

Comment Set A
City of Bakersfield Development Services Department



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September 10, 2009

Monisha Gangopadhyay
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104-3002

Subject: Mitigated Negative Declaration for the PG&E Seventh Standard Substation Project, City of Bakersfield, Kern County, Application Number: A.09-03-004

To Whom It May Concern:

The City of Bakersfield is in receipt of the Draft Mitigated Negative Declaration for the above-referenced project, located on the south side of Seventh Standard Road approximately 2.5 miles west of State Route 99. Based upon our review of the document, the City of Bakersfield offers the following comments:

The subject property is a portion of an approximately 44-acre project area for which a general plan amendment, zone change, and annexation have been processed. On May 9, 2007, the Bakersfield City Council approved General Plan Amendment No. 06-1698, changing the land use designation of a portion of the project area from GC (General Commercial) to LMR (Low Medium Density Residential) on approximately 15 acres. On March 12, 2008, the Bakersfield City Council approved Zone Change No. 06-1698, changing the zoning of the entire project area, from A (Agricultural Zone) to R-2 (Limited Multiple-Family Dwelling Zone) on 40.39 acres and from A to DI (Drilling Island District) on 3.86 acres.

In accordance with the California Environmental Quality Act (CEQA), the proposed project was addressed in the mitigated negative declarations adopted in conjunction with General Plan Amendment No. 06-1698 and Zone Change No. 06-1698. Pursuant to CEQA, the mitigation measures contained in attached Resolution No. 102-07 (conditions 1-4) and Ordinance No. 4498 (conditions 1-5) must be adhered to where applicable.

Sincerely,

PAUL HELLMAN
Principal Planner

Attachments: Bakersfield City Council Resolution No. 102-07
Bakersfield City Council Ordinance No. 4498

City of Bakersfield • 1715 Chester Avenue • Bakersfield, California • 93301

Comment Set A, cont.
City of Bakersfield Development Services Department

RESOLUTION NO. 102-07

A-2

RESOLUTION MAKING FINDINGS, ADOPTING THE NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT NO. 06-1698, AN AMENDMENT TO THE LAND USE ELEMENT OF THE METROPOLITAN BAKERSFIELD GENERAL PLAN, GENERALLY LOCATED ON THE SOUTH SIDE OF SEVENTH STANDARD ROAD, AND WEST OF THE CALLOWAY CANAL.

WHEREAS, Louise Palmer for Adavco, Inc., filed a application requesting a General Plan Amendment, change of land use designations of that certain property within the City of Bakersfield as hereinafter described; and

WHEREAS, the Planning Commission of the City of Bakersfield, in accordance with the provisions of Section 65353 of the Government code, held a public hearing on Monday, April 2, 2007, and on Thursday, April 5, 2007, on General Plan Amendment No. 06-1698, notice of the time and place of hearing having been given at least twenty (20) calendar days before said hearing by publication in *The Bakersfield Californian*, a local newspaper of general circulation; and

WHEREAS, General Plan Amendment No. 06-1698, an amendment to the Land Use Element of the Metropolitan Bakersfield General Plan, is as follows:

General Plan Amendment No. 06-1698:

Louise Palmer for Adavco, Inc. applied to amend the Land Use Element of the Metropolitan Bakersfield General Plan consisting of a change from GC (General Commercial) to LMR (Low Medium Density Residential) on approximately 15 acres. The project site is generally located on the south side of Seventh Standard Road, and west of the Calloway Canal; and

WHEREAS, an Initial Study was conducted for General Plan Amendment No. 06-1698 and it was determined that the proposed project would not have a significant effect on the environment; therefore, a Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, by Resolution No. 54-07 on April 5, 2007, the Planning Commission recommended approval and adoption of General Plan Amendment No. 06-1698 subject to the "Mitigation/Conditions of Approval" listed in Exhibit "A" and this Council has fully considered the findings made by the Planning Commission as set forth in that Resolution and as restated herein; and

WHEREAS, the Council of the City of Bakersfield, in accordance with the provisions of Section 65355 of the Government Code, conducted and held a public hearing on Wednesday, April 5, 2007, on General Plan Amendment No. 06-1698 notice of time and place of the hearing having been given at least ten (10) calendar days before the hearing by publication in *The Bakersfield Californian*, a local newspaper of general circulation; and

WHEREAS, the Council has considered and hereby makes the following findings:

1. The above recitals and findings are true and correct.
2. The Council has considered and concurs with the following findings made by the

CITY OF BAKERSFIELD
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Comment Set A, cont.
City of Bakersfield Development Services Department

Planning Commission as set forth in Resolution No. 54-07 adopted on, April 5, 2007:

- a. All required public notices have been provided.
 - b. The provisions of CEQA have been met.
 - c. Based upon the Initial Study and comments received, staff has determined that the proposed project could not have a significant effect on the environment. A Negative Declaration was prepared for the project in accordance with CEQA.
 - d. The public necessity, general welfare and good planning practices justify the amendment to the Land Use Element of the Metropolitan Bakersfield General Plan.
 - e. The land use designation change from GC (General Commercial) to LMR (Low Medium Density Residential) on approximately 15 acres is compatible with the land use designations of surrounding properties and is internally consistent with the Metropolitan Bakersfield General Plan.
 - f. The laws and regulations relating to the preparation and adoption of Negative Declarations as set forth in CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission.
3. That the applicant by prior written agreement to comply with all adopted mitigation measures contained within the Negative Declaration.
 4. That the infrastructure exists or can easily be provided to accommodate the types of density and intensity of the development.

NOW, THEREFORE, BE IT RESOLVED and found by the Planning Commission of the City of Bakersfield as follows:

1. The above recitals and findings incorporated herein are true and correct.
2. The Negative Declaration for the General Plan Amendment No. 06-1698 is hereby approved and adopted.
3. The report of the Planning Commission, including maps and all reports and papers relevant thereto, transmitted by the Secretary of the Planning Commission to the City Council, is hereby received, accepted and approved.
4. The City Council hereby approves and adopts General Plan Amendment No. 06-1698, constituting changes as shown on the map marked Exhibit "B", attached hereto and incorporated as though fully set forth, for property generally located south of Seventh Standard Road and west of the Calloway Canal listed in Exhibit "A."
5. That General Plan Amendment No. 06-1698, approved herein, be combined with other approved General Plan Amendment cases in this same cycle described in separate resolutions, to form a single Amendment to the Metropolitan Bakersfield

A-2 cont.

Comment Set A, cont.
City of Bakersfield Development Services Department

General Plan.

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A-2 cont.



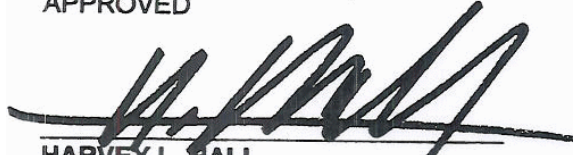
Comment Set A, cont.
City of Bakersfield Development Services Department

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on MAY 9 2007 2007 by the following vote:

AYES: COUNCILMEMBER CARSON, BENHAM, WEIR, COUCH, HANSON, SULLIVAN, SCRIVNER
NOES: COUNCILMEMBER _____
ABSTAIN: COUNCILMEMBER _____
ABSENT: COUNCILMEMBER _____


PAMELA A. McCARTHY, CMC
CITY CLERK and Ex Officio Clerk of the
Council of the City of Bakersfield

APPROVED MAY 9 2007


HARVEY L. HALL
MAYOR of the City of Bakersfield

APPROVED as to form:
VIRGINIA GENNARO
City Attorney

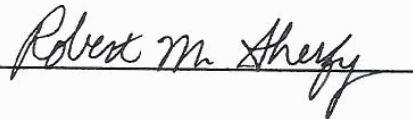
By: 

Exhibit A - Mitigation/Conditions of Approval
B - General Plan Amendment Map

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A-2 cont.

Comment Set A, cont.
City of Bakersfield Development Services Department

EXHIBIT A
Conditions of Approval

A-2 cont.



Comment Set A, cont.
City of Bakersfield Development Services Department

**Mitigation/Conditions of Approval
General Plan Amendment/Zone Change/Annexation No. 06-1698**

A-2 cont.

Cultural Resources (Mitigation Measures)

1. If archaeological resources are encountered during the course of construction, a qualified archaeologist shall be consulted for further evaluation. *Mitigation for potentially significant cultural resource impacts.*
2. If human remains are discovered during grading or construction activities, work would cease pursuant to Section 7050.5 of the California Health and Safety Code. If human remains are identified on the site at any time, work shall stop at the location of the find and the Kern County Coroner shall be notified immediately (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code which details the appropriate actions necessary for addressing the remains) and the local Native American community shall be notified immediately. *Mitigation for potentially significant cultural resource impacts.*
3. Prior to ground-disturbance activities associated with this project, personnel associated with the grading effort shall be informed of the importance of the potential cultural and archaeological resources (i.e. archaeological sites, artifacts, features, burials, etc.) that may be encountered during site preparation activities, how to identify those resources in the field, and of the regulatory protections afforded to those resources. The personnel shall be informed of procedures relating to the discovery of archaeological remains during grading activities and cautioned to avoid archaeological finds with equipment and not collect artifacts. The applicant/developer of the project site shall submit documentation to the Planning Department that they have met this requirement prior to commencement of ground-disturbance activities. This documentation should include information on the date(s) of training activities, the individual(s) that conducted the training, a description of the training, and a list of names of those who were trained. Should cultural remains be uncovered, the on-site supervisor shall immediately notify a qualified archaeologist. *Mitigation for potentially significant cultural resource impacts.*

Traffic Conditions (Mitigation Measure)

4. Prior to issuance of a building permit within the GPA/ZC area, the developer shall pay the applicable Regional Transportation Impact Fee (RTIF) to the satisfaction of the Bakersfield Public Works Department. *Mitigation for potentially significant traffic impacts.*

City Attorney Condition

5. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners or boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for City's sole active negligence or willful misconduct.

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Comment Set A, cont.
City of Bakersfield Development Services Department

Exhibit A-1
GPA/ZC 06-1698
Mitigation/Conditions of Approval
Page 2 of 4

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

Public Works Conditions

6. Along with the submittal of any development plan, prior to approval of improvement plans, or with the application for a lot line adjustment or parcel merger, the following shall occur:
 - a) Provide fully executed dedication for Seventh Standard Road to expressway standards (see Condition #11) and Shane Street to collector standards for the full frontage of the area within the GPA request. Dedications shall include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer. Submit a current title report with the dedication documents. If a tentative subdivision map over the entire GPA/ZC area is submitted, dedication can be provided with the map.
 - b) This GPA/ZC area is too small to support it's own storm drainage sump. The City will allow no more than one sump per 80 acres; therefore, this GPA/ZC area must be included within the drainage area of adjoining property. Submit a comprehensive drainage study of the entire drainage area, to be reviewed and approved by the City Engineer. The study shall show the development's proportionate share of the necessary ultimate storm drainage facilities. The developer shall participate in the development of a Planned Drainage Area, or shall provide some other method for the construction of the ultimate facilities satisfactory to the City Engineer. Any required retention site and necessary easements shall be dedicated to the City.
 - c) The GPA/ZC area is within the service area of the North of River Sanitary District No. 1. Sewer service in this area must conform to the NORSD's adopted Sewer Study, and construction of sewer lines shall be per NORSD's requirements. All trench backfill and paving within the public right-of-way shall require an Open Street Permit and be as per the City of Bakersfield's adopted standards.
 - d) In order to preserve the permeability of the sump and to prevent the introduction of sediments from construction or from storm events, all retention and detention basins (sumps) shall have a mechanical device in the storm drain system to remove or minimize the introduction of oil, grease, trash, and sediments to the sump. This device shall be reviewed and approved by the City Engineer, and shall provide the greatest benefit to the storm drain system with the least maintenance cost. *For orderly development.*
 - e) The developer is responsible for the construction of all infrastructure, both public and private, within the boundary of the GPA/ZC area. This includes the construction of any and all

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Comment Set A, cont.
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Exhibit A-1
GPA/ZC 06-1698
Mitigation/Conditions of Approval
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boundary streets to the centerline of the street, unless otherwise specified. The developer is also responsible for the construction of any off site infrastructure required to support this development, as identified in these conditions. The phasing of the construction all infrastructure will be addressed at the subdivision map stage. *For orderly development.*

7. The entire area covered by this General Plan Amendment shall be included in the Consolidated Maintenance District. The applicant shall pay all fees for inclusion in the Consolidate Maintenance District with submittal of any development plan, tentative subdivision map, Site Plan Review, or application for a lot line adjustment for any portion of this GPA area. It is required that the developer join the North of the River Park Maintenance District. *For orderly development.*
8. Payment of the proportionate share of the cost of the median for the arterial frontage of the property within the GPA/ZC request is required prior to recordation of any map or approval of any improvement plan for the GPA/ZC area, whichever occurs first. *For orderly development.*
9. Access to the project area from Snow Road is provided by a sub-standard road. With the development of the project area, approved, improved access to the site must be provided. The required improvements shall be 32 feet of paving meeting City design standards for a collector road, with 8' graded shoulders. If it becomes necessary to obtain any off site right of way and if the developer is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way. *For orderly development.*
10. The Seventh Standard Road, Jewetta Avenue and Snow Road crossings of the Friant Kern and Calloway Canals and Etchart Road across the Calloway Canal need widening. Developer shall pay their proportionate share of the cost and shall aid in the formation of a Major Bridge and Thoroughfare District for the widening of the crossings. *For orderly development.*
11. Seventh Standard Road shall be constructed as a 126-foot wide, 6-lane Expressway with a 30-foot landscaped parkway behind the standard sidewalk. Expanded full access signalized intersections will be permitted at minimum half-mile spacing. No other intermediate street access will be permitted. The applicant shall provide a waiver of direct access along the frontage of Seventh Standard Road within the GPA/ZC area. *For orderly development.*

North of the River Recreation and Park District Conditions:

12. Prior to recordation of a final map, the subdivider shall pay an in-lieu fee based on a park land dedication requirement of 2.5 acres per 1000 population in accordance with Chapter 15.80 of the Bakersfield Municipal Code. If the number of dwelling units increases or decreases upon recordation of a final map(s), the park land requirement will change accordingly. Refer to BMC Chapter 15.80 and the Planning Information Sheet regarding calculation and payment of in-lieu fee. This subdivision is located within the boundaries of the North of the River Recreation and Park District. In accordance with Government Code Section 66020(d), you are hereby notified that the 90-day period in which you may protest the imposition of this fee has begun. *BMC Chapter 15.80 requires the Planning Commission to determine if a subdivider is to dedicate park land, pay an in-lieu fee, reserve park land or a combination of these in order to satisfy the City's park land ordinance*

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Comment Set A, cont.
City of Bakersfield Development Services Department

Exhibit A-1
GPA/ZC 06-1698
Mitigation/Conditions of Approval
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for North of the River Recreation and Park District. Staff is recommending this condition in accordance with BMC Chapter 15.80.

13. Prior to recordation of a final map, the subdivider shall provide the Planning Department written proof/verification from North of the River Recreation and Park District that said project is within the NOR Park Maintenance District. *For orderly development.*
14. Prior to recordation of a final map, the subdivider shall pay the in-lieu park land fees in accordance with Bakersfield Municipal Code Chapter 15.80. Subdivider is responsible for meeting the requirements of BMC Chapter 15.80. In summary, the subdivider is to provide the following:
- Approximately 6 weeks before the expected date of recordation of a final map, submit to North of the River Recreation and Park District a "Complete Summary" appraisal prepared by a qualified appraiser.
 - The appraisal shall be in the form of a "Complete Summary" appraisal in accordance with City Council policy Resolution 59-95 and dated within 3 months of the expected date of recordation of the final map. An appraisal dated more than 3 months may be acceptable under certain specific circumstances.
 - The appraisal shall determine the fair market value of the land to be subdivided at its unimproved state. The subdivider is responsible for all costs incurred in preparation, revision or update of the appraisal. (See BMC Section 15.180.100).
 - Prior to recordation of a final map, the subdivider shall contact the North of the River Recreation and Park District. It is recommended the subdivider contact the District at least 2 or 3 months prior to the expected date of recordation. *For orderly development.*

Department of Conservation Condition

15. Prior to approval of a tentative tract or approval of site plan, the applicant shall accurately plot all wells on plans and shall provide written confirmation from the Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) to the Planning Director stating that all oil wells are accurately depicted on the proposed tentative tract or site plan. *Police power to preserve public health, safety and welfare.*
16. All documented wells on the subject property shall be leak tested and abandoned to the satisfaction of the Department of Conservation Division of Oil, Gas and Geothermal Resources (DOGGR). Written confirmation of this action from DOGGR shall be provided to the Planning Director prior to issuance of building permits on the subject property or recordation of the Final Map. *Police power to preserve public health, safety, and welfare.*

Planning Department Condition

17. Any rezoning of the subject property shall accommodate active petroleum-related facilities within a DI (Drilling Island District) zone. *For orderly development.*

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A-2 cont.

Comment Set A, cont.
City of Bakersfield Development Services Department

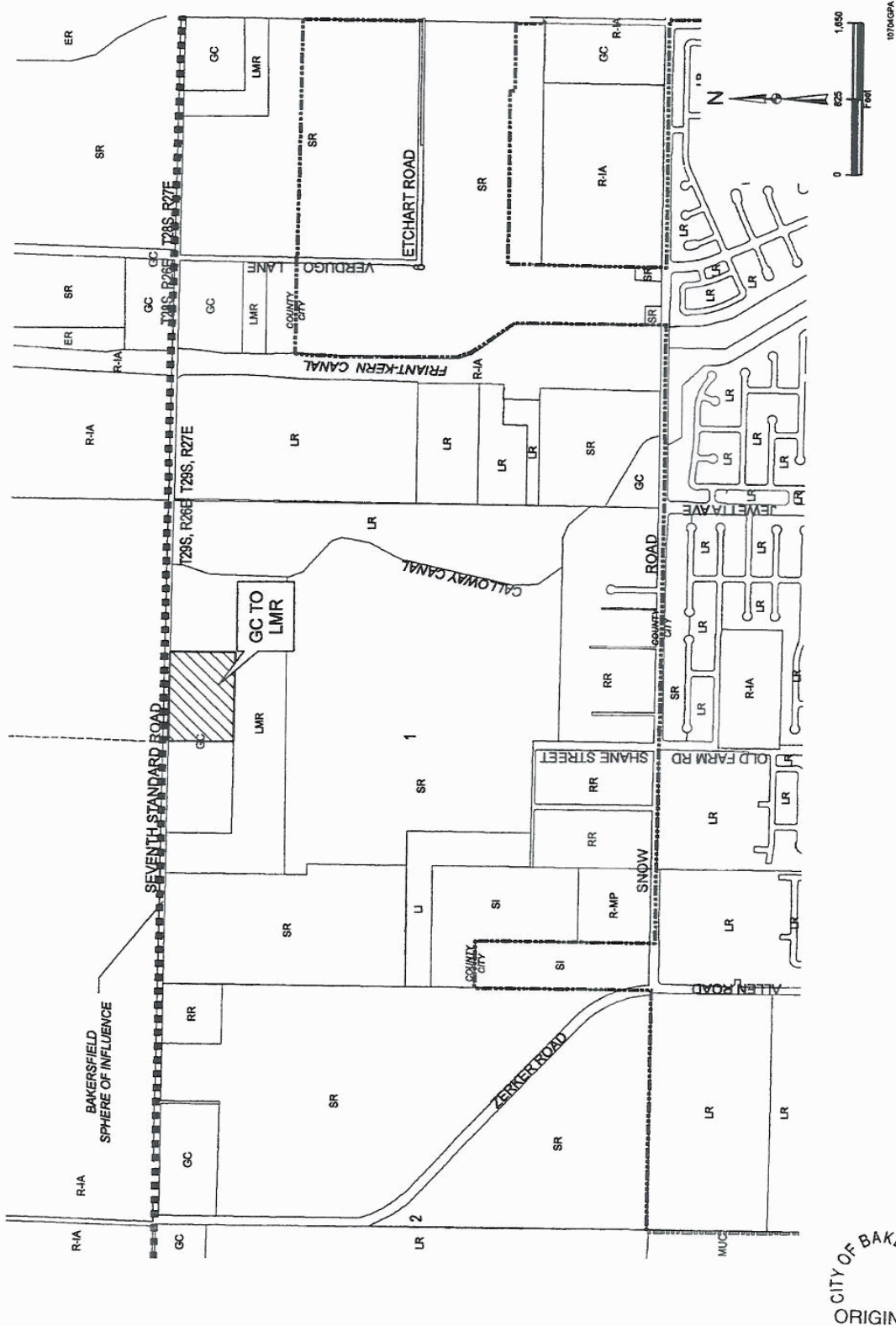
EXHIBIT B
General Plan Map

A-2 cont.



Comment Set A, cont.
City of Bakersfield Development Services Department

GENERAL PLAN AMENDMENT 06-1698



A-2 cont.

CITY OF BAKERSFIELD
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Comment Set A, cont.
City of Bakersfield Development Services Department

ORDINANCE NO. 4498

A-2 cont.

AN ORDINANCE ADOPTING A NEGATIVE DECLARATION AND AMENDING SECTION 17.06.020 (ZONING MAP 101-01) OF TITLE SEVENTEEN OF THE BAKERSFIELD MUNICIPAL CODE TO CHANGE THE ZONING FROM A (AGRICULTURAL ZONE) TO R-2 (LIMITED MULTIPLE FAMILY DWELLING) ON 40.39 ACRES AND A (AGRICULTURAL ZONE) TO DI (DRILLING ISLAND ZONE) ON 3.86 ACRES, GENERALLY LOCATED SOUTH OF SEVENTH STANDARD ROAD AND WEST OF THE CALLOWAY CANAL (ZC 06-1698).

WHEREAS, in accordance with the procedures set forth in the provisions of Title 17 of the Municipal Code of the City of Bakersfield, the Planning Commission held a public hearing on a petition to change the land use zoning of those certain properties in the City of Bakersfield generally located south of Seventh Standard Road and west of the Calloway Canal; and

WHEREAS, by Resolution No. 182-07 on October 18, 2007, the Planning Commission recommended approval of an ordinance amending Title 17 of the Municipal Code to approve Zone Change No. 06-1698 as delineated on attached Zoning Map 101-01 marked Exhibit "B", more thoroughly described in attached Exhibit "C", by this Council and this Council has fully considered the recommendations made by the Planning Commission as set forth in that Resolution and restated herein; and

WHEREAS, a Negative Declaration with mitigation was advertised and posted on October 30, 2007, in accordance with CEQA; and

WHEREAS, the general plan designation for this area allows for commercial development; and

WHEREAS, the City Council conducted a hearing on January 30, 2008 to consider the Planning Commission Resolution 182-07; and

WHEREAS, the City Council makes the following findings:

1. All required public notices have been given.
2. The provisions of the California Environmental Quality Act have been followed.
3. Based on the initial study and comments received, staff has determined that the proposed project could not have a significant effect on the environment. A Negative Declaration was prepared for the project in accordance with CEQA.
4. The proposed project is compatible with the future development of surrounding uses.
5. The proposed project, as shown on Exhibit "B," is consistent with the Metropolitan Bakersfield General Plan.

Comment Set A, cont.
City of Bakersfield Development Services Department

6. The public necessity, general welfare and good planning practices justify the requested zone change, as shown on Exhibit "B."
7. The laws and regulations relating to the preparation and adoption of Negative Declarations as set forth in CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures, have been duly followed by city staff and the Planning Commission.

A-2 cont.

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bakersfield as follows:

1. That the above recitals, incorporated herein, are true and correct.
2. The Negative Declaration is hereby adopted.
3. Section 17.06.020 (Zoning Map) of the Municipal Code of the City of Bakersfield be and the same is hereby amended by changing the land use zoning of that certain property in said City, the boundaries of which property is shown on Zoning Map 101-01 marked Exhibit "B" attached hereto and made a part hereof, and are more specifically described in attached Exhibit "C".
4. Such zone change is hereby made subject to the "Mitigation/Conditions of Approval" listed in attached Exhibit "A", subject to approval of GPA No. 06-1698.

SECTION 2.

This ordinance shall be posted in accordance with the Bakersfield Municipal Code and shall become effective not less than thirty (30) days from and after the date of its passage.

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Comment Set A, cont.
City of Bakersfield Development Services Department

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on MAR 12 2008 by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____
COUNCILMEMBER: CARSON, BENHAM, WEIR, COUCH, HANSON, SULLIVAN, SCRIVNER
COUNCILMEMBER: none
COUNCILMEMBER: none
COUNCILMEMBER: none

A-2 cont.

Pamela A. McCarthy
PAMELA A. McCARTHY, CMC
CITY CLERK and Ex Officio Clerk of the Council of the City of Bakersfield

APPROVED

Harvey L. Hall
HARVEY L. HALL
Mayor of the City of Bakersfield

APPROVED as to form
VIRGINIA GENNARO
City Attorney

By: *Robert M. Sherfy*

- Exhibit A - Mitigation/Conditions of Approval
- B - Zoning Map 101-01
- C - Zone Change Legal Description

RB - S:\GPA 1st 2007\06-1698\ZC\Res-Ord\CC ZC Ordinance 06-1698.doc



Comment Set A, cont.
City of Bakersfield Development Services Department

EXHIBIT A
MITIGATION/CONDITIONS OF APPROVAL

A-2 cont.

CITY OF BAKERSFIELD
ORIGINAL

Comment Set A, cont.
City of Bakersfield Development Services Department

Mitigation/Conditions of Approval
Zone Change/Annexation No. 06-1698

A-2 cont.

Cultural Resources (Mitigation Measures)

1. If human remains are discovered during grading or construction activities, work would cease pursuant to Section 7050.5 of the California Health and Safety Code. If human remains are identified on the site at any time, work shall stop at the location of the find and the Kern County Coroner shall be notified immediately (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code which details the appropriate actions necessary for addressing the remains) and the local Native American community shall be notified immediately. *Mitigation for potentially significant cultural resource impacts.*
2. Prior to ground-disturbance activities associated with this project, personnel associated with the grading effort shall be informed of the importance of the potential cultural and archaeological resources (i.e. archaeological sites, artifacts, features, burials, etc.) that may be encountered during site preparation activities, how to identify those resources in the field, and of the regulatory protections afforded to those resources. The personnel shall be informed of procedures relating to the discovery of archaeological remains during grading activities and cautioned to avoid archaeological finds with equipment and not collect artifacts. The applicant/developer of the project site shall submit documentation to the Planning Department that they have met this requirement prior to commencement of ground-disturbance activities. This documentation should include information on the date(s) of training activities, the individual(s) that conducted the training, a description of the training, and a list of names of those who were trained. Should cultural remains be uncovered, the on-site supervisor shall immediately notify a qualified archaeologist. *Mitigation for potentially significant cultural resource impacts.*

Traffic Conditions (Mitigation Measure)

3. Prior to issuance of a building permit within the ZC area, the developer shall pay the applicable Regional Transportation Impact Fee (RTIF) to the satisfaction of the Bakersfield Public Works Department. *Mitigation for potentially significant traffic impacts.*

Hazards and Hazardous Materials (Mitigation Measures)

4. P.G. & E shall be required to comply with all applicable federal, state, and local regulations, as appropriate, for the waste and materials, including the submittal of all required plans and forms. *Mitigation for potentially significant hazards and hazardous materials impacts.*
5. Prior to commencing construction activity on the P.G. & E. substation, an EMF Field Management Plan shall be prepared and submitted to the Public Utilities Commission for approval. A copy of the EMF Field Management Plan shall also be submitted to the City Planning Department. *Mitigation for potentially significant hazards and hazardous materials impacts.*

City Attorney Condition

6. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners or

CITY OF BAKERSFIELD
ORIGINAL

Comment Set A, cont.
City of Bakersfield Development Services Department

Exhibit A-1
ZC 06-1698
Mitigation/Conditions of Approval
Page 2 of 4

boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for City's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

Public Works Conditions

7. Along with the submittal of any development plan, prior to approval of improvement plans, or with the application for a lot line adjustment or parcel merger, the following shall occur:
 - a) Provide fully executed dedication for Seventh Standard Road to expressway standards (see Condition #11) and Shane Street to collector standards for the full frontage of the area within the ZC request. Dedications shall include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer. Submit a current title report with the dedication documents. If a tentative subdivision map over the entire ZC area is submitted, dedication can be provided with the map.
 - b) This ZC area is too small to support it's own storm drainage sump. The City will allow no more than one sump per 80 acres; therefore, this ZC area must be included within the drainage area of adjoining property. Submit a comprehensive drainage study of the entire drainage area, to be reviewed and approved by the City Engineer. The study shall show the development's proportionate share of the necessary ultimate storm drainage facilities. The developer shall participate in the development of a Planned Drainage Area, or shall provide some other method for the construction of the ultimate facilities satisfactory to the City Engineer. Any required retention site and necessary easements shall be dedicated to the City.
 - c) The ZC area is within the service area of the North of River Sanitary District No. 1. Sewer service in this area must conform to the NORSD's adopted Sewer Study, and construction of sewer lines shall be per NORSD's requirements. All trench backfill and paving within the public right-of-way shall require an Open Street Permit and be as per the City of Bakersfield's adopted standards.
 - d) In order to preserve the permeability of the sump and to prevent the introduction of sediments from construction or from storm events, all retention and detention basins

A-2 cont.

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Comment Set A, cont.
City of Bakersfield Development Services Department

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(sumps) shall have a mechanical device in the storm drain system to remove or minimize the introduction of oil, grease, trash, and sediments to the sump. This device shall be reviewed and approved by the City Engineer, and shall provide the greatest benefit to the storm drain system with the least maintenance cost. *For orderly development.*

A-2 cont.

- e) The developer is responsible for the construction of all infrastructure, both public and private, within the boundary of the ZC area. This includes the construction of any and all boundary streets to the centerline of the street, unless otherwise specified. The developer is also responsible for the construction of any off site infrastructure required to support this development, as identified in these conditions. The phasing of the construction all infrastructure will be addressed at the subdivision map stage. *For orderly development.*
8. The entire area covered by this Zone Change shall be included in the Consolidated Maintenance District. The applicant shall pay all fees for inclusion in the Consolidate Maintenance District with submittal of any development plan, tentative subdivision map, Site Plan Review, or application for a lot line adjustment for any portion of this ZC area. It is required that the developer join the North of the River Park Maintenance District. *For orderly development.*
9. Payment of the proportionate share of the cost of the median for the arterial frontage of the property within the ZC request is required prior to recordation of any map or approval of any improvement plan for the ZC area, whichever occurs first. *For orderly development.*
10. Access to the project area from Snow Road is provided by a sub-standard road. With the development of the project area, approved, improved access to the site must be provided. The required improvements shall be 32 feet of paving meeting City design standards for a collector road, with 8' graded shoulders. If it becomes necessary to obtain any off site right of way and if the developer is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way. *For orderly development.*
11. The Seventh Standard Road, Jewetta Avenue and Snow Road crossings of the Friant Kern and Calloway Canals and Etchart Road across the Calloway Canal need widening. Developer shall pay their proportionate share of the cost and shall aid in the formation of a Major Bridge and Thoroughfare District for the widening of the crossings. *For orderly development.*
12. Seventh Standard Road shall be constructed as a 126-foot wide, 6-lane Expressway with a 30-foot landscaped parkway behind the standard sidewalk. Expanded full access signalized intersections will be permitted at minimum half-mile spacing. No other intermediate street access will be permitted. The applicant shall provide a waiver of direct access along the frontage of Seventh Standard Road within the ZC area. *For orderly development.*

North of the River Recreation and Park District Conditions:

13. Prior to recordation of a final map, the subdivider shall pay an in-lieu fee based on a park land dedication requirement of 2.5 acres per 1000 population in accordance with Chapter 15.80 of the Bakersfield Municipal Code. If the number of dwelling units increases or decreases upon recordation of a final map(s), the park land requirement will change accordingly. Refer to BMC

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Comment Set A, cont.
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Exhibit A-1
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Chapter 15.80 and the Planning Information Sheet regarding calculation and payment of in-lieu fee. This subdivision is located within the boundaries of the North of the River Recreation and Park District. In accordance with Government Code Section 66020(d), you are hereby notified that the 90-day period in which you may protest the imposition of this fee has begun. *BMC Chapter 15.80 requires the Planning Commission to determine if a subdivider is to dedicate park land, pay an in-lieu fee, reserve park land or a combination of these in order to satisfy the City's park land ordinance for North of the River Recreation and Park District. Staff is recommending this condition in accordance with BMC Chapter 15.80.*

A-2 cont.

14. Prior to recordation of a final map, the subdivider shall provide the Planning Department written proof/verification from North of the River Recreation and Park District that said project is within the NOR Park Maintenance District. *For orderly development.*
15. Prior to recordation of a final map, the subdivider shall pay the in-lieu park land fees in accordance with Bakersfield Municipal Code Chapter 15.80. Subdivider is responsible for meeting the requirements of BMC Chapter 15.80. In summary, the subdivider is to provide the following:
 - a) Approximately 6 weeks before the expected date of recordation of a final map, submit to North of the River Recreation and Park District a "Complete Summary" appraisal prepared by a qualified appraiser.
 - b) The appraisal shall be in the form of a "Complete Summary" appraisal in accordance with City Council policy Resolution 59-95 and dated within 3 months of the expected date of recordation of the final map. An appraisal dated more than 3 months may be acceptable under certain specific circumstances.
 - c) The appraisal shall determine the fair market value of the land to be subdivided at its unimproved state. The subdivider is responsible for all costs incurred in preparation, revision or update of the appraisal. (See BMC Section 15.180.100).
 - d) Prior to recordation of a final map, the subdivider shall contact the North of the River Recreation and Park District. It is recommended the subdivider contact the District at least 2 or 3 months prior to the expected date of recordation. *For orderly development.*

Department of Conservation Condition

16. Prior to approval of a tentative tract or approval of site plan, the applicant shall accurately plot all wells on plans and shall provide written confirmation from the Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) to the Planning Director stating that all oil wells are accurately depicted on the proposed tentative tract or site plan. *Police power to preserve public health, safety and welfare.*
17. Any documented wells on the subject property located outside the DI (Drilling Island) zone shall be leak tested to the satisfaction of the Department of Conservation Division of Oil, Gas and Geothermal Resources (DOGGR). Written confirmation of this action from DOGGR shall be provided to the Planning Director prior to issuance of building permits on the subject property or recordation of the Final Map. *Police power to preserve public health, safety, and welfare.*

RB:\IS\GPA 1st 2007\06-1698\ZC\Res-Ord\Exhibit A-1.doc



Comment Set A, cont.
City of Bakersfield Development Services Department

EXHIBIT B
ZONE MAP 101-01

A-2 cont.



Comment Set A, cont.
City of Bakersfield Development Services Department

EXHIBIT C
ZONE CHANGE LEGAL DESCRIPTION

A-2 cont.



Comment Set A, cont.
City of Bakersfield Development Services Department

- (4) THENCE SOUTH 09°51'00" WEST ALONG SAID CENTERLINE OF CANAL, 79.57 FEET TO AN ANGLE POINT;
- (5) THENCE SOUTH 02°19'59" WEST ALONG SAID CENTERLINE OF CANAL, 154.56 FEET AN ANGLE POINT;
- (6) THENCE NORTH 89°57'42" WEST, 679.00 FEET;
- (7) THENCE SOUTH 00°02'18" WEST, 249.91 FEET TO THE SOUTH BOUNDARY LINE OF SAID PARCEL 5
- (8) THENCE NORTH 89°55'13" WEST ALONG SAID SOUTH BOUNDARY LINE OF PARCEL 5, A DISTANCE OF 1195.90 FEET TO THE WEST BOUNDARY LINE OF SAID PARCEL 5;
- (9) THENCE NORTH 00°01'00" EAST ALONG THE WEST BOUNDARY LINE OF SAID PARCEL 5, A DISTANCE OF 1000.00 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SEVENTH STANDARD ROAD
- (10) THENCE SOUTH 89°50'30" EAST ALONG SAID CENTERLINE OF SEVENTH STANDARD ROAD AND THE NORTH BOUNDARY LINE OF SAID PARCEL 5, A DISTANCE OF 1988.80 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE WESTERLY 1,320.00 FEET OF THE NORTHERLY 690.00 FEET IN THE NORTHEAST QUARTER OF SAID SECTION 1.

Contains: 19± GROSS ACRES

PARCEL - C
From Ag to DI

BEING A PORTION OF PARCEL 5 OF PARCEL MAP WAIVER NO. 10-95, AS EVIDENCE BY CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 21, 1996 IN DOCUMENT NO. 0196151074, OF OFFICIAL RECORDS AS FILED IN THE OFFICE OF THE KERN COUNTY RECORDER, IN SECTION 1, TOWNSHIP 29 SOUTH, RANGE 26 EAST, M.D.M., IN THE UNINCORPORATED COUNTY OF KERN, STATE OF CALIFORNIA, THEREOF AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ZC-7th Standard Rd & Calloway Canal 43-Lg

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A-2 cont.

Comment Set A, cont.
City of Bakersfield Development Services Department

**GENERAL PLAN AMENDMENT/ZONE CHANGE
LEGAL DESCRIPTION**

A-2 cont.

**PARCEL - A
From Ag to R-2**

BEING THE WESTERLY 1,320.00 FEET OF THE NORTHERLY 690.00 FEET OF PARCEL 5 OF PARCEL MAP WAIVER NO. 10-95, AS EVIDENCE BY CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 21, 1996 IN DOC. NO. 0196151074, OF OFFICIAL RECORDS AS FILED IN THE OFFICE OF THE KERN COUNTY RECORDER, IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 29 SOUTH, RANGE 26 EAST, M.D.M., IN THE COUNTY OF KERN, STATE OF CALIFORNIA ACCORDING TO THE OFFICIAL PLAT.

Contains: 20± GROSS ACRES

**PARCEL - B
From Ag to R-2**

BEING A PORTION OF PARCEL 5 OF PARCEL MAP WAIVER NO. 10-95, AS EVIDENCE BY CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 21, 1996 IN DOCUMENT NO. 0196151074, OF OFFICIAL RECORDS AS FILED IN THE OFFICE OF THE KERN COUNTY RECORDER, IN SECTION 1, TOWNSHIP 29 SOUTH, RANGE 26 EAST, M.D.M., IN THE UNINCORPORATED COUNTY OF KERN, STATE OF CALIFORNIA, THEREOF AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, THENCE NORTH 89°50'30" WEST ALONG THE CENTERLINE OF SEVENTH STANDAND ROAD (COUNTY ROAD NO. 151), 659.99 FEET TO THE TRUE POINT OF BEGINNING (T.P.O.B.);

- (1) THENCE SOUTH 01°40'30" EAST ALONG THE CENTERLINE OF THE CALLOWAY CANAL PER AMENDED PARCEL MAP NO. 1340 RECORDED JANUARY 7, 1974 IN BOOK 8 OF PARCEL MAPS AT PAGE 118, 173.97 FEET TO AN ANGLE POINT;
- (2) THENCE SOUTH 11°54'30" WEST ALONG SAID CENTERLINE OF CANAL, 80.78 FEET TO AN ANGLE POINT;
- (3) THENCE SOUTH 17°33'00" WEST ALONG SAID CENTERLINE OF CANAL, 273.68 FEET TO AN ANGLE POINT;

ZC-7th Standard Rd & Calloway Canal 43-Lgl



Comment Set A, cont.
City of Bakersfield Development Services Department

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, THENCE NORTH 89°50'30" WEST ALONG THE CENTERLINE OF SEVENTH STANDAND ROAD (COUNTY ROAD NO. 151), 659.99 FEET TO THE TRUE POINT OF BEGINNING (T.P.O.B.);

A-2 cont.

- (1) THENCE SOUTH 01°40'30" EAST ALONG THE CENTERLINE OF THE CALLOWAY CANAL PER AMENDED PARCEL MAP NO. 1340 RECORDED JANUARY 7, 1974 IN BOOK 8 OF PARCEL MAPS AT PAGE 118, 173.97 FEET TO AN ANGLE POINT;
- (2) THENCE SOUTH 11°54'30" WEST ALONG SAID CENTERLINE OF CANAL, 80.78 FEET TO AN ANGLE POINT;
- (3) THENCE SOUTH 17°33'00" WEST ALONG SAID CENTERLINE OF CANAL, 273.68 FEET TO AN ANGLE POINT;
- (4) THENCE SOUTH 09°51'00" WEST ALONG SAID CENTERLINE OF CANAL, 79.57 FEET TO AN ANGLE POINT;
- (5) THENCE SOUTH 02°19'59" WEST ALONG SAID CENTERLINE OF CANAL, 154.56 FEET AN ANGLE POINT;
- (11) THENCE SOUTH 02°19'59" WEST ALONG SAID CENTERLINE OF CANAL, 250.60 FEET TO AN ANGLE POINT;
- (12) THENCE NORTH 89°55'13" WEST ALONG THE SOUTH BOUNDARY LINE OF PARCEL 5, A DISTANCE OF 668.97 FEET;
- (13) THENCE NORTH 00°02'18" EAST, 249.91 FEET;
- (14) THENCE SOUTH 89°57'42" EAST, 679.00 FEET TO THE TRUE POINT OF BEGINNING.

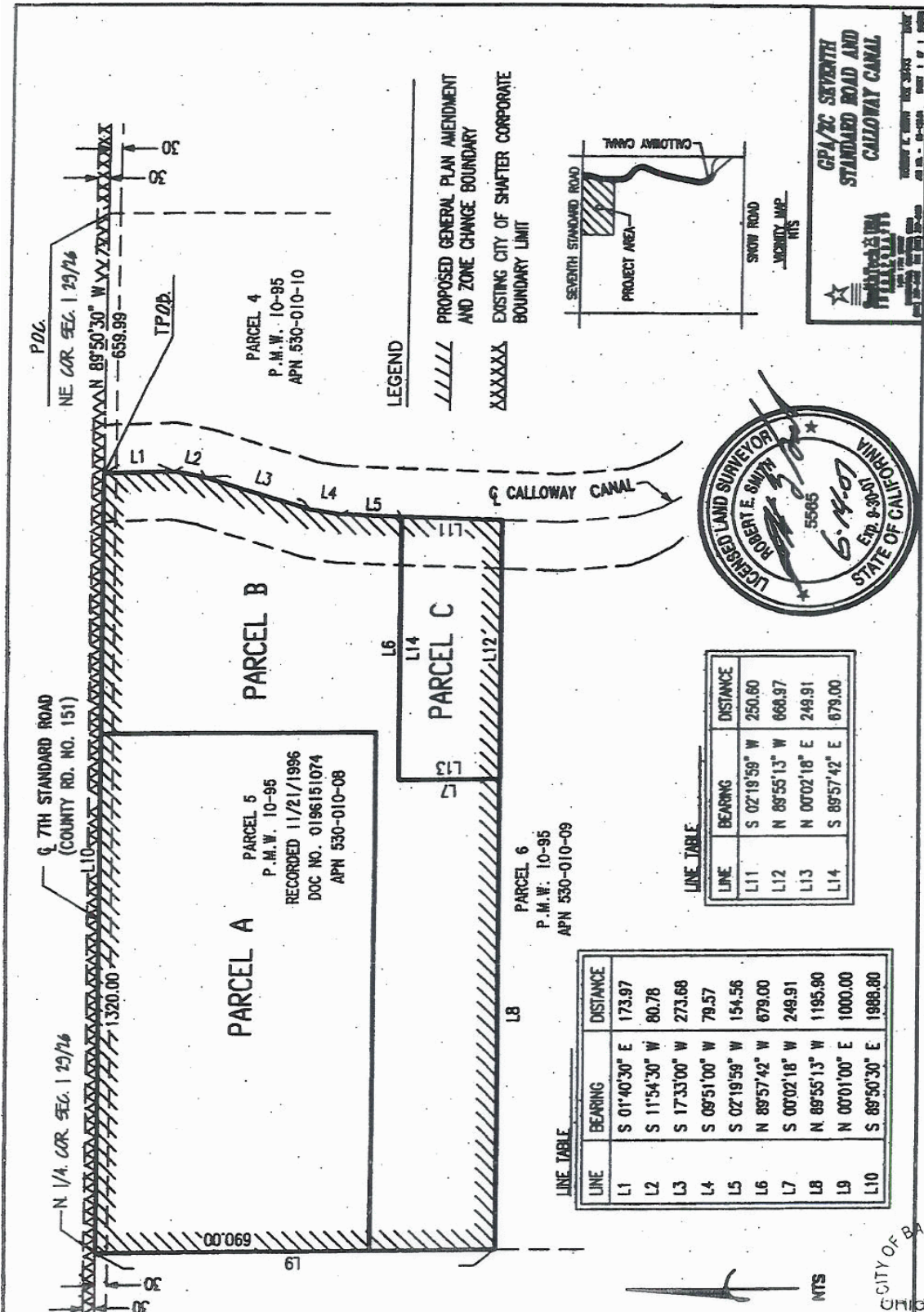
Contains: 3± GROSS ACRES



ZC-7th Standard Rd & Calloway Canal 43-Lgl

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Comment Set A, cont.
 City of Bakersfield Development Services Department



A-2 cont.

Responses to Comment Set A Bakersfield Development Services Department

A-1 The commenter notes that the Seventh Standard Substation Project is a portion of an approximately 44-acre projects area for which a general plan amendment, zone change, and annexation have been processed. The City of Bakersfield notes that the Proposed Project was addressed in the negative declarations adopted in conjunction with General Plan Amendment No. 06-1698 and Zone Change No. 06-1698 and requests that mitigation measures contains in the attached Resolution No. 102-07 (conditions 1-4) and Ordinance No. 4498 (conditions 1-5) be adhered to where applicable.

The Environmental Determination (Section A) and the Mitigation Monitoring Plan (Section C) have been revised in response to the comment to include the following:

The Proposed Project was addressed in the negative declarations adopted in conjunction with the Metropolitan Bakersfield General Plan Amendment No. 06-1968 and Zone Change No. 06-1968. Pursuant to CEQA, the conditions of project approval in Bakersfield City Council Resolution No. 102-07 (conditions 1-4) and Bakersfield City Council Ordinance No. 4498 (conditions 1-5) must be adhered to where applicable.

In addition, the conditions of approval in full have been included in a new Table B.1-3 (City of Bakersfield Conditions of Approval) in Section B.1.13, which is now called “Applicant Proposed Measures and City of Bakersfield Conditions of Approval.”

The conditions have also been added to Table C-1 (Mitigation Monitoring Plan) in Section C (Mitigation Monitoring Plan).

A-2 The copies of Resolution No. 102-07 and Ordinance No. 4498 submitted with the Bakersfield Development Services Department comment letter are noted. See Response to Comment A-1 for a discussion of where in this Final IS/MND references to the conditions of approval have been added.