



MITIGATED NEGATIVE DECLARATION

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

PROJECT NO. (or Title): Zone Change 23-0287

COMMENT PERIOD BEGINS: January 29, 2024

COMMENT PERIOD ENDS: February 29, 2024

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

Biological Resources Impact Mitigation Measures:

1. Prior to of ground disturbance and/or construction activities, applicant/developer shall consult with and follow all California Department of Fish and Wildlife and United States Fish and Wildlife Service requirements related to listed plant and animal species protected under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA).
2. Applicant/developer shall have a qualified professional conduct and prepare a biological resource pre-activity survey no more than 30 days prior to the beginning of ground disturbance and/or construction activities; biological resource monitoring during each initial phase of ground disturbance; compliance reporting provided to the required oversight agencies for all biological resource field surveys, monitoring, and additional tasks as warranted for the detection of listed, or otherwise special-status species, likely to be impacted by any project related activity.
 - 2.1. If known or natal dens are detected during the survey, protective measures enumerated in the *USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011) shall be initiated. If the identified dens are unavoidable, pursuant to the guidelines, the CDFW and USFWS shall be contacted for additional guidance and take authorization.
 - 2.2. The project is within the historic range of Tipton kangaroo rat. The project was not included in the southwest focus area for the species in the previous habitat conservation plan. The most recent habitat suitability modeling (Cypher 2020) does not include the project in any of the four tiers enumerated for suitability. Trapping would be required to confirm small mammal species occupying the project.
 - 2.3. If ground-disturbing activities are planned during the nesting season for migratory birds that may nest on or near the site (generally February 1 through August 31), nesting bird surveys are recommended prior to the commencement of ground disturbance for project activities. If nesting birds are present, no new construction or ground

disturbance should occur within an appropriate avoidance area for that species until young have fledged, unless otherwise approved and monitored by a qualified onsite biologist. Appropriate avoidance should be determined by a qualified biologist. In general, minimum avoidance zones for active nests should be implemented as follows: 1) ground or low-shrub nesting non-raptors – 300 feet (91 meters); 2) burrowing owl – as appropriate based on nest location, existing surrounding activity, and evaluation of owl behavior. Coordination with CDFW may be warranted. 3) other raptors – 500 feet (152 meters).

Tribal and Cultural Resources Impact Mitigation Measures:

3. During construction, if archaeological resources are encountered during the course of construction, a qualified archaeologist should be consulted for further evaluation.
4. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. and Public Resources Code Sections 5097.94, 5097.98 and 5097.99.

Traffic/Circulation Impact Mitigation Measures

5. Prior to issuance of building permits, the applicant/developer shall pay the Regional Transportation Impact Fee Program.

ZC 23-0287

CITY OF BAKERSFIELD



AERIAL

BAKERSFIELD

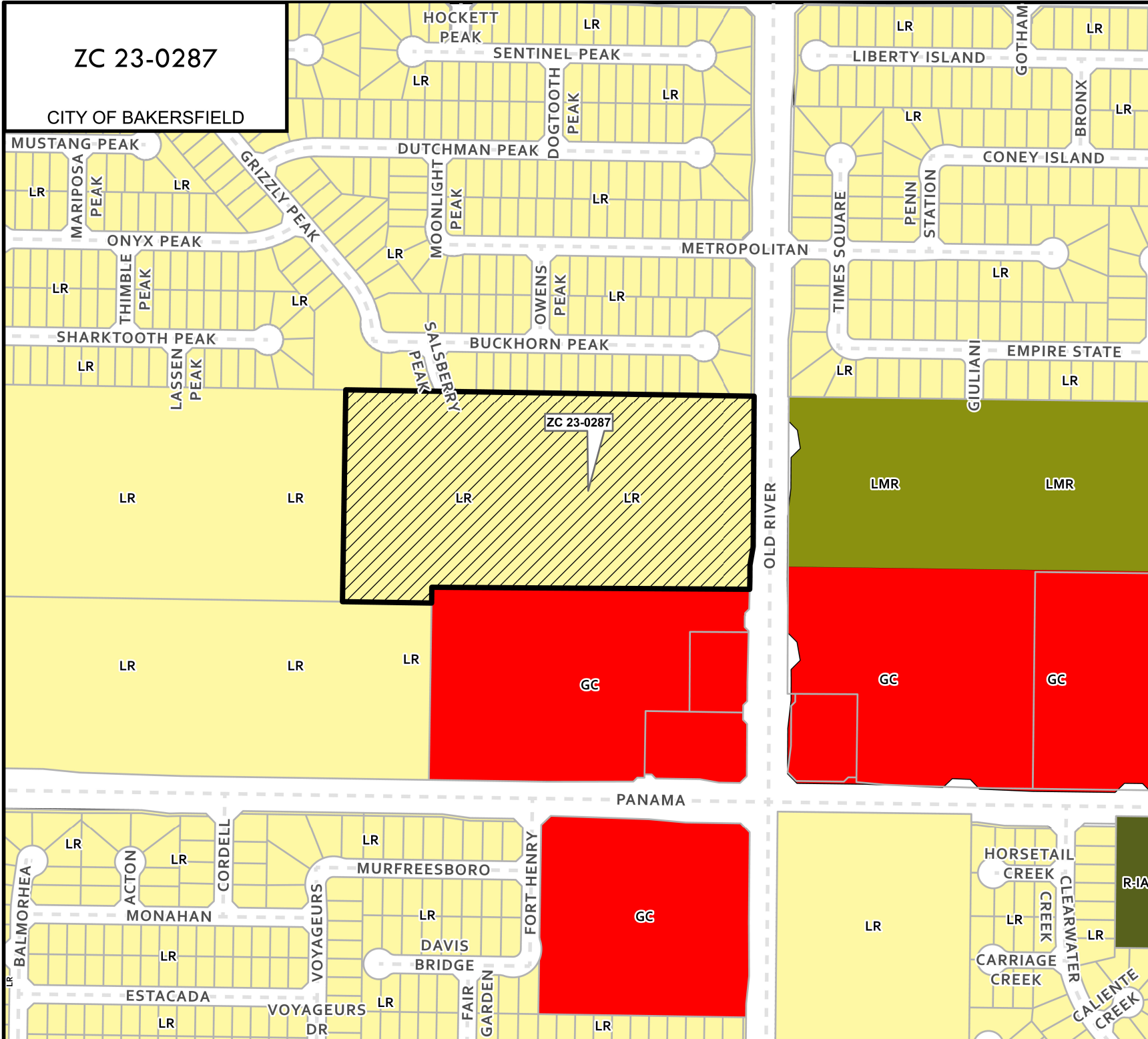
↑
Feet

0 500 1,000

MAP PACKAGES

ZC 23-0287

CITY OF BAKERSFIELD



Land Use-CLR

RESIDENTIAL

LMR - Low Medium Density Residential: > 4 units but ≤ 10 dwelling units/net acre

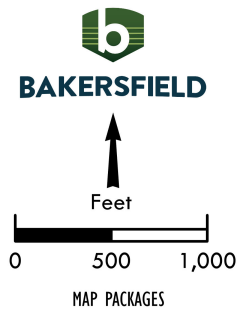
LR - Low Density Residential: ≤ 7.26 dwelling units/net acre

COMMERCIAL

GC - General Commercial

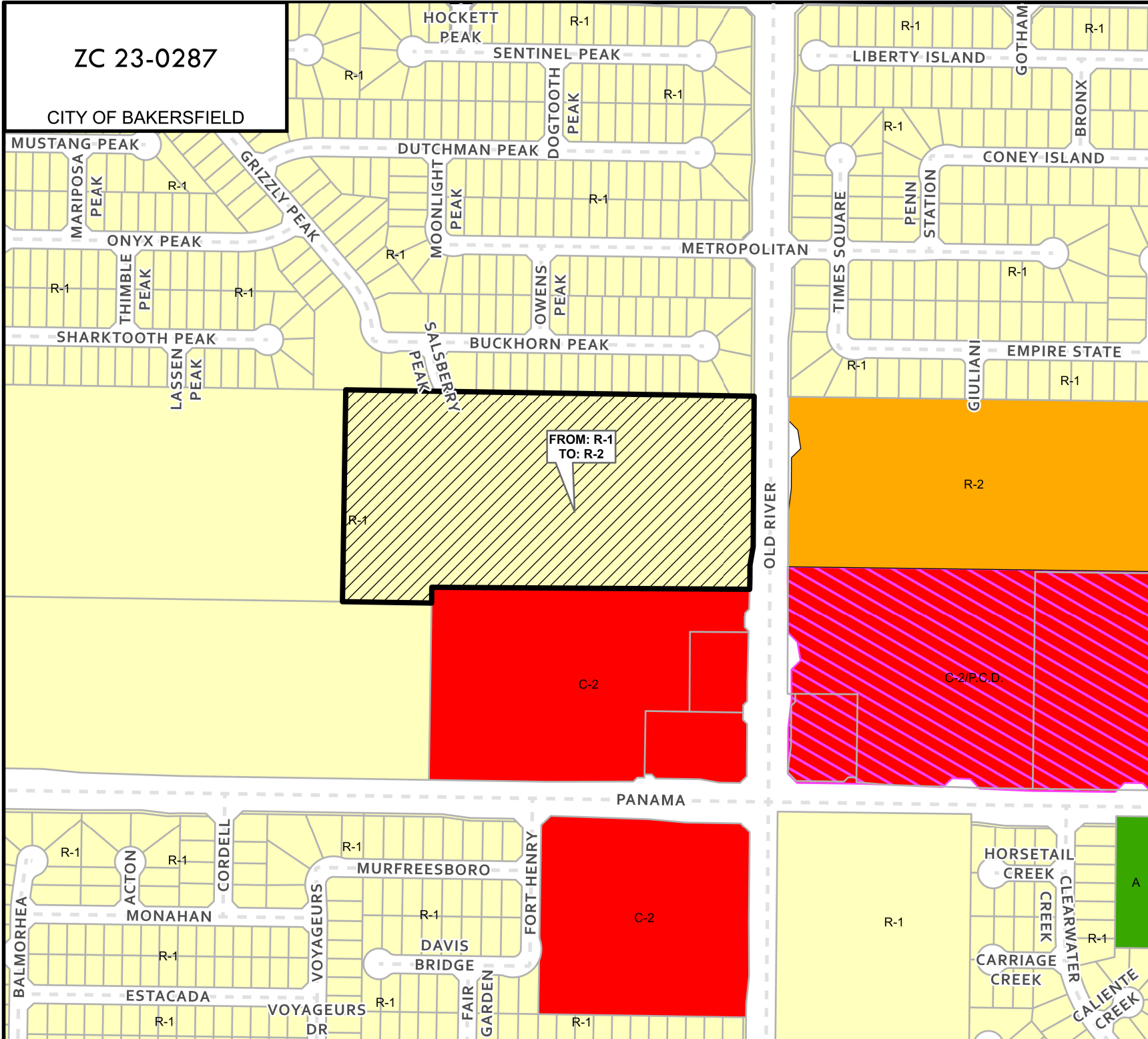
RESOURCE

R-IA - Resource - Intensive Agriculture: 20 acre minimum parcel size



ZC 23-0287

CITY OF BAKERSFIELD



- Zone CLR
- Commercial Zone Designations
- C-2 Regional Commercial
 - C-2/P.C.D. Combining
- Resource Zone Designations
- A Agricultural
- Residential Zone Designations
- R-1 One Family Dwelling
 - R-2 Limited Multiple Family Dwelling Zone - 1 unit/2,500 sq. ft.

BAKERSFIELD

Feet

0 500 1,000

MAP PACKAGES

INITIAL STUDY ENVIRONMENTAL ANALYSIS

1. **Project** (*Title & No.*): Zone Change 23-0287
2. **Lead Agency** (*name and address*): City of Bakersfield
Development Services Department
1715 Chester Avenue
Bakersfield, California 93301
3. **Contact Person** (*name, title, phone*): Courtney Camps, Associate Planner
(661) 326-3070
4. **Project Location:** Near the northwest of Panama Lane and Old River Road
5. **Applicant** (*name and address*): McIntosh & Associates
P.O. Box 21687
Bakersfield, CA 93390
6. **General Plan Designation:** LR (Low Density Residential)
7. **Zoning:** Existing: R-1 (One-Family Dwelling)
Proposed: R-2 (Limited Multiple-Family Dwelling)
8. **Description of Project (describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):**

McIntosh & Associates, representing Old River Properties, LLC (property owner), is proposing a Zone Change (ZC) on 20.56 acres located northwest of Panama Lane and Old River Road. The request is a change in zone classification from R-1 (One-Family Dwelling) to R-2 (Limited Multiple-Family Dwelling). The purpose of the zone change is for increased density on the site. The increased density will allow for multiple dwelling units to be constructed on a single parcel up to a density of 7.26 dwelling units per net acre, which may be up to 149 dwelling units.
9. **Environmental setting (briefly describe the existing onsite conditions and surrounding land uses):**

The project site consists of a vacant parcel of land. Adjacent properties to the south, east and west are vacant land. There is existing single-family residential development to the north of the project site.
10. **Other public agencies whose approval is anticipated to be required (e.g., permits, financing approval or participation agreement):**
 - City of Bakersfield – Mitigated Negative Declaration consideration and adoption
 - City of Bakersfield – Building permits
 - City of Bakersfield – Regional Transportation Impact Fee Program and Local Mitigation
 - San Joaquin Valley Air Pollution Control District – Indirect Source Rule compliance
 - State Water Resources Control Board – National Pollutant Discharge Elimination System General permit

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

ENVIRONMENTAL DETERMINATION:

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture / Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Wildfire | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

On the basis of this initial evaluation:

- I find that the proposed project could not have a significant effect on the environment, and a negative declaration will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A mitigated negative declaration will be prepared.
- I find that the proposed project may have a significant effect on the environment, and an environmental impact report is required.
- I find that the proposed project may have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect has been (1) adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An environmental impact report is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects have been (1) analyzed adequately in an earlier environmental impact report or negative declaration pursuant to applicable legal standards, and (2) avoided or mitigated pursuant to that earlier environmental impact report or negative declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Courtney Camps
Signature
 Courtney Camps, Associate Planner
Printed name

1/29/2024
 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

I. AESTHETICS:

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

II. AGRICULTURE RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES:

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES:

Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

VI. ENERGY:

Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

VII. GEOLOGY AND SOILS:

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist

for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

VIII. GREENHOUSE GAS EMISSIONS:

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

IX. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

X. HYDROLOGY AND WATER QUALITY:

Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i. Result in a substantial erosion or siltation on- or off-site?
 - ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
 - iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
 - iv. Impede or redirect flood flows?
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING:

Would the project:

- a) Physically divide an established community?
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

XII. MINERAL RESOURCES:

Would the project:

- a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XIII. NOISE:

Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Generation of excessive groundborne vibration or groundborne noise levels?
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

XIV. POPULATION AND HOUSING:

Would the project;

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

XV. PUBLIC SERVICES:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:
 - i. Fire protection?
 - ii. Police protection?
 - iii. Schools?
 - iv. Parks?
 - v. Other public facilities?

XVI. RECREATION:

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XVII. TRANSPORTATION:

Would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d) Result in inadequate emergency access?

XVIII. TRIBAL CULTURAL RESOURCES:

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

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

XVIV. UTILITIES AND SERVICE SYSTEMS:

Would the project:

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

XX. WILDFIRES:

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

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

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

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

EVALUATION OF ENVIRONMENTAL EFFECTS

I. AESTHETICS

- a. **Less-than-significant impact.** The project is located within the City limits at Panama Lane and Old River Road in southwest Bakersfield. The existing visual environment in the area adjacent to the project is predominately vacant land with adjacent single family residential to the north of the site. The project does not conflict with any applicable vista protection standards, scenic resource protection requirements or design criteria of federal, state, or local agencies, and is consistent with the City of Bakersfield Zoning and, with the GPA, the project would be consistent with the Metropolitan Bakersfield General Plan (MBGP) designations for the project area. The project site is located within an area having slopes from 0 to 5 %. The area is not regarded or designated within the Metropolitan Bakersfield General Plan as visually important or "scenic." The construction of multi-family residential at the site would be in character and compatible with existing urban land uses in the vicinity of the site and is a natural extension of the urban growth occurring in the project area. Therefore, the project would not have a substantial adverse effect on a scenic vista.
- b. **No impact.** There are no trees, rock outcrops, or historic buildings (Hudlow 2021) located at the project site. Additionally, the project is not located adjacent to or near any officially designated or potentially eligible scenic highways to be listed on the California Department of Transportation (Caltrans) State Scenic Highway System. The closest section of highway eligible for state scenic highway designation is State Route (SR) 14 located in Kern County over 55 miles to the east. Therefore, the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway.
- c. **No impact.** Please refer to responses I.a, I.b and I.d. The project does not conflict with any applicable vista protection standards, scenic resource protection requirements or design criteria of federal, state, or local agencies and, the project would be consistent with the Metropolitan Bakersfield General Plan (MBGP) designations and Zoning Ordinance classifications for the project area. The area is not regarded or designated with in the Metropolitan Bakersfield General Plan as visually important or "scenic." Therefore, the project would not substantially degrade the existing visual character or quality of the site and its surroundings.
- d. **Less-than-significant impact.** This project involves incremental urban growth within the City of Bakersfield's jurisdiction. This project would have to comply with City development standards, including Title 17 (zoning ordinance), Title 15 (buildings and construction), as well as California Code of Regulations Title 24. Together, these local and state requirements oblige project compliance with current lighting and signage standards that minimize unwanted light or glare to spill over into neighboring properties. Therefore, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE RESOURCES

- a. **Less-than-significant impact.** The 20.56-acre project site is designated as Grazing Land by the Farmland Mapping and Monitoring Program (DOC 2020). The site is zoned R-1 and is currently fallow land not used for grazing. The project will not convert 100 acres or more of farmlands designated Prime, Unique, or of Statewide Importance to nonagricultural uses. Large parcel size is, in general, an important indicator of potential agricultural suitability and productivity. CEQA Guidelines Section 15206 does not regard the cancellation of less than 100 acres of land from the Williamson Act to be of statewide, regional, or area wide significance. Therefore, the project would not significantly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.
- b. **No impact.** The project site is currently zoned R-1 (One Family Dwelling) and is not under a Williamson Act contract. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract.
- c. **No impact.** As discussed in II.b, the project site is zoned R-1. There are no forest lands located on the site. Therefore, the project would not conflict with existing zoning for, or cause rezoning of forest land or timberland, or timberland zoned Timberland Production.
- d. **No impact.** Please refer to response II.c. Therefore, the project would not result in the loss of forestland or conversion of forest land to non-forest.
- e. **Less-than-significant impact.** Please refer to responses II.a through II.d. This project is in an area designated for urban development by the Metropolitan Bakersfield General Plan. The project itself is typical of the development found in Metropolitan Bakersfield. Therefore, the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

III. AIR QUALITY

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

Emission sources because of the project would include ground disturbance and other construction-related work as well as operational emissions typical of a residential development (e.g., predominantly emissions from personal vehicles traveling in and through the development).

The SJVAPCD encourages local jurisdictions to design all developments in ways that reduce air pollution from vehicles, which is the largest single category of air pollution in the San Joaquin Valley. The *Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI)* (SJVAPCD 2015) lists various land uses and design strategies that reduce air quality impacts of new development. Local ordinance and general plan requirements related to landscaping, sidewalks, street improvements, level of traffic service, energy efficient heating and cooling building code requirements, and location of residential development

in proximity to other residential development are consistent with these listed strategies. Regulation and policy that will result in the compliance with air quality strategies for new residential and commercial developments include, but are not limited to, Title 24 efficiency standards, Title 20 appliance energy efficiency standards, 2005 building energy efficiency standards, Assembly Bill (AB) 1493 motor vehicle standards, and compliance with the Metropolitan Bakersfield General Plan Air Quality Conservation Element as well as the SJVAPCD air quality guidelines and rules.

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

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

Source: Insight 2018.

Construction of the project would result in air pollutant emissions. Emissions from construction would result from fuel combustion and exhaust from equipment as well as vehicle traffic, grading, and the use of toxic materials (e.g., lubricants). The proposed project do not exceed the thresholds under The San Joaquin Valley Air Pollution Control District (District) has published guidance for Small Project Analysis Levels (SPAL) Assessment. Project operations would also result in air pollutant emissions but not exceed thresholds established by the SJVAPCD.

- b. **Less-than-significant impact.** Under GAMAQI, any project that would have individually significant air quality impacts would also be considered to have significant cumulative air quality impacts. Impacts of local pollutants are cumulatively significant when the combined emissions from the project and other planned projects exceed air quality standards. As described above, the project does not pose a significant individual increase to estimated cumulative emissions for criteria pollutants in nonattainment within Kern County and the greater SJVAB. The project's regional contribution to cumulative impacts would be negligible and therefore, the project's contribution is not cumulatively considerable. Additionally, the project is subject to SJVAB Rules and Regulations.
- c. **Less-than-significant impact.** Those who are sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. The District considers a sensitive receptor a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The closest off-site sensitive receptors are existing residences to the north. The SPAL Assessment concluded that the project would not significantly affect such receptors. There is no evidence on the record that the project would not expose sensitive receptors to substantial pollutant concentrations.
- d. **Less-than-significant impact.** There is no evidence on the record that the project would not emit any objectionable odors because the emitted odors would be typical of other

residential development surrounding the project site. Therefore, the project would not create objectionable odors affecting a substantial number of people.

IV. **BIOLOGICAL RESOURCES**

- a. **Less-than-significant with mitigation incorporated.** A Biological Resource Evaluation was prepared for the project to document biological resources identified during a reconnaissance field study and identify potential impacts. The project site consists of 19.74 gross acres previously farmed in row crops. Historical imagery indicates the project site may have been taken out of production in about around 2006. Aerial imagery also shows the site and has since been regularly disced and maintained for vegetation control. However, no special status species or evidence of presence were observed during the site survey (Pruett Biological Resources Consulting, Inc. 2023). The project must comply with listed plant and animal species protected under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA), as directed by the U.S. Fish and Wildlife Service and the California State Department of Fish and Wildlife, respectively. Therefore, the project would result in a less than significant with mitigation incorporated on special status species.

Mitigation Measure 1 requires consultation and compliance with mitigation measures prior to ground disturbance for any special-status wildlife species that have the potential to occur at the project site. Mitigation Measure 2 requires a pre activity survey for kit fox, Tipton kangaroo rat and migratory birds in coordination with CDFW in the event that any are found onsite. With implementation of Mitigation Measures 1 and 2, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

- b. **No Impact.** There is no riparian habitat or other sensitive natural communities located at the site. This project is also not located within, or adjacent to, the Kern River riparian habitat area. Therefore, the project would result in no impacts on any riparian habitat or other sensitive natural community.
- c. **No Impact.** There are no wetlands, as defined by Section 404 of the federal Clean Water Act, located at the project site, and no features identified as wetlands categories are found in the National Wetlands Inventory within the project site (United States Fish and Wildlife Service, 2021). Therefore, the project would result in no impacts on federally protected wetlands.
- d. **Less than significant with mitigation incorporated.** The project site is isolated from natural area, is not within the Kern River floodplain.

There is the potential during construction to temporarily affect nursery sites such as dens and burrows. Project construction could cause the direct destruction of a nursery site or cause enough of an indirect disturbance to cause special-status wildlife to abandon a nursery site. However, Mitigation Measures 1 and 2 require preconstruction surveys and, if necessary, additional mitigation recommended by a qualified biologist and CDFW to reduce potential impacts to nursery sites. With the implementation of Mitigation Measures 1 and 2, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- e. **Less-than-significant impact.** The project site does not include biological resources that are protected by local policies. Therefore, the project would result in no impact on any local policies or ordinances protecting biological resources.
- f. **Less-than-significant with mitigation incorporated.** Please refer to response IV.e. With implementation of Mitigation Measures 1 and 2, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES

- a. **No impact.** A Cultural Resources Assessment was prepared for the project to identify historic and cultural resources within the project site. A records search and field survey of the project site was conducted. No prehistoric or historical cultural resources were discovered during the field survey (Hudlow 2021). According to the Historic Buildings and Sites in Bakersfield Map, the project site does not include a historic building or site (City of Bakersfield 2022). Therefore, the project would not result in substantial adverse effects on historical resources.
- b. **Less than significant with mitigation incorporated.** No archeological resources have been documented within the project site (Hudlow 2021). However, there is still the potential to unearth previously unknown archaeological resources at the site, and grading and other ground-disturbing activities have the potential to damage or destroy such resources. Mitigation Measure 3 requires ceasing work and investigating any discovery in the event that previously unknown archaeological resources are unearthed during construction. With the implementation of Mitigation Measure 3, the project would not cause a substantial adverse change in the significance of an archaeological resource.
- c. **Less than significant with mitigation incorporated.** There are no known human remains found at the project site. The project could inadvertently uncover or damage previously unknown human remains. Mitigation Measure 4 requires that if any human remains are found at the site during construction, work would cease and the remains would be handled pursuant to applicable law. With implementation of Mitigation Measure 4, the project would not significantly disturb any human remains.

VI ENERGY

- a. **Less-than-significant impact.** The project would comply with modern building standards, including California Code of Regulations Title 24, which outlines energy efficiency standards for new residential buildings to ensure that they do not wastefully, inefficiently, or unnecessarily consume energy.
- b. **Less-than-significant impact.** There is no adopted plan by the City of Bakersfield for renewable energy or energy efficiency. As mentioned above, the project would comply with California Code of Regulations Title 24. Additionally, the City encourages applicants and developers to go beyond the required standards and make their developments even more efficient through programs such as LEED, or Leadership in Energy and Environmental Design, which is a green building rating system that provides a framework to create healthy, highly efficient, and cost-saving green buildings. Other encouraged programs available to applicants and developers are Title 20 appliance energy efficiency standards and 2005 building energy efficiency standards. Therefore, the project would result in a less than significant impact on a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

- a. The following discusses the potential for the project to expose people or structures to substantial adverse effects because of various geologic hazards. The City is within a seismically active area. According to the *Metropolitan Bakersfield General Plan*, major active fault systems border the southern portion of the San Joaquin Valley. Among these major active fault systems include the San Andreas, Breckenridge-Kern County, Garlock, Pond Poso, and White Wolf faults. There are numerous additional smaller faults suspected to occur within the Bakersfield area, which may or may not be active. The active faults have a maximum credible Richter magnitude that ranges from 6.0 (Breckenridge-Kern County) to 8.3 (San Andreas). Potential seismic hazards in the planning area involve strong ground shaking, fault rupture, liquefaction, and landslides.
- a.i **No impact.** Ground rupture is ground deformation that occurs along the surface trace of a fault during an earthquake. The project site is not included within the boundaries of an "Earthquake Fault Zone" as defined in the Alquist-Priolo Earthquake Fault Zoning Act. Therefore, the project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault.
- a.ii **Less-than-significant impact.** The City is within a seismically active area. Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code (specifically Seismic Zone 4, which has the most stringent seismic construction requirements in the United States), and to adhere to all modern earthquake construction standards. Therefore, the project would not expose people or structures to potential substantial adverse effects involving strong seismic ground shaking.
- a.iii **Less-than-significant impact.** The most common seismic-related ground failure is liquefaction and lateral spreading. In both cases, during periods of ground motion caused by an event such as an earthquake, loose materials transform from a solid state to near-liquid state because of increased pore water pressure. Such ground failure generally requires a high water table and poorly draining soils in order for such ground failure to occur. The potential for liquefaction at the project site is low. In addition, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction.
- a.iv **No impact.** In Kern County, the common types of landslides induced by earthquake occur on steeper slopes found in the foothills and along the Kern River Canyon; in these areas, landslides are generally associated with bluff and stream bank failure, rockslide, and slope slip on steep slopes. The project site is generally flat, there are no such geologic features located at the project site, and the site is not located near the Kern River Canyon. Therefore, the project would not expose people or structures to potential substantial adverse effects involving landslides.
- b. **Less-than-significant impact.** The project site's soils have low-to-medium susceptibility to erosion by rainfall (USDA 2022). The relatively low precipitation in the project area [on average about 6 inches/year results in surface runoff that is intermittent and temporary in nature. The erosion potential at the site and the fact that the soils are well drained coupled with low average rainfall in the area does not make the project site susceptible to substantial soil erosion or loss of topsoil.

Construction of the site would temporarily disturb soils, which could loosen soil, and the removal of vegetation could contribute to future soil loss and erosion by wind and storm water runoff. The project would have to request coverage under the National Pollutant Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges Associated with Construction Activities* (No. 2012-0006-DWQ) (General Permit) because the project would result in 1 or more acres of ground disturbance. To conform to the requirements of the General Permit, a Storm Water Pollution Prevention Plan (SWPPP) would need to be prepared that specifies best management (BMPs) to prevent construction pollutants, including eroded soils (such as topsoil), from moving offsite. Implementation of the General Permit and BMPs requirements would mitigate erosion of soil during construction activities.

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

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

Subsidence is part of the baseline condition in the project area due to historic groundwater pumping the resultant subsidence that occurs with such activities. The project would not substantially contribute to this baseline condition because the projected water use would be consistent with Cal Water's *2015 Urban Water Management Plan (UWMP)* (Cal Water 2016), which takes into consideration sustainability of the groundwater basin and the need to reduce reliance on groundwater pumping in the future.

Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

- d. **Less-than-significant impact.** When a soil has 35% or more clay content, it is considered a clayey soil. The project site consists of Kimberlina Urban Land-Cajon complex 0-2% slope soils type and Granoso 0-2% slope soils type. The typical profile for these soil types is fine sandy loam and alluvium with little clay content and therefore, do not have a high potential to be expansive. Additionally, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on expansive soil creating substantial risks to life or property.
- e. **No impact.** The project would not require the use of septic tanks or alternative wastewater disposal system. The project would hook up to existing City sewer in the area. Therefore, the project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

- f. **Less-than-significant impact.** Paleontological sensitivity is determined by the potential for a geologic unit to produce scientifically significant fossils. Because paleontological resources typically occur in the substratum soil horizon, surface expressions are often not visible during a pedestrian survey. Paleontological sensitivity is therefore derived from known fossil data collected from the entire geologic unit.

VIII. GREENHOUSE GAS EMISSIONS

- a. **Less-than-significant impact.** Total greenhouse gas emissions (GHG) emissions generated during all phases of construction were combined and are presented in **Table 4**. The SJVAPCD does not recommend assessing the significance of construction-related emissions. However, other jurisdictions, such as the South Coast Air Quality Management District and the Sacramento Metropolitan Air Quality Management District, have concluded that construction emissions should be included since they may remain in the atmosphere for years after construction is complete. In order to account for the construction emissions, amortization of the total emissions generated during construction were based on the life of the development (residential—30 years) and added to the operational emissions (Trinity Consultants 2021).

Total GHG emissions generated during operations are presented in **Table 4**. The project would result in a 42.9 percent reduction in emissions, meeting the goal set by Assembly Bill (AB) 32. By meeting the reduction goal set by AB 32 and through compliance with applicable local, state, and federal plans and policies, the project would not have a substantial adverse effect related to greenhouse gas emissions (Trinity Consultants 2021).

Table 4 Construction Emissions, Greenhouse Gases

	MTCO_{2e}	Percent Reduction
2023 Project Operations	1,081.21	-
2005 Operational Emissions plus Amortized Construction Emissions	1,892.62	-
Business as Usual Reduction	-	42.9%

Source: (Trinity Consultants 2021)

Notes: MTCO_{2e}=metric tons of carbon dioxide equivalent

- b. **Less-than-significant impact.** The City of Bakersfield has not adopted a GHG reduction plan. In addition, the City has not completed the GHG inventory, benchmarking, or goal-setting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for Senate Bill (SB) 97 and clarifications provided in the CEQA Guidelines amendments adopted on December 28, 2018 (Trinity Consultants 2021).

The SJVAPCD has adopted a Climate Action Plan, but it does not include measures that are applicable to development projects. Therefore, the SJVAPCD Climate Action Plan cannot be applied to the project. Since no other local or regional Climate Action Plan is in place, the project is assessed for its consistency with Air Resources Board's (ARB) adopted Scoping Plans. This would be achieved with an assessment of the project's compliance with Scoping Plan measures contained in the 2008 Scoping Plan and the 2017 Scoping Plan Update (Trinity Consultants 2021).

IX. HAZARDS AND HAZARDOUS MATERIALS

- a. **Less-than-significant impact.** The project would not involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. However, construction activities would require the transport, storage, use, and/or disposal of hazardous materials such as fuels and greases for the fueling/servicing of construction equipment, and there is the potential for upset and accident conditions that could release such material into the environment. Such substances would be stored in temporary storage tanks/sheds that would be located at the site. Although these types of materials are not acutely hazardous, they are classified as hazardous materials and create the potential for accidental spillage, which could expose construction workers. All transport, storage, use, and disposal of hazardous materials used in the construction of the project would be in strict accordance with federal and state laws and regulations. During construction of the project, Material Safety Data Sheets (MSDS) for all applicable materials present at the site would be made readily available to onsite personnel. During construction, non-hazardous construction debris would be generated and disposed of at approved facilities for handling such waste. Also, during construction, waste disposal would be managed using portable toilets located at reasonably accessible onsite locations.

The project is the development of up to 135 duplex units and community center. Day-to-day activities in residences do not involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Maintenance of residences would require the transport, storage, use, and/or disposal of hazardous materials such as paints, cleaners, oils, batteries, and pesticides. Residential users should follow any instructions for use and storage provided on product labels carefully to prevent any accidents at home. Users should also read product labels for disposal directions to reduce the risk of products exploding, igniting, leaking, mixing with other chemicals, or posing other hazards on the way to a disposal facility. Additionally, residential hazardous waste can be dropped off at Metro Kern County Special Waste Facility located at 4951 Standard Street or at one-day hazardous waste collection events that take place throughout the year. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- b. **Less-than-significant impact.** Please refer to response VIII.a. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment.
- c. **No impact.** The closest school is Buena Vista Elementary School located just about 1.0 mile southwest of the site and Independence High School about 1.0 mile south of the site. Therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.
- d. **No impact.** According to EnviroStor, no hazardous waste sites or materials are located within the project site (DTSC 2022). Therefore, the project would not result in a substantially adverse effect related to hazardous materials listed on Government Code 65962.5.

- e. **No impact.** The project site is not located within the Kern County *Airport Land Use Compatibility Plan* area (Kern County 2012). The closest airport to the project site is the Bakersfield Municipal Airport located about 9 miles to the southeast of the site. Therefore, the project would not result in a safety hazard for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.
- f. **Less-than-significant impact.** The project would not interfere with any local or regional emergency response or evacuation plans because the project would not result in a substantial alteration to the adjacent and area circulation system. The project is typical of urban development in Bakersfield and is not inconsistent with the adopted City of Bakersfield Hazardous Materials Area Plan (Bakersfield 1997). This plan identifies responsibilities and provides coordination of emergency response at the local level to hazardous materials incidents. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- g. **Less-than-significant impact.** The project site is not located within a “very high,” “high,” or “moderate” fire hazard severity zone. The site consists of developed and vacant land, and its vicinity is developed with residential land uses that do not possess high fuel loads that have a high potential to cause a wildland fire. The project site would be developed with hardscapes and irrigated landscaping, which would further reduce fire potential at the site. Therefore, the project would not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands.

X. HYDROLOGY AND WATER QUALITY

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

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

- b. **Less-than-significant impact.** Potable water from the project would be supplied by California Water Service (Cal Water). Cal Water provided a "Will Serve Letter" (Cal Water 2023) for the project, and therefore groundwater levels have already been accounted for in the UWMP with the project (a future entitlement). Therefore, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- c.i **Less-than-significant impact.** The project site contains ephemeral channels that do not have connectivity to a jurisdictional waterway and discharge to land. The project site would be graded and, as a result, the internal drainage pattern at the site would be altered from the baseline condition. Additionally, the project would result in increased impervious surfaces (i.e., building pads, sidewalks, asphalt parking area, etc.) at the site, which would reduce percolation to ground and result in greater amounts of storm water runoff concentrations at the site. If uncontrolled, differences in drainage patterns and increased impervious surfaces could result in substantial erosion or siltation on- or offsite. However, the project would be required to comply with the General Permit during construction and MS4 permit during operation. In order to comply with the MS4 Permit, the City requires compliance with adopted building codes, including complying with an approved drainage plan, which avoids on- and offsite flooding, erosion, and siltation problems. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or offsite.
- c.ii **Less-than-significant impact.** Please refer to response IX.c.i Therefore, the project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- c.iii **Less-than-significant impact.** Please refer to responses IX.a and IX.c.i. Therefore, the project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- c.iv **No Impact.** The project site is located within an area designated Zone X (FEMA 2017), which is outside the 100-year flood hazard area. Therefore, the project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- d. **No Impact.** The project is not located near any ocean or an enclosed body of water and therefore, would not be subject to inundation by tsunami or seiche. A mudflow is a type of landslide where earth and surface materials are rapidly transported downhill under the force of gravity. As discussed in VII.a.iv, landslides, including mudflow, occur on steeper slopes in the foothills and along the Kern River Canyon. The project site is generally flat, there are no such geologic features located at the project site, and the site is not located near the Kern River Canyon. Therefore. The project site would not be inundated by seiche, tsunami, or mud flow.
- e. **Less-than-significant impact.** Please refer to response X.c.i. There is currently no adopted groundwater management plan for the project site or its vicinity. Therefore, the project

would result in a less than significant impact related to obstructing a water quality control plan or a sustainable groundwater management plan.

XI. LAND USE AND PLANNING

- a. **No impact.** The project is a continuation of the existing urban development pattern of the City or is an infill development. The project is not a long and linear feature, such as a freeway, railroad track, block wall, etc., that would have the potential to divide a community. The project is the development of a finite 20.56-acre project site that does not impede existing or future movement or development of the City. Therefore, the project would not physically divide an established community.
- b. **No impact.** The project is required to be consistent with the Metropolitan Bakersfield General Plan. The project is to change the zone district to a corresponding compatible zone with the General Plan Land Use designation. The record does not indicate that there are identified environment conflicts or inconsistencies with said policies or zoning regulations.

XII. MINERAL RESOURCES

- a. **No impact.** The project site is not within the administrative boundaries of an oilfield and there are no oil wells found on the site (DOGGR 2022). The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- b. **No impact.** The project site is currently designated LR (Low Density Residential). No portion of the site is designated for a potential mineral resource extraction use such as R-MP (Mineral and Petroleum). Therefore, the project would not result in the loss of availability of a locally important mineral resource recovery site that is delineated in a local general plan, specific plan, or other land use plan.

XIII. NOISE

- a. **Less-than-significant impact.** The project would generate noise during construction by the use of construction equipment. Typical construction equipment generates sound levels between 80 and 85 A-weighted decibels (dBA), which is a decibel system reflective of human hearing characteristics. At 80 to 85 dBA, the human response to such a sound level is annoyance and difficulty hearing conversation. Using the rule of thumb that noise attenuates 7.5 dBA per a doubling of distance away from the sound-emitting source, it would require 800 feet away from an 85-dBA sound-emitting source to obtain a 55 dBA sound level, which is considered "quiet" to the human ear. There are sensitive receptors (existing SFR) within 800 feet to the northeast of the project site. However, project construction would be limited to 6 a.m. and 9 p.m. on weekdays and 8 a.m. and 9 p.m. on weekends per Bakersfield Municipal Code Chapter 9.22 (Noise).

Project operations would generate sound levels typical of residential land uses and residents would have to comply with Bakersfield Municipal Code regarding noise. Therefore, the project would not expose persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

- b. **Less-than-significant impact.** Some groundborne vibration and noise would originate from earth movement and building activities during the project's construction phase. However, blasting, pile-driving, break-ramming, jackhammering, chipping, and other high

impact-related construction activities that result in the creation of the greatest groundborne vibrations and noise levels would not occur as a consequence of the project. Additionally, groundborne vibration and noise attenuates at a shorter distance than airborne noise. Operation of single- and multi-family residential would not result in appreciable groundborne vibration or noise. Therefore, the project would not expose persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

- c. **No impact.** The project would not expose people residing or working in the project area to excessive noise levels for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

XIV. POPULATION AND HOUSING

- a. **Less-than-significant impact.** The project would accommodate population growth in this area through the development of new multi-family residential, and the project is the logical extension of existing urban development. The project would also require the extension of infrastructure. Therefore, the project would result in a less than significant impact on growth.
- b. **No impact.** The project site consists of vacant land. Therefore, the project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

XV. PUBLIC SERVICES

- a.i **Less-than-significant impact.** Fire protection services for the Metropolitan Bakersfield area are provided through a joint fire protection agreement between the City and County. The project may necessitate the addition of fire equipment and personnel to maintain current levels of service, and this potential increase in fire protection services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.
- a.ii **Less-than-significant impact.** Police protection will be provided by the Bakersfield Police Department upon project build out. Current City Police services standards require 1.09 officers for every 1,000 people in the City. However, this potential increase in services can be paid for by property taxes generated by this development. Therefore, the project would result in a less than significant impact on police protection performance objectives.
- a.iii **Less-than-significant impact.** The project is growth accommodating and therefore, is a driver for population growth, including the need for additional schools. The need for additional schools can be paid for by existing school impact fees and increased property tax revenues. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.
- a.iv **Less-than-significant impact.** The project is growth accommodating and therefore, is a driver for population growth, including the need for additional recreational opportunities.

However, residential projects follow the parkland requirements that are calculated based on the General Plan and City Ordinance park standards of 2.5 acres for every 1,000 people. Every residential unit must pay a park land development fee at the time of the issuance of building permits. Compliance with the park acreage dedication ordinance and the park development fee ordinance ensures that parks are dedicated and built in accordance with City standards to accommodate the increased population. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.

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

XVI. RECREATION

- a. **Less-than-significant impact.** Please refer to response XV.a.iv. Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b. **Less-than-significant impact.** Please refer to response XV.a.iv. Therefore, the project would not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

XVII. TRANSPORTATION AND TRAFFIC

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

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

Prevent streets and intersections from degrading below Level of Service "C" where possible due to physical constraints (as defined in a Level of Service standard) or when the existing Level of Service is below "C" prevent where possible further degradation

due to new development or expansion of existing development with a three-part mitigation program: adjacent right-of-way dedication, access improvements and/or an area-wide impact fee. The area-wide impact fee would be used where the physical changes for mitigation are not possible due to existing development and/or the mitigation measure is part of a larger project, such as freeways, which will be built at a later date.

Policy 36 of the Circulation Element of the MBGP requires the City to prevent streets and intersections from degrading below a level of service C, where possible, through dedication of adjacent right-of-way, access improvements, or an area wide impact fee. In addition, the Subdivision Ordinance requires all on-site street improvements and a proportional share of boundary street improvements to be built at the time the property is developed.

Mitigation Measure 5 requires that the applicant/developer participation in the Regional Transportation Impact Fee Program and the payment of Local Mitigation fees. With the implementation of this mitigation measure, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

- b. **Less-than-significant with mitigation incorporated.** Please refer to response XVII.a. Therefore, the project would result in a less than significant impact related to CEQA section 15064.3, subdivision (b).
- c. **Less-than-significant impact.** The project would have to comply with all conditions placed on it by the City Traffic Engineering Division in order to comply with accepted traffic engineering standards intended to reduce traffic hazards, including designing the roads so that they do not result in design feature hazards. The project is within the City limits and surrounded by compatible existing and planned land uses and land use designations. Therefore, the project would not substantially increase hazards due to a design feature or incompatible uses.
- d. **Less-than-significant impact.** There may be the potential that, during the construction phase, the project would impede emergency access. For projects that require minor impediments of a short duration (e.g., pouring a new driveway entrance), the project would be required to obtain a street permit from City Public Works. If a project requires lane closures and/or the diversion of traffic, then a Traffic Control Plan would be required. During operations, the project would have to comply with all applicable City policies and requirements to ensure adequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

- a. **Less-than-significant impact with mitigation incorporated.** The Cultural Resources Assessment (Hudlow 2021) determined that there is no landscape, sacred place, or object with cultural value to a California Native American tribe located at the project site. Additionally, no portion of the site is eligible for listing in the California Register of Historical Resources or in a local register of historical resources (Hudlow 2021). However, in the event that any unknown resources are encountered, Mitigation Measure 3 and Mitigation Measure 4 would be implemented. Therefore, the project would result in a less than significant impact with mitigation incorporated on tribal cultural resources.

- b. **Less-than-significant impact with mitigation incorporated.** See response XVII.a. above. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant.

XIX. UTILITIES AND SERVICE SYSTEMS

- a. **Less-than-significant impact.** Refer to responses XIX.d and XIX.e. Therefore, the project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- b. **Less-than-significant impact.** The Cal Water has provided a “Will Serve Letter” stating that water service can be supplied to the development (Cal Water 2022). The proposed development would not result in a need for significant additional systems or substantially alter the existing water utilities in the area. Therefore, the project would have sufficient water supplies available from existing entitlements and resources, and new or expanded entitlements would not be needed.
- c. **Less-than-significant impact.** Wastewater as a result of the project would be treated at WWTP No. 2, which is owned and operated by the City. Based on previous analyses, it is assumed that average daily water demand per dwelling unit is 325 gallons. With 299 dwelling units for the project, the project's average daily water demand would be 97,175 gpd [or 0.05 million gallons per day (MGD)] and therefore, it is assumed that wastewater capacity requirements to serve the project would also be 0.05 MGD. WWTP No. 2 has an overall capacity of 25 MGD with an average daily flow of 13.7 MGD. The current available capacity of 13.3 MGD (Bakersfield 2022). The project's contribution would account for less than 0.5% of the available capacity and therefore, WWTP No. 2 has sufficient capacity to serve the project. As a result, it has been determined that 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.
- d. **Less-than-significant impact.** It is assumed that solid waste generated as a result of the project would be disposed at the Bena Landfill located at 2951 Neumarkel Road, Bakersfield, CA 93307. The amount of solid waste generated by the project would be negligible. The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- e. **Less-than-significant impact.** By law, the project would be required to comply with federal, state, and local statutes and regulations, including those relating to waste reduction, litter control, and solid waste disposal.

XX. WILDFIRE

- a. **Less-than-significant impact.** Please refer to response IX.f. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- b. **Less-than-significant impact.** Please refer to response IX.g. Additionally, the project site is relatively flat, not near wildlands, the site and its surrounding do not possess high fuel loads (i.e., lots of vegetation and other burnable material) to exacerbate wildfire risks and therefore, fire-related pollutant concentrations. Therefore, the project would not exacerbate wildfires and expose project occupants to pollutant concentrations from a

wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

- c. **Less-than-significant impact.** Please refer to response XX.b above.
- d. **Less-than-significant impact.** Please refer to response XX.b above.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a. **Less-than-significant with mitigated incorporated.** The project must comply with listed plant and animal species protected under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA), as directed by the U.S. Fish and Wildlife Service and the California State Department of Fish and Wildlife, respectively. There are no important examples of the major periods of California history or prehistory found at the site. Therefore, the project with mitigation would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b. **Less-than-significant impact.** As described in the responses above, the project has no impacts that would be defined as individually limited, but cumulatively considerable.
- c. **Less-than-significant impact with mitigation incorporated.** As described in the responses above, with mitigation incorporated, the project would have less than significant impacts and environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

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