

AGENDA
MCFARLAND REGULAR PLANNING COMMISSION
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY

REGULAR MEETING
CITY COUNCIL CHAMBERS
103 W. SHERWOOD AVE, MCFARLAND, CA

June 15, 2021
6:00 PM

In Person Meeting

How to Submit Public Comments:

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the city on any item listed on the agenda, or on any non-listed matter over which the city has jurisdiction. At special or emergency meetings, members of the public may only address the city on items listed on the agenda.

There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the mayor opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to City Council, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Mayor finds that there is in fact willful disruption of any City Council Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the City’s business without them present.

Americans with Disabilities Act:

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or services.

CALL TO ORDER: Chairman Jose Hernandez

ROLL CALL:

Chairman, Jose Hernandez
Vice Chairman, Rudy Nuñez
Commissioner, Marco Martinez
Commissioner, Jim White
Commissioner, Jose “Jay” Hernandez

PLEDGE OF ALLEGIANCE:

INVOCATION:

PRESENTATIONS, INTRODUCTIONS AND AWARDS

1. Presentation of Annexation Process by LAFCo.
 - a. Questions and Answers

PUBLIC COMMENT: This portion of the meeting is reserved for persons desiring to address the Commission on any matter NOT on this agenda and over which the Commission has jurisdiction.

Speakers are limited to two (2) minutes. Please state your name and address for the record before making presentation.

No action or discussion shall be taken on any item not appearing on the agenda, except that any Planning Commissioner may briefly respond to statements made, or questions posed, by members of the public. Concerns or complaints will be referred to the Community Development Director's office.

CONSENT AGENDA: These are items scheduled before the Planning Commission which are being recommended for approval by the staff and the applicant has been informed of any special conditions and has no objections. The hearing on these items may be expedited if no member of the Commission or audience wishes to comment or ask questions on the case.

2. Approval of the Minutes of Regular Planning Commission Meeting of May 18, 2021.
3. Approval of the Minutes of Special Planning Commission Meeting of June 1, 2021.

PUBLIC HEARINGS

None

ADMINISTRATIVE ITEMS:

4. Report and Discussion and Possible Approval of Vesting Tentative Tract Map 7393 for Leora LLC Development and Conditions of Approval.
5. Report and Discussion and Possible Approval of Vesting Tentative Tract Map 7394 for Leora LLC Development and Conditions of Approval.
6. Report, Discussion, and Possible Approval and Recommendation to Present to City Council to Amend Chapters 17.04.340, 17.123.020, 17.04.350, and Adopt Chapters 17.153.010 Through 17.153-070 of the McFarland Municipal Code Zoning Ordinance Home Occupation.
7. Report, Discussion, and Possible Approval of Parcel Map Waiver for Sherwood Milestone Apartment Project.

COMMISSIONER COMMENTS:

On their own initiative, Commission members may make an announcement or a report on their own activities. They may ask a question for clarification, make referral to staff, or take action to have staff place a matter of business on a future agenda (Government Code Section 54954.2(a)).

ADJOURNMENT:

This is to certify this agenda was posted at McFarland City Hall on **June 11, 2021**.

Francisca Alvarado
Francisca Alvarado, City Clerk

The next Planning Commission schedule will be **July 20, 2021**.

The City of McFarland does not discriminate based on disability and complies with the provisions of the **Americans with Disabilities Act (ADA)**. If you need special assistance to participate in this meeting, please contact the City Clerk's Office at **(661) 792-3091** at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.

CITY OF MCFARLAND REGULAR PLANNING COMMISSION MINUTES
In Person Meeting
May 18, 2021

CALL TO ORDER

Chairman Jose Hernandez called the meeting to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Hernandez (Chairman), Nunez (via Zoom), J.L. Hernandez, Martinez (via Zoom)

Commissioners Absent: Commissioner White

OFFICIALS PRESENT

City Clerk Alvarado, Acting Community Development Director Ronk, City Planner De Leon, Planning Consultant Ron Brummett

PLEDGE OF ALLEGIANCE

Commissioner J.L. Hernandez

INVOCATION

Chairman Hernandez

PRESENTATIONS AND PROCLAMATIONS

None

PUBLIC COMMENTS

None

CONSENT AGENDA

1. Motion was made by: **Commissioner Martinez** to approve minutes of Regular Planning Commission Meeting of April 20, 2021; 2nd by: **Commissioner J.L. Hernandez**.
Vote: 4-0
Ayes: Martinez, J.L. Hernandez, Nunez, Hernandez (Chairman)
Nays: None
Absent: Commissioner White
Abstentions: None

PUBLIC HEARINGS

None

ADMINISTRATIVE AGENDA

2. Report and discuss future tentative track map for Loera LLC Development and conditions of approval. *No Action Was Taken*

**City Planner De Leon informed Commission on status of tentative track map and provided power point presentation.*

3. Request was made by City Planner to table report, discussion, and possible approval of parcel map 12412 for Loera LLC Development near intersection of Garzoli Ave and Taylor Ave for future special meeting on June 1, 2021, at 6:00 p.m.

Vote: 4-0

Ayes: Martinez, J.L. Hernandez, Nunez, Hernandez (Chairman)

Nays: None

Absent: Commissioner White

Abstentions: None

COMMISSIONER COMMENTS:

Vice Chairman Nuñez- Stated the agenda was very well put together and that he was excited to begin in person meetings.

Chairman Hernandez- Instructed staff to review the City's ordinance that governs the number of years a term could last and would like to see if the term could be extended to six years instead of four. He also instructed staff to update the bylaws.

ADJOURNMENT

Motion was made by: **Commissioner J.L. Hernandez** to adjourn meeting 2nd by: **Chairman Hernandez**.

Vote: 4-0

Ayes: J.L. Hernandez, Martinez, Nunez, Hernandez (Chairman)

Nays: None

Absent: Commissioner White

Abstentions: None

Meeting adjourned at 6:30 p.m.

Francisca Alvarado, City Clerk

CITY OF MCFARLAND SPECIAL PLANNING COMMISSION MINUTES
In Person Meeting

June 1, 2021

CALL TO ORDER

Chairman Jose Hernandez called the meeting to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Hernandez (Chairman), Nunez, J.L. Hernandez, Martinez

Commissioners Absent: Commissioner White

OFFICIALS PRESENT

City Clerk Alvarado, Acting Community Development Director Ronk, City Planner De Leon

PLEDGE OF ALLEGIANCE

Vice Chairman Nuñez

INVOCATION

Chairman Hernandez

PRESENTATIONS AND PROCLAMATIONS

None

PUBLIC COMMENTS

None

CONSENT AGENDA

None

PUBLIC HEARINGS

None

ADMINISTRATIVE AGENDA

1. Motion was made by: **Vice Chairman Nuñez** to approve parcel map12412 for Leora LLC Development near intersection of Garzoli Ave and Taylor Ave; 2nd by: **Commissioner Martinez**.
Vote: 4-0
Ayes: Nunez, Martinez, J.L. Hernandez, Hernandez (Chairman)
Nays: None

Absent: Commissioner White

Abstentions: None

**Developer Dr. Michael Hair gave brief presentation and Q & A to Planning Commission. He also thanked the city staff and City Manager M. Lara for all their help, knowledge, and great service.*

2. Request was made by City Planner Brianahi De Leon to table approval of tentative track map 7393 for Leora LLC Development near intersection of Garzoli Ave and Taylor Ave. Motion to table item was made by: Commissioner Martinez and 2nd by: Vice Chairman Nuñez.

Vote: 4-0

Ayes: Martinez, Nuñez, J.L. Hernandez, Hernandez (Chairman)

Nays: None

Absent: Commissioner White

Abstentions: None

COMMISSIONER COMMENTS:

Chairman Hernandez – Stated that he was happy to see people interested in McFarland.

ADJOURNMENT

Motion was made by: **Commissioner Martinez** to adjourn meeting 2nd by: **Vice Chairman Nuñez**

Vote: 4-0

Ayes: Martinez, Nunez, J.L. Hernandez, Hernandez (Chairman)

Nays: None

Absent: Commissioner White

Abstentions: None

Meeting adjourned at 6:20 p.m.

Francisca Alvarado, City Clerk



PLANNING COMMISSION STAFF REPORT

June 1, 2021

TO: Chair and Planning Commissioners
FROM: Brianahi De Leon
City Planner
Larry Ronk
Acting Community Development Director

DATE: June 1, 2021

DEVELOPER: Leora, LLC

PROJECT DESCRIPTION: Vesting Tentative Tract Map 7394

ENVIRONMENTAL DOCUMENT: Negative Declaration

APPLICANT: Michael Hair LEORA, LLC

OWNER: Arthur McIntosh & Donna K. McIntosh

APN: Assessor's Parcel Number 060-090-29

ADDRESS: S.W. Corner of Taylor Ave & Garzoli Ave.

SIZE OF SITE: 37.38 acres gross

GENERAL PLAN DESIGNATION: Single Family Residential

ZONE DISTRICT: R-1 Single Family Residential

Agenda Item	
Presentation	
Consent	
Unfinished Business	
New Business	x
Public Hearing	
Other	
Action Requested	
Ordinance	
Resolution	x
Motion	
Other	

STAFF RECOMMENDATION

The staff recommends approval of Tentative Tract Map 7394 subject to conditions of approval and Negative Declaration.

PROJECT DESCRIPTION

The parcel is located across Horizon Elementary at the Southwest corner of Taylor Avenue and Garzoli Avenue. Property is designated as single-family residential, R-1, zoning on the City General Plan Map and Zoning map. The designated zoning will remain on the Tentative Tract.

The existing parcel has been divided, and Parcel 2 will be recorded as the Tentative Tract 7394. Parcel 2 will consist of 37.38 acres gross. If approved, the Tentative Tract 7394 would bring forth 183 residential lots. The Tentative Tract 7394 Map went through a plan check from the City Planning Department, the City Engineer, and Subdivision Committee. The proposed project will include conditions of approval that are based on adopted City guidelines, vision, and policies, those determined through subdivision review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the community, and recommended conditions for development that are not essential to the health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment. Some of those conditions of approval would include but are not limited to the aesthetics of the exterior of the homes ensuring that homes are situated with recognizable variations, are compatible with the surrounding environment, and express a cohesive and attractive identity. That landscaping will comply with the State Model Water Efficiency Landscape Ordinance, be well maintained, and follow the design guidelines. A development such as this, can be largely beneficial for the City. Larger franchises will often only enter cities, such as McFarland, dependent on the increase of housing developments as it reflects the cities growth potential; therefore, staff recommends approval of Tentative Tract Map 7394

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study/Negative Declaration (IS/ND) for the project. This IS/ND has been completed and is to be approved alongside the conditions of approval.

FINDINGS

The proposed Tentative Tract Map 7394 is consistent with the general plan. In 2019, California legislation passed Senate Bill Number 330 under the Housing Crisis Act. This bill states that due to the significant need in housing development, cities cannot add restrictions or require developer to go through a zone change from R-1 to R-5 or any other Residential zone class. As a case in point, pursuant to section 65905.5 of S.B. 330, Housing Crisis Act of 2019, a zone change is not needed for the residential subdivision and will remain a R-1 zoning.

ACTION

Approve Tentative tract 7393 subject to the listed conditions and the Negative Declaration.

ATTACHMENTS

Attachment 1 – Vicinity Map

Attachment 2 – Aerial Photograph

Attachment 3 – Proposed Tentative Tract 7394 Map

Attachment 4 – Negative Declaration / Initial Study

Attachment 5 – Conditions of Approval

ATTACHMENT 2

Aerial photograph



[illegible]

MAY 1, 2021



INITIAL STUDY

TENTATIVE TRACT 7393 & TENTATIVE TRACT 7394

PREPARED BY: BRIANAHI DE LEON, CITY PLANNER
401 W. KERN AVENUE MCFARLAND, CA 93250
401 W. Kern Avenue McFarland, CA 93250

Table of Contents

Section One - Introduction

CEQA Requirements	3
-------------------------	---

Section Two – Project Description

Project Description.....	8
--------------------------	---

Section Three – Environmental Checklist

Environmental Checklist.....	9
Determination.....	11
Evaluation of Environmental Impacts	13
Aesthetics.....	14
Agriculture and Forestry Resources	14
Air Quality	15
Biological Resources.....	16
Cultural Resources	17
Energy.....	17
Geology and Soils.....	18
Greenhouse Gas Emissions	19
Hazards and Hazardous Materials	19
Hydrology and Water Quality.....	21
Land Use and Planning.....	22
Mineral Resources.....	22
Noise	23
Population and Housing	23
Public Services.....	24
Recreation	25
Transportation	25
Tribal Cultural Resources.....	27
Utilities and Service System	27
Wildfire.....	28
Mandatory Findings of Significance	29

SECTION ONE
INTRODUCTION

SECTION ONE – INTRODUCTION

CEQA Requirements

This document is the Initial Study of the potential environmental effects of the adoption of Tentative Tract 7393 and Tentative Tract 7394. The City of McFarland will act as the Lead Agency for this project pursuant to the *California Environmental Quality Act* (CEQA) and the *CEQA Guidelines*.

Section 15063 of the CEQA Guidelines requires the Lead Agency to prepare an Initial Study to determine whether a discretionary project will have a significant effect on the environment. The purposes of an Initial Study, as listed under Section 15063[c] of the CEQA Guidelines, include:

- (1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare on EIR [Environmental Impact Report] or a Negative Declaration;
- (2) Enable an applicant or Lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;
- (3) Assist in the preparation of an EIR, if one is required, by:
 - (A) Focusing the EIR on the effects determined to be significant;
 - (B) Identifying the effects determined not to be significant;
 - (C) Explaining the reasons for determining that potentially significant effects would not be significant; and
 - (D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the projects' environmental effects.
- (4) Facilitate environmental assessment early in the design of a project;
- (5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
- (6) Eliminate unnecessary EIRs; and
- (7) Determine whether a previously prepared EIR could be used with the project.

If it can be determined that there is substantial evidence that the proposed project will have a significant impact on the environment then pursuant to Section 15604 an environmental impact report (EIR) must be prepared. However, if it can be determined that the project will not have a significant impact on the environment then a negative or mitigated negative declaration may be prepared instead. According to CEQA Guidelines, Section 15070, a negative declaration or mitigated negative declaration shall be prepared for the project when either:

- (1) This initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or;
- (2) The initial study identified potentially significant effect, but:

- (A) Revisions to the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- (B) There is no substantial, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

Lead Agency

The lead agency is the public agency with primary responsibility over a proposed project. Where two (2) or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with the CEQA Guidelines Section 15051 (b)(1), “the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” Based on these criteria, the City of McFarland will serve as lead agency for the proposed project.

Purpose and Document Organization

The purpose of this Initial Study /Negative Declaration is to evaluate the potential environmental impacts of the proposed project.

This document is divided into the following sections:

- 1.0 - Introduction
- 2.0 - Project Description
- 3.0 – Environmental Checklist

SECTION TWO
PROJECT DESCRIPTION

SECTION TWO – PROJECT DESCRIPTION

Project Location

The project location is approximately 75.95 acres gross in size and is located in the South West corner of Taylor Avenue and Garzoli Avenue. Directly East of the project is Horizon Elementary School. Found on either side of the project, to the East, are two single family residential homes. The vacant land located to the North, South, and West of the site is land currently being utilized for agricultural uses.

The legal description for the Tentative Tract 7393 is:

“A portion of Parcel B of Lot Line Adjustment No. 5-06 as evidenced by certificate of compliance recorded 10/27/2006 as document No. 0206267032 O.R. Also being a portion of the South half of Section 14 Township 26 South, Range 25 East, M.D.M, in the County of Kern, City of McFarland, State of California. “

The legal description for the Tentative Tract 7394 is:

“A portion of Parcel B of Lot Line Adjustment No. 5-06 as evidenced by certificate of compliance recorded 10/27/2006 as document No.0206267032 O.R. Also being a portion of the South half of Section 14 Township 26 South, Range 25 East, M.D.M, in the County of Kern, City of McFarland, State of California.”

Description of Project

The proposed project is to subdivide two parcels. Tentative Tract 7393 is 38.58 gross acres and will subdivide into 167 residential lots that will be built with single family dwelling units. Additionally, this tentative tract will include a drainage sump and park site. Tentative Tract 7394 is 37.38 gross acres and will subdivide into 183 residential lots that will be built with single family dwelling units. The proposed project will not only have access points to ensure circulation but as well as a pedestrian access for residents to get to school.

Tentative Tract 7393 & 7394
Initial Study



SECTION THREE
ENVIRONMENTAL CHECKLIST

SECTION THREE – ENVIRONMENTAL CHECKLIST

1. **Project title:** Tentative Tract 7393 & 7394
2. **Lead agency name and address:** City of McFarland, Community Development Dept.
401 W. Kern Avenue
McFarland, CA 93250
3. **Contact person and phone number:** City of McFarland
Brianahi De Leon, City Planner
401 W. Kern Avenue
McFarland, CA 93250
Phone: (661)792-3091
4. **Project location:** South West corner of Taylor Avenue and Garzoli Avenue
5. **Project sponsor's name and address:** Interstate Land Company
6501 Fruitvale Ave. Bakersfield, CA 93308
6. **General Plan designation:** Single-family Residential
7. **Zoning designation:** R-1 Single-family Residential
8. **Project Description:** The proposed 76.95 acres gross project will go through a subdivision. Parcel 1 and Parcel 2 will become Tentative Tract 7393 and Tentative Tract 7394. The subdivision will produce a total of 350 lots that will be built with single-family residential homes. The proposed project will be located across Horizon Elementary School. Tentative Tract 7393 will contain 167 lots, drainage basin, and park site. Tentative Tract 7394 will contain 183 lots.
9. **Surrounding Land Uses and Setting:** The City of McFarland is located in the northern portion of Kern County approximately 25 miles North of Bakersfield on SR-99. Kern County is in the southern portion of the San Joaquin Valley and is bounded on the South by the Tehachapi Mountains. The City of McFarland is an agriculture-based community and a prime farmland area. Directly East of the project is Horizon Elementary School. Surrounding the project is vacant farmland and single-family residential homes.

10. Other Agencies whose approval is required: The City of McFarland is the Lead Agency. No other approvals are required.

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

VALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).

Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question;
and

- b) the mitigation measure identified, if any, to reduce the impact to less than significance

AESTHETICS DISCUSSION

The City of McFarland is located in the southern San Joaquin Valley and at an approximate 25 miles North of the City of Bakersfield. The project site is located in an urbanized area of McFarland that is bounded on the East by residential homes and the North, South, and West of the project are agricultural vacant lands.

DISCUSSION OF IMPACTS

- A) Would the project have a substantial adverse effect on the scenic vista?

No impact. *There are no identified scenic vistas in the McFarland General Plan*

- B) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. *The project site is not located within the vicinity of a state scenic highway. The California Department of Transportation (Caltrans) designates and lists all state scenic highways within the County of Kern, the City of McFarland and the vicinity of the project site on its online database of sites (). Further the project was previously used for agricultural purposes and as a result is devoid of any scenic resources.*

- C) Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings?

No impact. The project site was previously used for agriculture and is currently covered in almond orchards. The proposed development of the lot will be consistent with the surrounding area.

- D) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No impact. The project site would not have any impact on the light that is already present in the city. Additionally, the City of McFarland has placed development standards for the lighting accepted.

AGRICULTURE DISCUSSION

The project site has been used for primarily agriculture and/ or vacant land.

DISCUSSION OF IMPACT

- 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?

No impact.

- B) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The project site is not encumbered by a Williamson Act Contract nor is it zoned for agricultural uses.

- C) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by GC section 51104(g))?

No impact. The project site is not classified as forest land nor will it have any effect on forest land.

- D) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No impact. See item (C) above.

- 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?

No impact. The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or under a Williamson Act contract. There are also no lands zoned as forest land, timberland, or Timberland Production within the footprint. The project site is on lands zoned for residential; therefore, the proposed project would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to nonagricultural use or forest land to non-forest use. There would be no impact.

AIR QUALITY DISCUSSION

The City of McFarland is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD), which covers several counties. The SJVAPCD is responsible for the management of the air pollution emissions in the valley portion authority for most types of stationary emission sources.

DISCUSSION OF IMPACTS

- A) Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact.

- 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?

No Impact.

- C) Would the project expose sensitive receptors to substantial pollutant concentrations?

No Impact.

- D) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact.

BIOLOGICAL RESOURCES DISCUSSION

The project site is located in the Southern San Joaquin Valley and as a result is typified as a hot, dry summers, and cool, rainy winters. The project site is currently covered in Almond trees and will go through a process of taking down the harvest, grading, tilling, and disking the site. A drainage basin/sump will be developed along with a park.

DISCUSSION OF IMPACTS

- A) Would the project have a substantial 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 Service?

No impact: however, a biological survey shall be completed by a licensed biologist.

- 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, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services?

No impact. No riparian habitat or other sensitive natural community exists on the project site.

- C) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. There are no state or federally protected wetlands, as defined by Section 404 of the Clean Water Act, located on the project site.

- D) Would the project interfere substantially with the moment 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?

No impact. The project site was initially used for agriculture and contains no native resident or migratory fish or wildlife species and will therefore not be impeding on any native wildlife nursery sites.

- E) Would the project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

No impact. The city of McFarland does not have any local policies or ordinances protecting biological resources.

- 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?

No impact. The project is not conflicting with any habitat conservation plans.

CULTURAL RESOURCES DISCUSSION

This environmental issue focuses on the impacts of a project on any cultural resources that may be present in or around the project site.

DISCUSSION OF IMPACTS

- A) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No Impact.

- B) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to sections 15064.5?

No Impact.

- C) Would the project disturb any human remains, including those interred outside pf dedicated cemeteries?

No Impact.

ENERGY DISCUSSION

This environmental issue focuses on the impacts of a project on the energy distribution or consumption.

DISCUSSION OF IMPACTS

- 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?

No Impact. The residential sites will also include solar panels to prevent any wasteful consumption.

- B) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact.

GEOLOGY AND SOILS DISCUSSION

DISCUSSION OF IMPACTS

- A) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- 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.

No Impact.

- Strong seismic ground shaking?

No Impact.

- Seismic-related ground failure, including liquefaction?

No Impact.

- Landslides?

No Impact.

- B) Result in substantial soil erosion or the loss of topsoil?

No Impact.

- 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?

No Impact.

- 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?

No Impact.

- 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?

No Impact.

GREENHOUSE GAS EMISSIONS DISCUSSION

Greenhouse gas emissions or GHG are known to be generated by human activities such as production of certain materials, electricity consumption transportation, and many more. These greenhouse gases have been known to accelerate global warming.

DISCUSSION OF IMPACTS

- A) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Development of the project will result in an increase in vehicle trips in the area which will lead to an increase in the generation of greenhouse gases; however, to offset this increase the project will contain a 2.38-acre park and will contain pedestrian crossing path to encourage walkability.

- B) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact.

HAZARDS AND HAZARDOUS MATERIALS DISCUSSION

This environmental issue focuses on the impacts of a project with respect to hazards. The creation of new hazardous conditions or activities that will result in people or property being exposed to existing hazards is the primary area of focus under this environmental issue.

DISCUSSION OF IMPACTS

- A) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The project site will be developed with residential uses which are typically not associated with 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 release of hazardous materials into the environment?

No Impact. The project site will be developed with residential uses which are typically not associated with the release of hazardous materials.

- 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?

No Impact. The proposed project will be a residential subdivision which does not typically have hazardous emissions nor are hazardous materials, substances or waste associated with this type of development.

- 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?

No Impact. The project site is not located on a hazardous waste site.

- 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?

No Impact. The project site is not located within an Airport Land Use Plan nor is it within two (2) miles of an existing airport.

- F) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No impact. There are no private airstrips in the vicinity of the airport site.

- G) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The project site is included in the City of McFarland's Emergency Response Plan.

- H) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is in an area of agricultural land uses and urban development neither of which are considered wildlands.

HYDROLOGY AND WATER QUALITY DISCUSSION

This environmental issue focuses on the impacts of a project on surface and groundwater, including compliance with water quality standards and regulation, depletion of groundwater supplies, pollution or degradation of water quality. Additionally, concerns include water related hazards such as flooding, mudflows, and similar hazards. This area of environmental concern also addresses potential project impacts on area drainage, including storm water runoff.

DISCUSSION OF IMPACTS

- A) Would the project violate any water quality standards or waste discharge requirements?

No Impact.

- B) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact.

- 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, in a manner which would result in substantial erosion or siltation on- or off-site?

No Impact.

- D) 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No Impact.

- E) Would the project 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?

Less Than Significant Impact. Any storm water or runoff associated with the site will be conveyed, via underground pipes, to an existing retention basin that will allow the water to percolate into the ground.

- F) Would the project impede or redirect flood flows?

No Impact.

- G) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact.

- H) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact.

LAND USE AND PLANNING DISCUSSION

This environmental issue focuses on the impacts of a project on adopted land use, habitat conservation or natural community conservation plans. The specific focus of this area of environmental concern is the project's potential to conflict with established plans and policies or the potential for the project to physically divide a community area.

DISCUSSION OF IMPACTS

- A) Would the project physically divide an established community?

No Impact. The project site is located on the existing City limits and is directly north and west of existing residential development.

- B) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed uses are consistent with the project site's General Plan Land Use designation and Zoning Classifications.

MINERAL RESOURCES DISCUSSION

This environmental issue focuses on the impacts of a project on known mineral resources of commercial or otherwise documented economic value.

DISCUSSION OF IMPACTS

- 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?

No Impact. The McFarland area does not contain any identified oil or natural gas fields (Kern County Oil Fields map, California Department of Conservation, 2002)

- 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?

No Impact. There are no mineral resource recovery sites located in the McFarland area.

NOISE DISCUSSION

This environmental issue focuses on the impacts of a project with respect to noise or ground-borne vibration. The creation of new noise or ground-borne vibration conditions or activities that will result in people or property being exposed to existing noise or vibrations is the primary area of focus under this environmental issue. Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and interferes with or disrupts normal activities. Federal, state, and local regulations have been developed to avoid noise impacts.

DISCUSSION OF IMPACTS

- 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?

No Impact.

- B) Generation of excessive ground borne vibration or ground borne vibration or ground borne noise levels?

No Impact.

- C) 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 expose people residing or working in the project area to excessive noise levels

No Impact.

POPULATION AND HOUSING DISCUSSION

This environmental issue focuses on the impacts of a project on population and housing, including population growth or displacement of human population and housing.

DISCUSSION OF IMPACTS

- 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)?

Less Than Significant Impact. Future development of the site will include residential development; however, the project site is located in the City of McFarland and has been planned for urban development.

- B) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. There are no dwelling units located on the project site.

- C) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. There are no dwelling units located on the project site.

PUBLIC SERVICES DISCUSSION

This environmental issue focuses on the impacts of a project on public service facility needs and the potential environmental impacts of developing and/or expanding these facilities. Facility needs can be defined by the need to maintain acceptable levels of service such as response times or other such community service standard as may apply.

DISCUSSION OF IMPACTS

- 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 any of the public services:

- B) Fire protection?

No Impact.

- C) Police protection?

No Impact.

D) Schools? Parks?

No Impact.

E) Other public facilities?

No Impact.

RECREATION DISCUSSION

This environmental issue focuses on the impacts of a project on public recreation service and facility needs and the potential environmental impacts of developing and/or expanding recreation facilities. Facility needs can be defined by the need to maintain acceptable levels of community recreation service in the area and region.

DISCUSSION OF IMPACTS

- A) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The developer of the proposed project will construct a 2.38-acre park on the site. This park will serve residents of the proposed development, but also be open to the city for use.

- B) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact.

TRANSPORTATION DISCUSSION

This environmental issue focuses on the impacts of a project on transportation systems including roads and highways, public transportation systems, pedestrian circulation and access, parking, and emergency access. Impacts can be in the form of new hazardous circulation or traffic conditions, conflict with existing plans or policies, or creation of an unacceptable traffic level on a transportation system or facility.

DISCUSSION OF IMPACTS

- A) Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into

account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

No Impact. The City of McFarland adopted a Circulation Element. Included in this circulation Element is a list of projects that primarily deal with new or expanded infrastructure to accommodate the increase in vehicle traffic that is generated by new development. The applicant will be required to dedicate land for right-of-way purposes to the City of McFarland. As development occurs the dedicated right-of-way will be constructed to City standards which include adequate lanes of travel, sidewalk, and pedestrian access.

- B) Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. The city does not have a congestion management program however the City's recently adopted Circulation Element includes level of service requirements that need to be maintained. As stated under item (a) above, road improvements will be required to ensure that traffic moves at or above the projected level of service.

- C) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. We are far from an airport.

- D) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. City Engineer, Surveyor, and City Planner have done plan checks to ensure no hazardous features are present on-site.

- E) Would the project result in inadequate emergency access?

No Impact. Project site will have various exits and entrances in order to prevent any issues.

- F) Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The City of McFarland does not have a fixed route transit system therefore no transit facilities will need to be constructed.

TRIBAL CULTURAL RESOURCES DISCUSSION

This environmental issue focuses on the projects potential impact on any tribal or cultural resources that may be present.

DISCUSSION OF IMPACTS

- A) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Sections 21074 as either a site, feature, place, cultural landscape that is geologically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- a. Listed or eligible for listing in the California Register of Historical resources as defined in Public Resources Code Section 5020.1(k), or

No Impact.

- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Sections 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact.

UTILITIES AND SERVICE SYSTEM DISCUSSION

This environmental issue focuses on the impacts of a project on public utility systems or facilities such as water, wastewater, storm water drainage or other utility or service systems.

DISCUSSION OF IMPACTS

A) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact.

B) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

No Impact.

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?

No Impact.

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?

No Impact.

E) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact.

WILDFIRE DISCUSSION

This environmental issue focuses on the impacts of a project on a wildfire or the potential of accelerating potential wildfire.

DISCUSSION OF IMPACTS

A) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact.

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?

No Impact.

C) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact.

D) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less Than Significant Impact. Project site is currently agriculture, site will be paved and constructed. Not a significant amount to cause a risk.

MANDATORY FINDINGS OF SIGNIFICANCE DISCUSSION

DISCUSSION OF IMPACTS

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

No Impact. The project site is currently agriculture land and contains no endangered plants or animals.

- B) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less Than Significant Impact. The project would not conflict with the appropriate General Plan Land Use designation and policies of the McFarland General Plan. All current and future project’s impacts would be reduced to a less than significant level by adherence to basic regulatory requirements and/or conditions of approval incorporated in the project design.

- C) Does the project have environmental effects which will cause substantial adverse on human beings, either directly or indirectly?

No Impact.

**ATTACHMENT 5
CITY OF MCFARLAND
PLANNING DEPARTMENT**

**Vesting Tentative Tract Map 7394
Conditions of Approval
June 1, 2021 PRELIMINARY**

PART A – PROJECT INFORMATION

Assessor's Parcel Number 060-090-29

Job Address: No address assigned yet

Existing General Plan: Single Family Residential

Existing Zoning: R-1 Single Family Residential

Tract #: Tract 7394

PROJECT DESCRIPTION:

The proposed project is a proposal to construct Tract 7394. The project will consist of 183 single-family homes with various lot sizes starting at a minimum of 5000 square feet with an average lot size of 6177 square feet. This tract will be conducted with 4 phases. A required drainage basin and neighborhood park will be constructed in connection with development of Tract 7393 and will satisfy the requirements for Tract 7394.

The existing parcel will be divided, and the Parcel Map will be recorded to create two parcels. One parcel consists of Tract 7393 and the other parcel comprises Tract 7394.

These residential units will follow all new California Building Code and require solar panels to be installed on new single-family residences. This will give homeowners the ability to conduct their own electricity.

Sanitary sewer and water will be provided by the City of McFarland, refuse services by Franchise Hauler, Police Services by the McFarland Police Department and Fire Services by Kern County Fire Department. All water run-offs will be conveyed to the City owned retention basin constructed as part of Tract 7393, located at the easterly property line on Taylor Ave.

PART B – CONDITIONS OF APPROVAL

The conditions of approval are based on adopted City plans and policies, determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment

including the health, safety and welfare of the community, and recommended conditions will enhance the project and its relationship to the neighborhood and environment.

Conditions of approval may be appealed within fifteen (15) calendar days from the date of the approval. However, conditions based on the City of McFarland Municipal Code are mandatory and may be modified by variance, provided findings pursuant to the McFarland Municipal Code Section 17.148 can be made. Should an appeal of a mandatory condition of approval be received, an application for a variance and the associated fee must be submitted for consideration.

GENERAL CONDITIONS AND REQUIREMENTS

- 1) The applicant(s)/subdividers(s)/developer(s) (hereinafter referred-to as "Developer"), at their sole cost and expense, shall defend, indemnify and hold harmless the City of McFarland (hereinafter referred to as "City") , its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of Vesting Tentative Tract Map 7394 (hereinafter referred to as VTTM-7394) or, at its election and in all alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City's reasonable approvals. Developer shall also reimburse the City, its agents legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such actions, claim, or proceeding. The City may at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the Developer of their obligations under this condition.
- 2) The following disclosure shall be given as part of transfer to properties: "If your real property is near property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on any 24 hours basis. Said discomforts may include, but not be limited to equipment noises, odors from manure or other chemicals, and dust or smoke: The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City and will not be considered a nuisance for those inconveniences or discomforts arising from agricultural operations, provided such operations are consistent with accepted customs, standards, and laws." Developer, or his successor, shall inform prospective homebuyers of the possible exposure to agricultural chemicals that may be used on adjacent agricultural lands.
- 3) Developer, or the general contractor shall submit a list of all contractors and/or subcontractors performing work on VTTM-7394 to the City Clerk and such contracts and subcontractors shall obtain valid business licenses to do business and/or work in the City.
- 4) Until all portions of VTTM-7394 have been completed, all vacant and undeveloped land within the boundaries of VTTM-7394 shall be maintained in a weed-free, clean or orderly manner by the Developer. Should said property not be maintained, the City shall notify property that the property is to be cleaned within thirty (30) days of receipt of said notice.

If property owner does not comply within the required time frame, City may then clear the land and bill property owner for expenses incurred.

- 5) VTTM-7394 shall expire twenty (20) years from the date of final approval by the City Council consistent with the term of the Development Agreement approved for this Project, and in accordance with California Government Code, §66452.6. In the event the City enacts a moratorium on residential development for any reason whatsoever, VTTM 7394 shall be extended for the same period of time as said moratorium.
- 6) Developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.
- 7) Developer shall submit a copy of any proposed Covenants, Conditions and Restrictions (CC&R's) to the City's Community Development Director prior to - Certification of Occupancy and CCRs must also be approved by the city prior to a certificate of occupancy being issued. If the Community Development Director determines that said CC&R's result in any consistency with City Ordinance the City General Plan, or City Development standards, said CC&R's shall be amended to eliminate any such inconsistency. Once the CC&R's are accepted by the City, none of the portions thereof shall be amended, modified or changed without first obtaining written consent from the City.
- 8) Any and all applicable City fees adopted as of the effective date of the Development Agreement and for a period of twenty (20) years thereafter, including, but not limited to Connection Fees, Impact Fees and Exactions, as those terms are defined in the Development Agreement, shall be paid to the City of McFarland prior to the issuance of a building permit.
- 9) Within five working days after project approval, the applicant shall pay the mandatory Notice of Determination (NOD) filing fee of \$50.00 along with the mandatory State Department of Fish and Wildlife CEQA review fee as amended or adjusted from time to time. (F&G code §713) for Kern County Clerk NOD processing. The check will be made to Kern County Recorder. If the required filing fee is not paid for the project, the project approval will not be operative, vested, or final and any local permits issued for the project will be invalid (§711.4 (c) (3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the vesting tentative tract map, it will extend the time frame for CEQA legal challenges.

PLANNING CONDITIONS:

- 10) All Street names shown on the final map are subject to approval of the Community Development Director after consultation with the subdivider or subdivider's representative and approved by the Planning Department. The approved street names shall be shown on the Final Map. The words "Avenue," "Boulevard," "Drive," "Place," "Way," "Street,"

"Road" or other designation of any such street or way shall be spelled out in full. City logo must be present on signage for all subdivision street signs.

11) **Residential Subdivision Land Use Design Criteria.** It is the intent of the General Plan and the provisions of this Title to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the City. The following represents components of design requirements for all residential subdivisions:

- a. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yard building setbacks. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.
- b. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the City Building Official.
- c. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one-story element into the two-story structure shall be required when feasible.
- d. The minimum size for construction of a new house in the City shall be one thousand one hundred square feet.
- e. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.
- f. If custom homes are not proposed, the developer shall provide a minimum of five (5) floor plans and four (4) building elevations for each proposed floor plan. The required number of building elevations may be reduced by one for every two building footprints added to the required minimum number. Elevations, for the purpose of meeting this requirement, shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevations of any other house in the same subdivision as seen from the street upon which it faces. No two identical elevations shall be placed side by side within a subdivision.
- g. **Color.**
 - i. The use of monochromatic and complementary accent and trim colors is considered to meet the intent of this Chapter.

- ii. The use of bright or garish colors (i.e., fluorescent "hot" or "day-glow" colors) shall not be permitted.
 - iii. Using building materials in their natural state, such as brick or stone, is strongly recommended.
 - iv. The use of colors to express individuality and identity within a cohesive and attractive framework is encouraged. Such colors should be in harmony with other colors used in the immediate area.
- h. **Landscaping of Model Homes**. Notwithstanding the provisions of Section 20.10.410, and as to this Section only, any new single-family project or development:
- i. Consisting of eight or more lots;
 - ii. In which one or more model homes are built; and
 - iii. Which landscapes said model home(s), shall provide the following:
 - iv. All landscaped model home shall comply with the requirements of this Chapter; and
 - v. A four square foot sign shall be placed in the front yard of each said model home that contains such water efficient landscaping, such that it is clearly visible to pedestrian and vehicular traffic. Said sign shall state that the model features a water saving landscape and irrigation system; and
 - vi. Within said models, there shall be located a drawing, or combination of drawings, providing a schematic and description of the landscaping and irrigation system, including a key identifying the common names of all plantings which are part of said landscaping.
- 12) **All Landscaping to comply with MWELQ** A landscaping and irrigation plan prepared by a licensed landscape architect shall be submitted to the City for approval by the Community Development Department. All landscaping plans shall comply with the requirements of the State Model Water Efficiency Landscape Ordinance (MWELQ). Species, sizes, and number of proposed tree and shrub species shall be shown, labeled on the required plans, and consistent with the City's Adopted Urban Forestry Guidelines. The required plans shall show irrigation facilities, automatic controller locations, and points of connection as required by local and state laws. Lawn (turfed) areas and walkways shall be shown.
- 13) **Front Yard Landscaping** The developer shall provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final inspection for any house constructed in that subdivision, as follows: landscaping and an irrigation system for both the front yard and the street side yard, provided the street side yard is not obscured from sight from an adjacent street by fencing, of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one tree from the approved City Plant List with a minimum listed

canopy width of fifteen (15) foot tree canopy; (2) ten percent of said yard area shall consist of a landscaped planter; and (3) the remaining portion of said yard area not occupied by a driveway, shall be improved with sod including one, six-station clock and two, one-inch valves. All plant materials shall be selected from the City approved Urban Forestry Guidelines. The applicant shall provide two variations of landscaping plans for each model and shall not place the same landscaping configuration on two adjacent properties.

- 14) **Side Yard Wall/Fence Requirement:** Properties with side yards abutting the public right of way may have wood fencing material but must include enhanced landscaping selected from the City Urban Forestry Guideline in order to screen the fencing material from the street. The plants shall be minimum of three feet in height and three feet wide when planted, as listed within the City Plant List. If enhanced landscaping is not installed, the fencing type along the side yards abutting the public right of way must be approved by the Community Development Department. The applicant shall notify property owners of that maintenance of these areas is their responsibility as property owner.
- 15) **Maintenance of Landscaping.** All landscaping and structural features that are required pursuant to this Chapter shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating. For purposes of enforcement, the owner and the occupant of the property shall be responsible for such maintenance. In the case of a vacant building, the owner shall be responsible for such maintenance.
- 16) **CEQA Compliance:** The tract map shall comply with any adopted environmental mitigations for the project..
- 17) **Development Agreement.** If a Development Agreement is adopted for the proposed project, the Development Agreement requirements as adopted by the City Council shall supersede or modify any requirements listed within the Conditions of Approval.
- 18) **All Plant Materials.** Said plans shall be in compliance with the Municipal Code and Subdivision Design Standards. All landscaping and irrigation system plans shall be submitted to the City of McFarland for review and subsequent approval by the Community Development Department, the City's Engineer Office prior to acceptance of the Final Map.
- 19) **Screening Requirements** Prior to occupancy approval for residential units within the tract map or applicable phase thereof, Developer shall construct a six-foot exterior masonry wall, or a combination of masonry and other compatible material with split block faces, columns, or other design features to provide visual relief along the wall face for the northerly boundary of Tract 7394 adjacent to Taylor Avenue. Said wall(s) shall meet the City's specifications and subdivision standards. The entire wall fshall be completed and

receive final inspection approval, prior to issuance of the first occupancy permit within the development. Exterior surrounding walls of the exterior of the Tract 7394 shall be constructed with decorative materials which include, but are not limited to split face block, slump stone, stucco block, brick, or other similar materials but specifically excluding precision cinder block construction or may be designed to match adjacent exterior walls of adjacent subdivisions. The exterior wall shall include a capstone of a minimum of one (1) inch, and pilasters at every 50'-0". Both the capstone and pilasters shall vary in shade from the rest of the block wall. The wall shall be shown on any permits required for construction of the proposed use prior to issuance of said permits. Final screening design and materials shall be submitted Community Development Department for approval prior to construction.

BUILDING CONDITIONS:

- 20) Private driveways constructed of Portland concrete/cement shall be constructed at a minimum width of sixteen (16) feet from the edger of the public right-of-way to the garage of each house.
- 21) Prior to permitting occupancy of any lot, building addresses shall be permanently installed and clearly visible from the street, in accordance with the requirements of the McFarland Municipal Code.
- 22) Prior to a Certificate of Occupancy being issued for any structure all required off-site improvements shall be installed and inspected by the City of McFarland.
- 23) **Building Permit Fees.** The Developer shall be responsible for paying all applicable building permit fees as adopted in Resolution No. 2020-0027, which shall apply throughout the entire development of Tract 7394.
- 24) **Development Impact Fees.** The Developer shall be responsible for paying all development impact fees as adopted in Resolution No. 2020-0046, which shall apply throughout the entire development of Tract 7394. All fees associated with each lot shall be paid at time of building permit.

ENGINEERING CONDITIONS:

- 25) The safety and security of the project site shall satisfy and be in compliance with all applicable Local, County, State, Special District, and Federal regulations, California Building Code, and California Occupational Safety and Health Association (CAL/OSHA).
- 26) *This map is being created from Tentative Parcel Map 12412.* Final Tract Map 7394 shall not be recorded until the Parcel Map has recorded in accordance with the Subdivision Map Act.
- 27) Final subdivision map proposed to be recorded shall be in substantial conformance with

the approved vesting tentative map.

- 28) The applicant to reimburse the City of McFarland for expenses of consultants work for Vesting Tentative Tract Map No. 7394 and agrees to reimburse the City within thirty (30) days of receiving an invoice from the City of McFarland for these expenses.
- 29) **Development Agreement (DA):** A Development Agreement will outline more specifics related to scope and timing of required offsite and park improvements. A Subdivision Improvement Agreement for each phase of the project will be required, in which onsite and offsite public improvement security will be addressed, along with the required landscape and lighting maintenance districts.
- 30) **Grading Permit Fee:** This fee is set by the building code, where the cost depends on the cut/fill volume, and shall be paid prior to Final Map approval. All building finish floor elevations shall be a minimum of one foot above the front street curb elevation.
- 31) **Engineering Inspection and Materials Testing:** 3.5% deposit of the engineer's estimate of the public improvements shall be paid prior to Final Map approval. Total Fee will consist of total time and material plus 10% administration fee.
- 32) **Plan-check fees:** An engineering plan-check fee deposit of \$3,000.00 of the engineer's estimate of the public improvements and grading plan shall be paid at time of plan submittal. Total Fee will consist of total time and material plus 10% administration fee.
- 33) **Encroachment Permits:** Encroachment Permits must be paid and acquired prior to any street improvement or any new utility installation within the public right-of-way.
- 34) The project site is subject to all applicable City of McFarland ordinances, regulations, standards and policies.
- 35) The applicant shall obtain necessary permits and/or approvals from all agencies having jurisdiction with respect to this project.
- 36) Provide the City of McFarland with a copy of the current Title Report
- 37) Provide the City of McFarland with a Preliminary Soils Report that addresses all improvements.
- 38) Provide the City of McFarland with an estimate of the cost of improvements for bonding or securities of improvements.
- 39) All improvements to comply with American Disabilities Act standards and regulations (ADA) including drive approach ramp(s), walk around(s), etc.

- 40) Developer shall not be required to construct a retention basin or park as a condition of approval for Tract 7394 based on construction of said improvements in connection with development of VTTM 7393.
- 41) Project to satisfy National Pollution Discharge Elimination System (NPDES), State and Central Valley Regional Water Quality Control Board requirements.
- 42) The following road improvements are required:
- a. Install Curb, Sidewalk, gutter, and pavement adjacent to Tract 7394 along southside of Taylor Ave within the 45' right-of-way.
 - b. Install new pavement on remaining 15' non-improvement street, north of centerline on Taylor Ave between east and west boundaries of Tract 7394.
 - i. Cost of this improvement will turn into credit towards traffic impact fees applicable to each lot in Tract 7394 and applied until completely exhausted.
- 43) All new and existing utilities to be installed underground.
- 44) Developer shall use Roadway hard surface design TI-7.
- 45) Lighting for all roads surrounding and within subdivision must follow city standard lighting improvement standards.
- 46) Improvement plans to include a Dust Control Plan as required by San Joaquin Valley Air Pollution Control District (SJVAPCD).
- 47) Provide verification from Division of Oil and Gas of no conflicts.
- 48) Provide Kern County Fire Department project approval prior to any plan approvals.
- 49) Developer shall comply with requirements of the Kern County Fire Department regarding fire hydrants, and hydrant maintenance.
- 50) Verify water service capacity prior to any plan approval.
- 51) Sewer and water service shall be provided for each parcel created.
- 52) Developer shall verify wastewater plant capacity prior to any plan approval.
- 53) Developer shall verify gravity service sewer system prior to any plan approval.
- 54) All streets, alleys, access rights, drainage and/or sewer easements and other easements and parcels of land shown on the final map as intended for public use shall be offered for dedication for public use pursuant to the Subdivision Map Act.

- 55) The final map shall show the location, width and side lines of all easements to which the lots are subject. If an existing easement is not definitely located of record, a statement as to the easement shall appear on the title sheet. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines. Distance and bearings on the side lines of the lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easement, the lengths of the bearings of the lines thereof, and sufficient ties to locate the easement shall be clearly labeled and identified, and, if already of record, proper reference to the records shall be given. Easements being dedicated shall be so indicated in the certificate of dedication.
- 56) Sufficient data shall be shown to determine readily the bearing and length of each line. Dimensions of lots shall be the net dimensions.
- 57) Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the city engineer. Such plans will be required before approval of the final map. All such plans and profiles shall be filed with the city engineer.
- 58) Developer shall provide copies of complete set of Civil on-site/offsite improvement plans signed by a California Registered Civil Engineer.
- 59) Developer shall provide complete Engineer's Cost Estimate per the project's improvement plans signed by a California Registered Civil Engineer. Use current Kern County Development Standards Division Seven Sec. 701-1 to Sec. 702-9. The estimate shall include a contingency factor to compensate for the effect of inflation and any changes in construction during the life of the project.
- 60) Improvement work shall not be commenced until the city engineer and the public works director have been notified in advance, and if work has been discontinued for any reason, it shall not be begun again until the city engineer and public works director have been notified.
- 61) All required improvements shall be constructed under the inspection of, and to the approval of, the city engineer and the city public works director.
- 62) All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when connections thereto are made.
- 63) All streets and highways shall be graded and surfaced to cross sections and grades approved by the city engineer.

- 64) Structures shall be installed as required for drainage, access and/or public safety. Such structure shall be placed to grades and shall be of a design approved by the city engineer.
- 65) Vertical curbs, gutters and sidewalks shall be installed to grades and at locations approved by the city engineer prior to the issuance of an occupancy permit on building construction on any site within the subdivision. Sidewalks shall be required on all street frontages.
- 66) Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, location and design and size approved by the city sewer engineer. No septic tanks or cesspools shall be permitted. Location of house sewer laterals shall be marked on curb or sidewalk with a letter "S."
- 67) Storm drains shall be installed as required by the city engineer.
- 68) Water mains and fire hydrants of design and layout and in locations approved by the city water engineer and public works director shall be installed by the subdivider. Location of water services shall be marked on the curb or sidewalk with a letter "W." The water system shall be installed and in operation and all required fire hydrants connected thereto prior to the commencement of building construction on any site within the subdivision.
- 69) Permanent stainless-steel storm drain markers shall be installed at all storm drain inlets. Coordinate "No dumping" legend with City.
- 70) Street signs of a type approved by the city shall be installed by the subdivider, in locations approved by the city engineer. Two street name signs shall be installed at each four-way intersection within the subdivision and one street name sign shall be installed at each two-way or three-way intersection. Any required barricades to prevent traffic access to dead-end streets shall be provided by the subdivider.
- 71) Ornamental streetlights shall be installed by the subdivider, at locations approved by the city engineer, at each four-way intersection, at each three-way intersection, at each two-way intersection, at the end of each cul-de-sac and at such other locations as necessary to provide that no point along any street within the subdivision shall be more than two hundred fifty feet from a streetlight.
- 72) Permanent monuments in accord with the standard specifications shall be set at all angle and curve points on the exterior boundaries of the subdivision, at all street intersections, at all angle points of street lines, and at all curve points, both simple and compound, of street lines. Monuments in street lines shall be set on street centerlines unless otherwise directed by the city engineer; provided, however, such permanent monuments need not be set at angle and curve points on the exterior boundaries of the subdivision when such points on the exterior boundaries of the subdivision have been

previously monumented and accepted by the city.

- 73) The engineer or surveyor shall set at all corners a marker not less substantial and enduring than one-half-inch iron pipe eighteen inches long with a noncorroding material with the registered engineer's or licensed land surveyor's marker on the head thereof.
- 74) Any monument or benchmark, as required by the provisions of this title, which is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider.
- 75) Monuments and benchmarks shall be set before acceptance of the improvements by the council.
- 76) All improvements necessary shall conform to the proposed subdivision to the standards and policies of the city existing at the time of filing the vesting tentative map shall be installed at the cost of the subdivider.
- 77) Prior to approval by the council of the final map, the subdivider shall execute and file a Subdivision Improvement Agreement between himself and the city specifying a period (not to exceed twelve months), within which he, or his agent or contractor, shall complete all improvement work and providing that if he fails to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall provide for the inspection of all improvements by the public works department. Such agreement shall include such stipulations as may be required to assure completion of the subdivision in accord with the requirements of the city.
- 78) The subdivider shall file with the agreement required provisions to assure his full and faithful performance thereof, a bond or security for such sum as the City engineer deems sufficient to cover the cost of the improvements.
- 79) The security shall be in the manner, form and kind provided in the Subdivision Map Act. The security shall be in the amount of one hundred percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty percent of such sum securing the payment by the subdivider to his contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements.
- 80) The security provided shall guarantee maintenance and/or all defects in the required improvements for a period of one year following acceptance of the improvements by the City.
- 81) (Location) Please add the current property description to the title. (Being a Division of Parcel _ - of Parcel Map 12412)

- 82) Water Meters shall be installed to City Standard and a Master Smart Meter (Part # B16-A31-B15-0101A-1) shall be installed at each single-family dwelling.
- 83) Water conservation methods to be utilized to satisfy City & State recommendations and requirements.
- 84) Sewer service to be provided for each parcel created.
- 85) All dedications and improvements shall conform to the current City of McFarland Improvement Standards and the Americans with Disabilities Act.
- 86) All improvements shall be completed, approved by the city engineer, and accepted by the council before a certificate of occupancy for any structure can be issued and a One Year Guarantee Security shall be posted as required by City Ordinance or a Subdivision Improvement Agreement, Faithful Performance and Laborer and Materialmen Security, and Insurance Certificate shall be posted as required by the City Ordinance for Final Parcel Map recordation.
- 87) Provide note on Improvement Plans: “PRIOR TO ACCEPTANCE OF IMPROVEMENTS: PROVIDE INSPECTION APPROVAL BY CITY WATER ENGINEER, CITY PUBLIC WORKS DEPARTMENT, CITY POLICE DEPARTMENT AND KERN COUNTY FIRE DEPARTMENT, AND PROVIDE RECORD DRAWINGS AND ONE YEAR GUARANTEE SECURITY.
- 88) DEVELOPER MUST ANNEX TO THE CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICTS (CFDS) FOR: LANDSCAPING AND STREET MAINTENANCE CFD 2017-2; POLICE SERVICES CFD 2017-1; AND FIRE PROTECTION CFD 2019-1.

KERN COUNTY SUPERINTENDENT OF SCHOOLS:

- 89) The applicant shall be required to pay school impact fees in the amount of \$4.08 per square foot of residential development and \$0.66 per square foot for commercial development. All school fees shall be paid prior to issuance of a building permit.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT:

- 90) The applicant shall submit and Air Impact Assessment to the San Joaquin Valley Air Pollution Control District. The Air Impact Assessment shall be submitted and approved prior to the recordation of the Final Map.

91) Development of TTM-7394 may be subject to additional Air District rules therefore the applicant shall contact the San Joaquin Valley Air Pollution Control District prior to construction commencing on any phase of the development.

MCFARLAND RECREATION AND PARKS DISTRICT:

92) The dedication and development of the community park in connection with the completion of Tract 7393 satisfies all Quimby Fees and in-lieu Park Impact Fees for Tract 7394.



PLANNING COMMISSION STAFF REPORT

June 1, 2021

TO: Chair and Planning Commissioners
FROM: Brianahi De Leon
City Planner
Larry Ronk
Acting Community Development Director

DATE: June 1, 2021

DEVELOPER: Leora, LLC

PROJECT DESCRIPTION: Vesting Tentative Tract Map 7393

ENVIRONMENTAL DOCUMENT: Negative Declaration

APPLICANT: Michael Hair LEORA, LLC

OWNER: Arthur McIntosh & Donna K. McIntosh

APN: Assessor's Parcel Number 060-090-29

ADDRESS: S.W. Corner of Taylor Ave & Garzoli Ave.

SIZE OF SITE: 38.70 acres gross

GENERAL PLAN DESIGNATION: Single Family Residential

ZONE DISTRICT: R-1 Single Family Residential

Agenda Item	
Presentation	
Consent	
Unfinished Business	
New Business	x
Public Hearing	
Other	
Action Requested	
Ordinance	
Resolution	x
Motion	
Other	

STAFF RECOMMENDATION

The staff recommends approval of Tentative Tract Map 7393 subject to conditions of approval and Negative Declaration

PROJECT DESCRIPTION

The parcel is located across Horizon Elementary at the Southwest corner of Taylor Avenue and Garzoli Avenue. Property is designated as single-family residential, R-1, zoning on the City General Plan Map and Zoning map. The designated zoning will remain on the Tentative Tract.

The existing parcel has been divided into 2 parcels. Parcel 1 will be recorded as the Tentative Tract 7393. Parcel 1 will consist of 37.38 acres gross. If approved, the Tentative Tract 7393 would bring forth 167 residential lots, park site, and a drainage sump. The Tentative Tract 7393 Map went through a plan check from the City Planning Department, the City Engineer, and Subdivision Committee. The proposed project will include conditions of approval that are based on adopted City guidelines, vision, and policies, those determined through subdivision review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the community, and recommended conditions for development that are not essential to the health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment. Some of those conditions of approval would include but are not limited to the aesthetics of the exterior of the homes ensuring that homes are situated with recognizable variations, are compatible with the surrounding environment, and express a cohesive and attractive identity. That landscaping will comply with the State Model Water Efficiency Landscape Ordinance, be well maintained, and follow the design guidelines. A development such as this, can be largely beneficial for the City. Larger franchises will often only enter cities, such as McFarland, dependent on the increase of housing developments as it reflects the cities growth potential; therefore, staff recommends approval of Tentative Tract Map 7393

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study/Negative Declaration (IS/ND) for the project. This IS/ND has been completed and is to be approved alongside the conditions of approval.

FINDINGS

The proposed Tentative Tract Map 7393 is consistent with the general plan. In 2019, California legislation passed Senate Bill Number 330 under the Housing Crisis Act. This bill states that due to the significant need in housing development, cities cannot add restrictions or require developer to go through a zone change from R-1 to R-5 or any other Residential zone class. As a case in point, pursuant to section 65905.5 of S.B. 330, Housing Crisis Act of 2019, a zone change is not needed for the residential subdivision and will remain a R-1 zoning.

ACTION

Approve Tentative tract 7393 subject to the listed conditions and the Negative Declaration.

ATTACHMENTS

Attachment 1 – Vicinity Map

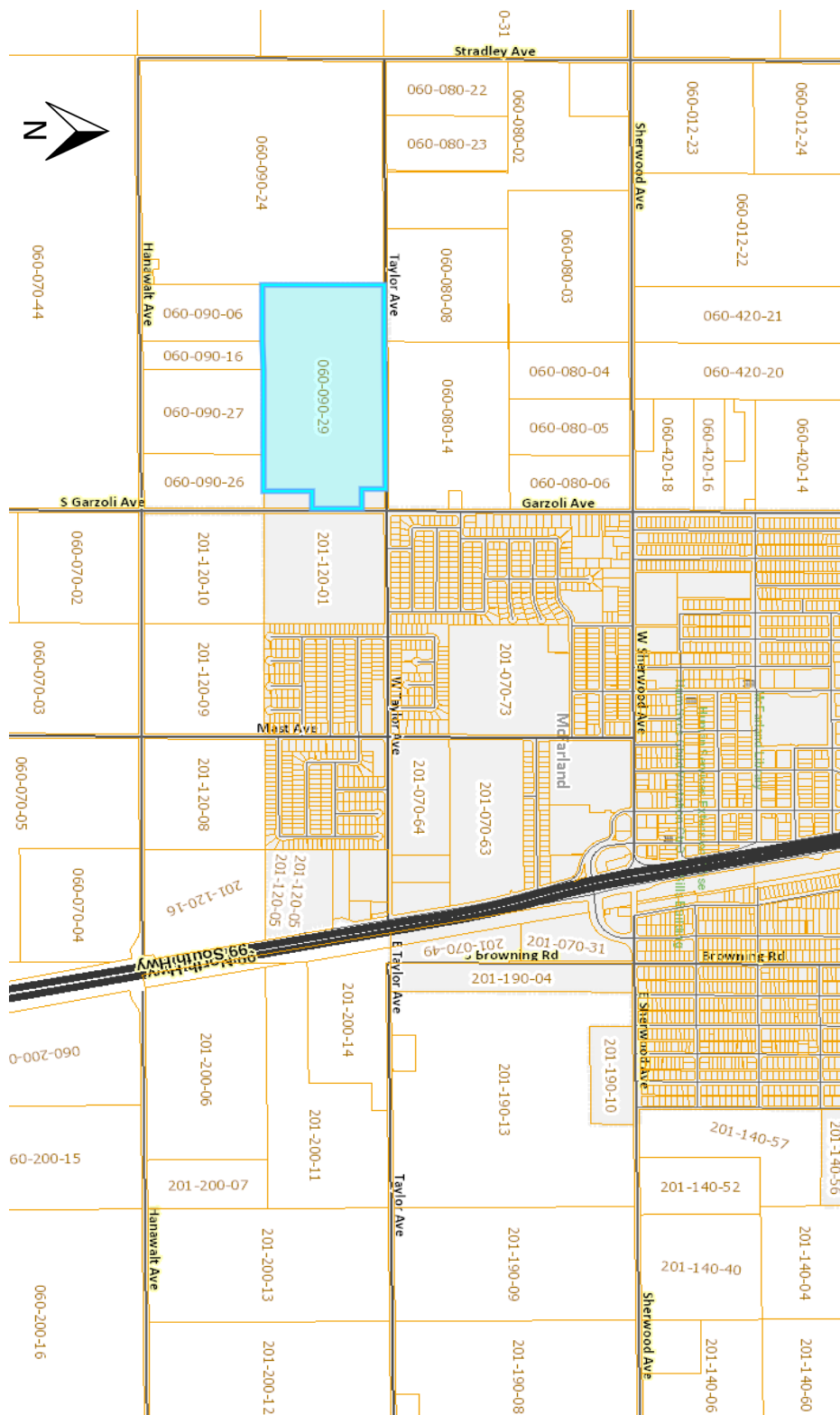
Attachment 2 – Aerial Photograph

Attachment 3 – Proposed Tentative Tract 7393 Map

Attachment 4 – Negative Declaration / Initial Study

Attachment 5 – Conditions of Approval

ATTACHMENT 1
Vicinity Map

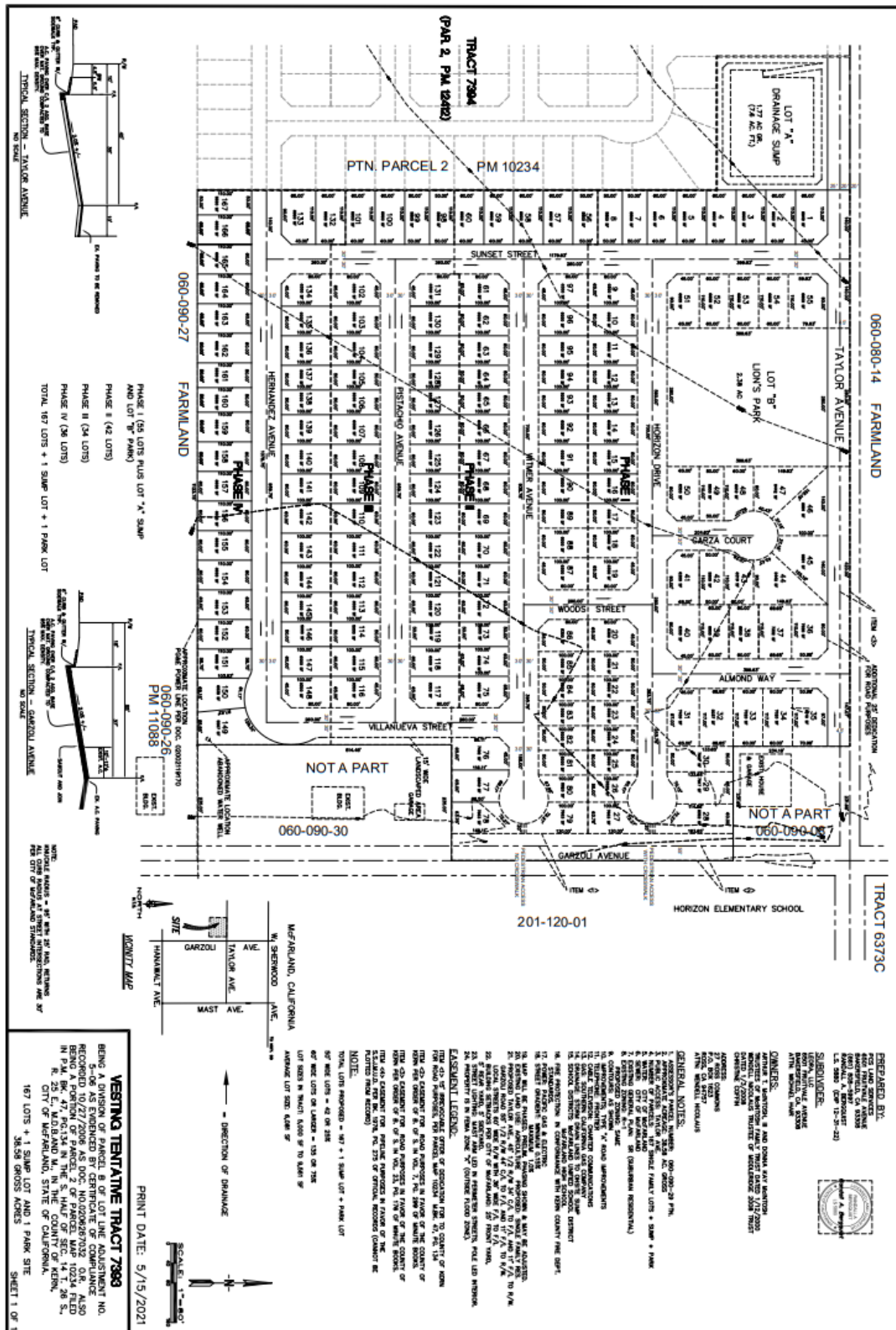


ATTACHMENT 2

Aerial photograph



Proposed Tentative Tract 7393 Map



MAY 1, 2021



INITIAL STUDY

TENTATIVE TRACT 7393 & TENTATIVE TRACT 7394

PREPARED BY: BRIANAHI DE LEON, CITY PLANNER
401 W. KERN AVENUE MCFARLAND, CA 93250
401 W. Kern Avenue McFarland, CA 93250

Table of Contents

Section One - Introduction

CEQA Requirements	3
-------------------------	---

Section Two – Project Description

Project Description.....	8
--------------------------	---

Section Three – Environmental Checklist

Environmental Checklist.....	9
Determination.....	11
Evaluation of Environmental Impacts	13
Aesthetics.....	14
Agriculture and Forestry Resources	14
Air Quality	15
Biological Resources.....	16
Cultural Resources	17
Energy.....	17
Geology and Soils.....	18
Greenhouse Gas Emissions	19
Hazards and Hazardous Materials	19
Hydrology and Water Quality.....	21
Land Use and Planning.....	22
Mineral Resources.....	22
Noise	23
Population and Housing	23
Public Services.....	24
Recreation	25
Transportation	25
Tribal Cultural Resources.....	27
Utilities and Service System	27
Wildfire.....	28
Mandatory Findings of Significance	29

SECTION ONE
INTRODUCTION

SECTION ONE – INTRODUCTION

CEQA Requirements

This document is the Initial Study of the potential environmental effects of the adoption of Tentative Tract 7393 and Tentative Tract 7394. The City of McFarland will act as the Lead Agency for this project pursuant to the *California Environmental Quality Act* (CEQA) and the *CEQA Guidelines*.

Section 15063 of the CEQA Guidelines requires the Lead Agency to prepare an Initial Study to determine whether a discretionary project will have a significant effect on the environment. The purposes of an Initial Study, as listed under Section 15063[c] of the CEQA Guidelines, include:

- (1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare on EIR [Environmental Impact Report] or a Negative Declaration;
- (2) Enable an applicant or Lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;
- (3) Assist in the preparation of an EIR, if one is required, by:
 - (A) Focusing the EIR on the effects determined to be significant;
 - (B) Identifying the effects determined not to be significant;
 - (C) Explaining the reasons for determining that potentially significant effects would not be significant; and
 - (D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the projects' environmental effects.
- (4) Facilitate environmental assessment early in the design of a project;
- (5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
- (6) Eliminate unnecessary EIRs; and
- (7) Determine whether a previously prepared EIR could be used with the project.

If it can be determined that there is substantial evidence that the proposed project will have a significant impact on the environment then pursuant to Section 15604 an environmental impact report (EIR) must be prepared. However, if it can be determined that the project will not have a significant impact on the environment then a negative or mitigated negative declaration may be prepared instead. According to CEQA Guidelines, Section 15070, a negative declaration or mitigated negative declaration shall be prepared for the project when either:

- (1) This initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or;
- (2) The initial study identified potentially significant effect, but:

- (A) Revisions to the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- (B) There is no substantial, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

Lead Agency

The lead agency is the public agency with primary responsibility over a proposed project. Where two (2) or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with the CEQA Guidelines Section 15051 (b)(1), “the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” Based on these criteria, the City of McFarland will serve as lead agency for the proposed project.

Purpose and Document Organization

The purpose of this Initial Study /Negative Declaration is to evaluate the potential environmental impacts of the proposed project.

This document is divided into the following sections:

- 1.0 - Introduction
- 2.0 - Project Description
- 3.0 – Environmental Checklist

SECTION TWO
PROJECT DESCRIPTION

SECTION TWO – PROJECT DESCRIPTION

Project Location

The project location is approximately 75.95 acres gross in size and is located in the South West corner of Taylor Avenue and Garzoli Avenue. Directly East of the project is Horizon Elementary School. Found on either side of the project, to the East, are two single family residential homes. The vacant land located to the North, South, and West of the site is land currently being utilized for agricultural uses.

The legal description for the Tentative Tract 7393 is:

“A portion of Parcel B of Lot Line Adjustment No. 5-06 as evidenced by certificate of compliance recorded 10/27/2006 as document No. 0206267032 O.R. Also being a portion of the South half of Section 14 Township 26 South, Range 25 East, M.D.M, in the County of Kern, City of McFarland, State of California. “

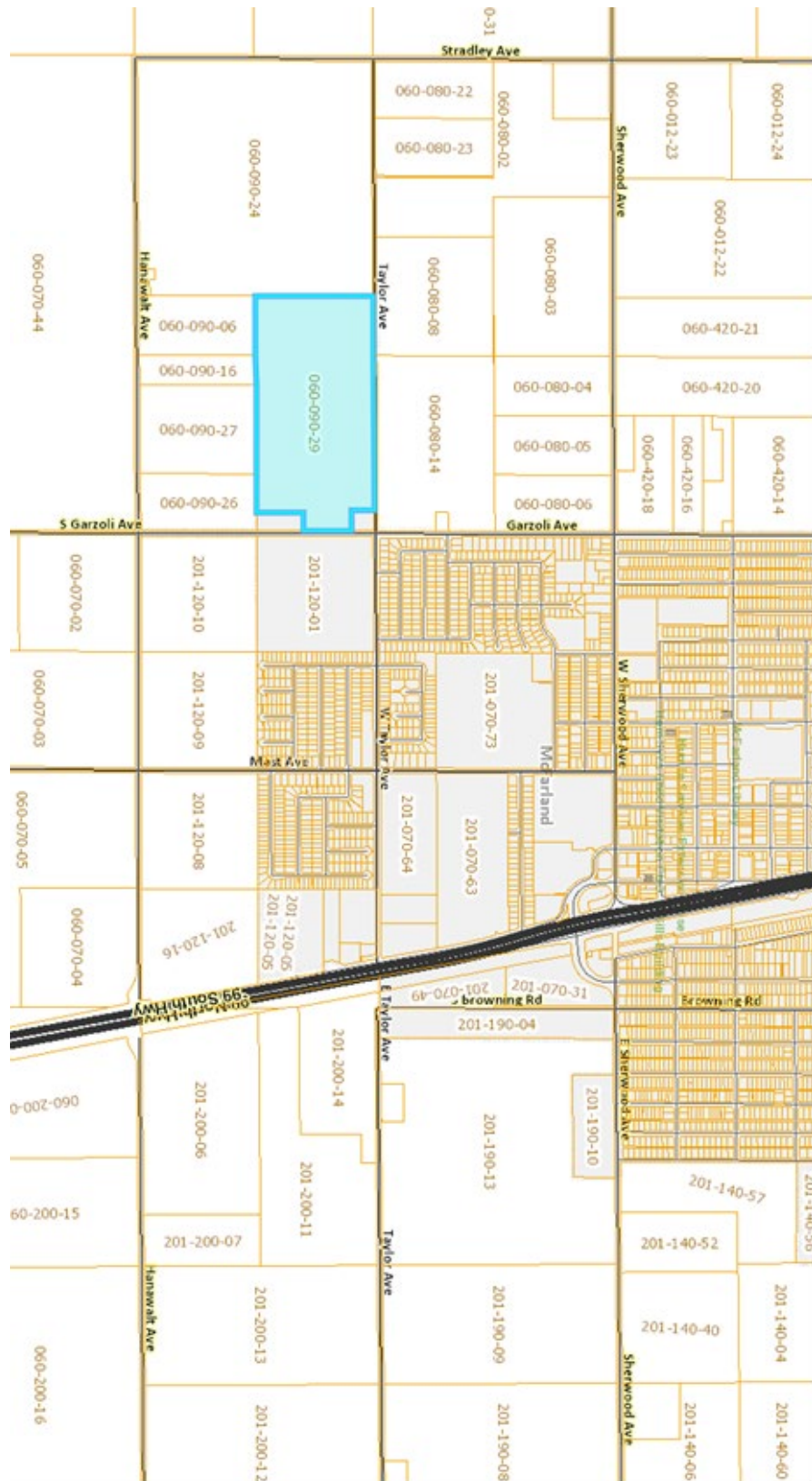
The legal description for the Tentative Tract 7394 is:

“A portion of Parcel B of Lot Line Adjustment No. 5-06 as evidenced by certificate of compliance recorded 10/27/2006 as document No.0206267032 O.R. Also being a portion of the South half of Section 14 Township 26 South, Range 25 East, M.D.M, in the County of Kern, City of McFarland, State of California.”

Description of Project

The proposed project is to subdivide two parcels. Tentative Tract 7393 is 38.58 gross acres and will subdivide into 167 residential lots that will be built with single family dwelling units. Additionally, this tentative tract will include a drainage sump and park site. Tentative Tract 7394 is 37.38 gross acres and will subdivide into 183 residential lots that will be built with single family dwelling units. The proposed project will not only have access points to ensure circulation but as well as a pedestrian access for residents to get to school.

Figure 1 – Location Map



SECTION THREE
ENVIRONMENTAL CHECKLIST

SECTION THREE – ENVIRONMENTAL CHECKLIST

1. **Project title:** Tentative Tract 7393 & 7394
2. **Lead agency name and address:** City of McFarland, Community Development Dept.
401 W. Kern Avenue
McFarland, CA 93250
3. **Contact person and phone number:** City of McFarland
Brianahi De Leon, City Planner
401 W. Kern Avenue
McFarland, CA 93250
Phone: (661)792-3091
4. **Project location:** South West corner of Taylor Avenue and Garzoli Avenue
5. **Project sponsor's name and address:** Interstate Land Company
6501 Fruitvale Ave. Bakersfield, CA 93308
6. **General Plan designation:** Single-family Residential
7. **Zoning designation:** R-1 Single-family Residential
8. **Project Description:** The proposed 76.95 acres gross project will go through a subdivision. Parcel 1 and Parcel 2 will become Tentative Tract 7393 and Tentative Tract 7394. The subdivision will produce a total of 350 lots that will be built with single-family residential homes. The proposed project will be located across Horizon Elementary School. Tentative Tract 7393 will contain 167 lots, drainage basin, and park site. Tentative Tract 7394 will contain 183 lots.
9. **Surrounding Land Uses and Setting:** The City of McFarland is located in the northern portion of Kern County approximately 25 miles North of Bakersfield on SR-99. Kern County is in the southern portion of the San Joaquin Valley and is bounded on the South by the Tehachapi Mountains. The City of McFarland is an agriculture-based community and a prime farmland area. Directly East of the project is Horizon Elementary School. Surrounding the project is vacant farmland and single-family residential homes.

10. Other Agencies whose approval is required: The City of McFarland is the Lead Agency. No other approvals are required.

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

VALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).

Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question;
and

- b) the mitigation measure identified, if any, to reduce the impact to less than significance

AESTHETICS DISCUSSION

The City of McFarland is located in the southern San Joaquin Valley and at an approximate 25 miles North of the City of Bakersfield. The project site is located in an urbanized area of McFarland that is bounded on the East by residential homes and the North, South, and West of the project are agricultural vacant lands.

DISCUSSION OF IMPACTS

- A) Would the project have a substantial adverse effect on the scenic vista?

No impact. *There are no identified scenic vistas in the McFarland General Plan*

- B) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. *The project site is not located within the vicinity of a state scenic highway. The California Department of Transportation (Caltrans) designates and lists all state scenic highways within the County of Kern, the City of McFarland and the vicinity of the project site on its online database of sites (). Further the project was previously used for agricultural purposes and as a result is devoid of any scenic resources.*

- C) Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings?

No impact. The project site was previously used for agriculture and is currently covered in almond orchards. The proposed development of the lot will be consistent with the surrounding area.

- D) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No impact. The project site would not have any impact on the light that is already present in the city. Additionally, the City of McFarland has placed development standards for the lighting accepted.

AGRICULTURE DISCUSSION

The project site has been used for primarily agriculture and/ or vacant land.

DISCUSSION OF IMPACT

- 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?

No impact.

- B) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The project site is not encumbered by a Williamson Act Contract nor is it zoned for agricultural uses.

- C) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by GC section 51104(g))?

No impact. The project site is not classified as forest land nor will it have any effect on forest land.

- D) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No impact. See item (C) above.

- 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?

No impact. The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or under a Williamson Act contract. There are also no lands zoned as forest land, timberland, or Timberland Production within the footprint. The project site is on lands zoned for residential; therefore, the proposed project would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to nonagricultural use or forest land to non-forest use. There would be no impact.

AIR QUALITY DISCUSSION

The City of McFarland is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD), which covers several counties. The SJVAPCD is responsible for the management of the air pollution emissions in the valley portion authority for most types of stationary emission sources.

DISCUSSION OF IMPACTS

- A) Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact.

- 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?

No Impact.

- C) Would the project expose sensitive receptors to substantial pollutant concentrations?

No Impact.

- D) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact.

BIOLOGICAL RESOURCES DISCUSSION

The project site is located in the Southern San Joaquin Valley and as a result is typified as a hot, dry summers, and cool, rainy winters. The project site is currently covered in Almond trees and will go through a process of taking down the harvest, grading, tilling, and disking the site. A drainage basin/sump will be developed along with a park.

DISCUSSION OF IMPACTS

- A) Would the project have a substantial 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 Service?

No impact: however, a biological survey shall be completed by a licensed biologist.

- 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, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services?

No impact. No riparian habitat or other sensitive natural community exists on the project site.

- C) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. There are no state or federally protected wetlands, as defined by Section 404 of the Clean Water Act, located on the project site.

- D) Would the project interfere substantially with the moment 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?

No impact. The project site was initially used for agriculture and contains no native resident or migratory fish or wildlife species and will therefore not be impeding on any native wildlife nursery sites.

- E) Would the project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

No impact. The city of McFarland does not have any local policies or ordinances protecting biological resources.

- 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?

No impact. The project is not conflicting with any habitat conservation plans.

CULTURAL RESOURCES DISCUSSION

This environmental issue focuses on the impacts of a project on any cultural resources that may be present in or around the project site.

DISCUSSION OF IMPACTS

- A) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No Impact.

- B) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to sections 15064.5?

No Impact.

- C) Would the project disturb any human remains, including those interred outside pf dedicated cemeteries?

No Impact.

ENERGY DISCUSSION

This environmental issue focuses on the impacts of a project on the energy distribution or consumption.

DISCUSSION OF IMPACTS

- 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?

No Impact. The residential sites will also include solar panels to prevent any wasteful consumption.

- B) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact.

GEOLOGY AND SOILS DISCUSSION

DISCUSSION OF IMPACTS

- A) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- 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.

No Impact.

- Strong seismic ground shaking?

No Impact.

- Seismic-related ground failure, including liquefaction?

No Impact.

- Landslides?

No Impact.

- B) Result in substantial soil erosion or the loss of topsoil?

No Impact.

- 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?

No Impact.

- 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?

No Impact.

- 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?

No Impact.

GREENHOUSE GAS EMISSIONS DISCUSSION

Greenhouse gas emissions or GHG are known to be generated by human activities such as production of certain materials, electricity consumption transportation, and many more. These greenhouse gases have been known to accelerate global warming.

DISCUSSION OF IMPACTS

- A) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Development of the project will result in an increase in vehicle trips in the area which will lead to an increase in the generation of greenhouse gases; however, to offset this increase the project will contain a 2.38-acre park and will contain pedestrian crossing path to encourage walkability.

- B) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact.

HAZARDS AND HAZARDOUS MATERIALS DISCUSSION

This environmental issue focuses on the impacts of a project with respect to hazards. The creation of new hazardous conditions or activities that will result in people or property being exposed to existing hazards is the primary area of focus under this environmental issue.

DISCUSSION OF IMPACTS

- A) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The project site will be developed with residential uses which are typically not associated with 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 release of hazardous materials into the environment?

No Impact. The project site will be developed with residential uses which are typically not associated with the release of hazardous materials.

- 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?

No Impact. The proposed project will be a residential subdivision which does not typically have hazardous emissions nor are hazardous materials, substances or waste associated with this type of development.

- 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?

No Impact. The project site is not located on a hazardous waste site.

- 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?

No Impact. The project site is not located within an Airport Land Use Plan nor is it within two (2) miles of an existing airport.

- F) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No impact. There are no private airstrips in the vicinity of the airport site.

- G) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The project site is included in the City of McFarland's Emergency Response Plan.

- H) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is in an area of agricultural land uses and urban development neither of which are considered wildlands.

HYDROLOGY AND WATER QUALITY DISCUSSION

This environmental issue focuses on the impacts of a project on surface and groundwater, including compliance with water quality standards and regulation, depletion of groundwater supplies, pollution or degradation of water quality. Additionally, concerns include water related hazards such as flooding, mudflows, and similar hazards. This area of environmental concern also addresses potential project impacts on area drainage, including storm water runoff.

DISCUSSION OF IMPACTS

- A) Would the project violate any water quality standards or waste discharge requirements?

No Impact.

- B) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact.

- 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, in a manner which would result in substantial erosion or siltation on- or off-site?

No Impact.

- D) 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No Impact.

- E) Would the project 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?

Less Than Significant Impact. Any storm water or runoff associated with the site will be conveyed, via underground pipes, to an existing retention basin that will allow the water to percolate into the ground.

- F) Would the project impede or redirect flood flows?

No Impact.

- G) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact.

- H) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact.

LAND USE AND PLANNING DISCUSSION

This environmental issue focuses on the impacts of a project on adopted land use, habitat conservation or natural community conservation plans. The specific focus of this area of environmental concern is the project's potential to conflict with established plans and policies or the potential for the project to physically divide a community area.

DISCUSSION OF IMPACTS

- A) Would the project physically divide an established community?

No Impact. The project site is located on the existing City limits and is directly north and west of existing residential development.

- B) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed uses are consistent with the project site's General Plan Land Use designation and Zoning Classifications.

MINERAL RESOURCES DISCUSSION

This environmental issue focuses on the impacts of a project on known mineral resources of commercial or otherwise documented economic value.

DISCUSSION OF IMPACTS

- 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?

No Impact. The McFarland area does not contain any identified oil or natural gas fields (Kern County Oil Fields map, California Department of Conservation, 2002)

- 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?

No Impact. There are no mineral resource recovery sites located in the McFarland area.

NOISE DISCUSSION

This environmental issue focuses on the impacts of a project with respect to noise or ground-borne vibration. The creation of new noise or ground-borne vibration conditions or activities that will result in people or property being exposed to existing noise or vibrations is the primary area of focus under this environmental issue. Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and interferes with or disrupts normal activities. Federal, state, and local regulations have been developed to avoid noise impacts.

DISCUSSION OF IMPACTS

- 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?

No Impact.

- B) Generation of excessive ground borne vibration or ground borne vibration or ground borne noise levels?

No Impact.

- C) 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 expose people residing or working in the project area to excessive noise levels

No Impact.

POPULATION AND HOUSING DISCUSSION

This environmental issue focuses on the impacts of a project on population and housing, including population growth or displacement of human population and housing.

DISCUSSION OF IMPACTS

- 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)?

Less Than Significant Impact. Future development of the site will include residential development; however, the project site is located in the City of McFarland and has been planned for urban development.

- B) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. There are no dwelling units located on the project site.

- C) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. There are no dwelling units located on the project site.

PUBLIC SERVICES DISCUSSION

This environmental issue focuses on the impacts of a project on public service facility needs and the potential environmental impacts of developing and/or expanding these facilities. Facility needs can be defined by the need to maintain acceptable levels of service such as response times or other such community service standard as may apply.

DISCUSSION OF IMPACTS

- 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 any of the public services:

- B) Fire protection?

No Impact.

- C) Police protection?

No Impact.

D) Schools? Parks?

No Impact.

E) Other public facilities?

No Impact.

RECREATION DISCUSSION

This environmental issue focuses on the impacts of a project on public recreation service and facility needs and the potential environmental impacts of developing and/or expanding recreation facilities. Facility needs can be defined by the need to maintain acceptable levels of community recreation service in the area and region.

DISCUSSION OF IMPACTS

- A) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The developer of the proposed project will construct a 2.38-acre park on the site. This park will serve residents of the proposed development, but also be open to the city for use.

- B) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact.

TRANSPORTATION DISCUSSION

This environmental issue focuses on the impacts of a project on transportation systems including roads and highways, public transportation systems, pedestrian circulation and access, parking, and emergency access. Impacts can be in the form of new hazardous circulation or traffic conditions, conflict with existing plans or policies, or creation of an unacceptable traffic level on a transportation system or facility.

DISCUSSION OF IMPACTS

- A) Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into

account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

No Impact. The City of McFarland adopted a Circulation Element. Included in this circulation Element is a list of projects that primarily deal with new or expanded infrastructure to accommodate the increase in vehicle traffic that is generated by new development. The applicant will be required to dedicate land for right-of-way purposes to the City of McFarland. As development occurs the dedicated right-of-way will be constructed to City standards which include adequate lanes of travel, sidewalk, and pedestrian access.

- B) Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. The city does not have a congestion management program however the City's recently adopted Circulation Element includes level of service requirements that need to be maintained. As stated under item (a) above, road improvements will be required to ensure that traffic moves at or above the projected level of service.

- C) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. We are far from an airport.

- D) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. City Engineer, Surveyor, and City Planner have done plan checks to ensure no hazardous features are present on-site.

- E) Would the project result in inadequate emergency access?

No Impact. Project site will have various exits and entrances in order to prevent any issues.

- F) Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The City of McFarland does not have a fixed route transit system therefore no transit facilities will need to be constructed.

TRIBAL CULTURAL RESOURCES DISCUSSION

This environmental issue focuses on the projects potential impact on any tribal or cultural resources that may be present.

DISCUSSION OF IMPACTS

- A) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Sections 21074 as either a site, feature, place, cultural landscape that is geologically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- a. Listed or eligible for listing in the California Register of Historical resources as defined in Public Resources Code Section 5020.1(k), or

No Impact.

- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Sections 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact.

UTILITIES AND SERVICE SYSTEM DISCUSSION

This environmental issue focuses on the impacts of a project on public utility systems or facilities such as water, wastewater, storm water drainage or other utility or service systems.

DISCUSSION OF IMPACTS

A) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact.

B) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

No Impact.

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?

No Impact.

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?

No Impact.

E) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact.

WILDFIRE DISCUSSION

This environmental issue focuses on the impacts of a project on a wildfire or the potential of accelerating potential wildfire.

DISCUSSION OF IMPACTS

A) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact.

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?

No Impact.

C) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact.

D) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less Than Significant Impact. Project site is currently agriculture, site will be paved and constructed. Not a significant amount to cause a risk.

MANDATORY FINDINGS OF SIGNIFICANCE DISCUSSION

DISCUSSION OF IMPACTS

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

No Impact. The project site is currently agriculture land and contains no endangered plants or animals.

- B) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less Than Significant Impact. The project would not conflict with the appropriate General Plan Land Use designation and policies of the McFarland General Plan. All current and future project’s impacts would be reduced to a less than significant level by adherence to basic regulatory requirements and/or conditions of approval incorporated in the project design.

- C) Does the project have environmental effects which will cause substantial adverse on human beings, either directly or indirectly?

No Impact.

**ATTACHMENT 5
CITY OF MCFARLAND
PLANNING DEPARTMENT**

**Vesting Tentative Tract Map 7393
Conditions of Approval
June 1, 2021 PRELIMINARY**

PART A – PROJECT INFORMATION

Assessor's Parcel Number 060-090-29

Job Address: No address assigned yet

Existing General Plan: Single Family Residential

Existing Zoning: R-1 Single Family Residential

Tract #: Tract 7393

PROJECT DESCRIPTION:

The proposed project is a proposal to construct Tract 7393. The project will consist of 167 single-family homes with various lot sizes starting at a minimum of 5000 square feet with an average lot size of 6081 square feet. This tract will be conducted with 4 phases. There will be a drainage basin and a neighborhood park with a total acreage of approximately 2.38 acres.

The existing parcel will be divided, and the Parcel Map will be recorded to create two parcels. One parcel consists of Tract 7393 and the other parcel comprises Tract 7394.

These residential units will follow all new California Building Code and require solar panels to be installed on new single-family residences. This will give homeowners the ability to conduct their own electricity.

Sanitary sewer and water will be provided by the City of McFarland, refuse services by Franchise Hauler, Police Services by the McFarland Police Department and Fire Services by Kern County Fire Department. All water run-offs will be conveyed to the City owned retention basin located at the westerly property line on Taylor Ave.

PART B – CONDITIONS OF APPROVAL

The conditions of approval are based on adopted City plans and policies, determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the community, and recommended conditions will enhance the project and its relationship to the neighborhood and environment.

Conditions of approval may be appealed within fifteen (15) calendar days from the date of the approval. However, conditions based on the City of McFarland Municipal Code are mandatory and may be modified by variance, provided findings pursuant to the McFarland Municipal Code Section 17.148 can be made. Should an appeal of a mandatory condition of approval be received, an application for a variance and the associated fee must be submitted for consideration.

GENERAL CONDITIONS AND REQUIREMENTS

- 1) The applicant(s)/subdividers(s)/developer(s) (hereinafter referred-to as "Developer"), at their sole cost and expense, shall defend, indemnify and hold harmless the City of McFarland (hereinafter referred to as "City") , its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of Vesting Tentative Tract Map 7393 (hereinafter referred to as VTTM-7393) or, at its election and in all alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City's reasonable approvals. Developer shall also reimburse the City, its agents legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such actions, claim, or proceeding. The City may at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the Developer of their obligations under this condition.
- 2) The following disclosure shall be given as part of transfer to properties: "If your real property is near property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on any 24 hours basis. Said discomforts may include, but not be limited to equipment noises, odors from manure or other chemicals, and dust or smoke: The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City and will not be considered a nuisance for those inconveniences or discomforts arising from agricultural operations, provided such operations are consistent with accepted customs, standards, and laws." Developer, or his successor, shall inform prospective homebuyers of the possible exposure to agricultural chemicals that may be used on adjacent agricultural lands.
- 3) Developer, or the general contractor shall submit a list of all contractors and/or subcontractors performing work on VTTM-7393 to the City Clerk and such contracts and subcontractors shall obtain valid business licenses to do business and/or work in the City.
- 4) Until all portions of VTTM-7393 have been completed, all vacant and undeveloped land within the boundaries of VTTM-7393 shall be maintained in a weed-free, clean or orderly manner by the Developer. Should said property not be maintained, the City shall notify property that the property is to be cleaned within thirty (30) days of receipt of said notice. If property owner does not comply within the required time frame, City may then clear the land and bill property owner for expenses incurred.

- 5) VTTM-7393 shall expire twenty (20) years from the date of final approval by the City Council consistent with the term of the Development Agreement approved for this Project, and in accordance with California Government Code, §66452.6. In the event the City enacts a moratorium on residential development for any reason whatsoever, VTTM 7393 shall be extended for the same period of time as said moratorium.
- 6) Developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.
- 7) Developer shall submit a copy of any proposed Covenants, Conditions and Restrictions (CC&R's) to the City's Community Development Director prior to - Certification of Occupancy and CCRs must also be approved by the city prior to a certificate of occupancy being issued. If the Community Development Director determines that said CC&R's result in any consistency with City Ordinance the City General Plan, or City Development standards, said CC&R's shall be amended to eliminate any such inconsistency. Once the CC&R's are accepted by the City, none of the portions thereof shall be amended, modified or changed without first obtaining written consent from the City.
- 8) Any and all applicable City fees adopted as of the effective date of the Development Agreement and for a period of twenty (20) years thereafter, including but not limited to Connection Fees, Impact Fees and Exactions, as those terms are defined in the Development Agreement, shall be paid to the City of McFarland prior to the issuance of a building permit.
- 9) Prior or concurrent with the recordation of the final map for the first phase of Tract 7393, the Developer shall convey title to the City for park site and drainage basin at the location and property size as shown on the vesting tentative tract map and developed in accordance with the Development Agreement.
- 10) Within five working days after project approval, the applicant shall pay the mandatory Notice of Determination (NOD) filing fee of \$50.00 along with the mandatory State Department of Fish and Wildlife CEQA review fee as amended or adjusted from time to time. (F&G code §713) for Kern County Clerk NOD processing. The check will be made to Kern County Recorder. If the required filing fee is not paid for the project, the project approval will not be operative, vested, or final and any local permits issued for the project will be invalid (§711.4 (c) (3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the vesting tentative tract map, it will extend the time frame for CEQA legal challenges.

PLANNING CONDITIONS:

- 11) All Street names shown on the final map are subject to approval of the Community Development Director after consultation with the subdivider or subdivider's representative and approved by the Planning Department. The approved street names shall be shown on the Final Map. The words "Avenue," "Boulevard," "Drive," "Place," "Way," "Street," "Road" or other designation of any such street or way shall be spelled out in full. City logo must be present on signage for all subdivision street signs.
- 12) **Residential Subdivision Land Use Design Criteria**. It is the intent of the General Plan and the provisions of this Title to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the City. The following represents components of design requirements for all residential subdivisions:
 - a. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yard building setbacks. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.
 - b. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the City Building Official.
 - c. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one-story element into the two-story structure shall be required when feasible.
 - d. The minimum size for construction of a new house in the City shall be one thousand one hundred square feet.
 - e. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.
 - f. If custom homes are not proposed, the developer shall provide a minimum of five (5) floor plans and four (4) building elevations for each proposed floor plan. The required number of building elevations may be reduced by one for every two building footprints added to the required minimum number. Elevations, for the purpose of meeting this requirement, shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevations of any other house in the same

subdivision as seen from the street upon which it faces. No two identical elevations shall be placed side by side within a subdivision.

g. Color.

- i. The use of monochromatic and complementary accent and trim colors is considered to meet the intent of this Chapter.
- ii. The use of bright or garish colors (i.e., fluorescent "hot" or "day-glow" colors) shall not be permitted.
- iii. Using building materials in their natural state, such as brick or stone, is strongly recommended.
- iv. The use of colors to express individuality and identity within a cohesive and attractive framework is encouraged. Such colors should be in harmony with other colors used in the immediate area.

h. Landscaping of Model Homes. Notwithstanding the provisions of Section 20.10.410, and as to this Section only, any new single-family project or development:

- i. Consisting of eight or more lots;
- ii. In which one or more model homes are built; and
- iii. Which landscapes said model home(s), shall provide the following:
- iv. All landscaped model home shall comply with the requirements of this Chapter; and
- v. A four square foot sign shall be placed in the front yard of each said model home that contains such water efficient landscaping, such that it is clearly visible to pedestrian and vehicular traffic. Said sign shall state that the model features a water saving landscape and irrigation system; and
- vi. Within said models, there shall be located a drawing, or combination of drawings, providing a schematic and description of the landscaping and irrigation system, including a key identifying the common names of all plantings which are part of said landscaping.

13) **All Landscaping to comply with MWELQ** A landscaping and irrigation plan prepared by a licensed landscape architect shall be submitted to the City for approval by the Community Development Department. All landscaping plans shall comply with the requirements of the State Model Water Efficiency Landscape Ordinance (MWELQ). Species, sizes, and number of proposed tree and shrub species shall be shown, labeled on the required plans, and consistent with the City's Adopted Urban Forestry Guidelines. The required plans shall show irrigation facilities, automatic controller locations, and points of connection as required by local and state laws. Lawn (turfed) areas and walkways shall be shown.

14) **Front Yard Landscaping** The developer shall provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final

inspection for any house constructed in that subdivision, as follows: landscaping and an irrigation system for both the front yard and the street side yard, provided the street side yard is not obscured from sight from an adjacent street by fencing, of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one tree from the approved City Plant List with a minimum listed canopy width of fifteen (15) foot tree canopy; (2) ten percent of said yard area shall consist of a landscaped planter; and (3) the remaining portion of said yard area not occupied by a driveway, shall be improved with sod including one, six-station clock and two, one-inch valves. All plant materials shall be selected from the City approved Urban Forestry Guidelines. The applicant shall provide two variations of landscaping plans for each model and shall not place the same landscaping configuration on two adjacent properties.

- 15) **Side Yard Wall/Fence Requirement:** Properties with side yards abutting the public right of way may have wood fencing material but must include enhanced landscaping selected from the City Urban Forestry Guideline in order to screen the fencing material from the street. The plants shall be minimum of three feet in height and three feet wide when planted, as listed within the City Plant List. If enhanced landscaping is not installed, the fencing type along the side yards abutting the public right of way must be approved by the Community Development Department. The applicant shall notify property owners of that maintenance of these areas is their responsibility as property owner.
- 16) **Maintenance of Landscaping.** All landscaping and structural features that are required pursuant to this Chapter shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating. For purposes of enforcement, the owner and the occupant of the property shall be responsible for such maintenance. In the case of a vacant building, the owner shall be responsible for such maintenance.
- 17) **CEOA Compliance:** The tract map shall comply with any adopted environmental mitigations for the project..
- 18) **Development Agreement.** If a Development Agreement is adopted for the proposed project, the Development Agreement requirements as adopted by the City Council shall supersede or modify any requirements listed within the Conditions of Approval.
- 19) **All Plant Materials.** Said plans shall be in compliance with the Municipal Code and Subdivision Design Standards. All landscaping and irrigation system plans shall be submitted to the City of McFarland for review and subsequent approval by the Community Development Department, the City's Engineer Office prior to acceptance of the Final Map.

- 20) **Screening Requirements** Prior to occupancy approval for residential units within the tract map or applicable phase thereof, Developer shall construct the following: A six-foot exterior masonry wall, or a combination of masonry and other compatible material with split block faces, columns, or other design features to provide visual relief along the wall face for the northerly boundary of Tract 7393 adjacent to Taylor Avenue; the easterly boundary of Tract 7393 adjacent to Garzoli Avenue; and the easterly and westerly boundaries of the proposed park. Said wall(s) shall meet the City's specifications and subdivision standards. The entire wall for each phase shall be completed and receive final inspection approval, prior to issuance of the first occupancy permit within the development. Exterior surrounding walls of the exterior of the Tract 7393 shall be constructed with decorative materials which include, but are not limited to split face block, slump stone, stucco block, brick, or other similar materials but specifically excluding precision cinder block construction or may be designed to match adjacent exterior walls of adjacent subdivisions. The exterior wall shall include a capstone of a minimum of one (1) inch, and pilasters at every 50'-0". Both the capstone and pilasters shall vary in shade from the rest of the block wall. The wall shall be shown on any permits required for construction of the proposed use prior to issuance of said permits. Final screening design and materials shall be submitted Community Development Department for approval prior to construction.

BUILDING CONDITIONS:

- 21) Private driveways constructed of Portland concrete/cement shall be constructed at a minimum width of sixteen (16) feet from the edger of the public right-of-way to the garage of each house.
- 22) Prior to permitting occupancy of any lot, building addresses shall be permanently installed and clearly visible from the street, in accordance with the requirements of the McFarland Municipal Code.
- 23) Prior to a Certificate of Occupancy being issued for any structure all required off-site improvements shall be installed and inspected by the City of McFarland.
- 24) **Building Permit Fees.** The Developer shall be responsible for paying all applicable building permit fees as adopted in Resolution No. 2020-0027, which shall apply throughout the entire development of Tract 7393.
- 25) **Development Impact Fees.** The Developer shall be responsible for paying all development impact fees as adopted in Resolution No. 2020-0046, which shall apply throughout the entire development of Tract 7393. All fees associated with each lot shall be paid at time of building permit.

ENGINEERING CONDITIONS:

- 26) The safety and security of the project site shall satisfy and be in compliance with all applicable Local, County, State, Special District, and Federal regulations, California Building Code, and California Occupational Safety and Health Association (CAL/OSHA).
- 27) This map is being created from Tentative Parcel Map 12412. Final Tract Map 7393 shall not be recorded until the Parcel Map has recorded in accordance with the Subdivision Map Act.
- 28) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved vesting tentative map.
- 29) The applicant to reimburse the City of McFarland for expenses of consultants work for Vesting Tentative Tract Map No. 7393 and agrees to reimburse the City within thirty (30) days of receiving an invoice from the City of McFarland for these expenses.
- 30) **Development Agreement (DA):** A Development Agreement will outline more specifics related to scope and timing of required offsite and park improvements. A Subdivision Improvement Agreement for each phase of the project will be required, in which onsite and offsite public improvement security will be addressed, along with the required landscape and lighting maintenance districts.
- 31) **Grading Permit Fee:** This fee is set by the building code, where the cost depends on the cut/fill volume, and shall be paid prior to Final Map approval. All building finish floor elevations shall be a minimum of one foot above the front street curb elevation.
- 32) **Engineering Inspection and Materials Testing:** 3.5% deposit of the engineer's estimate of the public improvements shall be paid prior to Final Map approval. Total Fee will consist of total time and material plus 15% administration fee.
- 33) **Plan-check fees:** An engineering plan-check fee deposit of \$3,000.00 of the engineer's estimate of the public improvements and grading plan shall be paid at time of plan submittal. Total Fee will consist of total time and material plus 15% administration fee.
- 34) **Encroachment Permits:** Encroachment Permits must be paid and acquired prior to any street improvement or any new utility installation within the public right-of-way.
- 35) The project site is subject to all applicable City of McFarland ordinances, regulations, standards and policies.
- 36) The applicant shall obtain necessary permits and/or approvals from all agencies having jurisdiction with respect to this project.

- 37) Provide the City of McFarland with a copy of the current Title Report
- 38) Provide the City of McFarland with a Preliminary Soils Report that addresses all improvements.
- 39) Provide the City of McFarland with an estimate of the cost of improvements for bonding or securities of improvements.
- 40) All improvements to comply with American Disabilities Act standards and regulations (ADA) including drive approach ramp(s), walk around(s), etc.
- 41) Provide an on-site Drainage Study for the 10-year 5-day storm per Kern County standards.
- 42) Developer shall provide existing sump volume verification for additional runoff capacity.
- 43) Retention basins shall be fenced and provided with gated access when the design ponding depth exceeds 18 inches. All retention basins shall be enclosed by a six (6) foot high commercial grade chain link fence with privacy slat except the northern boundary of sump. Northern boundary shall be construct of a six (6') foot high cement block wall.
- 44) Project to satisfy National Pollution Discharge Elimination System (NPDES), State and Central Valley Regional Water Quality Control Board requirements.
- 45) The following road improvements are required:
- a. Install Curb, Sidewalk, gutter, and pavement adjacent to Tract 7393 along southside of Taylor Ave within the 45' right-of-way.
 - b. Install curb, sidewalk, gutter, and pavement adjacent to Tract 7393 along the westside of Garzoli Ave within the 45' right-of-way.
 - c. With dedication of right-of-way from property owner, Developer to install Curb, sidewalk, gutter, and pavement on the South/West corner property at the intersection of Garzoli Ave and Taylor Ave., conditioned on the following:
 - i. The cost of these improvement will turn into credit towards traffic impact fees applicable to each lot in Tract 7393 and applied until completely exhausted.
 - ii. City shall be responsible for acquiring any additional right-of-way necessary to complete this improvement.
 - iii. If dedication is not given to City by property owner, section C shall be removed and not be completed.
- 46) All new and existing utilities to be installed underground.
- 47) Developer shall use Roadway hard surface design TI-7.

- 48) Lighting for all roads surrounding and within subdivision must follow city standard lighting improvement standards.
- 49) Improvement plans to include a Dust Control Plan as required by San Joaquin Valley Air Pollution Control District (SJVAPCD).
- 50) Provide verification from Division of Oil and Gas of no conflicts.
- 51) Provide Kern County Fire Department project approval prior to any plan approvals.
- 52) Developer shall comply with requirements of the Kern County Fire Department regarding fire hydrants, and hydrant maintenance.
- 53) Verify water service capacity prior to any plan approval.
- 54) Sewer and water service shall be provided for each parcel created.
- 55) Developer shall verify wastewater plant capacity prior to any plan approval.
- 56) Developer shall verify gravity service sewer system prior to any plan approval.
- 57) All streets, alleys, access rights, drainage and/or sewer easements and other easements and parcels of land shown on the final map as intended for public use shall be offered for dedication for public use pursuant to the Subdivision Map Act.
- 58) The final map shall show the location, width and side lines of all easements to which the lots are subject. If an existing easement is not definitely located of record, a statement as to the easement shall appear on the title sheet. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines. Distance and bearings on the side lines of the lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easement, the lengths of the bearings of the lines thereof, and sufficient ties to locate the easement shall be clearly labeled and identified, and, if already of record, proper reference to the records shall be given. Easements being dedicated shall be so indicated in the certificate of dedication.
- 59) Sufficient data shall be shown to determine readily the bearing and length of each line. Dimensions of lots shall be the net dimensions.
- 60) Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the city engineer. Such plans will be required before approval of the final map. All such plans and profiles shall be filed with the city engineer.
- 61) Developer shall provide copies of complete set of Civil on-site/offsite improvement plans

signed by a California Registered Civil Engineer.

- 62) Developer shall provide complete Engineer's Cost Estimate per the project's improvement plans signed by a California Registered Civil Engineer. Use current Kern County Development Standards Division Seven Sec. 701-1 to Sec. 702-9. The estimate shall include a contingency factor to compensate for the effect of inflation and any changes in construction during the life of the project.
- 63) Improvement work shall not be commenced until the city engineer and the public works director have been notified in advance, and if work has been discontinued for any reason, it shall not be begun again until the city engineer and public works director have been notified.
- 64) All required improvements shall be constructed under the inspection of, and to the approval of, the city engineer and the city public works director.
- 65) All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when connections thereto are made.
- 66) All streets and highways shall be graded and surfaced to cross sections and grades approved by the city engineer.
- 67) Structures shall be installed as required for drainage, access and/or public safety. Such structure shall be placed to grades and shall be of a design approved by the city engineer.
- 68) Vertical curbs, gutters and sidewalks shall be installed to grades and at locations approved by the city engineer prior to the issuance of an occupancy permit on building construction on any site within the subdivision. Sidewalks shall be required on all street frontages.
- 69) Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, location and design and size approved by the city sewer engineer. No septic tanks or cesspools shall be permitted. Location of house sewer laterals shall be marked on curb or sidewalk with a letter "S."
- 70) Storm drains shall be installed as required by the city engineer.
- 71) Water mains and fire hydrants of design and layout and in locations approved by the city water engineer and public works director shall be installed by the subdivider. Location of water services shall be marked on the curb or sidewalk with a letter "W." The water system shall be installed and in operation and all required fire hydrants

connected thereto prior to the commencement of building construction on any site within the subdivision.

- 72) Permanent stainless-steel storm drain markers shall be installed at all storm drain inlets. Coordinate "No dumping" legend with City.
- 73) Street signs of a type approved by the city shall be installed by the subdivider, in locations approved by the city engineer. Two street name signs shall be installed at each four-way intersection within the subdivision and one street name sign shall be installed at each two-way or three-way intersection. Any required barricades to prevent traffic access to dead-end streets shall be provided by the subdivider.
- 74) Ornamental streetlights shall be installed by the subdivider, at locations approved by the city engineer, at each four-way intersection, at each three-way intersection, at each two-way intersection, at the end of each cul-de-sac and at such other locations as necessary to provide that no point along any street within the subdivision shall be more than two hundred fifty feet from a streetlight.
- 75) Permanent monuments in accord with the standard specifications shall be set at all angle and curve points on the exterior boundaries of the subdivision, at all street intersections, at all angle points of street lines, and at all curve points, both simple and compound, of street lines. Monuments in street lines shall be set on street centerlines unless otherwise directed by the city engineer; provided, however, such permanent monuments need not be set at angle and curve points on the exterior boundaries of the subdivision when such points on the exterior boundaries of the subdivision have been previously monumented and accepted by the city.
- 76) The engineer or surveyor shall set at all corners a marker not less substantial and enduring than one-half-inch iron pipe eighteen inches long with a noncorroding material with the registered engineer's or licensed land surveyor's marker on the head thereof.
- 77) Any monument or benchmark, as required by the provisions of this title, which is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider.
- 78) Monuments and benchmarks shall be set before acceptance of the improvements by the council.
- 79) All improvements necessary shall conform to the proposed subdivision to the standards and policies of the city existing at the time of filing the vesting tentative map shall be installed at the cost of the subdivider.
- 80) Prior to approval by the council of the final map, the subdivider shall execute and file a Subdivision Improvement Agreement between himself and the city specifying a period

(not to exceed twelve months), within which he, or his agent or contractor, shall complete all improvement work and providing that if he fails to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall provide for the inspection of all improvements by the public works department. Such agreement shall include such stipulations as may be required to assure completion of the subdivision in accord with the requirements of the city.

- 81) The subdivider shall file with the agreement required provisions to assure his full and faithful performance thereof, a bond or security for such sum as the City engineer deems sufficient to cover the cost of the improvements.
- 82) The security shall be in the manner, form and kind provided in the Subdivision Map Act. The security shall be in the amount of one hundred percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty percent of such sum securing the payment by the subdivider to his contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements.
- 83) The security provided shall guarantee maintenance and/or all defects in the required improvements for a period of one year following acceptance of the improvements by the City.
- 84) (Location) Please add the current property description to the title. (Being a Division of Parcel _ - of Parcel Map 12412)
- 85) Water Meters shall be installed to City Standard and a Master Smart Meter (Part # B16-A31-B15-0101A-1) shall be installed at each single-family dwelling.
- 86) Water conservation methods to be utilized to satisfy City & State recommendations and requirements.
- 87) Sewer service to be provided for each parcel created.
- 88) All dedications and improvements shall conform to the current City of McFarland Improvement Standards and the Americans with Disabilities Act.
- 89) All improvements shall be completed, approved by the city engineer, and accepted by the council before a certificate of occupancy for any structure can be issued and a One Year Guarantee Security shall be posted as required by City Ordinance or a Subdivision Improvement Agreement, Faithful Performance and Laborer and Materialmen Security, and Insurance Certificate shall be posted as required by the City Ordinance for Final Parcel Map recordation.

90) Provide note on Improvement Plans: “PRIOR TO ACCEPTANCE OF IMPROVEMENTS: PROVIDE INSPECTION APPROVAL BY CITY WATER ENGINEER, CITY PUBLIC WORKS DEPARTMENT, CITY POLICE DEPARTMENT AND KERN COUNTY FIRE DEPARTMENT, AND PROVIDE RECORD DRAWINGS AND ONE YEAR GUARANTEE SECURITY.

91) DEVELOPER MUST ANNEX TO THE CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICTS (CFDS) FOR: LANDSCAPING AND STREET MAINTENANCE CFD 2017-2; POLICE SERVICES CFD 2017-1; AND FIRE PROTECTION CFD2019-1.

KERN COUNTY SUPERINTENDENT OF SCHOOLS:

92) The applicant shall be required to pay school impact fees in the amount of \$4.08 per square foot of residential development and \$0.66 per square foot for commercial development. All school fees shall be paid prior to issuance of a building permit.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT:

93) The applicant shall submit and Air Impact Assessment to the San Joaquin Valley Air Pollution Control District. The Air Impact Assessment shall be submitted and approved prior to the recordation of the Final Map.

94) Development of VTTM-7393 may be subject to additional Air District rules therefore the applicant shall contact the San Joaquin Valley Air Pollution Control District prior to construction commencing on any phase of the development.

MCFARLAND RECREATION AND PARKS DISTRICT:

95) Dedication of 2.38 acres park to cover all Quimby Fees and the development of the park in lieu of Park Impact Fees for Tracts 7393 and 7394.



PLANNING COMMISSION STAFF REPORT

June 1, 2021

TO: Chair and Planning Commissioners
FROM: Brianahi De Leon
City Planner
Larry Ronk
Acting Community Development Director

DATE: June 15, 2021

Agenda Item	
Presentation	
Consent	
Unfinished Business	
New Business	
Public Hearing	x
Other	
Action Requested	
Ordinance	x
Resolution	
Motion	
Other	

PROJECT DESCRIPTION: Zoning Ordinance Amendment – Home Occupation

ENVIRONMENTAL DOCUMENT: None

APPLICANT: City of McFarland

SECTION: Chapter 17.153

STAFF RECOMMENDATION

The staff recommends the Planning Commission to approve and recommend the presentation to City Council to amend updates to Title 17, adopt Chapters 17.04.340, 17.04.350, and 17.153.010 through 17.153-060 of the McFarland Municipal Code.

PROJECT DESCRIPTION

The City of McFarland desires to amend, clarify, and codify its Municipal Code Chapter related to Home Occupation. Currently the chapter is short, vague, and sprinkled in various sections. Through this ordinance, the city can provide uniform and comprehensive regulations and standards related to Home Occupations. By creating this ordinance, the city may reduce the potential negative impacts that may arise when occupations are carried on by residents of a dwelling as a secondary use.

ENVIRONMENTAL REVIEW

None

FINDINGS

Implementing this ordinance in a uniform and comprehensive manner may not only prevent negative impacts that may arise but may create an economic opportunity for the city.

Attachment 1 – Zoning ordinance amendment / Home Occupation

ORDINANCE NO. [REDACTED]

**AN ORDINANCE OF THE CITY OF MCFARLAND
AMENDING TITLE 17, CHAPTERS 17.04.340, 17.04.350,
REPEALING SUBSECTION “C” OF CHAPTER 17.12.020,
AND ADDING CHAPTER 17.153 OF THE MCFARLAND
MUNICIPAL CODE.**

Section 1. Recitals

WHEREAS, The City of McFarland (“City”) desires to amend, clarify and codify its Municipal Code Chapter related to Home Occupation;

WHEREAS, The Ordinance Amendment updates the Municipal Code to codify the definition of Home Occupation, and the Standards for, and Process, Procedures, and Permits necessary for Home Occupation;

WHEREAS, Adoption of this Ordinance will provide uniform and comprehensive regulations and standards related to Title 17, Chapters 17.04.340, 17.04.350, and 17.153.010 through 17.153-060 of the McFarland Municipal Code.

WHEREAS, Adoption of this Ordinance is in furtherance of the City’s goals and objectives while reducing the potentially negative impacts arising from potentially deficient and/or incomplete/incompatible Municipal Code Chapters.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES ORDAIN AS FOLLOWS:

Section 2. Chapter 17.04.340 of the McFarland Municipal Code is hereby amended to read as follows:

17.04.340 Home Occupation.

“Home Occupation” means an occupation carried on by the residents of a dwelling as a secondary use.

Section 3. Chapter 17.04.350 of the McFarland Municipal Code is hereby amended to read as follows:

17.04.350 Home Occupation Permit.

“Home Occupation Permit” is a permit authorizing the operation of a specified home-based occupation. It is administered through the Community Development Department as promulgated in Municipal Code 17.153.060. The Permit may be revoked if activity is not consistent with all the terms and conditions of all the zoning approvals and approved plans granted by the City.

Section 4. Chapter 17.12.020 of the McFarland Municipal Code is hereby amended to Repeal the Current Language of Subsection C and Amend Subsections D-O to be Renumbered as Subsections C-N, respectively.

Section 5. Chapter 17.153 of the McFarland Municipal Code is hereby Added to the McFarland Municipal Code as Follows:

Chapter 17.153 HOME OCCUPATION PERMIT

17.153.010 Purpose and intent.

This section provides standards for the conduct of home occupations, as Defined by Chapter 17.04.340 of the McFarland Municipal Code. In general, a home occupation is a residential accessory use that, under normal circumstances, the average neighbor is unaware of its existence. Thus, no sound or visibility of the occupation is seen or heard beyond the premises.

17.153.020 Home Occupation is permitted in the following zone districts.

A Home Occupation Permit may only be granted in the R-1 and R-2 zones.

However, the home occupation permit shall not be granted unless the community development director finds that the proposed home occupation complies with the definition and requirements of this Title 17.

17.153.030 Permitted uses.

Home Occupations may include, but are not limited to, the following:

Table 1:

ACTIVITY	INCLUDED OCCUPATION
On-site professional service and/or consultation – by appointment only	Architect, broker, consultant, engineer, insurance agent, land surveyor, bookkeeper, accountant, typist, or similar use as determined by the community development director.
Off-site personal services requiring home office	Gardening and landscaping service, locksmith, and other uses where storage in vehicle is required, or similar use as determined by the community development director.
Sales – no door-to-door sales, delivery to customers only	Sales representative (including jewelry, cosmetics, products of domestic consumption), catalog and telephone sales only or similar use as determined by the community development director.
Artisan studio	Artist, sculptor, photography studio, author, composer, weaver, crafts, rug and blanket weaving, lapidary or similar use as determined by the community development director.
Group instructional (income producing activities)	Small day care or similar use as determined by the community development director.

17.153.040 Prohibited Uses.

The following non-exclusive list displays example secondary uses that are not incidental to, nor compatible with residential activities, and are therefore prohibited from receiving a home occupation permit:

- A. Antique shops
- B. Auto Repair
- C. Barber and Beauty shops
- D. Business which engages in the harboring, training, breeding, raising, or grooming of dogs, cats, or other animals on the premises.
- E. Cabinet making
- F. Funeral chapel or funeral home
- G. Kennel
- H. Medical and dental offices, clinics, and laboratories
- I. Mini storages
- J. Repair, fix-it, appliance, or plumbing shops
- K. Home Occupations in Mobile home (M-P) zones
- L. Vehicle repair (body or mechanical). Upholstery and painting
- M. Welding and Machining shops
- N. **Any additional uses determined by the community development director that is not listed but is not incidental nor compatible with residential activities.**

17.153.050 Operating standards.

Home occupations shall comply with all the following operating standards and any additional conditions that may have been placed by the community development director.

- A. There shall be no displays or advertising signs on the premises.
- B. There shall be no signs other than the address and name of the resident.
- C. There shall be no advertising which identifies the home occupation by street name.
- D. The home occupation shall be confined completely to one room located within the dwelling. It shall not occupy more than twenty-five percent of the gross area of one floor of the residence. No portion of any garage, carport or other accessory structure shall be used for home occupation purposes, other than for storage which does not impair required parking in the garage.
- E. Only one vehicle no larger than a three-fourth-ton truck may be used by the occupant directly or indirectly in connection with a home occupation.
- F. Subject to Municipal Code **17.153.070**, no external alterations or construction features can be made to accommodate a home occupation, nor can any change be made which would change the fire rating of the structure or the fire district in which the structure is located.
- G. There shall be no use or storage of material or mechanical equipment, either indoor or outdoor, not recognized as being part of a normal household or hobby use.
- H. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. Utility consumption shall not exceed normal residential usage.

- I. No home occupation use shall create or cause noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, or electrical interference or other hazards or nuisances.
- J. Employees engaged in the home occupation shall only be members of the resident family and shall be occupants of the dwelling. No outside employees.
- K. The home occupation shall not require the services of commercial carrier freight deliveries at the site in a frequency greater than what is normally found in a residential area.
- L. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the land use district in which it is located.
- M. No business license shall be issued until a home occupation permit is obtained, pursuant to the municipal code.
- N. A home occupation permit is not transferable.
- O. There shall be no more than one home occupation in any dwelling unit.
- P. If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal of a home occupation permit.

17.153.060 Permits.

- A. Application. An application for a home occupation permit shall be on forms furnished by the Community Development Director, shall be filed with the Community Development Department before commencing the business activity, and shall be signed by the applicant. The application shall include the following information:
 - i. The name, mailing address, and telephone number of the owner(s) of the business;
 - ii. The street address of the property where the business will be conducted; and
 - iii. A description of the type of business proposed.
- B. Permit Issuance. The Community Development Director shall issue a permit if he or she finds:
 - i. That the application is complete;
 - ii. That such business will be operated consistent with the regulations of this chapter and not interfere with the peace and quiet or be contrary to the residential character of the neighborhood; and
 - iii. The building and the proposed business will be maintained and conducted according to all laws of the city and state, including, but not limited to, health, structural soundness, fire safety, and zoning.

17.153.070 Process in acquiring Home Occupation permit.

Resident seeking a home occupation addition to their home shall apply for a Conditional Use Permit (CUP) & Home Occupation permit. Once the application, along with site plans and design have been submitted to the City, the application will go into the process of review. Application will then go to the Planning Commission and a public hearing will be conducted. The Planning Commission may then grant the permit along with any terms and conditions pertaining to occupation. No home occupation shall be established until an

application for a home occupation permit has been submitted and approved as being consistent with the requirements of this section. No building license shall be applied for until after approval of the home occupation. A probational 1 year period is held to ensure that all terms and conditions are being met. After probational period, the occupational permit shall be subject to annual review and will consist of a yearly renewal.

Section 6. **Notice.** The City clerk shall certify to the passage and adoption of this ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 7. **Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 8. **Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 9. **Certification; Publication.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the ___th day of _____, 2021, by the following vote:

	Aye	Nae	Abstain	Absent
Sally Gonzalez				
Maria T. Perez				
Eric Rodriguez				
Saul Ayon				
Ricardo Cano				

Sally Gonzalez, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on _____, 2021.

ATTEST:

Francisca Alvarado, City Clerk

APPROVED AS TO FORM:

Nathan M. Hodges, City Attorney



PLANNING COMMISSION STAFF REPORT

June 15, 2021

TO: Chair and Planning Commissioners
FROM: Brianahi De Leon
City Planner
Larry Ronk
Acting Community Development Director

DATE: June 15, 2021

DEVELOPER: Milestone Housing Group, LLC

PROJECT DESCRIPTION: Parcel Map Waiver

ENVIRONMENTAL DOCUMENT: Exempt

APPLICANT: Milestone Housing Group, LLC

OWNER: El Buen Pastor Church Inc.

APN: 200-010-36-00-6

ADDRESS: Sherwood Ave.

SIZE OF SITE: 3.137 acres

GENERAL PLAN DESIGNATION: Residential R-4

ZONE DISTRICT: R-4

Agenda Item	
Presentation	
Consent	
Unfinished Business	
New Business	
Public Hearing	x
Other	
Action Requested	
Ordinance	
Resolution	x
Motion	
Other	

STAFF RECOMMENDATION

The staff recommends approval of Parcel Map Waiver No. 21-01.

PROJECT DESCRIPTION

The parcel is located West of El Buen Pastor Church on Sherwood Avenue. The property is designated as R-4 and will remain that zone. The existing parcel will be divided and recorded. Once divided, parcel 1 will consist of 3.137 acres. If approved, Parcel Map Waiver No. 21-01 would bring forth four multi-family residential apartment buildings, a laundry building

barbeque area, community garden, and sufficient parking. The site plan review for the apartment complex will be brought to the Planning Commission at a future meeting for review. The Parcel Map Waiver went through a plan check from the City Planning Department, the City Engineer, and Public Works.

ENVIRONMENTAL REVIEW

The proposed Parcel Map project is categorically exempt from the requirements of the California Environmental Quality Act subject to Section 15315.

Section 15315 therefore it is categorically exempt in the Minor Land Divisions CEQA guidelines states *“division of property into four or fewer parcels when the division is in conformance with the general plan and zoning, no other variances or exceptions requiring environmental review are required, and all required services and access to the proposed parcels to local standards are available.”*

FINDINGS

The proposed Parcel Map Waiver No. 21-01 is consistent with the general plan. The zoning will remain as an R-4 (Multi-Family residential).

ACTION

Approve Parcel Map Waiver No. 21-01

Attachment 1 – Vicinity Map

Attachment 2 – Aerial Photograph

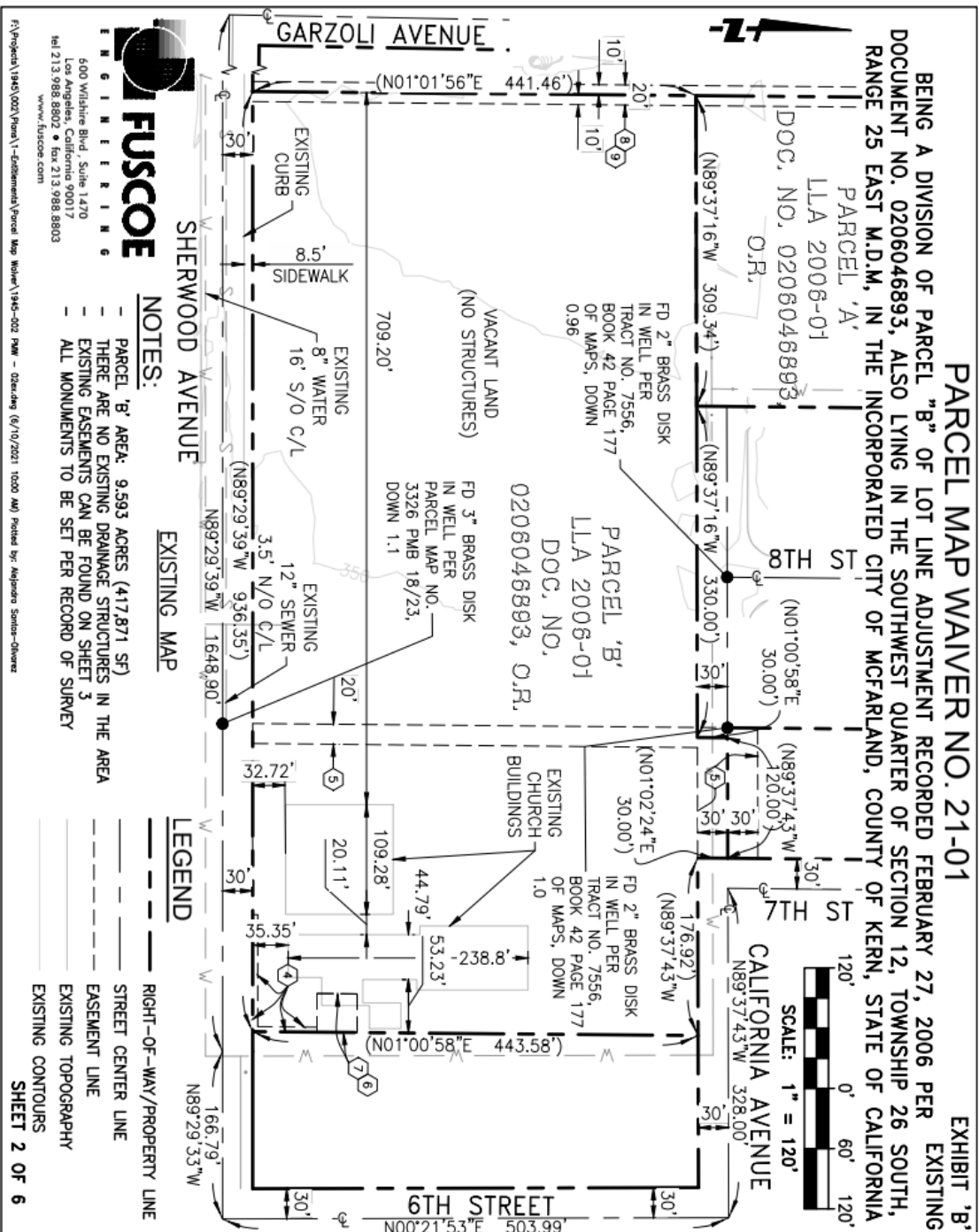
Attachment 3 – Proposed Parcel Map Waiver No. 21-01

Aerial photograph



ATTACHMENT 3

Parcel Map Waiver



ATTACHMENT 3
Proposed Site Development

