-type: none"> Notes that the Project is located within the boundaries of the Fruitvale field and in addition to a plugged and abandoned well, there might be oil and gas pipelines on the site. 	<i>4.8, Hazards and Hazardous Materials</i>
	<ul style="list-style-type: none"> Notes that there is one well, Borel 1, within the Project site, but outside area of work. 	<i>4.8, Hazards and Hazardous Materials</i>
	<ul style="list-style-type: none"> Advises not to build over or impede access to oil, gas, or geothermal wells and to test any well on the property for leakage, but not to work on any wells without approval from the Division. 	<i>4.8, Hazards and Hazardous Materials</i>
	<ul style="list-style-type: none"> Advises that the Division should be contacted if an unknown well is discovered. 	<i>4.8, Hazards and Hazardous Materials</i>
California Department of Toxic Substances Control (DTSC)	<ul style="list-style-type: none"> Recommends that a CA environmental agency or qualified local agency provide regulatory concurrence that the Project site is safe for construction and the proposed use. 	<i>4.8, Hazards and Hazardous Materials</i>
	<ul style="list-style-type: none"> Recommends that the EIR acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances, and identify the mechanism(s) any required investigation and/or remediation, including the government agency responsible for regulatory oversight. 	<i>4.8, Hazards and Hazardous Materials</i>
	<ul style="list-style-type: none"> Recommends collecting soil samples for lead analysis prior to ground disturbing activities. 	<i>4.8, Hazards and Hazardous Materials</i>

Table 1-1 Summary of NOP Comments

Commenter	Comment	EIR Section Where Comment is Addressed
	<ul style="list-style-type: none"> Recommends that any imported soil be characterized according to DTSC’s 2001 Information Advisory Clean Imported Fill Material. 	4.8, <i>Hazards and Hazardous Materials</i>
	<ul style="list-style-type: none"> Recommends that current and former agricultural soils be evaluated for organochlorinated pesticides in accordance with DTSC’s 2008 Interim Guidance for Sampling Agricultural Properties. 	4.8, <i>Hazards and Hazardous Materials</i>
Native American Heritage Commission	<ul style="list-style-type: none"> Recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed Project. 	4.14, <i>Tribal Cultural Resources</i>
	<ul style="list-style-type: none"> Notes AB 52 requirements, SB 18 provisions, and recommendations for the preparation of cultural resources assessments. 	4.4, <i>Cultural Resources</i> ; 4.14, <i>Tribal Cultural Resources</i>
Regional Agencies		
San Joaquin Valley Air Pollution Control District	<ul style="list-style-type: none"> Recommends that the Project use the cleanest available off-road construction equipment. 	4.2, <i>Air Quality</i>
	<ul style="list-style-type: none"> Recommends the City complete a Health Risk Assessment (HRA) for the Project, and that prior to the HRA, a health risk modeling protocol be developed and submitted for review. 	4.2, <i>Air Quality</i>
	<ul style="list-style-type: none"> Recommends that vegetative barriers and urban greening be incorporated to reduce air pollution exposure on sensitive receptors. 	4.2, <i>Air Quality</i>
	<ul style="list-style-type: none"> Recommends use of electric lawn care equipment. 	4.2, <i>Air Quality</i>
	<ul style="list-style-type: none"> Suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project. 	4.2, <i>Air Quality</i>
	<ul style="list-style-type: none"> Recommends that electric vehicle chargers are installed as part of the Project. 	4.2, <i>Air Quality</i> 4.10, <i>Transportation</i>
	<ul style="list-style-type: none"> Notes District rules and regulations that the Project may be subject to including Rules 2010 and 2201, Rule 9510, Rule 4601, Regulation VIII, Rule 4102, and Rule 4641. 	4.2, <i>Air Quality</i>
Local Organizations and Individuals		
Sierra Club, Kern Kaweah Chapter	<ul style="list-style-type: none"> Recommends that the City require a Greenhouse Gas (GHG) study and provides a list of potential feasible mitigation measures. 	4.7, <i>Greenhouse Gas Emissions</i>
	<ul style="list-style-type: none"> Recommends that an Air Study be completed for the Project and provides a list of methods to 	4.2, <i>Air Quality</i>

Table 1-1 Summary of NOP Comments

Commenter	Comment	EIR Section Where Comment is Addressed
	reduce impacts.	<i>4.7, Greenhouse Gas Emissions</i>
	<ul style="list-style-type: none"> Requests that the EIR address the Project’s air and climate impact to the AB 617-designated Shafter region. 	<i>4.2, Air Quality</i>
	<ul style="list-style-type: none"> Requests the EIR address the Project’s potential air pollution impact on the Beardsley Elementary and Junior High School, the San Lauren Elementary School, and on nearby housing. 	<i>4.2, Air Quality</i>
	<ul style="list-style-type: none"> Requests soil testing for Valley Fever. 	<i>4.2, Air Quality</i> <i>4.6, Geology and Soils</i>
	<ul style="list-style-type: none"> Requests that the EIR examines and mitigates the cumulative air pollution effects of the Project on forest resources. 	<i>4.2, Air Quality</i> <i>4.3, Biological Resources</i>
	<ul style="list-style-type: none"> Requests that the EIR address the Project’s cumulative impacts to air pollution. 	<i>4.2, Air Quality</i>
	<ul style="list-style-type: none"> Requests that the EIR discuss the feasibility of a range of alternatives to the Project, including the “Existing Veterans Clinic Alternative” which should explore the potential for remodeling and expanding the existing clinic. 	<i>6.0, Alternatives</i>
	<ul style="list-style-type: none"> Provides a list of projects within the Highway 99 area and recommends inclusion into the cumulative impacts. 	<i>4.0, Environmental Analysis</i>
	<ul style="list-style-type: none"> Recommends that the EIR require pre-construction surveys for special status species, investigate whether the Project site contains potential foraging habitat and/or nesting habitat for the Swainson’s Hawk, and consider reintroducing some native plant species by replanting them in Project open space areas. 	<i>4.3, Biological Resources</i>
	<ul style="list-style-type: none"> Requests that landscaping includes drought tolerant and/or native plants. 	<i>4.3, Biological Resources</i>
	<ul style="list-style-type: none"> Requests that the EIR addresses kit fox relocation and the publication <i>Feasibility and Strategies for Translocating San Joaquin Kit Foxes to Vacant or Restored Habitats</i>, which indicates that kit fox relocation may not be successful. 	<i>4.3, Biological Resources</i>
	<ul style="list-style-type: none"> Requests that the EIR include a comprehensive traffic study analyzing cumulative traffic impacts and full trip based VMT. 	<i>4.10, Transportation</i>
Soluri Meserve	<ul style="list-style-type: none"> Requests that the fully disclose and analyze all of the Project’s potentially significant impacts, 	<i>S.0, Executive Summary</i>

Table 1-1 Summary of NOP Comments

Commenter	Comment	EIR Section Where Comment is Addressed
	including noise, land use and planning, mineral resources, and public services.	5.0, <i>Other CEQA Considerations</i>

Based on the analysis contained in the Initial Study (see *Technical Appendix A*) and in consideration of public comments made on the NOP and Initial Study (see *Technical Appendix A* for written comments), the City of Bakersfield determined that the proposed Project would result in no impacts or less-than-significant impacts to the following environmental topics: Agriculture and Forestry Resources, Mineral Resources, Public Services, Recreation, Utilities and Service Systems, and Wildfire. Potential effects associated with these environmental topics and an analysis of the Project’s potential to be growth-inducing are summarized in Section 5.0, *Other CEQA Considerations*.

Based on Appendix G to the CEQA Guidelines, and in consideration of all comments received by the City of Bakersfield on the NOP, Section 4.0, *Environmental Analysis*, of this EIR evaluates the Project’s potential to cause adverse under the following environmental topics:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation
- Tribal Cultural Resources

As stated in CEQA Guidelines Section 15161, a Project EIR should “...focus primarily on the changes in the environment that would result from the development project” and “...examine all phases of the project including planning, construction, and operation.” Acting as Lead Agency, the City of Bakersfield will consider the following items regarding the proposed Project and this EIR: a) evaluation of this EIR to determine if the physical environmental impacts of the Project are adequately disclosed; b) assessment of the adequacy and feasibility of identified mitigation measures; c) consideration of alternatives to the Project that could reduce or eliminate significant environmental effects of the Project; and, if necessary, d) consideration of Project benefits that override the Project’s unavoidable and unmitigable significant effects on the environment.

The City of Bakersfield will release the Draft EIR for a minimum 45-day public review period and make the Draft EIR and its supporting technical appendices available for review in electronic form on the City’s website and in paper copy at the City of Bakersfield Development Services Department, 1715 Chester Avenue, Bakersfield, CA 93301, during the City’s regular business hours. The City also will provide interpretive services for any information requests in Spanish and Punjabi dialects.

During the 45-day review period, comments on the content of the Draft EIR can be submitted to:

City of Bakersfield – Development Services Department
Attn: Louis Ramirez, Associate Planner II
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301
Email: lr Ramirez@bakersfieldcity.us

Public comments should be focused “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (CEQA Guidelines Section 152049(a)).

Following the Draft EIR’s 45-day public review period, the City will then respond in writing to all submitted comments pertaining to an environmental effect and publish a Final EIR. Before taking action to approve the Project, the City of Bakersfield (serving as the Lead Agency) has the obligation to: (1) ensure this EIR has been completed in accordance with CEQA; (2) review and consider the information contained in this EIR as part of its decision making process; (3) make a statement that this EIR reflects the City of Bakersfield’s independent judgment; (4) ensure that all significant effects on the environment are avoided or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are infeasible and citing the specific benefits of the proposed Project that outweigh its unavoidable adverse effects (CEQA Guidelines Sections 15090-15093).

Project-related decision-making actions pertaining to the Final EIR will be subject to a noticed public hearing held before the Planning Commission, which will consider the information contained in the Final EIR and the associated administrative record. The roles and responsibilities of the City of Bakersfield Development Services Director, Planning Commission, and City Council for Project-related approvals are as follows.

- **The Planning Commission:** The Planning Commission will certify or reject the Final EIR with or without modifications.
- **City Council:** If the Planning Commission’s decision is appealed, the Final EIR appeal will be considered by the City Council, and the City Council will either uphold or deny the appeal and certify or reject the Final EIR.
- **Development Services Director:** The Development Services Director having discretionary authority over Site Plan approvals will approve, approve with changes, or not approve Site Plan Review No. 21-0399.

During the decision-making processes, the Project and its design features, objectives, merits, environmental consequences, and socioeconomic factors, among other information contained in the Project’s administrative record, will be considered by the City of Bakersfield. If the Final EIR is certified and Site Plan Review No. 21-0399 is approved, the City of Bakersfield and other public agencies with permitting authority over all, or

portions of, the Project would be able to rely on the Final EIR as part of their permitting and approval processes to evaluate the environmental effects of the Project as they pertain to the approval or denial of applicable permits. City staff would also rely on the certified Final EIR to subsequently conduct administrative level reviews for implementing permits and approvals.

1.5 CONTENT AND ORGANIZATION OF THIS EIR

This EIR contains all of the information required to be included in an EIR as specified by the CEQA Statutes and Guidelines. This EIR is organized in the following manner:

- **Section S.0, Executive Summary**, provides an overview of the EIR document and CEQA compliance process. The Project and its objectives are described, and the location and regional setting of the Project site is documented. In addition, the Executive Summary discloses potential areas of controversy related to the Project, including those issues identified by other agencies and the public, and identifies potential alternatives to the proposed Project that would reduce or avoid significant impacts, as required by CEQA. Finally, the Executive Summary provides a summary of the Project's impacts, mitigation measures, and conclusions, in a table that forms the basis of the EIR's Mitigation, Monitoring, and Reporting Program (MMRP).
- **Section 1.0, Introduction**, provides introductory information about the CEQA process and the responsibilities of the City of Bakersfield, serving as the Lead Agency for this EIR; a brief description of the Project; the purpose of this EIR; applications submitted by the Project Applicant that would require discretionary City of Bakersfield approvals; and an overview of the EIR format.
- **Section 2.0, Environmental Setting**, describes the environmental setting, including an overview of the regional and local setting, as well as descriptions of the Project site's physical conditions and surrounding context. The existing setting is defined as the condition of the Project site and surrounding area at the approximate date this EIR's NOP was released for public review on August 11, 2022. The setting discussion also addresses the relevant regional planning documents that apply to the Project site and vicinity.
- **Section 3.0, Project Description**, serves as the EIR's Project Description for purposes of CEQA and contains a level of specificity commensurate with the level of detail proposed as part of the Project, including the summary requirements pursuant to CEQA Guidelines Section 15123. This section provides a detailed description of the Project, including its purpose and main objectives; design features; landscaping; site drainage; utilities; grading and construction characteristics; and operational characteristics expected over the Project's lifetime. In addition, the discretionary actions required of the City of Bakersfield and other government agencies to implement the Project are discussed.
- **Section 4.0, Environmental Analysis**, provides an analysis of the potential direct, indirect, and cumulatively considerable impacts that may occur from implementing the proposed Project. Topics that were found to have no potential of being significantly impacted are discussed in Section 5.0, *Other*

CEQA Considerations. A conclusion concerning significance is reached for each discussion, and mitigation measures are presented as warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred to as “effects” or “impacts” interchangeably. The CEQA Guidelines also describe the terms “effects” and “impacts” as being synonymous (CEQA Guidelines Section 15358).

In the environmental analysis subsections of Section 4.0, the existing conditions are disclosed that are pertinent to the subject area being analyzed, accompanied by a specific analysis of physical impacts that may be caused by implementing the proposed Project. Impacts are evaluated on a direct, indirect, and cumulative basis. Direct impacts are those that would occur directly as a result of the proposed Project. Indirect impacts represent secondary effects that would result from Project implementation. Cumulative effects are defined in CEQA Guidelines Section 15355 as “...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”

The analysis in Section 4.0 is based in part upon technical studies that are appended to this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the proposed Project and are cited in Section 7.0, *References*. Where the analysis demonstrates that a physical adverse environmental effect may or would occur without undue speculation, feasible mitigation measures are recommended to reduce or avoid the significant effect. Mitigation measures must be fully enforceable, have an essential nexus to a legitimate governmental interest, and be “roughly proportional” to the impacts of the Project. The discussion then indicates whether the identified mitigation measures would reduce impacts to below a level of significance. In most cases, implementation of the mitigation measures would reduce the adverse environmental impacts to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a Statement of Overriding Considerations would need to be adopted by the City of Bakersfield pursuant to CEQA Guidelines Section 15093.

- **Section 5.0, Other CEQA Considerations**, includes specific topics that are required by CEQA. These include a summary of the Project’s significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, as well as potential growth-inducing impacts of the proposed Project. Section 5.0 also includes a discussion of the potential environmental effects that were found not to be significant during the preparation of this EIR.
- **Section 6.0, Project Alternatives**, describes and evaluates alternatives to the proposed Project that could reduce or avoid the Project’s adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives that will foster informed decision making and public participation. A range of three alternatives is presented in Section 6.0, including a No Project Alternative, a Net Zero Alternative, and a Renewable Energy System Project Design Alternative.

- **Section 7.0, References**, cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted during preparation of this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

CEQA requires that an EIR contain, at a minimum, certain specified content. Table 1-2, *Location of CEQA Required Topics*, provides a quick reference in locating the CEQA-required sections within this document.

Table 1-2 Location of CEQA Required Topics

CEQA Required Topic	CEQA Guidelines Reference	Location in this EIR
Table of Contents	§ 15122	Table of Contents
Summary	§ 15123	Section S.0
Project Description	§ 15124	Section 3.0
Environmental Setting	§ 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	§ 15126 and § 15126.2(a)	Section 4.0
Energy Conservation	§ 15126.2(b) and Appendix F	Subsection 4.5
Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented	§ 15126.2(c)	Section 4.0 & Subsection 5.1
Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Project Should it be Implemented	§ 15126.2(d)	Subsection 5.2
Growth-Inducing Impacts of the Proposed Project	§ 15126.2(e)	Subsection 5.3
Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	§ 15126.4	Section 4.0 & Table S-1
Consideration and Discussion of Alternatives to the Proposed Project	§ 15126.6	Section 6.0
Effects Not Found to be Significant During the EIR Scoping Process	§ 15128	Subsection 5.4
Organizations and Persons Consulted	§ 15129	Section 7.0 & Technical Appendices
Discussion of Cumulative Impacts	§ 15130	Section 4.0

1.5.1 INCORPORATION BY REFERENCE

CEQA Guidelines Section 15147 states that the “information contained in an EIR shall include summarized... information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public,” and that the “placement of highly technical and specialized analysis and data in the body of an EIR shall be avoided.” CEQA Guidelines Section 15150 allows for the incorporation “by reference all or portions of another document... [and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand.” The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of this EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the EIR,

citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR.

The detailed technical studies, reports, and supporting documentation that were used in preparing this EIR are bound separately as Technical Appendices. The Technical Appendices are available for review at the City of Bakersfield Development Services Department, 1715 Chester Avenue, Bakersfield, CA 93301, during the City's regular business hours or can be requested in electronic form by contacting the Development Services Department. The individual technical studies, reports, and supporting documentation that comprise the Technical Appendices are as follows:

- A. Initial Study, Notice of Preparation (NOP) and Written Comments on the NOP
- B. Air Quality - Small Project Analysis Level Assessment
- C. Biological Evaluation
- D. Cultural Resources Assessment
- E1. Geotechnical Engineering Investigation Update Memo
- E2. Geotechnical Engineering Investigation
- E3. Limited Soil Assessment
- F1. Phase I Environmental Site Assessment
- F2. Addendum I to Phase I Environmental Site Assessment
- G1. Hydrology and Hydraulics Report Update Memo
- G2. Hydrology and Hydraulics Report
- H. Noise and Vibration Study
- I. Traffic Study
- J. CalWater Will Serve Letter
- K. PG&E Will Serve Letter

Other reference sources that are incorporated into this EIR by reference are listed in Section 7.0, *References*, of this EIR. In most cases, documents or websites not included in the EIR's Technical Appendices are cited by a link to the online location where the document/website can be viewed by the public. All references relied upon by this EIR are included as part of the City of Bakersfield's Administrative Record pertaining to the proposed Project.

1.6 RESPONSIBLE AND TRUSTEE AGENCIES

The California Public Resource Code Section 21104 requires that all EIRs be reviewed by Responsible and Trustee Agencies (see also CEQA Guidelines Section 15082 and Section 15086(a)). As defined by CEQA Guidelines Section 15381, "the term 'Responsible Agency' includes all public agencies other than the Lead Agency that have discretionary approval power over the project." A "Trustee Agency" is defined in CEQA Guidelines Section 15386 as "a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California." The known Responsible and Trustee Agencies for the Project are listed below. Regardless, this EIR can be used by any Trustee Agency or Responsible Agency, whether identified in this EIR or not, as part of their decision-making processes in relation to the proposed Project.

- **U.S Department of Veterans Affairs** is identified as a Responsible Agency in the event that any permits or approvals are required associated with the VA’s lease or operation of the proposed facilities on the Project site.
- **Central Valley Regional Water Quality Control Board (RWQCB)** is identified as a Trustee Agency that is responsible for the protection of California’s water resources and water quality. The Central Valley RWQCB is responsible for issuance of National Pollutant Discharge Elimination System (NPDES) Permits to ensure that during and after construction of the Project, on-site water flows do not result in siltation, other erosional actions, or degradation of surface or subsurface water quality.
- **San Joaquin Valley Air Pollution Control District (SJVAPCD)** is identified as a Responsible Agency, in the event that the VA requires a permit to construct or permit to operate. These permits are required to install or operate equipment pursuant to SJVAPCD Rules related to specific types and quantities of air pollutant emissions.
- **Kern County Flood Control and Water Conservation District** is identified as a Responsible Agency pertaining to approvals associated with the Project’s proposed drainage infrastructure and stormwater drainage system improvements.
- **California Water Service (CalWater)** is identified as a Responsible Agency pertaining to approvals required to connect the Project to the domestic water system.
- **North of River Sanitation District** is identified as a Responsible Agency pertaining to approvals required to connect the Project to the domestic sewer system.
- **Pacific Gas & Electric Company (PG&E)** is identified as a Responsible Agency pertaining to approvals required for the installation of power connections for the Project.

1.7 AREAS OF CONTROVERSY

Substantive issues raised in response to this EIR’s NOP were previously summarized in Table 1-1. Based on comments received in response to the NOP, concerns were raised regarding potential impacts to the environment pertaining to the topics of: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Land Use and Planning, Tribal Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Transportation. No other areas of concern or controversy related to environmental effects were identified pertaining to the proposed Project, beyond the comments summarized in Table 1-1. Based on the Project’s background (refer to Subsection 1.3), a controversial item associated with the Project expressed by the owner of the building at 1801 Westwind Drive (where the VA’s outpatient clinic is currently located), is alternative site locations for the proposed Project. The City has no ability to require an alternative location for the Project, including remodeling the existing clinic, as that is entirely within the jurisdiction of the federal

government. The City understands that PBV has exhausted all appeals with the federal government seeking remodeling of the existing clinic or a new clinic at an alternative location also owned by PBV.

1.8 ISSUES TO BE RESOLVED BY THE DECISION-MAKING BODY

The primary issue to be resolved by the decision-making body for the proposed Project involves the Project's significant and unavoidable impact in the environmental topic area of greenhouse gas emissions. The City of Bakersfield Planning Commission will evaluate whether the mitigation measures presented in this document to reduce the Project's unavoidable greenhouse gas emissions impact adequately reduces the Project's impact to the maximum feasible extent. The Planning Commission also will make a determination as to whether the Project's benefits outweigh the adverse environmental effects in support of adopting a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093. Finally, the Planning Commission will decide whether to approve one of the Project alternatives presented in EIR Section 7.0 in lieu of the proposed Project, if it is determined that one of the alternatives is feasible, meets the Project's objectives, and its approval would serve to substantially reduce or avoid the significant environmental effects.

2.0 ENVIRONMENTAL SETTING

This EIR Section 2.0 was prepared pursuant to CEQA Guidelines Section 15125(a) and includes a description of the proposed Project’s environmental setting as it existed at the approximate time the Notice of Preparation (NOP) was published for this EIR (August 11, 2022).

2.1 REGIONAL SETTING AND LOCATION

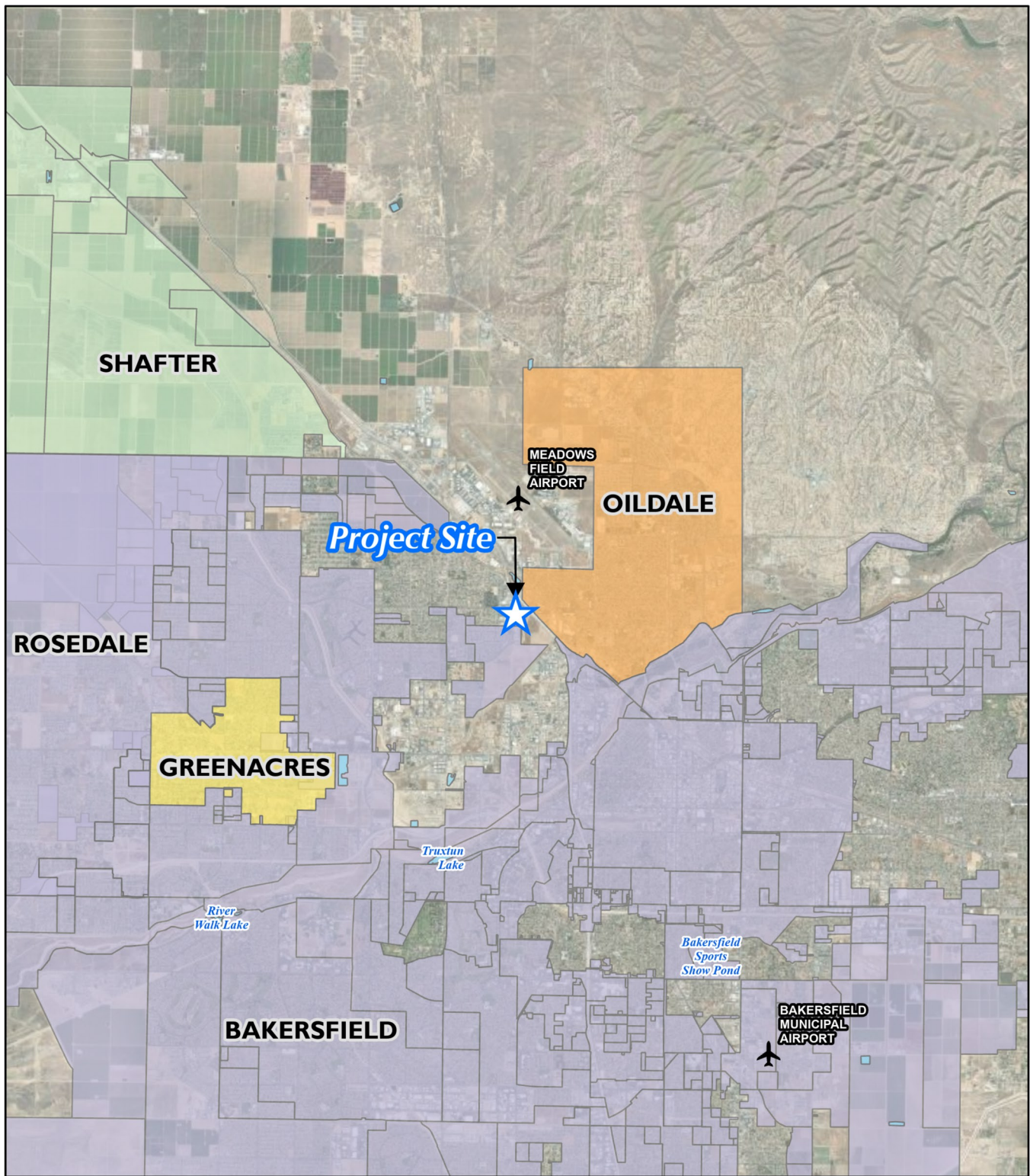
Under existing conditions, the Project site is located in the northern portion of the City of Bakersfield in Kern County, California. The Project site was annexed to the City of Bakersfield as part of a larger annexation (Landco No. 2; Resolution 93-11) in 2012. Kern County is bound by Kings, Tulare, and Inyo counties to the north; San Bernardino County to the east; Los Angeles and Ventura counties to the south; and Santa Barbara and San Luis Obispo counties to the west. Located in the San Joaquin Valley, Kern County is the third largest county in California at 8,129.8 square miles. According to U.S. Census data, Kern County had a population of 909,235 as of April 1, 2020 (USCB, 2020a). The U.S. Census Bureau defines an “urbanized area” as a densely settled core of census tracts and/or census blocks that have 50,000 or more residents and meet minimum requirements while also being adjacent to areas containing non-residential urban land uses. The Project site is located within the boundaries of the Census-defined Bakersfield urbanized area (USCB, 2010). The site’s location in a regional context is shown in Figure 2-1, *Regional Map*.

2.2 LOCAL SETTING AND LOCATION

The 10.05-acre Project site is located in the northeastern corner of Section 15, Township 29 South, Range 27 East, Mount Diablo Base and Meridian and includes Assessor’s Parcel Numbers 365-020-28 and -30. As shown on Figure 2-2, *Vicinity Map*, the Project site is located at 5512 Knudsen Drive, approximately 0.15-mile west of State Route 99 (SR-99) and 250 feet southeast of the intersection of Olive Drive and Knudsen Drive.

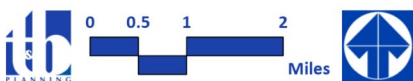
The area immediately surrounding the Project site contains a variety of uses including vacant parcels and parcels developed with commercial, industrial, public facilities, and school uses. While the Project site is located within the City of Bakersfield, the areas to the north, east, and west of the Project site are located in unincorporated Kern County.

The Project site is located approximately 0.9-mile southwest of the Meadow Fields Airport. The closest schools to the Project site are San Lauren Elementary School at ±0.09 miles to the southwest, Beardsley Elementary School and Beardsley Junior High School at ±0.82 miles to the southwest, and Olive Drive Elementary School at ±1.69 miles to the northwest. The closest hospital is Good Samaritan Hospital at ±0.98 miles to the east. The closest daycare facility is the Little Red School House at ±1.05 miles to the southwest, and the closest nursing home is The Palms at San Lauren located at ±0.39 miles to the south. The closest place of lodging is the Vagabond Inn hotel located at 6100 Knudsen Drive, ±611 feet north of the Project site. The closest residential home is at 5704 Nomi Street, 0.2-mile west of the Project site. The closest church is the Valley Baptist Church at 5500 Olive Drive, ±1,307 feet northwest.

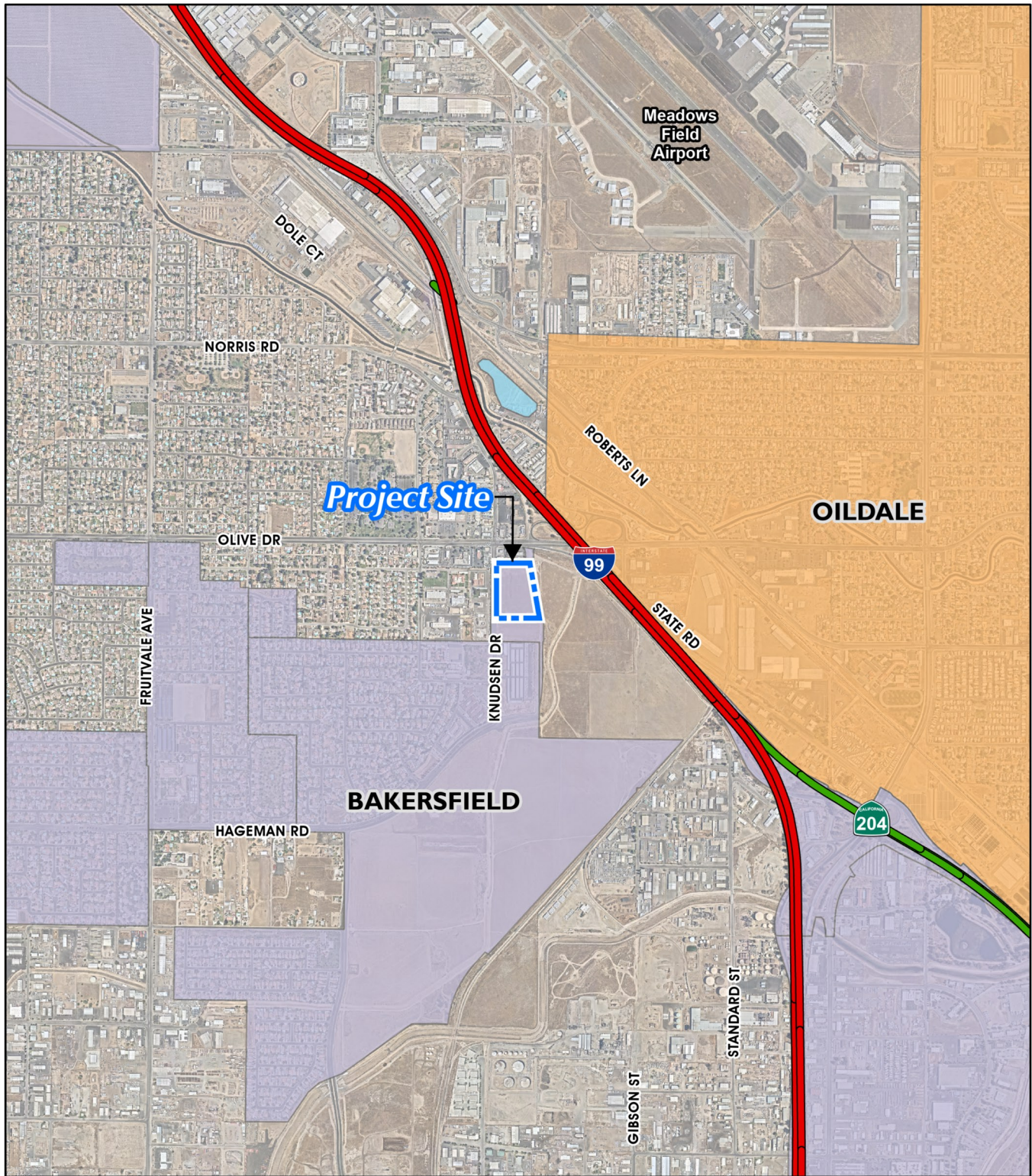


Source(s): ESRI, Kern County (2023), City of Bakersfield (2023)

Figure 2-1

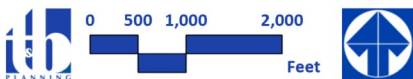


Regional Map



Source(s): ESRI, Kern County (2023), City of Bakersfield (2023)

Figure 2-2



Vicinity Map

of the Project site. The closest commercial business is 7-Eleven, located at 5203 Olive Drive, ±50 feet north of the Project site.

The census tract containing the Project site (Census Tract 6029000507) is ranked by the State as being in the 87th percentile for pollution burden which, based on the Census Tract’s demographic characteristics, results in the Office of Environmental Health Hazard Assessment (OEHHA) ranking the area in the 83rd percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022).

OEHHA’s California Communities Environmental Health Screening Tool: CalEnviroScreen 4.0, is a screening methodology that the State uses to identify California communities that are disproportionately burdened by multiple sources of pollution. The CalEnviroScreen 4.0 indicators for the Project site’s Census Tract based on data collected between 2016 and 2019 are shown in Table 2-1, *CalEnviroScreen Indicators for Census Tract 6029000507*.

Table 2-1 CalEnviroScreen Indicators for Census Tract 6029000507

Indicator	% Burden	Indicator	% Burden
Exposures		Environmental Effects	
Ozone:	94	Cleanup Sites	85
PM 2.5:	100	Groundwater Threats	94
Diesel PM:	81	Hazardous Waste	98
Pesticides:	0	Impaired Waters	0
Toxic Releases:	45	Solid Waste	0
Traffic:	78	Sensitive Populations	
Drinking Water Contaminants:	66	Asthma	82
Lead in Housing:	5	Low Birth Weight	91
		Cardiovascular Disease	89
		Socioeconomic Factors	
		Education	14
		Linguistic Isolation	NA
		Poverty	44
		Unemployment	67
		Housing Burden	28

Source: (OEHHA, 2022)

Exposure indicators are based on measurements of different types of pollution that people may come into contact. Environmental effects indicators are based on the locations of toxic chemicals in or near communities. Sensitive population indicators measure the number of people in a community who may be more severely affected by pollution because of their age or health. Socioeconomic factor indicators are conditions that may increase people’s stress or make healthy living difficult and cause them to be more sensitive to pollution’s effects. As indicated in Table 2-1, for the Project site’s Census Tract, the highest environmental exposures (over 80%) are from ozone (O₃), fine particulate matter (PM_{2.5}), diesel particulate matter, cleanups, groundwater threats, and hazardous waste. The highest population factors (over 80%) are compromised health

conditions related to asthma, low birth weight, and cardiovascular disease. None of the socioeconomic factors for the Project site's census tract are over 80%.

In addition, the Project site is located in a SB 535 Disadvantaged Community identified by the California Environmental Protection Agency (CalEPA). The State provides California Climate Investment funding appropriated by the State Legislature from the proceeds of the State's Cap-and-Trade Program for investment in disadvantaged communities. The funding is used for programs that reduce emissions of greenhouse gases with at least 25% of the funding going to projects that provide a benefit to disadvantaged communities and at least 10 percent of the funding going to projects located within those communities (CalEPA, 2022).

2.3 SURROUNDING LAND USES AND DEVELOPMENT

Land uses in the immediate vicinity of the Project site are depicted on Figure 2-3, *Surrounding Land Uses*, and are described below. Also refer to Subsection 2.2, *Local Setting and Location*.

- **North:** To the north of the Project site is existing commercial development including a Chevron gas station, Taco Bell, and 7-Eleven with gas station. Further north is Olive Drive and north of Olive Drive is existing commercial development including Starbucks, Burger King, Vagabond Inn Bakersfield North, and Milt's Coffee Shop.
- **East:** To the east of the Project site is Landco Drive and vacant land. East of the vacant land is Beardsley One Ditch (an abandoned portion of the Beardsley Irrigation Canal), additional vacant land, and SR-99.
- **South:** To the south of the Project site are commercial uses including Urner's Mattress and Olive Drive Self Storage. Before the development of these uses in approximately 2006, this area was the location of a wastewater treatment plant. Further south is Hageman Road and vacant land.
- **West:** To the west of the Project site is Knudsen Drive. West of Knudsen Drive are existing public facility uses including the Olive Drive Fire Training Facility, Kern County Fire Department, and Kern County Roads Department maintenance facility. Further west are Victor Street and existing residential land uses. To the southwest are San Lauren Elementary School, the Kern River Transitional Care skilled nursing facility and The Palms at San Lauren assisted living and memory care center.

2.4 PLANNING CONTEXT

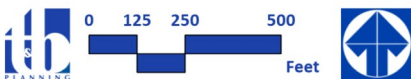
2.4.1 METROPOLITAN BAKERSFIELD GENERAL PLAN

The City of Bakersfield's prevailing planning document is the Metropolitan Bakersfield General Plan (MBGP) (adopted in 2002 and most recently amended in 2016). At the time this EIR was prepared, the City of Bakersfield was preparing a General Plan Update; regardless, the adopted Metropolitan Bakersfield General Plan is the pertinent long-range planning document for purposes of evaluation in this EIR. The MBGP is a



Source(s): ESRI

Figure 2-3



Surrounding Land Uses

policy document with land use maps and related information. It is designed to give long-range guidance to City staff and officials who make decisions that affect growth and resources in the Metropolitan Bakersfield planning area. The General Plan helps to ensure that day-to-day decisions conform to the long-range program, which was designed to protect and further the public interest as it relates to the City's growth and development, and mitigate environmental impacts. The General Plan also serves as a guide to the private sector regarding the economy so that development initiatives conform to the City's public plans, objectives, and policies (Bakersfield, 2002).

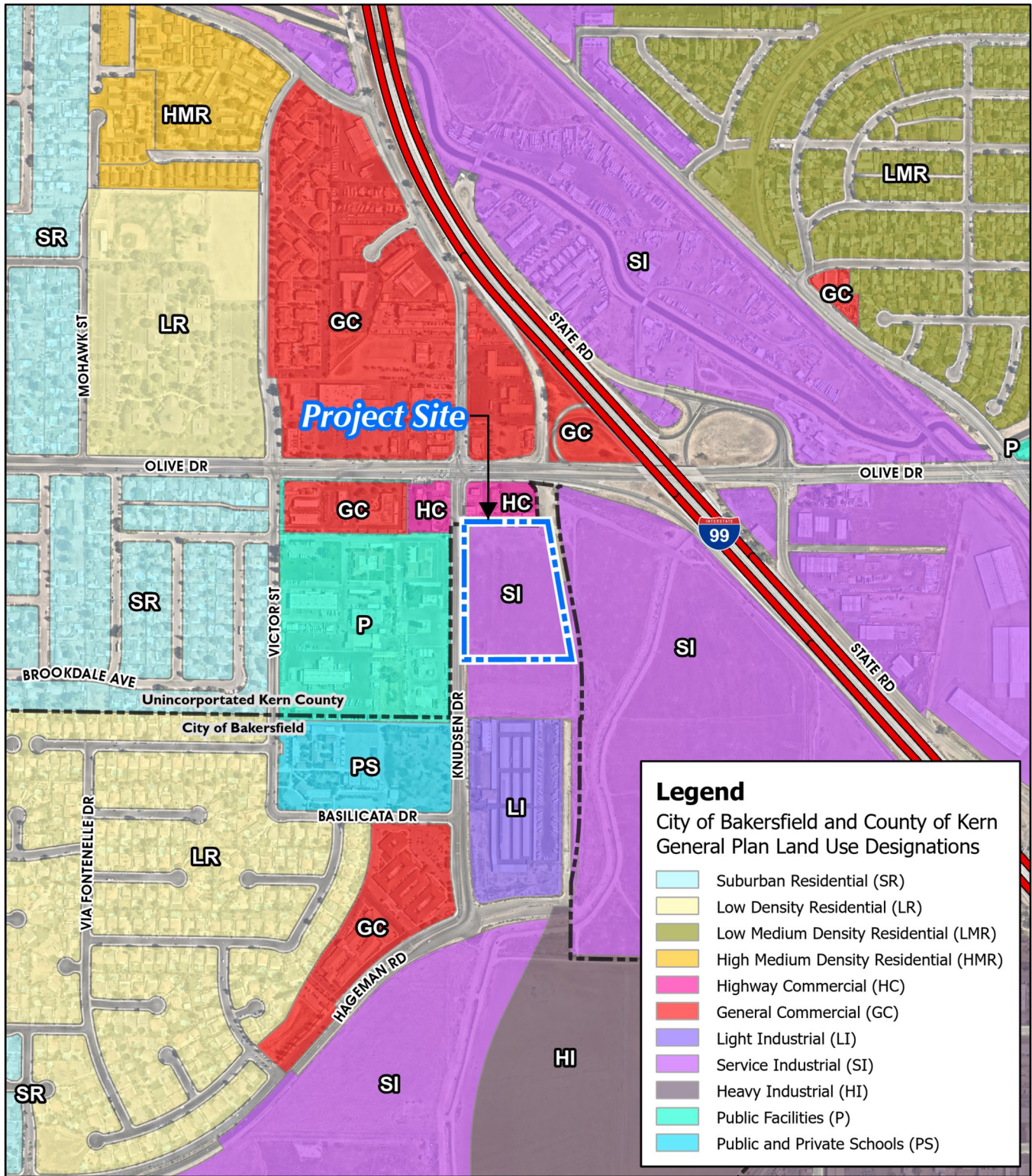
As depicted on Figure 2-4, *Existing General Plan Land Use Map*, the General Plan designates the land use of the Project site as Service Industrial (SI). The "SI" land use designation allows for industrial activities which involve outdoor storage or use of heavy equipment, as well as less intensive uses. The maximum allowable density is a 0.4 floor area ratio (FAR) and 6 story building height (Bakersfield, 2002, p. II-7). Although the proposed VA outpatient clinic is not an industrial activity with outdoor storage or use of heavy equipment, it is a consistent land use in the SI land use designation under the City's Euclidean pyramid zoning structure, which necessarily includes "pyramid" General Plan land use designations where less intensive uses are consistent with land use designations that allow more intensive uses. In other words, less intensive uses are consistent with more intensive MBGP land use designations by implication, as such an interpretation is necessary for the City's zoning structure to be consistent with the MBGP. As noted in the MBGP, general plan maps only reflect the quality and character of a land use designation in general terms, and do not illustrate every existing exception of each land use category. Several existing healthcare facilities are located within SI and LI land use areas within the City of Bakersfield (Bakersfield, 2023b).

As shown on Figure 2-4, the Project site and areas to the south are located in the City of Bakersfield; however, the areas to the north, east and west of the Project site are located in unincorporated Kern County. The Project site is shown as occurring south of land designated as Heavy Commercial ("HC"), east of land designated as "SI," north of land designated as Light Industrial ("LI"), and west of land designated as Public Facilities ("P").

Pursuant to CEQA Guidelines Section 15125(d), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans. The Project Applicant proposes the development of a VA community-based outpatient clinic on the Project site. The Project Applicant's proposal for the outpatient clinic is consistent with the Project site's existing General Plan land use designation of "SI." The zoning maps in the MBGP indicate the predominant use of land in each zone and do not preclude minor deviations from the overall pattern or less intensive uses. Several existing healthcare facilities are located within the "SI" land use designation (as well as the "LI" and "GC" designations), and within the M-1 and M-2 zoning designations within the City of Bakersfield (Bakersfield, 2023c).

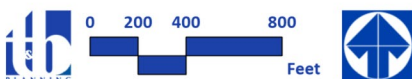
2.4.2 CITY OF BAKERSFIELD MUNICIPAL CODE – ZONING ORDINANCE

According to Chapter 17.02.030, Purpose, of the City of Bakersfield Zoning Ordinance, Title 17 was adopted to implement the goals and policies of the MBGP which serves to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare. The specific purposes of this title are listed below (Bakersfield, 2023).



Source(s): ESRI, City of Bakersfield (09-2021)

Figure 2-4



Existing General Plan Land Use Map

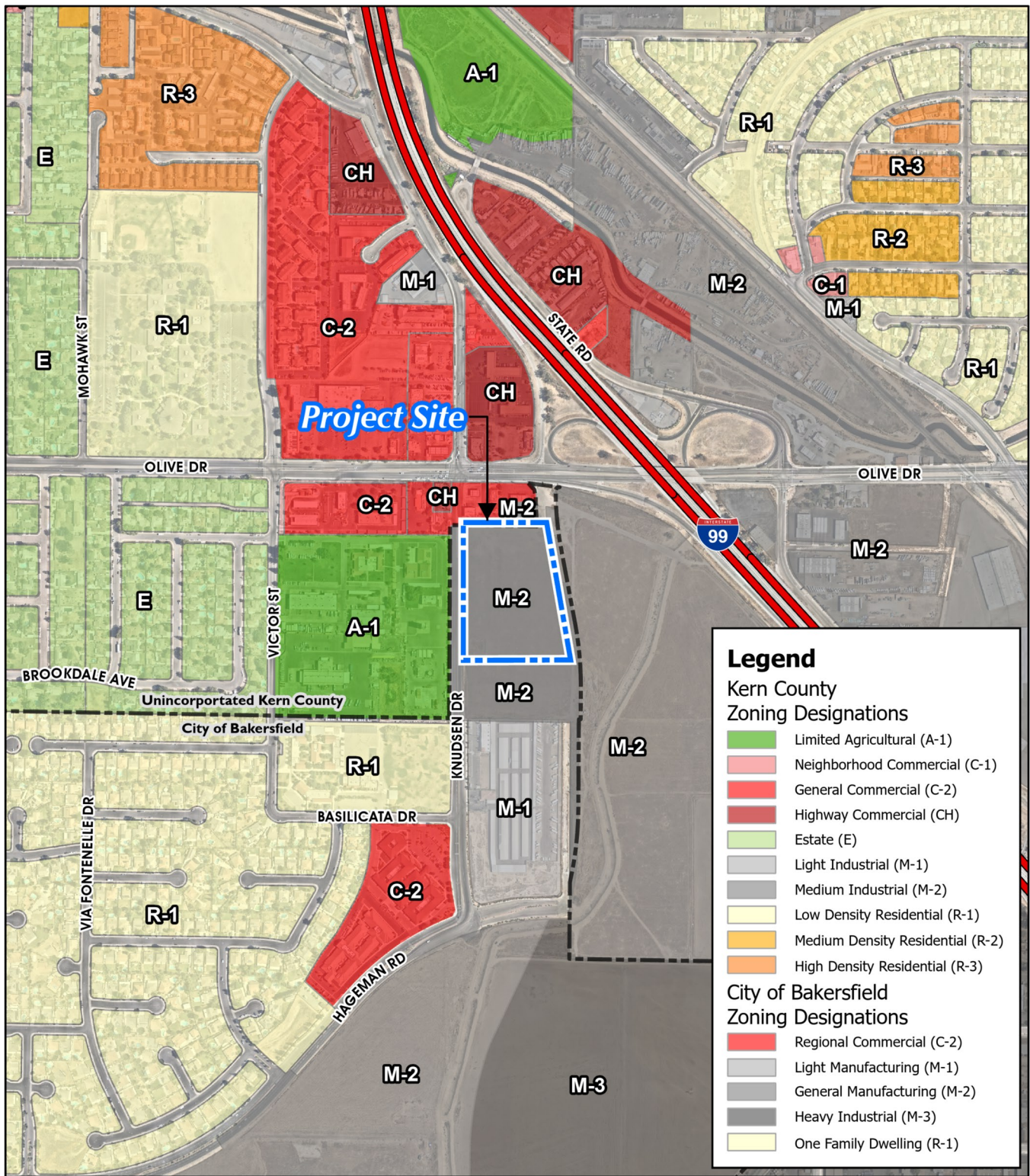
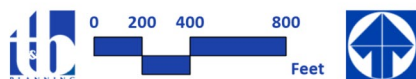


Figure 2-5

Source(s): ESRI, City of Bakersfield (06-2022)



Existing Zoning

- To assist in providing a definite plan of development for the city and to guide, control and regulate the future growth of the city in accordance with said plan (MBGP); and
- To protect the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the city, and to assure the orderly and beneficial development of such areas.

As shown on Figure 2-5, *Existing Zoning*, under existing conditions, the Project site is zoned General Manufacturing (M-2). According to the City of Bakersfield Municipal Code, the M-2 zone is typically for general manufacturing, processing, and assembly activities. However, the M-2 zone permits all of the uses permitted by the M-1 zone, and the M-1 zone permits all of the uses permitted by the C-O, C-1 and C-2 zones. (Bakersfield Municipal Code (BMC) §§ 17.30.020(A)). This style of zoning is commonly referred to by zoning professionals as “Euclidean pyramid zoning.”¹ The C-O zone permits, by right, “[m]edical, dental, psychiatric and other health practitioner offices and clinics, including chiropractic, acupuncture, massage therapy and blood banks,” which City staff has determined includes the uses proposed in the Project (BMC § 17.20.020(A)(21)). The C-O zone also permits “medical and dental laboratories” and “pharmacies, in conjunction with medical clinics.” (Id., subdiv. (22), (25)).

As shown on Figure 2-5, the Project site is shown as occurring south of land zoned Commercial (“C-2”), west of land zoned “M-2”, and east of land zoned Agricultural (“A”) by Kern County. The Project site is shown as occurring north of land zoned “M-2” by the City of Bakersfield.

2.4.3 KERN COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

According to Figure 4-1 of the *Kern County Airport Land Use Compatibility Plan (ALUCP)*, the Project site is located inside of compatibility zone “C” for the Meadows Field Airport (Kern County, 2012, Figure 4-36). Compatibility zone “C” includes areas in the common traffic pattern of the airport that are at limited risk for impacts. These areas may have frequent noise intrusion; however, the Project site is located outside of the noise contours of the airport (Kern County, 2012, Figure 4-39). The ALUCP was originally adopted in 1996 with the latest amendment being in 2012 for the addition of the Air Installation Compatible Zones Study (Kern County, 2012, n.p.). As required by that law, proposals for public or private land use developments that occur within defined airport influence areas are subject to compatibility review. The principal airport land use compatibility concerns addressed by the plan are (1) exposure to aircraft noise, (2) land use safety with respect to both people and property on the ground and occupants of aircraft, (3) protection of airport air space, and (4) general concerns related to aircraft overflights (Kern County, 2012, p. 1-3). The ALUCP identifies policies and compatibility criteria for influence zones or planning area boundaries. The ALUCP maps and labels these zones as A, B1, B2, C, and D, ranging from the most restrictive (A: airport property/runway protection zone) to the least restrictive (D: disclosure to property owners only) (Kern County, 2012). The City adopted the ALUCP for airports within its limits.

¹ Schindler, Kurt H. Michigan State University Extension, 2014. “There are Multiple Ways to Style a Zoning Ordinance.” Available online at https://www.canr.msu.edu/news/there_are_multiple_ways_to_style_a_zoning_ordinance

2.4.4 KERN COUNCIL OF GOVERNMENTS REGIONAL TRANSPORTATION PLAN AND SUSTAINABLE COMMUNITIES STRATEGY

Kern Council of Governments (Kern COG) is a federally designated Metropolitan Planning Organization (MPO) and a state designated Regional Transportation Planning Agency (RTPA). These designations formally establish Kern COG’s role in transportation planning. The preparation of a Regional Transportation Plan (RTP) is one of the primary statutory responsibilities of Kern COG under federal and state law (Kern COG, 2022, pp. ES-1).

To guide the development of the planned multimodal transportation systems in Kern County, the *2022 RTP* establishes a 24-year blueprint which provides a set of regional transportation goals, policies, and actions. As required by California’s Sustainable Communities and Climate Protection Act, of Senate Bill 375, a Sustainable Communities Strategy (SCS) also is included in the *2022 RTP*. The RTP provides transportation and air quality goals, policies, and actions and includes programs and projects for congestion management, transit, airports, bicycles and pedestrians, roadways, and freight. In addition, it provides a discussion of all mechanisms used to finance transportation and air quality program implementation. A Program Environmental Impact Report (Program EIR), pursuant to CEQA for the *RTP* was prepared by Kern COG which analyzed potential environmental impacts of individual transportation projects preliminarily identified in the *2022 RTP* from a regional perspective, providing opportunities for streamlining the analysis required in project specific environmental documents. In addition, the companion *RTP* conformity document demonstrates that the Plan will not delay attainment of federal air quality standards in the State Implementation Plans for air quality (Kern COG, 2022, pp. ES-1).

2.4.5 SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) AIR QUALITY ATTAINMENT PLANS

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has adopted several Air Quality Attainment Plans (AQAPs) that identify measures needed for the San Joaquin Valley to attain the U.S. Environmental Protection Agency’s (EPA’s) National Ambient Air Quality Standards (NAAQS) in order to protect the health, safety, and welfare of the public. These plans include particulate matter plans, ozone plans, and a carbon monoxide plan (SJVAPCD, n.d.).

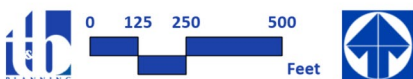
2.5 EXISTING PHYSICAL SITE CONDITIONS

Pursuant to CEQA Guidelines Section 15125, the physical environmental condition for purposes of establishing the setting of an EIR is the environment as it existed at the time the EIR’s NOP was released for public review. The NOP for this EIR was released for public review on August 11, 2022. The following pages provide a description of the Project site’s physical environmental condition (“existing conditions”) as of that approximate date. More detailed information regarding the Project’s site’s environmental setting as it relates to a specific environmental issue area is provided in the specific subsections of EIR Section 4.0, *Environmental Analysis*. The site’s current physical conditions and surrounding areas are shown on Figure 2-6, *Aerial Photograph*.



Source(s): ESRI

Figure 2-6



Aerial Photograph

2.5.2 LAND USE

The Project site is located in the northern portion of the City of Bakersfield which is primarily urban development. As shown in Figure 2-3, under existing conditions, commercial development is located to the north and south of the Project site and public facilities are located to the west. Residential uses are located west of the public facility uses. East of the Project site is vacant, undeveloped land beyond which is SR-99.

The Project site was in agricultural use from at least 1937 to 1973. A small outbuilding associated with a northern adjacent rural residence was present in the northwestern portion of the Project site during the same time frame. The Project site has been fallow, uncultivated, vacant land since at least 1984 (Krazen, 2022, p. 2).

Under existing conditions, the Project site is vacant and undeveloped other than a rough-cut stormwater catchment basin located in the northeastern portion of the site and a stormwater retention basin surrounded by chain link fencing covered with worn privacy panels located at the southwestern portion of the site. The Project site's vegetation consists of non-native ruderal species. The Project site has been subject to various significant disturbances, including discing for weed abatement and fire prevention.

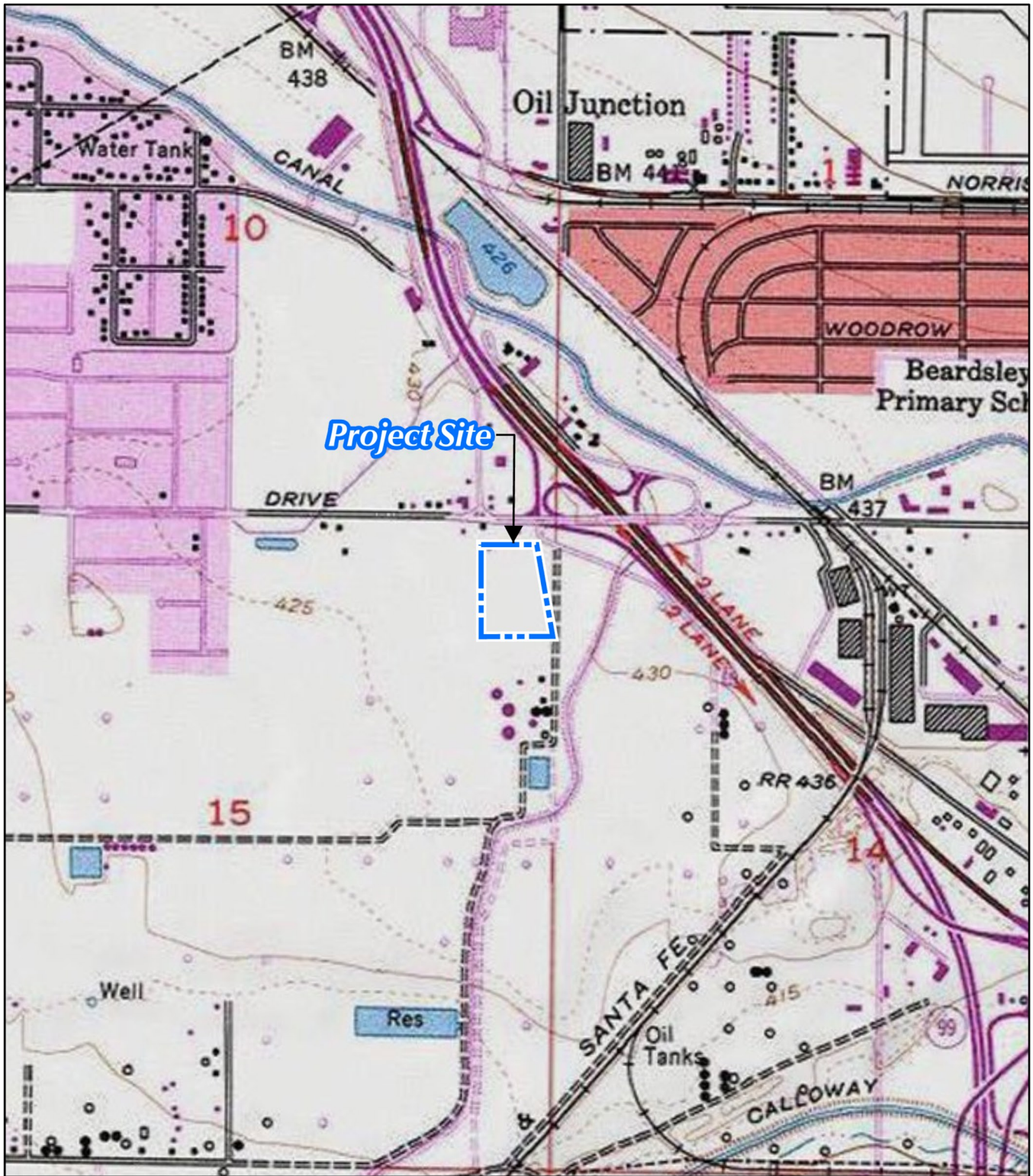
2.5.3 AESTHETICS AND TOPOGRAPHIC FEATURES

As shown in Figure 2-7, *USGS Topographic Map*, the topography of the Project Site is characterized by relatively flat land. Immediately surrounding areas are also flat with no prominent slopes or hillsides. The elevation of the Project site ranges from 426 feet to 430 feet above mean sea level (amsl) (MBI, 2022, p. 5). There are no rock outcroppings or other unique topographic or aesthetic features present on the property or in the immediate vicinity of the Project site (Google Earth, 2023). There is no lighting on the Project site; however, there is street pole and directional signage lighting in the vicinity along roads such as Olive Drive, SR-99, and Knudsen Drive. Further, artificial light from developed uses near the site is visible from the Project site, particularly illumination of the 7-Eleven, Taco Bell, and Chevron gas station uses to the immediate north (Google Earth, 2023).

Scenic resources within and surrounding the City of Bakersfield include the Sierra Nevada Mountains, located approximately 10.8 miles to the northeast, the Tehachapi Mountains, located approximately 26.4 miles to the south, and the Coast Range, located approximately 23.3 miles to the west. In the far distance on clear days, views are possible to the Tehachapi Mountains to the south, the Coast Range to the west, and the Sierra Nevada Mountains to the northeast.

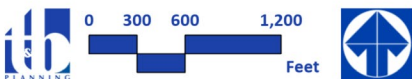
2.5.4 AGRICULTURE AND FOREST RESOURCES

The Project site was in agricultural use from at least 1937 until at least 1973. The Project site has been uncultivated, vacant land from at least 1984 (Krazen, 2022, p. 2). The Project site is in an urban area and no forest lands are located in the Project site's vicinity, nor is the Project site itself forest land. The California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP) identifies "Important Farmland" to include lands mapped as "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," and "Farmland of Local Importance." As mapped pursuant to the FMMP, the Project site



Source(s): ESRI, USGS (2013)

Figure 2-7



USGS Topographic Map

is designated as Vacant or Disturbed Land, which is not an “Important Farmland” type (CDC, 2018). The Project site is not zoned for agricultural use, is not currently used for agricultural production, and is not subject to any Williamson Act contracts or County Agricultural Preserves.

2.5.5 AIR QUALITY AND CLIMATE

The Project site is located in the San Joaquin Valley Air Basin (SJVAB) which includes eight counties in California’s Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and portions of Kern. The SJVAB is bound by the Sierra Nevada mountains to the north, the Coast Ranges to the west, and the Tehachapi mountains to the south. The SJVAB is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), which acts as the regulatory agency for air pollution control in the SJVAB and is the local agency responsible for regulating air pollutant emissions for the Project area.

The SJVAB is a nonattainment area for the State and federal ozone and particulate matter 2.5 (PM_{2.5}) standards and the State particulate matter 10 (PM₁₀) standard. No areas of the SJVAB exceeded federal or State standards for nitrogen dioxide (NO₂), sulfur dioxide (SO₂), or carbon monoxide (CO) (SJVAPCD, n.d.). Refer to EIR Subsections 4.2, *Air Quality*, and 4.7, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Project area.

2.5.6 CULTURAL RESOURCES & TRIBAL CULTURAL RESOURCES

Under existing conditions, the Project site is vacant and undeveloped. A records search identified 13 cultural resources within a half-mile of the Project site, with no cultural resources recorded within the Project site boundaries. Even though cultural resources have been identified within the area around the Project site, the professional opinion of Duke CRM is that the Project site is considered to have low potential for the presence of prehistoric or historic era archaeological resources due to the lack of previously or newly identified cultural resources within or near the Project area (Duke CRM, 2022, pp. 1-2).

2.5.7 GEOLOGY AND SOILS

Regionally, the Project site is located near the southeastern end of the Great Valley Geomorphic Province which extends between the Coast Range Mountains and the Sierra Nevada Mountains. Due to erosion of these mountain ranges, a thick deposit of sediments is located on the Valley floor. The Project site is composed of alluvial deposits which are primarily cohesionless sands and silts. The Project site is underlain by 6 to 12 inches of very loose silty sand, which are disturbed, have low strength characteristics, and are compressive when saturated. Below the loose surface soils and fill material is approximately 2 to 3 feet of loose to dense silty sand or sandy silt, which are moderately strong and slightly compressible. Some of these soils contained traces of clay (Krazen, 2019, pp. 3-4).

The Project site is located within a seismically active region and is subject to ground shaking during seismic events. The south end of the San Joaquin Valley is proximate to active fault systems (San Andreas, White Wolf-Breckenridge-Kem Canyon and Garlock Faults). Numerous smaller faults exist within the valley floor. There is seismic activity in the Kern County area, with the most noticeable earthquake being the July 21, 1952,

Kern County Earthquake. The nearest active fault to the Project site is the Kern Front Fault, located approximately 2.6 miles northeast of the Project site (CGS, 2015).

According to the California Geologic Energy Management Division (CalGEM), the Project site is located within the Fruitvale oilfield (CalGEM, n.d.). The Fruitvale oilfield is subsurface and extends from approximately Norris Road to the north, Oak Street to the south, Belle Terrace to the south, and Calloway Drive to the west.

2.5.8 HYDROLOGY AND WATER QUALITY

The Project site is located in the Kern River Watershed within the Tulare Lake Hydrologic Region, which covers approximately 16,800 square miles including all of Tulare County, Kings County, and most of Fresno and Kern counties. The Tulare Lake Hydrologic Region is bordered to east by the Sierra Nevada Mountains, to the west by the Coast Ranges, and to the south by the Tehachapi Mountains (DWR, 2015, p. 1).

Pertaining to surface waters and ground water quality, the Project site and surrounding area are located within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB). Water quality within the Central Valley region is regulated by the RWQCB's, *Water Quality Control Plan for the Tulare Lake Basin, Third Edition* (herein, "WQCP"), dated May 2018. According to the WQCP, the Tulare Lake Basin ("Basin") comprises the drainage area of the San Joaquin Valley south of the San Joaquin River. Surface water from the Tulare Lake Basin only drains north into the San Joaquin River in years of extreme rainfall. The Basin encompasses approximately 10.5 million acres, of which approximately 3.25 million acres are in federal ownership. Specifically, the Project site is located within the Kern River sub-basin. As discussed in the RWQCB's WQCP, surface water supplies tributary to or imported for use within the Basin are inadequate to support the present level of water need for agricultural and other development. Therefore, ground water resources within the valley are used to meet water demands. The greatest long-term problem facing the entire Tulare Lake Basin is the increase of salinity in ground water. Even though an increase in the salinity of ground water in a closed basin is a natural phenomenon, salinity increases in the Basin have been accelerated by man's activity, with the major impact coming from intensive use of soil and water resources by irrigated agriculture (RWQCB, 2018, pp. 1-2, 4-1, and 4-2).

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06029C1825F, the Project site is located within FEMA Flood Zone X. Flood Zone X is correlated with areas of minimal flood hazard, determined to be less than the 0.2 percent annual chance flood (FEMA, 2021). Under existing conditions, the Project site naturally drains to the southwest; there is a rough-cut stormwater catchment basin located in the northeastern portion of the site and a stormwater retention basin located at the southwestern portion of the site. Refer to EIR Subsection 4.9, *Hydrology and Water Quality*, for a more detailed discussion of the Project site's existing hydrology and water quality setting.

2.5.9 NOISE

Urban Crossroads, Inc. collected 24-hour noise measurements at five locations in the Project site's vicinity on December 14, 2022 to determine the baseline for the existing noise environment. Measured daytime noise

levels in the area ranged from 58.1 equivalent level decibels (dBA L_{eq}) to 66.9 dBA L_{eq} and nighttime noise levels from 55.4 dBA L_{eq} to 61.6 dBA L_{eq} (Urban Crossroads, 2022, p. 27). Refer to EIR Subsection 4.11, *Noise*, for a more detailed discussion of the Project site's existing noise setting.

2.5.10 TRANSPORTATION

The Project site is located to the west of SR-99, east of Knudsen Drive, and south of Olive Drive. Existing traffic on nearby roadways consist of both passenger vehicles and trucks passing through the area and accessing nearby land uses. The primary regional vehicular travel route to the Project area is SR-99, which is located to the east of the Project site. Refer to EIR Subsection 4.12, *Transportation*, for a more detailed discussion of the roadway system surrounding the Project site.

In 2013, the State of California approved legislation (SB 743) to change the primary basis of evaluation of transportation impacts in CEQA from Level of Service (LOS) to Vehicle Miles Traveled (VMT). VMT represents the average length in number of miles that a person travels in a vehicle from home to work. Based on the regional transportation model maintained by the Kern Council of Governments (Kern COG), the average daily VMT for employees in Kern County is 17.13 miles (R&S, 2023, p. 20).

Pertaining to non-vehicular modes of travel, a sidewalk is currently located along the west side of Knudsen Drive (Google Earth, 2023). According to the City of Bakersfield Bicycle Transportation Plan, Hageman Road has a Class 2 Bike Lane and Knudsen Drive is designated for a planned Class 2 Bike Lane (Bakersfield, 2013).

With respect to transit, bus service is currently available along Olive Drive via Golden Empire Transit District (GETD) Route 61, (GETD, 2022).

2.5.11 PUBLIC FACILITIES

Fire protection services for the Project site are jointly provided by Kern County and the City of Bakersfield. Kern County Fire Department (KCFD) Fire Station No. 61 is located approximately 0.9-mile northwest of the Project site, at 6400 Fruitvale Avenue. Police protection service is provided by the Bakersfield Police Department (BPD) and the County Sheriff's Office. The BPD central headquarters is located at 1601 Truxtun Avenue in Bakersfield, approximately 3.2 miles southeast of the Project site. The Kern County Sheriff's Department supplements BPD's services.

2.5.12 UTILITIES AND SERVICE SYSTEMS

A. Water Service

The Project site is located in the service area of California Water Service (Cal Water) in the Bakersfield District North Garden public water system. The Bakersfield North Garden public water system obtains its water supply from a combination of local groundwater produced by 12 active wells, surface water from the Kern River, and treated water purchased from the Kern County Water Agency (Cal Water, n.d.).

B. Sewer Service

The Project site is located in the wastewater service area of the North of River Sanitation District. Wastewater is treated at the North of River wastewater treatment plant located at the northeast corner of the intersection of 7th Standard Road and Palm Avenue (NORS, n.d.).

C. Solid Waste Services

Varner Brother's Inc. currently provides solid waste collection services (residential and commercial) within the Project area. Solid waste collected in the area is disposed of at the Bakersfield Metropolitan (Bena) Sanitary Landfill, which is operated by the Kern County Waste Management Department. The facility is located approximately 17.5 miles southeast of the Project site at 2951 Neumarkel Road in Caliente, California (Google Earth, 2023).

D. Other Services

The Project site is located in the service area of Pacific Gas & Electric (PG&E) for both natural gas and electricity. The gas supply comes from the Kern River Corridor, which receives gas from suppliers in the Rocky Mountains. Natural gas pipelines are located along Downing Avenue, approximately 1.1 miles south of the Project site, and along Coffee Road, approximately 1.9 miles west of the Project site. The electrical power that PG&E distributes is primarily derived from the company's generating plants, which use hydropower, gas-fired steam, or nuclear energy. Power lines and underground facilities are located in the vicinity of the Project site including in Knudsen Drive. Refer to EIR Subsection 5.0, *Other CEQA Considerations*, for a more detailed discussion of the Project site's existing public utility and service systems.

2.5.13 VEGETATION COMMUNITIES

The Project site is vacant and undeveloped. The Project site was previously used for agriculture, but more recently became fallow and was left vacant (for decades), with vegetation consisting of non-native ruderal species. During a site visit conducted by McCormick Biological, Inc. (MBI) in 2022, seven plant species were observed; however, none of these were special-status species. No special-status plant species have been recorded as occurring within the Project site by any of the literature sources consulted (MBI, 2022, p. 18). Refer to EIR Subsection 4.3, *Biological Resources*, for a more detailed discussion of the Project's site existing biological setting.

2.5.14 WILDLIFE

The Project site is not part of a wildlife corridor and has limited habitat potential for all but a few sensitive species. MBI determined that there is moderate potential for the Crotch bumble bee and San Joaquin kit fox to occur on the Project site, and low potential for the Bakersfield legless lizard, burrowing owl, and American badger to occur on the Project site. Additionally, no nesting bird activity or nesting material was observed on the Project site during MBI's field surveys. Other species identified during a literature review as having potential to occur on the site were determined by the field survey to have no potential to occur on the Project site. Refer to EIR Subsection 4.3, *Biological Resources*, for a more detailed discussion of the Project's site existing biological setting.

2.5.15 RARE AND UNIQUE RESOURCES

As required by CEQA Guidelines Section 15125(c), the environmental setting should place special emphasis on resources that are rare or unique to that region and would be affected by the Project. Based on the existing conditions of the Project site and surrounding area described above and discussed in more detail in Section 4.0, *Environmental Analysis*, the Project site does not contain any resources that are rare or unique to the region.

3.0 PROJECT DESCRIPTION

This Section 3.0 provides all of the information required of an EIR Project Description by California Environmental Quality Act (CEQA) Guidelines Section 15124, including a description of the Project's precise location and boundaries; a statement of the Project's objectives; a description of the Project's technical, economic, and environmental characteristics; and a description of the intended uses of this EIR, including a list of the governmental agencies that are expected to use this EIR in their decision-making processes, a list of the permits and approvals that are required to implement the Project, and a list of related environmental review and consultation requirements.

3.1 SUMMARY OF THE PROPOSED PROJECT AND RELEVANT BACKGROUND

3.1.1 SUMMARY OF PROPOSED PROJECT

The Project involves the proposed development of a 39,648 square foot (s.f.) United States (U.S.) Department of Veterans Affairs (VA) community-based outpatient medical clinic on a 10.05 gross acre site located at 5512 Knudsen Drive, approximately 0.15-mile west of State Route 99 (SR-99) and 250 feet southeast of the intersection of Olive Drive and Knudsen Drive. The entitlement application filed with the City of Bakersfield is a proposed Site Plan Review application.

- **Site Plan Review No. 21-0399** is a proposed site plan for the development of a medical outpatient facility on 10.05 gross acres, which would be operated by the U.S. Department of Veterans Affairs. Features include a 39,648 s.f. single-story building (net usable 30,100 safe), a covered drop-off area, bicycle racks, a covered ambulatory pick-up area, an outdoor physical therapy area, an outdoor dining area, and an elevated loading dock. Landscaping is proposed along the perimeter of the Project site, around the building, and throughout the parking areas. In addition, a healing garden is proposed on the east side of the building, which would include a garden path and benches.

Importantly, the Project would replace an existing but outdated and inadequate VA medical clinic in the City, located at 1801 Westwind Drive, which will close when the Project becomes operational. The existing facility is similar in size (approximately 30,140 s.f.) and offers similar services, albeit in a dated facility not capable of providing the full breadth of services that the City's veteran community currently needs, which is why the VA issued a request for proposals for a new facility. As a result, the operational impacts of the existing facility on the environment are substantially the same as the impacts of the operation of the proposed Project. Due to the fact that the two facilities will never be open at the same time, the Project replaces the existing facility without actually materially increasing impacts or resulting in any truly "new" impacts on the environment. Nonetheless, the City has prepared this Environmental Impact Report (EIR) to fully analyze the proposed Project's impacts. In fact, it is likely the Project would result in less impacts on the environment than the current facility because (1) it will be more modern and therefore more energy efficient in a number of respects, and (2) as made clear by testimony from local veterans in public hearings regarding the previous version of this Project (discussed below), many veterans that currently drive to Los Angeles to obtain the full range of services they need will no longer need to do so, because the Project has been designed to meet all of those needs.

3.1.2 PROJECT BACKGROUND AND PREVIOUSLY APPROVED PROJECT

The proposed Project is the result of a procurement process initiated by the federal government (U.S. Department of Veterans Affairs), when on December 9, 2019, the VA issued a Solicitation for Offers for “up to a 20-year lease for 30,100 Net Usable Square Feet of space for use by VA for personnel, furnishings, and equipment to be operated as a Community Based Outpatient Clinic” in the City. The VA received four proposals, for the following three locations:

- Renovation of the existing VA clinic at 1801 Westwind Drive (two proposals), proposed by the existing landlord of the VA Clinic at 1801 Westwind Drive (referred to as “PBV,” or Progress for Bakersfield Veterans, LLC);
- A new clinic at an undisclosed location, also proposed by SBV; and
- The Project analyzed in this EIR.

The VA evaluated the four proposals and selected the Project. PBV protested the VA’s determination in several iterations administratively, and in the United States Court of Federal Claims, Case No. 20-1050C. All appeals and challenges were denied, as detailed in the January 7, 2021, decision by the Court of Federal Claims the aforementioned case.

In addition to its “bid protest” activities relating to the federal procurement process, PBV has also consistently opposed the City’s approval of the Project on CEQA and other grounds. In 2020, the same Project was originally processed as Site Plan Review No. 20-0102, and a mitigated negative declaration (MND) was prepared pursuant to CEQA, State Clearinghouse (SCH) No. 2020120042. Over objections from PBV, on January 7, 2021, the City’s Planning Commission unanimously approved the MND, and on January 8, 2021, the Development Services Director (“Director”) approved the Site Plan. PBV appealed these approvals to the City Council and Planning Commission, respectively. On February 4, 2021, the Planning Commission unanimously rejected the appeal of the Site Plan Review, which PBV again appealed to the City Council. On March 3, 2021, after considering extensive comments and objections from PBV, materials from the Project applicant, and oral testimony – including testimony from local veterans urging the City to deny the appeal and approve the Project so that they no longer would be forced to either obtain services at the substandard existing facility or drive over 100 miles to Los Angeles – the City Council denied both of PBV’s appeals and affirmed approval of the Project. PBV subsequently filed suit challenging the City’s approval of the Project (*Progress for Bakersfield Veterans, LLC, v. City of Bakersfield* (Kern County Superior Court Case No. BCV -21-100778)). The City understands that when the Project becomes operational, PBV will lose its lease with the VA, and thus delaying approval of the Project is financially advantageous to PBV.

Despite the Project’s limited impacts, the Project applicant (SASD Development Group, LLC) voluntarily requested that the City rescind its previous approvals, re-filed the current application, and the City has prepared this EIR to ensure that all of the Project’s potential impacts on the environment have been fully disclosed, analyzed, and mitigated to the maximum extent feasible.

3.2 SUMMARY OF REQUESTED APPROVAL ACTIONS

The City of Bakersfield has primary approval responsibility for the proposed Project. As such, the City of Bakersfield serves as the Lead Agency for this EIR pursuant to CEQA Guidelines Section 15050. The role of the Lead Agency was previously described in Section 1.0 of this EIR. As part of the approval process for the proposed Project, the City’s Planning Commission will hold a public hearing to consider the Final EIR and proposed Site Plan Review No. 21-0399. The Planning Commission will make a decision to certify or reject the Final EIR with or without modifications. Should the Planning Commission’s decision be appealed, the Final EIR would be considered by the City Council, to be certified or rejected. Following certification of the Final EIR, the City’s Development Services Director will decide whether to approve Site Plan Review No. 21-0399.

Should these actions be approved, additional discretionary and ministerial actions by the City and other agencies would be required to implement the Project. Table 3-1, *Matrix of Project Approvals/Permits*, lists the authorities and agencies that are expected to use this EIR and provides a summary of subsequent actions associated with the Project. This EIR covers all federal, State, and local government and quasi-governmental approvals which may be needed to construct and implement the Project, whether or not they are explicitly listed in Table 3-1 or elsewhere in this EIR (CEQA Guidelines § 15124(d)).

Table 3-1 Matrix of Project Approvals/Permits

Agency	Approvals and Decisions
City of Bakersfield Discretionary Approvals	
Planning Commission	<ul style="list-style-type: none"> • Certify or reject the Project’s EIR.
Development Services Director	<ul style="list-style-type: none"> • Approve, conditionally approve, or not approve Site Plan Review No. 21-0399.
Subsequent City of Bakersfield Approvals	
Development Services Director	<ul style="list-style-type: none"> • Approve, conditionally approve, or not approve any subsequent Site Plan Reviews or modifications thereto pertaining to the Project site.
Development Services Department and Public Works Department	<ul style="list-style-type: none"> • Issue grading permits. • Issue building permits. • Accept public right-of-way dedications. • Approve road improvement plans. • Issue encroachment permits.
Other Agencies – Subsequent Approvals and Permits	
U.S. Department of Veterans Affairs	<ul style="list-style-type: none"> • Approve facility operations.
Central Valley Regional Water Quality Control Board	<ul style="list-style-type: none"> • Issue a Construction Activity General Construction Permit. • Confirm Compliance with National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements.
San Joaquin Valley Air Pollution Control District	<ul style="list-style-type: none"> • Approve permits to construct and permit to operate (if such permits are required).
Kern County Flood Control and Water Conservation District	<ul style="list-style-type: none"> • Approve proposed drainage infrastructure and improvements.

Table 3-1 Matrix of Project Approvals/Permits

Agency	Approvals and Decisions
Pacific Gas & Electric	<ul style="list-style-type: none"> Approve connections to the electric distribution and natural gas distribution systems.
North of River Sanitation District	<ul style="list-style-type: none"> Approve proposed connections to the domestic sewer system.
California Water Service	<ul style="list-style-type: none"> Approve proposed connections to the domestic water system.

3.3 PROJECT LOCATION AND BOUNDARIES

A description of the Project site’s regional location is included in EIR Section 2.0, *Environmental Setting*. The Project site is located in the northern portion of the City of Bakersfield in Kern County, California and positioned in the northeast corner of Section 15, Township 29 South, Range 27 East, Mount Diablo Base and Meridian and includes Assessor Parcel Numbers (APNs) 365-020-28, and -30. Refer to Figure 2-1, *Regional Map*, for the Project site’s location within the regional vicinity. More specifically and as depicted on Figure 2-2, *Vicinity Map*, the Project site is located at 5512 Knudsen Drive, approximately 0.15-mile west of State Route 99 (SR-99) and 250 feet southeast of the intersection of Olive Drive and Knudsen Drive. The Project site is vacant and highly disturbed.

3.4 STATEMENT OF OBJECTIVES

The fundamental purpose and goal of the VA Community-Based Outpatient Clinic Project is to develop a modern, state-of-the-art community-based outpatient medical facility to serve U.S. military veterans in the Bakersfield area. The Project would achieve its underlying purpose and goal through the following objectives.

- A. Establish a new VA community-based outpatient medical clinic in Bakersfield on a site that has been vetted by and selected by the U.S. Government within the following delineated area:
 - North: East on Olive Drive, southeast on Roberts Lane, southeast on Manor Street and then northeast on Panorama Drive to Fairfax Road.
 - East: South on Fairfax Road to E. Brundage Lane
 - South: West on E. Brundage Lane, continuing on Brundage Lane to the intersection of Brundage Lane and SR-99.
 - West: The intersection of Gosford Road and White Lane, north to where Gosford Road becomes Coffee Road, north to Olive Drive
- B. Establish a new VA community-based outpatient medical clinic that has a minimum size of 30,100 net usable square feet and meets the VA’s physical design requirements.
- C. Provide high quality patient care for veterans in a safe, advanced-care medical facility throughout the Bakersfield area and surrounding communities.
- D. Enable veterans to receive health care at a medical facility that is easily accessible and nearby a State highway system to reduce out of area health trips.

- E. Develop a VA medical clinic that is capable of providing a diverse range of consolidated outpatient services, such as audiology, mental health, telehealth, ambulatory care, an eye clinic, physical and occupational therapy, prosthetics, dental services, a lab and pharmacy, and ancillary and diagnostic services, avoiding the need for veterans to travel out of the Bakersfield area for these services.
- F. Create a comprehensively planned, advanced-care VA medical clinic that provides community vitality, economic growth, and employment opportunities in the City of Bakersfield.
- G. Construct a VA medical clinic with maximum operational efficiency to optimize health care outcomes and create a space for increased patient and staff satisfaction.

3.5 DESCRIPTION OF PROJECT CHARACTERISTICS

The Project Applicant proposes to develop 10.05 gross acres located at 5512 Knudsen Drive, approximately 0.15-mile west of State Route 99 (SR-99) and 250 feet southeast of the intersection of Olive Drive and Knudsen Drive with a community-based outpatient medical clinic for lease by the VA. The proposed clinic would be a single-story facility that would provide primary and specialty care clinical services. Services would include audiology, mental health, telehealth, ambulatory care, an eye clinic, physical and occupational therapy, prosthetics, dental services, a lab and pharmacy, and ancillary and diagnostic services. The proposed gross building floor area is 39,648 s.f. with a net usable area of 30,100 s.f. The building is designed to feature a covered drop-off, bicycle racks, a covered ambulatory pick-up area, an outdoor physical therapy area, an outdoor dining area, and an elevated loading dock. The structure would have a maximum height of 31 feet. The building is designed in a contemporary style and would be painted shades of white, gray and blue. Sloped high roofs and glass curtain walls would be featured at the main entrance.

The proposed Site Plan Review No. 21-0399 application submitted to the City of Bakersfield to entitle the Project for development is described below. An illustration of the proposed, resulting development concept is provided in Figure 3-1, *Overall Conceptual Site Plan*. The principal approval action requested of the City of Bakersfield to implement the Project includes a Site Plan Review for the VA community-based outpatient medical clinic, as described herein. Additional discretionary and administrative actions that would be necessary to implement the Project are listed in Table 3-1. A full set of Project application materials are on file with the City of Bakersfield, Development Services Department, 1715 Chester Avenue, 2nd Floor, Bakersfield, CA 93301.

3.5.1 SITE PLAN REVIEW NO. 21-0399

Pursuant to Bakersfield Municipal Code §17.08.060, the approval of a Site Plan is required for uses in the M-2 zone. Site Plan Review No. 21-0399 is a proposed site plan for the development of a VA community-based medical outpatient clinic on the 10.05-acre Project site with a M-2 zoning classification. Refer to Figure 3-1.

The proposed community-based medical outpatient clinic is designed to have a gross building floor area of up to 39,648 s.f. with a net usable area of 30,100 s.f. The building floor plan would be separated into primary and specialty care clinic areas including audiology, mental health, telehealth, ambulatory care, an eye clinic,

physical and occupational therapy, prosthetics, dental services, a lab and pharmacy, and ancillary and diagnostic services. The user of the building would be the U.S. Veterans Health Administration. The proposed building is rectangular in shape and would be positioned diagonally on the site with the long sides of the building facing east and west and the shorter sides of the building facing north and south. The structure would have a maximum height of ±31 feet to the top of the sloped high roofs. The building is designed in a contemporary style and would be painted shades of gray, white, and blue. The main entrance to the building and patient drop-off area would be located in the northwest corner of the building, facing the main parking area. Sloped high roofs and glass curtain wall would be featured at the main entrance. The building elevations are shown on Figure 3-2, *Medical Clinic Elevations*. An artist's rendering of the building is provided as Figure 3-3, *Veterans Affairs Community-Based Outpatient Clinic Rendering*.

Vehicular access to the community-based outpatient medical clinic would be provided by one main public entrance on Knudsen Drive, one secondary public entrance on Lance Drive, one staff entrance on Landco Drive, and one staff and service entrance on Street A, which is planned along the southern boundary of the site. The Project would also include street improvements and the installation of site-adjacent ADA compliant sidewalks and ramps for the street frontages on the east (Landco Drive), south (Street A), and west (Knudsen Drive). The site design includes 214 parking stalls, including 184 standard stalls (86% of the spaces), 6 motorcycle stalls (3% of the spaces), 19 accessible-standard stalls (9% of the spaces), and 5 accessible-van stalls (2% of the spaces).

3.5.2 PROJECT'S TECHNICAL CHARACTERISTICS

A. Landscaping

Upon development of the proposed Project, the site would be landscaped as shown in Figure 3-4, *Conceptual Landscape Plan*. Proposed landscaping would be ornamental in nature and would feature trees, shrubs, groundcovers, and accent plants. The landscaping plan for the community-based outpatient medical clinic would be approved as part of proposed Site Plan Review No. 21-0399.

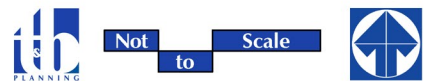
A mix of shade trees, palm trees, small evergreen trees, screen trees, shrubs, and groundcover would be planted along the perimeter of the Project site. Shade trees, accent trees, shrubs, and groundcover also would be planted in the parking areas. Landscaping, featuring shade trees, small evergreen trees, accent trees, shrubs, perennials, groundcover, and irrigated turf, would also occur at the building entries and around the perimeter of the building. A healing garden is proposed on the northeast side of the building which would include garden paths, benches, screen trees, shade trees, accent trees, shrubs, groundcover, and irrigated turf.

Prior to the issuance of building permits to construct the proposed community-based outpatient medical clinic, the Project Applicant would be required to submit final planting and irrigation plans to the City for review and approval. The plans are required to comply with Chapter 17.61 of the Bakersfield Municipal Code, which establishes requirements for landscape design, automatic irrigation system design, and water-use efficiency (Bakersfield, 2023, Chapter 17.61).



Source(s): Nichols, Melburg & Rossetto Architects (09-19-2022)

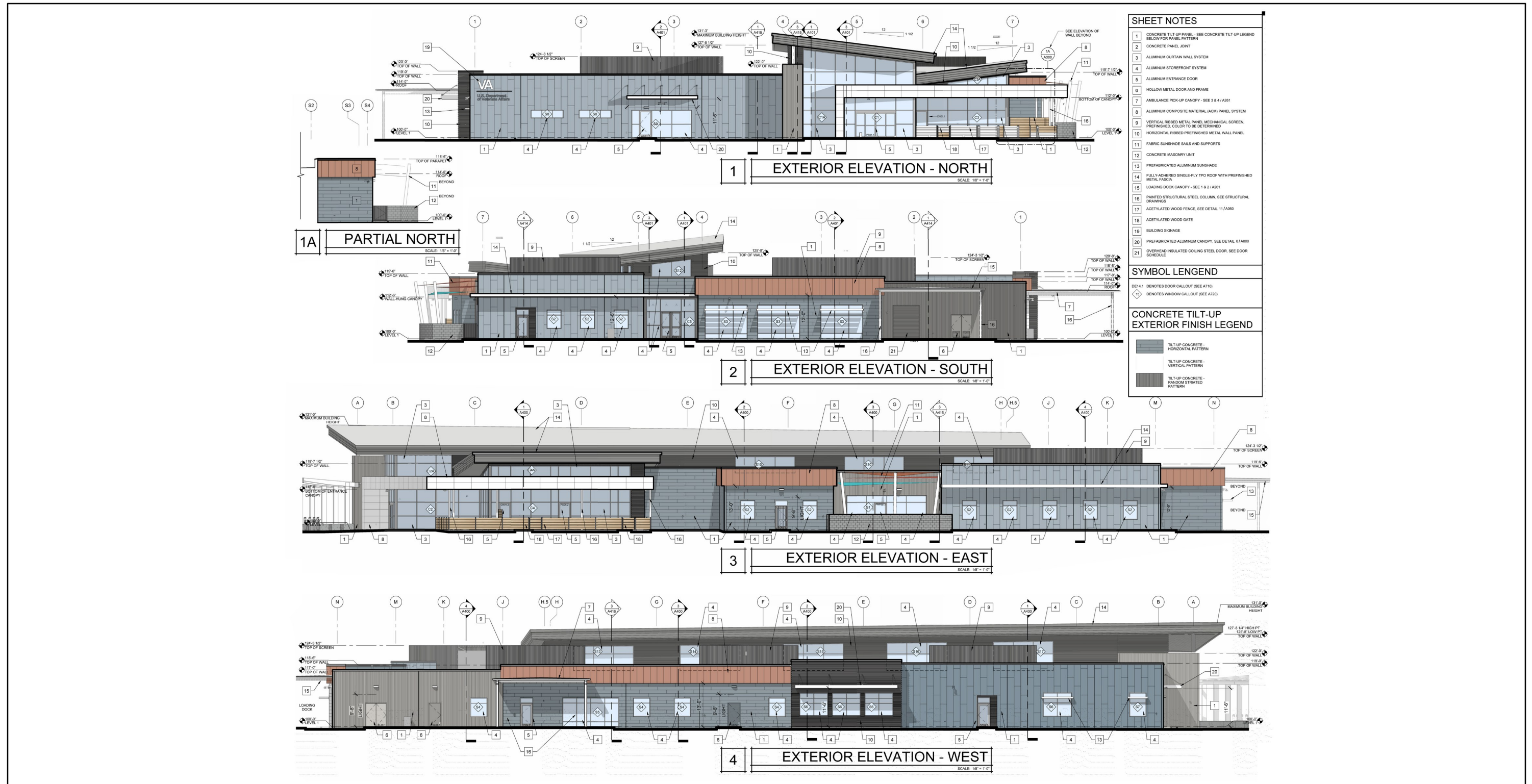
Figure 3-1



Lead Agency: City of Bakersfield

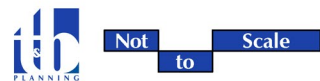
Overall Conceptual Site Plan

SCH No. 2022080337



Source(s): Nichols, Melburg & Rossetto Architects (04-27-2023)

Figure 3-2



Lead Agency: City of Bakersfield

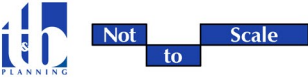
Medical Clinic Elevations

SCH No. 2022080337



Source(s): Nichols, Melburg & Rossetto Architects (01-20-2020)

Figure 3-3

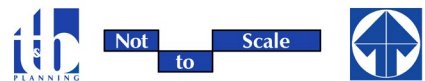


Veterans Affairs Community-Based Outpatient Clinic Rendering



Source(s): Nichols, Melburg & Rossetto Architects (11-10-2017)

Figure 3-4



Lead Agency: City of Bakersfield

Conceptual Landscape Plan

SCH No. 2022080337

B. Lighting

The developed Project site would be illuminated at night for safety and security. Exterior lighting is required to comply with the City of Bakersfield Municipal Code Section 17.71, Outdoor Lighting, which among other things requires that all outdoor lighting be fully shielded and aimed downward onto the ground surface with no escaping light permitted to contribute to sky glow by shining upward into the sky. Any outdoor lighting that shines onto adjacent property or streets that produce a nuisance or disabling glare, or that is above the horizontal plane, is not be permitted.

C. Public Road Improvements

The Project site is bound by and adjacent to Knudsen Drive to the west. Under existing conditions, Knudsen Drive has two southbound lanes and one northbound lane. In the southbound direction, the Project proposes to add a left turn lane from southbound Knudsen Drive to eastbound proposed Street A and to add an additional northbound thru lane and a deceleration/acceleration lane for vehicles making a right turn in or right turn out of the Project site's main entrance. The northbound deceleration/acceleration lane would merge into the northbound thru lane at the north end of the Project site. To the east of the Project site, Landco Drive would be extended to run adjacent to the east side of the Project site. To the south, proposed Street A would be constructed along the Project site's southern boundary to connect Knudsen Drive and Landco Drive. No traffic signals are proposed. The Project site's exit driveways would be stop-sign controlled and stop signs would be installed on proposed Street A where Street A is proposed to connect with Knudsen Drive and Landco Drive.

D. Water Infrastructure

Water service and supply to the Project site is provided by California Water Service (Cal Water). The Project site is located within the Bakersfield District North Garden public water system. An existing water line is located along the alignment of Street A, south of the Project site. A water system for the Project would be installed that would connect to the existing water line in the Street A alignment.

E. Wastewater Infrastructure

The Project site is located in the North of the River Sanitary District. A wastewater conveyance system would be installed on the Project site as part of the proposed development. An existing sewer line is located in the alignment of Street A south of the Project site. A sewer system for the Project would be installed that would connect to the existing sewer line in the Street A alignment. Wastewater would be treated at the North of the River Sanitary District Wastewater Treatment Plant located in the City of Shafter at the northeast corner of the intersection of Seventh Standard Road and Palm Avenue.

F. Drainage Infrastructure

As part of the Project's construction, the existing drainage pattern on the site would be altered and managed by an on-site stormwater drainage system. Storm drain facilities would include bioretention basins and underground pipes. Refer to EIR Subsection 4.9, *Hydrology and Water Quality*, for more information.

G. Dry Utilities

The Project site is located in the service area of Pacific Gas & Electric (PG&E) for both natural gas and electricity. Land line phone service is provided by AT&T and cable service is provided by Spectrum. Underground utility connections would be installed to provide service to the Project.

H. Construction Characteristics

The typical construction sequence entails site preparation followed by grading, followed by construction of the building, installation of infrastructure and utilities, paving, landscaping, and then painting and other architectural coatings. Improvements inside the building and the installation of exterior signage would then occur.

Construction is assumed to occur Monday through Friday with occasional work on Saturdays with the exception of federal holidays. To control noise associated with construction activities, Section 9.22.050 of the City's Municipal Code establishes limits to the hours that construction activities can occur within 1,000 feet of residential homes. Sections 9.22.050[A] and [C] state that it is unlawful for any person, firm or corporation to erect, demolish, alter or repair any building, or to grade or excavate land, streets or highways, other than between the hours of 6:00 am and 9:00 pm on weekdays, and between 8:00 am and 9:00 pm on weekends within 1,000 feet of the nearest residential dwelling. Although construction could occur during any time periods allowed by the Municipal Code, and no homes are located within 1,000 feet of the Project site, most construction crews typically work eight hours per day from approximately 6:30 am to 3:30 pm with a lunch break.

The types of construction equipment expected on the site include rubbered tired dozers, tractors, loaders, backhoes, excavators, graders, cranes, forklifts, generator sets, welders, pavers, paving equipment, rollers, and air compressors, hand tools and other miscellaneous equipment. Construction equipment is not usually in continuous use and some pieces of equipment are utilized only periodically throughout a typical day of construction. Thus, eight hours of daily use per piece of equipment is an overly conservative and reasonable assumption for purposes of analysis in this EIR.

The entire Project site would be disturbed for construction of the Project, in addition to off-site areas along Knudsen Drive, Landco Drive, and proposed Street A for the construction of roadway improvements and utility connections. Under existing conditions, the Project site is relatively flat. The Project would result in 3,200 cubic yards (CY) of cut and 5,200 CY of fill, resulting in a net fill of 2,000 CY. Considering the need to over-excavate and recompact soils to support the proposed improvements, earthwork excavated from the proposed retention basin would be used across the site as fill during the recompacting process, and no import of materials from off-site is anticipated to be needed. No manufactured slopes are proposed other than the interior side slopes of the retention basin.

I. Operational Characteristics

The proposed community-based outpatient medical clinic proposed on the Project site would be operated by the U.S. Department of Veterans Affairs, Veterans Health Administration ("the VA"), which would lease the

facility from the Project Applicant. Upon opening of the clinic, the VA would cease operations at its existing leased location, at 1801 Westwind Drive.

The proposed clinic to be developed on the Project site is planned to be operational from approximately 7:00 am to 5:00 pm, Monday through Friday, although operating hours are subject to change. The clinic would provide outpatient primary and specialty care clinical services for veterans. Services would include audiology, mental health, telehealth, ambulatory care, an eye clinic, physical and occupational therapy, prosthetics, dental services, a lab and pharmacy, and ancillary and diagnostic services. The proposed gross building floor area is 39,648 s.f. with a net usable area of 30,100 s.f. Outdoor activities would include but not be limited to vehicle movements and parking in the parking lots; people on foot, wheelchair, and bicycle circulating between the parking areas, sidewalks and clinic; pick up and drop off activities at the clinic entrance; ambulatory pick-ups in a designated area; supply deliveries at the loading dock; therapy in the outdoor physical therapy area; and leisure activities in the outdoor dining area and in a healing garden designed with walking paths and benches located at the northeast corner of the proposed building.

The facility is estimated to employ approximately 50 persons. During operation, employees and patients would travel to and from the Project site on a daily basis. Deliveries of medical supplies would also occur frequently. The VA community-based outpatient clinic is expected to generate approximately 1,116 vehicle trips per day (R&S, 2023, p. 2).

4.0 ENVIRONMENTAL ANALYSIS

4.0.1 SUMMARY OF EIR SCOPE

In accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15126-15126.4, this EIR Section 4.0, *Environmental Analysis*, provides analyses of potential direct, indirect, and cumulatively-considerable impacts that could occur from planning, constructing, and operating the proposed Project.

In compliance with the procedural requirements of CEQA, an Initial Study was prepared to determine the scope of environmental analysis for this EIR. The City of Bakersfield distributed a Notice of Preparation (NOP) to public agencies and interested individuals and posted the NOP on its website to solicit input on the scope of study for the EIR. The NOP also was posted with the Kern County Clerk and on the California Office of Planning and Research (OPR) State Clearinghouse (SCH) website. Taking all known information and public comments into consideration, 13 primary environmental factors are evaluated in detail in this Section 4.0, as listed below. Each subsection evaluates several specific topics related to the primary environmental subject. The title of each subsection is not limiting; therefore, refer to each subsection for a full account of the subject matters addressed therein.

4.1	Aesthetics	4.8	Hazards and Hazardous Materials
4.2	Air Quality	4.9	Hydrology and Water Quality
4.3	Biological Resources	4.10	Land Use and Planning
4.4	Cultural Resources	4.11	Noise
4.5	Energy	4.12	Transportation
4.6	Geology and Soils	4.13	Tribal Cultural Resources
4.7	Greenhouse Gas Emissions		

Other environmental topics not listed above were determined through the Initial Study and City's environmental scoping process to have no potential to be adversely impacted or significantly impacted by the proposed Project, and are addressed in EIR Subsection 5.4, *Effects Found not to be Significant During the EIR Scoping Process*.

4.0.2 SCOPE OF CUMULATIVE EFFECTS ANALYSIS

CEQA requires that an EIR contain an assessment of the cumulative impacts that may be associated with a proposed project. As noted in CEQA Guidelines § 15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." "[A] cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects creating related impacts" (CEQA Guidelines §15130(a)(1)). As defined in CEQA Guidelines § 15355:

'Cumulative Impacts' refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) *The individual effects may be changes resulting from a single project or a number of separate projects.*
- (b) *The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

CEQA Guidelines § 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include: 1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency ('the list of projects approach'), or 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact ('the summary of projections approach').

The summary of projections approach is used in this EIR because there are no known projects with proposed General Plan Amendments or zoning designation changes within an approximately 3.0-mile radius of the Project site, and projects that are General Plan-conforming and zone-conforming fall within the assumptions of jurisdictions' General Plans and their associated CEQA compliance documents as well as the Kern COG future model for the evaluation of transportation effects. That said, the following transportation improvement project near the Project site that is planned and approved but not yet funded and constructed was specifically considered due to proximity.

- Hageman Flyover: This 1.5-mile Caltrans District 6 project includes the planned construction of a four-lane road from Hageman Road and Knudsen Drive to Golden State Avenue, including a new bridge over the railroad line and SR-99 freeway. The project includes widening of the bridge over Airport Drive and modifying ramps at the Airport Drive/Golden State Avenue interchange. The project also includes a bike route across SR-99. An EIR for this project was prepared and certified by Caltrans having SCH No. 2014011036. The Hangman Flyover project is recognized in the Metropolitan Bakersfield General Plan Circulation Element.

The summary of projections approach plus Hageman Flyover project methodology was determined to be appropriate by the City of Bakersfield because the City of Bakersfield and Kern County (unincorporated) long-range planning documents contain a sufficient amount of information to enable an analysis of cumulative effects for all subject areas evaluated in this EIR. Environmental impacts associated with buildout of the cumulative study area were evaluated in CEQA compliance documents prepared for the Metropolitan Bakersfield General Plan and the Kern County General Plan, which are herein incorporated by reference pursuant to CEQA Guidelines § 15150.

- Metropolitan Bakersfield General Plan, December 11, 2007. Available for public review at the City of Bakersfield Development Services Department at 1715 Chester Avenue, 2nd Floor, Bakersfield, CA 93301.

- Metropolitan Bakersfield General Plan Update Program Environmental Impact Report. SCH No. 1989070302. June 26, 2002. Available for public review at the City of Bakersfield Development Services Department at 1715 Chester Avenue, 2nd Floor, Bakersfield, CA 93301.
- Kern County General Plan, September 22, 2009. Available for public review at the City of Bakersfield Development Services Department at 1715 Chester Avenue, 2nd Floor, Bakersfield, CA 93301.

Under this approach, the cumulative analysis under all subject areas considers impacts to each issue area based on the presumed buildout of the Metropolitan Bakersfield General Plan and Kern County General Plan. As an example of the utilized approach, for the issue area of aesthetics, the cumulative study area is defined by the Project's ground-level viewshed in the immediate vicinity of the Project site and horizon viewshed, which extends to the mountain ranges on all sides. For the issue of hydrology and water quality, by contrast, the cumulative study area is defined as the Kern River Watershed. For the issue of air quality, the cumulative study area comprises the San Joaquin Valley Air Basin and for greenhouse gas emissions, the cumulative study area considers planet Earth. For biological resources, the cumulative study area corresponds to the known ranges of sensitive species that have the potential to occupy the Project site. The analysis of cumulatively-considerable transportation impacts relies on the KernCOG future transportation model, which includes the Hagman Flyover project. Refer to the individual subsections within EIR Section 4.0 for a description of the specific cumulative study area used for each subject area evaluated in this EIR.

4.0.3 IDENTIFICATION OF IMPACTS

Subsections 4.1 through 4.13 of this EIR evaluate the 13 environmental subjects that the City of Bakersfield determined during the Project's environmental scoping process to warrant detailed analysis pursuant to CEQA. The format of discussion is standardized as much as possible in each Subsection for ease of review. The environmental setting is discussed first, followed by a discussion of the Project's potential environmental impacts based on specified thresholds of significance used as criteria to determine whether potential environmental effects are significant.

The thresholds of significance used in this EIR are based on the thresholds presented in CEQA Guidelines Appendix G and as applied by the City of Bakersfield. The thresholds are intended to assist the reader of this EIR in understanding how and why this EIR reaches a conclusion that an impact would or would not occur, is significant, or is less than significant.

Serving as the CEQA Lead Agency for this EIR, the City of Bakersfield is responsible for determining whether an adverse environmental effect identified in this EIR should be classified as significant or less than significant. While the City of Bakersfield has generally elected to use the thresholds presented in CEQA Guidelines Appendix G, it should be noted that CEQA affords the City discretion to formulate standards of significance, and recognizes that the significance of a particular impact may vary with the setting (14 Cal. Code Regs., § 15064(b).) The standards of significance used in this EIR are based on the independent judgment of the City of Bakersfield, taking into consideration the current CEQA Guidelines Appendix G, the City of Bakersfield's Municipal Code, and adopted City policies and ordinances; the judgment of the technical experts that prepared

this EIR's Technical Appendices; performance standards adopted, implemented, and monitored by regulatory agencies; significance standards recommended by regulatory agencies; and the standards in CEQA that trigger the preparation of an EIR. As required by CEQA Guidelines Section 15126.2(a), impacts are identified in this EIR as direct, indirect, cumulative, short-term, long-term, on-site, and/or off-site impacts of the proposed Project. A summarized "impact statement" is provided in each Subsection following the analysis.

The following terms are used to describe the level of significance related to the physical conditions within the area affected by the proposed Project:

- No Impact: An adverse change in the physical environment would not occur.
- Less-than-Significant Impact: An adverse change in the physical environment would occur but the change would not be substantial or potentially substantial and would not exceed the threshold(s) of significance presented in this EIR.
- Significant Impact: A substantial or potentially substantial adverse change in the physical environment would occur and would exceed the threshold(s) of significance presented in this EIR, requiring the consideration of mitigation measures.

Each subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations, etc.) that the Project is required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. The following terms are used to describe the level of significance following the application of recommended mitigation measures:

- Less-than-Significant Impact with Mitigation: A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR; however, the impact can be avoided or reduced to a less-than-significant level through the application of feasible mitigation measure(s).
- Significant and Unavoidable Impact: A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR. Feasible and enforceable mitigation measure(s) that have a proportional nexus to the Project's impact are either not available or would not be fully effective in avoiding or reducing the impact to below a level of significance.

For any impact identified as significant and unavoidable, the City of Bakersfield would be required to adopt a statement of overriding considerations pursuant to CEQA Guidelines § 15093 in order to approve the Project despite its significant impact(s) to the environment. The statement of overriding considerations would list the specific economic, legal, social, technological, and other benefits of the Project, supported by substantial evidence in the Project's administrative record, that outweigh the unavoidable impacts.

4.1 AESTHETICS

This Subsection 4.1 describes the aesthetic qualities and visual resources present on the Project site and in the site's vicinity and evaluates the potential effects that the Project may have on these resources. Descriptions of existing visual characteristics, both on the site and in the vicinity of the Project site, and the analysis of potential impacts to aesthetic resources are based, in part, on a visual field survey conducted by and site photographs collected by T&B Planning, Inc. on April 1, 2022. Also relied upon were an analysis of aerial photography (Google Earth, 2023), a review of Project application materials related to the proposed development that were submitted to the City of Bakersfield by the Project Applicant and described in Section 3.0, *Project Description*, of this EIR. This Subsection also is based in part on information and policies contained in the Metropolitan Bakersfield General Plan (Bakersfield, 2008), Kern County General Plan (Kern County, 2009), and the City of Bakersfield Municipal Code (Bakersfield, 2023a). These and other reference sources are listed in Section 7.0, *References*.

4.1.1 EXISTING CONDITIONS

A. Project Site and Surrounding Areas

The Project site comprises approximately 10.05 gross acres of land located approximately 0.05-mile (250 feet) southeast of the intersection of Knudsen Drive and Olive Drive. The Project site is located east of Knudsen Drive, west of Landco Drive, north of Hageman Road and south of Olive Drive. Under existing conditions, the Project site is vacant and undeveloped other than a rough-cut stormwater catchment basin located in the northeastern portion of the site and a stormwater retention basin located at the southwestern portion of the site. The Project site was used as agricultural land from approximately 1937 until at least 1973, but based on available aerial photography appears to have been uncultivated vacant land from approximately 1984 to the present (Krazan, 2022, p. 2). The Project site is periodically disked for weed abatement and fire prevention purposes.

There are no rock outcroppings or other unique topographic or aesthetic features present on the property (Google Earth, 2023). The Project site has been subject to various disturbances including foot traffic trespass, illegal dumping, and grass fires (MBI, 2021, pp. 16, 31). There are no prominent visual features present on the property other than a stormwater basin surrounded by chain-link fence partially covered with worn privacy panels located approximately 160 feet north of the southwest corner of the Project site. The topography of the Project site is characterized by relatively flat land. The site elevation is approximately 426 to 430 feet above mean sea level (amsl). Where vegetation is present, it is not visually prominent and is mostly consisting of non-native ruderal species (MBI, 2021, p. 16).

The Project site is located in the northern portion of the City of Bakersfield, which has transitioned to urban development over the last approximately 20 years. As discussed in Section 2.0, *Environmental Setting*, under existing conditions, the surrounding area is a mix of vacant land, commercial, public facility, and public school land uses. Commercial development borders the Project site to the north, vacant land and SR-99 to the east, vacant land and commercial development to the south, Knudsen Drive and public facilities are located to the west, and a public school is located to the southwest. Commercial uses located north of the site and SR-99 located to the east of the site were developed by 1968. A wastewater treatment plant was developed 400 feet

south of the Project site by 1952 and was redeveloped into a commercial storage facility by 2006. Commercial uses west of the Project site were developed by 1984 (Krazan, 2022, pp. 11-12). The character of the commercial, urban area near the Project site contains typical characteristics of urban areas and commercial buildings, including landscaping, signage, chain link and wrought iron fencing visible along the property boundaries. The Project site does not directly abut a residential community and the nearest residential homes are located more than 1,000 feet to the west.

Pursuant to CEQA Guidelines Section 15125 and explained in Section 2.0 of this EIR, the physical environmental condition for purposes of establishing the setting of this EIR is the environment as it existed at the approximate time that the EIR's NOP was released for public review. The NOP for this EIR was released on August 11, 2022. As of that date, the Project site was vacant and undeveloped other than for the presence of a rough-cut stormwater catchment basin located in the northeastern portion of the site and a stormwater retention basin surrounded by a chain link fence located at the southwestern portion of the site.

To demonstrate the existing condition, T&B Planning, Inc. collected photographs of the Project site on April 1, 2022, and verified that there were no physical changes made to the site between that date and the NOP release date of August 11, 2022. Figure 4.1-1, *Public Viewpoint Key Map*, illustrates the locations of the photographs taken from four public vantage points that are relied upon herein to describe the Project site's existing aesthetic condition and character. These photographs provide a representative visual depiction of the Project site's visual characteristics as seen from surrounding public viewing areas, which consist of public roads. Due to flat topography of the surrounding area and intervening development that blocks views, the Project site is not visible from any public parks, trails, or other prominent public places except for the San Lauren Elementary School which is located southwest of the Project site. The Project site is visible from the school yard, looking across Knudsen Drive to the northeast. The photographs presented herein were all taken during the same session and reflect a field of view approximately five (5) feet above the ground.

- Figure 4.1-2, *Viewpoint 1*: Site Photograph 1 was collected along Olive Drive beyond the northern boundary of the Project site, looking southwest. Utility poles supporting overhead powerlines are visible running along Landco Drive in the foreground of the photograph. The Olive Drive Self Storage Facility and Urner's Mattress are visible in the distant left portion of the photograph beyond the view of the undeveloped Project site. The Olive Drive Fire Training facility and grounds is visible in the center and right portions of the photograph. Signage for Taco Bell and Chevron located north of the Project site is visible in the right portion of the photograph. Mountain views associated with the Tehachapi Mountains are visible in the far distance along the horizon in the left portion of the photograph.
- Figure 4.1-3, *Viewpoint 2*: Site Photograph 2 was collected along Knudsen Drive near the northwestern edge of the Project site, looking south. The Project site appears as vacant land. Additional vacant land and utility poles supporting overhead powerlines are visible in the background in the left portion of the photograph. The Olive Drive Self Storage facility is visible in distance in the center portion of the photograph. The chain-link fence covered in worn privacy material surrounding the stormwater basin is visible to the south and is shown in the right portion of the photograph. Beyond the chain-link fence, the commercial building, Urner's Mattress, is visible in distance in the right portion of the photograph.

Mountain views associated with the Tehachapi Mountains are visible in the far distance along the horizon in the left portion of the photograph.

- Figure 4.1-4, *Viewpoint 3*: Site Photograph 3 was collected along Knudsen Drive at the western edge of the Project site, looking east, and depicts views of the eastern portion of the Project site. As shown in this photograph, the Project site is relatively flat and undeveloped with ruderal vegetation. The chain-link fence surrounding the stormwater basin is visible in the left portion of the photograph. In the far distant center and right portions of the photograph, commercial facilities located east of SR-99 are visible. Also in the far distance, utility poles and overhead powerlines that run along SR-99 are visible in the photograph. Mountain views associated with the Sierra Nevada Mountains are visible in the far distance along the horizon.
- Figure 4.1-5, *Viewpoint 4*: Site Photograph 4 was collected along Knudsen Drive near the southwestern edge of the Project site, looking north. The chain-link fence surrounding the stormwater basin is visible to the north. The Olive Drive Fire Training Facility is visible across Knudsen Drive to the west in the left portion of the photograph. Signs for the commercial buildings, 7-Eleven, Chevron, and Taco Bell, are visible in the background in the center portion of the photograph beyond the view of the undeveloped Project site. Vacant land and utility poles supporting overhead powerlines located beyond the Project site to the east are visible in the background in the right portion of the photograph.

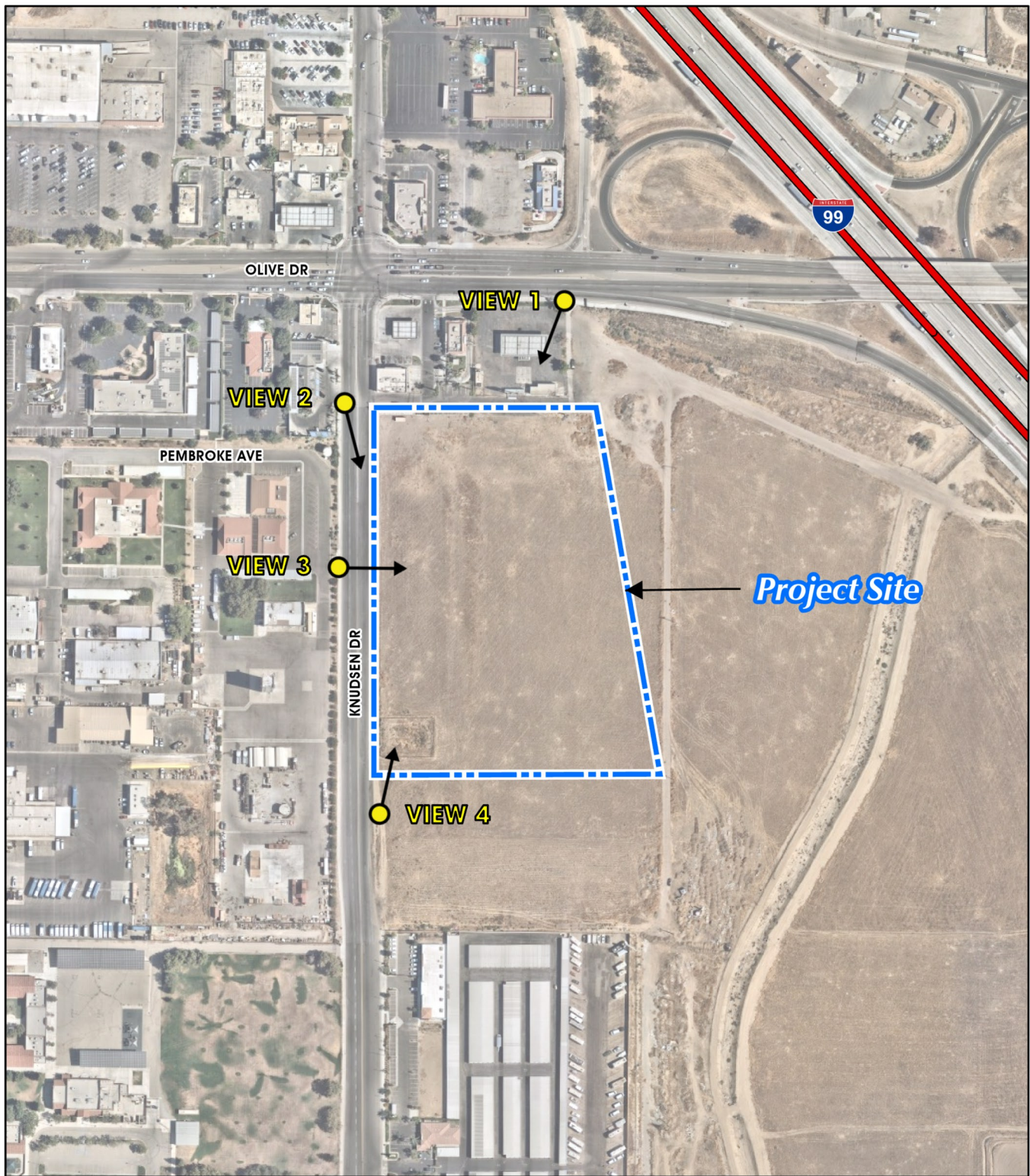
B. Scenic Vistas and Scenic Resources

The Project site is located within a relatively flat valley floor surrounded by rugged hills and mountains. Major scenic resources in Bakersfield that contribute to scenic vistas include the Sierra Nevada Mountains to the east, the Tehachapi Mountains to the south, and the Coast Range to the west. In the far distance on clear days, views are possible from the Project site and the roads surrounding the Project site to the Tehachapi Mountains ridgelines to the south, the Coast Range to the west, and the Sierra Nevada Mountains to the northeast although atmospheric haze frequently obscures distance mountain views (Google Earth, 2023).

Daylight, dusk, or nighttime views of the Project site and its visual setting are not distinctive, and visual quality is low because the viewshed lacks vivid or highly noticeable features and is characterized by uninteresting and unvaried natural and human-built landscapes. The most visually prominent feature in the Project site's vicinity is the training tower located at the Olive Drive Fire Training facility located west of the Project site and west of Knudsen Drive. Distant views of mountain ridgelines are the principal natural visual resource in the Project site's visual setting. Such views are easily acquired under existing conditions due to the open setting, although atmospheric haze in the region often obscures or completely blocks these distant views.

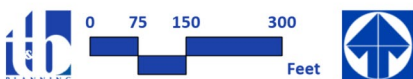
C. Light and Glare

The Project site contains no sources of artificial, exterior lighting under existing conditions. Artificial lighting sources occur in the immediate vicinity of the Project site, with the most notable sources of light emanating from commercial properties to the north of the Project site and street lights and vehicle headlights along Knudsen Drive to the west, Olive Drive to the north, and SR-99 to the west. Exterior lighting also is located



Source(s): ESRI

Figure 4.1-1

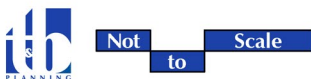


Public Viewpoint Key Map



View from Olive Dr from the south sidewalk looking southwest.

Figure 4.1-2

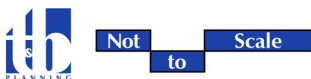


Viewpoint 1



View from Knudsen Dr looking southeast.

Figure 4.1-3

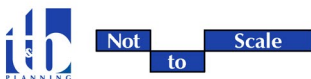


Viewpoint 2



View from Knudsen Dr looking east.

Figure 4.1-4

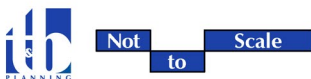


Viewpoint 3



View from Knudsen Dr looking north.

Figure 4.1-5



Viewpoint 4

in the other developed areas surrounding the Project site, including at the public facility and school sites to the west and at commercial development sites to the north, south, and east beyond SR-99.

4.1.2 REGULATORY SETTING

A. Metropolitan Bakersfield General Plan

The Metropolitan Bakersfield General Plan (MBGP) is a policy document with land use maps and related information. It is designed to give long-range guidance to City staff and officials who make decisions that affect growth and resources in the metropolitan Bakersfield planning area. This document helps to ensure that day-to-day decisions conform to the long-range program, which was designed to protect and further the public interest as it relates to the City's growth and development, and mitigate environmental impacts. The MBGP also serves as a guide to the private sector regarding the economy so that development initiatives conform to the City's public plans, objectives, and policies.

Information in the Land Use Element, Circulation Element, and Public Services and Facilities Element is relevant to the topic of aesthetics. Land Use Element goals and policies focus on establishing a built environment that achieves a compatible functional and visual relationship among individual building and sites, encourages high-quality design and landscaping, minimizes light pollution, and requires that new large retail commercial development projects be evaluated for potential urban decay impacts. The Circulation Element discusses providing and maintaining landscaping on both sides and in the median of arterial streets and on both sides of collector streets. The Public Services and Facilities Element states that street lighting should be installed in all new developments in accord with adopted city standards and county policies.

B. City of Bakersfield Municipal Code

The City's Municipal Code addresses specific issues regarding lighting and blight. Code relevant provisions with applicability to the Project are discussed below.

1. Lighting

Specific provisions in the City of Bakersfield Municipal Code address lighting standards for parking lots, signs, and all development areas. Lighting is required to be designed so that light is reflected away from adjacent residential properties and streets by using glare shields or baffles to reduce glare and control backlight. Applicable standards are contained in Municipal Code Sections 17.71.010 through 17.71.080, "Outdoor Lighting," Municipal Code Section 17.60.060 related to sign illumination, and Municipal Code Section 17.58.060 pertaining to parking lot lighting. Municipal Code Section 17.60.060 places restrictions on floodlighting, neon tubing, exposed bulbs, flashing signs, changeable copy signs. Municipal Code Section 17.71.030.D restricts light trespass that extends beyond the property or project boundaries within or adjacent to residentially zoned and/or designated properties to be limited to an intensity level of 0.5 foot-candles at the property line as measured three feet above the ground or finished grade (Bakersfield, 2023a).

2. *Visual Blight*

The City’s Municipal Code extensively regulates actions that have the potential to contribute to visual blight, including deferred maintenance, graffiti, vandalism, boarded windows and doors, broken sidewalks, dead landscaping, refuse dumping, illegal vehicle parking, and similar signs of deterioration. Enforcement is provided by the Code Enforcement Department, and violations by a landowner may be prosecuted as a criminal misdemeanor. Property maintenance issues are addressed in Municipal Code Sections 8.27.010 (Property Maintenance), 8.80.010 (Abatement of Public Nuisances), and 12.40.050 (Inspection and Removal [of Trees]).

3. *Quality Design*

The Municipal Code sets forth zoning standards for development. Relevant to the Project are standards pertaining to the General Manufacturing (M-2) zone for the proposed outpatient medical facility.

M-2 zoning standards are contained in Municipal Code Sections 17.30.010 through 17.30.090. All permitted uses are subject to a Site Plan Review as provided for in Municipal Code Section 17.08. Requirements are imposed on landscaping, parking and loading, and signs. Along street frontages, either landscaping or a solid wall is required, and any areas of open storage of material and equipment are also required to be surrounded and screened by a solid wall or fence not less than six feet in height. Materials are not allowed to be stacked above the height of the screening. Building heights are limited to 150 feet and any roof-top areas of structures adjacent to properties zoned or designated for residential development are required to be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building (Bakersfield, 2023a).

4. *Hillside Development*

Municipal Code Sections 17.66.010 through 17.66.180 address development in the City’s hillside areas, located around the Kern River in the northern portion of the City approximately 4.2 miles east of the Project site (Bakersfield, 2014). The Municipal Code identifies this area as scenic and imposes restrictions to ensure the long-term scenic qualities of the area. The topography of the Project site is flat and the Project site is not subject to these regulations.

C. Kern County Zoning Ordinance Chapter 19.81, Dark Skies Ordinance (Outdoor Lighting)

Although not directly applicable to the Project, but applicable to adjacent and nearby areas in unincorporated Kern County, the County Dark Skies ordinance requires a minimal approach to outdoor lighting in order to maintain the existing character of Kern County. The Ordinance, enacted in November 2011, ensures that the glow created by excessive illumination and glare, which could obscure the night sky and constitute a nuisance, is reduced or eliminated. Outdoor lighting requirements within specified unincorporated areas of Kern County are established in the ordinance (Kern County, 2022).

4.1.3 BASIS FOR DETERMINING SIGNIFICANCE

According to Section I of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to aesthetics if the Project or any Project-related component would (OPR, 2019):

- a) *Have a substantial adverse effect on a scenic vista;*
- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;*
- c) *In non-urbanized 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.*

Regarding the determination of significance under Threshold a), the scenic vistas available in the vicinity of the Project site are views of mountains in the far distance on clear days; as such, if views of the mountains would be blocked, obscured, or substantially and adversely affected as seen from a public viewing area, leaving no opportunity for the public to experience the scenic view, the impact will be regarded as significant.

Regarding the determination of significance under Threshold c), because the Project site is located in an urbanized area, the Project would result in a significant impact if it were to conflict with applicable zoning and other regulations governing scenic quality as specified in the Metropolitan Bakersfield General Plan or the City of Bakersfield's Municipal Code.

Regarding the determination of significance under Threshold d), if the Project would result in new source of substantial light and glare that may adversely affect daytime and nighttime views, the impact would be regarded as significant. In this context, "substantial" will mean light that produces more than 0.5-foot candle of light spillover beyond the property line when adjacent to a residentially zoned or designated area per City Municipal Code Section 17.71.030.D, and more than 1.0 footcandle of light spillover when adjacent to non-light sensitive uses.

4.1.4 IMPACT ANALYSIS

Threshold a: Would the Project have a substantial adverse effect on a scenic vista?

The representative photographs provided in Figure 4.1-2 through Figure 4.1-5 depict the Project site and its immediate surroundings under existing conditions. As shown, the Project site is vacant and undeveloped and does not contain any special or unique scenic attributes, like rock outcroppings, native vegetation, or a substantial number of mature trees. The Project site is not located in an area designated as scenic in the Metropolitan Bakersfield General Plan, is not within the City's Hillside Development Combining Zone (Bakersfield Municipal Code Chapter 17.66), and is not within a City-designated Class I or II Visual Resource Area, Viewshed, or Slope Protection Area (Bakersfield, 2008).

Scenic resources within and surrounding the City of Bakersfield include the Sierra Nevada Mountains, located approximately 29.6 miles to the northeast, the Tehachapi Mountains, located approximately 40 miles to the southeast, and the Coast Range, located approximately 41.7 miles to the west. In the far distance on clear days, views are possible from the Project site and its surrounding area to the Tehachapi Mountains to the south, the Coast Range to the west, and the Sierra Nevada Mountains to the northeast.

The Project would involve the construction of a medical outpatient facility with associated parking and other site improvements. Because the existing visual setting of the Project site does not contain significant visual resources, the construction process, which would entail excavation and earth-moving activities and the temporary introduction of construction vehicles and equipment to the Project site, has no potential to obscure a scenic view. Construction activities have been a frequent occurrence in this area of Bakersfield as urban development projects have continued to occur over the past approximately 20 years and passersby and motorists are accustomed to these types of activities. There are no pieces of construction equipment so large that scenic views in the distance could be blocked, obscured, or substantially and adversely affected as seen from public roads surrounding the Project site; the temporary impact would be less than significant.

The proposed VA community-based outpatient clinic building would have a maximum height of ± 31 feet to the top of the sloped high roofs. The conceptually designed roof structures are shown to range in height from ± 14 ft to ± 31 feet. Implementation of the Project also would introduce other vertical features to the Project site (walls, fences, landscaping, etc.) that would be shorter and would have substantially less physical mass than the building.

At a maximum height of ± 31 feet, the proposed building would not be so tall as to obstruct public views or otherwise substantially detract from public views of the surrounding topographic features and landforms, including the Sierra Nevada, Tehachapi, and Coast Range Mountains, which due to the heights of these landform features ranging from approximately 7,981 feet to 14,505 feet amsl at their highest elevations and distances from the Project site, would still be visible along and above the horizon. In some instances, the landscaping and building constructed on the Project site may intermittently obstruct mountain views in the distance from the far northeast corner of the San Lauren Elementary School yard and from roads as drivers travel immediately adjacent to the Project site along Knudsen Drive. Single views toward the mountains in the distance across the Project site from public roads typically are of short duration due to travel speeds, and viewer sensitivity is considered low-to-moderate because as the passing landscape becomes familiar, vehicle occupants, pedestrians, and bicyclists using roadway corridors typically focus their attention on the roadway, roadway signs, and surrounding traffic. As the site exists currently, views are not available to a front-facing viewer on these roads, and the only potential for the Project to intermittently obscure a long-distance view would be if a viewer were to look to their side across the Project site. From the school yard, only viewers in the northeastern-most corner of the yard would experience partial view obstruction to distant landforms when looking across Knudsen Drive and across the Project site to the northeast on clear days when distant views are possible; this does not constitute a substantial adverse effect since distant views would not be obscured by the Project from any other part of the school site or school yard. As such, the Project would not have a substantial adverse effect on scenic mountain views, and impacts would be less than significant.

Threshold b: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway??

There are no designated or eligible State scenic highways within the Project site's immediate vicinity (CalTrans, 2022). The nearest eligible State scenic highway in Kern County is the Cuyama Highway (SR 166) near Cuyama Valley in southwestern Kern County, located approximately 68.8 miles southwest of the Project site. The view from the Project site to this eligible State scenic highway is obscured by the Temblor Range. Additionally, there are no rock outcroppings or known historic buildings in the vicinity of the Project site. One historic Industrial Foundation of unknown eligibility status is located approximately 0.49-mile from the Project site and would not be impacted by the Project (Duke CRM, 2022). Due to the distance of this highway to the Project site and the presence of intervening development and topography, the Project site does not offer views of scenic resources from this road segment. Thus, implementation of the Project would result in no impacts associated with views from a State scenic highway.

Threshold c: In non-urbanized areas, would the Project 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?

The U.S. Census Bureau defines an "urbanized area" as a densely settled core of census tracts and/or census blocks that have 50,000 or more residents and meet minimum requirements while also being adjacent to areas containing non-residential urban land uses. The Project site is located within the boundaries of the Census-defined Bakersfield urbanized area (US Census Bureau, 2010). Because the Project site is located in an area that meets the U.S. Census Bureau's definition of an "urbanized area" and is planned for urban uses by the City's General Plan, the evaluation herein focuses on the Project's compatibility with or potential conflict with applicable zoning and other regulations governing scenic quality. Applicable policies and regulations are those contained in the Metropolitan Bakersfield General Plan and Municipal Code.

For reference associated with the below evaluation, the Project design, including site layout, architecture, and landscaping are discussed in EIR Section 3.0, *Project Description*.

The Metropolitan Bakersfield General Plan (MBGP) designates the land use of Project site as Service Industrial (SI). The "SI" land use designation is intended for industrial activities; although the VA community-based outpatient clinic is not an industrial activity, it is a consistent land use in the SI land use designation, as explained in more detail in EIR Section 2.0, *Environmental Setting*, and Subsection 4.10, *Land Use*. The MBGP land use designations generally permit less intensive uses, consistent with the City's Euclidean zoning pyramid structure. Further, as noted in the MBGP, general plan maps only reflect the quality and character of a land use designation in general terms, and do not illustrate every existing exception of each land use category. Several existing healthcare facilities in Bakersfield are located on property designated "SI" as well as "LI" (Light Industrial) (Bakersfield, 2023b). The maximum allowable density is a 0.4 floor area ratio (FAR) and 6 story building height (Bakersfield, 2002, p. II-7). The Project Applicant's proposal for the VA community-based outpatient clinic is consistent with the Project site's existing MBGP land use designation of "SI," and in fact, is a much shorter building in height and less intense than could otherwise be developed, meaning that

aesthetic impacts would generally be reduced when compared to what could be constructed on the site if the Project did not go forward.

The Project is also consistent with the Project site’s zoning of General Manufacturing (M-2). According to the City of Bakersfield Municipal Code, the M-2 zone is typically for general manufacturing, processing, and assembly activities. However, under the City’s “pyramid” zoning, the M-2 zone permits all of the uses permitted by the M-1 zone, and the M-1 zone permits all of the uses permitted by the C-O, C-1 and C-2 zones. (Bakersfield Municipal Code (BMC) Sections 17.30.020(A)). The C-O zone permits, by right, “[m]edical, dental, psychiatric and other health practitioner offices and clinics, including chiropractic, acupuncture, massage therapy and blood banks,” which City staff has determined includes the uses proposed in the Project (BMC Section 17.20.020(A)(21)). The C-O zone also permits “medical and dental laboratories” and “pharmacies, in conjunction with medical clinics.” (Id., subdiv. (22), (25)). The City of Bakersfield has several existing medical facilities located in M-1 and M-2 zones (Bakersfield, 2023c).

The physical characteristics of the proposed Project entail a proposed 39,648 gross s.f. medical outpatient clinic operated by the VA. The medical outpatient building would have a maximum height of 31 feet to the top of the highest sloped roof and would be designed in a contemporary style, painted shades of gray, white and blue with a mixture of color accent materials including but not limited to brick, wood fence and siding accent panels. Landscaping would be ornamental in nature and feature trees, shrubs, groundcovers, and perennial plants which would soften the views of the proposed building frontages from surrounding public streets. The Project also includes the installation of a healing garden featuring shade trees, benches, garden paths and accent plantings which would be visible from Landco Drive and potentially Olive Drive.

The applicable provisions of the City’s Municipal Code and Metropolitan Bakersfield General Plan that address aesthetics are evaluated below.

1. *Municipal Code Lighting Standards*

The Project has no reasonable possibility of conflicting with the City’s lighting standards contained in Municipal Code Sections 17.71.010 through 17.71.080, Outdoor Lighting, standards for the illumination of signs contained in Municipal Code Section 17.60.060, and standards for the illumination of parking lots contained in Municipal Code Section 17.58.060. All implementing development would undergo review and approval by City staff for compliance with all applicable lighting standards as part of implementing construction documents and drawings (Bakersfield, 2023a). Compliance with the Municipal Code is mandatory.

2. *Municipal Code Visual Blight Standards*

The Project has no reasonable possibility of conflicting with the City’s Municipal Code standards pertaining to visual blight, codified in Municipal Code Sections 8.27.010 (Property Maintenance), 8.80.010 (Abatement of Public Nuisances), and 12.40.050 (Inspection and Removal [of Trees]). Per Section 8.27.010, it is unlawful and a public nuisance for any person having charge or possession of property in the City of Bakersfield to allow a property to become partially destroyed or left in a state of partial construction for more than 6 months, or for any doorway, window or other opening to be broken and not closed and maintained, or for landscaping

to become overgrown, dead, decayed, diseased or hazardous. Building exteriors, walls, fences, driveways, sidewalks, and walkways must be maintained and all lumber, junk, trash, debris or salvage materials cannot be visible from a public right-of-way. Per Section 8.80.010A, any property owner who fails to abate a public nuisance within the time prescribed in any notice or order provided will be charged with the cost of inspection and can face monetary fines (Bakersfield, 2023a). Compliance with the Municipal Code is mandatory.

3. Municipal Code M-2 Zoning Standards

The Municipal Code sets forth zoning standards for development. Standards pertaining to the General Manufacturing (M-2) zone are relevant to the proposed Project. M-2 zoning standards are contained in Municipal Code Sections 17.30.010 through 17.30.090. All permitted uses are subject to a Site Plan Review as provided for in Municipal Code Section 17.08. The Project Applicant submitted a Site Plan Review application for the Project as described in EIR Subsection 3.5.1, *Site Plan Review No. 21-0399*.

Proposed Site Plan Review No. 21-0399 is a proposed site plan for the development of a VA community-based outpatient clinic on 10.05 acres of the Project site to be operated by the VA. The proposed building is designed to have up to 30,100 net usable s.f. of interior floor space. The proposed building is rectangular in shape and would be positioned diagonally on the site with the long sides of the building facing east and west and the shorter sides of the building facing north and south. The building is designed in a contemporary style and would be painted shades of gray, white and blue. The main entrance to the building and patient drop-off area would be located in the northwest corner of the building, facing the main parking area. Sloped high roofs and a glass curtain wall would be featured at the main entrance.

As described above, the Project site is zoned M-2. The M-2 zone permits all of the uses permitted by the M-1 zone, and the M-1 zone permits all of the uses permitted by the C-O, C-1 and C-2 zones. (Bakersfield Municipal Code (BMC) Sections 17.30.020(A)). The C-O zone permits, by right, medical clinics.

The building height is proposed at ±31 feet, which is well within the M-2 zoning classification's height limit of 150 feet. The City's Development Services Director is responsible for ensuring that the Site Plan Review materials meet all required Municipal Code provisions including but not limited to the landscaping requirements of Section 17.61.010 et. seq., the off-street parking and loading requirements of Section 17.58.010 et. seq., the signage requirements of Section 17.60.010 et. seq., and other applicable requirements. In reviewing the application materials submitted by the Project Applicant for Site Plan Review No. 21-0399, the materials appear to meet all applicable Municipal Code requirements including but not limited to the following items pertaining to visual screening.

- Perimeter Screening and Landscaping. The M-2 zone regulations require that development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall or landscaping with a requirement for landscaping along street frontages. Although the Project is not adjacent to properties zoned or designated for residential development, property zoned for residential development is located to the southwest of the Project site, at the corner of Basilicata Drive and Knudsen Drive. As indicated on the Site Plan Review's Conceptual Landscape Plan (refer to Figure 3-4 in Section 3.0, *Project Description*), landscaping that will obscure views is

proposed along the perimeter of the Project site. A mix of shade trees, palm trees, small evergreen trees, screen trees, shrubs, and groundcover would be planted along the perimeter. Shade trees, accent trees, shrubs, and groundcover would be planted in the parking areas. Landscaping, featuring shade trees, small evergreen trees, accent trees, shrubs, perennials, groundcover, and irrigated turf, would also occur at the building entries and around the perimeter of the building. A healing garden is proposed on the northeast side of the building which would include garden paths, benches, screen trees, shade trees, accent trees, shrubs, groundcover, and irrigated turf.

- Screening of Storage Areas. The M-2 zone regulations require that any open storage areas be surrounded and screened by a wall or fence. A low masonry wall with green screen above is proposed around the loading dock and trash enclosure area on the southwest facing side of the building.
- Screening of Rooftop Equipment. The M-2 zone regulations require that any rooftop areas of structures adjacent to properties zoned or designated for residential development be completely screened from view by parapets or other finished architectural features. Although the Project is not adjacent to properties zoned or designated for residential development, property zoned for residential development is located to the southwest of the Project site, at the corner of Basilicata Drive and Knudsen Drive. As such, and according to the Site Plan Review's proposed architectural elevations, parapets are proposed along the western side of the building's roofline to provide visual screening of rooftop equipment.

4. *Metropolitan Bakersfield General Plan (MBGP) Land Use Element*

The MBGP Land Use Element goals and policies focus on establishing a built environment that achieves a compatible functional and visual relationship among individual building and sites, encourages high-quality design and landscaping, and minimizes light pollution. Refer to the discussion above regarding Project design, landscaping, and lighting. Streetscape landscaping also is discussed below under Item 6, and light and glare also is discussed below under Threshold (d).

5. *Metropolitan Bakersfield General Plan (MBGP) Circulation Element*

The MBGP Circulation Element discusses providing and maintaining landscaping on both sides and in the median of arterial streets and on both sides of collector streets. The Project site is located west of SR-99 and Landco Drive, south of Olive Drive, east of Knudsen Drive, north of Hageman Road, and north of proposed Street 'A'. The developer of the Project would install landscaping along the entire perimeter of the Project site during construction of the Project including along the street frontages with Knudsen Drive, Landco Drive, and proposed Street A.

As part of construction of the Project, Landco Drive would be extended along the east side of the Project Site and Street A would be constructed along the south side of the Project site to connect Knudsen Drive and Landco Drive. On Knudsen Drive to the west, a left turn lane would be added to southbound Knudsen Drive to eastbound Street A, an additional northbound thru lane would be added, and a deceleration/acceleration lane for vehicles making a right turn in or right turn out of the main Project site entrance. The northbound deceleration/acceleration lane would merge into the northbound thru lane at the north end of the Project site. These proposed improvements are consistent with the MBGP Circulation Element.

6. *Metropolitan Bakersfield General Plan (MBGP) Public Services and Facilities Element*

The MBGP Public Services and Facilities Element states that street lighting should be installed in all new developments in accordance with adopted City standards and county policies. As part of the Project's implementation, lighting would be installed by the driveway entrances to the facility and throughout the interior parking area. In addition, street lights would be installed along the Project site's frontages with Knudsen Drive, Landco Drive, and proposed Street A.

In summary, the Project would not conflict with the MBGP or with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.

Threshold d: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The proposed Project would transform the Project site from an undeveloped property to a developed property containing a VA community-based outpatient medical clinic operated by the VA, which would be illuminated and have elements of reflective building materials such as window glass. The analysis below discusses the Project's potential to result in substantial artificial light and glare.

1. *Artificial Light*

Under existing conditions, the Project site is undeveloped and contains no sources of artificial lighting. Implementation of the proposed Project would introduce new lighting elements on the site. Lighting interior to the site would primarily be used to illuminate the parking areas, loading dock, and building entrances. It should be noted that the Project site is bounded by commercial development, including Taco Bell, Chevron and 7-Eleven to the north which have parking lot pole lighting. Light poles on Knudsen Drive are located south of the Project site. No street lighting is located on Knudsen Drive directly west of the Project site; however, the road is well-traveled by vehicles. All new light sources associated with the Project would be required to comply with the Bakersfield Municipal Code standards for exterior lighting standards, which prevent light spillover, glare, nuisance, inconvenience, or hazardous interference of any kind on adjacent properties and streets. Mandatory compliance with Municipal Code Sections 17.71.010 to 17.71.080, "Outdoor Lighting," would ensure that the Project's pole-mounted and building-mounted light fixtures would not introduce any design features that would cause artificial light or glare to extents that would adversely affect day or nighttime views in the area.

As part of proposed Site Plan Review No. 21-0399 for the VA community-based outpatient clinic, a photometric plan was submitted by the Project Applicant for City review. Refer to Figure 4.1-6, *Site Plan Review No. 21-0399 – Photometric Plan*. As part of City review and approval of Site Plan Review No. 21-0399 and the review of implementing plans for construction in any area of the Project site, City staff is obligated to assure that the lighting plans meet all applicable Municipal Code standards. Based on the Project's lighting plans and mandatory requirement to comply with the Municipal Code, lighting impacts would be less than significant.

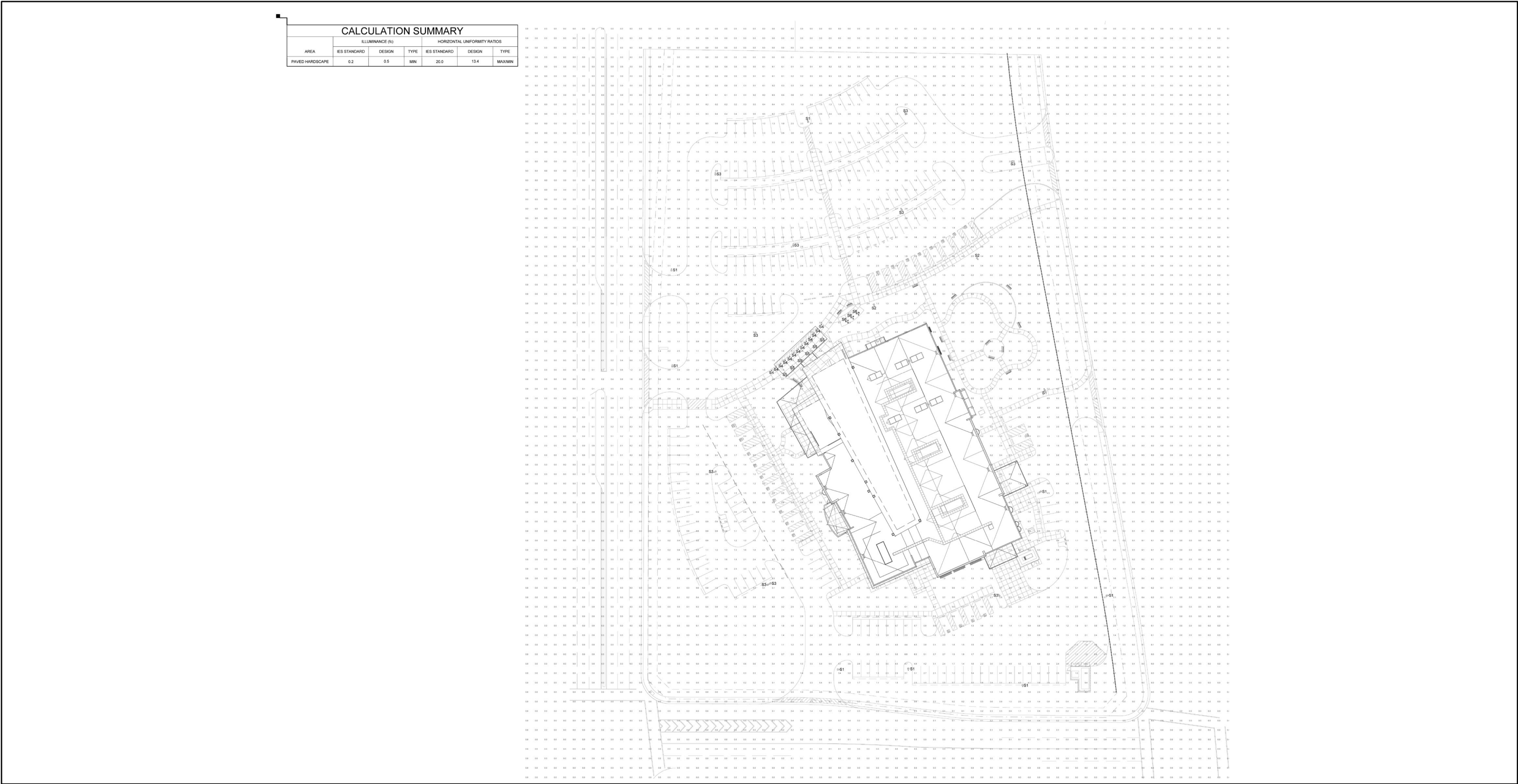
2. Glare

With respect to glare, the Project's building materials would consist of a combination of vertical pattern metal panel system, fiber cement siding system, and masonry walls. The paint colors proposed for the Project would comply with City development standards including Title 15 (buildings and construction) as well as California Code of Regulations Title 24 (building code). These local and state requirements would ensure Project compliance with current lighting standards that minimize unwanted light or glare from spilling over into neighboring properties. The building incorporates some glass elements in the form of window systems with sun shade louvers or awnings and a glass curtain wall with a metal panel canopy. Window glazing has a potential to result in minor glare effects, however such effects would not adversely affect daytime views experienced from surrounding properties, including motorists along adjacent roadways, because the glass proposed for the Project would comply with City development standards including Title 15 (buildings and construction) as well as California Code of Regulations Title 24 (building code). Also, the Project's conceptual landscaping plan discussed in Section 3.0, *Project Description*, calls for the perimeter of the site to be landscaped, inclusive of perimeter trees consisting of shade trees and screen trees which would filter light from the surrounding street system and limit the ability for vehicle headlights on public streets to directly shine onto any glass building elements. The glass elements in the building designs also would be softened by landscaping proposed along the building perimeter, thereby precluding any substantial sun glare. Last, the public and staff vehicle parking areas would be substantially shaded by tree canopies, as shown on the Project's conceptual landscaping plan. Thus, glare impacts from proposed building elements and parking surfaces would be less than significant.

4.1.5 CUMULATIVE IMPACT ANALYSIS

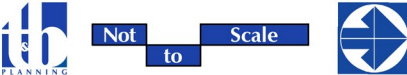
This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development in the area within the same viewsheds. The ground-level viewshed of the Project site extends to the immediate site vicinity to the north, west and south, as the Project site is a vacant property surrounded on these sides by roads and development. To the east of the Project site is vacant property and the ground-level viewshed extends to the perimeter of the commercial development area located east of SR-99, where there are commercial buildings that block views at ground level. From SR-99, the Project site is visible from the northbound and southbound travel lanes for a distance of approximately 0.3-mile from the northbound direction and 0.4-mile from the southbound direction. The Project site also is visible from the southbound SR-99 on-ramp at Olive Drive, as well as from eastbound Olive Drive where the road spans over SR-99. To the west, the ground-level viewshed extends across Knudsen Drive where development blocks views further to the west. To the north, the ground-level viewshed extends to the development immediately adjacent to the Project site with views of Taco Bell, Chevron, and 7-Eleven as well as views of the on-ramp at Olive Drive to southbound SR-99. To the south, the ground-level viewshed extends to the development immediately adjacent to the Project site with views of Uerner's Mattress and Olive Drive Self Storage.

From the south, views of the Project site are available from Knudsen Drive where it meets the parking lot of Uerner's Mattress. In this viewshed, cumulative development projects are considered at the northwest, southwest, and southeast corners of the intersection Knudsen Drive and Uerner's Mattress Parking lot, with commercial developments at all three corners.



Source(s): Nichols, Melburg & Rossetto Architects (09-22-2022)

Figure 4.1-6



From the north, views of the Project site are available from Olive Drive where the road spans over SR-99. In this viewshed, cumulative development projects are considered immediately north, east and west of Olive Drive across from the Project site, where there are established commercial, public facility, school, and residential developments.

The Project site and its surroundings are located within a relatively flat valley floor flanked in the far distance by rugged hills and mountains. Although views to the mountains are often obscured due to atmospheric haze, the horizon viewshed on a clear day extends to the Sierra Nevada Mountains to the east, the Tehachapi Mountains to the south, and the Coast Range to the west.

Cumulative Effects to Scenic Vistas

The Project site is relatively flat and does not contribute to any prominent scenic vistas under existing conditions. Although views of the surrounding mountains are available in the Project area on clear days, such views are available throughout the cumulative study area including in the ground-level viewshed and horizon viewshed and are not unique to the Project site or the site's vicinity. Furthermore, other development projects in the cumulative study area with the potential to intermittently obstruct horizon views in visual foregrounds would be required to comply with the applicable policies of governing municipal codes which limit building heights and other physical features. Because of the low-profile nature of urban development compared to the heights of the mountains, there is no reasonable possibility that cumulative development in the Bakersfield valley floor would block, obscure, or substantially and adversely affect mountain views as seen from public streets around the Project site and other public streets and public viewing area across the valley. Because opportunities would remain for scenic mountain views after development of the Project and after the development of cumulative projects in the ground-level and horizon viewsheds, the Project would not result in a cumulatively considerable effect on scenic vistas. Views of the mountains would remain available to the public traveling on Knudsen Drive, Olive Drive, SR-99, Hageman Road, Landco Drive, and other public roads adjacent to and near the Project site. Because the public would have opportunities to experience mountain views on the horizon, regardless of development in the ground-level foreground, the cumulative impact to scenic vistas is less than significant and the Project's contribution is less than cumulatively considerable.

Cumulative Effects to Views from a State Scenic Highway

There are no designated or eligible State scenic highways within the Project site's immediate vicinity (CalTrans, 2022). The nearest eligible State scenic highway in Kern County is the Cuyama Highway (SR 166) near Cuyama Valley, located approximately 68.8 miles southwest of the Project site. Therefore, the proposed Project has no potential contribute to a cumulatively significant impact to scenic resources within a designated scenic route corridor. No impact would occur on a direct or cumulatively considerable basis.

Cumulative Effects Associated with Inconsistencies with Policies and Regulations Governing Scenic Quality

Under existing conditions, the area surrounding the Project site is mix of urban uses, commercial, and undeveloped vacant land, all of which is designated and zoned for future urban development. As with the Project, any development in the surrounding area would be subject to applicable development regulations and design standards, including, but not limited to the City of Bakersfield Municipal Code or the Kern County Code of Ordinances pertaining to surrounding areas in unincorporated areas of Kern County. Mandatory

compliance to applicable development regulations and design standards would ensure that cumulative developments projects would incorporate high quality building materials, site design principles, and landscaping to preclude potential conflicts with applicable zoning and other regulations governing visual quality.

Cumulative Light or Glare Effects

With respect to potential cumulative light and glare impacts, the Project would be required to comply with all applicable requirements contained in the Bakersfield Municipal Code including but not limited to Municipal Code Sections 17.71.010 to 17.71.080, “Outdoor Lighting,” Municipal Code Section 17.60.060 related to sign illumination, and Municipal Code Section 17.58.060 pertaining to parking lot lighting. In turn, other development projects in the City of Bakersfield also would be required to these same requirements (Bakersfield, 2023a). Beyond the Project site and immediately to north, west, and east of the Project site and to the east of SR-99 are properties in unincorporated Kern County. Development in those areas would be required to comply with the Kern County Zoning Ordinance Chapter 19.81, Dark Skies Ordinance (Outdoor Lighting) (Kern County, 2022). Mandatory compliance with regulatory requirements combined with the Project’s proposed design features that reduce light and glare would assure that impacts are less than cumulatively significant and that the Project’s contribution to light and glare would be less than cumulatively considerable.

4.1.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. The Project site does not comprise all or part of a scenic vista and does not contain any visually prominent scenic features. No unique views to scenic vistas are visible from the property. The Project would not substantially change a scenic view or substantially block or obscure a scenic vista; therefore, impacts to scenic vistas would be less than significant.

Threshold b: No Impact. The Project site is not located within the viewshed of a scenic highway and, therefore, the Project site does not contain any scenic resources visible from a scenic highway.

Threshold c: Less than Significant Impact. The Project site is located within an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality during construction or operation.

Threshold d: Less than Significant Impact. Project-related development would not create substantial light or glare. Compliance with Bakersfield Municipal Code requirements for lighting would ensure less than significant impacts associated with light and glare affecting day or nighttime views in the area from on-site lighting elements.

4.1.7 MITIGATION

Impacts would be less than significant; therefore, no mitigation is required.

4.1.8 DESIGN FEATURES AND REGULATORY REQUIREMENTS

The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Aesthetics, which include the following:

- AES DF-1 Prior to the approval of building permits and other permits and approvals that authorize construction, the City of Bakersfield shall review the construction documents and plans to assure the following:
- a. All lighting fixtures shall comply with applicable City of Bakersfield Municipal Code requirements pertaining to lighting and illumination of buildings, parking areas, and signs.
 - b. All landscaping shall be installed to comply with all applicable City of Bakersfield Municipal Code standards pertaining to perimeter landscaping and minimum shade cover.

4.2 AIR QUALITY

The analysis in this Subsection 4.2 is based on a technical study addressing air quality prepared by Trinity Consultants, entitled, “Small Project Analysis Level Assessment, VA Community Outpatient Clinic, Bakersfield, CA.” The assessment is dated April 2023, and is included as *Technical Appendix B* to this EIR (Trinity, 2023).

4.2.1 EXISTING CONDITIONS

A. *Climate*

The Project site is located near the middle of the southern portion of the San Joaquin Valley; a broad, treeless plain in the rain shadow of the Coast Ranges. The region’s climate can be characterized as Mediterranean with hot, dry summers and cool, moist winters. Summer high temperatures frequently exceed 100 degrees Fahrenheit (°F; 38 °Celsius [°C]). Winter temperatures in the San Joaquin Valley are mild, with most areas experiencing very few frost days. Rainfall varies, increasing from west to east. Approximately 90% of the rainfall in the region occurs between November 1 and April 1. Drought cycles occur periodically (MBI, 2022, p. 5).

B. *Air Quality Standards*

Protection of the public health is maintained through the attainment and maintenance of ambient air quality standards for various atmospheric compounds and the enforcement of emissions limits for individual stationary sources. The Federal Clean Air Act (CAA) requires that the U.S. Environmental Protection Agency (EPA) establish National Ambient Air Quality Standards (NAAQS) to protect the health, safety, and welfare of the public. NAAQS have been established for ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter of 10 microns (PM₁₀), particulate matter of less than 2.5 microns (PM_{2.5}), and lead (Pb). California has also adopted ambient air quality standards (CAAQS) for these criteria air pollutants. CAAQS are more stringent than the corresponding NAAQS and include standards for hydrogen sulfide (H₂S), vinyl chloride (chloroethene), and visibility reducing particles. The CAA Amendments of 1977 required each state to identify areas that were in non-attainment of the NAAQS and to develop State Implementation Plans (SIP’s) containing strategies to bring these non-attainment areas into compliance.

Responsibility for regulation of air quality in California lies with the California Air Resources Board (CARB) and the 35 local air districts with oversight responsibility held by the EPA. CARB is responsible for regulating mobile source emissions, establishing CAAQS, conducting research, managing regulation development, and providing oversight and coordination of the activities of the 35 air districts. The air districts are primarily responsible for regulating stationary source emissions and monitoring ambient pollutant concentrations. CARB also determines whether air basins, or portions thereof, are “unclassified,” in “attainment” or in “non-attainment” for the NAAQS and CAAQS relying on statewide air quality monitoring data.

The Project site is located within Kern County’s portion of the San Joaquin Valley Air Basin (“SJVAB” or “Basin”). Kern County is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD acts as the regulatory agency for air pollution control in the Basin and is the local agency empowered to regulate air pollutant emissions for the Project area. Table 4.2-1, *SJVAB*

Attainment Status, provides the SJVAB’s attainment status designation and classification based on the various criteria pollutants under both NAAQS and CAAQS.

Table 4.2-1 SJVAB Attainment Status

Pollutant	Designation/Classification	
	Federal Standards	California State Standards
Ozone - One hour	No Federal Standard	Nonattainment/Severe
Ozone - Eight hour	Nonattainment/Extreme	Nonattainment
PM 10	Attainment	Nonattainment
PM 2.5	Nonattainment	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

Source: (Trinity, 2023, Table 3-3)

C. Existing Air Quality

The SJVAPCD operates and maintains an expansive network of air monitoring sites throughout the San Joaquin Valley. A total of 24 sites are operated directly by the JSVAPCD or in collaboration with CARB. The air monitoring network measures concentrations of pollutants for which the U.S. EPA has established a health-based air quality standard. Pollutants monitored include ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), nitrogen oxides (NO₂), sulfur oxides (SO₂), hydrocarbons, and carbon monoxide (CO). For the purposes of background, air quality data reported in the three most recent years (2019-2021) from the monitoring stations that are located in closest proximity to the Project site, is provided in Table 4.2-2, *Existing Air Quality Monitoring Data in Project Area*.

D. Criteria Pollutants, Sources, and Health Effects

Provided below is a description of criteria air pollutants, typical sources, and associated health effects.

1. Ozone (O₃)

The most severe air quality problem in the San Joaquin Valley is high concentrations of O₃. O₃ is not emitted directly into the atmosphere but is a secondary pollutant produced through photochemical reactions involving hydrocarbons and nitrogen oxides (NO_x). Significant O₃ generation requires about one to three hours in a stable atmosphere with strong sunlight. For this reason, the months of April through October comprise the "ozone season." O₃ is a regional pollutant because O₃ precursors are transported and diffused by wind concurrently with the reaction process. The data contained in Table 4.2-1 shows that the Bakersfield area exceeded the 1-hour average ambient O₃ CAAQS in 2019 and 2020, and the 8-hour average ambient O₃ NAAQS and CAAQS for the 2019 through 2021 period (Trinity, 2023, p. 3-5).

Table 4.2-2 Existing Air Quality Monitoring Data in Project Area

Pollutant and Monitoring Station Location	Maximum Concentration			Days Exceeding Standard		
	2019	2020	2021	2019	2020	2021
O₃ – 1-hour CAAQS (0.09 ppm)						
Bakersfield - 5558 California Ave	0.097	0.110	0.090	2	3	0
Oildale - 3311 Manor Street	0.099	0.109	0.107	1	3	6
Shafter - Walker Street	0.087	0.116	0.104	0	6	1
O₃ – 8-hour CAAQS (0.07 ppm)						
Bakersfield - 5558 California Ave	0.088	0.098	0.081	28	25	11
Oildale - 3311 Manor Street	0.087	0.096	0.095	20	24	46
Shafter - Walker Street	0.077	0.098	0.086	15	34	16
O₃ – 8-hour NAAQS (0.070 ppm)						
Bakersfield - 5558 California Ave	0.088	0.098	0.080	24	25	11
Oildale - 3311 Manor Street	0.086	0.096	0.095	16	23	43
Shafter - Walker Street	0.077	0.098	0.085	14	34	15
PM₁₀ – 24-hour CAAQS (50 µg/m³)						
Bakersfield - 5558 California Ave	125.9	196.8	439.3	17	18	124
Bakersfield – Golden State Hwy	664.2	144.0	176.3	21	26	25
PM₁₀ – 24-hour NAAQS (150 µg/m³)						
Bakersfield-5558 California Ave	116.3	193.8	437.5	0	1	3
Bakersfield – Golden State Hwy	652.2	146.8	175.0	1	0	1
PM_{2.5} - 24-hour NAAQS (35 µg/m³)						
Bakersfield – 5558 California Ave	59.1	150.7	72.3	12	44	40
Bakersfield – Golden State Hwy	66.1	150.2	78.5	4	10	43
CO - 8-Hour CAAQS & NAAQS (9.0 ppm)						
No data collected	*	*	*	*	*	*
NO₂ - 1-Hour CAAQS (0.18 ppm)						
Bakersfield - 5558 California Ave	67	50	57	0	0	0
Shafter - Walker Street	49	40	47	0	0	0
NO₂ - 1-Hour NAAQS (0.10 ppm)						
Shafter - Walker Street	49.3	40.9	47.8	0	0	0
Bakersfield-5558 California Avenue	67.1	50.4	57.2	0	0	0
SO₂ – 24-hour Concentration - CAAQS (0.04 ppm) & NAAQS (0.14 ppm)						
No data collected	*	*	*	*	*	*
Pb - Maximum 30-Day Concentration CAAQS (1500 ng/m³)						
Bakersfield-5558 California Avenue	8.5	5.7	9.9	0	0	0

Source: (Trinity, 2023, Table 3-4)

Notes: ppm= parts per million

* There was insufficient (or no) data available to determine the value.

Health Effects

High levels of O₃ cause eye irritation and can impair respiratory functions. O₃ can cause chest pain, coughing, shortness of breath, and throat irritation; it can also worsen chronic respiratory diseases such as asthma and compromise the ability of the body to fight respiratory infections. High levels of O₃ can also affect plants and materials. Grapes, lettuce, spinach and many types of garden flowers and shrubs are particularly vulnerable to O₃ damage (Trinity, 2023, p. 3-6).

2. *Suspended Particulate Matter (PM₁₀ and PM_{2.5})*

Particulate matter consists of particles in the atmosphere resulting from many kinds of dust and fume-producing industrial and agricultural operations, from combustion, and from atmospheric photochemical reactions. Natural activities also increase the level of particulates in the atmosphere, such as wind-raised dust. The largest sources of PM₁₀ and PM_{2.5} in Kern County are vehicle movement over paved and unpaved roads, demolition and construction activities, farming operations, and unplanned fires. PM₁₀ and PM_{2.5} are considered regional pollutants with elevated levels typically occurring over a wide geographic area. Concentrations tend to be highest in the winter, during periods of high atmospheric stability and low wind speed (Trinity, 2023, p. 3-6). The analysis of the potential impacts of PM₁₀ and PM_{2.5} in this section includes any potential risk from Valley Fever spores in the dust particles, which is generally endemic in Kern County.

Health Effects

In the respiratory tract, very small particles of certain substances may produce injury by themselves or may contain absorbed gases that are injurious. Particulates of aerosol size suspended in the air can both scatter and absorb sunlight, producing haze and reducing visibility. They can also cause a wide range of damage to materials (Trinity, 2023, p. 3-6).

3. *Carbon Monoxide (CO)*

Ambient CO concentrations normally correspond closely to the spatial and temporal distributions of vehicular traffic. Relatively high concentrations of CO would be expected along heavily traveled roads and near busy intersections. Wind speed and atmospheric mixing also influence CO concentrations; however, under inversion conditions prevalent in the San Joaquin Valley, CO concentrations may be more uniformly distributed over a broad area. Internal combustion engines, principally in vehicles, produce CO due to incomplete fuel combustion. Various industrial processes also produce CO emissions through incomplete combustion. Gasoline-powered motor vehicles are typically the major source of this contaminant (Trinity, 2023, p. 3-6 and 3-7).

Health Effects

CO does not irritate the respiratory tract but passes through the lungs directly into the blood stream, and by interfering with the transfer of fresh oxygen to the blood, deprives sensitive tissues of oxygen, thereby aggravate cardiovascular disease, causing fatigue, headaches, and dizziness. CO is not known to have adverse effects on vegetation, visibility, or materials (Trinity, 2023, p. 3-7).

4. *Nitrogen Dioxide (NO₂) and Hydrocarbons*

Kern County has been designated as an attainment area for the NAAQS for NO₂. NO₂ is the "whiskey brown" colored gas readily visible during periods of heavy air pollution. Mobile sources and oil and gas production account for nearly all of the County's NO_x emissions, most of which is emitted as NO₂. Combustion in motor vehicle engines, power plants, refineries and other industrial operations are the primary sources in the region. Railroads and aircraft are other potentially significant sources of combustion air contaminants. Oxides of

nitrogen are direct participants in photochemical smog reactions. The emitted compound, nitric oxide, combines with oxygen in the atmosphere in the presence of hydrocarbons and sunlight to form NO_2 and O_3 . NO_2 , the most significant of these pollutants, can color the atmosphere at concentrations as low as 0.5 ppm on days of 10-mile visibility. Oxides of nitrogen (NO_x) are an important air pollutant in the region because it is a primary receptor of ultraviolet light, which initiates the reactions producing photochemical smog. It also reacts in the air to form nitrate particulates. Motor vehicles are the major source of reactive hydrocarbons in the basin. Other sources include evaporation of organic solvents and petroleum production and refining operations (Trinity, 2023, p. 3-7).

Health Effects

Certain hydrocarbons can damage plants by inhibiting growth and by causing flowers and leaves to fall. Levels of hydrocarbons currently measured in urban areas are not known to cause adverse effects in humans. However, certain members of this contaminant group are important components in the reactions, which produce photochemical oxidants (Trinity, 2023, p. 3-7).

5. *Sulfur Dioxide (SO_2)*

Kern County has been designated as an attainment area for the NAAQS for SO_2 . SO_2 is the primary combustion product of sulfur, or sulfur containing fuels. Fuel combustion is the major source of this pollutant, while chemical plants, sulfur recovery plants, and metal processing facilities are minor contributors. Gaseous fuels (natural gas, propane, etc.) typically have lower percentages of sulfur containing compounds than liquid fuels such as diesel or crude oil. SO_2 levels are generally higher in the winter months. Decreasing levels of SO_2 in the atmosphere reflect the use of natural gas in power plants and boilers (Trinity, 2023, p. 3-8).

Health Effects

At high concentrations, SO_2 irritates the upper respiratory tract. At lower concentrations, when respired in combination with particulates, SO_2 can result in greater harm by injuring lung tissues. Sulfur oxides (SO_x), in combination with moisture and oxygen, results in the formation of sulfuric acid, which can yellow the leaves of plants, dissolve marble, and oxidize iron and steel. SO_x can also react to produce sulfates that reduce visibility and sunlight (Trinity, 2023, p. 3-8).

6. *Lead (Pb) and Suspended Sulfate*

Ambient Pb levels have dropped dramatically due to the increase in the percentage of motor vehicles that run exclusively on unleaded fuel. Ambient Pb levels in Bakersfield are well below the ambient standard and are expected to continue to decline. Suspended sulfate levels have stabilized to the point where no excesses of the State standard are expected in any given year (Trinity, 2023, p. 3-8).

Health Effects

Pb affects most organs in the body, and children are most susceptible to the effects of Pb. In children, Pb can cause behavior and learning problems, slowed growth, anemia, and hearing problems. In adults, Pb can lead

to decreased kidney function, reproductive problems, and cardiovascular effects, such as increased blood pressure and incidence of hypertension. Suspended sulfates are part of PM_{2.5} and therefore have similar health effects. These health effects include reduced lung function, aggravated asthmatic symptoms, and increased risk of emergency department visits, hospitalizations, and death in people who have chronic heart or lung disease (Trinity, 2023, p. 3-8).

7. Volatile Organic Compounds (VOCs) and Reactive Organic Gases (ROGs)

The terms VOCs and ROGs are used interchangeably. VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form O₃ to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include CO, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate (SJVAPCD, 2015, pp. 25-26).

Similar to VOC, ROGs are also precursors in forming O₃ and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and NO_x react in the presence of sunlight. ROGs are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant (SJVAPCD, 2015, pp. 25-26).

Organic chemicals are widely used as ingredients in household products. Paints, varnishes and wax all contain organic solvents, as do many cleaning, disinfecting, cosmetic, degreasing and hobby products. Fuels are made up of organic chemicals. All of these products can release organic compounds while you are using them, and, to some degree, when they are stored (SJVAPCD, 2015, pp. 25-26).

Health Effects

Breathing VOCs or ROGs can irritate the eyes, nose and throat, can cause difficulty breathing and nausea, and can damage the central nervous system as well as other organs. Some VOCs and ROGs can cause cancer. Not all VOCs and ROGs have all these health effects, though many have several (SJVAPCD, 2015, pp. 25-26).

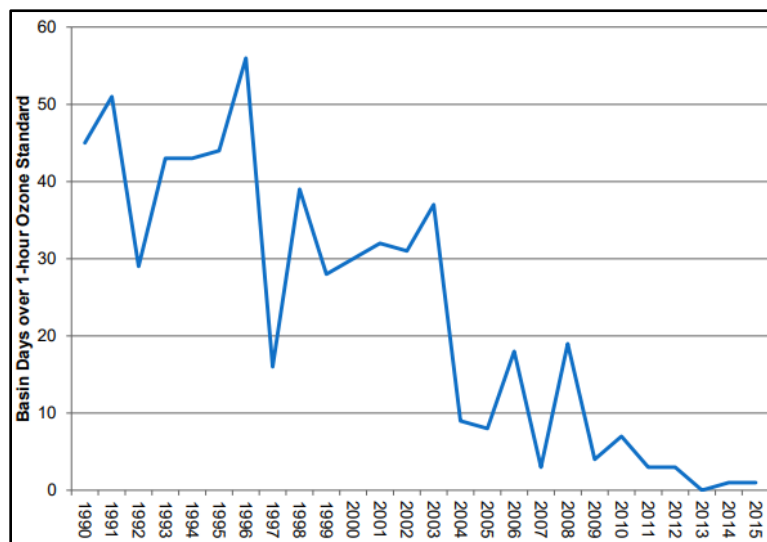
E. Regional Air Quality Trends

The Project site is within the jurisdiction of the SJVAPCD. The SJVAPCD is made up of eight counties in California's Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and the SJVAB portion of Kern. This region makes up the SJVAB. The SJVAPCD is responsible for developing comprehensive plans and regulatory programs for the region to attain federal air quality standards by dates specified in federal law. The SJVAPCD also is responsible for meeting State standards by the earliest date achievable, using reasonably available control measures. The SJVAPCD's air programs began development in the 1980s and have greatly improved the air quality in the San Joaquin Valley (Valley). Emissions in the Valley have reduced drastically through clean air technology and emission control measures for stationary

sources and area sources, while vehicular emissions have been reduced by technologies implemented at the State level by CARB (Trinity, 2023, pp. 3-8 and 3-9).

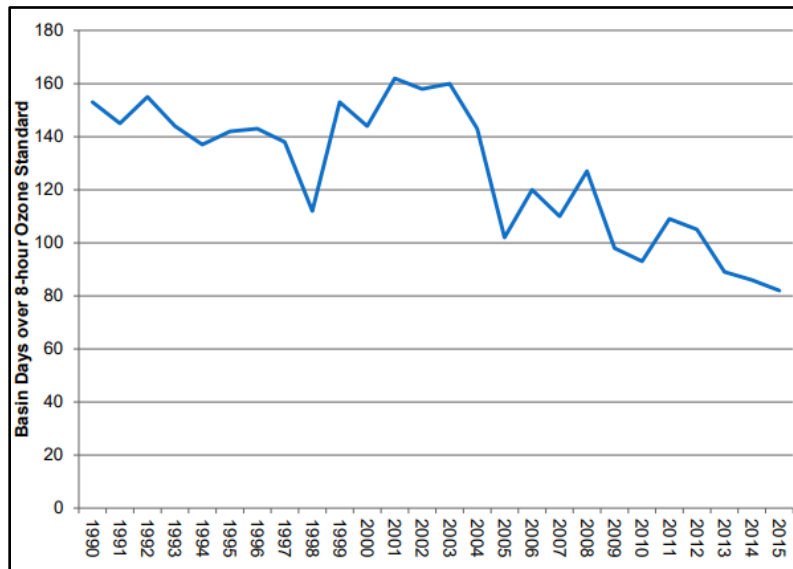
As discussed above, the SJVAPCD is the lead agency charged with regulating air quality emission reductions for the entire SJVAB. SJVAPCD created various Air Quality Attainment Plans (AQAPs) which represent a regional blueprint for achieving healthful air in the Valley. Emissions of O₃, NO_x, PM₁₀, and PM_{2.5} have been decreasing in the Valley since 1980 and are projected to continue to decrease despite challenging geography and meteorology that exacerbate the formation and retention of high levels of air pollution. In addition, the SJVAB is one of the fastest growing regions in California, with increasing population resulting in increasing vehicle miles traveled (VMTs). Although vehicle miles traveled in the Valley continue to increase, NO_x and Volatile Organic Compound (VOC) levels are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO_x emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy. As shown in Figure 4.2-1, *Basin Days Exceeding O₃ 1-Hour Standard*, and Figure 4.2-2, *Basin Days Exceeding O₃ 8-Hour Standard*, the total number of days exceeding federal O₃ 1-hour and 8-hour standards (respectively) has significantly decreased since 1990 (Trinity, 2023, p. 3-9).

Figure 4.2-1 Basin Days Exceeding O₃ 1-Hour Standard



Source: (Trinity, 2023, Figure 3-2)

Figure 4.2-2 Basin Days Exceeding O₃ 8-Hour Standard

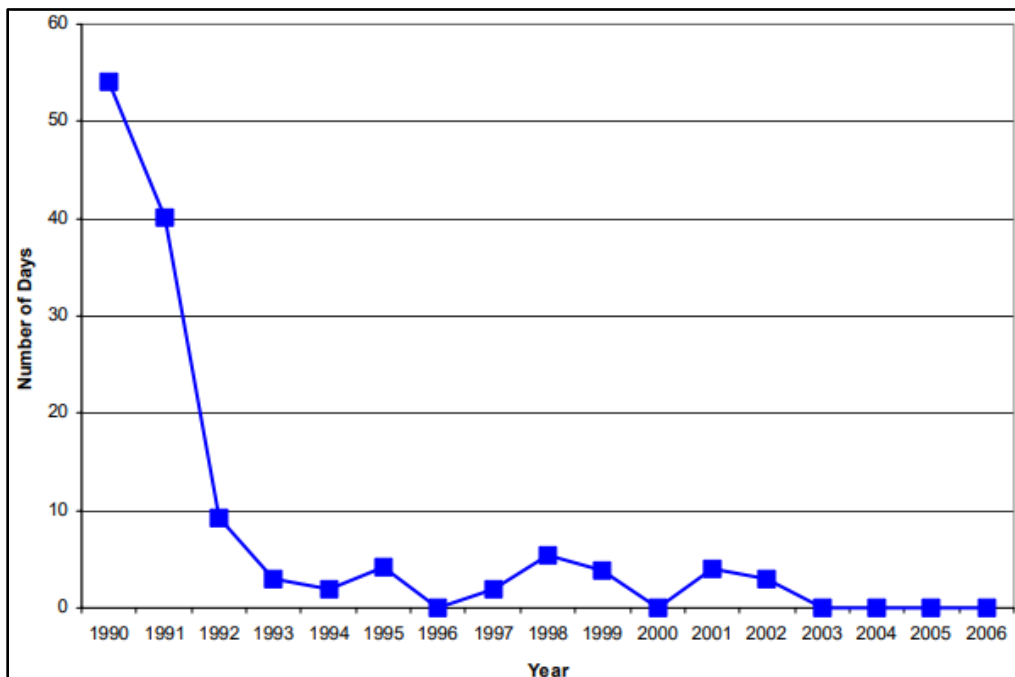


Source: (Trinity, 2023, Figure 3-3)

The overall trends of PM₁₀ and PM_{2.5} levels in the air (not emissions) show an overall improvement since 1990. Area wide sources (fugitive dust from roads, consumer products, wood burning, and other sources) contribute the greatest amount of direct particulate matter emissions. PM₁₀ levels in the Valley have improved greatly; San Joaquin Valley has not had a single 24-hour PM₁₀ violation since 2003, as shown in Figure 4.2-3, *Number of Days Exceeding PM10 NAAQS*. PM_{2.5} and NO_x emissions have decreased significantly since 2000, as shown in Figure 4.2-4, *Average Annual PM2.5 Emissions*, and Figure 4.2-5, *Average Annual NO_x Emissions*, which also conservatively project emissions out to 2025. NO_x is a significant PM_{2.5} precursor, and the Valley is NO_x-limited, so SJVAPCD relies heavily on NO_x emissions to reduce PM_{2.5}. Figure 4.2-6, *Average PM_{2.5} Concentrations*, shows that average PM_{2.5} concentrations have also decreased since 2000, despite low precipitation totals and increase in atmospheric stability, which provides evidence that the SJVAPCD and CARB efforts have been achieving permanent emissions reductions (Trinity, 2023, p. 3-10).

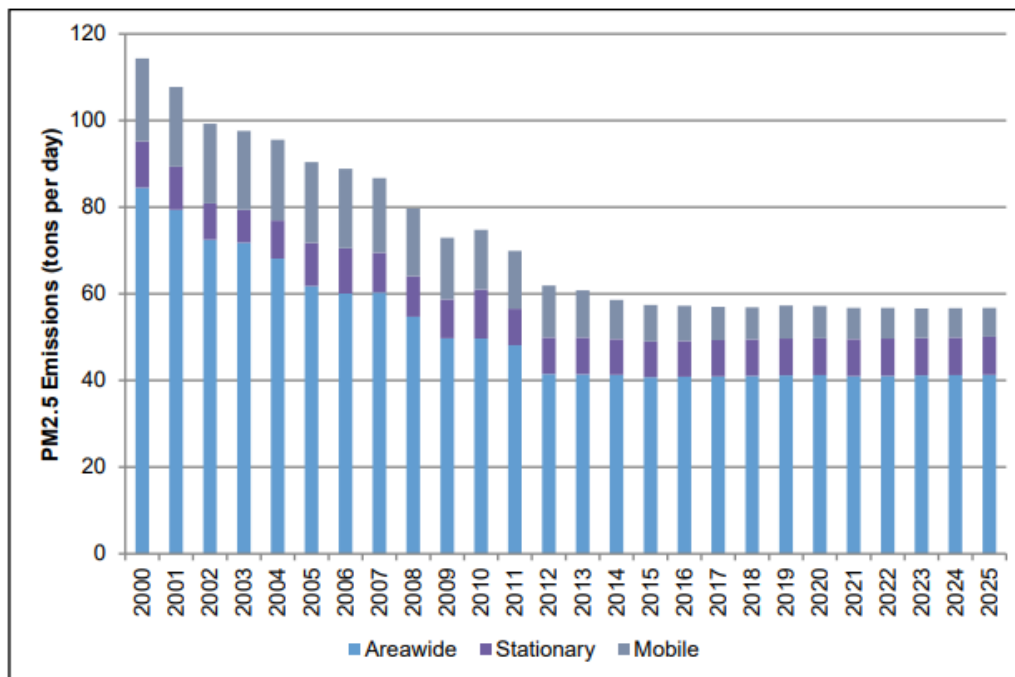
California experienced its worst drought in over a century between 2011 and 2015. The lack of ample precipitation and extended periods of stagnation in the winter seasons overwhelmed the SJVAPCD’s control measures and strategies, which contributed to higher than expected PM_{2.5} concentrations in the Valley. In addition, the Valley experienced significant wildfire impacts as well as data collection issues at the Valley’s peak air monitoring site in Bakersfield during the 2018-2020 period. Through the 2018 Plan for the 1997, 2006, and 2012 PM_{2.5} Standards (2018 PM_{2.5} Plan), SJVAPCD submitted documentation to CARB and EPA to demonstrate that the 1997 PM_{2.5} 24-hour standard was met by the 2020 attainment target. The demonstration included documenting the severe wildfire impacts in 2020 as an “exceptional event.” Figure 4.2-7, *PM_{2.5} 24-Hour Design Value Trend*, shows the Valley’s 24-hour PM_{2.5} design value through 2020, with trend lines for the design value including and excluding the exceptional event impacts. EPA formally approved the exceptional event in July 2021, so the Valley was able to demonstrate that it meets the 1997 PM_{2.5} 24-hour standard (Trinity, 2023, p. 3-12).

Figure 4.2-3 Number of Days Exceeding PM₁₀ NAAQS



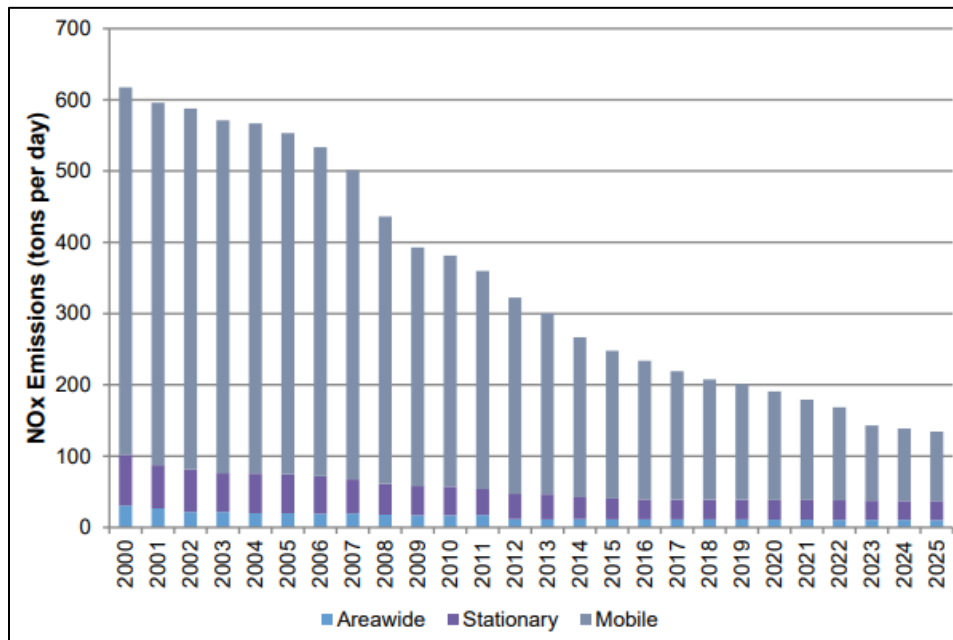
Source: (Trinity, 2023, Figure 3-4)

Figure 4.2-4 Average Annual PM_{2.5} Emissions



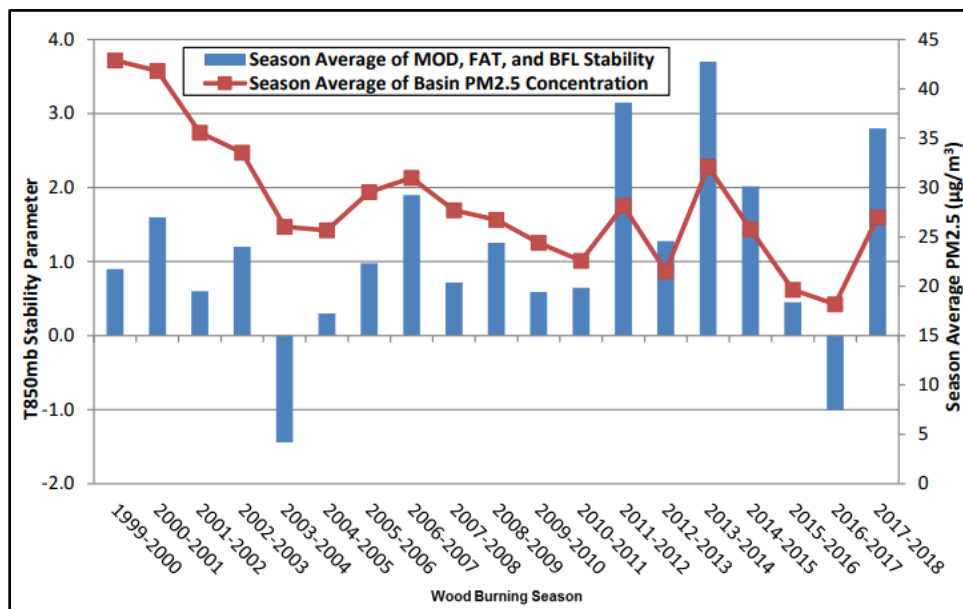
Source: (Trinity, 2023, Figure 3-5)

Figure 4.2-5 Average Annual NO_x Emissions



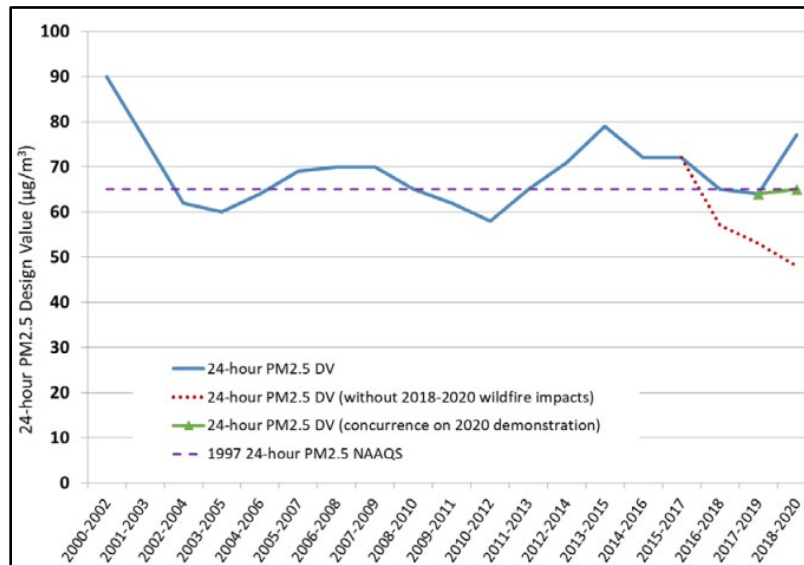
Source: (Trinity, 2023, Figure 3-6)

Figure 4.2-6 Average PM_{2.5} Concentrations



Source: (Trinity, 2023, Figure 3-7)

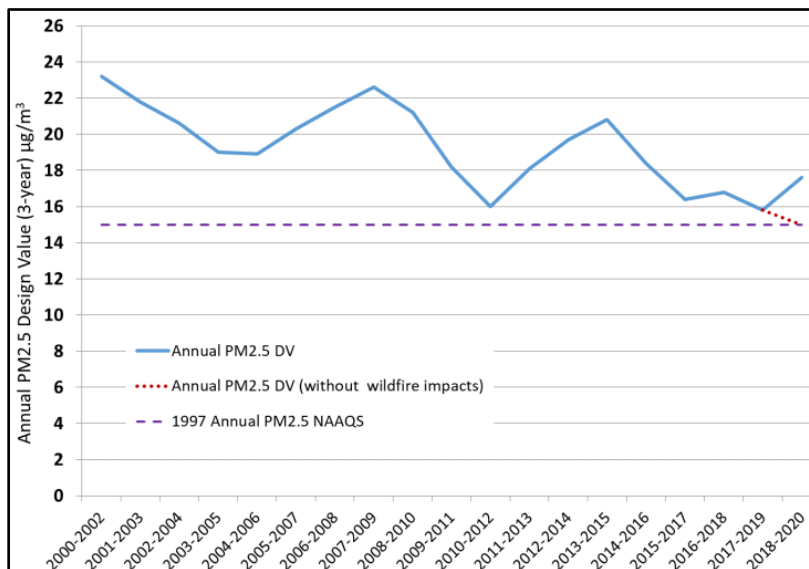
Figure 4.2-7 PM_{2.5} 24-Hour Design Value Trend



Source: (Trinity, 2023, Figure 3-8)

Regarding the 1997 PM_{2.5} annual standard, the Valley would have met the standard by 2020 if not for the significant wildfire impacts and the data collection issues. The annual PM_{2.5} levels in the Valley have seen a continued steady decline, as shown in Figure 4.2-8, *PM_{2.5} Annual Average Design Value Trend*. After excluding the exceptional event, only one Bakersfield monitoring site exceeded the annual standard due to the data collection issues. Due to this issue, SJVAPCD and CARB prepared an administrative revision to the 2018 PM_{2.5} Plan to establish a new attainment target date for the 1997 annual PM_{2.5} standard of December 31, 2023 (Trinity, 2023, p. 3-13).

Figure 4.2-8 PM_{2.5} Annual Average Design Value Trend



Source: (Trinity, 2023, Figure 3-9)

Through the combined efforts of SJVAPCD and CARB air programs, emissions of O₃, NO_x, PM₁₀, and PM_{2.5} in the Valley have decreased significantly. However, as the Valley is still in nonattainment for PM_{2.5} and O₃, SJVAPCD continues to implement different strategies to meet the federal air quality standards (Trinity, 2023, p. 3-13).

4.2.2 APPLICABLE REGULATORY REQUIREMENTS

The following is a brief description of the federal and State environmental laws and related regulations governing air quality emissions.

A. Federal Regulations

1. Federal Clean Air Act

The Clean Air Act (CAA; 42 U.S.C. § 7401 et seq.) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants, which include ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO_x), sulfur dioxide (SO₂), particulate matter (PM₁₀), PM_{2.5}, and lead (Pb).

One of the goals of the CAA was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The CAA was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines (EPA, 2022h).

The sections of the federal CAA most directly applicable to the development of the Project site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions address the urban air pollution problems of O₃ (smog), CO, and PM₁₀. Specifically, it clarifies how areas are designated and re-designated "attainment." It also allows EPA to define the boundaries of "nonattainment" areas: geographical areas whose air quality does not meet Federal air quality standards designed to protect public health (EPA, 2022f). Mobile source emissions are regulated in accordance with the CAA Title II provisions. These standards are intended to reduce tailpipe emissions of hydrocarbons, CO, and NO_x on a phased-in basis that began in model year 1994. Automobile manufacturers also are required to reduce vehicle emissions resulting from the evaporation of gasoline during refueling. These provisions further require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas (EPA, 2022g).

Section 112 of the Clean Air Act addresses emissions of hazardous air pollutants. Prior to 1990, CAA established a risk-based program under which only a few standards were developed. The 1990 Clean Air Act Amendments revised Section 112 to first require issuance of technology-based standards for major sources and certain area sources. "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or

more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source (EPA, 2022h).

For major sources, Section 112 requires that EPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk (EPA, 2022h).

2. *National Emissions Standards for Hazardous Air Pollutants (NESHAPs) Program*

National Emission Standards for Hazardous Air Pollutants (NESHAP) are stationary source standards for hazardous air pollutants. Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. The EPA develops national enforcement initiatives that focus on significant environmental risks and noncompliance patterns. For Fiscal Years 2014 to 2016, the Cutting Hazardous Air Pollutants National Initiatives Strategy focuses on categories of sources that emit HAPs (EPA, 2023).

Sources subject to NESHAPs are required to perform an initial performance test to demonstrate compliance. To demonstrate continuous compliance, sources are generally required to monitor control device operating parameters which are established during the initial performance test. Sources may also be required to install and operate continuous emission monitors to demonstrate compliance. Consistent with EPA's Clean Air Act Stationary Source Compliance Monitoring Strategy, NESHAP sources that meet the Clean Air Act definition of "major source" generally receive a full compliance evaluation by the state or regional office at least once every two years (EPA, 2023).

B. State Regulations

1. *California Clean Air Act (CCAA)*

The California Clean Air Act (CCAA) establishes numerous requirements for district plans to attain state ambient air quality standards for criteria air contaminants. The CCAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the State's ambient air quality standards, the California Ambient Air Quality Standards (CAAQS), by the earliest practical date. The California Air Resources Board (CARB) established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. Generally, the CAAQS are more stringent than the NAAQS. For districts with serious air pollution, its attainment plan should include the following: no net increase in emissions from new and modified stationary sources; and best available retrofit technology for existing sources (SCAQMD, n.d.).

2. *Air Toxic "Hot Spots" Information and Assessment Act*

The Air Toxic "Hot Spots" Information and Assessment Act of 1987, commonly known as AB 2588, (Health & Safety Code §§ 44300, et seq.) requires facilities emitting specified quantities of pollutants to conduct risk

assessments describing the health impacts to neighboring communities created by their emissions of numerous specified hazardous compounds. If the district determines the health impact to be significant, neighbors must be notified. In addition, state law requires the facility to develop and implement a plan to reduce the health impacts to below significance, generally within five years. Additional control requirements for hazardous emissions from specific industries are established by the state and enforced by districts (SCAQMD, n.d.).

3. *Air Quality Management Planning*

The California Air Resources Board (CARB) and local air districts throughout the State are responsible for developing clean air plans to demonstrate how and when California will attain air quality standards established under both the CAA and CCAA. For the areas within California that have not attained air quality standards, CARB works with local air districts to develop and implement State and local attainment plans. In general, attainment plans contain a discussion of ambient air quality data and trends; a baseline emissions inventory; future year projections of emissions, which account for growth projections and already adopted control measures; a comprehensive control strategy of additional measures needed to reach attainment; an attainment demonstration, which generally involves complex modeling; and contingency measures. Plans may also include interim milestones for progress toward attainment. Air quality planning activities undertaken by CARB also include the development of policies, guidance, and regulations related to State and federal ambient air quality standards; coordination with local agencies on transportation plans and strategies; and providing assistance to local districts and transportation agencies (CARB, n.d.).

4. *California Air Resources Board Rules*

The CARB enforces rules related to air pollutant emissions in the State of California. Rules with applicability to the Project include, but are not limited to, those listed below.

- CARB Rule 2480 (13 CCR 2480): Airborne Toxics Control Measure to Limit School Bus Idling and Idling at Schools, which limits nonessential idling for commercial trucks and school buses within 100 feet of a school.
- CARB Rule 2485 (13 CCR 2485): Airborne Toxic Control Measure to Limit Diesel-Fuel Commercial Vehicle Idling, which limits nonessential idling to five minutes or less for commercial trucks.
- CARB Rule 2449 (13 CCR 2449): In-Use Off-Road Diesel Idling Restricts, which limits nonessential idling to five minutes or less for diesel-powered off-road equipment.

5. *San Joaquin Valley Air Pollution Control District Rules*

The SJVAPCD enforces rules related to air pollutant emissions in the SCAB. Rules with applicability to the Project include, but are not limited to, those listed below.

- Rule 4102 (Nuisance): Rule 4102 prohibits a facility from posing as a nuisance to surrounding receptors and can impose penalties for nuisance issues such as dust, smoke, excess emissions, etc. Compliance with this rule ensures that the area around the Project site will not be adversely impacted by such issues.

- Regulation VIII (Fugitive PM₁₀ Prohibitions): Regulation VIII contains a series of regulations to reduce and/or eliminate generation of particulate matter (PM) that can adversely impact visibility as well as the health and safety of people on-site or in the vicinity of the Project.
 - Rule 8011 (General Requirements): Rule 8011 is to reduce ambient concentrations of fine particulate matter (PM₁₀) by requiring actions to prevent, reduce or mitigate anthropogenic (human-caused) fugitive dust emissions.
 - Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities): Rule 8021 restricts generation of airborne dust and visibility impacts from these activities. Places limits on opacity and equipment operation under certain adverse weather conditions.
 - Rule 8041 (Carryout and Trackout): Rule 8041 requires that equipment and vehicles leaving a construction site control the amount of dirt, soil or mud that is tracked offsite and onto public roadways. This helps eliminate or minimize dust generation and opacity degradation.
 - Rule 8051 (Open Areas): Rule 8051 limits fugitive dust from open areas, i.e., areas on a construction site that are not actively being constructed upon but may generate wind-blown dust.

6. *Truck & Bus Regulation*

Under the Truck and Bus Regulation, adopted by CARB in 2008, all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Pursuant to the Truck and Bus Regulation, all pre-1994 heavy trucks (trucks with a gross vehicle weight rating greater than 26,000 pounds) were removed from service on California roads by 2015. Between 2015 and 2020, pre-2000 heavy trucks were equipped with PM filters and upgraded or replaced with an engine that meets 2010 emissions standards. The upgrades/replacements occurred on a rolling basis based on model year. By 2023, all heavy trucks operating on California roads must have engines that meet 2010 emissions standards. Lighter trucks (those with a gross vehicle weight rating of 14,001 to 26,000 pounds) adhered to a similar schedule, and were all replaced by 2020 (CARB, n.d.).

7. *Advanced Clean Truck Regulation*

In June, 2020, CARB adopted a new Rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission (CARB, 2021).

8. *Senate Bill 535 – Disadvantaged Communities*

Senate Bill 535 (“SB 535”; De León, Chapter 830, 2012) recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality. Disadvantaged communities in California are specifically targeted for investment of proceeds from the State’s cap-and-trade program. These investments are aimed at improving public health, quality of life, and economic opportunity in California’s most burdened communities

while at the same time reducing pollution that causes climate change. Authorized by the California Global Warming Solutions Act of 2006 (AB 32), the State’s cap-and-trade program is one of several strategies that California uses to reduce greenhouse gas emissions that cause climate change. The funds must be used for programs that further reduce emissions of greenhouse gases. SB 535 requires that 25 percent of the proceeds from the Greenhouse Gas Reduction Fund go to projects that provide a benefit to disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool (CalEnviroScreen) (CalEPA, 2022).

The Project site’s Census Tract 6029000507 is designated as a disadvantaged community. It is ranked by the State as being in the 87nd percentile for pollution burden which, based on the Census Tract’s demographic characteristics, results in the Office of Environmental Health Hazard Assessment (OEHHA) ranking the area in the 83rd percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022). OEHHA’s CalEnviroScreen 4.0, is a screening methodology that the State uses to identify California communities that are disproportionately burdened by multiple sources of pollution. The CalEnviroScreen 4.0 indicators for the Project site’s Census Tract were shown in Table 2-1 in EIR Section 2.0, *Environmental Setting*. As indicated in Table 2-1, for the Project site’s Census Tract, the highest environmental exposures from air pollutants are from ozone (O₃) (94% pollution burden), fine particulate matter (PM_{2.5}) (100% pollution burden), groundwater threats (94% pollution burden), and hazardous waste (98% pollution burden). The highest human health hazard factors in the Project site’s Census Tract are compromised health conditions related to low birth weight and cardiovascular disease (OEHHA, 2022).

9. Senate Bill 1000 – Environmental Justice in Local Land Use Planning

In an effort to address the inequitable distribution of pollution and associated health effects in low-income communities and communities of color, the Legislature passed and Governor Brown signed Senate Bill 1000 (SB 1000) in 2016, requiring local governments to identify environmental justice communities (called “disadvantaged communities”) in their jurisdictions and address environmental justice in their general plans. This new law has several purposes, including to facilitate transparency and public engagement in local governments’ planning and decision-making processes, reduce harmful pollutants and the associated health risks in environmental justice communities, and promote equitable access to health-inducing benefits, such as healthy food options, housing, public facilities, and recreation. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community’s exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities (OAG, n.d.).

10. *Assembly Bill 617*

Assembly Bill 617 (AB 617) was enacted into law in 2017, and relates to criteria air pollutants and toxic air contaminants from sources other than vehicles. In response to AB 617, CARB established the Community Air Protection Program (CAPP or Program). The Program’s focus is to reduce exposure in communities most impacted by air pollution. Communities around the State are working together to develop and implement new strategies to measure air pollution and reduce health impacts. This first-of-its-kind statewide effort includes community air monitoring and community emissions reduction programs. In addition, the Legislature appropriated funding to support early actions to address localized air pollution through targeted incentive funding to deploy cleaner technologies in these communities, as well as grants to support community participation in the AB 617 process. AB 617 also includes new requirements for accelerated retrofit of pollution controls on industrial sources, increased penalty fees, and greater transparency and availability of air quality and emissions data, which will help advance air pollution control efforts throughout the State. This new effort provides an opportunity to continue to enhance air quality planning efforts and better integrate community, regional, and State level programs to provide clean air (CARB, n.d.).

The nearest AB 167 community to the Veteran’s Affairs Community-Based Outpatient Medical Clinic Project site is the Arvin, Lamont Community, located approximately 9.5 miles southeast of the Project site.

11. *Indirect Source Rule 9510*

Indirect Source Rule 9510 is the result of state requirements outlined in the California Health and Safety Code, Section 40604 and the State Implementation Plan (SIP). The rule applies to new development projects in order to encourage developers to incorporate clean air measures and reduce emissions of NO_x and PM₁₀. The purposes of the rule are to fulfill the SJVAPCD’s emission reduction commitments in the PM₁₀ and ozone attainment plans, achieve emission reductions from the construction and use of development projects through design features and on-site measures, and provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures (SJVAPCD, n.d.).

4.2.3 METHODOLOGY FOR CALCULATING PROJECT-RELATED AIR QUALITY IMPACTS

A. *Small Project Analysis Level*

The San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) provides a Small Project Analysis Level (SPAL) screening tool to streamline air quality assessments of commonly encountered projects. The SJVAPCD SPAL process established review parameters to determine whether a project qualifies as a “small project.” A project that is found to be “less than” the established parameters has “no possibility of exceeding criteria pollutant emissions thresholds”. The SPAL size parameters for commercial office projects is shown in Table 4.2-3, *Small Project Analysis Level in Units for Office (Commercial)*.

As shown in Table 4.2-3, the Project would not exceed the established SPAL limits for a “Medical Office Building,” and therefore, qualifies for a limited air quality analysis applying the SPAL guidance to determine air quality impacts.

Table 4.2-3 Small Project Analysis Level in Units for Office (Commercial)

Land Use Category – Office	Project Size (square feet)
General Office Building	110,000
Office Park	106,000
Government (Civic Center)	57,000
Government Office Building	23,000
Medical Office Building	52,000
Proposed Project – Medical Office Building	39,648
SPAL Exceeded?	No

Source: (Trinity, 2023, Table 3-1)

4.2.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section III of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to air quality if the Project or any Project-related component would (OPR, 2019):

- 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.

The analysis of Threshold a. focuses on evaluating the Project’s consistency with the SJVAPCD’s adopted Air Quality Attainment Plans (AQAP) for O₃ and PM₁₀, which are the applicable air quality plans for the Project site and surrounding area.

The analysis of Threshold b. is based on the thresholds of significance identified by SJVAPCD’s *Guidance for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The SJVAPCD GAMAQI thresholds are designed to implement the general criteria for air quality emissions as required by the CEQA Guidelines. Table 4.2-4, *SJVAPCD Air Quality Thresholds of Significance*, summarizes the SJVAPCD’s specific CEQA air quality thresholds.

Criteria pollutant emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.02.

The analysis of Threshold c. is focused on potential localized impacts to air quality, including localized health risks associated with hazardous air pollutants (HAPs). The SJVAPCD’s GAMAQI states, “From a health risk perspective there are basically two types of land use projects that have the potential to cause long-term public health risk impacts:

Table 4.2-4 SJVAPCD Air Quality Thresholds of Significance

Pollutant/ Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	Emissions (tpy)	Emissions (tpy)	Emissions (tpy)
CO	100	100	100
NO _x	10	10	10
ROG	10	10	10
SO _x	27	27	27
PM ₁₀	15	15	15
PM _{2.5}	15	15	15

Source: (Trinity, 2023, Table 4-1)

- Type A Projects: Land use projects that will place new toxic sources in the vicinity of existing receptors.
- Type B Projects: Land use projects that will place new receptors in the vicinity of existing toxics sources.”

The analysis of Threshold d. focuses on the Project’s potential to result in odor impacts that could affect a substantial number of people. The SJVAPCD’s GAMAQI states “An analysis of potential odor impacts should be conducted for both of the following two situations:

1. Generators – projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate, and
2. Receivers – residential or other sensitive receptor projects or other projects built for the intent of attracting people locating near existing odor sources.”

4.2.5 IMPACT ANALYSIS

Threshold a: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Air quality impacts from proposed projects within the City of Bakersfield are controlled through policies and provisions of the SJVAPCD and the Metropolitan Bakersfield General Plan. In order to demonstrate that a proposed project would not cause further air quality degradation in either the SJVAPCD’s plan to improve air quality within the air basin or the federal requirements to meet certain air quality compliance goals, each project should also demonstrate consistency with the SJVAPCD’s adopted AQAPs for O₃ and PM₁₀. The Project would not exceed the SJVAPCD established SPAL limits and, therefore has no possibility of exceeding criteria pollutant thresholds. An analysis of Project emissions is presented under Threshold b. Accordingly, the Project, would be consistent with the AQMP. Impacts would be less than significant.

Threshold b: *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

A. Project-Related Emissions

The analysis of Threshold b. focuses on whether the proposed Project would violate the short-term (construction) or long-term (operational) thresholds of significance established as part of SJVAPCD’s GAMAQI. Project emissions were estimated for the following Project development stages (Trinity, 2023, p. 5-1):

- **Short-term (Construction and Demolition):** Construction emissions of the proposed Project were estimated in the California Emissions Estimator Model (CalEEMod) using the proposed construction schedule and defaults for construction equipment for the development of a 39,648 gross s.f. outpatient clinic.
- **Long-term (Operations):** Long term emissions also were estimated in CalEEMod using model defaults for operations of a 39,648 gross s.f. outpatient clinic. Vehicle trip rates were revised per the Project Trip Generation data provided in the Project’s Traffic Impact Study (EIR *Technical Appendix J*). Additionally, the fleet mix was adjusted to account for zero heavy-heavy duty (HHD) truck trips. Trips were reallocated to Light-Duty Auto (LDA), Light Duty Truck 1 (LDT1), and Light Duty Truck 2 (LDT2) vehicle categories.

Provided below is an analysis of the Project’s potential to result in near- and long-term impacts to regional air quality.

1. Short-Term Emissions (Construction)

Following SJVAPCD required mitigation measures for all projects, the construction emission estimates included watering the exposed area three times per day and reducing vehicle speed to less than 15 miles per hour. Based on these anticipated activity levels, and as show in Table 4.2-5, *Construction Emissions*, the Project construction activities would not exceed construction thresholds. As mentioned above, the below PM₁₀ and PM_{2.5} thresholds of significant consider risks associated with Valley Fever. Furthermore, Project construction activities do not exacerbate the risk of Valley Fever any more than natural wind conditions, and it is a natural condition not caused by the Project. Impacts would be less than significant.

Table 4.2-5 Construction Emissions

Emissions Source	Pollutant					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	(tons/year)					
2022 Construction Emissions	0.19	1.68	1.67	0.00	0.25	0.14
2023 Construction Emissions	0.58	1.98	2.41	0.01	0.25	0.12
SJVAPCD Construction Emissions Thresholds	10	10	100	27	15	15
Is Threshold Exceeded?	No	No	No	No	No	No

Source: (Trinity, 2023, Table 5-1)

2. Long-Term Emissions (Project Operation)

The Project’s long-term operations emissions generated from mobile, energy, and area sources, as well as, from water use and waste generation emissions are shown in Table 4.2-6, *Total Project Operational Emissions*. Most of these emissions impacts are from mobile sources traveling to and from the Project site. Operational emissions estimates mitigation measures included increased diversity, improved walkway design, improved destination accessibility, increase transit accessibility, improved pedestrian network, and use of electric lawnmower, leaf blower, and chainsaw (3% per SJVAPCD).

The long-term operational emissions associated with the proposed Project would be far less than SJVAPCD significance threshold levels and would, therefore, not pose a significant impact to criteria air pollutants. This finding is consistent with the SPAL screening thresholds. Impacts would be less than significant.

Table 4.2-6 Total Project Operational Emissions

Emissions Source	Pollutant					
	ROG	NOx	CO	SOx	PM10	PM2.5
	(tons/year)					
Unmitigated						
Operational Emissions	0.69	0.56	3.99	0.01	0.78	0.21
SJVAPCD Operational Emissions Thresholds – non-permitted sources	10	10	100	27	15	15
Is Threshold Exceeded Before Mitigation?	No	No	No	No	No	No
Mitigated						
Operational Emissions	0.67	0.50	3.65	0.01	0.69	0.19
SJVAPCD Operational Emissions Thresholds – non-permitted sources	10	10	100	27	15	15
Is Threshold Exceeded?	No	No	No	No	No	No

Source: (Trinity, 2023, Table 5-2)

The foregoing analysis is conservative and does not take into account the fact that once the Project begins operation, the existing VA clinic at 1801 Westwind Drive would permanently close, and therefore, all of its operational air quality emissions would cease. Based on the fact that the existing facility is similar in size to the proposed Project (31,400 s.f.), on a net basis, the Project’s already very low air quality emissions would result in virtually no impact. Furthermore, as stated in public testimony from veterans living in the City, unlike the proposed Project, the existing facility does not offer the full range of services that veterans need, and thus, many veterans drive from the City to Los Angeles for certain services. Once the Project is in operation, this long-distance driving for services would no longer be necessary, and all the resulting air quality impacts from vehicle travel over 100 miles would cease. Thus, the Project would arguably reduce total operational air quality emissions on a net basis.

B. Project Impacts to Ambient Air Quality

The SJVAPCD has screening levels for requiring an Ambient Air Quality Analysis (AAQA) and recommends that an AAQA be performed for all criteria pollutants when emissions of any criteria pollutant resulting from project construction or operational activities exceed the 100 pounds per day screening level, after compliance

with Rule 9510 requirements and implementation of all enforceable mitigation measures. Average daily emissions for Project construction and operational activities would not exceed 100 pounds per day, as shown in Table 4.2-5 and Table 4.2-6. An AAQA is, therefore, not required for the Project.

Threshold c: Would the Project expose sensitive receptors to substantial pollutant concentrations?

The nearest AB 617 community to the Project site is the Arvin, Lamont Community, located approximately 9.5 miles southeast of the Project site. AB 617 communities are those that have been selected by the State to undergo air quality monitoring and receive assistance for air quality improvement programs due to findings that these communities are disproportionately burdened by socioeconomic disadvantages and air pollution, despite significant emissions reductions that have already been achieved regionally. On May 18, 2022, the SJVAPCD published a draft Community Emissions Reduction Program (CERP) for the Arvin, Lamont Community. Based on emissions inventory and current air monitoring data in this community, the CERP reports that the pollutants of concern include PM_{2.5}, Black Carbon, NO_x, CO, O₃, VOCs, and pesticides (SJVAPCD, 2022, p. 18).

AB 617 legislation requires that a CERP identify cost-effective measures to achieve emission reduction targets in the community. The SJVAPCD acknowledged that the District does not have regulatory authority over emissions from mobile sources (SJVAPCD, 2022, p. 63) but encourages voluntary participation in incentive programs for the replacement of older trucks, as the cost to replace older, heavy-duty diesel trucks operating in Arvin/Lamont with zero or near-zero emission technology is approximately \$200,000.00 per truck (SJVAPCD, 2022, p. 66). As discussed above, the Project's fleet mix anticipates zero heavy-heavy duty (HHD) truck trips. Trips were reallocated to Light-Duty Auto (LDA), Light Duty Truck 1 (LDT1), and Light Duty Truck 2 (LDT2) vehicle categories. The other CERP measures relate to school busses, agricultural operations, agricultural equipment, lawn and garden equipment, use of older and high polluting passenger cars by community residents, electric car-sharing potential, e-bike programs, urban greening (landscaping), road/sidewalk/bike path improvements, public fleet vehicles, and stationary source inspection programs, none of which have relevancy to the proposed Project, which is located approximately 9.5 miles away from the AB 617 community.

Sensitive receptors located near the Project site, however, do have the potential to be adversely affected by Project-related air pollutants. Sensitive receptors are defined as locations where young children, chronically ill individuals, the elderly, or people who are more sensitive than the general population reside, such as schools, hospitals, nursing homes, and daycare centers. The nearest residential sensitive receptor to the proposed Project site is approximately 0.2-mile west of the Project site. The closest schools are San Lauren Elementary School, located 0.09-miles southwest, Beardsley Elementary School and Beardsley Junior High School, located 0.82-mile southwest, and Olive Drive Elementary School, located 1.69 miles northwest of the Project site. The closest hospital is Good Samaritan Hospital, located 0.98-mile east. The closest daycare facility is the Little Red School House, located 1.05 miles southwest, and the closest nursing home is The Palms at San Lauren, located 0.39-mile to the south (Trinity, 2023, p. 5-3).

The proposed Project has the potential to expose sensitive receptors to substantial pollutant concentrations due to emissions of Hazardous Air Pollutants (HAPs) and impacts to visibility, discussed below.

A. Predicted Health Risk Impacts

The SJVAPCD’s GAMAQI recommends that Lead Agencies consider situations wherein a new or modified source of HAPs is proposed for a location near an existing residential area or other sensitive receptor when evaluating potential impacts related to Hazardous Air Pollutants (HAPs). The proposed Project would result in emissions of HAPs during construction and would be located near existing residents; therefore, an assessment of the potential risk to sensitive receptors from the Project is required. To predict the potential health risk to the population attributable to emissions of HAPs from the Project, ambient air concentrations were predicted with dispersion modeling to arrive at a conservative estimate of increased individual carcinogenic risk that might occur as a result of continuous exposure over the construction period for construction emissions. Similarly, predicted concentrations were used to calculate non-cancer chronic and acute hazard indices (HIs), which are the ratio of expected exposure to acceptable exposure. The basis for evaluating potential health risk is the identification of sources with increased HAPs. HAP emissions from anticipated on-site construction activities were evaluated (Trinity, 2023, p. 5-4).

The level of significance for carcinogenic risk set by SJVAPCD is 20 in one million, which is understood as the possibility of causing 20 additional cancer cases in a population of one million people. The level of significance for chronic non-cancer risk is a hazard index of 1.0. All receptors were modeled with a 2-year exposure for the construction activities (Trinity, 2023, p. 5-5).

The carcinogenic risk and the health hazard index (HI) for chronic non-cancer risk at the maximum exposed individual resident and worker (MEIR and MEIW, respectively) do not exceed the significance levels of 20 in one million (20E-06) and 1.0, respectively for the Project. The MEIR and MEIW are identified by receptor location and risk and are provided in Table 4.2-7, *Potential Maximum Health Risk Impacts*.

Table 4.2-7 Potential Maximum Health Risk Impacts

	Value	UTM East	UTM N
Excess Cancer Risk (residence)	7.52E-07	312747.9	3920688.5
Chronic Hazard Index (residence)	4.40E-04	312747.9	3920688.5
Excess Cancer Risk (worker)	1.74E-07	313122.3	3920644.5
Chronic Hazard Index (worker)	6.72E-03	313122.3	3920644.5

Source: (Trinity, 2023, Table 5-5)

As shown in Table 4.2-7, the maximum predicted cancer risk for the Project is 0.752 in a million (0.752E-07). The maximum chronic non-cancer hazard index for the Project is 0.00672. Since the MEIR and MEIW remained far below the significance threshold for cancer and chronic risk, the Project would not have an adverse effect to any of the surrounding communities (Trinity, 2023, p. 5-6).

The potential health risk attributable to the proposed Project is determined to be less than significant based on the following conclusions (Trinity, 2023, p. 5-6):

1. Potential carcinogenic risk from the proposed Project is far below the significance level of 20 in a million at each of the modeled receptors;

2. The hazard index for the potential chronic non-cancer risk from the proposed Project is far below the significance level of 1.0 at each of the modeled receptors; and
3. The hazard index for the potential acute non-cancer risk was not calculated since there is no acute risk associated with DPM emission; therefore, the proposed Project is considered below the significance level.

Therefore, potential risk to the population attributable to emissions of HAPs from the proposed Project would be less than significant (Trinity, 2023, p. 5-6).

B. Potential Impacts to Visibility to Nearby Areas

It should be noted that visibility impact analyses are not usually conducted for area sources. The recommended analysis methodology was initially intended for stationary sources of emissions which were subject to the Prevention of Significant Deterioration (PSD) requirements in 40 CFR Part 60. Since the Project's emissions are predicted to be significantly less than the PSD threshold levels, an impact at either the Dome Land Wilderness or the Sequoia National Park Areas (the two nearest Class 1 areas to the Project) is extremely unlikely. Therefore, based on the Project's predicted emissions, the Project is not expected to have any adverse impact to visibility at any Class 1 Area. Impacts would be less than significant.

C. Conclusion

Based on the preceding analysis, the proposed Project would not expose nearby sensitive receptors to cancer or non-cancer risks exceeding the identified thresholds of significance, and impacts would be less than significant. The Project also would result in less than significant impacts associated with air visibility.

Threshold d: Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)

The Project entails a proposed VA community-based outpatient medical clinic located near commercial, public facility and residential uses. Expected uses of the Project are not known to be a source of nuisance odors, and are not identified in the SJVAPCD's GAMAQI as such. Accordingly, the Project is not anticipated to have substantial odor impacts. Impacts would be less than significant.

4.2.6 CUMULATIVE IMPACT ANALYSIS

A. Cumulatively-Considerable Impacts due to Conflict with the AQAP

As indicated under the analysis of Threshold a., the Project would not generate emissions of criteria pollutants that exceed the SJVAPCD's thresholds, and as such the Project would be consistent with the AQAP. Accordingly, Project impacts would be less than significant on a cumulatively-considerable basis.

B. Cumulative Regional Air Quality Impacts

Cumulative emissions were not quantified because no other tentative projects were found within a one-mile radius of the Proposed Project that provided enough project detail information to accurately estimate emissions.

Based on the inherently cumulative nature of air quality impacts, the threshold for whether a project would make a cumulatively considerable contribution to a significant cumulative impact is currently based on whether the proposed Project would exceed established project-level thresholds. As such, a qualitative evaluation of the cumulative projects indicates that the Project's contribution would not be cumulatively considerable because the Project's incremental emissions increase would be less than significant.

C. Cumulative Hazardous Air Pollutants

Because the Project would not be a significant source of HAPS (as previously indicated in Table 4.2-7), the proposed Project would also not result in a significant cumulatively-considerable CO or HAPs impact (Trinity, 2023, p. 5-6).

D. Cumulatively-Considerable Odor Impacts

As previously indicated under the analysis of Threshold d., because the Project includes medical facility land uses, and because the anticipated activities for the Project site are not identified as a source that would create objectionable odors, the Project is not expected to be a source of objectionable odors (Trinity, 2023, p. 5-4). As such, cumulatively-considerable impacts due to odors would be less than significant.

4.2.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant. Project emissions would not exceed SJVAPCD thresholds for criteria pollutants, and as such the Project would be consistent with the AQMP.

Threshold b: Less-than-Significant. Project emissions would not exceed any of the SJVAPCD significance thresholds.

Threshold c: Less-than-Significant. The Project would not result in air quality emissions that would result in carcinogenic risk or non-cancer risk exceeding the identified thresholds of significance of one in 20 million and 1.0, respectively, and Project cancer and non-cancer risks would therefore be less than significant. The Project also would result in less than significant impacts due to visibility to nearby areas.

Threshold d: Less-than-Significant. The Project is not considered a source of objectionable odors or odorous compounds.

4.2.8 MITIGATION

Impact would be less than significant; therefore, mitigation is not required.

4.2.9 DESIGN FEATURES AND REGULATORY REQUIREMENTS

The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Air Quality, which include the following:

- AIR -RR-1 In compliance with SJVAPCD Rule 9510 (Indirect Source Review (ISR)), the Project Applicant or its successor in interest shall submit an Air Impact Assessment (AIA) application to the SJVAPCD, which will identify emission reduction measures for emissions of NO_x and PM₁₀. The performance measures listed below can be met through any combination of on-site emission reduction measures or off-site fees.
- a) Related to construction-related emissions, the exhaust emissions for construction equipment greater than fifty (50) horsepower used or associated with the project shall be reduced by the following amounts from the statewide average as estimated by the ARB: 20% of the total NO_x emissions, and 45% of the total PM₁₀ exhausts emissions. Construction emissions can be reduced by using less polluting construction equipment, which can be achieved by utilizing add-on controls, cleaner fuels, or newer lower emitting equipment.
 - b) Related to operational emissions, NO_x emissions shall be reduced by 33.3% of the project's operational baseline NO_x emissions over a period of ten years as quantified in the approved AIA. PM₁₀ emissions shall be reduced by 50% of the project's operational baseline PM₁₀ emissions over a period of ten years as quantified in the approved AIA.

4.3 BIOLOGICAL RESOURCES

The information and analysis in this Subsection 4.3 is based primarily on a technical study titled, “Biological Evaluations for VA Community-Based Outpatient Clinic, City of Bakersfield, Kern County, California,” dated December 2022, prepared by McCormick Biological, Inc., and included as EIR *Technical Appendix C* to this EIR (MBI, 2022). Refer to Section 7.0, *References*, for a complete list of reference sources used in this analysis.

4.3.1 EXISTING CONDITIONS

From at least 1937 to at least 1973, the Project site was used for agricultural purposes; the Project site has been uncultivated, fallow and highly disturbed vacant land from at least 1984 (Krazen, 2022, p. 2). Based on biological field surveys conducted by McCormick Biological, Inc. (MBI) in 2022, the Project site’s vegetation consists of non-native ruderal species. The Project site has been subject to various disturbances including discing for weed abatement and fire prevention (MBI, 2022, p. 16).

A. Special-status Biological Resources

Based on a literature search conducted by MBI, nine special-status plant species were documented within the vicinity of the Project site; however, MBI determined that none have the potential to occur on the Project site based on habitat, soils, topography, previous documented occurrences of the species, and the extremely disturbed conditions found on the Project site (MBI, 2022, p. 18).

Eleven special-status wildlife species were identified through database queries as potentially occurring in the vicinity of the Project site. Of the 11 special-status wildlife species, MBI determined that four species warranted further consideration including the Crotch bumble bee, burrowing owl, American badger, and San Joaquin kit fox, which are addressed below. MBI determined that other sensitive species have no reasonable potential to occur on the Project site. Information on the additional species with no reasonable potential to occur on the Project site is provided in *Technical Appendix C* to this EIR (MBI, 2022).

1. Crotch Bumble Bee

The Crotch bumble bee (*Bombus crotchii*) (CBB) is a State candidate for listing as endangered. This species was historically known from throughout much of California but has recently lost substantial habitat in the northern Central Valley due to agricultural development. The conversion of the San Joaquin Valley for agricultural uses has similarly reduced the available habitat for the species in that portion of the range. These threats along with several other human impacts have caused declines in this species that have recently warranted listing consideration. Crotch bumble bee occurs in grasslands and upland scrub habitats that contain suitable flowering resources to support small colonies. Colonies and annual nest sites are often found in bird nests, abandoned rodent burrows, rock piles, tufts of grass, or tree cavities. Colonies are active from spring to until early to late summer and CBB forage for nectar and pollen from the plants that they pollinate (MBI, 2022, pp. 19-20 and 23).

Although no bumble bees were observed during the site visit conducted by MBI in 2022, the survey was conducted in late 2022 during the inactive period for Crotch bumble bee. Potential habitat for the Crotch

bumble bee, including small mammal burrows and annual grassland, were present on the Project site, so the species is concluded to have the potential to be present (MBI, 2022, p. 32).

2. *Burrowing Owl*

The burrowing owl is a California species of special concern. It has no federal listing but is protected by the Migratory Bird Treaty Act (MBTA). This species is a small, ground-dwelling owl with a round head that lacks tufts. Adults are sandy brown overall with bold spotting and barring, have white eyebrows above yellow eyes, and can be distinguished from all other small owls by their long legs. Burrowing owls occur in dry, open grasslands, rolling hills, desert floors, prairies, savannas, agricultural land, and other areas of open, bare ground (MBI, 2022, pp. 20 and 25). Although no burrowing owls were observed during the site visit conducted by MBI in 2022, several suitable sized California ground squirrel burrows, which are frequently used by burrowing owls for nesting and shelter, were observed. None of the burrows showed any signs of burrowing owl use, such as whitewash, pellets, prey remains, or feathers. Additionally, small prey of the burrowing owl is likely to occur on the site (MBI, 2022, pp. 25 and 32). Based on the presence of suitable habitat, the species is concluded to have the potential to be present.

3. *American Badger*

The American badger is a California species of concern. This species is a low, squat animal with conspicuous silver-tipped, dorsal fur and a short, black-tipped tail. The most striking visual feature of this species is its striped face, consisting of a median white stripe proceeding from the tip of its nose to the back of its head. The American badger occurs in less disturbed grassland and shrubland habitat in the San Joaquin Valley. American badgers are primarily nocturnal animals and infrequently observed directly during daytime surveys; however, they have a fairly distinctive digging style and burrow shape, which is easily detected in the field (MBI, 2022, pp. 27-28). This species was not observed on the Project site during field surveys conducted by MBI in 2022; however, several suitable sized holes were observed during the field survey. Although the species is known to utilize a variety of habitats, the Project site is disked regularly, resulting in a low potential for the species to occur on the site (MBI, 2022, pp. 26 and 32). Nonetheless, based on the presence of suitable habitat, the species is concluded to have the potential to be present.

4. *San Joaquin Kit Fox*

The San Joaquin Kit Fox (SJKF) is federal-listed as endangered and State-listed as threatened. The SJKF resembles a small, lanky dog in appearance, with disproportionately large ears containing an abundance of large white, inner guard hairs. SJKF occur in a variety of open grassland, oak savannah, and shrub vegetation types/habitats as well as oil-producing and urban areas in Kern County. SJKF are primarily nocturnal but can be seen during the day when activities on the surface get their attention or when pups are present and play outside of the den in late afternoon (MBI, 2022, pp. 28-29). This species was not observed on the Project site during field surveys conducted by MBI in 2022; however, California ground squirrel activity was observed and 27 dens were identified that met the size criteria for potential SJKF dens. Due to the amount of human foot traffic and trash dumping on the Project site, the site is lower quality habitat than adjacent parcels with less disturbance (MBI, 2022, pp. 26 and 33). Nonetheless, based on the presence of suitable habitat, the species is concluded to have the potential to be present.

B. Riparian Habitat, Wetlands, and Other Waters

A search of the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory resulted in no wetlands mapped on the Project site. These results are consistent with MBI's observed conditions within the survey area. No wetlands, riparian habitat, potential waters of the U.S., or potential waters of the State are present on the Project site (MBI, 2022, p. 29).

C. Critical Habitat

There is no USFWS-designated Critical Habitat for any federal species within the Project site (MBI, 2022, p. 29).

D. Wildlife Corridors and Wildlife Nurseries

Wildlife corridors can be defined as connections between wildlife blocks that meet specific habitat needs for species movement generally during migratory periods, but seasonally as well. Wildlife corridors generally contain habitat dissimilar to the surrounding vicinity and include examples such as riparian areas along rivers and streams, washes, canyons, or otherwise undisturbed areas within urbanization. Corridor width requirements can vary based on the needs of the species utilizing them. The Project site lacks migratory wildlife linkages and there are no native wildlife nurseries on or adjacent to the site (MBI, 2022, p. 34).

4.3.2 REGULATORY SETTING

A. Federal Regulations

1. Endangered Species Act (ESA)

The purpose of the federal Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the USFWS and the Commerce Department's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon. Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened (USFWS, 2017).

The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Through regulations, the term "harm" is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land. Protection from commercial trade and the effects of federal actions do apply for plants (USFWS, 2017).

Section 7 of the ESA requires federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the USFWS and NMFS, as appropriate, to ensure that effects of actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species. During consultation, the “action” agency receives a “biological opinion” or concurrence letter addressing the proposed action. In the relatively few cases in which the USFWS or NMFS makes a jeopardy determination, the agency offers “reasonable and prudent alternatives” about how the proposed action could be modified to avoid jeopardy. It is extremely rare that a project ends up being withdrawn or terminated because of jeopardy to a listed species (USFWS, 2017).

Section 10 of the ESA may be used by landowners including private citizens, corporations, tribes, states, and counties who want to develop property inhabited by listed species. Landowners may receive a permit to take such species incidental to otherwise legal activities, provided they have developed an approved habitat conservation plan (HCP). HCPs include an assessment of the likely impacts on the species from the proposed action, the steps that the permit holder will take to avoid, minimize, and mitigate the impacts, and the funding available to carry out the steps. HCPs may benefit not only landowners but also species by securing and managing important habitat and by addressing economic development with a focus on species conservation (USFWS, 2017).

2. Migratory Bird Treaty Act (16 United States Code (USC) Section 703-712)

The Migratory Bird Treaty Act (MBTA) makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The migratory bird species protected by the MBTA are listed in the Code of Federal Regulations (CRR) at 50 CFR 10.13. The USFWS has statutory authority and responsibility for enforcing the MBTA (16 USC 703-712). The MBTA implements Conventions between the United States and four countries (Canada, Mexico, Japan, and Russia) for the protection of migratory birds (USFWS, 2020a).

B. State Regulations

1. California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The California Department of Fish and Wildlife (CDFW) works with interested persons, agencies, and organizations to protect and preserve such sensitive resources and their habitats. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met (CDFW, n.d.).

Section 2081 subdivision (b) of the California Fish and Game Code (CFGC) allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to otherwise

lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits (ITPs) (CDFW, n.d.).

If a species is listed by both the federal ESA and CESA, CFGC Section 2080.1 allows an applicant who has obtained a federal incidental take statement (federal Section 7 consultation) or a federal incidental take permit (federal Section 10(a)(1)(B)) to request that the Director of CDFW find the federal documents consistent with CESA. If the federal documents are found to be consistent with CESA, a consistency determination (CD) is issued and no further authorization or approval is necessary under CESA (CDFW, n.d.).

A Safe Harbor Agreement (SHA) authorizes incidental take of a species listed as endangered, threatened, candidate, or a rare plant, if implementation of the agreement is reasonably expected to provide a net conservation benefit to the species, among other provisions. SHAs are intended to encourage landowners to voluntarily manage their lands to benefit CESA-listed species. California SHAs are analogous to the federal safe harbor agreement program and CDFW has the authority to issue a consistency determination based on a federal safe harbor agreement (CDFW, n.d.).

2. *California Fish and Game Code, Section 1580, et seq.*

The following paragraphs summarize several sections of the CFGC that may be applicable to the proposed Project (MBI, 2022, p. 10).

Section 1580

This section declares the policy of the State is to protect threatened or endangered native plants; wildlife; aquatic organisms or specialized habitat types; both terrestrial and non-marine aquatic, or large, heterogeneous natural gene pools for the future use of mankind through the establishment of ecological reserves (MBI, 2022, p. 10).

Sections 1600–1616

This portion of the CFGC requires notification to the CDFW if any of the following may occur within a river, stream, or lake in the state of California: substantial diversion or obstruction of the natural flow; substantially changing or using any material from the bed, channel, or bank; or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. This notification may result in a Streambed Alteration Agreement between a Project applicant and the CDFW. Activities in intermittent streams and canals may require Streambed Alteration Agreements. (MBI, 2022, p. 10).

Section 1900, et seq.

This portion of the CFGC is known as the California Native Plant Protection Act of 1977 (2021). The purpose of this chapter is to preserve, protect and enhance endangered or rare native plants of California. Many species and subspecies of native plants are endangered because their habitats are threatened with destruction, drastic modification, or severe curtailment. Commercial exploitation,

disease, and other factors also represent threats to species and subspecies of native plants. This portion of the code designates rare, threatened, and endangered plant taxa of California (MBI, 2022, p. 10).

Section 1930–1933

These sections established the Significant Natural Areas Program and administered by the CDFW. The CDFW is responsible for obtaining access to the most recent information with respect to natural resources by maintaining, expanding, and keeping a current data management system (California Natural Diversity Database (CNDDDB)), designed to document information on these resources. Among other things, the code also requires that the CDFW coordinate services to federal, state, local and private interests wishing to aid in the maintenance and perpetuation of significant natural areas (MBI, 2022, p. 10).

Section 3503

This section prohibits taking, possessing, or needlessly destroying the nest or eggs or any bird. Birds of prey are included in Section 3503.5 (MBI, 2022, p. 10).

Section 3513

California’s migratory birds are protected under this section by making it unlawful to take or possess any migratory, non-game bird (or any part of such bird) as designated in the MBTA (MBI, 2022, p. 10).

Section 3511, 4700, 5050, and 5515

These sections prohibit take of animals that are classified as fully protected in California. Take of fully protected species is specifically prohibited, even if other sections of the CFGC provide for incidental take of the species (MBI, 2022, p. 10).

3. *Porter-Cologne Water Quality Control Act (Clean Water Act Section 401 Certification or Waiver)*

The state of California regulates water quality related to discharge of fill material into waters of the state pursuant to Section 401 of the Clean Water Act (CWA) of 1972 (2021). Section 401 compliance is a federal mandate implemented by the state. The local Regional Water Quality Control Board (RWQCB) has jurisdiction over all those areas defined as jurisdictional under Section 404 of the CWA and regulates water quality for all waters of the State. The U.S. Army Corps of Engineers (ACOE), under Section 404 of the Clean Water Act (CWA), regulates discharges of dredged or fill material in waters of the U.S. If waters are determined to be under the jurisdiction of the ACOE, the RWQCB would be the state-permitting authority. At the discretion of the ACOE, impacts to these areas could require a permit, depending on the type and size of the activity within ACOE jurisdiction (MBI, 2022, p. 11).

4.3.3 BASIS FOR DETERMINING SIGNIFICANCE

Section IV of Appendix G to the CEQA Guidelines addresses typical adverse effects to biological resources, and includes the following threshold questions to evaluate the Project's impacts to biological resources (OPR, 2019):

- 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 Game or U.S. Fish and Wildlife Service;*
- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US 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.*

4.3.4 IMPACT ANALYSIS

Threshold a: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

A. Special-status Plant Species

The CNDDB, USFWS, and CNPS Rare and Endangered Plant Inventory queries returned a total of 9 special-status plants that have been documented as potentially occurring in the vicinity of the Project site. Based on MBI's field survey, none of the special-status plant species have the potential to occur within the Project site based on habitat, soils, topography, previously documented occurrence of the species, and the extremely disturbed conditions found on the Project site (MBI, 2022, p. 18). Therefore, there is no potential for the Project to cause direct or indirect impacts to special-status plant species.

Because no special-status plant species have the potential to occur on the Project site, the Project's potential to have a substantial adverse effect, either directly or through habitat modifications, on any special-status plant species would be less than significant and no mitigation is required.

B. Special-status Wildlife Species

Crotch Bumble Bee

Although no Crotch bumble bees were observed during the site visit conducted by MBI in 2022, the survey was conducted during an inactive period for the Crotch bumble bee. A survey is being conducted during the 2023 active nesting season (April 1 to May 30, 2023), but because the results were not yet available as of the public release of this Draft EIR (but will be included in the Final EIR), the species is conservatively assumed to be potentially present on the site. Potential habitat for the Crotch bumble bee, including small mammal burrows and annual grassland, are present on the site. Because potential foraging and nesting habitat could be present on the site, there is potential for Crotch bumble bee nests to be impacted during Project-related ground disturbance (MBI, 2022, p. 32). The potential presence of Crotch bumble bee is therefore considered a significant direct impact and mitigation is required.

Burrowing Owl

Although no burrowing owls or sign of species presence was observed during the site visit conducted by MBI in 2022, California ground squirrel burrows, which are frequently used by burrowing owls for nesting and shelter, were observed. Therefore, the site is likely to support small mammals that are potential prey items in the diet of burrowing owl. Thus, the Project's construction activities could remove potential foraging and potential nesting habitat for burrowing owl (MBI, 2022, p. 32). The potential presence of burrowing owl is considered a potential significant direct impact because the species is migratory and could be present on the Project site at the time the Project's construction activities commence, and therefore, mitigation is required.

San Joaquin Kit Fox and American Badger

The Project site provides suitable denning habitat for SJKF and American badger. Several suitably sized holes were observed during the survey effort conducted in 2022 by MBI biologists. Impacts to suitable dens could occur; however, no known SJKF or American badger dens were observed on the Project site. The nearest historic record of American badger occurred approximately 0.5-mile southeast of the Project site. With the amount of human foot traffic and trash dumping on the Project site, the site is considered lower quality habitat than adjacent parcels that experience less disturbance; however, it is not possible to conclude that SJKF would not visit or occupy the site. Because there is potential for SJKF or American badger to occupy the Project site, potential direct impacts would be significant and mitigation is required (MBI, 2022, pp. 32-33).

Nesting and Migratory Birds

The Project site is void of all trees and shrubs which can be used by nesting birds. However, nesting birds on or in the immediate vicinity of the Project site could be disturbed if the Project's construction activities occur during nesting season when active nests are present. If these nests are disturbed to the extent that eggs are destroyed, young are injured or killed, or adults abandon the nests, a violation of the MBTA and California Fish and Game Code could result (MBI, 2022, p. 33). Therefore, potential direct impacts to nesting and migratory birds would be significant and mitigation is required.

Threshold b: Would the Project 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 Game or US Fish and Wildlife Service?

Because no riparian habitat or other sensitive natural community is present on the Project site, implementation of the proposed Project would not 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 CDFW or USFWS. Therefore, no impact would occur as a result of implementation of the proposed Project and no mitigation is required.

Threshold c: Would the Project have 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?

Because no wetlands or potential waters of the U.S., or potential waters of the State are present on the Project site; the proposed Project has no potential to have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Therefore, no impact would occur as a result of Project implementation and no mitigation is required.

Threshold d: Would the Project 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?

The vicinity surrounding the Project site is highly disturbed by urban development, and therefore, the Project site does not serve as part of a wildlife corridor. Because the Project site is a relatively small parcel of disturbed non-native ruderal species habitat, the site is not conducive to serve as, interfere substantially with or impede established native resident or migratory wildlife corridors, or native wildlife nursery sites (MBI, 2022, p. 34). Therefore, no impact would occur as a result of Project implementation and no mitigation is required.

Threshold e: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

There are no biological resources on the Project site which are separately protected by local policies. Therefore, no impact would occur as a result of Project implementation and no mitigation is required.

Threshold f: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Project site is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.

4.3.5 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for biological resources considers development of the Project site in conjunction with other development projects in the vicinity of the Project site as well as full General Plan buildout in the City of Bakersfield.

Candidate, Sensitive, or Special- status Species

Because the Project site does not contain any special-status plant species and lacks suitable, natural habitat for special-status plants, there is no potential for the Project site to support special-status plant species. Therefore, there is no potential for implementation of the Project to contribute to a substantial adverse cumulatively-considerable impact on any special-status plant species.

Although no Crotch bumble bees were observed during the site visit conducted by MBI in 2022, there is potential foraging and nesting habitat for the species on the Project site. Nests could be destroyed during Project construction activities, as well as activities occurring on other properties within the range of the species; therefore, the Project has the potential to contribute to a cumulatively-considerable impact to the Crotch bumble bee.

Although the burrowing owl was not observed on the Project site during the site visit conducted by MBI in 2022, there is the potential for this species to migrate onto the site and occupy the property prior to the initiation of construction activities. The burrowing owl is commonly found within the Project vicinity; as such, it is reasonable to conclude that impacts to the burrowing owl habitat could occur in conjunction with development of other properties in the known range of the species. Therefore, the Project has the potential to contribute to a cumulatively-considerable impact to the burrowing owl.

The Project site provides suitable denning habitat for SJKF and American badger. Although no known SJKF or American badger dens were observed on the Project site during field surveys conducted by MBI in 2022, several suitable sized holes for dens were observed. Therefore, the Project, along with other development activities in the known ranges of these species, has the potential to contribute to a cumulatively-considerable impact to the SJKF and American badger.

Although the Project site is void of all trees and shrubs which could be used by nesting birds, there could be birds nesting in the immediate vicinity of the Project site, which could be disturbed. A wide range of habitat and vegetation types have the potential to support nesting birds; therefore, it is likely that other development projects within the cumulative study area also may impact nesting birds. However, the Project, like all other development activities in the cumulative study area, would be required to comply with State and federal law to preclude impacts to nesting birds. Therefore, the Project's potential impact to nesting birds would be cumulatively-considerable absent compliance to State and federal regulations.

Riparian Habitat or Other Sensitive Natural Community

Because the Project site does not contain any riparian habitat or other sensitive natural community, there is no potential for implementation of the Project to contribute to a substantial adverse cumulatively-considerable

impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.

State or Federally Protected Wetlands

Because no wetlands or potential waters of the U.S., or potential waters of the State are present on the Project site; there is no potential for implementation of the Project to contribute to a substantial adverse cumulatively-considerable impact 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.

Movement of any Native Resident or Migratory Fish or wildlife, Wildlife Corridors, or Native Wildlife Nursery Sites

Because the vicinity surrounding the Project site is highly disturbed by urban development, the relatively small Project site parcel of non-native ruderal species habitat lacks migratory wildlife linkages, and there are no native wildlife nurseries on or adjacent to the site, there is no potential for implementation of the Project to contribute to a cumulatively-considerable impact to 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

Local Policies, Ordinances, and Habitat Conservation Plans Protecting Biological Resources

Because there are no biological resources on the Project site which are separately protected by local policies, there is no potential for implementation of the Project to contribute to a cumulatively-considerable impact associated with local biological policy or ordinance conflicts.

4.3.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively Considerable Impact. The Project contains suitable habitat for Crotch bumble bee, burrowing owl, San Joaquin Kit Fox (SJKF), and American badger. In the event that any of these species are present on the Project site at the time Project construction activities commence, implementation of the Project would have the potential to significantly impact the species. The Project also has the potential to impact nesting migratory birds protected by the Migratory Bird Treaty Act (MBTA) and the CDFW.

Threshold b: No Impact. There is no potential for the Project to 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 CDFG or USFWS because these resources do not exist on the Project site.

Threshold c: No Impact. There is no potential for the Project to 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 because these resources do not exist on the Project site.

Threshold d: No Impact. There is no potential for the Project to 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 because the Project site does not function as part of a wildlife movement corridor.

Threshold e: No Impact. There is no potential for the Project to conflict with any local policies or ordinance protecting biological resources because no such policies or ordinances are in place that have applicability to the Project site.

Threshold f: No impact. 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 because not such plans are in place that have applicability to the Project site.

4.3.7 MITIGATION

BIO MM-1 Surveys to detect burrowing owls shall be conducted by a professional biologist in consultation with CDFW no more than 30 days prior to any ground disturbance activities on the Project site and can be conducted concurrently with the pre-activity surveys required per BIO MM-2, BIO MM-3 and BIO MM-4. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a professional biologist verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If burrowing owls are observed using burrows during the surveys, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFW protocols, *Staff Report on Burrowing Owl Mitigation*, shall be implemented. In such case, exclusion devices shall not be placed until the young have fledged and are no longer dependent upon the burrow, as determined by a professional biologist. Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a professional biologist.

BIO MM-2 If vegetation clearing or initial ground-disturbing construction activity occurs during the migratory bird nesting season (February 1 to August 31) a professional avian biologist shall conduct a nesting bird survey to identify any active nests present within the proposed work area. If active nests are found, initial ground disturbance shall be postponed or halted within a buffer area, established by the professional avian biologist, that is suitable to the particular bird species and location of the nest, until juveniles have fledged or the nest has been abandoned, as determined by the biologist. The construction avoidance area shall be clearly demarcated in

the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas.

- BIO MM-3 Prior to vegetation clearing or initial ground-disturbing construction activities, a professional biologist shall conduct a survey to determine the presence of suitable foraging, nesting, or overwintering habitat for the Crotch bumblebee (CBB) within or immediately adjacent to the work limits. If suitable habitat is present, at least 2 visual surveys shall be conducted by a professional biologist between April 1 and May 30 to detect CBB on or within 100 feet of the work limits prior to vegetation removal/initial ground disturbance. The surveys shall target the peak flowering period of CBB preferred nectar plants and shall be conducted by a professional biologist who is familiar with CBB behavior and life history to determine presence/absence of CBB within one year of vegetation removal/initial ground disturbance. CBB individuals shall only be handled for identification if appropriate authorizations are issued. Surveys shall be conducted under suitable conditions for observation of bumble bees. Methods shall be in accordance agency protocols if issued. If no agency protocols have been issued at the time of the surveys, the following survey parameters will be applied: the professional biologist will walk slow (≤ 2 mph) meandering transects covering all portions suitable habitat within and immediately adjacent to the work limits containing suitable habitat; surveys will be conducted no earlier than 2 hours after sunrise and 3 hours before sunset, on mostly sunny days with temperature between 65° and 90° F; surveys will not be conducted on cloudy days ($\geq 90\%$ cloud cover) or under wet or windy conditions (≥ 8 mph). Surveyors will search for bumble bees in flight and potential nest sites.

All potential CBB nests found in small mammal burrows, under thatched grasses, brush piles or other suitable ground locations shall be further examined based on observations of entering or exiting CBB. Observations of potential CBB nest sites shall be conducted for no less than 15 minutes per location where CBB are possibly entering/exiting, or a longer period as determined by the professional biologist. If no CBB or their nests are detected, no further measures will be necessary provided that vegetation removal/initial ground disturbance occurs prior to March 1 of the year following the negative survey. If vegetation/initial ground disturbance does not occur before March 1 of the year following the negative survey, the survey shall be repeated following the above procedure. If CBB is found to be present, BIO MM-5 shall apply.

- BIO MM-4 No more than 30 days prior to vegetation clearing or initial ground-disturbing construction activities, pre-construction surveys for San Joaquin kit fox and American badger shall be conducted by a professional biologist. The purpose of the preconstruction survey is to provide current biological information in order to implement all avoidance and minimization measures that are required based on any previous observations of special-status species and to update observations shall any new site occupation by special-status species occur. If any known San Joaquin kit fox dens are detected, implementation of the most recent USFWS protocols (*Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011)) is required per BIO MM-5 unless protocols are

issued by either CDFW or USFWS that supersede these protocols. If American badger is present, BIO MM-5 shall apply.

BIO MM-5 If California or Federal listed threatened or endangered species are found occupying burrows, dens, or nests on the Project site or any such species could be injured or killed due to Project-related activities, the CDFW and/or USFWS (as appropriate) shall be contacted for further guidance. Should either agency determine that incidental take authorization is required prior to construction, the appropriate CESA/FESA authorization shall be obtained by the Project Applicant. CESA and FESA authorizations shall include measures addressing the respective state and/or federal listed species and shall include the following at a minimum:

- a) Implementation of standardized biological resource protective measures included in BIO MM-4;
- b) Biological preconstruction surveys conducted by qualified biologists approved by each applicable agency no more than 30 days prior to conducting work on the Project site;
- c) If any known San Joaquin kit fox dens are detected, implementation of the most recent USFWS protocols (*Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011)*) unless protocols are issued by either CDFW or USFWS that supersede these protocols.
- d) Destruction of San Joaquin kit fox dens shall follow the monitoring and excavation procedures in USFWS (2011).
- e) If CBB individuals or nests are detected during any surveys conducted per BIO MM-3, and the CBB remains a state candidate species or is listed under CESA, the Project Applicant shall obtain take authorization from CDFW prior to vegetation removal/initial ground disturbance. A CBB Mortality Reduction Plan shall be submitted for CDFW approval no less than 30 days prior to initial vegetation removal or ground disturbance and the Plan shall contain the following information at a minimum:
 - o Active CBB nests shall be avoided by 50 feet. If CBB nests cannot be avoided, the Plan shall include seasonal restrictions for disturbance within 50 feet of any nest and procedures for determining when nest impacts will be minimized.
 - o Vegetation removal/initial ground disturbance shall be limited to the period when impacts to individual CBB that may be underground will be minimized (e.g., after nests have become inactive).
 - o Prior to vegetation removal/initial ground disturbance, small mammal burrows that may harbor overwintering CBB queens shall be excavated by hand. The Plan shall include timing and excavation methods. In addition, the Plan shall include procedures for handling and disposition of CBB if encountered during burrow excavations.

- The Plan shall include procedures for handling and disposition of individual CBB if they are encountered in the work limits or on construction equipment during construction activities.
- f) Biological monitoring of initial ground disturbance during each phase of grading;
- g) Provision for compliance reporting to be provided to each agency as required in respective take authorizations;
- h) Compensation for habitat disturbance acceptable to CDFW (state listed species) and/or USFWS (federal listed species) at a ratio of no less than 3:1 for permanent impacts and 1.1:1 for temporary impacts to listed species habitat. The only existing approved conservation bank for impacts to San Joaquin kit fox habitat in Kern County is the Kern Water Bank Authority Conservation Bank. Lands used to mitigate for San Joaquin kit fox must be contiguous with other potentially occupied lands, provide suitable foraging and denning habitat for San Joaquin kit fox, and be located in the southern San Joaquin Valley portion of Kern County below 1,500' in elevation;
- i) Compensation land shall be funded for maintenance, protection, and management through establishment of a long-term funding mechanism such as an endowment. The endowment must be a non-wasting account that is acceptable to both CDFW and USFWS.

BIO MM-6 All biological monitors working on the Project site shall be required by their contract to notify the USFWS and CDFW of the discovery of any protected species identified on the site other than nesting birds, Crotch bumblebee, San Joaquin kit fox and American badger which are addressed by BIO MM-1, BIO MM-2, BIO MM-3, BIO MM-4, and BIO MM-5. Any take of protected wildlife shall be reported immediately to USFWS and CDFW.

BIO MM-7 The Project Applicant shall ensure that the Project's construction contractors adhere to the following best management practices. Construction contractors shall be required by their contracts to comply with these best practices and permit periodic inspection of the construction site by City of Bakersfield staff or its designee to confirm compliance. A note that requires compliance is required on all grading and building plans approved by the City of Bakersfield.

- a) Traffic restraints and signs shall be established to minimize temporary disturbances during construction beyond the construction site boundaries. All construction traffic shall be restricted to designated access roads and routes, Project site, storage areas, and staging and parking areas. Off-road traffic outside designated Project boundaries shall be prohibited. A 15 mile-per-hour (24 kilometer-per-hour) speed limit shall be observed in all Project construction areas, except as otherwise posted on county roads and state and federal highways.
- b) All construction personnel involved in ground-disturbing construction activities shall attend a worker orientation program. The worker orientation program shall present

measures required to avoid, minimize, and mitigate impacts to biological resources and shall include, at a minimum, the following subjects: A summary of the Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), and the Migratory Bird Treaty Act (MBTA); biological survey results for the current construction area; life history information for the species of concern; biological resource avoidance, minimization, and mitigation requirements; consequences for failure to successfully implement requirements; and procedures to be followed if dead or injured wildlife are located during Project activities. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all biological resource mitigation measures. Forms verifying worker attendance shall be filed at the Project Applicant's office and be accessible to the City of Bakersfield, USFWS and CDFW staff. No untrained personnel shall be allowed to work onsite with the exception of delivery trucks that are only onsite for 1 day or less and are under the supervision of a trained employee.

- c) All equipment storage and parking during construction activities shall be confined to the designated construction area or to previously disturbed offsite areas that are not habitat for listed species.
- d) All Project construction activities involving initial surface disturbance shall occur during daylight hours.
- e) Trenches shall be inspected for entrapped wildlife each morning prior to the onset of construction. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped animals. Any wildlife so discovered shall be allowed to escape voluntarily, without harassment, before construction activities resume. A professional biologist may remove wildlife from a trench, hole or other entrapment out of harm's way if the immediate welfare of the individual is in jeopardy. State or federal listed species may not be handled. Should any state or federal listed species become entrapped, CDFW and USFWS shall be contacted as appropriate.
- f) All food-related trash items such as wrappers, cans, bottles and food scraps generated by Project construction activities shall be disposed of in closed containers and removed at least once each week from the site. Deliberate feeding of wildlife shall be prohibited.
- g) To prevent harassment of special-status species, construction personnel shall not be allowed to have firearms or pets on the Project site.
- h) All equipment and work-related materials shall be contained in closed containers either in the work area or on vehicles. Loose items (e.g. rags, hose, etc.) shall be stored within closed containers or enclosed in vehicles when on the work site.
- i) All liquids shall be in closed, covered containers. Any spills of hazardous liquids shall not be left unattended until clean-up has been completed.

- j) Use of rodenticides and herbicides on the Project shall be prohibited unless approved by the USFWS and the CDFW. This is necessary to prevent primary or secondary poisoning of special-status species using adjacent habitats, and to avoid the depletion of prey upon which they depend. If rodent control must be conducted, zinc phosphide shall be used because of its proven lower risk to SJKF.
- k) Any employee who inadvertently kills or injures a listed species, or who finds any such wildlife dead, injured, or entrapped on the Project site, shall be required to report the incident immediately to a designated site representative (e.g., foreman, project manager, environmental inspector, etc.).
- l) In the case of entrapped wildlife that are listed species, escape ramps or structures shall be installed immediately, if possible, to allow the subject wildlife to escape unimpeded.
- m) In the case of injured special-status wildlife, the CDFW shall be notified immediately. During business hours Monday through Friday, the phone number is (559) 243-4017. For non-business hours, report to (800) 952-5400. Notification shall include the date, time, location, and circumstances of the incident. Instructions provided by the CDFW for the care of the injured animal shall be followed by the contractor onsite.
- n) In the case of dead wildlife that are listed as threatened or endangered, the USFWS and the CDFW shall be immediately (within 24 hours) notified by phone or in person, and shall document the initial notification in writing within 2 working days of the findings of any such wildlife. Notification shall include the date, time, location, and circumstances of the incident.
- o) Prior to commencement of construction, work areas not adjacent to public streets shall be clearly marked with fencing, stakes with rope or cord, or other means of delineating the work area boundaries.
- p) If any suspected federally or State protected plant or animal species is found to be present during Project-related construction activities, occupied areas shall be avoided and the construction contractor shall be required by its contract to call a CDFW-approved biologist to the site to identify the species. If the species is protected, the qualified biologist shall notify the USFWS and CDFW of any previously unreported protected species. Any take of protected wildlife shall be reported immediately to USFWS and CDFW.

4.3.8 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less than Significant Impact with Mitigation Incorporated. With implementation of BIO MM-1, BIO MM-2, BIO MM-3, BIO MM-4, BIO MM-5, BIO MM-6, and BIO MM-7, the Project's potential impacts Crotch bumble bee, burrowing owl, SJKF, and American badger would be reduced to less than significant.

4.4 CULTURAL RESOURCES

The analysis and information in this Subsection 4.4 are based primarily on a technical study prepared by Duke Cultural Resources Management (hereinafter “Duke CRM”), titled “Cultural Resources Assessment for the Veterans Affairs Bakersfield Community Based Outpatient Clinic Project, City of Bakersfield, County of Kern, California,” dated November 23, 2022. This technical report is included as *Technical Appendix D* to this EIR (Duke CRM, 2022).

Confidential information was redacted from *Technical Appendix D* for purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City of Bakersfield, and Duke CRM is considered confidential in respect to places that may have traditional tribal cultural significance (Government Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code Regulations Section 15120(d)).

4.4.1 EXISTING CONDITIONS

The Project site is vacant and undeveloped land. The Project site was in agricultural use from at least 1937 to 1973, but has long since been fallow and uncultivated. A small outbuilding associated with a northern adjacent rural residence was present in the northwestern portion of the Project site during the same time frame. The Project site has been uncultivated, vacant land since at least 1984. Non-native ruderal vegetation is present on the Project site and there have been various disturbances on the site including fire and disking for weed control and fire prevention.

A. Cultural Resources Study Methods/Project Background

Duke CRM completed a cultural resources study of the Project area in March 2022. The study consisted of a records search at the Southern San Joaquin Archaeological Information Center (SSJVIC), a search of the Sacred Lands File (SLF) by the Native American Heritage Commission (NAHC), and a pedestrian survey of the Project site.

1. Archaeological Records Search

Duke CRM requested a cultural resource record search from the SSJVIC to identify any prehistoric and historical cultural resources that may have been documented within 0.5-mile of the Project site. The SSJVIC search was undertaken on March 22, 2022. Duke CRM also contacted the NAHC and requested a SLF search. The objective of the SLF search was to determine if the NAHC had any knowledge of Native American cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the Project area that had been reported.

2. *Pedestrian Survey*

Duke CRM conducted an intensive pedestrian survey of the Project site on March 22, 2022. The pedestrian survey consisted of a series of parallel transects spaced no greater than 15 meters apart to examine all exposed ground surfaces. All areas likely to contain sensitive cultural resources were carefully inspected to ensure discovery and documentation of any visible potentially significant cultural resources located within the Project site.

B. Results

1. *Results of the Records Review*

The SSJVIC identified a total of 22 cultural resource reports published pertaining to properties within a 0.5-mile radius of the Project area; however, none of the reports covered property located within the Project site boundary (Duke CRM, 2022, p. 2).

In total, three prehistoric period resources and ten historic period resources (13 resources total) have been documented in the 22 reports, covering properties within 0.5-mile of the Project site. None of the documented cultural resources were recorded within the Project site boundaries (Duke CRM, 2022, pp. 1-2). Refer to Table 1 in *Technical Appendix D* for a list of the 13 resources occurring within 0.5-mile of the site that were identified in the 22 reports. The historic resources include roads, rail lines, irrigation infrastructure, oil wells, and one industrial building foundation, with the nearest historic resource being the Beardsley One Ditch, an abandoned portion of the Beardsley Irrigation Canal located approximately 560 feet to east of the Project site. The prehistoric resources include one fragmented mano, one isolate, and a site containing a steatite bowl fragment, flake, and pestle, with the nearest recorded prehistoric resource being a quartzite cobble isolate located approximately 575 feet to the south of the Project site (Duke CRM, 2022, pp. 1-2).

2. *Results of the NAHC SLF File Search*

Duke CRM also requested a records search of the SLF by the NAHC, to ascertain the presence of known sacred sites, Native American cultural resources, and/or human remains within the boundaries of the Project site. On May 25, 2022, the NAHC indicated that there were no Native American cultural resources identified within the SLF for the Project site (Duke CRM, 2022, p. 2).

3. *Significance Evaluation*

Duke CRM conducted a pedestrian survey of the Project site on March 22, 2022. The entirety of the Project site was inspected by walking a series of parallel transects. The Project site had tall grass that led to low to moderate visibility with modern debris scattered throughout the site. No cultural resources (prehistoric or historic greater than 45 years old) were observed during the field survey (Duke CRM, 2022, p. 2).

4.4.2 APPLICABLE REGULATORY REQUIREMENTS

The following is a brief description of the federal and State environmental laws and related regulations governing the protection of cultural resources.

A. *Federal Regulations*

1. *National Historic Preservation Act*

The National Historic Preservation Act of 1966 (NHPA) was passed primarily to acknowledge the importance of protecting our nation's heritage. While Congress recognized that national goals for historic preservation could best be achieved by supporting the drive, enthusiasm, and wishes of local citizens and communities, it understood that the federal government must set an example through enlightened policies and practices. In the words of the Act, the federal government's role would be to "provide leadership" for preservation, "contribute to" and "give maximum encouragement" to preservation, and "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony" (NPS, n.d.).

Section 106 of NHPA granted legal status to historic preservation in federal planning, decision-making, and project execution. Section 106 requires all federal agencies to take into account the effects of their actions on historic properties, and provide ACHP with a reasonable opportunity to comment on those actions and the manner in which federal agencies are taking historic properties into account in their decisions (NPS, n.d.).

2. *National Register of Historic Places (NRHP)*

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the NHPA of 1966, the NPS's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources (NPS, 2022).

To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance, as follows:

- **Age and Integrity.** Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?
- **Significance.** Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural history, landscape history, or engineering achievements? Does it have the potential to yield information through archaeological investigation about our past (NPS, 2022)?

Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards used by every state. Under federal law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access (NPS, 2022).

3. *Native American Graves Protection and Repatriation Act (NAGPRA)*

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation (NPS, n.d.).

B. State Plans, Policies, and Regulations

1. *California Administrative Code, Title 14, Section 4308*

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: “No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value” (NPS, n.d.).

2. *California Code of Regulations Title 14, Section 1427*

California Code of Regulations Title 14, Section 1427 provides that: “No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found” (NAHC, n.d.).

3. *California Register of Historic Resources*

The State Historical Resources Commission has designed this program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The Register is the authoritative guide to the state's significant historical and archaeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA (OHP, n.d.).

In order for a resource to be included on the Register of Historic Resources, the resources must meet one of the following criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4).

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if property is threatened by a project. Additionally, local building inspectors must grant code

alternatives provided under State Historical Building Code. Further, the local assessor may enter into contract with property owner for property tax reduction pursuant to the Mills Act. A property owner also may place his or her own plaque or marker at the site of the resource (OHP, n.d.).

Consent of owner is not required, but a resource cannot be listed over an owner's objections. The State Historical Resources Commission (SHRC) can, however, formally determine a property eligible for the California Register if the resource owner objects (OHP, n.d.).

4. Assembly Bill 52 (AB 52)

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2, and 21084.3 to the California Public Resources Code relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process (OPR, 2017).

The Public Resources Code now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Public Resources Code § 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project (Public Resources Code § 21080.3.1.).

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 21084.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015.

Section 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, State, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource.

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the California Register of Historic Resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe (OPR, 2017).

5. State Health and Safety Code

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery...” until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. § 7051 specifies that the removal of human remains from “internment or a place of storage while awaiting internment” with the intent to sell them or to dissect them with “malice or wantonness” is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that “all California Indian human remains and cultural items are to be treated with dignity and respect.” It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims (CA Legislative Info, n.d.).

6. California Code of Regulations Section 15064.5 (CEQA Guidelines)

The California Code of Regulations, Title 14, Chapter 3, Section 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines § 15064.5, as follows (CRNA, 2019):

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - Is associated with the lives of persons important in our past;
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

4.4.3 BASIS FOR DETERMINING SIGNIFICANCE

Section V of Appendix G to the CEQA Guidelines addresses typical adverse effects to cultural resources, and includes the following threshold questions to evaluate the Project’s impacts on cultural resources (OPR, 2019):

- 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 formal cemeteries.*

4.4.4 IMPACT ANALYSIS

Threshold a: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5

As discussed in Subsection 4.4.1, no historical resources were identified on the Project site with either the SSJVIC records search or during the field survey. Therefore, because no historical resources exist on the surface of the Project site, implementation of the Project has no potential to result in a substantial adverse change in the significance of a known historical resource as defined by CEQA Guidelines Section 15064.5. However, it is possible (although unlikely due to the disturbed nature of the site) historical resources may be present beneath the site’s subsurface, and may be unearthed by ground-disturbing activities associated with Project construction. If any historical resources are unearthed during Project construction that meet the definition of a significant historical resource pursuant to CEQA Guidelines Section 15064.5 and are disturbed/damaged by Project construction activities, impacts to those resources would be significant.

Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Based on the cultural records search and pedestrian survey of the Project site, no known archaeological resources are present on the Project site. Additionally, no Native American tribes requested consultation regarding the Project, as discussed in Subsection 4.13, *Tribal Cultural Resources*. Because no archaeological resources are known to exist on the Project site, implementation of the proposed Project would not cause a substantial adverse change in the significance of a known archaeological resource pursuant to § 15064.5. However, it is possible (although unlikely due to the disturbed nature of the site) that previously undiscovered archaeological resources may be present beneath the site's subsurface, and may be unearthed by ground-disturbing activities associated with Project construction. If any prehistoric cultural resources are unearthed during Project construction that meet the definition of a significant archaeological resource pursuant to CEQA Guidelines Section 15064.5 and are disturbed/damaged by Project construction activities, impacts to those archaeological resources would be significant.

Threshold c: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate vicinity of the site. A field survey conducted on the Project site did not identify the presence of any human remains and no human remains are known to exist beneath the surface of the site (Duke CRM, 2022, p. 2). Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5 "Disturbance of Human Remains." According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. Notwithstanding the requirements of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097.98, due to the potential (although unlikely due to the disturbed nature

of the site) to discover buried human remains during Project construction activities (i.e., grading), a potentially significant impact would occur and mitigation would be required.

4.4.5 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for cultural resources considers development of the Project site in conjunction with other development projects in the vicinity of the Project site as well as full General Plan buildout in the City of Bakersfield and other jurisdictions in the region.

Significance of a Historical Resource Pursuant to § 15064.5

The potential for Project construction to result in cumulatively-considerable impacts to historical resources was analyzed in conjunction with other projects located in City of Bakersfield and unincorporated Kern County. Implementation of the Project would not impact any known historical resources and the likelihood of uncovering subsurface historical resources during Project construction is low due to the ground disturbance that has occurred on and adjacent to the site. Nonetheless, the potential exists for subsurface historical resources that meet the CEQA Guidelines § 15064.5 definition of a significant historical resource to be discovered during Project construction and during construction of other local development projects. Accordingly, the Project has the potential to contribute to a significant cumulative impact to historical resources pursuant to § 15064.5.

Significance of an Archaeological Resource Pursuant to § 15064.5

The potential for Project construction to result in cumulatively-considerable impacts to prehistoric archaeological resources was analyzed in conjunction with other projects located in the traditional use areas of Native American tribes that are affiliated to the Project site. Implementation of the Project would not impact any known prehistoric cultural resources and the likelihood of uncovering subsurface prehistoric cultural resources during Project construction is low due to the ground disturbance that has occurred on and adjacent to the site. Nonetheless, the potential exists for subsurface prehistoric cultural resource that meet the CEQA Guidelines § 15064.5 definition of a significant archaeological resource to be discovered during Project construction and during construction of other local development projects. Accordingly, the Project has the potential to contribute to a significant cumulative impact to archaeological resources pursuant to § 15064.5.

Disturbance of Human Remains

As discussed under Threshold c), although the Project would be subject to compliance with the provisions of California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097 et. seq., there is a potential that buried human remains could be uncovered during construction of the proposed Project. Other cumulative developments similarly would have the potential to uncover buried human remains. Accordingly, the Project's potential impacts to human remains would be cumulatively considerable prior to mitigation.

4.4.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively Considerable Impact. The Project would not impact any known historical resources and would not cause a substantial adverse change in the significance of any known historical resources pursuant to California Code of Regulation, Section 15064.5. However, there is a remote possibility that subsurface historical resources may exist and may be unearthed and impacted during Project-

related construction activities. Therefore, the Project's potential impact to potentially present subsurface historical resources would be significant prior to mitigation.

Threshold b: Significant Direct and Cumulatively Considerable Impact. The Project would not impact any known archaeological sites and would not cause a substantial adverse change in the significance of any known archaeological resources pursuant to California Code of Regulation, Section 15064.5. However, there is a possibility that subsurface archaeological resources may exist and may be unearthed and impacted during Project-related construction activities. Therefore, the Project's potential impact to potentially present subsurface archaeological resources would be significant prior to mitigation.

Threshold c: Significant Direct and Cumulatively Considerable Impact. The Project site does not contain a cemetery and no known cemeteries are located within the immediate site vicinity. Although the Project Applicant would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097 et. seq., the Project's potential impacts to buried human remain, if discovered would be significant on a direct and cumulatively-considerable basis prior to mitigation.

4.4.7 MITIGATION

- CR MM-1 Prior to construction and as needed throughout the construction period involving ground-disturbing construction activities, 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 that meets the U.S. Secretary of the Interior's Professional Qualification Standards. Workers attending the training shall sign a form that shall be kept by the Project Applicant and made available to the City of Bakersfield upon request.
- CR MM-2 If suspected historical or archaeological resources are encountered during ground disturbance activities, the construction contractor(s) shall be required by their contract to immediately cease work within 100 feet of the resources and have the area partitioned off until a qualified cultural resource specialist that meets the U.S. Secretary of the Interior's Professional Qualification Standards can evaluate the resources found and make recommendations. If the specialist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required. If cultural resources are discovered that may have relevance to Native Americans, the specialist or Project Applicant must provide written notice to the City of Bakersfield, Tejon Indian Tribe, Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the specialist in consultation with the City of Bakersfield to receive input regarding treatment and disposition of the resource, which may include avoidance, testing, and/or excavation to prevent destruction of the resource and/or to allow documentation of the resource for research potential. 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.

CR MM-3 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. Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).

4.4.8 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Thresholds a and b: Less than Significant Impact with Mitigation Incorporated. Implementation of Mitigation Measures (MMs) CR MM-1 and CR MM-2 would ensure the proper identification and subsequent treatment of any significant historical or archaeological resources that may be encountered during ground-disturbing activities associated with Project construction. With implementation of the required mitigation, the Project's potential impacts to important historical and archaeological resources would be reduced to less than significant. Cumulatively-considerable impacts would likewise be reduced to less than significant.

Threshold c: Less-than-Significant Impact with Mitigation Incorporated. In the event that human remains are discovered during construction activities, Mitigation Measure CR MM-3 would require compliance with the applicable provisions of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097 et. seq. Mandatory compliance with Mitigation Measure CR MM-3, State law, and applicable regulatory requirements would reduce the Project's potential impacts to buried human remains to less-than-significant levels.

4.5 ENERGY

The analysis in this Subsection 4.5 evaluates the potential for energy-related impacts associated with the Project and ways in which the Project would reduce unnecessary energy consumption, consistent with the suggestions contained in Appendix F of the CEQA Guidelines. The energy service provider to the site is Pacific Gas & Electric (PG&E) for both natural gas and electricity. Refer to Section 7.0, *References*, for a complete list of reference sources used in this analysis.

4.5.1 EXISTING CONDITIONS

A. Electricity

The Project site is in PG&E's service area which spans an area of 70,000 square miles in northern and central California, from Eureka in the north to Bakersfield in the south, and from the Pacific Ocean in the west to the Sierra Nevada in the east (PG&E, n.d.). In 2021, total electricity consumption in PG&E's service area was 104,336.9 gigawatt-hours (GWh) (CEC, n.d.). Sources of electricity sold in 2019, the latest year for which data are available, were: (PG&E, n.d.)

- 44 percent nuclear,
- 29 percent renewable, consisting mostly of solar and wind, and
- 27 percent large hydro.

The Project site is currently vacant and, therefore, does not generate any electricity demands.

B. Natural Gas

PG&E provides gas to the Project Site. In 2021, total natural gas consumption in PG&E's service area was 4,493.0 millions of therms (PG&E, n.d.). The Project site is currently vacant and, therefore, does not generate any existing natural gas demands.

4.5.2 ENVIRONMENTAL SETTING

Section 21100(b)(3) of CEQA requires that an EIR include a detailed statement setting forth mitigation measures proposed to minimize significant effects on the environment, including but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy. Appendix F of the State CEQA Guidelines states that, in order to ensure that energy implications are considered in project decisions, the potential energy implications of a project shall be considered in an EIR, to the extent relevant and applicable to the project. Appendix F further states that a project's energy consumption and proposed conservation measures may be addressed, as relevant and applicable, in the Project Description, Environmental Setting and Impact Analysis portions of technical sections, as well as through mitigation measures and alternatives.

In accordance with Appendix F and G of the State CEQA Guidelines, this EIR includes relevant information and analyses that address the energy implications of the proposed Project. This section represents a summary of the proposed Project's anticipated energy needs, impacts, and conservation measures. Information found herein, as well as other aspects of the proposed Project's energy implications, are discussed in greater detail

elsewhere in this EIR, including Chapter 3, *Project Description*, and Sections 4.2, *Air Quality*, 4.7, *Greenhouse Gas Emissions*, and 4.11, *Transportation*.

4.5.3 REGULATORY SETTING

A. Federal Plans, Policies, and Regulations

1. *Intermodal Surface Transportation Efficiency Act (ISTEA)*

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of intermodal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions. The applicable MPO for the City of Bakersfield is the Kern County Association of Governments (Kern COG). Kern COG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is the applicable planning document for the area (FHWA, 2020).

2. *The Transportation Equity Act for the 21st Century (TEA-21)*

The Transportation Equity Act for the 21st Century (TEA-21) authorizes over \$200 billion to improve the Nation's transportation infrastructure, enhance economic growth and protect the environment. TEA-21 creates new opportunities to improve air and water quality, restore wetlands and natural habitat, and rejuvenate urban areas through transportation redevelopment, increased transit and sustainable alternatives to urban sprawl. Several provisions of TEA-21 create new opportunities for water quality improvements. The following describes how these TEA-21 provisions work and their potential to fund water quality enhancements. (USEPA, 2022i)

B. State Plans, Policies, and Regulations

1. *Integrated Energy Policy Report*

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the State's economy; and protect public health and safety (Public Resources Code § 25301a). The CEC prepares these assessments and associated policy recommendations every two years, with updates on alternate years, as part of the Integrated Energy Policy Report (IEPR) (CEC, n.d.).

The 2019 IEPR focuses on changes in its energy system to address climate change and improve air quality in order to ensure that all Californians share in the benefit of the state's clean energy future. The report provides an analysis of electricity sector trends, building decarbonization and energy efficiency, zero-emission vehicles, energy equity, climate change adaptation, electricity reliability in Southern California, natural gas technologies, and electricity, natural gas, and transportation energy demand forecasts. In response to SB 100, which calls for California's electricity system to become 100 percent zero-carbon by 2045, the CEC, California

Public Utilities Commission (CPUC) and the California Air Resources Board (CARB) are leading the way to identify pathways to remove carbon from the state's electricity system. The goal is to utilize the clean electricity system to eliminate the carbon from other portions of California's energy system (CEC, n.d.).

2. California Code Title 24, Part 6, Energy Efficiency Standards

California Code Title 24, Part 6 (also referred to as the California Energy Code) was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. California's building efficiency standards are updated on an approximately three-year cycle. The 2019 Standards for building construction, which went into effect on January 1, 2020, improved upon the former 2016 Standards for residential and nonresidential buildings. The CEC anticipates that single-family homes built with the 2019 standards will use approximately 7% less energy compared to the residential homes built under the 2016 standards. Additionally, after implementation of solar PV systems, homes built under the 2019 standards will use approximately 53% less energy than homes built under the 2016 standards. Nonresidential buildings will use approximately 30% less energy due to lighting upgrades compared to the prior code (CEC, n.d.).

3. California Renewable Portfolio Standards (RPS)

The California Energy Commission (CEC) implements and administers portions of California's Renewables Portfolio Standard (RPS). Under the RPS, 25% of retail sales were originally required to be from renewable sources by December 31, 2016, 33% by December 31, 2020, 40% by December 31, 2024, 45% by December 31, 2027, and 50% by December 31, 2030. SB 100 raises California's RPS requirement to 50% renewable resources target by December 31, 2026, and to a 60% target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44% of retail sales by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California Environmental Protection Agency (CalEPA), the Department of Food and Agriculture (CDFA), and California Air Resources Board (CARB) to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal (CEC, n.d.).

4. Pavley Fuel Efficiency Standards (AB 1493)

AB 1493 required the California Air Resources Board (CARB) to adopt the nation's first GHG emission standards for automobiles. On September 24, 2009, CARB adopted amendments to the "Pavley" regulations that reduced GHG emissions in new passenger vehicles from model year 2009 through 2016. The U.S. EPA granted California the authority to implement GHG emission reduction standards for new passenger cars, pickup trucks, and sport utility vehicles on June 30, 2009. It is expected that the Pavley regulations reduced GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016, all while improving fuel efficiency and reducing motorists' costs. CARB has since adopted a new approach

to cars and light trucks by combining the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California (CARB, n.d.).

5. *Advanced Clean Cars Program*

In 2012, the CARB adopted a set of regulations to control emissions from passenger vehicle model years 2017 through 2025, collectively called Advanced Clean Cars. Advanced Clean Cars, developed in coordination with the U.S. EPA and National Highway Traffic Safety Administration (NHTSA), combined the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated package of regulations: the Low-Emission Vehicle III Regulation for criteria (LEV III Criteria) and GHG (LEV III GHG) emissions, and a technology-forcing mandate for zero-emission vehicles (ZEV). The goal of the program is to guide the development of environmentally advanced cars that would continue to deliver the performance, utility, and safety, car owners have come to expect. Advanced Clean Cars includes the following elements (CARB, n.d.):

- LEV III Criteria: Reducing Smog-Forming Pollution. CARB adopted new emission standards to reduce smog-forming emissions (also known as “criteria pollutants”) beginning with 2015 model year vehicles. The goal of this regulation is to have cars emit 75 percent less smog-forming pollution than the average car sold in 2012 by 2025.
- LEV III GHG: Reducing GHG Emissions. California’s GHG regulations are projected to reduce GHG emissions from new vehicles by approximately 40 percent (from 2012 model vehicles) in 2025.
- ZEV Regulation: Promoting the Cleanest Cars. The ZEV regulation is designed to achieve the State’s long-term emission reduction goals by requiring auto manufacturers to offer for sale specific numbers of the very cleanest cars available. These vehicle technologies include full battery-electric, hydrogen fuel cell, and plug-in hybrid-electric vehicles. Updated estimates using publicly available information show about 8 percent of California new vehicle sales in 2025 will be ZEVs and plug-in hybrids.

6. *Advanced Clean Trucks Program*

In June, 2020, CARB adopted a new rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission. Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales. CARB reports that as of 2020, most commercially-available models of zero-emission vans, trucks and buses operate less than 100 miles per day. Commercial availability of electric-powered long-haul trucks is very limited. However, as technology advances over the next 20 years, zero-emission trucks will become suitable for more applications, and several truck manufacturers have announced plans to introduce market ready zero-emission trucks in the future. When commercial availability of electric-powered long-haul trucks is more readily available, implementation of the Advanced Clean Trucks Regulation is anticipated to significantly reduce GHG emissions and energy usage statewide (CARB, 2021).

7. California Renewable Portfolio Standard (SB 1078)

SB 1078 required electricity retailers to increase the amount of energy obtained from eligible renewable energy resources to 20% by 2010 and 33% by 2020. Additionally, former Governor Edmund G. Brown, Jr. signed into law Senate Bill 350 in October 2015, which requires retail sellers and publicly owned utilities to procure 50% of their electricity from eligible renewable energy resources by 2030. The CEC and the CPUC work collaboratively to implement the renewable portfolio standards (RPS). The CPUC implements and administers RPS compliance rules for California's retail sellers of electricity, which include investor-owned utilities (IOU), publicly owned utilities (POUs), electric service providers (ESP) and community choice aggregators (CCA). The CEC is responsible for the certification of electrical generation facilities as eligible renewable energy resources, and adopting regulations for the enforcement of RPS procurement requirements of POUs. In 2017, California's three large IOU's (Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric) collectively served 36% of their retail electricity sales with renewable power. The IOU's utilize a mix of RPS resources such a wind, solar photovoltaics (PV), solar thermal, hydroelectricity, geothermal, and bioenergy to meet their renewable procurement targets (CA Legislative Info, 2002).

8. Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015

In October 2015, the legislature approved, and the Governor signed, SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the renewables portfolio standard (RPS), higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce statewide GHG emissions (CA Legislative Info, n.d.):

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the CEC, and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

9. California Solar Rights and Solar Shade Control Act

The Solar Rights Act sets parameters for establishing solar easements, prohibits ordinances and private covenants which restrict solar systems, and requires communities to consider passive solar and natural heating and cooling opportunities in new construction. This Act is applicable to all California cities and counties. California's solar access laws appear in the state's Civil, Government, Health and Safety, and Public Resources Codes. California Pub Res Code § 25980 sets forth the Solar Shade Control Act, which encourages the use of trees and other natural shading except in cases where the shading may interfere with the use of active and passive solar systems. (EPIC, 2014; EPIC, 2010)

C. Local Plans, Policies, and Regulations

The City of Bakersfield currently does not have any adopted plans or policies regarding energy conservation and efficiency that apply to private development projects other than building code requirements. The City of Bakersfield does not have an adopted Climate Action Plan and the Metropolitan Bakersfield General Plan does not have an Energy Element.

4.5.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section I of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact associated with energy if the Project or any Project-related component would (OPR, 2019):

- 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.*

Regarding the determination of significance under Threshold a., if energy consumed by the Project cannot be accommodated with existing available resources and energy delivery systems, and/or the Project requires and/or consumes more energy than industrial uses in California of similar scale and intensity, the Project would result in wasteful, inefficient, or unnecessary consumption of energy. There is no adopted quantitative threshold applicable to the Project for determining a significant energy impact.

4.5.5 IMPACT ANALYSIS

Threshold a: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Implementation of the Project would result in energy consumption from construction and long-term operational activities.

A. Short-Term Construction Energy Consumption

Construction of the proposed project would create temporary increased demands for electricity and vehicle fuels compared to existing conditions and would result in short-term transportation-related energy use. Natural gas is not generally required to power construction equipment, and therefore is not anticipated to be used during construction phases.

1. Electrical Energy

Construction activities associated with the Project would require electricity use to power the construction equipment. The electricity use during construction would vary during different phases of construction: the majority of construction equipment during grading would be gas-powered or diesel-powered, while later construction phases would require electricity-powered equipment such as nail guns for interior construction and sprayers for architectural coatings. Overall, the use of electricity would be temporary in nature and would

fluctuate according to the phase of construction. Additionally, it is anticipated that the majority of electric-powered construction equipment would be hand tools (e.g., power drills, table saws, compressors) and lighting, which would result in minimal electricity usage during construction activities. Therefore, Project-related construction activities would not result in wasteful or unnecessary electricity demands and impacts would be less than significant.

2. *Natural Gas Energy*

It is not anticipated that construction equipment used for the proposed Project would be powered by natural gas and no natural gas demand is anticipated during construction. Therefore, impacts would be less than significant with respect to natural gas usage.

3. *Transportation Energy*

Transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy used during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel and/or gasoline. It is anticipated that the majority of off-road construction equipment, such as those used during grading activities, would be gas-powered or diesel-powered.

The use of energy resources by vehicles and equipment would fluctuate according to the phase of construction. To limit wasteful and unnecessary energy consumption, the construction contractors are anticipated to minimize non-essential idling of construction equipment during construction in accordance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. In addition, electrical energy would be available for use during construction from existing power lines and connection, which could minimize or avoid the use of generators that are less efficient than tying into existing PG&E infrastructure. Furthermore, construction trips would not result in unnecessary use of energy since the Project site is located close to SR-99 which would provide a direct route from various areas of the region. Moreover, all construction-equipment would cease upon completion of Project construction. Thus, impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure. Overall, it is expected that construction fuel used during the proposed Project's construction would not be any more inefficient, wasteful, or unnecessary than similar development projects. Therefore, impacts would be less than significant with respect to transportation energy.

B. Long-Term Project Operation Energy Consumption

Operation of the Project would create additional demands for electricity and natural gas compared to existing conditions and would result also in transportation energy use. However, because the opening of the Project would cause the existing VA clinic in Bakersfield on Westwind Drive to close, any net increase usage of energy (if an increase at all) would be very small. Operational use of energy would include heating, cooling, and ventilation of the buildings water heating; operation of electrical systems, use of on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting. It is expected that, on a gross basis without netting out the energy being consumed by the existing VA clinic, the Project would consume 371,171 kilowatt hours per year (kWh/yr) in electricity and 462,137 kilo-British thermal units (kBTU/yr) in natural gas (Trinity,

2023, Model Results). Because the Project would be built to meet the Building Energy Efficiency Standards, the Project would not result in wasteful or unnecessary natural gas demands.

The Project also would consume transportation energy during operations from the use of motor vehicles traveling to and from the site. However, because the opening of the Project would cause the existing VA clinic in Bakersfield to close, any net increase usage of transportation energy (if an increase at all) would be very small. Further, because the proposed outpatient client would offer services that are not currently offered at the existing VA clinic in Bakersfield, and veterans are traveling to Los Angeles and other further VA facilities to receive these medical services under existing conditions, it is reasonable to expect that transportation energy consumption would substantially decrease with implementation of the Project. The Project is also within an urbanized area with nearby amenities and public transit options.

In addition, in compliance with CALGreen, the Project would include bicycle racks and storage for employee use. These features and aspects of the Project would contribute in minimizing VMT and transportation-related fuel usage. Overall, it is expected that operation-related fuel usage associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than similar development projects. Therefore, impacts would be less than significant with respect to operation-related fuel usage or transportation energy.

In sum, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, and all impacts would be less than significant.

Threshold b: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

At this time, other than the generalized policies found within the Metropolitan Bakersfield General Plan, for which Project consistency is presented in Subsection 5.0, *Other CEQA Considerations*, the City has not adopted local programs or policies that support energy efficiency and/or sustainability that would apply to the Project.

The Project does not have any additional ability to incorporate sources of renewable energy (e.g., solar panels) other than what has already been included in the proposal, because pursuant to the relevant contract with the U.S. federal government, the Project must be built to the detailed specifications approved in the already completed federal procurement process and cannot be modified. The approved Project does include reduction in energy cost by 30% over baseline performance rating using the following:

- o Energy efficient mechanical, electrical, and plumbing equipment.
- o Energy control strategies for HVAC, plumbing and lighting systems.
- o Low flow plumbing fixtures and shower heads.

The Project's mobile equipment and vehicles would comply with federal, state, and regional requirements where applicable. The efficiency of mobile equipment and vehicles will continue to improve over time through compliance with increasingly stringent standards adopted by applicable regulatory agencies. Additionally, the

Project would utilize the best available equipment to improve diesel fuel efficiency, and equipment that uses energy would implement modern design and technology to maximize efficiency improvements.

The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and would ensure impacts would be less than significant with respect to Threshold (b). As such, the Project would have a less than significant impact related to plan consistency.

4.5.6 CUMULATIVE IMPACT ANALYSIS

The proposed Project and other development projects would be required to comply with the same applicable federal, State, and local regulatory measures aimed at reducing fossil fuel consumption and the conservation of energy. Accordingly, the Project would not cause or contribute to a significant cumulatively-considerable impact related to conflicts with a State or local plan for renewable energy or energy efficiency.

4.5.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. The amount of energy and fuel consumed by construction and operation of the Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems.

Threshold b: Less-than-Significant Impact. The Project would not conflict with or obstruct the achievement of energy conservation goals within the State of California identified in State and local plans for renewable energy and energy efficiency.

4.5.8 MITIGATION

Impacts would be less than significant; therefore, no mitigation is required.

4.6 GEOLOGY AND SOILS

The information and analysis in this Subsection 4.6 is based primarily on information contained in a technical report prepared by Krazen & Associates, Inc. (hereinafter “Krazan”). The technical study, titled “Geotechnical Engineering Investigation, Proposed Veterans Affairs (VA) Community Outpatient Facility, Knudsen Drive Near Olive Drive, Bakersfield, California,” dated May 6, 2019, is included as *Technical Appendix E* to this EIR (Krazan, 2019). Refer to Section 7.0, *References*, for a complete list of reference sources used in this analysis.

4.6.1 EXISTING CONDITIONS

A. Regional and Local Geologic Setting

Geologically, the Project site is situated on the eastern flank, near the south end of the Great Valley Geomorphic Province. This province is a large northwesterly trending structural trough between the Coast Range mountains and the Sierra Nevada Mountains. Erosion from both of these mountain systems resulted in the deposition of immensely thick sediments in the Valley floor. Heavily-laden streams from the Sierra Nevada Mountains built very prominent alluvial fans along the margins of the San Joaquin Valley, which resulted in flat topography in the vicinity of the Project site (Krazan, 2019, p. 3).

The south end of the San Joaquin Valley is surrounded on all sides, excluding the north, by active fault systems (San Andreas, White Wolf-Breckenridge-Kem Canyon and Garlock Faults). Numerous smaller faults exist within the valley floor. There is on-going seismic activity in the Kern County area, with the most noticeable earthquake being the July 21, 1952, 7.7 magnitude Kern County Earthquake (Krazan, 2019, p. 3).

According to the California Geologic Energy Management Division (CalGEM), the Project site is located within the Fruitvale oilfield (CalGEM, n.d.). The Fruitvale oilfield is subsurface and extends from approximately Norris Road to the north, Oak Street to the south, Belle Terrace to the south, and Calloway Drive to the west.

B. Seismic Hazards

The Project site is not located within a mapped Earthquake Fault Zone (special studies zone). The closest known faults to the Project site are subsurface faults located at the Fruitvale Oil Field, which are not thought to be active in the last two million years. No evidence was observed by Krazan during their field reconnaissance of the Project site that indicated surface faulting has occurred across the property during the Holocene time (approximately 11,700 years ago to present-day) (Krazan, 2019, p. 3).

The Project site is located in an area of Southern California that is subject to strong ground motions due to seismic events (i.e., earthquakes). The geologic structure of Southern California is dominated mainly by northwest-trending faults associated with the San Andreas system. The nearest active fault to the Project site is the Kern Front Fault, located approximately 2.9 miles northeast of the Project site (CGS, 2015). An active fault is defined by the California Geological Survey as a fault that has experienced surface displacement within the Holocene Epoch. Secondary hazards associated with seismic events include surface rupture, ground failure, unstable soils and slopes. Each of these hazards is briefly described below.

1. *Fault Rupture*

Fault rupture can occur along pre-existing, known active fault traces; however, fault rupture also can splay from known active faults or rupture along unidentified fault traces. There are no active or potentially active faults occurring on the Project site and no known faults are mapped trending through or toward the site (CGS, 2015).

2. *Liquefaction*

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions, which causes the soil to behave as a viscous liquid. Liquefaction is generally limited to the upper 50 feet of subsurface soils. Research and historical data indicate that loose granular soils of Holocene to late Pleistocene age below a near-surface groundwater table are most susceptible to liquefaction, while the stability of most clayey material is not adversely affected by vibratory motion (SCEC, 1999, pp. 5-6). According to the Metropolitan Bakersfield General Plan, the Project site is not located in an area of high ground water and the Project site is not considered conducive to liquefaction; therefore, the potential for liquefaction at the site is low (Bakersfield, 2002b, Figure VIII-2).

3. *Unstable Soils and Slopes*

The Project site is generally flat under existing conditions and does not contain, nor is it adjacent to any, steep natural or manufactured slopes and there is no evidence of historical landslides or rockfalls on the site (Google Earth, 2023). As such, the site in its present condition is not susceptible to seismically-induced landslides and rockfalls.

C. *Soils*

Based on soils mapping from the Natural Resources Conservation Service (NRCS), the Project site is composed of Kimberlina fine sandy loam, 0 to 2 percent slopes. (NRCS, n.d.).

According to soil field investigations and soil borings conducted by Krazan, soils found on the Project site are typical of those found within the geologic region. The upper soils of the Project site are composed of approximately 6 to 12 inches of very loose silty sand that is disturbed, has low strength characteristics, and is highly compressible when saturated. Approximately 1 to 2 feet of fill material, predominately consisting of silty sand, was found around the edges of the Project site and within portions of the site interior. Beneath the loose surface soils and fill material, approximately 2 to 3 feet of loose to dense silty sand or sandy silt, some of which contained traces of clay, were found. These soils were determined to be moderately strong and slightly compressible. Below approximately 3 to 5 feet, layers of predominately loose to dense silty sand, silty sand/sandy silt, sand or silty sand/sand were found, some of which contained traces of gravel. These soils were determined to be moderately strong and slightly compressible (Krazan, 2019, p. 4).

D. Groundwater

Krazan did not observe any groundwater during and immediately following the test borings work conducted on the Project site. Historically, it has been noted by the Department of Water Resources that groundwater in the vicinity of the Project site has been as shallow as 29 feet (Krazan, 2019, p. 4).

E. Slope and Instability Hazards

1. Soil Erosion

Erosion is the process by which the upper layers of the ground surface such as soils are worn and removed by water or wind movement. Soils with characteristics such as low permeability and/or low cohesive strength are more susceptible to erosion than those soils having higher permeability and cohesive strength. Additionally, the slope gradient on which a given soil is located also contributes to the soil's resistance to erosive forces. Because water is able to flow faster down steeper gradients, the steeper the slope on which a given soil is located, the more readily it will erode. According to the Metropolitan Bakersfield General Plan EIR, the Project site is located in an area with low to moderate soil erodibility (Bakersfield, 2002a, Exhibit 4.7-1).

Wind erosion can damage land and natural vegetation by removing soil from one place and depositing it in another. It mostly affects dry, sandy soils in flat, bare areas, but wind erosion may occur wherever soil is loose, dry, and finely granulated. According to NRCS, soils on the Project site have a moderately high susceptibility to wind erosion (NRCS, n.d.). Because under existing conditions, the Project site is undeveloped with little or no vegetative cover and loose and dry topsoil conditions, it has the potential to contribute windblown soil and sand.

2. Settlement Potential

Settlement refers to unequal compression of a soil foundation, shrinkage, or undue loads being applied to a building after its initial construction that affect the soil foundation. According to Krazan, the soils present on the Project site have settlement potential (Krazan, 2019, p. 10 - 11).

3. Shrinkage and Subsidence Potential

Subsidence is a gradual settling or sudden sinking of the ground surface (i.e., loss of elevation). The principal causes of subsidence are aquifer-system compaction, drainage of organic soils, underground mining, and natural compaction. Shrinkage is the reduction in volume in soil as the water content of the soil drops (i.e., loss of volume). According to NRCS, soils on the Project site have a low subsidence potential (NRCS, n.d.).

4. Soil Expansion Potential

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. On-site soils have very low expansion potential (Krazan, 2019, Appendix A).

5. Landslide Potential

The Project site and immediately surrounding properties are generally flat and contain no steep natural or manufactured slopes; thus, there is no potential for landslides to occur on or immediately adjacent to the site.

F. Paleontological Setting

According to the Metropolitan Bakersfield General Plan EIR, the City of Bakersfield is underlain by sediments and rocks of Quaternary age, during which several lakes occupied the southern portion of the San Joaquin Valley. Remnants of these lakes are reflected in the existing Buena Vista Lake, Kern Lake, and Tulare Lake. These lakes were areas where numerous species of animals would assemble, based on the remains that have been found around these areas (Bakersfield, 2002a, p. 4.10-4).

According to the Metropolitan Bakersfield General Plan EIR, geological records indicate that the Project area is underlain by recent alluvial deposits to all depths likely to be reached by excavations associated with development. However, the Project area has a low potential for containing important fossil remains because the area is underlain by alluvial deposits that are too young to contain significant fossil remains. Regardless, the possibility exists that older fossiliferous alluvium may be present six feet below the surface since the remains of Pleistocene (ice age) land animals have been collected from older alluvial deposits in Kern County. There is a “low to moderate potential” for the discovery of fossils below six feet in depth (Bakersfield, 2002a, p. 4.10-6 and 4.10-7).

4.6.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations governing issues related to geology and soils.

A. Federal Plans, Policies, and Regulations

1. Clean Water Act

The Clean Water Act (CWA) relates to soil erosion in that it establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters (EPA, 2022a).

B. State Plans, Policies, and Regulations

1. Alquist-Priolo Earthquake Fault Zoning Act (A-P Act)

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The A-P Act’s main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The A-P Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards (CA Legislative Info, n.d.).

The A-P Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Before a project can be permitted, cities and counties

must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (CA Legislative Info, n.d.).

2. *Seismic Hazards Mapping Act*

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, § 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the SHMA is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards. Staff geologists in the Seismic Hazards Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally in order to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake-induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes. The SHMA requires site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy (CDC, n.d.).

3. *Natural Hazards Disclosure Act*

The Natural Hazards Disclosure Act, effective June 1, 1998 (as amended June 9, 1998), requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more state-mapped hazard areas, including a Seismic Hazard Zone. The law requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Before a development permit can be issued or a subdivision approved, cities and counties must require a site-specific investigation to determine whether a significant hazard exists at the site and, if so, recommend measures to reduce the risk to an acceptable level. The investigation must be performed by state-licensed engineering geologists and/or civil engineers (CA Legislative Info, n.d.).

4. *Essentials Services Building Seismic Safety Act*

In 1986, the California Legislature determined that buildings providing essential services should be capable of providing those services to the public after a disaster. Their intent in this regard was defined in legislation known as the Essential Services Buildings Seismic Safety Act of 1986 and includes requirements that such buildings shall be "...designed and constructed to minimize fire hazards and to resist...the forces generated by earthquakes, gravity, and winds." This enabling legislation can be found in the California Health and Safety Code, Chapter 2, § 16000 through 16022. In addition, the California Building Code defines how the intent of the act is to be implemented in Title 24, Part 1 of the California Building Standards Administrative Code, Chapter 4, Articles 1 through 3 (CAB, n.d.).

5. *California Building Standards Code (Title 24)*

California Code of Regulations (CCR) Title 24 is reserved for state regulations that govern the design and construction of buildings, associated facilities, and equipment. CCR Title 24 is also known as the California Building Standards Code (CBSC), and seismic standards are included. Cities and counties are required by state law to enforce CCR Title 24 (reference Health and Safety Code §§ 17958, 17960, 18938(b), and 18948). Cities and counties may adopt ordinances making more restrictive requirements than provided by CCR Title 24, because of local climatic, geological, or topographical conditions. Such adoptions and a finding of need statement must be filed with the California Building Standards Commission (Reference Health and Safety Code §§ 17958.7 and 18941.5) (CBSC, 2019, p. 1).

C. Local Plans, Policies and Regulations

1. *Metropolitan Bakersfield General Plan*

The Metropolitan Bakersfield General Plan provides information about natural and human-made hazards and establishes goals, objectives, and policies to prepare and protect the community from such risks. The goal of the Safety Element is to develop sustainable communities to preserve life, protect property, the environment, and the economy from natural hazards, including seismic hazards (Bakersfield, 2002b, p. VIII-1).

2. *City of Bakersfield Municipal Code*

The City of Bakersfield Municipal Code Chapter 15.05, adopts by reference the California Building Code. The Building Code regulates the construction, alteration, repair, moving, demolition, conversion, occupancy, use, and maintenance of all buildings and structures in the City of Bakersfield (Bakersfield, 2023).

4.6.3 BASIS FOR DETERMINING SIGNIFICANCE

Section VI of Appendix G to the CEQA Guidelines addresses typical adverse effects due to geological conditions, and includes the following threshold questions to evaluate the Project's impacts resulting from geologic or soil conditions (OPR, 2019):

- 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;*
- 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;*

4.6.4 IMPACT ANALYSIS

Threshold a: Would the Project 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; ii) strong seismic ground shaking; iii) seismic-related ground failure including liquefaction; or iv) landslides?

A. Rupture of Known Earthquake Fault

There are no known active or potentially active faults on or trending toward the Project site and the Project site is not located within a mapped Alquist-Priolo Earthquake Fault Zone (CGS, 2015). Because there are no known faults located on or trending towards the Project site, the Project would not directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. Therefore, impacts would be less than significant and no mitigation is required.

B. Strong Seismic Ground Shaking

The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the Southern California area. As a mandatory condition of Project approval, the Project Applicant would be required to construct the proposed VA community-based outpatient medical clinic building and other site features in accordance with the California Building Code, which provides standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures, and have been specifically tailored for California earthquake conditions. In addition, the California Building Code requires development projects to prepare geologic engineering reports to identify site-specific geologic and seismic conditions and implement the site-specific recommendations contained therein to preclude adverse effects involving unstable soils and strong seismic ground-shaking, including, but not limited to, recommendations related to ground stabilization, selection of appropriate foundation type and depths, and selection of appropriate structural systems. The Project Applicant retained a professional geotechnical firm, Krazan & Associates, to prepare a geotechnical report for the Project site, which is included as *Technical Appendix E* to this EIR. This geotechnical report complies with the

requirements of the California Building Code. Given mandatory compliance with building code standards and site-specific design and construction measures, implementation of the Project would not directly or indirectly expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Therefore, impacts would be less than significant and no mitigation is required.

C. Seismic-Related Ground Failure

Due to the observed soil characteristics on the Project site and the lack of shallow groundwater beneath the site, liquefaction potential is considered to be low (Bakersfield, 2002b, Figure VIII-2). Regardless, as noted above, the City of Bakersfield would require the Project site be developed in accordance with the latest applicable seismic safety guidelines, including the standard requirements of the California Building Code to minimize potential liquefaction hazards. In addition, the Project would be required by the City of Bakersfield to comply with the grading and construction recommendations contained within the geotechnical report for the Project site (see *Technical Appendix E*) to further reduce the risk of seismic-related ground failure due to liquefaction. Therefore, implementation of the Project would not directly or indirectly expose people or structures to substantial hazards associated with seismic-related ground failure and/or liquefaction hazards. Therefore, impacts would be less than significant and no mitigation is required.

D. Landslides

The Project site is relatively flat, as is the immediately surrounding area. There are no hillsides or steep slopes on the Project site or in the immediate vicinity of the site (Google Earth, 2023). Mandatory compliance with the recommendations contained within the Project site’s geotechnical report would ensure that the Project is engineered and constructed to maximize stability and preclude safety hazards to on-site and abutting off-site areas. With mandatory compliance with the recommendations contained within the geotechnical report (*Technical Appendix E*), the Project would not be exposed to substantial landslide risks, and implementation of the Project would not pose a substantial direct or indirect landslide risk to surrounding properties. Therefore, impacts would be less than significant and no mitigation is required.

Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?

A. Construction-Related Erosion Impacts

Under existing conditions, the Project site is vacant, has no or little vegetative cover due to the disturbed nature of the site, and contains loose and dry topsoil conditions, and thus, has the potential to contribute windblown soil and sand under existing conditions. Development of the Project would result in grading and construction activities which would further disturb soils on the property. Disturbed soils would be subject to potential erosion during rainfall events or high winds due to the removal of stabilizing vegetation and exposure of these erodible materials to wind and water. However, any risk of spreading Valley Fever spores would not be increased due to Project construction when compared to existing conditions.

Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant would be required to obtain coverage under the State’s General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total

land area. Compliance with the NPDES permit involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that the Project Applicant will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Mandatory compliance with the SWPPP would ensure that the Project’s implementation does not violate any water quality standards or waste discharge requirements during construction activities. As part of the Project’s application materials on file with the City of Bakersfield, the Project Applicant submitted an erosion control plan, which is shown in Figure 4.6-1, *Proposed Erosion Control Plan*. As shown, silt fencing, gravel bags, track out controls at construction entrances, sandbags at storm drain inlets, sediment traps, and other items are proposed, as well as a note requiring mandatory street sweeping and vacuuming during construction. Therefore, water quality and all other impacts associated with construction-related erosion would be less than significant and no mitigation is required.

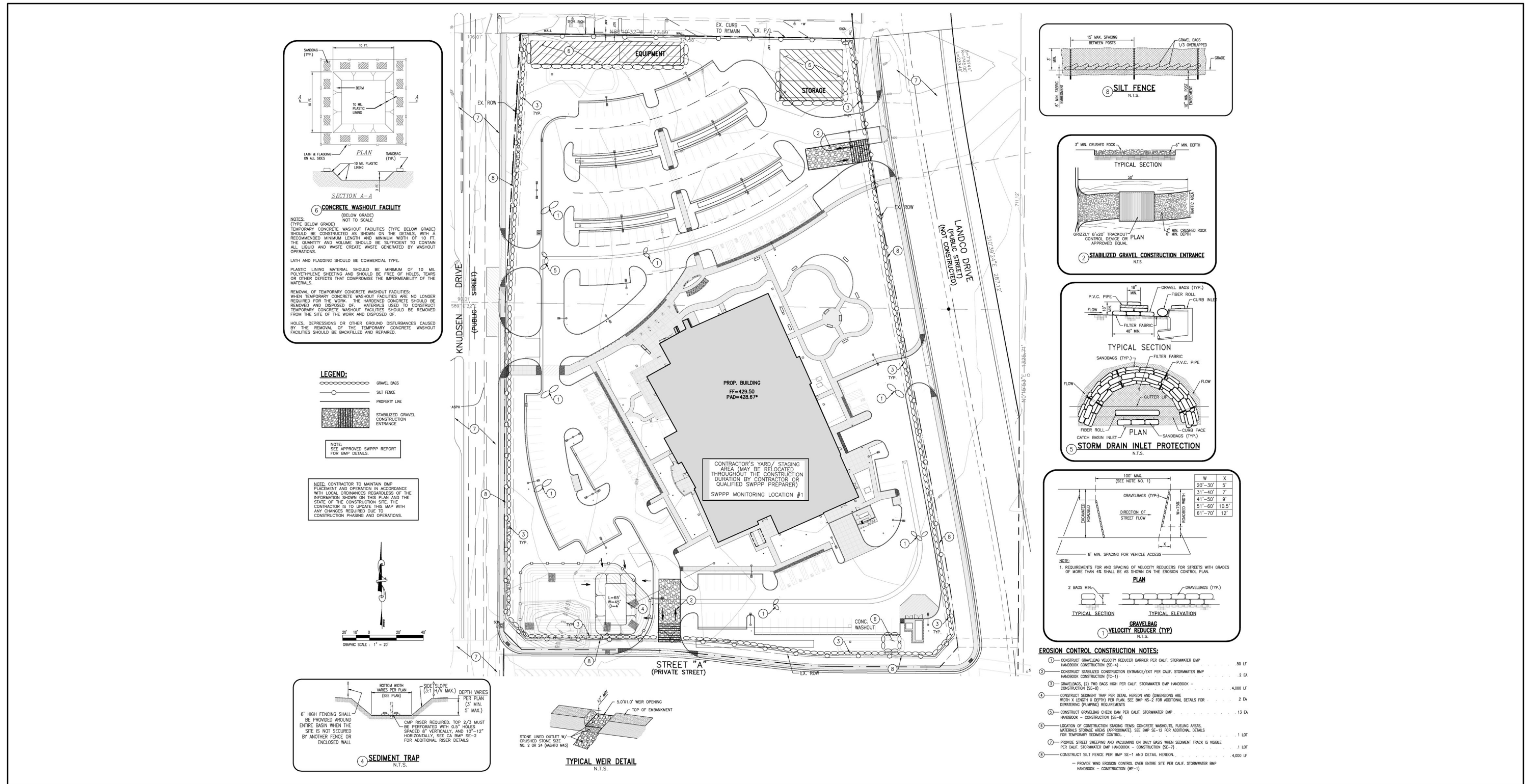
B. Post-Development Erosion Impacts

Upon Project build-out, the Project site would be covered by a building, landscaping, and impervious surfaces. Stormwater runoff from the Project site would be captured, treated to reduce waterborne pollutants (including sediment), and be filtered into the ground by the proposed on-site retention basins. Accordingly, the amount of erosion, including windblown soils and sand, that occurs on the Project site would be minimized upon build out of the Project and would be reduced relative to existing conditions, and the soils and sand would be replaced by impervious surfaces. Because the Project would be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, impacts related to post-development soil erosion would be less than significant and no mitigation is required.

Threshold c: Would the Project 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?

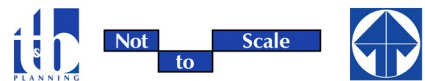
The Project site is relatively flat and no substantial natural or man-made slopes are located on or adjacent to the Project site (Google Earth, 2023). Because the Project would be engineered for long-term stability and constructed in accordance with the site-specific recommendations contained within the Project’s geotechnical report (*Technical Appendix E*), impacts associated with landslide hazards would be less than significant and no mitigation is required.

According to NRCS, soils on the Project site have a low subsidence potential (NRCS, n.d.). The geotechnical report prepared for the Project site indicates that the settlement potential can be attenuated through the excavation and recompaction of fill soils (Krazan, 2019, p. 6). The City will condition implementing construction activities to comply with the site-specific ground preparation and construction recommendations contained in the Project’s geotechnical report. With mandatory compliance with the Project’s geotechnical report (*Technical Appendix E*), impacts related to soil shrinkage/subsidence and collapse would be less than significant and no mitigation is required.



Source(s): Nichols, Melburg & Rossetto Architects (10-28-2022)

Figure 4.6-1



Lead Agency: City of Bakersfield

Proposed Erosion Control Plan

SCH No. 2022080337

Page 4.6-10

Lateral spreading is primarily associated with liquefaction hazards. As noted above under the discussion of Threshold a., based on the Project site's lack of shallow groundwater, liquefaction on the Project site is considered to be low. Thus, the potential for lateral spreading is low. Accordingly, impacts associated with lateral spreading would be less than significant and no mitigation is required.

Threshold d: Would the Project 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?

R-Value tests performed by Krazan on the Project site's soils determined that the expansion pressure of the soils was nil (Krazan, 2019, Appendix A). As such, the Project would not be located on expansive soil and would not create substantial risks to life or property; therefore, impacts would be less than significant and no mitigation is required.

Threshold e: Would the Project 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?

Wastewater service for the Project site is provided by North of the River Sanitation District and no septic tanks or alternative waste water disposal systems are proposed as part of the Project. Therefore, no impact would occur.

Threshold f: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The Project site does not contain any known unique geologic features. As discussed in Subsection 4.6.1, the Project area has a very low potential for containing important fossil remains because the area is underlain by alluvial deposits that are too young to contain significant fossil remains. However, the possibility exists in the area that older fossiliferous alluvium may be present six feet below the surface since the remains of Pleistocene (ice age) land animals have been collected from older alluvial deposits in Kern County. If excavations penetrate below six (6) feet, there is a "low to moderate potential" for the discovery of fossils. A "low to moderate potential" indicates that grading operations may expose fossils during development. These activities could destroy any fossils present (Bakersfield, 2002a, p. 4.10-6 and 4.10-7). The destruction of such fossils if present and if unearthed by Project-related construction activities could adversely impact paleontological resources. Therefore, if any unique paleontological resource or site or unique geologic feature is unearthed during the Project's construction activities and are disturbed/damaged by Project construction activities, impacts would be significant.

4.6.5 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for geology and soils considers development of the Project site in conjunction with other development projects in the vicinity of the Project site as well as full General Plan buildout in the City of Bakersfield and unincorporated Kern County.

Rupture of a Known Earthquake Fault, Strong Seismic Ground Shaking; and Seismic-related Ground Failure

Potential hazardous effects related to rupture of a known earthquake fault, strong seismic ground shaking, and seismic-related ground failure are unique to the Project site, and inherently restricted to the specific property proposed for development. That is, issues including fault rupture, seismic ground shaking, liquefaction, and landslides would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soils hazards that may occur on other, off-site properties. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.

Soil Erosion or the Loss of Topsoil

Regulatory requirements mandate that the Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less than significant.

Geologic Unit or Soil That is Unstable

Potential hazardous effects related to 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 is unique to the Project site and inherently restricted to the specific property proposed for development. Related issues would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soils hazard that may occur on other, off-site properties. Because of the site-specific nature of the potential hazard and the measures to address it, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.

Expansive Soil

Potential hazardous effects related to expansive soil is unique to the Project site and inherently restricted to the specific property proposed for development. Related issues would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soil hazards that may occur on other, off-site properties. Because of the site-specific nature of the potential hazard and the measures to address it, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.

Septic Tanks or Alternative Waste Water Disposal Systems

Potential hazardous effects related to 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 is unique to the Project site and inherently restricted to the specific property proposed for development. Related issues would involve effects to (and not from) a proposed development project, are specific to conditions on

the subject property, and are not influenced or exacerbated by the geologic and/or soil hazards that may occur on other, off-site properties. Because of the site-specific nature of the potential hazard and the measures to address it, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.

Unique Paleontological Resources or Geologic Features

The Project's potential to result in cumulative impacts to paleontological resources is similar to that of other projects located in the region that are underlain by alluvial soils. The soils present in the Project area are underlain by Quaternary age alluvial deposits that have very low potential for containing significant fossil remains. Regardless, if excavations penetrate below six (6) feet in depth, there is a "low to moderate potential" for the discovery of fossils on the Project site. Such activities could destroy any fossils present. The destruction of such fossils could adversely impact the region's paleontological resources. Therefore, impacts to paleontological resources is a cumulatively-considerable impact for which mitigation is required.

4.6.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Project site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project minimizes potential hazards related to seismic ground shaking to less than significant levels.

Threshold b: Less than Significant Impact. Implementation of the Project would not result in substantial soil erosion or loss of topsoil. The Project Applicant would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities minimizing impacts to less than significant.

Threshold c: Less than Significant Impact. There is no potential for the Project's construction or operation to cause, or be impacted by, on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the site-specific geotechnical report during Project construction.

Threshold d: Less than Significant Impact. The Project site contains soils with very low susceptibility to expansion; therefore, the Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. Impacts would be less than significant.

Threshold e: No Impact. No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.

Threshold f: Significant Direct and Cumulatively Considerable Impact. The Project would not impact any known paleontological resource or unique geological feature. However, construction activities on the Project site extending more than six (6) feet in depth have the potential to unearth and adversely impact a unique paleontological resource or site or unique geologic feature that may be buried beneath the ground surface.

4.6.7 MITIGATION

The following mitigation measure addresses the potential for Project construction activities to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

- GEO MM-1 Prior to construction and as needed throughout the construction period involving ground-disturbing construction activities, a construction worker paleontological resource awareness training program shall be provided to all new construction workers within one week of employment at the project site, if their work will involve ground-disturbing construction activities greater than six feet in depth in older alluvium soils. The training shall be prepared and conducted by a qualified professional paleontologist. Workers attending the training shall sign a form that shall be kept by the Project Applicant and made available to the City of Bakersfield upon request.
- GEO MM-2 If paleontological resources are encountered, all work within 100 feet of the resources shall halt until a qualified paleontologist can be called to the site to evaluate the resources and make recommendations. Paleontological resource materials may include fossils, plant impressions, or animal tracks that have been preserved in rock. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts to less than significant levels. Construction within 100 feet of the resources found shall not resume until the appropriate mitigation measures are implemented or the materials are determined to be to be less than significant by the paleontologist.
- GEO MM-3 Recovered specimens, if any, shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storages shall be required for discoveries of significance as determined by the paleontologist.
- GEO MM-4 A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Bakersfield prior to final building inspection.

4.6.8 DESIGN FEATURES AND REGULATORY REQUIREMENTS

The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Geology and Soils.

- GEO RR-5 In compliance with City of Bakersfield Municipal Code Chapter 15.05, *California Building Code*, construction of the Project is required to adhere to the California Building Standards Code and its requirement to prepare and adhere to site-specific recommendations contained in

a geotechnical report prepared for the Project site. As such, compliance with the recommendations provided in the Project’s geotechnical study prepared by Krazan & Associates, Inc. and dated May 6, 2019 (contained as *Technical Appendix E* to this EIR) is required.

GEO RR-6 To address wind erosion, the Project construction activities are required to comply with the provisions of Chapter 15 Section 104.12 of the Bakersfield Municipal Code to ensure that dust abatement measures comply with the current standards set for by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

GEO RR-7 The Project Applicant is required, pursuant to the State Water Resources Control Board, to obtain coverage under the State’s General Construction Storm Water Permit for construction activities (NPDES permit). Compliance with the NPDES permit involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that construction contractors will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding.

4.6.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold f: Less than Significant Impact with Mitigation Incorporated. Mitigation Measures (MMs) 4.6.7GEO MM-1, GEO MM-2, GEO MM-3, and GEO MM-4, would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the proposed Project. Therefore, with implementation of 4.6.7GEO MM-1, GEO MM-2, GEO MM-3, and GEO MM-4, the Project’s potential direct and cumulatively considerable impacts to a unique paleontological resource or site or unique geologic feature would be reduced to less than significant.

4.7 GREENHOUSE GAS EMISSIONS

The analysis in this Subsection 4.7 is based on a technical study that evaluates the proposed Project’s potential climate change impacts, prepared by Trinity Consultants, and entitled “Small Project Analysis Level Assessment, VA Community Outpatient Clinic, Bakersfield, CA,” The study is dated April 2023, and is included as *Technical Appendix B* to this EIR (Trinity, 2023).” Refer to Section 7.0, *References*, for a complete list of reference sources used in this analysis.

4.7.1 EXISTING CONDITIONS

Provided below is a discussion of existing conditions related to greenhouse gasses (GHGs) and their effect on global climate change. Refer also to EIR Subsection 4.2, *Air Quality*, which includes additional background information regarding air quality.

A. Global Climate Change

“Global climate change” refers to change in average meteorological conditions on the earth with respect to temperature, precipitation, and storms, lasting for decades or longer. The term “global climate change” is often used interchangeably with the term “global warming,” but “global climate change” is preferred by some scientists and policy makers to “global warming” because it helps convey the notion that in addition to rising temperatures, other changes in global climate may occur. Climate change may result from the following influences (Trinity, 2023, p. 4-2):

- Natural factors, such as changes in the sun’s intensity or slow changes in Earth’s orbit around the sun;
- Natural processes within the climate system (e.g., changes in ocean circulation); and/or
- Human activities that change the atmosphere’s composition (e.g., through burning fossil fuels) and the land surface (e.g., deforestation, reforestation, urbanization, and desertification).

As determined from worldwide meteorological measurements between 1990 and 2005, the primary observed effect of global climate change has been a rise in the average global tropospheric temperature of 0.36-degree Fahrenheit (°F) per decade. Climate change modeling shows that further warming could occur, which could induce additional changes in the global climate system during the current century. Changes to the global climate system, ecosystems, and the environment of California could include higher sea levels, drier or wetter weather, changes in ocean salinity, changes in wind patterns or more energetic aspects of extreme weather (e.g., droughts, heavy precipitation, heat waves, extreme cold, and increased intensity of tropical cyclones). Specific effects from climate change in California may include a decline in the Sierra Nevada snowpack, erosion of California’s coastline, and seawater intrusion in the Sacramento-San Joaquin River Delta (Trinity, 2023, p. 4-2).

Natural earth systems and human activities, including fossil fuel combustion and land use changes, both release carbon dioxide (CO₂) and other compounds cumulatively termed GHGs. GHGs are effective at trapping radiation that would otherwise escape the atmosphere. This trapped radiation warms the atmosphere, the oceans, and the earth’s surface. Many scientists believe most of the warming observed over the last 50 years

is attributable to human activities. The increased amount of CO₂ and other GHGs in the atmosphere is the alleged primary result of human-induced warming (Trinity, 2023, p. 4-2).

GHGs are present in the atmosphere naturally, released by natural sources, or formed from secondary reactions taking place in the atmosphere. They include CO₂, methane (CH₄), nitrous oxide (N₂O), and ozone (O₃). In the last 200 years, substantial quantities of GHGs have been released into the atmosphere, primarily from fossil fuel combustion. These human-induced emissions are increasing GHG concentrations in the atmosphere, therefore enhancing the natural greenhouse effect. The GHGs resulting from human activity are believed to be causing global climate change. While human-made GHGs include CO₂, CH₄, and N₂O, some (like chlorofluorocarbons [CFCs]) are completely new to the atmosphere. GHGs vary considerably in terms of Global Warming Potential (GWP), the comparative ability of each GHG to trap heat in the atmosphere. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and the length of time that the gas remains in the atmosphere (“atmospheric lifetime”). The GWP of each gas is measured relative to CO₂, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO₂ over a specified time period. GHG emissions are typically measured in terms of pounds or tons of “CO₂ equivalents” (CO₂e) (Trinity, 2023, p. 4-2).

Natural sources of CO₂ include the respiration (breathing) of humans and animals and evaporation from the oceans. Together, these natural sources release approximately 150 billion metric tons of CO₂ each year, far outweighing the 7 billion metric tons of GHG emissions from fossil fuel burning, waste incineration, deforestation, cement manufacturing, and other human activity. Nevertheless, natural GHG removal processes such as photosynthesis cannot keep pace with the additional output of CO₂ from human activities. Consequently, GHGs are building up in the atmosphere (Trinity, 2023, pp. 4-2 and 4-3).

Methane is produced when organic matter decomposes in environments lacking sufficient oxygen. Natural sources of CH₄ production include wetlands, termites, and oceans. Human activity accounts for an estimated 50-65% of combined methane emissions of the approximately 500 million metric tons of CH₄ emitted annually. These anthropogenic sources include the mining and burning of fossil fuels; digestive processes in ruminant livestock such as cattle; rice cultivation; and the decomposition of waste in landfills. The major removal process for atmospheric CH₄, the chemical breakdown in the atmosphere, cannot keep pace with source emissions; therefore, CH₄ concentrations in the atmosphere are rising (Trinity, 2023, p. 4-3).

Worldwide emissions of GHGs in 2008 were 30.1 billion metric tons of CO₂e and have increased considerably since that time. It is important to note that the global emissions inventory data are not all from the same year and may vary depending on the source of the data. Emissions from the top five emitting countries and the European Union accounted for approximately 70% of total global anthropogenic GHG emissions in 2014. Of these anthropogenic emissions, the United States was the number two producer of GHG emissions behind China. The primary GHG emitted by human activities was CO₂, representing approximately 78.8% of total global anthropogenic GHG emissions (Trinity, 2023, p. 4-3).

In 2020, the United States emitted approximately 5.98 billion metric tons of CO₂e. Of the six major sectors nationwide (transportation, electric power industry, industrial, agriculture, commercial, and residential), the

transportation and electric power industry sectors combined account for approximately 52% of the US anthropogenic GHG emissions; the majority of the electrical power industry and all of the transportation emissions are generated from direct fossil fuel combustion. Between 1990 and 2020, total United States GHG emissions have decreased by approximately 7.3%. The California Air Resources Board (CARB) is responsible for developing and maintaining the California GHG emissions inventory. This inventory estimates the amount of GHGs emitted into and removed from the atmosphere by human activities within the state of California and supports the Assembly Bill (AB) 32 Climate Change Program. CARB's current GHG emission inventory covers the years 2000 through 2017 and is based on fuel use, equipment activity, industrial processes, and other relevant data (e.g., housing, landfill activity, and agricultural lands) (Trinity, 2023, p. 4-3).

In 2019, emissions from statewide emitting activities were 418.2 million metric tons of CO₂ equivalent (MMT CO₂e), which is 7 MMT CO₂e lower than 2018 levels. 2019 emissions have decreased since peak levels in 2004 and are 13 MMT CO₂e below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 tons per person to 10.5 tons per person in 2019, a 25% decrease (Trinity, 2023, p. 4-3). CARB estimates that transportation was the source of approximately 40% of California's GHG emissions in 2019, followed by electricity generation at 15%. Other sources of GHG emissions were industrial sources at 21%, residential plus commercial activities at 11%, and agriculture at 8%. CARB also reported that the total GHG emissions in California for 2020 was 369.2 MMT of CO₂e (Trinity, 2023, p. 4-4).

CARB has projected the estimated statewide GHG emissions for the year 2020, which represent the emissions that would be expected to occur with reductions anticipated from Pavley I and the Renewables Electricity Standard (30 MMT CO₂e total), will be 509 MMT of CO₂e. GHG emissions from the transportation and electricity sectors as a whole are expected to increase at approximately 36% and 20% of total CO₂e emissions, respectively, as compared to 2009. The industrial sector consists of large stationary sources of GHG emissions and the percentage of the total 2020 emissions is projected to be 18% of total CO₂e emissions. The remaining sources of GHG emissions in 2020 are high global warming potential gases at 6%, residential and commercial activities at 10%, agriculture at 7%, and recycling and waste at 2% (Trinity, 2023, p. 4-4).

B. Effects of Global Climate Change

Changes in the global climate are assessed using historical records of temperature changes that have occurred in the past. Climate change scientists use this temperature data to extrapolate a level of statistical significance specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from past climate changes in rate and magnitude (Trinity, 2023, p. 4-4).

The Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. In its Sixth Assessment, 2021 Summary for Policymakers, the IPCC reported that the global surface temperature in the first two decades of the 21st century (2001–2020) was 0.99 degrees Celsius (°C) higher than 1850–1900 and was 1.09 °C higher in 2011–2020 than 1850–1900, with larger increases over land (1.59 °C) than over the ocean (0.88 °C) (IPCC, 2021, p. 5). The IPCC prepared projections of future temperature increases based on three scenarios and reported that compared to 1850–1900, projected global surface temperature averaged over future years 2081–2100 is very

likely to be higher by 1.0 °C to 1.8 °C under a very low GHG emissions scenario, higher by 2.1°C to 3.5°C under an intermediate GHG emissions scenario and higher by 3.3°C to 5.7°C under a very high GHG emissions scenario (IPCC, 2021, p. 14).

The IPCC concluded in its Fifth Assessment (2019) and again in its Sixth Assessment (2021) that global climate change was largely the result of human activity. However, the scientific literature is not consistent regarding many of the aspects of climate change, the actual temperature changes during the 20th century, and contributions from human versus non-human activities (Trinity, 2023, p. 4-4) (IPCC, 2021).

Effects from global climate change include temperature increases, climate sensitive diseases, extreme weather events, and degradation of air quality. There may be direct temperature effects through increases in average temperature leading to more extreme heat waves and less extreme cold spells. Those living in warmer climates are likely to experience more stress and heat-related problems. Heat-related problems include heat rash and heat stroke, drought, etc. In addition, climate-sensitive diseases may increase, such as those spread by mosquitoes and other disease-carrying insects. Such diseases include malaria, dengue fever, yellow fever, and encephalitis. Extreme events such as flooding and hurricanes can displace people and agriculture. Global warming may also contribute to air quality problems from increased frequency of smog and particulate air pollution (Trinity, 2023, p. 4-4) (IPCC, 2021).

Large urbanized areas can experience higher temperatures, greater pollution and more negative health impacts during hot summer months when compared to more rural communities. This phenomenon is known as an urban heat island. Heat islands are created by a combination of heat-absorptive surfaces (such as dark pavement and roofing), heat-generating activities (such as engines and generators) and the absence of vegetation (which provides evaporative cooling). The California Department of Environmental Protection (CalEPA) maps urban heat islands in California using 2006 and 2013 data, resulting in a numerical Index score. The Index is reported in degree-hours per day on a Celsius scale. An increase of one degree over an eight-hour period would equal eight degree-hours, as would an increase of two degrees over a four-hour period. The degree-hour therefore combines both the intensity of the heat and the duration of the heat into a single numerical measure. The census tract in which the Project site is located is mapped as having a degree-hour Index of 13.702418 (CalEPA, n.d.).

According to the 2006 California Climate Action Team (CAT) Report, several climate change effects can be expected in California over the course of the next century. These are based on trends established by the IPCC and are summarized below (Trinity, 2023, pp. 4-4 and 4-5).

- A diminishing Sierra snowpack declining by 70% to 90%, threatening the state’s water supply.
- A rise in sea levels, resulting in the displacement of coastal businesses and residences. During the past century, sea levels along California’s coast have risen about seven inches. If emissions continue unabated and temperatures rise into the higher anticipated warming range, sea level is expected to rise an additional 22 to 35 inches by the end of the century. Sea level rises of this magnitude would inundate coastal areas with salt water, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats. (Note: This condition would not affect the Project area, as it is a long distance away from coastal areas.)

- An increase in temperature and extreme weather events. Climate change is expected to lead to increases in the frequency, intensity, and duration of extreme heat events and heat waves in California. More heat waves can exacerbate chronic disease or heat-related illness.
- Increased risk of large wildfires if rain increases as temperatures rise. Wildfires in the grasslands and chaparral ecosystems of southern California are estimated to increase by approximately 30% toward the end of the 21st century because more winter rain will stimulate the growth of more plant fuel available to burn in the fall. In contrast, a hotter, drier climate could promote up to 90% more northern California fires by the end of the century by drying out and increasing the flammability of forest vegetation.
- Increasing temperatures from 8 to 10.4 °F under the higher emission scenarios, leading to a 25% to 35% increase in the number of days that ozone pollution levels are exceeded in most urban areas (see below).
- Increased vulnerability of forests due to forest fires, pest infestation, and increased temperatures.
- Reductions in the quality and quantity of certain agricultural products. The crops and products likely to be adversely affected include wine grapes, fruit, nuts, and milk.
- Exacerbation of air quality problems. If temperatures rise to the medium warming range, there could be 75 to 85% more days with weather conducive to ozone formation in Los Angeles and the San Joaquin Valley, relative to today's conditions. This is more than twice the increase expected if rising temperatures remain in the lower warming range. This increase in air quality problems could result in an increase in asthma and other health-related problems.
- A decrease in the health and productivity of California's forests. Climate change can cause an increase in wildfires, an enhanced insect population, and establishment of non-native species.
- Increased electricity demand, particularly in the hot summer months.
- Increased ground-level ozone formation due to higher reaction rates of ozone precursors.

4.7.2 APPLICABLE REGULATORY REQUIREMENTS

The following is a brief description of the federal, State, and local environmental laws and related regulations related to GHG emissions.

A. *International Regulations*

1. *Kyoto Protocol*

The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change, which commits its Parties by setting internationally binding emission reduction targets. Recognizing that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, the Protocol places a heavier burden on developed nations under the principle of "common but differentiated responsibilities."

The Kyoto Protocol was adopted in Kyoto, Japan, on December 11, 1997 and entered into force on February 16, 2005. On December 8, 2012, in Doha, Qatar, the "Doha Amendment to the Kyoto Protocol" was adopted. The amendment includes:

- New commitments for Annex I Parties to the Kyoto Protocol who agreed to take on commitments in a second commitment period from January 1, 2013 to December 31, 2020;
- A revised list of greenhouse gases (GHG) to be reported on by Parties in the second commitment period; and
- Amendments to several articles of the Kyoto Protocol which specifically referenced issues pertaining to the first commitment period and which needed to be updated for the second commitment period.

On December 21, 2012, the amendment was circulated by the Secretary-General of the United Nations, acting in his capacity as Depositary, to all Parties to the Kyoto Protocol in accordance with Articles 20 and 21 of the Protocol. During the first commitment period, 37 industrialized countries and the European Community committed to reduce GHG emissions to an average of 5% against 1990 levels. During the second commitment period, Parties committed to reduce GHG emissions by at least 18 percent below 1990 levels in the eight-year period from 2013 to 2020; however, the composition of Parties in the second commitment period is different from the first (UNFCCC, n.d.).

2. *The Paris Agreement*

The Paris Agreement builds upon the Convention and – for the first time – brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries to do so. The Paris Agreement’s central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change. The Paris Agreement requires all Parties to put forward their best efforts through “nationally determined contributions” (NDCs) and to strengthen these efforts in the years ahead. This includes requirements that all Parties report regularly on their emissions and on their implementation efforts. The Paris Agreement entered into force on November 4, 2016, thirty days after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55% of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval, or accession with the Depositary (UNFCCC, n.d.).

On June 1, 2017, President Donald Trump announced he would begin the process of withdrawing the United States from the Paris Agreement. In accordance with articles within the Paris Agreement, the earliest effective date for the United States’ withdrawal from the Agreement was November 4, 2020, at which time the withdraw became official. On January 20, 2021, President Biden signed an executive order for the United States to rejoin the Paris Agreement, which became official on February 19, 2021.

B. Federal Regulations

1. Clean Air Act

Coinciding with a 2009 meeting of international leaders in Copenhagen, on December 7, 2009, the EPA issued an Endangerment Finding under § 202(a) of the Clean Air Act (CAA), opening the door to federal regulation of GHGs. The Endangerment Finding notes that GHGs threaten public health and welfare and are subject to regulation under the CAA. To date, the EPA has not promulgated regulations on GHG emissions, but it has begun to develop them (EPA, 2022h; DOJ, 2021).

Previously the EPA had not regulated GHGs under the CAA because it asserted that the Act did not authorize it to issue mandatory regulations to address Global Climate Change (GCC) and that such regulation would be unwise without an unequivocally established causal link between GHGs and the increase in global surface air temperatures. In *Massachusetts v. Environmental Protection Agency et al.* (127 S. Ct. 1438 [2007]); however, the U.S. Supreme Court held that GHGs are pollutants under the CAA and directed the EPA to decide whether the gases endangered public health or welfare. The EPA had also not moved aggressively to regulate GHGs because it expected Congress to make progress on GHG legislation, primarily from the standpoint of a cap-and-trade system. However, proposals circulated in both the House of Representative and Senate have been controversial and it may be some time before the U.S. Congress adopts major climate change legislation. The EPA's Endangerment Finding paves the way for federal regulation of GHGs with or without Congress (EPA, 2022h; DOJ, 2021).

C. State Regulations

1. Title 24 Building Energy Standards

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce GHG emissions, increased energy efficiency, and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods. The 2022 version of Title 24 was adopted by the CEC and became effective on January 1, 2023 (CEC, 2022).

Part 11 of Title 24 is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to “improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality.” The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC). Unless otherwise noted in the regulation, all newly constructed buildings in California are subject of the requirements of the CALGreen Code.

As previously stated, the Title 24 Energy Efficiency Standards and CALGreen Code are updated on a regular basis, with the most recent approved updates consisting of the 2022 Energy Efficiency Standards and 2022 CALGreen Code, which became effective on January 1, 2023. Non-residential mandatory measures included in the 2022 CALGreen Code include:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- Designated parking for clean air vehicles. In new projects or additions to alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106.5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).
- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).

- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
 - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)

Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).

- Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
- Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELo), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 sf or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).
- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 sf. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 sf requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 sf and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

2. California Assembly Bill No. 1493 (AB 1493)

AB 1493 required the California Air Resources Board (CARB) to adopt the nation's first GHG emission standards for automobiles. On September 24, 2009, CARB adopted amendments to the "Pavley" regulations that reduced GHG emissions in new passenger vehicles from model year 2009 through 2016. The U.S. EPA

granted California the authority to implement GHG emission reduction standards for new passenger cars, pickup trucks, and sport utility vehicles on June 30, 2009. It is expected that the Pavley regulations reduced GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016, all while improving fuel efficiency and reducing motorists' costs. CARB has since adopted a new approach to cars and light trucks by combining the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California (CARB, n.d.).

3. *Executive Order S-3-05*

Executive Order (EO) S-3-05 documents GHG emission reduction goals, creates the Climate Action Team and directs the Secretary of the California EPA to coordinate efforts with meeting the GHG reduction targets with the heads of other state agencies. The EO requires the Secretary to report back to the Governor and Legislature biannually to report: progress toward meeting the GHG goals; GHG impacts to California; and applicable Mitigation and Adaptation Plans. EO S-3-05 goals for GHG emissions reductions include: reducing GHG emissions to 2000 levels by the year 2010; reducing GHG emissions to 1990 levels by the year 2020; and reducing GHG emissions to 80 percent below 1990 levels by 2050 (CA State Library, 2005).

4. *California Assembly Bill 32 – Global Warming Solutions Act of 2006*

In September 2006, former Governor Schwarzenegger signed Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006. AB 32 required California to reduce its GHG emissions to 1990 levels by 2020, which represented a reduction of approximately 15% below emissions expected under a “business as usual” scenario (CARB, 2018). Pursuant to AB 32, the CARB was required to adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The full implementation of AB 32 will help mitigate risks associated with climate change, while improving energy efficiency, expanding the use of renewable energy resources, cleaner transportation, and reducing waste.

In November 2007, CARB completed its estimated calculations of Statewide 1990 GHG levels. Net emission 1990 levels were estimated at 427 million metric tons (MMTs). Accordingly, 427 MMTs of carbon dioxide equivalent (MMTCO_{2e}) was established as the emissions limit for 2020. For comparison, CARB's estimate for baseline GHG emissions was 473 MMTCO_{2e} for 2000 and “business as usual” (without GHG reductions measures) GHG emissions were projected to be 532 MMTCO_{2e} in 2010 and 596 MMTCO_{2e} in 2020 (CARB, 2007).

AB 32 required CARB to develop a Scoping Plan which lays out California's strategy for meeting the goals. The Scoping Plan must be updated every five years. In December 2008, CARB approved the initial Scoping Plan, which included a suite of measures to sharply cut GHG emissions. CARB's original determination was that to achieve the 1990 emission level in 2020 a reduction in GHG emissions of approximately 28.5 percent would be needed in the absence of new laws and regulations. When the 2020 emissions level projection was updated to account for regulatory measures in effect, the 2020 projection in the “business as usual” condition was reduced to 507 MMTCO_{2e}. As a result, CARB determined that achieving the 1990 emissions level in 2020 would now only require a reduction of GHG emissions of 80 MMTCO_{2e}, or approximately 16 percent from the “business as usual” condition (down from the original estimate of 28.5 percent).

In May 2014, CARB approved the First Update to the Climate Change Scoping Plan (Update), which builds upon the initial Scoping Plan with new strategies and recommendations. The Update highlighted California’s progress toward meeting the near-term 2020 GHG emission reduction goals, highlighted the latest climate change science and provided direction on how to achieve long-term emission reduction goal described in Executive Order S-3-05. The Update recalculated 1990 GHG emissions using new global warming potentials identified in the IPCC Fourth Assessment Report released in 2007. Based on the revised emissions level projections, achieving the 1990 emissions level in 2020 would require a reduction of 78 MMTCO_{2e}, or approximately 15.3 percent from the “business as usual” condition (down, again, from the original estimate 28.5 percent) (CARB, 2018; CARB, 2017).

In December 2017, CARB adopted the Second Update to the Scoping Plan, which identified the State’s post-2020 reduction strategy. The Second Update reflected the 2030 target of a 40 percent GHG emissions reduction below 1990 levels set by SB 32. The Second Update built upon the Cap- and-Trade Regulation; the Low Carbon Fuel Standard (LCFS); much cleaner cars, trucks and freight movement; cleaner, renewable energy; and strategies to reduce methane emissions from agricultural and other wastes to reduce GHG emissions (CARB, 2017).

In December 2022, CARB released the *Final 2022 Scoping Plan Update (2022 Scoping Plan)*, which identifies the State’s strategies to reduce GHG emissions by 85% and achieve carbon neutrality by 2045. The *2022 Scoping Plan* reflects an accelerated target of an 85% reduction in GHG emissions compared to 1990 levels by 2045. This third update relies on key programs in place, including the Cap-and-Trade Regulation and the LCFS, while stressing the need to increase their pace and scale (CARB, 2022a).

5. California Senate Bill No. 1368 (SB 1368)

In 2006, the State Legislature adopted Senate Bill (SB) 1368 (Perata, Chapter 598, Statutes of 2006), which directs the California Public Utilities Commission (CPUC) to adopt a GHG emission performance standard (EPS) for the future power purchases of California utilities. SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than five years from resources that exceed specified emissions criteria. Accordingly, SB 1368 effectively prevents California’s utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. SB 1368 will lead to dramatically lower GHG emissions associated with California energy demand (CEC, n.d.).

6. Executive Order S-01-07

Executive Order (EO) S-01-07 is known as the Low Carbon Fuel Standard (LCFS). The Executive Order sought to reduce the carbon intensity of California’s passenger vehicle fuels by at least 10 percent by 2020. The LCFS requires fuel providers in California to ensure that the mix of fuel they sell into the California market meet, on average, a declining standard for GHG emissions measured in CO_{2e} grams per unit of fuel energy sold (CA State Library, 2007).

7. *Senate Bill 1078*

Senate Bill (SB) 1078 establishes the California Renewables Portfolio Standard Program, which required electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20% of their renewable power by December 31, 2017 for the purposes of increasing the diversity, reliability, public health, and environmental benefits of the energy mix (CA Legislative Info, 2018).

8. *Senate Bill 107*

SB 107 directed California Public Utilities Commission's Renewable Energy Resources Program to increase the amount of renewable electricity (Renewable Portfolio Standard) generated per year, from 17% to an amount that equals at least 20% of the total electricity sold to retail customers in California per year by December 31, 2010 (CA Legislative Info, 2006).

9. *Executive Order S-14-08*

On November 17, 2008, former Governor Schwarzenegger signed Executive Order S-14-08, revising California's existing Renewable Portfolio Standard (RPS) upward to require all retail sellers of electricity to serve 33% of their load from renewable energy sources by 2020. In order to meet this new goal, a substantial increase in the development of wind, solar, geothermal, and other "RPS eligible" energy projects would be needed. Executive Order S-14-08 sought to accelerate such development by streamlining the siting, permitting, and procurement processes for renewable energy generation facilities. To this end, S-14-08 issued two directives: (1) the existing Renewable Energy Transmission Initiative will identify renewable energy zones that can be developed as such with little environmental impact, and (2) the California Energy Commission (CEC) and the California Department of Fish and Wildlife (CDFW) will collaborate to expedite the review, permitting, and licensing process for proposed RPS-eligible renewable energy projects (CA State Library, 2008).

10. *Senate Bill 97*

Senate Bill 97 (SB 97) was enacted in 2007 to recognize the need to analyze GHGs as a part of the CEQA process. SB 97 required the Governor's Office of Planning and Research (OPR) to develop, and the Natural Resources Agency to adopt, amendments to the CEQA Guidelines addressing the analysis and mitigation of GHGs. As part of the administrative rulemaking process, the Natural Resources Agency developed a Final Statement of Reasons explaining the legal and factual bases, intent, and purpose of the CEQA Guidelines amendments. The amendments to the CEQA Guidelines implementing SB 97 became effective on March 18, 2010. Of note, the CEQA Guidelines state that a lead agency has discretion to determine whether to use a quantitative model or methodology, or rely on a qualitative analysis or performance-based standards to evaluate GHGs (CA Legislative Info, 2007).

CEQA emphasizes that GHG effects are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis. (See CEQA Guidelines § 15130(f)). CEQA Guidelines § 15064.4(b) provides direction for lead agencies for assessing the significance of impacts of greenhouse gas emissions:

1. The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
2. Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; or
3. The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

The CEQA Guideline amendments do not identify a threshold of significance for GHG emissions, nor do they prescribe assessment methodologies or specific mitigation measures. Instead, they call for a “good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.” The amendments encourage lead agencies to consider many factors in performing a CEQA analysis and preserve lead agencies’ discretion to make their own determinations based upon substantial evidence. The amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses.

11. *Senate Bill 375*

The Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375, Chapter 728, Statutes of 2008) supports the State's climate action goals to reduce GHG emissions through coordinated transportation and land use planning with the goal of more sustainable communities. Under the Sustainable Communities Act, CARB set regional targets for GHG emissions reductions from passenger vehicle use. In 2010, CARB established these targets for 2020 and 2035 for each region covered by one of the State's metropolitan planning organizations (MPO). CARB periodically reviews and updates the targets, as needed (CARB, n.d.).

Each of California’s MPOs must prepare a "sustainable communities strategy" (SCS) as an integral part of its regional transportation plan (RTP). The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets. Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. CARB must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate “alternative planning strategy” (APS) to meet the targets (CARB, n.d.).

12. *Executive Order B-30-15*

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which sets a goal to reduce GHG emissions in California to 40 percent below 1990 levels by 2030. The 2030 target serves as a benchmark goal

on the way to achieving the GHG reduction goal set by former Governor Schwarzenegger via Executive Order S-3-05 (i.e., 80 percent below 1990 greenhouse gas emissions levels by 2050) (CA State Library, 2015).

13. *Senate Bill 32*

On September 8, 2016, Governor Jerry Brown signed the Senate Bill (SB) 32 and its companion bill, Assembly Bill (AB) 197. SB 32 requires the state to reduce statewide GHG emissions to 40% below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15. The new legislation builds upon the AB 32 goal of 1990 levels by 2020 and provides an intermediate goal to achieving S-3-05, which sets a statewide greenhouse gas reduction target of 80% below 1990 levels by 2050 (CA Legislative Info, 2016).

14. *California Air Resources Board Rules*

The CARB enforces rules related to GHG emissions in the State of California. Rules with applicability to the Project include, but are not limited to, those listed below.

- CARB Rule 2485 (13 CCR 2485): Airborne Toxic Control Measure to Limit Diesel-Fuel Commercial Vehicle Idling, which limits nonessential idling to five minutes or less for commercial trucks.
- CARB Rule 2449 (13 CCR 2449): In-Use Off-Road Diesel Idling Restricts, which limits nonessential idling to five minutes or less for diesel-powered off-road equipment.

15. *California Climate Crisis Act (AB 1279)*

AB 1279, also known as the California Climate Crisis Act, declares that it is the policy of the State to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045; to achieve and maintain net negative greenhouse gas emissions thereafter; and to ensure that by 2045, Statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels. The bill requires the California Air Resources Board (CARB) to work with relevant State agencies to ensure that updates to the CARB Scoping Plan identify and recommend measures to achieve these policy goals and to identify and implement a variety of policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California. AB 1279 also requires CARB to submit an annual report evaluating progress towards these policies (CA Legislative Info, n.d.).

16. *Clean Energy, Jobs, and Affordability Act of 2022 (Senate Bill 1020)*

SB 1020, also known as the Clean Energy, Jobs, and Affordability Act of 2022, revised State policy to include interim targets requiring that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035. SB 1020 also requires each State agency to ensure that zero-carbon resources and eligible renewable energy resources supply 100 percent of electricity procured to serve their agency by December 31, 2035. In addition, SB 1020 requires the State Water Project (SWP) to procure eligible renewable energy and zero-carbon resources as necessary to meet the clean energy requirements

specified for all State agencies. Finally, SB 1020 requires the California Public Utilities Commission (CPUC) to develop utility affordability metrics for both electricity and gas service (CA Legislative Info, n.d.).

17. *Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program (Senate Bill 905)*

SB 905 requires CARB to establish a Carbon Capture, Removal, Utilization, and Storage (CCRUS) Program and adopt regulations for a model unified permit program for the construction and operation of CCRUS projects. SB 905 is intended to accelerate the deployment of carbon management technologies and ensuring they are deployed in a safe and equitable way. SB 905 requires the CCRUS Program to ensure that carbon dioxide capture, removal, and sequestration projects include specified components including, among others, certain monitoring activities. In addition, SB 905 requires that by January 1, 2025, CARB shall adopt regulations for a unified permit application for the construction and operation of carbon dioxide capture, removal, or sequestration projects to expedite the issuance of permits or other authorizations for the construction and operation of those projects. SB 905 also requires the establishment of a centralized public database to track the deployment of carbon capture, utilization, or storage (CCUS) technologies and carbon dioxide removal (CDR) technologies (CA Legislative Info, n.d.).

18. *Assembly Bill 1757*

AB 1757 directs the California Natural Resources Agency (CNRA) to determine an ambitious range of targets for natural carbon sequestration, and for nature-based climate solutions, that reduce GHG emissions for 2030, 2038, and 2045 to support State goals to achieve carbon neutrality and foster climate adaptation and resilience. Additionally, AB 1757 requires these targets to be integrated into the CARB Scoping Plan and other State policies. It also includes provisions to avoid double counting emission reductions, updates the Natural and Working Lands Climate Smart Strategy, develops GHG tracking protocols, and biennially post progress made in achieving the targets on CNRA's internet website. In addition, AB 1757 requires CARB to develop standard methods for State agencies to consistently track greenhouse gas emissions and reductions, carbon sequestration, and, where feasible, additional benefits from natural and working lands over time (CA Legislative Info, n.d.).

D. Regional Regulations

1. *Kern Council of Governments Regional Transportation Plan and Sustainable Communities Strategy*

Kern Council of Governments (Kern COG) is a federally-designated Metropolitan Planning Organization (MPO) and a state designated Regional Transportation Planning Agency (RTPA). To guide the development of the planned multimodal transportation systems in Kern County, the *2018 RTP* establishes a 24-year blueprint that provides a set of regional transportation goals, policies, and actions. As required by California's Sustainable Communities and Climate Protection Act, of SB 375, a Sustainable Communities Strategy (SCS) also is included in the *2018 RTP*. The RTP provides transportation and air quality goals, policies, and actions and includes programs and projects for congestion management, transit, airports, bicycles and pedestrians, roadways, and freight. In addition, it provides a discussion of all mechanisms used to finance transportation and air quality program implementation. In addition, the companion *RTP* conformity document demonstrates

that the Plan will not delay attainment of federal air quality standards in the State Implementation Plans for air quality (Kern COG, 2022, pp. ES-1).

4.7.3 BASIS FOR DETERMINING SIGNIFICANCE

According to Section VIII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to climate change if the Project or any Project-related component would (OPR, 2019):

- 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.*

In order to assess the significance of a proposed Project’s environmental impacts it is necessary to identify quantitative or qualitative thresholds which, if exceeded, would constitute a finding of significance.

Given that the City of Bakersfield has not yet adopted a Climate Action Plan (CAP) and the SJVAPCD has not yet updated its GHG significance methodology guidance post year 2020, there is no widely accepted significance threshold for GHG emissions in the City of Bakersfield at this time for a development project such as the proposed Project. For that reason, this EIR uses a threshold of net zero. Although a net zero threshold is more conservative than any higher numerical threshold or comparison against Business as Usual (BAU) assumptions as previously promulgated by the SJVAPCD, and is also more conservative than criteria that likely will be set forth in the City’s future CAP when it is adopted, there are no provisions in CEQA that preclude a lead agency from applying a more conservative threshold on a case-by-case basis. The City recognizes that a net zero threshold for GHG emissions is highly conservative. In the 2009 Final Statement of Reasons for adoption of the CEQA Guidelines update for GHG emissions it states, “Notably, [CEQA] section 15064.4(b)(1) is not intended to imply a zero net emissions threshold of significance. As case law makes clear, there is no ‘one molecule rule’ in CEQA.” Regardless, a net zero threshold aligns with the State’s carbon neutrality goals identified in Executive Order B-55-18 and CARB’s Draft 2022 Scoping Plan that evaluates a path for California to achieve carbon neutrality by 2045 (CARB, 2022a). Accordingly, the Project’s impacts due to GHGs would be significant if the Project were to result in a net increase in GHG emissions as compared to existing conditions.

4.7.4 IMPACT ANALYSIS

Threshold a: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The Project involves the proposed construction and operation of a community-based outpatient medical clinic operated by the VA on a 10.05 gross acre site. The proposed VA community-based outpatient clinic is designed to have a gross building floor area of up to 39,648 s.f. with a net usable area of up to 30,100 s.f. GHG emissions would occur from construction and operation of the Project.

Although the Project would add impervious surfaces and contribute to the urban heat island, the site would be landscaped as shown in Figure 3-4, *Conceptual Landscape Plan*. Figure 3-4 shows that over 400 trees would be planted on the property, a substantial improvement from the Project site’s existing fallow condition. Additionally, a healing garden is proposed on the Project site which would include an area of trees, groundcover, and accent plants. The passenger vehicle parking lots would have shade cover to meet or exceed the minimum of 40% that is required by Chapter 17.61 of the Bakersfield Municipal Code, thereby lowering the Project’s contribution to the heat island such that the Project’s impact would be less than significant. Furthermore, there are no established significance thresholds specific to the urban heat island. Temperature increases are considered in both the evaluation of potential air quality impacts and GHG impacts.

While estimated Project-related GHG emissions can be quantified, the direct impacts of such emissions on global climate change and global warming cannot be determined on the basis of available science. There is no evidence that would indicate that the emissions from a project the size of the proposed Project would directly or indirectly affect the global climate. Because global warming is the result of GHG emissions, and GHGs are emitted by innumerable sources worldwide, the proposed Project would have no potential to result in a direct impact to global warming; rather, Project-related contributions to global climate change could only have potential significance on a cumulative basis. Therefore, the analysis below focuses on the Project’s potential to contribute to GCC in a cumulatively considerable way.

The proposed Project’s estimated construction and operational GHG emissions were calculated using the California Emissions Estimator Model (CalEEMod) program (version 2020.4.0). These emissions are summarized in Table 4.7-1, *Estimated Annual Greenhouse Gas Emissions*. Although an opening year of 2023 is assumed and it is likely that the clinic will open after 2023, the use of 2023 as an analytical opening year presents a conservative (worst case) calculation of expected GHG emissions because GHG emission levels from the Project will reduce over time as regulatory requirements become more stringent, such as requirements imposed on automakers and utility companies to lower emissions. As shown, GHG emissions resulting from the Project’s construction process are calculated at 501.73 MT CO₂e annualized. Operation of the Project would produce GHG emissions from area sources (such as building operations), energy sources (from supplying power to the Project), mobile sources (from vehicles traveling to and from and operating on the Project site), waste sources (from decomposition of waste discarded from Project operations), and water sources (from supplying water to the Project). In total, Project operations are calculated to generate 946.85 MT CO₂e annually.

Table 4.7-1 Estimated Annual Greenhouse Gas Emissions

	CO2 Emissions metric tons	CH4 Emissions metric tons	N2O Emissions metric tons	CO2e Emissions metric tons
Construction (Max Annual)	494.06	0.07	0.02	501.73
Operational (2023)	801.72	5.35	0.04	946.85

Source: (Trinity, 2023, Table 5-3)

Upon the proposed Project opening and the clinic becoming operational, the VA would cease operations at its existing facility located at 1801 Westwind Drive. As such, GHG emissions that currently occur from operations at the existing location would cease to occur prior to any GHG emissions from operation of the

Project. Therefore, the Project’s net GHG emissions would be less than the amount shown in Table 4.7-1. For informational purposes, Table 4.7-2, *Net Greenhouse Gas Emissions*, quantifies the estimated GHG emissions from the existing facility that would no longer be emitted, based on existing square footage (30,140 square feet) and CalEEMod version 2020.4.0.

Table 4.7-2 Net Greenhouse Gas Emissions

	CO2 Emissions metric tons	CH4 Emissions metric tons	N2O Emissions metric tons	CO2e Emissions metric tons
Existing Facility	748.55	4.01	0.05	863.70
Proposed Project	801.72	5.35	0.04	946.85
Net Emissions	53.18	1.28	-0.01	83.15

Source: (Trinity, 2023, Table 5-4)

As shown in Table 4.7-2, net new Project GHG emissions are calculated at 83.15 MT CO₂e annually, which is a minuscule amount of emissions. The Project would not result in the emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), or sulfur hexafluoride (SF₆), the other gases identified as GHGs in AB 32.

The Project is contracted with the federal government; therefore, the following items are required to be implemented (Trinity, 2023, p. 5-3).

- Reduction in energy cost by 30% over baseline performance rating using the following:
 - Energy efficient mechanical, electrical, and plumbing equipment
 - Energy control strategies for HVAC, plumbing and lighting systems
 - Low flow plumbing fixtures and shower heads
- Natural gas is boilers over No. 2 Oil where uninterrupted natural gas supply is available.

While the GHG emissions reductions from these features are not quantifiable based on available GHG modeling software, the Project’s actual GHG emissions are anticipated to be less than the amount shown in Table 4.7-2. Thus, even the minuscule net new GHG emissions amount is conservative, and overstates the Project’s actual impacts.

The Project would also implement design measures to maximize energy efficiency and reduce GHG emissions as required by State law (for example, compliance with Title 24, and the use of energy efficient appliances as required by the CBSC). Although mandatory compliance with applicable federal and State regulations would reduce Project-related GHG emissions, these regulations would not reduce the Project’s mobile source GHG emissions (i.e., emissions from construction equipment and passenger cars), which are the primary source of Project-related GHG emissions. As advancements in vehicle technology progress, it is expected that a higher percentage of vehicles, including trucks, will be electric-powered than occurs today, and thus the Project’s operational GHG emissions will reduce over time from the amount assumed above, which assumes 2023 conditions will continue for the life of the Project. Mobile source GHG emissions are regulated by State and federal fuel standards and tailpipe emissions standards, and are outside of the control and authority of the City of Bakersfield, the Project Applicant, and the VA.

As previously noted, the City of Bakersfield is using a net-zero threshold for this Project, meaning that any amount of GHG emissions from the Project is considered a significant impact. Because the Project would result in an estimated total gross increase of 946.85 MT CO₂e annually, or when taking into account the VA's vacation of its existing facility to move to the new proposed facility on the Project site, an estimated net new increase of 83.15 MT CO₂e annually, the Project's impact is significant on a cumulatively-considerable basis because GHG emissions are above zero. For perspective, a net new increase of 83.15 MT CO₂e annually, or even a gross increase of 946.85 MT CO₂e, is small in comparison to numerical significance thresholds established in other air districts, such as the 3,000 MT CO₂e per year threshold established by the South Coast Air Quality Management District ("SCAQMD") (SCAQMD, 2008), where even the Project's gross GHG emissions would be considered less than significant without any mitigation required.

Threshold b: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As demonstrated by the following analysis, the Project would not conflict with applicable plans, policies, and/or regulations adopted with the intent to reduce GHG emissions, including AB 32 and SB 32, Kern COG's RTP/SCS, and Title 24 of the CBSC, which are particularly applicable to the Project.

In April 2015, the Governor signed EO B-30-15, which advocated for a statewide GHG-reduction target of 40 percent below year 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In September 2016, Governor Brown signed SB 32, which formally established a statewide goal to reduce GHG emissions to 40% below year 1990 levels by 2030. To date, no statutes or regulations have been adopted to translate the year 2050 GHG reduction goal into comparable, scientifically-based statewide emission reduction targets.

In November 2022, CARB released the Final 2022 Scoping Plan Update, which identifies the State's progress towards the statutory 2030 target, while providing a path towards carbon neutrality and reduced greenhouse gases emissions by 85% below 1990 levels by 2045. Recent studies show that the State's existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40% below 1990 levels by 2030. This means that development projects complying with mandatory regulations would be consistent with the Scoping Plan. As such, the Project would not conflict with any of the 2022 Scoping Plan elements as any regulations adopted would apply directly or indirectly to the Project, and the Project's net new GHG emissions would be extremely low at only 83.15 MT CO₂e annually. In fact, at 946.85 MT CO₂e per year, the Project's GHG emissions are very low even on a "gross" basis (not considering the closing of the existing VA clinic), well below numerical thresholds of significance relied on by other public agencies, such as the 3,000 MT CO₂e threshold used by SCAQMD and many other agencies. As a result, even when considering the Project's GHG emissions on a gross basis, the Project still would not conflict with any of the 2022 Scoping Plan elements.

Rendering a significance determination for year 2050 GHG emissions relative to EO B-30-15 would be speculative because EO B-30-15 establishes a goal three decades into the future; no agency with GHG subject matter expertise has adopted regulations to achieve these statewide goals at the project-level; and, available analytical models cannot presently quantify all project-related emissions in those future years. Further, due to the technological shifts anticipated and the unknown parameters of the regulatory framework in 2050, available

GHG models and the corresponding technical analyses are subject to limitations for purposes of quantitatively estimating the Project's emissions in 2050.

The Kern COG's *RTP/SCS* was prepared to ensure that the region attains the per capita vehicle miles targets for passenger vehicles identified by CARB (and, thus, meeting associated GHG emissions targets), as required by Senate Bill 375. As explained in EIR Subsection 4.11, *Transportation*, the Project would not conflict with applicable measures of the *RTP/SCS* and, therefore, would not interfere with the region's ability to minimize GHG emissions from transportation sources.

The Project would provide for the construction and operation of a VA community-based outpatient medical clinic operated by the VA that would be constructed with contemporary, energy-efficient/energy-conserving design features and operational characteristics. Medical clinic uses are not inherently energy intensive and the total Project energy demands would be comparable to, or less than, other development projects of similar scale and configuration due to the Project's modern construction and requirement to be constructed in accordance with the most recent CBSC. The CBSC includes the California Energy Code, or Title 24, Part 6 of the California Code of Regulations, also titled The Energy Efficiency Standards for Residential and Nonresidential Buildings. The California Energy Code was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated approximately every three years to improve energy efficiency by allowing incorporating new energy efficiency technologies and methods. The Project would be required to comply with all applicable provisions of the CBSC. As such, the Project's energy demands would be minimized through design features and operational programs that, in aggregate, would ensure that Project energy efficiencies would comply with – or exceed – incumbent CBSC energy efficiency requirements, thereby minimizing GHG emissions produced from energy consumption.

In conclusion, implementation of the Project would not conflict with the State's ability to achieve the Statewide GHG reduction mandates and would be consistent with applicable policies and plans related to GHG emissions reductions. Implementation of the Project would not actively interfere with any future federally-, State-, or locally-mandated retrofit obligations (such as requirements to use new technologies such as diesel particulate filters, emissions upgrades to a higher tier equipment, etc.) enacted or promulgated to legally require development projects to assist in meeting State-adopted GHG emissions reduction targets, including those established under EO S-3-05, EO B-30-15, or SB 32. For these reasons, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and would result in a less than significant impact.

4.7.5 CUMULATIVE IMPACT ANALYSIS

As discussed in Subsection 4.7.3, there is no evidence that would indicate that the emissions from a project the size of the proposed Project would directly or indirectly affect the global climate. As such, Project impacts due to GHG emissions are inherently cumulative in nature.

As discussed under the analysis of Threshold a., the City of Bakersfield has opted to apply a net-zero significance threshold for this Project, meaning that the Project's impacts due to GHGs would be significant if the Project were to result in any amount of GHG emissions. As previously shown in Table 4.7-2, the Project

would result in annual net new emissions of approximately 83.15 MT CO₂e per year. As other cumulative developments within the region also have the potential to result in GHG impacts, the Project's GHG emissions would represent a significant impact on a cumulatively-considerable basis.

As discussed under the analysis of Threshold b., the proposed Project would be consistent with the CARB 2020 Scoping Plan Update, and also would not interfere with the State's ability to achieve the GHG reduction requirements of SB 32. Thus, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and impacts would be less than significant on a cumulatively-considerable basis.

4.7.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Cumulatively-Considerable Impact. The Project would generate approximately 946.85 MT CO₂e (83.15 net new MT CO₂e) annually of GHGs, which is significant on a cumulatively-considerable basis based on the City's conservative net zero threshold of significance.

Threshold b: Less-than-Significant Impact. The Project would be consistent with the CARB 2020 Scoping Plan Update, which was prepared to address the GHG reduction requirements set forth by SB 32. Because the Project would be consistent with the Scoping Plan Update, the Project also would not interfere with the State's ability to achieve the GHG reduction requirements of SB 32. Thus, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and impacts would be less than significant.

4.7.7 MITIGATION

- GHG MM-1 Construction contractors shall assure that construction equipment greater than 150 horsepower achieves or is equivalent to or better than Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 4 emissions standards, or Tier 3 standards if Tier 4 equipment is not available at the time of construction. Prior to grading and building permit issuance, the construction contractor(s) shall submit an equipment list to the City's Development Services Director confirming that the equipment used is compliant.
- GHG MM-2 Construction contractors shall assure that hand tools, forklifts, and pressure washers used for construction are electric-powered and shall designate an area of the construction site where electric-powered construction vehicles and equipment can charge. The City of Bakersfield shall verify the location of the designated charging area in association with grading and building permit issuance.
- GHG MM-3 Project construction contractors shall tune and maintain all construction equipment in accordance with the equipment manufacturer's recommended maintenance schedule and specifications. Maintenance records for all pieces of equipment shall be kept on-site for the duration of construction activities and shall be made available for periodic inspection by City of Bakersfield or its designee.

4.7.8 DESIGN FEATURES AND REGULATORY REQUIREMENTS

The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Greenhouse Gas Emissions, which include the following:

- GHG RR-4 The building shall be constructed in compliance with Title 24 of the Uniform Building Code to minimize total consumption of energy. The City of Bakersfield shall confirm Title 24 compliance prior to the issuance of building permits.

4.7.9 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Significant and Unavoidable Cumulatively-Considerable Impact. Although the Project's GHG emissions would only be a very small fraction of the global GHG emissions that contribute to climate change, the City is using a net-zero threshold. Because the Project would result in a net increase in GHG emissions as compared to existing conditions even with implementation of mitigation measures, the Project's impacts due to GHG emissions would be significant and unavoidable on a cumulatively-considerable basis. After detailed analysis of all possibilities, it has been determined that no other feasible mitigation measures that could further reduce the Project's GHG emissions exist, for several reasons. First, physical modifications to the Project are not possible because the Project applicant is limited to the design improvements approved by the federal government as part of the already concluded federal procurement process. As a result, the City has no jurisdiction or ability to require adding improvements such as rooftop solar panels, as it would conflict with the Project approved by the VA / federal government. It should be noted, however, that the federal requirements do include, and the Project will incorporate, various "green" features that will reduce the Project's GHG emissions, although to be as conservative as possible, those reductions have not been specifically quantified as part of this EIR. Second, while carbon/GHG credits or offsets existing on certain marketplaces for purchase, recent Court of Appeal decisions have cast considerable doubt on the use of such offsets to mitigate GHG impacts from land use development projects. In light of such uncertainty, the City finds that carbon offsets are not a feasible method for mitigating the Project's GHG emissions.

4.8 HAZARDS AND HAZARDOUS MATERIALS

The information and analysis in this Subsection are based on a technical study that was prepared to determine the presence or absence of hazardous materials on the Project site under existing conditions. The technical report titled “Phase I Environmental Site Assessment, Vacant Property, 5512 and 5656 Knudsen Drive, APN 365-020-30 and a Portion of 365-020-28, Bakersfield, California 93308,” dated April 13, 2022, was prepared by Krazan & Associates, Inc. (Krazan), and is included as EIR *Technical Appendix F1* to this EIR (Krazan, 2022). An addendum titled “Addendum I to Phase I Environmental Site Assessment 2022,” dated March 29, 2023, was also prepared and is included as *Technical Appendix F2* to this EIR (Krazan, 2023). Refer to Section 7.0, *References*, for a complete list of reference sources used in this analysis.

4.8.1 EXISTING CONDITIONS

A. Definition of Terms

“Toxic substance” is defined as a substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may present an unreasonable risk of injury to human health or the environment. Toxic substances include chemical, biological, flammable, explosive, and radioactive substances.

“Hazardous material” is defined as a substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: 1) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or 2) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating illness (CCR, n.d.).

“Hazardous waste” is defined in the California Code of Regulations (CCR), Title 22, § 66261.3. The defining characteristics of hazardous waste are: ignitability (oxidizers, compressed gases, and extremely flammable liquids and solids), corrosivity (strong acids and bases), reactivity (explosives or generates toxic fumes when exposed to air or water), and toxicity (materials listed by the United States Environmental Protection Agency (USEPA) as capable of inducing systemic damage to humans or animals). Certain wastes are called “Listed Wastes” and are found in the CCR, Title 22, Sections 66261.30 through 66261.35. Wastes appear on the lists because of their known hazardous nature or because the processes that generate them are known to produce hazardous wastes (which are often complex mixtures).

“Recognized Environmental Condition (REC)” is defined as the presence or likely presence of any hazardous substance or petroleum products in, on, or at a property: 1) due to any release to the environment; 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment (Krazan, 2022, p. 1).

“Controlled Recognized Environmental Condition (CREC)” is defined as a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (Krazan, 2022, p. 35).

“Historical Recognized Environmental Condition (HREC)” is defined as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (Krazan, 2022, p. 35).

B. Historical Review, Regulatory Records Review, and Field Reconnaissance

1. Historical Review

As part of the Project’s Phase I ESA, Krazan reviewed various sources of information to determine the historical use of the Project site, including previous environmental assessments, historical aerial photographs, fire insurance maps, historical topographic maps, Environmental Data Resources (EDR) collection of regulatory database records, city directories and records, and a Phase I ESA interview (Krazan, 2022, p. 10). Refer to the Project’s Phase I ESA (*Technical Appendix F*) for a detailed accounting of Krazan’s research procedure.

Historical review of aerial photography of the property concluded that from 1937 to 1973, the Project site was in use for agricultural purposes with two small outbuildings and an exterior storage area present on the northwestern portion of the site. By 1984, the property appeared to be vacant with no apparent structures visible. By 1994, the site had visible trails running across it and a portion of the site appeared to be supporting lush vegetation. By 2016, conditions on the site were similar to those noted in 1994 and the property was considered vacant land (Krazan, 2022, pp. 11-12).

2. Regulatory Records Review

Krazan researched federal, State, and local environmental records databases to identify properties with reported environmental issues. The Project site is not listed on any of the regulatory records. Several properties within one-mile of the Project site were listed in the regulatory records; however, none of the identified properties were considered a Recognized Environmental Concern (REC) to the Project site (Krazan, 2022, pp. 16-21).

3. Field Reconnaissance

Krazan’s reconnaissance of the property was conducted on March 31, 2022. Krazan observed discarded household waste scattered along the northern boundary of the Project site. A shallow depression that appeared to be a rough-cut stormwater catchment was noted in the northeastern part of the Project site. A stormwater detention basin is located to the southwestern portion of the Project site. A bare utility pole and several large pieces of concrete were noted in the northeastern portion of the Project site. No hazardous substances were observed on the Project site. No electrical transformers or high-voltage, tower-mounted electric lines were observed on the Project site (Krazan, 2022, p. 5).

Krazan concluded that no evidence of RECs (including CRECs and HRECs) is present on the property under existing conditions (Krazan, 2022, p. 30).

4. Vapor Migration

During Krazan’s observations of the property, review of historical sources, and review of regulatory databases, no current or historical usage of chemicals of concern at the property or reported release or other indication of subsurface contamination from a property source was evident. Additionally, no release or material threat of a release to the subsurface from an off-property source was identified. Therefore, no vapor migration concern was identified for the property during the course of the Phase I ESA (Krazan, 2022, pp. 27-28).

C. Airport Hazards

The Project site is located 0.9-mile southwest of the Meadow Field Airport. According to Figure 4-1 of the *Kern County Airport Land Use Compatibility Plan (ALUCP)*, the Project site is located inside of Compatibility Zone “C” for the Meadows Field Airport (Kern County, 2012, Figure 4-36). Compatibility zone “C” includes areas in the common traffic pattern of the airport that are at limited risk for impacts. These areas may have frequent noise intrusion; however, the Project site is located outside of the noise contours of the airport (Kern County, 2012, Figure 4-39).

D. Wildland Fire Hazards

The Project site is surrounded by urbanized land uses and vacant properties maintained for fire fuel abatement and the site not located adjacent to any wildlands. The California Department of Forestry and Fire Protection (Cal Fire) does not identify the Project site within a very high, high, or moderate fire hazard severity zone (Cal Fire, 2022).

4.8.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to hazards and hazardous materials.

A. Federal Plans, Policies, and Regulations

1. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Superfund Amendments and Reauthorization Act (SARA)

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as CERCLA or Superfund, provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the Environmental Protection Agency (EPA) was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed. EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund

site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies (EPA, 2022c).

The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions clarifications, and technical requirements were added to the legislation, including additional enforcement authorities. Also, Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA) (EPA, 2022c).

2. *Resource Conservation and Recovery Act (RCRA)*

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances (EPA, 2022e).

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program (EPA, 2022e).

3. *Hazardous Materials Transportation Act (HMTA)*

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property" (OSHA, n.d.).

4. *Hazardous Materials Transportation Uniform Safety Act of 1990*

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials (OSHA, n.d.).

5. *Occupational Safety and Health Act (OSHA)*

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized

hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions (EPA, 2022d).

In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for OSHA. OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states (EPA, 2022d).

6. *Toxic Substances Control Act*

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint (EPA, 2022j).

7. *Public Resources Code (PRC) § 3208.1*

PRC 3208.1 is to prevent, as far as possible, damage to life, health, and property, the supervisor or district deputy may order the re-abandonment of any previously abandoned well if the supervisor or the district deputy has reason to question the integrity of the previous abandonment (FindLaw, 2019).

B. State Plans, Policies, and Regulations

1. *Cal/OSHA and the California State Plan*

Under an agreement with OSHA, since 1973, California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA. The State of California's Department of Industrial Relations administers the California Occupational Safety and Health Program, commonly referred to as Cal/OSHA. The State of California's Division of Occupational Safety and Health (DOSH) is the principal agency that oversees plan enforcement and consultation. In addition, the California State program has an independent Standards Board responsible for promulgating State safety and health standards, and reviewing variances. It also has an Appeals Board to adjudicate contested citations and the Division of Labor Standards Enforcement to investigate complaints of discriminatory retaliation in the workplace. Cal/OSHA is the only agency in the State authorized to adopt, amend, or repeal occupational safety and health standards or orders. In addition, the Standards Board maintains standards for certain things not covered by federal standards or enforcement, including: elevators, aerial passenger tramways, amusement rides, pressure vessels and mine safety training. The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident, a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries with high rates of occupational hazards, fatalities, injuries or illnesses. (OSHA, n.d.).

2. *California Hazardous Waste Control Law*

The Hazardous Waste Control Law (HWCL) (Health and Safety Code [HSC], Division 20, Chapter 6.5, Section 25100, et seq.) is the primary hazardous waste statute in California. The HWCL implements RCRA as a “cradle-to-grave” waste management system in the State. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure its proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reuse as raw materials. The HWCL exceeds federal requirements by mandating source reduction planning and broadening requirements for permitting facilities that treat hazardous waste. It also regulates a number of waste types and waste management activities not covered by federal law (RCRA) (CA Legislative Info, n.d.).

3. *California Code of Regulations (CCR), Titles 22 and 26*

A variety of California Code of Regulation (CCR) titles address regulations and requirements for generators of hazardous waste. Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal. Because California is a fully-authorized state according to RCRA, most regulations (i.e., 40 CFR 260, et seq.) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of state and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. As with the HSC, Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics). However, the hazardous waste regulations are still commonly referred to collectively as “Title 22” (DTSC, n.d.; Cornell, n.d.).

4. *California Medical Waste Management Act of 2017*

California has strict requirements detailing the collection and disposal of medical wastes, regulated by the Medical Waste Management Act of 2017. For example, healthcare waste must be separated into different waste streams, with infectious medical waste (or biohazardous waste) as a separate waste stream. Biomedical waste is required to be placed in a disposable film bag, marked with the international biohazard symbol and must meet all tear resistance requirements found in the Medical Waste Management Act of 2017. Any type of biohazard medical waste that can poke through disposable film bags, such as sharps, are required to be collected in puncture resistant hard plastic boxes that cannot be pierced. The California Department of Public Health administers the requirements. According to the California Department of Public Health, only medical waste transporters listed with the health department are allowed to transport medical waste, including biohazardous waste. This regulation is part of the California Health and Safety Code that has been in effect since 1993. All transporters must be registered hazardous waste haulers. That means they must obtain their Hazardous Waste Transporter Registration through the Department of Toxic Substances Control (DTSC) (CDPH, 2017).

C. Local Plans, Policies, and Regulations

1. Local Permitting Requirements

The aforementioned federal and state hazardous materials regulations require all businesses that handle more than a specified number of hazardous materials or extremely hazardous materials to obtain a hazardous materials permit and submit a business plan to its local Certified Unified Program Agency (CUPA). The CUPA also ensures local compliance with all applicable hazardous materials regulations. The CUPAs with responsibility for the City of Bakersfield are the Bakersfield City Fire Department and the Kern County Environmental Health Services Department (CUPA, 2022).

2. Kern County Operational Area Hazardous Materials Area Plan

The Kern County Operational Area Hazardous Materials Area Plan addresses the use, storage, and transportation of hazardous materials and the generation and transportation of hazardous wastes in the Kern County Operational Area. At the time of a significant emergency, the Kern County Operational Area serves as the coordination and communication link between the cities and special districts with the County's boundaries. Serving as the lead agency in the Kern County Operational Area is County government, while oversight and administrative support is provided by the Kern County Office of Emergency Services. During incidents involving the release or threatened release of hazardous substances, the Hazardous Materials Area Plan identifies local, State, and federal responsibilities (Kern County, 2014).

4.8.3 BASIS FOR DETERMINING SIGNIFICANCE

Section IX of Appendix G to the CEQA Guidelines addresses typical adverse effects due to hazards and hazardous materials, and includes the following threshold questions to evaluate the Project's impacts from hazards and hazardous materials (OPR, 2019):

- 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 Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;*
- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard 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.*

4.8.4 IMPACT ANALYSIS

Threshold a: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Threshold b: Would the Project 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?

A. Impact Analysis for Existing Site Conditions

Based on the Phase I ESA conducted by Krazan, the Project site contains no evidence of RECs, CRECs, HRECs or other environmental issues (Krazan, 2022, p. 30).

Due to the historical agricultural use of the Project site, Krazan conducted a shallow soil sampling assessment on the Project site in August 2018 to determine the presence of organochlorine pesticides (OCPs). Analysis of the samples revealed that none of the organochlorine pesticides were present above their respective laboratory reporting limits with the exception of low concentrations of 4,4-dichlorodiphenyldichloroethene (4,4-DDE) which was reported at a maximum concentration of 0.10 milligrams per kilogram (mg/kg), a concentration well below the residential land use Environmental Screening Level (ESL) for 4,4-DDE of 1.8 mg/kg. Based on the analytical results obtained from the composite soil analyses, Krazan concluded that OCPs are not present at concentrations that pose a threat to human health or the environment and no further action was recommended.

Based on the above analysis, no significant hazard to the public or the environment would occur through a reasonable risk of upset or the routine transport, use, or disposal of hazardous materials associated with these features that are part of the existing site condition. Therefore, impacts would be less than significant.

B. Impact Analysis for Short-Term Temporary Construction-Related Activities

Heavy equipment (e.g., dozers, excavators, tractors) would be operated on the Project site during construction. This heavy equipment likely would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the Project than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited to requirements imposed by the EPA, DTSC, and the Central Valley RWQCB. With mandatory compliance with applicable hazardous materials regulations, the Project's short-

term construction activities would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. Therefore, impacts would be less than significant and no mitigation is required.

C. Impact Analysis for Long-Term Operation

The proposed building would operate as a U.S. Department of Veterans Affairs (VA) outpatient medical facility, and hazardous materials and biohazardous materials and medical wastes are expected to be present as part of the facility's operation.

Regarding medical wastes, the VA would be required to comply with California's Medical Waste Management Act of 2017. The Act addresses the use, handling, storage, and disposal of biomedical waste. Additionally, only medical waste transporters registered with the California Department of Public are allowed to transport medical waste, including biohazardous waste. All transporters of biomedical waste also must hold a Hazardous Waste Transporter Registration through the California DTSC.

Regarding hazardous wastes, State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that require businesses to plan and prepare for possible chemical emergencies. Should hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) be handled on the Project site, the VA as the operator of the facility will be required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the Kern County Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP). An HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material.

All biomedical wastes and hazardous materials used or stored at the proposed clinic would require the VA to comply with all applicable federal, State, and local regulations to ensure proper use, storage, use, emission, and disposal of hazardous substances (as described above). With mandatory regulatory compliance, the Project would not pose a significant hazard to the public or the environment through the routine transport, use, storage, emission, or disposal of biomedical wastes or hazardous materials, nor would the Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment.

With mandatory compliance with applicable hazardous materials regulations, during long-term operation, the Project would not create significant hazard to the public or the environment through routine transport, use, or disposal of biomedical wastes or hazardous materials. Therefore, impacts would be less than significant and no mitigation is required.

Threshold c: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The San Lauren Elementary School is located within one-quarter mile of the Project site. Accordingly, the Project has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, and/or wastes within one-quarter mile of an existing or proposed school.

As described above under the analysis for Thresholds “a” and “b,” the use of and transport of hazardous substances or materials to-and-from the Project site during construction and long-term operational activities would be required to comply with applicable federal, State, and local regulations that would preclude substantial public safety hazards. Accordingly, there would be no potential for existing or proposed schools to be exposed to substantial safety hazards associated with emission, handling of, or the routine transport of hazardous substances or materials to-and-from the Project site and impacts would be less than significant.

Refer to EIR Subsection 4.2, *Air Quality*, for analysis pertaining to human health risks associated with air pollutant emissions associated with the Project, including risks to school child receptors at San Lauren Elementary School, North Beardsley Primary School, Beardsley Elementary School, Beardsley Junior High School, and Olive Knolls Christian School. As disclosed in EIR Subsection 4.2, the Project’s toxic air contaminant emissions (and their associated health risks) would be less than significant, and in fact, far below applicable thresholds of significance.

Threshold d: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Because the Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the Project has no potential to create a significant hazard to the public or the environment associated with a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, no impact would occur and no mitigation is required.

Threshold 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?

As discussed in Subsection 4.8.1, the Project site is located 0.9-mile southwest of the Meadow Fields Airport. According to *Kern County Airport Land Use Compatibility Plan (ALUCP)*, the Project site is located inside of Compatibility Zone “C” for the Meadows Field Airport; however, the Project site is located outside of the noise contours of the airport (Kern County, 2012, Figures 4-36 and 4-39). The Project land use is consistent with permitted uses inside of Compatibility Zone “C” of the ALUCP, and therefore, there is no potential for implementation of the Project to result in a safety hazard or excessive noise for people residing or working in the Project area. Impacts would be less than significant.

Regarding other airport related risks to occupants, the Meadows Field land use exhibit (Kern County 2012, Figure 4-36) allows commercial, industrial, and low-density residential uses within the Project site. The ALUCP also allows the construction of medical clinics and single-story offices within APLUCP Zones B and C, subject to a density limitation of 150 persons/acre. As designed, the approximately 10.05-gross acre VA community-based outpatient clinic development would not exceed the allowable density. and in fact, pursuant to data and estimations from the VA, it is expected that only 150 persons (50 employees and 100 patients) would visit the Project site on any given day, meaning that even if all those individuals were present at one time – which they would not be – there would still be much fewer than 150 persons per acre on the Project site. Therefore, the Project would not result in additional safety hazards beyond the baseline condition of the range of land use activities the APLUCP allows including adjacent commercial uses. Therefore, the Project would not result in a safety hazard or excessive noise for people residing or working in the project area.

Threshold f: Would the Project impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, the VA community-based outpatient clinic would be required to maintain adequate emergency access for emergency vehicles. As part of the Project design, a dedicated ambulatory pick-up area is proposed. As part of the City’s discretionary review process, the City of Bakersfield reviewed the Project’s application materials to ensure that appropriate emergency ingress and egress would be available to-and-from the Project site and that the Project would not substantially impede emergency response times in the local area. Additionally, the proposed Project would be required to comply with the Kern County Operational Area Hazardous Materials Area Plan to ensure compliance with established procedures, rules, and regulations for emergency responses in the event of a hazardous materials incident. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.

Threshold g: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The Project site is not located within a very high fire hazard severity zone (Cal Fire, 2022). Neither Cal Fire nor the City of Bakersfield identify the Project site within an area susceptible to wildland fires and while there is vacant area to the west of the Project site, the surrounding areas generally consist of commercial, public facility, and/or residential uses, which are generally not associated with wildland fire hazards (Cal Fire, 2022) (Bakersfield, 2002). Because the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, no impact would occur.

4.8.5 CUMULATIVE IMPACT ANALYSIS

Routine Transport, Use, or Disposal of Hazardous Materials

The Project’s construction contractors and the VA as the occupant of the Project site would be required to comply with all applicable federal, State, and local regulations relating to the routine transport, use, or disposal of hazardous materials and biomedical wastes. The VA also would be subject to additional review and

permitting requirements by the Kern County Fire Department and the Kern County Operational Area Hazardous Materials Area Plan. Similarly, any other developments in the area proposing the construction of uses with the potential for use, storage, or transport of hazardous materials or biomedical waste also would be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Therefore, cumulatively-considerable impacts would be less than significant.

Release of Hazardous Materials into the Environment

The Project's construction contractors and the VA as the occupant of the Project site would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, and disposal of hazardous substances and biomedical wastes. The VA also would be subject to additional review and permitting requirements by the Kern County Fire Department and the Kern County Operational Area Hazardous Materials Area Plan. Similarly, any other developments in the area proposing the construction of uses with the potential for release of hazardous materials or biomedical wastes into the environment would also be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Therefore, cumulatively-considerable impacts would be less than significant.

Hazardous Emissions Within One-Quarter Mile of an Existing or Proposed School

The Project site is located within one-quarter mile of San Lauren Elementary School. All area cumulative development projects would be required to comply with applicable federal, State, and local regulations related to the use, storage, and transport of hazardous materials. Compliance with these regulations would ensure the safe handling of hazardous materials and biomedical wastes, including the appropriate response and clean-up in the event of an accident, to preclude substantial health and safety hazards to students at San Lauren Elementary School. Potential cumulative impacts to students related to the use, handling, and transport of hazardous materials and biomedical wastes would be less than significant.

Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5

The Project site is not located on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the Project has no potential to contribute to substantial, cumulative effects related to the development or re-development of contaminated property.

Airport Land Use Plan or Airports

As discussed above under the response to Threshold "e," the Project is located outside of the noise contours of Meadows Field Airport. In addition, the Project would not introduce any land use to the Project site that would conflict with the Meadows Field ALUCP. Therefore, the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area and would not contribute to a cumulatively considerable impact associated with airport hazards.

Emergency Response or Emergency Evacuation Plans

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route; thus, there is no potential for the Project to contribute to any cumulative impacts associated with an adopted emergency response plan or emergency evacuation plan.

Wildland Fires

Because the Project site is not located within or in close proximity to areas identified as being subject to wildland fire hazards, nor does the operation of a community based clinic result in any fire hazards or otherwise expose individuals to risks of wildfire, the Project has no potential to contribute to adverse, cumulative wildland fire hazards.

4.8.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Thresholds a and b: Less-than-Significant Impact. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.

Threshold c: Less-than-Significant Impact. The Project Site is located within one-quarter mile of one school; however, the Project would be required to comply with applicable federal, State, and local regulations related to the handling, storage, use, and transport of hazardous materials and biomedical wastes to ensure that students are not exposed to substantial hazardous emissions or acutely hazardous materials, substances, or waste.

Threshold d: No Impact. The Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Threshold e: Less-than-Significant Impact. The Project is consistent with the requirements of the Meadows Field ALUCP. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.

Threshold f: No Impact. The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

Threshold g: No Impact. The Project site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk.

4.8.7 MITIGATION

Impacts associated with hazards and hazardous materials would be less than significant; therefore, mitigation is not required.

4.8.8 DESIGN FEATURES AND REGULATORY REQUIREMENTS

The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Hazards and Hazardous Materials.

- HAZ RR-1 Construction contractors shall be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited requirements imposed by the EPA, DTSC, and the Central Valley RWQCB.
- HAZ RR-2 If the VA handles hazardous materials as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95, it shall be required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the Kern County Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP).
- HAZ RR-3 Activities involving the collection and disposal of medical wastes are required to comply with California's Medical Waste Management Act of 2017.
- HAZ RR-4 All transporters of medical wastes must be registered hazardous waste haulers with a valid Hazardous Waste Transporter Registration through the California Department of Toxic Substances Control (DTSC).
- HAZ RR-5 The proposed Project would be required to comply with the Kern County Operational Area Hazardous Materials Area Plan to ensure compliance with established procedures, rules, and regulations for emergency responses in the event of a hazardous materials incident.

4.9 HYDROLOGY AND WATER QUALITY

The analysis in this Subsection is largely based on a study entitled, “Hydrology & Hydraulics Report, VA Bakersfield Community Based Outpatient Clinic,” prepared by EA Engineers, dated June 11, 2020, and included as *Technical Appendix G2* to this EIR (EA Engineers, 2020). An update letter to the Hydrology & Hydraulics Report, dated January 24, 2023, was also prepared by EA Engineers, and is included as *Technical Appendix G1* to this EIR (EA Engineers, 2023). This update letter indicates that the Hydrology & Hydraulics Report, dated June 11, 2020, is still applicable and that the site conditions have not changed. Refer to Section 7.0, *References*, for a complete list of all reference sources.

4.9.1 EXISTING CONDITIONS

A. Existing Drainage Conditions

Under existing conditions, the Project site is vacant and undeveloped other than a stormwater retention basin surrounded by chain link fencing located at the southwestern portion of the site. The topography of the Project site is characterized by relatively flat land. Immediately surrounding areas are also flat with no prominent slopes or hillsides. The elevation of the Project site ranges from 426 feet to 430 feet above mean sea level (amsl). Stormwater runoff generated on the Project site under existing conditions remains on the site by infiltrating the on-site soil (EA Engineers, 2020, Attachment 4).

B. Flood Hazards

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06029C1825F, the Project site is located within FEMA Flood Zone X. Flood Zone X is correlated with areas of minimal flood hazard, determined to be less than the 0.2 percent annual chance flood (FEMA, 2021).

C. Water Quality

The Project site is located within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB). Water quality within the Central Valley region is regulated by the RWQCB’s, *Water Quality Control Plan for the Tulare Lake Basin, Third Edition* (herein, “WQCP”), dated May 2018. According to the WQCP, the Tulare Lake Basin (“Basin”) comprises the drainage area of the San Joaquin Valley south of the San Joaquin River. Surface water from the Tulare Lake Basin only drains north into the San Joaquin River in years of extreme rainfall. The Basin encompasses approximately 10.5 million acres, of which approximately 3.25 million acres are in federal ownership. The Basin is one of the most important agricultural centers of the world. Industries related to agriculture, such as food processing and packaging (including canning, drying, and wine making), are prominent throughout the area (RWQCB, 2018, p. 1-1).

The Project site is located within the Kern River sub-basin. The federal Clean Water Act (CWA) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards are placed on a list of impaired waters pursuant to the requirements of Section 303(d) of the CWA. The WQCP describes the Kern River, which provides the bulk of the surface water supply native to the Basin, as having excellent water quality (RWQCB, 2018, p. 1-2). Additionally, according to a document entitled, *Surface Water Monitoring Plan*,

prepared by the Kern River Watershed Coalition Authority (KRWCA), the only body of water within the KRWCA area that was listed on the 2010 Environmental Protection Agency (EPA) Section 303(d) list was Isabella Lake (KRWCA, 2014, p. 40). Isabella Lake is located approximately 36.3 miles northeast of the Project site and is located at an elevation of approximately 2,583 feet above mean sea level (amsl), while the Project site is located at an elevation of approximately ± 430 feet amsl. As such, the Project site is not tributary to Isabella Lake, because the site is at a much lower elevation.

D. Groundwater

The Project site is located within the Kern River portion of the Tulare Lake Basin. As discussed in the RQWCB's WQCP, surface water supplies tributary to or imported for use within the Basin are inadequate to support the present level of agricultural use and other development. Therefore, ground water resources within the valley are being mined to provide additional water to supply demands. Water produced in extraction of crude oil is used extensively to supplement agricultural irrigation supply in the Kern River sub-basin. The greatest long-term problem facing the entire Tulare Lake Basin is the increase of salinity in ground water. Even though an increase in the salinity of ground water in a closed basin is a natural phenomenon, salinity increases in the Basin have been accelerated by human activity, with the major impact coming from intensive use of soil and water resources by irrigated agriculture. Salinity increases in ground water could ultimately eliminate the beneficial uses of this resource (RWQCB, 2018, pp. 1-2, 4-1, and 4-2).

Domestic water service for the proposed Project would be provided by California Water Service (Cal Water). Cal Water provides water service to over 1.8 million Californians with 25 districts serving 63 communities from the Chico-Hamilton City District in the northern portion of the State to the Palos Verdes District in Southern California. The Project site is located in the Bakersfield District North Garden water system. The Bakersfield District derives its water supply from a combination of groundwater, untreated local surface water purchased from the City of Bakersfield, and treated local surface and imported water purchased from Kern County Water Agency (KCWA) Improvement District 4(ID-4) (Cal Water, 2021, pp. 10 and 13).

4.9.2 REGULATORY SETTING

The following is a brief description of the federal, state, and local environmental laws and related regulations related to hydrology and water quality.

A. Federal Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System

(NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters (EPA, 2022a).

2. *Federal Flood Insurance Program*

The U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. The NFIP is a federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods. The Federal Insurance and Mitigation Administration (FIMA) within the Federal Emergency Management Agency (FEMA) is responsible for administering the NFIP and administering programs that provide assistance for mitigating future damages from natural hazards (FEMA, 2022).

3. *Executive Order 11988 – Floodplain Management*

Executive Order 11988 requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, agencies are to take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains (FEMA, 2021b).

B. State Regulations

1. *Porter-Cologne Water Control Act*

The Porter-Cologne Act (California Water Code § 13000 et seq.), is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board

and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management (SWRCB, 2014).

The Regional Water Boards (such as the Central Valley RWQCB which is the Regional Board with authority over the Project site) regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The State Water Resources Control Board (SWRCB) and the RWQCBs can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions (SWRCB, 2014).

The Porter-Cologne Act also implements many provisions of the CWA, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the RWQCBs and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans (SWRCB, 2014). The Project site is located in the Tulare Lake Basin, which is within the purview of Central Valley RWQCB. The Central Valley RWQCB's document entitled, *Water Quality Control Plan for the Tulare Lake Basin, Third Edition*, is the governing water quality plan for the region.

2. California Water Code

The California Water Code is the principal law regulating water quality in California. Water quality provisions must be complied with as contained in numerous code sections including: 1) the Health and Safety Code for the protection of ground and surface waters from hazardous waste and other toxic substances; 2) the Fish and Game Code for the prevention of unauthorized diversions of any surface water and discharge of any substance that may be deleterious to fish, plant, animal, or bird life; 3) the Harbors and Navigation Code for the prevention of the unauthorized discharge of waste from vessels into surface waters; and 4) the Food and Agriculture Code for the protection of groundwater which may be used for drinking water supplies. The California Department of Fish and Wildlife (CDFW), through provisions of the Fish & Game Code (§§ 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW (CA Legislative Info, n.d.).

Surface water quality is the responsibility of RWQCBs, water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCBs is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water (CA Legislative Info, n.d.).

3. *California Toxics Rule (CTR)*

The California Toxics Rule (CTR) fills gap in California’s water quality standards necessary to protect human health and aquatic life beneficial uses. The CTR supplements, and does not change or supersede, the criteria that EPA promulgated for California waters in the National Toxics Rule (NTR). The human health NTR and CTR criteria that apply to drinking water sources (those water bodies designated in the Basin Plans as municipal and domestic supply) consider chemical exposure through consumption of both water and aquatic organisms (fish and shellfish) harvested from the water. For waters that are not drinking water sources (e.g., enclosed bays and estuaries), human health NTR and CTR criteria only consider the consumption of contaminated aquatic organisms. The CTR and NTR criteria, along with the beneficial use designations in the Basin Plans and the related implementation policies, are the directly applicable water quality standards for toxic priority pollutants in California waters (SWRCB, 2016, pp. 14-15).

4. *Watershed Management Initiative (WMI)*

The State and Regional Water Boards are currently focused on looking at entire watersheds when addressing water pollution. The Water Boards adopted the Watershed Management Initiative (WMI) to further their goals. The WMI establishes a broad framework overlying the numerous federal and state mandated priorities. As such, the WMI helps the Water Boards achieve water resource protection, enhancement and restoration while balancing economic and environmental impacts (SWRCB, 2017). The integrated approach of the WMI involves three main ideas:

- Use water quality to identify and prioritize water resource problems within individual watersheds. Involve stakeholders to develop solutions.
- Better coordinate point source and nonpoint source regulatory efforts. Establish working relationships between staff from different programs.
- Better coordinate local, state, and federal activities and programs, especially those relating to regulations and funding, to assist local watershed groups.

5. *Sustainable Groundwater Management Act (SGMA)*

The 2014 Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The DWR categorizes the priority of groundwater basins. For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline. The SGMA also requires local public agencies and Groundwater Sustainability Agencies (GSAs) in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. GSPs are detailed road maps for how groundwater basins will reach long term sustainability (DWR, n.d.) (DWR, 2020).

The Valley portion of Kern County in which the Project site is located is managed by the Kern River Groundwater Sustainability Agency (KRGSA) which is comprised of the City of Bakersfield, Kern Delta Water District and Improvement District No. 4 of the Kern County Water Agency. The KRGSA Groundwater

Sustainability Plan (GSP) states that the KRGSA has under its control sufficient Kern River and imported State Water Project (SWP) water to achieve sustainability under a variety of future demand scenarios (KRGSA, 2022).

4.9.3 BASIS FOR DETERMINING SIGNIFICANCE

Section X of Appendix G to the CEQA Guidelines addresses typical adverse effects to hydrology and water quality, and indicates that the Project’s impacts on hydrology and water quality would be significant if the Project or any Project-related component would (OPR, 2019):

- a. *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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 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; or*
 - 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.*

4.9.4 IMPACT ANALYSIS

Threshold a: *Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Threshold e: *Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

A. Surface Water Quality

The California Porter-Cologne Water Quality Control Act (Section 1300 [“Water Quality”] et seq., of the California Water Code), and the Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act [CWA]) require that comprehensive water quality control plans be developed for all waters within the State of California. The Project site is within the jurisdiction of the Central Valley RWQCB. The Water Quality Control Plan for the Tulare Lake Basin (“WQCP”) is designed to preserve and enhance

water quality and protect the beneficial uses of all regional waters (RWQCB, 2018). Specifically, the Basin Plan: (a) designates beneficial uses for surface and ground waters; (b) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State's anti-degradation policy; and (c) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations.

The CWA requires all states to conduct water quality assessments to their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards are placed on a list of impaired waters pursuant to the requirements of Section 303(d) of the CWA. The Project site is located within the Kern River sub-basin. The WQCP describes the Kern River, which provide the bulk of the surface water supply native to the Basin, as having excellent water quality (RWQCB, 2018, p. 1-2). Additionally, according to a document entitled, *Surface Water Monitoring Plan*, prepared by the Kern River Watershed Coalition Authority (KRWCA), the only body of water within the KRWCA area that was listed on the 2010 Environmental Protection Agency (EPA) Section 303(d) list was Isabella Lake (KRWCA, 2014, p. 40). The Project site is not tributary to Isabella Lake.

A specific provision of the CWA applicable to the Project is CWA Section 402, which authorizes the NPDES permit program that covers point source pollution discharging to a water body. The NPDES program also requires operators of construction sites one acre or larger to prepare a storm water pollution prevention plan (SWPPP) and obtain authorization to discharge storm water under an NPDES construction storm water permit. A discussion of the Project's potential to result in water quality impacts during construction and long-term operation is presented below.

Temporary Construction Activities

Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and landscaping activities. Construction activities would result in the generation of potential water quality pollution such as silt, debris, chemicals, paints, solvents, and other chemicals with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Central Valley RWQCB and Chapter 15.05 (California Building Code) of the City of Bakersfield Municipal Code, the Project Applicant would be required to obtain a NPDES Municipal Storm Water Permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, soil stockpiling, grading, and/or excavation that disturb at least one acre of total land area. In addition, the Project would be required to comply with the WQCP. Compliance with the NPDES Permit and the WQCP involves the preparation and implementation of a SWPPP for construction-related activities, including grading. The SWPPP would specify the Best Management Practices (BMPs) that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Examples of BMPs include:

- Silt fence
- Fiber roll
- Street sweeping and vacuuming
- Stockpile management
- Vehicle and equipment maintenance
- Erosion control mats
- Spray-on applications
- Desilting basin
- Gravel bag berm
- Sandbag barrier
- Spill prevention and control
- Concrete waste management
- Water conservation practices

Mandatory compliance with the SWPPP would ensure that the Project does not violate any water quality standards or waste discharge requirements during construction activities. As part of the Project’s application materials on file with the City of Bakersfield, the Project Applicant submitted an erosion control plan, which is shown in Subsection 4.6 as Figure 4.6-1, *Proposed Erosion Control Plan*. As shown, silt fencing, gravel bags, track out controls at construction entrances, sandbags at storm drain inlets, sediment traps, and other items are proposed, as well as a note requiring mandatory street sweeping and vacuuming during construction. With the implementation of these measures, water quality impacts associated with construction-related erosion would be less than significant and no mitigation is required. The proposed Project would not conflict with the RWQCB’s WQCP. Therefore, water quality impacts associated with construction activities would be less than significant.

Post-Development Water Quality Impacts

As part of the Project’s development, the existing basin surrounded by chain link fencing in the southwestern portion of the site would be removed and a new basin would be constructed in approximately the same location. Following development of the Project site as proposed, all runoff generated on site would be conveyed to the proposed water quality/retention basin proposed at the southwest corner of the site. The onsite water quality/retention basin is sized to accommodate a design storm event over the entire Project area following development of the site. The City of Bakersfield’s average annual rainfall is only 6.45 inches, and there are only a few days per year when rainfall comes in the form of a storm, so the proposed basin would receive water infrequently and the likelihood of stagnant water being in the basin is low (World Climate, 2023). As such, there would be no significant impacts associated with stagnant water including the potential attraction of vectors. Furthermore, the Project site is located within the service area of the Kern Mosquito & Vector Control District. Should there ever be a vector concern, the District’s surveillance, prevention, and treatment programs would address the matter in accordance with their protocols (Kern M&VCD, n.d.).

Runoff within the water quality/retention basin largely would infiltrate into the on-site soils. The water quality/retention basin is designed to capture all first-flush flows generated on the Project site. Furthermore, the Project site is not tributary to any bodies of water that are listed on the CWA Section 303(d) list, further demonstrating that the Project has no potential to cause or contribute to surface water quality impacts downstream. As such, the Project would not generate runoff that has the potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The proposed Project would not conflict with the RWQCB’s WQCP. Impacts would be less than significant.

B. Groundwater Quality

With respect to groundwater quality, all runoff generated on the Project site would be treated by the proposed on-site water quality/retention basin, which would provide water quality treatment of storm water prior to infiltration of the runoff into the on-site soils. Additionally, the City of Bakersfield along with the County of Kern adopted a "Storm Water Management Plan," the objective of which is to "describe the framework for management of storm water discharges during the term of the [NPDES] Permit. The Storm Water Management Plan includes program elements and control measures that each Permittee will implement to reduce the discharge of pollutants in storm water to the maximum extent practicable, and to effectively prohibit non-storm water discharges into municipal separate storm sewer systems (MS4s) and watercourses within each Permittees' jurisdiction" (Bakersfield, 2015). As such, the City of Bakersfield and Kern County enact measures to prohibit the discharge of pollutants into stormwater, thereby protecting groundwater quality. The *Commercial and Industrial Element* of the Storm Water Management Plan establishes measures to control potential pollutants from ongoing operations in that category of land use. Accordingly, during operation of the proposed Project, the City's program for "best conventional pollutant control technology" would be in effect. This includes site inspections by City personnel and enforcement of vegetation, sediment, and debris that may accumulate in retention/detention basins. With implementation of the proposed water quality/retention basin and compliance with the Storm Water Management Plan, long-term operation of the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, and the Project would not conflict with the Storm Water Management Plan requirements. Impacts would be less than significant.

Threshold b: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No operating groundwater wells occur on the Project site under existing conditions, and no wells are proposed as part of the Project. As such, the Project would not result in the direct long-term extraction of groundwater supplies.

The Project would be served with potable water by California Water Service (Cal Water). The Project site is located in the Bakersfield District North Garden water system. The Bakersfield District derives its water supply from a combination of groundwater, untreated local surface water purchased from the City of Bakersfield, and treated local surface and imported water purchased from Kern County Water Agency (KCWA) Improvement District 4 (ID-4). The combination of groundwater and purchased imported water supplies is expected to be sufficient to support the Bakersfield District's projected water demand through 2045 (Cal Water, 2021, pp. 10,13 and 16).

As more fully documented in EIR Subsection 5.4.7, *Utilities and Service Systems*, under the analysis of Threshold b., the Urban Water Management Plan (UWMP) for the Bakersfield District forecasts 70,314 acre-feet of reliable supply for a normal year, single-year drought, and multi-year drought in 5-year increments through 2045 (Cal Water, 2021, pp. 88-89). Similarly, the KRGSA Groundwater Sustainability Plan estimates groundwater safe yield combined with other sources of supply and supplemental supply projects which combined "fully mitigate potential future overdraft" (KRGSA, 2022, p. 4-42). Accordingly, due to the actions

to be undertaken pursuant to the Kern River Groundwater Sustainability Plan, as well as the fact that the Bakersfield District would have adequate groundwater to serve the Project, the Project's water demand would not substantially decrease groundwater supplies. Further, the end result of the Project will be to essentially move the existing VA clinic, and thus it does not result in any truly new water demand. Impacts would be less than significant.

With respect to groundwater recharge, under existing conditions the Project site is vacant and undeveloped and allows for groundwater recharge. With implementation of the proposed Project, runoff generated on the site would be conveyed to the proposed on-site water quality/retention basin, where the runoff would infiltrate into the on-site soils. Because runoff from the Project site would be captured to allow infiltration into on-site soils, the Project would not interfere substantially with groundwater recharge, and impacts would be less than significant.

Threshold c: Would the Project 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 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; or***
- iv) impede or redirect flood flows?***

Please refer to the analysis provided above under Threshold a. for a discussion of erosion/siltation and water quality. As indicated therein, with (i) implementation of the Project's proposed erosion control plan; (ii) establishment of the proposed water quality/retention basin in the southwestern portion of the site; and (iii) implementation of a SWPPP during construction activities, the Project's potential impacts to water quality, including erosion and siltation, during both construction and long-term operation would be less than significant.

With respect to flood hazards, the City of Bakersfield's average annual rainfall is only 6.45 inches, and there has never been any recorded floods in the modern era within the Project vicinity (World Climate, 2023). Additionally, all runoff generated on the Project site would be conveyed to the proposed on-site water quality/retention basin, where the runoff would be allowed to infiltrate into on-site soils. There would be no runoff from the Project site following site development. As such, the Project has no potential to increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, and the Project would not create runoff water which would exceed the capacity of existing or planned stormwater drainage systems.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06029C1825F, the Project site is located within FEMA Flood Zone X. Flood Zone X is correlated with areas of minimal flood hazard, determined to be less than the 0.2 percent annual chance flood (FEMA, 2021). Accordingly, the Project has no potential to impede or redirect flood flows, and no impact would occur.

Threshold d: Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06029C1825F, the Project site is located within FEMA Flood Zone X. Flood Zone X is correlated with areas of minimal flood hazard, determined to be less than the 0.2 percent annual chance flood (FEMA, 2021). Accordingly, the Project site would not be subject to inundation during peak storm events, and the Project therefore would not risk the release of pollutants due to flood hazards. No impact would occur.

A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. There are no enclosed or semi-enclosed bodies of water in proximity to the Project site other than the Beardsley Canal, located approximately 0.3-mile northeast (Google Earth, 2023), which would not be subject to seiches because it is not a large water body. Accordingly, the Project would not risk the release of pollutants due to inundation from seiches, and no impact would occur.

The Project site is located approximately 74 miles northeast of the Pacific Ocean. As such, the Project site is not subject to inundation due to tsunamis. Accordingly, the Project would not risk the release of pollutants due to inundation from tsunamis, and no impact would occur.

4.9.5 CUMULATIVE IMPACT ANALYSIS

The cumulative impact analysis considers construction and operation of the proposed Project in conjunction with other development projects in the vicinity of the Project site and resulting from full buildout of the City of Bakersfield General Plan and the general plans of local jurisdictions that are located within the Kern River sub-basin of the Tulare Lake Basin.

As indicated under the analysis of Threshold a. and e., the Project would result in less-than-significant impacts to surface and groundwater quality during construction because the Project Applicant would implement an erosion control plan and would be required to obtain a NPDES Municipal Stormwater Permit for construction activities. Compliance with the NPDES permit and the WQCP involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP is required to specify the BMPs that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. These are specified on the Project's proposed erosion control plan. Other cumulative developments within the cumulative study area also would be required to comply with the NPDES Municipal Stormwater Permit and would be required to implement BMPs during construction activities to preclude water quality impacts that could impair downstream waters or groundwater. As such, construction-related water quality impacts, as well as impacts due to a conflict with the WQCP, would be less-than-cumulatively considerable. With respect to long-term impacts to water quality, the Project's proposed storm drain system would be designed to route all runoff generated on-site to the proposed water quality/retention basin. The water quality/retention basin would retain all site runoff, which would infiltrate into on-site soils and would treat site runoff to remove pollutants. Other cumulative developments would similarly be required to incorporate

measures to treat water quality pollutants of concern. Accordingly, the Project's impacts would be less than significant on a cumulatively-considerable basis.

As discussed under the analysis of Threshold b., no wells are proposed as part of the Project, and the Project has no potential to result in cumulatively-considerable impacts due to direct groundwater extraction. Although the Project would be served with potable water by Cal Water, which obtains its water from a combination of local groundwater produced by 12 active wells, surface water from the Kern River, and treated water purchased from the Kern County Water Agency, the UWMP for the Bakersfield District forecasts 70,314 acre-feet of reliable supply for a normal year, single-year drought, and multi-year drought in 5-year increments through 2045. Additionally, runoff generated on the Project site would be conveyed to the proposed on-site water quality/retention basin, where the runoff would be allowed to infiltrate into the on-site soils. As such, development and operation of the Project, even when combined with all other development projects in the vicinity of the Project site and resulting from full buildout of the City of Bakersfield General Plan and the general plans of local jurisdictions that are located within the Kern River sub-basin of the Tulare Lake Basin, would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin, and impacts would be less than significant on a cumulatively-considerable basis.

As discussed under the analysis of Threshold c., the Project has no potential to increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site because all runoff generated on site would be conveyed to the on-site water quality/retention basin, where runoff would be fully retained on site with no runoff leaving the Project site. Additionally, the Project site is not located within or near any floodplains, and the Project would not contribute runoff to existing drainage systems off site. Thus, the Project would not result in any cumulatively-considerable impacts due to flooding or due to exceeding the capacity of existing or planned stormwater drainage facilities. Refer also to the discussion of cumulatively-considerable impacts to water quality, discussed above under the cumulative analysis of Thresholds a. and e.

The Project site is not located within or near any flood hazard areas, is not subject to tsunami hazards, and there are no enclosed or semi-enclosed bodies of water in proximity to the Project site capable of producing seiches that could affect the Project site. Accordingly, the Project would not result in cumulatively-considerable impacts related to the risk of release of pollutants due to Project inundation from floods, tsunamis, or seiches.

4.9.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Thresholds a and e: Less-than-Significant Impact. The Project would be required to comply with a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities, including grading. Best management practices (BMPs) would be implemented as part of the SWPPP to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated. Under long-term conditions, the Project's proposed water quality/retention basin would capture all first-flush flows generated on the Project site and infiltrate the captured water into the groundwater basin. Furthermore, the Project site is not tributary to any impaired water bodies listed on the CWA Section 303(d) list. As such, the Project has no potential to cause or contribute to surface water quality impacts downstream. Accordingly, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater

quality, and would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

Threshold b: Less-than-Significant Impact. The Project would be provided potable water by the Cal Water. The Cal Water UWMP for the Bakersfield District forecasts 70,314 acre-feet of reliable supply for a normal year, single-year drought, and multi-year drought in 5-year increments through 2045. Similarly, the Kern River Groundwater Sustainability Plan estimates groundwater safe yield combined with other sources of supply and supplemental supply projects which combined fully mitigate potential future overdraft. With respect to groundwater recharge, runoff generated on site would be conveyed to the proposed on-site water quality/retention basin, where the runoff would infiltrate into the on-site soils. Adequate water exists to serve the Project and all other planned development in the area, as set forth above. Accordingly, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin, and impacts would be less than significant.

Threshold c: Less-than-Significant Impact. For the reasons discussed under the analysis of Thresholds a. and e., Project impacts to surface and groundwater quality would be less than significant. The Project has no potential to increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, and the Project would not create runoff water which would exceed the capacity of existing or planned stormwater drainage systems. Additionally, the Project site and surrounding areas are not subject to flood hazards. Accordingly, the Project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in flooding on or off site, exceed the capacity of existing or planned drainage systems, or impede or redirect flood flows. Impacts would be less than significant.

Threshold d: No Impact. The Project site is not located within or near any flood hazard areas, is not subject to tsunami hazards, and there are no enclosed or semi-enclosed bodies of water in proximity to the Project site capable of producing seiches that could affect the Project site. Accordingly, Project would not result in any impacts related to the risk of release of pollutants due to Project inundation from floods, tsunamis, or seiches.

4.9.7 MITIGATION

Impacts to hydrology and water quality would be less than significant; therefore, mitigation measures are not required.

4.9.8 DESIGN FEATURES AND REGULATORY REQUIREMENTS

The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Hydrology and Water Quality, which include the following:

- HYD RR-1 The Project Applicant and construction contractor are required to comply with the requirements of a NPDES permit and SWPPP. Compliance with the NPDES permit and the SWPPP require an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate discharges to surface water from storm water and non-stormwater discharges during construction activities.

HYD RR-2 During construction, Project construction contractors are required to comply with the requirements of the 2022 California Green Building Standards Code (CalGreen, Part 11 of Title 24, California Code of Regulations) or any subsequent version of the Title 24 in effect at the time of building permit issuance, which requires among other items the installation of low water-use features.

4.10 LAND USE AND PLANNING

This Subsection 4.10 discusses the Project's consistency with applicable land use and planning policies adopted by the City of Bakersfield and other governing agencies for the purpose of reducing adverse effects on the physical environment. This Subsection also addresses present and future land uses, zoning, and the physical arrangement of uses on the land. Information used to support the analysis in this Subsection was obtained primarily from the Metropolitan Bakersfield General Plan (Bakersfield, 2002b), City of Bakersfield Municipal Code, Title 17, Zoning Ordinance (Bakersfield, 2023), and Kern Council of Governments 2022 *Regional Transportation Plan and Sustainable Communities Strategy* (RTP/SCS) (Kern COG, 2022). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.10.1 EXISTING CONDITIONS

A. *Existing On-Site and Adjacent Land Uses*

Under existing conditions, the Project site is vacant and undeveloped with vegetation consisting of non-native ruderal species. The Project site has been subject to various disturbances including periodic discing and grass fires, the latest of which occurred a little over a year ago. The Project Site had historically been used for agriculture, but more recently became fallow (MBI, 2022, p. 16).

As previously depicted on Figure 2-3, *Surrounding Land Uses*, land uses in the immediate vicinity of the Project are described below.

- North: To the north of the Project site is existing commercial development including an existing Chevron gas station, Taco Bell, and 7-Eleven with gas station. Further north is Olive Drive and north of Olive Drive is existing commercial development including Starbucks, Burger King, Vagabond Inn Bakersfield North, and Milt's Coffee Shop.
- East: To the east of the Project site is Landco Drive and vacant land. East of the vacant land is Beardsley One Ditch (an abandoned portion of the Beardsley Irrigation Canal), additional vacant land, and SR-99.
- South: To the south of the Project site are existing commercial uses including Urner's Mattress and Olive Drive Self Storage. Before the development of these uses in approximately 2006, this area was the location of a wastewater treatment plant. Further south is Hageman Road and vacant land.
- West: To the west of the Project site is Knudsen Drive. West of Knudsen Drive are existing public facility uses including the Olive Drive Fire Training Facility, Kern County Fire Department, and Kern County Roads Department maintenance facility. Further west is Victor Street and residential land uses. To the southwest are San Lauren Elementary School, the Kern River Transitional Care skilled nursing facility and The Palms at San Lauren assisted living and memory care center.

B. Existing On -Site Land Use Designations and Zoning

The City of Bakersfield’s prevailing planning document is the Metropolitan Bakersfield General Plan (MBGP) (adopted in 2002). The MBGP is a policy document with land use maps and related information. It is designed to give long-range guidance to City staff and officials who make decisions that affect growth and resources in the Metropolitan Bakersfield planning area. The General Plan helps to ensure that day-to-day decisions conform to the long-range program, which was designed to protect and further the public interest as it relates to the City’s growth and development, and mitigate environmental impacts. The General Plan also serves as a guide to the private sector regarding the economy so that development initiatives conform to the City’s public plans, objectives, and policies (Bakersfield, 2002b). At the time this EIR was prepared, the City of Bakersfield was preparing a General Plan Update; regardless, the adopted MBGP is the pertinent long-range planning document for purposes of evaluation in this EIR.

As previously depicted on Figure 2-4, *Existing General Plan Land Use Map*, the General Plan designates the Project site as Service Industrial (SI). The SI land use designation allows for industrial activities as well as other less intensive uses. Many existing health care facilities in the City of Bakersfield are located in the SI land use designation, as well as in the Light Industrial (LI) land use designation including but not limited to Good Samaritan Hospital, Old Town Kern Community Health Center, Kern Rehab, Centre for Neuro Skills, and Accelerated Urgent Care (Bakersfield, 2023b). The maximum allowable density is a 0.4 floor area ratio (FAR) and 6 story building height (Bakersfield, 2002b, p. II-8). Although the VA outpatient clinic is not an industrial activity with outdoor storage or use of heavy equipment, it is a consistent land use in the SI land use designation under the City’s Euclidean pyramid zoning structure, which necessarily includes a “pyramid” interpretation of General Plan land use designations, where less intensive uses are generally consistent with land use designations that allow more intensive uses. In other words, less intensive uses are generally consistent with more intensive MBGP land use designations by implication, as such an interpretation is both logical and necessary for the City’s zoning structure to be consistent with the MBGP.

According to Chapter 17.02.030, Purpose, of the City of Bakersfield Zoning Ordinance, Title 17 was adopted to implement the goals and policies of the MBGP which serve to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare. The specific purposes of this title are listed below (Bakersfield, 2023).

- To assist in providing a definite plan of development for the city and to guide, control and regulate the future growth of the city in accordance with said plan (MBGP); and
- To protect the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the city, and to assure the orderly and beneficial development of such areas.

As previously shown on Figure 2-5, *Existing Zoning*, under existing conditions, the Project site is zoned General Manufacturing (M-2). According to the City of Bakersfield Municipal Code, the M-2 zone is typically for general manufacturing, processing, and assembly activities. However, under the City’s Euclidean pyramid zoning structure, the M-2 zone permits all of the uses permitted by the Light Manufacturing (M-1) zone, and

the M-1 zone permits all of the uses permitted by the Professional and Administrative Office (C-O), Neighborhood Commercial (C-1) and Regional Commercial (C-2) zones. (Bakersfield, 2023, Title 17). Many existing health care facilities in the City of Bakersfield are located on properties with a M-2 or M-1 zoning classification, including but not limited to Good Samaritan Hospital, Old Town Kern Community Health Center, Kern Rehab, Centre for Neuro Skills, and Accelerated Urgent Care (Bakersfield, 2023c).

C. Existing Adjacent Land Use Designations and Zoning

As previously depicted on Figure 2-4, *Existing General Plan Land Use Map*, the Project site occurs east of land designated as roadway. The land to the immediate north of the site is designated Highway Commercial (HC) and the land immediately north of Olive Drive is designated General Commercial (GC). Land to the south of the site is designated SI and further south is designated as LI. Land to the east of the site is designated SI and land west of the Project site, west of Knudsen Drive, is designated Public Facilities (P).

As previously depicted on Figure 2-5, *Existing Zoning*, the Project site occurs east of land designated as roadway and is bounded to the north, east and west by Unincorporated Kern County zones. The land to the immediate north of the site is zoned General Commercial and Medium Industrial and the land immediately north of Olive Drive is zoned Highway Commercial. Land to the south of the site is zoned M-2 and further south is zoned M-1. Land to the east of the site is zoned Medium Industrial and land west of the Project site, west of Knudsen Drive, is zoned Limited Agriculture.

4.10.2 REGULATORY SETTING

In addition to the Metropolitan Bakersfield General Plan and Zoning Ordinance described above, the following is a brief description of other environmental laws and related regulations related to land use and planning.

A. State Plans, Policies and Regulations

1. California Planning and Zoning Law

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in the California Planning and Zoning Law, §§ 65000 - 66499.58. Under State of California planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures (OPR, n.d.). The City of Bakersfield is a charter city, and therefore has more latitude in determining what projects are consistent with MBGP, and issues relating to vertical consistency between the MBGP and the City's zoning code.

2. Office of Planning and Research (OPR) General Plan Guidelines

Each city and county in California must prepare a comprehensive, long term general plan to guide its future. To assist local governments in meeting this responsibility, the Governor's Office of Planning and Research (OPR) is required to adopt and periodically revise guidelines for the preparation and content of local general

plans pursuant to Government Code § 65040.2. The General Plan Guidelines are advisory, not mandatory. Nevertheless, it is the State’s only official document explaining California’s legal requirements for general plans. Planners, decision-making bodies, and the public depend upon the General Plan Guidelines for help when preparing local general plans. The courts have periodically referred to the General Plan Guidelines for assistance in determining compliance with planning law. For this reason, the General Plan Guidelines closely adheres to statute and case law. It also relies upon commonly accepted principles of contemporary planning practice (OPR, 2017a, p. 1).

B. Regional Plans, Policies, and Regulations

1. Kern Council of Governments 2018 Regional Transportation Plan and Sustainable Communities Strategy

Kern Council of Governments (Kern COG) is a federally designated Metropolitan Planning Organization (MPO) and a state designated Regional Transportation Planning Agency (RTPA). These designations formally establish Kern COG’s role in transportation planning. The preparation of a Regional Transportation Plan (RTP) is one of the primary statutory responsibilities of Kern COG under federal and state law (Kern COG, 2022, p. ES-1).

To guide the development of the planned multimodal transportation systems in Kern County, the *2022 RTP* establishes a 24-year blueprint which provides a set of regional transportation goals, policies, and actions. As required by California’s Sustainable Communities and Climate Protection Act, of Senate Bill 375, a Sustainable Communities Strategy (SCS) also is included in the *2022 RTP*. The RTP provides transportation and air quality goals, policies, and actions and includes programs and projects for congestion management, transit, airports, bicycles and pedestrians, roadways, and freight. In addition, it provides a discussion of all mechanisms used to finance transportation and air quality program implementation. A Program Environmental Impact Report (Program EIR), pursuant to CEQA for the *RTP* was prepared by Kern COG which analyzed potential environmental impacts of individual transportation projects preliminarily identified in the *2022 RTP* from a regional perspective, providing opportunities for streamlining the analysis required in project specific environmental documents. In addition, the companion *RTP* conformity document demonstrates that the Plan will not delay attainment of federal air quality standards in the State Implementation Plans for air quality (Kern COG, 2022, p. ES-1).

2. San Joaquin Valley Air Pollution Control District (SJVAPCD) Air Quality Attainment Plans (AQAPs)

The SJVAPCD has adopted several AQAPs that identify measures needed for the San Joaquin Valley to attain the U.S. Environmental Protection Agency’s (EPA’s) National Ambient Air Quality Standards (NAAQS) in order to protect the health, safety, and welfare of the public (Trinity, 2023, p. 3-2). The Project’s consistency with the SJVAPCD’s AQAPs was analyzed in detail in EIR Subsection 4.2, *Air Quality*, and as such is not further evaluated in this Subsection 4.10.

4.10.3 BASIS FOR DETERMINING SIGNIFICANCE

Section XI of Appendix G to the CEQA Guidelines addresses typical adverse effects associated with Land Use and Planning, and includes the following threshold questions to evaluate the Project's impacts on land use and planning (OPR, 2019):

- a. *Physically divide an established community;*
- 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?*

4.10.4 IMPACT ANALYSIS

Threshold a: Would the Project physically divide an established community?

There is no reasonable possibility of the Project dividing an established community. Existing commercial development borders the Project site to the north, vacant land and SR 99 occur to the east, existing commercial development is located to the south of the Project site, and Knudsen Drive and existing public facility uses are located to the west of the Project site (Google Earth, 2023). The Project site consists of vacant land under existing conditions and the proposed development of the Project would result in the proposed VA community-based outpatient clinic being incorporated into an existing community.

Residential communities are located to the west of the Project site at a distance. The residential communities are separated from the Project site by Knudsen Drive and existing public facility land uses. Because the Project site is already physically separated from developed residential properties under existing conditions, development of the Project site as proposed would not physically divide any established residential community.

The Project would connect to the existing and planned roadway system and other infrastructure and would not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development and affect the connectivity of existing residential uses located to the west of the Project site and west of Knudsen Drive. Because the Project would not physically divide an established community, no impact would occur and no mitigation is required.

Threshold b: Would the Project 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?

Consistency with the SJVAPCD's AQAPs, which are plans adopted for the purpose of avoiding or mitigating air pollution, is discussed in detail in EIR Subsection 4.2, *Air Quality*. As concluded in Subsection 4.2, the proposed Project would not conflict with the AQAPs SJVAPCD thresholds of significance. Accordingly, the proposed Project would not conflict with the applicable air quality plan, and impacts would be less than significant.

The remainder of the analysis herein (below) focuses on Project consistency with the Kern COG Regional Transportation Plan and Sustainable Communities Strategy and the Metropolitan Bakersfield General Plan, which are not addressed in detail in other subsections of this EIR.

A. *Kern COG Regional Transportation Plan and Sustainable Communities Strategy*

At the core of the RTP are seven goals: 1) Mobility; 2) Accessibility; 3) Reliability; 4) Efficiency; 5) Livability; 6) Sustainability; and 7) Equity. While all goals are considered interrelated and important, mobility is considered the plans highest goal (Kern COG, 2022, p. ES-5). As shown in Table 4.10-1, *Kern COG'S RTP Goal Consistency Analysis*, the Project would not conflict with the adopted goals of the 2022 RTP.

Table 4.10-1 Kern COG'S RTP Goal Consistency Analysis

RTP Goals	Goal Statement	Project Consistency Discussion
2022 RTP		
Goal 1	Mobility – Improve the mobility of people and freight.	<u>No conflict identified.</u> EIR Subsection 4.12, <i>Transportation</i> , evaluates Project-related mobility and describes the roadway and intersection improvements that would be constructed by the Project Applicant at Knudsen Road to improve access to the site. Street A, south of the Project site, and Landco Drive, east of the Project site, would be constructed as part of the Project as frontage improvements. The Project site is located approximately 0.15-mile west of SR-99 and approximately 250 feet southeast of the intersection of Knudsen Drive and Olive Drive. There are no components of the project that would interfere with the mobility of people or freight.
Goal 2	Accessibility – Improve accessibility to major employment and other regional activity centers.	<u>No conflict identified.</u> The Project involves the development of a VA community-based outpatient clinic in the northern portion of the City of Bakersfield and approximately 0.15-mile west of SR-99, which is part the State highway system. Placing employment activities and healthcare facilities near SR-99 and Olive Drive would improve accessibility to the clinic. The Project would provide employment opportunities and serve as resource for veterans and contribute to the City’s economic wellbeing consistent with this goal.
Goal 3	Reliability – Improve the reliability and safety of the transportation system.	<u>No conflict identified.</u> As described in EIR Subsection 4.12 there are no components of the Project that would result in a substantial safety hazard to motorists or pedestrians. EIR Subsection 4.12 also describes the roadway and intersection improvements that would be constructed by the Project Applicant to ensure that the

RTP Goals	Goal Statement	Project Consistency Discussion
		roadway system serving the Project site will reliably and safely accommodate Project traffic volumes in addition to existing and projected volumes.
Goal 4	Efficiency – Maximize the efficiency of the existing and future transportation system.	<u>No conflict identified.</u> The Project involves the development of a VA community-based outpatient clinic approximately 0.15-mile southwest of SR-99 and Olive Drive, which maximizes efficiency of the transportation system by placing the clinic on a property with short, direct access to the State highway system, which will improve the accessibility for employees and patients. The Project site is bordered on the west by Knudsen Drive and located 250 feet southwest of the Knudsen Drive/Olive Drive intersection. The Project would require the construction of Street A to the south, and Landco Drive to the east, to maximize the efficiency of the surrounding roadways and access to the clinic.
Goal 5	Livability – Promote livable communities.	<u>No conflict identified.</u> The Project involves the development of a new VA community-based outpatient clinic, which will improve the livability of the community by providing a modern facility in conformance to federal VA standards and that provides medical services to veterans including services that are not currently available at the existing, older facility. As such, veterans would be able to receive more services locally and avoid long travel trips facilities in Los Angeles and other further areas.
Goal 6	Sustainability – Minimize effects on the environment.	<u>No conflict identified.</u> The Project would include frontage improvements to Knudsen Drive and would construct Street A to the south and Landco Drive to the east of the Project site, the environmental effects of which are analyzed throughout this EIR. The Project would not have an adverse effect on expansion or enhancement plans for the regional transportation network nor contribute to environmental effect minimization associated with enhancing or expanding the transportation network. The Project would allow the provision of medical services to veterans including services that are not currently available at the existing, older VA clinic in Bakersfield. As such, veterans would be able to receive more services locally and avoid long travel trips facilities in Los Angeles and other further areas.

RTP Goals	Goal Statement	Project Consistency Discussion
Goal 7	Equity – Ensure an equitable distribution of the benefits among various demographic and user groups.	<p><u>No conflict identified.</u> The Project involves the development of a VA community-based outpatient clinic adjacent to Knudsen Drive, approximately 0.15-mile west of SR-99, and approximately 250 feet southeast of the Knudsen Drive/Olive Drive intersection. Placing employment and healthcare facilities close to SR-99 with accessibility from the Olive Drive on- and off-ramps would be of benefit to various demographic and user groups in terms of transportation system availability. With respect to transit, bus service is currently available along Olive Drive via Golden Empire Transit District (GET) Route 61 (GET, 2022). Existing bus stops in the area are adequate for these existing routes, and no new bus stops are required along the Project site’s roadway frontages.</p>

B. Project Consistency with the Metropolitan Bakersfield General Plan

1. Analysis of Project Consistency with General Plan Land Use and Zoning

The Project site is within the City of Bakersfield and is subject to the land use designations, goals, and policies contained within the Metropolitan Bakersfield General Plan (MBGP) and the Bakersfield Municipal Code, Title 17: Zoning. The proposed Project is a consistent use within the Service Industrial (SI) General Plan designation, and that designation is consistent with the City’s General Manufacturing (M-2) zoning classification, which under the City’s Euclidean pyramid zoning structure, allows all uses permitted in the C-O zone, including medical clinics. The City interprets its General Plan in a similar manner as its zoning, meaning that less intensive uses are generally allowed in, and considered consistent with, more intensive land use designations. The SI designation is the City’s most intensive land use designation, and therefore its most permissive. Although the VA community-based outpatient clinic is not an industrial activity, it is a service use and consistent land use in the SI land use designation. The City has consistently interpreted the SI designation in this matter, as evidenced by the fact that several existing healthcare facilities are located within areas designated SI (as well as LI) within the City of Bakersfield (Bakersfield, 2023b). As noted in the MBGP, general plan maps only reflect the quality and character of a land use designation in general terms, and do not illustrate every existing exception of each land use category. Similarly, the zoning map that implements the MBGP indicates the predominant use of land in each zone and does not preclude minor deviations from the overall pattern. Several existing healthcare facilities are located within the M-1 and M-2 zoning classifications within the City of Bakersfield (Bakersfield, 2023c), again showing the City has consistently determined that uses substantially similar to the Project are permitted under same zoning regulations applicable to the Project site. The Site Plan for the proposed Project is designed in accordance with all applicable development standards of the M-2 zone. Because the proposed Project is a permitted land use, is consistent with existing zoning, and has been designed in accordance with all applicable regulations, the proposed Project would not cause a significant environmental impact due to conflict with the MBGP. Impacts would be less than significant.

2. Analysis of Project Consistency with General Plan Goals and Policies

CEQA requires that inconsistencies with general plan policies and municipal ordinances be analyzed. Where project elements are determined to be consistent with planning policies, only brief statements to that effect are necessary. The ultimate decision on whether a project is consistent with planning policies is made by the Planning Commission and City Council when considering a project for approval, and a project need not to be consistent with each and every goal and policy to be found consistent with the overall General Plan.

Table 4.10-2, *Project Consistency with the MBGP Goals and Policies*, presents the applicable goals and policies and Project consistency discussion for land use planning in the MBGP. As indicated in Table 4.10-2, the Project would not conflict with any of the specific objectives, policies, or actions in the General Plan's Elements that were adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.

Table 4.10-2 Project Consistency with the MBGP Goals and Policies

Goals and/Policies	Project Consistency Discussion
Goal 1. Accommodate new development which captures the economic demands generated by the marketplace and establishes Bakersfield's role as the capital of the southern San Joaquin Valley.	<u>Consistent.</u> The Project would support this goal by attracting a new VA community-based outpatient clinic to Bakersfield to serve the needs of local veterans, including those that are currently traveling outside the area for services that are not offered at the existing VA clinic in Bakersfield.
Goal 2. Accommodate new development which provides a full mix of uses to support its population.	<u>Consistent.</u> The Project would support this goal by providing a new community-based outpatient clinic for veterans in the Bakersfield area.
Goal 3. Accommodate new development which is compatible with and complements existing land uses.	<u>Consistent.</u> The Project would complement surrounding existing land uses, which are a mixture of commercial, public facility, and vacant land. The Project would provide employment opportunities and a healthcare facility to the community and would not have any significant and unavoidable adverse environmental effects to sensitive receptors in the community as analyzed throughout this EIR.
Goal 4. Accommodate new development which channels land uses in a phased, orderly manner and is coordinated with the provision of infrastructure and public improvements.	<u>Consistent.</u> The Project would support this goal with the development of a new community-based outpatient clinic and associated infrastructure including public road improvements to Knudsen Drive and the construction of Street A to the south of the Project site and Landco Drive to the east of the Project site.
Goal 5. Accommodate new development which capitalizes on the planning area's natural environmental setting, including the Kern River and the foothills.	<u>Consistent.</u> The Project site is not located near the Kern River or foothills. The Project site was previously disturbed and does not contain a high degree of natural resources. The Project's Conceptual Landscaping Plan indicates that numerous trees, including shade trees, palm trees, small evergreen trees, screen trees, and accent trees, would be planted throughout the Project site. Additionally, a healing

Goals and/Policies	Project Consistency Discussion
	garden is proposed which would include irrigated turf, numerous trees, shrubs, groundcovers, and accent plantings.
Goal 6. Accommodate new development that is sensitive to the natural environment, and accounts for environmental hazards.	<u>Consistent.</u> The Project site was previously disturbed and does not contain a high degree of natural resources. The Project entails a proposed VA community-based outpatient clinic designed to contemporary standards and compliant with the California Green Building Code (CalGreen). No environmental hazards are known to exist on the property that needed to be accounted for in the Project’s design. The potential environmental impacts of the Project have been studied throughout this EIR to ensure any potentially significant impacts are minimized or mitigated to the extent feasible.
Goal 7. Establish a built environment which achieves a compatible functional and visual relationship among individual buildings and sites.	<u>Consistent.</u> The Project would be consistent with this goal because it would be architecturally designed to meet contemporary industry standards and conform to the design requirements of the federal government. Refer to EIR Section 3.0 <i>Project Description</i> and Subsection 4.1, <i>Aesthetics</i> .
Goal 8. Target growth companies that meet clean air requirements, and create sustainable employment in jobs paying higher wages.	<u>Consistent.</u> The Project would be consistent with this goal because the VA community-based outpatient clinic would provide competitive wage employment opportunities as administered by U.S. Veterans Affairs.
Public Facilities	
Policy 50. Coordinate with the appropriate agencies so that adequate land and facilities are set aside for schools, parks, police/fire, libraries, cultural facilities, recreational facilities and other service uses to serve the community.	<u>Consistent.</u> The Project has been coordinated with the federal government, which would operate the proposed facility. The VA community-based outpatient clinic proposed on the Project site would provide veterans of the Bakersfield area with needed healthcare services in a new, modern facility.
Policy 52. Locate new development where infrastructure is available or can be expanded to serve the proposed development.	<u>Consistent.</u> The Project would be consistent with this policy because, while the Project site is vacant under existing conditions, it is located proximate to existing utility infrastructure that is sized to serve the Project. Refer to EIR Section 3.0, <i>Project Description</i> and Subsection 5.4.6, <i>Utilities and Service Systems</i> .
Policy 53. Ensure that land use and infrastructure development are coordinated.	<u>Consistent.</u> The Project would be consistent with this policy because there is adequate existing infrastructure to serve the proposed use. Refer to EIR Section 3.0, <i>Project Description</i> and Subsection 5.4.6, <i>Utilities and Service Systems</i> .
Policy 54. The developer shall be responsible for all on-site costs incurred as a result of the proposed project, in addition to a proportional share of off-site costs incurred in service extension or improvements. The availability of	<u>Consistent.</u> The Project would be consistent with the policy because the Project Applicant would assume responsibility of on-site costs.

Goals and/Policies	Project Consistency Discussion
<p>public or private services or resources shall be evaluated during discretionary project consideration. Availability may affect project approval or result in a reduction in size, density, or intensity otherwise indicated in the general plan's map provisions.</p>	
Signage	
<p>Policy 61. Provide signage which is adequately spaced and clearly visible during the day and night to control vehicular traffic, bicycles, and pedestrians.</p>	<p><u>Consistent.</u> The Project would be consistent with this policy by complying with the City of Bakersfield Municipal Code Chapter 17.60, regarding signs.</p>
<p>Policy 62. Encourage the use of creative and distinctive signage which establishes a distinctive image for the planning area and identifies principal entries to the metropolitan area, unique districts, neighborhoods and locations.</p>	<p><u>Consistent.</u> The Project would be consistent with this policy by complying with the City of Bakersfield Municipal Code Chapter 17.60, regarding signs.</p>
<p>Policy 63. Permit the use of well-designed banners for civic events, holidays, and other special occasions</p>	<p><u>Consistent.</u> The Project would be consistent with this policy by complying with the City of Bakersfield Municipal Code Chapter 17.60, regarding signs.</p>
<p>Policy 64. Encourage that signs be designed and placed on buildings to be visible to pedestrians in areas designated for pedestrian activity.</p>	<p><u>Consistent.</u> The Project would be consistent with this policy by complying with the City of Bakersfield Municipal Code Chapter 17.60, regarding signs.</p>
Image	
<p>Policy 66. Develop a distinctive identity for the Bakersfield region which differentiates it as a unique place in the Southern San Joaquin Valley.</p>	<p><u>Consistent.</u> The Project would be consistent with this policy because it would provide a new, contemporary healthcare facility for U.S. veterans in the City of Bakersfield.</p>
<p>Policy 68. Allow variation in the use of street trees, shrubs, lighting, and other details to give streets better visual continuity and increased shade canopy.</p>	<p><u>Consistent.</u> Upon development of the proposed Project, the site would be landscaped as shown in EIR Figure 3-5. Landscaping would be ornamental and feature trees, shrubs, groundcovers, and accent plants. The plans are required to comply with Chapter 17.61 of the Bakersfield Municipal Code, which establishes requirements for landscape design, automatic irrigation system design, and water-use efficiency (Bakersfield, 2023, Chapter 17.61).</p>
<p>Policy 69. Provide for the installation of street trees which enhance pedestrian activity and convey a distinctive and high-quality visual image.</p>	<p><u>Consistent.</u> The Project would be consistent with this policy because it would include ornamental landscaping featuring trees, shrubs, groundcovers, and accent plants as shown in the Project's Conceptual Landscaping Plan (EIR Figure 3-5).</p>
<p>Policy 70. Encourage landscaping the banks of flood control channels, canals, roadways and</p>	<p><u>Consistent.</u> The Project would be consistent with this policy because it would include ornamental landscaping featuring</p>

Goals and/Policies	Project Consistency Discussion
other public improvements with trees to provide a strong visual element in the planning area.	trees, shrubs, groundcovers, and accent plants as shown in the Project’s Conceptual Landscaping Plan (EIR Figure 3-5).
Policy 71. Promote the establishment of attractive entrances into communities, major districts, and transportation terminals, centers, and corridors within the planning area.	<u>Consistent.</u> The Project would be consistent with this policy as it would include perimeter landscaping, including along the Project site frontages with Knudsen Drive, Street A and Landco Drive. The landscaping would be ornamental in nature and include trees, shrubs, groundcovers, and accent plants.
Policy 73. Encourage the establishment of design programs which may include signage, street furniture, landscape, lighting, pavement treatments, public art, and architectural design.	<u>Consistent.</u> The Project is designed to meet applicable provisions of the City of Bakersfield Municipal Code, including standards for design. The Project would not impede the City’s authority to establish design programs. Refer to EIR Section 3.0, <i>Project Description</i> and Subsection 4.1, <i>Aesthetics</i> for more information about the Project’s design elements.
Policy 74. Construction effects shall be evaluated by the City of Bakersfield and/or County of Kern on a site-specific, project-by-project basis and subject to City and/or County standards and conditions of approval.	<u>Consistent.</u> Construction-related effects associated with the proposed Project have been evaluated throughout this EIR and mitigation measures, regulatory requirements and project design features have been included as applicable.
<u>General</u>	
Policy 75. Provide adequate land area for the expansion of existing uses and development of new uses consistent with the policies of the general plan.	<u>Consistent.</u> The Project would be consistent with this policy as it consistent with the property’s MBGP land use designation of Service Industrial (SI) and goals and policies of the MBGP as described herein.
Policy 76. Provide for a mix of land uses which meets the diverse needs of residents; offers a variety of employment opportunities; capitalizes, enhances, and expands upon existing physical and economic assets; and allows for the capture of regional growth.	<u>Consistent.</u> The Project would be consistent with this policy as it proposes a new, modern VA community-based outpatient clinic to meet the need of area veterans and continue employment opportunities in the City.
Policy 78. Accommodate new projects which are infill or expansion of existing urban development.	<u>Consistent.</u> The Project would be consistent with this policy because it proposes infill development of an undeveloped parcel within a developed and developing area of north Bakersfield. While there is vacant land between the Project site and SR-99 to the east and a small vacant parcel to the south, there is commercial development to the north, public facilities development to the west and commercial development further to the south.
Policy 79. Provide for an orderly outward expansion of new "urban" development (any commercial, industrial, and residential development having a density greater than one	<u>Consistent.</u> The Project would be consistent with this policy because it proposes the development of a vacant parcel with a VA community-based outpatient clinic, representing expansion of healthcare services and employment

Goals and/Policies	Project Consistency Discussion
<p>unit per acre) so that it maintains continuity of existing development, allows for the incremental expansion of infrastructure and public services, minimizes impacts on natural environmental resources, and provides a high-quality environment for living and business.</p>	<p>opportunities in the northern portion of Bakersfield, approximately 0.15-mile west of SR-99. As evaluated throughout this EIR, the Project’s effects on natural environmental resources and people and their living and working environments have been minimized to the maximum feasible extents.</p>
<p>Policy 82. Preserve existing significant sound residential neighborhoods, commercial districts, and industrial areas.</p>	<p><u>Consistent.</u> Although the Project site does not contain any existing development to be preserved, there is no component of the Project that would cause physical disturbances to or otherwise significantly affect the preservation of existing, sound, neighborhoods, commercial districts, and industrial areas.</p>
<p>Policy 86. Encourage infill of vacant parcels.</p>	<p><u>Consistent.</u> The Project would be consistent with this policy because it proposes infill development of an undeveloped parcel with a VA community-based outpatient clinic.</p>
<p>Policy 89. Encourage new uses and buildings in pedestrian sensitive areas to incorporate design characteristics which include: a) Walls which are aesthetically treated by the use of color, materials, offset planes, columns, and/or other architectural details, to provide visual interest to pedestrians; b) Landscaping, including trees, flowering shrubs, and ground cover; c) Pedestrian amenities, such as benches, trash receptacles and signage oriented to the pedestrian; d) Design amenities related to the street level such as awnings, arcades, and paseos; e) Visual access to the interior of buildings; f) Uses other than parking and traffic circulation between the sidewalk and building.</p>	<p><u>Consistent.</u> The Project would be consistent with this policy because it proposes a VA community-based outpatient clinic designed to federal standards in a contemporary design, and incorporates the use of ornamental landscaping in and around the perimeter of the Project site, a healing garden, and other amenities. Refer to EIR Section 3.0, <i>Project Description</i> and EIR Subsection 4.1, <i>Aesthetics</i>.</p>
<p>Policy 95. When planning for new development, coordinate with utility companies to designate future or potential electrical transmission line corridors as needed to serve the metropolitan area.</p>	<p><u>Consistent.</u> The Project site has site-adjacent utility connection points and would be further consistent with this policy because additional coordination with utility companies would occur as part of the construction process.</p>
<p>Policy 99. Develop a plan to ensure that all parking lots are 40 percent shaded at maturity to help alleviate “heat island effect.”</p>	<p><u>Consistent.</u> As shown on the Project’s Conceptual Landscaping Plan (EIR Figure 3-5), the passenger vehicle parking lots would have adequate shade cover to meet or exceed the minimum of 40% that is required by Chapter 17.61 of the Bakersfield Municipal Code. Additionally, a healing garden is proposed which would include irrigated turf, numerous trees, shrubs, groundcovers, and accent plantings.</p>

Goals and/Policies	Project Consistency Discussion
<p>Policy 100. Encourage the use of reflective roofing material and other measures that reduce the “heat island effect.”</p>	<p><u>Consistent.</u> The roof of the proposed VA community-based outpatient clinic would be designed to federal standards, including the roof structure material to reduce the heat island effect.</p>
<p>Policy 104. As part of the environmental review procedure, an evaluation of the significance of paleontological, archaeological, and historical resources and the impact of proposed development on those resources shall be conducted and appropriate mitigation and monitoring included for development projects.</p>	<p><u>Consistent.</u> A cultural resource study, including the topic of archaeological and paleontological resources, was completed for the Project and is discussed in Subsections 4.4 and 4.6 of this EIR.</p> <p>As concluded in Subsection 4.4, implementation of CR MM-1, CR MM-2, and CR MM-3 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Project construction. With implementation of the required mitigation, the Project’s potential direct and cumulatively considerable impacts to important archaeological resources would be reduced to less than significant.</p> <p>As concluded in EIR Subsection 4.6, GEO MM-1, GEO MM-2, GEO MM-3, and GEO MM-4 would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the proposed Project. Therefore, with implementation of GEO MM-1, GEO MM-2, GEO MM-3, and GEO MM-4, the Project’s potential direct and cumulatively considerable impacts to a unique paleontological resource or site or unique geologic feature would be reduced to less than significant.</p>
<p>Policy 105. Development on land containing known archaeological resources (i.e., high sensitivity areas) shall utilize methodology set forth, as described necessary by a qualified archaeologist, to locate proposed structures, paving, landscaping, and fill dirt in such a way as to preserve these resources undamaged for future generations when it is the recommendation of a qualified archaeologist that said resources be preserved in situ.</p>	<p><u>Consistent.</u> A cultural resource study, including the topic of archaeological resources, was completed for the Project and is discussed in Subsection 4.4 of this EIR. As concluded in Subsection 4.4, implementation of CR MM-1, CR MM-2, and CR MM-3 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Project construction. With implementation of the required mitigation, the Project’s potential direct and cumulatively considerable impacts to important archaeological resources would be reduced to less than significant.</p>

Goals and/Policies	Project Consistency Discussion
Policy 106. The preservation of significant historical resources as identified on Table 4.10-1 shall be encouraged by developing and implementing incentives such as building and planning application permit fee waivers, Mills Act contracts, grants and loans, implementing the State Historic Building Code and other incentives as identified in the City's Historic Preservation Ordinance.	<u>Consistent.</u> As discussed in Subsection 4.4 of this EIR, there are no significant historical resources located on the Project site.
Policy 107. The preservation of significant historical resources shall be promoted and other public agencies or private organizations shall be encouraged to assist in the purchase and/or relocation of sites, buildings, and structures deemed to be of historical significance.	<u>Consistent.</u> As discussed in Subsection 4.4 of this EIR, there are no significant historical resources located on the Project site.

4.10.5 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for land use and planning considers development of the Project site in conjunction with other development projects in the vicinity of the Project site as well as full General Plan buildout in the City of Bakersfield and other jurisdictions in the region.

Physical Division of an Established Community

Under existing conditions, the Project site the Project site is not directly, physically connected to any established community. Because the Project site does not directly abut any established communities, there is no potential for the Project to cause or cumulatively contribute to the division of an established community.

Conflict with any Land Use Plan, Policy, or Regulation

The Project is consistent with the Service Industrial (SI) General Plan designation and is a permitted land use with the General Manufacturing (M-2) zoning classification, which allows all uses permitted in the C-O zone, including medical clinics. The Site Plan for the proposed Project is designed in accordance with all applicable development standards. Because the proposed Project is a permitted land use, is consistent with its existing General Plan land use designation and zoning, and has been designed in accordance with all applicable regulations, the proposed Project would not cause a significant environmental impact due to conflict with the MBGP. As development occurs elsewhere throughout the cities of Shafter, Wasco, Arvin, and Lamont, and the larger Kern County area, any proposal to change the underlying land use or development intensity for a specific property would not have the potential to result in conflict with applicable land plans and result in substantial, adverse environmental effects with implementation of an amendment to the applicable land use plan. The Project would not result in any cumulatively-considerable land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.

4.10.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: No Impact. The Project has no potential to physically divide an established community.

Threshold b: Less than Significant Impact. The Project is a compatible land use within the Service Industrial (SI) General Plan designation and is consistent with the General Manufacturing (M-2) zoning classification, which is consistent with the SI General Plan designation and allows all uses permitted in the C-O zone, including medical clinics. The Project does not conflict with General Plan goals and policies and the general intent of the General Plan and has no potential to result in significant land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.

4.10.7 MITIGATION

Impacts would be less than significant; therefore, no mitigation is required.

4.11 NOISE

The information and analysis in this Subsection are based primarily on a technical study titled, “VA Medical Clinic, Noise and Vibration Analysis, City of Bakersfield,” dated February 21, 2023, prepared by Urban Crossroads, Inc., and included as *Technical Appendix H* to this EIR (UC, 2023). Refer to Section 7.0, *References*, for a complete list of reference sources used in this analysis.

4.11.1 NOISE FUNDAMENTALS

A. *Noise Definitions*

Noise is simply defined as “unwanted sound.” Sound becomes unwanted when it interferes with normal activities, when it causes physical harm, or when it has adverse effects on health. Because the range of sound that the human ear can detect is large, the logarithmic scale is used to measure sound intensity. The unit of measure to describe sound intensity is the decibel (dB). A sound increase of 10 dB represents a ten-fold increase in sound energy and is perceived by the human ear as being roughly twice as loud. A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise sources by discriminating against very low and very high frequencies of the audible spectrum (i.e., frequencies that are not audible to the human ear). The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at a distance of three feet is roughly 60 dBA, while a jet engine is 110 dBA at approximately 100 feet (UC, 2023, pp. 7-8).

B. *Noise Descriptors*

Environmental noise descriptors are generally based on averages, rather than instantaneous noise levels. The most commonly used figure is the equivalent continuous noise level (L_{eq}). L_{eq} represents a steady state sound level containing the same total energy as a time varying signal over a given time period. L_{eq} values are not measured directly but are calculated from sound pressure levels typically measured in dBA. Consequently, L_{eq} can vary depending on the time of day (UC, 2023, p. 8).

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour levels may be disturbing if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections require the addition of five (5) dB to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 dB to sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time periods during the evening and nighttime hours when sound appears louder. CNEL does not represent the actual sound level heard at any particular time, but rather represents the total sound exposure. The City of Bakersfield relies on the 24-hour CNEL level to assess land use compatibility with transportation-related noise sources (UC, 2023, p. 8).

C. *Sound Propagation*

When sound propagates over a distance, it changes in level and frequency content. The manner in which noise reduces with distance depends on the following factors.

1. *Geometric Spreading*

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source (UC, 2023, p. 8).

2. *Ground Absorption Noise*

To account for the ground-effect attenuation (absorption) of noise, two types of site conditions are commonly used in noise models: soft site and hard site conditions. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receptor, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., sites with an absorptive ground surface between the source and the receptor such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the cylindrical spreading, the excess ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance from a line source (UC, 2023, p. 9).

3. *Atmospheric Effects*

Receivers located downwind from a noise source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Sound levels can be increased at large distances (e.g., more than 500 feet) due to atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors that may affect noise levels include air temperature, humidity, and turbulence (UC, 2023, p. 9).

4. *Shielding*

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Solid objects or barriers are most effective at attenuating noise levels. Effective noise barriers can reduce noise levels by 10 to 15 dBA. Noise barriers, however, do have limitations. For a noise barrier to work, it must be high enough and long enough to block the path of the noise source (UC, 2023, p. 9).

D. Response to Noise

Approximately 16% of the population has a very low tolerance for noise and will object to any noise not of their own making. Consequently, even in the quietest environment, some complaints will occur. Twenty to thirty percent of the population will not complain even in very severe noise environments. Thus, a variety of reactions can be expected from people exposed to any given noise environment. Despite this variability in behavior on an individual level, the population as a whole can be expected to exhibit the following responses to changes in noise levels: an increase of 1 dBA cannot be perceived except in carefully controlled laboratory experiments; a change of 3 dBA is considered “barely perceptible;” and changes of 5 dBA are considered “readily perceptible” (UC, 2023, p. 10; Table 2-B).

E. Vibration

Vibration is the periodic oscillation of a medium or object. Sources of groundborne vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration is often described in units of velocity (inches per second) and decibels (dB) and is denoted as VdB (UC, 2023, p. 11).

The background vibration-velocity level in residential areas is generally 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings (UC, 2023, p. 11).

4.11.2 EXISTING NOISE CONDITIONS

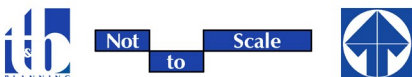
A. Existing Study Area Ambient Noise Conditions

Urban Crossroads recorded 24-hour noise readings at five locations near the Project site on Wednesday December 14, 2022. The noise measurement locations are identified in Figure 4.11-1, *Noise Measurement Locations*. The long-term noise level measurements were positioned as close to the nearest sensitive receiver locations as possible to assess the existing ambient hourly noise levels surrounding the Project site. Both Caltrans and the Federal Transit Administration (FTA) recognize that it is not reasonable to collect noise level measurements that can fully represent every part of a private property normally used for human activity when calculating estimated noise impacts for new development projects. Thus, it is not necessary to collect measurements at each individual building or residence, because each receiver measurement represents a group of buildings that share acoustical equivalence. Collecting reference ambient noise level measurements at the nearby sensitive receiver



Source(s): Urban Crossroads (12-19-2022)

Figure 4.11-1



Noise Measurement Locations

locations allows for a comparison of the before and after Project noise levels and is necessary to assess potential noise impacts due to the Project’s contribution to the ambient noise levels (UC, 2023, pp. 25-26).

The noise measurements shown in Table 4.11-1, *Ambient Noise Level Measurements*, focus on the equivalent or the hourly energy average sound levels (L_{eq}). The equivalent sound level (L_{eq}) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. Table 4.11-1 identifies the hourly daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise levels at each noise level measurement location. Table 4.11-1 provides the equivalent noise levels used to describe the daytime and nighttime ambient conditions. These daytime and nighttime energy average noise levels represent the average of all hourly noise levels observed during these time periods expressed as a single number. Appendix 5.2 of *Technical Appendix I* provides summary worksheets of the noise levels for each of the daytime and nighttime hours (UC, 2023, p. 27).

Table 4.11-1 Ambient Noise Level Measurements

Location ¹	Description	Energy Average Noise Level (dBA L_{eq}) ²	
		Daytime	Nighttime
L1	Located North of the site near the hotel located at 6100 Knudsen Dr.	63.3	61.6
L2	Located Southwest of the site near the commercial site located at 5151 Knudsen Dr.	66.9	60.6
L3	Located Southwest of the site near the school located at 5210 Victor St.	58.1	55.4
L4	Located West of the site near the residence located at 5704 Nomi St.	65.2	61.3
L5	Located West of the site near the apartments located at 5948 Victor St.	66.3	60.3

¹ See Figure 4.11-1 for the noise level measurement locations.

² Energy (logarithmic) average levels. The long-term 24-hour measurement worksheets are included in Appendix 5.2 of the Project’s noise study. "Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

Source: (UC, 2023, Table 5-1)

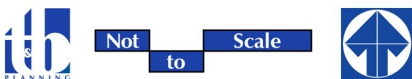
B. Sensitive Receiver Locations

To assess the potential for long-term operational and short-term construction noise impacts, sensitive receiver locations, as shown on Figure 4.11-2, *Receiver Locations*, were identified as representative locations for analysis. Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include schools, hospitals, single-family dwellings, mobile home parks, churches, libraries, and recreation areas. Moderately noise-sensitive land uses



Source(s): Urban Crossroads (12-19-2022)

Figure 4.11-2



Receiver Locations

typically include multi-family dwellings, hotels, motels, dormitories, outpatient clinics, cemeteries, golf courses, country clubs, athletic/tennis clubs, and equestrian clubs. Land uses that are considered relatively insensitive to noise include business, commercial, and professional developments. Land uses that are typically not affected by noise include: industrial, manufacturing, utilities, agriculture, undeveloped land, parking lots, warehousing, liquid and solid waste facilities, salvage yards, and transit terminals (UC, 2023, p. 37). The public facility uses located west of the Project site and west of Knudsen Drive including the Olive Drive Fire Training Facility, Kern County Fire Department, and Kern County Roads Department maintenance facility are considered not noise sensitive.

To describe the potential off-site Project noise levels, nine sensitive receiver locations in the vicinity of the Project site were identified to represent the existing noise environment in the area. All distances are measured from the Project site boundary to the outdoor living areas (e.g., private backyards) or at the building façade, whichever is closer to the Project site. The selection of receiver locations is based on FHWA guidelines and is consistent with additional guidance provided by Caltrans and the FTA. Due to the additional attenuation from distance and the shielding of intervening structures, other sensitive land uses in the Project study area that are located at greater distances than those identified in these five locations would experience lower noise levels than those presented. Distance is measured in a straight line from the Project site boundary to each receiver location. As previously noted, both Caltrans and the FTA recognize that it is not reasonable to fully represent noise levels at every part of a private property normally used for human activity when calculating estimated noise impacts for new development projects. Thus, it is not necessary to estimate noise levels at each individual building or residence, because each receiver measurement represents a group of buildings that share acoustical equivalence (UC, 2023, pp. 37-38).

R1: Location R1 represents the Vagabond Inn hotel located at 6100 Knudsen Drive, approximately 611 feet north of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R1 is placed at the building façade. A 24-hour noise measurement was taken near this location, L1, to describe the existing ambient noise environment.

R2: Location R2 represents the Kern River Transitional Care Center at 5151 Knudsen Drive, approximately 1,010 feet southwest of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R2 is placed at the building façade. A 24-hour noise measurement was taken near this location, L2, to describe the existing ambient noise environment.

R3: Location R3 represents the San Lauren Elementary School at 5210 Victor Street, approximately 557 feet southwest of the Project site. R3 is placed in the outdoor play area facing the Project site. A 24-hour noise measurement was taken near this location, L3, to describe the existing ambient noise environment.

R4: Location R4 represents the nearest existing noise sensitive residence located at 5704 Nomi Street, approximately 1,093 feet west of the Project site. R4 is placed in the private outdoor living

areas (backyard) facing the Project site. A 24-hour noise measurement was taken near this location, L4, to describe the existing ambient noise environment.

R5: Location R5 represents the Valley Baptist Church at 5500 Olive Drive, approximately 1,307 feet northwest of the Project site. R5 is placed in the outdoor areas facing the Project site. A 24-hour noise measurement was taken near this location, L5, to describe the existing ambient noise environment.

C. Existing Airports

The closest airport to the Project site is the Meadows Field Airport located approximately 0.9-mile northeast of the Project site. According to the County of Kern Airport Land Use Compatibility Plan (ALCUP), the Project is located within the Airport Influence Area, but outside of the 60 dBA CNEL noise level contour boundary (UC, 2023, p. 17).

4.11.3 REGULATORY SETTING

The following is a brief description of the federal, State, and local environmental laws and regulations related to noise that are applicable to the Project, the Project site, and/or the surrounding area.

A. Federal Plans, Policies, and Regulations

1. Noise Control Act of 1972

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish a means for effective coordination of federal research and activities in noise control; (2) authorize the establishment of federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products (EPA, 2022b).

While primary responsibility for control of noise rests with State and local governments, federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment. The Environmental Protection Agency (EPA) is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control (EPA, 2022b).

2. Federal Transit Administration

The Federal Transit Administration (FTA) has published a Noise and Vibration Impact Assessment (NVIA), which provides guidance for preparing and reviewing the noise and vibration sections of environmental documents (FTA, 2006, p. 1-1). In the interest of promoting quality and uniformity in assessments, the manual is used by project sponsors and consultants in performing noise and vibration analyses for inclusion in environmental documents. The manual sets forth the methods and procedures for determining the level of noise and vibration impact resulting from most federally-funded transit projects and for determining what can be done to mitigate such impact.

3. *Federal Highway Administration*

The Federal Highway Administration (FHWA) is the agency responsible for administering the federal-aid highway program in accordance with Federal statutes and regulations. The FHWA developed the noise regulations as required by the Federal-Aid Highway Act of 1970 (Public Law 91-605, 84 Stat. 1713). The regulation, 23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, applies to highway construction projects where a state department of transportation has requested funding for participation in the project. The regulation requires the highway agency to investigate traffic noise impacts in areas adjacent to federally-aided highways for proposed construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design.

The FHWA regulations for mitigation of highway traffic noise in the planning and design of federally aided highways are contained in Title 23 of the United States Code of Federal Regulations Part 772. The regulations contain noise abatement criteria, which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway (FHWA, 2022).

4. *Construction-Related Hearing Conservation*

The Occupational Safety and Health Administration (OSHA) hearing conservation program is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. Standard 29 CFR, Part 1910 indicates the noise levels under which a hearing conservation program is required to be provided to workers exposed to high noise levels (OSHA, 2002). Periodic exposure to high noise levels in short duration is typically considered an annoyance and not impactful to human health. It would take several years of exposure to high noise levels to result in hearing impairment.

B. State Plans, Policies, and Regulations

1. *State of California Noise Requirements*

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city adopt a General Plan that includes a Noise Element which is to be prepared according to guidelines adopted by the Governor’s Office of Planning and Research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels.

2. *Building Standards Code*

The State of California’s noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Standards Code. These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans for noise-sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL (BSC, n.d.).

3. *OPR General Plan Guidelines*

Though not adopted by law, the 2017 California General Plan Guidelines, published by the California Governor’s Office of Planning and Research (OPR), provides guidance for local agencies in preparing or updating General Plans. The Guidelines provide direction on the required Noise Element portion of the General Plans. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels (OPR, 2017a, pp. 131-132).

C. *Local Plans, Policies, and Regulations*

1. *Metropolitan Bakersfield General Plan Noise Element*

The Metropolitan Bakersfield General Plan Noise Element is intended to protect local citizens from the harmful effect of excessive noise exposure. The Noise Element identifies the following two goals.

- *Ensure that residents of the Bakersfield Metropolitan Area are protected from excessive noise and existing moderate levels of noise are maintained.*
- *Protect citizens of the planning area from the harmful effects of exposure to excessive noise and protect the economic base of the area by preventing the encroachment of incompatible land uses near known noise-producing roadways, industries, railroads, airports, and other sources.*

The policies and implementation measures specified in the Noise Element are designed to satisfy these goals (UC, 2023, p. 13).

Noise Element - Land Use Compatibility Guidelines

To ensure that residents are protected from excessive noise, the Noise Element provides guidelines to evaluate the Land Use Compatibility for Community Noise Environments (General Plan Figure VII-1). These guidelines are based on OPR guidance and are used to describe land use categories of compatibility and not specific noise standards. Noise sensitive land uses such as single-family

residences are normally acceptable with exterior noise levels below 60 dBA CNEL and conditionally acceptable with noise levels below 70 dBA CNEL (UC, 2023, p. 14, Table 3-A).

Noise Element - Noise Level Performance Standards

The Metropolitan Bakersfield General Plan Table VII-2 establishes exterior noise level standards for stationary noise sources. For residential properties, the exterior noise level shall not exceed 55 dBA L_{eq} during the daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA L_{eq} during the nighttime hours (10:00 p.m. to 7:00 a.m.) (UC, 2023, p. 15).

The exterior noise level standards apply for a cumulative period of 30 minutes in any hour, as well as the standard plus 5 dBA cannot be exceeded for a cumulative period of more than 15 minutes in any hour, or the standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour, or the standard plus 15 dBA for a cumulative period of more than 1 minute in any hour, or the standard plus 20 dBA for any period of time. The City’s stationary source noise level standards are shown on Table 4.11-2, *General Plan Noise Element Performance Standards*, and included in Appendix 3.1 of *Technical Appendix H* (UC, 2023, p. 15).

Table 4.11-2 General Plan Noise Element Performance Standards

Time Period	Exterior Noise Level Standards (dBA) ¹				
	L_{50} (30 mins)	L_{25} (15 mins)	L_5 (5 mins)	L_2 (1 min)	L_{max} (Anytime)
Daytime (7:00 a.m. to 10:00 p.m.)	55	60	65	70	75
Nighttime (10:00 p.m. to 7:00 a.m.)	50	55	60	65	70

¹ Metropolitan Bakersfield General Plan Noise Element Table VII-2 Noise Level Performance Standards (Appendix 3.1 of *Technical Appendix H*. (UC, 2023, Table 3-1)

2. City of Bakersfield Municipal Code

Chapter 9.22, Noise of the City of Bakersfield Municipal Code finds that excessive, unnecessary, and annoying noise levels are detrimental to the public health, welfare and safety and contrary to the public interest.

Noise Generally

In addition to the noise level performance standards outlined in Table VII-2 of the General Plan Noise Element, the Municipal Code identifies the following provisions to protect persons from excessive levels of noise (UC, 2023, p. 16).

- *Section 9.22.030[A]: It is unlawful for any person to willfully make or continue, or allow to be made or continued, any loud, unnecessary noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to persons residing within one thousand feet of the noise source.*

- *Section 9.22.030[C]: Refrigerator trucks shall be permitted to operate in any commercial or manufacturing zone at all hours; provided, however, that such use does not emit noise or vibration detrimentally impacting neighboring residential properties and the occupants thereof between ten p.m. and seven a.m.*

Construction Activity Noise

To control noise impacts associated with construction, which would include construction of the proposed Project, Section 9.22.050 of the Municipal Code has established limits to the hours of construction activities. Section 9.22.050[A] states that it is unlawful for any person, firm or corporation to erect, demolish, alter or repair any building, or to grade or excavate land, streets or highways, other than between the hours of 6:00 a.m. and 9:00 p.m. on weekdays, and between 8:00 a.m. and 9:00 p.m. on weekends. According to Section 9.22.050[C], limits to the hours of construction shall not apply to any work of construction performed 1,000 feet or more from the nearest residential dwelling (UC, 2023, p. 16).

4.11.4 BASIS FOR DETERMINING SIGNIFICANCE

A. Significance Thresholds

According to Section XIII of the CEQA Guidelines, the proposed Project would result in a significant noise impact if the Project or any Project-related component would result in (OPR, 2019):

- 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 ground borne vibration or ground borne 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.*

Table 4.11-3, *Significance Criteria Summary*, shows the significance criteria used to evaluate the Project's potential impacts due to noise increases. Refer to Section 4 of the Project's Noise Study (EIR *Technical Appendix H*) for a discussion of the significance criteria. The methodologies used to determine the significance criteria for noise level and ground borne vibration impacts related to the Project's construction, long-term on-site operations, and long-term off-site traffic are explained below.

B. Construction Noise Standards

To control noise impacts associated with construction, which would include construction of the proposed Project, Section 9.22.050 of the City's Municipal Code limits construction hours to between 6:00 a.m. and 9:00 p.m. on weekdays, and between 8:00 a.m. and 9:00 p.m. on weekends when construction occurs within 1,000 feet of a residential dwelling. It is noted that the Project site is not located within 1,000 feet of a residential dwelling, however.

Table 4.11-3 Significance Criteria Summary

Analysis	Condition(s)	Significance Criteria	
		Daytime	Nighttime
Off-Site Traffic ¹	If ambient is < 60 dBA CNEL	≥ 5 dBA CNEL Project increase	
	If ambient is 60 - 65 dBA CNEL	≥ 3 dBA CNEL Project increase	
	If ambient is > 65 dBA CNEL	≥ 1.5 dBA CNEL Project increase	
Operational	Exterior Noise Level Standards ²	55 dBA Leq	50 dBA Leq
	If ambient is < 60 dBA Leq ¹	≥ 5 dBA Leq Project increase	
	If ambient is 60 - 65 dBA Leq ¹	≥ 3 dBA Leq Project increase	
	If ambient is > 65 dBA Leq ¹	≥ 1.5 dBA Leq Project increase	
Construction	Construction activities are restricted within 1,000 feet of residential dwellings other than between the hours of six a.m. and nine p.m. on weekdays, and between eight a.m. and nine p.m. on weekends ³		
	Noise Level Threshold ⁴	80 dBA Leq	n/a
	Vibration Level Threshold ⁵	0.3 PPV (in/sec)	

¹ FICON, 1992 and the Metropolitan Bakersfield General Plan Noise Element Standards
² Metropolitan Bakersfield Noise Element Table VII-2 Noise Level Performance Standards.
³ City of Bakersfield Municipal Code Section 9.22.050[A].
⁴ Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual. 5
 Caltrans Transportation and Construction Vibration Manual, April 2020 Table 19. "Daytime"
 = 7:00 a.m. to 7:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.
 (UC, 2023, Table 4-1)

The Municipal Code does not set a maximum noise level that is considered significant. Therefore, for purposes of analysis herein, the Federal Transit Administration (FTA) provides guidelines that can be considered reasonable criteria for construction noise assessment. The FTA considers a daytime exterior construction noise level of 80 dBA Leq as a reasonable threshold for noise sensitive residential land use with a nighttime exterior construction noise level of 70 dBA Leq (UC, 2023, p. 16).

C. Vibration Standards

Construction activity can result in varying degrees of groundborne vibration, depending on the equipment and methods used, distance to the affected structures, and soil type. The City of Bakersfield Municipal Code does not identify specific vibration level limits. Therefore, for analysis purposes herein, the *Caltrans Transportation and Construction Vibration Guidance Manual*, Table 19, vibration damage are used to assess potential temporary construction-related impacts at adjacent building locations. The nearest noise sensitive buildings adjacent to the Project site can best be described as “older residential structures” with a maximum acceptable continuous vibration threshold of 0.3 PPV (in/sec) (UC, 2023, pp. 16-17).

D. Operational Noise Standards

Following is a summary of the methodology used to evaluate Project-related operational noise impacts. Refer to Section 9 of *Technical Appendix H* for a complete discussion of the methodology and modeling inputs and assumptions.

To evaluate noise level increases under CEQA, consideration must be given to the magnitude of the increase, the existing baseline ambient noise levels, and the location of noise-sensitive receivers, to determine if a noise increase represents a significant adverse environmental impact. This approach recognizes that there is no single noise increase that renders the noise impact significant. This is primarily because of the wide variation in individual thresholds of annoyance and differing individual experiences with noise. Thus, an important way of determining a person's subjective reaction to a new noise is the comparison of it to the existing environment to which one has adapted – the so-called ambient environment. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will typically be judged (UC, 2023, p. 21).

The Federal Interagency Committee on Noise (FICON) developed guidance to be used for the assessment of project-generated increases in noise levels that consider the ambient noise level. The FICON recommendations are based on studies that relate aircraft noise levels to the percentage of persons highly annoyed by aircraft noise. Although the FICON recommendations were specifically developed to assess aircraft noise impacts, these recommendations are often used in environmental noise impact assessments involving the use of cumulative noise exposure metrics, such as the average-daily noise level (CNEL) and equivalent continuous noise level (Leq). For purposes of analysis herein, a *readily perceptible* 5 dBA or greater Project-related noise level increase is considered a significant impact when the without Project noise levels are below 60 dBA. Per the FICON, in areas where the without Project noise levels range from 60 to 65 dBA, a 3 dBA *barely perceptible* noise level increase appears to be appropriate for most people. When the without Project noise levels already exceed 65 dBA, any increase in community noise louder than 1.5 dBA or greater is considered a significant impact if the noise criteria for a given land use is exceeded, since it likely contributes to an existing noise exposure exceedance. The FICON guidance provides an established source of criteria to assess the impacts of substantial temporary or permanent increase in baseline ambient noise levels. Based on the FICON criteria, the amount to which a given noise level increase is considered acceptable is reduced when the without Project (baseline) noise levels are already shown to exceed certain land-use specific exterior noise level criteria. The specific levels are based on typical responses to noise level increases of 5 dBA or *readily perceptible*, 3 dBA or *barely perceptible*, and 1.5 dBA depending on the underlying without Project noise levels for noise-sensitive uses. These levels of increases and their perceived acceptance are consistent with the General Plan Noise Element *Standards for Project Noise Impacts for Mobile Sources*, guidance provided by both the Federal Highway Administration and Caltrans (UC, 2023, pp. 21-22).

4.11.5 IMPACT ANALYSIS

Threshold a: *Would the Project 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?*

The analyses below evaluate three components of the Project that would generate noise – the construction process, on-site operational activities, and off-site traffic.

A. Construction Noise

Project-related construction noise would be temporary, short-term, and intermittent in nature and would cease upon completion of the Project’s construction. The number and mix of construction equipment are expected to occur in the following stages: site preparation, grading, building construction, paving, architectural coating (UC, 2023, p. 47). See Section 3.0, *Project Description*, for more detail about the Project’s construction characteristics.

To describe construction noise activities, the construction noise analysis was prepared using reference construction equipment noise level from the Federal Highway Administration (FHWA) published in the Roadway Construction Noise Model (RCNM), which includes a national database of construction equipment reference noise emission levels. To evaluate whether the Project will generate potentially significant short-term noise levels at nearest receiver locations, a construction-related daytime noise level threshold of 80 dBA Leq is used as a reasonable threshold to assess the daytime construction noise level impacts. As shown on Table 4.11-4, *Construction Noise Level Compliance*, the Project’s construction noise levels are expected to range from 48.0 to 60.7 dBA Leq at nearby receiver locations. Therefore, the noise impacts due to Project construction noise are considered less than significant at all receiver locations (UC, 2023, p. 50).

Table 4.11-4 Construction Noise Level Compliance

Receiver Location ¹	Construction Noise Levels (dBA Leq)		
	Highest Construction Noise Levels ²	Threshold ³	Threshold Exceeded? ⁴
R1	58.4	80	No
R2	57.0	80	No
R3	60.7	80	No
R4	53.9	80	No
R5	48.0	80	No

¹ Construction noise source and receiver locations are shown on Exhibit 10-A.

² Highest construction noise level calculations based on distance from the construction noise source activity to the nearest receiver locations as shown on Table 10-2.

³ Construction noise level thresholds as shown on Table 4-1.

⁴ Do the estimated Project construction noise levels exceed the construction noise level threshold?

Source: (UC, 2023, Table 10-3)

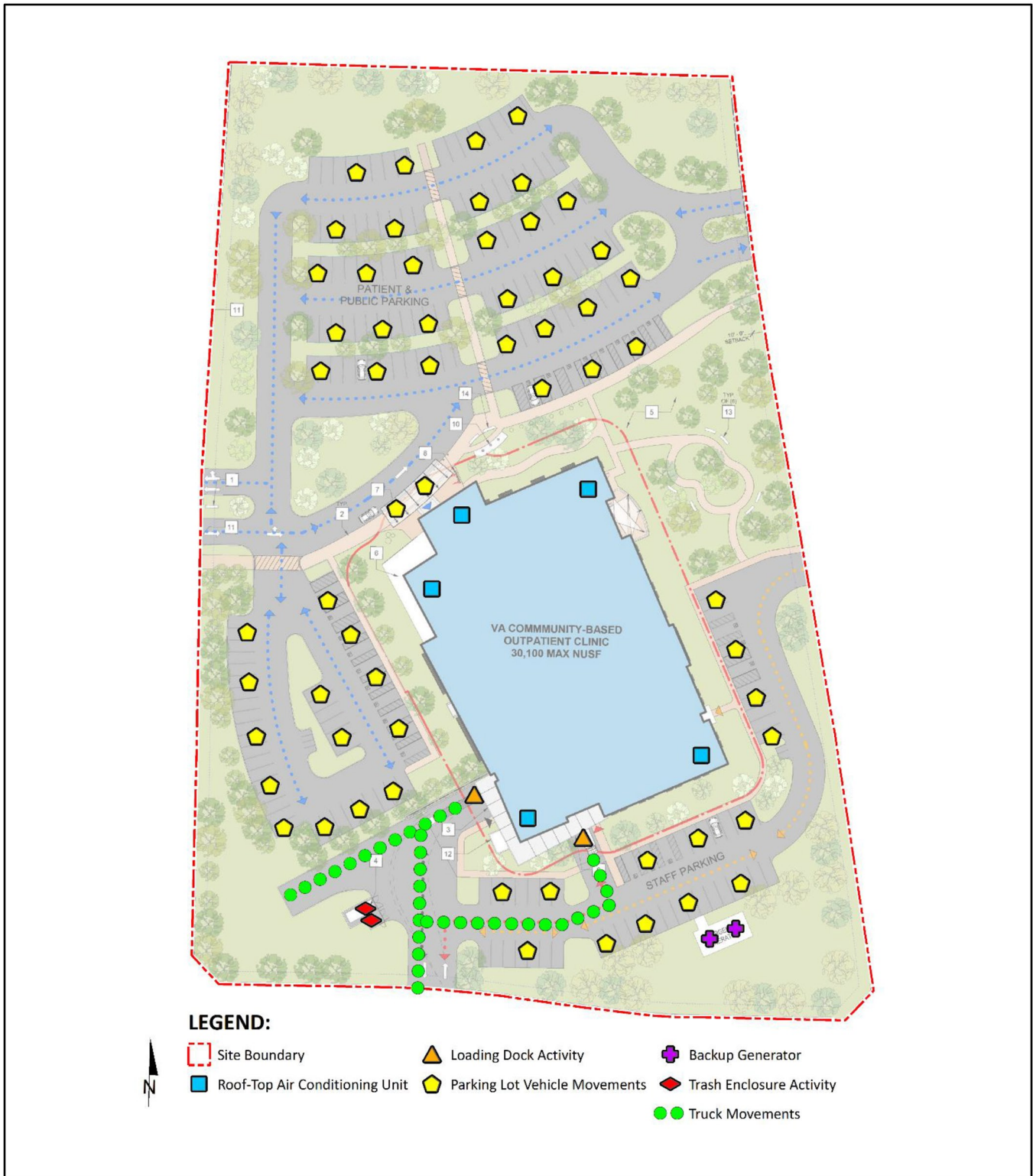
B. On-Site Operational Noise

The operational noise analysis is intended to describe operational noise levels expected during typical operation of the proposed VA community-based medical clinic. As shown in Figure 4.11-3, *Operational Noise Source Locations*, the on-site Project-related noise sources are expected to include outdoor loading dock activity, roof-top air conditioning units, emergency generator, trash enclosure activity, parking lot vehicle movements, and truck movements all occurring at the same time (UC, 2023, p. 39).

To estimate the Project operational noise impacts, reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the proposed Project. These include outdoor loading dock activity, roof-top air conditioning units, emergency generator, trash enclosure activity, parking lot vehicle movements, and truck movements all operating at the same time even through these sources of noise activity will likely vary throughout the day (UC, 2023, p. 39).

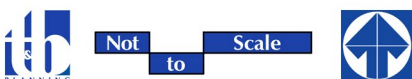
To fully describe the exterior operational noise levels expected from the proposed Project, Urban Crossroads, Inc. developed a noise prediction model using the CadnaA (Computer Aided Noise Abatement) computer program. Using the ISO 9613-2 protocol, CadnaA calculates the distance from each noise source to the noise receiver locations, using the ground absorption, distance, and barrier/building attenuation inputs to provide a summary of noise level at each receiver and the partial noise level contributions by noise source. The operational noise level calculations provided in the Project's noise study (*Technical Appendix H*) account for the distance attenuation provided due to geometric spreading, when sound from a localized stationary source (i.e., a point source) propagates uniformly outward in a spherical pattern. A default ground attenuation factor of 0.5 was used in the CadnaA noise analysis to account for mixed ground representing a combination of hard and soft surfaces. Appendix 9.1 of *Technical Appendix H* includes the detailed noise model inputs used to estimate the Project operational noise levels (UC, 2023, p. 43).

Using reference noise levels to represent the proposed Project's operations that include outdoor loading dock activity, roof-top air conditioning units, emergency generator, trash enclosure activity, parking lot vehicle movements, and truck movements, Urban Crossroads, Inc. calculated the operational source noise levels that are expected to be generated at the Project site and the Project-related noise level increases that would be experienced at each of the sensitive receiver locations. To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds based on the City of Bakersfield exterior noise level standards at nearby noise-sensitive receiver locations. As shown on Table 4.11-5, *Operational Noise Level Compliance*, the operational noise levels associated with the proposed Project would satisfy the City of Bakersfield daytime and nighttime exterior noise level standards. Therefore, the operational noise impacts would be less than significant at the nearby noise-sensitive receiver locations (UC, 2023, pp. 43-44).



Source(s): Urban Crossroads (12-19-2022)

Figure 4.11-3



Operational Noise Source Locations

Table 4.11-5 Operational Noise Level Compliance

Receiver Location ¹	Project Operational Noise Levels (dBA Leq) ²		Noise Level Standards (dBA Leq) ³		Noise Level Standards Exceeded? ⁴	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	37.0	36.6	55	50	No	No
R2	44.9	44.8	55	50	No	No
R3	49.4	49.3	55	50	No	No
R4	40.0	39.8	55	50	No	No
R5	32.3	32.0	55	50	No	No

¹ See Figure 4.11-2 for the receiver locations.

² Proposed Project operational noise levels.

³ City of Bakersfield Noise Element Table VII-2 Noise Level Performance Standards (Table 4.11-2).

⁴ Do the estimated Project operational noise source activities exceed the noise level standards? "Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m. (UC, 2023 Table 9-4)

As indicated in Table 4.11-6, *Daytime Project Operational Noise Level Increases*, the Project would generate daytime operational noise level increases ranging from 0.0 to 0.6 dBA Leq at the nearest receiver locations. As indicated in Table 4.11-7, *Nighttime Operational Noise Level Increases*, the Project would generate nighttime operational noise level increases ranging from 0.0 to 1.0 dBA Leq at the nearest receiver locations. Because the Project-related operational noise level increases would not exceed the operational noise level increase significance criteria presented in Table 4.11-3, the increases at the sensitive receiver locations would be less than significant (UC, 2023, p. 45).

Table 4.11-6 Daytime Project Operational Noise Level Increases

Receiver Location ¹	Total Project Operational Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels ⁴	Combined Project and Ambient ⁵	Project Increase ⁶	Increase Criteria ⁷	Increase Criteria Exceeded?
R1	37.0	L1	63.3	63.3	0.0	3.0	No
R2	44.9	L2	66.9	66.9	0.0	1.5	No
R3	49.4	L3	58.1	58.7	0.6	5.0	No
R4	40.0	L4	65.2	65.2	0.0	1.5	No
R5	32.3	L5	66.3	66.3	0.0	1.5	No

¹ See Figure 4.11-2 for the receiver locations.

² Total Project daytime operational noise levels.

³ Reference noise level measurement locations as shown on Figure 4.11-1.

⁴ Observed daytime ambient noise levels as shown on Table 4.11-1.

⁵ Represents the combined ambient conditions plus the Project activities.

⁶ The noise level increase expected with the addition of the proposed Project activities.

⁷ Significance increase criteria as shown on Table 4.11-3.

Source: (UC, 2023, Table 9-5)

Table 4.11-7 Nighttime Operational Noise Level Increases

Receiver Location ¹	Total Project Operational Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels ⁴	Combined Project and Ambient ⁵	Project Increase ⁶	Increase Criteria ⁷	Increase Criteria Exceeded?
R1	36.6	L1	61.6	61.6	0.0	3.0	No
R2	44.8	L2	60.6	60.7	0.1	3.0	No
R3	49.3	L3	55.4	56.4	1.0	5.0	No
R4	39.8	L4	61.3	61.3	0.0	3.0	No
R5	32.0	L5	60.3	60.3	0.0	3.0	No

¹ See Figure 4.11-2 for the receiver locations.

² Total Project nighttime operational noise levels.

³ Reference noise level measurement locations as shown on Figure 4.11-1.

⁴ Observed nighttime ambient noise levels as shown on Table 4.11-1.

⁵ Represents the combined ambient conditions plus the Project activities.

⁶ The noise level increase expected with the addition of the proposed Project activities.

⁷ Significance increase criteria as shown on Table 4.11-3.

Source: (UC, 2023, Table 9-6)

C. Off-Site Traffic Noise

1. FHWA Traffic Noise Prediction Model

The expected roadway noise level increases from vehicular traffic were calculated by Urban Crossroads, Inc. using a computer program that replicates the FHWA Traffic Noise Prediction Model- FHWA-RD-77-108. This methodology is commonly used to describe the off-site traffic noise levels throughout California and is consistent with the City of Bakersfield General Plan Noise Element (UC, 2023, p. 29).

The FHWA Model arrives at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level (REMEL). In California the national REMELs are substituted with the California Vehicle Noise (Calveno) Emission Levels. Adjustments are then made to the REMEL to account for: the roadway classification (e.g., collector, secondary, major or arterial), the roadway active width (i.e., the distance between the center of the outermost travel lanes on each side of the roadway), the total average daily traffic (ADT), the travel speed, the percentages of automobiles, medium trucks, and heavy trucks in the traffic volume, the roadway grade, the angle of view (e.g., whether the roadway view is blocked), the site conditions ("hard" or "soft" relates to the absorption of the ground, pavement, or landscaping), and the percentage of total ADT which flows each hour throughout a 24-hour period. Research conducted by Caltrans has shown that the use of soft site conditions is appropriate for the application of the FHWA traffic noise prediction model used in this analysis (UC, 2023, p. 29).

2. Traffic Noise Contours

To assess the off-site transportation CNEL noise level impacts associated with development of the proposed Project, noise contours were developed based on the Project’s Traffic Study (*Technical*

Appendix I). Noise contour boundaries represent the equal levels of noise exposure and are measured in CNEL from the center of the roadway (UC, 2023, p. 33).

Noise contours were used to assess the Project's incremental traffic-related noise impacts at land uses adjacent to roadways conveying Project traffic. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA noise levels. The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area. A summary of the exterior traffic noise levels for each traffic condition are included in Tables 7-1 through 7-4 of *Technical Appendix H* and traffic noise level contours worksheets are included in Appendix 7.1 of *Technical Appendix H* (UC, 2023, p. 33).

3. Existing With Project Traffic Noise Level Increases

The analysis of existing traffic noise levels plus traffic generated by the proposed Project is provided for information purposes only in order to fully analyze all of the existing traffic scenarios identified in the Project’s Traffic Study (*EIR Technical Appendix I*). As shown in Table 4.11-8, *Existing With Project Traffic Noise Level Increases*, with the addition of Project traffic to existing traffic levels, Project off-site traffic noise level increases would range from 0.0 to 0.2 dBA CNEL on the study area roadway segments. Based on the significance criteria for off-site traffic noise presented in Table 4.11-3, existing noise sensitive land uses adjacent to the study area roadway segments would experience noise level increases that are below the identified thresholds of significance. As such, Project-related traffic noise impacts under Existing with Project conditions would be less than significant (UC, 2023, p. 35).

Table 4.11-8 Existing With Project Traffic Noise Level Increases

ID	Road	Segment	CNEL at Receiving Land Use (dBA) ¹			Incremental Noise Level Increase Threshold ²	
			No Project	With Project	Project Addition	Limit	Exceeded?
1	Knudsen Dr.	n/o Olive Dr.	67.9	67.9	0.0	1.5	No
2	Knudsen Dr.	s/o Olive Dr.	69.9	70.1	0.2	1.5	No
3	Knudsen Dr.	s/o Hageman Rd.	-	-	-	-	-
4	Olive Dr.	w/o Knudsen Dr.	69.8	69.9	0.1	1.5	No
5	Olive Dr.	e/o Knudsen Dr.	72.4	72.5	0.0	1.5	No
6	Hageman Rd.	w/o Knudsen Dr.	68.9	69.0	0.2	1.5	No
7	Hageman Rd.	e/o Knudsen Dr.	-	-	-	-	-

¹ The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

² Does the Project create an incremental noise level increase exceeding the significance criteria in Section 4.1?

³ Off-site traffic noise level increase threshold is limited to existing noise-sensitive land uses (General Plan Noise Element Standards for Project Noise Impacts for Mobile Sources (VII_13).

Source: (UC, 2023, Table 7-5)

4. 2042 Traffic Noise Level Increases

As shown in Table 4.11-9, 2042 With Project Traffic Noise Level Increases, the Project off-site traffic noise level increases would range from 0.0 to 0.2 dBA CNEL under 2042 traffic conditions. (UC, 2023, p. 35).

Table 4.11-9 2042 With Project Traffic Noise Level Increases

ID	Road	Segment	CNEL at Receiving Land Use (dBA) ¹			Incremental Noise Level Increase Threshold ²	
			No Project	With Project	Project Addition	Limit	Exceeded?
1	Knudsen Dr.	n/o Olive Dr.	68.4	68.5	0.0	1.5	No
2	Knudsen Dr.	s/o Olive Dr.	68.5	68.7	0.2	1.5	No
3	Knudsen Dr.	s/o Hageman Rd.	65.9	65.9	0.0	1.5	No
4	Olive Dr.	w/o Knudsen Dr.	68.1	68.2	0.1	1.5	No
5	Olive Dr.	e/o Knudsen Dr.	70.3	70.3	0.0	1.5	No
6	Hageman Rd.	w/o Knudsen Dr.	69.1	69.2	0.1	1.5	No
7	Hageman Rd.	e/o Knudsen Dr.	69.7	69.7	0.1	1.5	No

¹ The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.

² Does the Project create an incremental noise level increase exceeding the significance criteria in Section 4.1?

³ Off-site traffic noise level increase threshold is limited to existing noise-sensitive land uses (General Plan Noise Element Standards for Project Noise Impacts for Mobile Sources (VII_13).

Source: (UC, 2023, Table 7-6)

Based on the significance criteria for off-site traffic noise presented in Table 4.11-3, land uses adjacent to the study area roadway segments would experience noise level increases due to Project-related traffic noise levels that are below the identified thresholds of significance under 2042 traffic conditions. As such, Project-related traffic noise impacts under 2042 traffic conditions would be less than significant (UC, 2023, p. 35).

Threshold b: Would the Project generate excessive groundborne vibration or groundborne noise levels?

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Based on the representative vibration levels presented for various construction equipment types, it is possible to estimate the potential for human response (annoyance) and building damage using the following vibration assessment methods defined by the FTA (UC, 2023, pp. 50-51).

Table 4.11-10, *Project Construction Vibration Levels*, presents the expected Project-related vibration levels at the nearby receiver locations during the Project’s construction. At distances ranging from 557 to 1,307 feet from Project construction activities, construction vibration velocity levels are estimated to range from 0.001 to 0.002 in/sec PPV. Based on maximum acceptable continuous vibration threshold of 0.3 PPV (in/sec), the typical Project construction vibration levels would fall well below the building damage thresholds at all the noise sensitive receiver locations. Therefore, the Project-related vibration impacts are considered less than significant during typical construction activities at the Project site. (UC, 2023, p. 51).

Table 4.11-10 Project Construction Vibration Levels

Location ¹	Distance to Const. Activity (Feet) ²	Typical Construction Vibration Levels PPV (in/sec) ³						Thresholds PPV (in/sec) ⁴	Thresholds Exceeded? ⁵
		Small Bulldozer	Jackhammer	Loaded Trucks	Large Bulldozer	Vibratory Roller	Highest Vibration Level		
R1	611'	0.000	0.000	0.001	0.001	0.002	0.002	0.3	No
R2	1,010'	0.000	0.000	0.000	0.000	0.001	0.001	0.3	No
R3	557'	0.000	0.000	0.001	0.001	0.002	0.002	0.3	No
R4	1,093'	0.000	0.000	0.000	0.000	0.001	0.001	0.3	No
R5	1,307'	0.000	0.000	0.000	0.000	0.001	0.001	0.3	No

¹ Construction noise source and receiver locations are shown on Exhibit 10-A of the Noise and Vibration Impact Analysis (Technical Appendix H).

² Distance from receiver building facade to Project construction boundary (Project site boundary).

³ Based on the Vibration Source Levels of Construction Equipment.

⁴ Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

⁵ Does the peak vibration exceed the acceptable vibration thresholds? "PPV" = Peak Particle Velocity
Source: (UC, 2023, Table 10-5)

Threshold 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?*

The closest airport to the Project site is the Meadows Field Airport located approximately 0.9 miles northeast of the Project site. According to the Kern County Airport Land Use Compatibility Plan (ALUCP), the Project site is located within the Airport Influence Area, but located well outside of the 60 dBA CNEL noise level contour boundary of the airport. According to the ALUCP, the Project medical outpatient commercial land use is considered normally acceptable with exterior noise levels of 55-60 dBA CNEL, and any noise form the airport plus ambient noise levels will be below this range. Impacts would be less than significant and no mitigation is required (UC, 2023, p. 17).

4.11.6 CUMULATIVE IMPACT ANALYSIS

The cumulative study area for the issue of noise includes the Project vicinity as well as areas adjacent to roadways evaluated by the Project’s Traffic Study (Technical Appendix I). Areas outside of the

cumulative study area are too far away to be adversely impacted by noise and ground-borne vibration generated as a result of the proposed Project.

A. Construction Noise

The analysis under Threshold a. indicates that the proposed Project would not generate substantial amounts of construction-related noise that could adversely affect nearby sensitive receptors. Construction activities associated with the proposed Project and other construction projects in the area may overlap, resulting in cumulative periodic noise increases in the local area. However, construction noise impacts primarily affect the areas immediately adjacent to a construction site.

The closest projects to the Project site are located at the Olive Plaza Shopping Center, approximately 0.2-mile northwest of the Project Site at 5330-5430 Olive Drive, and at the Valley Baptist Church Olive Drive Campus, approximately 0.3-mile northwest of the Project Site at 5500 Olive Drive. Although there are other projects in the area that may be undergoing construction at the same time as the proposed Project, short-term noise resulting from simultaneous construction on the Project site and other project sites would not be cumulatively considerable in consideration of the less-than-significant noise levels from Project-related construction activities. It is not reasonably foreseeable that combined cumulative construction noise levels of multiple concurrent projects would exceed the reasonable daytime 80 dBA L_{eq} significance threshold at the nearby receiver locations. In addition, City Municipal Code Section 9.22.050[A] limits the days and hours of construction activity to avoid disturbances during the noise sensitive nighttime hours. Because construction activities are typically limited to weekdays, during daylight hours, the direct and cumulative construction noise impacts are considered a nuisance or annoying, rather than a significant impact upon surrounding land uses.

B. Stationary Noise

The analysis presented for Threshold a. addresses the Project's contribution of noise to existing cumulative noise sources (i.e., ambient noise) in the Project area. As previously shown in Table 4.11-6 and Table 4.11-7, the Project's noise contribution would not be perceptible to noise-sensitive receptors in the Project area during daytime or nighttime hours. Therefore, the Project's permanent stationary noise impacts would not be cumulatively-considerable.

C. Traffic Noise

The analysis presented under Threshold a. evaluates the Project's traffic noise contribution along study area roadways under the Existing and Year 2042 with Project traffic conditions. As previously shown in Table 4.11-8 and Table 4.11-9, the Project's traffic noise increases would be below the thresholds of significance previously identified in Table 4.11-3 under Existing and 2042 traffic conditions. Accordingly, Project-related traffic impacts would be less than significant on a cumulatively-considerable basis under Existing and 2042 traffic conditions.

D. Groundborne Vibration and Noise

During construction, the Project's peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. (During the non-grading phases of Project construction, when smaller pieces of equipment are used on-site, the Project's vibration would be minimal.) As previously presented in Table 4.11-10, the typical Project construction vibration levels would fall below the building damage thresholds at all the noise sensitive receiver locations. Therefore, the Project-related vibration impacts are considered less than significant during typical construction activities at the Project site. Moreover, the vibration levels reported at the sensitive receiver locations are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating adjacent to the Project site perimeter.

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project site. Trucks would travel to and from the Project site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Project would not cumulatively-contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation.

E. Airport Noise

The Project would not involve the construction, operation, or use of any public airports or public use airports. There are no conditions associated with implementation of the Project that would contribute airport noise or exposure of additional people to unacceptable levels of airport noise. Accordingly, the Project would have no potential to cumulatively-contribute to impacts associated with noise from a public airport, public use airport, or private airstrip. Additionally, the Project site and the immediately surrounding area are not subject to substantial airport-or air traffic-related noise. Accordingly, there is no potential for cumulative development to expose persons residing or working in the Project area to excessive airport-related noise levels.

4.11.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. Noise levels generated by the Project's short-term construction would be less than significant at the nearest sensitive receptor. On-site operational noise levels would be less than significant at the nearest sensitive receptors. In addition, Project-related traffic noise increases would be below the identified thresholds of significance under Existing and long-range traffic conditions. Accordingly, 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, and impacts would be less than significant.

Threshold b: Less than Significant Impact. The Project's construction and operational activities would not result in a perceptible groundborne vibration or noise that exceed thresholds of significance.

Threshold c: Less than Significant Impact. The Project site is located within the Airport Influence Area of Meadows Field Airport but is located well outside of the 60 dBA CNEL noise level contour boundary of the airport. The Project medical outpatient commercial land use is considered normally acceptable with exterior noise levels of 55-60 dBA CNEL. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels related to a private airstrip, airport land use plan or public airport or public use airport.

4.11.8 MITIGATION

Impacts would be less than significant; therefore, mitigation measures are not required.

4.12 TRANSPORTATION

The analysis in this Subsection is based in part on a technical report prepared by Ruetters & Schuler Civil Engineers (R&S), entitled, “Traffic Study, VA Community-Based Outpatient Clinic, Knudsen Drive, Bakersfield, California” (herein, “TIA”), dated February 2023, and included as *Technical Appendix I* to this EIR (R&S, 2023).

On December 28, 2018, updates to the California Environmental Quality Act (CEQA) Guidelines were approved by the Office of Administrative Law (OAL). As part of the updates to the CEQA Guidelines, thresholds of significance for evaluation of impacts to transportation have changed. As required by Senate Bill (SB) 743, Threshold b. of the CEQA Guidelines for Transportation requires an evaluation of impacts due to Vehicle Miles Traveled (VMT), which replaced the Level of Service (LOS) criteria (i.e., automobile delay) that has been utilized in the past to evaluate potential effects to transportation under CEQA. Pursuant to CEQA Guidelines Section 15064.3(a), “...a project’s effect on automobile delay shall not constitute a significant environmental impact.”

4.12.1 EXISTING CONDITIONS

A. *Existing Vehicle Miles Traveled (VMT)*

The Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA*, dated December 2018, provides the guidelines for assessing project VMT as part of a transportation impact analysis under CEQA. The City of Bakersfield, at the time of this study, had not developed or adopted a VMT policy; therefore, VMT analysis for the Project was conducted following OPR Technical Advisory guidelines. Because the Project did not meet any of the screening thresholds contained in the OPR Technical Advisory, a detailed VMT analysis is required. The detailed analysis was conducted using the KernCOG travel demand model. As summarized in Table 4.12-1, *Baseline VMT*, the baseline VMT per employee in Kern County is 17.13 miles. Using a significance criterion of 15% below baseline, any project having a VMT of over 14.56 miles per employee would be considered to have a significant VMT impact.

Table 4.12-1 Baseline VMT

Analysis Metric (Region)	Baseline Year	Baseline VMT	Threshold VMT
VMT per Employee (Kern County)	2021	17.13	14.56

Source: (R&S, 2023, Table 6)

B. *Study Area Description*

A traditional traffic study was prepared for the Project for transportation planning purposes. The scope of study for the proposed Project was developed in association with the Kern County Public Works Department and the City of Bakersfield. The study area includes three intersections (two signalized and one stop-controlled) along Hageman Road and Knudsen Drive. These include the intersections of Olive Drive & Knudsen Drive, Hageman Road & Knudsen Drive, and Hageman Road & Mohawk Street (R&S, 2023, p. 1). The study area,

along with the turn movement volumes at the studied intersections, is shown in Figures 4 through 8 of the Project's TIA (*Technical Appendix I*).

C. Existing Traffic

Weekday AM and PM peak hour turning movements were field measured in January 2022. Traffic counts were conducted between the hours of 7:30 to 8:30 AM and 4:30 to 5:30 PM. Traffic counts were reviewed and compared to pre-COVID-19 count data from 2019 and found to accurately reflect normal traffic volumes (R&S, 2023, p. 8). Peak hour turning movement volumes for 2022, are shown in Figures 5 and 6 of the Project's TIA (*Technical Appendix I*). In the morning and evening peak hours, the intersections of Knudsen Drive & Olive Drive and Hagemen Road & Mohawk Street are congested, and the intersection of Hagemen Road & Knudsen Drive flows efficiently (R&S, 2023, pp. 16-17).

4.12.2 APPLICABLE REGULATORY REQUIREMENTS

A. State Regulations

1. Assembly Bill 1358 (AB 1358) – Complete Streets Act

In September 2008, Governor Schwarzenegger signed into law Assembly Bill 1358 (AB 1358), the Complete Streets Act. AB 1358 requires that the legislative body of a city or county, upon any substantive revision of the circulation element of the general plan, modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways, defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation, in a manner that is suitable to the rural, suburban, or urban context of the general plan. By requiring new duties of local officials, AB 1358 imposes a State-mandated local program. AB 1358 required the Office of Planning and Research (OPR) to prepare or amend guidelines for a legislative body to accommodate the safe and convenient travel of users of streets, roads, and highways in a manner that is suitable to the rural, suburban, or urban context of the general plan, and in doing so to consider how appropriate accommodation varies depending on its transportation and land use context. AB 1358 authorized OPR, in developing these guidelines, to consult with leading transportation experts, including, but not limited to, bicycle transportation planners, pedestrian planners, public transportation planners, local air quality management districts, and disability and senior mobility planners (CA Legislative Info, n.d.).

2. Statewide Transportation Improvement Program (STIP)

The Statewide Transportation Improvement Program (STIP) is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources. STIP programming generally occurs every two years. The programming cycle begins with the release of a proposed fund estimate in July of odd-numbered years, followed by California Transportation Commission (CTC) adoption of the fund estimate in August (odd years). The fund estimate serves to identify the amount of new funds available for the programming of transportation projects. Once the fund estimate is adopted, Caltrans and the regional planning agencies prepare transportation improvement plans for submittal by December 15th (odd years). Caltrans prepares the Interregional Transportation Improvement Plan (ITIP) and regional agencies prepare Regional Transportation Improvement

Plans (RTIPs). Public hearings are held in January (even years) in both northern and southern California. The STIP is adopted by the CTC by April (even years) (Caltrans, n.d.).

3. *Senate Bill 743 (SB 743)*

Senate Bill 743 (SB 743, Steinberg, 2013), which was codified in Public Resources Code Section 21099, required changes to the implementing State CEQA Guidelines regarding the analysis of transportation impacts. As one appellate court explained: “During the last 10 years, the Legislature has charted a course of long-term sustainability based on denser infill development, reduced reliance on individual vehicles and improved mass transit, all with the goal of reducing greenhouse gas emissions. Section 21099 is part of that strategy...” (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 729.) Pursuant to Section 21099, the criteria for determining the significance of transportation impacts must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” (*Id.*, subd. (b)(1); see generally, adopted State CEQA Guidelines, § 15064.3, subd. (b) [Criteria for Analyzing Transportation Impacts].) To that end, in developing the criteria, OPR has proposed, and the California Natural Resources Agency (CRNA) has certified and adopted, changes to the State CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project’s transportation impacts. With the CRNA’s certification and adoption of the changes to the State CEQA Guidelines, automobile delay, as measured by LOS and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA as of July 1, 2020. (Public Resources Code § 21099, subd. (b)(3)) (OPR, 2018b).

4. *Senate Bill 325 (SB 325) - Transportation Development Act (TDA, Mills-Alquist-Deddeh Act)*

The Mills-Alquist-Deddeh Act (SB 325) was enacted by the California Legislature to improve existing public transportation services and encourage regional transportation coordination. Known as the Transportation Development Act (TDA) of 1971, this law provides funding to be allocated to transit and non-transit related purposes that comply with regional transportation plans. TDA established two funding sources; the Local Transportation Fund (LTF), and the State Transit Assistance (STA) fund. Providing certain conditions are met, counties with a population under 500,000 (according to the 1970 federal census) may also use the LTF for local streets and roads, construction, and maintenance. The STA funding can only be used for transportation planning and mass transportation purposes (Caltrans, n.d.).

5. *Road Repair and Accountability Act of 2017 (Senate Bill 1 (SB 1))*

On April 28, 2017, Governor Brown signed Senate Bill 1 (SB 1) (Chapter 5, Statutes of 2017), known as the Road Repair and Accountability Act of 2017. SB 1 augments the base of the State Transit Assistance program essentially doubling the funding for this program. To provide for SB 1 reporting and transparency, transit agencies are asked to work with Caltrans to report on planned expenditures for these augmented funds (Caltrans, n.d.).

B. Regional Regulations

1. Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)

In 2022, the Kern Council of Governments (COG) adopted the “2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS).” The Regional Transportation Plan (RTP) is a 24-year blueprint that establishes a set of regional transportation goals, policies, and actions intended to guide development of the planned multimodal transportation systems in Kern County. Included in the 2022 RTP is the Sustainable Communities Strategy (SCS) required by California’s Sustainable Communities and Climate Protection Act, of Senate Bill (SB) 375 (Kern COG, 2022. p. ES-1).

Through the RTP process Kern COG has placed an emphasis on sustainability and integrated planning. The intent of the SCS is to achieve the State’s emissions reduction targets for automobiles and light trucks. The SCS will also provide opportunities for a stronger economy, healthier environment, and safer quality of life for community members in Kern County. The RTP SCS seeks to: improve economic vitality, improve air quality, improve the health of communities, improve transportation and public safety, promote the conservation of natural resources and undeveloped land, increase regional access to community services, increase regional and local energy independence and increase opportunities to help shape our community’s future (Kern COG, 2022. p. ES-2).

4.12.3 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to transportation if the Project or any Project-related component would (OPR, 2019):

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;*
- b) Conflict or be inconsistent with CEQA Guidelines section 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.*

Regarding threshold b., which relates to VMT, the criterion for significance is whether or not the overall VMT for the region would increase above current baseline overall VMT with the addition of the Project. The OPR Technical Advisory significance threshold for office (including medical clinic) projects is equivalent to 85 percent of the baseline VMT.

4.12.4 IMPACT ANALYSIS

Threshold a: Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The only applicable programs, plans, ordinances, or policies addressing the circulation system are the Metropolitan Bakersfield General Plan and City of Bakersfield Municipal Code ordinances.

Policies related to the circulation system are primarily contained in the Metropolitan Bakersfield General Plan Circulation Element. As described in EIR Subsection 3.5.2.C, the Project Applicant would be responsible for installing the following improvements as part of the Project's construction:

- Knudsen Drive. Along the Project site's frontage with Knudsen Drive, the Project Applicant would be responsible for adding a left turn lane from southbound Knudsen Drive to eastbound Street A and for adding an additional northbound thru lane and a deceleration/acceleration lane for vehicles making a right turn in or right turn out of the main entrance. The northbound deceleration/acceleration lane would merge into the northbound thru lane at the north end of the Project Site.
- Landco Drive. Along the Project site's eastern boundary, Landco Drive would be extended to run adjacent to the east side of the Project site.
- A Street. Along the Project site's southern boundary, new Street A would be constructed to connect Knudsen Drive and Landco Drive.

The above-described improvements are fully consistent with all goals and policies of the City's General Plan Circulation Element, as well as the requirements of the City's Municipal Code. In addition, the Circulation Element indicates that the City's desired Level of Service (LOS) is LOS C. As indicated in the Project's TIA (*Technical Appendix I*), all roadway segments within the scope of the study currently operate at or above LOS C and are expected to continue to do so through the year 2042, both with and without the Project (R&S, 2023, p. 21). The intersections Knudsen Drive & Olive Drive and Mohawk Street & Hageman Road operate below an acceptable level of service, prior to the addition of the Project traffic. With the addition of the planned but not yet constructed Hageman Flyover, which is projected to be completed by 2042, the intersection of Knudsen Drive & Olive Drive is projected to operate at an acceptable level of service in the year 2042 with or without the addition of Project traffic (R&S, 2023, pp. 16-17). The intersection of Hageman Road and Mohawk Street will continue to operate below an acceptable level of service, with the Project contributing 0.8 seconds of delay in the morning peak hour and 2.3 seconds of delay in the evening peak hour, which is less than significant according to Section 6.2.2.7 of the City's Transportation Design Manual (R&S, 2023, p. 21). For these reasons, the Project is fully consistent with the General Plan Circulation Element policies related to streets and roadways.

The General Plan Circulation Element also includes goals and policies related to transit, bikeways, parking, and airports. With respect to transit, bus service is currently available along Olive Drive via Golden Empire Transit District (GETD) Route 61, (GETD, 2022). Existing bus stops in the area are adequate for this existing route, and no new bus stops are required along the Project site's frontage with Knudsen Drive. The Project

would not conflict with any of the goals or policies identified in the General Plan Circulation Element related to transit.

According to the City of Bakersfield Bicycle Transportation Plan, Hageman Road has a designated Class 2 Bike Lane and Knudsen Drive is planned to have a Class 2 Bike Lane (Bakersfield, 2013). These designations also are consistent with the Kern County 2012 Bicycle Master Plan. Class 2 bike lanes are defined by pavement striping and signage used to allocate a portion of a roadway for exclusive or preferential bicycle travel. Bike lanes are one-way facilities on either side of a roadway. As part of the Project's roadway frontage improvements with Knudsen Drive, right-of-way will be provided for a Class 2 bike lane, would be in full compliance with the City of Bakersfield "Bicycle & Pedestrian Safety Plan." Accordingly, the Project would be fully consistent with the General Plan Circulation Element goals and policies related to bikeways (Kern County, 2012, p. 18, and Figure 5-4; Bakersfield, 2013).

The Project would not conflict with any of the goals or policies included in the General Plan Circulation Element related to parking. The Project is required to accommodate a total of 214 vehicle parking spaces, which the Project as proposed will accommodate.

The Project site is located approximately 0.9-mile southwest of the Meadows Field Airport. According to Figure 4-1 of the *Kern County Airport Land Use Compatibility Plan (ALUCP)*, the Project site is located inside of Compatibility Zone "C" for the Meadows Field Airport (Kern County, 2012, Figure 4-36). Compatibility Zone "C" includes areas in the common traffic pattern of the airport that are at limited risk for impacts. These areas may have frequent noise intrusion; however, the Project site is located outside of the noise contours of the airport (Kern County, 2012, Figure 4-39). The Project would be implemented in accordance with the ALUCP restricting occupancy of the site to no more than 150 persons per acre, and would not conflict with the General Plan Circulation Element goals and policies related to airports.

With respect to the City's Municipal Code, the Project would be required to comply with all applicable provisions of Municipal Code Title 10 (Vehicles and Traffic). Specifically, the Project Applicant would be required to contribute transportation impact fees pursuant to Chapter 15.84 of the City's Municipal Code (Transportation Impact Fee) to help provide for acceptable LOS within the City. Project-related roadway improvements also would be required to comply with Chapter 10.12 (Traffic-Control Devices) of the City's Municipal Code, which requires the City to provide for orderly and safe traffic conditions within the City and to have installed and maintained such signals and other devices as may be necessary to effectively carry out such purposes. There are no components of the proposed Project that would conflict with any of the provisions of Municipal Code Title 10.

Accordingly, and based on the foregoing analysis, the proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and impacts would be less than significant.

Threshold b: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

In 2013, the State of California approved legislation (SB 743) to change the primary basis of evaluation of transportation impacts in CEQA from LOS to VMT. CEQA Guidelines Section 15064.3 was approved in December 2018, and became effective in early 2019. Section 15064.3 required agencies to implement the new VMT requirement no later than July 1, 2020. The Governor’s Office of Planning and Research (OPR) released a *Technical Advisory on Evaluating Transportation Impacts in CEQA* (“Technical Advisory”) in December 2018, which provides guidelines and recommendations for VMT evaluation and thresholds. At the time this EIR was prepared, the City of Bakersfield had not adopted any policies or methodologies for VMT analysis, therefore the OPR Technical Advisory was used as the basis for the analysis of the Project’s consistency with CEQA Guidelines Section 15064.3 (R&S, 2023, p. 20).

The Technical Advisory provides initial screening criteria and thresholds of significance for the VMT evaluation. The VMT evaluation is limited to automobiles and light trucks. For office projects, including medical office uses such as the Project, OPR Technical Advisory significance thresholds is equivalent to 85 percent of the baseline VMT (R&S, 2023, p. 20).

The detailed VMT analysis was conducted using the KernCOG travel demand model. The VMT analysis results are summarized in Table 4.12-2, *VMT Analysis*.

Table 4.12-2 VMT Analysis

Analysis Metric (Region)	Baseline Year	Baseline VMT	Threshold VMT	Project VMT	Significant Impact
VMT per Employee (Kern County)	2021	17.13	14.56	12.0	No

Source: (R&S, 2023, Table 6)

As shown in Table 4.12-2, the Project VMT/employee of 12.0 is less than the countywide significance threshold of 14.56 VMT/employee (R&S, 2023, p. 20). This analysis is highly conservative and overstates actual impacts because it does not “net out” the VMT that will be eliminated when the VA clinic’s current location on Westwind Drive closes when the Project begins operations. Further, the proposed Project would actually reduce overall VMT in the area because the proposed VA community-based outpatient clinic is programmed to provide medical services not currently offered at the current location on Westwind Drive (in addition to replacing the same services offered at the existing facility), which will allow veterans to receive local care and eliminate long drives to other VA facilities in distant geographic areas to receive medical care. Therefore, VMT associated with the Project would represent a less-than-significant impact.

For informational purposes, the trips generated by the existing VA clinic located on Westwind Drive were quantified, and it is estimated to generate 1,116 average daily trips (ADTs), 74 a.m. peak hour trips, and 110 p.m. peak hour trips (R&S, 2023, p. 2). This is substantially similar to the projected trips for the Project, which are estimated to be 1,457 ADTs, 95 a.m. peak hour trips, and 143 p.m. peak hour trips (R&S, 2023, p. 7). The

VMT generated by the existing facility is likewise substantially similar to that generated by the proposed Project. Thus, the Project essentially steps into the shoes of the existing facility's impacts, rather than generating truly "new" impacts on the environment relating to transportation.

Threshold c: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Roadway improvements proposed as part of the Project are described in EIR Subsection 3.5.2.C and summarized above under the analysis of Threshold a. All of the proposed improvements would be implemented in a manner consistent with Chapter 13.12 (Development Improvements Standards and Specifications) of the City's Municipal Code, which requires compliance with a number of standard manuals. The purposes of Municipal Code Chapter 13.12 are intended to protect the health, safety and general welfare of the citizens of the City by establishing standards and specifications related to a number of public improvements, including roadway improvements. Additionally, the Project's proposed improvements have been reviewed by the City for compliance with the provisions of Chapter 13.12, and have determined that the Project's proposed improvements are in full compliance with the City's requirements as well as Municipal Code Chapter 13.12. Accordingly, the Project would not substantially increase hazards due to a geometric design feature, and impacts would be less than significant.

As such, the Project would not result in increased hazards to transportation on Caltrans facilities as a result of incompatible uses, and impacts due to incompatible uses would be less than significant.

Threshold d: Would the Project result in inadequate emergency access?

During construction of the proposed Project, Project construction contractors would be required to maintain adequate emergency access routes on site. Additionally, the Project's plans have been reviewed by the Bakersfield Fire Department (BFD), which has determined that the Project's design would provide for adequate access for emergency vehicles under long-term operations. Furthermore, the Project would be subject to the requirements of Section 15.65.190 (Appendix D, Section D103.5 Fire apparatus access road gates – Amended), which identifies requirements associated with emergency access. Accordingly, the Project would not result in inadequate emergency access, and impacts would be less than significant.

4.12.5 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development within the study area identified by the Project's TIA (*Technical Appendix I*).

As indicated under the analysis of Threshold a., the Project would be fully consistent with the Metropolitan Bakersfield General Plan and City of Bakersfield Municipal Code. As other cumulative developments likewise would be required to comply with the City's General Plan and ordinances, or the general plan and ordinances of surrounding jurisdictions, the Project would result in less-than-significant impacts on a cumulatively-considerable basis due to a conflict with a program, plan, ordinance, or policy addressing the circulation system.

As indicated under the analysis of Threshold b., the overall VMT with the Project is less than the baseline, resulting in a less-than-significant impact. The Project VMT/employee of 12.0 is less than the countywide significance threshold of 14.56 VMT/employee. Impacts would be less than significant on a cumulatively-considerable basis.

All roadway improvements proposed as part of the Project would be constructed to City standards. Other cumulative developments within the cumulative study area likewise would be required to demonstrate that there would be no geometric design feature hazards or impacts due to incompatible risks. As such, the Project would not substantially increase hazards due to a geometric design feature or incompatible use, and impacts would be less than significant on a cumulatively-considerable basis.

During Project construction and operations, the provision of adequate access for emergency vehicles is required by the Fire Department and the City's Municipal Code. Other cumulative developments similarly would be required to maintain adequate emergency access. Accordingly, cumulative impacts due to inadequate emergency access would be less than significant.

4.12.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project is consistent with the Metropolitan Bakersfield General Plan, including the goals and policies of the General Plan Circulation Element, and also would be required to comply with all applicable requirements of the City's Municipal Code. As there are no other applicable programs, plans, ordinances, or policies addressing the circulation system, Project impacts due to a conflict with a program, plan, ordinance or policy addressing the circulation system would be less than significant.

Threshold b: Less-than-Significant Impact. The Project VMT is less than the threshold of significance and impacts would be less than significant.

Threshold c: Less-than-Significant Impact. With mandatory compliance with City design standards, including standards contained within the City's Municipal Code, the Project would not substantially increase hazards due to a geometric design feature. Additionally, due to the short distance between the Project site and the on-and off-ramps at SR 99, the Project would not result in increased hazards to transportation as a result of incompatible uses, and impacts due to incompatible uses would be less than significant.

Threshold d: Less-than-Significant Impact. The provision of adequate emergency access is required during both construction and long-term operation, in accordance with City of Bakersfield Municipal Code and Fire Department requirements. Accordingly, the Project would have adequate emergency access, and impacts would be less than significant.

4.12.7 MITIGATION

Impacts would be less than significant; therefore, no mitigation is required.

4.12.8 DESIGN FEATURES AND REGULATORY REQUIREMENTS

The City of Bakersfield is required to assure that implementing development complies with the assumptions relied upon herein and applicable regulatory requirements pertaining to the topic of Transportation, which include the following regulatory requirements.

- TRN RR-1 Prior to issuance of building permits, the Project Applicant shall pay appropriate Traffic Impact Fee (TIF) fees at the rates then in effect in accordance with Chapter 15.84 of the City's Municipal Code.

- TRN RR-2 All off-site roadway improvements shall comply with applicable provisions of City of Bakersfield Municipal Code Title 10 (Vehicles and Traffic) and Chapter 13.12 (Development Improvements Standards and Specifications).

4.13 TRIBAL CULTURAL RESOURCES

The analysis in this Subsection 4.13 documents the results of the City's efforts to consult with local Native American tribes regarding the proposed Project. No tribes requested consultation regarding the Project. Communications between Native American tribes and the City of Bakersfield is considered confidential in respect to places that have traditional tribal cultural significance (Gov. Code § 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (Cal. Code Regs. § 15120(d)).

4.13.1 EXISTING CONDITIONS

Refer to EIR Subsection 4.4.1 for a complete description of the cultural setting, existing site conditions, and the archaeological resources assessment for the Project site.

4.13.2 REGULATORY SETTING

The following is a brief description of the State environmental laws and related regulations addressing Tribal Cultural Resources (TCRs). Refer also to EIR Subsection 4.4.2 for a complete description of federal, State, and local environmental laws and regulations governing the protection of cultural resources.

A. Assembly Bill 52 (AB 52)

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process (OPR, 2017).

The Public Resources Code now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code, § 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project (Pub. Resources Code, § 21080.3.1.) (OPR, 2017).

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 21084.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to

tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015 (OPR, 2017).

§ 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource.

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe (OPR, 2017).

4.13.3 BASIS FOR DETERMINING SIGNIFICANCE

Section XVIII of Appendix G to the CEQA Guidelines addresses typical adverse effects on tribal cultural resources, and includes the following threshold question to evaluate the Project’s impacts to tribal cultural resources (OPR, 2019). The Project would result in a significant impact to tribal cultural resources if the Project or any Project-related component would:

1. *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:*
 - i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).*
 - ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

4.13.4 IMPACT ANALYSIS

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

supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

No prehistoric resource sites, features, places, or landscapes were identified on the Project site that are either listed or eligible for listing in the California Register of Historic Places. To be eligible for the Register, (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852), a resource must include the following:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
- (B) Is associated with the lives of persons important in our past;*
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
- (D) Has yielded, or may be likely to yield, information important in prehistory or history.*

No resources were identified on the Project site that meet any of the four criteria listed above to be eligible for the California Register and no prehistoric resource sites or isolates were found on the Project site based on the cultural records search and pedestrian survey of the Project site (refer to EIR Subsection 4.4, *Cultural Resources*). Furthermore, no substantial evidence was presented to or found by the City of Bakersfield that led to the identification of any resources on the Project site that in the City's discretion had the potential to be considered a tribal cultural resource.

As part of the AB 52 consultation process required by State law, the City of Bakersfield did not receive any request for consultation from any tribes regarding the Project.

Because no known tribal cultural resources exist on the Project site under existing conditions, implementation of the proposed Project would not impact such resources. However, it is possible (although unlikely due to the disturbed nature of the site) that previously undiscovered tribal cultural resources may be present beneath the site's subsurface, and may be impacted by ground-disturbing activities associated with Project construction. If any tribal cultural resources are unearthed during Project construction that meet the definition of a significant tribal cultural resource and are disturbed/damaged by Project construction activities, impacts to those tribal cultural resources would be significant.

4.13.5 CUMULATIVE IMPACT ANALYSIS

The Project site is located within a traditional use area of the Tejon Indian Tribe. Other development projects within this traditional use area would have a similar potential as the Project to adversely affect tribal cultural resources. Thus, implementation of the Project has the potential to result in a cumulatively considerable impact to tribal cultural resources for which mitigation is required.

4.13.6 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project site does not contain any known tribal cultural resources. Nonetheless, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried or masked at the Project site.

4.13.7 MITIGATION

Mitigation Measures CR MM-1 through CR MM-3 from Subsection 4.4, *Cultural Resources*, shall apply.

4.13.8 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less-than-Significant with Mitigation Incorporated. Implementation of CR MM-1 through CR-MM 3 would ensure the proper identification and subsequent treatment of any significant tribal cultural resources that may be encountered during ground-disturbing activities associated with Project development. With implementation of the required mitigation, the Project's potential impact to significant tribal cultural resources would be reduced to less-than-significant.

5.0 OTHER CEQA CONSIDERATIONS

5.1 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a project which cannot be avoided if the proposed project is implemented (CEQA Guidelines Section 15126(b)). As described in detail in Section 4.0, *Environmental Analysis*, of this EIR, the proposed Project is anticipated to result in one impact to the environment that cannot be reduced to below a level of significance after the consideration of compliance with applicable laws and regulations, design features proposed by the Project, and the application of feasible mitigation measures. The impacts is as follows:

- Greenhouse Gas Emissions (Threshold a). Although the Project's GHG emissions would only be a very small fraction of the global GHG emissions that contribute to climate change, the City is using a net-zero threshold. Because the Project would result in a net increase in GHG emissions as compared to existing conditions, the Project's impacts due to GHG emissions would be significant and unavoidable on a cumulatively-considerable basis.

5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE INVOLVED IN THE PROPOSED PROJECT SHOULD IT BE IMPLEMENTED

The CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved in the proposed action should it be implemented (CEQA Guidelines Section 15126.2(c)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Determining whether the proposed Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. Natural resources, in the form of construction materials and energy resources, would be used in the construction of the proposed Project, but development of the Project site as proposed would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., fossil fuels). Construction and operation of the proposed Project would not involve the use of large sums or sources of non-renewable energy, and with respect to operation, the Project would replace an existing clinic of similar size, essentially stepping into the shoes of its existing impacts, including energy use. Additionally, the Project is required by law to comply with the California Green Building Standards Code (CALGreen), compliance with which reduces a building operation's energy volume that is produced by fossil fuels. The Project would be subject to regulations to reduce the Project's reliance on non-renewable energy sources. The Project also would be subject to the Energy Independence and Security Act of 2007, which contains provisions designed to increase energy efficiency and

availability of renewable energy. The Project also would be subject to California Energy Code, or Title 24, which contains measures to reduce natural gas and electrical demand, thus requiring less non-renewable energy resources. Further, because the Project is contracted with the federal government, the following items are required to be implemented:

- Reduction in energy cost by 30% over baseline performance rating using the following:
 - Energy efficient mechanical, electrical, and plumbing equipment.
 - Energy control strategies for HVAC, plumbing and lighting systems.
 - Low flow plumbing fixtures and shower heads.
- Natural gas is boilers over No. 2 Oil where uninterrupted natural gas supply is available.

The Project would avoid the inefficient, wasteful, and unnecessary consumption of energy during Project construction, operation, and maintenance. With mandatory compliance to the energy efficiency regulations, as well as implementation of Project design features and mitigation measures presented in this EIR, the Project would not involve the use of large sums or sources of non-renewable energy. A more detailed discussion of Project energy consumption is provided in EIR Subsection 4.5, *Energy*.

EIR Subsection 4.8, *Hazards and Hazardous Materials*, provides an analysis of the proposed Project's potential to transport or handle hazardous materials and biomedical waste which, if released into the environment, could result in irreversible damage. As concluded in the analysis, compliance with federal, State, and local regulations related to hazardous materials would be required of all contractors working on the property. Similarly, compliance with federal, State, and local regulations related to hazardous materials and biomedical waste would be required of the U.S Department of Veterans Affairs (VA) as the operator of the proposed VA community-based outpatient medical clinic. As such, construction and long-term operation of the proposed Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions.

5.3 GROWTH-INDUCING IMPACT OF THE PROPOSED PROJECT

CEQA requires a discussion of the ways in which the proposed Project would be growth inducing. The CEQA Guidelines identify a project as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines Section 15126.2(d)). New employees and new residential developments represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. This type of growth would not occur under the proposed Project. The Project is a proposed VA community-based outpatient medical clinic, which is already operating in the area at 1801 Westwind Drive, approximately 2.5 miles from the Project site. Upon construction of the proposed Project, the VA would vacate its existing leased space and occupy the Project site. As such, there would be no direct forms of economic or population growth, as the Project entails providing medical services in the same geographic market that it already serves.

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environments where population or employment growth results in increased demand for service and commodity markets responding to the new population of residents or employees. The Project's temporary construction-related employees would purchase goods and services in the region, but any secondary increase in employment associated with meeting these goods and services needs would be marginal, accommodated by existing goods and service providers, and highly unlikely to result in any new physical impacts to the environment as the construction workers are likely to already be in the local employment pool and would not be coming from out of the region. Operation of the proposed VA community-based outpatient medical clinic, which is already operating in the area at 1801 Westwind Drive, also would not increase the need for secondary goods and services, because the VA would provide medical services in the same geographic market that it already serves. A change in location of the VA's services from 1801 Westwind Drive to the Project site would not induce substantial new growth in the region.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of significance to the environment. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as the Kern County Association of Governments (Kern COG). Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

According to the growth trends included in Kern COGs RTP/SCS, Metropolitan Bakersfield's population is projected to grow by 6,643 residents between 2020 and 2046 (approximately 1.0% annual growth). Over this same time period, employment in Metropolitan Bakersfield is expected to add 1,077 new jobs (approximately 0.5% annual job growth (Kern COG, 2022, Table 3-2). Economic growth is not reasonably expected to take place as a result of the Project's operation because the VA is already operating a medical clinic in the local area, and the VA would move those services to the Project site. The move of a medical service provider in the same geographic market has no reasonable possibility of causing a substantial increase in population or economic growth. The purpose of the proposed VA community-based outpatient clinic is to serve existing U.S. military veterans living in the Bakersfield area. Accordingly, because it is anticipated that most of the VA clinic's employees and patients would already be living in the Bakersfield area, the relocation of the VA medical clinic to a new location at the Project site would not induce substantial growth in the area.

The area immediately surrounding the Project site contains a variety of uses, including vacant parcels, and parcels developed with commercial, industrial, public facilities, and school uses. Development of the Project site is not expected to place short-term development pressure on abutting properties because these areas are already built-out or are planned for future development, which has no reasonable possibility of being accelerated by the introduction of a VA community-based outpatient medical clinic on the Project site. Furthermore, the proposed Project's improvements to the public infrastructure, including roads, drainage

infrastructure, and other utility improvements are consistent with the City’s General Plan and would not indirectly induce substantial and unplanned population growth in the local area.

Based on the foregoing analysis, the Project would not result in substantial, adverse growth-inducing impacts.

5.4 EFFECTS FOUND NOT TO BE SIGNIFICANT DURING THE EIR SCOPING PROCESS

CEQA Guidelines Section 15128 requires that an EIR “...contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” The Project’s Initial Study and the Notice of Preparation for this EIR, both of which are included in *Technical Appendix A* to this EIR, determined that implementation of the Project as a VA community-based outpatient medical clinic would have no potential to result in significant impacts under nine environmental issue areas; however, two of those issue areas (noise, and land use and planning) were added to this EIR’s Section 4 as a result of public comment on the NOP, leaving seven issue areas that did not warrant detailed evaluation: agriculture and forestry resources, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire. These seven issue areas are not required to be analyzed in detail in the subsections of EIR Section 4.0, *Environmental Analysis*, based on substantial evidence. A brief analysis of the Project’s less-than-significant impacts to agriculture and forestry resources, mineral resources, public services, recreation, utilities and service systems, and wildfire is presented below.

5.4.1 AGRICULTURE AND FORESTRY RESOURCES

Threshold a: *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

According to information available from the Farmland Mapping and Monitoring Program (FMMP), the entire Project site is designated as Vacant or Disturbed Land. Vacant or Disturbed Land consists of open field areas that do not qualify for an agricultural category, mineral and oil extraction areas, and rural freeway interchanges. (CDC, 2018). There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) located on the Project site. The Project site is not designated or zoned for agricultural uses. Therefore, the Project does not have the potential to directly or indirectly convert Farmland to non-agricultural use, and no impact would occur.

Threshold b: *Would the Project conflict with existing zoning for agricultural use, or Williamson Act contract?*

According to the California Department of Conservation, the Project site is not located on land that is subject to a Williamson Act contract (CDC, 2018). Under existing conditions, the Project site is zoned M-2 (General Manufacturing). As such, the proposed Project has no potential to conflict with existing zoning for agricultural use, or a Williamson Act contract. No land zoned for agricultural use or Williamson Act contract lands are located near the Project site (CDC, 2020). Based on the foregoing, the Project has no potential to impact lands zoned for agricultural use or conflict with any Williamson Act contracts. No impact would occur.

Threshold c: *Would the Project 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))?*

The Project site is not located on lands designated as forest lands, timberlands, or Timber Production by the City's General Plan, and none of the surrounding properties are designated as forest lands or timberlands. Accordingly, the proposed Project would not have the potential to conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104(g)). As such, no impact would occur.

Threshold d: *Would the Project result in the loss of forest land or conversion of forest land to non-forest use?*

As noted above under Threshold (c), the Project site is not located on or near forest land. Therefore, the proposed Project would not result in the loss of any forest land or convert forest land to non-forest use. No impact would occur.

Threshold e: *Would the Project involve other changes to 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?*

As noted above under Threshold (c), the Project site is not located on or near lands designated Farmland or forest land. There is no Farmland, forest land, or timberland near the Project site. As such, the proposed Project has no potential to 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. Therefore, no impact would occur.

5.4.2 MINERAL RESOURCES

Threshold a: *Would the Project 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?*

The principal mineral resources extracted within the Metropolitan Bakersfield area are oil, natural gas, sand, and gravel. Areas used for sand and gravel extraction are concentrated primarily along the floodplain and alluvial fan of the Kern River, which is an important resource for construction, development, and other improvements. Because of the Project's location away from the Kern River, the Project site does not contain sand and gravel that would be considered a valuable commodity; therefore, there would be no impact to aggregate resources. In addition, the region is a major oil-producing area, with substantial oil and gas fields existing within the Metropolitan Bakersfield area. The Project site is located within the Fruitvale oil/gas field and an oil and gas well that has been plugged is located just south of the proposed Project (CalGEM, n.d.). However, according to the California Geologic Energy Management Division (Cal-GEM) there are no known

oil, gas, or injection wells located within the boundaries of the Project site (CalGEM, n.d.). Therefore, the proposed 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, and there would be no impact.

Threshold b: Would the Project 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?

The Project site is not identified as a locally-important mineral resources recovery site by the MBGP or any other land use plan. As such, the Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. No impact would occur.

5.4.3 POPULATION AND HOUSING

Threshold a: Would the Project 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)?

The proposed Project entails developing a vacant site with a community-based VA outpatient clinic focused on military veterans. Because the VA would relocate its existing outpatient clinic services to the Project site from an existing leased facility on Westwind Drive and would serve medical needs for an existing population of U.S. military veterans in the Bakersfield area, there is no reasonable potential for the proposed Project to induce substantial unplanned population growth either directly or indirectly. Any new jobs generated would provide additional employment opportunities for residents in the area. The proposed Project would provide outpatient services for existing and future military veterans who reside in the Bakersfield area. Additionally, the site-adjacent infrastructure that would be installed as part of the Project would not extend beyond the limits of the Project site nor provide capacity that would accommodate unplanned growth. A less than significant impact would occur.

Threshold b: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Under existing conditions, there are no homes on the Project site and the Project site does not contain any existing residents. Therefore, there would be no displacement of existing people or housing, and no impact would occur.

5.4.4 PUBLIC SERVICES

Threshold a: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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?

The following discusses whether the proposed 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. The Project has no reasonable potential to result in population growth, as the Project entails relocation of VA clinic services from Westwind Drive to the Project site and the provision of medical care to military veterans residing in the Bakersfield area.

Fire protection services for the Metropolitan Bakersfield area are provided through joint implementation measures between the Metropolitan City of Bakersfield and the County of Kern. The nearest fire station is the Kern County Fire Department, Station 61, at 6400 Fruitvale Avenue, approximately 1.0-mile northwest of the Project site. Although the Project site is currently vacant, the site is an urbanized area planned for future development, and planned to be served by existing fire stations. A new fire station or physical alteration of existing fire stations would not be needed to serve the Project. No impact would occur.

Threshold a: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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:*

ii) Police protection?

Police protection services for the Metropolitan Bakersfield area are provided through joint implementation measures between the Metropolitan City of Bakersfield and Kern County. The Project's development would result in an incremental increase in demand for police protection services in the area, but is not anticipated to require or result in the construction of new or physically altered police facilities. The Project results in essentially moving the existing VA clinic operations approximately 2.5 miles, and therefore does not increase the need for any City services or generate new demand of any kind. The nearest first response police station is located at 1601 Truxton Avenue, which is approximately 3.2 miles southeast of the Project site. Due to the proximity of existing police stations, the Project would not cause the need for the physical construction of a new police station or require physical alteration of an existing station. No impact would occur.

Threshold a: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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:*

iii) Schools?

The proposed Project would not affect schools. The Project is a community-based VA outpatient clinic that would not directly generate any additional school children or the need for additional schools or the physical

alteration of schools. The Project would provide employment opportunities in the area; however, the Project involves relocating VA clinic services from an existing location on Westwind Drive and any additional needed employees at the new proposed location would not require a highly specialized labor force and is likely to draw employees from the existing population. Therefore, there is no reasonable possibility that the Project would attract into the area a substantial number of new workers with children that would require school services. Therefore, impacts would be less than significant.

Senate Bill 50 (SB 50), the Leroy F. Greene School Facilities Act of 1998, was enacted by the State Legislature in 1998, which amended existing state law governing school fees. In particular, SB 50 amended prior California Government Code (CGC) Section 65995(a) to prohibit state or local agencies from imposing school impact mitigation fees, dedications, or other requirements in excess of those provided in the statute in connection with “any legislative or adjudicative act...by any state or local agency involving...the planning, use, or development of real property....” (CA Legislative Info, 1998).

The legislation also amended CGC Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act [involving] the planning, use or development of real property.” Further, SB 50 established the base amount of allowable developer fees: \$1.93 per square foot for residential construction and \$0.31 per square foot for commercial. Level 1 fees are subject to inflation adjustment every two years. In certain circumstances, school districts can impose fees that are higher than Level 1 fees (CA Legislative Info, 1998).

Although the Project would not create a direct demand for public school services, Project Applicant would be required to contribute development impact fees to the Beardsley School District in compliance with the Leroy F. Greene School Facilities Act of 1998, which allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs. Mandatory payment of school fees would be required prior to the issuance of building permits.

Threshold a: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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:

iv) Parks?

The Project does not propose any type of residential use or other land use that may generate a population that would result in a demand for parkland resources, and no public recreational facilities are proposed as part of the Project. The healing garden that is part of the proposed Project is evaluated as an inherent part of the Project’s description throughout this EIR and is not considered a public park. Thus, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered recreational facilities, or due to the need for new or physically altered recreational 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 and recreational resources. No impact would occur.

Threshold a: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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:*

v) *Other public facilities?*

The Project would not directly substantially increase the residential population in the City and therefore is not expected to result in a demand for other public facilities/services, including libraries, community recreation centers, post offices, and animal shelters. As such, implementation of the proposed Project would not adversely affect other public facilities or require the construction of new or modified public facilities and no impact would occur.

5.4.5 RECREATION

Threshold 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?*

The Project does not involve any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. Accordingly, implementation of the proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, and no impact would occur.

Threshold 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?*

The Project does not involve the construction of any new on- or off-site recreation facilities. The Project would not expand any existing off-site recreational facilities. Therefore, no impacts related to the construction or expansion of recreational facilities would occur with implementation of the proposed Project.

5.4.6 UTILITIES AND SERVICE SYSTEMS

Threshold a: *Would the Project 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?*

The Project would construct an on-site network of water and sewer pipes that would connect to existing water and sewer lines. The Project's stormwater design includes a water quality/retention basin that allows water to filter into the ground without need to connect to off-site systems. The Project would also install connections to existing electricity, natural gas, and communications infrastructure that already exist in the area. The installation of water and sewer line connections, stormwater drainage facilities, electricity, natural gas, and

communications infrastructure as proposed by the Project would result in physical impacts to the environment; however, these impacts are considered to be part of the Project's construction phase and are evaluated under the individual environmental topic areas addressed in this EIR. There are no components of the Project's proposed utility connections that would result in significant environmental effects beyond what is evaluated in this EIR for the Project's construction phase under associated environmental topic areas. Therefore, impacts would be less than significant.

Threshold b: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The Project site is located within the Bakersfield District North Garden public water system service area. Prior to the issuance of building permits, the Project Applicant must provide evidence to the City that the proposed Project has secured water service and would construct any needed improvements in accordance with the water providers standards. Because the City Water Resources Department has conditioned this facility to submit engineering plans for any required facilities, the City would have sufficient water supplies available to serve the proposed Project and reasonably foreseeable future development during normal, dry and multiple dry years. Further, the end result of the Project will be to essentially move the existing VA clinic operations to a new location, and thus it does not result in any truly new water demand. Impacts would be less than significant.

Threshold c: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed Project site is located in the North of the River Sanitary District. The Project site's contribution to the available capacity of their respective facilities has been included in the agency's Capacity Fee and Municipal Service Review and therefore, there is sufficient capacity to serve the proposed Project. Because the proposed Project has been included in the Capacity Fee and Municipal Service Review, it has been determined that the wastewater treatment provider which serves the proposed Project has adequate capacity to serve the proposed Project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.

Threshold d: Would the Project 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?

Under existing conditions, the Project site is vacant and no solid waste is being generated. As a result of Project implementation, the proposed development would result in an increase in the waste stream to area landfills. However, the Project results in essentially moving the existing VA clinic operations, and thus does not result in any truly new waste, or at most, a very minor amount. Bakersfield Department of Public Works (BDPW), Solid Waste Division, would provide solid waste disposal services to the proposed Project. In addition to providing landfill services, BDPW, Solid Waste Division, operates a recycling program. The proposed Project would likely be served by the Bakersfield Metropolitan (Bena) Sanitary Landfill, which is operated by the Kern County Public Works, Waste Management Department. The landfill is approximately 17.6 miles

southeast of the Project site at 2951 Neumarkel Road in Bakersfield, California. Because the Solid Waste Division of Public Works has examined the facility and conditioned the proposal to incorporate appropriate on-site trash facilities, subject to city approval, the proposed Project would not 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. Impacts would be less than significant.

Threshold e: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The Project would be required to comply with all local, State, and federal requirements for integrated waste management (e.g., recycling) and solid waste disposal. As such, future building users at the Project site would be required to work with refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code § 42911), the Project would be required to provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued. The implementation of these programs would reduce the amount of solid waste generated and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Project would be subject to all federal, State, and local statutes and regulations related to solid waste. As such, a less-than-significant impact would occur.

5.4.7 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, Threshold a: Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

The Project site is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones. Further, the Project is not anticipated to physically impede the existing emergency response plans, emergency vehicle access, or personnel access to the site, nor would it reduce evacuation times. Individuals would only be on site during business hours, meaning that fire evacuations would not be necessary in the same way they are necessary for residential developments, and the Project would not result in additional individuals on the roads evacuating from a fire. Further, the Project results in essentially moving the existing VA clinic operations approximately 2.5 miles and will serve the same client base as the existing facility, and therefore, even during business hours, would not add additional people to the general area. Fire protection services to the Project site are and would continue to be provided by the Kern County Fire Department. The Project site is not identified as part of any adopted emergency response plans or emergency evacuation plans, and the Project has no potential to conflict with any such plans. As such, no impacts to adopted emergency response plans or emergency evacuation plans would occur with implementation of the proposed Project.

Threshold b: Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The Project site is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones. Further, given the flat topography of the site, it is not anticipated the Project would expose Project occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. The Project would result in construction and operation of a VA community-based outpatient clinic with exterior impervious surfaces and irrigated landscaping, which would not result in any exacerbation of fire hazards in the local area. Therefore, the Project has no potential to exacerbate wildfire risks, and thereby exposing people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. A less-than-significant impact would occur.

Threshold c: Would the Project 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?

The Project site is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones. Aside from standard building construction requirements, including the installation of fire sprinklers, the provision of fire hydrants, and the use of irrigated landscaping, the Project does not include any fire protection-related infrastructure that could result in temporary or ongoing impacts to the environment. No impact would occur.

Threshold d: Would the Project 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?

The Project site is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones. The Project site occurs in a portion of the City of Bakersfield that exhibits generally flat topography, and there are no large slopes in the Project vicinity that could be subject to landslide hazards as a result of post-fire slope instability. Additionally, there are no components of the Project that could result in or exacerbate flooding hazards associated with wildland fire hazards. No impacts would occur.

6.0 ALTERNATIVES

CEQA Guidelines § 15126.6(a) describes the scope of analysis that is required when evaluating alternatives to proposed projects, as follows:

“An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selection of a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

As discussed in Section 4.0 of this EIR, the Project would result in significant adverse environmental effects under one environmental issue area that cannot be mitigated to below a level of significance after the implementation of Project design features, mandatory regulatory requirements, and feasible mitigation measures. The unavoidable significant impact is as follows:

- Greenhouse Gas Emissions (Threshold a): Significant and Unavoidable Cumulatively-Considerable Impact. Although the Project’s GHG emissions would only be a very small fraction of the global GHG emissions that contribute to climate change, the City is using a net-zero threshold. Because the Project would result in a net increase in GHG emissions as compared to existing conditions even with implementation of mitigation measures, the Project’s impacts due to GHG emissions would be significant and unavoidable on a cumulatively-considerable basis.

6.1 ALTERNATIVES UNDER CONSIDERATION

CEQA Guidelines Section 15126.6(e) requires that an EIR include an alternative that describes what would reasonably be expected to occur on the Project site in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., “No Project” Alternative). For projects that include a revision to an existing land use plan, the “No Project” Alternative may be the continuation of the existing land use plan into the future. For projects other than a land use plan (for example, a development project on an identifiable property), the “No Project” Alternative is considered to be a circumstance under which the project does not proceed (CEQA Guidelines Section 15126(e)(3)(A-B)). Because the Project only includes a site-specific development proposal, this EIR evaluates one “No Project” Alternative.

In compliance with CEQA Guidelines Section 15126.6(a), an EIR must describe “a range of reasonable alternatives to the project, or to the location of the project which would feasibly attain most of the basic

objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The EIR need not consider every conceivable alternative; rather it must consider a reasonable range of potentially feasible alternatives to the project, or to the location of the project, which would avoid or substantially lessen significant effects of the project, even if “these alternatives would impede to some degree the attainment of the project objectives, or would be more costly” (CEQA Guidelines Section 15126.6(b)).

The following have been identified by the City of Bakersfield as potential alternatives to implementation of the proposed Project. The Net Zero Alternative is considered the Environmentally Superior Alternative pursuant to CEQA Guidelines § 15126.6.

6.1.1 NO PROJECT ALTERNATIVE

The No Project Alternative considers a scenario in which the proposed Project does not proceed. In this circumstance, the VA clinic is assumed to continue operating in its existing location at 1801 Westwind Drive and the Project site would remain undeveloped. However, there also is no guarantee that the VA clinic would continue to operate at the existing location if the No Project Alternative is selected in which case local medical services would be provided elsewhere.

6.1.2 NET ZERO ALTERNATIVE

The Net Zero Alternative considers the development of a VA clinic on the Project site with a design that would achieve net zero greenhouse gas emissions. To achieve this result, a smaller sized clinic than proposed by the Project and required by the U.S. Department of Veterans Affairs would be required. The Net Zero Alternative would reduce the size of the proposed clinic by 3,648 s.f. and construct a 36,000 s.f. clinic. Under this alternative, the existing VA clinic located at 1801 Westwind Drive would no longer operate and a 36,000 s.f. clinic on the Project site would achieve net zero greenhouse gas emissions.

6.1.3 RENEWABLE ENERGY SYSTEM PROJECT DESIGN ALTERNATIVE

The Renewable Energy System Project Design Alternative considers the development of a VA clinic on the Project site with the same site design as proposed with the Project, but with the addition of a solar system on the building roof, the addition of canopy covers over parking areas equipped with solar panels, and the addition of on-site battery storage such that site operations could be powered without connecting to the electrical grid. Under this Alternative, the existing VA clinic located at 1801 Westwind Drive would no longer operate and the Alternative would achieve a net reduction in greenhouse gas emissions compared to the existing condition. The total amount of energy needed to offset the Project is approximately 371,171 kWh/year. The building itself is expected to need 341,211 kWh/year, and the remaining 29,960 kWh/year is for the parking lot operations. These values are based on the mitigated electricity needs, which assumes a 10% improvement over Title 24 requirements. Assuming that 1 kW of rooftop solar in Bakersfield can generate about 1,650 kWh/year, solar panels capable of producing a total of 225 kW (207 kW for the building and 18 kW for the parking lot) would be required. Assuming that approximately 100 square feet (sq. ft.) of surface area are needed to hold 1kW of rooftop solar, 22,500 sq. ft. of solar panel coverage would be required on the site.

6.2 ALTERNATIVES CONSIDERED AND REJECTED

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected as infeasible. Among the factors described by CEQA Guidelines Section 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the Project, CEQA Guidelines Section 15126.6(f)(1) notes:

“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...”

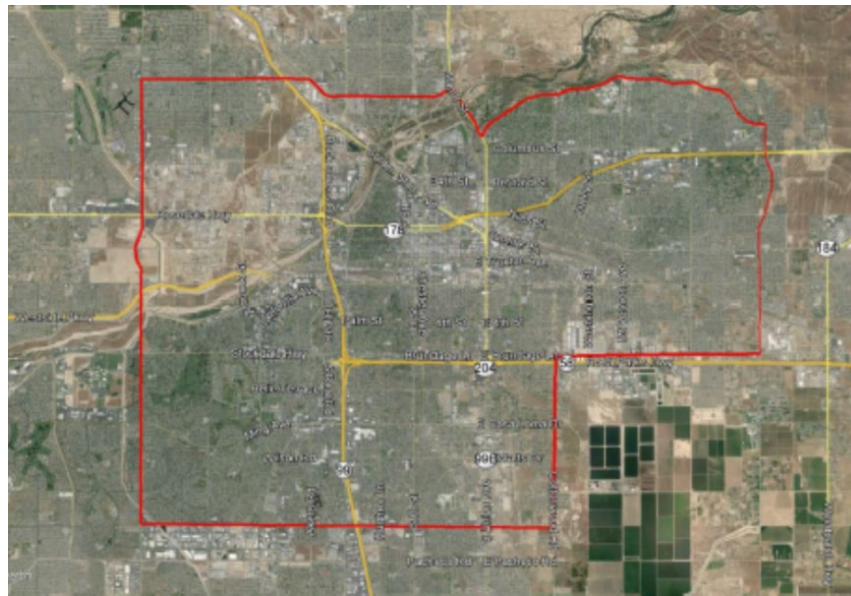
In determining an appropriate range of alternatives to be evaluated in this EIR, alternative sites were initially considered and, for a variety of reasons, rejected. Alternative sites were rejected because they either: 1) could not accomplish the basic objectives of the Project, 2) would not have resulted in a reduction of significant adverse environmental impacts, or 3) were considered infeasible by the U.S. Department of Veterans Affairs.

6.2.1 ALTERNATIVE SITES

CEQA does not require that an analysis of alternative sites be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternative site, then an alternative sites analysis should be considered and analyzed in the EIR. In making the decision to include or exclude an analysis of an alternative site, the “key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR” (CEQA Guidelines Section 15126.6(f)(2)).

The U.S. Department of Veterans Affairs established the following geographic boundary as an acceptable area for establishment of a new clinic:

- Bounded on the North (from west): East on Olive Drive, southeast on Roberts Lane, southeast on Manor Street and then northeast on Panorama Drive to Fairfax Road.
- Bounded on the South (from east): West on E. White Lane which becomes White Lane, to intersection with Gosford Road.
- Bounded on the West (from south): Starting at the intersection of Gosford Road and White Lane, head north to where Gosford Road becomes Coffee Road, continue north to Olive Drive.
- Bounded on the East (from north): South on Fairfax Road to E. Brundage Lane, west on E. Brundage Lane and then south on Cottonwood Road to E. White Lane.



On December 9, 2019, the VA issued a Solicitation for Offers for “up to a 20-year lease for 30,100 Net Usable Square Feet of space for use by VA for personnel, furnishings, and equipment to be operated as a Community Based Outpatient Clinic” in the geographic area described above. The VA received four proposals, for the following three locations:

- Renovation of the existing VA clinic at 1801 Westwind Drive (two proposals).
- A new clinic proposed by the existing landlord of the VA Clinic at 1801 Westwind Drive (referred to as PBV, or Progress for Bakersfield Veterans, LLC), at an undisclosed location
- The Project site evaluated in this EIR.

The VA evaluated the four proposals and selected the Project site. The VA rated the four proposals as follows:

Offeror	Technical Quality	Q&PP	O&M Plan	Socio-Economic Status
PBV’s existing facility	Marginal	Successful	Successful	Neutral
PBV’s 1801 Westwind #1 facility	Marginal	Marginal	Successful	Neutral
PBV’s 1801 Westwind #2 facility	Poor	Marginal	Successful	Neutral
SASD	Highly Successful	Highly Successful	Successful	Neutral

PBV protested the VA's determination in several iterations administratively, and in the United States Court of Federal Claims, Case No. 20-1050C. All appeals and challenges were denied, as detailed in the January 7, 2021 decision by the Court of Federal Claims.

It is beyond the jurisdictional scope and authority of the City of Bakersfield as the CEQA lead agency to evaluate other sites that have not been offered to or selected by the VA, particularly those that have been rejected after a long and thorough federal administrative and legal process, specifically including remodeling and rebuilding a clinic on the existing site at 1801 Westwind Drive. As such, no alternative sites are feasible because the VA has already selected the Project site for the Project, and an alternative sites analysis is thus not required in this EIR.

6.3 ALTERNATIVE ANALYSIS

The discussion on the following pages compares the environmental impacts expected from each alternative considered by the Lead Agency relative to the impacts of the Project. A conclusion is provided for each topic as to whether the alternative results in one of the following: (1) reduction of elimination of the Project's impact, (2) a greater impact than would occur under the Project, (3) the same impact as the Project, or (4) a new impact in addition to the Project's impacts. Table 6-1 at the end of this section compares the impacts of the alternatives against those of the Project and identifies the ability of the alternative to meet the basic objectives of the Project. As previously listed in EIR Section 3.0, the Project's basic objectives are:

- A. Establish a new VA community-based outpatient medical clinic in Bakersfield on a site that has been vetted by and selected by the U.S. Government within the following delineated area:
 - North: East on Olive Drive, southeast on Roberts Lane, southeast on Manor Street and then northeast on Panorama Drive to Fairfax Road.
 - East: South on Fairfax Road to E. Brundage Lane
 - South: West on E. Brundage Lane, continuing on Brundage Lane to the intersection of Brundage Lane and SR-99.
 - West: The intersection of Gosford Road and White Lane, north to where Gosford Road becomes Coffee Road, north to Olive Drive.
- B. Establish a new VA community-based outpatient medical clinic that has a minimum size of 30,100 net usable square feet and meets the VA's physical design requirements.
- C. Provide high quality patient care for veterans in a safe, advanced-care medical facility throughout the Bakersfield area and surrounding communities.
- D. Enable veterans to receive health care at a medical facility that is easily accessible and nearby a State highway system to reduce out of area health trips.

- E. Develop a VA medical clinic that is capable of providing a diverse range of consolidated outpatient services, such as audiology, mental health, telehealth, ambulatory care, an eye clinic, physical and occupational therapy, prosthetics, dental services, a lab and pharmacy, and ancillary and diagnostic services, avoiding the need for veterans to travel out of the Bakersfield area for these services.
- F. Create a comprehensively planned, advanced-care VA medical clinic that provides community vitality, economic growth, and employment opportunities in the City of Bakersfield.
- G. Construct a VA medical clinic with maximum operational efficiency to optimize health care outcomes and create a space for increased patient and staff satisfaction.

6.3.1 NO PROJECT ALTERNATIVE

The No Project Alternative considers a scenario in which the proposed Project does not proceed. In this circumstance, the VA clinic would continue to operate in its existing location at 1801 Westwind Drive and the Project site would remain undeveloped.

A. Aesthetics

Under the No Project Alternative, the visual character and quality of the Project site would be maintained in its existing condition. No structure, landscaping or lighting would be introduced on the Project site. The Project site does not contain any unique aesthetic resources, nor does it serve as a prominent scenic vista. As such, impacts on scenic vistas would be less than significant under both the Project and the No Project Alternative, although impacts would be reduced under the No Project Alternative because no new structures that could interfere with distant views of visual resources would be constructed on the site under the No Project Alternative. There are no designated or eligible State scenic highways within the Project site's immediate vicinity; thus, neither the Project nor the No Project Alternative would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway, and the level of impact would be similar. Because no new development is proposed on site as part of the No Project Alternative, the No Project Alternative would have no potential to conflict with applicable zoning and other regulations governing scenic quality. Impacts due to a conflict with zoning or other regulations would not occur under either the Project or the No Project Alternative, and the level of impact would be similar. Additionally, because no new development would occur on site, the No Project Alternative would not result in any new sources of substantial light or glare. Because the Project would introduce new lighting and building materials that have nominal potential to create glare, impacts due to light and glare would be reduced in comparison to the Project with implementation of the No Project Alternative.

B. Air Quality

Under the No Project Alternative, the Project site would remain vacant and undeveloped for the foreseeable future and no sources of air pollution would be introduced on the Project site. As such, there would be no increase in air quality emissions under the No Project Alternative. Similar to the Project, the No Project Alternative would not result in a conflict with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Air Quality Attainment Plans (AQAP's) and would avoid the Projects less than significant

impacts. Additionally, because there would be no new development on-site under the No Project Alternative, the No Project Alternative would avoid the Project's less than significant impacts due to emissions of criteria pollutants for which the region is non-attainment. The No Project Alternative also would not include any land uses with the potential for exposing sensitive receptors to substantial pollutant concentrations; thus, the No Project Alternative would avoid the Project's less than significant localized air quality impacts. However, operational air quality impacts that would otherwise cease under the proposed Project at the existing location of the VA clinic would continue to be emitted by the operation of the existing clinic under the No Project Alternative, meaning that overall operational air quality impacts would be substantially similar between the No Project Alternative and Project as proposed. Furthermore, because no new development would occur on site, the No Project Alternative would avoid the Project's less than significant impacts due to other emissions such as those leading to minor odors.

C. Biological Resources

The No Project Alternative would leave the property in its existing condition, which would include periodic disturbances related to discing (for weed abatement and fire prevention), and other routine, on-site maintenance activities. No grading would occur under this alternative. Implementation of the No Project Alternative would avoid the Project's significant but mitigable impacts to the Crotch bumblebee, burrowing owl, San Joaquin kit fox (SJKF), American badger, and nesting birds regulated by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Neither the Project nor the No Project Alternative would result in impacts to riparian habitat or other sensitive natural communities, and the level of impact would be the same. Similarly, because no wetlands, potential waters of the U.S., or potential waters of the State are present on the Project site, neither the Project nor the No Project Alternative would have the potential to have substantial adverse effects on State- or federally-protected wetlands or jurisdictional areas, and the level of impact would be the same. The Project site does not serve as a wildlife movement corridor or a native wildlife nursery site; thus, neither the Project nor the No Project Alternative would result in any impacts to wildlife movement corridors or wildlife nursery sites, and the level of impact would be the same. Neither the Project nor the No Project Alternative has the potential to conflict with local policies or ordinances protecting biological resources, and the level of impact would be the same.

D. Cultural Resources

The No Project Alternative would leave the Project site in its existing condition, which would include periodic ground disturbances related to discing (for weed abatement and fire prevention), and other routine, on-site maintenance activities. No grading would occur under this alternative. No historic resources occur on site under existing conditions; thus, neither the Project nor the No Project Alternative would result in impacts to historic resources, and the level of impact would be the same. Although no archaeological resources are known to occur on the Project site, because no new ground disturbance would occur under the No Project Alternative, the No Project Alternative would avoid the Project's significant but mitigable impacts to archaeological resources that may be buried beneath the ground surface. Similarly, because no new ground disturbance would occur, the No Project Alternative would avoid the Project's significant but mitigable impacts to human remains that may be uncovered during grading activities.

E. Energy

Under the No Project Alternative, there would be no new development on site, and there would be no increase in demand from the Project site for energy resources. As such, the No Project Alternative would avoid the Project less than significant impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources during construction or long-term operation. However, the existing clinic's energy usage that would otherwise cease under the proposed Project would instead continue under the No Project Alternative, meaning that overall energy impacts would be substantially similar between the No Project Alternative and Project as proposed. Neither the Project nor the No Project Alternative would conflict with a State or local plan for renewable energy or energy efficiency, although impacts would be reduced under the No Project Alternative in comparison to the Project because the No Project Alternative would not result in an increase in the use of energy resources.

F. Geology and Soils

Under the No Project Alternative, there would be no grading or development on site. As such, the No Project Alternative would avoid the Project's less than significant impacts due to earthquake faults, strong seismic ground shaking, seismic-related ground failure (including liquefaction), landslides, lateral spreading, subsidence, collapse, and expansive soils. Although the No Project Alternative would avoid the Project's less than significant construction-related impacts due to erosion or the loss of topsoil, the No Project Alternative would result in increased but less than significant impacts due to soil erosion under long-term conditions because the Project site would not be covered with impervious surfaces under the No Project Alternative. Additionally, because no ground-disturbing activities would occur under the No Project Alternative, the No Project Alternative would avoid the Project's significant but mitigable impacts to paleontological resources that may be buried beneath the surface of the Project site.

G. Greenhouse Gas Emissions

Under the No Project Alternative, there would be no construction activities on site and no new development would occur on the Project site. As such, implementation of the No Project Alternative would avoid the Project's significant and unavoidable impacts due to the generation of GHGs. However, under the No Project Alternative, the existing clinic would continue to emit GHSs that would otherwise cease under the proposed Project, meaning that overall GHG impacts would be substantially similar between the No Project Alternative and Project as proposed. In addition, the No Project Alternative would have no potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs, and impacts would be reduced in comparison to the Project.

H. Hazards and Hazardous Materials

Because no development would occur under the No Project Alternative, the No Project Alternative would have no potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and would have no potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; thus, no impact would occur, and impacts would be reduced in

comparison to the proposed Project. The San Lauren Elementary School is located within 0.25-mile of the Project site; thus, impacts would be reduced under the No Project Alternative because no new sources of potential hazardous materials would be introduced on site. Because the Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, neither the Project nor the No Project Alternative have the potential to create a significant hazard to the public or the environment due to existing site conditions, and the level of impact would be similar. The Project site is not located within an airport land use plan and is not within two miles of a public airport or public use airport, or a private airstrip; thus, no airport-related impacts would occur under the Project or No Project Alternative, although the level of impact would be reduced under the No Project Alternative because the No Project Alternative would not introduce any new residents or workers to the Project site. Neither the Project nor the No Project Alternative has the potential to impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; thus, no impact would occur under the Project or No Project Alternative, and the level of impact would be similar. The Project site is not located in an area subject to wildland fire hazards; thus, no impacts would occur due to the risk of loss, injury or death involving wildland fires, although the level of impact under the No Project Alternative would be slightly reduced because the No Project Alternative would not result in the introduction of new residents or workers to the Project site.

I. Hydrology and Water Quality

No changes to existing hydrology and drainage conditions would occur under the No Project Alternative, and the No Project Alternative would not include any land uses with the potential to result in increased impacts to water quality beyond what occurs on the property under existing conditions. As such, the No Project Alternative would avoid the Project's less than significant impacts due to the violation of water quality standards or waste discharge requirements and would avoid the Project's less than significant impacts to surface and groundwater quality. The No Project Alternative also would avoid the Project's less than significant impacts due to a conflict with a water quality control plan or sustainable groundwater management plan. Because the Project site would remain undeveloped under the No Project Alternative, the No Project Alternative would avoid the Project's less than significant impacts to groundwater supplies, groundwater recharge, and sustainable management of the groundwater basin during both construction and long-term operation. Although the No Project Alternative would avoid the Project's less than significant construction-related impacts due to erosion and siltation, the No Project Alternative would result in increased but less than significant impacts due to soil erosion under long-term conditions because the Project site would not be covered with impervious surfaces under the No Project Alternative as would occur with implementation of the Project. The No Project Alternative also would avoid the Project's less than significant impacts due to increased runoff leading to flooding, or due to runoff that could exceed the capacity of existing or planned stormwater drainage systems. The Project site is not located within any flood hazard areas; thus, impacts associated with impeding or redirecting flood flows would not occur under the No Project Alternative or proposed Project, and the level of impact would be the same. Neither the Project nor the No Project Alternative would be subject to inundation due to flood hazards, tsunamis, or seiches; thus, no impact would occur, and the level of impact would be similar.

J. Land Use and Planning

Under the No Project Alternative, there would be no new development on site. Neither the Project nor the No Project Alternative would result in impacts due to the physical division an established community, and the level of impact would be the same. In addition, because no new development would occur on site under the No Project Alternative, the No Project Alternative would avoid the Project's less than significant impacts due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

K. Noise

Under the No Project Alternative, no sources of noise would be introduced on the Project site. Thus, the No Project Alternative would avoid the Project's less than significant impacts due to construction-related noise, operational-related noise, and traffic-related noise. Additionally, because there would be no construction activities or long-term operational traffic under the No Project Alternative, the No Project Alternative would avoid the Project's less than significant impacts due to groundborne vibration and noise during both construction and operation. Although the Project site is not 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, the No Project Alternative would not introduce any new residents or workers to the Project site; thus, the No Project Alternative would reduce the Project's less than significant impacts due to airport-related noise.

L. Transportation

Under the No Project Alternative, there would be no new development on site, and the Project site only would generate nominal amounts of traffic associated with site maintenance and discing activities. As such, the No Project Alternative would avoid the Project's less than significant impacts due to a conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. In addition, because no new traffic would be generated under the No Project Alternative, the No Project Alternative would avoid the Project's less than significant impacts to VMT. However, the traffic generated by the existing facility that otherwise cease under the proposed Project would continue under the No Project Alternative, meaning that overall transportation impacts would be substantially similar between the No Project Alternative and Project as proposed. Furthermore, the vehicle trips that local veterans currently take to Los Angeles because the existing facility does not offer the full suite of services needed would no longer be generated under the proposed Project. Additionally, there would be no new land uses introduced on site under the No Project Alternative, nor would the No Project Alternative result in any changes to existing circulation facilities; thus, the No Project Alternative would avoid the Project's less than significant impacts associated with hazardous geometric design features and emergency access.

M. Tribal Cultural Resources

The No Project Alternative would leave the Project site in its existing condition, which includes periodic ground disturbances related to weed abatement activities and other routine, on-site maintenance activities. No grading or ground-disturbing activities would occur under this Alternative and there would be no potential

impacts to subsurface tribal cultural resources that may exist beneath the ground surface. As such, the No Project Alternative would avoid the Project's less than significant (with mitigation) impacts to tribal cultural resources.

N. Conclusion

Implementation of the No Project Alternative would result in no physical environmental impacts to the Project site beyond those that have historically occurred on the Project site and that will continue to occur into the future from routine activities. Almost all effects of the proposed Project would be avoided or lessened by selection of the No Project Alternative, with the exception of long-term erosion and sedimentation impacts, which would be increased under this alternative. The foregoing does not take into account the fact that under the No Project Alternative, the existing VA clinic at 1801 Westwind Drive would continue to operate indefinitely, and as a result, while avoiding construction period and Project site-specific impacts, the No Project Alternative would have substantially similar operational impacts to the proposed Project. The No Project Alternative, however, would fail to meet all of the Project's objectives. Specifically, the No Project Alternative would not result in the establishment of a new VA community-based outpatient clinic, provide high quality patient care for veterans, enable veterans to receive healthcare at an easily accessible facility, provide a diverse range of consolidated outpatient services, or provide community vitality, economic growth and employment opportunities in Bakersfield. The VA itself has already determined that the existing facility at 1801 Westwind Drive is inadequate; it is outdated and does not provide the full suite of services needed by the City's veterans, who are instead currently forced to travel outside the Bakersfield area to obtain these services. As mentioned above, the VA has also already specifically rejected a proposal to remodel the existing clinic or otherwise keep the existing clinic at the existing location.

6.3.2 NET ZERO ALTERNATIVE

The Net Zero Alternative considers the development of a VA clinic on the Project site with a design that would achieve net zero greenhouse gas emissions. To achieve this result, a smaller sized clinic than proposed by the Project and required by the U.S. Department of Veterans Affairs would be required, which does not meet the requirements of the request for proposals issued by the VA. The Net Zero Alternative would reduce the size of the clinic by 3,648 s.f. and construct a 36,000 s.f. clinic (approximately 9% smaller than the proposed Project at 39,648 s.f.), which would have a net usable square footage well below 30,100 s.f. The number of parking spaces also would be concomitantly reduced by approximately 9%. Areas not developed with the building or parking would be landscaped. Under this alternative, the exiting clinic would no longer operate and the 36,000 s.f. new clinic built on the Project site and operate in place of the existing VA clinic would achieve net zero greenhouse gas emissions.

A. Aesthetics

Under the Net Zero Alternative, the Project site would look similar to the Project, just at a slightly reduced scale. The Project site is not located in an area designated as scenic in the Metropolitan Bakersfield General Plan, is not within the City's Hillside Development Combining Zone (Bakersfield Municipal Code Chapter 17.66), and is not within a City-designated Class I or II Visual Resource Area, Viewshed, or Slope Protection Area. Impacts to scenic corridors would be less than significant under both the Project and the Net Zero

Alternative, and the level of impact would be similar. As with the proposed Project, the Net Zero Alternative would not substantially damage scenic resources; obstruct any prominent scenic vista or view open to the public; result in the creation of an aesthetically offensive site open to public view; substantially degrade the existing visual quality or character of the site or its surroundings; or conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant under both the Project and the Net Zero Alternative, and the level of impact would be the same.

B. Air Quality

Under this Alternative, the peak daily intensity of construction would be the same as would occur under the Project, but the Project site would be under construction for a fewer number of days due to the reduction in building size and installation of fewer parking spaces. As such, the total amount of air pollution emissions generated during the construction phase would be reduced under this Alternative as compared to the Project. Emission levels on a daily basis are shown in Table 4.2-5 in Subsection 4.2, *Air Quality*. The total daily emissions during the construction phase with the Net Zero Alternative would be less than significant.

Because the Net Zero Alternative would result in less building floor area than the Project, this Alternative would require less energy to operate than the Project, and therefore, would result in a reduction of non-mobile source air quality emissions as compared to the Project. The Net Zero Alternative also would generate a reduced amount of mobile source air pollutant emissions from passenger vehicles than the Project due to a reduction in the number of employees and patients that the smaller facility could accommodate. In total, the Net Zero Alternative would reduce the Project's operational regional air quality emissions by approximately 9%. Impacts would be less than significant. Emission levels from the proposed Project are shown in Table 4.2-6 in Subsection 4.2, *Air Quality*. Under this Alternative, emissions would be reduced by approximately 9%, reducing the Project's already less than significant impact.

A reduction of construction activity with the Net Zero Alternative would result in a less than significant impact for carcinogenic and non-carcinogenic health risk hazards (due to a reduced amount of total diesel particulate matter emissions). Emission levels are shown in Table 4.2-5 and Table 4.2-6 in Subsection 4.2, *Air Quality*.

Like the Project, the Net Zero Alternative would generate odors during short-term construction activities (e.g., diesel equipment exhaust, asphalt). However, and similar to the Project, these odors would occur intermittently, be of short-term duration, and would not be substantial. Long-term operation of this Alternative would not create objectionable odors affecting a substantial number of people and impacts would be less than significant with compliance with mandatory regulatory requirements.

C. Biological Resources

The Net Zero Alternative would disturb the entire Project site for construction and would result in identical impacts to biological resources as the Project. The Net Zero Alternative would require similar mitigation as the Project and, after mitigation, both the Net Zero Alternative and the Project would result in less than significant impacts to biological resources.

D. Cultural Resources

The Net Zero Alternative would disturb the entire Project site for construction and would result in identical potential impacts to cultural resources as the Project. The Net Zero Alternative would require similar mitigation as the Project and, after mitigation, both the Net Zero Alternative and the Project would result in less than significant impacts to cultural resources.

E. Energy

Because the Net Zero Alternative would result in approximately 9% less building floor area than the Project, the Net Zero Alternative is expected to require less energy to construct and operate than the Project and, therefore, would result in a reduction of energy usage as compared to the Project. Additionally, the Net Zero Alternative would generate fewer daily passenger vehicle trips than the Project and would reduce transportation energy demands. However, the new clinic would have diminished operational capacity compared to the larger facility proposed under the Project, which may cause some veterans to travel out of town including to VA facilities in Los Angeles to receive timely services, which would then increase transportation energy consumption and negate the energy-saving benefits of constructing a smaller facility. The Net Zero Alternative would result in a less than significant impact, which is the same conclusion drawn for the Project.

F. Geology and Soils

This Alternative would disturb the same physical area as the Project site and would, therefore, have the same potential for soil erosion during the construction phase as the Project. Soil erosion impacts would be less than significant under both the Project and this Alternative due to mandatory compliance with federal, State, and local water quality standards. The Net Zero Alternative would be required to comply with the same mandatory regulatory requirements as the Project to preclude substantial hazards associated with seismic ground shaking and geologic hazards. The Net Zero Alternative would result in a similar, less than significant impacts to geology and soils as the Project.

G. Greenhouse Gas Emissions

Because the Net Zero Alternative would result in approximately 9% less building floor area than the Project, the Net Zero Alternative would require less energy to construct and operate than the Project and, therefore, reduce non-mobile source GHG emissions as compared to the Project. Additionally, the Net Zero Alternative would incrementally lower mobile source GHG emissions due to a reduction in daily passenger vehicle traffic to the clinic. In total, with the closure of the existing clinic, and the reduced building size, the Net Zero Alternative would result in net zero GHG emissions, thereby eliminating the Project's significant and unavoidable cumulatively-considerable GHG impact. However, the new clinic would have diminished operational capacity compared to the larger facility proposed under the Project, which may cause some veterans to travel out of town including to VA facilities in Los Angeles to receive timely services, which would then increase mobile source GHG emissions and negate the GHG emission reduction associated with constructing and operating a smaller facility.

H. Hazards and Hazardous Materials

Neither implementation of the Net Zero Alternative nor the Project would result in a significant impact related to hazards or hazardous materials. Land uses that would occur on-site under the Net Zero Alternative would have a similar potential to handle and store hazardous materials than the Project. With mandatory regulatory compliance, both the Net Zero Alternative and the Project would pose a less than significant hazard to the public or the environment related to the use, handling, storage, and/or transport of hazardous materials.

I. Hydrology and Water Quality

Neither the Project nor the Net Zero Alternative would result in substantial alterations to the drainage pattern of the site or would result in substantial erosion effects. Accordingly, implementation of the Project and the Net Zero Alternative would both result in less than significant impacts to existing drainage patterns.

During construction, potential hydrology and water quality effects on the Project site would be similar under both the Net Zero Alternative and the Project due to this Alternative and the Project both disturbing the same physical area. Like the Project, the Net Zero Alternative would be required to implement a SWPPP to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Project and the Net Zero Alternative would result in less than significant construction impacts to hydrology and water quality.

In the long-term, potential hydrology and water quality effects on the Project site would be similar under both the Net Zero Alternative and the Project due to this alternative and the Project both providing a similar amount of non-pervious surfaces. Like the Project, the Net Zero Alternative would be required to implement a drainage plan to ensure that stormwater runoff is conveyed to local and regional stormwater drainage facilities with adequate capacity to handle runoff flows from the Project site. Both the Project and the Net Zero Alternative would result in less than significant operational impacts to hydrology and water quality.

J. Land Use and Planning

Both this Alternative and the Project would be a compatible land use within the Service Industrial (SI) General Plan designation and would be consistent with the General Manufacturing (M-2) zoning classification of the Project site. The Net Zero Alternative would result in identical – and less than significant – land use and planning impacts when compared to the Project.

K. Noise

Noise associated with this Alternative would occur during short-term construction activities and under long-term operation. The types of daily construction activities conducted on the Project site would be similar (and less than significant) under both the Net Zero Alternative and the Project, although the length of construction activities would be slightly decreased under this alternative as less building floor area would be constructed on-site. Therefore, it is anticipated that the total duration of noise impacts during the building construction phase would be slightly decreased under this alternative as compared to the Project and impacts would be less than significant. Under long-term operational conditions, noise impacts from operations on the Project site

(i.e., stationary noise) would be similar (and less than significant) relative to the Project due to relatively similar operational practices (i.e., employee and patient passenger car trips).

L. Transportation

The Net Zero Alternative is expected to produce the same vehicle trip length for travel to and from the new proposed community-based outpatient clinic as would occur under the Project, and thus result in the same vehicle miles traveled (VMT) per employee. This Alternative would have a similar design as the Project but with approximately 9% less building space and parking area. Neither this Alternative nor the proposed Project would conflict with a program, plan, or ordinance addressing the transportation system and would not cause substantially increased transportation hazards or inadequate emergency access. Impacts would be less than significant, which is the same conclusion drawn for the Project.

M. Tribal Cultural Resources

The Net Zero Alternative would disturb the entire Project site for construction and would result in identical potential impacts to tribal cultural resources as the Project. The Net Zero Alternative would require similar mitigation as the Project and, after mitigation, both the Net Zero Alternative and the Project would result in less than significant impacts to tribal cultural resources.

N. Conclusion

The Net Zero Alternative would reduce the Project's significant and unavoidable cumulatively-considerable GHG impacts to a less than significant level. The Net Zero Alternative would also reduce the Project's less than significant impacts to air quality, energy, and noise. All other impacts from the Net Zero Alternative would be similar to the Project.

The Net Zero Alternative would not meet Project Objective B because it does not meet the VA's physical design requirements and would not meet Project Objective G due to not utilizing all the available space on the Project site to construct a larger building which would achieve operational efficiency and create optimal space for increased patient and staff satisfaction. Additionally, the Net Zero Alternative would not offer the full suite of services needed by veterans in the Bakersfield area. The Net Zero Alternative would meet all of the Project's other objectives. The feasibility of selecting this Alternative is outside of the jurisdictional authority of the City of Bakersfield because the physical characteristics of a feasible Project are determined by the U.S. Department of Veterans Affairs (the VA). Modifications to the Project by the City of Bakersfield are not possible because the Project applicant is limited to the design improvements approved by the federal government as part of the already concluded federal procurement process. As a result, the City has no jurisdiction or ability to select this Alternative because it would conflict with the Project approved by the VA / federal government. Further, approval of the smaller Net Zero Alternative would likely result in some veterans traveling out of town, including to VA facilities in Los Angeles, to receive timely services, which would then increase air quality, GHG and transportation impacts, thereby negating the impact reductions associated with constructing and operating a smaller facility.

6.3.3 RENEWABLE ENERGY SYSTEM PROJECT DESIGN ALTERNATIVE

The Renewable Energy System Project Design Alternative considers the development of a VA clinic on the Project site with the same site design as proposed with the Project, but with the addition of a solar system on the building roof, the addition of canopy covers over parking areas equipped with solar panels, and the addition of on-site battery storage such that site operations could be powered without connecting to the electrical grid. Under this Alternative, the existing VA clinic located at 1801 Westwind Drive would no longer operate and the Alternative would achieve a net reduction in greenhouse gas emissions compared to the existing condition. The total amount of energy needed to offset the Project is approximately 371,171 kWh/year. The building itself is expected to need 341,211 kWh/year, and the remaining 29,960 kWh/year is for the parking lot operations. These values are based on the mitigated electricity needs, which assumes a 10% improvement over Title 24 requirements. Assuming that 1 kW of rooftop solar in Bakersfield can generate about 1,650 kWh/year, solar panels capable of producing a total of 225 kW (207 kW for the building and 18 kW for the parking lot) would be required. Assuming that approximately 100 square feet (sq. ft.) of surface area are needed to hold 1kW of rooftop solar, 22,500 sq. ft. of solar panel coverage would be required on the site.

A. Aesthetics

Under the Renewable Energy System Design Alternative, the Project site would appear similar to the Project, other than the addition of building rooftop solar panels and the addition of canopies equipped with solar panels over parking spaces. The Project site is not located in an area designated as scenic in the Metropolitan Bakersfield General Plan, is not within the City's Hillside Development Combining Zone (Bakersfield Municipal Code Chapter 17.66), and is not within a City-designated Class I or II Visual Resource Area, Viewshed, or Slope Protection Area. Impacts to scenic corridors would be less than significant under both the Project and the Renewable Energy System Project Design Alternative, although there would be a greater amount of mass and scale in the built environment under the Alternative due to the addition of canopies over parking spaces, which would create more of a visual obstruction to features visible beyond the Project site. As with the proposed Project, the Renewable Energy System Project Design Alternative would not substantially damage scenic resources; obstruct any prominent scenic vista or view open to the public; result in the creation of an aesthetically offensive site open to public view; substantially degrade the existing visual quality or character of the site or its surroundings; or conflict with applicable zoning and other regulations governing scenic quality. The potential for glare would be greater under this Alternative and a solar glare study would need to be conducted as part of the building permit approval process to ensure that glare potential from solar panel installation would remain less than significant. Impacts would be less than significant under both the Project and the Renewable Energy System Design Alternative, and the level of impact would be the similar except for potential glare impacts that would be greater under this Alternative.

B. Air Quality

Under this Alternative, the peak daily intensity of construction would be the same as compared to the Project due to the same site design. As such, the total amount of air pollution emissions generated during the construction phase would be similar under this Alternative as compared to the Project. Emission levels are shown in Table 4.2-5 in Subsection 4.2, *Air Quality*, and the total daily emissions during the construction phase with the Renewable Energy System Project Design Alternative would be less than significant.

Because the Renewable Energy System Project Design Alternative would result in the same building floor area than the Project, this Alternative would require similar energy to operate as the Project; however, with the addition of the solar rooftop panels and the parking lot solar canopies in addition to on-site battery storage, site operations under this Alternative could be powered without connecting to the electrical grid and therefore, would result in reduced energy-source air quality emissions as compared to the Project. The Renewable Energy System Project Design Alternative would generate a similar amount of mobile source air pollutant emissions from vehicles than the Project due to the same projected number of employees and patients on-site. In total, the Renewable Energy System Project Design Alternative would reduce the Project's operational regional air quality emissions by using a self-contained sustainable energy system for building operations. Impacts would be less than significant and lower than the Project's operational emission levels shown in Table 4.2-6 in Subsection 4.2, *Air Quality*.

Similar construction activity with the Renewable Energy System Project Design Alternative would result in similar less than significant impacts for carcinogenic and non-carcinogenic health risk hazards. Emission levels are shown in Table 4.2-5 and Table 4.2-6 in Subsection 4.2, *Air Quality*.

Like the Project, the Renewable Energy System Project Design Alternative would generate odors during short-term construction activities (e.g., diesel equipment exhaust, asphalt). However, and similar to the Project, these odors would occur intermittently, be of short-term duration, and would not be substantial. Long-term operation of this Alternative would not create objectionable odors affecting a substantial number of people and impacts would be less than significant with compliance with mandatory regulatory requirements.

C. Biological Resources

The Renewable Energy System Project Design Alternative would disturb the entire Project site for construction and would result in identical impacts to biological resources as the Project. The Renewable Energy System Project Design Alternative would require similar mitigation as the Project and, after mitigation, both the Renewable Energy System Project Design Alternative and the Project would result in less than significant impacts to biological resources.

D. Cultural Resources

The Renewable Energy System Project Design Alternative would disturb the entire Project site for construction and would result in identical potential impacts to cultural resources as the Project. The Renewable Energy System Project Design Alternative would require similar mitigation as the Project and, after mitigation, both the Renewable Energy System Project Design Alternative and the Project would result in less than significant impacts to cultural resources.

E. Energy

The Renewable Energy System Project Design Alternative would result in the same building floor area as the Project, however, with the addition of the rooftop solar panels, parking lot solar canopies, and a battery storage system, this Alternative would eliminate fossil fuel energy use for operations, and therefore, would result in

less energy usage as compared to the Project. The Renewable Energy System Project Design Alternative would result in a less than significant impact, which is the same conclusion drawn for the Project.

F. Geology and Soils

This Alternative would disturb the same physical area as the Project site and would, therefore, have the same potential for soil erosion during the construction phase as the Project. Soil erosion impacts would be less than significant under both the Project and this Alternative due to mandatory compliance with federal, State, and local water quality standards. The Renewable Energy System Project Design Alternative would be required to comply with the same mandatory regulatory requirements as the Project to preclude substantial hazards associated with seismic ground shaking and geologic hazards. The Renewable Energy System Project Design Alternative would result in a similar, less than significant impact to geology and soils as the Project.

G. Greenhouse Gas Emissions

The Renewable Energy System Project Design Alternative would result in the same building floor area as the Project, however, with the addition of the rooftop solar panels, parking lot solar canopies, and battery storage this Alternative would result in less fossil fuel usage compared to the Project and substantially reduce GHG emissions associated with building operations. Additionally, the Renewable Energy System Project Design In total, with the closure of the existing clinic, the Renewable Energy System Project Design Alternative would achieve a net reduction in GHG emissions compared to the existing condition, thereby eliminating the Project's significant and unavoidable cumulatively-considerable impact.

H. Hazards and Hazardous Materials

Neither implementation of the Renewable Energy System Project Design Alternative nor the Project would result in a significant impact related to hazards or hazardous materials; however, introduction of battery storage on the site would increase the potential risk of short-circuit, overcharge, or other physical damage. Lithium batteries are classified as "hazardous materials" and are subject to the Department of Transportation's Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) due to their ignitability, reactivity or toxicity. Batteries are also flammable and could result in hazards in this regard. The Project may also be subject to the Hazardous Materials Transportation Act of 1974, which establishes criteria and regulations regarding the safe storage and transportation of hazardous materials. Although the exact composition of the batteries that would be installed is unknown, lithium-ion battery technology is characterized as having a high thermal runaway point (heat) and are known to contain chemicals and materials that are or have the potential to generate gaseous hazardous materials if they short-circuit, overcharge, or are subjected to physical damage. Battery enclosure units would need to have a fire rating in conformance with Fire Department standards and also comply with California Fire Code and other regulatory requirements. With mandatory regulatory compliance, both the Renewable Energy System Project Design Alternative and the Project would pose a less than significant hazard to the public or the environment related to the use, handling, storage, and/or transport of hazardous materials. However, the addition of these hazardous and flammable materials to a facility where medical care is received generally makes the Renewable Energy System Project Design Alternative impacts greater in this regard than the Project as proposed.

I. Hydrology and Water Quality

Neither the Project nor the Renewable Energy System Project Design Alternative would result in substantial alterations to the drainage pattern of the site or would result in substantial erosion effects. Accordingly, implementation of the Project and the Renewable Energy System Project Design Alternative would both result in less than significant impacts to existing drainage patterns.

During construction, potential hydrology and water quality effects on the Project site would be similar under both the Renewable Energy System Project Design Alternative and the Project due to this Alternative and the Project both disturbing the same physical area. Like the Project, the Renewable Energy System Project Design Alternative would be required to implement a SWPPP to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Project and the Renewable Energy System Project Design Alternative would result in less than significant construction impacts to hydrology and water quality.

In the long-term, potential hydrology and water quality effects on the Project site would be similar under both the Renewable Energy System Project Design Alternative and the Project due to this alternative and the Project both providing a similar amount of non-pervious surfaces. Like the Project, the Renewable Energy System Project Design Alternative would be required to implement a drainage plan to ensure that stormwater runoff is conveyed to local and regional stormwater drainage facilities with adequate capacity to handle runoff flows from the Project site. Both the Project and the Renewable Energy System Project Design Alternative would result in less than significant operational impacts to hydrology and water quality.

J. Land Use and Planning

Both this Alternative and the Project would be a compatible land use within the Service Industrial (SI) General Plan designation and would be consistent with the General Manufacturing (M-2) zoning classification of the Project site. The Renewable Energy System Project Design Alternative would result in identical – and less than significant – land use and planning impacts when compared to the Project.

K. Noise

Noise associated with this Alternative would occur during short-term construction activities and under long-term operation. The types of daily construction activities conducted on the Project site would be similar (and less than significant) under both the Renewable Energy System Project Design Alternative and the Project. Therefore, it is anticipated that the total duration of noise impacts during the building construction phase would be the same under this alternative as compared to the Project and impacts would be less than significant. Under long-term operational conditions, noise impacts from operations on the Project site (i.e., stationary noise) would be similar (and less than significant) relative to the Project due to relatively similar operational practices (i.e., employee and patient passenger car trips).

L. Transportation

The Renewable Energy System Project Design Alternative would have the same less than significant VMT per employee as the Project. Neither this Alternative nor the proposed Project would conflict with a program, plan, or ordinance addressing the transportation system and would not cause substantially increased transportation hazards or inadequate emergency access. Impacts would be less than significant, which is the same conclusion drawn for the Project.

M. Tribal Cultural Resources

The Renewable Energy System Project Design Alternative would disturb the entire Project site for construction and would result in identical potential impacts to tribal cultural resources as the Project. The Renewable Energy System Project Design Alternative would require the same mitigation as the Project and, after mitigation, both the Renewable Energy System Project Design Alternative and the Project would result in less than significant impacts to tribal cultural resources.

N. Conclusion

The Renewable Energy System Project Design Alternative would reduce the Project's significant and unavoidable cumulatively-considerable GHG impacts to a less than significant level. The Renewable Energy System Project Design Alternative would also incrementally reduce the Project's already less than significant impacts to air quality and energy. Potential hazardous materials impacts would increase due to the introduction of on-site battery storage, but the potential impacts would be less than significant with mandatory regulatory compliance. All other impacts from the Net Zero Alternative would be similar to the Project.

The Renewable Energy System Project Design Alternative would meet the Project Objectives except for Objective B because it does not meet the VA's physical design requirements. The feasibility of selecting this Alternative is outside of the jurisdictional authority of the City of Bakersfield because the physical characteristics of a feasible Project are determined by the VA. Modifications to the Project by the City of Bakersfield are not possible because the Project applicant is limited to the design improvements approved by the federal government as part of the already concluded federal procurement process. As a result, the City has no jurisdiction or ability to select this Alternative because it would conflict with the Project approved by the VA / federal government.

6.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA Guidelines § 15126.6 requires the identification of the environmentally superior alternative. As discussed herein, implementation of the No Project Alternative would result in no physical environmental impacts beyond those that have historically occurred on the property, and those that occur from the operation of the existing VA clinic at 1801 Westwind Drive. Because the No Project Alternative would avoid most of the Project's impacts, it warrants consideration as the "environmentally superior alternative." However, pursuant to CEQA Guidelines § 15126.6(e)(2), if a no project alternative is identified as the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Accordingly, the Net Zero Alternative evaluated herein is identified as the Environmentally

Superior Alternative pursuant to CEQA Guidelines § 15126.6. If the Net Zero Alternative is determined not feasible, then the Renewable Energy System Project Design Alternative would become the Environmentally Superior Alternative.

Table 6-1 Alternatives to the Project – Comparison of Environmental Impacts

Environmental Topic	Project Significance of Impacts After Mitigation	Level of Impact Compared to the Proposed Project/Compliance with Project Objectives		
		No Project Alternative	Net Zero Alternative	Renewable Energy System Project Design Alternative
Aesthetics	Less than Significant Impact	Reduced	Similar	Increased
Air Quality	Less than Significant Impact	Reduced	Reduced	Reduced
Biological Resources	Less than Significant Impact with Mitigation Incorporated	Reduced	Similar	Similar
Cultural Resources	Less than Significant Impact with Mitigation Incorporated	Reduced	Similar	Similar
Energy	Less than Significant Impact	Reduced	Reduced	Reduced
Geology and Soils	Less than Significant Impact with Mitigation Incorporated	Most issues: Reduced Long-Term Erosion: Increased	Similar	Similar
Greenhouse Gas Emissions	Significant and Unavoidable Cumulatively-Considerable Impact	Reduced	Reduced	Reduced
Hazards and Hazardous Materials	Less than Significant Impact	Reduced	Similar	Increased
Hydrology and Water Quality	Less than Significant Impact	Most issues: Reduced Long-Term Erosion: Increased	Similar	Similar
Land Use and Planning	Less than Significant Impact	Reduced	Similar	Similar
Noise	Less than Significant Impact	Reduced	Reduced	Similar
Transportation	Less than Significant Impact	Reduced	Similar	Similar
Tribal Cultural Resources	Less than Significant Impact with Mitigation Incorporated	Reduced	Similar	Similar
Objective A: Establish a new VA community-based outpatient medical clinic in Bakersfield on a site that has been vetted by and selected by the U.S. Government within the following delineated area: <ul style="list-style-type: none"> North: East on Olive Drive, southeast on Roberts Lane, southeast on Manor Street and then northeast on Panorama Drive to Fairfax Road. East: South on Fairfax Road to E. Brundage Lane South: West on E. Brundage Lane, continuing on Brundage Lane to the intersection of Brundage Lane and SR-99. 		No	Yes	Yes

<ul style="list-style-type: none"> West: The intersection of Gosford Road and White Lane, north to where Gosford Road becomes Coffee Road, north to Olive Drive. 			
Objective B: Establish a new VA community-based outpatient medical clinic that has a minimum size of 30,100 net usable square feet and meets the VA's physical design requirements.	No	No	No
Objective C: Provide high quality patient care for veterans in a safe, advanced-care medical facility throughout the Bakersfield area and surrounding communities.	No	Yes	Yes
Objective D: Enable veterans to receive health care at a medical facility that is easily accessible and nearby a State highway system to reduce out of area health trips.	No	Yes	Yes
Objective E: Develop a VA medical clinic that is capable of providing a diverse range of consolidated outpatient services, such as audiology, mental health, telehealth, ambulatory care, an eye clinic, physical and occupational therapy, prosthetics, dental services, a lab and pharmacy, and ancillary and diagnostic services, avoiding the need for veterans to travel out of the Bakersfield area for these services.	No	No	Yes
Objective F: Create a comprehensively planned, advanced-care VA medical clinic that provides community vitality, economic growth, and employment opportunities in the City of Bakersfield.	No	Yes	Yes
Objective G: Construct a VA medical clinic with maximum operational efficiency to optimize health care outcomes and create a space for increased patient and staff satisfaction.	No	No	Yes

7.0 REFERENCES

7.1 PERSONS INVOLVED IN THE PREPARATION OF THIS EIR

7.1.1 CITY OF BAKERSFIELD DEVELOPMENT SERVICES DEPARTMENT

- Paul Johnson, Planning Director
- Cassandra Gale, Assistant Planning Director
- Roque Nino, Principal Planner
- Louis Ramirez, Associate Planner II

7.1.2 T&B PLANNING, INC.

- Tracy Zinn, AICP, Principal
- Kristen Goddard, AICP, Senior Planner
- Andrea Halfhill, Environmental Analyst
- Cristina Maxey, GIS/Graphics Manager
- Rhea Smith, GIS/Graphics Technician

7.2 DOCUMENTS APPENDED TO THIS EIR

The following reports, studies, and supporting documentation were used in preparing the Veteran’s Affairs Community-Based Outpatient Medical Clinic Project EIR and are bound separately as Technical Appendices. A copy of the Technical Appendices is available for review at the City of Bakersfield Development Services Department at 1715 Chester Avenue, 2nd Floor, Bakersfield, CA 93301.

- Appendix A: Initial Study for Veterans Affairs Community-Based Outpatient Clinic Project EIR, Notice of Preparation (NOP), and Written Comments on the NOP.
- Appendix B: Trinity Consultants, 2023. *Small Project Analysis Level Assessment, VA Community Outpatient Clinic, Bakersfield, CA*. April 2023.
- Appendix C: McCormick Biological, Inc. 2022. *Biological Evaluation for VA Community-Based Outpatient Clinic, City of Bakersfield, Kern County, California*. December 2022.
- Appendix D: Duke Cultural Resources Management, 2022. *Cultural Resources Assessment for the Veterans Affairs Bakersfield Community Based Outpatient Clinic Project, City of Bakersfield, County of Kern, California*. November 23, 2022.
- Appendix E1: Krazan & Associates, Inc., 2023. *Geotechnical Engineering Investigation Update, Proposed VA Community Outpatient Facility, Knudsen Drive Near Olive Drive, Bakersfield, California*. January 24, 2023.

Appendix E2: Krazan & Associates, Inc., 2019. *Geotechnical Engineering Investigation, Proposed VA Community Outpatient Facility, Knudsen Drive Near Olive Drive, Bakersfield, California*. May 6, 2019.

Appendix E3: Krazan & Associates, Inc., 2022a. *Limited Soil Assessment for Lead, Proposed Veteran’s Affairs Community-Based Outpatient Medical Clinic, Knudsen Drive Property (6 acres), Bakersfield, California 93308*. November 22, 2022.

Appendix F1: Krazan & Associates, Inc., 2022b. *Phase I Environmental Site Assessment, Vacant Property, 5512 and 5656 Knudsen Drive, APN 365-020-30 and a Portion of 365-020-28, Bakersfield, California 93308*. April 13, 2022.

Appendix F2: Krazan & Associates, Inc., 2023. *Addendum I to Phase I Environmental Site Assessment 2022*. March 29, 2023.

Appendix G1: EA Engineers, Inc, 2023. *Hydrology & Hydraulics Report [Update], VA Bakersfield Community Based Outpatient Clinic*. January 24, 2023.

Appendix G2: EA Engineers, Inc, 2020. *Hydrology & Hydraulics Report, VA Bakersfield Community Based Outpatient Clinic*. June 11, 2020.

Appendix H: Urban Crossroads (UC), 2023. *VA Medical Clinic, Noise and Vibration Analysis, City of Bakersfield*. February 21, 2023.

Appendix I: Ruettgers & Schuler (R&S), 2023. *Traffic Study, VA Community-Based Outpatient Clinic, Knudsen Drive, Bakersfield, California*. February 2023.

Appendix J: California Water Service, 2022. *Will Serve Letter*. April 20, 2022.

Appendix K: Pacific Gas and Electric Company, 2022. *Will Serve Letter*. April 12, 2022.

7.3 DOCUMENTS INCORPORATED BY REFERENCE

The following reports, studies, and supporting documentation were used in the preparation of this EIR and are incorporated by reference within this EIR. A copy of the following reports, studies, and supporting documentation is a matter of public record and is generally available to the public at the location listed.

<u>Cited As:</u>	<u>Citation:</u>
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Bakersfield, 2002b	City of Bakersfield, 2002. <i>Metropolitan Bakersfield General Plan</i> . December 2002. Accessed March 1, 2022. Available on-line: https://content.civicplus.com/api/assets/37a2e20d-e610-431f-a222-9f4f2ecd2ddd
Bakersfield, 2015	City of Bakersfield, 2015. <i>2014 Storm Water Management Plan, City of Bakersfield and County of Kern</i> . February 2015.

Bakersfield, 2016	City of Bakersfield, 2016. <i>Metropolitan Bakersfield General Plan Housing Element 2015-2023</i> . February 16, 2016. Available on-line: https://docs.bakersfieldcity.us/weblink/0/edoc/1273910/Bakersfield%20Housing%20Element%20(2015-2023).pdf
Bakersfield, 2023a	City of Bakersfield, 2023. <i>Bakersfield Municipal Code</i> . January 11, 2023. Accessed February 14, 2023. Available on-line: https://bakersfield.municipal.codes/Code
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Bakersfield, 2023c	City of Bakersfield, 2023. <i>Healthcare Facilities within M-1/M-2 Zone</i> . March 16, 2023.

7.4 DOCUMENTS, WEBSITES AND PERSONS CONSULTED

Cited As:	Citation:
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Bakersfield, 2014	Bakersfield, 2014. <i>Chapter 17.66, Hillside Development Combining Zone</i> . June 2014. Accessed February 16, 2023. Available on-line: https://docs.bakersfieldcity.us/WebLink/0/edoc/721728/17.66%20%20%20HD%20Zone.pdf
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