Bowman

Hageman Industrial Park

Draft Environmental Impact Report

Bakersfield,
Kern County, California

Prepared for:
City of Bakersfield,
Development Services Department,
Planning Division
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301

Prepared by:
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DRAFT
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Hageman Industrial Park

State Clearinghouse No. 2023070665

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ES.1 Purpose

This Draft Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental impacts associated with the implementation of the Hageman Industrial Park (GPA/ZC No. 22-0263) Project, State Clearinghouse No. 2023070665. This document is prepared in conformance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

The purpose of this Draft EIR is to disclose information to the public and decision makers about the potential environmental effects of the proposed Project. This Draft EIR does not recommend either approval or denial of the proposed Project; rather, it is intended to provide a source of independent and impartial analysis of the foreseeable environmental impacts of a proposed course of action. This Draft EIR describes the proposed Project, evaluates its environmental effects, and discusses reasonable alternatives that would attempt to avoid, reduce, or minimize environmental impacts. The City of Bakersfield will consider the information presented in this document in making an informed decision regarding the proposed Project.

This summary is provided in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15123. As stated in the State CEQA Guidelines Section 15123(a), "an Environmental Impact Report (EIR) shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical." As required by the Guidelines, this section includes: (1) a summary description of the proposed Project; (2) a discussion of the areas of controversy associated with the project; (3) identification of the alternatives evaluated and of the environmentally superior alternative and (4) a synopsis of environmental impacts and recommended mitigation measures.

ES.2 Proposed Project

Project Characteristics

The Project site consists of two vacant parcels of land with relatively flat topography. There are eleven oil wells located on the Project site including five plugged/abandoned, three active, & three idle wells. There are easements on the site that include: (1) high-tension electrical power lines owned and operated by Pacific Gas and Electric Company (PG&E) traversing east-west across the southernmost corner of the site; (2) the Beardsley Canal Ditch ("Ditch") owned and operated by the City of Bakersfield transverses from east to west near the northernmost boundary; and (3) the Atchison Topeka and Santa Fe Railroad abutting the southeast site boundary owned and operated by the Minkler Southern Railway Company. The majority of the Project site is within the Airport Land Use Compatibility Plan, Zone C for Meadows Field Airport.

Land to the east and south beyond the railroad right-of-way is zoned M-3 PD (Heavy Industrial Precise Development) and developed with existing industrial uses, also within Kern County jurisdiction. Landco Drive borders the Project site to the west. Property to the west of the project site is within the City of Bakersfield jurisdiction and is zoned General Manufacturing (M-2). General Plan Land use designations at the site include Service Industrial (SI) and Heavy Industrial (HI), SI designations are located to the north and south and HI designations are located to east and south of the Project site. The majority of the Project site is located within the Kern County Airport Land Use Compatibility Plan, Zone C for Meadows Field

Airport.

Circulation, Access, and Parking

Currently, the Project site does not contain access roads; however, the site can be accessed at the intersection of Hageman Road and Landco Drive at the northern perimeter of the project site. The provision of internal roads and driveways would be required to be engineered and constructed in accordance with design standards set forth by the City of Bakersfield. The City of Bakersfield has established design specifications in part to reduce the potential for conflict between vehicular traffic and pedestrians and bicyclists crossing driveways and intersections. During Project development and operation, the Project will be required to comply with all City of Bakersfield emergency access requirements. The City of Bakersfield Municipal Code establishes emergency access requirements in Section 17.66.080 entitled Fire Apparatus Access Roads for Fire Safety, in conjunction with the California Fire Code. Specific requirements will be included in Project design and will require verification by the City of Bakersfield Fire Department prior to approval of any aspect of the overall Project site. The Project will provide adequate parking spaces to accommodate employees, visitors, and emergency vehicles (Table 1).

Infrastructure and Utilities

Water

The Project site is located within the City of Bakersfield Water Department service area. Future project applicants will be required to provide a verification of water service letter to the City of Bakersfield that the proposed Project(s) needs secured water service and would construct needed improvements in accordance with City of Bakersfield standards.

Wastewater

Wastewater service for the Project site is overseen by the City of Bakersfield Public Works Department, Wastewater Division. The 78.94-acre Project site is located in the North of the River Sanitary District No. 1 jurisdiction. The overall Project's (and individually constructed Projects') contribution to the available capacity of the respective facilities will need to be addressed at the time specific development applications are submitted to the City of Bakersfield for approval.

Storm Drainage

Although Project development would alter the existing drainage pattern on the vacant Project site, the Project will be required (by City of Bakersfield ordinance) 17.66.160 to comply with preparing an approved Drainage study. The study would include storm drain facilities, curbs, gutters, inlets, underground pipes, and a surface retention basin. Due to the proposed location of the retention basins, they would be designed to meet both City of Bakersfield and Kern County standards. Compliance with city and county requirements will ensure Project-generated water runoff will not exceed existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Dry Utilities

The Project site is located in the service area of Pacific Gas & Electric (PG&E) for both natural gas and electricity. Landline phone service is provided by AT&T; and cable/fiber service is provided by Spectrum. Dry utility lines to service the site would be determined as each individual application for construction is

issued for individual Projects.

Recreational Space and Amenities

The City of Bakersfield's Recreation and Parks Department provides a number of amenities to residents and visitors, including:

- 61 public parks
- Four public pools and 10 spray parks
- Two sports complexes and two skate parks
- One large amphitheater
- Disc golf courses available in three parks: City in the Hills, Kern River Parkway and Silver Creek Parks
- Several pickleball court locations, including the newest courts at Beale Park

No other uses are permitted that would result in a demand for parks or similar recreational resources. Thereby, Project operation would not result in substantial adverse physical impacts associated with provision of new or physically altered recreational facilities, or due to the need for new or physically altered recreational facilities, in order to maintain acceptable performance objectives for parks and recreational resources.

Construction

The proposed Project's construction schedule and construction equipment mix has not been established as of the preparation of this EIR; however, construction equipment for such projects generally include a mixture of diesel trucks, dump trucks, concrete trucks, material hauling equipment, graders, water towers, water pulls and water trucks, grading scrapers/blades, crawler loaders, bulldozers, cranes, backhoes, excavators, scissor lifts, forklifts, hand tools, and other miscellaneous equipment that will ultimately be used as individual permits are issued for the construction activities. For the estimated construction schedule, construction will occur in various phases. Typical construction sequence entails site preparation followed by grading, followed by construction of the building shells, installation of infrastructure and utilities, paving, landscaping, and then painting and other architectural coatings. Tenant improvements inside the buildings and the installation of exterior signage would typically occur after users/tenants are identified and enter into lease agreements. Where applicable and required by the City of Bakersfield, all necessary onsite and offsite improvements, such as infrastructure and utilities, must be in place prior to the issuance of occupancy. Because the Project site has historically already undergone prior agricultural activities, and due to the relatively flat topography found onsite, earthwork activities are anticipated to be nominal to moderate. No soil import/export or potential cut/fill activities may be required. Minimal excavation activities will be required to expand and upgrade underground utilities that currently serve the Project site.

ES.3 Project Objectives and Approvals

Objectives

The following objectives have been identified by the City of Bakersfield for the Project:

1. To facilitate the development of light industrial sites adjacent to State Route 99 to be consistent with its surrounding land uses and zoning.

2. To provide economic development opportunities that will facilitate job creation and increase the tax base for the City of Bakersfield by establishing a new Service Industrial area and warehouse distribution facilities adjacent to or near the State highway system.
3. To provide employment for Bakersfield residents by attracting employment-generating businesses to the City of Bakersfield to reduce the need for members of the local workforce to commute outside the area for employment, thereby providing an employment/housing balance in the City.

Approvals

The Project requires the following discretionary approvals by the City of Bakersfield:

General Plan Amendment No. 22-0263

The Metropolitan Bakersfield General Plan (adopted 2002 and most recently amended in 2016) is a policy document that provides land use maps and related information intended as long- range guidance to City staff and officials who make decisions that affect growth and resources in the metropolitan Bakersfield planning area. The General Plan also serves as a guide to the private sector so that development initiatives conform to the City's long-range plans, objectives, and policies. The Project Applicant proposes to modify the land use element of the City's General Plan as it applies to the Project site. The proposal is to change the land use designation to 78.94 gross acres from Heavy Industrial (HI) to Service Industrial (SI).

Zoning Change No. 22-0263

The Project Applicant also proposes to modify the zoning classification to the 78.94 gross acre from M-3 (Heavy Industrial) to M-2 (General Manufacturing). Although the Project Applicant is not proposing a development plan for approval at this time, the Applicant provided a preliminary development plan that depicts a reasonably foreseeable design for the area. The preliminary development plan shows 39 buildings collectively having a maximum of up to 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces to be determined upon the future uses specific to each building.

Vesting Tentative Parcel Map No.12314

California Government Code Sections 66410-66499, cited as the Subdivision Map Act, allows local agencies to regulate and control the division of land through tentative and final tract maps and parcel maps. When a map is "vesting," it confers a vested right to proceed with development for a specified period of time after the map is recorded. The property owner is proposing this Project to create consistency with Vesting Tentative Parcel Map (VTPM) No. 12314. VTPM No. 12314 is only tentative and has not been recorded. Improvement plans are being prepared to record the final map at this time, and the map is designed to facilitate the development of an industrial park.

Responsible and Trustee Agencies

The following state, regional, and local agencies may use the EIR to support approvals pertinent to their purview:

- Central Valley Regional Water Quality Control Board (RWQCB)
- San Joaquin Valley Air Pollution Control District (SJVAPCD)
- Kern County Flood Control and Water Conservation District

- California Water Service (CalWater)
- North of River Sanitation District
- Pacific Gas & Electric Company (PG&E)
- California Department of Fish and Wildlife
- California Department of Geologic Energy Management Division
- California Department of Toxic Substances Control
- California Department of Transportation
- California Environmental Protection Agency (CalEPA)
- Native American Heritage Commission
- California Natural Resources Agency
- California Air Resources Board
- California Division of Occupational Safety and Health
- Central Valley Regional Water Quality Board
- Kern River Groundwater Sustainability Agency
- Kern Council of Governments
- Pacific Gas & Electric Company
- Kern Transit
- Kern County Water Agency
- City of Bakersfield Water Department
- City of Bakersfield Planning Commission
- City of Bakersfield City Council
- City of Bakersfield Development Services Department
- City of Bakersfield Public Works Department
- City of Bakersfield Fire Department
- City of Bakersfield Sanitation Department

ES.4 Areas of Controversy/Issues To Be Resolved

Section 15123(b)(3) of the State CEQA Guidelines requires that an EIR contains issues to be resolved, which includes the choice among alternatives and whether or how to mitigate significant impacts. The major issues to be resolved within the Project include the decisions by the Lead Agency as to whether: The Draft EIR adequately describes the potential environmental impacts of the Project; The recommended mitigation measures should be adopted or modified; and/or Additional mitigation measures need to be applied to the Project.

Table ES-1 summarizes the detailed discussion contained in Section 3, Environmental Impact Analysis, of this Draft EIR.

ES.5 Alternatives to the Proposed Project

Section 15126.6(a) of the State CEQA Guidelines requires that an EIR, "Describe a range of reasonable alternatives to the project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluate the comparative merits of the alternatives."

This following discussion focuses upon the alternatives to the proposed Project with the potential of

avoiding or substantially lessening any significant impacts associated with implementation, even if these alternatives would impede attainment of project objectives or prove more costly. These project alternatives could result in new impacts that would not result from the implementation of the proposed Project. As provided in Section 6, Alternatives to the proposed Project, of this Draft EIR, three Project alternatives have been evaluated as part of the CEQA process:

No Project Alternative/No Development (Alternative 1)

Under the No Project/No Development Alternative, development of the project would not occur. The project site would remain unchanged. The proposed General Plan amendment to change the land use element from Heavy Industrial (HI) to Service Industrial (SI) would not occur and the zone change proposing to change the zoning from Heavy Industrial (M-3) to General Manufacturing (M-2) would not occur. Vesting Tentative Parcel Map (VTPM) 12314 would not be prepared nor recorded. No efforts would be made to reuse or redevelop the Project site at this time.

100 Percent Manufacturing (Alternative 2)

Under the 100 Percent Manufacturing Only Alternative (MOA), the proposed Project would be developed at a lesser intensity. The proposed General Plan Amendment No. 22-0263 (GPA/ZC No. 22-0263) would change the existing land use designation from HI (Heavy Industrial) to a lesser intensity of SI (Service Industrial) and the zoning classification would be changed from M-3 (Heavy Industrial) to a lesser intensity of M-2 (General Manufacturing). Vesting Tentative Parcel Map (VTPM) No. 12314 would be filed to create consistency with the vesting parcel map. VTPM No. 12314.

Under the MOA, the Project site would not be developed with 40 percent manufacturing uses but rather, the site would be developed with 100 percent manufacturing uses. Under the MOA, manufacturing use would consist of 39 structures encompassing approximately 1,197,643 square feet (sq. ft.) of building space with required parking spaces. Although similar to the proposed Project, the MOA would be developed at a greater intensity and could potentially generate greater impacts when compared to the proposed Project in some environmental categories due to the greater percentage of manufacturing activities which generally require greater amounts of resources (e.g., water, electricity), and result in a greater potential for generating air pollutants, solid waste and wastewater generation). However, this alternative would be rejected, as it would not meet the critical project objective of providing 40 percent manufacturing and 60 percent warehouse uses, rather, this alternative proposes 100 percent manufacturing.

100 Percent Warehouse (Alternative 3)

Under the 100 Percent Warehouse Only Alternative (WOA), the Project would be developed at a lesser intensity. General Plan Amendment No. 22-0263 (GPA/ZC No. 22-0263) would change the existing land use designation from HI (Heavy Industrial) to a lesser intensity of SI (Service Industrial) and the zoning classification would be changed from M-3 (Heavy Industrial) to a lesser intensity of M-2 (General Manufacturing). Vesting Tentative Parcel Map (VTPM) No. 12314 would be filed to create consistency with the vesting parcel map. VTPM No. 12314.

Under the WOA, the Project site would not be developed with 60 percent warehouse uses but rather 100 percent warehouse uses consisting of 39 structures encompassing approximately 1,197,643 square feet

(sq. ft.) of building space with required parking spaces. Development of the WOA could potentially generate greater impacts when compared to the proposed Project. This is due to the greater number of truck trips associated with warehousing activities. This alternative, however, would be rejected, as it would not meet the critical project objective of developing an industrial park consisting of 40 percent manufacturing and 60 percent warehousing.

ES.6 Summary of Impacts and Mitigation Measures

Table ES-1 summarizes the potential environmental effects of the proposed project, the recommended mitigation measures, if applicable, and the level of significance after mitigation. Per CEQA Section 15093, should the project be approved as proposed, any impact noted in the summary as "significant" after mitigation would require the adoption of a statement of overriding considerations.

ES.7 Review of the Draft EIR

Upon completion of this Draft EIR, the City of Bakersfield prepared and filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research-State Clearinghouse to start the public review period (Public Resources Code, Section 21161). Concurrent with the NOC, the lead agency distributed a Notice of Availability (NOA) in accordance with Section 15087 of the CEQA Guidelines. The NOA was mailed to the agencies, organizations, and individuals who previously requested in writing. This Draft EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding cities and municipalities, and all interested parties requesting a copy of this document in accordance with Public Resources Code, Section 21092(b)(3). During the public review period, this Draft EIR, including the appendices, is available for review at the following location:

City of Bakersfield-Development Services Department
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301

Online: ---------- https://www.bakersfieldcity.us/279/Environmental-Documents

Agencies, organizations, individuals, and all other interested parties not previously contacted, or who did not respond to the NOP, currently have the opportunity to comment on this Draft EIR during the 45-day public review period. The written comments on this Draft EIR should be addressed to:

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

Upon completion of the public review period, written responses to all substantive environmental comments will be prepared and made available for review at least 10 days prior to the public hearing on the proposed Project before the City of Bakersfield Planning Commission, at which the Final EIR will be considered and may be recommended for subsequent certification by the City of Bakersfield City Council. The comments received and the responses to those comments will be included as part of the record for consideration for the proposed Project.

Table ES-1
Executive Summary of Impacts and Mitigation Measures

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.4 – Cultural Resources		
Disturb any human remains, including those interred outside off formal cemeteries?	**CUL-1**. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation. Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).	Less Than Significant
Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**CUL-2**. If suspected cultural resources are encountered during ground disturbance activities, all work within 100 feet of the find shall immediately cease and the area cordoned off until a qualified cultural resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required. If cultural resources are discovered that may have relevance to Native Americans, the specialist or Project Applicant must provide written notice to the City of Bakersfield, Tejon Indian Tribe, Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the specialist in consultation with the City of Bakersfield to receive input regarding treatment and disposition of the resource, which may include avoidance, testing, and/or excavation to prevent destruction of the resource and/or to allow documentation of the resource for research potential. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.	Less Than Significant

Section 3.5 – Geology and Soils		
Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**GEO-1** If unanticipated fossil discoveries are made, all work must halt within 50 feet until a qualified paleontologist can evaluate the find. Work may resume immediately outside of the 50-foot radius. Mitigation Measures GEO-2 and GEO-3 shall be implemented. **GEO-2** If the discoveries are determined to be significant, full-time paleontological monitoring will be recommended for the remainder of ground disturbance for the project. Paleontological monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. In the event that a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected, if warranted. Monitoring efforts can be reduced or eliminated at the discretion of the project paleontologist. **GEO-3** Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped paleontology laboratory to a point ready for curation. Following laboratory work, all fossil specimens shall be identified to the most specific taxonomic level possible, cataloged, analyzed, and offered to the Natural History Museum of Los Angeles County for permanent curation and storage. At the conclusion of laboratory work and museum curation, a final Paleontological Monitoring Report (PMR) shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the Project. The report shall include a summary of the field and laboratory methods, an overview of the project area geology and paleontology, a list of taxa recovered, an analysis of fossils recovered and their scientific significance, and recommendations. A copy of the report shall also be submitted to the Natural History Museum in Bakersfield.	Less Than Significant
Section 3.10 – Noise		
Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other	**NOI-1**: Noise-generating equipment should be located to the greatest possible distance from Hageman Road and the adjacent residential land uses. To the extent possible, noise generating equipment should be located indoors or on the east side of (to be constructed) structures at the parcels adjacent to Mohawk Street, where the structures would provide acoustical shielding to residential land uses located along Hageman Road.	Less Than Significant
	NOI-2: Loading docks should not be located within 200 feet of any residential land uses unless a site-specific acoustical analysis has been prepared.	Less Than Significant

agencies?	**NOI-3**: The use of industrial pneumatic tools should not occur outdoors within 200 feet of any residential land uses unless a site-specific acoustical analysis has been prepared.	Less Than Significant
	NOI-4: Limit construction to the hours of 6:00 a.m. to 9:00p.m. on weekdays, and between 8:00 a.m. and 9:00 p.m. on weekends, when construction is within 1,000 feet of a residence.	Less Than Significant
	NOI-5: All construction equipment shall be properly maintained and muffled to minimize noise generation at the source.	Less Than Significant
	NOI-6: Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.	Less Than Significant
	NOI-7: All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.	Less Than Significant
	NOI-8: Signs shall be posted at the construction site displaying hours of construction activities and a contact phone number.	Less Than Significant
Section 3.13 – Tribal Cultural Resources		
Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	TRI-1. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation. Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).	Less Than Significant
A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set	TRI-2. If suspected cultural resources are encountered during ground disturbance activities, all work within 100 feet of the find shall immediately cease and the area cordoned off until a qualified cultural resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make	Less Than Significant

forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	recommendations. If the specialist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required. If cultural resources are discovered that may have relevance to Native Americans, the specialist or Project Applicant must provide written notice to the City of Bakersfield, Tejon Indian Tribe, Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the specialist in consultation with the City of Bakersfield to receive input regarding treatment and disposition of the resource, which may include avoidance, testing, and/or excavation to prevent destruction of the resource and/or to allow documentation of the resource for research potential. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.	

SECTION 1.0: INTRODUCTION

1.1 The CEQA Environmental Review Process

This Draft Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental effects associated with the implementation of the Hageman Industrial Park (project). The project proposes a General Plan Amendment that would change the land use designation of the project site from HI (Heavy Industrial) to SI (Service Industrial). A proposed Zone Change would also change the zone classification of the project site from M-3 (Heavy Industrial) to M-2 (General Manufacturing). The property owner is proposing this project to create consistency with Vesting Tentative Parcel Map (VTPM) No. 12314 herein referred to as the "Project". This Draft EIR has been prepared in accordance with Title 14, Section 15000, et seq. of the California Code of Regulations (CCR) (CEQA Guidelines), and the rules, regulations, and procedures for implementing CEQA as adopted by the City of Bakersfield. Consistent with Section 15161 of the CEQA Guidelines, this document is a Project EIR and evaluates the potential environmental impacts associated with a specific project. As the Lead Agency for the Project, the City of Bakersfield must complete the environmental review in order to determine if the Project could potentially result in significant adverse environmental effects.

1.1.1 Purpose and Authority

This Draft EIR provides project-level analysis of the potential environmental effects related to implementation of the Project. The level of impact analysis in this Draft EIR corresponds to the degree of specificity deemed appropriate in accordance with CEQA Guidelines Section 15146 which state the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.
b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

This environmental document addresses the potentially significant environmental impacts that could occur as a result of the construction and operation of the Project. This document also identifies appropriate and feasible mitigation measures, where necessary, and includes project alternatives that could be adopted to reduce or avoid potentially significant environmental effects.

This Draft EIR is an informational document for both public agencies and members of the public, allowing informed decisions to be made regarding the purpose, objectives, and components of the project. This Draft EIR is the primary reference document for the formulation and implementation of a Mitigation Monitoring and Reporting Program (MMRP) for the Project, in compliance with Public Resource Code (PRC) Section 21081.6.

1.1.2 Lead Agency Determination

CEQA Guidelines Section 15367 defines the Lead Agency as, "The public agency, which has the principal responsibility for carrying out or approving a project." Pursuant to CEQA Guidelines Section 15051, criteria considered in identifying the Lead Agency include whether the agency (1) has the greatest responsibility for supervising or approving the project as a whole; (2) is an agency with the general governmental powers; and (3) will act first on the project in question. The Lead Agency for this Project is the City of Bakersfield. In this capacity, the City of Bakersfield is responsible for review of the environmental documentation process through certification of a Final EIR and subsequent implementation of the Project. The Project Applicant is Hageman Properties, which will be developing the Project, and the lead agency will be the City of Bakersfield.

Lead Agency	Project Applicant
City of Bakersfield Planning Division	Hageman Properties
Louis Ramirez, Associate Planner	Willy Reyneveld, Owner
lramirez@bakersfieldcity.us	661-859-0224

Possible Responsible and Trustee Agencies

The following state, regional, and local agencies may use the EIR to support approvals pertinent to their purview, but may not be limited to the following:

- California Department of Fish and Wildlife
- California Department of Geologic Energy Management Division
- California Department of Toxic Substances Control
- California Department of Transportation
- California Water Service
- California Environmental Protection Agency (CalEPA)
- Native American Heritage Commission
- California Natural Resources Agency
- California Air Resources Board
- California Division of Occupational Safety and Health
- San Joaquin Valley Air Pollution Control District
- Central Valley Regional Water Quality Board
- Kern County Flood Control and Water Conservation District
- Kern River Groundwater Sustainability Agency
- Kern Council of Governments
- Pacific Gas & Electric Company
- Kern Transit
- Kern County Water Agency
- City of Bakersfield Water Department
- City of Bakersfield Planning Commission
- City of Bakersfield City Council
- City of Bakersfield Development Services Department
- City of Bakersfield Public Works Department
- City of Bakersfield Fire Department
- City of Bakersfield Sanitation Department
- North of the River Sanitary District

1.1.3 Project of Statewide, Regional, or Areawide Environmental Significance

CEQA Guidelines Section 15206 identifies types of projects considered to be of Statewide, Regional, or

Areawide Significance. When a project is classified, its Draft EIR shall be submitted to the State Clearinghouse of the Governor's Office of Planning and Research, as well as the appropriate metropolitan area council of governments. The Project meets the following criterion of a Project of Statewide, Regional, or Areawide Significance:

- An EIR is being prepared.
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.

1.2 Scope of the Draft EIR

The purpose of this Draft EIR is to evaluate the potential environmental effects associated with implementation of the project. The City of Bakersfield concluded that development of the Project could potentially have direct or indirect adverse impacts on the environment. Accordingly, the City of Bakersfield determined the need for preparation of an EIR for the Project. The scope of this Draft EIR includes the potential environmental effects identified in the Notice of Preparation (NOP) that was available for public review from August 1, 2023, through August 30, 3023, comments received during a public scoping meeting held on August 14, 2023, at 6 p.m.; and agency and public written comment received in response to the NOP. A summary of these written comment letters is provided in **Table 1.1-1.** The written comments, comment matrix and the NOP are included as Appendix A of this Draft EIR.

Table 1.1-1
NOP Comment Letters

Commenter(s)	Summary of Substantive Environmental Issues Raised in Comment Letter/Email	Date	Draft EIR Section Where Comment Is Addressed
Public Agencies			
State			
Caltrans	Provide the missing table.	August 11, 2023	Appendix A
Caltrans	The Project has the potential to generate a total of Am and PM trips.	August 11, 2023	Appendix A
Caltrans	Given the trip generation, this development will have a safety impact on the SR 99 and Olive Drive interchange.	August 11, 2023	Appendix A
Caltrans	Prepare a Traffic Impact Study	August 11, 2023	Appendix A
Caltrans	Analysis should be based on the most intense use permitted.	August 11, 2023	Appendix A
Caltrans	Improvements to reduce vehicles miles traveled.	August 11, 2023	Appendix A
Caltrans	Pedestrian walkways should link this commercial development.	August 11, 2023	Appendix A
Caltrans	Provide EV charging stations.	August 11, 2023	Appendix A
Native American Heritage Commission (NAHC)	Recommends consultation with California Native American tribes.	August 2, 2023	Appendix A
California Department of Fish and Wildlife (CDFW)	Biological surveys should be conducted in order to determine whether any special-status species may be present within the Project site.	August 30, 2023	Appendix A
Kern County Department of Public Works	No means of ingress or egress for this project	August 29, 2023	Appendix A
Kern County Department of Public Works	Show a trip distribution for the newly calculated trips.	August 29, 2023	Appendix A
Kern County Department of Public Works	A pavement analysis	August 29, 2023	Appendix A
Kern County Department of Public Works	Trip Generation Manual 11th Edition should be used in lieu of the 1Oth.	August 29, 2023	Appendix A
Local			
Mitchell M. Tsai Attorney at Law	The City should require the Project to be built using a local worker.	August 29, 2023	Appendix A

1.2.1 Environmental Issues Determined Not To Be Significant

Pursuant to CEQA, the discussion of potential environmental effects is focused on those impacts that could be significant or potentially significant. CEQA allows the Lead Agency to limit the detail of discussion of the environmental effects that are not considered potentially significant (PRC Section 21100, CEQA Guidelines Sections 15126.2(a) and 15128). CEQA requires that the discussion of any significant

environmental effect be limited to substantial, or potentially substantial, adverse changes in physical conditions that exist within the affected area, as defined in PRC Section 21060.5. In accordance with CEQA Guidelines Section 15143, environmental effects dismissed in an analysis as clearly insignificant and unlikely to occur need not be discussed further in the Draft EIR unless the Lead Agency subsequently receives information inconsistent with the finding.

As part of the NOP scoping process, it was determined that implementation of the Project would result in less than significant or no environmental impacts (with or without mitigation) associated with the following resources. Thus, with the exception of a brief impact discussion in Section 4.0 of this Draft EIR, these environmental issues are not discussed at further length in this document:

- Agricultural Resources
- Mineral Resources
- Wildfires

1.2.2 Effects Determined To Be Potentially Significant

Pursuant to CEQA and CEQA Guidelines Section 15064, the discussion of potentially significant environmental effects is focused within this Draft EIR on those impacts that the Lead Agency has determined could be potentially significant.

A determination of those environmental effects that would be potentially significant was made for the project based on a review of comments received as part of the NOP scoping process, and additional research and analysis of relevant information during preparation of this Draft EIR.

The scope of this Draft EIR includes environmental issues identified by the City of Bakersfield during the preparation of the NOP, as well as issues raised by public agencies and members of the public in response to the NOP. Thus, the following environmental issues were addressed at further length in this Draft EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems

1.3 Organization of the Draft EIR

This Draft EIR is arranged into the following sections, which contain the contents of an EIR as required by CEQA Guidelines Sections 15120 through 15132.

- **Section ES: Executive Summary.** The Executive Summary section provides a summary of the Project and the Project Alternatives, including a summary of project and cumulative impacts, recommended mitigation measures, and the level of significance after mitigation for each environmental issue.
- **Section 1: Introduction.** The Introduction section provides an overview of the project and the CEQA process and describes the purpose, scope, and components of this Draft EIR.
- **Section 2 Environmental Settings.** The Environmental Setting includes an overview of the regional and local setting, as well as descriptions of the Project site's physical conditions and surrounding context. The existing setting is defined as the condition of the Project site and surrounding area at the approximate date this EIR's NOP was released for public review on August 11, 2022. The setting discussion also addresses the relevant regional planning documents that apply to the Project site and vicinity.
- **Section 3: Project Description.** The Project Description section provides a detailed description of the project, including the location and project characteristics. The intended uses of this Draft EIR, project background, project objectives, and required project approvals are also addressed.
- **Section 4: Environmental Impact Analysis.** The Environmental Impact Analysis section analyzes the environmental effects of the project. Impacts are organized into major environmental topic areas. Each topic area includes a description of the environmental setting, regulatory setting, significance criteria, individual and cumulative impacts, mitigation measures, and level of significance after mitigation. The specific environmental topic areas that are addressed in Section 3 include the following:
- Section 4.1 - Aesthetics
- Section 4.2 - Air Quality
- Section 4.3 - Biological Resources
- Section 4.4 - Cultural Resources
- Section 4.6 - Geology and Soils
- Section 4.7 - Greenhouse Gas Emissions
- Section 4.8 - Hazards and Hazardous Materials
- Section 4.9 - Hydrology and Water Quality
- Section 4.10 - Land Use and Planning
- Section 4.11 - Noise
- Section 4.12 - Population and Housing
- Section 4.13 - Public Services and Recreation
- Section 4.14 - Transportation and Traffic
- Section 4.15 - Tribal Cultural Resources
- Section 4.16 - Utilities and Service Systems
- **Section 5: Effects Found Not To Be Significant.** The Effects Found Not To Be Significant section provides a summary of project impacts that have been determined, through

preparation of the NOP and other considerations, to result in less than significant or no impact, and, therefore, further discussion is not warranted.

- **Section 6: Other CEQA Considerations.** The Other CEQA Considerations section provides a summary of significant environmental effects, including unavoidable, irreversible, and growth-inducing impacts.
- **Section 7: Alternatives to the Proposed Project.** The Alternatives to the Proposed Project section provide a comparison between the project impacts and three Project alternatives.
- No Project/No Development Alternative
- 100 Percent Manufacturing Alternative
- 100 Percent Warehousing Alternative
- **Section 8: Persons and Organizations Consulted and Preparers.** The Persons and Organizations Consulted and Preparers section provides a list of the organizations, persons consulted, and the various individuals who contributed to the preparation of this Draft EIR. This section also includes a list of the Lead Agency personnel and technical consultants involved in the preparation of this Draft EIR.
- **Section 9: References.** This References section provides a listing of the technical studies and other documents used to prepare this Draft EIR.
- **Appendices.** The appendices contain the NOP (including public comments), and technical studies prepared to support the analyses and conclusions in this Draft EIR.

The Final EIR will be prepared after the public review period for this Draft EIR has been completed. The Final EIR will include comments and recommendations received on the Draft EIR during the public review period; a list of persons, organizations, and public agencies commenting on the Draft EIR; written responses to significant environmental issues identified in the comments received; and any other relevant information added by the City of Bakersfield.

1.4 Documents Incorporate by Reference

Pursuant to CEQA Guidelines Section 15150, this Draft EIR has referenced numerous technical studies, analyses, and previously certified environmental documents. Information from these documents, which has been incorporated by reference, is briefly summarized in the appropriate sections. The documents that have been used to prepare this Draft EIR include, but may not be limited to:

- San Joaquin Valley Air Pollution Control District, Air Impact Assessment (AIA) Application Approval dated November 7, 2019.
- BPR Consulting, Blunt-Nosed Leopard Lizard Findings, dated September 27, 2022.
- SWCA Environmental Consultants, Technical Memorandum, San Joaquin Kit Fox Habitat Assessment for the Hageman Road Development in Bakersfield, Kern County, California/SWCA No. 61973, dated June 16, 2020.
- California Historical Resources Information System, Vesting Tentative Parcel Map No, 12314, APN 116-080-55, 56, 59' McA# 18-030, Cultural Records Search, dated June 1, 2020.
- Hudlow Cultural Resource Associates, Phase I Cultural resource Survey, APNS 116-080-056, and 059, Hageman Road and Knudsen Drive, City of Bakersfield, California, dated June 2020.
- Krazan & Associates, Inc., Soil Absorption Evaluation Proposed Drainage Basin Hageman Properties SE of Hageman Road and Knudsen Drive, Bakersfield, California, dated August 4,

2022.

- Krazan & Associates, Inc., Phase I Environmental Site Assessment Vacant Property Southeast of Hageman Road and Knudsen Drive, Bakersfield, California, dated June 23, 2020.
- McIntosh & Associates, General Plan Amendment and Zone Change for approximately 79.84 gross acres located on southeast corner of Hageman Road and Landco Drive, being a division of Lot "A" of Lot Line Adjustment No. 18-0327, also being portions of the Southwest Quarter of Section 14, and the Southeast Quarter of Section 15, T29S, R27E, M.D.M. McIntosh & Associates Job No. 18-030, dated January 23, 2023.

These reference documents, in accordance with CEQA Guidelines Section 15150(b), are available for review online at the following location: *https://www.bakersfieldcity.us/279/Environmental-Documents*

1.5 Documents Prepared for the Project

The following technical studies and analyses have been prepared for the Project and Project site:

- Notice of Preparation/Initial Study, Appendix A
- San Joaquin Valley Air Pollution Control District Air Impact Assessment Application Approval ISR Project Number C-20190445 Letter, Appendix B
- Biological Assessments, Appendix C
- Cultural Assessments, Appendix D
- Pacific Gas & Electric, Will Serve for Parcel Map No.12314, Appendix E
- Table C21, Energy consumption and conditional energy intensity by building size, 2018, U.S. Energy Information Administration, Appendix E
- Geotechnical and Soils Investigation, Appendix F
- Phase I Environmental Site Assessment, Appendix G
- Acoustic Analysis, Appendix H
- Traffic Assessment, Appendix I

1.6 Review of the Draft EIR

Upon completion of this Draft EIR, the City of Bakersfield prepared and filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research, State Clearinghouse to start the public review period (PRC, Section 21161). Concurrent with the NOC, the City of Bakersfield distributed a Notice of Availability (NOA) in accordance with CEQA Guidelines Section 15087. The NOA was mailed to the agencies, organizations, and individuals who previously requested in writing to receive a copy. This Draft EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding cities and municipalities, and all interested parties requesting a copy of this document in accordance with PRC, Section 21092(b)(3). During the public review period, this Draft EIR, including the appendices, is available for review at the following location:

City of Bakersfield-Development Services Department
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301

Online:----------https://www.bakersfieldcity.us/279/Environmental-Documents

Agencies, organizations, individuals, and all other interested parties not previously contacted, or who did

not respond to the NOP, currently have the opportunity to comment on this Draft EIR during the public review period. The written comments on this Draft EIR should be addressed to:

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

Upon completion of the public review period, written responses to all substantive environmental comments will be prepared and made available prior to the public hearing on the Project before the City of Bakersfield Planning Commission, at which the Final EIR will be considered and may be recommended for subsequent consideration and certification by the City of Bakersfield City Council at a later date. The comments received and the responses to those comments will be included as part of the record for consideration for the Project.

SECTION 2.0: ENVIRONMENTAL SETTING

2.1 Introduction

This chapter of the Draft Environmental Impact Report (EIR) describes the Hageman Industrial Park (Project) proposed environmental setting, including the physical conditions of the Project vicinity, an overview of relevant local planning documents and policies applicable to the proposed Project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Chapter 3, Environmental Impacts Analysis, of this EIR.

2.2 Regional Setting

The Project site is located in the San Joaquin Valley in the northern portion of the City of Bakersfield in Kern County, California. Kern County is bound by Kings, Tulare, and Inyo counties to the north; San Bernardino County to the east; Los Angeles and Ventura counties to the south; and Santa Barbara and San Luis Obispo counties to the west. According to the 2020 Census, Kern County was the third largest county in California at 8,134.65 square miles and had a population of 909,244 as of April 1, 2020.

2.3 Local Setting

The 78.94-acre triangularly shaped property is relatively flat, approximately 421 feet above sea mean level at the southeast corner of the Hageman Road/Landco Drive intersection located on portions of sections 14 and 15, Township 29 South, Range 27 East of Mount Diablo Baseline and Meridian. The Project site consists of Assessor's Parcel Numbers (APN): 116-080-61 and 365- 011-73.

As shown on **Figure 2-1, Vicinity Map**, the Project site is bordered by vacant land to the north under county jurisdiction and zoned General Manufacturing (M-2) with Golden State Route 99 (SR-99) just beyond, a railroad right-of-way easement that was granted to the Minkler Southern Railway Company borders the Project site along its southeastern boundary. Industrial uses exist beyond the railroad right-of-way. Landco Drive borders the Project site to the west. Property to the west of the Project site is within the City of Bakersfield and is zoned M-2.

Three schools are located in the vicinity of the Project site: San Lauren Elementary School is located approximately 750 feet north of the Project site at the southeast corner of the intersections of Knudsen Drive and Basilicata Drive and Beardsley Junior High School which is located approximately 0.5 miles northeast of the Project site at the corner of Roberts Lane and Airport Drive, and Discovery Elementary School is located approximately one-mile west of the Project site at the intersections of Hageman Road and Patton Way. The Project site location is shown in **Figure 2-2 Project Location Map.**

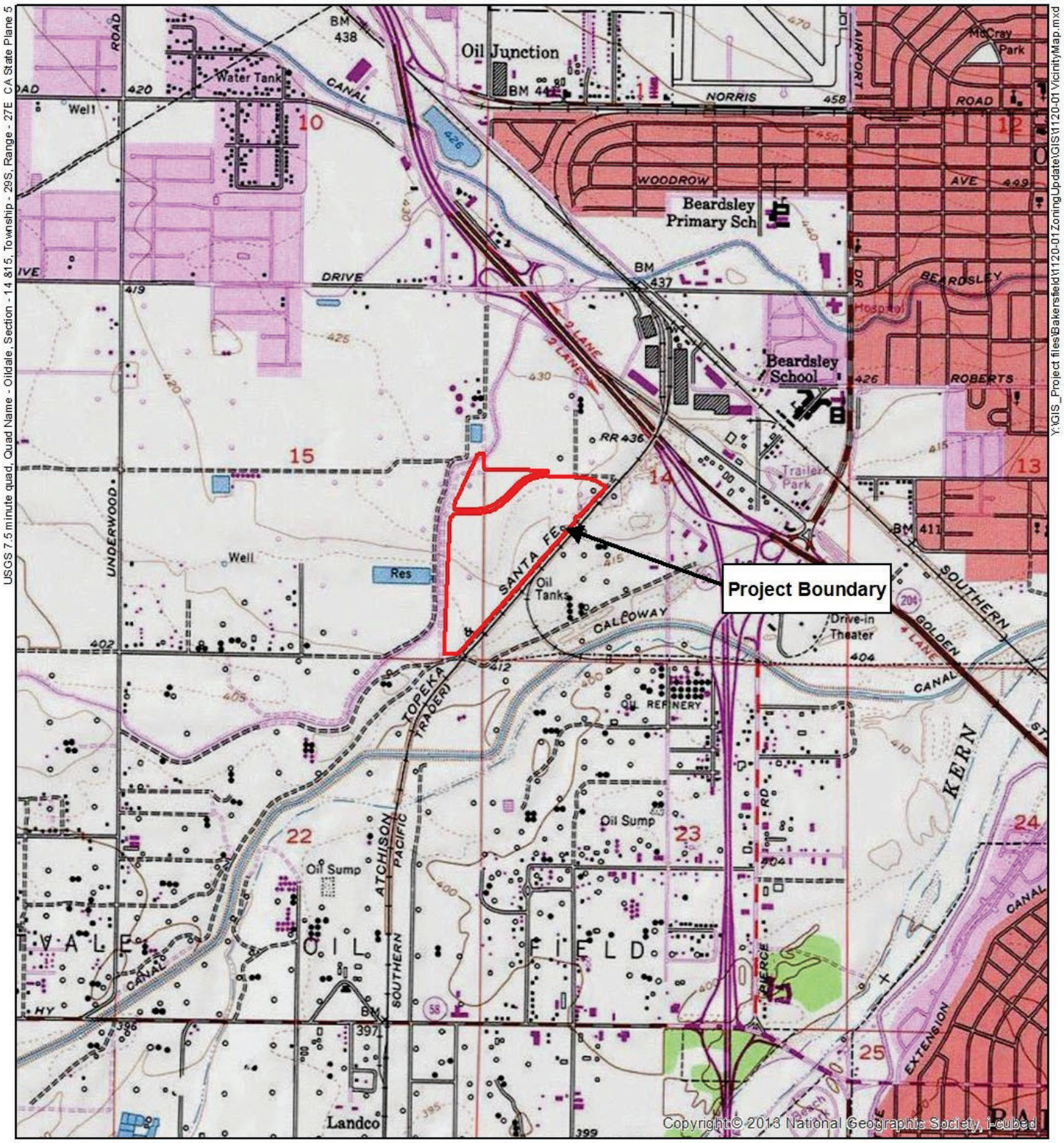

Figure2-1 Vicinity Map

Hageman Industrial Park. GPA/ZC No. 22-0263

N

0 1,000 2,000 4,000

Feet

Bowman

Figure 2-2 Project Location Map

Hageman Industrial Park. GPA/ZC No. 22-0263

Legend

Project APN Boundary

N

0 250 500 1,000

Feet

Bowman

CalEnviroScreen

The Office of Environmental Health Hazards Assessment (OEHHA) California Communities Environmental Health Screening Tool: CalEnviroScreen 4.0, is a screening methodology that the State uses to identify California communities that are disproportionately burdened by multiple sources of pollution. According to the CalEnviroScreen 4.0, the census tract containing the Project site (Census Tract 6029000507) is ranked by the state as being in the 83rd percentile for pollution burden which, based on the Census tract's demographic characteristics, based on results of the Office of Environmental Health Hazard Assessment (OEHHA), the City ranks in the 87th percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2023). The CalEnviroScreen 4.0 indicators for the Project site's Census Tract are shown on **Table 2.3-1.**

Table 2.3-1
CalEnviroScreen Indicators for Census Tract 6029000507

Exposures	Percent Burden	Environmental Effects	Percent Burden
Ozone	94%	Cleanup Sites	85%
PM 2.5	100%	Groundwater Threats	94%
Diesel PM	81%	Hazardous Waste	98%
Pesticides	0%	Impaired Waters	0%
Toxic Releases	45%	Solid Waste	70%
Traffic	78%	Asthma	82%
Drinking Water Contaminants	66%	Low Birth Weight	47%
Lead in Housing	5%	Cardiovascular Disease	89%
Cleanup Sites	85%	Poverty	44%
		Unemployment	67%
		Housing Burden	28%

Source: https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviro Screen-4_0/

As indicated in **Table 2-1**, for the Project site's Census Tract, the highest environmental exposures include (100%) fine particulate matter (PM2.5), ozone (94%) cleanup sites and diesel particulate matter. The highest population and socioeconomic factors (over 80%) are compromised health conditions related to asthma and cardiovascular disease and a population with high levels of poverty, unemployment, and low levels of educational attainment.

Senate Bill 535 (SB 535) (De León, Statutes of 2012) directed that at least a quarter of the proceeds go to projects that provide a benefit to disadvantaged communities and at least 10 percent of the funds go to projects located within those communities. The legislation gives the California Environmental Protection Agency (CalEPA) the responsibility for identifying those communities. The Project site is located in an SB 535 Disadvantaged Community as identified by CalEPA.

2.4 Surrounding Land Uses

The area immediately surrounding the Project site contains a variety of uses, including vacant parcels and parcels developed with industrial, commercial, residential, school, public utility, and public facility uses. Land uses in the immediate vicinity of the Project site are described below.

- North: North of the Project site is Landco Drive, which extends from the northwest corner of the site north for approximately 2,147 feet on a partially unpaved road where it divides in an east and west direction. Landco Drive runs parallel to the Olive Drive Self Storage facility immediately west. Land immediately north of the Project site is vacant, is under county jurisdiction and zoned Medium Industrial Precise Development Combing (M-2 PD). Further north is Golden State Highway 99.
- Southeast: Southeast of the Project site is a railroad right-of-way easement that was granted to the Minkler Southern Railway Company which borders the Project site along its southeastern boundary. Industrial uses exist beyond the railroad right-of-way.
- West: West of the Project site is an abandoned irrigation canal known as the Beardsley One Ditch that drains into the Beardsley Canal Ditch to the north, beyond the canal to the west is vacant land zoned M2 (General Manufacturing) which is bordered by the canal to the east and Hageman Road to the west. Beyond Hageman Road, approximately 900- feet west of the Project site are single-family residences, The Palms at San Lauren, a senior retirement center and the River Transitional Care, a rehabilitation center.

2.5 Regulatory Setting

The California Environmental Quality Act (CEQA) Guidelines Section 15125(d) states: The EIR shall discuss any inconsistencies between the proposed Project and applicable general plans, specific plans, and regional plans. While CEQA requires a discussion of consistency with public plans, inconsistency does not necessarily lead to a significant impact. Inconsistency with public plans creates significant impacts under CEQA only when an adverse physical effect on the environment would result from the inconsistency. This section generally describes the plans and policies applicable to the proposed Project. A detailed consistency analysis is provided in Chapter 3, Environmental Impacts Analysis. Although a preliminary determination regarding Project consistency is made, it is the responsibility of the City of Bakersfield as the CEQA Lead Agency decision makers, to make the final determination regarding consistency issues.

2.5.1 Applicable Plans and Policies

Plans and policies that are applicable to the proposed Project and/or Project site and are briefly described in the following section:

- Metropolitan Bakersfield General Plan
- City of Bakersfield Municipal Code
- Kern County Airport Land Use Compatibility Plan
- San Joaquin Valley Air Pollution District Control (SJVAPCD) Air Quality Attainment Plans
- Kern County Council of Governments Regional Housing Need Allocation

Metropolitan Bakersfield General Plan

California Government Code Section 65300 requires the legislative body of each county and city to adopt

a comprehensive, long-term plan for the physical development of the county or city. The Metropolitan Bakersfield General Plan (MBGP) is a policy document with land use maps and related information. It is designed to give long-range guidance to City staff and officials who make decisions that affect growth and resources in the Metropolitan Bakersfield planning area. The MBGP was adopted in 2007 and most recently amended in 2016. The MBGP is made up of 12 elements, including the land use element, circulation element, housing element, conservation element, open space element, noise element, safety element, downtown redevelopment element, public services and facilities element, parks element, Kern River placement element, and historical resources element. The MBGP is currently being updated with a revised Bakersfield 2045 General Plan Update.

City of Bakersfield Municipal Code

The City of Bakersfield Zoning Ordinance, Title 16 and Title 17 were adopted to implement the goals and policies of the Metropolitan Bakersfield General Plan which serves to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare. The specific purposes of these titles are listed below.

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

Kern County Airport Land Use Compatibility Plan

The Kern County Airport Land Use Compatibility Plan (ALUCP) was originally adopted in 1996 with the latest amendment being in 2012 for the addition of the Air Installation Compatible Use Zones (AICUZ). As required by that law, proposals for public or private land use developments that occur within defined airport influence areas are subject to compatibility review. The principal airport land use compatibility concerns addressed by the plan are (1) exposure to aircraft noise, (2) land use safety with respect to both people and property on the ground and occupants of aircraft, (3) protection of airport air space, and (4) general concerns related to aircraft overflights. The ALUCP identifies policies and compatibility criteria for influence zones or planning area boundaries. The ALUCP maps and labels these zones as A, B1, B2, C, and D, ranging from the most restrictive (A: airport property/runway protection zone) to the least restrictive (D: disclosure to property owners only) (Kern County, 2012). The proposed Project site is located within the compatibility zones for the Bakersfield Municipal Airport.

San Joaquin Valley Air Pollution Control District (SJVAPCD) Air Quality Attainment Plans

The San Joaquin Valley Air Pollution Control District (SJVAPCD) (District) is a public health agency whose mission is to improve the health and quality of life for all Valley residents through efficient, effective, and entrepreneurial air quality management strategies. The SJVAPCD has adopted several Air Quality Attainment Plans (AQAPs) that identify measures needed for Valley to attain the U.S. Environmental Protection Agency's (EPA's) National Ambient Air Quality Standards (NAAQS) in order to protect the health, safety, and welfare of the public. The District's plans include emissions inventories that identify sources of air pollutants, evaluations for the feasibility of implementing potential opportunities to reduce emissions, sophisticated computer modeling to estimate future levels of pollution, and a strategy for how

air pollution will be further reduced. District plans also include innovative alternative strategies for accelerating attainment through non-regulatory measures such as incentive programs; technology advancement programs; the District's legislative platform; community outreach and education programs; and additional strategies such as energy efficiency, eco-driving, green purchasing and contracting, supporting urban heat island mitigation efforts, and encouraging cleaner methods of generating electrical energy and mechanical power.

Regional Housing Needs Allocation (RHNA)

The California Department of Housing and Community Development (HCD) is required to allocate the region's share of the statewide housing need to Councils of Governments (COG) based on Department of Finance (DOF) population projections and regional population forecasts used in preparing regional transportation plans. Kern COG, acting in the capacity as the state designated Regional Planning Agency, has the responsibility of developing the state- mandated Regional Housing Need Allocation (RHNA) Plan.

The RHNA process will identify the number of housing units that each local government must accommodate in the Housing Element of its General Plan (Government Code §65584). As part of the region's planning efforts, Kern COG works with local governments and stakeholders on the RHNA Plan. Kern COG identifies areas within the region sufficient to house an eight-and-a-half- year projection of the regional housing need. Additionally, the RHNA allocates housing units eight-and-a-half-year with the development pattern included in the Sustainable Communities Strategy (SCS) and is part of the Regional Transportation Plan. The development of Kern COG's 2022 RTP/SCS will happen in tandem with the 6th Cycle RHNA Plan.

2.6 Existing Site Conditions

Pursuant to CEQA Guidelines Section 15125, the physical environmental condition for purposes of establishing the setting of an EIR is the environment as it existed at the time the EIR's Notice of Preparation (NOP) was released for public review. The NOP for this EIR was released for public review on August 1, 2023. Along with the NOP, a summarized Initial Study CEQA Checklist was included. The following provides a description of the environmental areas identified in the Initial Study CEQA Checklist as areas with the potential to result in Potentially Significant impacts. The project site's physical environmental condition ("existing conditions") is reflected as of the approximate NOP date. More detailed information regarding the Project's site's environmental setting as it relates to a specific environmental issue area is provided in the specific subsections of EIR Section 3.0, Environmental Impact Analysis. The site's current physical conditions and surrounding areas include the following:

2.6.1 Aesthetics

The existing site is vacant, generally flat, and occupies an area of 78.94-acres and contains no existing sources of artificial lighting. Existing development in the Project area includes residential units beyond Hageman Road to the west and a mixture of industrial and commercial land uses across the railroad line bordering the Project site southeast of the site. Vacant land also borders the Project site to the north and west. Current views from the Project site are not obstructed as the site is currently vacant.

2.6.2 Air Quality/Greenhouse Gases

The Project site is located in the San Joaquin Valley Air Basin (SJVAB). The Project also is under jurisdiction

of the Southern San Joaquin Valley Air Pollution Control District (SJVAPCD), which is largely responsible for air pollution control and has adopted a series of Air Quality Attainment Plans to reduce air emissions in the SJVAB. The San Joaquin Valley is a nonattainment region with respect to State and Federal Ozone and Particulate Matter 2.5 standards, and the State Particulate Matter 10 standard. The existing site is vacant and contains no existing sources of temporary or permanent air pollution emitting sources.

2.6.3 Biological Resources

The Project site is vacant and is located in an area that has transitioned to urban development over many decades, with on-going development around the site. The Project site was farmed and graded in the past and where vegetation is present on the Project site today, it consists of disturbed annual grassland and ruderal vegetation. The Project site is not known to contain any riparian habitats or other protected habitat communities. No Federally protected wetlands are known to be present on the Project site.

2.6.4 Cultural Resources

Although the 78.94-acre Project site is currently vacant and pre-disturbed by agricultural use and grading operations, there is a possibility that archaeological resources and historical resources may be present sub-surface that could be exposed during Project development. A Project site is defined as the land on which construction work would be carried out, while a Project area is a radius outside of the Project site on which may be impacted as a result of construction activities at the Project site.

A record search of the Project area and the environs within one-half mile was conducted at the Southern San Joaquin Archaeological Information Center. Information Center staff conducted the record search, RS# 20-207 on June 1, 2020 (Appendix D). The record search revealed that seventeen cultural resource surveys have been conducted within one-half mile radius of the Project area, including six previous surveys that have been conducted within the current Project site. Two cultural resources have been recorded within the Project site, a prehistoric lithic scatter, and a historic canal. Additionally, eleven cultural resources are located within one half mile of the current Project area. Ten are historic resources and one is a prehistoric lithic scatter. No formal cemeteries are located on the vacant Project site.

2.6.5 Energy Resources

Electricity and natural gas at the Project site are provided by Pacific Gas and Electric (PG&E). Expected energy (electricity; fuel; other related energy sources) consumption from Project development and operation will be determined by an Energy Assessment prepared for the Project by the Project Applicant. A Will Serve Letter for Parcel Map 12314 dated May 3, 2023, was sent to the Applicant by Pacific Gas and Electric Company (PG&E). The letter determined that transmission infrastructure is available at the Project site to provide service, this letter was however not a contractual commitment to provide service but more informational in nature. The Applicant would be required to submit an application for service upon which time PG&E would make a determination whether service would be provided at the Project site.

2.6.6 Geology and Soils

The Project site is located within the San Joaquin Valley, a broad structural trough bound by the Sierra Nevada and Coast Ranges of California. The San Joaquin Valley, which comprises the southern portion of the Great Valley of California, has been filled with several thousand feet of sedimentary deposits. Sediments in the eastern valley, derived from the erosion of the Sierra Nevada, have been deposited by

major to minor west-flowing drainages and their tributaries. Near-surface sediments are dominated by sands and silty sands with lesser silts, minor clays, and gravel. The sedimentary deposits in the region form large coalescing alluvial fans with gentle slopes. Groundwater in the Project area is reported at depths greater than 150 feet below ground surface (bgs). The groundwater flow direction in the area of the subject site is generally towards the southwest. A soils absorption evaluation conducted by Krazan & Associates for the site concluded the site consisted of approximately four to six feet of silty sand. Penetration ranged from 23 to 26 blows per foot. Dry densities ranged from 107 to 111 per cubic foot (pcf.) The Project site is not located within a delineated Alquist-Priolo Earthquake Fault Zone.

2.6.7 Hazards and Hazardous Materials

The City of Bakersfield and its vicinity are major oil producing areas. A Phase I report prepared by Krazan & Associates for the Project identified eleven oil wells at the site which include five plugged and abandoned wells, three active wells and three idle wells. Based on Krazan's assessment and review of the State of California Department of Conservation of Oil, Gas and Geothermal Resources (DOGGR) online mapping system (DOMS), access to the wells will be required. Requirements to ensure accessibility to the oil wells will be included in this EIR. There are also easements on the site that include: (1) a high-tension electrical power lines owned and operated by Pacific Gas and Electric Company (PG&E) traversing east-west across the southernmost corner of the site; and (2) the Beardsley Canal Ditch ("Ditch") owned and operated by the City of Bakersfield transverses from east to west near the northernmost boundary. The majority of the Project site is within the Airport Land Use Compatibility Plan, Zone C for Meadows Field. Portions of the site may also be deed restricted limited to prevent inappropriate land use. Vacant land is located to the north (County jurisdiction) and west. Along the southeastern boundary is the railroad right of way, followed by industrial uses (County jurisdiction). The majority of the Project site is located within the Airport Land Use Compatibility Plan, Compatibility Area C (for Meadows Field). According to the Kern County Airport Land Use Compatibility Plan (ALUCP), Compatibility Area C allows construction of various industrial, and office uses with certain building height and persons/acre density restrictions.

2.6.8 Hydrology and Water Quality

Pertaining to surface water and ground water quality, the Project site and surrounding area are located within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB). Water quality within the Central Valley region is regulated by the RWQCB's Water Quality Control Plan for the Tulare Lake Basin. According to the WQCP, the Tulare Lake Basin ("Basin") comprises the drainage area of the San Joaquin Valley south of the San Joaquin River. Surface water from the Tulare Lake Basin only drains north into the San Joaquin River in years of extreme rainfall. The Basin encompasses approximately 10.5 million acres, of which approximately 3.25 million acres are in federal ownership. Specifically, the Project site is located within the Kern River sub-basin. The Project stormwater drainage system would manage stormwater and thereby prevent any reasonable flooding on-site or off-site.

The City of Bakersfield is not located near a coastal region. The 78.94-acre Project site is located within a moderate to low risk (0.2 PCT) Flood Zone area. The Project site is located in the Kern County sub-basin for groundwater and within the Bakersfield District North Garden water system, which obtains its water from a combination of local groundwater produced by 12 active wells, surface water from the Kern County River, and treated water purchased from the Kern County Water Agency. The Kern sub-basin is a non-

adjudicated basin. The governing Groundwater Sustainability Plan is the "Kern River Groundwater Sustainability Plan." MINERAL RESOURCES

2.6.9 Noise

The closest noise sensitive receptors to the 78.94-acre Project site include an elementary school, a senior housing complex and single-family residences across Hageman Road approximately 900-feet west of the Project site which may be impacted particularly during construction. According to the Kern County Airport Land Use Compatibility Plan (ALUCP), the Project site is located approximately 1.1 miles south of the Meadows Field Airport and not located in an area affected by airport noise.

2.6.10 Public Services and Recreation

Fire Protection and Emergency Medical Services

The City of Bakersfield and County of Kern have a joint agreement which allows both agencies to effectively respond to a call for help. The fire station nearest the Project site is Kern County Fire Station 61 located approximately 1.3 miles northwest of the Project site. The Kern County Headquarters and training facility are located approximately 0.3 miles northwest of the Project site.

Police Protection Services

The City of Bakersfield and Kern County provide law enforcement protection services through a joint agreement which allows both agencies to effectively respond to a call for help. The police station nearest the Project site is the Kern County Sheriff's Department, located approximately 1.9 miles north of the Project site.

Schools Services

Three schools are located in the vicinity of the Project site: San Lauren Elementary School is located approximately 750 feet north of the Project site at the southeast corner of the intersections of Knudsen Drive and Basilicata Drive and Beardsley Junior High School which is located approximately 0.5 miles northeast of the Project site at the corner of Roberts Lane and Airport Drive, and Discovery Elementary School is located approximately one-mile west of the Project site at the intersections of Hageman Road and Patton Way.

Parks and Recreation Services

Parks and Recreation services are provided by the City of Bakersfield's Recreation and Parks Department provides a number of amenities to our residents and visitors, including:

- 61 public parks
- Four public pools and 10 spray parks
- Two sports complexes and two skate parks
- One large amphitheater
- Disc golf courses available in three parks: City in the Hills, Kern River Parkway and Silver Creek Parks
- Several pickleball court locations, including the newest courts at Beale Park

The department also offers programs for children and adults, including swimming lessons, lap swim, summer camps, adaptive sports leagues for residents with disabilities. The parks nearest to the Project

site include San Lauren Park, approximately 2,066 feet west of the site and North Beardsley Park, approximately 0.8 miles northeast of the site.

Library Services

Library services for the City of Bakersfield are provided by the Kern County Library Association. The nearest library to the project site, Beale Memorial Library, located at 701 Truxton Avenue, is located approximately 3.3 miles southeast of the Project site.

2.6.11 Tribal Cultural Resources

In accordance with California Senate Bill 18 and California Assembly Bill 52, the City of Bakersfield is required to send notifications of the proposed Project to Native American tribes with possible traditional or cultural affiliation to the area. Although there are no known archaeological sites within the Project area, the discovery of archaeological resources is a possibility during sub-surface work, which could result in disturbance of the resources.

2.6.12 Transportation

No roads currently occupy the Project site; however, the site can be accessed at the intersection of Hageman Road and Landco Drive at the northwestern perimeter of the project site.

No structures previously occupied the subject site. Therefore, no former utilities, such as water wells or septic systems, are anticipated to be present and none were identified at the site.

2.6.13 Utilities

Water

According to Kern County's Improvement District No. 4 (ID4) Urban Water Management Plan 2020 Update, The City of Bakersfield is the water purveyor to the Project site. The City water system is municipally owned, acquired in 1976, but operated by Cal Water ID4 anticipates that it will continue supplying a supplemental water supply to the metropolitan Bakersfield area through 2045 and does not foresee changes to ID4 boundaries. Water delivery to the site would be provided through the City's Northwest Feeder Pipeline located adjacent to the Project site. Therefore, because growth in the Project area was factored into the 2020 Regional Growth Forecast from Kern COG projects through 2045, the provision of water to the Project site is not expected to result in impacts to the provision of water at the Project site.

Wastewater

The 78.94-gross acre Project site is located in the North of the River Sanitary District (NORSD) No. 1. The NORSD wastewater treatment plant (WWTP) is located near the intersection of Palm Avenue and Seventh Standard Road, approximately 15 miles west of State Route 99. The current plant has a treatment capacity of 7.5 MGD with an average monthly flow between 5.4 and 5.9 MGD. According to the March 2023 North of River Sanitary Sewer Final Master Plan, capital improvements are currently underway to expand and repair existing infrastructure. These improvements were recommended to meet anticipated future developments in the NORSD service area as projected in the 2018 SMP and to facilitate higher use of its treated effluent to offset potable water use in the area. This plan is currently being revised under a new WWTP- specific master planning effort.

Storm Drainage

The County and City operate and maintain a joint storm drainage system serving metropolitan Bakersfield and a portion of the surrounding unincorporated area. This area is regulated by an NPDES permit; the City and County prepared a Storm Water Management Plan that describes the framework for managing stormwater discharges (City of Bakersfield and Kern County 2015). Most stormwater in the Bakersfield area is discharged into one of approximately 322 retention basins or one of 52 direct outfalls or 10 indirect outfalls discharging to the Kern River, East Side Canal, Carrier Canal, Stine Canal, or Kern Island Canal (City of Bakersfield and Kern County 2015). However, the project site is not located within the area covered by this plan. The City of Bakersfield discourages onsite stormwater retention and accepts stormwater runoff into its system as long as adequate downstream facilities are available. In cases where onsite retention is necessary owing to a lack of offsite drainage facilities, the City attempts to locate sump pumps so that they can be incorporated into future development (City of Bakersfield 2002).

Electricity and Natural Gas

The Project site is located in the service area of Pacific Gas & Electric (PG&E) for both natural gas and electricity. Major internet service providers include Verizon, T-Mobile and AT&T, cable and fiber service are provided by Spectrum, and AT&T.

Solid Waste

Bakersfield Department of Public Works (BDPW), BDPW's Solid Waste Division provides solid waste collection services (residential and commercial) Metropolitan (Bena) Sanitary Landfill, which is operated by the Kern County Waste Management Department within the City of Bakersfield. Solid waste collected in the area is disposed of at Bakersfield. However, the Project site is vacant, and no solid waste is currently being generated.

SECTION 3.0: PROJECT DESCRIPTION

3.1 Project Location

The 78.94-acre triangularly shaped property is relatively flat, approximately 421 feet above sea mean level at the southeast corner of the Hageman Road/Landco Drive intersection located on portions of sections 14 and 15, Township 29 South, Range 27 East of Mount Diablo Baseline and Meridian. The Project site consists of Assessor's Parcel Numbers (APN): 116-080-61 and 365-011-73.

3.2 Project Background

As shown on **Figure 3-1, Vicinity Map,** the Project site is bordered by vacant land to the north under county jurisdiction and zoned M-2 PD (Medium Industrial Precise Development) with Golden State Route 99 (SR 99) just beyond, a railroad right-of-way easement that was granted to the Minkler Southern Railway Company borders the Project site along its southeastern boundary. Industrial uses exist beyond the railroad right-of-way. Landco Drive borders the Project site to the west. The vacant property directly to the west of the Project site is within the City of Bakersfield and is zoned General Manufacturing (M-2).

Historical aerial photographs obtained by Krazan & Associates for the proposed Project dating back to 1937, 1952, 1956, 1968, 1973, 1984, 1994, 2006, 2009 and 2016 were reviewed to assess the history of the Project site. These photographs were obtained from Environmental Database Reports (EDR) and Google Earth Pro ™.

In 1937, the Project site and adjacent properties were primarily undeveloped land. The present-day Beardsley canal was present along the western side of the Project site as was the Minkler Southern Railway along the southeastern side of the Project site.

Between 1952 and 1956, the Project site was used for agricultural purposes with row crops, and farm roads traversing the site. The adjacent properties to the north and west were also in agricultural use. Oilfield activity with oil wells was present within the northeastern part of the subject site. The canal and railroad continued to be present at the Project site. No Significant building-like features were present on the Project site.

Between 1968 and 1972, agricultural conditions on the Project site and the adjacent properties appear to be relatively similar to those noted in the 1956. However, the northeastern portion of the site includes several oil wells. Oil wells are also evident as islands within agricultural fields on other western and central areas of the Project site.

Between 1973 and 1994, agricultural conditions at the Project site and the adjacent properties appear to remain unchanged until 2006 when the Project site appears to no longer be producing crops with no significant features or buildings present. Oil wells are still evident within the northeastern part and at various other locations. Knudsen Drive and Hageman Road are present to the northwest. Adjacent properties to the north and west appear to be vacant and the canal and railroad are present. The southeastern adjacent properties remain commercial. These conditions remain until the present day.

3.3 Project Overview

3.3.1 Project Summary

The Hageman Industrial Park Project (Project) involves the future development of warehouse and manufacturing uses on a 78.94-gross acre triangularly shaped property located south of Highway 99, east of Hageman Road and Knudsen Drive (**Figure 3.2-Vesting Tentative Parcel Map & Preliminary Building Site Plan)**. Applications filed with the City include the following:

- General Plan Amendment/Zone Change No. 22-0263 (GPA/ZC No. 22-0263) proposes the following modifications to the land use element of the Metropolitan Bakersfield General Plan (General Plan) and the City's Zoning Ordinance map. The General Plan land use designation would be modified from HI (Heavy Industrial) to SI (Service Industrial). The zoning classification would be modified from M-3 (Heavy Industrial) to M-2 (General Manufacturing).
- Vesting Tentative Parcel Map (VTPM) No. 12314 is a proposed map to subdivide the Project Site into 34 buildable lots, 4 drill islands and 1 sump lot containing 78.94 gross acres. The proposed VTPM also shows that the Project Applicant would construct off-site roadway and utility connections improvements. Off-site improvements include the construction of Landco Drive and Atlas Steet within the fee parcel boundary dedicated to the Kern County. The applicant would also reconstruct or repair substandard existing off- site street improvement the front the project. VTPM No. 12314 is only tentative and has not been recorded.

Although no construction is currently being proposed by this Project, this EIR will analyze the Applicant's preliminary development plan which proposes 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces to be determined upon the future uses specific to each building. This EIR is intended to be a comprehensive environmental document prepared on a series of related activities that can be characterized as one large Project. Furthermore, this EIR is intended to evaluate all future proposed future development on the 78.94-gross acre Project site which may include but not limited to 40 percent manufacturing uses and 60 percent warehouse uses on 39 separate lots/parcels. Future applications for construction may require approval by the City Council.

3.3.2 Surrounding Land Uses

The area immediately surrounding the Project site contains a variety of uses, including vacant parcels and parcels developed with industrial, commercial, residential, school, public utility, and public facility uses. Land uses in the immediate vicinity of the Project site are described below.

- North: North of the Project site is Landco Drive, which extends from the northwest corner of the site north for approximately 2,147 feet on a partially unpaved road where it divides in an east and west direction. Landco Drive runs parallel to the Olive Drive Self Storage facility immediately west. Land immediately north of the Project site is vacant, is under county jurisdiction and zoned M-2 PD (Medium Industrial Precise Development). Further north is Golden State Highway 99.
- Southeast: Southeast of the Project site is a railroad right-of-way easement that was granted to the Minkler Southern Railway Company which borders the Project site along its southeastern

boundary and is under county jurisdiction, M-3 PD (Heavy Industrial Precise Development). Industrial uses exist beyond the railroad right-of-way and zoned M-3 (Heavy Industrial).

- West: West of the Project site is an abandoned irrigation canal known as the Beardsley One Ditch that drains into the Beardsley Canal Ditch to the north, beyond the canal to the west is vacant land zoned M-2 (General Manufacturing) which is bordered by the canal to the east and Mohawk Road to the west. Beyond Hageman Road, approximately 900-feet northwest of the Project site are single-family residences, The Palms at San Lauren, a senior retirement center and the River Transitional Care, a rehabilitation center.

Four schools are located in the vicinity of the Project site: San Lauren Elementary School is located approximately 750 feet north of the Project site at the southeast corner of the intersections of Knudsen Drive and Basilicata Drive; Beardsley Junior High School which is located approximately 0.5 miles northeast of the Project site at the corner of Roberts Lane and Airport Drive; North Beardsley Elementary School which is located approximately 0.8 miles northeast of the Project site at the corner of McKinley Avenue and Sanford Drive; and Discovery Elementary School is located approximately one-mile west of the Project site at the intersections of Hageman Road and Patton Way. The Project site location is shown in **Figure 3.3-Project Location Map.**

3.3.3 - Project Characteristics

The proposed Project site consists of two vacant parcels of land with relatively flat topography. There are eleven oil wells located on the subject site including five plugged and abandoned, three active wells, and three idle wells. There are easements on the site that include: (1) high-tension electrical power lines owned and operated by Pacific Gas and Electric Company (PG&E) traversing east- west across the southernmost corner of the site; and (2) the Beardsley Canal Ditch ("Ditch") owned and operated by the City of Bakersfield transverses from east to west near the northernmost boundary. The majority of the Project site is within the Airport Land Use Compatibility Plan, Zone C for Meadows Field Airport.

The climate of the Project area is typical of the southern San Joaquin Valley, with temperatures ranging from an average maximum of 97 degrees Fahrenheit (°F) during the summer months to an average minimum of 37°F during the winter months. Precipitation averages approximately 5.7 inches per year, with most rainfall occurring from December through April.

Infrastructure and Utilities

Circulation, Access, and Parking

Currently, the Project site does not contain access roads; however, the site can be accessed at the intersection of Hageman Road and Landco Drive at the northern perimeter of the Project site. The provision of internal roads and driveways would be required to be engineered and constructed in accordance with design standards set forth by the City of Bakersfield. The City of Bakersfield has established design specifications in part to reduce the potential for conflict between vehicular traffic and pedestrians and bicyclists crossing driveways and intersections. During Project development and operation, the Project will be required to comply with all City of Bakersfield emergency access requirements. The City of Bakersfield Municipal Code establishes emergency access requirements in Section 17.66.080 entitled Fire Apparatus Access Roads, in conjunction with the California Fire Code. Specific requirements will be included in Project design and will require verification by the City of

Bakersfield Fire Department prior to approval of any aspect of the overall Project site. The Project will provide adequate parking spaces to accommodate employees, visitors, and emergency vehicles.

Water

The Project site is located within the City of Bakersfield Water Department service area. Future project applicants will be required to provide a verification of water service letter (Will Serve letter) to the City of Bakersfield that the proposed Project(s) needs secured water service and would construct needed improvements in accordance with City of Bakersfield standards.

Wastewater

Wastewater service for the Project site is overseen by the City of Bakersfield Public Works Department, Wastewater Division. The 78.94-gross acre Project site is located in the North of the River Sanitary District No. 1 jurisdiction. The overall Project's (and individually constructed Projects') contribution to the available capacity of the respective facilities will need to be addressed at the time specific development applications are submitted to the City of Bakersfield for approval.

Storm Drainage

Although Project development would alter the existing drainage pattern on the vacant Project site, the Project will be required (by City of Bakersfield ordinance 17.66.040(N)(3)) to comply with preparing an approved Drainage study. The study would include storm drain facilities, curbs, gutters, inlets, underground pipes, and a surface retention basin. Due to the proposed location of the retention basins, they would be designed to meet both City of Bakersfield and Kern County standards. Compliance with city and county requirements will ensure Project generated water runoff will not exceed existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Electricity and Natural Gas

The Project site is located in the service area of Pacific Gas & Electric (PG&E) for both natural gas and electricity. Major internet service providers include Verizon, T-Mobile and AT&T, cable and fiber service are provided by Spectrum, and AT&T.

Solid Waste

Bakersfield Department of Public Works (BDPW) Solid Waste Division contracts with Varner Bros. Inc. to provide solid waste collection services (residential and commercial) Metropolitan (Bena) Sanitary Landfill, which is operated by the Kern County Waste Management Department within the City of Bakersfield. Solid waste collected in the area by Varner Bros is disposed of at Bena Landfill in Bakersfield. However, the Project site is vacant, and no solid waste is currently being generated.

Construction

The proposed Project's construction schedule and construction equipment mix has not been established as of the preparation of this EIR; however, construction equipment for such projects generally include a mixture of diesel trucks, dump trucks, concrete trucks, material hauling equipment, graders, water towers, water pulls and water trucks, grading scrapers/blades, crawler loaders, bulldozers, cranes, backhoes, excavators, scissor lifts, forklifts, hand tools, and other miscellaneous equipment that will ultimately be used as individual permits are issued for the construction activities. For the estimated construction

schedule, construction will occur in various phases. Typical construction sequence entails site preparation followed by grading, installation of infrastructure and utilities, followed by construction of the building shells, paving, landscaping, and then painting and other architectural coatings. Tenant improvements inside the buildings and the installation of exterior signage would typically occur after users/tenants are identified and enter into lease agreements. Where applicable and required by the City of Bakersfield, all necessary onsite and offsite improvements, such as infrastructure and utilities, must be in place prior to issuance of occupancy. Because the Project site has already undergone prior development activities, and due to the relatively flat topography found onsite, earthwork activities are anticipated to be nominal to moderate. No soil import/export or cut/fill activities are likely to be required. Minimal excavation activities would be required to expand and upgrade underground utilities that currently serve the Project site.

3.4 Project Objectives and Approvals

Project Objectives

CEQA Guidelines Section 15124(b) requires a statement of project objectives. The fundamental purpose and goal of the proposed Project is to develop an economically viable Service Industrial (SI) land use for manufacturing and warehouse distribution activities in close proximity to urban population and a State Highway in order to provide employment opportunities in the City of Bakersfield. The proposed Project would achieve its underlying purpose and goal through the following objectives:

- To facilitate the development of the Project site which will allow the Project site to be developed at a lesser intensity to be consistent with the surrounding land uses.
- To provide economic development opportunities that will facilitate job creation and increase the tax base for the City of Bakersfield by establishing a new Service Industrial) land use for warehouse distribution and manufacturing facilities adjacent to, or near the State highway system.
- To provide employment for Bakersfield residents by attracting employment- generating businesses to the City of Bakersfield to reduce the need for members of the local workforce to commute outside of the area for employment, thereby, providing an employment/housing balance in the City.

Possible Responsible and Trustee Agencies

The City of Bakersfield has primary approval responsibility for the proposed Project. As such, the City of Bakersfield serves as the Lead Agency for this EIR pursuant to CEQA Guidelines Section 15050. As part of the approval process for the proposed Project, the City's Planning Commission will hold a public hearing to consider the Final EIR, (GPA/ZC No. 22-0263). The Planning Commission will make advisory recommendations to the City Council. Two public hearings will then be held before the City Council regarding certification of the Final EIR and approval of (GPA/ZC No. 22-0263) and VTPM No. 12314. The City Council is the approval authority for certification of the Final EIR and approval of (GPA/ZC No. 22-0263) and VTPM 12314. Should these actions be approved, additional discretionary and ministerial actions may be required to implement the Project.

The following state, regional, and local agencies may use the EIR to support approvals and permits pertinent to their purview:

- California Department of Geologic Energy Management Division
- California Department of Fish and Wildlife
- San Joaquin Valley Air Pollution Control District
- Central Valley Regional Water Quality Board
- Kern County Flood Control and Water Conservation District
- Pacific Gas & Electric Company
- Kern Transit
- City of Bakersfield Water Department
- City of Bakersfield Planning Commission
- City of Bakersfield City Council
- City of Bakersfield Development Services Department
- City of Bakersfield Public Works Department
- City of Bakersfield Fire Department
- City of Bakersfield Sanitation Department
- North of the River Sanitary District

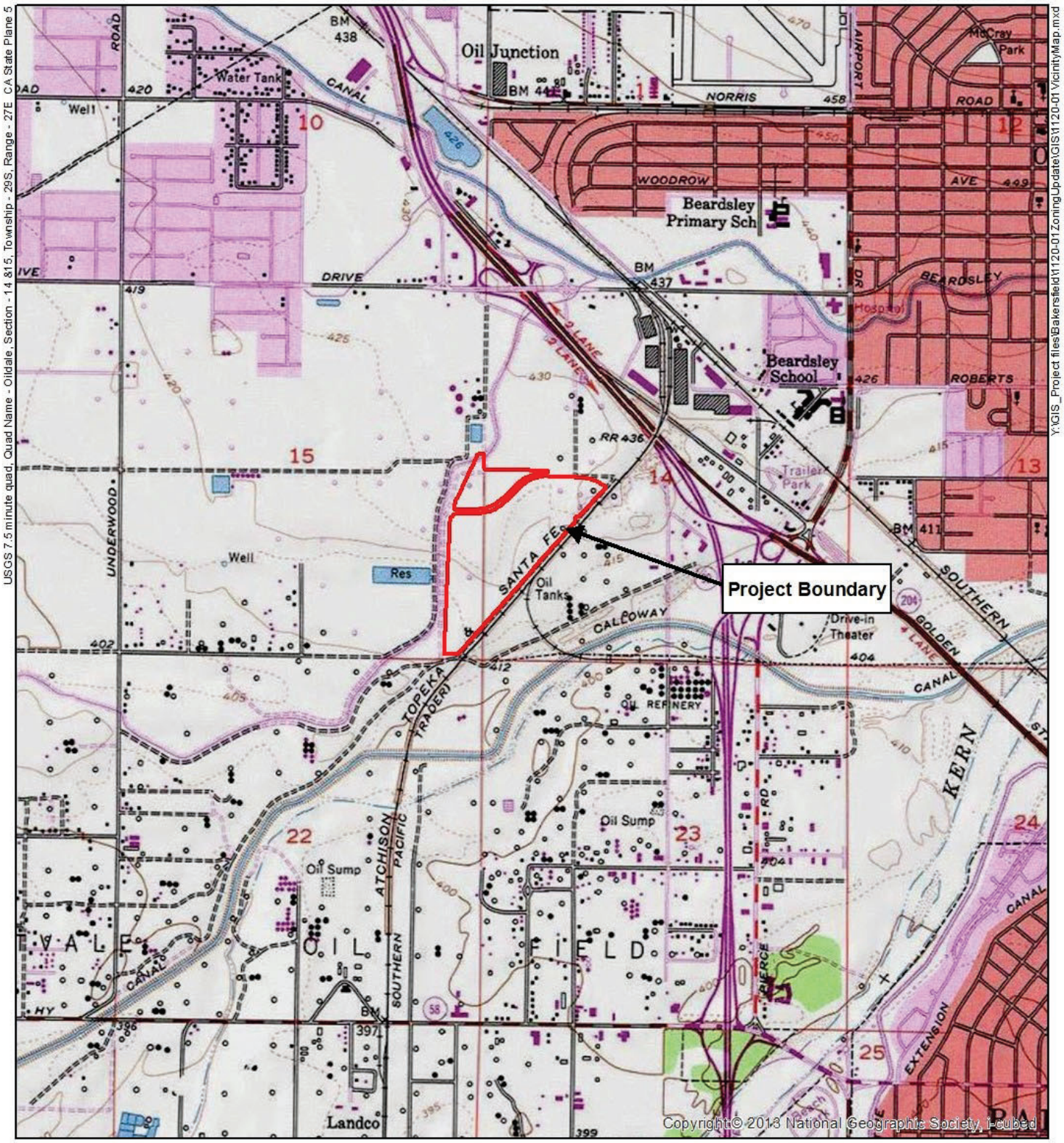

Figure 3-1 Vicinity Map

Hageman Industrial Park. GPA/ZC No. 22-0263

N

0 1,000 2,000 4,000

Feet

Bowman

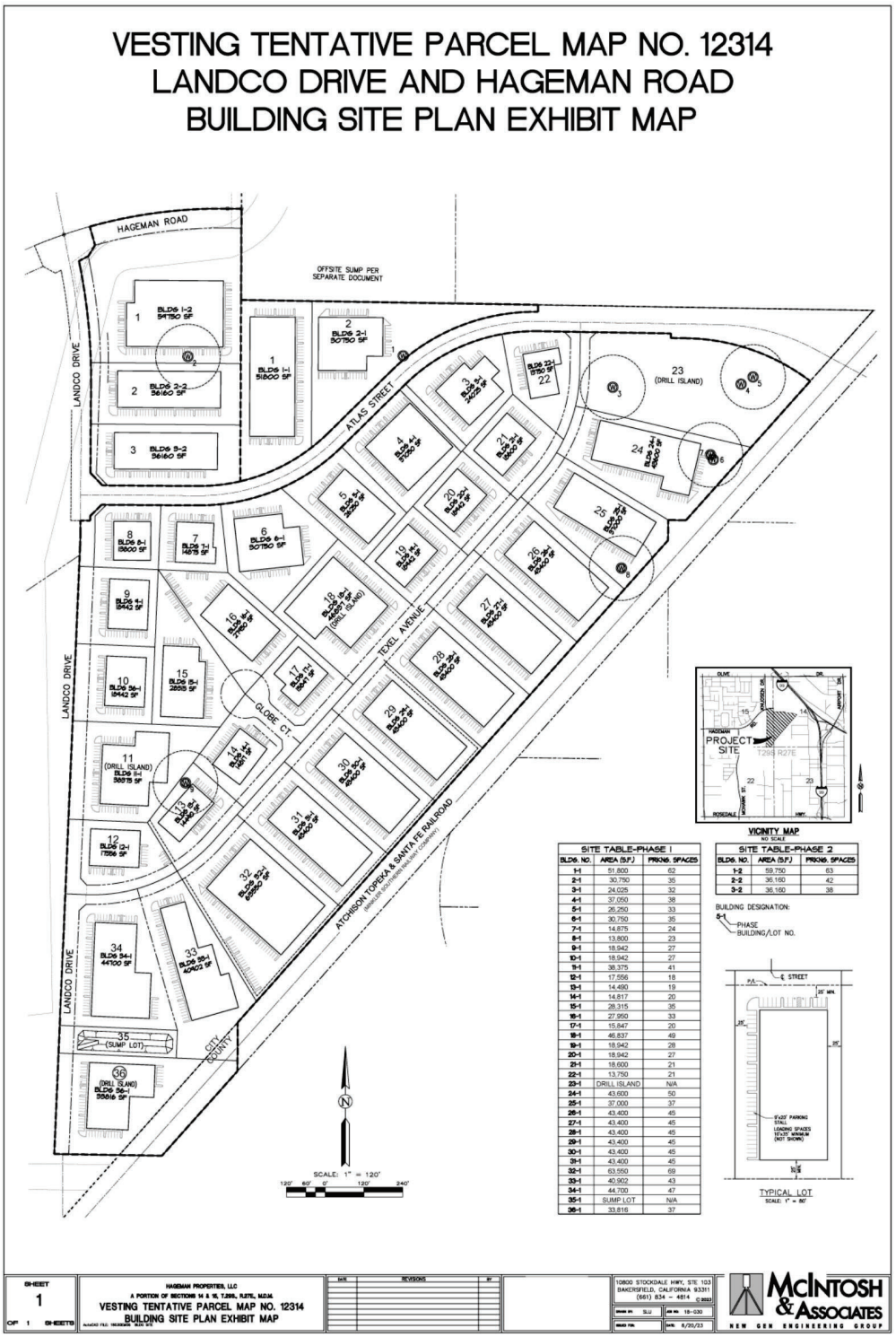

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Figure 3-2 Vesting Tentative Parcel Map & Preliminary Building Site Plan

Hageman Industrial Park. GPA/ZC No. 22-0263

Original Data from:

McINTOSH & ASSOCIATES
NEW GEN ENGINEERING GROUP

Bowman

Figure 3-3 Project Location Map

Hageman Industrial Park. GPA/ZC No. 22-0263

Legend

Project APN Boundary

N

0 250 500 1,000

Feet

Bowman

SECTION 4.0: ENVIRONMENTAL ANALYSIS

4.0.1 Intended Uses of This Draft EIR

This Draft EIR has been prepared in accordance with CEQA (Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (Title 14, Cal. Code Regs., 15000, et seq.). Additionally, this Draft EIR has been prepared to comply with the rules, regulations, and procedures for implementing CEQA as adopted by the City of Bakersfield. The City is responsible for project approvals and supervision, and thus, the City of Bakersfield is the Lead Agency for the Project. Further, this Draft EIR may be used by outside agencies for discretionary approvals and permits, which include but are not necessarily limited to those provided above.

4.0.2 Approach to Environmental Analysis

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15126.2, this Draft EIR identifies and focuses on the significant direct and indirect environmental effects of the proposed Project, giving due consideration to both its short-term and long-term impacts. Short-term effects are generally those associated with construction of the Project, while long-term effects are generally those related to operation of the Project. As addressed in Section 4.0 of this Draft EIR, this analysis focuses on the environmental issues identified below. Sections 4.1 through 4.15 of this Draft EIR contain discussions of the potential environmental effects related to construction and operation of the Project.

4.0.3 Environmental Topics

The potential environmental effects associated with the implementation of the Project are evaluated in the EIR for the following environmental issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems

4.0.4 Organization of Issue Areas

Each environmental issue section typically contains the following components:

- **Environmental Setting** presents the existing environmental conditions on the Project site and within the surrounding area, as appropriate, in accordance with CEQA Guidelines Section 15125. The extent of the environmental setting area evaluated (the Project area) differs among resources, depending on the locations where impacts would be expected. For example, air quality impacts are assessed for the air basin (macro-scale), as well as the Project vicinity (micro-scale), whereas aesthetic impacts are assessed for the Project vicinity only.
- **Regulatory Setting** presents the laws, regulations, plans, and policies that are relevant to each issue area. Regulations originating from the federal, state, and/or local levels are each

discussed as appropriate.

- **Thresholds of Significance** identifies thresholds from Appendix G of the CEQA Guidelines that assist in a determination of the significance of an impact. Unless specifically identified within each environmental issue section of this document, the thresholds of significance used are those contained in the CEQA Guidelines Appendix G Environmental Checklist.
- **Project Impacts** identifies the thresholds of significance used to determine the level of significance of the environmental impacts for each resource topic, in accordance with CEQA Guidelines Sections 15126, 15126.2, and 15143. The thresholds of significance used in this Draft EIR are based on the checklist presented in Appendix G of the CEQA Guidelines; best available data; and regulatory standards of federal, state, and local agencies. The level of each environmental impact is determined by comparing the effects of the project with the environmental setting. Key methods and assumptions used to frame and conduct the impact analysis, as well as issues or potential impacts not discussed further (i.e., such issues for which the project would have no impact), are also described.

Project impacts are organized numerically in each subsection (e.g., Impact AES-1, Impact AES-2, Impact AES-3). A bold-font environmental impact statement, a summary of each impact, and its level of significance precede the discussion of each impact. The discussion that follows the impact summary includes the substantial evidence supporting the impact significance conclusion.

- **Mitigation Measures** describes any feasible measures that could avoid, minimize, rectify, reduce, or compensate for significant adverse impacts, with measures having to be fully enforceable through incorporation into the project (PRC, Section 21081.6[b]). Mitigation measures are not required for environmental impacts that are found to be less than significant. Where feasible mitigation for a significant environmental impact is available, it is described following the impact along with its effectiveness at addressing the impact. Each identified mitigation measure is labeled numerically to correspond with the number of environmental impacts that would be mitigated by the measure. Where sufficient feasible mitigation is not available to reduce environmental impacts to a less than significant level, or where the lead agency lacks the authority to ensure that the mitigation is implemented when needed, the impacts are identified as remaining "significant and unavoidable."
- **Level of Significance After Mitigation** describes the level of impact significance remaining after mitigation measures are implemented.

4.0.5 Level of Significance

Determining the severity of project impacts is fundamental to achieving the objectives of CEQA. CEQA Guidelines Section 15091 requires that decision makers mitigate, as completely as is feasible, the significant impacts identified in the Final EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 provides that decision makers may adopt a Statement of Overriding Considerations (SOC) when approving the Project that explains why the benefits of the Project outweigh the adverse environmental consequences identified in the EIR.

The level of significance for each impact examined in this Draft EIR is determined by considering the predicted magnitude of the impact against the applicable threshold. Thresholds are developed using criteria from the CEQA Guidelines; state, federal, and local regulatory schemes; local/regional plans and

ordinances; accepted practice; consultation with recognized experts; and other professional opinions.

4.0.6 Format Used for Impact Analysis and Mitigation Measures

The format adopted in this Draft EIR to present the evaluation of environmental impacts is described and illustrated below.

Summary Heading of Impact

Threshold a):	**An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact abbreviation identifies the section of the report (AIR for Air Quality in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.**

An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact abbreviation identifies the section of the report (AIR for Air Quality in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.

Impact Analysis

A narrative analysis follows the impact statement.

Level of Significance Before Mitigation

This section identifies the level of significance of the impact before any mitigation is proposed.

Mitigation Measures

In some cases, following the impact discussion, reference is made to state and federal regulations and agency policies that would fully or partially mitigate the impact. In addition, policies and programs from applicable local land use plans that partially or fully mitigate the impact may be cited.

Project-specific mitigation measures, beyond those contained in other documents, are set off with a summary heading and described using the format presented below:

MM AIR-1 Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact with which it is associated (AIR-1 in this example); the letter identifies the sequential order of that mitigation for that impact (a in this example).

Level of Significance After Mitigation

This section identifies the resulting level of significance of the impact following mitigation. Abbreviations are used in the mitigation measure numbering shown in **Table 4.0-1**.

Table 4.0-1
Environmental Issue Abbreviations

Abbreviations	Environmental Issue
AES	Aesthetics
AIR	Air Quality
AGR	Agricultural Resources
BIO	Biological Resources
CUL	Cultural Resources
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HWQ	Hydrology and Water Quality
LUP	Land Use and Planning
MIN	Mineral Resources
NOI	Noise
POP	Population and Housing
PSR	Public Services and Recreation
TRANS	Transportation and Traffic
TRI	Tribal Cultural Resources
USS	Utilities and Service Systems
WIL	Wildfire

4.0.7 Cumulative Impacts

Cumulative impacts refer to the combined effect of the proposed Project's impacts with the impacts of other past, present, and reasonably foreseeable future projects. As established in the CEQA Guidelines, the discussion of cumulative impacts must reflect the severity of the impacts, as well as the likelihood of their occurrence attributable to the project alone. As stated in CEQA, Title 14, Section 21083(b), "a project may have a significant effect on the environment if the possible effects of a project are individually limited but cumulatively considerable."

According to the CEQA Guidelines: Cumulative impacts refer to two or more individual effects which, when considered together, are considerable and which compound or increase other environmental impacts.

c) The individual effects may be changes resulting from a single project or a number of separate projects.
d) The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (CCR, Title 14, Division 6, Chapter 3, Section 15355).

In addition, as stated in the CEQA Guidelines:

The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed Project's incremental effects are cumulatively considerable (CCR, Title 14, Division 6, Chapter 3, Section 15064[T][5]).

4.0.8 Cumulative Impact Setting

Cumulative impact discussions for each environmental issue area are provided within each individual impact section. As established in the CEQA Guidelines, related projects consist of "closely related past, present, and reasonably foreseeable probable future projects that would likely result in similar impacts and are located in the same geographic area" (CCR, Title 14, Division 6, Chapter 3, Section 15355).

Based on information provided by the City of Bakersfield, there is one project being proposed approximately 1,300 feet north of the site. The SASD Development Group, LLC (property owner), is proposing a Site Plan Review (SPR) to develop a 39,648 square foot medial outpatient facility to serve as a Department of Veterans Affairs (VA) Community-Based Outpatient Clinic, with associated parking, on approximately 9 acres. The Project site is located at 5512 Knudsen Drive, which is generally on the east side of Knudsen Drive and approximately 240 feet south of Olive Drive. The Project would also include street improvements for the street frontages on the east (Landco Drive), south (Street 'A'), and west (Knudsen Drive). The project proposes an outpatient clinic that would provide basic clinical services from 7:00 am to 5:00 pm, Monday through Friday. Access to the Project site is proposed via three ingress/egress points at Knudsen Drive, Street 'A,' and Landco Drive (future Valor Drive). In addition, there is an existing sump in the vicinity of Street "A" would be removed and replaced by four bio-retention basins distributed throughout the Project site. No other projects that could potentially contribute to cumulative impacts were identified in the vicinity of the Project site.

SECTION 4.1: AESTHETICS

4.1 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential of the proposed Project to result in potential effects from project implementation on the Project site and its surrounding area. Descriptions of existing visual characteristics, both on the site and in the vicinity of the Project site, and the analysis of potential impacts to aesthetic resources are based, in part, on aerial photography (Google Earth, 2023), a review of Project application materials related to the proposed development that were submitted to the City of Bakersfield by the Project Applicant and described in Section 3.0, *Project Description*, of this EIR and based in part on information and policies contained in the Metropolitan Bakersfield General Plan and the City of Bakersfield Municipal Code.

4.1.1 Existing Conditions

Project Site and Surrounding Area

The 78.94-acre triangularly shaped property is relatively flat, approximately 421 feet above sea mean level at the southeast corner of the Hageman Road/Landco Drive. The Project site is bordered by vacant land to the north under county jurisdiction and zoned M-2 (General Manufacturing) with Golden State Route 99 (SR-99) just beyond, a railroad right-of-way easement that was granted to the Minkler Southern Railway Company borders the Project site along its southeastern boundary with industrial uses beyond the railroad right-of-way. Eleven oil wells are located on the Project site including five plugged and abandoned, three active wells and three idle wells, additionally, there are easements on the site that include: (1) high-tension electrical power lines owned and operated by Pacific Gas and Electric Company (PG&E) traversing east-west across the southernmost corner of the site; and (2) the Beardsley Canal Ditch ("Ditch") owned and operated by the City of Bakersfield transverses from east to west near the northernmost boundary. The area surrounding the Project site contains a variety of land uses, including vacant parcels and parcels developed with industrial, commercial, residential, school, public utility, and public facility uses.

Primary scenic views in Bakersfield that contribute to scenic vistas are located in the hillside development overlay zone by Hart Park.

The Project site is currently vacant and contains no sources of artificial exterior lighting. The main sources of existing artificial lighting in the vicinity of the Project site include parking lot lights from the Olive Drive Self Storage parking lot, north of the Project site, streetlights west of the Project site along Hageman Road and lighting at the industrial land uses southeast of the Project site along Mohawk Street. Additional sources of artificial lights include vehicle headlights traveling along Knudsen Drive and Hageman Road to the west, Olive Drive to the north, SR-99 to the west and commercial development beyond SR-99.

4.1.2 Regulatory Setting

State Regulations

California State Scenic Highway Program

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), was created by the State Legislature in 1963. The purpose of the State Scenic Highway Program

is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The status of a proposed state scenic highway changes from eligible to officially designated when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway.

Local Regulations

Metropolitan Bakersfield General Plan

The Metropolitan Bakersfield General Plan (MBGP) is a policy document with land use maps and related information. It is designed to give long-range guidance to City staff and officials who make decisions that affect growth and resources in the metropolitan Bakersfield planning area. This document helps to ensure that day-to-day decisions conform to the long-range program, which was designed to protect and further the public interest as it relates to the City's growth and development and mitigate environmental impacts. The MBGP also serves as a guide to the private sector regarding the economy so that development initiatives conform to the City's public plans, objectives, and policies. Information in the Land Use Element, Circulation Element, and Public Services and Facilities Element is relevant to the topic of aesthetics. Land Use Element goals and policies focus on establishing a built environment that achieves a compatible functional and visual relationship among individual building and sites, encourages high-quality design and landscaping, minimizes light pollution, and requires that new large retail commercial development projects be evaluated for potential urban decay impacts. The Circulation Element discuses providing and maintaining landscaping on both sides and in the median of arterial streets and on both sides of collector streets. The Public Services and Facilities Element states that street lighting should be installed in all new developments in accord with adopted city standards and county policies. Goals and policies contained in the Public Services and Facilities Element that are applicable to the proposed Project include the following:

- **Goal 1:** Provide uniform and adequate public lighting for all development and developing portions of the planning area.
    - **Policy 4:** Require developers to install street lighting in all new developments in accordance with adopted city standards and county policies.

City of Bakersfield Municipal Code

The City's Municipal Code addresses specific issues regarding streetlights, parking lot lighting, lighting design and lighting for new development. Municipal codes that relate to the proposed Project include the following:

- Municipal Code Sections 17.71.010 through 17.71.080, "Outdoor Lighting"
- Municipal Code Section 17.60.060 "Sign Illumination"
- Municipal Code Section 17.58.060 "Parking lot Lighting"

- Municipal Code Section 17.60.060 "Floodlighting, neon tubing, exposed bulbs, flashing signs, changeable copy signs."
- Municipal Code Section 17.71.030.D "Light Trespass."
- Municipal Code Section 17.61.020 "Landscaping Required"

4.1.3 Methodology for Analysis

Viewer sensitivity is considered when assessing the impacts of visual change and is a function of several factors. The sensitivity of the viewer is based on the visibility of resources in the landscape; proximity of the viewers to the visual resource; elevation of the viewers relative to the visual resource, frequency, and duration of views; numbers of viewers; and types and expectations of individuals and viewer groups. The viewer's distance from landscape elements plays an important role in the determination of an area's visual quality. Visibility and visual dominance of landscape elements depend on their placement within a viewshed. A viewshed is the geographical area that is visible from a location. It includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, trees).

4.1.4 Thresholds of Significance

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

e) Have a substantial adverse effect on a scenic vista?
f) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
g) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations?
h) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

4.1.5 Project Impact Analysis and Mitigation Measures

Scenic Vista

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

Impact Analysis

A scenic vista is considered a view that has remarkable or unique scenery or resources that are indigenous to a specific area. The Project site is vacant and undeveloped and does not contain any special or unique scenic attributes, like rock outcroppings, native vegetation, or a substantial number of mature trees. The Project site is not located in an area designated as scenic in the Metropolitan Bakersfield General Plan, it is not within the City's Hillside Development Combining Zone and is not within a City-designated Class I or II Visual Resource Area, Viewshed, or Slope Protection Area. The nearest scenic resources to the Project site include: the Tehachapi Mountains, located approximately 40 miles to the southeast, the Pacific Coast Range, located approximately 41.7 miles to the west, and the Sierra Nevada Mountains, located

approximately 29.6 miles to the northeast.

Although no construction is proposed at this time, the Project would however, involve the construction of 39 buildings consisting of manufacturing and warehousing uses. According to Section 17.30.040 "Building Height" of the Bakersfield Municipal Code, the allowable building height in an M-2 zone is limited to thirteen stories and should not exceed one hundred fifty feet. Preliminary building elevations have not yet been developed by the Project Applicant for the proposed Project; however, it is anticipated that the 39 proposed buildings would be constructed at the standard heights for these types of uses (typically 30-33 feet). Therefore, at a maximum height of 33 feet the proposed buildings would not be so tall as to obstruct public views or otherwise substantially detract from public views of the surrounding topographic features, including the Sierra Nevada, Tehachapi, & Pacific Coast Range Mountains.

During construction, construction equipment would be temporarily staged at various locations throughout the Project site but would not be large enough to substantially have an adverse effect on distant scenic vistas. As such, the Project would not have a substantial adverse effect on scenic mountain views, and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Scenic Resources within a State Scenic Highway

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

Impact Analysis

There are no trees, rock outcroppings or known historic buildings on or in the vicinity of the Project site. Additionally, there are no designated or eligible State scenic highways within the Project site's immediate vicinity. The nearest eligible State scenic highway in Kern County is the Cuyama Highway State Route 166 (SR 166) located approximately 70-miles south of the Project site. Thus, implementation of the Project would result in no impacts associated with views from a State scenic highway.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

No impact.

Visual Character

Threshold c): Would the Project in nonurbanized areas substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations?

Impact Analysis

The proposed Project is located in an urbanized area of Bakersfield. To create consistency with the surrounding land uses, the proposed Project includes General Plan Amendment No. 22-0263 (GPA/ZC No. 22-0263) that proposes amendments to the land use element of the Metropolitan Bakersfield General Plan (General Plan) from the current HI (Heavy Industrial) to SI (Service Industrial) and the zoning classification would be changed from M-3 (Heavy Industrial) to M-2 (General Manufacturing). The Project also includes Vesting Tentative Parcel Map (VTPM) No. 12314 to create consistency with the vesting parcel map. VTPM No. 12314 is only tentative and has not been recorded. Because the Project site is located in an "urbanized area" and is planned for urban uses by the City's General Plan, this evaluation focuses on the Project's compatibility with or potential conflict with applicable policies and regulations contained in the Metropolitan Bakersfield General Plan and Municipal Code.

The development of an industrial park with 40 percent manufacturing and 60 percent warehouse uses is consistent with the Project site's proposed land use designation of SI (Service Industrial) which allows for industrial activities and a proposed zone change of M-2 (General Manufacturing) which is typically for general manufacturing, processing, and assembly activities.

The Project would not conflict with the City's lighting standards contained in Municipal Code Sections 17.71.010 through 17.71.080, Outdoor Lighting, standards for the illumination of signs contained in Municipal Code Section 17.60.060, and standards for the illumination of parking lots contained in Municipal Code Section 17.58.060. All development would undergo review and approval by City staff for compliance with all applicable lighting standards as part of implementing construction documents and drawings. Compliance with the Municipal Code is mandatory, and all permitted uses would be subject to plan review by the City. Therefore, the Project would not conflict with applicable zoning and other regulations and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Light or Glare

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

Impact Analysis

The Project site is currently undeveloped and does not include existing sources of light or glare. Development of the industrial park would introduce new sources of lighting which would include new lighting fixtures on the site. Lighting interior to the site would primarily be used to illuminate the parking areas, loading dock, and building entrances. All new light sources associated with the Project would be required to comply with the Bakersfield Municipal Code standards for exterior lighting standards, which prevent light spillover, glare, nuisance, inconvenience, or hazardous interference of any kind on adjacent properties and streets. Mandatory compliance with Municipal Code Sections 17.71.010 to 17.71.080, "Outdoor Lighting," would ensure that the Project's pole-mounted and building-mounted light fixtures would not introduce any design features that would cause artificial light or glare to extents that would adversely affect day or nighttime views in the area.

Although no construction at the site is currently proposed, the Project would comply with City development standards including Title 15 (buildings and construction) as well as California Code of Regulations Title 24 (building code). These local and state requirements would ensure Project compliance with current lighting standards that minimize unwanted light or glare from spilling over into neighboring properties. The Project would comply with City development standards including Title 15 (buildings and construction) as well as California Code of Regulations Title 24 (building code) to avoid potential impacts to passing motorists and residents from unwanted glare from building materials.

Thus, glare impacts from proposed building and street lighting and building materials would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold: Would the Project contribute to cumulative aesthetics impacts in the area?

Impact Analysis

The proposed Project site includes a mixture of urban land uses including commercial, industrial, and undeveloped vacant land, all of which is designated and zoned for future urban development. As with the Project, any development in the surrounding area would be subject to applicable development regulations and design standards, included in the City of Bakersfield Municipal Code which limit building

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

According to the City of Bakersfield Planning Division, there are seven projects in the vicinity of the proposed Project. These projects include:

- An office/warehouse construction approximately 6,541 square feet.
- A medical outpatient facility approximately 39,648 square feet.
- An office/warehouse construction of approximately 6,450 square feet.
- A garage conversion to an ADU
- Two conversions of sheds into ADUs
- A construction of a 9,900-square-foot warehouse in the M-1 (Light Manufacturing) and P (Parking)

These cumulative projects would be required to comply with the City's General Plan and ordinances, or the general plan and ordinances of surrounding jurisdictions, the Project would result in less-than-significant impacts on a cumulatively- considerable basis to the existing visual character or quality of public views of the site and its surroundings. Thus, the cumulative impact to aesthetics is less than significant and the Project's contribution is less than cumulatively considerable.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.2: AIR QUALITY

4.2 Introduction

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for the proposed Project to result in potential effects from project implementation on the Project site and its surrounding area. Descriptions and analysis in this section are based in part on the San Joaquin Valley Air Pollution Control District (SJVAPCD) Air Impact Assessment (AIA) Application Approval Letter dated November 7, 2019, included as Appendix B of this Draft EIR, and information from the Metropolitan Bakersfield General Plan.

4.2.1 Environmental Setting

San Joaquin Valley Air Pollution Control District

The Project site is located in the San Joaquin Valley Air Basin (SJVAB) and under the jurisdiction of the Southern San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD is principally responsible for air pollution control and has adopted a series of Air Quality Attainment Plans to reduce air emissions in the SJVAB. The San Joaquin Valley (SJV) is a nonattainment area for the State and Federal ozone and Particulate Matter 2.5 (PM2.5) standards and the State Particulate Matter 10 (PM10) standards.

Regional Climate

The Project site is located near the middle of the southern portion of the San Joaquin Valley; a broad, treeless plain in the rain shadow of the Coast Ranges. The region's climate can be characterized as Mediterranean with hot, dry summers and cool, moist winters. During the summer, the Pacific High is positioned off the coast of northern California, diverting ocean- derived storms to the north. Hence, the summer months are virtually rainless. During the winter, the Pacific High moves southward allowing storms to pass through the San Joaquin Valley. Almost all of the precipitation expected during a given year occurs from December through April. During the summer, the predominant surface winds are out of the northwest. Air enters the Valley through the Carquinez Strait and flows toward the Tehachapi Mountains. This up-valley (northwesterly) wind flow is interrupted in early fall by the emergence of nocturnal, down-valley (southeasterly) winds which become progressively more predominant as winter approaches. Wind speeds are generally highest during the spring and lightest in fall and winter. The relatively cool air flowing through the Carquinez Strait is warmed on its journey south through the Valley. On reaching the southern end of the Valley, the average high temperature during the summer is nearly 100 degrees Fahrenheit (°F). Relative humidity during the summer is quite low, causing large diurnal temperature variations. Temperatures during the summer often drop into the upper 60s. In winter, the average high temperatures reach the mid-50s and the average low drops to the mid-30s. In addition, another high-pressure cell, known as the "Great Basin High," develops east of the Sierra Nevada Mountain Range during winter. When this cell is weak, a layer of cool, damp air becomes trapped in the basin and extensive fog results. During inversions, vertical dispersion is restricted, and pollutant emissions are trapped beneath the inversion and pushed against the mountains, adversely affecting regional air quality. Surface-based inversions, while shallow and typically short-lived, are present most mornings. Elevated inversions, while less frequent than ground-based inversions, are typically longer lasting and create the

more severe air stagnation problems. The winter season characteristically has the poorest conditions for vertical mixing of the entire year.

Meteorological data for various monitoring stations is maintained by the Western Regional Climate Center. Meteorological data for the Project site is expected to be similar to the data recorded at the Bakersfield Air Pollution Monitoring station.

Regional Air Quality

Protection of the public health is maintained through the attainment and maintenance of ambient air quality standards for various atmospheric compounds and the enforcement of emissions limits for individual stationary sources. The Federal Clean Air Act (CAA) requires that the U.S. Environmental Protection Agency (EPA) establish National Ambient Air Quality Standards (NAAQS) to protect the health, safety, and welfare of the public. NAAQS have been established for ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter of 10 microns (PM10), particulate matter of less than 2.5 microns (PM2.5), and lead (Pb). California has also adopted ambient air quality standards ($CAAQ_S$) for these criteria air pollutants. CAAQS are more stringent than the corresponding NAAQS and include standards for hydrogen sulfide (H_2S), vinyl chloride (chloroethene), and visibility reducing particles. The CAA Amendments of 1977 required each state to identify areas that were in non-attainment of the NAAQS and to develop State Implementation Plans (SIP's) containing strategies to bring these non-attainment areas into compliance. Responsibility for regulation of air quality in California lies with the California Air Resources Board (CARB) and the 35 local air districts with oversight responsibility held by the EPA. CARB is responsible for regulating mobile source emissions, establishing CAAQS, conducting research, managing regulation development, and providing oversight and coordination of the activities of the 35 air districts. The air districts are primarily responsible for regulating stationary source emissions and monitoring ambient pollutant concentrations. CARB also determines whether air basins, or portions thereof, are "unclassified," in "attainment" or in "non-attainment" for the NAAQS and CAAQS relying on statewide air quality monitoring data. The Project site is located within Kern County's portion of the San Joaquin Valley Air Basin ("SJVAB" or "Basin"). Kern County is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD acts as the regulatory agency for air pollution control in the Basin and is the local agency empowered to regulate air pollutant emissions for the Project area. **Table 4.2-1**, SJVAB Attainment Status, provides the SJVAB's attainment status designation and classification based on the various criteria pollutants under both NAAQS and CAAQS.

Table 4.2-1
SJVAB Attainment Status

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

[a] See 40 CFR Part 81
[b] See CCR Title 17 Sections 60200-60210
[c] On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.
[d] The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).
[e] Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).
[f] Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the SJVAB as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.
Source: SJVAB

Local Air Quality

Existing levels of ambient air quality and historical trends and projections of air quality in the Project area are best documented from measurements made near the Project site. The local air quality can be evaluated by reviewing relevant air pollution concentrations near the Project area. The SJVAPCD operates and maintains an expansive network of air monitoring sites throughout the San Joaquin Valley. A total of 24 sites are operated directly by the SJVAPCD or in collaboration with CARB. The air monitoring network measures concentrations of pollutants for which the U.S. EPA has established a health-based air quality standard. Pollutants monitored include ozone (03), particulate matter (PM10 and PM2.5), nitrogen oxides (NO2), sulfur oxides (SO2), hydrocarbons, and carbon monoxide (CO). For the purposes of background, air quality data reported in the four most recent years (2019-2022) from the monitoring stations located in closest proximity to the Project site which include 5558 California Avenue, Oildale, and Golden State Highway is provided on **Table 4.2-2.**

Table 4.2-2
Local Air Quality Monitoring Summary

Pollutant and Monitoring Station Location	Maximum Concentration				Days Exceeding Standard			
	2019	2020	2021	2022	2019	2020	2021	2022
O3 – 1-hour CAAQS (0.09 ppm)								
Bakersfield - 5558 California Ave	0.1	0.11	0.09	0.09	2	3	0	0
Oildale - 3311 Manor Street	0.1	0.11	0.11	0.02	1	3	6	4
O3 – 8-hour CAAQS (0.07 ppm)								
Bakersfield - 5558 California Ave	0.09	0.1	0.08	0.08	28	25	11	7
Oildale - 3311 Manor Street	0.09	0.1	0.1	0.09	20	24	46	54
O3 – 8-hour NAAQS (0.070 ppm)								
Bakersfield - 5558 California Ave	0.09	0.1	0.08	0.08	24	25	11	4
Oildale - 3311 Manor Street	0.09	0.1	0.1	0.09	16	23	43	51
PM10 – 24-hour CAAQS (50 µg/m^3)								
Bakersfield - 5558 California Ave	126	197	439	133	17	18	124	135
Bakersfield – Golden State Hwy	664	144	176	167	21	26	25	178
Oildale – 3311 Manor Street	392	277	423	0	118	123	129	0
PM10 – 24-hour NAAQS (150 µg/m^3)								
Bakersfield-5558 California Ave	116	194	438	135	0	1	3	0
Bakersfield – Golden State Hwy	652	147	175	64.7	1	0	1	0
Oildale – 3311 Manor Street	389	517	421	0	8	15	2	0
PM2.5 - 24-hour NAAQS (35 µg/m^3)								
Bakersfield – 5558 California Ave	59.1	151	72.3	58.1	12	44	40	34
Bakersfield – Golden State Hwy	66.1	150	78.5	58.6	4	10	43	33

CO - 8-Hour CAAQS & NAAQS (9.0 ppm)								
No data collected	*	*	*		*	*	*	
NO2 - 1-Hour CAAQS (0.18 ppm)								
Bakersfield - 5558 California Ave	67	50	57	53	0	0	0	0
NO2 - 1-Hour NAAQS (0.10 ppm)								
Bakersfield-5558 California Ave	67.1	50.4	57.2	53.6	0	0	0	0
SO2 – 24-hour Concentration - CAAQS (0.04 ppm) & NAAQS (0.14 ppm)								
No data collected	*	*	*		*	*	*	
Pb - Maximum 30-Day Concentration CAAQS (1500 ng/m3)								
Bakersfield – 5558 California Ave	8.5	5.7	9.9		*	*	*	

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

Sensitive Receptors

Those who are sensitive to air pollution include children, the elderly, and persons with pre- existing respiratory or cardiovascular illnesses. For purposes of CEQA, the SCAQMD considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. Existing sensitive receptors in the Project area include an assisted living residential facility and single- family residences directly northwest across Hageman Road and single-family residences approximately a quarter mile west of the Project site across Mohawk Road.

4.2.2 Regulatory Setting

Air pollutants are regulated at the national, state, and air basin level; each agency has a different level of regulatory responsibility. The United States Environmental Protection Agency (EPA) regulates at the national level. The California Air Resources Board (CARB) regulates at the state level. The SCAQMD regulates at the air basin level. Each level of regulation is discussed in detail below. In addition, the pollutants of concern for the Project area and Project implementation are provided.

Federal Regulations

United States Environmental Protection Agency (EPA)

The EPA is responsible for national and interstate air pollution issues and policies. The EPA sets national vehicle and stationary source emission standards, oversees approval of all State Implementation Plans, provides research and guidance for air pollution programs, and sets National Ambient Air Quality Standards, also known as federal standards. There are federal standards for the following criteria air

pollutants, which were identified from provisions of the Clean Air Act of 1970:

- Ozone
- Nitrogen Dioxide
- Lead
- Particulate matter (PM_{10} and $PM_{2.5}$)
- Carbon-Monoxide (CO)
- Sulfur Dioxide

The federal standards were set to protect public health, including that of sensitive individuals; thus, the standards continue to change as more medical research is available regarding the health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect public health. Section 112 requires that EPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk.

Federal Clean Air Act

The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationery and mobile sources. Among other things, this law authorizes Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants, which include ozone (O3), carbon monoxide (CO), nitrogen dioxide (NOx), sulfur dioxide (SO2), particulate matter (PM10 and PM2.5), and lead (Pb). One of the goals of the CAA was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The CAA was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines.

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

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

sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source.

National Emissions Standards for Hazardous Air Pollutants (NESHAP's) Program

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

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

State Regulations

California Clean Air Act (CCAA)

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

Air Toxic "Hot Spots" Informational and Assessment Act

The Air Toxic "Hot Spots" Information and Assessment Act of 1987, commonly known as AB 2588, (Health & Safety Code §§ 44300, et seq.) requires facilities emitting specified quantities of pollutants to conduct risk assessments describing the health impacts to neighboring communities created by their emissions of numerous specified hazardous compounds. If the district determines the health impact to be significant, neighbors must be notified. In addition, state law requires the facility to develop and implement a plan to reduce the health impacts to below significance, generally within five years. Additional control requirements for hazardous emissions from specific industries are established by the state and enforced by districts.

California Air Resources Board (CARB)

A State Implementation Plan is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain federal standards. The State Implementation Plan for the State of California is administered by the CARB, which has overall responsibility for statewide air quality maintenance and air pollution prevention. California's State Implementation Plan incorporates individual federal attainment plans for regional air districts – these air districts prepare their federal attainment plans, which are sent to CARB to be approved and incorporated into the California State Implementation Plan. For the areas within California that have not attained air quality standards, CARB works with local air districts to develop and implement State and local attainment plans. In general, attainment plans contain a discussion of ambient air quality data and trends; a baseline emissions inventory; future year projections of emissions, which account for growth projections and already adopted control measures; a comprehensive control strategy of additional measures needed to reach attainment; an attainment demonstration, which generally involves complex modeling; and contingency measures. Plans may also include interim milestones for progress toward attainment. Air quality planning activities undertaken by CARB also include the development of policies, guidance, and regulations related to State and Federal ambient air quality standards; coordination with local agencies on transportation plans and strategies; and providing assistance to local districts and transportation agencies.

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

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

San Joaquin Valley Air Pollution Control District (SJVPCD)

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

- Rule 4102 (Nuisance): Rule 4102 prohibits a facility from posing as a nuisance to surrounding receptors and can impose penalties for nuisance issues such as dust, smoke, excess emissions, etc. Compliance with this rule ensures that the area around the Project site will not be adversely impacted by such issues.
- Regulation VIII (Fugitive PM10 Prohibitions): Regulation VIII contains a series of regulations to reduce and/or eliminate generation of particulate matter (PM) that can adversely impact visibility as well as the health and safety of people on-site or in the vicinity of the Project.
    - Rule 8011 (General Requirements): Rule 8011 is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate

anthropogenic (human-caused) fugitive dust emissions.

- Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities): Rule 8021 restricts generation of airborne dust and visibility impacts from these activities. Places limits on opacity and equipment operation under certain adverse weather conditions.
- Rule 8041 (Carryout and Trackout): Rule 8041 requires that equipment and vehicles leaving a construction site, control the amount of dirt, soil or mud that is tracked offsite and onto public roadways. This helps eliminate or minimize dust generation and opacity degradation.
- Rule 8051 (Open Areas): Rule 8051 limits fugitive dust from open areas, i.e., areas on a construction site that are not actively being constructed upon but may generate windblown dust.

Truck and Bus Regulation

Under the Truck and Bus Regulation, adopted by CARB in 2008, all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean engines are not required to be replaced until later. Pursuant to the Truck and Bus Regulation, all pre-1994 heavy trucks (trucks with a gross vehicle weight rating greater than 26,000 pounds) were removed from service on California roads by 2015. Between 2015 and 2020, pre-2000 heavy trucks were equipped with PM filters and upgraded or replaced with an engine that meets 2010 emissions standards. The upgrades/replacements occurred on a rolling basis based on model year. By 2023, all heavy trucks operating on California roads must have engines that meet 2010 emissions standards. Lighter trucks (those with a gross vehicle weight rating of 14,001 to 26,000 pounds) adhered to a similar schedule and were all replaced by 2020.

Advanced Clean Truck Regulation

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

Senate Bill 535 (SB 535) – Disadvantaged Communities

Senate Bill 535 ("SB 535"; De León, Chapter 830, 2012) recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality. Disadvantaged communities in California are

specifically targeted for investment of proceeds from the State's cap-and-trade program. These investments are aimed at improving public health, quality of life, and economic opportunity in California's most burdened communities while at the same time reducing pollution that causes climate change. Authorized by the California Global Warming Solutions Act of 2006 (AB 32), the State's cap-and-trade program is one of several strategies that California uses to reduce greenhouse gas emissions that cause climate change. The funds must be used for programs that further reduce emissions of greenhouse gases. SB 535 requires that 25 percent of the proceeds from the Greenhouse Gas Reduction Fund go to projects that provide a benefit to disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool (CalEnviroScreen). OEHHA's CalEnviroScreen 4.0, is a screening methodology that the State uses to identify California communities that are disproportionately burdened by multiple sources of pollution.

Senate Bill 1000 (SB 1000) – Environmental Justice in Local Land Use Planning

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

Assembly Bill 617

Assembly Bill 617 (AB 617) was enacted into law in 2017 and relates to criteria air pollutants and toxic air contaminants from sources other than vehicles. In response to AB 617, the California Air Resources Board (CARB) established the Community Air Protection Program (CAPP or Program). The Program's focus is to reduce exposure in communities most impacted by air pollution. Communities around the State are working together to develop and implement new strategies to measure air pollution and reduce health impacts. This first-of-its-kind statewide effort includes community air monitoring and community emissions reduction programs. In addition, the Legislature appropriated funding to support early actions to address localized air pollution through targeted incentive funding to deploy cleaner technologies in these communities, as well as grants to support community participation in the AB 617 process. AB 617

also includes new requirements for accelerated retrofit of pollution controls on industrial sources, increased penalty fees, and greater transparency and availability of air quality and emissions data, which will help advance air pollution control efforts throughout the State. This new effort provides an opportunity to continue to enhance air quality planning efforts and better integrate community, regional, and State level programs to provide clean air.

Indirect Source Rule 9510

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

Local Regulations

San Joaquin Valley Air Pollution Control District (SJVAP)

The proposed Project site is located within Kern County's portion of the San Joaquin Valley Air Basin ("SJVAB" or "Basin"). Kern County is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD acts as the regulatory agency for air pollution control in the Basin and is the local agency empowered to regulate air pollutant emissions for the project area.

Metropolitan Bakersfield General Plan Update EIR

The Metropolitan Bakersfield General Plan Update EIR includes the following goals and policies that address air quality and are applicable to the Project:

- **CON/AG-G-1:** Promote air quality that is compatible with health and well-being, and enjoyment of life by controlling point sources and minimizing vehicular trips to air pollutants.
- **CON/AQ-P2**: Encourage land uses and land use practices which do not contribute significantly to air degradation.

4.2.3 Methodology for Analysis

Methodology and thresholds for criteria air pollutant impacts and community health risk, are set forth in the San Joaquin Valley Ari Basin (SJAVB) Guidelines, therefore, these thresholds are utilized in this Draft EIR. The following SJVAB screening thresholds and significance criteria are applicable to the proposed Project, based on the City's determination, at its discretion, that such thresholds and significance criteria are supported by substantial evidence in the record. If a project exceeds the screening thresholds, it would be required to conduct a full analysis using the significance criteria set forth in the SJVAB Guidelines.

4.2.4 Thresholds of Significance

According to the CEQA Guideline's Appendix G Environmental Checklist, to determine whether impacts to air quality are significant environmental effects, the following questions are analyzed and evaluated.

Would the Project:

i) Conflict with or obstruct implementation of the applicable air quality plan;
j) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
k) Expose sensitive receptors to substantial pollutant concentrations;
l) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

4.2.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Air Quality Plan

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

Impact Analysis

The Project is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD) jurisdiction, in the San Joaquin Valley Air Basin (SJVAB). As such, air quality impacts from the Project are controlled through policies and provisions of the SJVAPCD and the General Plan. The SJVAPCD has adopted an Air Quality Attainment Plan (AQAP) and is required to submit a "Rate of Progress" document to the California Air Resources Board (CARB) that demonstrates past and planned progress toward reaching attainment for all criteria pollutants. The SJVAPCD requires local jurisdictions to design all developments in ways that reduce air pollution from vehicles, which is the largest single category of air pollution in the San Joaquin Valley, and from other stationary sources. They do so through the permitting authority under the New and Modified Stationary Source Review Rule (Rule 2201) and the Authority to Construct and Permit to Operate (Rule 2010). Other regulations and policy that require compliance with air quality strategies for new commercial developments include, but are not limited to, Title 24 efficiency standards, Title 20 appliance energy efficiency standards, 2022 building energy efficiency standards, Assembly Bill 1493 motor vehicle standards, and compliance with the General Plan Air Quality Conservation Element.

An Air Impact Assessment ("AIA") application was completed for the proposed Project. The AIA approved the Project's Fee Deferral Schedule (FDS) and outlined the requirements for a construction fleet summary as well as requirements for a Dust Control Plan, Asbestos Requirements for Demolition and required permits. Therefore, with the FDS and requirements outlined in the AIA, the Project would not conflict with, or obstruct implementation of, the applicable air quality plan.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No Mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

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

Impact Analysis

This impact is related to localized criteria pollutant impacts because criteria pollutants are the pollutants with ambient air quality standards. As indicated under the analysis of Threshold a., the Project would not generate emissions of criteria pollutants that exceed the SJVAPCD's thresholds, and as such the Project would be consistent with the AQAP. Accordingly, Project impacts would be less than significant on a cumulatively considerable basis.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Sensitive Receptors

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

Impact Analysis

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved that expose sensitive receptors to sustained exposure to any pollutants present. Examples of the types of land use that are sensitive receptors include residences, retirement facilities, hospitals, and schools. The most sensitive portions of the population are children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases. Sensitive receptors within two miles of the Project include residences, an elementary school, adult daycare facilities, and the Good Samaritan Hospital. The analysis concluded that based on the Project's operational emissions and activity types, the proposed Project would not result in any impacts on or off-site sensitive receptors. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations.

Project development and operation has the potential to expose residential uses near the Project site to air quality pollutants during development (construction) activities that could result in temporary impacts to these receptors. Sensitive receptors are persons who are more susceptible to air pollution than the general population, including children, athletes, the elderly, and the chronically ill. Typical land uses where

substantial numbers of sensitive receptors are often found are schools, daycare centers, parks, recreation areas, medical facilities, nursing homes, and convalescent care facilities. Residential areas are also considered to be sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to pollutants. Sensitive receptors near the Project area include an assisted living residential facility across the intersection of Knudsen Road and Hageman Road; and single-family residences across Hageman Road approximately a quarter mile west. Construction activities would result in short-term, project-generated emissions of criteria pollutants and diesel particulate matter (diesel PM) from the exhaust of construction vehicles and off-road, heavy-duty diesel equipment used for grading and paving activities. However, there would be relatively few pieces of off-road, heavy-duty diesel equipment in operation, and the construction period would be relatively short. Construction activities and delivery of construction materials and equipment for the project would comply with the District's clean construction fleet standard measures and applicable rules and regulations to minimize construction emissions. In addition, diesel PM is highly dispersive, and construction-related emissions of diesel PM would not be expected to result in exposure of sensitive receptors to substantial pollutant concentrations.

On November 7, 2022, the SJVAPCD issued an Air Impact Assessment (AIA) approval for the Indirect Source Review (ISR) for the proposed Project (Project Number C-20190445), that stipulates the conditions of approval which include a Fee Deferral Schedule, submission of a construction fleet summary, a dust control plan, and an asbestos survey, and permits per District Rule 2010. Therefore, with implementation of these conditions of approval, the Project would not conflict with or obstruct implementation of the applicable SJVAPCD air quality plan and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant

Odors

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

Impact Analysis

The proposed Project could produce odors during construction activities resulting from construction equipment exhaust, application of asphalt, and/or the application of architectural coatings; however, standard construction practices would minimize the odor emissions and their associated impacts, and any odors emitted during construction would be temporary and intermittent in nature. Construction activities would be required to comply with the SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). For these reasons, the proposed Project would not create objectionable odors affecting a

substantial number of people during construction, and short-term impacts would be less than significant.

At this time, no construction is proposed at the Project site and long-term operations at the Project site are unknown. During long-term operation, the proposed Project would include an industrial park consisting of 40 percent manufacturing and 60 percent warehouse uses. The temporary storage of refuse associated with the proposed Project's long-term operational use could be a potential source of odor; however, Project-generated refuse is required to be stored in covered containers and removed at regular intervals in compliance with the City of Bakersfield's solid waste regulations, thereby precluding any significant odor impact. Furthermore, the proposed Project would be required to comply with the SJVAPCD GAMAQI, which has screening odor thresholds based on the distance of the odor source within the facility to nearby sensitive receptors and recommends a "case-by-case" analysis of odor impacts, including an evaluation of complaint records for a particular facility as compared to similar facilities. As such, long-term operation of the proposed Project would not create objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative impacts to air quality in the area?

Impact Analysis

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

Because the Project site does not conflict with any city wide or statewide plan, it would not generate emissions of criteria pollutants that exceed the SJVAPCD's thresholds, and as such the Project would be consistent with the AQAP. Accordingly, Project impacts would be less than significant on a cumulatively considerable basis, and would not interfere with sensitive receptors, cumulative impact is less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.3: BIOLOGICAL RESOURCES

4.3 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential the proposed Project to result in impacts to biological resources and potential effects from project implementation on the Project site and its surrounding area. Descriptions and analysis in this section are based on information provided by a technical study titled "Blunt-Nosed Leopard Lizard Survey," dated September 27, 2022, prepared by BPR Environmental Consulting, a technical memorandum titled "San Joaquin Kit Fox Habitat Assessment," dated June 16, 2020, prepared by SWCA Environmental Consultants, and a technical study titled "Phase I Environmental Site Assessment Vacant Property Southeast of Hageman Road and Knudsen Drive Bakersfield, CA," dated June 23, 2023, prepared by Krazan & Associates Inc. Other sources include the Metropolitan Bakersfield General Plan. All technical studies are included as EIR Technical Appendices to this EIR.

4.3.1 Existing Conditions

The Project was mostly undeveloped land until 1952 when the Project site began to be used for agricultural purposes. Historical data obtained by Krazan & Associates indicate the adjacent parcels were also used for agriculture. Between 1952 and 1956 oilfield activity with oil wells became present within the northeastern part of the Project site and continued as such until 2006 when the site was no longer being used for agricultural purposes. Today, oil wells are still evident within the northeastern part and at various other locations. Knudsen Drive and Hageman Road are present to the northwest. Adjacent properties to the north and west are vacant and the ditch and railroad are present at the Project site. The southeastern adjacent properties remain industrial.

Biological Setting

Special-Status Species

Special-status species are those animal and plant species that, in the judgment of the resource agencies, trustee agencies, and certain non-governmental organizations, warrant special consideration during the CEQA process. These include the following:

- Officially designated "threatened," "endangered," or "candidate" species federally listed by the United States Fish and Wildlife Service (USFWS) and protected under the Federal Endangered Species Act.
- Officially designated "rare," "threatened," "endangered," or "candidate" species state-listed by the California Department of Fish and Wildlife (CDFW) and protected under the California Endangered Species Act. CDFW also maintains a list of "Fully Protected" species as well as "California Species of Special Concern" that are also generally treated as special-status species under CEQA.
- Species considered rare, threatened, or endangered under the conditions of Section 15380 of the CEQA Guidelines, such as plant species identified on lists 1A, 1B, and 2 in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California, which may include species not found on either state or federal endangered species list.
- Other species considered sensitive, such as birds protected under the Migratory Bird Treaty

Act (MBTA), which includes most native birds. A species may also be designated as special concern at the local level.

The habitat mapping and field survey was conducted to evaluate the potential habitat for the special-status species identified from literature and database searches. A species is determined to have the potential to occur within the project site if its documented geographical range from literature and database searches includes the vicinity of the site, and if suitable, habitat of the species is identified within or near the site. The methodology for database searches is discussed more fully below.

Special-Status Plant Species

A site visit was conducted on June 9, 2020, by SWCA Senior Biologist Geoff Hoetker, BPR Senior Biologist Ben Ruiz, and BPR Associate Biologist Tyler Armstrong. Mr. Hoetker is considered a qualified San Joaquin kit fox (SJKF) biologist and is preapproved by the California Department of Fish and Wildlife (CDFW). The biologists drove the perimeter of the site and conducted a walking transect through the center of the property. Based on their findings, the Project site was observed to be highly disturbed as a result of regular disking and was vegetated mainly with weedy, nonnative species of low diversity. Russian thistle/ tumbleweed (Salsola tragus) and nonnative annual grasses such as brome (Bromus spp.) and Mediterranean barley (Hordeum marinum ssp. gussoneanum) were the dominant vegetation. The subject property is bound by similar conditions on adjacent parcels to the north, south, and west. Directly to the west is a canal, and farther to the west is residential development; directly to the east is railroad right-of-way, and farther to the north, east, and south is industrial development. A few oil derricks occur on the subject property and transmission lines traverse the southern and eastern areas of the parcel. **Table 4.3-1** includes a list of plant species observed on-site.

Table 4.3-1
Plant Species

Scientific Name	Common Name	Family
Ambrosia sp.	ragweed	Asteraceae
Brassica nigra	black mustard	Brassicaceae
Bromus diandrus	ripgut brome	Poaceae
Bromus hordeaceus	soft chess brome	Poaceae
Bromus madritensis ssp. rubens	red brome	Poaceae
Erigeron canadensis	Canada horseweed	Asteraceae
Erodium cicutarium	red-stemmed filaree	Geraniaceae
Euphorbia sp.	spurge	Euphorbiaceae
Hordeum marinum ssp. gussoneanum	Mediterranean barley	Poaceae
Lactuca serriola	prickly lettuce	Asteraceae
Salsola tragus	Russian thistle / tumbleweed	Chenopodiaceae
Tribulus terrestris	puncturevine	Zygophyllaceae

Twelve plants were identified during the site visit, none of which are state and/or federally listed. CEQA requires consideration of impacts to locally significant plant species and those that meet the criteria for listing, but which may not be officially listed under CESA or FESA. No listed or other special-status plant species were observed during the field surveys conducted on the Project site.

Special-Status Wildlife Species

Appendix C of this EIR contains technical studies of the potential for each species to occur on the Project

site and whether there is a potential for impacts. Special-status wildlife that were determined to have at least a low potential for occurrence in areas that would be physically disturbed by the Project, based on the evaluation contained in Appendix B, are summarized below, and discussed in more detail.

San Joaquin Kit Fox

The San Joaquin Kit Fox (SJKF) is currently federal-listed as endangered and State-listed as threatened. No dens were identified and evaluated by SWCA for possible use by SJKF during a site visit. There are no site-specific SJKF occurrence records reported by the California Natural Diversity Database (CNDDB) for the subject property. There is a CNDDB record overlapping the property for an American badger (Taxidea taxus) collected many years ago in 1900, but the location data as reported by the CNDDB has a maximum error of up to four miles and should not be considered site-specific. The nearest CNDDB occurrence record for SJKF is approximately 0.2 mile east of the Project site, where one SJKF pup was observed on February 15, 2000, and a den and fresh tracks were observed near a canal on November 10, 2001. This area is currently an industrial development center subject to regular and routine disturbances.

There is currently no suitable habitat that could support denning or foraging SJKF on the subject property. The property is highly disturbed and there does not appear to be an adequate prey base, as evidenced by a lack of small mammal burrows. While the subject property has no barriers that would prohibit transient SJKF in the region from traversing the property, SJKF would not be expected to den or otherwise forage within the subject property.

Blunt-Nosed Leopard Lizard

Gambelia sila, also known as the Blunt-Nosed Leopard Lizard (BNLL), is listed as a federal endangered species, and is listed by the State of California as an endangered species and fully protected species. This lizard used to be found in all of the San Joaquin Valley and the adjacent foothills of southern California. The Blunt-nosed leopard lizard now only occupies a few, scattered, undeveloped plots of land on the floor of the San Joaquin Valley and in the foothills of the Coast Range.

Blunt-Nosed Leopard Lizard Protocol Surveys were conducted by BPR Consulting to determine the feasibility of the proposed Project. BPR Consulting conducted a presence/absence survey for BNLL in accordance with CDFW protocol (CDFW 2019). All survey methods were acquired and conducted with guidance from the October 2019 revision of the CDFW BNLL protocol. Typical absence/ presence surveys, or disturbances leading to habitat removal included a total of 12 survey days, which were conducted for adult BNLL over a 90-day period between April 15 and July 15, 2020. These surveys were followed by five additional survey days between August 1 and September 30, 2020, to detect BNLL hatchlings and subadults. Based on the surveys, BNLL was not observed during any of the protocol-level surveys conducted within the Action Area. Therefore, BNLL is not likely to occur in the project's footprint.

Jurisdictional Waters and Wetlands

Jurisdictional waters include rivers, creeks, and drainages that have a defined bed and bank and which, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs, and wetlands. Such waters may be subject to the regulatory authority of the United States Army Corps of Engineers (USACE), the CDFW, and the Regional Water Quality Control Board (RWQCB).

Based on a Phase I report prepared by Krazan & Associates, there is an abandoned section of the Beardsley

Canal along the western perimeter of the site known as the Beardsley One Ditch. This long-abandoned canal is a water conveyance which allows for water absorption and has dual siphons which limit water capacity and is not considered jurisdictional waters as defined by USACE and CDFW. However, the Beardsley Canal, and irrigation canal, under CDFW and RWQCB authority, is located approximately 3,083 feet (0.5 miles) north of the Project site but due to the distance to the Project site and the Canal, the Canal will therefore not be impacted by the proposed Project.

A reconnaissance site visit determined no evidence was apparent to suggest that the site contained a wetland, and according to the U. S. Fish & Wildlife Service (USFWS) National Wetlands Inventory available via the USFWS Internet website, the subject site does not contain a designated wetland. Therefore, at this time, regulations pertaining to wetlands do not appear to impact the Project site.

Wildlife Movement Corridors

Wildlife corridors provide connectivity between habitat areas, enhancing species' richness and diversity. Wildlife movement includes migration (usually one way per season), inter-population movement (i.e., long-term genetic flow), and small travel pathways (i.e., daily movement corridors within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities, such as foraging or escape from predators, they also provide connections between outlying populations and the main corridor, permitting an increase in gene flow among populations. These linkages among habitats can extend for miles and occur on a large scale throughout the greater region. Habitat linkages facilitate movement between populations located in discrete local sand populations within larger habitat areas. Impacts from development, such as habitat fragmentation and/or isolation, as well as the creation of impassable barriers, can cause a significant impact to wildlife corridors. The proposed Project site is bound in all directions by fencing. Land uses north of the site include vacant land and Highway 99, southeast of the site is the Minkler Railroad easement and residential land uses across Hageman Road and Knudsen Drive to the west. There are no known wildlife corridors through or around the project site and there is no evidence to suggest that wildlife corridors would exist through the site. Therefore, considering the Project site is surrounded by an urban environment, the Project site would not interfere with wildlife corridors.

4.3.2 Regulatory Setting

Federal Regulations

The federal laws that regulate the treatment of biological resources include the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA), and the Clean Water Act (CWA). The following subsections outline the relevant principles of each.

Endangered Species Act

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

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

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

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

Clean Water Act

The Clean Water Act (CWA) is administered by the US Environmental Protection Agency (EPA) and the USACE. USACE is responsible for regulating the discharge of fill material into waters of the United States, including lakes, rivers, streams, and their tributaries, as well as wetlands. In 2008, USACE published the Wetlands Regulatory Assistance Program: Regional Supplements to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), which provides detailed information for the Arid West Region. Wetlands are defined for regulatory purposes as areas "inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

The discharge of dredged or fill material into waters of the United States is subject to permitting under Section 404 (Discharges of Dredge or Fill Material) of the CWA. Section 401 (Certification) specifies additional requirements for permit review, particularly at the state level. Project proponents must obtain a permit from USACE for all discharges of dredged or fill material into waters of the United States, including wetlands, before proceeding with a proposed action. USACE permits must be certified by the State Water Resources Control Board (SWRCB) in order to be valid. Thus, certification from the SWRCB should be requested at the same time as an application is filed with USACE. Certification from the California Regional Water Quality Control Board (RWQCB) is also required when a proposed activity may

result in discharge into navigable waters, pursuant to Section 401 of the CWA and EPA 404(b)(1) Guidelines.

National Pollutant Discharge Elimination System

The 1972 amendments to the federal Water Pollution Control Act established the National Pollutant Discharge Elimination System (NPDES) permit program to control discharges of pollutants from point sources (Section 402). The NPDES Permit Program is the primary federal program that regulates point source and nonpoint-source discharges to waters of the United States. The SWRCB issues both general and individual NPDES permits for certain activities.

Migratory Bird Treaty Act

The USFWS is also responsible for implementing the Migratory Bird Treaty Act (MBTA). The MBTA implements a series of treaties between the United States, Mexico, and Canada that provide for the international protection of migratory birds. Wording in the MBTA makes it clear that most actions that result in "taking" or possession (permanent or temporary) of a protected species can be a violation of the Act. The word "take" is defined as meaning "pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect." The provisions of the MBTA are nearly absolute; "except as permitted by regulations" is the only exception. Examples of permitted actions that do not violate the law are the possession of a hunting license to pursue specific game birds, legitimate research activities, display in zoological gardens, bird-banding, and similar activities.

State Regulations

State laws regulating biological resources include the California Endangered Species Act, the California Fish and Game Code (FGC), and the California Native Plant Protection Act (CNPPA), each of which is described below.

California Endangered Species Act

The California Endangered Species Act (CESA) establishes state policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA mandates that state agencies should not approve projects that jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect species that are on the federal and state lists, compliance with the federal ESA satisfies CESA if the CDFW determines that the federal incidental take authorization is consistent with CESA under FGC Section 2080.1. For projects that would result in take of species that are only State listed, the project proponent must apply for a take permit under Section 2081(b) of the FGC.

California Fish and Game Code

Under the FGC, the CDFW provides protection from "take" for a variety of species, including Fully Protected species. "Fully Protected" is a legal protective designation administered by the CDFW, intended to conserve wildlife species that risk extinction within California. Lists have been created for birds, mammals, fish, amphibians, and reptiles. The FGC sections dealing with Fully Protected species state that these animals" may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected" species, although take may be authorized for necessary scientific research. In 2003, the code sections dealing with

fully protected species were amended to allow CDFW to authorize take resulting from recovery activities for State-listed species.

The CDFW also protects streams, water bodies, and riparian corridors through the streambed alteration agreement process under Section 1601 to 1606 of the FGC. The FGC stipulates that it is "unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake" without notifying CDFW, incorporating necessary mitigation and obtaining a streambed alteration agreement. Through policy, CDFW asserts jurisdiction to the top of banks of all streams, including intermittent and ephemeral streams, extending laterally to the upland edge of adjacent riparian vegetation. CDFW uses the Cowardin system for wetland identification and classification, which typically results in a larger jurisdictional area than federal jurisdiction under the CWA. Under this system, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non- soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

California Native Plant Protection Act

The California Native Plant Protection Act (CNPPA) prohibits importation of rare and endangered plants into California, "take" of rare and endangered plants and sale of rare and endangered plants. CESA defers to the CNPPA, which ensures that State-listed plant species are protected when state agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the CNPPA are not protected under CESA; however, impacts to endangered, rare, or threatened species, including plants, are evaluated under CEQA.

Local Regulations

The Conservation Element of the City of Bakersfield General Plan

The Conservation Element includes the following goals and policies that address biological resources and are applicable to the Project:

- **Goal 1.** Conserve and enhance Bakersfield's biological resources in a manner which facilitates orderly development and reflects the sensitivities and constraints of these resources.
    - **Policy 1**. Direct development away from "sensitive biological resource" areas unless effective mitigation measures can be implemented.
    - **Policy 2**. Preserve areas of riparian vegetation and wildlife habitat within floodways along rivers and streams, in accordance with the Kern River Plan Element and channel maintenance programs designed to maintain flood flow discharge capacity.

4.3.3 Methodology for Analysis

Literature Review

Analysis of the biological resources associated with the project site began with a thorough review of relevant literature, which provides a baseline from which to evaluate the biological resources potentially occurring on the site, as well as the surrounding area. Descriptions and analysis in this section are based on information provided by a technical study titled "Blunt-Nosed Leopard Lizard Survey," dated September 27, 2022, prepared by BPR Environmental Consulting, a technical memorandum titled "San Joaquin Kit

Fox Habitat Assessment," dated June 16, 2020, prepared by SWCA Environmental Consultants, and a technical study titled "Phase I Environmental Site Assessment Vacant Property Southeast of Hageman Road and Knudsen Drive Bakersfield, CA," dated June 23, 2023, prepared by Krazan & Associates Inc. Other sources include the Metropolitan Bakersfield General Plan. All technical studies are included as EIR Technical Appendices to this EIR.

Reconnaissance-Level Survey

Two special on-site species surveys were conducted at the Project site for the San Joaquin Kit Fox and Blunt-Nosed Spotted Lizard. The San Joaquin Kit Fix site survey was conducted on June 9, 2020, by SWCA Senior Biologist Geoff Hoetker, BPR Senior Biologist Ben Ruiz, and BPR Associate Biologist Tyler Armstrong. Mr. Hoetker is considered a qualified SJKF biologist and is preapproved by the California Department of Fish and Wildlife (CDFW) to work under the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP). The biologists drove the perimeter of the site and conducted a walking transect through the center of the property.

Blunt-Nose Leopard surveys included a total of 12 survey days, which were conducted for adult BNLL over a 90-day period between April 15 and July 15, 2020. These surveys were followed by five additional survey days between August 1 and September 30, 2020, to detect BNLL hatchlings and subadults. Based on the surveys, BNLL was not observed during any of the protocol-level surveys conducted within the Action Area.

During the 30-day public review period for the Initial Study/Notice of Preparation, CDFW provided a comment letter dated April 30, 2023, in which they identified the potential for Swainson' Hawk; Crotch's Bumble Bee; Bakersfield Legless Lizard; Burrowing Owl (BUOW); Western Mastiff Bat; and American Badger have the potential to occur in the Project site.

4.3.4 Thresholds of Significance

Section IV of Appendix G to the CEQA Guidelines addresses typical adverse effects to biological resources and includes the following threshold questions to evaluate the Project's impacts to biological resources. Would the Project:

m) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

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

o) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

p) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites;

q) Conflict with any local policies or ordinances protecting biological resources, such as a tree

preservation policy or ordinance;

r) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.3.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Effect on Species

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

Impact Analysis

Special-Status Plant Species

A site visit was conducted on June 9, 2020, by SWCA Senior Biologists considered qualified SJKF biologists and is preapproved by the California Department of Fish and Wildlife (CDFW) to conduct a San Joaquin Kit Fox Habitat Assessment for the Hageman Road Development. The biologists drove the perimeter of the site and conducted a walking transect through the center of the property. Based on their findings, the Project site was observed to be highly disturbed as a result of regular disking and was vegetated mainly with weedy, nonnative species of low diversity. Russian thistle/ tumbleweed (Salsola tragus) and nonnative annual grasses such as brome (Bromus spp.) and Mediterranean barley (Hordeum marinum ssp. gussoneanum) were the dominant vegetation. The subject property is bound by similar conditions on adjacent parcels to the north, south, and west. Directly to the west is a canal, and farther to the west is residential development; directly to the east is railroad right-of-way, and farther to the north, east, and south is industrial development. A few oil derricks occur on the subject property and transmission lines traverse the southern and eastern areas of the parcel. **Table 4.3-2** includes a list of plant species observed on- site.

Table 4.3-2
Plant Species Observed on Subject Property on June 9, 2020.

Scientific Name	Common Name	Family
Ambrosia sp.	ragweed	Asteraceae
Brassica nigra	black mustard	Brassicaceae
Bromus diandrus	ripgut brome	Poaceae
Bromus hordeaceus	soft chess brome	Poaceae
Bromus madritensis ssp. rubens	red brome	Poaceae
Erigeron canadensis	Canada horseweed	Asteraceae
Erodium cicutarium	red-stemmed filaree	Geraniaceae
Euphorbia sp.	spurge	Euphorbiaceae
Hordeum marinum ssp. gussoneanum	Mediterranean barley	Poaceae
Lactuca serriola	prickly lettuce	Asteraceae
Salsola tragus	Russian thistle / tumbleweed	Chenopodiaceae
Tribulus terrestris	puncturevine	Zygophyllaceae

Twelve plants were identified during the site visit, none of which are state and/or federally listed. CEQA requires consideration of impacts to locally significant plant species and those that meet the criteria for listing, but which may not be officially listed under CESA or FESA. No listed or other special-status plant species were observed during the field surveys conducted on the Project site.

Special-Status Wildlife Species

Appendix C of this EIR contains technical studies of the potential for each species to occur on the Project site and whether there is a potential for impacts. Special-status wildlife that were determined to have at least a low potential for occurrence in areas that would be physically disturbed by the Project, based on the evaluation contained in Appendix C, are summarized below, and discussed in more detail.

San Joaquin Kit Fox

The San Joaquin (SJKF) is currently federal-listed as endangered and State-listed as threatened. No dens were identified and evaluated by SWCA for possible use by SJKF during a site visit. There are no site-specific SJKF occurrence records reported by the California Natural Diversity Database (CNDDB) for the subject property. There is a CNDDB record overlapping the property for an American badger (Taxidea taxus) collected many years ago in 1900, but the location data as reported by the CNDDB has a maximum error of up to four miles six and should not be considered site-specific. The nearest CNDDB occurrence record for SJKF is approximately 0.2 mile east of the Project site, where one SJKF pup was observed on February 15, 2000, and a den and fresh tracks were observed near a canal on November 10, 2001. This area is currently an industrial development center subject to regular and routine disturbances.

There is currently no suitable habitat that could support denning or foraging SJKF on the subject property. The property is highly disturbed and there does not appear to be an adequate prey base, as evidenced by a lack of small mammal burrows. While the subject property has no barriers that would prohibit transient SJKF in the region from traversing the property, SJKF would not be expected to den or otherwise forage within the subject property.

Blunt-Nosed Leopard Lizard

Gambelia sila, also known as the Blunt-Nosed Leopard Lizard (BNLL), is listed as a federal endangered species, and is listed by the State of California as an endangered species and fully protected species. This lizard used to be found in all of the San Joaquin Valley and the adjacent foothills of southern California. The Blunt-nosed leopard lizard now only occupies a few, scattered, undeveloped plots of land on the floor of the San Joaquin Valley and in the foothills of the Coast Range.

Blunt-Nosed Leopard Lizard Protocol Surveys were conducted by BPR Consulting to determine the feasibility of the proposed Project. BPR Consulting conducted a presence/absence survey for BNLL in accordance with CDFW protocol (CDFW 2019). All survey methods were acquired and conducted with guidance from the October 2019 revision of the CDFW BNLL protocol. Typical absence/presence surveys, or disturbances leading to habitat removal included a total of 12 survey days, which were conducted for adult BNLL over a 90-day period between April 15 and July 15, 2020. These surveys were followed by five additional survey days between August 1 and September 30, 2020, to detect BNLL hatchlings and subadults. Based on the surveys, BNLL was not observed during any of the protocol-level surveys conducted within the Action Area. Therefore, BNLL is not likely to occur in the project's footprint.

Because no special-status plants or animal species were identified in the Project area, the Project is not expected to have any impacts on special-status species. Impacts would be considered to be less than significant.

Level of Significance Before Mitigation

Less than Significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Riparian Habitat

Threshold b):	**Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

Impact Analysis

Based on Krazan & Associates reconnaissance, evidence was not apparent to suggest that the site contained a wetlands or riparian habitats, and according to the U. S. Fish & Wildlife Service (USFWS) National Wetlands Inventory available via the USFWS Internet website, the subject site does not contain a designated wetland. There is no riparian habitat or other sensitive natural communities located in the Project area; therefore, Project development would result in less than significant impacts.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant.

Federally Protected Wetlands

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

Impact Analysis

Based on Krazan & Associates reconnaissance, evidence was not apparent to suggest that the site contained a wetland, and according to the U. S. Fish & Wildlife Service (USFWS) National Wetlands Inventory available via the USFWS Internet website, the subject site does not contain a designated wetland.

There is no riparian habitat or other sensitive natural communities located in the Project area; therefore, Project development would result in less than significant impacts.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Wildlife Corridors and Nursery Sites

Threshold d): Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites.

Impact Analysis

The vacant Project site is partially disturbed and surrounded by industrial land uses and a railroad at the southeastern border of the site. The extent of urbanization in the Project area has created numerous barriers to wildlife movement. The project site is fenced on all boundaries. The project does not contain any rivers, streams, or lakes; therefore, there would be no impact on migratory fish. No wildlife species, or native wildlife were observed at the site and no evidence was cited to suggest the existence of active wildlife corridors through or around the project site. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Local Policies or Ordinances Protecting Biological Resources

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

Impact Analysis

The City of Bakersfield tree preservation ordinance relates to existing trees and the site is currently void of any trees or shrubs. Biological resources and blunt-nosed leopard lizard surveys were conducted on-site in accordance with the California Department of Fish and Wildlife standards with the conclusions that no special species were identified. Therefore, no impact would result from Project development or operation and no further analysis is required.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Conservation Plans

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

Impact Analysis

The Project site is not located within the study boundary of any City of Bakersfield Habitat Conservation Plan. Therefore, Project development and operation would not conflict with a habitat conservation plan or its provisions, thus, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	**Would the Project contribute to cumulative impacts to biological resources in the area?**

Impact Analysis

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

Because the Project site does not contain any riparian habitat or other sensitive natural community, there is no potential for implementation of the Project to contribute to a substantial adverse cumulatively considerable impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.

Because the Project site is vacant, partially disturbed, and not known to contain any riparian habitats or other protected habitat communities does not contain any special-status plant species and lacks suitable, natural habitat, there is no potential for the Project site to support special- status plant species. Therefore, there is no potential for implementation of the Project to contribute to a substantial adverse cumulatively considerable impact on any special-status plant species.

There are no federally protected wetlands or other waters of the U.S. or state in or near the Project area, nor do any storm water drainages in the Project area have any connectivity to these resources. Therefore, cumulatively considerable impact on any protected wetlands would not occur.

Due to the Project site being surrounded on all sides by roads, a railroad and urban development, is a relatively small parcel of disturbed former agricultural land that lacks migratory wildlife linkages, and there are non-native wildlife nurseries on or adjacent to the site, there is no potential for implementation of the Project to contribute to a cumulatively-considerable impact to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Therefore, impacts would be less than significant for cumulatively considerable biological resources.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.4: CULTURAL RESOURCES

4.4 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in potential effects on the Project site and its surrounding area. Descriptions and analysis in this section are based on information provided by a technical study titled Phase I Cultural Resources Survey APNS 116-080-556; and 059, Hageman Road and Knudsen Drive prepared by Hudlow Cultural Resource Associates, June 2020 and a California Historical Resources Information Systems Cultural Records Search, June 1, 2020.

4.4.1 Existing Conditions

The Project area is located at an elevation of 430 feet above mean sea level in the Great Central Valley, which is composed of two valleys-- the Sacramento Valley and the San Joaquin Valley. The Project area is located in the southwestern portion of the southern San Joaquin Valley. The lots are denuded with native vegetation. The lots have been plowed to keep the weeds down, and as such, the soil is loose and friable.

Project Site

The project area is in the City of Bakersfield. The two parcels are located in the E ½ of the SE ¼ of Section 15, the SW ¼ of Section 14, and the S ½ of the SW ¼ of the SW ¼ of the NW ¼ of Section 14, T.29S., R.27E., Mount Diablo Baseline and Meridian, as displayed on the United States Geological Survey (USGS). The property lies at the southeast corner of Hageman Road and Knudsen Drive, City of Bakersfield, California. A record search of the Project area and the environs within one-half mile was conducted at the Southern San Joaquin Archaeological Information Center. Information Center staff conducted the record search, RS# 20-207 on June 1, 2020 (Appendix D). The record search revealed that seventeen cultural resource surveys have been conducted within one-half mile radius of the Project area, including six previous surveys that have been conducted within the current Project area. Two cultural resources have been recorded within the Project area, a prehistoric lithic scatter, and a historic canal. Additionally, eleven cultural resources are located within one half mile of the current Project area. Ten are historic resources and one is a prehistoric lithic scatter.

Cultural Setting

The following is a brief overview of the prehistoric and historic background of the greater area, which provides a context to understand the relevance of resources found in the general project area. This section is not intended to be a comprehensive review of the current resources available; rather, it serves as a general overview.

Prehistoric Setting

Limited archaeological research has been conducted in the southern San Joaquin Valley. Consensus on a generally agreed upon regional cultural chronology has yet to be developed. Despite the preoccupation with chronological issues in most of the previous research, most suggested chronological sequences are borrowed from other regions with minor modifications based on sparse local data.

The following chronology is based on Parr and Osborne's Paleo-Indian, Proto-Archaic, Archaic, Post-

Archaic periods. Most existing chronologies focus on stylistic changes of time-sensitive artifacts such as projectile points and beads rather than addressing the socioeconomic factors, which produced the myriad variations. In doing so, these attempts have encountered similar difficulties. These cultural changes are implied as environmentally determined, rather than economically driven.

Paleo-Indians, who roamed the region approximately 12,000 years ago, were highly mobile individuals. Their subsistence is assumed to have been primarily big game, which was more plentiful 12,000 years ago than in the late twentieth century. However, in the Great Basin and California, Paleo people were also foragers who exploited a wide range of resources. Berries, seeds, and small game were also consumed. Their technology was portable, including manos (Parr and Osborne 1992:44). The paleo period is characterized by fluted Clovis and Folsom points, which have been identified throughout North America. The Tulare Lake region in Kings County has yielded several Paleo-Indian sites, which have included fluted points, scrapers, chipped crescents, and Lake Mojave-type points (Morratto 198 The Proto-Archaic period, which dates from approximately 11,000 to 8,000 years ago, was characterized by a reduction in mobility and conversely an increase in sedentism. This period is classified as the Western Pluvial Lake Tradition or the Proto-Archaic, of which the San Dieguito complex is a major aspect. An archaeological site along Buena Vista Lake in southwestern Kern County displays a similar assemblage to the San Dieguito type-site. Claude Warren proposes that a majority of Proto-Archaic southern California could be culturally classified as the San Dieguito Complex. The Buena Vista Lake site yielded manos, milling stones, large stemmed and foliate points, a mortar, and red ochre. During this period, subsistence patterns began to change. Hunting focused on smaller games and plant collecting became more integral. Large stemmed, lanceolate (foliate) projectile points represent lithic technology. Milling stones have become more prevalent. The increased sedentism possibly began to create regional stylistic and cultural differences not evident in the paleo period.

The Archaic period persisted in California for the next 4000 years. In 1959, Warren and McKusiak proposed a three-phase chronological sequence based on a small sample of burial data for the Archaic period. It is distinguished by increased sedentism and extensive seed and plant exploitation. Milling stones, shaped through use, were abundant. Manos and metates were the most prevalent types of milling stones. The central valley began to develop distinct cultural variations, which can be distinguished by different regions throughout the valley, including Kern County.

In the Post-Archaic period enormous cultural variations began manifesting themselves throughout the entire San Joaquin Valley. This period extends into the contact period in the seventeenth, eighteenth and nineteenth centuries. Sedentary village life was emblematic of the Post-Archaic period, although hunting and gathering continued as the primary subsistence strategy. Agriculture was absent in California, partially due to the dense, predictable, and easily exploitable natural resources. The ancestral Yokuts were possibly in the valley by the sixteenth or seventeenth century, and by the eighteenth century were the largest pre-contact population, approximately 40,000 individuals, in California.

Historic Setting

Kern County was settled in the 1860s, soon after California joined the United States after the passage of the Compromise of 1850. The Compromise of 1850 allowed California to join the Union as a free state even though a major portion of the state lay beneath the Missouri Compromise line; and was potentially subject to southern settlement and slavery. Americans had long been visiting and working in California

prior to the admission of California into the Union.

The Spanish moving north from Baja California into Alta California began European settlement of California in 1769. Father Junipero Serra, a Franciscan friar founded Mission San Diego de Alcala, beginning California active European settlement. However, Spanish mission efforts were focused on California's coastal regions. Spanish exploration of the San Joaquin Valley region begins in the 1770s. In 1772, Pedro Fages arrived in the San Joaquin Valley searching for army deserters. Father Francisco Garces, a Franciscan priest, soon visited the vicinity in 1776. The Spanish empire collapsed in 1820, all of Spain's former Central and South American colonies became independent nations. As a result, California became Mexican territory. California stayed in Mexican hands until the Mexican American War. Mexican California remained a coastal society with little interest in settling in California's hot, dry interior valleys.

American exploration of the San Joaquin Valley begins in the 1820s with Jedediah Smith, Kit Carson, and Joseph Walker looking for commercial opportunities. The United States government began exploring California in the 1830s. Soon, the Americans will be searching for intercontinental railroad routes to link the eastern and western halves of the continent.

The defeat of the Mexicans during the Mexican American War and the subsequent discovery of gold will drastically alter the complicated political realities of the west. The Mexican American War was ostensible fought to settle a boundary dispute with the Mexicans over the western boundary of the newly annexed state of Texas, which had fought a successful rebellion against the Mexican Army in the mid-1830s. The Republic of Texas was an independent country for nine years until Texas was annexed by the United States in 1845. One major outcome of the Mexican American War was that Mexico rescinded its claims to much of the American southwest. In 1848 these territories were folded into the United States, including California.

In January 1848, the discovery of gold in Coloma, California changed the settlement of California, forever. In the summer of 1848, when the gold strike was publicly announced, the overnight settlement of California began. The Mexican population of California was small and limited to the coasts and a few of southern California's interior valleys. A sizable native population settled the remainder of California; Bakersfield and Kern County was Yokuts territory. The Gold Rush tipped the balance of native communities throughout California, as many of California's natives were decimated.

Many areas experienced smaller gold rushes, including the Kern River Valley, when gold was discovered in Keyesville in 1853. The gold was soon played, and the true future of the region was soon identified, farming, as the gold prospectors came down from the mountains. Kern Island, a median point along the Kern Delta, between the mouth of the Kern River and the Kern Lake, was settled in 1860. Soon, Col. Thomas Baker bought the property from the original owner, Christian Bohna and the settlement of Bakersfield began in earnest.

Col. Baker was lured to California by the prospects of gold. He was a practicing lawyer and surveyor and was slowly moving west from Ohio. He was involved in Iowa's territorial government and served in both the California senate and assembly. Col. Baker realized he had to drain the Kern Delta to manufacture usable farmland. He also improved his land, creating one of the only transit locations between Los Angeles and Visalia in the 1860s.

Baker laid out the town and began the process of draining, diverting, and controlling the Kern River. In

1873, Bakersfield was incorporated and was the first city in the newly created Kern County, which was previously a portion of Tulare County. In 1874, Bakersfield got a rail link with the establishment of the Southern Pacific line over the Tehachapi Pass connecting Kern County to northern California to points east. The train station was located in Sumner, a spite town that was established by the Southern Pacific about a mile east of downtown Bakersfield, now located in east Bakersfield. The train brought Bakersfield agricultural prosperity, since it now had quick rail connections to larger California and eastern markets for its fruits and grains.

The City of Bakersfield expanded to the north in the early twentieth century toward the Kern River, after its 1898 reincorporation. The city centered along Chester Avenue, which was the main north/south thoroughfare. The community of Summer lied to the east, and the surrounding area in all directions was farmland. The city of Bakersfield was a small community at the turn of the century, slightly less than 5,000 people lived in Bakersfield; an additional 17,000 people lived in Kern County. Bakersfield was a quiet city in the center of a farming region.

However, the discovery of the Kern River oil field in May 1899 quickly changed the face of the region. Bakersfield quickly became the center of a California oil boom, which remade the community. The population more than doubled in less than ten years, bringing prosperity to the area. Many people recognized that prosperity could not only be achieved through working in oil, but also through providing necessary services, such as milk products and lodging. The City of Bakersfield grew. Between 1900 and 1950, Bakersfield and the greater Kern County region grew tremendously under the influence of two economic forces, agriculture, and oil. By 1950, Bakersfield was a mid-sized city of approximately 50,000. It sported minor league baseball, had a regional airport, and was a major automobile link along Route 99, which connected northern and southern California. In the late 1960s, Bakersfield was beginning to change again, as the Kern County Land Company was sold to Tenneco West, and Bakersfield began to suburbanize.

Ethnographic Background

The Yokuts are a Penutian-speaking, non-political cultural group. Penutian speakers inhabit the San Joaquin Valley, the Bay Area, and the Central Sierra Nevada Mountains. The Yokuts are split into three major groups, the Northern Valley Yokuts, the Southern Valley Yokuts, and the Foothill Yokuts.

The southern San Joaquin Valley in the Bakersfield and associated Kern County area was home to the Yokuts tribelet, Yawelmani. The tribelets averaged 350 people in size, had a special name for themselves, and spoke a unique dialect of the Yokuts language. Land was owned collectively, and every group member enjoyed the right to utilize food resources. The Yawelmani inhabited a strip of the southeastern San Joaquin Valley, north of the Kern River to the Tehachapi Mountains on the south, and from the mountains on the east, to approximately the old south fork of the Kern River on the west. The Yawelmani were the widest ranging of the Yokuts tribelets. One half dozen villages were located along the Kern River, including Woilo ("planting place" or "sowing place"), which was located in downtown Bakersfield, where the original Amtrak station was located. A second village was located across the Kern River from Woilo, on the west bank.

The Southern Valley Yokuts established a mixed domestic economy emphasizing fishing, hunting, fowling, and collecting shellfish, roots, and seeds. Fish were the most prevalent natural resource; fishing was a

productive activity throughout the entire year. Fish were caught in many different manners, including nets, conical basket traps, catching with bare hands, shooting with bows and arrows, and stunning fish with mild floral toxins. Geese, ducks, mud hens and other waterfowl were caught in snares, long-handled nets, stuffed decoys, and brushing brush to trick the birds to fly low into waiting hunters. Mussels were gathered and steamed on beds of tule. Turtles were consumed, as were dogs, which might have been raised for consumption.

Wild seeds and roots provided a large portion of the Yokuts' diet. Tule seeds, grass seeds, fiddleneck, alfilaria were also consumed. Acorns, the staple crop for many California native cultures, were not common in the San Joaquin Valley. Acorns were traded into the area, particularly from the foothills. Land mammals, such as rabbits, ground squirrels, antelope and tule elk, were not hunted often. The Yokuts occupied permanent structures in permanent villages for most of the year. During the late and early summer, families left for several months to gather seeds and plant foods, shifting camp locations when changing crops. Several different types of fiber-covered structures were common in Yokuts settlements. The largest was a communal tule mat- covered, wedge-shaped structure, which could house upward of ten individuals. These structures were established in a row, with the village chief's house in the middle and his messenger's houses were located at the ends of the house row. Dance houses and assembly buildings were located outside the village living area.

The Yokuts also built smaller, oval, single-family tule dwellings. These houses were covered with tall mohya stalks or with sewn tule mats. These small houses were framed by bent-pole ribs, which met a ridgepole held by two crotched poles. The Yokuts also built a cone-shaped dwelling, which was framed with poles tied together with a hoop and then covered with tule or grass. These cone-shaped dwellings were large enough to contain multiple fireplaces. Other structures included mat-covered granaries for storing food supplies, and a dirt- covered communally owned sweathouse.

Clothing was minimal; men wore a breechclout or were naked. Women wore a narrow- fringed apron. Rabbit skin or mud hen blankets were worn during the cold season. Moccasins were worn in certain places; however, most people went barefoot. Men wore no head coverings, but women wore basketry caps when they carried burden baskets on their heads. Hair was worn long. Women wore tattoos from the corners of the mouth to the chin; both men and women had ear and nose piercings. Bone, wood, or shell ornaments were inserted into the ears and noses.

Tule dominated the Yokut's material culture. It was used for many purposes, including sleeping mats, wall coverings, cradles, and basketry. Ceramics are uncommon to Yokuts culture as is true throughout most California native cultures. Basketry was common to Yokuts culture. Yokuts made cooking containers, conical burden baskets, flat winnowing trays, seed beaters, and necked water bottles. Yokuts also manufactured wooden digging sticks, fire drills, mush stirrers, and sinew-backed bows. Knives, projectile points, and scraping tools were chipped from imported lithic materials including obsidian, chert, and chalcedony. Stone mortars and pestles were secured in trade. Cordage was manufactured from milkweed fibers, animal skins were tanned, and awls were made from bone. Marine shells, particularly olivella shells, were used in the manufacture of money and articles of personal adornment. Shells were acquired from the Chumash along the coast.

The basic social and economic unit was the nuclear family. Lineages were organized along patrilineal lines. Fathers transmitted totems, particular to each paternal lineage, to each of his children. The totem was a

bird or animal that no lineage member would kill or eat; the totems were dreamed of, and prayers were given to the totems. The mother's totem was not passed to her offspring; but was treated with respect. Families sharing the same totem formed an exogamous lineage. The lineage had no formal leader nor did its own land. The lineage was a mechanism for transmitting offices and performing ceremonial functions. The lineages formed two moieties, East and West, which consisted of several different lineages. Moieties were customarily exogamous. Children followed the paternal moiety. Certain official positions within the villages were associated with certain totems. The most important was the Eagle lineage from which the village chief was appointed. A member of the Dove lineage acted as the chief's assistant. He supervised food distribution and gave commands during ceremonies. Another hereditary position was common to the Magpie lineage, was that of spokesman or crier.

4.4.2 Regulatory Setting

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) was passed primarily to acknowledge the importance of protecting our nation's heritage. While Congress recognized that national goals for historic preservation could best be achieved by supporting the drive, enthusiasm, and wishes of local citizens and communities, it understood that the federal government must set an example through enlightened policies and practices. In the words of the Act, the federal government's role would be to "provide leadership" for preservation, "contribute to" and "give maximum encouragement" to preservation, and "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony". Section 106 of NHPA granted legal status to historic preservation in federal planning, decision-making, and project execution. Section 106 requires all federal agencies to take into account the effects of their actions on historic properties and provide Advisory Council of Historic Preservation (ACHP) with a reasonable opportunity to comment on those actions and the manner in which federal agencies are taking historic properties into account in their decisions.

National Register of Historic Places (NRHP)

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the NHPA of 1966, the National Park Services (NPS's) National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources. To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance, as follows:

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

Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards used by every state. Under federal law, the listing of a property

in the National Register places no restrictions on what a non- federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access.

Native American Graves Protection and Repatriation Act (NAGPRA)

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

State Regulations

California Administrative Code, Title 14, Section 4308

Section 4308, Archaeological Features, of Title 14 of the California Administrative Code provides that: "No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value".

California Code of Regulations, Title 14, Section 1427

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

Traditional Tribal Cultural Places Act (Senate Bill 18, SB 18)

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. SB 18 also requires the Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government. SB18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code § 65300 et seq.) and specific plans (defined in Government Code § 65450 et seq.). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing State planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code § 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment (OPR, 2005).

California Register of Historic Resources (California Register)

The California Register establishes a list of properties to be protected from substantial adverse change (Public Resources Code Section 5024.1). The State Office of Historic Preservation (OHP) has determined that buildings, structures, and objects 45 years or older may be of historical value. A historical resource may be listed in the California Register if it meets any of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- It is associated with the lives of persons important in California's past.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.
- It has yielded or is likely to yield information important in prehistory or history.

The California Register includes properties that are listed or have been formally determined eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest. Other resources that may be eligible for the California Register, and which require nomination and approval for listing by the State Historic Resources Commission, include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic surveys conducted in accordance with OHP procedures, historic resources or districts designated under a local ordinance consistent with the procedures of the State Historic Resources Commission, and local landmarks or historic properties designated under local ordinance.

Assembly Bill 52 (AB 52)

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

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

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 21084.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of

preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015.

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

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
    b) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
    a) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
    b) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Health and Safety Code

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

California Code of Regulations Section 15064.5 (CEQA Guidelines)

The California Code of Regulations, Title 14, Chapter 3, Section 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical

resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in the 2024 CEQA Guidelines § 15064.5, as follows:

a) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
b) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code, or identified as significant in a historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
c) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
d) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
e) Is associated with the lives of persons important in our past;
f) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
g) Has yielded, or may be likely to yield, information important in prehistory or history.
h) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

4.4.3 Methodology for Analysis

The potential impacts from project implementation within the Project site and the surrounding area are based on record searches at the Native American Heritage Commission (NAHC), as well as a pedestrian survey conducted by Hudlow Cultural Resource Associates within the Project boundary.

Record Searches

Information Center Search

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

The following are the results of a search of the cultural resource files at the Southern San Joaquin Valley Information Center. These files include known and recorded cultural resources sites, inventory and excavation reports filed with this office, and resources listed on the National Register of Historic Places, the OHP Built Environment Resources Directory, California State Historical Landmarks, California Register of Historical Resources, California Inventory of Historic Resources, and California Points of Historical Interest. Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the OHP are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. A record search of the project area and the environs within one-half mile was conducted at the Southern San Joaquin Archaeological Information Center. Information Center staff conducted the record search, RS# 20-207 on June 1, 2020 (Appendix D). The record search revealed that seventeen cultural resource surveys have been conducted within one-half mile radius of the project area, including six previous surveys that have been conducted within the current project area (**Table 4.4-1).** Two cultural resources have been recorded within the project area, a prehistoric lithic scatter, and a historic canal. Additionally, eleven cultural resources are located within one half mile of the current project area. Ten are historic resources and one is a prehistoric lithic scatter. (**Table 4.4-2).** These resources consist of historic era railroads, bridges, buildings, a canal, and another prehistoric lithic scatter.

There are no recorded cultural resources within the Project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

Table 4.4-1
Prior Cultural Resources Studies within 0.50 Mile of the Project Site

Report Numbers	
KE-00689	KE-02369
KE-00866	KE-02394
KE-01169	KE-02807
KE-02396	KE-03527
KE-04511	KE-04011
KE-04598	KE-04163
KE-00654	KE-01928
KE-00777	KE-02136
KE-00779	

Table 4.4-2
Recorded Historic Resources within 0.50 Mile of the Project Site

Resource Numbers	
P-15-002874 *	P-15- 008210
P-15-017237*	P-15-008211
P-15-000560	P-15- 008214
P-15- 002050	P-15 008622
P-15-007042	P-15- 017238
P-15 007233	P-15 008178
P-15 008179	
**Two recorded resources*	

Native American Heritage Commission Record Search

The City of Bakersfield sent a letter to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project area. The NAHC provided a list of ten individual tribes in the general area of the proposed that would require communications of the Project and the opportunity to consult.

4.4.4 Thresholds of Significance

According to the CEQA Guidelines' Section V in Appendix G Environmental Checklist, to determine whether impacts to cultural resources are significant environmental effects, the following questions are analyzed and evaluated. Would the Project:

a) Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5;
b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5;
c) Would the Project disturb any human remains, including those interred outside of formal cemeteries.

4.4.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Historic Resource

Threshold a): Would the Project cause an adverse change in the significance of a historical resource as defined in §15064.5?

Impact Analysis

As discussed in the Hudlow Cultural Resources Associates Phase I prepared for the Project site, Eight new cultural resources were identified, M-1 through M-8. M-1 is an abandoned natural gas pump. M-2 is an abandoned heater tank. M-3 through 5 are small pumpjacks that are currently producing oil. M-6 is the foundation remains of an industrial structure related to the pumpjacks and the adjacent Southern Pacific spur line. P-15-017237 is an abandoned extension of the Beardsley Canal. P-15-002874 is a prehistoric lithic scatter that was not re-identified. None of these cultural resources are potentially eligible for the

California Register of Historic Resources under Criteria 1, 2, 3, and 4. Although six of these resources are oil-related, these are common, ubiquitous resources that individually are not associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. Oil development, however, is an important historical theme in the greater Bakersfield area. Yet, Criterion 1 does not apply. M-1 through M-6 are not associated with the lives of persons important to local California history. Criteria 2 does not apply. M-1 through M-6 do not embody the distinctive characteristics of a type, period, region, or method of construction or represent the work of a master or possesses high artistic values. Criteria 3 does not apply. M- 1 through M-6 will not yield, or do not have the potential to yield, information important to the prehistory or history of the local area or California. Criteria 4 does not apply. Each of these same statements apply to P-15-017237 which is an abandoned extension of the Beardsley Canal, the Beardsley One Ditch.

P-15-002874 is a prehistoric site that was not re-identified; three of the four artifacts that comprised the site were collected in 1990. The site map is no longer accurate, probably due to oil wells being capped and road configuration changing due to the changing numbers of pumpjacks. However, two isolates, M-7, and M-8, were also identified. M-7 is the base of a broken kitchen bottle; M-8 is the broken half of a mano, which is possibly a constituent of P- 15-002874, which was not identified in 1990. Neither isolate M-7 or M-8 meet the requirements for nominations to the California Register of Historic Resources under Criteria 1-4.

Other identified structural remains, including an abandoned reservoir or drainage basin and well, are either modern or their age cannot be ascertained. As such, these resources do not meet OHP guidelines to be considered historically significant. Therefore, because no historic resources exist on the Project site, implementation of the Project has no potential to result in a substantial adverse change in the significance of a historical resource as defined by CEQA Guidelines Section 15064.5. Thus, no impact would occur, and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Archaeological Resource

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

Impact Analysis

Based on the cultural records search and pedestrian survey of the Project site, no known archaeological resources are present on the Project site. Because no archaeological resources are known to exist on the Project site, implementation of the proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5. However, it is possible (although unlikely

due to the disturbed nature of the site) that previously undiscovered archaeological resources may be present beneath the site's subsurface and may be impacted by ground-disturbing activities associated with Project construction. If any prehistoric cultural resources are unearthed during Project construction that meet the definition of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and are disturbed/damaged by Project construction activities, impacts to those prehistoric cultural resources would be significant without mitigation.

Level of Significance Before Mitigation

Potentially significant.

Mitigation Measures

Mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Mitigation Measures

CUL-1. If suspected cultural resources are encountered during ground disturbance activities, all work within 100 feet of the find shall immediately cease and the area cordoned off until a qualified cultural resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required. If cultural resources are discovered that may have relevance to Native Americans, the specialist or Project Applicant must provide written notice to the City of Bakersfield, Tejon Indian Tribe, Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the specialist in consultation with the City of Bakersfield to receive input regarding treatment and disposition of the resource, which may include avoidance, testing, and/or excavation to prevent destruction of the resource and/or to allow documentation of the resource for research potential. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.

Human Remains

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

Impact Analysis

Notwithstanding, in the event that any human remains, or related resources are discovered, such resources would be treated in accordance with all applicable federal, state, and local regulations and guidelines for disclosure, recovery, relocation, and preservation, including State Health and Safety Code Section 7050.57.98, which states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. Under these provisions, the County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant

(MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. Therefore, with compliance with State Health and Safety Code Section 7050.57.98, and mitigation measure **CUL-1** and **CUL-2**, impacts associated with human remains would be less than significant.

Level of Significance Before Mitigation

Potentially significant.

Mitigation Measures

Mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Mitigation Measures

CUL-2. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation. Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).

Cumulative

Cumulative Threshold:	**Would the Project contribute to cumulative impacts in the area?**

Impact Analysis

Implementation of the Project could potentially result in cumulative impacts associated with cultural resources when combined with other past, present, and reasonably foreseeable future projects in the broader Project area. As noted above, no resources were identified on or off-site that meet the CEQA or CRHR definitions. As such, the Project would not result in any cumulatively considerable impacts to known historical resources.

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

archaeological resource to be discovered during Project construction and during construction of other local development projects. Accordingly, the Project has the potential to contribute to a significant cumulative impact to an archaeological resource pursuant to § 15064.5.

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

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.5: ENERGY

4.5 Introduction

This section describes the provision of energy services and the potential effects from Project implementation on the proposed Project site and its surrounding area. Descriptions and analysis in this section are based in part on information provided by an assessment the San Joaquin Valley Air Pollution Control District (SJVAPCD) issued an Air Impact Assessment Approval for the Indirect Source Review (ISR) (Appendix B) and Table C21, Energy consumption and conditional energy intensity by building size, 2018, issued by the U.S. Energy Information Administration (Appendix E).

4.5.1 Existing Conditions

The proposed Project site is currently vacant and undeveloped with some signs of past uses scattered throughout the site. Energy consumed at the site is associated with powering the active oil wells.

4.5.2 Regulatory Setting

Federal Regulations

Federal and state agencies regulate energy use and consumption through various regulations and programs. On the federal level, the United States Department of Transportation (U.S. DOT), United States Department of Energy (U.S. DOE), and United States Environmental Protection Agency (U.S. EPA) are three agencies with substantial influence over energy policies and programs. Generally, federal agencies influence transportation energy consumption through the establishment and enforcement of fuel economy standards for automobiles and light trucks, funding of energy- related research and development projects, and funding for transportation infrastructure projects.

Public Utilities Regulatory Policies Act of 1978 (EPACT92)

EPACT92 is comprised of 27 titles. It was passed by Congress and set goals, created mandates, and amended utility laws to increase clean energy use and improve overall energy efficiency in the United States. EPACT92 was amended as part of the Energy Conservation and Reauthorization Act of 1998.

Energy Policy and Conservation Act

The Energy Policy and Conservation Act (EPCA) of 1975 was enacted for the purpose of serving the nation's energy demands and promoting conservation methods when feasible and obtainable. Since being enacted on December 22, 1975, EPCA has been amended to do such things as grant specific authority to the President to fulfill obligations of the United States under the international energy program; provide for the creation of a Strategic Petroleum Reserve capable of reducing the impact of severe energy supply interruptions; conserve energy supplies through energy conservation programs and the regulation of certain energy uses; provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products; provide a means for verification of energy data to assure the reliability of energy data; and, conserve water by improving the water efficiency of certain plumbing products and appliances.

Public Utilities Regulatory Policies Act of 1978 (PURPA)

PURPA was established in response to the unstable energy climate of the late 1970s. PURPA sought to promote the conservation of electric energy. Additionally, PURPA created a new class of non-utility

generators, small power producers, from which, along with qualified co-generators, utilities are required to buy power.

PURPA was in part intended to augment electric utility generation with more efficiently produced electricity and to provide equitable rates to electric consumers. Utility companies are required to buy all electricity from a qualifying facility (QF). PURPA expanded participation of non-utility generators in the electricity market and demonstrated that electricity from non-utility generators could successfully be integrated with a utility's own supply. PURPA requires utilities to buy whatever power is produced by QFs (usually cogeneration or renewable energy). The Fuel Use Act of 1978 (FUA) (repealed in 1987) also helped QFs become established. Under the FUA, utilities were not allowed to use natural gas to fuel new generating technologies, but QFs, which were by definition not utilities, were able to take advantage of.

Energy Policy Act of 2005

The Energy Policy Act of 2005 addresses energy efficiency; renewable energy requirements; oil, natural gas, and coal; alternative-fuel use; tribal energy, nuclear security; vehicles and vehicle fuels; hydropower and geothermal energy; and climate change technology. The act provides revised annual energy reduction goals (two percent per year beginning in 2006), revised renewable energy purchase goals, federal procurement of Energy Star or Federal Energy Management Program designated products, federal green building standards, and fuel cell vehicle and hydrogen energy system research and demonstration.

Energy Independence and Security Act of 2007 (EISA)

EISA was signed into law on December 19, 2007. The objectives for EISA are to move the United States toward greater energy independence and security, increase the production of clean renewable fuels, protect consumers, increase product, building and vehicle efficiency, promote greenhouse gas (GHG) research, improve the energy efficiency of the federal government, and improve vehicle fuel economy. The renewable fuel standard in EISA established appliance energy efficiency standards for boilers, dehumidifiers, dishwashers, clothes washers, external power supplies, commercial walk-in coolers and freezers, and federal buildings; it also established lighting energy efficiency standards for general service incandescent lighting in 2012 and standards for industrial electric motor efficiency.

State Regulations

On the state level, the California Public Utilities Commission (CPUC) and California Energy Commission (CEC) are two agencies with authority over different aspects of energy. CPUC regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies. The CEC collects and analyzes energy-related data; forecasts future energy needs; promotes energy efficiency and conservation by setting appliance and building energy efficiency standards; supports energy research; develops renewable energy resources, promotes alternative and renewable transportation fuels and technologies; certifies thermal power plants 50 megawatts (MW) and larger; and plans for and directs state response to energy emergencies. Some of the more relevant federal and state energy-related laws and plans are discussed below.

California Code Title 24, Part 6, Energy Efficiency Standards

California Code Title 24, Part 6 (also referred to as the California Energy Code) was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's

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

Integrated Energy Policy Report

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the State's economy; and protect public health and safety (Public Resources Code § 25301a). The CEC prepares these assessments and associated policy recommendations every two years, with updates on alternate years, as part of the Integrated Energy Policy Report (IEPR) (CEC, n.d.). The 2019 IEPR focuses on changes in its energy system to address climate change and improve air quality in order to ensure that all Californians share in the benefit of the state's clean energy future. The report provides an analysis of electricity sector trends, building decarbonization and energy efficiency, zero-emission vehicles, energy equity, climate change adaptation, electricity reliability in Southern California, natural gas technologies, and electricity, natural gas, and transportation energy demand forecasts. In response to SB 100, which calls for California's electricity system to become 100 percent zero-carbon by 2045, the CEC, California Public Utilities Commission (CPUC) and the California Air Resources Board (CARB) are leading the way to identify pathways to remove carbon from the state's electricity system. The goal is to utilize the clean electricity system to eliminate the carbon from other portions of California's energy system (CEC, n.d.).

Local Regulations

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

Bakersfield Municipal Code

Ordinance 17.71.050-Energy Conservation-Incorrect installations, poor choice of fixtures, and over-lighting can result in unnecessarily high energy costs. The following recommendations are intended to encourage the efficient use of energy for lighting purposes:

a) All nonessential outdoor commercial and residential lighting should be turned off after business hours when it is not necessary for public safety or when an activity needing such light is not in use.

b) Lighting levels may be reduced after hours to provide minimal visibility without compromising security.

c) Where practical, outdoor lighting installations should include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours to reduce overall energy consumption and eliminate unnecessary lighting. Sensor activated fixtures should not be triggered by activities off the subject property.

d) When selecting new outdoor lighting, the full cost of operation over the life of the fixture(s) should be considered. Substantial annual energy savings may be realized by using quality efficient fixtures and light sources, the lowest wattage for the intended task, and alternative sources of power such as wind or solar, when feasible.

e) Indiscriminate and excessive lighting should be avoided. Light should be directed only where it is needed, when it is needed, with the appropriate intensity. (Ord. 4617 § 6, 2010).

4.5.3 Methodology for Analysis

Estimated energy usage for Project-related operations were developed using data provided by Friendly Power, an online research and consulting firm that provides market research to utility providers and data provided by the U.S. Energy Information Administration (EIA), Table C21- Energy consumption and conditional energy intensity by building size, 2018 (Appendix E).

4.5.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether environmental effects to public services or recreation are significant, the following questions are analyzed and evaluated.

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

b) Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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

4.5.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Consumption

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

Impact Analysis

The Hageman Industrial Park Project (Project) involves the future development of warehouse and manufacturing uses on a 78.94-gross acre triangularly shaped property. The preliminary development plan proposes 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces to be determined upon the future uses specific to each building. There are easements on the site that include a high-tension electrical power lines owned and operated by Pacific Gas and Electric Company (PG&E) traversing east-west across the southernmost corner of the site. Based on the preliminary development plan of 1,197,643 sq. ft. of total building which includes warehouse and manufacturing uses, approximately 479,057 sq. ft. (40 percent) of building space would be allocated for warehouse uses and approximately 718,585 sq. ft (60 percent) of building space would be allocated for manufacturing uses. Although specific electricity use would be based on the types of industries and special requirements such as air conditioning, in general, it is estimated that non-refrigerated warehouses consume approximately 6.3 kilowatt-hours (kWh) per sq. ft. annually[1], while manufacturing activities consume approximately 95.1 kWh per sq. ft. annually[2].

Therefore, it is estimated that warehouse uses at the Project site may consume approximately 3,018,059 kWh per year of electricity while manufacturing uses may consume approximately 68,337,433.5 kWh per year of electricity.

On May 3, 2023, Pacific Gas & Electric (PG&E) the electricity provider to the Project site indicate in a letter to the Project Applicant, the Project site has facilities in the area. Additionally, the route to provide power to the Project site would be determined by engineering and land rights etc. (Appendix E).

On November 7, 2022, the San Joaquin Valley Air Pollution Control District (SJVAPCD) issued an Air Impact Assessment Approval for the Indirect Source Review (ISR) for the proposed Project (Project Number C-20190445), during construction that stipulates the conditions of approval which include a Fee Deferral Schedule, submission of a construction fleet summary, a dust control plan, and an asbestos survey, and permits per District Rule 2010 (Appendix B). The resources and energy used for construction activities will be clean fleet and lower emissions for short term air quality and energy impacts per the SJVAPCD requirements and ISR approval granted to the Project.

The Project will reduce its energy consumption further by ensuring that future development at the Project site comply with the California Building Standards Code and California Green Code (CALGreen), including the applicable provisions pertaining to Title 24 Building Energy Efficiency Standards for new construction.

- Energy efficiency
- Water efficiency and conservation
- Material conservation and resource efficiency
- Environmental quality

Mandatory compliance with current California codes, standards and regulations for the Project will result in less than significant impacts. Additionally, it is expected the service provider would be capable of providing electricity to the Project site and impacts would be less than significant.

Level of Significance Before Mitigation

[1] https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.eia.gov%2Fconsumption%2Fcommercial%2Fdata%2F2018%2Fce%2Fxls%2Fc21.xlsx&wdOrigin=BROWSELINK

[2] https://esource.bizenergyadvisor.com/article/manufacturing-facilities

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Conflict or Obstruct

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

Impact Analysis

Although the City of Bakersfield has not adopted a local Climate Action Plan, the Project would not be expected to conflict with or obstruct a State or local plan for energy efficiency. The State of California's Energy Commission (CEC) recently prepared 2022 California Building Energy Efficiency Standards to reduce reliance on fossil fuels as well as Greenhouse Gas (GHG) emissions from energy usage. The standards encourage efficient electric heat pumps, establish electric-ready requirements for new buildings, expand solar photovoltaic and battery storage standards, strengthen ventilation standards, and more for new construction. The developer(s) of the Project would be required to comply with the 2022 Standards or later and likely more stringent Standards in effect at the time of building permit issuance. Thus, it is expected that all or most of the following design features to reduce energy and power consumption would be installed in buildings on the Project site: low-energy air conditioning/heating systems; integrated lighting systems; LED lighting technology; high-efficiency solar power technologies; energy efficient windows; and drought-tolerant landscaping. Therefore, for the reasons presented above, the proposed Project would not result in a potential impact due to wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be less than significant with no mitigation required.

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

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative energy impacts in the area?

Impact Analysis

Implementation of the Project would not result in cumulative impacts associated with energy when combined with other past, present, and reasonably foreseeable future projects in the broader project area. The Project is complying with current California codes, standards and regulations and does not conflict with or obstruct a State or local plan for energy efficiency.

Additionally, other related cumulative projects would similarly be required to comply with all local and statewide plans. Therefore, the Project's contribution to impacts associated with energy are not considered cumulatively considerable, and cumulative energy impacts as a whole would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.6: GEOLOGY AND SOILS

4.6 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in impacts to geology and soil settings and the potential effects from project implementation on the Project site and its surrounding area. Descriptions and analysis in this section are based on information contained in the Metropolitan Bakersfield General Plan, and a technical study prepared by Krazan & Associates. Inc. (hereinafter "Krazan"). The technical Study, titled Soil Absorption Evaluation Proposed Drainage Basin Hagman Properties, is included as Technical Appendix F of this Draft EIR.

4.6.1 Existing Conditions

Regional Area

The Project site is located in the San Joaquin Valley in the northern portion of the City of Bakersfield in Kern County, California. Kern County is bound by Kings, Tulare, and Inyo counties to the north; San Bernardino County to the east; Los Angeles and Ventura counties to the south; and Santa Barbara and San Luis Obispo counties to the west and located approximately 1.2 miles south of the Meadows Field Airport. According to the 2020 Census, Kern County was the third largest county in California at 8,134.65 square miles with a population of 909,244 as of April 1, 2020.

Local Area

The 78.94-acre triangularly shaped property is relatively flat, approximately 421 feet above sea mean level at the southeast corner of the Hageman Road/Landco Drive intersection located on portions of sections 14 and 15, Township 29 South, Range 27 East of Mount Diablo Baseline and Meridian The Project site consists of Assessor's Parcel Numbers (APN): 116-080-61 and 365-011-73.

The Project site is bordered by vacant land to the north under county jurisdiction and zoned Medium Industrial Precise Development with Golden State Route 99 (SR-99) just beyond, a railroad right-of-way easement that was granted to the Minkler Southern Railway Company borders the Project site along its southeastern boundary. Industrial uses exist beyond the railroad right-of-way. Landco Drive borders the Project site to the west. Property to the west of the Project site is within the City of Bakersfield and is zoned M-2 (General Manufacturing).

Four schools are located in the vicinity of the Project site: San Lauren Elementary School is located approximately 750 feet north of the Project site at the southeast corner of the intersections of Knudsen Drive and Basilicata Drive; Beardsley Junior High School is located approximately 0.5 miles northeast of the Project site at the corner of Roberts Lane and Airport Drive; Discovery Elementary School is located approximately one-mile west of the Project site at the intersections of Hageman Road and Patton Way and North Beardsley Primary School is located approximately 0.84 miles northeast of the Project site.

Potential Seismic and Geotechnical Issues

As a seismically active and geologically diverse region, the greater Southern California area is prone to seismic- and geological-related impacts. The following discussion provides a summary of the possible seismic and geotechnical issues that could potentially affect certain areas within the region.

Surface Rupture

Surface rupture is the cracking or breaking of the ground along a fault during an earthquake. Structures built over an active fault can be destroyed if the ground ruptures. Surface rupture along faults is generally limited to a linear zone a few meters wide. The Alquist-Priolo Act was created to prohibit the development of structures designed for human occupancy across the traces of active faults, thereby reducing the loss of life and property from an earthquake.

Seismic Ground Shaking

Ground shaking, motion that occurs as a result of energy released during faulting, could potentially result in the damage, or collapse of buildings and other structures, depending on the magnitude of the earthquake, the location of the epicenter, and the character and duration of the ground motion. Other important factors to be considered are the characteristics of the underlying soil and rock, the building materials used, and the workmanship of the structure.

In 1996, the California Division of Mines and Geology released a probabilistic seismic hazard assessment to aid in the assessment of seismic ground shaking hazards in California. The report contains a probabilistic seismic hazard map that depicts the peak horizontal ground acceleration values exceeded in a given region of California at a 10 percent probability in 50 years (i.e., 0.2 percent probability in 1 year). The peak horizontal ground acceleration values depicted on the map represent probabilistic estimates of the ground shaking intensity likely to occur in a given area as a result of characteristic earthquake events on active faults and can be used to assess the relative seismic ground shaking hazard for a given region. The probabilistic ground shaking hazard maps for California were updated in 2016 to incorporate new seismic information.

Liquefaction and Ground Failure

Soil liquefaction occurs when ground shaking from an earthquake causes a sediment layer saturated with groundwater to lose strength and take on the characteristics of a fluid. Factors determining the liquefaction potential are soil type, the level and duration of seismic ground motions, the type and consistency of soils, and the depth to groundwater. Loose sands and peat deposits are susceptible to liquefaction, while clayey silts, silty clays, and clays deposited in freshwater environments are generally stable under the influence of seismic ground shaking. Liquefaction poses a hazard to engineered structures. The loss of soil strength can result in bearing capacity insufficient to support foundation loads, increased lateral pressure on retaining or basement walls, and slope instability.

Subsidence, Lateral Spreading, and Expansion

Land surface subsidence can be induced by both natural and human phenomena. Natural phenomena include subsidence resulting from tectonic deformations and seismically induced settlements; soil subsidence from consolidation, hydro compaction; rapid sedimentation subsidence from oxidation or dewatering of organic-rich soils; and subsidence related to subsurface cavities. Subsidence related to human activity includes subsurface fluid or sediment withdrawal. Pumping of water for residential, commercial, and agricultural uses from subsurface water tables causes the majority of the identified subsidence in the United States. Lateral spreading is the horizontal movement or spreading of soil toward an open face, such as a streambank, the open side of fill embankments, or the sides of levees. The potential for failure from subsidence and lateral spreading is highest in areas where there is a high

groundwater table, where there are relatively soft and recent alluvial deposits, and where creek banks are relatively high. Expansive soils can shrink and swell with drying and wetting. Soils with high clay content tend to be the most affected. The shrink-swell potential of expansive soils can result in differential movement beneath foundations.

Slope Stability

A landslide is the downhill movement of masses of earth material under the force of gravity. The factors contributing to landslide potential are steep slopes, unstable terrain, and proximity to earthquake faults. This process typically involves the surface soil and an upper portion of the underlying bedrock. Expansive soil on slopes tends to shrink and swell in response to moisture content changes. During this shrinking and swelling process, gravity tends to work the soil down slope. Movement may be very rapid, or so slow that a change of position can be noted only over a period of weeks or years (creep). The size of a landslide can range from several square feet to several square miles.

Project Site

Soil Absorption

A Soil Absorption Evaluation was performed on August 4, 2022, by Krazan and Associates for the proposed Project site and can be found in Appendix F of this Draft EIR. The following summarizes the report's findings:

Surface Description

The upper soil consists of approximately four to six feet of silty sand. Penetration resistance ranged from 23 to 26 blows per foot. Dry densities ranged from 107 to 111 pounds per cubic foot (pcf).

Subsurface Description

Below the native soils, approximately 14 to 19 feet of medium dense sand, silty sand/sand sandy silt, or silty sand were encountered. Field and laboratory tests suggest that these soils are moderately strong, slightly compressible, and have a fair to good absorption characteristics. Penetration resistance ranged from 21 to 26 blow per foot. Dry densities ranged from 95 to 115 pcf. A representative soil sample had an angle of internal friction of 38 degrees. Representative soil samples had coefficients of permeability of 6.8 x $10^{(3)}$ centimeters per second (cm/sec) to 1.0 x $10^{(4)}$ cm/sec. Below approximately 20 to 23 feet, approximately medium dense to very dense sand or silty sand/sand were encountered. Field and laboratory tests suggest that these soils are moderately strong, slightly compressible, and have good absorption characteristics, Penetration resistance ranged from 21 blows per foot to more than 50 blows per six inches. Dry densities ranged from 99 to 112 pcf. These soils exhibited good absorption characteristics and extended to the termination depth borings.

Groundwater

Test boring locations were checked for presence of ground water during and immediately following the drilling operations. Free groundwater was not encountered. It should be recognized that water table elevations may fluctuate with time, being dependent upon seasonal precipitation, irrigation, land use, and climatic conditions, as well as other factors. Therefore, water level observations at the time of the field investigation may vary from those encountered during the construction phase of the project. The evaluation of such factors is beyond the scope of the report.

Permeability Testing

Three permeability tests were performed on soil samples collected from depths of 15 to 20 feet below existing site grade. The permeability tests were performed in accordance with the American Society for Testing and Materials (ASTM). The test results are shown on **Table 4.6-1** as follows:

Table 4.6-1
ASTM Test Results

Boring No. Depth (feet)	Coefficient of Permeability (cm/second) Soil Type
B1 20-21 1.0 x 10-4	Silty Sand (SM)
B2 15-16 3.4 x 10-3	Silty Sand/Sand (SM/SP)
B2 20-21 6.8 x 10-3	Silty Sand/Sand (SM/SP)
Note: ASTM Test Methods D2434 and D5084 were used to measure on-dimensional vertical flow of water though soils.	

Drainage

The proposed drainage basin is still in the design phase. It is estimated that the maximum volume of water to be retained in the basin is approximately 1.7 acre-feet. It is understood the basin will have a maximum depth of 10.49 feet, and a minimum bottom area of approximately 4,100 square feet. It is anticipated that side slopes will be constructed at 2:1 (horizontal to vertical), and the high-water level will be 8 feet above the basin bottom. Permeability tests were performed on the soils at depths ranging from 15 to 20 feet. These soils had coefficients of permeability ranging from 6.8 x 10-3 to 1.0 x 10-4 cm/sec. Based on the proposed inflows, subsurface soil conditions, and provided the drainage basin has a minimum bottom surface area of 4,100 square feet, it is anticipated the basin will drain within seven days provided the recommendations in the Site Preparation section of this report are followed.

4.6.2 Regulatory Setting

Federal Regulations

There are no federal regulations directly applicable to the geotechnical conditions at the proposed project site. Nonetheless, installations of any underground utility lines are required to comply with industry standards specific to the type of utility (National Clay Pipe Institute for sewers; American Water Works Association for water lines, etc.), and the discharge of contaminants is required to be controlled through the National Pollutant Discharge Elimination System (NPDES) permitting program for management of construction and municipal stormwater runoff. These standards contain specifications for installation, design, and maintenance to reflect site-specific geotechnical conditions.

Clean Water Act

Under the Clean Water Act (CWA) of 1977, the United States Environmental Protection Agency (EPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The statute employs a variety of regulatory and nonregulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the EPA to implement water quality regulations. Please see Chapter 3.8 *Hydrology and Water Quality* of this Draft EIR for more detail.

National Pollution Discharge Elimination System

The NPDES permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems.

Paleontological Resources Preservation Act

The federal Paleontological Resources Preservation Act of 2002 limits the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who have obtained a permit from the appropriate state or federal agency. These researchers must agree to donate any materials recovered to recognized public institutions where they will remain accessible to the public and other researchers. The act incorporates key findings of a report, "Fossils on Federal Land and Indian Lands," issued by the Secretary of the Interior in 2000, which establishes that most vertebrate fossils and some invertebrate and plant fossils are considered rare resources.

State Regulations

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) (Public Resources Code [PRC] Sections 2621 to 2630) was passed in 1972 to provide a statewide mechanism for reducing the hazard of surface fault rupture to structures used for human occupancy. The main purpose of the Act is to prevent the silting of buildings used for human occupancy across the traces of active faults. It should be noted that the Act addresses the potential hazard of surface fault rupture and is not directed toward other earthquake hazards, such as seismically induced ground shaking or landslides.

The law requires the State Geologist to identify regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around the surface traces of active faults, and to depict these zones on topographic base maps, typically at a scale of 1 inch to 2,000 feet. Earthquake Fault Zones vary in width, although they are often 0.75 mile wide. Once published, the maps are distributed to the affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. With the exception of single-family wood-frame and steel-frame dwellings that are not part of a larger development (i.e., four units or more), local agencies are required to regulate development within the mapped zones. In general, construction within 50 feet of an active fault zone is prohibited.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (PRC Sections 2690 to 2699.6), which was passed in 1990, addresses earthquake hazards other than surface fault rupture. These hazards include strong ground shaking, earthquake-induced landslides, liquefaction, or other ground failures. Much like the Alquist-Priolo Earthquake Fault Zoning Act discussed above, the State Geologist maps these seismic hazard zones to assist local government in the land use planning process. The Act states, "It is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety." The Act also states, "Cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard."

California Building Code

The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations, Title 24). Where no other building codes apply, Chapter 29 regulates excavation, foundations, and retaining walls. The California Building Standards Code (CBC)

applies to building design and construction in the state and is based on the federal Uniform Building Code (UBC) used widely throughout the country (generally adopted on a state-by-state or district-by-district-by-district basis). The CBC has been modified for California conditions with more detailed and/or more stringent regulations.

The State earthquake protection law (California Health and Safety Code Section 19100, et seq.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and Chapter A33 regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

California Public Resources Code

Paleontological sites are protected under a wide variety of state policies and regulations in the California Public Resources Code (PRC). In addition, paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA. PRC Division 5, Chapter 1.7, Section 5097.5, and Division 20, Chapter 3, Section 30244 states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

This statute prohibits the removal, without permission, of any paleontological site or feature from lands under the jurisdiction of the state or any city, county, district, authority, or public corporation, or any agency thereof. As a result, local agencies are required to comply with PRC 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others. PRC Section 5097.5 establishes the removal of paleontological resources as a misdemeanor and requires reasonable mitigation of adverse impacts to paleontological resources from developments on public (state, county, city, and district) lands.

Local Regulations

Metropolitan Bakersfield General Plan

The Metropolitan Bakersfield General Plan provides information about natural and human-made hazards in Bakersfield and establishes goals, objectives, and policies to prepare and protect the community from such risks. The goal of the Safety Element is to develop sustainable communities to preserve life, protect property, the environment, and the economy from natural hazards, including seismic hazards. Chapter VIII-Safety/Public Safety of the Metropolitan Bakersfield General Plan includes the following goals and policies that address geology and soils and are applicable to the project:

- **Goal 1.** Substantially reduce the level of death, injury, property damage, economic and social isolation and disruption of vital services that would result from earthquake damage.
    - **Policy 11**. Prohibit development designed for human occupancy within 50 feet of a

known active fault and prohibit and building from being placed astride an active fault.

Bakersfield Municipal Code

The City of Bakersfield Municipal Code Chapter 15.05 adopts by reference the California Building Code. The Building Code regulates the construction, alteration, repair, moving, demolition, conversion, occupancy, use, and maintenance of all buildings and structures in the City of Bakersfield (Bakersfield, 2022). The following, as applicable, shall be shown on all development plans associated with planned commercial developments, planned unit developments, conditional use permits, tentative tracts, site plan reviews, and applications for single-family dwellings not already reviewed as part of parcel maps or tentative tracts:

A geology report which shall include, but not be limited to, the surface and subsurface geology of the site, degree of seismic hazard, conclusions, and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed, the potential of slope failure within or adjacent to the site and design criteria to mitigate any identified geologic hazards. This investigation and report shall be completed by a certified engineering geologist who is experienced in the practice of engineering geology and who is registered with the State of California.

4.6.3 Methodology for Analysis

The following analysis is based on information provided by the Metropolitan Bakersfield General Plan, and a technical study prepared by Krazan. The information obtained from these sources was reviewed and evaluated to establish existing conditions and to identify potential environmental effects of the Project related to geotechnical hazards as it relates to the significance criteria presented below.

4.6.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether impacts to geology and soils are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
b) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (Refer to Division of Mines and Geology Special Publication 42).
c) Strong seismic ground shaking;
d) Seismic-related ground failure, including liquefaction;
e) Landslides;
f) Result in substantial soil erosion or the loss of topsoil;
g) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
h) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code

(1994), creating substantial risks to life or property;

i) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater;

j) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

4.6.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Rupture, Seismic, Landslides

Threshold a)	**Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:** **i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.** **iii) Strong seismic ground shaking** **iii) Seismic related ground failure, including liquefaction?** **iv) Landslide?**

Impact Analysis

i) Fault Rupture

According to the California Geological Survey, there are no known active or potentially active faults or trending toward the Project site and the Project site is not located within a mapped Alquist-Priolo earthquake Fault Zone. The nearest identified fault to the Project site is the Kern Front Fault located approximately 3.5 miles north of the Project site, other faults located in the Bakersfield area are listed on **Table 4.6-2**, these distances are measured from the downtown area of Bakersfield. Because there are no known faults located on or trending towards the Project site, the Project would not directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. Therefore, impacts would be less than significant, and no mitigation is required.

Table 4.6-2
Project Area Faults

Fault	Distance from Project Site (Miles)
Kern Front Fault	3.5 miles north of site
San Andreas Fault	38 miles
Sierra Nevada Fault	39 miles
Garlock Fault	35 miles
Breckenridge-Kern Canyon Fault	25 miles
White Wolf Fault	19 miles
Pond Poso Fault	8.0 miles

Source: California Department of Conservation, Metropolitan Bakersfield General Plan

ii) Strong seismic ground shaking

The Project site is located in a seismically active area of the Central Valley and is expected to experience moderate to severe ground shaking during the lifetime of the Project. Moderate to severe earthquakes can cause strong ground shaking, which is the case for most locations within the region. Therefore, strong seismic ground shaking could occur at the Project site, which might damage any structures not properly designed to withstand strong ground shaking. Compliance with City Building Codes and State regulations would adequately mitigate such potential danger to protect public health, safety, and welfare. The Project will be required to construct in accordance with California Building Standards Code (CBSC, Title 24, Part 11 of the California Code of Regulations), which is specifically focused to California earthquake conditions and to provide standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures. Furthermore, the California Building Standards Code (Chapter 18) requires development projects to prepare geologic engineering reports that identify site-specific geologic and seismic conditions and provide site-specific recommendations. These recommendations include, but are not limited to, recommendations pertaining to ground stabilization, selection of appropriate foundation types and depths, and selection of appropriate structural systems, to preclude adverse effects resulting from strong seismic ground shaking. Mandatory compliance with State and local building codes will ensure any impacts associated with strong seismic ground shaking would be reduced to less than significant levels.

iii) Seismic-Related Ground Failure, Including Liquefaction

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

iv) Landslides

Strong earthquakes could trigger landslides or slope failures on steeper slopes in the foothills and along the Kern River Canyon and flood plain. The Project site is relatively flat with minor grade variation for drainage purposes. The majority of the areas surrounding the Project site are similarly level and lack prominent geological features typically associated with landslides such as hillsides or riverbanks. Thus, the potential for landslides to occur at the Project site is considered low and impacts associated with landslides would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Soil Erosion or Topsoil Loss

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

Impact Analysis

Short-Term Construction Impacts

According to the Metropolitan Bakersfield General Plan, the Project site is in an area to have a low to moderate susceptibility to erosion. Construction at the proposed Project site may include site preparation, grading, excavation, and other earthwork activities that have the potential to cause substantial erosion or topsoil loss on the Project site. Since construction at the Project would likely disturb one or more acres of land, the Project will be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) permit program's General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ Construction General Permit) which requires implementation of Best Management Practices (BMPs) to minimize soil erosion and protect water quality. Typical BMPs include, but are not limited to, limiting the construction area to the smallest area required to complete construction; dust control measures, such as watering exposed soils; and use of silt fencing, fiber rolls, and sheeting to contain soils on site during storm events. The Construction General Permit requires implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will generally contain a site map(s) showing the construction perimeter, existing and proposed buildings, stormwater collection and discharge points, general pre- and post- construction topography, drainage patterns across the site, and adjacent roadways. Additionally, the SWPPP must contain a visual monitoring program and a chemical monitoring program for "non-visible" pollutants, should the BMPs fail. Participation with the NPDES permit program' General Construction Permit, including preparation of a SWPPP and incorporation of BMPs, would reduce project construction effects on erosion and topsoil loss to acceptable levels. Therefore, short-term construction impacts associated with erosion and top-soil loss would be less than significant.

Long-Term Operational Impacts

Once operational, the Project site would contain a greater percentage of impervious paved surfaces as currently found on the Project site. These impervious surfaces would help prevent erosion by stabilizing and retaining onsite soils. Those portions of the Project site located outside the development footprints would primarily consist of pervious landscape areas. These landscape areas would include a mix of trees, plants, and groundcover that would also help to stabilize and retain onsite soils while preventing substantial erosion and topsoil loss from occurring. To ensure that the new landscape areas are designed to satisfy the City of Bakersfield and Model Water Efficient Landscape Ordinance (MWELO) standards, an approved landscape plan will be required prior to issuance of building permits. With implementation of standard BMPs and compliance with the NPDES, state, and local requirements, the Project would not be expected to result in soil erosion or loss of topsoil; therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Unstable Geologic Location

Threshold c):	**Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Impact Analysis

Landslide

Strong earthquakes could trigger landslides or slope failures on steeper slopes in the foothills and along the Kern River Canyon and flood plain. The project site is relatively level with minor grade variation for drainage purposes. The majority of the areas surrounding the project site are similarly level and lack prominent geological features typically associated with landslides such as hillsides or riverbanks. Thus, the potential for landslide to occur at the Project site is considered low. Therefore, impacts associated with landslides would be less than significant.

Lateral Spreading

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. Because failure tends to propagate as block failures, it is difficult to analyze and estimate where the first tension crack will form. The Beardsley One Ditch runs adjacent to, and parallel with the Project site western boundary, in a north/south direction. The ditch is a water conveyance which allows for water absorption and has dual siphons which limit water capacity and is not considered jurisdictional waters as defined by USACE and CDFW. However, the Beardsley Canal, and irrigation canal, under CDFW and RWQC authority, is located approximately 3,083 feet (0.5 miles) north of the Project site but due to the 0.5-mile distance from the Project site to the canal, the canal will therefore not be impacted by the proposed Project.

Subsidence

Land subsidence is a gradual settling or sudden sinking of the Earth's surface owing to subsurface movement of earth materials. Subsidence is most often attributed to human activity, mainly from the removal of subsurface water. More than 80 percent of the identified subsidence throughout the United States is a result of exploitation of groundwater, with the increasing development of land and water resources threatening to exacerbate existing land subsidence problems and initiate new ones. Other principal causes of subsidence are aquifer system compaction, drainage of organic soils, underground mining, hydro compaction, natural compaction, sinkholes, and thawing permafrost.

Compaction of soils in some aquifer systems can accompany excessive groundwater pumping and is the single largest cause of subsidence. Excessive pumping of such aquifer systems has resulted in permanent subsidence and related ground failures. In some systems, when substantial amounts of water are pumped, the subsoil compacts, thus reducing in size and number the open pore spaces in the soil that previously held water. This can result in a permanent reduction in the total storage capacity of the aquifer system.

The Phase I Report prepared by Krazan for the Project site identified one apparent groundwater monitoring well located along the western boundary of the Project site, previous assessments of the subject site property have not identified the owner of this monitoring well. Additionally, pipeline markers within the southern corner of the subject site indicate that Kern County Water Agency maintains an underground water pipeline at this location. However, the presence of the monitoring well and water pipelines are not environmental concerns. If the monitoring well is not to be used in the future, it should be destroyed in compliance with Kern County Environmental Health requirements. Based on Krazan's historical research during this Phase I ESA, no structures previously occupied the subject site. Therefore, no former utilities, such as water wells or septic systems that may induce subsidence are anticipated to be present and none were identified during the site reconnaissance. As a result, land subsidence, which is often a byproduct of the exploitation of groundwater, would also not be considered a substantial issue in the project area. Therefore, impacts associated with subsidence would be less than significant.

Liquefaction

Although the likelihood of liquefaction occurring at the Project site is low, a Geotechnical Investigation that evaluates conditions on the project site and makes site-specific recommendations related to, but not limited to, earthwork, foundations, retaining walls, and pavements will be required to be prepared during the permitting phase for individual projects at the Project site. The technical Study prepared by Krazan which evaluated the soils at the site for the provision of a drainage basin at the Project site was prepared and is included as Technical Appendix F of this Draft EIR. This report, however, did not evaluate the likelihood of liquefaction occurring at the Project site. Therefore, to reduce potential impacts related to strong ground shaking, at the discretion of the City, a Geotechnical Investigation may be required during the permitting process for each building proposed by the Project. Impacts would therefore be less than significant.

Collapse

The Project site is not underlain by natural or man-made subsurface features that are typically associated with collapse, including mining or extraction operations or karst topography. However, the Phase I report prepared for the Project site identified 11 oil wells located on the site, five oil wells are plugged and abandoned, three oil wells are active and three oil wells are idle. The oil wells and their locations are listed on the Phase I report prepared for the Project found in Appendix G. The Department of Conservation Geologic Energy Management Division (CalGEM, formerly DOGGR). DOGGR requires that no buildings shall be constructed within 10 feet of an oil well on two adjacent sides and the third side of a well shall be no closer than 50 feet from buildings; the fourth side must remain open to allow for access of an abandonment rig in the event that the well requires abandonment or re-abandonment in the future. Therefore, with requirements set forth by CalGEM, impacts associated with collapse will be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Expansive Soil

Threshold d):	**Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Impact Analysis

Highly expansive surficial soils generally blanket the Project site. Expansive soils can undergo significant volume change with changes in moisture content. They shrink and harden when dried and expand and soften when wet. A Soil Absorption Evaluation was performed by Krazan for the proposed drainage basin at the Project site. The tests on the soils determined that the soils are moderately strong, slightly compressible, and have a fair to good absorption rate characteristic. As such, the Project would not be located on expansive soil and would not create substantial risks to life or property; therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Wastewater Disposal Systems

Threshold e):	**Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Impact Analysis

The proposed Project would connect directly to the North of the River Sanitary District (NORSD). The NORSD wastewater treatment plant (WWTP) is located near the intersection of Palm Avenue and Seventh Standard Road, approximately 15 miles west of Highway 99. The current plant has a treatment capacity of 7.5 MGD with an average monthly flow between 5.4 MGD and 5.9 MGD. Therefore, future development would connect to the NORSD and will not require septic tanks or any other alternative wastewater disposal system. No impacts associated with adequately supportive soils will occur.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Paleontological Resource

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

Impact Analysis

A paleontological resource is a natural resource characterized as faunal or floral fossilized remains but may also include specimens of non-fossil material dating to any period preceding human occupation. These resources are valued for the information they yield about the history of the earth and its past ecological settings. The resources are found in geologic strata conducive to their preservation, typically sedimentary formations. Often, they appear as simply small outcroppings visible on the surface; other times they are below the ground surface and may be encountered during grading.

The project site is entirely flat and previously disturbed with historical agricultural operations with no unique geologic features. However, in the inadvertent event of discovery of paleontological resources, impacts could be potentially significant. With implementation mitigation measure **GEO-1, GEO-2 and GEO-3,** impacts would be less than significant.

Level of Significance Before Mitigation

Potentially Significant

Mitigation Measures

GEO-1 ---------- If unanticipated fossil discoveries are made, all work must halt within 50 feet until a qualified paleontologist can evaluate the find. Work may resume immediately outside of the 50-foot radius. Mitigation Measures GEO-2 and GEO-3 shall be implemented.

GEO-2 ---------- If the discoveries are determined to be significant, full-time paleontological monitoring will be recommended for the remainder of ground disturbance for the project. Paleontological monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. In the event that a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected, if warranted. Monitoring efforts can be reduced or eliminated at the discretion of the project paleontologist.

GEO-3 ---------- Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped paleontology laboratory to a point ready for curation. Following laboratory work, all fossil specimens shall be identified to the most specific taxonomic level possible, cataloged, analyzed, and offered to the Natural History Museum of Los Angeles County for permanent curation and storage. At the conclusion of laboratory work and museum curation, a final Paleontological

Monitoring Report (PMR) shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the Project. The report shall include a summary of the field and laboratory methods, an overview of the project area geology and paleontology, a list of taxa recovered, an analysis of fossils recovered and their scientific significance, and recommendations. A copy of the report shall also be submitted to the Natural History Museum in Bakersfield.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative geology and soils impacts in the area?

Impact Analysis

Implementation of the Project could potentially result in cumulative impacts associated with geology and soils when combined with other past, present, and reasonably foreseeable future projects in the broader project area. However, as addressed above, the project's individual impacts related to geology and soils would be less than significant with the incorporation of BMP's, and the project will be required to comply with all applicable engineering and construction requirements set forth by the current California Building Code and the City of Bakersfield.

Additionally, other related cumulative projects would similarly be required to comply with all applicable engineering and construction standards that are intended to address and reduce geotechnical impacts. Depending on the size, scope, and location of the particular related cumulative projects, site-specific geotechnical investigations may also be required, which would contain site-specific engineering and construction recommendations to further reduce the potential risk to people and structures as a result of various geotechnical considerations. Nonetheless, geotechnical impacts are generally site-specific and rarely extend beyond the footprint of the particular development site. Therefore, the Project's contribution to impacts associated with geology and soils are not considered cumulatively considerable, and cumulative geology and soils impacts as a whole would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.7: GREENHOUSE GAS EMISSIONS

4.7 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in potential effects from project implementation on the Project site and its surrounding area. Descriptions and analysis in this section are based in part on by the San Joaquin Valley Air Pollution Control District (SJVAPCD) Air Impact Assessment (AIA) Application Approval Letter dated November 7, 2019, included as Appendix B of this Draft EIR, and information from the Metropolitan Bakersfield General Plan.

4.7.1 Existing Conditions

This section provides a discussion of existing conditions related to Greenhouse Gases (GHGs). Refer also to EIR Subsection 3.2, Air Quality, which includes additional background information regarding air quality.

According to climate scientists, the earth's climate has been warming for the past century; 97 percent of climate scientists believe that this warming trend is related to the release of certain gases into the atmosphere by human activities. The most recognized GHGs include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), water vapor, ozone (O_3), aerosols, hydrofluorocarbons (HFCs), chlorofluorocarbons (CFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6).

GHG: GHGs are present in the atmosphere naturally, released by natural sources, or formed from secondary reactions taking place in the atmosphere. They include CO_2, methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). In the last 200 years, substantial quantities of GHGs have been released into the atmosphere, primarily from fossil fuel combustion. These human- induced emissions are increasing GHG concentrations in the atmosphere, therefore enhancing the natural greenhouse effect. The GHGs resulting from human activity are believed to be causing global climate change. While human made GHGs include CO_2, CH_4, and N_2O, some (like chlorofluorocarbons [CFCs]) are completely new to the atmosphere. GHGs vary considerably in terms of Global Warming Potential (GWP), the comparative ability of each GHG to trap heat in the atmosphere. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and the length of time that the gas remains in the atmosphere ("atmospheric lifetime"). The GWP of each gas is measured relative to CO_2, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO_2 over a specified time period. GHG emissions are typically measured in terms of pounds or tons of "CO_2 equivalents" (CO_2e).

CO_2: Natural sources of CO_2 include the respiration (breathing) of humans and animals and evaporation from the oceans. Together, these natural sources release approximately 150 billion metric tons of CO_2 each year, far outweighing the 7 billion metric tons of GHG emissions from fossil fuel burning, waste incineration, deforestation, cement manufacturing, and other human activity. Nevertheless, natural GHG removal processes such as photosynthesis cannot keep pace with the additional output of CO_2 from human activities. Consequently, GHGs are building up in the atmosphere. In 2020, the United States emitted approximately 5.98 billion metric tons of CO_2e. Of the six major sectors nationwide (transportation, electric power industry, industrial, agriculture, commercial, and residential), the transportation and electric power industry sectors combined account for approximately 52% of the US anthropogenic GHG emissions; the majority of the electrical power industry and all of the transportation

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

CH_4: Methane is produced when organic matter decomposes in environments lacking sufficient oxygen. Natural sources of CH_4 production include wetlands, termites, and oceans. Human activity accounts for an estimated 50-65% of combined methane emissions of the approximately 500 million metric tons of CH_4 emitted annually. These anthropogenic sources include the mining and burning of fossil fuels; digestive processes in ruminant livestock such as cattle; rice cultivation; and the decomposition of waste in landfills. The major removal process for atmospheric CH_4, the chemical breakdown in the atmosphere, cannot keep pace with source emissions; therefore, CH_4 concentrations in the atmosphere are rising.

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

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

Worldwide emissions of GHGs in 2008 were 30.1 billion metric tons of CO_2e and have increased considerably since that time. It is important to note that the global emissions inventory data are not all from the same year and may vary depending on the source of the data. Emissions from the top five emitting countries and the European Union accounted for approximately 70% of total global anthropogenic GHG emissions in 2014. Of these anthropogenic emissions, the United States was the number two producer of GHG emissions behind China. The primary GHG emitted by human activities was CO_2, representing approximately 78.8% of total global anthropogenic GHG emissions.

CARB has projected the estimated statewide GHG emissions for the year 2021. GHG emissions increased relative to 2020 emissions for all source categories except oil and gas production and cogeneration. Tailpipe GHG emissions from transportation fuels showed the greatest absolute and relative increase in 2021 relative to 2020, rising by approximately 13,344,000 metric tons of CO_2e, or 9.1 percent. GHG emissions from the electricity sector, which includes electricity imports, in-state electricity generation, and cogeneration sources, accounted for the next largest absolute and relative increase in emissions, with an increase of approximately 1,996,000 metric tons of CO_2e, or 3.5 percent. Within the electricity sector, emissions from in-state electricity generation increased approximately 1,458,000 metric tons of CO_2e, or

4.3 percent, emissions from imports increased by approximately 874,000 metric tons of CO_2e, or 4.7 percent, and emissions from cogeneration declined by 336,000 metric tons of CO2e, or 6.2 percent. It should be noted that the decrease in cogeneration emissions and increase in in- state electricity emissions is partially due to former cogeneration facilities switching to electricity-only generation. GHG emissions from supplied natural gas, natural gas liquids (NGLs), and liquefied petroleum gas (LPG) fuels increased by approximately 842,000 metric tons of CO_2e, or 1.8 percent, and GHG emissions from combustion sources not included in other source categories increased by approximately 224,000 metric tons of CO_2e, or 1.9 percent. GHG emissions from cement plants rose by approximately 170,000 metric tons of CO_2e, or 2.2 percent. GHG emissions from oil and gas production declined by approximately 278,000 metric tons of CO_2e, or 1.9 percent, and emissions from refinery and hydrogen plants increased by approximately 416,000 metric tons of CO_2e, or 1.3 percent.

4.7.2 Regulatory Setting

Federal agreements have been enacted to deal with climate change issues. The State of California has enacted key legislation in an effort to reduce its contribution to climate change. The following is a brief description of the federal, State, and local environmental laws and related regulations related to GHG emissions.

Federal Regulations

Clean Air Act

On December 7, 2009, the United States Environmental Protection Agency (U.S. EPA) signed two distinct findings regarding greenhouse gases (GHG) under Section 202(a) of the Federal Clean Air Act (FCAA):

- The U.S. EPA finds that the current and projected concentrations of the mix of six key GHGs—Carbon Dioxide (CO_2), Methane (CH_4), Nitrous Oxide (N_2O), Hydrofluorocarbons (HFC), Perfluorocarbons (PFC), and Sulfur Hexafluoride (SF_6)—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the endangerment finding.
- The U.S. EPA finds that the combined emissions of CO_2, CH_4, N_2O, and HFCs from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key GHGs and hence to the threat of climate change. This is referred to as the cause or contribute finding.

State Regulations

There are numerous state plans, policies, regulations, and laws related to GHGs and global climate change that 1) establish overall state policies and GHG reduction targets; 2) require state or local actions that result in direct or indirect GHG emission reductions for the project; 3) require CEQA analysis of GHG emissions; and 4) provide generally accepted guidance in performing GHG analyses. The major components of California's climate change policy are reviewed below.

Title 24 Building Energy

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to

reduce GHG emissions, increased energy efficiency, and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy-efficiency technologies and methods. The 2022 version of Title 24 was adopted by the CEC and became effective on January 1, 2023 (CEC, 2022).

Part 11 of Title 24 is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to "improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental quality." The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that has not established and adopted by the California Building Standards Commission (CBSC). Unless otherwise noted in the regulation, all newly constructed buildings in California are subject to the requirements of the CALGreen Code.

As previously stated, the Title 24 Energy Efficiency Standards and CALGreen Code are updated on a regular basis, with the most recent approved updates consisting of the 2022 Energy Efficiency Standards and 2022 CALGreen Code, which became effective on January 1, 2023. Non-residential mandatory measures included in the 2022 CALGreen Code include:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for five percent of new visitor motorized vehicle parking spaces being added, with a Minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant- occupants, provide secure bicycle parking for five percent of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- Designated parking for clean air vehicles. In new projects or additions to alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of low-emitting, fuel- efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- Electric Vehicle (EV) charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided is contained in Table 5.106. 5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, upplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1.

5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).

- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non- hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
    - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1).
    - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor- mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
    - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
    - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 sf or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).
- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 sf. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 sf requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 sf and over, building commissioning shall be included in the design and construction processes of the building project to verify that the

building systems and components meet the owner's or owner representative's project requirements (5.410.2).

Clean Energy, Jobs, and Affordability Act of 2022 (Senate Bill 1020)

SB 1020, also known as the Clean Energy, Jobs, and Affordability Act of 2022, revised State policy to include interim targets requiring that eligible renewable energy resources and zero- carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end- use customers by December 31, 2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035. SB 1020 also requires each State agency to ensure that zero- carbon resources and eligible renewable energy resources supply 100 percent of electricity procured to serve their agency by December 31, 2035. In addition, SB 1020 requires the State Water Project (SWP) to procure eligible renewable energy and zero-carbon resources as necessary to meet the clean energy requirements specified for all State agencies. Finally, SB 1020 requires the California Public Utilities Commission (CPUC) to develop utility affordability metrics for both electricity and gas service.

California Assembly Bill No. 1493 (AB 1493)

AB 1493 required the California Air Resources Board (CARB) to adopt the nation's first GHG emission standards for automobiles. On September 24, 2009, CARB adopted amendments to the "Pavley" regulations that reduced GHG emissions in new passenger vehicles from model year 2009 through 2016. The U.S. EPA granted California the authority to implement GHG emission reduction standards for new passenger cars, pickup trucks, and sport utility vehicles on June 30, 2009. It is expected that the Pavley regulations reduced GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016, all while improving fuel efficiency and reducing motorists' costs. CARB has adopted a new approach to cars and light trucks by combining the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California.

Executive Order S-3-05

Executive Order (EO) S-3-05 documents GHG emission reduction goals, creates the Climate Action Team, and directs the Secretary of the California EPA to coordinate efforts with meeting the GHG reduction targets with the heads of other state agencies. EO S-3-05 requires the Secretary to report back to the Governor and Legislature biannually to report progress toward meeting the GHG goals; GHG impacts to California; and applicable Mitigation and Adaptation Plans. EO S-3-05 goals for GHG emissions reductions include reducing GHG emissions to 2000 levels by the year 2010; reducing GHG emissions to 1990 levels by the year 2020; and reducing GHG emissions to 80 percent below 1990 levels by 2050.

Senate Bill 97 and Amendments to the State CEQA Guidelines

As directed by Senate Bill 97, the California Natural Resources Agency adopted amendments to State CEQA Guidelines on December 30, 2009, adding Section 15064.4, "Determining the Significance of Impacts from Greenhouse Gas Emissions," and Section 15126.4(c), "Mitigation Measures Related to Greenhouse Gas Emissions.;" which became effective on March 18, 2010.

California Senate Bill No. 1368 (SB 1368)

In 2006, the State Legislature adopted Senate Bill (SB) 1368 (Perata, Chapter 598, Statutes of 2006), which directs the California Public Utilities Commission (CPUC) to adopt a GHG emission performance standard (EPS) for the future power purchases of California utilities. SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than five years from resources that exceed specified emissions criteria. Accordingly, SB 1368 effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. SB 1368 will lead to dramatically lower GHG emissions associated with California energy demand.

Assembly Bill 1757

AB 1757 directs the California Natural Resources Agency (CNRA) to determine an ambitious range of targets for natural carbon sequestration, and for nature-based climate solutions, which reduce GHG emissions for 2030, 2038, and 2045 to support State goals to achieve carbon neutrality and foster climate adaptation and resilience. Additionally, AB 1757 requires these targets to be integrated into the CARB Scoping Plan and other State policies. It also includes provisions to avoid double counting emission reductions, updates the Natural and Working Lands Climate Smart Strategy, develops GHG tracking protocols, and biennially post progress made in achieving the targets on CNRA's internet website. In addition, AB 1757 requires CARB to develop standard methods for State agencies to consistently track greenhouse gas emissions and reductions, carbon sequestration, and, where feasible, additional benefits from natural and working lands over time.

Senate Bill 32

Senate Bill 32 2030 targeted and laid out a path to achieve carbon neutrality by 2045. Achieving carbon neutrality will require the State of California to consider engineered carbon removal at the source of emissions and directly from the atmosphere. The California Air Resources Board and the California Natural Resources Agency have assembled expert to discuss recent market trends, potential applications, environmental factors, and community considerations for engineered (technical solutions) carbon removal. The term "engineered" is inclusive of, but not limited to, projects that capture carbon emissions from industrial facilities, filter carbon emissions directly from the atmosphere, and safely store carbon in geologic formations.

Achieving carbon neutrality will bring several changes to California, including moving the State away from fossil fuel combustion in a manner that supports job retention and creation as California makes a just transition toward a clean energy economy.

California Air Resources Board Rules

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

- CARB Rule 2485 (13 CCR 2485): Airborne Toxic Control Measure to Limit Diesel- Fuel Commercial Vehicle Idling, which limits nonessential idling to five minutes or less for commercial trucks.
- CARB Rule 2449 (13 CCR 2449): In-Use Off-Road Diesel Idling Restricts, which limit

nonessential idling to five minutes or less for diesel-powered off-road equipment.

California Climate Crisis Act (AB 1279)

AB 1279, also known as the California Climate Crisis Act, declares that it is the policy of the State to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045; to achieve and maintain net negative greenhouse gas emissions thereafter; and to ensure that by 2045, Statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels. The bill requires the California Air Resources Board (CARB) to work with relevant State agencies to ensure that updates to the CARB Scoping Plan identify and recommend measures to achieve these policy goals and to identify and implement a variety of policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California. AB 1279 also requires CARB to submit an annual report evaluating progress towards these policies (CA Legislative Info, n.d.).

Clean Energy, Jobs, and Affordability Act of 2022 (Senate Bill 1020)

SB 1020, also known as the Clean Energy, Jobs, and Affordability Act of 2022, revised State policy to include interim targets requiring that eligible renewable energy resources and zero- carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end- use customers by December 31, 2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035. SB 1020 also requires each State agency to ensure that zero- carbon resources and eligible renewable energy resources supply 100 percent of electricity procured to serve their agency by December 31, 2035. In addition, SB 1020 requires the State Water Project (SWP) to procure eligible renewable energy and zero-carbon resources as necessary to meet the clean energy requirements specified for all State agencies. Finally, SB 1020 requires the California Public Utilities Commission (CPUC) to develop utility affordability metrics for both electricity and gas service.

Carbon Sequestration: Carbon Capture, Removal, Utilization, and Storage Program (Senate Bill 905)

SB 905 requires CARB to establish a Carbon Capture, Removal, Utilization, and Storage (CCRUS) Program and adopt regulations for a model unified permit program for the construction and operation of CCRUS projects. SB 905 is intended to accelerate the deployment of carbon management technologies and ensure they are deployed in a safe and equitable way. SB 905 requires the CCRUS Program to ensure that carbon dioxide capture, removal, and sequestration projects include specified components including, among others, certain monitoring activities. In addition, SB 905 requires that by January 1, 2025, CARB shall adopt regulations for a unified permit application for the construction and operation of carbon dioxide capture, removal, or sequestration projects to expedite the issuance of permits or other authorizations for the construction and operation of those projects. SB 905 also requires the establishment of a centralized public database to track the deployment of carbon capture, utilization, or storage (CCUS) technologies and carbon dioxide removal (CDR) technologies.

Local Regulations

Kern Council of Governments Regional Transportation Plan & Sustainable Communities Strategy

Kern Council of Governments (Kern COG) is a federally designated Metropolitan Planning Organization

(MPO), and a state designated Regional Transportation Planning Agency (RTPA). To guide the development of the planned multimodal transportation systems in Kern County, the 2018 Regional Transportation Plan (RTP) establishes a 24-year blueprint that provides a set of regional transportation goals and policies. and actions. As required by California's Sustainable Communities and Climate Protection Act, of SB 375, a Sustainable Communities Strategy (SCS) also is included in the 2018 RTP. The RTP provides transportation and air quality goals, policies, and actions and includes programs and projects for congestion management, transit, airports, bicycles and pedestrians, roadways, and freight. In addition, it provides a discussion of all mechanisms used to finance transportation and air quality program implementation. In addition, the companion RTP conformity document demonstrates that the Plan will not delay attainment of federal air quality standards in the State Implementation Plans for air quality.

4.7.3 Methodology for Analysis

As explained more fully in Section 3.2, Air Quality, of this Draft EIR, the Project's air quality impacts were evaluated in accordance with the guidance set forth by the SJVAP 2019 CEQA Air Quality Guidelines. Emissions output and modeling assumptions for construction and operational emissions are provided in Appendix I.

4.7.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether greenhouse emissions impacts are significant environmental effects, the following questions are analyzed and evaluated. Would the Project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment;
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

4.7.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Greenhouse Gas Emissions

Threshold a):	**Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Impact Analysis

The Project involves the proposed construction and operation of an industrial park with 40 percent manufacturing and 60 percent warehousing uses on a 78.94 gross acre site consisting of 1,197,643 square feet (sq. ft.) of building space with required parking spaces to be determined upon the future uses specific to each building. GHG emissions would occur from construction and operation of the Project. Although no construction is currently being proposed by the Project, the Project would add impervious surfaces and contribute to the urban heat island, the site would also consist of landscaped areas. Currently, there are no established significance thresholds specific to the urban heat island. Temperature increases are considered in both the evaluation of potential air quality impacts and GHG impacts.

While estimated Project-related GHG emissions can be quantified, the direct impacts of such emissions on global climate change and global warming cannot be determined on the basis of available science. There is no evidence that would indicate that the emissions from a project the size of the proposed Project would directly or indirectly affect the global climate. Because global warming is the result of GHG emissions, and GHGs are emitted by innumerable sources worldwide, the proposed Project would have no potential to result in a direct impact to global warming; rather, Project-related contributions to global climate change could only have potential significance on a cumulative basis.

On November 7, 2022, the SJVAPCD issued an Air Impact Assessment (AIA) approval for the Indirect Source Review (ISR) for the proposed Project (Project Number C-20190445), that stipulates the conditions of approval which include a Fee Deferral Schedule, submission of a construction fleet summary, a dust control plan, and an asbestos survey, and permits per District Rule 2010. Therefore, with implementation of these conditions of approval, the Project would not conflict with or obstruct implementation of the applicable SJVAPCD air quality plan.

The Project would also implement design measures to maximize energy efficiency and reduce GHG emissions as required by State law (for example, compliance with Title 24, and the use of energy efficient appliances as required by the CBSC). Although mandatory compliance with applicable Federal and State regulations would reduce Project-related GHG emissions, these regulations would not reduce the Project's mobile source GHG emissions (i.e., emissions from construction equipment, diesel trucks and passenger cars, which are the primary source of Project-related GHG emissions. As advancements in vehicle technology progress, it is expected that a higher percentage of vehicles, including trucks, will be electric powered than occurs today, and thus the Project's operational GHG emissions will reduce over time from the amount assumed above, which assumes 2023 conditions will continue for the life of the Project. Mobile source GHG emissions are regulated by State and federal fuel standards and tailpipe emissions standards and are outside of the control and authority of the City of Bakersfield and the Project Applicant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

Threshold b):	**Would the Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

Impact Analysis

The Project would provide for the construction and operation of an industrial park consisting of 40 percent manufacturing and 60 percent warehouses uses. It is anticipated that the buildings would be constructed with contemporary, energy-efficient/energy-conserving design features and operational characteristics.

Although manufacturing and warehousing uses are inherently energy intensive, the total Project energy demands would be comparable to, or less than, other development projects of similar scale and configuration due to the Project's modern construction and requirements to be constructed in accordance with the most recent California Buildings Standards Code (CBSC). The CBSC includes the California Energy Code, or Title 24, Part 6 of the California Code of Regulations, also titled The Energy Efficiency Standards for Residential and Nonresidential Buildings. The California Energy Code was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated approximately every three years to improve energy efficiency by incorporating new energy efficiency technologies and methods. The Project would be required to comply with all applicable provisions of the CBSC. As such, the Project's energy demands would be minimized through design features and operational programs that, in aggregate, would ensure that Project energy efficiencies would comply with – or exceed – incumbent CBSC energy efficiency requirements, thereby minimizing GHG emissions produced from energy consumption.

The Kern COG's Regional Transportation Plan & Sustainable Communities Strategy (RTP/SCS) was prepared to ensure that the region attains the per capita vehicle miles targets for passenger vehicles identified by CARB (and, thus, meeting associated GHG emissions targets), as required by Senate Bill 375. As explained in EIR Subsection 4.13, Transportation, the Project would not conflict with applicable measures of the RTP/SCS and, therefore, would not interfere with the region's ability to minimize GHG emissions from transportation sources.

On November 7, 2022, the SJVAPCD issued an Air Impact Assessment (AIA) approval for the Indirect Source Review (ISR) for the proposed Project (Project Number C-20190445), that stipulates the conditions of approval which include a Fee Deferral Schedule, submission of a construction fleet summary, a dust control plan, and an asbestos survey, and permits per District Rule 2010. Therefore, with implementation of these conditions of approval, the Project would not conflict with or obstruct implementation of the applicable SJVAPCD air quality plan.

In conclusion, implementation of the Project would not conflict with the State's ability to achieve the Statewide GHG reduction mandates and would be consistent with applicable policies and plans related to GHG emissions reductions. Implementation of the Project would not actively interfere with any future federally, State, or locally mandated retrofit obligations (such as requirements to use new technologies such as diesel particulate filters, emissions upgrades to a higher tier equipment, etc.) enacted or promulgated to legally require development projects to assist in meeting State-adopted GHG emissions reduction targets, including those established under EO S-3-05, EO B-30-15, or SB 32. For these reasons, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and would result in a less than significant impact.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative greenhouse gas emissions impacts in the area?

Impact Analysis

Implementation of the Project would not result in cumulative impacts associated with greenhouse gas emissions. The Project is implementing design measures to maximize energy efficiency and reduce GHG emissions as required by State law and would not conflict with the State's ability to achieve the Statewide GHG reduction mandates. Therefore, the Project's contribution to impacts associated with greenhouse gas emissions are not considered cumulatively considerable, and cumulative greenhouse gas emissions impacts as a whole would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.8: HAZARDS AND HAZARDOUS MATERIALS

4.8 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in significant impacts associated with hazards and hazardous materials. A technical report titled "Phase I Environmental Site Assessment, Vacant Property, Southeast of Hageman Road and Knudsen Drive, Bakersfield, California," dated June 23, 2020," was prepared by Krazan & Associates, Inc. (Krazan) for the Project and is included as EIR Technical Appendix G to this EIR.

Hazardous Materials Overview

Hazardous materials, as defined by the California Health and Safety Code Sections 25501(n) and 25501(o), are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into the following four categories, based on their properties:

- Toxic (causes human health effects)
- Ignitable (has the ability to burn)
- Corrosive (causes severe burns or damage to materials)
- Reactive (causes explosions or generates toxic gases)

A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. When improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the environment through releases into soil or groundwater, or via airborne releases in the form of vapors, fumes, or dust. Contaminated soil and groundwater containing concentrations of hazardous constituents that exceed regulatory thresholds must be handled and disposed of as hazardous waste when excavated or pumped. The California Code of Regulations, Title 22, Sections 66261.20–66261.24 contain technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

4.8.1 Existing Conditions

Current Use of the Project Site

The 78.94-acre triangularly shaped property is relatively flat and currently vacant. The Project site is approximately 421 feet above sea mean level and located at the southeast corner of the Hageman Road/Landco Drive intersections. There are currently eleven oil wells located on the Project site including five plugged and abandoned, three active wells, and three idle wells. There are easements on the site that include: (1) high-tension electrical power lines owned and operated by Pacific Gas and Electric Company (PG&E) traversing east-west across the southernmost corner of the site; and (2) the Beardsley Canal Ditch ("Ditch") owned and operated by the City of Bakersfield that transverses from north to south adjacent to the western boundary of the site. The majority of the Project site is within the Airport Land Use Compatibility Plan, Zone C for Meadows Field Airport.

Historical Uses of the Project Site

Historical aerial photographs obtained by Krazan & Associates for the proposed Project dating back to 1937, 1952, 1956, 1968, 1973, 1984, 1994, 2006, 2009 and 2016 were reviewed to assess the history of the

Project site. These photographs were obtained from Environmental Database Reports (EDR) and Google Earth Pro™.

In 1937, the Project site and adjacent properties were primarily undeveloped land. The present-day Beardsley canal was present along the western side of the Project site as was the Minkler Southern Railway along the southeastern side of the Project site.

Between 1952 and 1956, the Project site was used for agricultural purposes with row crops, and farm roads traversing the site. The adjacent properties to the north and west were also in agricultural use. Oilfield activity with oil wells was present within the northeastern part of the Project site. The canal and railroad continued to be present at the Project site. No Significant building-like features were present on the Project site.

Between 1968 and 1972, agricultural conditions on the Project site and the adjacent properties appear to be relatively similar to those noted in the 1956. However, the northeastern portion of the site includes several oil wells. Oil wells are also evident as islands within agricultural fields on other western and central areas of the Project site.

Between 1973 and 1994, agricultural conditions at the Project site and the adjacent properties appear to remain unchanged until 2006 when the Project site appears to no longer be producing crops with no significant features or buildings present. Oil wells are still evident within the northeastern part and at various other locations. Knudsen Drive and Hageman Road are present to the northwest. Adjacent properties to the north and west appear to be vacant and the canal and railroad are present. The southeastern adjacent properties remain industrial. These conditions remain until present day.

Phase I Environmental Site Assessment Findings

A recognized environmental condition (REC) is defined by the ASTM E 1527-13 Standard as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment, (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

Based on the Phase I ESA conducted by Krazan & Associates, the Project site contains no evidence of RECs, controlled recognized environmental conditions (CRECs), or historic recognized environmental conditions (HRECs), or other environmental issues. The site does, however, consists of eleven oil wells. Currently, five of the oil wells are plugged and abandoned, three oil wells are active, and three oil wells are idle. Two easements traverse the Project site, a Pacific Gas and Electric Company (PG&E) high tension electrical power line that traverses east-west across the southernmost corner of the Project site; and the Beardsley Canal Ditch owned by the City of Bakersfield that transverses from east to west near the northernmost Project site boundary. In addition, the majority of the Project site is located within the Kern County Airport Land Use Compatibility Plan, Zone C for Meadows Field Airport.

Regulatory Agency Environmental Database Listings

Several agencies have published documents that list businesses or properties which have handled hazardous materials or waste or may have experienced site contamination. The lists consulted in the course of our assessment were compiled by EDR and Krazan and represent reasonably ascertainable current listings. Krazan did not verify the locations and distances of every property listed by EDR. Krazan

did, however, verify the location and distances of the properties Krazan deemed as having the potential to adversely impact the Project site. The actual location of the listed properties may differ from the EDR listing. No EDR-listed unmapped (non-geocoded) sites were determined to be located on or adjacent to the Project site.

Asbestos-Containing Materials and Lead-Based Paint

Asbestos is a group of naturally occurring mineral fibers that have been used commonly in a variety of building construction materials for insulation and as a fire-retardant. Because of its fiber strength and heat-resistant properties, asbestos has been used for a wide range of manufactured goods, mostly in building materials, vehicle brakes, and heat-resistant fabrics, packaging, gaskets, and coatings. When asbestos-containing materials (ACMs) are damaged or disturbed by repair, remodeling, or demolition activities, microscopic asbestos fibers may become airborne and can be inhaled into the lungs, where they can cause significant health problems. Prior to the current construction, no structures were located on the subject site. Based on the current date of construction, ACMs are not an environmental concern at the Project site.

Radon

Radon is a radioactive gas that is found in certain geologic environments and is formed by the natural breakdown of radium, which is found in the earth's crust. A radon survey was not included within the scope of the Phase I; however, the State of California Department of Public Health (CDPH) maintains a statewide database of radon results in designated geographic areas. Radon detection devices are placed in homes throughout the study region to determine geographic regions with elevated radon concentrations. The U.S. EPA has set the safety standard for radon gas in homes to be 4.0 picocuries per liter (pCi/L). The U.S. EPA has prepared a map to assist National, State, and local organizations to target their resources and to implement radon-resistant building codes. The map divides the country into three Radon Zones. Zone 1, being those areas with the average predicted indoor radon concentration in residential dwellings exceeds the EPA Action Limit of 4.0 pCi/L; Zone 2, where average predicted radon levels are between 2.0 and 4.0 pCi/L; and Zone 3 where average predicted radon levels are below 2.0 pCi/L. It is important to note that the EPA has found homes with elevated levels of radon in all three zones, and the EPA recommends site specific testing in order to determine radon levels at a specific location. However, the map does give a valuable indication of the propensity of radon gas accumulation in structures. A review of the EPA Map of Radon Zones places the Property in Zone 2, where average predicted radon levels are between 2.0 and 4.0 pCi/L. Therefore, the available data suggests that the potential for radon to adversely impact the Project site appears to be low.

Geologic Energy Management Division (CalGEM)

A review of the Geologic Energy Management Division (CalGEM), formerly the Division of Oil, Gas and Geothermal Resources (DOGGR) online mapping system known as the Well Statewide Tracking and Reporting System (WellSTAR database) indicated that there are five plugged and abandoned, three active and three idle oil wells located on the subject site. These oil wells are listed and discussed below as to their status and location.

- San Joaquin Facilities Management (SJFM) "KCL-G" 2 Well (API No. 029-06589) Plugged and Abandoned 1997 (Lat/Lon) 35.404588/-119.054946

- SJFM "KCL-B" 36 Well (API No. 029-06849) Plugged and Abandoned 1985 (Lat/Lon) 35.403708/-119.051675
- SJFM "KCL-B" 54 Well (API No. 029-00517) Plugged and Abandoned 1997 (Lat/Lon) 35.404348/-119.051385
- SJFM "KCL-B" 36-A Well (API No. 029-06850) Active (Lat/Lon) 35.403778/-119.051735
- SJFM "KCL-B" 54-A Well (API No. 029-06855) Active (Lat/Lon) 35.404452/-119.051309
- SJFM "KCL-G" 4 Well (API No. 029-06861) Plugged (Lat/Lon) 35.404534/-119.057166
- SJFM "KCL-B" 62 Well (API No. 029-06856) Active (Lat/Lon) 35.40432/-119.05271
- SJFM "KCL-B" 35 Well (API No. 029-06848) Plugged (Lat/Lon) 35.402736/-119.052735
- SJFM "KCL-G" 12 Well (API No. 029-06869) Plugged (Lat/Lon) 35.400882/-119.057132

CalGEM requires that property owners continue to provide access to any wells located on a property. Currently CalGEM requires that no buildings shall be constructed within 10 feet of an oil well on two adjacent sides and the third side of a well shall be no closer than 50 feet from buildings; the fourth side must remain open to allow for access of an abandonment rig in the event that the well requires abandonment or re-abandonment in the future.

4.8.2 Regulatory Setting

Federal Regulations

Comprehensive Environmental Response, Compensation, and Liability Act

The U.S. Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) in 1980. CERCLA aims to identify and remediate chemically contaminated sites that pose a significant environmental health threat. The Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities.

Superfund Amendments and Reauthorization Act

The Superfund Amendments and Reauthorization Act (SARA) primarily pertains to the emergency management of accidental releases. SARA requires the formation of state and local emergency planning committees, which are responsible for collecting material handling and transportation data for use as a basis for their planning. Chemical inventory data is made available to the public under the "right-to-know" provision of this Act. SARA also requires annual reporting of continuous emissions and accidental releases of specified compounds. These annual submissions are compiled into a nationwide Toxics Release Inventory.

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act (HMTA) serves as the statutory basis for the body of regulations designed to ensure the safe transport of hazardous materials via water, rail, highways, air, or pipelines. This Act includes provisions for material classification, packaging, marking, labeling, placarding, and shipping documentation.

Hazardous Materials Transportation Uniform Safety Act

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in

intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

Occupational and Safety Health Act

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for OSHA. OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) Subtitle C addresses hazardous waste generation, handling, transportation, storage, treatment, and disposal. RCRA establishes a system that uses hazardous waste manifests to track the movement of hazardous waste from generation to disposal (cradle-to-grave). The 1984 amendments to RCRA created a national priority for waste minimization. Subtitle D establishes national minimum requirements for solid waste disposal sites and practices. It requires States to develop plans for the management of wastes within their jurisdictions. Subtitle I requires monitoring and containment systems for underground storage tanks (USTs) that hold hazardous materials. Owners of USTs must demonstrate financial assurance for the cleanup of a potential leaking tank.

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

State Regulations

California Health and Safety Code 25500

State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that require businesses to plan and prepare for possible chemical emergencies. Any business that occupies the manufacturing or warehouse or buildings on the Project site and that handles hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) will be required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the Kern County Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP). Furthermore, the Legislature

declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Public Resources Code (PRC) 3208.1

PRC 3208.1 is to prevent, as far as possible, damage to life, health, and property. The supervisor or district deputy may order the re-abandonment of any previously abandoned well if the supervisor or the district deputy has reason to question the integrity of the previous abandonment.

The California Hazardous Waste Control Law

The Hazardous Waste Control Law (HWCL) is the primary hazardous waste statute in the State of California. HWCL implements Resource and Recovery Conservation Act (RCRA) as a "cradle- to-grave" waste management system in the State. The Law states that generators have the primary duty to determine whether their wastes are hazardous and to ensure their proper management. HWCL also establishes criteria for the reuse and recycling of hazardous wastes. The Law exceeds federal requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by RCRA.

California Code of Regulations, Titles 22 and 26

Most state and federal regulations and requirements that apply to generators of hazardous waste are spelled out in the California Code of Regulations (CCR), Title 22, Division 4.5. Title 22 contains detailed compliance requirements for hazardous waste generators and transporters, and treatment, storage, and disposal facilities. Because California is a fully authorized State according to RCRA, most RCRA regulations (those contained in 40 Code of Federal Regulations [CFR] 260, et seq.) have been duplicated and integrated into Title 22. However, because the California Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, Title 22 contains fewer exemptions and exclusions than 40 CFR 260. As with the California Health and Safety Code, Title 22 also regulates a wider range of waste types and waste management activities than RCRA regulations in 40 CFR 260. To make regulatory requirements more accessible and easier to follow, California compiled the hazardous materials, waste, and toxics-related regulations contained in CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24, and 27 into one consolidated CCR Title 26 "Toxics." However, California hazardous waste regulations are still commonly referred to as Title 22.

Cal/OSHA and the California State Plan

Under an agreement with OSHA, since 1973, California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA. The State of California's Department of

Industrial Relations administers the California Occupational Safety and Health Program, commonly referred to as Cal/OSHA. Cal/ is the principal agency that oversees plan enforcement and consultation. In addition, the California State program has an independent Standards Board responsible for promulgating State safety and health standards and reviewing variances. It also has an Appeals Board to adjudicate contested citations and the Division of Labor Standards Enforcement to investigate complaints of discriminatory retaliation in the workplace. Cal/OSHA is the only agency in the State authorized to adopt, amend, or repeal occupational safety and health standards or orders. In addition, the Standards Board maintains standards for certain things not covered by federal standards or enforcement, including elevators, aerial passenger tramways, amusement rides, pressure vessels and mine safety training. The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident, a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries with high rates of occupational hazards, fatalities, injuries, or illnesses.

Local Regulations

Metropolitan Bakersfield General Plan

The Public Health and Safety Element of the City of Bakersfield General Plan includes the following goals, policies, and actions that address hazards and hazardous materials and are applicable to the proposed Project:

- **Goal 1** Ensure that the Bakersfield metropolitan area maintains a high level of public safety for its citizenry.
- **Goal 4** Assure that fire, hazardous substance regulation and emergency medical service problems areas are continuously identified and addressed in a proactive way, in order to optimize safety and efficiency.
- **Policy 7.** Enforce ordinances regulating the use/manufacture/sale/transport/disposal of hazardous substances and require compliance with state and federal laws regulating such substances.
- **Policy 8.** The Kern County and Incorporated Cities Hazardous Waste Management Plan and Final Environmental Impact Report serves as the policy document guiding all facets of hazardous waste.

Certified Unified Program Agency

The aforementioned federal and State hazardous materials regulations require all businesses that handle more than a specified number of hazardous materials or extremely hazardous materials to obtain a hazardous materials permit and submit a business plan to its local Certified Unified Program Agency (CUPA). The CUPA also ensures local compliance with all applicable hazardous materials regulations. The CUPAs with responsibility for the City of Bakersfield are the Bakersfield City Fire Department and the Kern County Environmental Health Services Department (CUPA, 2022).

Kern County Operational Area Hazardous Materials Area Plan

The Kern County Operational Area Hazardous Materials Area Plan addresses the use, storage, and transportation of hazardous materials and the generation and transportation of hazardous wastes in the Kern County Operational Area. At the time of a significant emergency, the Kern County Operational Area serves as the coordination and communication link between the cities and special districts within the

County's boundaries. Serving as the lead agency in the Kern County Operational Area is County government, while oversight and administrative support is provided by the Kern County Office of Emergency Services. During incidents involving the release or threatened release of hazardous substances, the Hazardous Materials Area Plan identifies local, State, and federal responsibilities.

4.8.3 Methodology for Analysis

The following analysis is based on information provided by a Phase I Environmental Site Assessment, Vacant Property, Southeast of Hageman Road and Knudsen Drive, Bakersfield, California, dated June 23, 2020, prepared by Krazan & Associates, Inc. (Krazan), and is included as EIR Technical Appendix G to this EIR. As part of the Phase I ESA, both a regulatory database records search and site reconnaissance were performed. The purpose of the records search was to obtain and review records that would help evaluate RECs associated with the project site and surrounding properties. The Phase I ESA reviewed databases available from federal, state, and local regulatory lists. The Environmental Data Resources, Inc. (EDR) performed a search of federal, tribal, state, and local databases regarding the project site and nearby properties. EDR uses GIS to plot the locations of reported Incidents. This information is then reviewed to establish whether the Project site or nearby properties have been included on the noted databases and lists. The EDR report includes maps, which show the locations of the regulated properties with respect to the project site, and a summary of pertinent information for these properties, including the responsible party, the property address, the distance, and direction from the site, and the databases and lists on which the property appears.

4.8.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether hazards and hazardous materials impacts are significant environmental effects, the following questions are analyzed and evaluated:

a) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
b) Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the hazardous materials into the environment;
c) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
d) Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the project area;
f) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
g) Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

4.8.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Routine Use

Threshold a): Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Impact Analysis

CONSTRUCTION ACTIVITIES

During construction of the proposed Project, heavy equipment (e.g., dozers, excavators, tractors) would be operated on the Project site. This heavy equipment likely would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Project site during construction.

Construction of the proposed Project would involve the transport and use of hazardous materials in the Project area. However, continued compliances with laws, regulations, and policies governing the use of these materials would ensure that Project implementation would not serve to increase public or environmental exposure to hazardous materials. These regulations are detailed above in the regulatory section. In addition, the City of Bakersfield's development review process ensures that land use compatibility as it relates to hazards is examined and enforced in the entitlement process. Further, any future development that would occur under the Project would be subject to environmental analysis by City staff. Therefore, impacts would be less than significant.

OPERATIONAL ACTIVITIES

The future occupants of the Project's proposed buildings are not yet known. However, occupants would include manufacturing and warehouse uses, it is possible that hazardous materials could be used during the course of a future building user's daily operations and although hazardous materials are routinely transported through the Project area, including on major highways and arterials such as SR 99 and Rosedale Highway (Old Highway 58), regulations are in place to minimize the risks to human and environmental health. Should future occupants involve the transport and use of hazardous materials at the Project site, they would be subject to the California Environmental Protection Agency (CalEPA) requirements and regulations. CalEPA has issued a guidance document entitled "Submittal Due Dates for the Hazardous Materials Business Plan Program." The purpose of this guidance document is to summarize the requirements regarding submittal due dates for the Hazardous Materials Business Plan (HMBP) and to provide guidance to Unified Program Agencies (UPAs) and the regulated community for complying with all applicable requirements. The Kern County Environmental Health Services Department is a Certified Unified Program Agency (CUPA), the agency responsible for implementing the California Environmental Reporting System (CERS) which is a state-wide system that supports businesses with electronically reporting, collecting, and managing hazardous materials-related data.

An HMBP is a written set of procedures and information created to help minimize the effects and extent

of a release or threatened release of a hazardous material. Should future occupants of the Project site use or store hazardous materials, the business owners and operators would be required to comply with all HMBP guidance, applicable federal, State, and local regulations to ensure proper use, storage, use, emission, and disposal of hazardous substances.

Activities permitted in the proposed M-2 (General Manufacturing) zone district are listed in **Table 4.8-1**. Bakersfield Municipal Code Section 17.30.020 permits all uses permitted in the M-1 (Light Industrial) zone and an additional 59 uses by-right for properties with M-2 zoning with a Conditional Use Permit (CUP) (**Table 4.8-2**). **Table 4.8-3** shows the current uses permitted by right in the M-3 (Heavy Industrial) zone district, as existing on the site. The Project, by proposing to change the zoning on the property from M-3 (Heavy Industrial) to M-2 (General Manufacturing) or more restrictive zone, will eliminate the possibility of establishing many of the intensive uses allowable by existing zoning and result in a less impactful set of uses on the property. With mandatory regulatory compliance, the Project would not pose a significant hazard to the public or the environment during long-term operation through the routine transport, use, storage, emission, or disposal of hazardous materials, nor would the Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment.

Table 4.8-1
Uses Permitted in M-2 (General Manufacturing) Zones

Acetylene gas manufacture or storage	Automobile and light truck, two-axle vehicles, parking, and storage*	Blast furnaces	Carpet and rug manufacture
Adult day care*	Automobile and truck manufacture	Boat buildings	Carpet, awning, blinds, mattress, or upholstery shops, including cleaning and repair*
Adult entertainment establishments as defined in Section 17.69.020 of the Municipal Code and regulations of Chapter 17.69 of the Municipal Code	Automobile and truck parts manufacturer	Boiler or tank works	Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases
Agricultural packing plants (vegetables and fruits)	Automobile assembling, body and fender works, painting, upholstering, dismantling and used parts storage, when operated or maintained wholly within a building*	Breweries or distilleries, large	Clay product manufacture
Aircraft and automobile factories	Bag cleaning	Brick, tile, or terra cotta products manufacture	Coke ovens
Alcohol and alcoholic beverages manufacture	Bakeries*	Building materials manufacture	Concrete batch plants, portable, not to exceed two-yard capacity*

Ammonia, chlorine, and bleaching powder manufacture	Banquet venue*	Building materials storage yards*	Contractor's plants and storage yards*
Animal hospitals, kennels, and veterinaries*	Battery manufacturer	Cabinet or carpenter shop*	Cotton gins or oil mills
Creameries	Firearms manufacture	Ice cold storage plants*	Ore reduction
Crematories	Food and/or shelter service as defined in Section 17.04.285	Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting	Paint mixing plants (not employing a boiling process) *
Creosote treatment or manufacture	Forge plants	Laboratories, experimental research, and testing*	Paint, oil, shellac, turpentine, or varnish manufacture
Disinfectant manufacture	Freighting and trucking yards and terminals	Lamp black manufacture	Paper or pulp manufacture
Distillation of coal, wood, or tar	Freight classification yards	Laundries, cleaning, and dyeing plants*	Petroleum refining and reclaiming plants
Distributing plants*	Frozen food lockers*	Linoleum or oiled products manufacture	Planning mills
Dyestuffs manufacture	Furniture and automobile upholstering operations not confined wholly to a building*	Lumberyards*	Plastic manufacture
Electric welding and electroplating*	Glass and glass product manufacture	Machine shops (except punch presses of over twenty tons rated capacity, drop hammers, and automatic screw machines) *	Potash works
Exterminator or insect poison manufacture	Grain elevator	Machine shops including punch presses and automatic screw machines	Public utilities device yards, power plants, or distributing stations*
Feed, flour, and grains mills	Helipad (in conjunction with a hospital)	Metal container manufacturer	Railroad roundhouses and repair shops
Rolling mills	Tar roofing or waterproofing or other tar products manufacture	Ceramic products manufacturing	Welding, metal fabricating and blacksmith shops*
Rubber fabrication or products made from finished rubber*	Tire rebuilding, recapping, and retreading plants	Clothing or garments manufacturing	Wholesale businesses, storage buildings and warehouses*
Rubber processing and manufacture	Tool rental and equipment*	Cosmetics, perfumes and toiletries, drugs, and pharmaceuticals manufacturing	Arts and crafts manufacturing

Sawmills	Truck repairing and overhauling shops*	Electronic instruments and devices, radios, televisions, phonographs, and business machines manufacturing	Billboards and advertising structures, electric neon signs manufacturing
Sheet metal shops*	Truck stop	Food products (except the rendering or refining of fats or oils) manufacturing.	Textiles – Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood, yards, and paint, not employing a boiling process.
Soap manufacture	Stone monument works	Furniture manufacturing	Storage spaces for transit and transportation equipment
Sodium compounds manufacture	Shoes manufacturing	Musical instruments and toys manufacturing	Soap (cold mix only) manufacturing
Starch manufacture	Prefabricated buildings manufacturing		

Table 4.8-2
Uses Permitted by CUP in M-2 (General Manufacturing) Zones

Acid manufacture	Explosives, manufacture, or storage	Glue manufacture
Ammunition manufacture	Fat rendering	Non-mineral oil extraction plants
Cement, lime, gypsum, or plaster of Paris manufacture	Feed and fuel yards	Recycling center, as defined by Public Resources Code Section 14520, that is within a convenience zone, as defined by Public Resources Code Section 14509.4
Chemical manufacture	Fertilizer manufacture	Sewer farms or sewage disposal plants
Curing, tanning, and storage of rawhide or skins	Garbage, offal, or dead animal reduction or dumping	Smelting of tin, copper, zinc, or iron ores
Distillation of bones	Gas manufacture	Slaughterhouse
Drop forge industries manufacturing forgings with power hammers	Gelatin or size manufacture	Scrap metal yards, junkyards
Dumps and refuse disposal areas	Glucose or dextrin manufacture	Wineries

Table 4.8-3
Activities Permitted in M-3 (Heavy Industrial) Zones

Acetylene gas manufacture and storage	Acid manufacture	Alcohol and alcoholic beverage manufacturing and distillation	Beef, swine, poultry, or rabbit slaughter
Blast furnaces	Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases	Chemical manufacture	Clay product manufacture
Coke ovens	Cotton gins or oil mills	Creosote treatment or manufacture	Curing, tanning, and storage of raw hide or skins
Disinfectant manufacture	Distillation of coal, wood, bones, or tar	Drop forge industries manufacturing forgings with power hammers	Explosives, manufacture, or storage
Exterminator or insect poison manufacture	Exterminator or insect poison manufacture	Fat rendering	Feed and fuel yards
Fertilizer manufacture	Forge plants	Gelatin or size manufacture	Glass or glass product manufacture
Glucose or dextrin manufacture	Glue manufacture	Iron, steel, brass, or copper foundries or fabrication plants, and heavy weight casting	Nonmineral oil extracting plants
Ore reduction	Paint, oil, shellac turpentine or varnish manufacture	Paper or pulp manufacture	Petroleum refining, reclaiming plants, and associated uses
Rolling mills	Rubber processing and manufacture	Sawmills	Smelting of tin, copper, zinc, or iron ores
Scrap metal yards, junkyards	Tar roofing or waterproofing or other tar products manufacture	Accessory buildings or structures necessary to such use located on the same lot or parcel of land	Dwelling for use by a caretaker or night security, or as accessory and incidental to the permitted use on the parcel

Implementation of the Project would not increase human or environmental health risks as it relates to such substances. Operational impacts would therefore be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Accident Conditions

Threshold b):	**Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Impact Analysis

CONSTRUCTION ACTIVITIES

Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the Project than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited requirements imposed by the EPA, DTSC, and the Central Valley RWQCB. With mandatory compliance with applicable hazardous materials regulations, the Project's short-term construction activities would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. Therefore, impacts would be less than significant, and no mitigation is required.

OPERATION ACTIVITIES

As described above in Hazard Threshold a, during operation, future occupants involving the transport and use of hazardous materials at the Project site, would be subject to the California Environmental Protection Agency (CalEPA) requirements and regulations which require an HMBP which is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous materials. With the creation of the HMBP, impacts would therefore be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Schools

Threshold c): Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Impact Analysis

The Project has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, and/or waste within one-quarter mile of an existing or proposed school. San Lauren Elementary School is located north of the Project site and is within one-quarter mile from the site.

CONSTRUCTION ACTIVITIES

The handling of hazardous materials associated with the Project construction would be conducted in compliance with city, county, state, and federal regulations and would not be expected to create a significant hazard to the public or the environment through routine transport, use or disposal of hazardous materials during Project development and/or operation. Therefore, impacts would be less than significant during construction. Accordingly, there would be no potential for existing or proposed schools to be exposed to substantial safety hazards associated with emission, handling of, or the routine transport of hazardous substances or materials to-and-from the Project site and impacts would be less than significant.

OPERATIONAL ACTIVITIES

As described above in HAZ-1, during operation, future occupants involving the transport and use of hazardous materials at the Project site, would be subject to the California Environmental Protection Agency (CalEPA) requirements and regulations which require an HMBP which is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous materials. With the creation of the HMBP, impacts would therefore be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Hazardous Materials Site Listing

Threshold d): Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Impact Analysis

A Phase I ESA was prepared by Krazan & Associates for the Project site to evaluate environmental conditions associated with the property's past and current use. The Phase I ESA was prepared in

accordance with the scope and limitations of ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (Designation E 1527-05, Standard Practice for ESAs). The purpose of the Phase I ESA was to assist the City and the Applicant in recognizing "environmental conditions" at the Project site. The Phase I found no evidence of RECs, CRECs, HRECs or other environmental issues at the Project site. As part of the Phase I ESA, both a regulatory database records search and site reconnaissance were performed. Several agencies have published documents that list businesses or properties which have handled hazardous materials or waste or may have experienced site contamination. The lists consulted in the course of the assessment were compiled by EDR and Krazan and represent reasonably ascertainable current listings. Krazan did not verify the locations and distances of every property listed by EDR. Krazan did, however, verify the location and distances of the properties Krazan deemed as having the potential to adversely impact the subject site. No EDR-listed unmapped (non-geocoded) sites were determined to be located on or adjacent to the Project site. The Project site and adjacent properties are not listed in the EDR regulatory database report. Two vicinity properties that were the focus of investigations for releases to the subsurface were identified by EDR and are discussed below:

- Armour Oil Company-Located approximately 300 feet east of the Project site at 4401 Armour Avenue Bakersfield, CA. The EDR identified this facility as a case-closed leaking underground storage tank (LUST) Site. In summary, this facility was investigated by KCDEHS as a result of a release of diesel fuel to soil in 1996. Upon the successful remediation, a case-closed letter with no further actions required was issued on 12/09/1996. Based on the diesel impact to soil only and the closure issued by KCDEHS, this facility does not pose an environmental concern to the subject site.
- Baker Performance Chemical-Located approximately 570 feet Southeast of the Project site at 5135 Boylan Street Bakersfield, CA. The EDR identified this facility as a case- closed LUST Site. In summary, this facility was investigated by KCDEHS as a result of a release of waste oil to soil in 1994. Upon the successful remediation, a case-closed letter with no further actions required was issued on 02/24/1994. Based on the waste oil impact to soil only and the closure issued by KCDEHS, this facility does not pose an environmental concern to the subject site.

Additionally, the Project site is not listed on CalEPA's Cortese List of hazardous sites. Therefore, because the Project site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5, the Project has no potential to create a significant hazard to the public or the environment associated with a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, no impact would occur, and no mitigation is required.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Airports

Threshold e): For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the project area??

Impact Analysis

According to the Kern County Airport Land Use Compatibility Plan (ALUCP), the Project site is located approximately 1.1 miles south of the Meadows Field Airport and is within the Kern County Airport Land Use Compatibility Plan, Zone C for Meadows Field Airport. Although the Project site is located within ALUCP, it is located outside of an area affected by airport noise. Furthermore, according to the ALUCP, Compatibility Area C allows for construction of various industrial and office uses with certain building height and persons/acre density restrictions. During the Project permitting process, the defined Project will be assessed against these limitations. As such, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Emergency Response

Threshold f): Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Impact Analysis

The Project site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and operation of the Project, the industrial park would be required to maintain adequate emergency access for emergency vehicles. As part of the City's discretionary review process, the City of Bakersfield will review the Project's application materials to ensure that appropriate emergency ingress and egress would be available to-and-from the Project site and that the Project would not substantially impede emergency response times in the local area. Additionally, the proposed Project would be required to comply with the Kern County Operational Area Hazardous Materials Area Plan to ensure compliance with established procedures, rules, and regulations for emergency responses in the event of a hazardous materials incident. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Wildfires

Threshold g): Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Impact Analysis

The 78.94-gross acre Project site is not located within a State Responsibility Area (SRA), or land classified as a Very High Fire Hazard Severity Zone. SRAs are recognized by the Board of Forestry and Fire Protection as areas where Cal Fire is the primary emergency response agency responsible for fire suppression and prevention. Project development and operation will not be expected to physically impede existing emergency response plans, emergency vehicle access, or personnel access to the Project site. The Kern County and City of Bakersfield Fire Departments would continue to provide fire protection and emergency services to the Project site.

Project development and operation will be required to comply with standard building construction regulations that include installation of fire sprinklers, provision of fire hydrants, and use of irrigated landscaping. It is not anticipated that any Project development on the Project site will include any fire protection infrastructure that could result in temporary or ongoing impacts to the environment. Therefore, Project-generated impacts would be less than significant.

Future tenants of the Project site would not be exposed to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. Thereby, the future Project development and Project operation have no potential to exacerbate wildfire risks and expose persons to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts would result from Project development or operation. No impact would occur.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative hazards and hazardous materials impacts in the area?

Impact Analysis

Implementation of the Project could potentially result in cumulative impacts associated with hazards and hazardous materials when combined with other past, present, and reasonably foreseeable future projects in the broader Project area. Cumulative development in the Project area and its surroundings has potential to expose future area residents, employees, and visitors to current and historical use of hazardous materials. Continued urban development in the Project area would cumulatively increase the potential for exposure to existing hazards associated with hazardous materials. Therefore, an overall increase in the potential for human health hazards would occur as intensification of development occurs. The magnitude of hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. Compliance with appropriate federal, State, and local hazardous waste remediation and disposal requirements, including remedial action on contaminated sites, would avoid potential hazard impacts associated with cumulative development in the City of Bakersfield. Overall, hazards and hazardous materials impacts associated with individual developments are site-specific in nature and must be addressed on a case-by-case basis. Since hazards and hazardous materials are required to be examined as part of the permit application and environmental review process, potential impacts associated with individual projects would be adequately addressed and mitigated prior to development permit approval. Therefore, the Project's contribution to cumulative impacts related to hazardous materials and waste or the creation of any health hazards would not be cumulatively considerable.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.9: HYDROLOGY AND WATER QUALITY

4.9 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in potential impacts on hydrology and water quality that could result from implementation of the proposed Project. This section presents the regulatory and environmental settings relevant to the potential for significant impacts, followed by the impact analysis. The potential impacts on hydrology and water quality are evaluated in accordance with the significance criteria from Appendix G of the CEQA Guidelines and based on information from a Phase I Environmental Site Assessment dated June 23, 2020, prepared by Krazan & Associates, Inc. and a Soil Absorption Evaluation Proposed Drainage Evaluation prepared on August 4, 2022, by Krazan & Associates, Inc.

4.9.1 Existing Conditions

Project Area

The 78.94-acre triangularly shaped property is relatively flat, approximately 421 feet above sea mean level at the southeast corner of the Hageman Road/Landco Drive intersection located on portions of sections 14 and 15, Township 29 South, Range 27 East of Mount Diablo Baseline and Meridian. The Project site consists of Assessor's Parcel Numbers (APN): 116-080-61 and 365-011-73.

The proposed Project site consists of two vacant parcels of land with relatively flat topography. There are eleven oil wells located on the subject site including five plugged and abandoned, three active wells, and three idle wells. There are easements on the site that include: (1) high-tension electrical power lines owned and operated by Pacific Gas and Electric Company (PG&E) traversing east-west across the southernmost corner of the site; and (2) the Beardsley Canal Ditch ("Ditch") owned and operated by the City of Bakersfield transverses from east to west near the northernmost boundary. The majority of the project site is within the Airport Land Use Compatibility Plan, Zone C for Meadows Field Airport.

As described in Section 3.3, *Project Description,* the climate of the project area is typical of the southern San Joaquin Valley, with temperatures ranging from an average maximum of 97 degrees Fahrenheit (°F) during the summer months to an average minimum of 37°F during the winter months. Precipitation averages approximately 5.7 inches per year, with most rainfall occurring from December through April.

Surface Water

The Kern River is located approximately 1.25 miles southeast of the Project site. The Kern River originates in the southern Sierra Nevada Mountains and flows generally south-southwest, passing through Sequoia National Park and Sequoia National Forest before being impounded at Lake Isabella Dam, then ultimately passing through the City. Lake Isabella is located approximately 36 miles east-northeast of the Project site and is formed by an earth fill main dam and auxiliary dam across the Kern River and Hot Springs Valley, respectively.

Human-made canals in the Project vicinity include the California Aqueduct (approximately 17.09 miles west-southwest), Kern River Canal (approximately 1.4 miles southeast), Beardsley Canal (approximately .5 miles north), and Fraint Kern Canal (approximately 1.45 miles south).

Groundwater

According to the Phase I report prepared for the Project site, one apparent groundwater monitoring well is located along the western boundary of the Project site. Previous assessments of the subject site property have not identified the owner of this monitoring well. Additionally, pipeline markers within the southern corner of the subject site indicate that Kern County Water Agency maintains an underground water pipeline at this location. The presence of monitoring wells and water pipelines is not an environmental concern. If the monitoring well is not to be used in the future, it should be destroyed in compliance with Kern County Environmental Health requirements. Additionally, based on a visit of the Project site, the Phase I report did not identify storm drains, additional water wells, pits, ponds or lagoons or waste or wastewater discharges to surface waters.

Flood Hazard Areas

The City of Bakersfield is not located near a coastal region. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), the 78.94-gross acre Project site is located within FEMA Flood Zone X, Flood Zone X is associated with areas of minimal flood hazard, determined to be less than a 0.2 percent annual chance of flood. Therefore, the Project has no reasonable potential to impede or redirect flood flows.

4.9.2 Regulatory Setting

Numerous federal, state, and local laws, regulations, and policies define the framework for regulating water quality in the project area. Water quality in California is regulated through the Federal Clean Water Act (CWA), which is managed by the United States Environmental Protection Agency (EPA), with implementation delegated to the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs). The Water Resources Department oversees the divisions of river and agricultural water and domestic Water. The River and Agricultural Division manages the City's Kern River water rights for the benefit of all current and future citizens of Bakersfield. In addition, the River and Agricultural Division provides for the regulation, distribution, water banking, and record-keeping operations on the Kern River. The Domestic Water division oversees and administers the City's domestic water system that provides drinking water to over 143,000 residents and local businesses in Bakersfield. The Regional Water Boards (such as the Central Valley RWQCB which is the Regional Board with authority over the project site) regulate discharges under the Porter-Cologne Act primarily through issuance of National Pollutant Discharge Elimination System (NPDES) permits for point source discharges and waste discharge requirements (WDRs) for Nonpoint Source Pollution (NPS) discharges.

Federal Regulations

The following provides a description of the water quality regulations applicable to the proposed Project. Flood protection guidance is provided primarily by the FEMA and is implemented at the state and local levels through legislation and local flood protection ordinances.

Federal Emergency Management Agency

The FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to jurisdictions that comply with FEMA regulations to limit development within floodplains. FEMA also prepares Flood Insurance Rate Maps (FIRMs) to identify areas subject to flooding. These FIRMs provide flood information and identify flood hazard zones. The design standards for flood protection are also established by FEMA. FEMA's minimum level of flood protection for new development is the 100-year

flood event, also described as a flood having a one percent annual chance of occurring.

In addition, FEMA has created requirements and procedures for evaluating earthen levee systems and mapping areas affected by those systems. Levee systems are evaluated for their ability to provide protection from 100-year flood events, with the results documented in the FEMA Levee Inventory System. Levee systems must meet minimum freeboard standards and must be maintained according to an officially adopted maintenance plan. Other FEMA levee system evaluation criteria include structural design and interior drainage.

Clean Water Act

The U.S. Environmental Protection Agency (EPA) serves as the lead federal agency responsible for water quality management. The Clean Water Act (CWA) of 1972 is the primary federal law that governs and authorizes water quality control activities by the EPA and individual states. Various elements of the CWA address water quality, as described below. Wetland protection elements, including permits to allow for dredge or fill activities, are administered by the United States Army Corps of Engineers (USACE) under Section 404 of the CWA.

Under Section 401 of the CWA, applying for a Section 404 permit to discharge dredge or fill material into waters of the United States requires obtaining certification from the appropriate State agency stating that the dredge or fill materials are consistent with the State's water quality standards and criteria. In California, the authority to grant water quality certification or waive the requirement is delegated by the State Water Resources Control Board (SWRCB) to the nine Regional Water Control Boards (RWQCBs).

Under federal law, the EPA has published water quality regulations within Volume 40 of the Code of Federal Regulations (40 CFR). Section 303 of the CWA requires individual states to adopt water quality standards for all surface waters of the United States. As defined by the CWA, water quality standards consist of two elements: (1) designated beneficial uses of the water body in question and (2) criteria that protects the designated uses. Section 304(a) requires the EPA to publish advisory water quality criteria that reflect the latest scientific knowledge regarding the potential effects on public health and welfare related to the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use. In California, the EPA has designated the SWRCB and its RWQCBs with the authority to identify beneficial uses and adopt water quality criteria.

Safe Drinking Water Act

Under the Safe Drinking Water Act (SDWA) (Public Law 93-523), passed in 1974, the EPA regulates contaminants of concern to domestic water supply. Contaminants of concern relevant to domestic water supply are defined as those that pose a public health threat or that alter the aesthetic acceptability of the water. These types of contaminants are regulated by the EPA's primary and secondary maximum contaminant levels (MCLs), which are applicable to treated water supplies delivered to a distribution system. MCLs and the process for setting these standards are reviewed once every five years. Amendments to the SDWA enacted in 1986 established an accelerated schedule for setting MCLs for drinking water.

The EPA has delegated to the California Department of Public Health (CDPH) the responsibility for administering California's drinking-water program. The CDPH is accountable to the EPA for program implementation and for adopting standards and regulations that are at least as stringent as those developed by the EPA. The applicable state primary and secondary MCLs are set forth in Title 22, Division

4, Chapter 15, Article 4 of the California Code of Regulations.

National Pollutant Discharge Elimination System Permit

The National Pollutant Discharge Elimination System (NPDES) permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4s). Federal NPDES permit regulations have been established for a broad range of discharges, including point source municipal waste discharges and non-point source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Federal Flood Insurance Program

The U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. The NFIP is a federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods. The Federal Insurance and Mitigation Administration (FIMA) within the Federal Emergency Management Agency (FEMA) is responsible for administering the NFIP and administering programs that provide assistance for mitigating future damages from natural hazards.

Executive Order 11988 – Floodplain Management

Executive Order 11988 requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, agencies are to take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains.

State Regulations

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) of 1969 is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the state must adopt water quality policies, plans, and objectives that protect the state's waters for the use and enjoyment of its residents. The Act requires the SWRCB and its RWQCBs to adopt and periodically update water quality control plans (Basin Plans). Basin Plans are the regional water quality control plans required by both the CWA and Porter-Cologne Act, in which beneficial uses, water quality objectives, and implementation programs are established for each of the RWQCBs.

The act also requires waste dischargers to notify the RWQCBs of their activities through the preparing of Reports of Waste Discharge and authorizes the SWRCB and its RWQCBs to issue and enforce waste discharge requirements, NPDES permits, Section 401 water quality certifications, and other approval actions.

State Water Resources Control Board (SWRCB)

In California, the SWRCB has broad authority over water quality control issues for the State. The SWRCB is responsible for developing statewide water quality policy and exercises the powers delegated to the State by the federal government under the CWA. Other state agencies with jurisdiction over water quality regulation in California include the California Department of Health Services (CDHS) for drinking water regulations, the California Department of Pesticide Regulation (CDPR), the California Department of Fish and Wildlife (CDFW), and the Office of Environmental Health and Hazard Assessment (OEHHA).

Regional authority for planning, permitting, and enforcement is delegated to the RWQCBs. The regional boards are required to formulate and adopt water quality control plans for all areas in the region and establish water quality objectives in those plans. The proposed Project is within the jurisdiction of the Central Valley RWQCB.

NPDES Permit System and Waste Discharge Requirements for Construction

The 1972 amendment to the CWA established the NPDES permit program. The NPDES permit program outlined in the CWA contains effluent limitation guidelines, water quality requirements, and permit program requirements for discharges to waters of the United States. The EPA has overall responsibility for the NPDES program, but administration of the program in California has been delegated to the SWRCB and the nine RWQCBs.

The 1987 amendment to the CWA established a framework for regulating discharges under the NPDES program. In 1990, the EPA promulgated regulations for permitting stormwater discharges from industrial sites, including construction sites that disturb five acres or more, and from municipal separate MS4s serving a population of 100,000 people or more. The November 16, 1990, regulations, known as the Phase I regulations (Title 55 [FR] 47990), rely on NPDES permit coverage to address stormwater runoff from operators of medium and large MS4s, construction activity disturbing five acres of land or greater, and 10 categories of industrial activity.

California Water Code

The California Water Code (CWC) is the principal law regulating water quality in California. Water quality provisions must be complied with as contained in numerous code sections including: 1) the Health and Safety Code for the protection of ground and surface waters from hazardous waste and other toxic substances; 2) the Fish and Game Code for the prevention of unauthorized diversions of any surface water and discharge of any substance that may be deleterious to fish, plant, animal, or bird life; 3) the Harbors and Navigation Code for the prevention of the unauthorized discharge of waste from vessels into surface waters; and 4) the Food and Agriculture Code for the protection of groundwater which may be used for drinking water supplies. The CDFW, through provisions of the Fish & Game Code (§§ 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW (CA Legislative Info, n.d.). Surface water quality is

the responsibility of RWQCBs, water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCBs is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water (CA Legislative Info, n.d.).

California Toxics Rule

The California Toxics Rule (CTR) fills gap in California's water quality standards necessary to protect human health and aquatic life beneficial uses. The CTR supplements, and does not change or supersede, the criteria that EPA promulgated for California waters in the National Toxics Rule (NTR). The human health NTR and CTR criteria that apply to drinking water sources (those water bodies designated in the Basin Plans as municipal and domestic supply) consider chemical exposure through consumption of both water and aquatic organisms (fish and shellfish) harvested from the water. For waters that are not drinking water sources (e.g., enclosed bays and estuaries), human health NTR and CTR criteria only consider the consumption of contaminated aquatic organisms. The CTR and NTR criteria, along with the beneficial use designations in the Basin Plans and the related implementation policies, are the directly applicable water quality standards for toxic priority pollutants in California waters.

Watershed Management Initiative

The State and Regional Water Boards are currently focused on looking at entire watersheds when addressing water pollution. The Water Boards adopted the Watershed Management Initiative (WMI) to further their goals. The WMI establishes a broad framework overlying the numerous federal and state mandated priorities. As such, the WMI helps the Water Boards achieve water resource protection, enhancement and restoration while balancing economic and environmental impacts. The integrated approach of the WMI involves three main ideas:

- Use water quality to identify and prioritize water resource problems within individual watersheds. Involve stakeholders to develop solutions.
- Better coordinate point source and nonpoint source regulatory efforts. Establish working relationships between staff from different programs.
- Better coordinate local, state, and federal activities and programs, especially those relating to regulations and funding, to assist local watershed groups

Sustainable Groundwater Management Act

The 2014 Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The DWR categorizes the priority of groundwater basins. For critically over-drafted basins, which will be 2040. For the remaining high and medium priority basins, 2042 is the deadline. The SGMA also requires local public agencies and Groundwater Sustainability Agencies (GSAs) in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. GSPs are detailed road maps for how groundwater basins will reach long term sustainability. The Valley portion of Kern County in which the Project site is located is managed by the Kern River Groundwater Sustainability Agency (KRGSA) which is comprised of the City of

Bakersfield, Kern Delta Water District, and Improvement District No. 4 of the Kern County Water Agency. The KRGSA Groundwater Sustainability Plan (GSP) states that the KRGSA has under its control sufficient Kern River and imported State Water Project (SWP) water to achieve sustainability under a variety of future demand scenarios.

Senate Bill 610 (Chapter 643, Statutes of 2001)

The California Water Code (Water Code) §§ 10910 through 10915 were amended by the enactment of SB 610 in 2002. SB 610 requires an assessment of whether available water supplies are sufficient to serve the water demand generated by large development projects, as well as the reasonably foreseeable cumulative demand in the region over the next 20 years under average normal year, single dry year, and multiple dry year conditions. If groundwater is the supply source, the required assessments must include detailed analyses of historic, current, and projected groundwater pumping and an evaluation of the sufficiency of the groundwater basin to sustain a new project's demands.

Local Regulations

Bakersfield Metropolitan General Plan

The Conservation Element of the Bakersfield Metropolitan General Plan includes the following goals and policies that address hydrology and water quality and are applicable to the Project:

- **Goal 1**. Ensure the provision of adequate storm drainage facilities to protect planning area residents from flooding resulting from excess storm water.

Urban Water Management Planning Act

Through the Urban Water Management Planning Act of 1983, the California Water Code requires all urban water suppliers within California to prepare and adopt a UWMP, and to update the plan every five years. This applies to all suppliers providing water to more than 3,000 customers or supplying more than 3,000 acre-feet (af) of water annually. The Act is intended to support conservation and efficient use of urban water supplies at the local level. The Act requires that total projected water use be compared to water supply sources over the next 20 years in five-year increments, that planning occur for single- and multiple-dry water years, and that plans include a water recycling analysis that incorporates a description of the wastewater collection and treatment system within the agency's service area along with current and potential recycled water uses.

4.9.3 Methodology for Analysis

Potential impacts on hydrology and water quality were quantified and qualitatively assessed for consideration of the proposed Project in response to the CEQA Guidelines Appendix G significance criteria and the existing regulatory and environmental settings for hydrology and water quality.

4.9.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether hydrology and water quality impacts are significant environmental effects, the following questions are analyzed and evaluated. Would the Project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;

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

4.9.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Water Quality Standards and Requirements

Threshold a):	**Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

Impact Analysis

Construction of the Project would include site preparation, and other earthwork activities that have the potential to result in erosion on and adjacent to the Project site. If erosion is not prevented or contained, sediments and particulates, along with any contaminants found within, could potentially be conveyed offsite and into downstream waters, causing water quality degradation and the subsequent violation of water quality standards. Additionally, disturbed soils have an increased potential for fugitive dust to be released into the air and carried offsite. The Project would be required to comply with the NPDES General Permit for stormwater discharges. Construction activities subject to the General Permit include clearing, grading, stockpiling and excavation. To conform to the requirements of the General Permit, a SWPPP would need to be prepared that specifies Best Management Practices (BMPs) to prevent construction pollutants from moving offsite. According to the State Water Resources Board, the Project is required to comply with the General Permit because project-related construction activities would disturb at least one acre of soil[3].

The city owns and maintains a municipal separate storm sewer system (MS4). The Project's operational urban storm water discharges are covered under the Central Valley Water Quality Control Board

[3] *Construction Stormwater Program | California State Water Resources Control Board*

(CVRWQCB) National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements General Permit for Discharges from Municipal Separate Storm Sewer Systems (Order No. R5-2016-0040; NPDES No. CAS0085324) (MS4 Permit). The MS4 Permit mandates the implementation of a storm water management framework to ensure that water quality is maintained within the city because of operational storm water discharges throughout the City, including the project site. By complying with the General Permit and MS4 Permit, the project would not violate any water quality standards or waste discharge requirements and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Groundwater Supplies and Recharge

Threshold b):	**Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Impact Analysis

Groundwater Supplies

The groundwater sub-basin underlying Bakersfield is the Kern County sub-basin, which is one of seven sub-basins within the San Joaquin Valley Groundwater Basin that transport, filter, and store water. Project development will entail adding buildings and associated parking lots, driveways and internal drives, and roadway frontage improvements that could result in significant impacts to groundwater recharge. According to the Phase I Report prepared for the Project, the subject site is located within the San Joaquin Valley, a broad structural trough bound by the Sierra Nevada and Coast Ranges of California. The San Joaquin Valley, which comprises the southern portion of the Great Valley of California, has been filled with several thousand feet of sedimentary deposits. Sediments in the eastern valley, derived from the erosion of the Sierra Nevada, have been deposited by major to minor west-flowing drainages and their tributaries. Near-surface sediments are dominated by sands and silty sands with lesser silts, minor clays, and gravel. The sedimentary deposits in the region form large coalescing alluvial fans with gentle slopes. The groundwater in the area is reported at depths greater than 150 feet below ground surface (bgs). The groundwater flow direction in the area of the subject site is generally towards the southwest. One apparent groundwater monitoring well is located along the western boundary of the Project site. Previous assessments of the subject site property have not identified the owner of this monitoring well. Additionally, pipeline markers within the southern corner of the subject site indicate that Kern County Water Agency maintains an underground water pipeline at this location. The presence of monitoring wells and water pipelines is not an environmental concern. If the monitoring well is not to be used in the future, it should be destroyed in compliance with Kern County Environmental Health Department requirements. As such, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Drainage Pattern: Erosion or Siltation

Threshold c)	**Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:** **i) Result in a substantial erosion or siltation on or off site?** **ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite** **iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?** **iv) Impede or redirect flood flows?**

Impact Analysis

Although Project development would alter the existing drainage pattern on the vacant Project site, the Project will be required (by City ordinance) to comply with an approved Drainage Plan that would require avoidance of on-site and off-site erosion and siltation issues.

a) The Project site does not contain any blue-line streams or other surface water features and therefore would not alter the course of a river or stream. However, the Beardsley Canal Ditch, a man-made ditch, is located along the project sites western perimeter, while the ditch is identified on the USGS Topographic, it is not identified as a blue-line stream. The Project site would be graded and, as a result, the internal drainage pattern at the site would be altered from the existing conditions. Additionally, the Project would result in increased impervious surfaces (i.e., building pads, sidewalks, asphalt parking area, etc.) at the site, which would reduce percolation to ground and result in greater amounts of storm water runoff concentrations at the site. If uncontrolled, differences in drainage patterns and increased impervious surfaces could result in substantial erosion or siltation on- or off-site. However, the Project would be required to comply with the General Permit during construction and MS4 permit during operation. In order to comply with the MS4 Permit, the City requires compliance with adopted building codes, including complying with an approved drainage plan, which avoids on- and off-site flooding, erosion, and siltation problems.

The proposed Project includes the development of an on-site drainage basin. Although the basin is currently in the design phase, it is estimated that the maximum volume of water to be retained in the basin is approximately 1.7 acre-feet. It is understood the basin will have a maximum depth of 10.49 feet,

and a minimum bottom area of approximately 4,100 square feet. It is anticipated that side slopes will be constructed at 2:1 (horizontal to vertical), and the high-water level will be eight feet above the basin bottom. Based on the proposed inflows, subsurface soil conditions, and provided the drainage basin has a minimum bottom surface area of 4,100 square feet, it is anticipated the basin will drain within seven days provided the recommendations in the Site Preparation section of the report are followed which include the following:

- It is recommended that the proposed drainage basin be constructed into the more permeable sandy soils encountered at the site.
- It is recommended that the bottom of the basin be over-excavated to approximately 23 feet from original grade to expose the more permeable sandy soils.
- It is further recommended that a representative of our firm inspect the excavation operation to verify soil conditions below the bottom of the basin.
- The resulting excavation should be backfilled to finished basin grade with clean sand (less than 5 percent passing the No. 200 sieve).
- The sand should have a permeability rate greater than 1 x10^{-3} cm/sec. The sand should not be compacted to more than 85 percent of maximum density based on ASTM Test Method D1557.

The estimated soil absorption factors presented in this report are based on clear water and a factor of safety should be incorporated into the design of the drainage basin to compensate for soil clogging from water impurities. Additional requirements for development of the drainage basin are included in the Soil Absorption Report prepared for the Project.

Therefore, with implementation of development recommendations, the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site.

a) The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.
b) The Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
c) The Project site is located outside the 500-year floodplain and is not located within a 100-year flood hazard area (FEMA 2019). Therefore, the Project would not impede or redirect flood flows.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Drainage Pattern: Flooding

Threshold d): Would the Project result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Impact Analysis

The Project site is not located within a floodplain. There are no nearby levees that would be susceptible to failure or flooding of the site. The Project site, like most of the city, is located within the Lake Isabella flood inundation area, which is the area that would experience flooding in the event that there was a catastrophic failure of the Lake Isabella Dam. There is an approved Lake Isabella Dam Failure Evacuation Plan that establishes a process and procedures for the mass evacuation and short-term support of populations at risk below the Lake Isabella Dam. The city would utilize the evacuation plan to support its Emergency Operations Plans (EOPs). With implementation of the evacuation plan, the Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Runoff Water and Drainage Systems

Threshold e): Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Impact Analysis

Kern County as a whole receives water from multiple sources. **Table 4.9-1** provides a list of the different sources that supply water to Kern County.

Table 4.9.1
Kern County Water Sources

Source	Percent Total
Kern River	20
State Water Project (California Aqueduct)	26
Federal-Central Valley Project (Friant-Kern Canal)	12
Local Streams and Other Sources (Poso Creek)	6
Groundwater	26
Total	100

Source: Water Association of Kern County 2021

Nine water purveyors provide service to Bakersfield. The City is the current water purveyor for the Project site. The City's Ashe Water Company obtains water supplies from wells. The City also operates the 2,800 Acre Groundwater Recharge Project, which provides groundwater recharge for Kern River flows utilizing

both the City's water rights and agreements with other water agencies for banking their waters in the underground aquifer.

Water delivery to the Project site would be provided through the City's Northwest Feeder Pipeline located adjacent to the Project site. Therefore, because growth in the Project area was factored into the 2020 Regional Growth Forecast from Kern COG projects through 2045, the provision of water to the Project site is not expected to result in impacts to the provision of water at the Project site.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative hydrology and water quality impacts in the area?

Impact Analysis

All the proposed projects in the area would be subject to State and local water quality regulations, whose robustness is sufficient to ensure that the combined water quality effects of each project would not be cumulatively considerable. With respect to construction operations, projects would comply with the State's NPDES Construction General Permit, requiring implementation of a stormwater pollution prevention plan during construction activities. During operation, no project would directly discharge stormwater into receiving waters. Rather, on-site runoff would be treated in bio-retention basins prior to entering the downstream system.

Considering the above, the proposed Projects, individually or considered together, would not result in a significant incremental contribution to a cumulative degradation of water quality. Therefore, the incremental contribution of both projects to the significant cumulative impact would be less than cumulatively considerable.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.10: LAND USE AND PLANNING

4.10 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in impacts associated with land use and planning policies adopted by the City of Bakersfield and other governing agencies for the purpose of reducing adverse effects on the physical environment. This subsection also addresses present and future land uses, zoning, and the physical arrangement of uses on the land. Information used to support the analysis in this Subsection was obtained primarily from the Metropolitan Bakersfield General Plan (Bakersfield, 2007), City of Bakersfield Municipal Code, Title 17, Zoning Ordinance (Bakersfield, 2022), and Kern Council of Governments *2022 Regional Transportation Plan and Sustainable Communities Strategy* (RTP/SCS) (Kern COG, 2022).

4.10.1 Existing Conditions

Past and Present On-Site Land Uses

Historical aerial photographs obtained by Krazan & Associates for the proposed Project dating back to 1937, 1952, 1956, 1968, 1973, 1984, 1994, 2006, 2009 and 2016 were reviewed to assess the history of the Project site. These photographs were obtained from Environmental Database Reports (EDR) and Google Earth Pro ™. In 1937, the Project site and adjacent properties were primarily undeveloped land. The present-day Beardsley canal was present along the western side of the Project site as was the Minkler Southern Railway along the southeastern side of the Project site.

Between 1952 and 1956, the Project site was used for agricultural purposes with row crops, and farm roads traversing the site. The adjacent properties to the north and west were also in agricultural use. Oilfield activity and oil wells were present within the northeastern part of the subject site. The canal and railroad continued to be present at the Project site. No Significant building-like features were present on the Project site.

Between 1968 and 1972, agricultural Conditions on the Project site and the adjacent properties appear to be relatively similar to those noted in the 1956. However, the northeastern portion of the site includes several oil wells. Oil wells are also evident as islands within agricultural fields on other western and central areas of the Project site.

Between 1973 and 1994, agricultural conditions at the Project site and the adjacent properties appear to remain unchanged until 2006 when the Project site appears to no longer be producing crops with no significant features or buildings present. Oil wells are still evident within the northeastern part of the site and at various other locations. Knudsen Drive and Hageman Road are present to the northwest. Adjacent properties to the north and west appear to be vacant and the canal and railroad are present. The southeastern adjacent properties remain commercial. These conditions remain until present day.

Under current conditions, the 78.94-acre triangularly shaped property is relatively flat, approximately 421 feet above sea mean level at the southeast corner of the Hageman Road/Landco Drive intersection located on portions of sections 14 and 15, Township 29 South, Range 27 East of Mount Diablo Baseline and Meridian. The Project site consists of Assessor's Parcel Numbers (APN): 116-080-61 and 365-011-73 **(Table 4.10-1).** The Project site is bordered by vacant land to the north under county jurisdiction and zoned M-2 PD (Medium Industrial Precise Development) with State Route 99 (SR-99) just beyond, a

railroad right-of- way easement that was granted to the Minkler Southern Railway Company borders the Project site along its southeastern boundary. Industrial uses exist beyond the railroad right-of-way. Landco Drive borders the Project site to the west. Property to the west of the Project site is within the City of Bakersfield and is zoned M-2 (General Manufacturing).

The proposed Project site consists of two vacant parcels of land with relatively flat topography. There are eleven oil wells located on the subject site including five plugged/abandoned wells, three active wells, and three idle wells. There are easements on the site that include: (1) high-tension electrical power lines owned and operated by Pacific Gas and Electric Company (PG&E) traversing east-west across the southernmost corner of the site; and (2) the Beardsley Canal Ditch ("Ditch") owned and operated by the City of Bakersfield transverses from east to west near the northernmost boundary. The majority of the Project site is within the Airport Land Use Compatibility Plan, Zone C for Meadows Field Airport. Currently, the Project site does not contain access roads; however, the site can be accessed at the intersection of Hageman Road and Landco Drive at the northwestern perimeter of the Project site.

Table 4.10-1
Onsite Zoning and Land Use Designation

Parcel (APN)	Existing Zoning	Proposed Zoning[1]	Existing Land Use Designation	Proposed Land Use Designation[1]
116-080-61	M-3 (Heavy Industrial)	M-2 (General Manufacturing)	HI (Heavy Industrial)	SI (Service industrial)
365-011-73	M-2 (General Manufacturing)	M-2 (General Manufacturing)	SI (Service Industrial)	SI (Service industrial)

[1]*Source: Zoning Map City of Bakersfield, 2022, Metropolitan Bakersfield General Plan Land Use Map*

Surrounding Land Uses

The area immediately surrounding the Project site contains a variety of uses, including vacant parcels and parcels developed with industrial, commercial, residential, school, public utility, and public facility uses. Land uses in the immediate vicinity of the Project site are described below.

- North: North of the Project site is Landco Drive, which extends from the northwest corner of the site north for approximately 2,147 feet on a partially unpaved road where it divides in an east and west direction. Landco Drive runs parallel to the Olive Drive Self Storage facility immediately west. Land immediately north of the Project site is vacant, is under county jurisdiction and zoned M-2 PD (Medium Industrial Precise Development). Further north is State Route Highway 99.
- Southeast: Southeast of the Project site is a railroad right-of-way easement that was granted to the Minkler Southern Railway Company which borders the Project site along its southeastern boundary. Industrial uses exist beyond the railroad right-of-way.
- West: West of the Project site is an abandoned irrigation canal known as the Beardsley One Ditch that drains into the Beardsley Canal Ditch to the north, beyond the canal to the west is vacant land zoned M-2 (General Manufacturing) which is bordered by the canal to the east and Hageman Road to the west. Beyond Hageman Road, approximately 900-feet west of the Project site are single-family residences, The Palms at San Lauren, a senior retirement center and the River Transitional Care, a rehabilitation center.

Four schools are located in the vicinity of the Project site: San Lauren Elementary School is located

approximately 750 feet north of the Project site at the southeast corner of the intersections of Knudsen Drive and Basilicata Drive and Beardsley Junior High School which is located approximately 0.5 miles northeast of the Project site at the corner of Roberts Lane and Airport Drive, Discovery Elementary School is located approximately one-mile west of the Project site at the intersections of Hageman Road and Patton Way, and North Beardsley Elementary School located approximately 0.8 miles northeast of the project site at the intersection of Sanford Drive and McKinley Avenue **Table 4.10-2** provides a summary of the land uses surrounding the project site along with the zoning districts and land use designations associated with each of these neighboring uses.

Table 4.10-2
Surrounding Land Uses

Direction	Zoning	Land Use Designation
North	M-2 (General Manufacturing)	SI (Service Industrial)
East	M-3 (Heavy Industrial)	HI (Heavy Industrial)
South	M-3 (Heavy Industrial)	HI (Heavy Industrial)
West	M-2 (General Manufacturing)	SI (Service Industrial)
Source: Zoning Map City of Bakersfield, 2022, Metropolitan Bakersfield General Plan Land Use Map		

4.10.2 Regulatory Setting

State Regulations

California Planning and Zoning Law

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in the California Planning and Zoning Law, §§ 65000 - 66499.58. Under State of California planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures (OPR, n.d.).

Office of Planning and Research

The Office of Planning and Research (OPR) General Plan Guidelines requires each city and county in California to prepare a comprehensive, long term general plan to guide its future. To assist local governments in meeting this responsibility, the Governor's Office of Planning and Research (OPR) is required to adopt and periodically revise guidelines for the preparation and content of local general plans pursuant to Government Code § 65040.2. The General Plan Guidelines are advisory, not mandatory. Nevertheless, it is the State's only official document explaining California's legal requirements for general plans. Planners, decision-making bodies, and the public depend upon the General Plan Guidelines for help when preparing local general plans. The courts have periodically referred to the General Plan Guidelines for assistance in determining compliance with planning law. For this reason, the General Plan Guidelines closely adhere to statute and case law. It also relies upon commonly accepted principles of contemporary

planning practice.

Local Regulations

San Joaquin Valley Air Pollution Control District (SJVAPCD)

Air Quality Attainment Plans (AQAPs) The San Joaquin Valley Air Pollution Control District SJVAPCD has adopted several AQAPs that identify measures needed for the San Joaquin Valley to attain the U.S. Environmental Protection Agency's (EPA's) National Ambient Air Quality Standards (NAAQS) in order to protect the health, safety, and welfare of the public.

Metropolitan Bakersfield General Plan

The General Plan includes the following goals and policies that address land use and planning and are applicable to the project:

- **Goal 3.** Accommodate new development which is compatible with and compliments existing land uses.

Bakersfield Municipal Code
Title 17, Zoning Ordinances

- **17.30.020 Uses Permitted-** Accessory buildings which are incidental to the permitted use of the land, and that no building shall have a dwelling unit except when such use as a dwelling unit is incidental to the primary use of the building. Refer to permitted uses in the Municipal Code for permitted uses in M-2.
- **17.30.040 Building Height-**Building height in an M-2 zone shall be thirteen stories and shall not exceed one hundred fifty feet. (Prior code § 17.32.030).
- **17.30.080 Minimum lot area-** There shall be no minimum lot area in an M-2 zone. (Ord. 5164 § 1, 2024; prior code § 17.32.070).
- **17.30.090 Distance between buildings on the same lot-** There shall be no distance requirements between buildings on the same lot in an M-2 zone. (Ord. 5164 § 1, 2024; prior code § 17.32.080).

4.10.3 Methodology for Analysis

The following analysis is based on information provided by the 2002 Metropolitan Bakersfield General Plan, the City's Municipal Code and the 2002 Metropolitan Bakersfield General Plan Update Program Environmental Impact Report. The information obtained from these sources was reviewed and evaluated to establish existing conditions and to identify potential environmental effects of the project related to land use and planning as it relates to the significance criteria presented below.

4.10.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether land use and planning impacts are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

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

4.10.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Divide Established Community

Threshold a): Would the Project physically divide an established community?

Impact Analysis

The physical division of an established community typically refers to the construction of a linear feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local road or bridge that would impair mobility within an existing community or between a community and outlying areas. The proposed Project site is bound to the north by Kern County owned land and Highway 99 further to the north, Minkler Southern Railway Company Easement and industrial land uses southeast of the site, City owned vacant land to the west with single-family residences west across Hageman Road. As such, the Project site is not directly or physically connected to any established community. The residential communities that are located west of the Project site across Hageman Road are separated from the Project site by Hageman Road and partially by a solid concrete wall. Residential communities are also located west of the Project site and because the Project site is already physically separated from neighboring developed properties under existing conditions, development of the Project site as proposed would not physically divide any established community. The Project would connect to the existing roadway system and other infrastructure and would not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development and affect the connectivity of existing residential uses located to the west of the Project site. Because the Project would not physically divide an established community, no impact would occur, and no mitigation is required.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Conflict with Applicable Plans, Policies, or Regulations

Threshold b): Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Impact Analysis

The following land use compatibility analysis compares the Project with the applicable regional and local land use plans, policies, and regulations (**Table 4.10-3).** Project development would be subject to development standards in the M-2 Zoning District of the Bakersfield Municipal Code. At this time, no

specific development is proposed. However, Vesting Tentative Parcel Map No. 12314 will facilitate development of an industrial park and depicts 39 buildable lots, 4 drill islands, and 1 sump lot.

The Metropolitan Bakersfield General Plan specifies that the Service Industrial land use designation shall have a Floor Area Ratio of 0.4 within a maximum 6-story structure. Further, this land use designation provides for "industrial activities which involve outdoor storage or use of heavy equipment, and such uses that produce significant air or noise pollution and are visually obtrusive." The Bakersfield Municipal Code Section 17.30.020 permits 59 different uses in addition to all uses permitted in the M-1 zone district which also permits C-O, C-1 and C-2 uses and conditionally permits 24 uses for properties with M-2 zoning (**Table 4.10-4).**

Table 4.10-3
General Plan Consistency Analysis

General Plan Goal, Policy, or Action	Consistency Summary
Land Use Goal 3: Accommodate new development which is compatible with and compliments existing land uses.	The proposed General Plan Amendment would change the land use designation on the Project site from HI (Heavy Industrial) to SI (Service Industrial) and change the zone from M-3 (Heavy Industrial) to M-2 (General Manufacturing). The proposed buildings could provide up to 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces. Therefore, the Project would be consistent with this goal as it entails changing the land use designation to SI and the zone to M-2 which are consistent with the general plan.
Industrial Development Policy 31: Allow for a variety of industrial uses, including land-extensive mineral extraction and processing, heavy manufacturing, light manufacturing, warehousing, and distribution, transportation-related, and research and development uses.	The proposed General Plan Amendment would change the land use designation on the Project site from HI (Heavy Industrial) to SI (Service Industrial) and change the zone from M-3 (Heavy Industrial) to M-2 (General Manufacturing). The proposed buildings could provide up to 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces. Therefore, the Project would be consistent with this goal as it entails the inclusion 40 percent manufacturing uses and 60 percent warehouse uses consistent with Policy 31.
Industrial Development Policy 34: Provide for the clustering of new industrial development adjacent to existing industrial uses and along major transportation corridors.	The proposed buildings could provide up to 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces and would be situated approximately 760 feet south of Highway 99. Access to the highway would be off Olive Drive to the north. Therefore, the Project is consistent with this policy of clustering new industrial development along a major transportation corridor.

Table 4.10-4

Uses Permitted in M-2 (General Manufacturing) Zones

Acetylene gas manufacture or storage	Automobile and light truck, two-axle vehicles, parking, and storage*	Blast furnaces	Carpet and rug manufacture
Adult day care*	Automobile and truck manufacture	Boat buildings	Carpet, awning, blinds, mattress, or upholstery shops, including cleaning and repair*
Adult entertainment establishments as defined in Section 17.69.020 of the Municipal Code and to regulations of Chapter 17.69 of the Municipal Code	Automobile and truck parts manufacturer	Boiler or tank works	Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases
Agricultural packing plants (vegetables and fruits)	Automobile assembling, body and fender works, painting, upholstering, dismantling and used parts storage, when operated or maintained wholly within a building*	Breweries or distilleries, large	Clay product manufacture
Aircraft and automobile factories	Bag cleaning	Brick, tile, or terra cotta products manufacture	Coke ovens
Alcohol and alcoholic beverages manufacture	Bakeries*	Building materials manufacture	Concrete batch plants, portable, not to exceed two-yard capacity*
Ammonia, chlorine, and bleaching powder manufacture	Banquet venue*	Building materials storage yards*	Contractor's plants and storage yards*
Animal hospitals, kennels, and veterinaries*	Battery manufacturer	Cabinet or carpenter shop*	Cotton gins or oil mills
Creameries	Firearms manufacture	Ice cold storage plants*	Ore reduction
Crematories	Food and/or shelter service as defined in Section 17.04.285	Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting	Paint mixing plants (not employing a boiling process) *

Creosote treatment or manufacture	Forge plants	Laboratories, experimental research, and testing*	Paint, oil, shellac, turpentine, or varnish manufacture
Disinfectant manufacture	Freighting and trucking yards and terminals	Lamp black manufacture	Paper or pulp manufacture
Distillation of coal, wood, or tar	Freight classification yards	Laundries, cleaning, and dyeing plants*	Petroleum refining and reclaiming plants
Distributing plants*	Frozen food lockers*	Linoleum or oiled products manufacture	Planning mills
Dyestuffs manufacture	Furniture and automobile upholstering operations not confined wholly to a building*	Lumberyards*	Plastic manufacture
Electric welding and electroplating*	Glass and glass product manufacture	Machine shops (except punch presses of over twenty tons rated capacity, drop hammers, and automatic screw machines) *	Potash works
Exterminator or insect poison manufacture	Grain elevator	Machine shops including punch presses and automatic screw machines	Public utilities device yards, power plants, or distributing stations*
Feed, flour, and grains mills	Helipad (in conjunction with a hospital)	Metal container manufacturer	Railroad roundhouses and repair shops
Rolling mills	Tar roofing or waterproofing or other tar products manufacture	Ceramic products manufacturing	Welding, metal fabricating and blacksmith shops*
Rubber fabrication or products made from finished rubber*	Tire rebuilding, recapping, and retreading plants	Clothing or garments manufacturing	Wholesale businesses, storage buildings and warehouses*
Rubber processing and manufacture	Tool rental and equipment*	Cosmetics, perfumes and toiletries, drugs, and pharmaceuticals manufacturing	Arts and crafts manufacturing
Sawmills	Truck repairing and overhauling shops*	Electronic instruments and devices, radios, televisions, phonographs, and business machines manufacturing	Billboards and advertising structures, electric neon signs manufacturing

Sheet metal shops*	Truck stop	Food products (except the rendering or refining of fats or oils) manufacturing.	Textiles – Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood, yards, and paint, not employing a boiling process.
Soap manufacture	Stone monument works	Furniture manufacturing	Storage spaces for transit and transportation equipment*
Sodium compounds manufacture	Shoes manufacturing	Musical instruments and toys manufacturing	Soap (cold mix only) manufacturing
Starch manufacture	Prefabricated buildings manufacturing		

No impact would result from Project development and Project operation. No further analysis is required.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

No impact

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative land use and planning impacts in the area?

Impact Analysis

Implementation of the Project could potentially result in cumulative impacts associated with land use and planning when combined with other past, present, and reasonably foreseeable future projects. This cumulative impact analysis for land use and planning considers development of the Project site in conjunction with other development projects in the vicinity of the Project site.

The Project's proposed General Plan Amendment No. 22-0263 (GPA/ZC No. 22-0263) proposes the following modifications to the land use element of the Metropolitan Bakersfield General Plan (General Plan) from the current HI (Heavy Industrial) to SI (Service Industrial) and the zoning classification would be changed from M-3 (Heavy Industrial) to M-2 (General Manufacturing). Vesting Tentative Parcel Map (VTPM) No. 12314 is a proposed map to create consistency with the vesting parcel map. VTPM No. 12314 is only tentative and has not been recorded. This amendment would serve to be less intense than the

current land use. The proposed amendment to the Metropolitan Bakersfield General Plan and the proposed change in zoning classifications would eliminate inconsistencies between the proposed manufacturing and warehouse land uses and the site's existing General Plan land use, designation, and zoning. As development occurs elsewhere throughout the city and the larger Kern County area, any proposal to change the underlying land use or development intensity for a specific property similarly would not have the potential to result in conflict with applicable land plans and result in substantial, adverse environmental effects with implementation of an amendment to the applicable land use plan. The Project would not result in any cumulatively considerable land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.

Under existing conditions, the Project site is physically separated from residential land uses to the west by Hageman Road and a solid concrete wall. The Project site does not directly abut any established communities, there is no potential for the Project to cause or cumulatively contribute to the division of an established community in the broader Project area.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

No Impact.

SECTION 4.11: NOISE

4.11 Introduction

This section of the Draft Environmental Impact Report (EIR) describes the existing noise setting and the potential effects from project implementation on the Project site and its surrounding area. Descriptions and analysis in this section are based on information provided by an acoustical analysis performed by WJV Acoustics and the Metropolitan Bakersfield General Plan. The noise analysis is included in this EIR as Appendix H.

4.11.1 Existing Conditions

The proposed Project is located at the southeast corner of the Hageman Road and Landco Drive intersection in Bakersfield, CA. Existing land uses in the vicinity of the site include residential to the west and northwest, and heavy industrial oil production to the south and east. The Project site is currently undeveloped, tilled soil. Existing noise levels in the Project vicinity are dominated by traffic noise along Hageman Road and Mohawk Street, aircraft overflight noise levels associated with Meadows Field Airport (BFL) as well as noise sources associated with birds, human activities, landscaping activities, HVAC equipment and other sources. WJVA conducted an ambient noise survey in the vicinity of existing sensitive receptors (residential land uses) along Mohawk Street and Hageman Road, as these areas represent the closest sensitive receptors to the Project site.

Characteristics of Noise

Noise is generally defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, and sleep. Several noise measurement scales exist which are used to describe noise in a particular location. A *decibel* (dB) is a unit of measurement which indicates the relative intensity of a sound. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3.0 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3.0 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense, 30 dB is 1,000 times more intense. Each 10-dB increase in sound level is perceived as approximately a doubling of loudness. Sound intensity is normally measured through the *A-weighted sound level* (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive.

Typical land uses associated with the proposed Project's zoning categories would generally include warehousing, contractor's yards, trucking yards, indoor light manufacturing, storage facilities, and other similar land uses. Noise associated with operational activities may include (but is not limited to) HVAC equipment, ventilation fans, generators, air compressors, pneumatic tools, trash compactors, loading dock activities and on-site vehicle and truck movements. Noise levels associated with such sources vary widely based upon equipment size, type, and manufacturer. Noise levels associated with such activities, at a reference distance of 150 feet from the noise source, are shown on **Table 4.11-1.**

Table 4.11-1
Typical Noise Levels, dBA

Noise Source	Noise Level (dBA)
Passing car in parking lot	39-44 dBA
HVAC	34-54 dBA
Ventilation Fans	9-29 dBA
Loading Dock Activities	54-64 dBA
Trash Compactor	34-39 dBA
Truck Movements	44-54 dBA
Idle Refrigerated Trucks\Trailers	34-39 dBA
Diesel Generator	49-59 dBA
Pneumatic Tools	58-63 dBA
Noise Compressor	22-52 dBA

Noise impacts can be described in three categories. The first is audible impacts, which refers to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3.0 dB or greater since this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1.0 and 3.0 decibels (dB). This range of noise levels has been found to be noticeable only in laboratory environments. The last category is changes in noise level of less than 1.0 dB, which are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6-dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound, including during sensitive times of the day and night. The predominant rating scales in the State of California are the L_{eq}, the community noise equivalent level (CNEL), and the day-night average level (L_{dn}) based on A- weighted decibels (dBA). The equivalent continuous sound level (L_{eq}) is the total sound energy of time varying noise over a sample period. CNEL is the time varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA weighting factors applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale, but without the adjustment for events occurring during the evening relaxation hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. These additions are made to the sound levels at these times because there is a decrease in the ambient noise levels during the evening and nighttime hours, which creates an increased sensitivity to sounds. For this reason, sound is perceived to be louder in the evening and nighttime hours as compared to daytime hours and is weighted accordingly. Many cities rely on the CNEL noise standard to assess transportation- related impacts on noise-sensitive land uses.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

Noise standards in terms of percentage-exceedance levels, L_n, are often used together with the L_{max} for noise enforcement purposes. When specified, the percentile exceedance levels are not to be exceeded by an offending sound over a stated time period. For example, the L_{10} noise level represents the level exceeded 10 percent of the time during a stated period. The L_{50} noise level represents the median noise level (which means that the noise level exceeds the L_{50} noise level half of the time and is less than this level half of the time). The L_{90} noise level represents the noise level exceeded 90 percent of the time and is considered the lowest noise level experienced during a monitoring period. The L_{90} noise level is normally referred to as the background noise level. For a relatively steady noise, the measured L_{eq} and L_{50} are approximately the same.

Construction Noise Fundamentals

Construction is performed in discrete steps or phases, each of which has its own mix of equipment and, consequently, its own noise characteristics. Typical phases of construction include demolition, excavation, grading, and building construction. These various sequential phases would change the character of the noise generated on each construction site and, therefore, would change the noise levels as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction related noise ranges to be categorized by work phase. Construction-period noise levels are higher than background ambient noise levels but eventually cease once construction is complete. Construction noise at the Project site could occur at various locations within the project site through the build-out period. The majority of construction activities would occur at distances of greater than 500 feet from nearby noise-sensitive land uses (residences). **Table 4.11-2** shows typical noise levels of construction equipment as measured at a distance of 200, 300 and 500 feet from the operating equipment.

Table 4.11-2
Typical Construction Equipment Maximum Noise Levels, Lmax, dBA

Type of Equipment	Specification Maximum Sound Levels for Analysis (dBA at 200 feet)	Specification Maximum Sound Levels for Analysis (dBA at 300 feet)	Specification Maximum Sound Levels for Analysis (dBA at 500 feet)
Trucks	74 dBA	70 dBA	66 dBA
Pumps	68 dBA	64 dBA	60 dBA
Backhoe	66 dBA	62 dBA	58 dBA
Front-End Loaders	67 dBA	63 dBA	59 dBA
Portable Generators	68 dBA	64 dBA	60 dBA
Cranes	69 dBA	65 dBA	61 dBA
Dozers	70 dBA	66 dBA	62 dBA
Excavators	69 dBA	65 dBA	61 dBA
Graders	74 dBA	70 dBA	66 dBA
Jackhammers	77 dBA	73 dBA	69 dBA

Paver	65 dBA	61 dBA	57 dBA
Pneumatic Tools	73 dBA	69 dBA	65 dBA
Rollers	68 dBA	64 dBA	60 dBA
Scrapers	75 dBA	71 dBA	67 dBA
Concrete/Industrial Saws	78 dBA	74 dBA	70 dBA
Source: FHWA. Noise Control for Buildings and Manufacturing Plants, Bolt, Beranek & Newman, 1987			

Groundborne Vibration Fundamentals

Groundborne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. Vibrating objects in contact with the ground radiate vibration waves through various soil and rock strata to the foundations of nearby buildings.

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. To distinguish these vibration levels from noise levels, the unit is written as "VdB."

In extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Common sources of groundborne vibration include construction activities such as blasting, pile driving and operating heavy earthmoving equipment. However, construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). For purposes of this analysis, project related impacts are expressed in terms of PPV. Typical vibration source levels from construction equipment are shown in **Table 4.11-3.**

The vibration level at a distance from a source can be calculated using the following propagation formula (this formula is based on point sources with normal propagation conditions) (FTA, 2006):

PPV*equip* = PPV*ref* x (25/D) n

where:

- PPV (equip) is the peak particle velocity in inches per second of the equipment adjusted for distance;
- PPV (ref) is the reference vibration level in in/sec at 25 feet from Table 3.10-3;
- D is the distance from the equipment to the receiver; and
- n is the vibration attenuation rate through ground.

According to Chapter 12 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment manual (2006), an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.

Table 4.11-3
Vibration Levels of Construction Equipment

Construction Equipment	PPV at 100 Feet (inches/second)	RMS Velocity in Decibels (VdB) at 25 Feet
Bulldozer -Large	0.011	0.006
Bulldozer – Small	0.0004	0.000019
Jackhammer	0.005	0.002
Loaded Truck	0.01	0.005
Vibrator Roller	0.03	0.013
Caison Drilling	0.1	0.006
Source: Caltrans		

Existing Noise Sources

The proposed Project is located at the southeast corner of the Hageman Road and Landco Drive intersection in Bakersfield, CA. Existing land uses in the vicinity of the site include residential to the west and northwest, and heavy industrial oil production to the south and east. The Project site is currently undeveloped, tilled soil **Figure 4.11-1.**

Existing noise levels in the project vicinity are dominated by traffic noise along Hageman Road and Mohawk Street, aircraft overflight noise levels associated with Meadows Field Airport (BFL) as well as noise sources associated with birds, human activities, landscaping activities, HVAC equipment and other sources.

Noise Monitoring Results

Existing noise levels in the project vicinity are dominated by traffic noise along Hageman Road and Mohawk Street, aircraft overflight noise levels associated with Meadows Field Airport (BFL) as well as noise sources associated with birds, human activities, landscaping activities, HVAC equipment and other sources. WJVA conducted an ambient noise survey in the vicinity of existing sensitive receptors (residential land uses) along Mohawk Street and Hageman Road, as these areas represent the closest sensitive receptors to the Project site. Noise level measurements were taken previously at the site for another project. Therefore, the noise analysis includes prior data from another project in addition to new data taken in August 2023 for the short-term measurements. After assessing the site currently, it was determined that nothing has changed since the previous noise level measurements were conducted. Therefore, all of the data is relevant.

Measurements of existing ambient noise levels in the Project vicinity were conducted on November 7 and November 8, 2018, as well as August 22 and 23, 2021. Long-term (24-hour) ambient noise level measurements were conducted at four (4) locations (sites LT-1, LT-2, LT-3, and LT-4). Site LT-1 was located within the Project site, along the east side of Mohawk Street near the terminus of Krebs Road. Site LT-1 was exposed to noise associated with vehicle traffic on Mohawk Street and Krebs Road, human activities at San Lauren Park, and aircraft overflights. Site LT-2 was located with the southern portion of the Project site, approximately 1,500 feet east of Mohawk Street, and was exposed to noise associated with distant vehicle traffic, nearby industrial activities, and aircraft overflights. Site LT-3 was located in the northern portion of the Project site, near the intersection of Knudsen Drive and Hageman Road, and was exposed to noise associated with vehicle traffic, construction activities and aircraft overflights. Site LT-4 was located near the intersection of Hageman Road and Mohawk Street, and was exposed to noise associated with

vehicle traffic, nearby residential land uses (including HVAC equipment and landscaping activities) and aircraft overflights.

Additionally, short-term (15-minute) ambient noise level measurements were conducted at six (6) locations (Sites ST-1 through ST-6). Two (2) individual measurements were taken at each of the six short-term noise measurement sites to quantify ambient noise levels in the morning and afternoon hours. The locations of the long-term and short-term noise monitoring sites are shown in **Figure 4.11-4 through Figure 4.11.11.**

Noise monitoring equipment consisted of Larson-Davis Laboratories Model LDL-820 sound level analyzers equipped with B&K Type 4176 1/2" microphones. The equipment complies with the specifications of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters. The meters were calibrated with a B&K Type 4230 acoustic calibrator to ensure the accuracy of the measurements.

Measured hourly energy average noise levels (Leq) at site LT-1 ranged from a low of 48.3 dB between 2:00 a.m. and 3:00 a.m. on November 8th to a high of 65.3 dBA between 5:00 p.m. and 6:00 p.m. on November 7th. Hourly maximum (Lmax) noise levels at site LT-1 ranged from 68.8 to 87.7 dBA. Residual noise levels at the monitoring site, as defined by the L90, ranged from 41.2 to 58.1. The L90 is a statistical descriptor that defines the noise level exceeded 90% of the time during each hour of the sample period. The L90 is generally considered to represent the residual (or background) noise level in the absence of identifiable single noise events from traffic, aircraft, and other local noise sources. The measured CNEL values at site LT-1 for November 7th and November 8th were 65.7 dB CNEL and 65.0 dB CNEL, respectively. **Table 4.11-4** and **Table 4.11-5** graphically depicts hourly variations in ambient noise levels at site LT-1.

Measured hourly Leq noise levels at site LT-2 ranged from a low of 40.5 dB between 11:00 a.m. and noon on November 7th to a high of 59.0 dBA between 7:00 a.m. and 8:00 a.m. on November 7th. Hourly Lmax noise levels at site LT-2 ranged from 50.9 to 73.2 dBA. Residual noise levels at the monitoring site, as defined by the L90, ranged from 38.2 to 57.5 dBA. The measured CNEL values at site LT-2 for November 7th and November 8th were 59.1 dB CNEL and 57.6 dB CNEL, respectively. **Figure 4.11-6 and Figure 4.11-7** graphically depicts hourly variations in ambient noise levels at site LT-2.

Measured hourly Leq noise levels at site LT-3 ranged from a low of 48.6 dB between 9:00 a.m. and 10:00 a.m. on November 7th to a high of 60.2 dBA between 7:00 a.m. and 8:00 a.m. on November 7th. Hourly Lmax noise levels at site LT-3 ranged from 58.4 to 74.8 dBA. Residual noise levels at the monitoring site, as defined by the L90, ranged from 44.5 to 58.2 dBA. The measured CNEL values at site LT-3 for November 7th and November 8th were 63.0 dB CNEL and 61.5 dB CNEL, respectively. **Figure 4.11-8 and Figure 4.11-9** graphically depicts hourly variations in ambient noise levels at site LT-3.

Measured hourly Leq noise levels at site LT-4 ranged from a low of 52.7 dB between 2:00 a.m. and 3:00 a.m. on November 8th to a high of 65.5 dBA between 6:00 a.m. and 7:00 a.m. on November 7th. Hourly Lmax noise levels at site LT-4 ranged from 68.6 to 93.1 dBA. Residual noise levels at the monitoring site, as defined by the L90, ranged from 42.7 to 60.1 dBA. The measured CNEL values at site LT-4 for November 7th and November 8th were 67.2 dB CNEL and 66.1 dB CNEL, respectively. **Figure 4.11-10 and Figure 4.11-11** graphically depicts hourly variations in ambient noise levels at site LT-4.

Table 4.11-4
Site LT-1 November 7th, 2018, dBA Noise Measurements

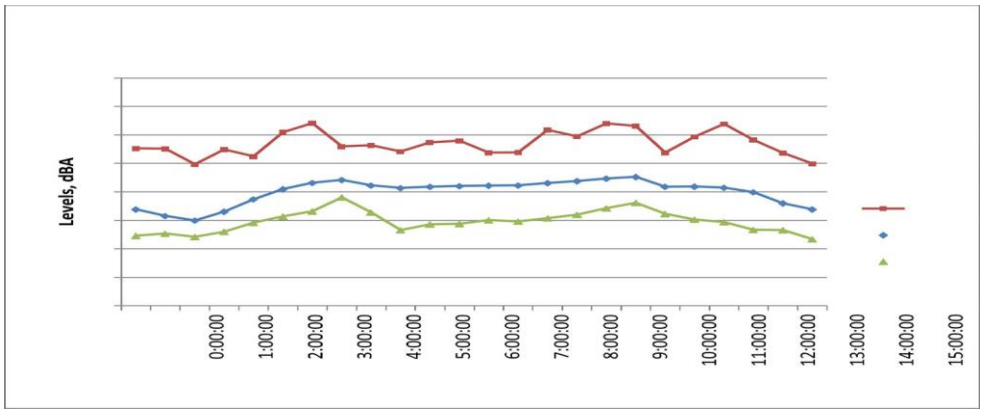


Table 4.11-5
Site LT-1 November 8th, 2018, dBA Noise Measurements

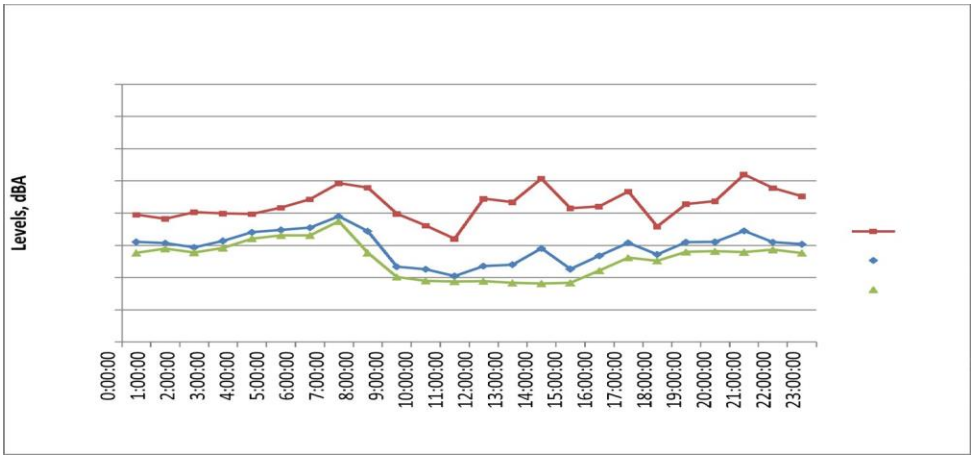


Table 4.11-7
Site LT-2 November 8th, 2018, dBA Noise Measurements

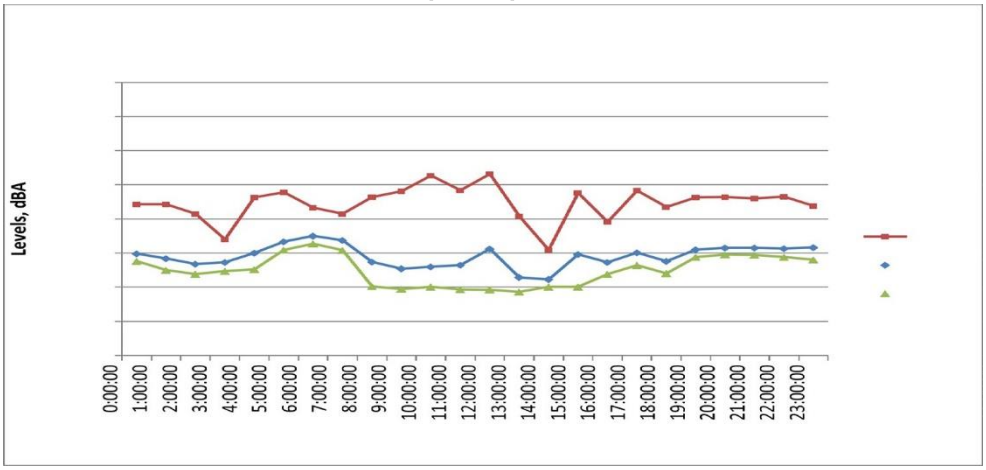


Table 4.11-8
Site LT-3 November 7th, 2018, dBA Noise Measurements

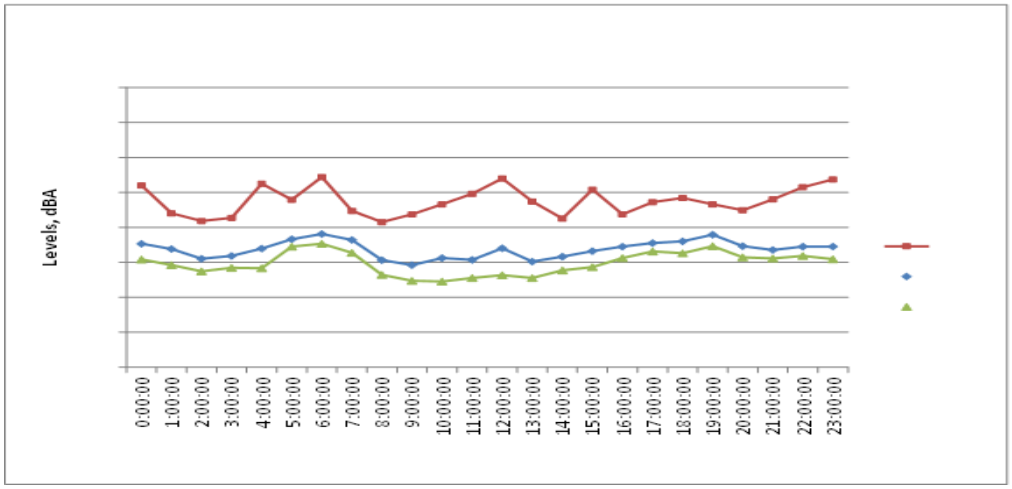


Table 4.11-10
Site LT-4 November 7th, 2018, dBA Noise Measurements

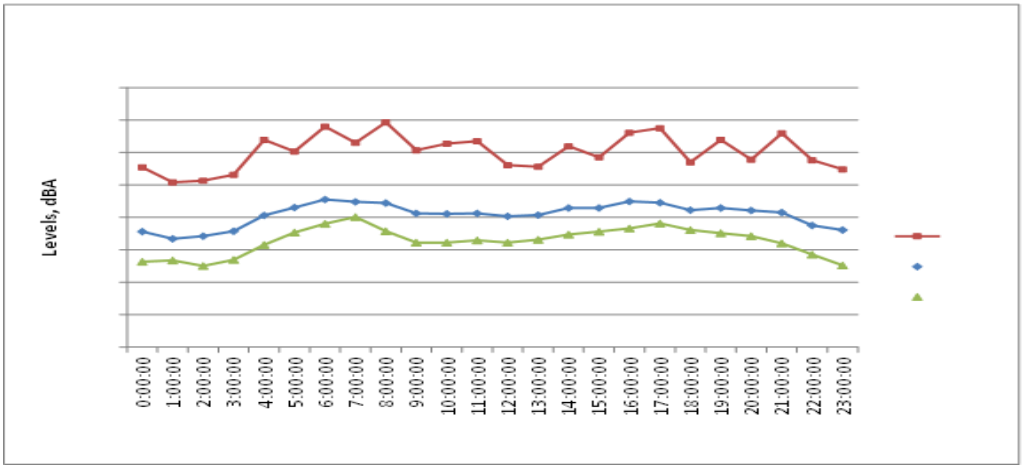
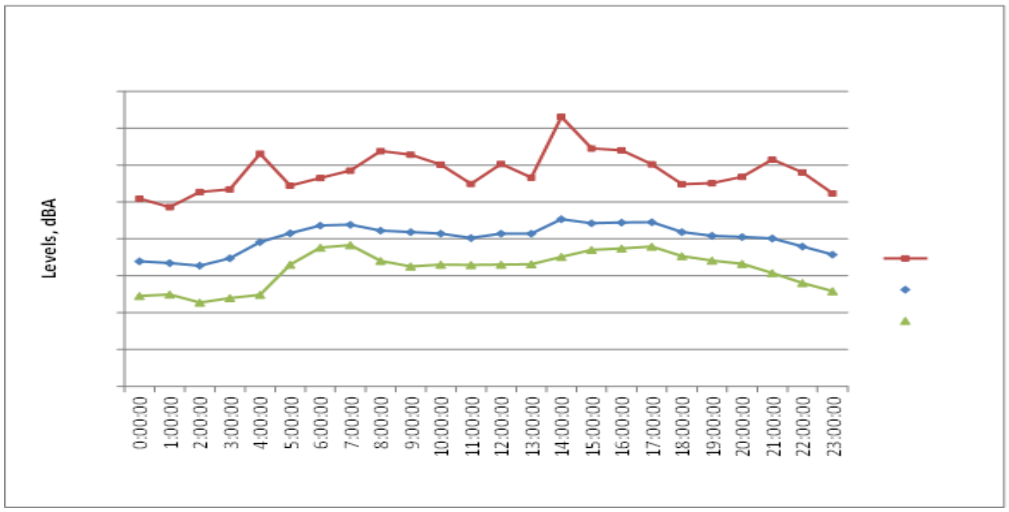


Table 4.11-11
Site LT-4 November 8th, 2018, dBA Noise Measurements



Short-Term Noise Measurements

Short-term noise measurements were conducted for 15-minute periods. Sites ST-1 and ST-2 were located in close proximity to higher traffic roadways, Hageman Road, and Mohawk Street. Site ST- 3 and ST-6 were in the vicinity of San Lauren Park. Site ST-4 was located within an existing residential neighborhood north of the Project site, and site ST-5 was located in the parking lot of a development under construction. The overall noise measurement data indicates that noise in the project vicinity is highly influenced by vehicular traffic on Hageman Road and Mohawk Street.

Table 4.11-12 summarizes short-term noise measurement results. The noise measurement data included energy average (L_{eq}) maximum (L_{max}) as well as five individual statistical parameters. Observations were made of the dominant noise sources affecting the measurements. The statistical parameters describe the percentage of time a noise level was exceeded during the measurement period. For instance, the L90 describes the noise level exceeded 90 percent of the time during the measurement period and is generally considered to represent the residual (or background) noise level in the absence of identifiable single noise events from traffic, aircraft, and other local noise sources.

Table 4.11-12
Short-Term dBA Noise Measurements

Site	Time	A-Weighted Decibels, dBA							
		L_{eq}	L_{max}	L_2	L_8	L_{25}	L_{50}	L_{90}	Sources
ST-1	8:30a.m.	68.1	81.4	76.2	74.0	68.2	66.6	55.6	TR, AC
ST-1	4:05p.m.	70.1	83.3	77.1	74.6	70.9	65.0	55.1	TR
ST-2	8:50a.m.	68.4	81.6	76.2	74.0	68.1	61.5	51.0	TR, AC
ST-2	4:25p.m.	67.8	81.7	76.9	73.2	68.4	60.8	48.2	TR, V, D
ST-3	9:20a.m.	57.3	72.6	65.0	59.0	56.2	52.2	49.7	TR, V, D, B
ST-3	4:45p.m.	56.3	68.4	64.4	60.9	55.7	53.3	48.0	TR, V
ST-4	9:40a.m.	53.8	66.7	61.8	57.6	52.0	48.8	43.0	TR, B
ST-4	5:05p.m.	55.5	71.5	66.2	62.0	54.9	51.5	43.8	TR, V., B
ST-5	10:00a.m.	63.8	82.5	66.8	65.4	63.0	58.2	53.6	TR, C
ST-5	5:25p.m.	63.0	79.5	66.4	64.2	61.8	57.6	52.8	TR, AC, V
ST-6	10:20a.m.	57.4	73.1	66.5	63.7	60.9	53.3	44.4	TR, V, B
ST-6	5:45p.m.	60.7	79.4	69.9	64.4	61.3	54.0	45.6	TR, V, C

TR: Traffic AC: Aircraft V: Voices D: Dogs Barking B: Birds C: Construction Activities
Source: Acoustical Analysis, prepared by WJA Acoustics, Inc.

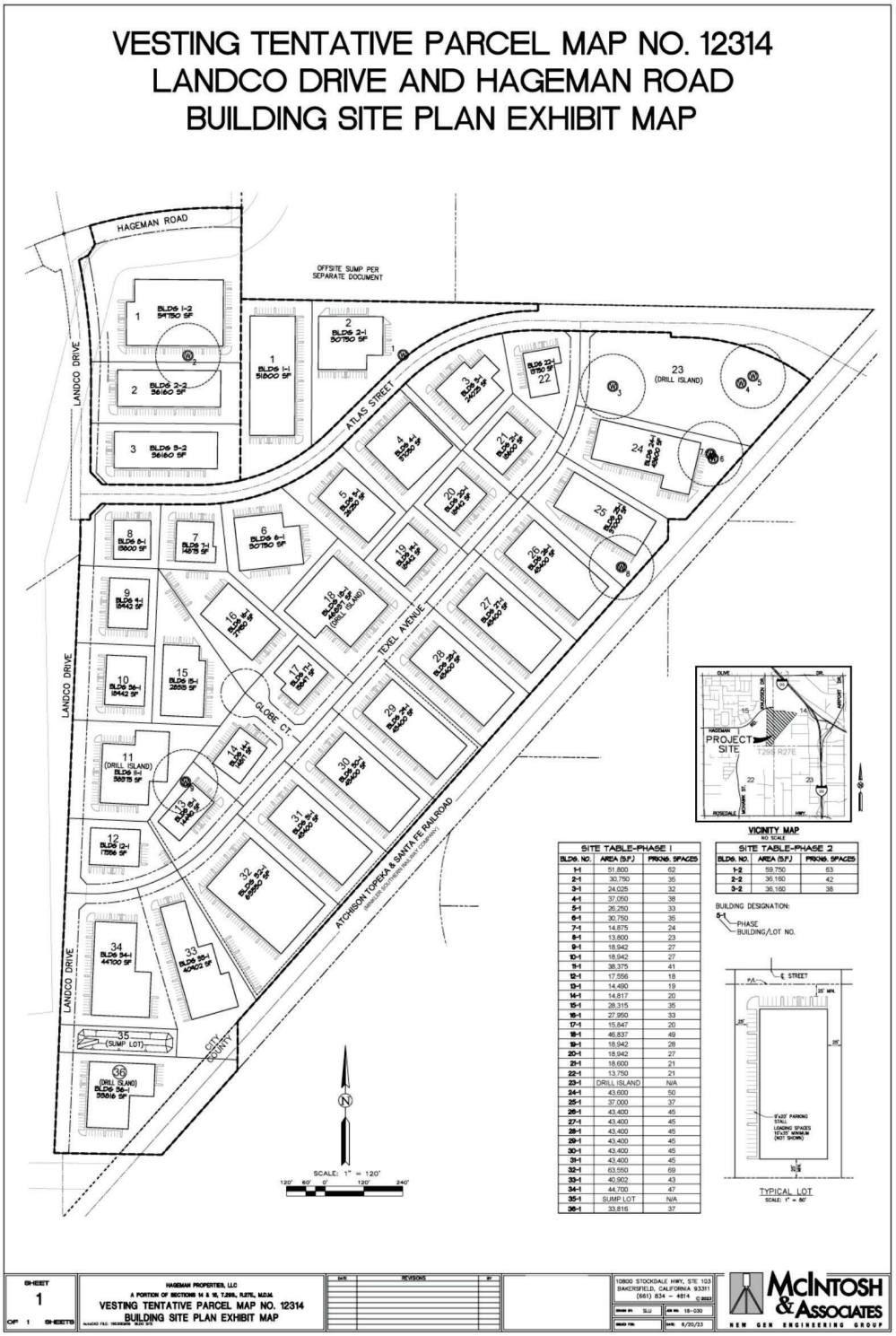


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Figure 4.11-1 Project Site Location

Hageman Industrial Park. GPA/ZC No. 22-0263

Original Data from:
McINTOSH & ASSOCIATES
NEW GEN ENGINEERING GROUP

Bowman

Figure 4.11-2 Noise Monitoring Locations

Hageman Industrial Park. GPA/ZC No. 22-0263

Original Data from:

wjv acoustics

Bowman

4.11.2 Regulatory Setting

The following is a brief description of the federal, state, and local environmental laws and regulations related to noise that are applicable to the Project, the Project site, and/or the surrounding area.

State and Federal Regulations

There are no federal or state standards that apply to this Project.

Local Regulations

Metropolitan Bakersfield General Plan Noise Element

The Metropolitan Bakersfield General Plan Noise Element is intended to protect local citizens from the harmful effect of excessive noise exposure. The Noise Element identifies the following two goals.

- Ensure that residents of the Bakersfield Metropolitan Area are protected from excessive noise and existing moderate levels of noise are maintained.
- Protect citizens of the planning area from the harmful effects of exposure to excessive noise and protect the economic base of the area by preventing the encroachment of incompatible land uses near known noise-producing roadways, industries, railroads, airports, and other sources.

The policies and measures specified in the Noise Element are designed to satisfy these goals.

City of Bakersfield Municipal Code

Chapter 9.22, Noise of the City of Bakersfield Municipal Code finds that excessive, unnecessary, and annoying noise levels are detrimental to the public health, welfare, and safety and contrary to the public interest.

Operational Activity Noise

In addition to the noise level performance standards outlined in Table VII-2 of the General Plan Noise Element, the Municipal Code identifies the following provisions to protect persons from excessive levels of noise.

- Section 9.22.030[A]: It is unlawful for any person to willfully make or continue, or allow to be made or continued, any loud, unnecessary noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to persons residing within one thousand feet of the noise source.
- Section 9.22.030[C]: Refrigerator trucks shall be permitted to operate in any commercial or manufacturing zone at all hours; provided, however, that such use does not emit noise or vibration detrimentally impacting neighboring residential properties and the occupants thereof between ten p.m. and seven a.m.

Construction Activity Noise

To control noise impacts associated with construction, which would include construction of the proposed Project, Section 9.22.050 of the Municipal Code has established limits to the hours of construction activities. Section 9.22.050[A] states that it is unlawful for any person, firm, or corporation to erect, demolish, alter, or repair any building, or to grade or excavate land, streets, or highways, other than

between the hours of six a.m. and nine p.m. on weekdays, and between eight a.m. and nine p.m. on weekends. According to Section 9.22.050[C], limits to the hours of construction shall not apply to any work of construction performed 1,000 feet or more from the nearest residential dwelling.

4.11.3 Methodology for Analysis

Noise Monitoring Methodology

The environmental noise assessment, prepared by WJV Acoustics, Inc. (WJVA), is based upon the Project description, a project Traffic Study and a Project site visit for a previous project conducted in the vicinity of the proposed Project on November 6, November 8, 2018, October 29, and October 30, 2019. Revisions to the Project description, traffic study or other project-related information available to WJVA at the time the analysis was prepared may require a reevaluation of the findings and/or recommendations of the report.

Noise level standards were obtained from the Metropolitan Bakersfield General Plan For transportation and non-transportation noise sources (e.g., traffic and railway noise), the noise element sets a standard of 65 dB CNEL at the exterior of noise-sensitive uses. Noise-sensitive uses include residences, schools, hospitals, transient lodging, and recreational areas. An interior noise standard of 45 dB CNEL applies within interior living spaces. For non-transportation noise sources, the noise element applies hourly noise level performance standards at residential and other noise- sensitive uses. **Table 4.11-13** summarizes the applicable hourly noise level standards.

Additionally, The City of Bakersfield General Plan Noise Element sets standards for cumulative noise impacts from mobile (transportation-related) noise sources affecting existing noise sensitive land uses. The City utilizes the standards listed below in impact determination in regard to increases in ambient noise levels at existing noise-sensitive land uses resulting from project- related transportation noise sources.

Noise monitoring equipment consisted of Larson-Davis Laboratories Model LDL-820 sound level analyzers equipped with B&K Type 4176 1/2″ microphones. The equipment complies with the specifications of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters. The meters were calibrated with a B&K Type 4230 acoustic calibrator to ensure the accuracy of the measurements.

4.11.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether noise impacts are significant environmental effects, the following questions are analyzed and evaluated:

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

Stationary Noise Sources Thresholds

For non-transportation noise sources, the noise element applies hourly noise level performance standards at residential and other noise-sensitive uses. **Table 4.11-13** summarizes the applicable hourly noise level standards for Bakersfield.

Table 4.11-13
Hourly Noise Level Performance Standards Stationary Noise Sources

Maximum Acceptable Level, dBA		
Min./Hr. (Ln)	**Day (7a-10p)**	**Night (10p-7a)**
30 dBA (L50)	55 dBA	50 dBA
15 dBA (L25)	60 dBA	55 dBA
5 dBA (L8.3)	65 dBA	60 dBA
1 dBA (L1.7)	70 dBA	65 dBA
0 dBA (Lmax)	75 dBA	70 dBA
Note: L_n means the percentage of time the noise level is exceeded during an hour. L_{50} means the level exceed 50%. Source: Metropolitan Bakersfield General Plan.		

Transportation Noise Thresholds

For transportation noise sources (e.g., traffic and railway noise), the noise element sets a standard of 65 dB CNEL at the exterior of noise-sensitive uses. Noise-sensitive uses include residences, schools, hospitals, transient lodging, and recreational areas. An interior noise standard of 45 dB CNEL applies within interior living spaces.

Construction Noise and Vibration Thresholds

The Bakersfield Municipal Code limits construction to the hours of 6:00 a.m. to 9:00 p.m. on weekdays, and between 8:00 a.m. and 9:00 p.m. on weekends, when construction is within 1,000 feet of a residence. Certain exceptions to these hours are specified in the code. The City of Bakersfield does not have regulations that define acceptable levels of vibration. One of the most recent references suggesting vibration guidelines is provided by the California Department of Transportation (Caltrans). The Manual provides guidance for determining annoyance potential criteria and damage potential threshold criteria. These criteria are provided below in **Table 4.11.14** and **Table 4.11-15** and are presented in terms of peak particle velocity (PPV) in inches per second (in/sec).

Table 4.11-14
Guideline Vibration Annoyance Potential Criteria

Maximum PPV (in/sec)		
Human Response	**Transient Sources**	**Continuous/Frequent Intermittent Sources**
Barely Perceptible	0.04	0.01
Distinctly Perceptible	0.25	0.04
Strongly Perceptible	0.9	0.1
Severe	2.0	0.4
Source: Caltrans		

Table 4.11-15
Vibration Damage Potential Thresholds

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile, historic buildings, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5
Source: Caltrans		

Cumulative Noise Thresholds

The City of Bakersfield General Plan Noise Element sets standards for cumulative noise impacts from mobile (transportation-related) noise sources affecting existing noise sensitive land uses. The City utilizes the standards listed below in impact determination in regard to increases in ambient noise levels at existing noise-sensitive land uses resulting from project-related transportation noise sources.

The Project's contribution to noise increases would normally be considered cumulatively considerable and significant when ambient noise levels affect noise sensitive land uses (receptors) and when the following occurs.

- A project increases the ambient (cumulative without project) noise level by 1 dB or more; and
- The cumulative with project noise level cause the following:
    - An increase of the existing ambient noise level by 5 dB or more, where the existing ambient level is less than 60 dB CNEL;
    - An increase of the existing ambient noise level by 3 dB or more, where the existing ambient level is 60 to 65 dB CNEL;
    - An increase on the existing ambient noise level by 1.5 dB or more, where the existing ambient level is greater than 65 dB CNEL.

4.11.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Noise Levels in Excess of Standards

Threshold a):	**Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Impact Analysis

Operational Noise Impacts

No construction is being proposed at this time, the exact tenants and precise associated industrial activities are not known as of the time of this EIR analysis. The distance from the closest existing noise-sensitive land uses include residences along Hageman Road to the west and The Palms at San Lauren, a skilled nursing home facility, approximately 700 feet or greater from the Project site. Typical land uses associated with the above-described zoning categories would generally include warehousing, contractor's yards, trucking yards, indoor light manufacturing, storage facilities, and other similar land uses. Noise associated with operational activities may include (but is not limited to) HVAC equipment, ventilation fans, generators, air compressors, pneumatic tools, trash compactors, loading dock activities and on-site vehicle and truck movements. Noise levels associated with such sources vary widely based upon equipment size, type, and manufacturer. Noise levels associated with such activities, at a reference distance of 150 feet from the noise source, can be seen on **Table 4.10-1.** Many of the noise sources identified would be expected to occur indoors, where exterior noise levels would be significantly lessened. The noise levels described on **Table 4.10-1** are the existing ambient maximum noise levels measured at the noise monitoring sites in the vicinity of existing sensitive receptors located adjacent to Hageman Road and Mohawk Street. Noise levels associated with such sources would not be expected to exceed any applicable noise levels standards or result in a substantial increase over current (without project) ambient noise levels, at existing off-site noise-sensitive land uses. However, such operational noise levels should be assessed once proposed tenants and associated on-site equipment are known. Additionally, mitigation measures NOI-1 through NOI-8 should be incorporated into project development to reduce impacts to levels below significance.

Temporary Construction Noise Impacts

Construction noise could occur at various locations within the project site through the build-out period. The majority of construction activities would occur at distances of greater than 500 feet from nearby noise-sensitive land uses (residences). **Table 4.10-2** provides typical construction-related noise levels at reference distances of 200 feet, 300 feet, and 500 feet. Construction noise is usually not considered to have a significant impact if construction is limited to the daytime hours and construction equipment is adequately maintained and muffled. Extraordinary noise-producing activities (e.g., pile driving, blasting) are not anticipated. However, mitigation measures NOI-1 through NOI-8 would reduce temporary construction noise levels to less than significant levels.

Level of Significance Before Mitigation

Potentially significant.

Mitigation Measures

Mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Mitigation Measures

NOI-1: Noise-generating equipment should be located to the greatest possible distance from Hageman Road and the adjacent residential land uses. To the extent possible, noise generating equipment should be located indoors or on the east side of (to be constructed) structures at the parcels adjacent to Mohawk Street, where the structures would provide acoustical shielding to residential land uses located along

Hageman Road.

NOI-2: Loading docks should not be located within 200 feet of any residential land uses unless a site-specific acoustical analysis has been prepared.

NOI-3: The use of industrial pneumatic tools should not occur outdoors within 200 feet of any residential land uses unless a site-specific acoustical analysis has been prepared.

NOI-4: Limit construction to the hours of 6:00 a.m. to 9:00 p.m. on weekdays, and between 8:00

a.m. and 9:00 p.m. on weekends, when construction is within 1,000 feet of a residence.

NOI-5: All construction equipment shall be properly maintained and muffled to minimize noise generation at the source.

NOI-6: Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.

NOI-7: All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.

NOI-8: Signs shall be posted at the construction site displaying hours of construction activities and a contact phone number.

Excessive Groundborne Vibration

Threshold b):	**Would the Project generate excessive groundborne vibration or groundborne noise levels?**

Impact Analysis

Vibration Impacts

The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. Vibration from construction activities could be detected at the closest sensitive land uses, especially during movements by heavy equipment or loaded trucks and during some paving activities. Typical vibration levels at distances of 100 and 25 feet are summarized on **Table 4.10-3** which shows that the equipment with the highest potential for elevated vibration levels would be a vibratory roller. While in use, a roller could produce vibration levels of less than 0.013 PPV (in/sec) at the closest residence. As described in **Table 4.10-14** and **Table 4.10-15**, such levels would not be expected to cause damage to any of the described building types and would be "barely noticeable" at the closest residence if the equipment were used continuously or frequently. Such levels are not considered to have a significant impact. After full project build out, it is not expected that ongoing operational activities will result in any vibration impacts at nearby sensitive uses. Activities involved in trash bin collection could result in minor on-site vibrations as the bin is placed back onto the ground. Such vibrations would not be expected to be felt at the closest off-site sensitive uses resulting in less than significant impacts.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Permanent Increase in Ambient Noise Levels

Threshold c):	**For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people reside or working in the Project area to excessive noise levels?**

Impact Analysis

Offsite Traffic Noise Impacts

The Project site is located less than two (2) miles from the Bakersfield Meadows Field Airport. WJVA reviewed the airport noise contours provided in the Airport Land Use Compatibility Plan which indicated that the airport noise contours (60-70 dB CNEL) do not encompass any portion of the Project site. Therefore, noise levels associated with the Meadows Field Airport would not be considered a significant noise impact on proposed land uses within the Project site.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative Noise Levels

Cumulative Threshold	**Would the Project contribute to cumulative noise impacts in the area?**

Impact Analysis

The analysis under Threshold a) indicates that the proposed Project would not generate substantial amounts of construction-related noise that could adversely affect nearby sensitive receptors. Construction activities associated with the proposed Project and other construction projects in the area which may include Atlas Street, and the Hageman Extension may overlap, resulting in cumulative periodic noise increases in the local area. However, construction noise impacts primarily affect the areas immediately adjacent to a construction site. Although there are other projects in the area that may be undergoing construction at the same time as the proposed Project, short-term noise resulting from simultaneous construction on the Project site and other project sites would not be cumulatively considerable in consideration of the less-than-significant noise levels from Project-related construction activities. It is not reasonably foreseeable that combined cumulative construction noise levels of multiple

concurrent projects would exceed the reasonable daytime 80 dBA Leq significance threshold at the nearby receiver locations. In addition, City Municipal Code Section 9.22.050[A] limits the days and hours of construction activity to avoid disturbances during the noise sensitive nighttime hours. Although nighttime concrete pouring activities may occur on the Project site, other nearby projects have not requested to conduct construction activities at night within 1,000 feet of the same residential uses. Because construction activities are typically limited to weekdays, during daylight hours, the direct and cumulative construction noise impacts are considered a nuisance or annoying, rather than a significant impact upon surrounding land uses.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.12: POPULATION AND HOUING

4.12 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in impacts to the existing population and housing setting and the potential effects from project implementation on the Project site and its surrounding area. Although the proposed Project does not include housing, the development of Project site may indirectly induce population growth requiring the provision of additional housing in the area. Descriptions and analysis in this section is based on information provided by the U.S. Census Bureau, the Kern County Association of Governments (Kern COG), the Metropolitan Bakersfield General Plan, the 2023-2031 Draft Bakersfield Housing Element Update and the City of Bakersfield Economic Development Strategic Plan adopted by Bakersfield City Council September 15, 2021.

4.12.1 Existing Conditions

Population

The Project site is located within the northern portion of the City of Bakersfield in Kern County, California. The U.S. Census Bureau defines an "urbanized area" as a densely settled core of census tracts and/or census blocks that have 50,000 or more residents and meet minimum requirements while also being adjacent to areas containing non-residential urban land uses.

According to the latest U.S. 2020 Census data, in 2021, Kern County had a population of 917,673 people while the City of Bakersfield had a population of approximately 379,879 people during the same period. In 2021, 471,707 people (51.4 percent) of the population in Kern County were males and 445,966 (48.6 percent) of the population were females. In comparison, during the same period, the City of Bakersfield had a population of 198,722 people (48.8 percent) were males and 208,809 people (51.2 percent) of the population were females. The majority of Bakersfield's residents identify as Hispanic/Latino (51 percent), followed by non-Hispanic White (31 percent), African American (7 percent), Asian (7 percent), Native Hawaiian and Other Pacific Islanders (one percent) and Other Race of 2 or More Races (3 percent). Fifty percent of Bakersfield's residents are between the ages of 25-64, with 30 percent under the age of 18 (which includes eight percent under the age of five and 22 percent between the ages of 5-17), ages 18-24 comprise 10 percent of the population, and ages 65 and over make up nine percent of Bakersfield's population.

Future Population

Kern COG is responsible for producing socio-economic estimates and projections at multiple geographic levels and in multiple years. The socio-economic estimates and projections are used for federal, and state mandated long-range planning efforts, such as the Regional Housing Needs Allocation (RHNA). The Kern Council of Governments (Kern COG) Regional Transportation Plan cites a 2020 Census population of 598,428 for the City of Bakersfield with a population growth forecast of 700,600 for year 2035 and 772,800 for year 2046. (Kern COG, 2022, Table 3-2, p. 3-7) The Kern COG Growth Forecasts for the City of Bakersfield as well as greater Kern County is provided on **Table 4.12-1.**

Table 4.12-1
Kern COG Growth Forecasts

	2020	2035	2046
City of Bakersfield			
Population	598,428	700,600	772,800
Households	187,362	209,000	229,200
Employment	211,235	229,300	239,500
Kern County			
Population	909,235	1,076,000	1,200.00
Households	281,498	318,180	350,720
Employment	334,800	374,780	395,110

Source: Kern COG, 2022 RTP/SCS

Housing

Kern COGs Draft 6th Cycle Regional Housing Needs Allocation projects a household growth of 12,713 for years 2023-2031 for Bakersfield, a 64.98 percent share of household growth among the jurisdictions in Kern County (Kern GOG, 2022, p. 6). The RHNA is based on population projections, income distribution, and access to jobs, developed through a methodology by the Kern Council of Governments. Based on Kern COG's projections, Bakersfield has been tasked to accommodate 37,461 housing units in the next eight years.

According to U.S. 2020 Census data, in 2021, there were 6,814 vacant housing units in Bakersfield. **Table 4.12-2** shows the breakdown of these vacant housing units. The largest category of vacant units in Bakersfield were units designated as "Other" these are units that do not fit into any other year-round category including units that are not for rent or sale; being used for storage; being renovated or repaired; a foreclosure or situations where elderly persons are living in a nursing home or with family members.

Table 4.12-2
Bakersfield Vacant Housing Units

Vacancy Status	Number of Housing Units
For Rent	1,837
Rented, not occupied	370
For sale only	629
Sold, not occupied	552
For seasonal, recreational, or occasional use	963
For migrant workers	12
Other vacant	2,451
Total	6,814

Source: American Community Survey 2015-2020 5-year estimates.

Surrounding land Uses

The area immediately surrounding the Project site contains a variety of uses, including vacant parcels and parcels developed with industrial, commercial, residential, school, public utility, and public facility uses. Land uses in the immediate vicinity of the Project site are described below.

- North: North of the Project site is Landco Drive, which extends from the northwest corner of the site north for approximately 2,147 feet on a partially unpaved road where it divides into dead ends in an east and west direction. Landco Drive runs parallel to the Olive Drive Self Storage facility immediately west of Landco Drive. Land immediately north of the Project site is vacant and is under the county's jurisdiction and is zoned M-2 PD (Medium Industrial Precise Development). Further north is Golden State Highway 99.
- Southeast: Southeast of the Project site is a railroad right-of-way easement that was granted to the Minkler Southern Railway Company which borders the Project site along its southeastern boundary. A mixture of industrial uses exists beyond the railroad right-of-way.
- West: West of the Project site is an abandoned irrigation canal known as the Beardsley One Ditch that drains into the Beardsley Canal Ditch to the north, beyond the canal to the west is vacant land zoned M-2 (General Manufacturing) which is bordered by the canal to the east and Hageman Road to the west. Approximately 900-feet west Beyond Hageman Road, are single-family residences, The Palms at San Lauren, a senior retirement center and the River Transitional Care, a medical center.

Employment

According to 2020 Census data, Bakersfield had 170,574 workers living within its borders who work across 13 major sectors (Table 3.11-3). The most prevalent industry in Bakersfield is educational services, and health care and social assistance, which employs about 45,234 people (25 percent of the total workforce). The second most prevalent industry in Bakersfield is retail services which employ 18,550 people (10 percent of the total workforce).

With limited supply and rising housing costs, renters and homeowners face severe housing affordability issues. A higher share of renters who spend 30 percent and greater of their monthly income on rent face severe housing costs burdens when compared to homeowners who have extremely low to very low incomes.

Much of Kern's employment is dispersed. Consequently, the Metropolitan Bakersfield area experiences a "reverse commute" whereby a segment of workers commutes to outlying areas such as farm fields, food processing facilities, warehousing, wind farms, oil fields, prisons, power plants, and government installations. Historically, this reverse commute created a centrifugal force on Metropolitan Bakersfield's housing development where purchasing housing on the urban fringe often reduces a commuter's trip, even though it may increase trip lengths for other purposes such as shopping and services. For those working in the metropolitan area, growth in the suburban areas may also be fueled by the attractiveness of newer and perceived better schools. By year 2035, it is forecasted that 229,300 jobs will be created in Bakersfield and 239,500 jobs will be created by year 2046 (**Table 4.12-3**).

Table 4.12-3
Bakersfield Industry Workers

Industry	Number of Workers	Percentage of Workers
Agriculture, forestry, fishing and hunting, and mining	14,594	8.5%
Construction	11,841	6.9%
Manufacturing	8,858	5.1%
Wholesale trade	4,239	2.4%
Retail trade	18,615	10.9%
Transportation and warehousing, and utilities	12,585	7.3%
Information	2,064	1.2%
Finance and insurance, and real estate and rental and leasing	7,287	4.2%
Professional, scientific, and management, and administrative and waste management services	14,876	8.7%
Educational services, and health care and social assistance	42,758	25.0%
Arts, entertainment, and recreation, and accommodation and food services	15,788	9.2%
Other services, except public administration	7,433	4.3%
Public administration	9,636	5.6%
Total	170,574	100%
Source: American Community Survey 2015-2020 5-year estimates.		

4.12.2 Regulatory Setting

Federal Regulations

Fair Housing Act

The Fair Housing Act (FHA) is the federal law regulating anti-discrimination of housing. The federal Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. Additional protections apply to federally assisted housing.

United States Census Bureau

The 2020 U.S. Census Bureau is the leading source of statistical information about the nation's people.

Population statistics come from decennial censuses, which count the entire U.S. population every ten years, along with several other surveys. The American Community Survey (ACS) is an ongoing annual survey intended to help communities decide where to target services and resources. Demographic surveys measure income, poverty, education, health insurance coverage, housing quality, crime victimization, computer usage, and many other subjects. Economic surveys are conducted monthly, quarterly, and yearly, and cover selected sectors of the nation's economy.

State Regulations

Senate Bill 330 (Housing Crisis Act of 2019) and Senate Bill 8 (2021)

On October 9, 2019, California Governor Gavin Newsom signed the Housing Crisis Act of 2019 (HCA) into law, commonly known as Senate Bill (SB) 330 (Chapter 654, Statutes of 2019) to respond to the California housing crisis. On September 16, 2021, Gov. Newsom also signed SB 8 (Chapter 161, Statutes of 2021), which is an extension of the HCA. The HCA aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. Under this legislation, municipal and county agencies are restricted in ordinances and policies that can be applied to residential development. For example, State law now prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. SB 330 requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect.

Local Regulations

Metropolitan Bakersfield General Plan

The following policies and programs from the Metropolitan Bakersfield General Plan Land Use Element (LUE) are applicable to population and housing and may apply to the Proposed Project.

- **Goal LUE 1**: Accommodate new development which captures the economic demands generated by the marketplace and establishes Bakersfield's role as the capital of the southern San Joaquin Valley.
- **Goal LUE 2:** Accommodate new development which provides a full mix of uses to support its population.
- **Goal LUE 3:** Accommodate new development which is compatible with and complements existing land uses.
- **Goal LUE 5**: Accommodate new development which capitalizes on the planning area's natural environmental setting, including the Kern River and the foothills.
- **Goal LUE 6:** Accommodate new development that is sensitive to the natural environment, and accounts for environmental hazards.
- **Policy LUE 52**: Locate new development where infrastructure is available or can be expanded to service the proposed development.

Kern Council of Governments (Kern COG)

Kern COG is the Metropolitan Planning Organization (MPO) for the Kern Region as designated by the Federal government, and the Regional Transportation Planning Agency (RTPA) as designated by the State of California. It is responsible for developing and updating a variety of transportation plans and for allocating the federal and state funds to implement them. While regional transportation planning is its primary role, Kern COG is also involved in other issues that affect the entire region such as air quality. Kern COG provides the forum that brings mayors, city council members and county supervisors together to work on regional issues in a setting that promotes the involvement of the public in the planning process for the Kern region.

The California Department of Housing and Community Development (HCD) is required to allocate the region's share of the statewide housing need to Councils of Governments (COG) based on Department of Finance (DOF) population projections and regional population forecasts used in preparing regional transportation plans. Kern COG, acting in the capacity as the state designated Regional Planning Agency, has the responsibility of developing the state-mandated Regional Housing Need Allocation (RHNA) Plan. The RHNA process will identify the number of housing units that each local government must accommodate in the Housing Element of its General Plan (Government Code §65584). As part of the region's planning efforts, Kern COG works with local governments and stakeholders on the RHNA Plan. Kern COG identifies areas within the region sufficient to house an eight-and-a-half-year projection of the regional housing need. Additionally, the RHNA allocates housing units within the region consistent with the development pattern included in the Sustainable Communities Strategy (SCS) and is part of the Regional Transportation Plan (RTP). The development of Kern COG's 2022 RTP/SCS will happen in tandem with the 6th Cycle RHNA Plan.

4.12.3 Methodology for Analysis

The following analysis is based on information provided by the U.S. Census Bureau, the California Employment Development Department (EDD), population projections for the Kern County Association of Governments (Kern COG), and the Metropolitan Bakersfield General Plan. The information obtained from these sources was reviewed and evaluated to establish existing conditions and to identify potential environmental effects of the Project related to population, employment, and housing as it relates to the significance criteria presented below.

4.12.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether impacts to population and housing are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

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

4.12.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Population Growth

Impact POP-a): Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Impact Analysis

The Proposed Project does not involve the construction of any new facilities that would directly induce growth. The Hageman Industrial Park General Plan Amendment and Zone Change Project (Project) involves the future development of warehouse and manufacturing uses on 78.94 gross acres of vacant land. For purposes of this EIR, the assumed ratios of such general use categories would be 60 percent warehousing and 40 percent manufacturing, with some combination of these uses. The EIR will analyze the potential environmental impacts related to General Plan Amendment/Zone Change which is a request to amend the land use designation from HI (Heavy Industrial) to SI (Service Industrial) and change the zone classification from M-3 (Heavy Industrial) to M-2 (General Manufacturing). The Project site's current General Plan land use designation of HI (Heavy Industrial) and the proposed General Plan Amendment of SI (Service Industrial) do not allow housing units to be built on the property, therefore, direct, or indirect growth resulting from the construction of new homes would not occur at the Project site. It is unlikely that the Project would cause substantial numbers of people to decide to move and trigger the need for new unplanned housing to be built elsewhere to accommodate those households, particularly in light of the City already planning to accommodate 37,461 housing units based on the 6th Cycle RHNA.

Because future tenants of the proposed warehouse and manufacturing buildings at the Project site are not known at this time, in addition to the types and number of jobs the proposed Project may create, it is likely that people in the local market who are unemployed or underemployed would fill some of the positions associated with the proposed project. According to the City of Bakersfield Economic Development Strategic Plan adopted by the Bakersfield City Council on September 15, 2021, examined comparative industry-employment data by place of work and for the local workforce, for Bakersfield, Kern County, and the Central Valley yields the following insights concerning the extent to which local jobs are filled by local working residents:

- Bakersfield has a much smaller proportion of workers in the Agriculture, Forestry, Fishing, and Hunting, and Mining sectors than the other comparative areas.
- There is a large proportion of out-commuters in the Manufacturing sector for both Bakersfield and the Central Valley.
- There is a larger proportion of out-commuters in the Transportation, Warehousing, and Utilities sectors for Bakersfield than the other comparative areas.
- There is a larger proportion of local jobs unfilled by the resident workforce in the Professional, Scientific, Technical Services, Management, and Administration and Waste Management sectors for Bakersfield than the other comparative areas.

Additionally, the Kern Council of Governments (KCOG) provides population and employment forecasts for Kern County and its cities, for the 15-year period of 2020-2035, and the seven-year period from 2035 to 2042. For the County overall as well as Bakersfield, the average annual numeric change in employment (note that employment is jobs by location, not jobs held by residents) is higher for the 2035-2042 period. Specifically, population in Bakersfield is expected to increase by 35 percent for the 2020-2035 period, and 12 percent for the seven-year period 2035-2042. Jobs are projected to increase by 25 percent for the 2020-2035 period, and 11 percent for the seven-year period 2035-2042, so the lag in job growth compared to population is expected to be most pronounced over the next fifteen years. Nevertheless, the jobs offered by the proposed project would attract some new residents to the area, particularly in the longer term, but the numbers would be small in the context of the local housing market. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Housing Displacement/Replacement Housing

Impact POP-b): Would the Project not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Impact Analysis

The proposed Project is located on five vacant parcels on a 78.94-acre triangularly shaped property at the southeast corner of Hageman Road/Landco Drive intersection in Bakersfield. The proposed Project entails a General Plan Amendment that would change the land use designation on the Project site from HI (Heavy Industrial) to SI (Service Industrial). The proposed Zone Change would change the zone classification on the Project site from M-3 (Heavy Industrial) to M-2 (General Manufacturing). The property owner is proposing this Project to create consistency with Vesting Tentative Parcel Map 12314. The Project site's current General Plan land use designation of HI (Heavy Industrial) and the proposed General Plan Amendment of SI (Service Industrial) do not allow housing units to be built on the property. Because no housing units exist on the Project site, the Project would not directly displace people or housing units & thus there would be no need to construct replacement housing elsewhere. No direct impact would occur.

The City of Bakersfield's Housing Element Update is based on Kern COG's Draft 6th Cycle RHNA Plan for the planning period of June 2023-December 2031, which allocated an additional 37,461 housing units for the City, with 18,211 units in the very-low and low-income categories and 19,250 units in the moderate and above-moderate income categories for the planning period through year 2031. As such, there is adequate planning for housing needs in the City across all income categories. It is unlikely that the Project would cause substantial numbers of people to decide to move and trigger the need for new unplanned housing to be built elsewhere to accommodate those households, particularly in light of the City already

planning to accommodate 37,461 housing units based on the 6th Cycle RHNA Therefore, indirect impacts associated with potential of replacing housing elsewhere in the City would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative population and housing impacts in the area?

Impact Analysis

Implementation of the Project could potentially result in cumulative impacts associated with population and housing when combined with other past, present, and reasonably near future projects in the broader project area. However, as addressed above, the project's individual impacts related to parks and recreation would be less than significant because operation of the proposed Project would not include any type of residential use and would not be significant enough to generate a population that would increase use of existing neighborhood and regional parks or other recreational facilities. However, the unintended result of the proposed development may include new populations that would relocate to the area for employment at the proposed future business at the Project site during operation. Therefore, the Project's contribution to impacts associated with parks and recreation are not considered cumulatively considerable, and cumulative impacts as a whole would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.13: Public Services and Recreation

4.13 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in potential impacts on public services from the proposed Project. This chapter also summarizes regulations and policies related to public services and evaluates the potential impacts of the proposed Project on public services.

4.13.1 Existing Conditions

Fire Protection and Emergency Medical Services

Fire protection services for the metropolitan Bakersfield area are provided through a joint fire protection agreement between the City and County. Agreements between the two departments rely on a "closest station" concept and include a dual agency training facility and joint emergency radio communication/dispatching from a single center (City of Bakersfield 2002). As a result, the project site is served by both the Bakersfield Fire Department (BFD) and the Kern County Fire Department (KCFD). BFD responds to fires within the city limits. The district has 240 personnel and 14 fire stations throughout the city (City of Bakersfield 2021a). Response time is seven minutes or less to any fire. The project site would be served by the Kern County Fire Department, which is located at 5642 Victor Street, approximately .5 miles north of the site. KCFD operates 48 fire stations, with 13 of these stations established within metropolitan Bakersfield (City of Bakersfield 2002). KCFD fire stations within the city of Bakersfield have been situated to have a response time of seven minutes or less (City of Bakersfield 2002). Although the entire project site is located within the city boundaries of Bakersfield, KCFD serves the project site. KFCD Station 66 would be an alternate fire station to serve the project site, it is located at 3000 Landco Drive, approximately 1.3 miles south of the project site (City of Bakersfield 2021b).

Police Protection Services

The City of Bakersfield Police Department provides law enforcement service to all areas within the city limits, which is 114 square miles and had a 2020 population of 403,455 according to the 2020 Census (U.S. Census Bureau 2021). The city is separated into 17 patrol districts that operate 24 hours per day. The average response time is 8 minutes and 45 seconds for emergency calls. Since the 1980s, the City has utilized a ratio of 1.5 officers per thousand residents (City of Bakersfield 2002). However, in 2018 Measure N was passed, which increased the sales tax by 1 percent to fund various city priorities, including improving public safety services (Ballotpedia 2021). The City announced that revenue from Measure N would be used to hire 100 additional police officers, increasing the police force to 500 officers over 3 years (Bakersfield.com 2019). The City of Bakersfield Police Department is located at 1601 Truxton Avenue, located approximately 2.8 miles south of the project site. The police department has divided the city into six zones for all community relations matters. The Project site is located in the North Zone (City of Bakersfield 2021c). The Kern County Sheriff's Office is located at 1350 Norris Road and is approximately 1.5 miles north of the Project site.

School Services

The Project site is located within the Beardsley School District. The district is located in Bakersfield and serves 1,900 students from pre-kindergarten through eighth grade. At the secondary level, the Project

site is served by the Kern High School District for grades 9-12. The Kern High School District is the largest high school district in California, with 18 high schools and more than 40,000 students (Kern High School District 2021). The closest elementary school to the Project site is San Lauren Elementary School, located at 5210 Victor, approximately less than one mile northwest of the Project site. The nearest high school to the Project site is Bakersfield High School, located at 1241 G Street, approximately 3.07 miles southeast of the Project site.

Parks and Recreation Services

The City of Bakersfield Recreation and Parks Department provides many amenities, including 61 public parks, four public pools, 13 spray parks, two sports complexes, two skate parks, one amphitheater, disc golf courses and pickleball courts located at specific parks. The Project site is located within Park Maintenance Zone: Area 1. The closest park, San Lauren Park, is located just west of the Project site on Krebs Road.

Library Services

Library services for the City of Bakersfield are provided by the Kern County Library Association. The nearest library to the Project site, Beale Memorial Library, located at 701 Truxton Avenue, is located approximately 3.3 miles southeast of the Project site.

4.13.2 Regulatory Setting

Federal Regulations

No specific federal regulations apply to public services and recreation associated with the proposed Project.

State Regulations

California Building Standards Code

The 2010 California Building Standards Code (CBC), contained in Part 2 of Title 24 of the California Code of Regulations (CCR), identifies building design standards, including those for fire safety. The CBC is based on the 1997 Uniform Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in multi-family buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

California Fire Code

The California Fire Code, contained in Part 9 of CCR Title 24, incorporates by adoption the International Fire Code of the International Code Council, with California amendments. The California Fire Code regulates building standards set forth in the CBC, fire department access, fire protection systems and devices, fire and explosion hazards safety, hazardous materials storage and use, and standards for building inspection. The California Fire Code is updated and published every 3 years by the California Building Standards Commission.

Quimby Act

The Quimby Act sets a standard park space to population ratio of up to three acres of park space per 1,000 persons. Cities with a ratio of higher than three acres per 1,000 persons can set a standard of up to 5 acres per 1,000 persons for new development. The calculation of a City's park space to population ratio is based on a comparison of the population count of the last federal Census to the amount of City-owned parkland. A 1982 amendment (Assembly Bill [AB] 1600) requires agencies to clearly show a reasonable relationship between the public need for a recreation facility or park land and the type of development project on which the fee is imposed.

Senate Bill 50

Senate Bill 50 (SB 50) (funded by Proposition 1A, approved in 1998) limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provides instead for a standardized developer fee. SB 50 generally provides for a 50/50 state and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether state funding is available, whether the school district is eligible for state funding, and whether the school district meets certain additional criteria involving bonding capacity, year-round school, and the percentage of moveable classrooms in use.

California Government Code, Section 65995(b) and Education Code, Section 17620

Section 65995(b)(3) of the Government Code requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. On January 22, 2014, the SAB approved increasing the allowable amount of statutory school facilities fees (Level I School Fees) from $3.20 to $3.36 per square foot of assessable space for residential development of 500 sq ft or more, and from $0.51 to $0.54 per square foot of chargeable covered and enclosed space for commercial/industrial development. School districts may levy higher fees if they apply to the SAB and meet certain conditions.

Mitigation Fee Act

Enacted as Assembly Bill 1600 (AB 1600) on January 1, 1989, the Mitigation Fee Act (California Government Code 66000-66008) requires a local agency that is establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency also must demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied.

Local Regulations

Metropolitan Bakersfield General Plan

The Metropolitan Bakersfield General Plan (MBGP) (City of Bakersfield 2002) is a long-range comprehensive plan that governs growth and development in Bakersfield. The following policies contained in various elements of the MBGP may be applicable to the proposed Project.

Chapter II – Land Use Element

- **Policy 50:** Coordinate with the appropriate agencies so that adequate land and facilities are set aside for schools, parks, police/fire, libraries, cultural facilities, recreational facilities, and

other service uses to serve the community.

- **Policy 54:** The developer shall be responsible for all on-site costs incurred as a result of the proposed project, in addition to a proportional share of off-site costs incurred in service extension or improvements. The availability of public or private services or resources shall be evaluated during discretionary project consideration. Availability may affect project approval or result in a reduction in size, density, or intensity otherwise indicated in the general plan's map provisions.

Chapter VIII – Safety/Public Safety

- **Policy 30:** Require the city and county to maintain effective mutual aid agreements for fire, police, medical response, emergency morgue, mass care, heavy rescue, and other functions as appropriate.

4.13.3 Methodology for Analysis

The information obtained from these sources was reviewed and evaluated to establish existing conditions and to identify potential environmental effects of the Project related to fire, police, school, library, park, recreational, and other public facilities as they relate to the significance criteria presented below.

4.13.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether environmental effects to public services or recreation are significant, the following questions are analyzed and evaluated.

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection
b) Police protection
c) Schools
d) Parks
e) Other public facilities

Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated?

Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

4.13.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Impact PSR-a): Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the public services?

i) Fire protection?

ii) Police protection?

iii) Schools?

iv) Parks?

v) Other public facilities?

Fire Protection

Impact Analysis

The City of Bakersfield and Kern County have a joint agreement which allows both agencies to effectively respond to a call for help. The fire station nearest the Project site is Kern County Fire Station 61 located approximately 1.3 miles northwest of the Project site. The Kern County Headquarters and training facility is located approximately 0.3 miles northwest of the Project site. Although the Project site is currently vacant, it is anticipated that the 78.94 gross -acre Project site will be built out with a variety of uses allowed under the proposed M-2 Zoning. The Project site is anticipated to be served by the same fire stations that currently provide fire protection and emergency services to the uses adjacent to the Project site. Therefore, it is not anticipated that a new fire station or physical alteration of existing fire stations would be necessary to serve the Project. Project operation impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Police Protection

Impact Analysis

The Metropolitan City of Bakersfield and Kern County provide law enforcement protection services through a joint agreement which allows both agencies to effectively respond to a call for help. Project development and operation would result in an incremental increase in demand for police protection

services. However, the increased service generated by Project operation to the extent that construction of new or physically altered police facilities would not be necessary. The police station nearest the Project site is the Kern County Sheriff's Department, located approximately 1.9 miles north of the Project site. The proximity of the police station would not cause a need for the physical construction of a new police station or require physical alteration of an existing station. Therefore, Project operation-generated impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Schools

Impact Analysis

Residential uses are not allowed in the M-2 Zoning District. Thereby, Project development and operation would not directly generate any student population. It cannot be determined at this time whether Project development or operation would draw employees from the area or rely on employees who would relocate to Bakersfield and thereby generate a student population. Regardless, each building will be subject to school fees prior to obtaining building construction permits to pay a fair share for school impact fees. Therefore, Project-generated impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Other Public Facilities (Libraries)

Project development and Project operation would not directly or substantially increase the residential population in Bakersfield. Therefore, it is not expected that Project development and operation would result in a demand for other public facilities/services, including libraries, community recreation centers, post offices, and animal shelters. Therefore, Project operation would not adversely affect other public facilities or require construction of new or modified public facilities. Therefore, Project-generated impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Parks and Recreation

Impact PSR-a): i) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated?

ii) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impact Analysis

Project development and operation only involve any type of residential use as an incidental use to the primary building use that would not be significant enough to generate a population that would increase use of existing neighborhood and regional parks or other recreational facilities. However, the unintended result of the proposed development may include new populations that would relocate to the area for employment at the proposed future business at the Project site during operation. Therefore, Project-generated impacts would be less than significant.

Project development likely would not include construction of new on-site or off-site recreation facilities due to the Project location and surrounding setting in the proposed M-2 Zoning District. None are proposed currently, as most operations in the M-2 zone will be for industrial uses in nature. In addition, the Project would not involve expansion of any existing off-site recreational facilities. Therefore, no impact would result related to construction or expansion of recreational facilities as a result of Project development or Project operation and no further analysis is required.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Impacts Would the Project contribute to cumulative public services or recreation impacts in the area?

Impact Analysis

Implementation of the Project could potentially result in cumulative impacts associated with traffic impacts when combined with other past, present, and reasonably near future projects in the broader Project area. However, as addressed above, the Project's individual impacts related traffic and

transportation would be less than significant because operation of the proposed Project would not include any type of residential use and would not be significant enough to generate a population that would increase traffic in the local roadways. However, the unintended result of the proposed development may include new populations that would relocate to the area for employment at the proposed future business at the Project site during operation.

According to the City of Bakersfield Planning Department Cumulative Projects Map, there is one project, the Veterans Affairs Community-Based Outpatient Clinic, located at 1715 Chester Avenue, Bakersfield, located approximately 1,700 feet north of the Project site which may, depending on when the VA Clinic is scheduled for opening, may contribute to cumulative impacts in the area. The Project entails the proposed development of a 39,648 square foot (sf) Department of Veterans Affairs (VA) community-based outpatient medical clinic on a 10.05 gross acre site located approximately 0.15-mile west of State Route 99 (SR-99) and 250 feet southeast of the intersection of Olive Drive and Knudsen Drive. Construction of this project has not yet begun, and it is unknown at this time when the VA Outpatient Clinic will begin construction and is scheduled to open. However, the Project would be fully consistent with the Metropolitan Bakersfield General Plan and City of Bakersfield Municipal Code. As other cumulative developments, likewise, would be required to comply with the City's General Plan and ordinances, or the general plan and ordinances of surrounding jurisdictions, the Project would result in less-than-significant impacts on a cumulatively- considerable basis to response time for fire and police services as well as school and parks which would require the provision of new or physically altered governmental facilities.

Therefore, the Project's contribution to impacts associated with traffic and transportation are not considered cumulatively considerable, and cumulative impacts as a whole would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.12: TRANSPORTATION AND TRAFFIC

4.14 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in significant impacts on the project site and its surrounding area. Descriptions and analysis in this section are based on information provided by a letter from McIntosh & Associates to the City of Bakersfield, dated January 23, 2023 (Appendix I), the Metropolitan Bakersfield General Plan and the City of Bakersfield Public Works Department, Division Six Traffic, Subdivision and Engineering Design Manual.

4.14.1 Existing Conditions

Regional and City of Bakersfield

Transportation Network

The Project site is located along Hageman Road and Landco Drive. Regionally, vehicular circulation in the broader project area is served by the following routes:

- Golden State Route 99 to the north;
- Rosedale Highway to the south
- Olive Drive to the north

Locally, the following streets are located adjacent and near the Project site and would provide connectivity between the site and the regional transportation network:

- Hageman Road to the west;
- Knudsen Drive to the west;
- Landco Drive to the north.

Alternative Modes of Transportation

Pedestrian Facilities

Pedestrian facilities in the Project vicinity include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. along Hageman Road and Knudsen Drive to the west.

Bicycle Facilities

The Highway Design Manual, California Department of Transportation (Caltrans), 2012, classifies bikeways into three categories:

- Class I Multi-Use Path: A completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- Class II Bike Lane: A striped and signed lane for one way bike travel on a street or highway.
- Class III Bike Route: Signing only for shared use with motor vehicles within the same travel lane on a street or highway.

Bicycle facilities in the project area include an existing Class 2, bicycle lane along the western side of Hageman Road and a proposed Class 2, bicycle lane along southwest running parallel to Mohawk Street.

Transit Facilities

Public transit in the project area include the Golden Empire Transit District-Get bus service. Routes in the Project area include the following bus routes: Route 45, Oildale/Foothill bus line which operates bus service east of the Project site to North High School to the north and Foothill High School to the east; Route 61, Panama Lane / CSUB / Bakersfield College providing bus service to Bakersfield College to the east and Costco to the south and Route 84, CSUB / Bakersfield College line which provides to Frontier High School to the east and Downtown Transit Center to the west.

Project Study Area

A study area was determined based in part on the local roadway facilities that could potentially experience an impact in roadway operations due to the Project. The study area includes roadways in the immediate vicinity of the Project site, as well as other nearby roadway facilities. The study area consists of the following intersections, which are shown on **Figure 4.14-1.**

Figure 4.14-1 Study Area

Hageman Industrial Park. GPA/ZC No. 22-0263

Legend

Project APN Boundary

N

0 250 500 1,000

Feet

Bowman

4.14.2 Regulatory Setting

State Regulations

Assembly Bill 1358 (AB 1358)-Complete Street Act

In September 2008, Governor Schwarzenegger signed into law Assembly Bill 1358 (AB 1358), the Complete Streets Act. AB 1358 requires that the legislative body of a city or county, upon any substantive revision of the circulation element of the general plan, modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways, defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation, in a manner that is suitable to the rural, suburban, or urban context of the general plan. By requiring new duties of local officials, AB 1358 imposes a State-mandated local program. AB 1358 required the Office of Planning and Research (OPR) to prepare or amend guidelines for a legislative body to accommodate the safe and convenient travel of users of streets, roads, and highways in a manner that is suitable to the rural, suburban, or urban context of the general plan, and in doing so to consider how appropriate accommodation varies depending on its transportation and land use context. AB 1358 authorized OPR, in developing these guidelines, to consult with leading transportation experts, including, but not limited to, bicycle transportation planners, pedestrian planners, public transportation planners, local air quality management districts, and disability and senior mobility planners (CA Legislative Info, n.d.).

Senate Bill 743 (SB 743)

Senate Bill 743 (SB 743, Steinberg, 2013), which was codified in Public Resources Code Section 21099, required changes to the implementing State CEQA Guidelines regarding the analysis of transportation impacts. As one appellate court explained: "During the last 10 years, the Legislature has charted a course of long-term sustainability based on denser infill development, reduced reliance on individual vehicles and improved mass transit, all with the goal of reducing greenhouse gas emissions. Section 21099 is part of that strategy…" (Covina Residents for Responsible Development v. City of Covina (2018) 21 Cal.App.5th 712, 729.) Pursuant to Section 21099, the criteria for determining the significance of transportation impacts must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (Id., subd. (b)(1); see generally, adopted State CEQA Guidelines, § 15064.3, subd. (b) [Criteria for Analyzing Transportation Impacts].) To that end, in developing the criteria, OPR has proposed, and the California Natural Resources Agency (CRNA) has certified and adopted changes to the State CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project's transportation impacts. With the CRNA's certification and adoption of the changes to the State CEQA Guidelines, automobile delay, as measured by LOS and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA as of July 1, 2020. (Public Resources Code § 21099, subd. (b)(3)) (OPR, 2018b).

Regional Regulations

Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)

In August 2018, the Kern Council of Governments (COG) adopted the "2018 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)." The Regional Transportation Plan (RTP) is a 24-year blueprint that establishes a set of regional transportation goals, policies, and actions intended to guide

development of the planned multimodal transportation systems in Kern County. Included in the 2018 RTP is the Sustainable Communities Strategy (SCS) required by California's Sustainable Communities and Climate Protection Act, of Senate Bill (SB) 375 (Kern COG, 2018. p. ES-1). Through the RTP process Kern COG has placed an emphasis on sustainability and integrated planning. The intent of the SCS is to achieve the State's emissions reduction targets for automobiles and light trucks. The SCS will also provide opportunities for a stronger economy, healthier environment, and safer quality of life for community members in Kern County. The RTP SCS seeks to: improve economic vitality, improve air quality, improve the health of communities, improve transportation and public safety, promote the conservation of natural resources and undeveloped land, increase regional access to community services, increase regional and local energy independence and increase opportunities to help shape our community's future (Kern COG, 2018. p. ES-2).

Local Regulations

Metropolitan Bakersfield General Plan Update EIR

The significance criteria used for this section is the traffic impact criteria established in the General Plan and includes the following goals and policies that address transportation and traffic and are applicable to the Project:

- **Policy CIR/ST-P-37.** Require new development and expansion of existing development to pay for necessary access improvements such as street extensions, widenings, turn lanes, signals etc., as identified in the transportation impact report as may be required for a project.
- **Policy CIR/ST-P-39**. Require new development and expansion of existing development to pay or participate in its pro rata share of the costs of expansions in area-wide transportation facilities and services where it is necessary.
- **Policy LU-P-54.** The developer shall be responsible for all on-site costs incurred as a result of the proposed Project, in addition to a proportional share of off-site costs incurred in service extension or improvements. The availability of public or private services or resources shall be evaluated during discretionary project consideration. Availability may affect project approval or result in a reduction in size, density, or intensity otherwise indicated in the general plan's map provisions.

4.14.3 Methodology for Analysis

Data Collection

The traffic volumes were generated for the proposed Project were estimated using the "Institute of Transportation Engineers" *Trip Generation Manual 11th Edition* for the existing and proposed land uses.

Project Trip Generation

In 2013, SB 743 was passed by legislation and signed into law by the Governor of California, with the intent to change the evaluation of traffic impacts related to CEQA from Level of Service (LOS) to Vehicle Miles Traveled (VMT). Guidelines for implementation of the law were approved in December 2018 and agencies are required to implement the requirements by July 1, 2020. As of January 2023, the City of Bakersfield has not adopted any policies or thresholds for VMT analysis. Under CEQA, agencies have the discretion to adopt policies and thresholds based on a wide range of options and evaluation criteria.

Caltrans and the Governor's Office of Planning and Research recommends that projects that generate less than 110 trips per day may be considered to have less than significant impact. However, for the purpose of this study, the proposed revision to the land uses include a general plan amendment from the existing HI (Heavy Industrial) to SI (Service Industrial) and the existing zoning from M-3 (Heavy Industrial) to M-2 (General Manufacturing), this proposed revision to the land use and zoning would actually decrease the trip generation volumes and decrease the land use intensity. To estimate trip generations from the proposed

Project based on land use categories, the "Institute of Transportation Engineers" Trip Generation Manual 11th Edition for the existing and proposed land uses was used.

As shown on **Table 4.12-1**, the existing land use results in a total P.M. Peak Hour trip generation of 886 trips and the proposed (manufacturing and warehouse) would result in a combined 484 trips, thus resulting in a net decrease of 402 P.M. Peal Hour trips. For the A.M. Peak Hour, **Table 4.12-2** indicates the existing land use results in a trip generation of 814 trips and the proposed (manufacturing and warehouse) would result in a combined 448 trips, thus resulting in a net decrease of 366 A.M. Peak Hour trips. **Table 4.12.3** indicates similar trip generation calculations for Daily Traffic volumes.

Table 4.14-1
Project Traffic-PM Peak Hour

Land Use	Acres	Density D.U's/ AC	D.U's/ GLFA	ITE Code	Rate	Peak Hour Trips- PM	Split In	Split Out
Manufacturing (Existing)	79.84	N/A	1,197,643	140	Note 1	886	275	611
Manufacturing (Proposed)	79.84	N/A	479,057	140	Note 1	355	110	245
Warehouse (Proposed)	79.84	N/A	718,586	150	Note 2	129	36	93
					Decrease	(402)	(128)	(274)

Note 1: Used Average Rate: (T) = 0.74 x (GLFA ksf) to determine trip generation.
Note 2: Used Average Rate: (T) = 0.18 x (GLFA ksf) to determine trip generation.

Table 4.14-2
Project Traffic-AM Peak Hour

Land Use	Acres	Density D.U's/ AC	D.U's/ GLFA	ITE Code	Rate	Peak Hour Trips- PM	Split In	Split Out
Manufacturing (Existing)	79.84	N/A	1,197,643	140	Note 1	814	619	195
Manufacturing (Proposed)	79.84	N/A	479,057	140	Note 1	326	248	78
Warehouse (Proposed)	79.84	N/A	718,586	150	Note 2	122	94	28
					Decrease	(366)	(277)	(89)

Note 1: Used Average Rate: (T) = 0.68 x (GLFA ksf) to determine trip generation.
Note 2: Used Average Rate: (T) = 0.17 x (GLFA ksf) to determine trip generation.

Table 4-14.3
Project Traffic-Daily Traffic (A.A.D.T.)

Land Use	Acres	Density D.U's/ AC	D.U's/ GLFA	ITE Code	Rate	Peak Hour Trips-PM	Split In	Split Out
Manufacturing (Existing)	79.84	N/A	1,197,643	140	Note 1	5,689	2,845	2,844
Manufacturing (Proposed)	79.84	N/A	479,057	140	Note 1	2,276	1,138	1,138
Warehouse (Proposed)	79.84	N/A	718,586	150	Note 2	1,229	615	614
					Decrease	(2,184)	(1,092)	(1,092)
Note 1: Used Average Rate: (T) = 4.75 x (GLFA ksf) to determine trip generation. *Note 2: Used Average Rate: (T) = 1.71 x (GLFA ksf) to determine trip generation.*								

Considering construction at the Project site is not proposed at this time, and the proposed revisions to the land use and zoning actually decreases the trip generation volumes, the proposed General Plan Amendment and Zone Change should be exempted from performing a detailed traffic impact analysis in accordance with the City's "Methodology for Independent Assessment of Regional Impact Fees." The Metropolitan Bakersfield Transportation Impact Fee was adopted by both the City Council and Board of Supervisors in 1992. The original impetus for this Impact Fee is the Bakersfield Metropolitan 2010 General Plan Circulation Policy Statement No. 39:

> *"Require new development and expansion of existing development to pay or participate in its pro rata share of the costs of expansions in are-wide transportation facilities and services which it necessitates."*

In 2007-2008, the Transportation Impact Fee program was updated with a new horizon year of 2035 to be consistent with the General Plan Update process currently underway.

Additionally, according to the City of Bakersfield's Public Works Department, Division Six Traffic Subdivision and Engineering Design Manual, Chapter 6.2-Traffic Studies, Section 6.2.1.3 states the following:

> *Any General Plan Amendments, Specific Plans, and changes in Land Use Zoning application which result in either insignificant increase or in a reduction in trip generation are exempt from the requirement to perform an independent impact analysis. These are allowed to be subject to the fixed rate impact fee assessment with no additional mitigation required. To be eligible, a traffic analysis shall be submitted and approved which computes trip generation with existing and proposed land uses. Said analysis shall show that increase in peak hour trip generation does not exceed 50 trips. The City, at its discretion, may require the preparation of a traffic study or Focused Traffic Analysis for any project where there are issues of safe access concerns, significant public opposition, request for deviation from standards, etc.*

Therefore, since this proposed revision to the land use and zoning actually decreases the trip generation volumes at the Project site and based on the Bakersfield Department of Public Works exempting General plan amendments that reduce trip generation, the Project is exempt from the requirement to perform an independent impact analysis in accordance with the City's "Methodology for Independent Assessment of Regional Impact Fees". The Project applicant would therefore like to request that the Regional

Transportation Impact Fee (RTIF) fixed rate fee schedule be used for computation of required impact fees for the Project.

4.14.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether impacts to transportation are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

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

4.14.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Conflict with Applicable Plan

Threshold a):	**Would the Project conflict with an applicable plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?**

Impact Analysis

Existing Condition

Upon Project build-out, Project operation would be expected to generate an increase in daily and peak hour vehicle trips because of the new businesses at the site. However, an analysis of trip generation calculations was prepared by McIntosh & Associates as justification for an exemption from the requirement to perform an independent traffic impact analysis for the subject General Plan Amendment and Zone Change (GPA/ZC). The analysis determined that since the proposed revision to the land use and zoning actually decreases the trip generation volumes, the proposed GPA/ZC should be exempt from performing a detailed traffic impact analysis in accordance with the City's "Methodology for Independent Assessment of Regional Impact Fees." Furthermore, Section 6.2.1.3, Chapter 6.2 (Traffic Studies) of the City of Bakersfield Public Works Department- 2019 Division Six Traffic, Subdivision and Engineering Design Manual in summary states the following:

> *"Any General Plan Amendments, Specific Plans, and changes in Land Use Zoning application which result in either insignificant increase or in a reduction in trip generation are exempt from the requirement to perform an independent impact analysis."*

The Kern COG's RTP/SCS was prepared to ensure that the region attains the per capita vehicle miles targets for passenger vehicles identified by CARB (and, thus, meeting associated GHG emissions targets), as required by Senate Bill 375. The Project would not conflict with applicable measures of the RTP/SCS

and, therefore, would not interfere with the region's ability to minimize GHG emissions from transportation sources.

Therefore, considering the proposed Project would be reducing the land use intensities from HI (Heavy Industrial) to SI (Service Industrial), thereby reducing future VMT generation and based on Section 6.2.1.3, the Project is exempt from having to prepare a detailed traffic impact analysis, and the proposed Projects impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Inconsistent with CEQA

Threshold b):	**Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?**

Impact Analysis

California Senate Bill 743 (codified in Public Resources Code Section 21099) stipulates for the purposes of CEQA that the criteria for determining significance of transportation impacts must promote reduction of greenhouse gas emissions, development of multimodal transportation networks, and diversity of land uses. To accomplish these, the California Natural Resources Agency certified and adopted changes to CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts. As of January 2023, the City of Bakersfield has not adopted any policies or thresholds for VMT analysis. However, an analysis of trip generation calculations was prepared by McIntosh & Associates as justification for an exemption from the requirement to perform an independent traffic impact analysis for the subject General Plan Amendment and Zone Change. The "Institute of Transportation Engineers" Trip Generation Manual 11th Edition was used for the existing and proposed land uses. As shown in **Table 4.14-1**, the existing land use results in a total P.M. Peak Hour trip generation of 583 trips. **Table 4.14-1** also indicates that the proposed land use will result in a P.M. Peak Hour trip generation of 348 trips, for a net decrease of 235 P.M. Peak Hour trips. For the A.M. Peak Hour,

Table 4.14-2 indicates the existing land use results in a trip generation of 539 trips. **Table 4.14-2** also indicates that the proposed land use will result in an A.M. Peak Hour trip generation of 348 trips, for a net decrease of 191 A.M. Peak Hour trips. **Table 4.14-3** indicates similar trip generation calculations for Daily Traffic volumes. Since this proposed revision to the land use and zoning actually decreases the trip generation volumes, the proposed GPA/ZC should be exempted from performing a detailed traffic impact analysis in accordance with the City's "Methodology for Independent Assessment of Regional Impact Fees." Furthermore, Section 6.2.1.3, Chapter 6.2 (Traffic Studies) of the City of Bakersfield Public Works Department-2019 Division Six Traffic, Subdivision and Engineering Design Manual states the following:

Any General Plan Amendments, Specific Plans, and changes in Land Use Zoning

> *application which result in either insignificant increase or in a reduction in trip generation are exempt from the requirement to perform an independent impact analysis. These are allowed to be subject to the fixed rate impact fee assessment with no additional mitigation required. To be eligible, a traffic analysis shall be submitted and approved which computes trip generation with existing and proposed land uses. Said analysis shall show that increase in peak hour trip generation does not exceed 50 trips. The City, at its discretion, may require the preparation of a traffic study or Focused Traffic Analysis for any project where there are issues of safe access concerns, significant public opposition, request for deviation from standards, etc.*

Therefore, considering the proposed Project would be reducing the land use intensities from HI (Heavy Industrial) to SI (Service Industrial), thereby reducing future VMT generation and based on Section 6.2.1.3, the Project is exempt from having to prepare a detailed traffic impact analysis, and the proposed Projects impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Design Hazards

Threshold c):	**Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Impact Analysis

The project proposes a General Plan Amendment that would change the land use designation of the project site from HI (Heavy Industrial) to SI (Service Industrial). A proposed Zone Change would also change the zone classification of the project site from M-3 (Heavy Industrial) to M-2 (General Manufacturing). Although no construction is currently being proposed by this Project, the preliminary development plan proposes 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces to be determined upon the future uses specific to each building. Project in the vicinity of the proposed Project include construction of a new 0.07-mile street (Atlas Street) between the western end of Atlas Court and a point near the intersection of Hageman Road and Knudsen Drive in Kern County, California. The new road would cross a number of parcels of land north of Atlas Court and would require construction of an undercrossing of the San Joaquin Valley Railroad (SJVR) near the western terminus of Atlas Court. The road would continue west across undeveloped land and across a canal to an extension of Knudsen Drive (to be called Landco Drive). The purpose of constructing Atlas Road is to provide secondary access to an industrial area that is bounded by the San Joaquin Valley Railroad and State Route 99.

Other projects in the vicinity of the proposed Project include the Hageman Road Extension Project would extend Hageman Road from just east of the intersection with Knudsen Drive, cross over the Project site over to State Route 99 and connect with Golden State Avenue. The extension of Hageman Road would be a four-lane road with two 12-foot-wide travel lanes in each direction, a 12-foot-wide median with barrier, and 8-foot-wide outside shoulders. The Knudsen Drive intersection would have signals. A double-box culvert structure would be built over the Beardsley Canal lateral, with bridges over the San Joaquin Valley Railroad, and State Route 99. The existing bridge over Airport Drive would be widened, and ramps at the Airport Drive and Golden State Avenue interchange would be modified. The roadway section would transition to match the existing roadway at the west and east ends of the proposed project. A Class I bike path would be added along the south side of the Hageman Road extension, extending to the Rio Mirada Drive/Buck Owens Boulevard intersection. A storm water retention basin would also be built between State Route 99 and the San Joaquin Valley Railroad. According to the May 2014 Initial Study/Mitigated Negative Declaration prepared for the Hageman Road Extension, the new road extension would be designed to appear continuous with the existing roadway at Hageman Road and Landco Drive and at the Airport Drive and Golden State Avenue off- and on-ramps. Additionally, the County shall install a traffic signal at the Hageman/Knudsen intersection in conjunction with the project to build secondary access from Standard Street.

Atlas Street and the Hageman Road Extension Project would be constructed in accordance with the Kern County Roads Department standards. All future Project improvements will conform with applicable City of Bakersfield standards, which would preclude any resultant hazards from design features. Chapter 13.12 (Development Improvements Standards and Specifications) of the City's Municipal Code requires compliance with a number of standard manuals and guidelines. The purpose of Bakersfield Municipal Code (BMC) Chapter 13.12 is intended to protect the health, safety, and general welfare of the citizens of the City by establishing standards and specifications related to a number of public improvements, including roadway improvements. Additionally, the Project's proposed improvements will be required to be reviewed by the City for compliance with the provisions of Chapter 13.12 to ensure that the Project's proposed improvements are in full compliance with the City's requirements as well as BMC Chapter 13.12.

Accordingly, construction of Atlas Street and the Hageman Road Extension would not substantially increase hazards due to a geometric design feature, and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Emergency Access

Threshold d): Would the Project result in inadequate emergency access?

Impact Analysis

Project development and operation will be required to comply with all City of Bakersfield emergency access requirements. The BMC establishes emergency access requirements in the Section entitled General Provisions for Fire Safety. BMC Section 15.65.190 (Appendix D, Section D103.5 Fire apparatus access road gates – Amended), identifies requirements associated with emergency access. These specific requirements will be included in Project design and will require verification by the Fire Chief prior to approval of any aspect of the overall Project site. Additionally, during construction of the proposed Project, construction contractors would be required to maintain adequate emergency access routes on site. Accordingly, the Project would not result in inadequate emergency access, and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative traffic impacts in the area?

Impact Analysis

Implementation of the Project could potentially result in cumulative impacts associated with traffic impacts when combined with other past, present, and reasonably near future projects in the broader Project area. However, as addressed above, the Project's individual impacts related traffic and transportation would be less than significant because operation of the proposed Project would not include any type of residential use and would not be significant enough to generate a population that would increase traffic in the local roadways. However, the unintended result of the proposed development may include new populations that would relocate to the area for employment at the proposed future business at the Project site during operation.

As other cumulative developments, likewise, would be required to comply with the City's General Plan and ordinances, or the general plan and ordinances of surrounding jurisdictions, the Project would result in less-than-significant impacts on a cumulatively- considerable basis due to a conflict with a program, plan, ordinance, or policy addressing the circulation system.

All roadway improvements proposed as part of the Project would be constructed to City standards. Other cumulative developments within the cumulative study area likewise would be required to demonstrate that there would be no geometric design feature hazards or impacts due to incompatible risks. As such, the Project would not substantially increase hazards due to a geometric design feature or incompatible use, and impacts would be less than significant on a cumulatively considerable basis.

During Project construction and operations, the provision of adequate access for emergency vehicles is required by the Fire Department and the City's Municipal Code. Other cumulative developments similarly would be required to maintain adequate emergency access. Accordingly, cumulative impacts due to

inadequate emergency access would be less than significant.

Therefore, the Project's contribution to impacts associated with traffic and transportation are not considered cumulatively considerable, and cumulative impacts as a whole would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 4.15: TRIBAL CULTURAL RESOURCES

4.15 Introduction

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for the proposed Project to result in potential effects on Tribal Cultural Resources at the Project site and its surrounding area. Descriptions and analysis in this section are based in part on information provided by a Phase I Cultural Resources Survey APNS 116-080-556; and 059, Hageman Road and Knudsen Drive prepared by Hudlow Cultural Resource Associates, June 2020 and a California Historical Resources Information Systems Cultural Records Search, June 1, 2020.

4.15.1 Existing Conditions

Refer to EIR Cultural Resources Subsection 4.4 for a complete description of the cultural setting, existing site conditions, and the archaeological resources assessment for the Project site.

4.15.2 Regulatory Setting

Assembly Bill 52 (AB 52)

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. The Public Resources Code now establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (Pub. Resources Code, § 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project (Pub. Resources Code, § 21080.3.1.). If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code

§ 20184.3 (b)(2) provides examples of mitigation measures that lead agencies to consider avoiding or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015, § 21074 of the Public Resources Code defines "tribal cultural resources." In brief, in order to be considered a "tribal cultural resource," a resource must be either: (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource. In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the

resource to the tribe.

Senate Bill 18, (SB 18) Traditional Tribal Cultural Places Act

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. SB 18 also requires the Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site specific, project-level land use decisions are made by a local government. SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. This consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code § 65300 et seq.) and specific plans (defined in Government Code § 65450 et seq.). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code § 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment.

4.15.3 Methodology for Analysis

The potential impacts from project implementation within the Project site and the surrounding area are based on record searches at the Native American Heritage Commission (NAHC), as well as a pedestrian survey conducted by Hudlow Cultural Resource Associates within the Project boundary.

4.15.4 Thresholds of Significance

Section XVIII of Appendix G to the CEQA Guidelines addresses typical adverse effects on tribal cultural resources and includes the following threshold question to evaluate the Project's impacts to tribal cultural resources (OPR, 2018a). The Project would result in a significant impact to tribal cultural resources if the Project or any Project-related component would:

a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:
b) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
c) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth is subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision
d) (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.15.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Adverse Change

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

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth is subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Impact Analysis

As indicated in the Cultural Resources narrative above, a Phase I Cultural Resource Survey was conducted to determine whether the 78.94-gross acre Project site contains any resources listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). In accordance with California Senate Bill 18 and California Assembly Bill 52, the City of Bakersfield is required to send notifications of the proposed Project to Native American tribes with possible traditional or cultural affiliation to the area. The City is also required to consult with tribes who express interest in such consultation. The consultation(s) results will be presented in the Project EIR.

No prehistoric resource sites, features, places, or landscapes were identified on the Project site that area either listed or eligible for listing in the California Register of Historic Places. To be eligible for the Register, (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852), a resource must include the following:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

As part of the SB 18/AB 52 consultation process required by State law, the City of Bakersfield sent notification of the Project to Native American tribes with possible traditional or cultural affiliation to the Project area. No tribes responded.

Although there are no known archaeological sites within the Project area, the discovery of archaeological resources is a possibility during sub-surface work, which could result in disturbance of the resources. Therefore, with implementation of Cultural Resources mitigation measure **CUL- 1** and **CUL-2**, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant.

Mitigation Measures

Mitigation measures are required.

Level of Significance After Mitigation

Less than significant with mitigation measures.

Mitigation Measures

TRI-1. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation. Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).

TRI-2. If suspected cultural resources are encountered during ground disturbance activities, all work within 100 feet of the find shall immediately cease and the area cordoned off until a qualified cultural resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required. If cultural resources are discovered that may have relevance to Native Americans, the specialist or Project Applicant must provide written notice to the City of Bakersfield, Tejon Indian Tribe, Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the specialist in consultation with the City of Bakersfield to receive input regarding treatment and disposition of the resource, which may include avoidance, testing, and/or excavation to prevent destruction of the resource and/or to allow documentation of the resource for research potential. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative tribal impacts in the area?

Impact Analysis

According to the list of Tribes traditionally in the area provided by the Native American Heritage Commission (NAHC), the Project site is located within a traditional use area of 10 individual tribes. Other development projects within this traditional use area would have a similar potential as the Project to adversely affect tribal cultural resources. Thus, implementation of the Project has the potential to result in a cumulatively considerable impact to tribal cultural resources for which mitigation measures **TRI-1** and **TRI-2** are required.

Level of Significance Before Mitigation

Potentially significant.

Mitigation Measures

Mitigation measures are required.

Level of Significance After Mitigation

Less than significant with mitigation measures.

Mitigation Measures

TRI-1. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation. Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).

TRI-2. If suspected cultural resources are encountered during ground disturbance activities, all work within 100 feet of the find shall immediately cease and the area cordoned off until a qualified cultural resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required. If cultural resources are discovered that may have relevance to Native Americans, the specialist or Project Applicant must provide written notice to the City of Bakersfield, Tejon Indian Tribe, Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the specialist in consultation with the City of Bakersfield to receive input regarding treatment and disposition of the resource, which may include avoidance, testing, and/or excavation to prevent destruction of the resource and/or to allow documentation of the resource for research potential. All reports,

correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information.

SECTION 4.16: UTILITIES AND SERVICE SYSTEMS

4.16 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Project to result in potential impacts to utilities and service systems that could result from the proposed Project. Impacts on utilities and service systems under California Environmental Quality Act (CEQA) are generally related to increased demand for, or use of, utilities and service systems such as water, wastewater, and solid waste disposal that would require construction of new or expanded facilities. The CEQA Guidelines also have significant criteria for utilities and service systems related to non-compliance with existing solid waste laws and regulations.

4.16.1 Existing Conditions

Solid Waste

The Project site is vacant. Therefore, no solid waste is currently being generated. Once development occurs on the 78.94-gross acre Project site, an increase in waste stream to landfills would occur. The City of Bakersfield Public Works Department Solid Waste Division would provide solid waste disposal services to the Project site. The City either provides curbside collection of waste or contracts with a local waste hauler to collect waste. The City and County also provide assistance to contractors, developers, and businesses in recycling construction and demolition debris. Construction and demolition waste are accepted at most Kern County disposal sites for recycling, reuse, or disposal. Kern County Public Works operates seven landfills, nine transfer stations, and one bin site. It is possible that the Project site could be served by the Bakersfield Metropolitan (Bena) Sanitary Landfill, which is operated by the Kern County Public Works Department. The Bena Landfill is located at 2951 Neumarkel Road in Bakersfield, California. According to the California Department of Resources Recycling and Recovery's (CalRecycle) Solid Waste Information System, Bena Landfill has a permitted maximum capacity of 53,000,000 cubic yards. As of July 2013, the remaining capacity was 32,808,260 cubic yards, and the facility has an estimated closure date of April 1, 2046.

Communications

Telephone and internet service is supplied to the Bakersfield metropolitan area by several companies including Verizon, AT&T, Spectrum, T-Mobile, and Frontier. Cable television and internet service is provided by Spectrum, Direct TV, and Dish for satellite TV. Cox Cable and Time-Warner are under the terms of city and county franchises regulating installation and service charges. The proposed Project site would likely require telephone and internet service.

Wastewater

The City of Bakersfield is served by four major wastewater treatment plants. The City operates Wastewater Treatment Plants (WWTPs) Nos. 2 and 3. WWTP No. 2 is a trickling filter facility that serves the area east of State Route (SR) 99. It has a capacity of 25 million gallons per day (mgd), with a current average daily flow of 13.7 mgd. WWTP No. 3 is an activated sludge facility that serves the area west of SR 99, including the proposed Project site. It has a capacity of 32 mgd and a current average daily flow of 17.3 mgd. In 2010, WWTP No. 3 was upgraded, expanding from 16 mgd to 32 mgd capacity. The City of Bakersfield projects that demand will increase most rapidly at WWTP No. 3

The Project site is located in the North of the River Sanitary District (NORSD) No. 1. The NORSD wastewater treatment plant (WWTP) is located near the intersection of Palm Avenue and Seventh Standard Road, approximately 15 miles west of State Route 99. The current plant has a treatment capacity of 7.5 million gallons per daily (MGD) with an average monthly flow between 5.4 and 5.9 MGD. According to the March 2023 North of River Sanitary Sewer Final Master Plan (SMP), capital improvements are currently underway to expand and repair existing infrastructure. These improvements were recommended to meet anticipated future developments in the NORSD service area as projected in the 2018 SMP and to facilitate higher use of its treated effluent to offset potable water use in the area. This plan is currently being revised under a new WWTP-specific master planning effort.

Electricity and Natural Gas

Electric power supply and distribution for the entire Bakersfield area is furnished by Pacific Gas and Electric Company (PG&E). Both PG&E and Southern California Gas Company (SGC) supply the City with natural gas. The proposed Project would connect to the PG&E electrical grid for power by means of the existing power lines; additional power poles would be constructed to provide power to all parts of the Project site. Natural gas service at the Project site would likely be required during the operation phase.

On May 23, 2023, PG&E issued an informational letter to the Project applicant about service, stating that although the letter is not intended as a commitment to provide service, PG&E has facilities in the area where this Project is proposed. However, the design for electrical facilities will be determined by the PG&E engineer.

Water Supply

Bakersfield receives an average of 6.49 inches of rainfall per year. Therefore, water from sources other than direct local rainfall, including Kern River flows, groundwater, State/Federal projects, and other local sources, is crucial to this area. Kern County as a whole receives water from multiple sources. **Table 4.14-1** provides a list of the different sources that supply water to Kern County.

Table 4.16-1
Kern County Water Sources

Source	Percent Total
Kern River	20
State Water Project (California Aqueduct)	26
Federal-Central Valley Project (Friant-Kern Canal)	12
Local Streams and Other Sources (Poso Creek)	6
Groundwater	26
Total	100
Source: Water Association of Kern County 2021	

Nine water purveyors provide service to Bakersfield. The City is the current water purveyor for the Project site. The City's Ashe Water Company obtains water supplies from wells. The City also operates the 2,800 Acre Groundwater Recharge Project, which provides groundwater recharge for Kern River flows utilizing both the City's water rights and agreements with other water agencies for banking their waters in the underground aquifer.

Water delivery to the Project site would be provided through the City's Northwest Feeder Pipeline located adjacent to the Project site. Therefore, because growth in the Project area was factored into the 2020

Regional Growth Forecast from Kern COG projects through 2045, the provision of water to the Project site is not expected to result in impacts to the provision of water at the Project site.

Stormwater Drainage

Stormwater drainage policies for Bakersfield reflect the generally flat topography and limited rainfall of the area. While overall annual rainfall amounts are low, highly intense precipitation can occur in Bakersfield, leading to locally significant runoff. The county and city operate and maintain a joint storm drainage system serving metropolitan Bakersfield and a portion of the surrounding unincorporated area. This area is regulated by an NPDES permit; the City and County prepared a Storm Water Management Plan that describes the framework for managing stormwater discharges. Most stormwater in the Bakersfield area is discharged into one of approximately 322 retention basins or one of 52 direct outfalls or 10 indirect outfalls discharging to the Kern River, East Side Canal, Carrier Canal, Stine Canal, or Kern Island Canal. However, the Project site is not located within the area covered by this plan. The City of Bakersfield discourages onsite stormwater retention and accepts stormwater runoff into its system as long as adequate downstream facilities are available. In cases where onsite retention is necessary owing to a lack of offsite drainage facilities, the city attempts to locate sump pumps so that they can be incorporated into future development. According to the January 10, 2018, NORSD Master Sewer Plan Update Map, the Project site is located in an area with existing outfall sewers and the County Service Area (CSA)-71 / Oildale Division Line. CSA-71 has two agreements; one is with the City of Bakersfield and the second with North of the River Sanitation District to provide sewer services to county residents within their sphere of service influence which includes the Project site.

4.14.2 Regulatory Setting

This section summarizes the laws, regulations, and policies relevant to evaluating impacts on utilities and service systems potentially caused by the proposed Project.

Federal Regulations

Water

Federal Safe Drinking Water Act

The Safe Drinking Water Act authorizes the EPA to establish national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than 25 people. In California, the State Department of Health Services conducts most enforcement activities.

Wastewater

Clean Water Act

The Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the nation. Under the CWA, the EPA implements pollution control programs and sets wastewater standards.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established within the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

State Regulations

Water

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne) of 1969, the State Water Resources Control Board (SWRCB) has the ultimate authority over state water rights and water quality policy. Porter-Cologne also establishes nine RWQCBs to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater.

Urban Water Management Planning Act

Through the Urban Water Management Planning Act of 1983, the California Water Code requires all urban water suppliers within California to prepare and adopt a UWMP, and to update the plan every five years. This applies to all suppliers providing water to more than 3,000 customers or supplying more than 3,000 af of water annually. The Act is intended to support conservation and efficient use of urban water supplies at the local level. The Act requires that total projected water use be compared to water supply sources over the next 20 years in five-year increments, that planning occur for single- and multiple-dry water years, and that plans include a water recycling analysis that incorporates a description of the wastewater collection and treatment system within the agency's service area along with current and potential recycled water uses.

Groundwater Management Act

The Groundwater Management Act of the California Water Code (Assembly Bill [AB] 3030) provides guidance for applicable local agencies to develop voluntary Groundwater Management Plans (GMP) in State-designated groundwater basins. GMPs can allow agencies to raise revenue to pay for measures influencing the management of the basin, including extraction, recharge, conveyance, maintenance, and water quality.

Water Conservation Act of 2009 (Senate Bill x7-7 [2009])

Senate Bill x7-7 (SBx7-7) requires all water suppliers to increase water use efficiency. SBx7-7 mandates the reduction of per capita water use and agricultural water use throughout California by 20 percent by 2020. SB x7-7 continues in the form of Urban Water Management Plans (UWMP) which are required to be

prepared every five years by water suppliers to ensure that adequate water supplies are available to meet the existing and future water needs and to report targeted water reductions.

Water Conservation in Landscaping Act of 2006 (AB 1881)

AB 1881 required cities and counties (including charter cities and counties) to adopt landscape water conservation ordinances by January 31, 2010, or to adopt a different ordinance that is at least as effective in conserving water as the California Updated Model Water Efficient Landscape Ordinance that went into effect in October 2009. Until such time as the City's amendments are complete, the provisions of the California Updated Model Landscape Ordinance are in effect.

Wastewater

State Water Resources Control Board

On May 2, 2006, the SWRCB adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all public sanitary sewer collection systems in California with more than one mile of sewer pipe. The order provides a consistent statewide approach to reducing sanitary sewer overflows by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system, to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan. The General Waste Discharge Requirement also requires that storm sewer overflows be reported to the SWRCB using an online reporting system.

Sanitary District Act of 1923

The Sanitary District Act of 1923 (Health and Safety Code Section 6400, et seq.) authorizes the formation of sanitation districts and enforces the districts to construct, operate, and maintain facilities for the collection, treatment, and disposal of wastewater. The Act was amended in 1949 to allow the districts to also provide solid waste management and disposal services, including refuse transfer and resource recovery.

Solid Waste

California Integrated Waste Management Act

The California Integrated Waste Management Act of 1989 (AB 939) requires that cities and counties divert 50 percent of all solid waste from landfills as of January 1, 2000, through source reduction, recycling, and composting. AB 939 also establishes a goal for all counties to provide at least 15 years of ongoing landfill capacity. To help achieve this goal, the Act requires that each city and county prepare a Source Reduction and Recycling Element to be submitted to the Department of Resources Recycling and Recovery (CalRecycle), which administers programs formerly managed by the State's Integrated Waste Management Board and Division of Recycling. As part of California's Integrated Waste Management Board's Zero Waste Campaign, regulations affect what common household items can be placed in the trash. As of February 2006, household materials including fluorescent lamps and tubes, batteries, electronic devices, and thermostats that contain mercury are no longer permitted in household trash. In 2007, SB 1016 amended AB 939 to establish a per capita disposal measurement system. The per capita disposal measurement system is based on a jurisdiction's reported total disposal of solid waste divided by a jurisdiction's population. Each jurisdiction must submit an annual report with an update of its progress in implementing diversion programs and its current per capital disposal rate.

California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act requires areas in development projects to be set aside for collecting and loading recyclable materials. The Act required CalRecycle to develop a model ordinance for adoption by any local agency relating to adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model, or an ordinance of their own, governing adequate areas in development projects for collection and loading of recyclable materials.

CALGreen Building Code

In an effort to reduce greenhouse gas emissions and fight against climate change, the State of California Green Building Code (CALGreen) took effect in 2011. CALGreen mandates energy efficiency, water efficiency, and resource conservation measures for all newly constructed commercial and residential projects. CALGreen applies to all residential, commercial, hospital and school buildings to ensure that every new building in California is built using environmentally advanced construction practices, including construction waste diversion requirements, as follows:

- Submit a Construction Waste Management Plan prior to construction for approval by the local Building Department.
- Recycle and/or Reuse a minimum of 65 percent of construction & demolition waste.
- Recycle or Reuse 100 percent of tree stumps, rocks and associated vegetation and soils resulting from land clearing.

Local Regulations

Metropolitan Bakersfield General Plan

The following policies of the Metropolitan Bakersfield General Plan may be applicable to the proposed Project.

General Utility Service

- **Goal 1.** Maintain a coordinated planning and implementation program for the provision of public utilities to the planning area.
    - **Policy 3.** Municipal-type utility services within the city's sphere of influence (or designated urban area) should be provided.
    - **Policy 5.** Require all new development to pay its pro rata share of the cost of necessary expansion in municipal utilities, facilities, and infrastructure for which it generates demand and upon which it is dependent.

Water Distribution

- **Goal 1:** Ensure the provision of adequate water service to all developed and developing portions of the planning area**.**
    - **Policy 1:** Reach agreement regarding mutually beneficial improvements in domestic water service and distribution facilities as required to improve overall metropolitan water service capabilities.
    - **Policy 2:** Continue to provide domestic water facilities which are contributed directly by developers, through development and/or availability fees.

- **Policy 3**: Require that all new development proposals have an adequate water supply available.

Sewer Service

- **Goal 1:** Ensure the provision of adequate sewer service to serve the needs of existing and planned development in the planning area.
- **Goal 3:** Provide trunk sewer availability to and treatment/disposal capacity for all metropolitan urban areas, to enable cessation or prevention of the use of septic tanks where such usage creates potential public health hazards or may impair groundwater quality, and to assist in the consolidation of sewerage systems. Provide sewer service for urban development regardless of jurisdiction.

Storm Drainage

- **Goal 2:** Maintain a comprehensive storm drainage system which serves all urban development within the planning area.
  - **Policy 2:** The city and county should pursue individual drainage plans where they are most needed.

Solid Waste

- **Goal 1:** Ensure the provision of adequate solid waste disposal services to meet the demand for these services in the planning area.
- **Goal 2:** Evaluate, and develop as feasible, resource recovery and recycling systems.
  - **Policy 1:** Comply with, and update as required, the adopted county solid waste management plan.

4.16.3 Methodology for Analysis

Potential impacts on utilities were evaluated qualitatively by considering aspects of the proposed Project in light of the CEQA Guidelines Appendix G significance criteria (see below) and the existing regulatory and environmental settings.

4.16.4 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, to determine whether impacts to utilities and service systems are significant environmental effects, the following questions are analyzed and evaluated. Would the Project:

a) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of

local infrastructure, or otherwise impair the attainment of solid waste reduction goals;

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste

4.16.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Facilities Expansion

Threshold a):	**Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Impact Analysis

Water, storm water, and sewer lines would have to be designed to meet the City's current Subdivision & Engineering Design Policy Manual. Compliance with the Design Manual would ensure that the such facilities would not result in significant environmental effects. Future development would be consistent with uses permitted in the M-2 (General Manufacturing) Zoning District and would include water, sewer, and stormwater facilities, as well as connections to existing electricity, natural gas, and communications infrastructure in the Project site vicinity. Installation of this infrastructure may result in physical impacts to the environment. Further, the proposed Project area was factored into the 2020 Regional Growth Forecast from Kern COG projected growth through 2045 which anticipated the adequate provision of utility infrastructure for the Project area.

Water

Water delivery to the Project site would be provided through the City's Northwest Feeder Pipeline located adjacent to the Project site. Therefore, because growth in the Project area was factored into the 2020 Regional Growth Forecast from Kern COG projects through 2045, the provision of water to the Project site is not expected to result in impacts to the provision of water at the Project site. However, prior to the issuance of building permits, the City must receive evidence the development has secured the water service and will construct needed improvements in accordance with the provider's standards and other improvement practices. As a result, it has been determined that the water provider which serves or may serve the Project has adequate water to serve the Project's projected demand in addition to the provider's existing commitments.

Wastewater Treatment Facilities

The 78.94-gross acre Project site is located in the North of the River Sanitary District (NORSD) No. 1. The NORSD wastewater treatment plant (WWTP) is located near the intersection of Palm Avenue and Seventh Standard Road, approximately 15 miles west of State Route 99. The current plant has a treatment capacity of 7.5 MGD with an average monthly flow between 5.4 and 5.9 MGD. According to the March 2023 North of River Sanitary Sewer Final Master Plan (SMP), capital improvements are currently underway to expand and repair existing infrastructure. These improvements were recommended to meet anticipated future developments in the NORSD service area as projected in the 2018 SMP and to facilitate higher use of its

treated effluent to offset potable water use in the area. This plan is currently being revised under a new WWTP-specific master planning effort. The Project site's contribution to the available capacity of their respective facilities has been included in the agency's Capacity Fee and Municipal Service Review. As a result, the wastewater treatment provider which serves or may serve the project has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Stormwater Drainage Facilities

The county and city operate and maintain a joint storm drainage system serving metropolitan Bakersfield and a portion of the surrounding unincorporated area. This area is regulated by an NPDES permit; the city and county prepared a Storm Water Management Plan that describes the framework for managing stormwater discharges. Most stormwater in the Bakersfield area is discharged into one of approximately 322 retention basins or one of 52 direct outfalls or 10 indirect outfalls discharging to the Kern River, East Side Canal, Carrier Canal, Stine Canal, or Kern Island Canal. The City of Bakersfield discourages onsite stormwater retention and accepts stormwater runoff into its system as long as adequate downstream facilities are available. In cases where onsite retention is necessary owing to a lack of offsite drainage facilities, the city attempts to locate sump pumps so that they can be incorporated into future development. The Project site is not located within the area covered by this plan. The Project site, however, falls within the North of the River Sanitary District, and is a permitted use within the zone designation. The Project site's contribution to the available capacity of their respective facilities has been included in the agency's Capacity Fee and Municipal Service Review.

(Dry Utilities) Electric Power, Natural Gas, or Telecommunications Facilities

Electrical, natural gas, and telecommunications infrastructure would be placed by the individual serving utilities; these entities already have in place safety and siting protocols to ensure that placement of new utilities to serve new construction would not have a significant effect on the environment.

Sufficient Water

Threshold b):	**Would the Project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?**

Impact Analysis

Water Service and Facilities

The City of Bakersfield, with the assistance of California Water Service (Cal Water) maintains and upgrades its facilities to ensure a reliable, high-quality supply. The city meets their customers' needs using a combination of local groundwater produced by 51 active wells (treated where necessary to improve taste and odor), surface water from the Kern River (treated with highly advanced membrane filtration), and treated water purchased from the Kern County Water Agency.

According to Kern County's Improvement District No. 4 (ID4) Urban Water Management Plan 2020 Update, The City of Bakersfield is the water purveyor to the Project site. The city water system is municipally owned, acquired in 1976, but operated by Cal Water. ID4 anticipates that it will continue supplying a supplemental water supply to the metropolitan Bakersfield area through 2045 and does not foresee changes to ID4 boundaries. Water delivery to the Project site would be provided through the

city's Northwest Feeder Pipeline located adjacent to the Project site, however, the proposed Project would require construction of new, on-site water distribution lines to serve the proposed uses.

Construction activities would result in a temporary increase in water demand. Water use would be associated with earthwork and soil compaction, dust control, mixing and placement of concrete, equipment and site cleanup, irrigation for plant and landscaping establishment, water line testing and flushing, and other related short-term activities. The amount of water used during construction would vary depending on weather, soil conditions, the size of the area under construction, and the specific activities being performed. These activities would occur intermittently throughout the construction period and would be temporary in nature. Construction water would usually be trucked in. This short-term and intermittent water use during construction is not expected to be substantial when compared to operational water demands.

During operation of the proposed Project, water demand associated with manufacturing and warehouse consumption would be expected to increase at the site. Although no construction is currently being proposed, the proposed Project would develop 1,197,643 square feet (sq. ft.) of building space on the site consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces. According to the 2012 Commercial Buildings Energy Consumption Survey (CBECS), manufacturing buildings consume about 18.0 gallons of water per sq. ft per year while warehouse and storage buildings use about 3.4 gallons of water per square foot per year. Therefore, considering 40 percent (479,057 sq. ft) of manufacturing uses and 60 percent (781,585 sq. ft) of warehouse uses would consume a combined total of 11,280,415 gallons of water per year.

Because growth in the Project area was factored into the 2020 Regional Growth Forecast from Kern COG projects through 2045, the provision of water to the Project site is not expected to result in impacts to the provision of water at the Project site. However, prior to the issuance of building permits, the city must receive evidence that the development has secured the water service and will construct needed improvements in accordance with the provider's standards and other improvement practices. Additionally, the City Water Resources Department has conditioned this facility to submit engineering plans for any required facilities for their review. Therefore, the Project has sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Wastewater Capacity

Threshold c): Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

Impact Analysis

The Project site is located in the North of the River Sanitary District (NORSD) No. 1. The NORSD wastewater treatment plant (WWTP) is located near the intersection of Palm Avenue and Seventh Standard Road, approximately 15 miles west of State Route 99. According to NORSD, the current plant has a treatment capacity of 7.5 million gallons per day (MGD) with an average monthly flow between 5.4 and 5.9 MGD. The March 2023 North of River Sanitary Sewer Final Master Plan, capital improvements are currently underway to expand and repair existing infrastructure. These improvements were recommended to meet anticipated future developments in the NORSD service area as projected in the 2018 SMP and to facilitate higher use of its treated effluent to offset potable water use in the area. This plan is currently being revised under a new WWTP-specific master planning effort.

According to the 2012 Los Angeles Bureau of Engineering Sewage Generation Factor Chart, manufacturing or industrial facilities typically generate about 50 gallons of wastewater per day for every 1,000 sq, ft. of building space while warehouses typically generate 30 gallons of wastewater for every 1,000 sq. ft. of building space. Based on a daily wastewater generation factor of 50 gallons per 1,000 sq. ft. for manufacturing uses and 30 gallons per 1,000 sq. ft. of wastewater generated by warehouses, long-term operation of the 1,197,643 sq. ft. industrial/warehouse buildings would generate approximately 95,810 gallons of wastewater per day ([1,197,643 ÷1,000=1,197.6 × 30=35,928 gallons) (1,197,643 ÷1,000=1,197.6 × 50=59,882 gallons).

Additionally, the Project site's contribution to the available capacity of their respective facilities has been included in the agency's Capacity Fee and Municipal Service Review. As a result, it has been determined that the wastewater treatment provider which serves or may serve the Project has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, due to Projects wastewater generation rate of 95,810 gallons per day which is considerably below the wastewater facilities daily capacity of 7.5 MGD, potential impacts associated with wastewater treatments facilities having adequate capacity to accommodate the Project would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Solid Waste

Threshold d): Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Impact Analysis

The proposed Project would be required to comply with mandatory waste reduction requirements of the California Integrated Waste Management Act (AB 939), the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code Section 42911), California's Green Building Standards Code (CALGreen), and the Chapter 8.32, Refuse, Solid Waste, and Recycling, of the City of Bakersfield Municipal Code. Notwithstanding, construction and operation of the Project would result in the generation of solid waste requiring disposal at a landfill.

The Project site is currently vacant and therefore, no solid waste is currently being generated at the site. Once development occurs on the Project site, an increase in waste stream to landfills would occur. The City of Bakersfield Public Works Department Solid Waste Division would provide solid waste disposal services to the Project site. This Division also operates a recycling program. It is possible that the Project site could be served by the Bakersfield Metropolitan (Bena) Sanitary Landfill, which is operated by the Kern County Public Works Department. The Bena Sanitary Landfill is located at 2951 Neumarkel Road in Bakersfield, California. According to CalRecycle, the Bena Sanitary landfill has a remaining capacity of 32,808,260 cubic yards of capacity and is not expected to cease operations until April 1, 2046. The landfill also has a daily capacity of 4,500 tons per day (tpd). Additionally, in accordance with city standards which are designed to achieve State waste stream reduction and recycling goals, the Solid Waste Division of Public Works examined the facility and conditioned the proposal to incorporate appropriate on-site trash facilities, subject to city approval.

Construction

Although no construction is proposed at this time, construction associated with the proposed development would result in solid wastes associated primarily with grading and grubbing activities, the removal of organic and other materials potentially detrimental to soil compaction, and exported soils needed to balance the Project site. There would be no demolition of structures and minimal construction demolition debris. Additionally, construction activities, including those generated by construction employees, of the new manufacturing and warehouse facilities would result in the generation of construction waste.

CALGreen requires builders/owners to divert 65 percent of construction waste from landfills (by recycling, reusing, and other waste reduction strategies), consistent with the State's solid waste reduction goals. The Project also would be subject to compliance with applicable construction-related provisions of Chapter 8.32, Refuse, Solid Waste, and Recycling, of the City's Municipal Code. As such, the Project would not generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals, and impacts would be less than significant.

Operation

According to CalRecycle, manufacturing/warehouse buildings generate approximately 1.42 pounds (lbs.)

of solid water for every one-hundred square feet (sq. ft.), per day. Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet for the manufacturing/warehouse buildings, long-term operation of the industrial/warehouse uses would generate approximately 17,000 pounds of solid waste per day ([1,197,643÷.100= 11,976.4 x 1.42 lbs.]). At least 50 percent of all solid waste would be required to be recycled pursuant to AB 939, consistent with the State's solid waste reduction goals; therefore, Project operation would generate approximately 8,500 pounds per day of solid waste requiring disposal at a landfill.

As such, because the Bakersfield Metropolitan (Bena) Landfill would have adequate capacity to handle the 8,500 pounds of solid waste generated by the Project's operational phase, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Landfill

Threshold e):	**Would the Project fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Impact Analysis

The Project and each individual structure on any of the proposed two parcels would be required to comply with all city, state, and federal requirements for integrated waste management (recycling) and disposal of solid waste including the California Integrated Waste Management Act (AB 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. The bill also established a 50 percent waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. In addition, CALGreen requires builders/owners to divert 65 percent of construction waste from landfills (by recycling, reusing, and other waste reduction strategies).

Future developer(s)/tenants would be required to work with refuse haulers to develop and implement feasible waste reduction programs that would include source reduction, recycling, and composting. In addition, the California Solid Waste Reuse and Recycling Act of 1991 (California Public Resources Code Section 42911) requires Project developers to provide adequate areas for collection and loading of recyclable materials where solid waste is collected. The collection areas are required to be depicted on construction drawings and to be operational before occupancy permits are issued. Implementation of these programs would reduce the amount of solid waste generated and diverted to landfills. This in turn will aid the extension of landfill operations. Development(s) on the Project site would be subject to all Federal, State, and City statutes and regulations pertaining to solid waste. Thereby, the resultant level of impact would be less than significant.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

Cumulative

Cumulative Threshold	Would the Project contribute to cumulative utilities and service system impacts in the area?

Impact Analysis

Implementation of the Project could potentially result in cumulative impacts associated with utilities and service systems when combined with other past, present, and reasonably foreseeable future projects in the broader project area.

All projects in the area would be subject to state and local water quality regulations, whose robustness is sufficient to ensure that the combined water quality solid waste and wastewater effects of each project would not be cumulatively considerable. With respect to construction operations, both projects would comply with the State's NPDES Construction General Permit, requiring implementation of a stormwater pollution prevention plan during construction activities. During operation, neither project would directly discharge stormwater into receiving waters, rather, on-site runoff would be treated in bio-retention basins prior to entering the downstream system.

Considering the above, the proposed projects, individually or considered together, would not result in a significant incremental contribution to a cumulative degradation of water quality. Therefore, the incremental contribution of both projects to the significant cumulative impact would be less than cumulatively considerable.

Level of Significance Before Mitigation

Less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Less than significant.

SECTION 5.0: OTHER CEQA CONSIDERATIONS

5.1 Growth Inducing Impacts

In accordance with CEQA Guidelines Section 15126.2(d), an EIR must evaluate the growth- inducing impacts of a project. Section 15126.2(d) states the following:

> *Discuss the way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

Growth-inducing impacts can occur when implementation of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional development in the project area. Also included in this category are projects that would remove physical obstacles to population growth, such as the construction of a new roadway into an undeveloped area or a wastewater treatment plant with excess capacity to serve additional new development. Construction of these types of infrastructure projects cannot be considered isolated from the immediate development that they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in the area (such as a new residential community that requires additional commercial uses to support residents). The growth-inducing potential of a project can also be considered significant if it fosters growth in excess of what is assumed in the local master plans and land use plans, or in projections made by regional planning agencies.

Growth-inducing impacts can also occur when implementation of a project includes infrastructure improvements that would remove physical obstacles to population growth. Projects that physically remove obstacles to growth, or projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in the area.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of significance to the environment. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as the Kern County Association of Governments (Kern COG). Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

According to the growth trends included in Kern COGs RTP/SCS, Metropolitan Bakersfield's population is projected to grow by 6,643 residents between 2020 and 2046 (approximately 1.0% annual growth). Over this same time period, employment in Metropolitan Bakersfield is expected to add 1,077 new jobs (approximately 0.5% annual job growth (Kern COG, 2022, Table 3-2).

Although no construction is currently being proposed by this Project, economic growth is likely to take place as a result of the Project's operation because the currently vacant 78.94 gross acre site would be developed with 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses on 39 separate lots/parcels with required parking spaces to be determined upon the future uses specific to each building.

The purpose of the proposed Project is to develop the site at a lesser intensity to be consistent with the surrounding land uses; to provide economic development opportunities that will facilitate job creation and increase the tax base for the City of Bakersfield and to provide employment for Bakersfield residents by attracting employment-generating businesses to the City to reduce the need for members of the local workforce to commute outside of the area for employment, thereby, providing an employment/housing balance in the City. Therefore, the Project site would not induce substantial growth in the area.

The area immediately surrounding the Project site contains a variety of uses, including vacant parcels, and parcels developed with commercial, industrial, and school uses. Development of the Project site is not expected to place short-term development pressure on abutting properties because these areas are already built out or are planned for future development, which has no reasonable possibility of being accelerated by the introduction of the proposed industrial park. Furthermore, the proposed Project's improvements to the public infrastructure, including roads, drainage infrastructure, and other utility improvements are consistent with the City's General Plan and would not indirectly induce substantial and unplanned population growth in the local area. Based on the foregoing analysis, the Project would not result in substantial, adverse growth-inducing impacts.

5.2 Significant Irreversible Environmental Changes

The CEQA Guidelines require that an EIR address any significant irreversible environmental changes that would be caused by implementation of a project. According to CEQA Guidelines Section 15126.2(c) states the following:

> *Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified.*

Generally, a project would result in significant irreversible environmental changes if:

- ***Change in Land Use that Commits Future Generations to Similar Uses-*** The proposed Project would not result in land use changes that will commit future generations to uses that

are not already prevalent either on the present Project site or throughout the mostly urbanized Project area.

- ***Irreversible Damage from Environmental Accidents-*** Potential environmental accidents of concern include those events that would adversely affect the environment or public because of the nature or quantity of materials released and the receptors exposed to that release.
- ***Large Commitment of Nonrenewable Resources***- Consumption of nonrenewable resources includes issues related to increased energy consumption, conservation of agricultural lands, and lost access to mining reserves. There would be an irretrievable commitment of labor, capital, and materials used during construction and operation of the Project. Nonrenewable resources would be committed, primarily in the form of fossil fuels such as fuel, oil, natural gas, and gasoline used by equipment associated with construction of the Project. The consumption of other non-renewable or slow renewable resources would also occur. These resources would include lumber and other forest products, sand and gravel, asphalt, and metals such as steel, copper, and lead.

Therefore, Project implementation would result in irreversible loss of renewable resources which may include commitment of labor, capital, and materials used during construction and operation of the Project.

5.3 Effects Found Not to be Significant During the EIR Scoping Process

CEQA Guidelines Section 15128 requires that an EIR "contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." The Project's Initial Study and the Notice of Preparation for this EIR, both of which are included in Technical Appendix A to this EIR, determined that implementation of the Project as an industrial park would have no potential to result in significant impacts under 20 environmental issue areas; however, of those issue areas, there were three issue areas that did not warrant a detailed evaluation in this EIR. They include the following: agriculture and forestry resources, mineral resources, and wildfire. A brief analysis of the Project's issue areas not analyzed in this EIR is presented below.

5.3.1 AGRICULTURAL AND FORESTRY RESOURCES

Threshold a):	**Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?**

The City of Bakersfield does not designate the Project site as Agricultural, nor does the Farmland Mapping and Monitoring Program. The Project site is not located on land defined as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). Therefore, Project development does not have the potential to convert Farmland directly or indirectly to non- agricultural use. No impact would occur from Project development and no further analysis is required.

Threshold b):	**Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

According to the California Department of Conservation, the Project site is not located on land that is under a Williamson Act contract. The Project thereby does not have any potential to conflict with existing zoning for agricultural use, or a Williamson Act contract because the site is currently zoned M-3 for industrial, not agricultural, uses. No impact will result from Project development and no further analysis is required.

Threshold c):	**Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

The Project site is not located on land the City of Bakersfield designates as forest lands, timberlands, or Timber Production. Thereby, Project development would not result in any conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526, or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). Thus, Project development would result in no impact and no further analysis is required.

Threshold d):	**Would the Project result in the loss of forest land or conversion of forest land to non-forest use?**

The Project site is not located on, or near, forest land. Therefore, Project development would not result in loss of any forest land nor would convert forest land to non-forest use. No impact would occur, and no further analysis is required.

Threshold e):	**Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

The Project site is not located on, or near, land designated Farmland or forest land. Project development thereby will have no impact on the conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use. No further analysis is required.

5.3.2 MINERAL RESOURCES

Threshold a):	**Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

The City of Bakersfield and its vicinity are major oil producing areas. The site consists of eleven oil wells including five wells that are plugged and abandoned, three active wells, and three idle wells. Based on Krazan's assessment and review of the California Geologic Energy Management Division (CalGEM) online mapping system (WellSTAR Wellfinder), access to the wells will be required. Per CalGEM requirements, oil, and gas well owners/operators shall continue to provide access to drill islands to any active or future wells located on the Project site. No structures shall be constructed within 10-feet of an oil well on two

adjacent sides and the third side of a well shall be no closer than 50-feet from buildings; the fourth side must remain open to allow for access of an abandonment rig in the event that the well requires abandonment or re-abandonment in the future.

Threshold b):	**Would the Project result in the loss of locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

The Project site consists of vacant parcels on which there are eleven oil wells. Five wells are plugged and abandoned, three oil wells are active, and three wells are idle. Oil is a locally important mineral resource delineated in the Metropolitan Bakersfield General Plan which will not lose availability as the owner has reserved four drill islands on-site to continue exploration and extraction of minerals. Therefore, no impact would occur from Project development or Project operation. No further analysis is required.

5.3.3 WILDFIRE

Threshold a):	**Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?**

The 78.94-gross acre Project site is not located within a State Responsibility Area (SRA), or land classified as a Very High Fire Hazard Severity Zone. SRAs are recognized by the Board of Forestry and Fire Protection as areas where Cal Fire is the primary emergency response agency responsible for fire suppression and prevention. Project development and operation will not be expected to physically impede existing emergency response plans, emergency vehicle access, or personnel access to the Project site. The Kern County and City of Bakersfield Fire Departments would continue to provide fire protection and emergency services to the Project site. Therefore, no impacts to adopted emergency response plans or emergency evacuation plans would occur as a result of Project development or operation. No impact would result.

Threshold b):	**Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

The generally flat nature of the Project site and the fact that the Project site is not located in, or near, SRA or lands classified as Very High Fire Hazard Severity Zones likely ensure that future tenants of the Project site would not be exposed to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. Thereby, the future Project development and Project operation have no potential to exacerbate wildfire risks and expose persons to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts would result from Project development or operation. No further analysis would be required.

Threshold c):	**Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

The Project site is not located in or near SRA areas or lands classified as Very High Fire Hazard Severity Zones. Project development and operation will be required to comply with standard building construction

regulations that include installation of fire sprinklers, provision of fire hydrants, and use of irrigated landscaping. It is not anticipated that any Project development on the Project site will include any fire protection infrastructure that could result in temporary or ongoing impacts to the environment. Therefore, Project-generated impacts would be less than significant.

Threshold d): Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post- fire slope instability, or drainage changes?

The Project site is not located in or near SRA or lands classified as Very High Fire Hazard Severity Zones. The Project site topography is generally flat. There are no large slopes in the Project site vicinity that could be subject to landslide hazards as a result of post-fire slope instability. No impact would result, and no further analysis would be required.

SECTION 6.0: ALTERNATIVES TO THE PROPOSED PROJECT

6.1 Introduction

Section 15126.6(a) of the CEQA Guidelines requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The CEQA Guidelines provides guidance regarding what the alternatives analysis should consider, with Section 15126.6(b) of the CEQA Guidelines stating the purpose of the alternatives analysis, as follows:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (PRC Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.

Section 15126.6(d)(e) of the CEQA Guidelines further requires that the alternatives be compared to the project's environmental impacts and that the "no project" alternative be considered. Additionally, an EIR need not consider every conceivable alternative to a project, nor is it required to consider alternatives that are infeasible. In defining "feasibility" (e.g.," … feasibly attain most of the basic objectives of the project…"), CEQA Guidelines Section 15126.6(f)(1) states, in part:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as discussed above, an EIR must contain a discussion of "potentially feasible" alternatives, the ultimate determination whether an alternative is feasible or infeasible is made by the lead agency's decision-making body (PRC Section 21081[a] [3]).

6.2 Project Objectives

As addressed in Section 2 of this Draft EIR, the City of Bakersfield has identified the following objectives for the proposed Project:

- To facilitate the development of the Project site which will allow the Project site to be developed at a lesser intensity to be consistent with the surrounding land uses.
- To provide economic development opportunities that will facilitate job creation and increase the tax base for the City of Bakersfield by establishing a new Service Industrial (SI) land use consisting of 40 percent manufacturing and 60 percent warehousing facilities adjacent to, or near the State highway system.
- To provide employment for Bakersfield residents by attracting employment-generating businesses to the City of Bakersfield to reduce the need for members of the local workforce to commute outside of the area for employment, thereby providing an employment/housing balance in the City.

6.3 Project Environmental Impacts

Potentially Significant Impacts

No potentially significant environmental impacts were identified.

Significant and Unavoidable Impacts

This Draft EIR has identified that with the incorporation of mitigation, all potential individual and cumulative environmental impacts can be reduced to levels of either less than significant or no impact, and that no significant and unavoidable impacts would occur as a result of the Project.

6.4 Alternatives Considered and Rejected from Further Consideration

The following is a discussion of the land use alternatives considered for inclusion in this section and the reasons why they were not selected for detailed analysis in this EIR.

Alternate Site Alternative

CEQA requires that discussion of alternatives focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project. The key question and first step in the analysis is whether any significant effects of Project development or operation would be avoided or substantially lessened by developing the Project in another location. Only locations that would avoid or substantially lessen any significant effects of the Project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126[5][B][1]). The Applicant does not own any other properties to accommodate the proposed Project. Therefore, an alternative site location is not available; that is, no alternative feasible sites were identified. Other strategic areas include parcels that are largely privately owned and would require extensive coordination with private property owners of these areas to acquire a site similar in size as the Project site that could accommodate the Project implementation. Since the acquisition of an alternative site is speculative the alternate areas were dismissed as possible alternative sites. Finally, the Project Applicant does not have ownership or control of any other suitable sites in the City, or the foreseeable ability to acquire an alternative site within a reasonable timeframe. Therefore, the flexibility to develop a similar project on the same or similar scale at another location that would achieve most of the basic Project Objectives is not feasible. Therefore, alternative sites were rejected for further consideration.

6.5 Alternatives Considered and Further Analyzed

CEQA Guidelines Section 15126 requires an EIR to identify and discuss a "no project" alternative, as well as a reasonable range of alternatives to the proposed Project that would feasibly attain most of the basic objectives of the Project and would avoid or substantially lessen any of the significant environmental impacts. Alternatives to the Project considered for further analysis include the following:

- Alternative 1-No Project Alternative (NPA)
- Alternative 2-100 Percent Manufacturing Only Alternative (MOA)
- Alternative 3-100 Percent Warehouse Only Alternative (WOA)

The following analysis provides a relative comparison between the proposed Project and the individual project alternatives. The analysis only considers the issue areas analyzed in Section 3 of this Draft EIR. In several cases, different scenarios may share the same level of significance descriptions (i.e., both scenarios would result in a "less than significant" impact). However, although they might share the same level of significance under CEQA, the actual degree of impact may be slightly different for each scenario, and this relative difference is the basis for a conclusion of greater or lesser impacts.

An "environmentally superior" alternative is identified among the project alternatives analyzed below. A Project alternative would be environmentally superior to the Project if it would result in fewer or less significant environmental impacts while achieving most of the project objectives. CEQA Guidelines further provide that the environmentally superior alternative may be further restricted by financial, social, economic, or other considerations.

6.5.1 40 Percent- Manufacturing/60 Percent Warehouse. (Proposed Project)

The proposed Project includes a General Plan Amendment that would change the land use designation on the Project site from HI (Heavy Industrial) to SI (Service Industrial) as well as a proposed Zone Change would change the zone classification on the Project site from M-3 (Heavy Industrial) to M-2 (General Manufacturing). This Project is intended to create consistency with Vesting Tentative Parcel Map (VTPM) No. 12314. VTPM No. 12314 is only tentative and has not been recorded.

Additionally, the proposed Project would consist of 39 buildings and could provide up to 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing uses and 60 percent warehouse uses with required parking spaces to be determined upon the future uses specific to each building. Typical building placement on individual lots would have minimum front yard structural setbacks of 10 feet, minimum side structural setbacks of 10 feet on corner lots, and no additional side or rear setbacks in compliance with the M-2 zone district. Internal roads and driveways would be included as part of the Project. The following sections include discussions on each alternative and how each alternative compares to the proposed Project.

6.5.2 Alternative 1-No Project Alternative (NPA)

Under the No Project Alternative (NPA) Alternative 1, development of the Project would not occur. The Project site would remain unchanged, no construction, maintenance, reuse, or redevelopment activities would occur. Under the NPA, no General Plan Amendment or Zone Change would be implemented to provide for less intensive industrial uses than would be allowed under existing HI (Heavy Industrial) land use or M-3 (Heavy Industrial) zoning and no development would occur on the Project site. That is, the

Project site would remain vacant and will continue to contain oil wells as indicated in the Project Description in this document. No development would occur under the NPA, and the existing uses on the Project site would continue as in current conditions. No changes to the Project site would take place. The allowable heavy industrial uses for the project site are shown on **Table 6.1-1** below.

Alternative Impact Analysis

Project site conditions would remain the same as under the existing conditions, with many potential environmental impacts being reduced compared with project conditions.

Aesthetics

Under the NPA, no structural or any other visual changes to the existing Project site would occur. There would be no changes to the physical environment as it relates to aesthetic resources, including light and glare, and no impacts would occur.

Air Quality

No construction would occur under the NPA; therefore, no construction-related air quality impacts would occur. The NPA would not add new vehicle trips or related emissions, and current oil well uses on the Project site would remain unchanged. No Project operation-related air quality impacts would occur under the NPA. The NPA would have no impact with respect to conflict with the applicable San Joaquin Valley Air Quality Management District (SJVAQMD) Air Quality Management Plan (AQMP), cumulatively considerable net increase of criteria pollutants, generation of substantial pollutant concentrations, or generation of other emissions that would adversely affect a substantial number of people.

Biological Resources

No grading or building, parking lot, or infrastructure construction would occur under the NPA. The Project site, including the on-site oil wells, would continue to operate as it currently does. The NPA would have no impacts on biological resources, including impacts to sensitive species or habitat, state or federally protected wetlands, wildlife movement, local plans, and policies, and impacts to nesting birds.

Cultural Resources

The NPA would not require ground-disturbing activities or any building and infrastructure construction and would have no direct or indirect impacts to the existing oil wells on the Project site. The NPA would have fewer impacts than the proposed Project's less-than-significant impacts with mitigation implementation pertaining to cultural resources. In addition, the NPA would have no impacts to archaeological resources or human remains and impacts of this alternative would be less than the proposed Project's impacts of less-than-significant with mitigation for these topics. Therefore, mitigation measures would not be unnecessary.

Energy

Under the NPA, there would be no impact to construction-related energy consumption under the NPA because site improvements, including construction of new buildings, would not occur. Construction and operational impacts pertaining to energy would be less than the proposed Project's potentially significant impacts. There would be no new demand for electricity, natural gas, or fuel. The NPA would have no impact with respect to conflict with or obstruct a State or local plan for renewable energy or energy

efficiency. Thus, impacts to energy from the NPA would be less than the Project's potentially significant impact level.

Geology and Soils

No new development activities (i.e., grading, building construction, infrastructure improvements) would occur under the NPA. Therefore, no impacts to soil erosion and loss of topsoil, landslide, lateral spreading, and paleontological resources would occur under the NPA. The current status of the Project site would remain vacant with some oil wells present. Mitigation measures would not be unnecessary. Impacts of the NPA pertaining to geology and soils would be less significant than the same category of impacts of the proposed Project.

Greenhouse Gas Emissions

No new development activities (i.e., grading, building construction, infrastructure improvements) on the Project site would occur under the NPA. Therefore, no Project development (grading; building construction; infrastructure construction) would occur under the NPA. Mitigation measures would not be necessary. As with the proposed Project, the NPA would not conflict with any applicable plans or policies. Overall, the NPA would avoid the potentially significant/significant and unavoidable GHG emissions impacts of the project and impacts under this alternative would be less than those of the project.

Hazards and Hazardous Materials

Because no development would occur under the NPA, there would be no construction impacts related to hazards or hazardous materials, and impacts would be less than the less-than- significant impacts of the proposed Project. This alternative would not change the oil well uses or otherwise vacant condition of the Project site and therefore would not introduce new hazardous materials, such as those used for cleaning and maintenance purposes (e.g., paints, household cleaners, fertilizers, and pesticides) or those used in manufacturing activities that would occur as a result of the proposed Project operation. Mitigation measures would not be necessary. Therefore, this alternative would have no impact from hazardous materials during construction and operation and impacts would be less than the less-than-significant impact of the proposed Project.

Similar to the proposed project, the NPA would not expose people or structures to significant risk of loss, injury, or death involving wildland fires and would have no impact with respect to this topic, similar to the proposed Project. This alternative would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan since this alternative results in no changes to existing conditions, which would result in no impact, which would be similar to the proposed Project's level of impact with respect to this topic.

Hydrology and Water Quality

Under the NPA, water quality conditions, groundwater supplies, drainage patterns, and surface water runoff would remain the same as existing conditions, because no construction or new development would occur. This alternative would not introduce new sources of water pollutants from the Project development or operation, and no impact would occur during construction, which would be less than the proposed Project's less-than-significant impact during construction. This alternative would continue to operate the Project site consistent with existing conditions. This NPA would maintain the project site's existing

pervious and impervious surfaces and the runoff from the Project site would continue to drain into the existing storm drain inlets. Mitigation measures would not be necessary. Therefore, this alternative would have no operational impacts with respect to these topics, which would be less than the less-than-significant impacts of the proposed Project.

Similarly to the proposed Project, the NPA would not result in release of pollutants due to Project inundation from flooding, tsunami, or seiches and would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan; however because this alternative would make no changes to the Project site or its operation it would have no impact with respect to these topics, and impacts would be less than the less-than-significant impacts of the proposed Project. Overall, because this alternative would not involve any changes to the Project site, it would have no impact with respect to hydrology and water quality, which would be less than the less-than-significant impacts of the proposed Project.

Land Use and Planning

No development or change of use or operation would occur under the NPA, and existing improvements and uses onsite would remain. The NPA would not physically divide an established community. The Project site would continue to operate with existing oil well uses and would not operate as a developed industrial park. Therefore, the NPA would not conflict with any applicable plans. Overall, because no changes would occur with respect to land use and planning, this alternative would have no impact, and the NPA impacts would be less than the less-than-significant impacts of the proposed Project.

Mineral Resources

The NPA would not result in any grading, construction, or infrastructure activities occurring on the Project site. Oil well activities would continue in their current locations on the Project site. No reduction in oil production would occur. Mitigation measures would not be necessary. As a result, impacts on mineral resources that would occur under the NPA would be less than significant and less than the respective impacts that would result from full implementation of the proposed Project.

Noise

Because there would be no construction under the NPA, no construction noise or vibration impacts would occur, and Mitigation measures would not be necessary. Therefore, impacts would be less than the less-than-significant. Construction impacts to off-site sensitive receptors and vibration associated with the Project would not occur. Under this alternative, the Project site would continue to operate with its current uses, and operational noise would not increase because no residential or commercial uses would occur. Thus, there would be no operational noise impacts under the NPA, and impacts would be less than the less-than-significant impacts of the proposed Project. Overall, the NPA would result in less noise impact than the proposed Project.

Population and Housing

The NPA would not introduce any housing or residents; therefore, the NPA would not directly or indirectly induce population growth. There would be no population growth impacts, which would be identical to, or less than, the proposed Project's less-than-significant impact. The proposed Project site does not contain any dwelling units, and as such the NPA would not displace any existing people or housing and would

have no impact with respect to housing displacement, similar to the proposed Project.

Public Services

Under the NPA, the Project site would remain in its existing condition and current uses onsite would remain unchanged. There would be no increase in residents or employees with the NPA because no development or change of use would occur. Therefore, there would be no increase in demand for fire, police, school, library, or park services, and the NPA would have no impact with respect to public services, which would be less than the less-than-significant impacts of the proposed Project.

Recreation

Under the NPA, the Project site would remain in its existing condition and maintain its current uses. The oil wells would continue to operate. The NPA would not add residential or commercial uses to the Project site. Therefore, there would be no associated increase in demand and use of recreational facilities surrounding the Project site. Therefore, the NPA would have no impact on recreation, which would be less than the less-than-significant impacts of the proposed Project.

Transportation

The NPA would not construct new parking lots, driveways, or other vehicular infrastructure. There would be no construction under the NPA, and therefore there would be no impacts to construction-related traffic. Because the NPA would not add additional residents, employees, and customers, there would be no new vehicle miles traveled (VMT) under this alternative and there would be no impact related to traffic. This impact would be less than the VMT impact of the proposed Project. Mitigation measures would not be necessary. Since no development would occur under the NPA, it would result in no impact related to hazards due to a geometric design feature or incompatible uses and with respect to emergency access, which would be less than the proposed Project's less-than-significant level of impacts.

Tribal Cultural Resources

Under the NPA, there would be no ground-disturbing activities that could impact any tribal cultural resources that may be buried in site soils. Mitigation measures would not be necessary. Therefore, the NPA would have no impact on tribal cultural resources, which would be less than the potentially significant impacts of the proposed Project.

Utilities and Service Systems

The NPA would not require on-site improvements to provide water, wastewater, stormwater drainage, and dry utilities to the Project site. Impacts associated with the construction of these facilities are inherent to the construction phases and would be less than significant under the proposed Project and NPA, and the level of impact would be similar. With respect to solid waste generation, water supply and wastewater generation, the proposed Project would result in greater generation of solid waste and greater demand for water and for wastewater treatment capacity when compared to the NPA, this is due to the manufacturing activities which generally tend to create more solid waste and wastewater and a require a greater demand for water. The proposed Project would be required to comply with all applicable federal, state, and local management and reduction statutes and regulations related to solid waste; thus, impacts would be less than significant under the proposed Project and no impacts would result from the NPA.

Wildfire

The Project site is located within a completely urbanized area. Therefore, the likelihood of wildfires is minimal. The NPA would have an identical level of impact as the proposed Project; that is, no impact would result from implementation of the NPA.

Conclusion

Ability to Reduce Impacts

The NPA considers development of the Project site in accordance with the site's existing land use designation of "HI (Heavy Industrial)" and the site's existing zoning classification of M-3 (Heavy Industrial)." Should future development occur at the site, under existing conditions, environmental impacts could result in greater magnitudes due to the existing designation and zone. Therefore, when compared to the proposed Project which proposes a general plan amendment and zone change allowing for less intensive land uses of SI (Service Industrial) and M-2 (General Manufacturing) resulting in a less intense use of the site, the NPA would not be able to reduce the intensity of impacts when compared to the proposed Project**.**

Ability to Meet Objectives

The NPA would not meet any of the Project's objective to develop the site with less intense uses adjacent to Route 99; to provide economic development, facilitate job creation, and increase the tax base for the City of Bakersfield by establishing new service industrial and manufacturing development adjacent to or near the State highway system; and to attract employment- generating businesses to the City of Bakersfield to reduce the need for members of the local workforce to commute outside the area for employment.

Table 6.1-1
Heavy Industrial Uses

Acetylene gas manufacture and storage	Acid manufacture	Alcohol and alcoholic beverage manufacturing and distillation	Beef, swine, poultry, or rabbit slaughter
Blast furnaces	Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least 97% of all particulate matter from kiln gases	Chemical manufacture	Clay product manufacture
Coke ovens	Cotton gins or oil mills	Creosote treatment or manufacture	Curing, tanning, and storage of raw hide or skins
Disinfectant manufacture	Distillation of coal, wood, bones, or tar	Drop forge industries manufacturing forgings with power hammers	Explosives, manufacture, or storage
Exterminator or insect poison manufacture	Exterminator or insect poison manufacture	Fat rendering	Feed and fuel yards

Fertilizer manufacture	Forge plants	Gelatin or size manufacture	Glass or glass product manufacture
Glucose or dextrin manufacture	Glue manufacture	Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting	Nonmineral oil extracting plants
Ore reduction	Paint, oil, shellac turpentine or varnish manufacture	Paper or pulp manufacture	Petroleum refining, reclaiming plants, and associated uses
Rolling mills	Rubber processing and manufacture	Sawmills	Smelting of tin, copper, zinc, or iron ores
Scrap metal yards, junkyards	Tar roofing or waterproofing or other tar products manufacture	Accessory buildings or structures necessary to such use located on the same lot or parcel of land	Dwelling for use by a caretaker or night security, or as accessory and incidental to the permitted use on the parcel
Coal-fired cogeneration facility or steam generators*	Community septic disposal systems*	Electrical power generator plants*	Hazardous waste disposal facilities*
Mining and mineral extraction*	Non-hazardous oily waste disposal facilities*	Sanitary landfills*	Septage disposal sites*
Sewage treatment plants*	Transfer station*	Waste-to-energy facilities.*	Uses allowed with approved Conditional Use Permit

6.5.3 Alternative 2-100 Percent Manufacturing Only Alternative (MOA)

Under the 100 Percent Manufacturing Only Alternative (MOA), the proposed Project would be developed at a lesser intensity. The proposed General Plan Amendment No. 22-0263 (GPA/ZC No. 22-0263) would change the existing land use designation from HI (Heavy Industrial) to a lesser intensity of SI (Service Industrial) and the zoning classification would be changed from M-3 (Heavy Industrial) to a lesser intensity of M-2 (General Manufacturing). Vesting Tentative Parcel Map (VTPM) No. 12314 would be filed to create consistency with the vesting parcel map. VTPM No. 12314.

Under the MOA, the Project site would not be developed with 40 percent manufacturing uses but rather, the site would be developed with 100 percent manufacturing uses. Under the MOA, manufacturing use would consist of 39 structures encompassing approximately 1,197,643 square feet (sq. ft.) of building space with required parking spaces. Although similar to the proposed Project, the MOA would be developed at a greater intensity and could potentially generate greater impacts when compared to the proposed Project in some environmental categories due to the greater percentage of manufacturing activities which generally require greater amounts of resources (e.g., water, electricity), and result in a greater potential for generating air pollutants, solid waste and wastewater generation). However, this alternative would be rejected, as it would not meet the critical project objective of providing 40 percent manufacturing and 60 percent warehouse uses, rather, this alternative proposes 100 percent manufacturing.

Alternative Impact Analysis

Aesthetics

Under the MOA, the Project site would look similar to the proposed Project with similar scale buildings. The Project site is not located in an area designated as scenic in the Metropolitan Bakersfield General Plan, is not within the City's Hillside Development Combining Zone (Bakersfield Municipal Code Chapter 17.66) and is not within a City-designated Class I or II Visual Resource Area, Viewshed, or Slope Protection Area. Impacts to scenic corridors would be less than significant under both the proposed Project and the MOA, and the level of impact would be similar. As with the proposed Project, the MOA would not substantially damage scenic resources; obstruct any prominent scenic vista or view open to the public; result in the creation of an aesthetically offensive site open to public view; substantially degrade the existing visual quality or character of the site or its surroundings; or conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant under both the Project and the MOA, and the level of impact would be the same.

Air Quality and Greenhouse Gas Emissions

The San Joaquin Valley Air Pollution Control District (SJVAPCD) approved an Air Impact Assessment (AIA) for the proposed Project and a proposed Fee Deferral Schedule (FDS) which are fees payable to the SJVAPCD to off-set potential air quality impacts resulting from the Project. Neither the proposed Project nor the MOA would not conflict with the applicable air quality plan, would result in less-than-significant impacts and the level of impact would be similar. Construction activities under the MOA would be similar to the proposed Project. As such, air quality emissions during construction of the proposed Project or the MOA would be similar and would not exceed the SJVAPCD thresholds of significance, resulting in a less-than-significant impact. Neither the proposed Project nor the MOA would generate odors affecting a substantial number of people. Impacts due to odors would be similar under the MOA as compared to the Project due to required compliance with the SJVAQPCD GAMAQI, which has screening odor thresholds based on the distance of the odor source within the facility to nearby sensitive receptors and recommends a "case-by-case" analysis of odor impacts, including an evaluation of complaint records for a particular facility as compared to similar facilities.

Biological Resources

Site disturbance under the MOA would be similar to the proposed Project, and under both the proposed Project and MOA the entire Project site and off-site improvement areas would be subject to grading and ground disturbance. There are no special-status plant species on site. A habitat assessment completed for the Project was negative for special status animal species; and as such neither the MOA nor the proposed Project would result in impacts to special-status plant species. However, prior to construction activities, the proposed Project and the MOA would require pre-construction surveys for the burrowing owl, the SJKF, and nesting birds regulated by the Migratory Bird Treaty Act (MBTA) in order to reduce impacts to sensitive animal species to below a level of significance. No riparian habitat or other sensitive natural community is present on the Project site; thus, neither the proposed Project nor the MOA would impact riparian habitat or other sensitive natural communities, and the level of impact would be the same. Because no wetlands or potential waters of the U.S., or potential waters of the State are present on the proposed Project site, neither the proposed Project nor MOA would have substantial adverse effect on

state or federally protected wetlands, and the level of impact would be the same. The Project site does not serve as a wildlife movement corridor or native wildlife nursery site; thus, neither the proposed Project nor MOA would result in impacts to wildlife movement corridors or native wildlife nursery sites, and the level of impact would be the same. There are no biological resources on the proposed Project site which are separately protected by local policies; thus, neither the proposed Project nor the MOA would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and the level of impact would be the same. Both the proposed Project and the MOA would not result in significant levels of impact.

Cultural Resources

Site disturbance under the MOA would be similar to the proposed Project, and under both the proposed Project and MOA the entire Project site and off-site improvement areas would be subject to grading and ground disturbance. No historic resources occur on site under existing conditions; thus, neither the proposed Project nor the MOA would result in impacts to historic resources, and the level of impact would be the same. Although no archaeological resources are known to occur on the proposed Project site, both the proposed Project and the MOA have similar potential to uncover archaeological resources that may be buried beneath the surface of the Project site. Both the proposed Project and MOA would be subject to mitigation measures requiring monitoring during ground-disturbing activities, which would reduce potential impacts to archaeological resources to less-than-significant levels. Similarly, both the MOA and the proposed Project have similar potential to uncover human remains during ground-disturbing activities, and such impacts would be reduced to less-than-significant levels with implementation of mitigation measures requiring monitoring during ground-disturbing activities should archeological or paleontological resources be encountered. Impacts to human remains would be similar under the proposed Project and MOA.

Geology and Soils

The MOA would be developed on the same site and construction activities would occur in the same or similar manner as the proposed Project. As such, impacts to geology and soils would be similar under the proposed Project and MOA. Specifically, neither the MOA nor the proposed Project would result in impacts due to earthquake faults, strong seismic ground shaking, seismic- related ground failure (including liquefaction), landslides, lateral spreading, subsidence, liquefaction, collapse, or expansive soils. Similarly, impacts associated with erosion and the loss of topsoil would be similar under the proposed Project and MOA during both construction and long- term operation, and impacts would be less than significant. Both the proposed Project and MOA would result in full disturbance to the Project site and thus have similar potential to result in impacts to paleontological resources that may be buried beneath the site's surface. Mitigation for paleontological resources would be required under both the Project and MOA, which would reduce impacts to paleontological resources to less-than-significant levels.

Hazards and Hazardous Materials

Both the Project and MOA would be developed on the same property and in a similar manner. As with the proposed Project, the MOA would be subject to mandatory compliance with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited requirements imposed by the Environmental Protection

Agency (EPA), Department of Toxic Substances Control (DTSC), and the Central Valley Regional Water Quality Control Board (RWQCB), which would reduce construction- related hazardous materials impacts to less-than-significant levels, and the level of impact would be similar to the proposed Project. However, under long-term operating conditions, the MOA could provide up to 1,197,643 square feet (sq. ft.) of building space consisting of 100 percent manufacturing in comparison to the proposed Projects 1,197,643 square feet (sq. ft.) of building space consisting of 40 percent manufacturing and 60 percent warehousing. Although future tenants of the Project's buildings are not known, there is a potential for future tenants to manage hazardous waste and materials. Although project impacts would be less than significant with mandatory compliance with federal, State, and local laws and regulations related to hazardous materials, impacts due to the routine transport, use, or disposal of hazardous materials and due to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment could be increased under the MOA as compared to the proposed Project, this is primarily due to the increased use hazardous materials and waste associated with manufacturing activities. San Lauren Elementary School is located approximately 785 feet northwest of the Project site perimeter. The proposed Project and the MOA would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one- quarter mile of the existing school. However, the handling of hazardous materials associated with the project construction would be conducted in compliance with city, county, state, and federal regulations and would not be expected to create a significant hazard to the public or the environment through routine transport, use or disposal of hazardous materials during Project development and/or operation. The Project site is not located on any list of hazardous materials sites pursuant to Government Code Section 65962.5; thus, no impact would occur under the any of the alternatives, and the level of impacts would be similar. The Project site is not located within two miles of a public airport or within an airport land use plan; thus, neither the proposed Project nor the alternatives would result in impacts due to airport-related hazards, and the level of impacts would be similar. Neither the Project nor the alternatives would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; thus, no impact would occur, and the level of impacts would be similar. The Project site is not located within a very high fire hazard severity zone; thus, neither the proposed Project nor the alternatives would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, and the level of impacts would be similar.

Hydrology and Water Quality

Neither the MOA nor the proposed Project would result in substantial alterations to the drainage pattern of the site or would result in substantial erosion effects. Accordingly, implementation of the proposed Project and the MOA would both result in less than significant impacts to existing drainage patterns. During construction, potential hydrology and water quality effects on the Project site would be similar under both the MOA and the proposed Project due to this alternative and the proposed Project both disturbing the same physical area. Like the proposed Project, the MOA would be required to implement a Stormwater Pollution Prevention Plan (SWPPP) to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the proposed Project and the MOA would result in less than significant construction impacts to hydrology and water quality. In the long-term, potential hydrology and water quality effects on the proposed Project site would be similar under both the MOA and the proposed Project due to this alternative and the proposed Project both providing a

similar amount of non-pervious surfaces. Like the Project, the MOA would be required to implement a drainage plan to ensure that stormwater runoff is conveyed to local and regional stormwater drainage facilities with adequate capacity to handle runoff flows from the Project site. Both the proposed Project and the MOA would result in less than significant operational impacts to hydrology and water quality.

Land Use and Planning

Project development would be subject to development standards in the General Manufacturing (M-2) Zoning District of the Bakersfield Municipal Code. At this time, no specific development is proposed. However, Vesting Tentative Parcel Map No. 12314 will facilitate development of an industrial park and depicts 39 buildable lots, 4 drill islands, and 1 sump lot. Both this alternative and the proposed Project would be a compatible land use within the Service Industrial (SI) General Plan designation and would be consistent with the M-2 zoning classification of the Project site. The MOA would result in identical – and less than significant – land use and planning impacts when compared to the proposed Project.

Noise

Noise associated with this alternative would occur during short-term construction activities and under long-term operation. The types of daily construction activities conducted on the Project site would be similar (less than significant) under both the MOA and the proposed Project. Additionally, the length of construction activities would be similar under this alternative as building floor area would be the same as the proposed Project. Therefore, it is anticipated that the total duration of noise impacts during the building construction phase would be similar under this alternative as compared to the proposed Project and impacts would be less than significant. Under long-term operational conditions, noise impacts from operations on the Project site would be similar (and less than significant) relative to the proposed Project due to relatively similar operational practices (i.e., trucks, deliveries, employee, and passenger car trips).

Population and Housing

The MOA would not introduce any housing or residents; therefore, the MOA would not directly or indirectly induce population growth. There would be no population growth impacts, which would be identical to, or less than, the proposed Project's less-than-significant impact. The proposed Project site does not contain any dwelling units, and as such the MOA would not displace any existing people or housing and would have no impact with respect to housing displacement, similar to the proposed Project.

Public Services

Under the MOA, the Project site would be developed with up to approximately 1,197,643 square feet (sq. ft.) of building space consisting of 39 structures with required parking spaces. It cannot be determined at this time whether Project development or operation would draw employees from the area or rely on employees who would relocate to Bakersfield and thereby generate a student population. Regardless, this alternative would result in a similar number of employees at the site as the proposed Project, therefore the MOA will have similar demands for police and fire services. Under the MOA, Project development and operation would not directly generate any student population that would increase the demand for schools, libraries, and parks, however, the MOA is not anticipated to result in a change in the need for new or expanded public facilities. As with the proposed Project, future construction will be subject to school fees prior to obtaining building construction permits to pay a fair share for school impact fees. Therefore, overall, there would be a similar demand for fire, police, school, library, and park services compared to

the proposed Project, and impacts would be similar to the less-than-significant impacts of the proposed Project.

Recreation

Under the MOA, project development and operation would not involve any type of residential uses. The proposed development of manufacturing facilities under the MOA would not be significant enough to generate a population that would increase use of existing neighborhood and regional parks or other recreational facilities. However, the unintended result of the proposed development may include new populations that would relocate to the area for employment at the proposed future business at the Project site during operation. Similar to the proposed Project, impacts would be less than significant.

Transportation and Traffic

Neither the MOA nor the proposed Project would conflict with a program, plan, or ordinance addressing the transportation system and would not cause substantially increased transportation hazards or inadequate emergency access. As with the proposed Project, this alternative would result in less than significant impacts related to hazards associated with geometric design features, incompatible uses, and inadequate emergency access since this alternative would result in the same general circulation onsite on adjacent roadways. During project operation, truck trips associated with 100 percent manufacturing would be similar to the proposed Project.

Tribal Cultural Resources

Under the MOA, there would be similar ground-disturbing activities to that of the proposed Project that could impact any tribal cultural resources that may be buried in soil onsite. Therefore, the MOA would have impacts similar to that of the proposed Project, and Mitigation Measures TRI-1 and TRI-2 would still be required to reduce impacts to a less than significant level. Therefore, impacts related to tribal cultural resources would be less than significant with mitigation and similar to the impacts of the proposed Project.

Utilities and Service Systems

Both the proposed Project and the MOA would require on-site improvements to provide water, wastewater, stormwater drainage, and dry utilities to the Project site. Impacts associated with the construction of these facilities are inherent to the construction phases and would be less than significant under the Project and MOA. With respect to dry utilities, solid waste generation, water supply and wastewater generation, the MOA would result in slightly greater generation of solid waste and a greater demand for water and for wastewater treatment capacity due to the 100 percent manufacturing activities which tend to create more solid waste and wastewater and require a greater amount of dry utilities, and water when compared to the proposed Project which includes 40 percent manufacturing activities compared to MOA's 100 percent. However, both the proposed Project and the MOA would be required to comply with all applicable federal, state, and local management and reduction statutes and regulations related to solid waste; thus, impacts would be less than significant under the proposed Project and MOA, and the level of impact would be similar.

Wildfire

The Project site is within a completely urbanized area. Therefore, the MOA would have an identical level

of impact as the proposed Project; that is, no impact would result from implementation of the MOA.

Conclusion

Ability to Reduce Impacts

The MOA considers development of the Project site in accordance with the site's proposed land use designation of "SI (Service Industrial)" and the site's proposed zoning classification of "M-2 (General Manufacturing)." Should future development occur at the site, environmental impacts could result at greater magnitudes due to the 100 percent manufacturing uses proposed under MOA in comparison to the proposed Project's 40 percent manufacturing uses. Therefore, when compared to the proposed Project which proposes a general plan amendment and zone change allowing for less intensive land uses of SI (Service Industrial) and M-2 (General Manufacturing resulting in a less intense use of the site, the MOA would not have the ability to reduce impacts when compared to the proposed Project.

Ability to Meet Objectives

The MOA would meet the Project's objectives to develop the site with light industrial uses adjacent to Route 99; to provide economic development, increase the tax base, facilitate job creation; and to attract employment-generating businesses to the City of Bakersfield to reduce the need for members of the local workforce to commute outside the area for employment. The MOA would not meet the Project's objective of establishing a new industrial park consisting of 40 percent manufacturing and 60 percent warehouse development adjacent to or near the State highway system.

6.5.4 Alternative 3-100 Percent-Warehouse Only Alternative (WOA)

Under the 100 Percent Warehouse Only Alternative (WOA), the Project would be developed at a lesser intensity. General Plan Amendment No. 22-0263 (GPA/ZC No. 22-0263) would change the existing land use designation from HI (Heavy Industrial) to a lesser intensity of SI (Service Industrial) and the zoning classification would be changed from M-3 (Heavy Industrial) to a lesser intensity of M-2 (General Manufacturing). Vesting Tentative Parcel Map (VTPM) No. 12314 would be filed to create consistency with the vesting parcel map. VTPM No. 12314.

Under the WOA, the Project site would not be developed with 60 percent warehouse uses but rather 100 percent warehouse uses consisting of 39 structures encompassing approximately 1,197,643 square feet (sq. ft.) of building space with required parking spaces. Development of the WOA could potentially generate greater impacts when compared to the proposed Project. This is due to the greater number of truck trips associated with warehousing activities. This alternative, however, would be rejected, as it would not meet the critical project objective of developing an industrial park consisting of 40 percent manufacturing and 60 percent warehousing.

Alternative Impact Analysis

Aesthetics

Although no construction is being proposed at this time, under the WOA, the visual character and quality of the Project site would be altered from its existing condition. The Project site is currently vacant, but would introduce 39 new warehouse structures, roads, landscaping, and lighting to the vacant site. The Project site does not contain any unique aesthetic resources, nor does it serve as a prominent scenic vista

point. As such, impacts to scenic vistas would be less than significant under both the proposed Project and the WOA. There are no designated or eligible State scenic highways within the Project site's immediate vicinity; thus, neither the proposed Project nor the WOA would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway, and the level of impact would be similar. Because the proposed Project would introduce new lighting and building materials that have nominal potential to create glare, impacts due to light and glare would be reduced in comparison to the Project with implementation of the WOA. This alternative would have similar aesthetic impacts compared to the proposed Project because it would result in a similar development area and open space areas, would result in similar heights, setbacks, and building form. Additionally, development standards and design guidelines for the new buildings would generally apply to both the WOA and proposed Project. This alternative is anticipated to generate similar light and glare as the proposed Project since this alternative would introduce new light sources and development similar to the proposed Project. Overall, the MOA would have less-than- significant aesthetic impacts, which would be similar to those of the proposed Project.

Air Quality

The WOA would result in a similar building footprint and grading as the proposed Project. Therefore, because construction would be similar to the proposed Project, construction-related air quality impacts would be similar to the proposed Project's less-than-significant impact. This alternative would add new vehicle trips and transportation and operational emissions that would be slightly greater when compared to the proposed Project, this is associated with the greater number of truck trips generally associated with warehouse activities.

As with the proposed Project, this alternative would result in a less than significant impact related to conflicting/obstructing the implementation of SJVAQMD's air quality management plan, exposure of sensitive receptors to substantial pollution, and odors.

Biological Resources

The WOA would result in a similar building footprint and grading as the proposed Project. As such, this alternative would result in similar impacts as the proposed Project for both construction and operation for all biological resources thresholds. As with the proposed Project, this alternative would not require the removal of trees onsite, therefore no impacts to sensitive species or habitat would occur and impacts would be at less than significant levels. This alternative would result in similar less than significant impacts as the proposed Project.

Cultural Resources

The WOA would result in a similar building footprint and grading as the proposed Project. Therefore, under this alternative, any ground-disturbing activities would be similar to the proposed Project and potential construction-related impacts to subsurface unknown archaeological resources and human remains would be similar to the impacts of the proposed Project. As with the proposed Project, this alternative would also require Mitigation Measure CUL-1. As with the proposed Project, the WOA would be less than significant with mitigation to cultural resources.

Energy

The WOA would result in the same building floor area as the proposed Project and result in a less than significant impact, which is the same conclusion drawn for the proposed Project. Therefore, energy demand associated with this alternative would be similar to the proposed Project and potential operation-related impacts to energy would be less than significant.

Geology and Soils

This alternative would disturb the same physical area at the Project site and would, therefore, have the same potential for soil erosion during the construction phase as the proposed Project. Soil erosion impacts would be less than significant under both the Project and this alternative due to mandatory compliance with federal, State, and local water quality standards. The WOA would be required to comply with the same mandatory regulatory requirements as the Project to preclude substantial hazards associated with seismic ground shaking and geologic hazards. The WOA would result in a similar, less than significant impact to geology and soils as the proposed Project.

Greenhouse Gas Emissions

The WOA would result in a similar building footprint and grading as the proposed Project. Therefore, because construction would be similar to the proposed Project, construction-related greenhouse gas impacts would be similar to the proposed Project's less-than-significant impact. According to the Institute of Transportation Trip Generation Manual, the warehouse land use (Land Use Code 150) was found to be the most relevant to this Project as it describes a warehouse as "primarily devoted to the storage of materials, but it may also include office and maintenance areas", warehouse land uses typically has a larger percentage of trips. Therefore, this alternative would add new vehicle trips and transportation and operational emissions that would be greater when compared to the proposed Project due to warehouse activities generating a greater number of truck trips and although a GHG analysis was not prepared for this project, it can be assumed that along with a greater number of trucks, this alternative would be expected to result in a greater amount of GHG due to the greater number of trucks generating diesel emissions at the Project site.

Hazards and Hazardous Materials

Hazardous material used and encountered during construction under the WOA would be similar to the proposed Project, since this alternative would result in the construction of buildings of similar size and sitting. During operation, this alternative would be similar to the proposed Project and may introduce the use of unknown quantities of hazardous materials for cleaning and maintenance purposes, such as paints, household cleaners, fertilizers, and pesticides. As a result, impacts of the WOA related to hazards and hazardous materials would be less-than-significant and similar to the proposed Project.

Hydrology and Water Quality

Since the WOA would develop a similar structure and footprint as the proposed Project, excavation, grading, and other earthwork activities would be similar to those of the proposed Project. Therefore, hydrology and water quality impacts during construction would be similar to the proposed Project. This alternative would increase impervious surfaces from the existing conditions similar to the proposed Project and would result in similar impacts to that of the proposed Project. As with the proposed Project this alternative would not result in the release of pollutants due to project inundation from flooding, tsunami, or seiches and would not conflict with or obstruct a water quality control plan or sustainable

groundwater management plan. Therefore, the impacts for hydrology and water quality of the WOA would be similar to the impacts of the proposed Project and less than significant.

Land Use and Planning

The WOA would require the same or similar discretionary requests as the proposed Project, which would include a general plan amendment and zone change. As with the proposed Project, Vesting Tentative Parcel Map (VTPM) No. 12314 would also be filed to create consistency with the vesting parcel map. It is expected that this alternative would be consistent with applicable state and local regulations, including the General Plan, Municipal Code, and Kern COG' regulations similar to the proposed Project. This alternative would site buildings onsite in a similar configuration as the proposed Project; and as such, this would not divide an established community and similar impacts would occur as for the proposed Project. This alternative would result in a similar impact as the proposed Project related to land use and planning and would remain less-than-significant.

Noise

The WOA would result in similar construction as the proposed Project and would generate similar construction noise and vibration. For this reason, mitigation measures NOI-1 through NOI-8 would still be required for this alternative to reduce construction noise impacts to off-site sensitive receptors. As with the proposed Project, this alternative would result in less-than-significant construction impacts with mitigation. Under this alternative, the operational noise would be less when compared to the proposed project because this alternative would consist of 100 percent warehouse uses which generate greater vehicular traffic therefore, influencing noise levels at the Project site. In comparison, the proposed Project would consist of 60 percent warehouse uses therefore generating less vehicular traffic which would generate less traffic noise at the Project site.

Population and Housing

The WOA would not introduce any housing or residents; therefore, the WOA would not directly or indirectly induce population growth. There would be no population growth impacts, which would be identical to, or less than, the proposed Project's less-than-significant impact. The proposed Project site does not contain any dwelling units, and as such the WOA would not displace any existing people or housing and would have no impact with respect to housing displacement, similar to the proposed Project.

Public Services

Under the WOA, the Project site would be developed with up to approximately 1,197,643 square feet (sq. ft.) of building space consisting of 39 structures with required parking spaces. It cannot be determined at this time whether Project development or operation would draw employees from the area or rely on employees who would relocate to Bakersfield and thereby generate a student population. Regardless, this alternative would result in a similar number of employees at the site as the proposed Project, therefore the WOA will have similar demands for police and fire services. Under the WOA, Project development and operation would not directly generate any student population that would increase the demand for schools, libraries, and parks, however, the WOA is not anticipated to result in a change in the need for new or expanded public facilities. As with the proposed Project, future construction will be subject to school fees prior to obtaining building construction permits to pay a fair share for school impact fees. Therefore, overall, there would be a similar demand for fire, police, school, library, and park services compared to

the proposed Project, and impacts would be similar to the less-than-significant impacts of the proposed Project.

Recreation

Under the WOA, project development and operation would not involve any type of residential uses. The proposed development of warehousing facilities under the WOA would not be significant enough to generate a population that would increase use of existing neighborhood and regional parks or other recreational facilities. However, the unintended result of the proposed development may include new populations that would relocate to the area for employment at the proposed future business at the Project site during operation. Similar to the proposed Project, impacts would be less than significant.

Transportation and Traffic

Neither the WOA nor the proposed Project would conflict with a program, plan, or ordinance addressing the transportation system and would not cause substantially increased transportation hazards or inadequate emergency access. As with the proposed Project, this alternative would result in less than significant impacts related to hazards associated with geometric design features, incompatible uses, and inadequate emergency access since this alternative would result in the same general circulation onsite on adjacent roadways. However, during project operation, due to the increase in truck trips associated with 100 warehousing, there may be a greater impact to traffic transportation.

Tribal Cultural Resources

Under the WOA, there would be similar ground-disturbing activities to that of the proposed Project that could impact any tribal cultural resources that may be buried in soil onsite. Therefore, the WOA would have impacts similar to that of the proposed Project, and Mitigation Measures TRI-1 and TRI-2 would still be required to reduce impacts to a less than significant level. Therefore, impacts related to tribal cultural resources would be less than significant with mitigation and similar to the impacts of the proposed Project.

Utilities and Service Systems

Both the proposed Project and the WOA would require on-site improvements to provide water, wastewater, stormwater drainage, and dry utilities to the Project site. Impacts associated with the construction of these facilities are inherent to the construction phases and would be less than significant under the Project and WOA, and the level of impact would be similar. With respect to solid waste generation, water supply and wastewater generation, the WOA would result in slightly less generation of solid waste and slightly lower demand for water and for wastewater treatment capacity due to the 100 percent warehousing activities which don't create as much solid waste and wastewater and require a lesser demand for water and dry utilities when compared to the proposed Project. However, both the proposed Project and the WOA would be required to comply with all applicable federal, state, and local management and reduction statutes and regulations related to solid waste; thus, impacts would be less than significant under the proposed Project and WOA, and the level of impact would be similar.

Wildfire

The Project site is within a completely urbanized area. Therefore, the WOA would have an identical level of impact as the proposed Project; that is, no impact would result from implementation of the WOA.

Conclusion

Ability to Reduce Impacts

The WOA considers development of the Project site in accordance with the site's proposed land use designation of "SI (Service Industrial)" and the site's proposed zoning classification of "M-2 (General Manufacturing)." Should future development occur at the site, environmental impacts could result at greater magnitudes due to the 100 percent warehousing uses proposed under WOA in comparison to the proposed Project's 60 percent manufacturing uses. Therefore, when compared to the proposed Project which proposes a general plan amendment and zone change allowing for less intensive land uses of SI (Service Industrial) and M-2 (General Manufacturing) resulting in a less intense use of the site, the WOA would not have the ability to reduce impacts when compared to the proposed Project.

Ability to Meet Objectives

The WOA would meet the Project's objectives to develop the site with less intense uses adjacent to Route 99; to provide economic development, increase the tax base, facilitate job creation; and to attract employment-generating businesses to the City of Bakersfield to reduce the need for members of the local workforce to commute outside the area for employment. The WOA would not, however, meet the Project's objective to develop an industrial park consisting of 40 percent manufacturing and 60 percent warehouse development adjacent to or near the State highway system. This is due to the WOA consisting of 100 percent warehouse and no manufacturing, while the proposed Project's objective is to develop 60 percent warehousing site.

6.6 Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires an EIR to identify an "environmentally superior alternative." If the no project alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other project alternatives. Each of the three project alternatives considered and outlined above would not lessen environmental impacts relative to the proposed Project. As previously addressed, if the no project (i.e., the No Project (Alternative 1]) alternative is the environmentally superior alternative the EIR must also identify another environmentally superior alternative among the remaining project alternatives. **Table 6.4-1** provides a comparison of the proposed Project and the three alternatives based on the environmental issues addressed in Section 3 of this Draft EIR. Additionally, **Table 6.4-2** presents how the project and each of the project alternatives compare in terms of meeting the objectives of the Project.

Because the No Project Alternative would avoid most of the Project's impacts, it warrants consideration as the "environmentally superior alternative." However, pursuant to CEQA Guidelines § 15126.6(e)(2), if a No Project alternative is identified as the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Accordingly, the proposed Project evaluated herein is identified as the Environmentally Superior Alternative pursuant to CEQA Guidelines § 15126.6. If the proposed Project is determined not feasible, then the 100 Percent Warehousing Alternative would become the Environmentally Superior Alternative due to the reduced level of impacts when compared to the 100 Percent Manufacturing Alternative.

Table 6.4-1
Project Alternatives Environmental Impacts Comparison

Environmental Issue	Proposed Project	No Project Alternative (Alternative 1)	100 Percent Manufacturing Only Alternative (Alternative 2)	100 Percent Warehouse Only Alternative (Alternative 3)
Aesthetics	LTS	NI	E	E
Air Quality	LTS	NI	E	G
Biological Resources	NI	NI	E	E
Cultural Resources	LTS/M	NI	E	E
Energy	LTS	NI	G	L
Geology and Soils	LTS	NI	E	E
Greenhouse Gas	LTS	NI	E	G
Hazards and Hazardous Materials	LTS	NI	G	L
Hydrology and Water Quality	LTS	NI	E	E
Land Use and Planning	NI	E	E	E
Noise	LTS/M	NI	E	E
Population and Housing	LTS	NI	E	E
Public Services	LTS	NI	E	E
Recreation	LTS	NI	E	E
Transportation	LTS	NI	E	G
Tribal Cultural Resources	LTS/M	NI	E	E
Utilities and Service Systems	LTS	NI	G	L

Notes:
L = Lesser impact than the proposed Project
G = Greater impact than the proposed Project
LTS = Less than Significant Impact----------
LTS/M = Less than Significant Impact with Mitigation
E = Equivalent impact to the proposed Project
SIG/U = Significant and Unavoidable
NI = No Impact----------

Table 6.4-2
Project Alternative Impacts Comparison

Project Objective	Proposed Project	No Project Alternative (Alternative 1)	100 Percent Manufacturing Only Alternative (Alternative 2)	100 Percent Warehouse Only Alternative (Alternative 3)
Objective 1: To facilitate the development of the Project site, which will allow the Project site to be developed at a lesser intensity to be consistent with the surrounding land uses.	Met	Met	Met	Met
Objective 2: To provide economic development opportunities that will facilitate job creation and increase the tax base for the City of Bakersfield by establishing a new Service Industrial (SI) zone consisting of 40 percent manufacturing and 60 percent warehousing facilities adjacent to, or near the State highway system.	Met	Not Met	Not Met	Not Met
Objective 3: To provide employment for Bakersfield residents by attracting employment-generating businesses to the City of Bakersfield to reduce the need for members of the local workforce to commute outside of the area for employment, thereby providing an employment/housing balance in the City.	Met	Not Met	Met	Met

SECTION 7.0: EFFECTS FOUND NOT TO BE SIGNIFICANT

7.1 Introduction

CEQA Guidelines Section 15128 requires that an EIR "…contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." The Project's Initial Study and the Notice of Preparation for this EIR, both of which are included in Technical Appendix A to this EIR, determined that implementation of the Project for warehouse and manufacturing development would clearly have no potential to result in significant impacts under, agriculture, mineral resources, and wildfire. A brief analysis on each environmental resource area discussed in the EIR is presented below.

7.2 Topic Area 1

7.2.1 AGRICULTURAL AND FORESTRY RESOURCES

Threshold a):	**Would the Project convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The Project site is not located on land defined as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). Therefore, Project development does not have the potential to convert Farmland directly or indirectly to non-agricultural use. No impact would occur.

Threshold b):	**Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

According to the California Department of Conservation, the Project site is not located on land that is under a Williamson Act contract. The Project thereby does not have any potential to conflict with existing zones for agricultural use, or a Williamson Act contract because the site is zoned M-3 for industrial, not agricultural, uses. No impact will result from Project development and no further analysis is required.

Threshold c):	**Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

The Project site is not located on land the City of Bakersfield designates as forest lands, timberlands, or Timber Production. Thereby, Project development would not result in any conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526, or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). Therefore, Project development would result in no impact.

Threshold d):	**Would the Project result in the loss of forest land or conversion of forest land to non-forest use?**

The Project site is not located on, or near, forest land. Therefore, Project development would not result in

loss of any forest land nor would convert forest land to non-forest use. No impact would occur.

Threshold e):	**Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

The Project site is not located on, or near, land designated Farmland or forest land. Project development thereby will have no impact to conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use.

7.3 Topic Area 2

7.3.1 MINERAL RESOURCES

Threshold a):	**Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

The City of Bakersfield and its vicinity are major oil producing areas. A Phase I report prepared by Krazan & Associates for the Project identified the site consists of eleven oil wells which include five plugged and abandoned wells, three active wells, and three idle wells. Based on Krazan's assessment and review of the California Geologic Energy Management Division (CalGEM) online mapping system (WellSTAR Wellfinder), access to the wells will be required. Per CalGEM requirements, oil, and gas well owners/operators shall continue to provide access to any active or idle wells located on the Project site. Additionally, CalGEM requires that no structures shall be constructed within 10-feet of an oil well on two adjacent sides and the third side of a well shall be no closer than 50-feet from buildings; the fourth side must remain open to allow for access of an abandonment rig in the event that the well requires abandonment or re-abandonment in the future.

Threshold b):	**Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

The Project site consists of vacant parcels on which there are nine oil wells. Four wells are plugged and abandoned; three oil wells are active, and two wells are idle. Oil is a locally important mineral resource delineated in the Metropolitan Bakersfield General Plan which will not lose availability as the owner has reserved four drill islands on-site to continue exploration and extraction of minerals. Therefore, no impact would occur from Project development or Project operation.

7.4 Topic Area 3

7.4.1 WILDFIRE

Threshold a):	**Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?**

The 78.94-gross acre Project site is not located within a State Responsibility Area (SRA), or land classified as a Very High Fire Hazard Severity Zone. SRAs are recognized by the Board of Forestry and Fire Protection as areas where Cal Fire is the primary emergency response agency responsible for fire suppression and

prevention. Project development and operation will not be expected to physically impede existing emergency response plans, emergency vehicle access, or personnel access to the Project site. The Kern County and City of Bakersfield Fire Departments would continue to provide fire protection and emergency services to the Project site. Therefore, no impacts to adopted emergency response plans or emergency evacuation plans would occur as a result of Project development or operation. No impact would result.

Threshold b): Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The generally flat nature of the Project site and the fact that the Project site is not located in, or near, SRA or lands classified as Very High Fire Hazard Severity Zones likely ensure that future tenants of the Project site would not be exposed to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. Thereby, the future Project development and Project operation have no potential to exacerbate wildfire risks and expose persons to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts would result from Project development or operation. No further analysis would be required.

Threshold c): Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The Project site is not located in or near SRA areas or lands classified as Very High Fire Hazard Severity Zones. Project development and operation will be required to comply with standard building construction regulations that include installation of fire sprinklers, provision of fire hydrants, and use of irrigated landscaping. It is not anticipated that any Project development on the Project site will include any fire protection infrastructure that could result in temporary or ongoing impacts to the environment. Therefore, Project-generated impacts would be less than significant.

Threshold d): *Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Project site is not located in or near SRA or lands classified as Very High Fire Hazard Severity Zones. The Project site topography is generally flat. There are no large slopes in the Project site vicinity that could be subject to landslide hazards as a result of post-fire slope instability. No impact would result, and no further analysis would be required.

SECTION 8.0: PERSONS & ORGANIZATIONS CONSULTED/LIST OF PREPARERS

8.1 Public Agencies

8.1.1 Lead Agency

City of Bakersfield

Planning Division

Planning Director _____Paul Johnson

Principal Planner _____Roque Nino

Associate Planner _____Jose Fernandez

Associate Planner _____Louis Ramirez

Public Works Division

Public Works Division _____Traffic Engineering

City Attorney

City Attorney_____Virginia Gennaro

Finance Director

Finance Director _____Randy McKeegan

8.2 Local Agencies

San Joaquin Valley Air Pollution Control District

Director of Permit Services _____Arnaud Marjillet

Pacific Gas and Electric (PG&E)

Industrial Power Engineer _____ Amanda Cornejo

8.3 Lead Consultant

Bowman

Project Director _____Albert Armijo

Project Manager _____Malia Durand

Project Manager _____Sean Reardon

Traffic Engineer _____Mike Bagheri

Associate Planner _____John Moreno

Technical Editor/Word Processor _____Cali Hildebrand

GIS Technician _____Cameron Lukos

Planner I _____David Finck

Planner I _____Amanda Ortega

8.4 Technical Subconsultants

BPR Environmental Consulting

Blunt Nosed Leopard Lizard Findings

Senior Biologist _____Benjamin Ruiz

SWCA Environmental Consultants

San Joaquin Kit Fox Assessment

Senior Biologist _____Geoff Hoetker

Hudlow Cultural Resource Associates

Phase I Cultural Resource Survey

Principal_____Scott M. Hudlow

California Historical Resources Information System

Cultural Resources Record Search

Coordinator _____Celeste M. Thomson

WJV Acoustics, Inc.

Acoustic Analysis

Noise Analyst _____WJV Acoustics, Inc.

New Gen Engineering Group

Traffic Memorandum

Registered Professional Engineer_____Blaine Neptune

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Appendix A