

Chapter 2

Introduction

2.1 Intent of the California Environmental Quality Act

The Kern County Planning and Natural Resources Department prepared and circulated a draft and final environmental impact report (FEIR) for the Grapevine Specific and Community Plan in 2016. The Kern County Board of Supervisors unanimously approved the Grapevine Project (project) and certified the FEIR on December 6, 2016. A lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with California Environmental Quality Act (CEQA) requirements was filed on January 4, 2017 (Center For Biological Diversity et al. v. County Of Kern et al., Kern County Superior Court Case No. BCV-17-100030-KCT). On February 15, 2019, the Court issued a Writ of Mandate and a Judgment upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential “significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts” that could occur if the project’s vehicle trip internal capture rate (ICR) was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center (TRCC) center (“internal trips”), and more trips began or ended in a different location, then this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducement impacts that could result from such longer trips and higher vehicle miles travelled (VMT); the judge directed that these impacts be further analyzed. The FEIR (2016) considered these types of vehicle-related impacts based on various land use and other factors, and projected, for example that a defined percentage of vehicular trips between home and work would begin or end outside the project site and the adjacent TRCC, while the remaining percentage of all trips (e.g., school-home, retail service-home, etc.) would occur entirely within the project site and the adjacent TRCC. This remaining percentage of trips that occur entirely within the project site and adjacent TRCC are “internal” trips, and the percentage of these internal trips in relation to trips with an external beginning or end point is called the “Internal Capture Rate” (ICR).

The Judgment states that the County “is not required to start the EIR [Environmental Impact Report] process anew” and “need only correct the deficiencies in the EIR that the Court has identified before considering recertification of the EIR. Whether the correction requires recirculation of the EIR, in whole or in part, is for the County to decide in compliance with CEQA.” The Judgment directed the County to set aside the project approvals and decertify the FEIR (2016). The County Board of Supervisors rescinded the approvals and decertified the FEIR (2016) on March 12, 2019.

On March 14, 2019, the County received an application for the readoption of the Grapevine Specific and Community Plan and other County discretionary approvals, including related General Plan and Zoning Code amendments. The proposed Grapevine project, with minor adjustments on the Special Plan, and the requested County discretionary approvals described in the application, are the same as those considered in the FEIR (2016). The purpose of the Supplemental Recirculated EIR (SREIR) is to correct the specific deficiencies identified by the Court by evaluating potential traffic, air pollution, greenhouse gases, noise, public health, and growth-inducing impacts that could occur from lower ICRs than evaluated in the FEIR (2016). The Kern County Planning Commission and Board of Supervisors will consider the information in the SREIR, including the public comments and staff response to those comments, in conjunction with the FEIR (2016), during the public

hearing process. As a legislative action, the final decision is made by the Board of Supervisors, who may approve, conditionally approve, or deny the project.

The project site is located approximately 25 miles south of downtown Bakersfield, approximately 8 miles north of the County of Los Angeles, at the southern end of the San Joaquin Valley area of Kern County, California. The unincorporated communities of Lebec, Frazier Park, Wheeler Ridge, and Mettler, are located approximately 3.2 miles south, 7.3 miles southwest, 0.5 mile northwest, and 4 miles northwest of the project site, respectively. The project is generally located at the Interstate 5 (I-5)/Grapevine Road interchange, adjacent to Laval and Gibson Roads, and is generally bounded by the Tehachapi and San Emigdio Mountains and Tejon Ranch conservation lands immediately to the south, east, and west; with the Tejon Ranch Tecuya Creek Conservation Easement and Wind Wolves Preserve to the west; and the Tejon Ranch Commerce Center (TRCC) to the north. The California Aqueduct, which is operated by the California Department of Water Resources (DWR), traverses the project site near the northern boundary. The Edmonston Pumping Plant Road bisects the project site from east to west and I-5 bisects the project from north to south.

The project is a specific and community plan as well as a special plan that encompasses approximately 8,010 acres. Approximately 4,643 acres of the project site would be developed as a residential community and employment center. Approximately 3,232 acres (approximately 40 percent of the project site) would be designated as exclusive agriculture, with grazing and open space as the predominant land uses. A series of walkable Plan Areas, each with a village center, would be developed on the 4,643 acres designated for development and would include:

- Up to 12,000 dwelling units,
 - Up to 2,000 additional dwelling units would be allowed through a reduction of commercial/industrial square footage based on vehicle trip equivalency ratios as follows:
 - Retail: 225 square feet = 1 single-family dwelling unit; 155 square feet = 1 multi-family dwelling unit;
 - Office/Research and Development: 865 square feet = 1 single-family dwelling unit; 600 square feet = 1 multi-family dwelling unit;
 - Industrial/Warehouse: 2,675 square feet = 1 single-family dwelling unit; 1,865 square feet = 1 multi-family dwelling unit.
- Up to 5,100,000 square feet of commercial land uses composed of the following approximate areas: 1,200,000 square feet of retail; 2,450,000 square feet of office/research and development; and 1,450,000 square feet of light industrial/warehouse.
 - The commercial land use may decrease with an increase of dwelling units based on vehicle trip equivalency ratios as described above.
- Approximately 157 acres would be set aside for schools (including one high school, two middle schools, and six elementary schools) and a minimum of 96 acres would be set aside for parks, depending on the ultimate number of dwelling units constructed. The schools and parks could be joint use facilities.
- Other public facilities would include a library, fire stations, a sheriff's substation, transit facilities/park-and-rides, and water and wastewater treatment facilities.

In addition, approximately 83 acres of additional infrastructure improvements would occur outside the Grapevine Specific and Community Plan development area, resulting in a total project area of 8,093 acres. These impacts primarily include roadway connections west and east of the Grapevine Specific and Community Plan area and impacts associated with the option to relocate the California Vehicle Enforcement Facility (CVEF).

Access to the project site would be taken from I-5 at the Laval Road and the Grapevine Road interchanges. A new interchange is proposed to replace the existing Grapevine interchange. Phase 1 development can be served by the existing I-5/Wheeler Ridge Road/Laval Road interchange, and with operational improvements, by the I-5/Grapevine Road interchange. A new interchange would be constructed on I-5 to serve the project before applicable level of service standards are exceeded at any existing interchange providing interim access to the project site. There are two options for relocating the interchange, Option A and Option B. Under Option A, the new interchange would be constructed approximately one mile north of the existing I-5/Grapevine Road interchange and would connect with planned Street A. An existing CVEF is operated by the California Highway Patrol (CHP) at the approximate location of the new I-5 interchange in Option A. To facilitate interchange construction, and to improve the capacity and operation of the facility, the CVEF would be moved north to the west side of the junction of I-5 and SR 99 on land owned by Tejon Ranchcorp. Under Option B, the new I-5 interchange would be constructed approximately 0.5-mile south of the preferred location and would connect with planned Street B. The primary circulation within the project would extend from these points of access. The roads within the project would be public roads. Water and sewer service would be provided by Tejon-Castac Water District.

The project would require adoption of General Plan Amendments, adoption of the Grapevine Specific Plan and Community Plan, adoption of the Grapevine Special Plan, amendment to the County Zone Map, exclusion from Agricultural Preserve No. 19, formation of a geologic hazard abatement district, approval of vesting tentative tract maps, and an adoption of a development agreement. The project is described in detail in Chapter 3, *Project Description*.

This SREIR has been prepared pursuant to the following relevant State and County statutes and guidelines:

- CEQA (Public Resources Code, Section 21000 et seq.);
- CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and
- The Kern County CEQA Implementation Document.

The overall purposes of the CEQA process are to:

- Identify the significant effects to the environment of a project, identify alternatives, and to indicate the manner in which those significant effects can be avoided or mitigated;
- Provide for full disclosure of the project's environmental effects to the public, the agency decision-makers who will approve or deny the project, and responsible and trustee agencies charged with managing resources (e.g., wildlife, air quality) that may be affected by the project; and
- Provide a forum for public participation in the decision-making process with respect to environmental effects.

2.2 Purpose of This Environmental Impact Report

An EIR is a public informational document used in the planning and decision-making process. This project-level SREIR will analyze the environmental impacts of the project. The Kern County Planning Commission and Board of Supervisors will consider the information in the SREIR, including the public comments and staff response to those comments, in conjunction with the FEIR (2016), during the public hearing process. As a legislative action, the final decision is made by the Board of Supervisors, who may approve, conditionally approve, or deny the project.

The purpose of this SREIR is to correct deficiencies identified by the court in the 2016 EIR, and analyze potential impacts to air quality, greenhouse gas, growth inducement (population and housing), hazards, noise, and transportation that may result if development builds out in a different fashion than previously analyzed and the project's development results in reduced ICR and/or higher VMT than considered for the project considered in the 2016 EIR. To support this purpose, this SREIR provides the following information:

- The significant potential impacts of the project on the environment under reduced ICR scenarios that were not identified or discussed in the previous EIR, and indicate the manner in which those significant impacts can be avoided or mitigated;
- Any unavoidable adverse impacts that cannot be mitigated for reduced ICR scenarios analyzed in relation to these five issue areas, that were not identified or discussed in the previous EIR; and
- Reasonable and feasible alternatives to the project that would eliminate any significant adverse environmental impacts in the topic areas, or reduce impacts in the topic areas to a less-than-significant level, that were not identified or evaluated in the previous EIR.

This SREIR also discloses growth-inducing impacts (population and housing); impacts in the topic areas found not to be significant; and significant cumulative impacts of the project, when taken into consideration with past, present, and reasonably anticipated future projects, under reduced ICR scenarios, which were not identified in the previous EIR.

CEQA requires an EIR that reflects the independent judgment of the lead agency regarding the impacts, the level of significance of the impacts both before and after mitigation, and mitigation measures proposed to reduce the impacts. A Draft EIR is circulated to responsible agencies, trustee agencies with resources affected by the project, and interested agencies and individuals. The purposes of public and agency review of a Draft EIR include sharing expertise, disclosing agency analyses, checking for accuracy, detecting omissions, discovering public concerns, and soliciting mitigation measures and alternatives capable of avoiding or reducing the significant effects of the project, while still attaining most of the basic objectives of the project.

Reviewers of the Draft SREIR are requested to focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate significant environmental effects.

Issues to Be Resolved

Section 15123(b) (3) of the CEQA Guidelines requires that an EIR contain issues to be resolved, which includes the choices among alternatives and whether or how to mitigate significant impacts. The major issues to be resolved regarding the project include decisions by the lead agency as to whether or not:

- The Draft SREIR adequately describes the environmental impacts of the project,
- The recommended mitigation measures should be adopted or modified, or
- Additional mitigation measures need to be applied.

2.3 Terminology

To assist reviewers in understanding this EIR, the following terms are defined:

- *Project* means the whole of an action that has the potential for resulting in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- *Environment* means the physical conditions that exist in the area and that will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved is where significant direct or indirect impacts would occur as a result of the project. The environment includes both natural and man-made (artificial) conditions.
- *Impacts* analyzed under CEQA must be related to a physical change. Impacts are:
 - Direct or primary impacts that would be caused by a proposed project and would occur at the same time and place; or
 - Indirect or secondary impacts that would be caused by a proposed project and would be later in time or farther removed in distance but would still be reasonably foreseeable. Indirect or secondary impacts may include growth-inducing impacts and other effects related to induced changes in the pattern of land use; population density or growth rate; and related effects on air and water and other natural systems, including ecosystems.
 - The California Supreme Court recently ruled that the environment's impact on a project fall outside the scope of CEQA except to the extent that impacts from a project exacerbate such impacts. This EIR includes the environment's impacts on a project for informational purposes, and to address the exacerbation component of the Court's decision.
- *Significant impact on the environment* means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. An economic or social change by itself is not considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.
- *Mitigation* consists of measures that avoid or substantially reduce a proposed project's significant environmental impacts by:
 - Avoiding the impact altogether by not taking a certain action or parts of an action;

- Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- Compensating for the impact by replacing or providing substitute resources or environments.
- *Cumulative impacts* are two or more individual impacts that, when considered together, are considerable or that compound or increase other environmental impacts. The following statements also apply when considering cumulative impacts:
 - The individual impacts may be changes resulting from a single project or separate projects.
 - The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

This SREIR uses a variety of terms to describe the level of significance of adverse impacts. These terms are defined as follows:

- *Less than significant.* An impact that is adverse but that does not exceed the defined thresholds of significance. Less than significant impacts do not require mitigation.
- *Significant.* An impact that exceeds the defined thresholds of significance and would or could cause a substantial adverse change in the environment. Mitigation measures are recommended to eliminate the impact or reduce it to a less-than-significant level.
- *Significant and unavoidable.* An impact that exceeds the defined thresholds of significance and cannot be eliminated or reduced to a less-than-significant level through the implementation of mitigation measures.

2.4 Decision-Making Process

CEQA requires lead agencies to solicit and consider input from other interested agencies, citizen groups, and individual members of the public. CEQA also requires a project to be monitored after it has been permitted to ensure that mitigation measures are carried out.

CEQA requires the lead agency to provide the public with a full disclosure of the expected environmental consequences of a proposed project and with an opportunity to provide comments. In accordance with CEQA, the following is the process for public participation in the decision-making process:

- **Initial Study/Notice of Preparation.** Kern County prepared and circulated an Initial Study (IS)/Notice of Preparation (NOP) to responsible, trustee, and local agencies for review and comment on April 12, 2019. The IS/NOP and responses to the IS/NOP are included in Volume 2, Appendix A. In conjunction with this public notice, a scoping meeting was held by Kern County on May 3, 2019, to provide a forum for public comments on the scope of the SREIR.
- **Draft SREIR Preparation.** A Draft SREIR is prepared, incorporating public and agency responses to the IS/NOP and scoping process. The Draft SREIR is circulated for review and

comment to appropriate agencies and additional individuals and interest groups who have requested to be notified of EIR projects. Per Section 15105 of the CEQA Guidelines, Kern County will provide for a 45-day public review period on the Draft SREIR. Kern County will subsequently respond to each comment on the Draft SREIR received in writing through a Response to Comments chapter in the Final SREIR. The Response to Comments will be provided to each agency or person who provided written comments on the SREIR a minimum of ten business days before the scheduled Planning Commission hearing on the Final SREIR and project.

- **Preparation and Certification of Final SREIR.** The Kern County Planning Commission will consider the Final SREIR and the project, acting in an advisory capacity to the Kern County Board of Supervisors. Upon receipt of the Planning Commission's recommendation, the Board of Supervisors will also consider the Final SREIR, all public comments, and the project and take final action on the project. At least one public hearing will be held by both the Planning Commission and Board of Supervisors to consider the Final SREIR, take public testimony, and then approve, conditionally approve, or deny the project.

Notice of Preparation (NOP)

Pursuant to Section 15082 of the CEQA Guidelines, as amended, the Kern County Planning and Natural Resources Department circulated an IS/NOP to the State Clearinghouse, public agencies, special districts, and members of the public for a public review period beginning April 12, 2019, and ending May 13, 2019. The purpose of the IS/NOP is to formally convey that the County, as the lead agency, solicited input regarding the scope and proposed content of the SREIR. The IS/NOP and all comment letters are provided in Volume 2, Appendix A.

Scoping Meeting

Pursuant to Section 15206 of the CEQA Guidelines, the lead agency is required to conduct at least one scoping meeting for all projects of statewide, regional, or area-wide significance. The scoping meeting is for jurisdictional agencies and interested persons or groups to provide comments regarding, but not limited to, the range of actions, alternatives, mitigation measures, and environmental effects to be analyzed. Kern County hosted a scoping meeting at 1:00 PM. on May 3, 2019, at the Kern County Public Services Building, 2700 "M" Street, Conference Room 1A, Bakersfield, California.

IS/NOP and Scoping Meeting Results

Ten (10) comment letters were submitted during the scoping process. One (1) individual presented oral comments during the May 3, 2019, scoping meeting. Specific environmental concerns raised in written and oral comments received during the IS/NOP public review period are discussed below. The IS/NOP and all comments received are included in Volume 2, Appendix A, along with the Summary of Proceedings from the Scoping Meeting.

IS/NOP Written Comments

The County received 10 letters with substantive comments in response to the IS/NOP. The comments are summarized in Table 2-1, *Summary of Written Comments on Initial Study/Notice of Preparation of SREIR*.

Table 2-1. Summary of Written Comments on Initial Study/Notice of Preparation of SREIR

Commenter	Summary of Comment
<i>Federal Agencies</i>	No federal agencies submitted comments in response to the SREIR.
<i>State Agencies</i>	
California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (letter dated April 12, 2019)	Provided a courtesy letter reminding the responsible agencies to transmit any comments in a timely manner. No comments on the project were provided.
California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR, or Division) (letter dated May 13,2019)	<p>DOGGR is responding so Local permitting agencies, property owners, and/or developers are aware and understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells. DOGGR indicated that there are wells that are not plugged and abandoned to current Division requirements. Their records indicate that 183 known oil or gas wells currently exist within the project boundary. The Division advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. There are no guarantees that a well abandoned in compliance with current Division requirements will not start leaking in the future. The Division advises that all wells identified within the project area be tested for liquid and gas leakage. Survey of these wells should be reported to the Division according to Division requirements and leaking wells should be reported immediately.</p> <p>The Division made recommendations to local permitting agencies, property owners, and developers:</p> <ol style="list-style-type: none"> 1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil and gas wells, the Division recommends that information regarding above identified well(s), and any other pertinent information obtained after the issuance of the letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. 2. The Division recommends that any soil containing hazardous hydrocarbons be disposed of in accordance to local, state, and federal laws. Please notify the appropriate authorities if soils containing significant amounts of hydrocarbons is discovered during development. <p>Owners of the property are to immediately notify the Divisions construction site engineer if any wells are encountered that are not part of this review.</p>
Native American Heritage Commission (NAHC) (letter dated May 16, 2019)	The NAHC recommends early consultation with California Native American tribes that are historically and culturally affiliated with the geographic area in compliance with Assembly Bill 52 and Senate Bill 18. In addition, the NAHC provides recommendations to the County regarding proper Cultural Resources Assessment actions.
California Highway Patrol (CHP) (letter dated May 31, 2019)	The CHP is concerned that the project will result in an increase in several aspects of CHP functions within the Fort Tejon Area and Bakersfield Area. The CHP states that the project will likely result in an increases number of calls into the CHP Bakersfield and CHP Fort Tejon communication centers. The CHP is concerned with increased traffic enforcement requirements within the areas as well as increased traffic in the areas causing increased response times in the geographical areas.

Table 2-1. Summary of Written Comments on Initial Study/Notice of Preparation of SREIR

Commenter	Summary of Comment
California Department of Transportation (Caltrans) District 6 (letter dated July 29, 2019)	<p>The California Department of Transportation has submitted comments stating they have reviewed the Draft Supplemental Recirculated Transportation Impact Study Technical Report and concur with the use of 22 alternative build-out scenarios and the resulting five identified higher VMT, lower ICR scenarios as adequate to evaluate lower ICR conditions. Further Caltrans requests that revisions be made to previously identified Mitigation Measures as follows:</p> <ol style="list-style-type: none"> 1. The interim B alternative in the report shows that the project roadway network is to be connected to the existing Grapevine interchange. It further stated that 5,000 homes and 1,700,000 square feet of non-residential land uses could be constructed until capacity would potentially be exceeded. Please incorporate the redlined comments in the attached file to MM 4.16-7. 2. Please edit MM 4.16-8 to be more specific as to what constitutes an IC's Level of Service. LOS' can be determined for intersections and for individual segments. If any segment or intersection is within 10 percent of falling below Level of Service (LOS) D the actions should be implemented. 3. Caltrans concurs with the added monitoring check points in MM 4.16-9 and does not need to renegotiate the Traffic Mitigation Agreement (TMA No. 06-2015-03) approved on October 6, 2017 at this time. 4. Please review the miscellaneous red-marked comments in the attached sheets (Sections MM 4.16-3, MM 4.16-7).
Local Agencies	
Kern County Public Works Department (PWD), Development Review Section (letter dated May 9, 2019)	The PWD Development Review Section requests the traffic engineering study for the Draft SREIR be provided to the PWD Development Review Section for review and comment.
Kern County Public Works Department (PWD), Floodplain Management Section (letter dated May 18, 2019)	The PWD Floodplain Management Section comment stated that they had no comments or recommendations at this time.
City of Bakersfield, Public Works Department (PWS) (letter dated May 8, 2019)	<p>The PWS points out two inconsistencies within the EIR.</p> <ol style="list-style-type: none"> 1. There is an overall project description shown on pages 2 and 12 of the EIR that discusses the amount of acreage or square footage that will be allocated for schools, parks/recreational facilities, and industrial/commercial facilities. On page 11, these square footages or acreages are called out in a table. The values shown on page 11 are not consistent with the values shown in the project descriptions on both pages 2 and 12. 2. The EIR shows there will be wastewater treatment facilities within the proposed 8,010 acres for this project. Previous practices at the Tejon-Castac wastewater treatment facilities involved hauling and disposing of wastewater solids to the City's wastewater treatment facilities without the City's knowledge or permission. This practice is not acceptable and the City desires the EIR to specify how and where all solids removed at

Table 2-1. Summary of Written Comments on Initial Study/Notice of Preparation of SREIR

Commenter	Summary of Comment
	<p>the new wastewater treatment facilities will ultimately be disposed of (i.e., landfill, land application, etc.). This only pertains to solids generated at wastewater treatment facilities. Restaurant trap grease and septage waste from porta-potties and septic tanks can still be disposed of at the City's wastewater treatment facilities with the appropriate City and Kern County permits.</p>
<p>San Joaquin Valley Air Pollution Control District (SJVAPD) (letter dated May 17, 2019)</p>	<p>The SJVAPD has submitted comments indicating that:</p> <ol style="list-style-type: none"> 1. The construction and/or operation of the project would result in emissions of CO, NOx, ROG, SOx, PM₁₀, and PM_{2.5} that would exceed SJVAPD thresholds resulting in significant impacts if not mitigated correctly. 2. Mitigation measure 4.3-4 from the Final EIR is still valid and must be included in the SREIR. 3. There is current case law (<i>Sierra Club v. County of Fresno</i>) requiring an EIR to correlate a project's air quality emissions to specific health impacts. 4. The SJVAPD recommends the discussion of the following impacts in the SREIR: a) Criteria Pollutants, b) Nuisance Odors, c) Health Risk Screening/Assessment, and d) Ambient Air Quality Analysis 5. The SJVAPD recommends the following discussions: a) methodology, model assumptions, inputs and results used to characterize the projects impacts to air quality, b) components and phases of the project associated with emissions projections, c) project design elements and mitigation measures, d) discussion of the cumulatively considerable net change of any air quality pollutant or precursor. 6. The Project may be subject to the following District rules and regulations which may require permits: Regulation VIII, Rule 4102, Rule 4641, Rule 4002, Rule 2010, Rule 2201, Rule 9410, and Rule 9510. 7. The SJVAPD recommends that new restaurants install emission control systems during construction phases..
<p>Kern County Superintendent of Schools (letter dated April 26, 2019)</p>	<p>The Kern County Superintendent of Schools has submitted comments indicating that they are concerned with the impacts to school facilities from an influx of students attributable to the project. They go on to state that mitigation of those impacts will be limited to the collection of statutory fees levied and authorized under Education Code Section 17620 and Government Code Sections 86995 et seq. as amended, at the time building permits are issued.</p>
<p>Kern County Public Works Department (PWD), Administration and Engineering Division (letter dated August 8, 2019)</p>	<p>The PW Development Review Section has submitted comments confirming receipt of the Grapevine Specific and Community Plan Draft Supplemental Traffic Impact Analysis (dated May 31, 2019) and requesting the following:</p> <ol style="list-style-type: none"> 1. Page 4, Section 1.4 2016 Traffic Analysis and EIR; second paragraph, last sentence. Please change the last "...AM peak period..." to "PM peak period."

Table 2-1. Summary of Written Comments on Initial Study/Notice of Preparation of SREIR

Commenter	Summary of Comment
	<ol style="list-style-type: none"> 2. Page 10, Section 1.8 Reduced ICR Scenario Development and Screening Process: Last paragraph states that buildout of the Project was not assumed in all scenarios. Please explain. The process of the TIS was to study worst case traffic and impacts. 3. Page 24, Mitigation Measure MM 4.16-3: Item 2) Please add “parcel map or final map, or as part of a commercial site plan review” at the beginning after tentative tract map. 4. Page 25, Mitigation Measure MM 4.16-6: Item 2) please clarify between a traffic report and a traffic study. The additional language of “Traffic Report may be included as part of the traffic study...” is unnecessary. Please revise 5. Page 46, Section 2.3.4 FEIR Mitigation Measures: MM 4.16-2, items 9 and 10 were not part of the original mitigation measures. Please revise. 6. Page 50, Mitigation Measure MM 4.16-12: Item 2 of the original mitigation measure after “OR” was left out. Please revise. 7. Page 79, Section 2.4.3.5 Adjusted FEIR Analysis Impacts to Interim I-5 Access Facilities: Paragraph 1 refers to Table 2-1. Please provide the table or revise to show the page number it is on. 8. Contact the California Department of Transportation regarding this project.

The County concurs with the Supplemental Recirculated Traffic Impact Study (SRTIS) with the implementation of items 1 thru 8 of this memo. Once corrections are made submit two (2) signed and stamped SRTIS for County records.

Interested Parties

<p>Center for Biological Diversity (letter dated May 13, 2019)</p>	<p>The Center for Biological Diversity (the Center) expressed concerns that the Draft SREIR does not address the “whole of the project” and the direct, indirect, and cumulative impacts to the San Joaquin Kit Fox. The Center was concerned that the Draft SREIR does not consider vehicle miles traveled in accordance with the Technical Advisory issued by the Governor’s Office of Planning and Research in December of 2018. The Center reminds the decision makers that the Draft SREIR must require solar on all homes as mandated by the California Energy Commission’s 2018 Solar Roofs Mandate. The Center also reminds the Decision Makers that the Draft SREIR must disclose air quality and public health impacts as required by rulings in recent case law (Sierra Club v. County of Fresno (2018) 6 Cal.5th 502). The Center would like to remind the County of its duty to maintain and preserve all documents and communications that may constitute part of the “administrative record.”</p>
<p>Southern California Gas (SoCalGas) Company (letter dated May 31, 2019)</p>	<p>SoCalGas’s Transmission Department sent an email stating that they have high pressure gas transmission facilities within the proposed project area. They included a confidential map showing the location of the facilities and letter stating the general requirements for performing work or planning projects near their high pressure lines.</p>

IS/NOP Oral Comments

The County received one oral comment in response to the IS/NOP at the scoping meeting. The comments are summarized in Table 2-2, *Summary of Oral Comments on Initial Study/Notice of Preparation of SREIR*.

Table 2-2. Summary of Oral Comments on Initial Study/Notice of Preparation of SREIR

Commenter	Summary of Comment
<i>Federal Agencies</i>	No federal agencies commented in response to the IS/NOP during the scoping meeting.
<i>State Agencies</i>	No state agencies commented in response to the IS/NOP during the scoping meeting.
<i>Local Agencies</i>	No local agencies commented in response to the IS/NOP during the scoping meeting.
<i>Interested Parties</i>	
Mr. Le Brucherie, neighbor of the project	Supports the project and requested clarification on the Court's decision and the scope of the SREIR with respect to Traffic and Air Quality analysis.

2.5 Availability of the Draft SREIR

This Draft SREIR is being distributed directly to agencies, organizations, and interested groups and persons for comment during a 45-day formal review period in accordance with Section 15087 of the CEQA Guidelines. This Draft SREIR and the full administrative record for the project, including all studies, is available for review during normal business hours Monday through Friday at the Kern County Planning and Natural Resources Department, located at:

Kern County Planning and Natural Resources Department

2700 "M" Street, Suite 100

Bakersfield, CA 93301-2370

Phone: (661) 862-8600, Fax: (661) 862-8601

2.6 Format and Content

The purpose of the SREIR is to correct the specific deficiencies identified by the Court by evaluating potential traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts that could occur from lower ICRs than evaluated in the FEIR. This Draft SREIR addresses the potential environmental effects of the project and was prepared following input from the public and the responsible and affected agencies, through the EIR scoping process, as discussed previously. The contents of this Draft SREIR were established based on the findings in the IS/NOP and public and agency input. Based on the findings of the IS/NOP, a determination was made that an SREIR was required to address potentially significant environmental effects on the following resources:

- Air Quality
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Noise

- Population and Housing (Growth Inducement)
- Transportation and Traffic

Required EIR Content and Organization

The content and organization of this Draft SREIR are designed to meet the requirements of CEQA, the CEQA Guidelines, and the Kern County CEQA Implementation Document, as well as to present issues, analysis, mitigation, and other information in a logical and understandable way. This Draft SREIR is organized into the following sections:

- Chapter 1, “*Executive Summary*,” provides a project description and a summary of the environmental impacts and mitigation measures.
- Chapter 2, “*Introduction*,” provides CEQA compliance information, an overview of the decision-making process, organization of the SREIR, and a responsible and trustee agency list.
- Chapter 3, “*Project Description*,” provides a description of the location, characteristics, objectives, and the relationship of the project to other plans and policies.
- Chapter 4, “*Supplemental Environmental Analysis*,” contains a detailed environmental analysis of the existing conditions, project impacts, mitigation measures, and unavoidable adverse impacts for air quality, greenhouse gas emissions, hazards and hazardous materials, noise, population and housing (growth inducement), and transportation and traffic under Reduced ICR Scenarios.
- Chapter 5, “*Consequences of Project Implementation (Mandatory CEQA Sections)*,” presents an analysis of the project’s cumulative and growth-inducing impacts and other CEQA requirements, including significant and unavoidable impacts and irreversible commitment of resources.
- Chapter 6, “*Alternatives*,” describes a reasonable range of alternatives to the project that could reduce the significant environmental impacts including those for air quality, greenhouse gas emissions, hazards and hazardous materials, noise, population and housing (growth inducement), and transportation and traffic under Reduced ICR Scenarios.
- Chapter 7, “*Responses to Comments*,” is reserved for responses to comments on this Draft SREIR.
- Chapter 8, “*Organizations and Persons Consulted*,” lists the organizations and persons contacted during preparation of this Draft SREIR.
- Chapter 9, “*Preparers*,” identifies persons involved in the preparation of the Draft SREIR.
- Chapter 10, “*Bibliography*,” identifies reference sources for the Draft SREIR.
- “*Appendices*” provide information and technical studies that support the environmental analysis contained within the Draft SREIR; they also contain the 2016 EIR in its entirety.

The analysis of each environmental category in Chapter 4 is organized as follows:

- “*Introduction*” provides a brief overview on the purpose of the section being analyzed with regard to the project.
- “*Environmental Setting*” describes the physical conditions that exist at this time and that may influence or affect the topic being analyzed.

- “*Regulatory Setting*” provides State and federal laws, the Kern County General Plan (KCGP) goals, policies, and implementation measures that apply to the topic being analyzed.
- “*Supplemental Recirculated EIR (SREIR) New and Updated Analysis*” discusses the impacts of the project under Reduced ICR Scenarios, including direct, indirect, and cumulative impacts; presents the determination of the level of significance; and provides a discussion of feasible mitigation measures to reduce any impacts.

2.7 Responsible and Trustee Agencies

Projects or actions undertaken by the lead agency, in this case the Kern County Planning and Natural Resources Department, may require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Other such agencies are referred to as “*responsible agencies*” and “*trustee agencies*.” Pursuant to Sections 15381 and 15386 of the CEQA Guidelines, as amended, responsible agencies and trustee agencies are defined as follows:

- A “*responsible agency*” is a public agency that proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “*responsible agency*” includes all public agencies other than the lead agency that have discretionary approval power over the project (Section 15381).
- A “*trustee agency*” is a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California (Section 15386).

The various public, private, and political agencies and jurisdictions with a particular interest in the project include, but are not limited to, the following:

Local Agencies

- General Shafter Elementary School District
- El Tejon Unified School District
- Kern Union High School District
- Local Agency Formation Commission
- Kern Council of Governments
- Kern County Administrative Office
- Kern County Board of Supervisors
- Kern County Community Development Department
- Kern County Economic Development Department
- Kern County Department of Agriculture
- Kern County Fire Department
- Kern County Library Facilities
- Kern County Parks and Recreation Department
- Kern County Planning Commission
- Kern County Sheriff’s Department
- Kern County Superintendent of Schools
- Kern County Water Agency
- Pacific Gas and Electric
- San Joaquin Valley Air Pollution Control District
- Southern California Edison Company

- Kern County Public Works Department
 - Building and Development
 - Operations and Maintenance
- City of Bakersfield Development Services Department
- Los Angeles Department of Water and Powers
- Southern California Gas Company
- Tejon-Castac Water District
- Wheeler Ridge Maricopa Water Storage District

State Agencies

- California Air Resources Board
- California Department of Transportation
- California Department of Fish and Wildlife
- California Department of Forestry and Fire Protection
- California Integrated Waste Management Board
- California Native American Heritage Commission
- California Public Utilities Commission
- Department of Conservation, Division of Oil, Gas and Geothermal Resources
- Department of Mines and Geology
- Department of Water Resources
- Governor's Office of Planning and Research
- Office of Historic Preservation
- Regional Water Quality Control Board, Central Valley Region

Federal Agencies

- Federal Aviation Administration
- Federal Highway Administration
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture (USDA)
- U.S. Department of Interior
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- USDA, Forest Service

2.8 Incorporation by Reference

In accordance with Section 15150 of the CEQA Guidelines to reduce the size of the report, the following documents are hereby incorporated by reference into this Draft SREIR and are available for public review at the Kern County Planning and Natural Resources Department. A brief synopsis of the scope and content of these documents is provided below.

Kern County General Plan

The project site lies predominantly within the boundaries of the KCGP. The KCGP is a policy document with planned land use maps and related information that are designed to give long-range guidance to those County officials making decisions affecting the growth and resources of the unincorporated Kern County jurisdiction, excluding the metropolitan Bakersfield planning area. This document, adopted on June 14, 2004, and last amended on September 22, 2009, helps to ensure that day-to-day decisions conform to the long-range program designed to protect and further the public interest as related to Kern County's growth and development and mitigate environmental impacts. The KCGP also serves as a guide to the private sector of the economy in relating its development initiatives to the public plans, objectives, and policies of the County.

Kern County Zoning Ordinance

According to Chapter 19.02.020, Purposes, Title 19 was adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses throughout the unincorporated area of Kern County. Further, the purposes of this title are to:

- Provide the economic and social advantages resulting from an orderly planned use of land resources;
- Encourage and guide development consistent with the KCGP;
- Divide Kern County into zoning districts of a number, size, and location deemed necessary to carry out the purposes of the KCGP and this title;
- Regulate the size and use of lots, yards, and other open spaces;
- Regulate the use, location, height, bulk, and size of buildings and structures;
- Regulate the intensity of land use;
- Regulate the density of population in residential areas;
- Establish requirements for off-street parking;
- Regulate signs and billboards; and
- Provide for the enforcement of the regulations of Chapter 19.02.

Destination 2030: Regional Transportation Plan

The latest Regional Transportation Plan (RTP) was adopted in 2014. The 2014 RTP/Sustainable Communities Strategy (SCS) establishes a set of regional transportation goals, objectives, policies, and actions intended to guide development of the planned multimodal transportation systems in Kern County. It was developed through a continuing, comprehensive, and cooperative planning process, and provides for effective coordination between local, regional, State, and federal agencies. This RTP/SCS provides transportation and air quality goals, policies and actions for now and into the future, and includes programs and projects for congestion management, transit, airports, bicycles and pedestrians, roadways, and freight. New to the 2014 RTP/SCS is the implementation of California's Sustainable Communities and Climate Protection Act (Senate Bill 375), which requires the inclusion of a Sustainable Communities Strategy that reduces greenhouse gas emissions from passenger vehicles and light duty trucks by 5 percent per capita by 2020 and 10 percent per capita by 2035. In addition, it provides a discussion of all mechanisms used to

finance transportation and air quality (including greenhouse gas) program implementation (Kern Council of Governments [COG], 2014a).

County of Kern Housing Element 2015-2023

The development and preservation of adequate and affordable housing is important to the well-being of the residents and the economic prosperity of the County. To plan for the development of adequate housing for all income segments, a Housing Element was prepared as a part of the KCGP. This document specifically addresses housing needs and resources in the County's unincorporated areas. The Housing Element must maintain consistency with the other elements of the KCGP.

Kern County Airport Land Use Compatibility Plan (ALUCP)

The ALUCP was originally adopted in 1996 and has since been amended to comply with Aeronautics Law, Public Utilities Code (Chapter 4, Article 3.5) regarding public airports and surrounding land use planning. As required by that law, proposals for public or private land use developments that occur within defined airport influence areas are subject to compatibility review. The principle airport land use compatibility concerns addressed by the plan are (1) exposure to aircraft noise, (2) land use safety with respect to both people and property on the ground and the occupants of aircraft, (3) protection of airport air space, and (4) general concerns related to aircraft overflights.

The ALUCP identifies policies and compatibility criteria for influence zones or planning area boundaries. The ALUCP maps and labels these zones as A, B1, B2, C, D, and E, ranging from the most restrictive (A – airport property-runway protection zone) to the least restrictive (D –disclosure to property owners only) while the E is intended to address special land use development. As required by law, the following affected cities have adopted the ALUCP for their respective airports: Bakersfield, California City, Delano, Shafter, Taft, Tehachapi, and Wasco.

Tehachapi Uplands Multiple Species Habitat Conservation Plan and Environmental Impact Statement

The Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP), which was approved by the U.S. Fish and Wildlife Service (USFWS) in 2013, is a habitat conservation plan (HCP) intended to meet recovery goals of multiple special-status species. On April 29, 2013, the USFWS issued Incidental Take Permit No. TE198636, pursuant to the Federal Endangered Species Act, for incidental take of 25 covered species described in the TUMSHCP. The covered lands include a combination of foothill grasslands and montane woodlands that make up the Tehachapi Uplands component of Tejon Ranch. The covered lands include 141,866 acres of Tejon Ranch and are generally above 2,000 feet above mean sea level (amsl) near the San Joaquin Valley floor, and to the south by the Antelope Valley floor, where the elevation ranges from about 3,200 to 4,700 feet amsl, following the Los Angeles County line, with an average elevation of 4,100 feet amsl. The covered lands nearest the project site are designated "Mitigation Lands" and are being managed as open space in accordance with the Tehachapi Uplands Covered Lands Management Plan (Dudek, 2016c).

In October 2012, the USFWS prepared a Final Environmental Impact Statement (EIS) for the TUMSCHP, in compliance with the National Environmental Policy Act. The Final EIS includes, as modified, the Supplemental Draft EIS that USFWS circulated for public review in February 2012.

2.9 Sources

This Draft SREIR is dependent upon information from many sources. Some sources are studies or reports that have been prepared specifically for this document. Other sources provide background information related to one or more issue areas that are discussed in this document. The sources and references used in the preparation of this Draft SREIR are listed in Chapter 10, *Bibliography*, and are available for review during normal business hours at the:

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