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CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair Kirschenmann and Members of the Planning Commission AGENDA ITEM: _____

FROM: Jim Eggert, Planning Director

APPROVED 

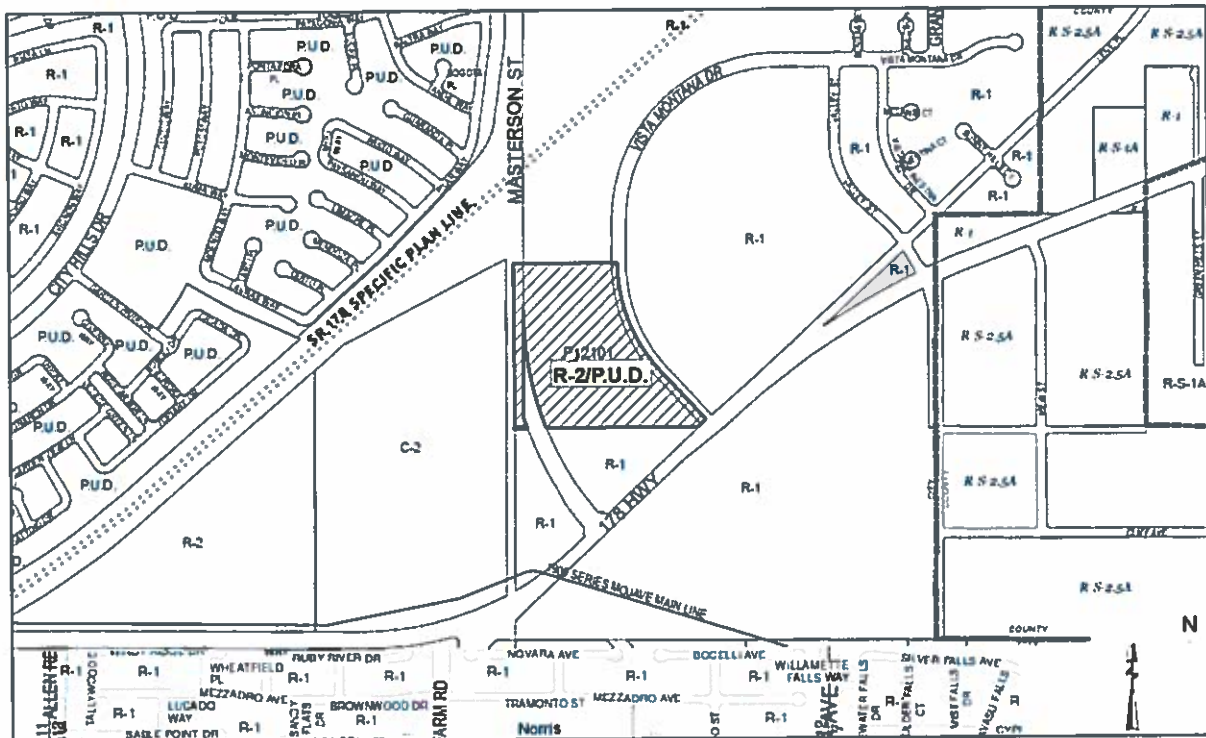
DATE: April 3, 2014

SUBJECT: VESTING TENTATIVE PARCEL MAP 12101 - PHASED (WARD 3)

APPLICANT: LAND SURVEYOR
Diversified Project Services International
5351 Olive Drive, Suite 100
Bakersfield, CA 93308

SUBDIVIDER
FCM Capital Partners
2400 Professional Drive, Suite 150
Roseville, CA 95661

LOCATION: The project site is located east of Masterson Street, north of Highway 178. (APN #387-020-31)



RECOMMENDATION:

Motion to adopt Resolution **APPROVING** Vesting Tentative Parcel Map 12101 with conditions.

PROJECT DESCRIPTION

Diversified Project Services International representing FCM Capital Partners, is proposing to subdivide approximately 20 acres into 3 parcels in an R-2/P.U.D. (Limited Multiple Family Dwelling /Planned Unit Development) zone located east of Masterson Street, north of Highway 178.

PROJECT ANALYSIS:

Background:

On May 7, 2008 the City Council approved General Plan Amendment/Zone Change (GPA/ZC) No. 07-2342 which changed the land use designation from LR (Low Density Residential) to HMR (High Medium Density Residential) and changed the zoning from R-1 (One Family Dwelling Residential) to R-2/PUD (Limited Multi-family Dwelling Residential/ Planned Unit Development) on approximately 20 acres, to accommodate future multiple-family residential development on the subject property.

On January 14, 2014 the Board of Zoning Adjustment approved Conditional Use Permit (CUP) No. 13-0387 for a senior living development consisting of a 47,500 square foot memory care facility and 84,225 square foot assisted living facility on the northern portion of the project site. The proposed Parcel 1 of VTPM 12101 would encompass this senior living development.

Analysis:

The proposed vesting tentative subdivision consists of 3 parcels on 16.68 net acres for purposes of multiple-family residential development. The parcels vary in size from .94 acres to 10.03 acres.

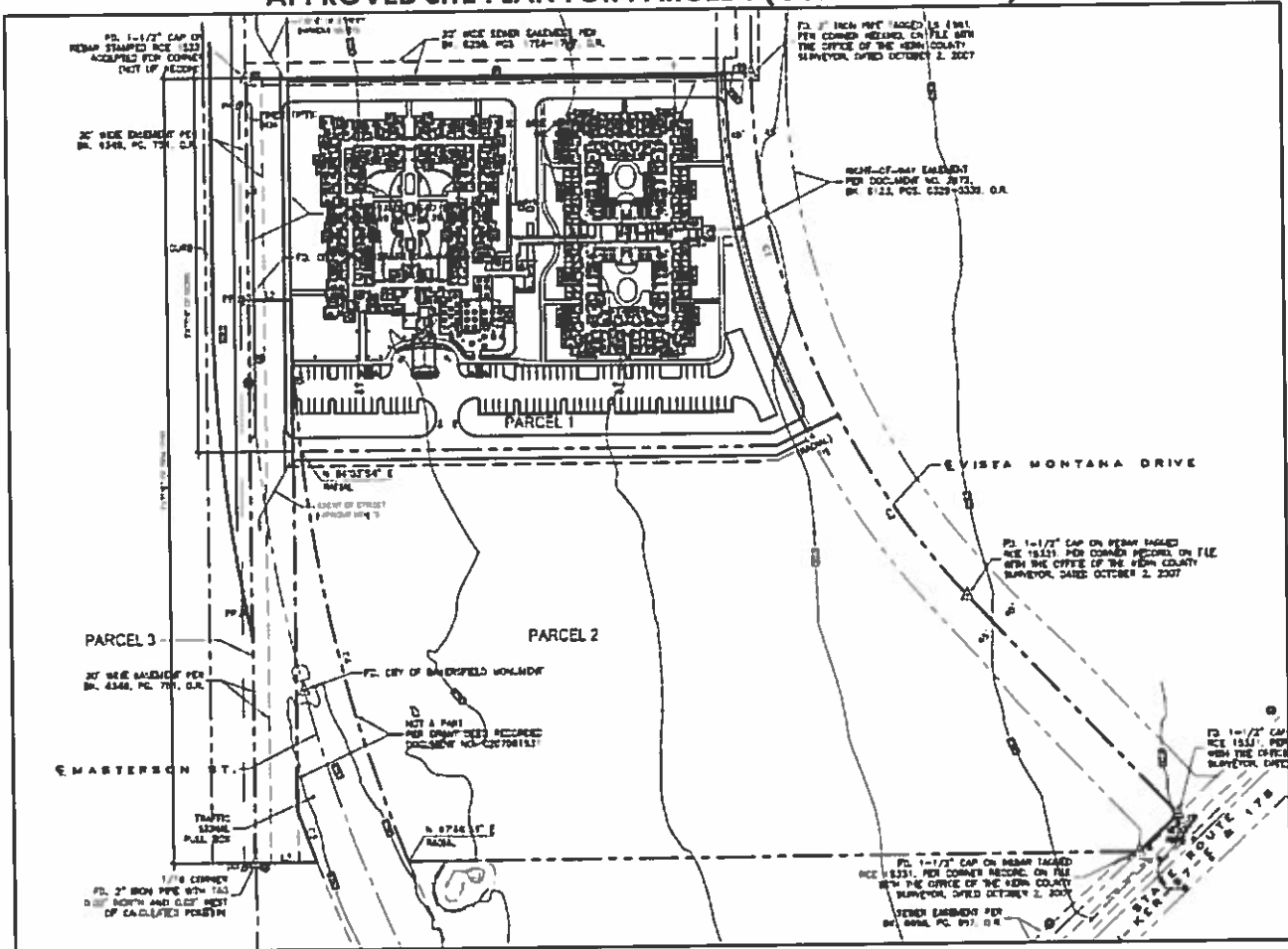


Parcel 1 (6.65 net acres) encompasses an approved senior living development project (CUP No. 13-0387), which would accommodate a maximum of 205 residents with 2,200 square feet of administrative office space, as shown in the site plan and elevation below. Any future development proposal for Parcel 2 would consist of a Planned Development Review by the Planning Commission to consider a site plan, consistent with the R-2/PUD zoning on site.

The majority of Parcel 3 will be developed as Masterson Street (arterial) to provide access to Parcels 1 and 2; therefore Parcel 3 is not considered a buildable lot for R-2/PUD purposes.

The proposed subdivision is consistent with the High Medium Density Residential designation of the project site of more than 7.26 dwelling units, but less than or equal to 17.42 dwelling units per net acre. The application was deemed complete on February 18, 2014.

APPROVED SITE PLAN FOR PARCEL 1 (CUP No. 13-0387)



ELEVATION OF PROPOSED FACILITY FOR PARCEL 1



Consistency/Deviation from Design Standards:

The applicant is not requesting any modifications.

Relationship to Surrounding Uses:

The project site is currently vacant, fallow grazing land. Adjacent properties are also vacant and designated and zoned for urban development. Nearby uses include established residential subdivisions to the east and west, and the Mesa Marin Sports Complex located approximately 1/2 mile southwest of the proposed project site.

The existing General Plan land use designations and zoning of adjacent properties are specified in the following table:

DIRECTION	LAND USE DESIGNATION	ZONING DISTRICT	EXISTING LAND USE
NORTH	LR	R-1	Vacant Land
SOUTH	LR	R-1	Vacant Land
EAST	LR	R-1	Vacant Land
WEST	GC	C-2	Vacant Land

Land Use Designations: LR: < 7.26 du/na

GC: General Commercial



Circulation:

The proposed subdivision will gain access off of Masterson Street (Arterial) on the western side of the property, and from Vista Montana Drive (Collector) on the eastern side of the property. The proposed project accurately reflects the newly realigned segment of Masterson Street as shown in the current aerial photo above.

Currently, there is no Golden Empire Transit (GET) bus service to the project site. The closest GET bus route is Route 41 traveling Panorama Drive and Fairfax Road to Bakersfield College and Highland High School, more than three miles west of the project site. It is expected as development occurs and demand for bus service increases, GET bus will determine future route needs.

The City's Bikeway Master Plan identifies Masterson Street as a Class 2 facility (bike lanes). Bike lanes do not currently exist and at the time the property is developed; lane striping will be required with the construction of street improvements. However, the Traffic Engineer will evaluate if striping should be delayed if its installation will compromise public safety (e.g. short lengths of unconnected bike lanes that would confuse drivers and cyclists increasing the likelihood of accidents). Striping would then occur at the time the City added bike lanes along the street with connections to the existing bikeway network.

Park Land In-Lieu Fees/Dedication:

The site is within the Specific Plan area for Northeast Bakersfield. The nearest existing park to the subdivision is City in the Hills park located approximately ½ mile west of the project site. In accordance with the Specific Plan and BMC Section 15.80, the Recreation and Parks Department recommends payment of in-lieu fees to satisfy the park land requirement of BMC Chapter 15.80 (Condition No. 16).

Mineral Rights:

This tentative subdivision map is not subject to the mineral rights requirements of the Subdivision Ordinance. Subdivision Map Act Section 66445(e) limits the City's ability to apply BMC Section 16.20.060 to a parcel map creating four or fewer parcels. Division of Oil, Gas and Geothermal Resources submitted a letter stating the project site is beyond their administrative boundaries of any oil or gas fields. There are no known wells on the property and no known active operator of record. If a well is uncovered, the subdivider must consult with the Division regarding proper abandonment of the well, in accordance with the Bakersfield Municipal Code.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared for the original project (GPA/ZC No. 07-0234) on the subject property and a Negative Declaration was adopted on May 7, 2008. In accordance with CEQA Section 15162, no further environmental documentation is necessary because there are no substantial changes in circumstances under which the project will be undertaken and no new environmental impacts have been identified. The Negative Declaration adopted for GPA/ZC No. 07-0234 included the following special studies: 1) A Cultural Resources Records Search prepared by California Historical Resources Information System, dated November 2007; 2) Traffic Impact projections were prepared by Ruetters & Schuler, dated December 2007; and 3) Blunt-Nosed Leopard Lizard (BNLL) Survey prepared by Paul Pruett & Associates, dated August 2007.

Mitigation measures from the related project have been included in the attached conditions of approval (Conditions No. 22-32). The location has been identified to potentially have kit foxes or burrowing owl on site. Prior to ground disturbance, the subdivider shall have a qualified consultant survey the location for kit fox and burrowing owl, and comply with the provisions of the Metropolitan Bakersfield Habitat Conservation Plan (Conditions No. 20 and 27).

NOTICING:

Notice of public hearing before the Planning Commission for the project with the associated environmental document was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Planning Department. All property owners within 300 feet of the project area were notified about the hearing and the proposed subdivision at least 10 days prior to the public hearing in accordance with State law. The applicant has provided proof that signs giving public notice of the proposed parcel map were posted on the property 20 to 60 days prior to the public hearing before the Planning Commission.

ATTACHED:

1. Resolution with Exhibits
 - Exhibit A. Conditions of Approval
 - Exhibit B. Location Map with Zoning
 - Exhibit C. Tentative Parcel Map

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
TO APPROVE VESTING TENTATIVE PARCEL MAP 12101
(PHASED) LOCATED EAST OF MASTERSON STREET, NORTH OF
HIGHWAY 178.**

WHEREAS, Diversified Project Services International representing FCM Capital Partners, is proposing to subdivide approximately 20 acres into 3 parcels in an R-2/P.U.D. (Limited Multiple Family Dwelling /Planned Unit Development) zone located east of Masterson Street, north of Highway 178 (the "Project"), as shown on attached Exhibit "C"; and

WHEREAS, the application was deemed complete on February 18, 2014; and

WHEREAS, an initial study was conducted and it was determined that the Project would not have a significant effect on the environment and a Negative Declaration was prepared and approved by the City Council on May 7, 2008, in conjunction Zone Change No. 07-2342, in accordance with California Environmental Quality Act (CEQA); and

WHEREAS, the Secretary of the Planning Commission, did set, Thursday, April 3, 2014, at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

WHEREAS, the laws and regulations relating to CEQA and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission; and

WHEREAS, the City of Bakersfield Planning Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

WHEREAS, the facts presented in the staff report, environmental review, and special studies (if any), and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposed activity is a project and an initial study was prepared for the original project (Zone Change No. 07-2342) of the subject

property and a Negative Declaration was adopted on May 7, 2008 by the City for the original project, and duly noticed for public review.

3. Said Negative Declaration for the Project is the appropriate environmental document to accompany approval of the Project. In accordance with State CEQA Guidelines Section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken, and no new environmental impacts have been identified. The Project will not significantly impact the physical environment because mitigation measures relating to traffic, biological resources, and cultural resources have been incorporated into the Project.
4. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
5. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan. (Subdivision Map Act Section 66473.5) The proposed density and intensity of development are consistent with the high medium density residential land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
6. The tentative subdivision map is not subject to the mineral rights requirements of the Subdivision Ordinance, per Subdivision Map Act Section 66445(e) as less than four parcels are being created.
7. The conditions of approval are necessary for orderly development and to provide for the public health, welfare, and safety.

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

1. The above recitals, incorporated herein, are true and correct.
2. The Negative Declaration, adopted by the City Council on May 7, 2008 in conjunction with Project No. GPA/ZC 07-2342, adequately addresses the potential environmental impacts of the Project.
3. Vesting Tentative Parcel Map 12101 is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A".

I **HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on April 3, 2014, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:
NOES:
ABSENT:

APPROVED

Elliot Kirschenmann, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Conditions of Approval
Exhibit B: Location Map
Exhibit C: Tentative Map

EXHIBIT "A"
VESTING TENTATIVE PARCEL MAP 12101
CONDITIONS OF APPROVAL

NOTE to Subdivider/Applicant: It is important that you review and comply with requirements and deadlines listed in the "FOR YOUR INFORMATION" packet that is provided separately. This packet contains existing ordinance requirements, policies, and departmental operating procedures as they may apply to this subdivision.

PUBLIC WORKS

1. Prior to recordation, all facilities within the boundaries of this subdivision identified by the approved Breckenridge master drainage study shall be constructed in accordance with the plans approved by the City Engineer, and all easements required shall be provided and all PDA fees paid.
2. The developer is required to construct an improvement which is on the facilities list for the Metropolitan Bakersfield Transportation Impact Fee; Masterson Street. The developer shall receive credit against his traffic impact fees for constructing this project. The developer must submit an appraisal, to be approved by the City Engineer, verifying the cost of the right-of-way to be acquired. This credit is not available until the improvement has been constructed by the developer and accepted for maintenance by the City. Any building permit issued prior to this acceptance shall pay the full impact fee.
3. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Parcel 1 first, then Parcel 2. If recordation does not occur in that normal progression, then, prior to recordation of a final map, the City Engineer shall determine the extent of improvements to be done with that particular phase.
 - 3.1. The following shall occur with the recordation of a final map of Parcel 1:
 - 3.1.1. Construct Vista Montana Drive for the full extent of the street lying within the map's boundary for Parcel 1's frontage.
 - 3.1.2. Construct 2 lanes plus shoulders on Vista Montana Drive from phase 1 to SR 178, or as directed by Caltrans. Note, access to SR 178 may be prohibited or restricted by Caltrans.
 - 3.1.3. Construct the east half of Masterson Street from the northern boundary of Parcel 1 to the parcel 1-2 boundary. Note, a right turn lane may be required.
 - 3.2. The following shall occur with the recordation of a final map of Parcel 2:
 - 3.2.1. Construct Vista Montana Drive for the full extent lying within the map's boundary for Parcel 2's frontage
 - 3.2.2. Construct the east half of Masterson Street for Parcel 2's frontage, from the parcel 1-2 boundary to the southern boundary of parcel 2. Note, a right turn lane may be required.
 - 3.2.3. Dedicated and construct SR 178 per Caltrans requirements.

If the number of phases or the boundaries of the phases are changed, the developer must submit to the City Engineer an exhibit showing the number and configuration of the proposed phases. The City Engineer will review the exhibit and determine the order and extent of improvements to be constructed with each new phase. The improvement plans may require revision to conform to the new conditions.

4. Prior to recordation of each Final Map, the subdivider shall
 - 4.1. submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map which will prohibit occupancy of any lot until all improvements have been completed by the subdivider and accepted by the City.
 - 4.2. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents.
 - 4.3. If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.
 - 4.4. submit for the City's Review and approval C.C. & R.'s and Property Owner's Association By-Laws for the use and maintenance of all non-dedicated, shared facilities. Among those non-dedicated, shared facilities will be the on-site sewer main lines and laterals and storm water retention basin(s) and associated storm drain lines and appurtenant facilities
 - 4.5. provide easements for required facilities not within the border of the phase being recorded.
 - 4.6. Per Resolution 035-13 the area within the parcel map shall implement and comply with the "complete streets" policy. Complete streets will require pedestrian and bicycle access to the Tract from existing sidewalks and bike lanes. If there is a gap less than ¼ mile then construction of asphalt sidewalks and bike lanes to the tract will be required.
 - 4.7. ensure that each cable television company provides notice to the City Engineer of its intention to occupy the utility trench.
 - 4.8. If the parcel map is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal shall have a mechanical device in the storm drain system to remove or minimize the introduction of oil, grease, trash, and sediments. This device shall be reviewed and approved by the City Engineer, and shall provide the greatest benefit to the storm drain system with the least maintenance cost.

5. On and off site road improvements are required from any collector or arterial street to provide left turn channelization into each street (or access point) within the subdivision (or development). Said channelization shall be developed to provide necessary transitions and deceleration lanes to meet the current CalTrans standards for the design speed of the roadway in question.
6. Prior to grading plan review, submit the following for review and approval:
 - 6.1. a drainage study for the entire subdivision. As all of the necessary downstream infrastructure for the Breckenridge planned drainage area has not been constructed, the parcel will be required to construct a privately maintained sump for storm runoff. Ensure the retention basin site is designed to retain the drainage from the entire subdivision.
 - 6.2. a sewerage study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions.
 - 6.3. verification from the responsible authority that all the wells have been properly abandoned.
7. Install traffic signal interconnect conduit and pull rope in all arterials and collectors. Install conduit and pull ropes in future traffic signals.
8. The subdivider shall either construct the equivalent full width landscaped median island in Masterson Street or pay his proportionate share of the cost for the future construction of the median. Median islands shall be designed by the first tract to be approved on a side. The medians may be constructed by the first tract on a side, or the median island fees shall be paid NOTE: MEDIAN CONSTRUCTION AND LANDSCAPING COSTS SHALL NOW BE ACTUAL COSTS, NOT COUNTY ESTIMATES AND SHALL BE INCLUDED IN THE ENGINEERS ESTIMATE. The median estimate shall include line items for curb, stamped concrete, landscaping, irrigation piping and controllers. The estimate shall be reviewed and approved by Public Works. If the median island is not constructed, the second tract across the street shall construct and landscape the median island. Construction or payment shall be for the full width of the land being subdivided. The total cost may be apportioned between the phases and paid prior to recordation of each phase if he elects to pay his share of the costs for the future construction. Left turn median restrictors shall be constructed by the first tract in.
9. Final plan check fees shall be submitted with the first plan check submission.
10. Turning movements at the site and Masterson Street shall be limited to right in, right out, and left in only. Left turns out may be permitted temporarily, however ultimately left turns out will be prohibited. The access points to Masterson Street are limited and will be determined at the time of development.
11. All lots with sumps and water well facilities that front arterial or collector streets will have wall and landscaping to the appropriate street standards, and those that front local streets will have a slatted chain link fence at the building setback with landscaping as approved by the Public Works and Parks Directors.

12. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 22, 1997.
13. Concurrently with recordation of each Final Map, the following covenant shall be recorded by the property owner: a covenant containing information with respect to the addition of this subdivision to the consolidated maintenance district.
14. It is recommended that the on-site sewer system shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. If the developer chooses to video the on-site sewer system, then the following procedure is recommended: The television camera shall have the capability of rotating 360°, in order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the subdivider's engineer, who will also initial and date the "Chain of Custody" form. Any pipe locations revealed to be not in compliance with the plans and specifications shall be corrected. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the subdivider's engineer prior to acceptance. After the subdivider's acceptance of the system, the video cassette, forms, and logs shall be submitted to the City Engineer.
15. Approval of this tentative map does not indicate approval of grading, drainage lines and appurtenant facilities shown, or any variations from ordinance, standard, and policy requirements which have neither been requested nor specifically approved.

RECREATION AND PARKS

16. Prior to recordation of each final map, the subdivider shall pay an in-lieu fee based on a park land dedication requirement of 2.5 acres per 1000 population in accordance with Chapter 15.80 of the Bakersfield Municipal Code. If the number of dwelling units increases or decreases upon recordation of a final map(s), the park land requirement will change accordingly. Refer to BMC Chapter 15.80 and the Planning Information Sheet regarding calculation and payment of in-lieu fee. In accordance with Government Code Section 66020(d), you are hereby notified that the 90-day period in which you may protest the imposition of this fee has begun.

BMC Chapter 15.80 requires the Planning Commission to determine if a subdivider is to dedicate park land, pay an in-lieu fee, reserve park land or a combination of these in order to satisfy the City's park land ordinance. Staff is recommending this condition in accordance with BMC Chapter 15.80.

CITY ATTORNEY

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

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

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

PLANNING

18. This subdivision shall comply with all provisions of the Bakersfield Municipal Code, and applicable resolutions, policies and standards in effect at the time the application for the subdivision map was deemed complete per Government Code Section 66474.2.
19. Prior to recordation of each final map, subdivider shall submit a final water will serve letter and confirmation from the water purveyor that water fees have been paid to the purveyors' satisfaction.

For public health, welfare and safety.

20. The current MBHCP expires in year 2014. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the 2014 expiration date under the current MBHCP. As determined by the City of Bakersfield, only projects ready to be issued an urban development permit, grading plan approval or building permit before the 2014 expiration date will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 2014 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish and Wildlife Agency and the California Fish and Wildlife Department. *Mitigation measure.*

21. In the event a previously undocumented well is uncovered or discovered on the project site, the subdivider is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The subdivider is responsible for any remedial operations on the well required by DOGGR. Subdivider shall also be subject to provisions of BMC Section 15.66.080 (B.)

Police power based on public health, welfare and safety.

Mitigation Measures from General Plan Amendment No. 07-2342

Cultural Resources (Mitigation Measures)

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

Traffic and Circulation (Mitigation Measures)

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

Biological Resources

26. Per Department of Fish and Game protocol, an adult season Blunt Nose Leopard Lizard Survey shall be conducted by a qualified biologist. The survey shall be submitted to the Planning Department prior to grading plan approval, subdivision map recordation or approval of a Preliminary Development Plan, whichever occurs first. *Department of Fish & Game Condition*
27. The project site shall be surveyed by a qualified biologist to determine the existence of burrowing owl. Such determination shall be submitted to the Planning Department prior to grading plan approval, tract recordation or approval of a Preliminary Development Plan, whichever occurs first. The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. To avoid violation of the take provisions of these laws, project-related disturbance at active nesting territories shall be reduced or eliminated during critical phases of the nesting cycle (March 1 – August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered "taking" and is potentially punishable by fines and/or imprisonment. **Note: The burrowing owl is not covered under the Metropolitan Bakersfield Habitat Conservation Plan.** If any burrowing owl are found on the subject property during ground-disturbance activities, such activities shall be terminated and a qualified biologist shall be contacted immediately. *Department of Fish & Game Condition*

Public Works

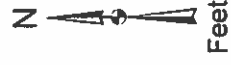
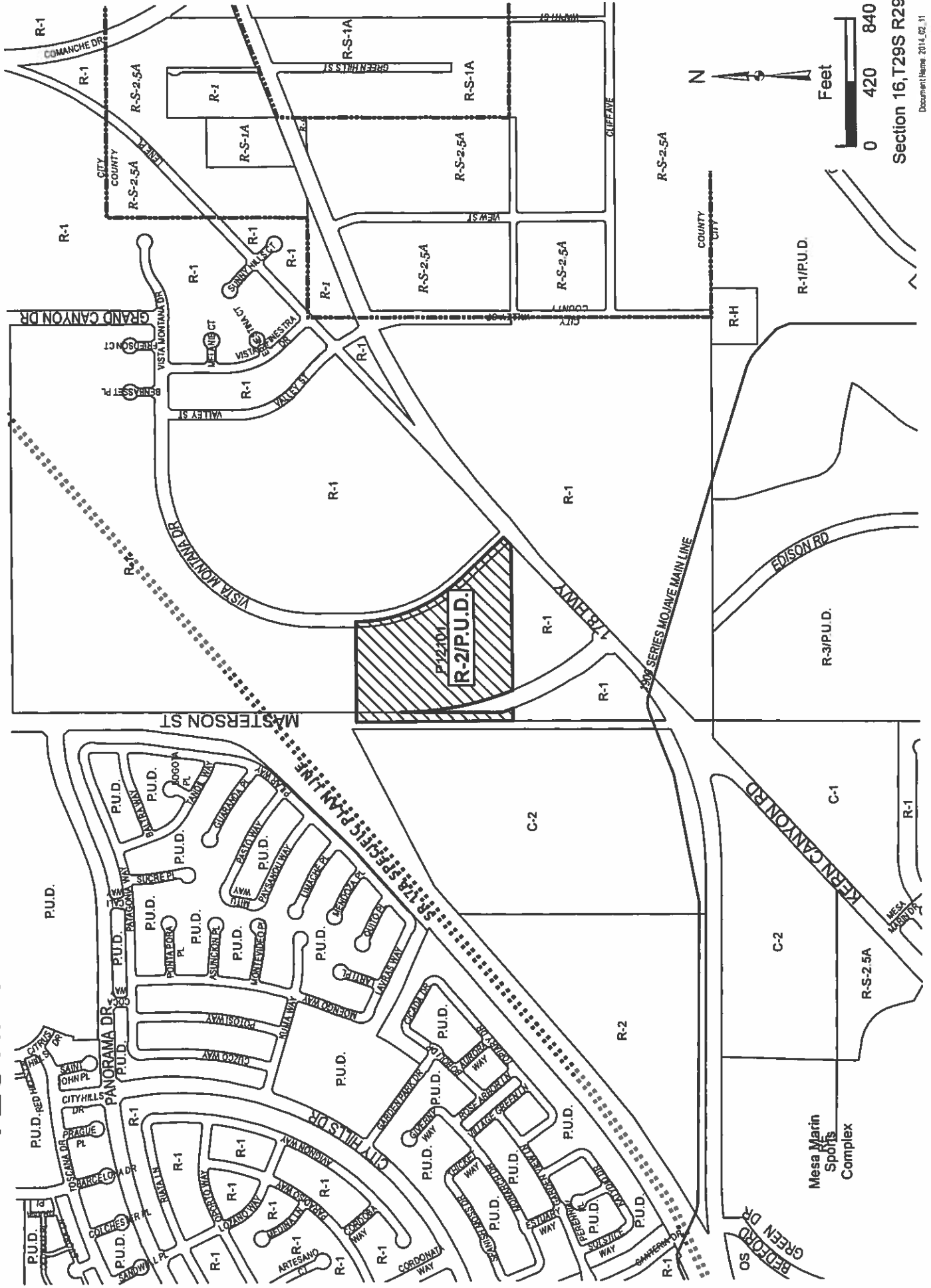
28. Along with the submittal of any development plan, prior to approval of improvement plans, or with the application for a lot line adjustment or parcel merger, the following shall occur:
 - 28.1. Provide fully executed dedication for Masterson Street to arterial standards for the full frontage of the area within the GPA request. Dedications shall include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer. Submit a current title report with the dedication documents. If a tentative subdivision map over the entire GPA/ZC area is submitted, dedication can be provided with the map.

- 28.2. This GPA/ZC area is within the Breckenridge Drainage Area and shall follow the requirements of the PDA. Submit a comprehensive drainage study to be reviewed and approved by the City Engineer. The study shall show the development's proportionate share of the necessary ultimate storm drainage facilities.
- 28.3. Submit verification to the City Engineer of the existing sewer system's capability to accept the additional flows to be generated through development under the new land use and zoning.
- 28.4. In order to preserve the permeability of the sump and to prevent the introduction of sediments from construction or from storm events, all retention and detention basins (sumps) shall have a mechanical device in the storm drain system to remove or minimize the introduction of oil, grease, trash, and sediments to the sump. This device shall be reviewed and approved by the City Engineer, and shall provide the greatest benefit to the storm drain system with the least maintenance cost.
- 28.5. Developer is responsible for the construction of all infrastructure, both public and private, within the boundary of the GPA/ZC area. This includes the construction of any and all boundary streets to the centerline of the street, unless otherwise specified. The developer is also responsible for the construction of any off site infrastructure required to support this development, as identified in these conditions. The phasing of the construction all infrastructure will be addressed at the subdivision map stage.
For orderly development.
29. Prior to issuance of a building permit , developer shall pay a major transportation facility fee in the amount of \$0.35 per square foot for commercial and/or \$2487 for residential dwelling unit (insert what applies) . If prior to issuance of a building permit said fee is merged into the regional TIF program then payment of the regional TIF fee will be deemed to have satisfied the intent of this condition. This fee is a component of the City Council approved action plan to pursue funds needed to complete construction of major transportation facilities to serve growth and development within Metropolitan Bakersfield. *For orderly development*
30. The entire area covered by this General Plan Amendment shall be included in the Consolidated Maintenance District. The applicant shall pay all fees for inclusion in the Consolidated Maintenance District with submittal of any development plan, tentative subdivision map, Site Plan Review, or application for a lot line adjustment for any portion of this GPA area. *For orderly development.*
31. Payment of the proportionate share of the cost of the median for the arterial frontage of the property within the GPA/ZC request is required prior to recordation of any map or approval of any improvement plan for the GPA/ZC area. *For orderly development.*

32. Prior to issuance of building permits on the subject property, the applicant shall construct the east half of Masterson Street for the entire frontage of the subject property. *For orderly development.*

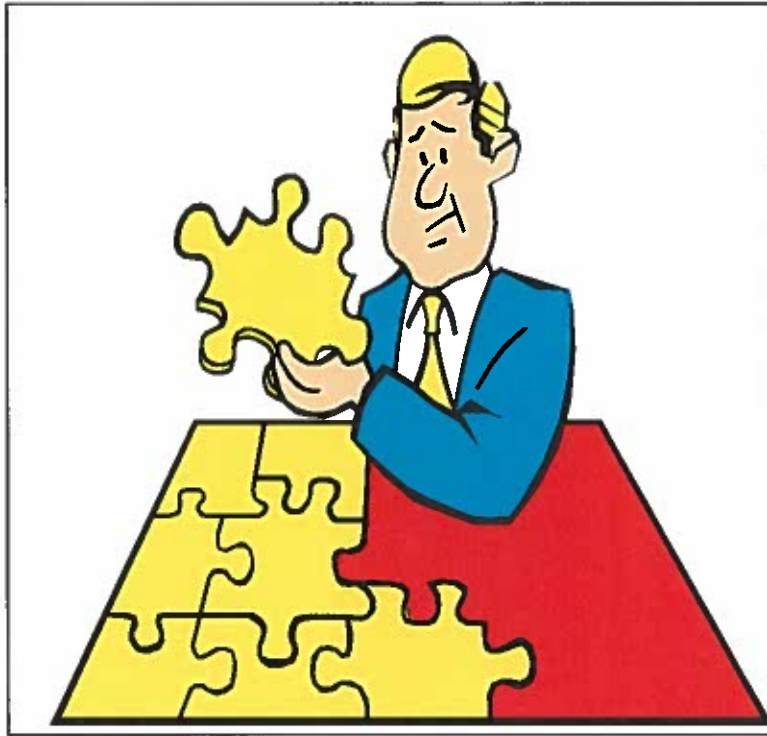
EXHIBIT "B"

VESTING TENTATIVE PARCEL MAP 12101 - ZONING



Section 16, T29S R29E
Document Name: 2014_02_11

FOR YOUR INFORMATION



VESTING TENTATIVE PARCEL MAP #12101 is subject to all existing ordinance requirements, policies, and departmental operating procedures as they may apply to this subdivision. In an effort to help you better understand what may be necessary to expedite the recordation of your map, staff has compiled a list of ordinance requirements and standards we feel are pertinent to this project. Please be aware that this list is intended as a guideline to assist you, however it does not include every ordinance requirement. If you have any questions regarding any item, it is important that you contact a representative of the department responsible for that item at the phone number provided.

VESTING TENTATIVE PARCEL NO. 12101

The following is provided by the PUBLIC WORKS DEPARTMENT.

Refer questions regarding these items to (661) 326-3590.

The following requirements are in accordance with ordinances, standards, and policies, and are listed only as a guide for your development. It is still your responsibility to adhere to all ordinances, standards, and policies, whether listed or not.

Is it in an existing Assessment District? **YES** If yes, what's the number? **93-1B**
has been paid off. No Charges apply.

Is it in a Planned Drainage Area? **YES** If yes, what's the name? **Breckenridge PDA**
acre fee? determined prior to recordation of the map

Is it in a Planned Sewer Area? **NO** If yes, what's the name? **Per acre fee?**

Is it in an area with a GPA Is it in an area with a GPA
Zone Change?
New conditions must match the GPA/ZC requirements.

Are there arterials within or adjacent to the subdivision? **YES Masterson Street.**
Arterials=Landscaped Medians=Fees=Maintenance District= traffic interconnect

1. Above-ground utility cabinets or facilities may not be installed within public road right-of-way without approval by the City Engineer. **(16.32.060 B.11.)**
2. Prior to review of improvement plans by the City, the subdivider shall submit:
 - 2.1. a grading plan for the subdivision to be reviewed and approved by the City Engineer. **(16.44.010)** With the grading plan, if the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (SWRCB Order No. 2009-009-DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
 - 2.2. a map of the subdivision showing all required & approved changes, if any. Staff will then indicate the number and location of required street lights, street name signs, traffic control signs, etc. **(16.20.160, 16.28.130, 16.32.060 B.9., 16.32.060 B.7. & SDM 4.3.2., SDM 4.3.3.)**
 - 2.3. a preliminary soil report, with infiltration tests for the retention basin site and with R values and engineering calculations to justify the paving structural sections proposed. **(16.44.010, SDM 3.3.1.1.c.)**
 - 2.4. a preliminary engineer's estimate. **(16.32.070 A., 16.32.040 A.)**
 - 2.5. plan check and inspection fees based on the preliminary engineer's estimate. **(16.32.070 A; SDM 1.5.32, 2.9.29, 3.6.47.)**
3. The following is an inspection technique and shall be noted on sewer improvement plans: Prior to final acceptance of the sewer system, all lines shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. The television camera shall have the capability of rotating 360°, in order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the City's

VESTING TENTATIVE PARCEL NO. 12101

The following is provided by the PUBLIC WORKS DEPARTMENT.

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construction inspector, who will also initial and date the "Chain of Custody" form. The subdivider shall immediately notify City of any pipe locations revealed to be not in compliance with the specifications. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the City Engineer prior to acceptance. After acceptance of the system, the video cassette, forms, and logs shall become the property of the City. (Policy)

4. Checking fees are to be submitted at the time of submittal of the final tract map to the City Engineer for his initial review. **(SMA 66451.2) (3.70)**
5. In accordance with **Section 13.04.075** of the Municipal Code, all costs for inclusion of the subdivision into the existing consolidated maintenance district shall be paid.
6. At or prior to the time a buyer enters into a contract for the sale, lease with option to purchase, or ground lease of this property, the seller shall deliver to the buyer or lessor a completed Local Addendum Transfer Statement in compliance with **13.08.060**.
7. Prior to recordation of a Final Map, the subdivider shall
 - 7.1. provide evidence of completed arrangements for relocation of obstructions, if any, as stated in **Section 16.28.150** of the Municipal Code.
 - 7.2. provide a quitclaim or subordination of rights to the City by interest or easement holders to be accomplished in accordance with **Section 16.28.150** of the Municipal Code.
 - 7.3. submit all improvement plans, including plans for signing/stripping/markings, required walls, landscaping, and irrigation, to be reviewed and approved by the City Engineer.
 - 7.3.1. Wall plans shall be an independent set of plans.
 - 7.3.2. Complete the reapportioning of the parcels for an assessment district if the parcel(s) is within an existing assessment district.
 - 7.3.3. Pay Planned Drainage Area Fees as required.
 - 7.3.4. The subdivider shall ensure that each cable TV company provides notice to the City Engineer of its intention to occupy the utility trench.
(16.32.070 A.)
8. Concurrently with recordation of a Final Map, the property owner shall submit a covenant for each lot prohibiting the pumping and taking of groundwater from the property for any use off the property. **(16.40.010)**
9. Upon issuance of a building permit, fees shall be paid to the City for the following
 - 9.1. sewer connection fee. **(3.70, Council Resolution 185-97)**
 - 9.2. regional traffic impact fee; **(Ordinance 15.84, Council Resolution 100-05)**
 - 9.3. Pay Planned Sewer Assessment fees as required.
 - 9.4. Pay Bridge and Major Thoroughfare fees as required.

For those fees with built-in escalators, the fees shall be based upon the rates at the time of issuance of a building permit. For those without built-in escalators, the fees will be based upon the rate in effect at the time of application completeness; then, upon expiration of the

VESTING TENTATIVE PARCEL NO. 12101

The following is provided by the PUBLIC WORKS DEPARTMENT.
Refer questions regarding these items to (661) 326-3590.

vesting rights, the fees shall be based upon the rates in effect at the time of issuance of the building permit.

10. The subdivider shall construct to City standards all street improvements including curb & gutter, street paving, drainage improvements, and sidewalk on all streets within and adjacent to the subdivision. **(16.32.060B)**
11. The Subdivider is required to install LED street lights to be located within or adjacent to the tract. **(16.32.060 B.9)**

Street light installation shall be foundation mounted steel poles with 28' mounting height and 6' mast arms and shall include but not necessarily be limited to furnishing and installing all street light poles, conduits, wires, luminaires, and splice boxes. **(Standard S-31 and SDM 3.2.11.1a)** Numbers and locations of required lights will be determined after any required design revisions have been made to the tentative map.

To avoid possible conflicts at the installation stage, the subdivider shall consult with the utility companies to ensure there is sufficient clearance between the street light foundations and all utility lines, whether underground or overhead. **(Policy)**

If electrical service points for street lights aren't available to be shown on street improvement plans, then they shall be shown on utility composite plans to be filed with the City Engineer prior to acceptance of improvements. **(SDM 3.2.11.5)**

The subdivider shall ensure the utility understands conduit for street light electrical services shall be kept within the street rights-of-way, unless prior approval is obtained from the City Engineer. **(Policy)**
12. Municipal sewer, water, gas, electrical, telephone, and Cable TV services shall be provided for each lot in accordance with **Section 16.32.060 B** of the Municipal Code.
13. Traffic signal interconnect is to be installed in all arterials and collectors.
14. Easements to be dedicated to the City for utility, sewer, storm drain, electrical, or other purposes shall not cross private property (extend through, across, or between lots) without the prior approval of the City Engineer. **(SDM 1.2.5.1., SDM 2.5.3.1.)**
15. Prior to acceptance of the improvements by the City,
 - 15.1. Certificates of Compliance from the manufacturers of products shall be submitted on all materials used in the project, including but not limited to manholes, frames and covers, pipe, poles, pull boxes, concrete. **(16.32.050)**
 - 15.2. all street lights shall be energized and fully operational, and all costs, including any start-up costs required by the utility company, shall be borne by the subdivider. **(SDM 3.2.11.1)**
 - 15.3. all required monuments shall be in place and notice shall be given in accordance with the Subdivision Map Act. **(SMA 66497)**
 - 15.4. monument elevation data shall be provided to the City Engineer as required by the Municipal Code. **(16.32.100 B.1)**
 - 15.5. Record drawings of the required improvements, signed by a registered Civil Engineer, shall be provided to the City Engineer. **(16.32.090)**
 - 15.6. the utility composite plan, including street light electrical service points, shall be submitted to the City Engineer. **(16.32.090)**
 - 15.7. warranty security as required shall be posted. **(16.32.040 A.3)**

VESTING TENTATIVE PARCEL NO. 12101

The following is provided by the PUBLIC WORKS DEPARTMENT.

Refer questions regarding these items to (661) 326-3590.

- 15.8. "as-graded" plans, signed by a registered Civil Engineer, shall be provided to the City Engineer. (16.16.100, 16.32.060, 16.32.070, 16.32.090, 15.12.070, UBC 7015)
16. All required improvements must be completed by the subdivider and accepted/approved by the City prior to recordation of a final map, unless prior to recordation an improvement agreement in accordance with 16.32.010 is entered into between the subdivider and the City of Bakersfield. Said agreement will not allow occupancy of any lot until all required public improvements have been completed by the subdivider and accepted by the City Engineer and all private improvements have been completed and proper certification of those improvements has been submitted to the City Engineer. (16.32.010)
17. In accordance with Section 66436(c)(1) of the Subdivision Map Act, any public entity or public utility owning rights-of-way, easements, or other interests which cannot ripen into fee must be advised by certified mail of the division of property. The Advisory Agency will require a letter from these parties stating that the development will not unreasonably interfere with the free and complete exercise of the right-of-way or easement within the boundaries of this development.
18. Following is the open letter dated March 27, 2002, to all developers and engineers regarding Final Maps and Improvement Agreements which sets forth guidelines for getting a map recorded. The letter is incorporated into approval of this tentative map, and the guidelines shall be adhered to strictly for tract or parcel map recordation.

March 27, 2002

To All Developers and Engineers

Subject: Final Maps and Improvement Agreements

Dear Sir;

This letter is to update all developers and engineers of the City's requirements for placing an agreement and/or map on the Council Agenda for approval and to record a map. The use of this letter as a "checklist" will aid both City staff and the development community in the expeditious processing of maps for recordation. Please note that for those projects seeking Council approval, all items must be received by the Public Works Department NO LATER than the Wednesday three weeks prior to the desired Council meeting date.

For Tract Maps and Parcel Maps for which improvements were required but have not been completed, the following items are required:

- I. **Signed Improvement Plans** The Improvement Plans and specifications for all improvements required for the Tract Map or Parcel Map, as well as any other improvements proposed to be installed and constructed by the subdivider, must be reviewed and signed by the City Engineer. All improvements shall be on an independent set of plans. Please allow sufficient time for plancheck in your recordation schedule – call (661) 326-3582 for the current plancheck turnaround time. The following items are to be submitted with or prior to the submission of the improvement plans:
 - A. Plan check and inspection fees must be submitted with the plans to be checked with signed, sealed Engineer's Estimate.
 - B. Any required grading plan, drainage study or sewer study must be submitted and approved prior to the start of plan check. Please note that until the required grading plan, drainage study or sewer study is submitted and approved, the associated plans will not be checked.
 - C. All easements and road right-of-way documents required for the construction of the improvements that are not being dedicated with the Final Map must be submitted, fully executed and with proof of title, and reviewed

VESTING TENTATIVE PARCEL NO. 12101

The following is provided by the PUBLIC WORKS DEPARTMENT.
Refer questions regarding these items to (661) 326-3590.

and approved by the City prior to the improvement plans being signed by the City Engineer. This includes any quitclaims or subordination of rights to the City by interest or easement holders.

- II. **Improvement Agreements and Landscape Agreements** signed and notarized with the following attachments:
- A. Approved Engineer's Estimate signed and sealed by the Engineer preparing the estimate.
 - B. Security (A list of the types of security that are acceptable and the required amounts can be found both in the Agreement and in Chapter 16.32 of the Bakersfield Municipal Code).
 - C. Insurance Certificate showing types and amounts in conformance with insurance requirements as contained in the Agreement.
 - D. Liability Endorsement in favor of the City, its mayor, council, officers, agents, employees, and volunteers as additional insured.
 - E. Waiver of Subrogation Endorsement for the Workers Compensation in favor of the City, its mayor, council, officers, agents, employees and volunteers.
- The map, agreement, security, and insurance documents shall all be in the same name. Please note that the approval of the Risk Manager is required for all insurance documents. Any deviations from the insurance requirements of the Improvement Agreement must be approved by the Risk Manager *prior* to the deadline mentioned above. Also, for developers with multiple tracts or multiple phases, maintaining a current insurance certificate that is not specific to a certain project will save time and paperwork.
- III. **Final Map approved and signed by the Planning Director and City Surveyor.** Please allow sufficient time for plancheck in your recordation schedule for both the review by the Public Works Department and the Planning Department. Submit the signed map with the following recording items (Note - the following items are required to record the map. They need not be part of the Council approval package, but must be received at least ten working days prior to the desired recording date):
- A. Tax Collector's Certificate - either marked "Paid" or "Security Posted With Tax Collector".
 - B. Subdivision guarantee - no older than 30 days at the time of recordation.
 - C. Signed and notarized covenants.
 - D. Approved and fully executed CC&R's and Property/Homeowners Association By-Laws (if required - please allow sufficient time for staff review) If the CC&R's are to be recorded by the title company, also provide a signed recordable copy with a letter from the title company stating that the CC&R's will be recorded and that the City will be provided with a recorded copy.
 - E. Recording fee (Checks made payable to the Kern County Recorder)
 - F. The subdivider shall ensure that each cable TV company provides notice to the City Engineer of its intention to occupy the utility trench.
 - G. Payment of all other fees, including, but not limited to, Final Map check fee (which is to be submitted with the final map first plan check), apportionment fee, Planned Drainage Area fee, Planned Sewer Area fee, park fee, bridge fee, temporary sump fee and median fee.
- A Maintenance District must be formed prior to recordation.

For Tract Maps and Parcel Maps for which all improvements have been completed:

- IV. The improvements must have been completed by the developer and accepted by the City. The Notice of Completion will be filed upon the execution of the Maintenance Agreement referenced below.
- 1 Maintenance Agreement, signed and notarized with the same attachments required above, with the exception of the Performance Bond required by Section 16.32.040 of the Bakersfield Municipal Code.
 - 2 Final Map approved and signed by the Planning Director and City Surveyor with the same recording items required above.

Parcel Maps do not need to be taken to Council for approval, but must be approved and signed by the City Surveyor. However, if improvements are required for the Parcel Map, then the Final Parcel Map cannot record until the Council has approved the Improvement Agreement, using the procedure outlined above. The Final Parcel Map, with the same recording items required above, must be submitted NO LATER than ten working days prior to the desired recordation date. Note that map recordation takes place only on Fridays, and that the City's deadline for a Friday recordation is 4:00 P.M. the preceding Thursday. However, the County Recorder has ten working days after the receipt of a map to record the map.

If you have any questions concerning this, please contact Marian P. Shaw at (661) 326-3579.

Very truly yours,

RAUL M. ROJAS
Public Works Director

VESTING TENTATIVE PARCEL NO. 12101

The following is provided by the PUBLIC WORKS DEPARTMENT.

Refer questions regarding these items to (661) 326-3590.

By:

Marian P. Shaw
Civil Engineer IV

It is to be noted that the above letter is modified to reflect the County Recorder's schedule of now recording maps on Tuesdays, rather than on Friday as stated in the letter.

19.

**The following is provided by the Planning Department.
Refer questions regarding these items to (661) 326-3733.**

- 1 Prior to filing of the final map, an approved plan for utility easements shall be provided. Easements for Public Utilities shall be determined, by the developer, through consultation with the public utility company. (BMC 16.28.140)
- 2 Habitat Conservation fees for this project will be calculated based on the fee in effect at the time (currently \$2,145 per gross acre) payable to the Planning Department prior to issuance of an urban development permit (includes grading plan approvals) as defined in the Implementation/Management Agreement (Section 2.21) for the Metropolitan Bakersfield Habitat Conservation Plan. Upon payment of fees, applicant will receive acknowledgment of compliance with Metropolitan Bakersfield Habitat Conservation Plan (Implementation/Management Agreement Section 3.1.4). (BMC 15.78)

The current Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) expires in year 2014. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the 2014 expiration date under the current MBHCP. As determined by the City of Bakersfield, only projects ready to be issued an urban development permit, grading plan approval or building permit) before the 2014 expiration date will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 2014 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish and Wildlife Agency and the California Fish and Game Department.

- 3 This project is within an area of documented "known" den sites for the San Joaquin kit fox. This requires that the applicant provide notice to wildlife agencies at least five days prior to grading and excavation of den sites. Forms and instructions are available at the Planning Department. (Metropolitan Bakersfield Habitat Conservation Plan Implementation/Management Agreement Section 4.7.4. (BMC 15.78.070)
- 4 Prior to submitting any improvement, drainage, sewer, grading or other required plans, subdivider shall obtain street name approval from the Planning Director. (BMC 16.28.130) Any request for a change of street names after approval by the Planning Director will require payment of fees and reimbursement to the City for any changes on plans previously submitted. Each street name submittal takes about three weeks to process.
- 5 In the event a previously undocumented well is uncovered or discovered on the project site, the subdivider is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The subdivider is responsible for any remedial operations on the well required by DOGGR. Subdivider shall:
 - a. Properly abandon any well within the map boundaries pursuant to State Division of Oil, Gas and Geothermal Resources (DOGGR) regulations;
 - b. Record a deed restriction or other instrument acceptable to the City Attorney, specifying the exact location of each well and prohibit construction of a structure within ten (10) feet of the well (submit a copy of the deed restriction or other

**The following is provided by the Planning Department.
Refer questions regarding these items to (661) 326-3733.**

instrument to the City for review several weeks ahead of expected recordation date);

- c. Accurately depict the location of each well on the final map and show a ten foot non-buildable radius around the well;
- d. Submit written verification from DOGGR that each abandoned well has been abandoned in accordance with DOGGR's regulations and the location of the well(s) is accurately located on the final map. Submit the letter to the Planning Department. (BMC 15.66.080B)

6 Development of the subdivision is subject to Regulation VIII (Fugitive Dust) of the San Joaquin Valley Air Pollution Control District (APCD). Refer to APCD's "Compliance Assistance Bulletin, September 2002, Fugitive Dust Control at Construction Sites."

7 BURROWING OWL NOTICE:

The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. To avoid violation of the take provisions of these laws generally requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1 – August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered "taking" and is potentially punishable by fines and/or imprisonment.

The burrowing owl is not covered under the Metropolitan Bakersfield Habitat Conservation Plan. Should you know or suspect burrowing owls inhabit your construction site or project area, you should contact a qualified biologist to assist you in addressing the issue prior to ground disturbance.

TENTATIVE PARCEL MAP 12101

*The following is provided by the BUILDING DEPARTMENT.
Refer questions regarding these items to (661) 326-3720.*

1. Prior to the filing of the final map, the subdivider shall obtain approval of a preliminary soils report and grading plan. (BMC 16.44)
2. Prior to the issuance of a building permit an approved final soils report will be required. (BMC 16.44)
3. Prior to permitting occupancy of any lot all required improvements must be accepted by the City of Bakersfield. (BMC 16.16 and BMC 16.32)
4. All private streets must provide pedestrian access to the public way via sidewalk conforming to City standards and public access easement.
5. Plans shall show pedestrian access easement for persons with disabilities from public right-of-way and shall connect to all accessible buildings, facilities, elements, and spaces per California Building Code. Pedestrian access easement shall not be parallel with vehicular way unless separated by curbs or railings (CA Title 24, 1114B.1.2).