



**City Council
Successor Redevelopment Agency
Financing Authority
Housing Authority**

AGENDA

Wednesday

Regular

Regular Session 6:00 p.m.

April 15, 2015

**City Hall
100 West California Avenue
Ridgecrest CA 93555**

(760) 499-5000

**Peggy Breeden, Mayor
James Sanders, Mayor Pro Tempore
Lori Acton, Vice Mayor
Eddie B. Thomas, Council Member
Mike Mower, Council Member**

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LAST ORDINANCE NO. 15-02
LAST RESOLUTION NO. 15-34

CITY OF RIDGECREST

CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY

AGENDA

Regular Council
Wednesday April 15, 2015

CITY COUNCIL CHAMBERS CITY HALL

100 West California Avenue
Ridgecrest, CA 93555

Regular Session – 6:00 p.m.

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Other

PUBLIC COMMENT

CONSENT CALENDAR

1. Adopt A Resolution Of The Ridgecrest City Council Approving Contract Change Order Number Twenty-Five With The Contractor, Griffith Company, For The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer To Sign Change Order Number Twenty-Five Culp
2. Adopt A Resolution Of The Ridgecrest City Council To Approve The Agreement With The Engineering Firm Of David Evans & Associates And Provide Application Preparation For The City Of Ridgecrest On The Active Transportation Program (Atp) And Authorize The City Manager, Dennis Speer To Execute The Agreement Upon Approval Of The City Attorney Culp
3. Adoption Of Resolutions (1) Initiating Proceedings For The Levy And Collection Of Assessments For Landscaping And Lighting District No. 2012-1, Fiscal Year 2015/2016; And (2) Accepts And Approves The Engineer's Report; And (3) Declaring Its Intention To Levy And Collect Assessments For The Landscaping And Lighting District No. 2012-1 For Fiscal Year 2015/2016, And Sets The Time And Place For The Public Hearing Culp
4. Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated April 1, 2015 Ford

PUBLIC HEARING

5. Conduct A Public Hearing And Approve A Resolution Of The Ridgecrest City Council Adopting A Mitigated Negative Declaration For The Ridgecrest Commercial Specific Plan Offsite Improvements Project Parsons

DISCUSSION AND OTHER ACTION ITEMS

6. Discussion And Approval Of Council Response To The Indian Wells Valley Land Use Management Plan Breeden

ORDINANCES

7. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter 20 Of The Ridgecrest Municipal Code Alexander

COMMITTEE REPORTS

(Committee Meeting dates are subject to change and will be announced on the City website)

City Organization and Services Committee

Members: Lori Acton; Mike Mower, Solomon Rajaratnam, Cecil Yates
Meeting: 4th Wednesday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Infrastructure Committee

Members: Jim Sanders; Mike Mower, Matthew Baudhuin, Warren Cox
Meeting: 2nd Thursday each month at 5:00 p.m. as needed
Location: Council Conference Room B

❖ Ad Hoc Water Conservation Committee

Members: Jim Sanders; Peggy Breeden
Meeting: 1st Monday each month at 5:00 p.m. as needed
Location: Conference Room B

Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton, Matthew Baudhuin, Scott Davis
Meeting: 1st Tuesday each month at 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

❖ Ad Hoc Youth Advisory Council

Members: Eddie Thomas
Meeting: 2nd Wednesday of each month, 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Eddie Thomas; Lori Acton
Meeting: 3rd Tuesday every other month at 4:00 p.m. as needed
Location: Kerr McGee Center Meeting Rooms

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Lori Acton and Eddie Thomas
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: To Be Announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

CITY MANAGER REPORT

MAYOR AND COUNCIL COMMENTS

ADJOURNMENT

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: Approve Contract Change Order Number Twenty-Five With The Contractor, Griffith Company, For The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer To Sign Change Order Number Twenty-Five

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

As the West Ridgecrest Boulevard Project is coming to an end, an addition to the project required a change to the plans and specifications.

Change Order #25	Additional compensation for a change in oil price Index from the time of the bid. This sum shall constitute full payment for all labor, material, equipment, and applicable markup, required to complete the extra work.
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TOTAL	\$6,219.66
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This dollar amount will be added to the existing PO #7344.

The funding source for this project will come from 018-4760-430-4601 ST1201.

FISCAL IMPACT: None

Reviewed by Finance Director

ACTION REQUESTED:

Approve Contract Change Order Number Twenty-Five With The Contractor, Griffith Company, For The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer To Sign Change Order Number Twenty-Five

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

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RESOLUTION NO. 15-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST APPROVING CONTRACT CHANGE ORDER NUMBER TWENTY-FIVE WITH THE CONTRACTOR, GRIFFITH COMPANY, FOR THE WEST RIDGECREST BOULEVARD PROJECT AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER TO SIGN CHANGE ORDER NUMBER TWENTY-FIVE

WHEREAS, The West Ridgecrest Boulevard Project is coming to an end, an addition to the project required a change to the plans and specifications; and

WHEREAS, Change Order #25 for the additional compensation for change in the oil price index from the time of the bid; and

WHEREAS, This sum shall constitute full payment for all labor, material, equipment, and applicable markup, required to complete all the extra work; and

WHEREAS, The total dollar value for the change order total is a positive \$6,219.66; and

WHEREAS, This dollar amount will be added to the existing PO #7344; and

WHEREAS, The funding source for this project will come from 018-4760-430-4601 ST1201.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Approves Change Order Number Twenty-Five, to Griffith Company to provide the addition to the West Ridgecrest Boulevard Project at the cost of \$6,219.66.
2. Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer, to execute Change Order Number Twenty-Four, to Griffith Company

APPROVED AND ADOPTED this 15th day of April 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Peggy Breeden, Mayor

Ricca Charlton, Deputy City Clerk

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CITY OF RIDGECREST

CONTRACT CHANGE ORDER No.

25

DATE:

3/6/15

Project Name: West Ridgecrest Blvd Reconstruction Project, RPSTPL-5385(048)

Willdan Project #: 102225

Purchase Order No.: 007344

Contractor: Griffith Company

You are hereby directed to make the described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract.

Table with 3 columns: Description, Cost, (calendar days). Rows include original contract amount, previous change order, current change order, total increase, revised contract amount, and percentage of total increase.

DESCRIPTION OF WORK TO BE DONE, ESTIMATE OF QUANTITIES, AND PRICES TO BE PAID:

Table with 9 columns: Item, Description, Contract Qty, Change Order Qty, Adjusted Contract Quantity, Unit, Unit Cost, Change order Cost, Time Ext. Calendar Days. Row 25: Additional compensation for change in oil price index...

TOTAL THIS CHANGE ORDER: \$ 6,219.66 0

Requested: [Signature] Construction Manager/Resident Engineer

Date: 3/20/15

Approved: [Signature] City Engineer

Date: 3/30/15

Approved: Public Works Director

Date:

We the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may be otherwise noted above, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown above.

Accepted: GRIFFITH C Contractor

Date: 3/16/15

By: [Signature] Walter E. Weishaar

Chief Estimator Title:

CCO #25 Backup

Ridgecrest Blvd Oil Price Index Adjustments

	Oil Price Index	% of Oil Price Index @ Bid	Inspector Quantities					
			1/2" Mix (Tons)	Adjustment	3/4" Mix (Tons)	Adjustment	Total AC (Tons)	Total Adjustment
Bid Opening (Feb 2014)	549.8							
July 2014	588.4	107.02%	3,220.62	\$1,865.98	9,046.22	\$4,353.68	12,266.84	\$6,219.66
August 2014	567.8	103.27%	1,585.05	\$0.00	607.91	\$0.00	2,192.96	\$0.00
September 2014	533.4	97.02%	1,689.69	\$0.00	3,653.33	\$0.00	5,343.02	\$0.00
		Total	6,495.36	\$1,865.98	13,307.46	\$4,353.68	19,802.82	\$6,219.66

Griffith Company Job Number: 30586
 Customer: City of Ridgecrest
 Job Description: Ridgecrest Blvd. 1/2"

PA = Payment adjustment in dollars for asphalt contained in materials placed in the work for a given month.
 Qt = Sum of all quantities of asphalt-contained materials in pavement structural sections and pavement surface treatments placed (Qh + Qrh + Qmh + Qrap + Qtc + Qe + Qss + Qmab + Qo).
 A = Adjustment in dollars per ton of asphalt used to produce materials placed in the work rounded to the nearest \$0.01.
 T = Sales and use tax rate, expressed as a percentage, currently in effect in the tax jurisdiction where the material is placed.
 lu = California Statewide Crude Oil Price Index for the month in which the quantity of asphalt subject to adjustment was placed in the work.
 lb = California Statewide Crude Oil Price Index for the month in which the bid opening for the project occurred.

English:	x
Metric:	

$A = [(lu/lb - 1.05)] \times lb \times [1 + (T/100)]$ for an increase in the crude oil price index exceeding 5%
 $A = [(lu/lb - 0.95)] \times lb \times [1 + (T/100)]$ for a decrease in the crude oil price index exceeding 5%

Bid Opening:	02/27/14
lb (price index at bid opening):	549.80
Sales and use tax rate:	7.50

Pay period from: 06/20/14 to 07/20/14

Item	Description	Symbols	Pay Month	Tons	Asphalt percentages									Q Tons				
					Xa	Xarb	Xam	Xmab	Xaa	Xta	Xnew	Xra	Xe					
	Hot mix asphalt	Qh	HMATT	Jun-2014														
	Rubbenzed HMA	Qrh	RHMATT	Jun-2014														
	Mod. asphalt binder in HMA	Qmh	MHMATT	Jun-2014														
	HMA containing RAP	Qrap	HMATT	Jun-2014	3,220.62					5.10	5.70	85.00	4.00					156.28
	Tack coat	Qtc		Jun-2014														
	Asphaltic emulsion	Qe	AETT	Jun-2014														
	Slurry seal	Qss	AETT	Jun-2014														
	Modified asphalt binder	Qmab	MABTT	Jun-2014														
	Other Materials	Qo		Jun-2014														

lu	lb	A \$/Ton	Qt Tons	PA (Qt x A)
588.40	549.80	11.94	156.28	\$ 1,865.98

Notes: This spreadsheet is to be used in accordance with the Special Provisions.
 Read the specifications for your project to ensure specification conformance.
 Make sure you choose "English" or "Metric".
 When binder is used for tack coat, use the total weight and make Xe=100
 All percentages shall be between 0 and 100.

Griffith Company Job Number: 30586
 Customer: City of Ridgecrest
 Job Description: Ridgecrest Blvd. 3/4"

PA = Payment adjustment in dollars for asphalt contained in materials placed in the work for a given month.
 Qt = Sum of all quantities of asphalt-contained materials in pavement structural sections and pavement surface treatments placed (Qh + Qrh + Qmh + Qrap + Qtc + Qe + Qss + Qmab + Qo).
 A = Adjustment in dollars per ton of asphalt used to produce materials placed in the work rounded to the nearest \$0.01.
 T = Sales and use tax rate, expressed as a percentage, currently in effect in the tax jurisdiction where the material is placed.
 lu = California Statewide Crude Oil Price Index for the month in which the quantity of asphalt subject to adjustment was placed in the work.
 lb = California Statewide Crude Oil Price Index for the month in which the bid opening for the project occurred.

English:	x
Metric:	

Bid Opening:	02/27/14
lb (price index at bid opening):	549.80
Sales and use tax rate:	7.50

$A = \left[\frac{(lu/lb - 1.05)}{100} \right] \times lb \times [1 + (T/100)]$ for an increase in the crude oil price index exceeding 5%
 $A = \left[\frac{(lu/lb - 0.95)}{100} \right] \times lb \times [1 + (T/100)]$ for a decrease in the crude oil price index exceeding 5%

Pay period from: 06/20/14 to 07/20/14

Item	Description	Symbols		Pay Month	Tons	Asphalt percentages								Q Tons				
						Xa	Xarb	Xam	Xmab	Xaa	Xta	Xnew	Xra		Xe			
	Hot mix asphalt	Qh	HMATT	Jun-2014														
	Rubberized HMA	Qrh	RHMATT	Jun-2014														
	Mod. asphalt binder in HMA	Qmh	MHMATT	Jun-2014														
	HMA containing RAP	Qrap	HMATT	Jun-2014	9,046.22					4.20	4.80	85.00	4.00					364.63
	Tack coat	Qtc		Jun-2014														
	Asphaltic emulsion	Qe	AETT	Jun-2014														
	Slurry seal	Qss	AETT	Jun-2014														
	Modified asphalt binder	Qmab	MABTT	Jun-2014														
	Other Materials	Qo		Jun-2014														

lu	lb	A \$/Ton	Qt Tons	PA (Qt x A)
588.40	549.80	11.94	364.63	\$ 4,353.68

Notes: This spreadsheet is to be used in accordance with the Special Provisions.
 Read the specifications for your project to ensure specification conformance.
 Make sure you choose "English" or "Metric".
 When binder is used for tack coat, use the total weight and make Xe=100
 All percentages shall be between 0 and 100.

Griffith Company Job Number: 30586
 Customer: City of Ridgecrest
 Job Description: Ridgecrest Blvd. 1/2"

PA = Payment adjustment in dollars for asphalt contained in materials placed in the work for a given month.
 Qt = Sum of all quantities of asphalt-contained materials in pavement structural sections and pavement surface treatments placed (Qh + Qrh + Qmh + Qrap + Qtc + Qe + Qss + Qmab + Qo).
 A = Adjustment in dollars per ton of asphalt used to produce materials placed in the work rounded to the nearest \$0.01.
 T = Sales and use tax rate, expressed as a percentage, currently in effect in the tax jurisdiction where the material is placed.
 Iu = California Statewide Crude Oil Price Index for the month in which the quantity of asphalt subject to adjustment was placed in the work.
 Ib = California Statewide Crude Oil Price Index for the month in which the bid opening for the project occurred.

English:	x
Metric:	

Bid Opening:	02/27/14
Ib (price index at bid opening):	549.80
Sales and use tax rate:	7.50

$A = [(Iu/Ib - 1.05)] \times Ib \times [1 + (T/100)]$ for an increase in the crude oil price index exceeding 5%
 $A = [(Iu/Ib - 0.95)] \times Ib \times [1 + (T/100)]$ for a decrease in the crude oil price index exceeding 5%

Pay period from: 07/20/14 to 08/20/14

Item	Description	Symbols	Pay Month	Tons	Asphalt percentages									Q Tons		
					Xa	Xarb	Xam	Xmab	Xaa	Xta	Xnew	Xra	Xe			
	Hot mix asphalt	Qh	HMATT	Jul-2014												-
	Rubberized HMA	Qrh	RHMATT	Jul-2014												-
	Mod. asphalt binder in HMA	Qmh	MHMATT	Jul-2014												-
	HMA containing RAP	Qrap	HMATT	Jul-2014	1,585.05					5.10	5.70	85.00	4.00			76.91
	Tack coat	Qtc	HMATT	Jul-2014												-
	Asphaltic emulsion	Qe	AETT	Jul-2014												-
	Slurry seal	Qss	AETT	Jul-2014												-
	Modified asphalt binder	Qmab	MABTT	Jul-2014												-
	Other Materials	Qo		Jul-2014												-

Iu	Ib	A \$/Ton	Qt Tons	PA (Qt x A)
532.50	549.80	-	76.91	\$ -

Notes: This spreadsheet is to be used in accordance with the Special Provisions.
 Read the specifications for your project to ensure specification conformance.
 Make sure you choose "English" or "Metric".
 When binder is used for tack coat, use the total weight and make Xe=100
 All percentages shall be between 0 and 100.

Griffith Company Job Number: 30586
 Customer: City of Ridgecrest
 Job Description: Ridgecrest Blvd. 3/4"

PA = Payment adjustment in dollars for asphalt contained in materials placed in the work for a given month.
 Qt = Sum of all quantities of asphalt-contained materials in pavement structural sections and pavement surface treatments placed (Qh + Qm + Qmh + Qrap + Qtc + Qe + Qss + Qmab + Qo).
 A = Adjustment in dollars per ton of asphalt used to produce materials placed in the work rounded to the nearest \$0.01.
 T = Sales and use tax rate, expressed as a percentage, currently in effect in the tax jurisdiction where the material is placed.
 lu = California Statewide Crude Oil Price Index for the month in which the quantity of asphalt subject to adjustment was placed in the work.
 lb = California Statewide Crude Oil Price Index for the month in which the bid opening for the project occurred.

English:	x
Metric:	

Bid Opening:	02/27/14
lb (price index at bid opening):	549.80
Sales and use tax rate:	7.50

$A = [(lu/lb - 1.05)] \times lb \times [1 + (T/100)]$ for an increase in the crude oil price index exceeding 5%
 $A = [(lu/lb - 0.95)] \times lb \times [1 + (T/100)]$ for a decrease in the crude oil price index exceeding 5%

Pay period from: 07/20/14 to 08/20/14

Item	Description	Symbols		Pay Month	Tons	Asphalt percentages								Q		
						Xa	Xarb	Xam	Xmab	Xaa	Xta	Xnew	Xra	Xe	Tons	
	Hot mix asphalt	Qh	HMATT	Jul-2014												-
	Rubberized HMA	Qrh	RHMATT	Jul-2014												-
	Mod. asphalt binder in HMA	Qmh	MHMATT	Jul-2014												-
	HMA containing RAP	Qrap	HMATT	Jul-2014	607.91					4.20	4.80	85.00	4.00			24.50
	Tack coat	Qtc		Jul-2014												-
	Asphaltic emulsion	Qe	AETT	Jul-2014												-
	Slurry seal	Qss	AETT	Jul-2014												-
	Modified asphalt binder	Qmab	MABTT	Jul-2014												-
	Other Materials	Qo		Jul-2014												-

lu	lb	A \$/Ton	Qt Tons	PA (Qt x A)
532.50	549.80	-	24.50	\$ -

Notes: This spreadsheet is to be used in accordance with the Special Provisions.
 Read the specifications for your project to ensure specification conformance.
 Make sure you choose "English" or "Metric".
 When binder is used for tack coat, use the total weight and make Xe=100
 All percentages shall be between 0 and 100.

Griffith Company Job Number: 30586
 Customer: City of Ridgecrest
 Job Description: Ridgecrest Blvd. 1/2"

PA = Payment adjustment in dollars for asphalt contained in materials placed in the work for a given month.
 Qt = Sum of all quantities of asphalt-contained materials in pavement structural sections and pavement surface treatments placed (Qh + Qrh + Qmh + Qrap + Qtc + Qe + Qss + Qmab + Qo).
 A = Adjustment in dollars per ton of asphalt used to produce materials placed in the work rounded to the nearest \$0.01.
 T = Sales and use tax rate, expressed as a percentage, currently in effect in the tax jurisdiction where the material is placed.
 lu = California Statewide Crude Oil Price Index for the month in which the quantity of asphalt subject to adjustment was placed in the work.
 lb = California Statewide Crude Oil Price Index for the month in which the bid opening for the project occurred.

English:	x
Metric:	

A = $[(lu/lb - 1.05)] \times lb \times [1 + (T/100)]$ for an increase in the crude oil price index exceeding 5%
 A = $[(lu/lb - 0.95)] \times lb \times [1 + (T/100)]$ for a decrease in the crude oil price index exceeding 5%

Bid Opening:	02/27/14
lb (price index at bid opening):	549.80
Sales and use tax rate:	7.50

Pay period from: 08/20/14 to 09/20/14

Item	Description	Symbols	Pay Month	Tons	Asphalt percentages									Q Tons					
					Xa	Xarb	Xam	Xmab	Xaa	Xta	Xnew	Xra	Xe						
	Hot mix asphalt	Qh HMATT	Aug-2014																
	Rubberized HMA	Qrh RHMATT	Aug-2014																
	Mod. asphalt binder in HMA	Qmh MHMATT	Aug-2014																
	HMA containing RAP	Qrap HMATT	Aug-2014	1,689.69					5.10	5.70	85.00	4.00							81.99
	Tack coat	Qtc	Aug-2014																
	Asphaltic emulsion	Qe AETT	Aug-2014																
	Slurry seal	Qss AETT	Aug-2014																
	Modified asphalt binder	Qmab MABTT	Aug-2014																
	Other Materials	Qo	Aug-2014																

lu	lb	A \$/Ton	Qt Tons	PA (Qt x A)
533.40	549.80	-	81.99	\$ -

Notes: This spreadsheet is to be used in accordance with the Special Provisions.
 Read the specifications for your project to ensure specification conformance.
 Make sure you choose "English" or "Metric".
 When binder is used for tack coat, use the total weight and make Xe=100
 All percentages shall be between 0 and 100.

Griffith Company Job Number: 30586
 Customer: City of Ridgecrest
 Job Description: Ridgecrest Blvd. 3/4"

PA = Payment adjustment in dollars for asphalt contained in materials placed in the work for a given month.
 Qt = Sum of all quantities of asphalt-contained materials in pavement structural sections and pavement surface treatments placed (Qh + Qrh + Qmh + Qrap + Qtc + Qe + Qss + Qmab + Qo).
 A = Adjustment in dollars per ton of asphalt used to produce materials placed in the work rounded to the nearest \$0.01.
 T = Sales and use tax rate, expressed as a percentage, currently in effect in the tax jurisdiction where the material is placed.
 lu = California Statewide Crude Oil Price Index for the month in which the quantity of asphalt subject to adjustment was placed in the work.
 lb = California Statewide Crude Oil Price Index for the month in which the bid opening for the project occurred.

English:	x
Metric:	

Bid Opening:	02/27/14
lb (price index at bid opening):	549.80
Sales and use tax rate:	7.50

$A = [(lu/lb - 1.05)] \times lb \times [1 + (T/100)]$ for an increase in the crude oil price index exceeding 5%
 $A = [(lu/lb - 0.95)] \times lb \times [1 + (T/100)]$ for a decrease in the crude oil price index exceeding 5%

Pay period from: 08/20/14 to 09/20/14

Item	Description	Symbols		Pay Month	Tons	Asphalt percentages								Q Tons			
						Xa	Xarb	Xam	Xmab	Xaa	Xta	Xnew	Xra		Xe		
	Hot mix asphalt	Qh	HMATT	Aug-2014													
	Rubberized HMA	Qrh	RHMATT	Aug-2014													
	Mod. asphalt binder in HMA	Qmh	MHMATT	Aug-2014													
	HMA containing RAP	Qrap	HMATT	Aug-2014	3,653.33					4.20	4.80	85.00	4.00				147.26
	Tack coat	Qtc		Aug-2014													
	Asphaltic emulsion	Qe	AETT	Aug-2014													
	Slurry seal	Qss	AETT	Aug-2014													
	Modified asphalt binder	Qmab	MABTT	Aug-2014													
	Other Materials	Qo		Aug-2014													

lu	lb	A \$/Ton	Qt Tons	PA (Qt x A)
533.40	549.80	-	147.26	\$ -

Notes: This spreadsheet is to be used in accordance with the Special Provisions.
 Read the specifications for your project to ensure specification conformance.
 Make sure you choose "English" or "Metric".
 When binder is used for tack coat, use the total weight and make Xe=100
 All percentages shall be between 0 and 100.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: A Resolution To Approve the Agreement With The Engineering Firm Of David Evans & Associates To Provide Application Preparation For The City of Ridgecrest On the Active Transportation Program (ATP) and Authorize the City Manager, Dennis Speer to Execute The Agreement Upon Approval of the City Attorney

PRESENTED BY:
Dennis Speer, Public Works Director

SUMMARY:
The City of Ridgecrest requires the services of an engineering consulting firm to provide Application Preparation for the Active Transportation Program (ATP). This current call for projects by Caltrans creates a unique opportunity to provide funding for various projects within the City of Ridgecrest. This call for projects is for pedestrian, bicycle and school children safety improvements to traffic corridors.

Funds in the amount of \$21,630.00 shall be made available through the Measure L Funds and the expenditure will be taken from 001-4720-410-2106 PWENGR.

Staff recommends that the City Council approves the Agreement and authorize the City Manager, Dennis Speer, to execute the agreement with the engineering firm David Evans and Associates, (formerly Hall and Foreman Inc.), upon the City Attorney's review and approval.

FISCAL IMPACT: \$21,630.00

Reviewed by Finance Director

ACTION REQUESTED:
Adopt The Resolution To Approve the Agreement With The Engineering Firm Of David Evans & Associates To Provide Application Preparation For The City of Ridgecrest On the Active Transportation Program (ATP) and Authorize the City Manager, Dennis Speer to Execute The Agreement Upon Approval of the City Attorney

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Loren Culp
(Rev. 02/13/12)

Action Date: April 15, 2015

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RESOLUTION NO. 15-

A RESOLUTION TO APPROVE THE AGREEMENT WITH THE ENGINEERING FIRM OF DAVID EVANS & ASSOCIATES AND PROVIDE APPLICATION PREPARATION FOR THE CITY OF RIDGECREST ON THE ACTIVE TRANSPORTATION PROGRAM (ATP) AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER TO EXECUTE THE AGREEMENT UPON APPROVAL OF THE CITY ATTORNEY

WHEREAS, The City of Ridgecrest requires the services of an engineering consulting firm to provide application preparation for the City, and

WHEREAS, the proposed services are on a time and materials basis; and

WHEREAS, the services are for the application preparation for the City of Ridgecrest on the Active Transportation Program (ATP), and

WHEREAS, the funds in the amount of \$21,630.00 shall be made available from the Measure L Funds, and

WHEREAS, the funds will be expended from account 001-4720-410-2106 project code PWENGR.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Approves the funds \$21,630.00 of Measure L Funding for the preparation of ATP application.
2. Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer, to execute the Agreement upon Approval of the City Attorney.

APPROVED AND ADOPTED this 15th day of April 2015 by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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April 6, 2015

Job No. VV.150174.0100

Loren Culp
City Engineer
City of Ridgecrest
100 W. California Avenue
Ridgecrest, CA 93555

**Subject: Proposal to Provide Engineering Services
Active Transportation Program (ATP) Cycle 2 Applications**

Dear Mr. Culp:

David Evans and Associates (DEA) is pleased to present the City of Ridgecrest (City) with our updated proposal to provide engineering services for the preparation of Active Transportation Program (ATP) Cycle 2 Applications.

HFI appreciates this opportunity to be of continued service to the City of Ridgecrest. Upon your approval of this proposal, the Scope of Work and Fee can be used for the formal agreement.

If you have any questions, please do not hesitate to call me directly at 760-524-9115.

Sincerely,

David Evans and Associates, Inc.

A handwritten signature in green ink, appearing to be 'R. Kilpatrick', is written over a horizontal line.

Robert A. Kilpatrick, P.E. /T.E.
Senior Project Manager/Senior Associate



Scope of Work

Task 1.1 – Project Coordination

DEA will undertake the project tasks as stated in the RFP and as outlined in this Scope of Work. DEA is prepared to work closely with the City staff, the City Police Department, County Sheriff Department, California Highway Patrol, Caltrans, County Fire Department, Sierra Sands Unified School District; other affected agencies and utility companies, and property owners, as required during the course of the project.

The project will be initiated with a kickoff meeting to which all involved parties would be invited. The project team will fully review the design guidelines/criteria prior to the meeting. The probable agenda for this meeting includes:

- Introduction of participants and their roles and responsibilities
- Review of the project objectives
- Review of the consultant's scope of work and level of effort
- Input from participants regarding protection of existing facilities, construction requirements, processing time, etc.
- Review of the project schedule
- Collection of the City's furnished guidelines and data

A key success factor in any project is the development of meaningful and productive meetings for their intended purpose. The Project Manager will be responsible for the documentation of all project meetings with the City staff. Meeting notes will be prepared and distributed within five working days to all attendees and others deemed necessary.

Task 1.2 – Project Evaluation

Based on information provided by Caltrans, it is anticipated that this upcoming Cycle 2 of the ATP call for projects will be focused projects that can provide the greatest safety improvements in the most cost effective manner.

The City has identified some specific projects that they would like to be considered, as outlined in the RFP. These projects would consist of pedestrian and bicycle safety improvements in and around various school sites, which are located throughout the City. The City has indicated that they would like to proceed with two (2) ATP Applications. These include;

1. Downs Street Improvements, from Upjohn Avenue to Ridgecrest Blvd.
2. Monroe School Area Sidewalk Improvements.

DEA will utilize the previously prepared ATP application to see how it can be updated to meet the goals of the City and the Cycle 2 ATP process.

The evaluation of the two projects this will involve the following steps;

1. Conduct a field review of the identified projects.
2. Research Right-of-way Maps.
3. Prepare/Update Conceptual Plans.
4. Prepare/Update Preliminary Cost Estimates
5. Calculate the anticipated B/C ratio.
6. Analyze the feasibility of the identified projects applicability for ATP funding.



DEA will compile the above information for each of the potential projects. This will allow the project to be evaluated by City staff on the feasibility of each project, and to make recommendations.

The fee presented in our fee proposal is based on the evaluation of the two (2) projects presented. The fee presented is a Not-to-Exceed fee for the evaluations. As such, the fee can be adjusted accordingly based on the total number of projects evaluated.

Task 1.3 – Public Participation

A very important element of the ATP Application is public participation. DEA will organize and facilitate Public Meetings to meet this goal.

These meetings could consist of, but not limited to;

1. Neighborhood Workshops/Meetings (to be held at Ridgecrest Charter School and Monroe Middle School)
2. City Council Meeting Presentation
3. Planning Commission Meeting Presentation
4. Sierra Sands Unified School District Board Meeting Presentation

Work in this task includes organizing and scheduling the meetings/presentations, the preparation and mailing of any notices, the preparation of Presentation Material and Boards, and the attendance to the meetings. We anticipate the organizing and attendance of up to four (4) public meetings.

Task 1.4 – ATP Application

Once the plans and cost estimates are prepared for the potential projects that meet the ATP Application criteria as selected by City staff, DEA will prepare the formal application for the preparation and submittal to Caltrans. This will involve the following:

1. Prepare ATP Application
 - a. Vicinity/Location Map
 - b. Exhibits presenting the Photos of the project Existing Locations
2. Prepare Exhibits presenting the Preliminary Plans for proposed improvements.
3. Outline Project Schedule.
3. Prepare summary letter on behalf of the City.
4. Obtain Authorization letters from Sierra Sand Unified School District.
5. Finalize ATP Application.
6. Submit application to Caltrans (with Attachments, Electronic and Hard Copies).
7. Perform follow-up services for any questions or requests for additional information from Caltrans.

The fee presented is based on the preparation and processing of two (2) ATP applications. The fee presented is a Not-to-Exceed fee for applications. As such, the fee can be adjusted accordingly based on the total number of applications submitted.



PROPOSAL
Proposal to Provide Engineering Services
ATP Cycle 2 Applications

Engineering Fees

The following is a breakdown of the engineering fees for the above outlined scope of work.

1. Project Coordination	\$ 2,290.00
2. Project Evaluation	\$ 4,500.00
3. Public Participation	\$ 6,800.00
4. ATP Applications 2 Applications (\$3,120.00 each)	\$ 6,240.00
5. Reimbursable Expenses (Mileage, Postage, Printing Costs, etc.)	\$ 1,800.00
Grand Total	\$21,630.00

DEA will conduct the work on a Not to Exceed Time and Materials basis. The fees presented above include any mileage and reimbursable expenses.

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**CITY COUNCIL /SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUORITY AGENDA ITEM**

SUBJECT:

Adoption of Resolutions (1) initiating proceedings for the levy and collection of assessments for Landscaping And Lighting District No. 2012-1, fiscal year 2015/2016; and (2) accepts and approves the engineer's report; and (3) declaring its intention to levy and collect assessments for the Landscaping and Lighting District No. 2012-1 for fiscal year 2015/2016, and sets the time and place for the public hearing.

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

The City of Ridgecrest has formed a Landscaping and Lighting District No. 2012-1 ("District") to pay for the ongoing maintenance, operation and servicing of the local streetscape landscaping and street lighting improvements established in connection with development of the properties within the residential subdivision of Oriole Homes Inc. which is generally located on the west side of College Heights Boulevard, just north of Kendall Avenue. The improvements are schedule to be completed during the Fiscal Year of 2015/2016 and the City of Ridgecrest will be assuming the maintenance of the area.

The landowner, Oriole Home Inc., pursuant to its development agreement is required to provide a mechanism to fund the ongoing maintenance and operation of these public improvements and has therefore requested the formation of this District pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 109 of the California Streets and Highway Code to address this requirement. The District will include sixty-seven (67) single-family residential properties, associated public right-of-ways and easements as identified on the approved tract maps for Tract No. 6740.

The formation of the District will allow for the levy and collection of annual assessments for fiscal year 2015/2016 on the County tax rolls. The annual assessments will provide funding for the costs and expenses required to service and maintain the landscaping and lighting improvements associated with and resulting from the development of properties within the District. However, to levy such assessments, the City conducted a hearing on June 6, 2012 to adhere to the California Constitution, Article XIID (Proposition 218) which requires mailed notices and ballots to the property owners of record at least 45-days prior to the public hearing.

Staff recommends that the City adopt Resolutions (1) initiating proceedings for the levy and collection of assessments for Landscaping And Lighting District No. 2012-1, fiscal year 2014/2015; and (2) accepts and approves the engineer's report; and (3) declaring its intention to levy and collect assessments for the landscaping and Lighting District No. 2012-1 for fiscal year 2015/2016.

Staff also recommends that the City Council directs the City Clerk to notice the Public Hearing ten (10) days prior to May 20, 2015 at 6:00 pm. A copy of the notice has been provided.

FISCAL IMPACT: 4100.00 for Engineer's Report to Willdan Engineering

ACTION REQUESTED:

- 1.) Adopt the resolution of Initiates Proceedings for Levy and Collection of Assessment
- 2.) Adopts the resolution of the Engineers Report
- 3.) Adopt the resolution that Initiates the Levy and Collection of Taxes

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Loren Culp

Action Date: April 15, 2015

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1, FISCAL YEAR 2015/2016, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

The City Council of the City of Ridgecrest (hereafter referred to as the “City Council”) does resolve as follows:

WHEREAS, The City Council by previous Resolutions formed and levied annual assessments for the Landscaping and Lighting District No. 2012-1 (hereafter referred to as the “District”), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500) (hereafter referred to as the “Act”); and,

WHEREAS, the Act provides the City Council the authority to annually levy and collect assessment for the District on the Kern County tax roll on behalf of the City of Ridgecrest to pay the maintenance and services of the improvements and facilities related thereto; and,

WHEREAS, the City Council has retained Willdan Financial Services for the purpose of assisting with the Annual Levy of the District, to prepare and file an Engineer’s Annual Levy Report (hereafter referred to as the “Engineer’s Report”) with the City Clerk in accordance with the Act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT, AS FOLLOWS:

Section 1: The above recitals are true and correct.

Section 2: The City Council hereby orders Willdan Financial Services to prepare and file with the City Clerk the preliminary Engineer’s Report concerning the levy of assessments for the District for the fiscal year commencing July 1, 2015, and ending June 30, 2016, in accordance with Chapter 3, Section 22622 of the Act.

Section 3: The proposed improvements within the District include: turf, ground cover, shrubs and plants, natural vegetation, trees, irrigation and drainage systems, masonry walls or other fencing, hardscapes, monuments, and associated appurtenant facilities located in the public right-of-ways or landscape easements on the perimeter of Tract No. 6740 that have been dedicated to the City for maintenance. Lighting improvements may include, but are not limited to, electrical energy, lighting fixtures, poles,

RESOLUTION NO. _____

meters, conduits, electrical cable and associated appurtenances with said improvements. The preliminary Engineer's Report describes the improvements and any substantial changes in existing improvements.

Section 4: Assessments: The City Council hereby determines that to provide the improvements generally described in Section 3 of this resolution and to be detailed in the Engineer's Report, it is necessary to levy and collect assessments against lots and parcels within the District for fiscal year 2015/2016 and said assessments shall be outlined and described in the preliminary Engineer's Report and imposed pursuant to the provisions of the Act and the California Constitution Article XIID.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2015.

Peggy Breeden
Mayor of the City of Ridgecrest, California

ATTEST:

Ricca Charlon
Deputy City Clerk of the
City of Ridgecrest, California

I hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Ridgecrest at a regular meeting thereof held on April 15, 2015.

Ricca Charlon
Deputy City Clerk of the
City of Ridgecrest, California

Ayes:

Noes:

Absent:

Abstained:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA FOR PRELIMINARY APPROVAL OF THE PRELIMINARY ENGINEER'S REPORT REGARDING THE PROPOSED LEVY AND COLLECTION OF ASSESSMENTS FOR THE LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1, FISCAL YEAR 2015/2016

The City Council of the City of Ridgecrest (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, this City Council pursuant to provisions of the Landscaping and Lighting Act of 1972 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (hereafter referred to as the "Act") did by previous Resolution, order the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Engineer's Report") for the District known and designated as the Landscaping and Lighting District No. 2012-1 (hereafter referred to as the "District") for fiscal year 2015/2016; and,

WHEREAS, The City Council pursuant to provisions of the Act proposes to levy and collect assessments against lots and parcels of land within Tract 6740 of the District for the fiscal year 2015/2016, to pay the maintenance, servicing and operation of the improvements related thereto, and

WHEREAS, there has now been presented to this City Council the preliminary Engineer's Report as required by Chapter 3, Section 22623 of said Act; and,

WHEREAS, this City Council has examined and reviewed the preliminary Engineer's Report as presented. This City Council is preliminarily satisfied with the budget items and documents as set forth therein and is satisfied that the levy amounts have been spread in accordance with the special benefit received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

Section 1: That the above recitals are true and correct.

Section 2: That the "Engineer's Report" as presented, consists of the following:

- a) A Description of Improvements.
- b) The Annual Budget (Costs and Expenses of Services, Operations and Maintenance).

RESOLUTION NO. _____

- c) A diagram of the District that identifies the parcels within the District.
- d) The District Roll containing the proposed levy of assessments for each Assessor Parcel within the District for fiscal year 2015/2016.

Section 3: The "Engineer's Report" as presented or as amended is hereby approved on a preliminary basis, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 4: That the City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the presentation of the Report.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2015.

Peggy Breeden Mayor of the
City of Ridgecrest, California

ATTEST:

Ricca Charlon
Deputy City Clerk of the
City of Ridgecrest, California

I hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Ridgecrest at a regular meeting thereof held on April 15, 2015.

Ricca Charlon
Deputy City Clerk of the City of Ridgecrest, California

Ayes:

Noes:

Absent:

Abstained:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1 FOR FISCAL YEAR 2015/2016

The City Council of the City of Ridgecrest (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has by previous Resolution initiated proceedings for fiscal year 2015/2016 regarding the levy and collection of assessments for the Landscaping and Lighting District No. 2012-1 (hereafter referred to as the "District"). Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500) (hereafter referred to as the "Act"), assessments for the District shall be levied and collected by the County of Kern for the City of Ridgecrest to pay the maintenance and services of the improvements and facilities related thereto; and,

WHEREAS, the proposed District assessments for fiscal year 2015/2016 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIID; and,

WHEREAS, there has now been presented to this City Council a preliminary Engineer's Annual Levy Report (hereafter referred to as the "Engineer's Report"), and said preliminary Engineer's Report has been filed with the City Clerk in accordance with the Act; and,

WHEREAS, the City Council has examined and reviewed the Engineer's Report as presented and is satisfied with the District, the budget items and documents as set forth therein and is satisfied that the proposed assessments contained therein, have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT, AS FOLLOWS:

Section 1: The above recitals are true and correct.

Section 2: The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2015/2016.

RESOLUTION NO. _____

- Section 3: The boundaries of the District are described in the Engineer's Report and are consistent with the boundary established and described in the original formation documents, on file with the City Clerk, and incorporated herein by reference. The District is within the boundaries of the City of Ridgecrest, within the County of Kern, State of California and includes the territory known as the Landscaping and Lighting District No. 2012-1.
- Section 4: The improvements within the District include: turf, ground cover, shrubs and plants, natural vegetation, trees, irrigation and drainage systems, masonry walls or other fencing, hardscapes, monuments, and associated appurtenant facilities located in the public right-of-ways or landscape easements on the perimeter of Tract No. 6740 that have been dedicated to the City for maintenance. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping or appurtenant facilities; providing for the satisfactory working condition, life, growth, health and beauty of the improvements, including cultivation, irrigation, trimming, spraying, fertilization and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste. Servicing means the furnishing of water and electricity for the irrigation and control of the landscaping or appurtenant facilities. Lighting improvements may include, but are not limited to, electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenances with said improvements. The preliminary Engineer's Report describes the improvements and any substantial changes in existing improvements.
- Section 5: Assessments: The City Council hereby determines that to provide the improvements generally described in Section 4 of this resolution and to be detailed in the preliminary Engineer's Report, it is necessary to levy and collect assessments against lots and parcels within the District for fiscal year 2015/2016 and said assessments shall be outlined and described in the preliminary Engineer's Report and imposed pursuant to the provisions of the Act and the California Constitution Article XIID.
- Section 6: The proposed assessments for fiscal year 2015/2016, as outlined in the preliminary Engineer's Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2012. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIID.

RESOLUTION NO. _____

Section 7: The City Council hereby declares its intention to conduct a Public Hearing concerning the District and the levy of assessments in accordance with Chapter 3, Section 22626 of the Act.

Section 8: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Wednesday, May 20, 2015, at 6:00 p.m., or as soon thereafter as feasible in the City Council Chambers, located at 100 West California Ave. Ridgecrest Ca, 93555.

Section 9: The City Council hereby authorizes and directs the City Clerk to give notice of the time and place of the Public Hearing to the property owners within the District pursuant to Sections 22626, 22552 and 22553 of the Act and 6061 of the Government Code. The City Clerk shall give notice to the property owners by: causing notice of the public hearing to be published in the local newspaper one time at least 10 days prior to the Public Hearing; and, posting a copy of this resolution on the official bulletin board (s) customarily used for posting such notices.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2015.

Peggy Breeden, Mayor of the
City of Ridgecrest, California

ATTEST:

Ricca Charlon
Deputy City Clerk of the
City of Ridgecrest, California

I hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Ridgecrest at a regular meeting thereof held on April 15, 2015.

Ricca Charlon
Deputy City Clerk of the
City of Ridgecrest, California

Ayes:

Noes:

Absent:

Abstained:

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City of Ridgecrest

Landscaping and Lighting District No. 2012-1

ENGINEER'S ANNUAL LEVY REPORT FISCAL YEAR 2015/2016

Intent Meeting: April 15, 2015

Public Hearing: May 20, 2015

27368 Via Industria
Suite 200
Temecula, CA 92590
T 951.587.3500 | 800.755.6864
F 951.587.3510

www.willdan.com/financial



ENGINEER'S REPORT AFFIDAVIT

City of Ridgecrest

Landscaping and Lighting District No. 2012-1,

Tract No. 6740

This Report describes the District and the relevant zones therein including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2015/2016 as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Kern County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2015.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Ridgecrest

By: _____
Josephine Perez-Moses, Senior Project Manager
District Administration Services

By: _____
Richard Kopecky
R.C.E. # 16742

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Introduction

Pursuant to the provisions of the *Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the “1972 Act”), and in compliance with the substantive and procedural requirements of *Article XIID of the California State Constitution* (hereafter referred to as the “California Constitution”), the City Council of the City of Ridgecrest, County of Kern, State of California (hereafter referred to as “City”), annually levies and collects special assessments in order to provide annual maintenance for parks, landscaping and lighting improvements within the Landscaping and Lighting District No. 2012-1 (hereafter referred to as the “District”), which includes all lots and parcels of land within the planned residential development known as DR Horton (Tract No. 6740). This Engineer’s Report (hereafter referred to as “Report”) has been prepared in connection with the levy and collection of annual assessments related thereto as required pursuant to *Chapter 1, Article 4* of the 1972 Act.

The City Council proposes to levy and collect annual assessments on the County tax roll for fiscal year 2015/2016, to provide funding for the ongoing costs and expenses required to service and maintain the street lighting and landscape improvements associated with and resulting from the development of the residential properties identified as Tract No. 6740 and known as the DR Horton development located on the west side of College Heights Boulevard, just north of Kendall Avenue. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1972 Act and the provisions of the California Constitution.

This Report describes the District, the improvements, and the assessments to be imposed upon properties in connection with the special benefits the properties receive from the maintenance and servicing of the District improvements. The assessments outlined in this Report represent an estimate of the annual direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the improvements to be provided by the District and are based on current development plans and specifications for Tract No. 6740. The current development plans and specifications for Tract No. 6740 and the associated improvements are on file in the Office of Public Works of the City of Ridgecrest and by reference these plans and specifications are made part of this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessment Number (Assessor’s Parcel Number—“APN”) by the Kern County Assessor’s Office. The County Auditor/Controller uses Assessment Numbers and specific District Fund Numbers, to identify on the tax roll, properties assessed for special district assessments. Each parcel within the

District will be assessed proportionately for only those improvements for which the parcel receives special benefit.

Each fiscal year, an annual engineer's report for the District shall be prepared and presented to the City Council to address any proposed changes to the District including any proposed annexations, changes to the improvements, budgets and assessments for that fiscal year. The City Council shall annually hold a noticed public hearing regarding these matters prior to approving and ordering the levy of assessments for the upcoming fiscal year.

This Report consists of five (5) parts:

Part I

Plans and Specifications: A general description of the properties and developments within the boundaries of the District and the proposed improvements associated with the District is provided in this section of the Report. The District is being established with a single zone of benefit encompassing each of the residential properties within Tract No. 6740.

Part II

Method of Apportionment: A discussion of benefits the improvements and services provided to the properties within the District and the method of calculating each property's proportional special benefit and annual assessment. This section also identifies and outlines an assessment range formula that provides for an annual adjustment to the maximum assessment rate that establishes limits on future assessments, but also provides for reasonable cost adjustments due to inflation without the added expense of additional Ballot Proceedings.

Part III

District Budget: An estimate of the annual costs to operate, maintain, and service the landscaping, lighting, and appurtenant facilities installed and constructed in connection with the development of properties within the DR Horton development (Tract No. 6740). This budget includes an estimate of anticipated direct maintenance costs and incidental expenses including, but not limited to, administration expenses and collection of appropriate fund balances to establish an initial maximum assessment to be approved by the property owners of record. The maximum assessment amount for each parcel represents that parcel's proportional special benefit of the estimated net annual costs to provide the improvements at build-out and excludes any costs that are considered general benefit or are funded by other sources. The proposed assessments for fiscal year 2015/2016 reflected in the budget, and each subsequent year shall be based on the estimated net annual cost of operating, maintaining, and servicing the improvements for that fiscal year as well as funds to be collected for authorized reserves or installments for long term maintenance activities that cannot be reasonably collected in a single fiscal year's assessments. The authorized maximum assessment (also referred to as the "Rate per Equivalent

Benefit Unit”) identified in the budget of this Report reflects the current maximum assessment for fiscal year 2015/2016 and shall continue to be adjusted annually by the Assessment Range Formula described in Part II of this Report.

Part IV

District Diagram: A Diagram showing the exterior boundaries of the District that encompasses each parcel determined to receive special benefits from the improvements. Parcel identification, and the lines and dimensions of each lot and parcel of land within the District, is inclusive of all lots and parcels of land within Tract No. 6740.

Part V

Assessment Roll: A listing of the authorized maximum assessment amount (initial maximum assessment amount adjusted by the Assessment Range Formula) and the proposed levy of assessments for each parcel for fiscal year 2015/2016. The proposed assessment amounts for each parcel is based on the parcel’s proportional special benefit as outlined in the method of apportionment and the proposed assessment rates.

Part I — Plans and Specifications

Description of the District

The territory within this District consists of the lots and parcels of land within Tract No. 6740 within the City of Ridgecrest and referred to as the DR Horton development. This residential subdivision consists of sixty-seven (67) planned single-family residential home sites, associated public right-of-ways and easements as identified on the approved tract maps for Tract No. 6740, and by reference these maps and documents are made part of this Report. This District and the territory therein is currently identified on the Kern County Assessor's Parcel Maps as Book 510; Page 010, Parcel 12 (22.70 acres) and is generally located on the west side of College Heights Boulevard, just north of Kendall Avenue and will eventually include the residential streets designated as Del Rosa Drive, Rain Shadow Court, Salt River Drive, Majestic Sky Court and Wild Thorne Drive.

Improvements and Services

Improvements Authorized under the 1972 Act

As generally defined by the 1972 Act and may be applicable to this District, the improvements and associated assessments may include one or more of the following:

- The installation or planting of landscaping;
- The installation or construction of statuary, fountains, and other ornamental structures and facilities;
- The installation or construction of public lighting facilities including, but not limited to street lights and traffic signals;
- The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof;
- The installation of park or recreational improvements, including, but not limited to, all of the following:
 - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - Lights, playground equipment, play courts, and public restrooms.

- The acquisition of land for park, recreational, or open-space purposes or any existing improvement otherwise authorized pursuant to this section.
- The maintenance or servicing, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement including but not limited to:
 - Repair, removal, or replacement of all or any part of any improvements;
 - Grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
 - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
 - The removal of trimmings, rubbish, debris, and other solid waste;
 - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;
 - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;
 - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- Incidental expenses associated with the improvements including, but not limited to:
 - The costs of the report preparation, including plans, specifications, estimates, diagram, and assessment;
 - The costs of printing and advertising, and publishing, posting and mailing of notices;
 - Compensation payable to the County for collection of assessments;
 - Compensation of any engineer or attorney employed to render services;
 - Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
 - Costs associated with any elections held for the approval of a new or increased assessment.

District Improvements

The purpose of this District is to ensure the ongoing maintenance, operation and servicing of local landscaping and lighting improvements and amenities established or installed in connection with development of the properties within the DR Horton residential subdivision (Tract No. 6740). The specific improvements to be maintained are identified in various plans and documents

associated with Tract No. 6740, which are on file with the City and by reference these plans and documents are made part of this Report. These improvements generally include street lighting within and adjacent to the tract and the various landscaped areas on the perimeter of this development including the public parkways and easements on the west side of College Heights Boulevard and the north side of Kendall Avenue.

Landscape Improvements

The landscape improvements for the District may include, but are not limited to turf, ground cover, shrubs and plants, natural vegetation, trees, irrigation and drainage systems, masonry walls or other fencing, hardscapes, monuments, and associated appurtenant facilities located in the public right-of-ways or landscape easements on the perimeter of Tract No. 6740 that have been dedicated to the City for maintenance. These landscape areas may include, but are not limited to the parkway and entryway areas located on the west side of College Heights Boulevard between Kendall Avenue and the northern boundary of Tract 6740 and the north side of Kendall Avenue between College Heights Boulevard to Del Rosa Drive. The maintenance and servicing of the improvements generally include, but are not limited to all materials, equipment, utilities, labor and incidental expenses including administrative expenses required for the annual operation of the District as well as the performance of periodic repairs, replacement and expanded maintenance activities as needed to provide for the growth, health, and beauty of landscaping and/or the proper operation and functioning of the irrigation and drainage systems as well as the related hardscape amenities including fencing and sidewalks within the public-right-of-ways. The following is a general description of the landscape improvements planned for this District and for which properties may be assessed:

College Heights Boulevard:

- Approximately 5,450 square feet of landscaped area located on the west side of College Heights Boulevard from the northern boundary of Tract 6740 (Northeast Corner of Lot 1) south to Salt River Drive including the entryway landscaping at the corner of Salt River Drive, which is adjacent to Lot 33. Including, but not limited to approximately:
 - 1,485 square feet of landscaped area in the street right-of-way;
 - 1,826 square feet of landscaped easement associated with Lot 1;
 - 613 square feet of landscaped easement associated with Lot 2;
 - 1,526 square feet of landscaped easement associated with Lot 33;
 - 15 Trees;
 - 207 Shrubs;
 - 25 vines attached to the masonry wall;
 - 313 linear feet of masonry wall;

- 2,058 square feet of sidewalk area; and
 - The drip irrigation system for these landscaped areas.
- Approximately 3,982 square feet of landscaped area located on the west side of College Heights Boulevard from Salt River Drive south to Kendall Avenue including the entryway landscaping at the corners of Salt River Drive (adjacent to Lot 34) and Kendall Avenue (adjacent to Lot 61). Including, but not limited to approximately:
 - 2,850 square feet of landscaped area in the street right-of-way;
 - 76 square feet of landscaped easement associated with Lot 34;
 - 38 square feet of landscaped easement associated with Lot 59;
 - 1,018 square feet of landscaped easement associated with Lot 60;
 - 15 Trees;
 - 128 Shrubs;
 - 34 vines attached to the masonry wall;
 - 449 linear feet of masonry wall;
 - 1 metal gate;
 - 2,916 square feet of sidewalk area; and
 - The drip irrigation system for these landscaped areas.

Kendall Avenue:

- Approximately 1,480 square feet of landscaped area located on the north side of Kendall Avenue between College Heights Boulevard (adjacent to Lot 62) to Wild Thorne Drive including the entryway landscaping at the corner of Wild Thorne Drive (adjacent to Lot 67). Including, but not limited to approximately:
 - 1,310 square feet of landscaped area in the street right-of-way;
 - 170 square feet of landscaped easement associated with Lot 67 at the corner of Wild Thorne Drive;
 - 2 Trees;
 - 122 Shrubs;
 - 47 vines attached to the masonry wall;
 - 561 linear feet of masonry wall;
 - 3,486 square feet of sidewalk area; and
 - The drip irrigation system for these landscaped areas.
- Approximately 1,243 square feet of landscaped area located on the north side of Kendall Avenue between Wild Thorne Drive and Del Rosa Street including

the entryway landscaping and easements at the corners of Wild Thorne Drive (adjacent to Lot 50) and Del Rosa Street (adjacent to Lot 49). Including, but not limited to approximately:

- 1,243 square feet of landscaped area in the street right-of-way;
- 5 Trees;
- 69 Shrubs;
- 15 vines attached to the masonry wall;
- 186 linear feet of masonry wall;
- 1,530 square feet of sidewalk area; and
- The drip irrigation system for these landscaped areas.

Public Street Lighting Improvements

Public street lighting improvements to be funded by the District assessments may include, but are not limited to, electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities including, but not limited to:

- Sixteen (16) street lights located within Tract No. 6740 including:
 - 4 lights on the south side of Rainshadow Court
 - 3 lights on the north side of Salt River Drive
 - 2 lights on either side of Wild Thorne Drive
 - 3 lights on either side of Majestic Sky Court
 - 4 lights on the east side of Del Rosa Street
- Ten (10) street lights on the perimeter of Tract No. 6740 including:
 - 4 lights on the north side Kendall Street
 - 6 lights on the west side of College Heights Boulevard
- Any other public lighting facilities on the streets surrounding or adjacent to Tract No. 6740 including future traffic signals that may be deemed necessary or desired for the safe ingress or egress to the properties within the District.

Excluded Improvements

Not included as District improvements are improvements located on private property other than the areas designated above as easements. Such improvements and facilities including street trees shall be provided and maintained by the individual property owners.

Part II — Method of Apportionment

Based on the provisions of the 1972 Act and the California Constitution, this section of the Report summarizes an analysis of the benefits associated with the improvements and services to be provided by the District (both general and special); the resulting District structure (zones of benefit); the formulas used to calculate each parcel's proportional special benefit and assessment obligation based on the entirety of the cost to provide the improvements (method of assessment); and the establishment of an inflationary formula for such assessments to address anticipated cost increases due to inflation (assessment range formula).

Benefit Analysis

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include but are not limited to the construction, maintenance, operation, and servicing of landscape improvements, public street lighting and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

In conjunction with the provisions of the 1972 Act, the California Constitution Article XIID addresses several key criteria for the levy of assessments, notably:

Article XIID Section 2d defines District as:

“District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service”;

Article XIID Section 2i defines Special Benefit as:

“Special benefit” means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute “special benefit.”

Article XIIID Section 4a defines proportional special benefit assessments as:

“An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”

Each of the proposed District improvements and the associated costs to maintain and service those improvements have been reviewed, identified and allocated to properties within the District based on special benefit pursuant to the provisions of the California Constitution and 1972 Act. The local improvements provided by this District and for which properties will be assessed have been identified as necessary, desired and required for the orderly development of the properties within District (Tract No. 6740) to their full potential, consistent with the development plans and applicable portions of the City’s General Plan. As such, these particular improvements are clearly the direct result of developing each of the individual lots and parcels within the District and although the improvements are within the public right-of-ways or dedicated easements, the financial obligation to support and maintain such improvements would be necessary and required of the individual property owners either directly or through an association if this District was not established. Clearly these local improvements and the long term maintenance and servicing of those improvements directly affect each property and provide shared special benefits including, but not limited to:

- enhanced property safety (protection and access) from local street lights within and adjacent to the development;
- enhanced property and neighborhood appearance (esthetics) resulting from well maintained landscaped areas, graffiti and debris control on the perimeter and entryways to the development; and,
- the long term economic and environmental advantages to properties including the enhanced presentation and marketability of properties that have such improvements, expanded green space and trees which reduce traffic noise and dust, and the long-term cost-efficiency of services being provided by the City (economy of scale) as well as the regulatory restrictions on future cost increases.

Based on the parameters of special benefit as outlined by the Constitution, general benefit may be described as an overall and similar benefit to the public in general resulting from the improvements, activity or service to be provided for

which an assessment is levied. Although the District improvements are located on public streets that are visible to the general public, it is clear that the ongoing maintenance of these improvements are only necessary for the appearance, safety and advantage of the properties within the District and are not required nor necessarily desired by any properties outside the District boundary. As the improvements and the services to be provided are specific to the development and properties within the District boundaries and these improvements and services do not extend beyond the District boundaries (The District encompasses all properties receiving special benefits), any access or proximity to these improvements by other nearby properties or developments would be considered incidental and the potential general benefits to the public at large are considered intangible. Therefore it has been determined that these District improvements provide no measurable or quantifiable general benefit to properties outside the District or to the public at large.

The method of apportionment (method of assessment) established herein is based on the premise that each assessed property receives special benefits from the improvements, services and activities to be funded by such assessments, and the assessment obligation for each parcel reflects that parcel's proportional special benefits as compared to other properties that receive special benefits as outlined in the preceding definitions established in the California Constitution. The proposed assessment revenues to be collected for the District provide a means by which property owners can collectively and effectively fund the cost of shared local improvements that directly impact their property. The District assessments will support the operation and maintenance of the District improvements and shall be used for only that purpose, consistent with the intent of the Act and the Constitution.

Assessment Methodology

The City proposes to annually levy and collect special benefit assessments in order to maintain and service the improvements associated with Tract No. 6740. The estimated annual cost to maintain the improvements are identified in the budget section of this Report, including all estimated annual expenditures; funding for long term repair, replacement and rehabilitation costs; incidental expenses necessary to operate and support the district including administration and authorized reserve; and any revenues from other sources or previous deficit funding that would adjust the amount to be assessed.

In order to calculate and identify the proportional special benefit received by each parcel and ultimately each parcel's proportionate share of the improvement costs it is necessary to consider not only the improvements and services to be provided, but the relationship each parcel has to those improvements as compared to other parcels in the District

Article XIID Section 4a reads in part:

"...The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement or the maintenance and operation expenses of a public improvement or for the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The benefit formula used to determine the assessment obligation should therefore be based upon both the improvements that benefit the parcels within the District as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements. To identify and determine the special benefit to be received by each parcel and its proportional share of the improvement costs it is necessary to consider both the planned improvements and the properties that benefit from those improvements.

Landscaping and lighting improvements like most public improvements, provide varying degrees of benefit (whether they be general or special) based largely on the extent of such improvements, the location of the improvements in relationship to properties, the different types of properties associated with the improvements and the reason or need for such improvements as it relates to individual properties. To establish the proportional special benefit of each parcel, these factors need to be addressed and formulated in the method of apportionment by the use of benefit zones that reflect the extent and location of the improvements in relationship to the properties, as well as the specific use and size of each property which reflects each parcel's need for such improvements and its reasonable cost of the proportional special benefit as compared to other properties that benefit from those same improvements.

Zones of Benefit

In an effort to ensure an appropriate allocation of the estimated annual cost to provide various improvements based on proportional special benefits, Districts often times include benefit zones ("Zones") as authorized pursuant to Chapter 1 Article 4, Section 22574 of the 1972 Act:

"The diagram and assessment may classify various areas within an assessment district into different zones where, by reason of variations in the nature, location, and extent of the improvements, the various areas will

receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements.”

While the California Constitution requires that “The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement or the maintenance and operation expenses of a public improvement...”; it is reasonable to conclude that certain landscaping and lighting improvements may benefit most if not all properties within a district while other improvements may only provide special benefits to specific parcels, developments or portions of the district (particularly in larger districts), while still other improvements may be identified and proportionately allocated as both special benefits and a general benefit.

Based on a review of the location and extent of the improvements for this District and the direct proximity and relationship to the properties therein, it has been determined that each parcel within Tract 6740 will receive proportionally similar special benefits from the local street lighting and landscape improvements located on the perimeter of the development and the establishment of benefit zones is not necessary. However, because this is the City’s first development established as a 1972 Act district and it is likely that future developments in the City may facilitate a similar need, Tract 6740 has been established and referred to as Zone 01 for this District. While this Zone designation has no direct bearing on the calculation of proportional special benefit at this time, it does establish an initial zone structure and naming convention that may be utilized for future developments or properties that may be annexed to this District under the provisions of the 1972 Act.

Details regarding the location and extent of the improvements within the District and the Zones therein are on file in the office of the Public Works Department and by reference these documents are made part of this Report. A diagram showing the exterior boundaries of the District is attached and incorporated herein under Part IV (District Diagram) of this Report.

Equivalent Benefit Units

In addition to the use of Zones, the method of apportionment established for this District to reflect the proportional special benefit of each parcel utilizes a weighted methodology of apportionment commonly referred to as an Equivalent Benefit Unit (EBU) methodology. This method of apportionment establishes the single-family home site as the basic unit of assessment. A single-family residential unit or lot is assigned one (1.0) Equivalent Benefit Unit (EBU) and other property types (land uses) are proportionately weighted (weighted EBU) based on a benefit formula that equates each property’s specific characteristics and special benefits to that of the single-family residential unit. This proportional weighting may be based on several considerations that may include, but are not limited to: the type of development (land use), development-status (developed

versus undeveloped), size of the property (acreage or units), vehicular trip generation, street frontage, densities or other property related factors including any development restrictions or limitations; as well as the property's location and proximity to the improvements (which would be addressed by its Zone designation).

For most local landscaping and lighting improvements and assessments, the most appropriate proportional special benefit calculation for each parcel is reasonably determined by three basic property characteristics:

- Proximity — As previously noted, each parcel in the District shall be identified and grouped into Zones based on each parcel's proximity and relationship to the District improvements;
- Land use — Commercial/Industrial Use; Residential Use, Institutional Use, Vacant Land (Undeveloped Property), Public Property etc.; and,
- Property Size — Acreage for non-residential properties (both developed and undeveloped); Units for residential properties. Property size (acreage or units) provides a definable and comparative representation of each parcel's proportional special benefit not only to similar types of properties but to other properties as well.

The District is comprised entirely of one planned single-family residential development in which each single-family residential lot has proportionally similar and equal special benefits from the improvements, the following provides a more comprehensive method of apportionment (proportional benefit calculation) that incorporates other commonly classified land uses for comparison purposes and to establish an initial method of apportionment that may reasonably be applied to properties that could be annexed to this District in the future.

Note: The method of calculating the proportional (weighted) special benefit for the various land use types outlined in the following may be modified as needed to accurately reflect each parcel's proportional special benefits compared to other property types, if and when such land uses are annexed and incorporated into the District. **Single-Family Residential Property** — is defined as a fully subdivided residential home site with or without a structure. For purposes of establishing the proportional special benefits and equivalent benefit units for other land uses in this District, the single-family residential land use is designated as the basic unit of assessment and shall be assigned 1.000 EBU per parcel.

Multi-Family Residential & Mixed Use Property — is defined as a fully subdivided residential parcel that has more than one residential unit developed on the parcel. (This land use includes apartments, duplexes, triplexes, etc., but does not include condominiums, town-homes). This land use designation may also include properties identified by the County Assessor's Office as mixed use property for which there is more than one residential unit (known number of

residential units) associated with the property and for which the parcel's primary use is residential, but may also include some commercial component or unit associated with that property.

Although multi-family residential properties receive similar special benefits to that of single-family residential property and an appropriate and comparative calculation of proportional special benefits is reasonably reflected by the parcel's total number of residential units, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that multi-family units impact public infrastructure at reduced levels compared to a single-family residence, which is reflective of their reduced structure size, vehicular trip generation and need for various public improvements. Furthermore, as the density (number of units per parcel) increase, the average distance from the improvements tend to increase and the number of vehicular trips generated tend to decline because the population density per unit tend to decrease (largely because of reduced unit sizes). Based on these considerations, it is reasonable to conclude that the proportional special benefits per unit is less than that of a single-family residential property and appropriate weighting of the proportional special benefit per unit for multi-family residential properties as compared to a single-family residential is best represented by the following sliding scale: 0.625 EBU per unit for the first 5 units; plus 0.500 EBU per unit for units 6 through 25; plus 0.375 EBU per unit for units 26 through 50; plus 0.250 EBU per unit for units 51 through 100; plus 0.125 EBU per unit for units 101 or above.

Condominium/Town-home Property — is defined as a fully subdivided residential condominium or town-home parcel that typically has one residential unit associated with each Assessor's Parcel Number, but is part of a multi-unit development for which each condominium or town-home parcel shares or has common interest (common area) with the other residential parcels in that development.

The development attributes of condominiums and town-homes tend to be a blend of the single-family residential and multi-family residential properties. Like multi-family residential properties, individual units within such developments usually do not have actual street frontage (where the local improvements are located, particularly as it relates to street lights). However, because condominium and town-home properties represent individual residential units that are usually privately owned, like single-family residential properties these properties tend to be owner occupied with relatively fewer vacancies per unit than multi-family residential properties, which in turn represents greater average vehicular trip generation per unit than multi-family residential properties. However, because this property type usually has a much higher development density (greater number of units per acre) than single-family residential properties the actual number of street lights per unit is clearly less than that of a single-family residential property and the average distance from the improvements tend to increase.

In consideration of the typical development characteristics discussed above, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.750 EBU per unit. (Because these parcels typically represent a single residential unit or small group of units that are each privately owned, no adjustment for multiple units is applied to this land use as it is for multi-family residential properties).

Developed Commercial/Industrial Property — is defined as a developed property with structures (buildings) that is used or may be used for commercial purposes, whether the structures are occupied or not. This land use does not include parcels for which the primary use of the property is considered residential or Hotels and Motels (transient residential). This land use classification includes most types of commercial enterprises including but not limited to commercial retail; food services; banks; shopping centers; recreational facilities; office buildings and professional buildings, as well as industrial properties including service centers; warehousing and manufacturing. This land use classification also includes any parcel that may incorporate a single residential unit, but is also used in whole or in part for commercial purposes.

Clearly, the presence of local landscaping and/or street lighting improvements (or the lack thereof) has a direct and distinct impact on commercial/industrial properties and the businesses associated with those properties. Utilizing vehicular trip generation data outlined by the Institute of Transportation Engineers Informational Report, Seventh Edition; commercial/industrial properties generate on average approximately four (4) times the daily vehicular trips per acre than the trips generated by a single-family residential property (9.57 trips per single-family residential unit compared to 42.32 trips per acre for commercial properties). While the actual daily trips generated by a particular commercial/industrial property may be greater or less than this average, it does provide a reasonable indicator of the proportionality of the special benefits associated with such properties. In support of this finding, an analysis of development densities throughout California indicates that on average for most cities, the combination of single-family and condominium developments yield approximately 4.06 residential units per acre.

While the preceding clearly suggests that the direct proportional special benefits to commercial/industrial properties is reasonably reflected by an apportionment of 4.000 EBU per acre, because most commercial/industrial parcels represents a separate and independent commercial enterprise or business, it has been determined that the proportional special benefit for any individual commercial or industrial parcel is at least equal to that of a single-family residential property. Therefore, a commercial/industrial parcel that is less than one-quarter of an acre in size shall be assigned 1.000 EBU (minimum EBU). Likewise, it is reasonable to conclude that there is a limit to the proportional special benefit that any single parcel receives from local landscaping and lighting improvements (maximum

EBU) unless the improvements are specifically and only associated with that individual parcel. Generally, most commercial/industrial properties that are directly associated with landscaping and/or street lighting improvements tend to be less than ten acres (most significantly less), and for those greater than ten acres, a significant portion of the property is for parking or undeveloped, and their actual frontage along the public streets where the improvements are located is usually no greater than smaller parcels. Therefore it is appropriate for commercial/industrial parcels not be assessed for any acreage greater than ten (10.00) acres, which sets the maximum EBU at 40.000 EBU for this land use classification.

Developed Hotel/Motel Property — Although Hotel/Motel Properties are certainly viewed as a commercial enterprise, and would have similar special benefits as commercial/industrial properties for landscape improvements, these properties clearly have a more significant nighttime use and traffic generation than other commercial/industrial properties that result from their transient residential activities. Clearly, the presence of local street lighting or the lack thereof can have a direct and significant impact on hotel and motel properties because of their heightened nighttime business activities. To reflect this increased proportional special benefit resulting from higher nighttime use and need for local street lighting as compared to other commercial/industrial properties, the proportional special benefits and assessments for this land use classification shall be based on 6.000 EBU per acre. As with commercial/industrial properties, minimum and maximum acreage limits shall be applied in calculating each parcel's individual assessment. These acreage limits result in a minimum Equivalent Benefit Unit of 1.500 EBU for parcels less than one-quarter of an acre and a maximum Equivalent Benefit Unit of 60.000 EBU for parcels greater than ten acres.

Developed Institutional Property — is defined as developed private properties used for the purposes of public related services or activities, including but not limited to Colleges, Private Schools, Places of Worship, Day Care Centers, Fraternal Organizations, Hospitals, Convalescent or Retirement Homes, or other similar public service or assembly type properties.

Although properties in this land use classification are certainly considered non-residential properties, these properties certainly benefit less from local landscaping and lighting improvements than commercial/industrial properties based on several considerations: they represent businesses/operations that provide public related or community services (educational, medical care, religious etc.); they are generally non-profit organizations; and they usually have less weekly hours of operation and less vehicular trip generation than similar sized commercial/industrial properties. Based on these considerations, the Equivalent Benefit Units applied to these properties shall be based on 2.000 EBU per acre with the same minimum and maximum acreage limits that are applied to other acreage-based properties. These limits result in a minimum Equivalent Benefit

Unit of 0.500 EBU for parcels less than one-quarter of an acre and a maximum Equivalent Benefit Unit of 20.000 EBU for parcels greater than ten acres.

Developed Public Property — is defined as developed public or government owned property used for public related services or activities, including but not limited to city facilities including parks, community centers, fire and police stations, and city offices; county or state offices and facilities; federal, state or county court facilities; US postal service facilities; public schools; public utility facilities or offices; or other similar developed public properties.

While many of these properties have the potential to be converted or utilized as commercial or other non-residential enterprises, because their purpose and function is specifically for public related services and activities. They generally have no or limited nighttime use, and have an average vehicular trip generation that is similar to Institutional properties. Therefore, the Equivalent Benefit Units applied to these properties shall be based on 2.000 EBU per acre with the same minimum and maximum acreage limits that are applied to other acreage-based properties. These limits result in a minimum Equivalent Benefit Unit of 0.500 EBU for parcels less than one-quarter of an acre and a maximum Equivalent Benefit Unit of 20.000 EBU for parcels greater than ten acres.

It should be noted however, that the County Tax Collector's Office typically identifies these properties as "Non-Taxable" and does not generate tax bills for such properties and as a matter of practical application, the calculated special benefit and proposed assessment obligation for such properties cannot be collected through the tax roll as other District assessments. Therefore, in addition to any costs determined to be of general benefit, the City shall contribute to the District additional funding to cover the proportional assessment revenue that would otherwise be applied to these properties. Each fiscal year, the assessment engineer shall calculate the proportional special benefit and financial obligation associated with these properties and the annual budget shall reflect a City contribution in an amount to the District that is equal to or greater than that calculated obligation. (The amount of that contribution need not be identified separately, but may be included as part of the City's overall annual contribution to the District). Because no actual assessment shall be levied on parcels classified as Public Property, as part of any notice and ballot proceedings being conducted in connection with the District, the ballots for these properties shall reflect a zero (\$0.00) assessment amount.

Parking Lot/Limited Use Property — This land use classification is applied to developed privately owned properties that the City considers not to be fully developed commercial/industrial, institutional or residential properties. This land use classification is typically applied to parcels that are identified as parking lots with limited or no buildings; but may also identify parcels that have limited or restricted non-residential use where the typical commercial/industrial or institutional classification is not applicable or appropriate. The Equivalent Benefit Units applied to these properties shall be based on 1.000 EBU per acre with the

same minimum and maximum acreage limits that are applied to other acreage-based properties. These limits result in a minimum Equivalent Benefit Unit of 0.250 EBU for parcels less than one-quarter of an acre and a maximum Equivalent Benefit Unit of 10.000 EBU for parcels greater than ten acres.

Vacant Property —is defined as property that has been identified as undeveloped, but has reasonable development potential (Few or no development restrictions). When considering the special benefits from landscaping and lighting improvements it becomes evident that the proportional special benefits associated with vacant property is clearly less than that of developed properties. Although vacant properties certainly derive special benefits from local landscaping and lighting improvements, these special benefits are limited to the land (lot) itself. Conversely, approximately half of the direct and immediate special benefits for developed properties are related to the daily use or potential use of that property. Therefore, the Equivalent Benefit Units applied to these properties shall be based on 0.500 EBU per acre (half as much as Parking Lot/Limited Use Property) with the same minimum and maximum acreage limits that are applied to other acreage-based properties. These limits result in a minimum Equivalent Benefit Unit of 0.125 EBU for parcels less than one-quarter of an acre and a maximum Equivalent Benefit Unit of 5.000 EBU for parcels greater than ten acres.

Exempt Property (Parcel) — identifies parcels that for various reasons, it has been determined that the parcel does not and will not receive special benefits from the improvements. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, or other publicly-owned or utility-owned land that serves the community or general public and are not considered or classified as developed public properties;
- Parcels of land that are privately owned, but cannot be developed independently from an adjacent property or is part of a shared interest with other properties, such as common areas, sliver parcels, bifurcated lots or properties with very restrictive development potential or use.

Because these properties either provide a public service that is comparable to landscaping or street lighting improvements, or they are dependent on another property or development, these types of parcels have no direct need for such improvements and are considered to receive no special benefits Therefore these parcel shall be exempt from assessment and are assigned 0.000 EBU. However, these properties shall be reviewed annually by the assessment engineer to confirm the parcel's use and/or development status has not changed.

Special Case Property — In many districts where multiple land use classifications are involved, there may be one or more properties that the standard land use classifications do not accurately identify the use and special benefits received from the improvements or there may be something about that particular parcel that should be noted for review in subsequent fiscal years.

The Equivalent Benefit Units assigned to Special Case Properties will vary depending on the circumstances and reasons for treating each particular property as a Special Case. The Equivalent Benefit Unit(s) assigned to each such parcel may be based on adjusted acreage, units or a combination of those factors. The City and/or the assessment engineer tasked with the administration of the District shall annually review each parcel designated as a Special Case Property and based on that review shall make appropriate adjustments to that property’s land use and Equivalent Benefit Unit assignment as warranted.

The following is a summary of property types and the Equivalent Benefit Unit assignments described in the preceding discussion of Equivalent Benefit Units.

Summary of Equivalent Benefit Unit Assignments

Land Use	Benefit Unit Calculations		
Single-Family Residential Property	1.000	per unit	
Multi-Family Residential & Mixed Use Property	0.625	per unit	(units 1-5)
	0.500	per unit	(units 6-25)
	0.375	per unit	(units 26-50)
	0.250	per unit	(units 51-100)
	0.125	per unit	(units greater than 100)
Condominium/Town-home Property	0.750	per unit	
Developed Commercial/Industrial Property	4.000	per acre	(minimum 1.000 EBU; maximum 40.000 EBU)
Developed Hotel/Motel Property	6.000	per acre	(minimum 1.500 EBU; maximum 60.000 EBU)
Developed Institutional Property	2.000	per acre	(minimum 0.500 EBU; maximum 20.000 EBU)
Developed Public Property	2.000	per acre	(minimum 0.500 EBU; maximum 20.000 EBU)
Parking Lot/Limited Use Property	1.000	per acre	(minimum 0.250 EBU; maximum 10.000 EBU)
Vacant Property	0.500	per acre	(minimum 0.125 EBU; maximum 5.000 EBU)
Exempt Property	0.000	per parcel	
Special Case Property	varied	based on circumstances associated with each parcel	

Allocation of Improvement Costs

Pursuant to the provisions of the California Constitution, the proportionate special benefit derived by each parcel within the District and its corresponding assessment obligation shall be determined in relationship to the entirety of the

capital cost of a public improvement or the maintenance and operation expenses of a public improvement.

The benefit formula applied to parcels within this District is based on the preceding EBU discussion and table. Each parcel's EBU correlates the parcel's special benefit received as compared to the other parcels benefiting from the District improvements.

The following formula is used to calculate each parcel's proportional benefit:

$$\text{Property Type EBU} \times (\text{Acreage/Units/Parcel/Lot}) = \text{Parcel EBU}$$

An assessment amount per EBU ("Rate") for the District improvements is established by taking the total cost of the improvements and dividing that amount by the total number of EBUs for parcels benefiting from such improvements.

$$\text{Total Balance to Levy} / \text{Total EBUs} = \text{Levy per EBU ("Rate")}$$

This amount is then applied back to each parcel's individual EBU to determine each parcel's proportionate benefit and assessment obligation.

$$\text{Rate} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. The Brown Act defines the terms "new or increased assessment" to exclude certain conditions. These certain conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed."

Recognizing that the cost of maintaining the improvements will likely increase over time due to inflation, the assessments (initial maximum assessment rate established in fiscal year 2012/2013) established a fixed 3.5% annual inflationary adjustment (Assessment Range Formula). This 3.5% annual adjustment provides for reasonable increases and inflationary adjustment to the initial maximum assessment rate approved by the property owners as part of the protest ballot proceeding conducted in connection with the formation of this District.

The adoption of the maximum assessment rate and the Assessment Range Formula described herein does not mean that the annual assessments will necessarily increase each year nor does it absolutely restrict the assessments to the adjustment amount. Although the maximum assessment amount that may be levied shall be adjusted (inflated) by 3.5% each year, the actual amount to be

assessed will be based on the District’s estimated costs (budget) for that year. If the calculated assessment is less than the adjusted maximum assessment, then the calculated assessment may be approved by the City Council for collection. If the calculated assessment (based on the proposed budget) is greater than the adjusted maximum assessment for that fiscal year, then the assessment is considered an increased assessment and would require a property owner approval through a protest ballot proceeding before imposing such an increase. Otherwise, it would be necessary to reduce the budget or provide a contribution from the City to reduce the amount to be levied to an amount that can be supported by an assessment rate less than or equal to the maximum assessment rate authorized for that fiscal year.

The Assessment Range Formula (3.5% annual adjustment) has been applied to the authorized maximum assessment rate identified in the District Budget for fiscal year 2015/2016 and shall be applied in all subsequent fiscal years unless the City Council formally suspends its application.

The following table summarizes historical maximum and applied assessment rates:

FISCAL YEAR	MAXIMUM ASSESSMENT	APPLIED ASSESSMENT
2012/2013 (Base Year)	\$265.00	\$0.00
2013/2014	\$274.28	\$157.28
2014/2015	\$283.88	\$157.28
2015/2016	\$293.81	\$293.80

Part III — District Budget

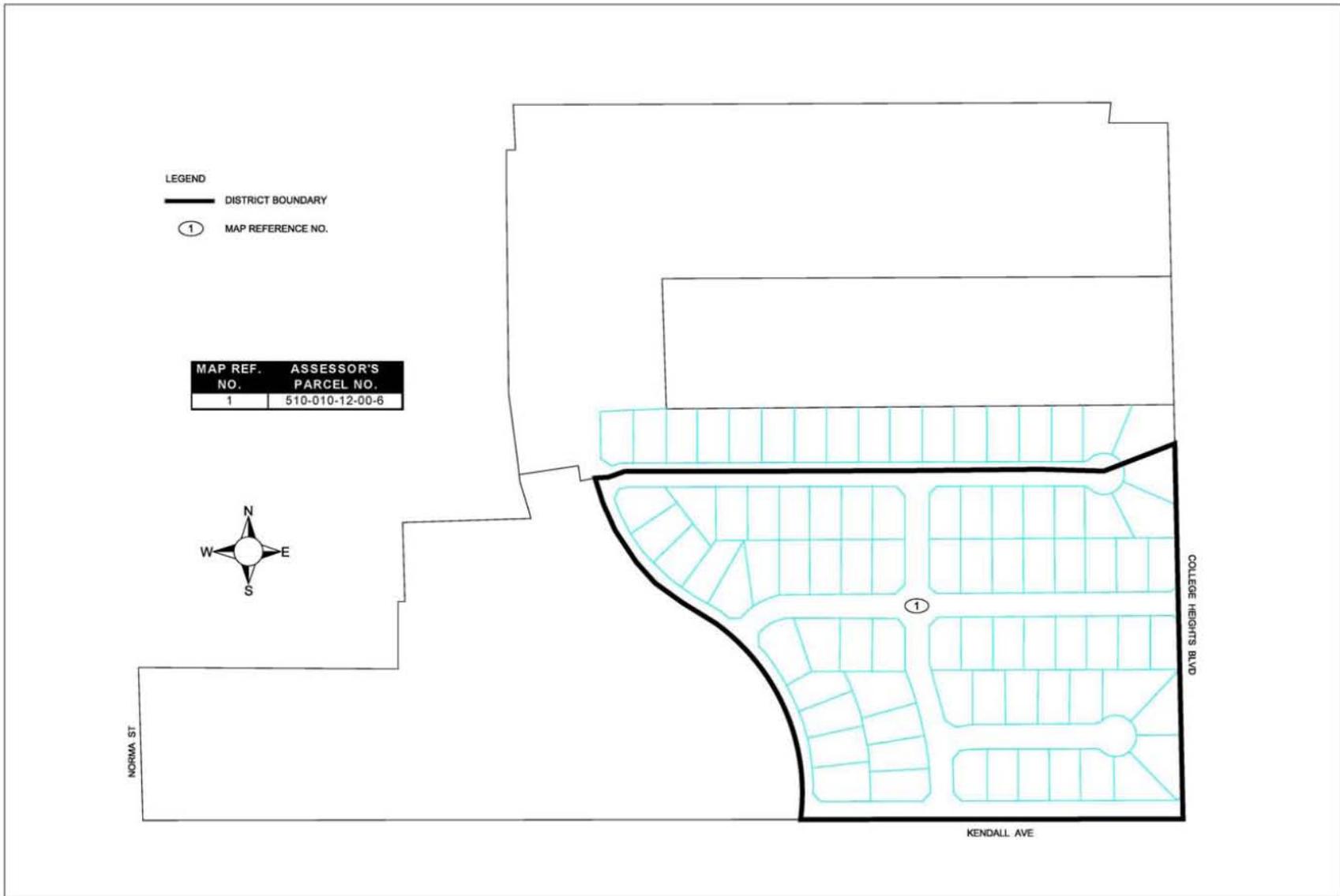
The following budget outlines the estimated costs to maintain the improvements at build-out which establishes the initial Maximum Assessment per EBU (Maximum Assessment Rate) and the proposed budget and applicable assessment rates for Fiscal Year 2015/2016.

BUDGET ITEMS	Proposed Fiscal Year 2015/2016
ANNUAL LANDSCAPE MAINTENANCE (DIRECT COSTS)	
Landscape Maintenance Parkway (In ROW)	2,845.00
Landscape Maintenance Parkway (Easement)	1,793.00
Tree Maintenance	375.50
Sidewalk Maintenance	125.00
Masonry Wall Maintenance	400.00
Graffiti/Nuisance Abatement	225.00
Total Annual Maintenance	5,763.50
Landscape Water	2,909.00
Landscape Electricity	474.00
Total Annual Landscape Utilities (Water & Electricity)	3,383.00
Total Annual Lighting (Maintenance & Energy)	\$3,136.00
Annual Maintenance Direct Costs (Total)	\$12,282.50
ANNUAL REHABILITATION/REPLACEMENT COLLECTION	
Parkway Rehabilitation/Replacements (In ROW)	\$110.00
Slope Rehabilitation/Replacements (Easement)	65.00
Tree Rehabilitation/Replacements	460.00
Sidewalk Rehabilitation/Replacements	36.00
Masonry Wall Rehabilitation/Replacements	340.00
Street Light Rehabilitation/Replacements	440.00
Annual Rehabilitation/Replacement Funding	\$1,451.00
Total Annual Maintenance Funding	\$13,733.50
INCIDENTAL & OTHER ANNUAL FUNDING EXPENSES	
Reserve Fund Collection	\$625.00
City Administration	1,143.00
Consulting Fees	4,100.00
Sub Total	\$5,868.00
County Administration Fees	\$38.00
Miscellaneous Administration Expenses	45.00
Total Annual Incidental Funding Expenses	\$5,951.00
Total Annual Expenses	\$19,684.50
CONTRIBUTIONS/FUNDING ADJUSTMENTS	
Revenues from Other Sources	-
City Contribution	-
Total Contributions	-
Balance to Levy	\$19,684.50
DISTRICT STATISTICS	
Total Parcels	67.00
Parcels Levied	67.00
Total Benefit Units	67.00
Levy per EBU (Applied)	\$293.80
Maximum Assessment Rate per EBU	\$293.81
Prior Year Levy per EBU (Applied)	\$157.28
Maximum Assessment Rate per EBU	\$283.87
Change in Maximum Rate from Prior Year	3.50%

Part IV — District Diagram

The lots and parcels of land within the District consist of the lots and parcels within and associated with the planned residential development known as DR Horton (Tract No. 6740).

As of the writing of this Report, these lots and parcels of land are inclusive of the Kern County Assessor's Parcel Maps as Book 510; Page 01, Parcel 12, and by reference this map and the lines and dimensions described therein are made part of this Report. The District Diagram (boundary map) is provided on the following page and encompasses the entire residential development identified as Tract No. 6740, the boundaries of which are conterminous with the boundaries of parcel 510-010-12, and by reference the diagrams and maps filed for Tract No. 6740 including the lines and dimensions described therein are made part of this Report. The combination of the District Diagram and the Assessment Roll contained in Part V of this Report constitutes the Assessment Diagram for this District.



Part V — Assessment Roll

Parcel identification for each lot or parcel within the District is based on available parcel maps and property data from the Kern County Assessor's Office. A listing of the existing parcels (APNs) to be assessed within this District, along with the corresponding EBU assignment, Maximum Assessment and Proposed Assessment for fiscal year 2015/2016 are provided herein.

If any APN submitted for collection of the assessments is identified by the County Auditor/Controller of the County of Kern to be an invalid parcel number for any fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment, Rate and Assessment Range Formula as described in this Report and approved by the City Council.

Assessor's Parcel Number	Tract	Lot	Site Address	EBU	Maximum Assessment Authorized	Assessment Amount FY 2015/2016
510-211-01	6740	1	101 Rainshadow Ct	1.00	\$293.81	\$293.80
510-211-02	6740	2	105 Rainshadow Ct	1.00	293.81	293.80
510-211-03	6740	3	109 Rainshadow Ct	1.00	293.81	293.80
510-211-04	6740	4	113 Rainshadow Ct	1.00	293.81	293.80
510-211-05	6740	5	117 Rainshadow Ct	1.00	293.81	293.80
510-211-06	6740	6	121 Rainshadow Ct	1.00	293.81	293.80
510-211-07	6740	7	125 Rainshadow Ct	1.00	293.81	293.80
510-211-08	6740	8	129 Rainshadow Ct	1.00	293.81	293.80
510-211-09	6740	26	128 Salt River Dr	1.00	293.81	293.80
510-211-10	6740	27	124 Salt River Dr	1.00	293.81	293.80
510-211-11	6740	28	120 Salt River Dr	1.00	293.81	293.80
510-211-12	6740	29	116 Salt River Dr	1.00	293.81	293.80
510-211-13	6740	30	112 Salt River Dr	1.00	293.81	293.80
510-211-14	6740	31	108 Salt River Dr	1.00	293.81	293.80
510-211-15	6740	32	104 Salt River Dr	1.00	293.81	293.80
510-211-16	6740	33	100 Salt River Dr	1.00	293.81	293.80
510-212-01	6740	34	101 Salt River Dr	1.00	293.81	293.80
510-212-02	6740	35	105 Salt River Dr	1.00	293.81	293.80
510-212-03	6740	36	109 Salt River Dr	1.00	293.81	293.80
510-212-04	6740	37	113 Salt River Dr	1.00	293.81	293.80
510-212-05	6740	38	117 Salt River Dr	1.00	293.81	293.80
510-212-06	6740	39	121 Salt River Dr	1.00	293.81	293.80
510-212-07	6740	40	125 Salt River Dr	1.00	293.81	293.80
510-212-08	6740	41	129 Salt River Dr	1.00	293.81	293.80
510-212-09	6740	54	124 Majestic Sky Ct	1.00	293.81	293.80

Assessor's Parcel Number	Tract	Lot	Site Address	EBU	Maximum Assessment Authorized	Assessment Amount FY 2015/2016
510-212-10	6740	55	120 Majestic Sky Ct	1.00	\$293.81	\$293.80
510-212-11	6740	56	116 Majestic Sky Ct	1.00	293.81	293.80
510-212-12	6740	57	112 Majestic Sky Ct	1.00	293.81	293.80
510-212-13	6740	58	108 Majestic Sky Ct	1.00	293.81	293.80
510-212-14	6740	59	104 Majestic Sky Ct	1.00	293.81	293.80
510-212-15	6740	60	100 Majestic Sky Ct	1.00	293.81	293.80
510-212-16	6740	61	101 Majestic Sky Ct	1.00	293.81	293.80
510-212-17	6740	62	105 Majestic Sky Ct	1.00	293.81	293.80
510-212-18	6740	63	109 Majestic Sky Ct	1.00	293.81	293.80
510-212-19	6740	64	113 Majestic Sky Ct	1.00	293.81	293.80
510-212-20	6740	65	117 Majestic Sky Ct	1.00	293.81	293.80
510-212-21	6740	66	121 Majestic Sky Ct	1.00	293.81	293.80
510-212-22	6740	67	125 Majestic Sky Ct	1.00	293.81	293.80
510-213-01	6740	9	201 Rainshadow Ct	1.00	293.81	293.80
510-213-02	6740	10	205 Rainshadow Ct	1.00	293.81	293.80
510-213-03	6740	11	209 Rainshadow Ct	1.00	293.81	293.80
510-213-04	6740	12	213 Rainshadow Ct	1.00	293.81	293.80
510-213-05	6740	13	217 Rainshadow Ct	1.00	293.81	293.80
510-213-06	6740	14	221 Rainshadow Ct	1.00	293.81	293.80
510-213-07	6740	15	225 Rainshadow Ct	1.00	293.81	293.80
510-213-08	6740	16	2000 Del Rosa St	1.00	293.81	293.80
510-213-09	6740	17	2004 Del Rosa St	1.00	293.81	293.80
510-213-10	6740	18	2008 Del Rosa St	1.00	293.81	293.80
510-213-11	6740	19	2012 Del Rosa St	1.00	293.81	293.80
510-213-12	6740	20	2016 Del Rosa St	1.00	293.81	293.80
510-213-13	6740	21	216 Salt River Dr	1.00	293.81	293.80
510-213-14	6740	22	212 Salt River Dr	1.00	293.81	293.80
510-213-15	6740	23	208 Salt River Dr	1.00	293.81	293.80
510-213-16	6740	24	204 Salt River Dr	1.00	293.81	293.80
510-213-17	6740	25	200 Salt River Dr	1.00	293.81	293.80
510-214-01	6740	42	201 Salt River Dr	1.00	293.81	293.80
510-214-02	6740	43	205 Salt River Dr	1.00	293.81	293.80
510-214-03	6740	44	209 Salt River Dr	1.00	293.81	293.80
510-214-04	6740	45	213 Salt River Dr	1.00	293.81	293.80
510-214-05	6740	46	2024 Del Rosa St	1.00	293.81	293.80
510-214-06	6740	47	2028 Del Rosa St	1.00	293.81	293.80
510-214-07	6740	48	2032 Del Rosa St	1.00	293.81	293.80
510-214-08	6740	49	2036 Del Rosa St	1.00	293.81	293.80
510-214-09	6740	50	2037 Wild Thorne Dr	1.00	293.81	293.80
510-214-10	6740	51	2031 Wild Thorne Dr	1.00	293.81	293.80
510-214-11	6740	52	2025 Wild Thorne Dr	1.00	293.81	293.80
510-214-12	6740	53	2019 Wild Thorne Dr	1.00	293.81	293.80
Totals				67.00	\$19,685.29	\$19,684.50

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
HOUSING AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

SUBJECT:

Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of April 1, 2015

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

Draft Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of April 1, 2015

FISCAL IMPACT:

None

Reviewed by Finance Director:

ACTION REQUESTED:

Approve minutes

CITY MANAGER 'S RECOMMENDATION:

Action as requested: Approve Draft Minutes

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**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY SUCCESSOR AGENCY,
FINANCING AUTHORITY, AND HOUSING AUTHORITY**

**City Council Chambers
100 West California Avenue
Ridgecrest, California 93555**

**April 1, 2015
5:30 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded solely for the purpose of preparation of minutes.

CALL TO ORDER

ROLL CALL

Council Present: Mayor Peggy Breeden; Mayor Pro Tempore James Sanders;, and Mike Mower

Council Absent: Vice Mayor Lori Acton; Council Members Eddie B. Thomas

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Keith Lemieux; and other staff

APPROVAL OF AGENDA

ADDED TO CLOSED SESSION:

- *Local Agency Property Negotiations – Negotiation For Lease Or Purchase - Leroy Jackson Park – Agency Negotiators City Manager Dennis Speer And Recreation Supervisor Jason Patin.*

Motion To Approve Agenda As Amended Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Voice Vote Of 3 Ayes (Mayor Breeden, Council Members, Sanders, And Mower); 0 Noes; 0 Abstain; 2 Absent (Vice Mayor Acton; Council Member Thomas)

Council Member Thomas arrived at 5:31 p.m.

PUBLIC COMMENT – CLOSED SESSION

- None Presented

CLOSED SESSION

GC54956.9 (d) (4) Conference With Legal Counsel – Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest

Added to Closed Session As A Needs Arose Item

GC54956.8 Local Agency Real Property Negotiations – Negotiation For Lease Or Purchase – Leroy Jackson Park – Agency Negotiators City Manager Dennis Speer And Recreation Supervisor Jason Patin

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation – Immanuel Baptist Pastor Bill Logan

CITY ATTORNEY REPORT

- Closed Session
 - Potential litigation – report received – no reportable action taken
 - Real property negotiations – Leroy Jackson Park – report received from agency negotiator Jason Patin – no reportable action taken.
- Other
 - None

PUBLIC COMMENT

Sophia Merck

- Commented on WEMO meeting held in Ridgecrest last night
- Very small attendance, no media present
- Spoke on cooperative agreement with BLM
- Asked Council to come together regarding the CAPPA
 - Mayor Breeden – commented on Council Member Acton’s attendance at the WEMO meeting and information has been provided at the front desk.

Robert Eierman

- Asked for clarification on Item No. 14, will this include Council discussion of letter of opinion from the Council?
 - Mayor Breeden - is not on for discussion tonight. Council wanted to hear the County presentation. Council wants to come back and discuss more fully after they have read and understand the proposed changes.

Richard Wagoner

- Commented on handicap and employee of the year signs not visible due to trees
- 215 Ridgcrest Blvd. play
- 2 AMA motorcycle sessions on May 9.

Chip Holloway

- Advocacy consultant for chamber of commerce
- 2 letters placed in Council mail slots
- 1st letter addresses the military banner program and the need of someone to manage the program. Initial program was supported by Council with understanding the City would take over liability of program. Award winning program. City has obligation to families who have contributed and asks the program be maintained.
- 2nd letter referenced February 18 Council meeting presentation by Kosmont. Chamber of Commerce has reviewed the presentation and estimated net benefit to Council can be up to \$30,000 annually. Commented on timeline and estimates of interest rate increases. Chamber of Commerce goal is to present a bill each month no action is taken on this opportunity. Chamber encourages Council to bring item forward for decision. Commented on Measure 'L' sunset.
 - Mayor Breedon – Kosmont item has been forwarded to City Organization committee for discussion and to come back to Council. Also going to request service organizations to assist with banner program.

Ronald Porter

- Spoke on comments made at a previous Council meeting regarding the constitution.
- Quoted George Washington regarding the constitution.
- Commented on a 'Police Power' of the government
- Spoke on public nuisance.
- Reassured Council the comments were not intended to be mean, but should be appreciated.

Mike Neel

- Commented on public nuisance issue. Referenced Mr. Howard property being put into receivership and taking his property from him.
- Spoke on another resident whose property was taken from her and lost as a public nuisance when she could not afford to pay for the cleanup.
- Dave Matthews has also been served on his property as a public nuisance. Commented on his involvement with government and now is being harassed.
- Made statements about threats to old people as being unacceptable.

Jennifer Blast

- Referencing the 4-way stop at Upjohn and Downs.
- Commented on children almost being hit by vehicles.
- Typically drive back streets to avoid that intersection due to almost being hit by drivers who do not want to wait their turn.
- Commented on elementary children's size and not being visible over the hoods of cars.
- Spoke to previous Council and has been patronized by Council, staff, and Mayor.
- Charter school flyer asked children to cross at the controlled intersection, however no control exists. 12 lanes with no control.
- Commented on Facebook viral question.
- Asked what can be done before a child or adult pedestrian is killed.
 - Mayor Breeden – asked for this subject to be sent to Infrastructure Committee.
 - Dennis Speer – Stated this is a controlled intersection but the issue is an enforcement issue and will discuss with Chief Strand. Will have traffic control officers monitor the intersection at peak times.
- Invited Council to walk with daughter in the morning to see how drivers are violating the crosswalk.
 - Dennis Speer – restated this is a law enforcement issue and will discuss with the Chief.
- Commented on the lack of patrol.
- Asked if officers will sit there all day to ensure safety. Suggested a signal light with crossing guards.
- Commented on almost being hit personally.
 - Jim Sanders – hopefully the improved enforcement will create an increased awareness.
 - Peggy Breeden – encouraged community to take responsibility. If enough people are aware then will make a change. We are not here to point fingers.
- Asked about crossing guards, both Faller and Charter Schools had guards at Church and Downs that were pulled off.
 - Peggy Breeden – Assured speaker the Council will deal with it and will work on it with the schools.
- Commented on daughter calling police and response received.
 - Peggy Breeden – promised to work on it.

Judy Decker

- Spoke on water line lead on Ward Street. Cones and signs put up but the speeding of vehicles was terrible.
- Speeding on Ward Street between Downs and Norma is terrible. No posted speed limit. Stated there are Residences in the area and small children at the homes.
- Asked about speed limit surveys, should be for safety. 40 mph on Ward Street is not warranted.
 - Jim Sanders – agree with you, however State law gives City’s zero discretion on posting speed limits. We go as low as we can legally go.
- No posted speed limit in that area so unsure of what the speed limit is.

Chip Holloway

- Representing Desert Valley Federal Credit Union to support the Second Annual Bite of Reality program.
- Teenagers receive financial training in a real life scenario workshop.
- Asking for volunteers to participate.
- No public or government money is funding the event.
- Asked for people to promote and volunteer for the event
- Provided contact information.
- April 25 from 9am-12pm at old town theatre.

Public Comment closed at 6:43 p.m.

PRESENTATIONS

1. **Proclamation – National Sexual Assault Awareness Month** **Council**
 - Council presented a proclamation to representatives of the women’s shelter recognizing the month of April as National Sexual Assault Awareness month
2. **Proclamation – National Child Abuse Prevention and Awareness Month** **Council**
 - Council presented a proclamation to representatives of the women’s shelter recognizing the month April as National Child Abuse Prevention And Awareness month
3. **Proclamation – Week of the Young Child** **Council**
 - Council instructed Clerk to mail proclamation to representatives recognizing the Week Of The Young Child

4. **Proclamation – Honoring Ridgecrest Citizens – Bill & Marilyn Porter** Council

 - Council presented a proclamation to Bill and Marilyn Porter honoring them for their service to the City of Ridgecrest and community

5. **Presentation Of ‘Green Business’ Awards From Waste Management And Council To Local Businesses Successfully Participating In The Recycling Program** Parsons

 - Council and Josh Mann of Waste Management presented award certificates to business successfully participating in the recycling program.

CONSENT CALENDAR

6. **Adopt A Resolution Approving The Program Supplement Agreement No. 039-N With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R And Authorizing The City Manager, Dennis Speer, To Sign The Agreement For The South China Lake Boulevard Project From Bowman Road To College Heights Boulevard** Speer
7. **Adopt A Resolution Approving The Use Of Public Transportation Modernization, Improvement, And Service Enhancement Account (PTMISEA) Funds In The Amount Of \$6,273.00 To Purchase An Access Control System And Computer Tablets For The City Of Ridgecrest Transit Division And Authorize The City Manager, Dennis Speer, To Sign The Allocation Request And Accept The Funding** Speer
8. **Adopt A Resolution Approving The Use Of Public Transportation Modernization, Improvement, And Service Enhancement Account (PTMISEA) Funds In The Amount Of \$193,510.00 To Purchase Buses For The City Of Ridgecrest Transit Division** Speer
9. **Adopt A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Application For Federal Funding Under The Federal Transit Act (FTA) Section 5311 (49 U.S.C. Section 5311) With The California Department Of Transportation And Authorize The City Manager, Dennis Speer, To Sign And File The Application And Have His Or Her Designee To Execute All Documents To Obtain 5311 Funding** Speer
10. **Adopt A Resolution Authorizing The City Manager To Sign The Notice Of Completion And Authorizing The City Clerk To File The Notice Of Completion For The Civic Center Lighting Project** Speer

11. Approve Draft Minutes Of The Special Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated March 14, 2015 Ford

12. Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated March 18, 2015 Ford

Items Pulled From the Consent Calendar

- No's 6 and 8

Motion To Approve Item Nos. 7, 9, 10, 11 And 12 Of The Consent Calendar Made By Council Member Mower, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)

Item No. 6 Discussion

Richard Wagoner

- Asked about the total project
 - Dennis Speer – explained project location
- Asked about funding breakdown
 - Dennis Speer – explained engineering and construction authorizations.

Motion To Approve Item No. 6 Of The Consent Calendar Made By Council Member Thomas, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)

Item No. 8 Discussion

Richard Wagoner

- Commented on the cost of each bus and current bus condition still being in good condition.
- Asked about the need for new buses and why each bus cost is so high.
 - Dennis Speer – explained the 25% spare bus ratio required by department of transportation. These two buses will replace the two old buses from spare fleet
 - Eddie Thomas – asked what the buses would be equipped with
 - Dennis Speer – complied.

Item No. 8 Discussion (continued)

Motion To Approve Item No. 8 Of The Consent Calendar Made By Council Member Sanders, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)

DISCUSSION AND OTHER ACTION ITEMS

13. Discussion and Minute Motion Authorizing Staff To Prepare And The Mayor To Sign A Letter Of Support Of The Recent Proposal Submitted By Terra-Gen Power LLC To Be Considered In The 2015-2016 Transmission Planning Process To Board Of Governors Breeden

Mayor Breeden

- Presented staff report

Jim Sanders

- Commented on discussion with SCE while on Planning Commission because of low transmission capability.

Public Comment

Tom Wiknich

- Asked if this would upgrade the power system in the valley
 - Peggy Breeden – offers opportunity with transmission line that we can tie into at any time.
- Commented on solar facilities being built on Highway 14.
 - Lorelei Oviatt – responded the solar is for LAPWD. Inyo and Kern County have not been able to take advantage of the energy available. Pleased to see this on the agenda and more pressure on Los Angeles

Motion To Approve Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)

14. Kern County Planning Department Presentation Of The Draft Indian Wells Valley Land Use Management Plan By Lorelei Oviatt Alexander

Matthew Alexander

- Presented staff report

Lorelei Oviatt

- Presented overview of the Indian Wells Valley Land Use Management Plan
- Reviewed the 4 parts of the plan
- Reviewed the recommendation being presented to the Board of Supervisors.
- Response to comments has been released.
- No changes to airport land use compatibility plan, not adopting the ACUSE. GIS notifications regarding air noise will be provided to properties. Early communication between developers and China Lake helps projects.
- Recommending Ridgecrest ordinance be adopted for water.
- Recommending zoning language change to provide that a dust issue is a nuisance and violation of the zoning ordinance.
- Commented on water use suggestions, comments received, and personal planning sessions.
- Recommend leaving active agriculture as is. Based on realtor feedback. Have asked for more robust economic strategy for the valley. DOD opportunity grant applied for at Fresno to assist. Want to attract new business to Ridgecrest.
- A1 property of 5 acres and under not recommended for change as developed.
- Over 1100 acres of undeveloped agriculture land, over 5 acres and zoned as A1, is recommended to change to state residential and RS zoning. Creates a smaller gap of overage to safe yield water use by 2012.
- Rezone open space to correct maps. Designated 1.1 which is federal.
- Land use plan needs to be done now to comply with CEQA. If not, would be holding up ground water sustainability plan progress and would be under the dictatorship of a state board.
- In future, EIR can be used by landowners who want to change their property zoning changed.
- On Friday staff report will be released. Hard copies will be sent to City Planner and City Clerk and will be available online. Matrix will be different. Public can verify the recommendations by viewing the report.
- Will be heard by board on April 28. Recommendation will be for continuance to May 13 boards meeting in Ridgecrest beginning at 1:00 p.m.
- Board will take public comment and will continue to May 19 meeting.
- Appreciate the time public and elected officials have given to the process. Recommendations reflect hundreds of hours of personal discussions with landowners and citizens.
- Commented on board of supervisors having never traveled to a community to hear a rezoning ordinance. This is important to them.

Peggy Breeden

- Expressed concern for Economic Development, are any properties being changed from agriculture to industrial.
 - Lorelei – has been reduced to a small handful and most of these are contiguous to Inyokern.

Jim Sanders

- Thanked Lorelei for her time coming here on several trips to hear the comments.
- Questioned undeveloped property over 5 acres currently A1 changes.
 - Lorelei – majority will be zoned residential with RS
- Is state land allowed to do profit projects?
 - Lorelei – with conditional use permit. Exemplified commercial pistachio or horse boarding businesses.
- Asked about financial limits before obtaining a permit
 - Lorelei – no, commercial requirement regardless of profit. Not required for someone selling eggs unless they put out a sign and someone complains.

Keith Lemieux

- Clarified conditional use permit and requirement to show water availability.
 - Lorelei – Briefly outlined the process.
- Questioned scenario of undeveloped land putting in a pistachio farm and sinking a well and whether this would satisfy for a conditional use permit.
- Commented on landowner rights in a non-adjudicated basin.
 - Lorelei – conditional use permit is under the discretion of the County. Agree that if someone wants to put a house and plant trees for their own use, they can get a well permit. Groundwater Management Sustainability Agency will require environmental determination for water supply.
- Appreciate the need to protect the resource and wants to talk more about the CUP.
 - Lorelei – not recommending a CUP, recommending change to ERS and if they want to sell the property for a pistachio grove the new owner would have to go thru the process, which is their choice.

Mike Mower

- Clarified public land will be zoned open space.
 - Lorelei – Searle’s Valley agreed to have their land zoned open space.
- Asked about 4-H club activities
 - Lorelei – allowed in A1 and A.

Eddie Thomas

- Asked about zero scape ordinance
 - Lorelei – this is the same ordinance implemented by Indian Wells Valley Water District.

Mike Mower

- Commented as a contractor and lawn restrictions in the front yard. Asked about landscaping for rural area residential.
 - Lorelei – responded.

Public Comment

Dave Matthews

- Questioned zero scape ordinances and suggested County make this suggestible rather than mandatory.
- Talked about the dust issue from past dry winter and fall seasons with wind. Part of the reason we have dust is no water, suggested including dust mitigation.

Speaker

- Asked about the EIR and the TODD engineering report.
- Commented on the TODD engineering report being flawed.
- Based on assumption models and not the facts.
- Spoke on Dr. Austin and Dr. Miller previous work and studies of the water.
- Commented on having lived under communism.
- Commented on Coso Geo Thermal Plant being built on Dr. Austin's studies.
- Naval Base is living on Dr. Austin's findings yet the TODD report does not include his findings.
- Asked County to not change people's lives based on assumptions, but base on fact.

Lorelei Oviatt

- Zoning ordinance changes do not address dust but does address people who take actions on their property that scrapes up dust.
- CEQA allows EIR to provide experts. Have been conservative with opinion and have included comments received.
- Commented on Board of Supervisors and Planning Commission having discretion to choose the experts they will support.
- Will be further studies and hydrology analysis. Respectfully disagree that the EIR was based on anything but the most current science.

Robert Eierman

- Agree with City Attorney.
- When this goes to federal court, which it will, they depend on facts. Agree the TODD report is far from fact.
- Referred to the David Williams report from 2004.
- TODD report did not summarize the previous studies and is not scientific.
- TODD report was commissioned and paid for by the County so may not be viewed as independent.
- In 2005 statement was that we had 160 years of water in this valley at the current usage. Statement made by Harvey Rose, Mayor Holloway, Supervisor McQuiston, Base BRAC Command, Tom Mullvehill, Mayors Clark, Carter, and Morgan, 3 water District Board Members.

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Robert Eierman *(continued)*

- Have to consider all these people as liars and perjures. Choose not to do this. This is a rush to judgment and County needs to slow down, stop this plan, and back up.
- 8 years later the same statement was made.
- David Williams report read.
- Going to lose when this goes to court because it isn't based on science.
- What will happen when you create a community that is running out of water?
- Asked County to stop, research, and come up with something. Don't take away people's property rights and embroil us in a long drawn out water rights battle.
 - Lorelei – stands behind the EIR.

Tom Wiknich

- Asked about the TODD report addressing water export.
- Owns 175 acres with conditional use permit, will this change?
 - Lorelei – nothing affected on conditional use permit and all import/export of water in Inyokern and Trona was included in the EIR.

Tom Mulvehill

- While did appear in the BRAC hearing was not as a hydrologist and did not make statements about water availability.
- Made statements about the water district equipment and water infrastructure.

Don Decker

- Thanked Lorelei for coming here and commented on the comments made.
- Spoke on water availability.
- Reviewed definition of overdraft.
- Spoke on hydrology of the Black Mountains and past mapping and reports.
- Referenced AB303 study and commented on the estimated age of the water currently being pumped.
- Commented on 1912 geologist report from Dr. Lee that found the valley water was in decline at that time.
- Inyo and Kern Land Company formed organization to attempt to obtain water from the Mono Basin in the late teens and early 20's. LADWP successfully obtained the water.
- Spoke on where the 160 year number came from. In order to reach that number you must exercise water conservation and no agriculture. This was the most optimistic number possible.
- TODD report is accurate summary of existing literature. Only criticism is the report is overly conservative. Present day climate is dryer than the early part of the last century when Lee said we had 11,000 acre ft. of pumping. If drying trend continues our recharge will go to zero.
- Commented on poison canyon flow being down to a trickle.

Nick Panzer

- Plan outline takes important step in direction of supporting mission of the yet to be established Groundwater Sustainability Agency.
- Agency will make an evaluation about recharge. There will be occasions to make statements.
- Leave this to the GSA to make the factual determination and strongly support the County's plan and encourages Council to do the same.

Mike Neel

- Provided technical background from career.
- Spoke on Antenna design.
- Commented on scope of knowledge changing due to trial and error and expertise of other designers.
- A lot of people don't know much about hydrology, others may know more but we are all affected.
- Because everyone is affected, then need to learn as much as possible and move forward.
- Questioned how we govern future water use in the valley. That is the ultimate goal.
- This has been debated for the past 60 years and those who have studied it have a lot to lend to this situation
- Encouraged we not move on this right now.
- Commented on future debates and studies that will be made.
- Stated that at this time we are impacting the rights of present landowners.
- When you take zoning away from the landowner, it is the same as taking a piece of the car and changing their capability to use the property the way they intended to use it when it was purchased.
- Don't have much God given rights left. Multiple things going on now that are removing rights from people.
- Suggested that once the government finds out they can come in and take property based on a supposed crisis, and then people might as well just sign their deeds over because it will continue to happen.
- Requested the process have more time, not in an immediate crisis. There is time to do this the right way. Taking people's rights away is not the right way.

Don Zebeda

- Clarified comment attributed to him by Mr. Eierman. Did make the comments but what was not stated is the remainder of the comment is we have water now but well levels are dropping.
- Do we want to wait until it is a crisis or take action now and try to address it?
- Commented on the 160 year figure, the table has 3 categories with several options. Where we are today in comparison to the table we only had 60 years so only have roughly 40 years left.

Wes Castistan

- Report given last week with water levels in 17 private wells, not production wells, which have all been going down.
- TODD report includes private and production wells which are all going down.
- Thanked County for their efforts to take a step in the direction to solve the problem.
- Commented about paperwork filed by pistachio farmer was wanted to cooperate and the attorney filed paper stating the farmer had all rights including water rights prior to the water district.
- Researched water rights in the State of California. Water belongs to the State of California. Water is settled in the courts and Water District did not have rights to the water being exported.
- If you have been exporting water for 20 years or more then you now have rights to the water. Rights will be determined by the courts and believe the GSA needs to be put into place now.
- Can't imagine any engineer moving to this valley if they did not see the community getting on board with the problem of declining well levels.

Judy Decker

- Former board member.
- Lorelei has done a wonderful job
- Commented on the TODD report being tasked with studying all published data.
- Commented on holes being drilled by several agencies and the Navy.
- Commented on statements of excessive amounts of recharge and stated there is no data supporting the excessive recharge.
- Suggested people look up the data themselves.
- Thanked Council.

Renee Westalusk

- Questioned how the changes made to the EIR stop commercial agriculture from buying small parcels and combining to larger agriculture farms.
- Commented on dust bowl conditions during wind events.
- Asked Council to stand up for citizens in the City limits because our property and water rights are at stake.
- Land use plan is essential for the groundwater sustainability plan to keep the state from making the decision for us.
 - Lorelei – commented on possibility of the Agriculture merging smaller properties and the state having the power to restrict pumping.

Carol Vaughn

- Commented on difficulties getting accurate maps and understanding zoning code.
- Manufacturing map seems to be haphazard so no idea where the commercial and manufacturing zoning will be. Very confusing
- Commented on estate 80 zoning making that property worthless with one house on 80 acres.
- Haven't seen enough of a map to know where everything is going to be located.
- Think we should have had time to look at this and property owners have a right to know what is happening.
- People do not understand their zoning is being changed. Meet someone every day that does not understand. Too much too soon.
- Have not allowed enough time to reach everyone. Letters have not done the job they were meant to do.
- Commented on most recent letter received. This is too much, too quickly. Understand about the water but the land use and conditional use permits needs more time.
- Need to know what the zonings are, what they mean, and how they will affect people.
 - Lorelei – commented on the map. Every APN has been combined in a matrix. Reviewed the recommendations again. Reviewed the planning process. E80 and E40 have been taken out. Proposing people can still have 4 lots with parcel map. Everything being done will be in the staff report on Friday and available online. This has been an open and robust information effort. If people have questions they should ask the planning department and not the neighbor. Request people disseminate, look at the staff report, call the planning commission office, and weigh in if you like your property as it is.

Sophia Merck

- Live in the County and did not get a white or blue notice.
- County's effort in trying to get a GSA going in this community is something we need to work on.
- Need to work on being better neighbors to each other. Help each other.
- Exposed to the Baja Sustainability Plan which showed how people worked together to get it done.
- Lorelei has done an amazing job getting comments and responding to the comments. Staff has been kind and understanding.
- Water level is declining. Let's try to help each other.
- Dust is a problem and instead of using water to keep dust down, perhaps large scale mowing.

Tom Wiknich

- Asked if this plan would take into account the southern pacific railroad going thru the valley. Tried to do parcel map and County sent money back because the abandonment of rail easement is not recognized.
 - Lorelei – interested in re-examining the issue.

Peggy Breeden

- Will write a response and bring back to next Council for discussion.

5 minute recess

15. Discussion And Approval Of A Broadband Action Team

O'Neill

Justin O'Neill

- Presented staff report

Mike Mower

- Appears to be open ended agreement
 - Dennis Speer – explained open ended agreement for consulting to a CAP not to exceed \$26,000 per year.
- Asked about billing to date.
 - Justin - \$2300 this fiscal year
- Asked about hourly rate comparison
 - Justin – explained fair market value comparison, weighted with match for comparable groups. Initially waited after the summit while developing a plan. Have to start at the beginning, see what we want and then create a strategy.
- Have concerns and the CAP answers the concerns.

Jim Sanders

- What committee can be used to receive reports of activities?
 - Justin – can't report to Dennis
 - Dennis – contract is directly with Council but can be delegated to a committee
 - Mike Mower – suggested City Organization committee would be appropriate.
 - Keith – suggested the reporting be part of the motion.

Eddie Thomas

- Questioned the contract provisions
 - Dennis – explained contract and Council abilities to renew, release or assign projects.

Jim Sanders

- Asked about the marketing and connecting options.
 - Justin – reviewed broadband and grant programs.

Mike Mower

- Asked about costs to tap into Digital 395 for a business.

Justin O'Neill

- Looking to develop policies and making broadband a utility like water and electric.
- Commented on China Lake recruiting young engineers and broadband is hard to get. Digital 395 is among the most sophisticated networks out there.
- Other technologies such as point-to-point
- This Council can establish policies that help deploy broadband with future development and street repairs.
- Now skirting the line between private and public.

Jim Sanders

- What can be done with internet service providers
 - Justin – frustrating for business and public. Encourage as much competition as possible. Mediacom plans on tapping Digital 395 but there have been past promises that have not developed. Exemplified problems that should be addressed with businesses.
- Market strategy would involve courting new providers.
 - Justin – correct.

Peggy Breeden

- 15-20 people get together monthly to try and get this to happen.
- This is an opportunity for economic development and if we don't take advantage then shame on us.
- Need to be leaders and make this happen.
- If we don't do anything then nothing will happen. Then we will complain about not having any technology here.

Public Comment

Dave Matthews

- Proposing a team but not mention of how it will be developed.
- Digital 395 was built by grant but wondering who owns it.
 - Justin – several people have been identified who have already been working on this. California broadband cooperative is a public entity with 9 members and are the managing group of Digital 395.
- Does this group have a charter showing what they will provide?
 - Justin – this is done with a lot of reporting to CPUC.
 - Mike – funded by the state and a consortia put together to control it.
 - Justin – clarified the needs of each City and County so the goals are different. State empowered local regional leadership.

Mike Neel

- Questioned the funding for the contract and if it carries over annually.
 - Dennis – 30 day renewal notification same as several other consultant contracts. Renew automatically unless notice is given and then payment is billed on an as needed basis.
- Is funding carried over
 - Dennis – stays in the general fund and annually re-established with the budget.
- Referenced the creation of this position. Pitched as a position to market the City to the City. Improve communication between the government and the community. Spoke on economic development being tossed into the duties. To date nothing has been done with the original concept.
- A lot of boilerplate language including misspellings and grammatical errors. Don't understand why we need a broadband policy for the City. If the backbone is here and the users want the service. Taxpayers paid for the trunk to come here and are now waiting to be used. Smart business owners will jump onto it. City only has to worry about is policies for cutting streets and trenches. What is unique about broadband that would need to be addressed? Follow the same processes already established with the City.
 - Dennis – at this time no one is accessing Digital 395. Need to engage with the individuals who are knowledgeable about the system and then come back to the Council with information on how to tap into this.
- Are people really not thinking about using this?
 - Justin – yes. Outreach to facilities to small businesses, there is a disruption to knowledge and costs. Talking about policies to deploy the broadband.
 - Peggy Breeden – referenced conversation with Earl Ferguson. Explained new construction having the ability to install broadband same as other utilities increases the value of the building.

Mike Neel *(continued)*

- Justin – clarified the businesses that are connected and some have paid to connect.
- Those identified are large agencies. Questioned if you are now trying to get the small end user. Most small users and businesses already have what they need. Trying to push this on small end users, have concerns about getting them to buy in.
 - Peggy – commented on concerns that have been expressed by businesses that want to come to Ridgecrest and without broadband they don't want to come here.
 - Justin – as a business might not be aware of the tools that will suck up the broadband. Outreach will assist this. The internet changes and the investments we make now will put us on the forefront for this community to attract these businesses.
- Commented on small businesses being specific type to want to come here. Those that want to can come here now and be fine.

Dave Matthews

- Asked if the numbers quoted were firm.
 - Justin – no but will get the numbers.
- What do you mean by point-to-point service.
 - Justin – clarified how the technology travels from providers thru wireless. Similar to a wireless router.

Motion To Approve The Proposal As Amended To Direct Regular Reporting To The City Organization And Services Committee Made By Council Member Sanders, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)

16. Discussion And Approval Of A Quality Of Life Cooperative

O'Neill

Justin O'Neill

- Presented staff report

Peggy Breeden

- Have attended 4 meetings and the Admiral has called this a Community/Navy Cooperative
- Important for the Navy to participate in this as a way of keeping the young engineers in the area.
- Quality of Life is important for the young professionals to desire to stay here.
- Doesn't cost us a lot and will bring income to the City and empower the City.
- If we are willing to do this it will keep them here.
- Talked about how we don't let people know what we have to offer here.

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Justin O'Neill

- Talked about what generation 'Y' desires.
- Marketing and branding then delivering in the way the Gen Y want to see it.
- Trying to change the trend of people leaving town on the weekends.

Dennis Speer

- Entire meeting was community oriented and the primary concern was retention

Public Comment

- None Presented

Jim Sanders

- Requested clarification of the scope of work.
- Mayor Breeden and Dennis Speer are currently attending these meetings.

Justin O'Neill

- As opportunities occur then can develop them but for right now would be attending the meetings for assessment.
- Assist with marketing, analyze opportunities, and develop events.

Jim Sanders

- Thought process is that as specific projects are found then can assign to Justin to develop. Council can attend meetings.
 - Justin – am very busy so fine with not attending meetings, however getting information second hand and hearing dialogue where may hear an opportunity that needs explored can be beneficial.

Mike Mower

- Questioned if this would report to Quality of Life
 - Dennis – suggested City organization as a tie in to economic development. These meeting they are brainstorming and strategic planning to establish what is needed. Think someone in the age group for what they are planning is important at this point in time.

Peggy Breeden

- Do not see this being a long term commitment. Once things get started then see Justin moving more into the marketing level.

Eddie Thomas

- Clarified funding source

Jim Sanders

- Without this plan, would you be able to execute the broadband with the money in the contract. If this comes at the expense of the broadband then not interested in this project.

Justin

- Hopefully this will be proven as an economic development driver. Eventually other agencies such as chamber of commerce and RACVB will be involved.

Motion To Approve As Amended To Report To The City Organization And Services Committee Made By Council Member Mower, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)

17. Budget Strategy Overview

Speer

Dennis Speer

- Presented staff report *(PowerPoint Presentation Available In The City Clerk's Office)*

COMMITTEE REPORTS

City Organization and Services Committee

Members: Lori Acton; Mike Mower
Meeting: 4th Wednesday each month at 5:00 p.m.
Location: Council Conference Room B

Mike Mower

- Elected Lori Acton as chair and Mike Mower elected as Vice
- Agenda item request to discuss possible refinance options

Infrastructure Committee

Members: Jim Sanders; Mike Mower
Meeting: 2nd Thursday each month at 5:00 p.m.
Location: Council Conference Room B

Jim Sanders

- Discussed TAB funding allocations at the last meeting.
- Agenda item request for next meeting development impact fees for health care facility.
- Agenda item request Possible funding for downs street project

❖ **Ad Hoc Water Conservation Committee**

Members: Jim Sanders; Peggy Breeden
Meeting: 1st Monday each month at 5:00 p.m.
Location: Conference Room B

Jim Sanders

- Next meeting announced
- Wayne Lemieux will call in to discuss groundwater sustainability act
- Agenda Item request for well measurements

Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton
Meeting: 1st Tuesday each month at 12:00 p.m.
Location: Kerr-McGee Center Meeting Rooms

- No Report

❖ **Ad Hoc Youth Advisory Council**

Members: Eddie Thomas
Meeting: 2nd Wednesday of each month, 12:00 p.m.
Location: Kerr-McGee Center Meeting Rooms

- No Report

Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Eddie Thomas; Lori Acton
Meeting: 3rd Tuesday each month at 4:00 p.m.
Location: Kerr McGee Center Meeting Rooms

- No Report

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Lori Acton and Eddie Thomas
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: To Be Announced

Eddie Thomas

- Read directors report
- Announced next meeting

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Peggy Breeden

- Attended Kern COG and will provide report in writing
- Next meeting will present overview of groundwater sustainability act

CITY MANAGER REPORT

Dennis Speer

- Attended TAC meeting in Bakersfield and call for project under RSTP and CMAQ. Will be applying.

MAYOR AND COUNCIL COMMENTS

Mike Mower

- Will be gone next week
- Thought County's presentation was excellent and they answered all questions brought up in our special meeting of March 14.
- Asked about crossing guard at the intersection

Eddie Thomas

- Thanked staff for getting light installed
- Thanked Council members and community for cards and prayers thru recent health situation
- Thanked community member for bringing to Council attention the situation at 4-way stop. Impressed with her tenacity and proud Council feels that burden and is committed to not giving up.

Jim Sanders

- Felt the conversation with the County was productive
- New recommendations addressed the concerns
- Hope someday we are called to answer before the committee and can say that we were part of helping solve the problem with the aquifer. Bothers me that some people are so willing to let future generations deal with an even bigger problem. The goal is to solve the problem.

Peggy Breeden

- Thanked everyone who came out. Have heard numerous people speak but had only heard one side of the story. Grateful to hear some other viewpoints.

ADJOURNMENT at 11:06 p.m.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Conduct A Public Hearing To Consider The Adoption Of A Mitigated Negative Declaration For The Ridgecrest Commercial Specific Plan Offsite Improvements Project

PRESENTED BY:

Gary Parsons

SUMMARY:

The City of Ridgecrest has been in the process of working with Wal Mart to bring a new Wal Mart Super Center to this community for over a decade. This effort resulted in the development of the Ridgecrest Specific Plan which was a qualified voter sponsored initiative adopted without alteration by the city council on February 3, 2010. This plan governs approximately 28.5 acres of vacant land at the southeast corner of South China Lake Boulevard and East Bowman Road and allows for the development of a 205,000 square foot major tenant proposed to be a Wal Mart Super Center, a 16 pump fueling station and a 500 square foot building, a 25,000 square foot retail building and a 5,000 square foot retail building.

A complete description of the proposed project, its location and issues of potential environmental concern are presented in the attached project (IS/MND).

In the case of the proposed project, the analysis presented in this initial Study indicates that the mitigation measures included in the (IS/MND) will reduce all identified potentially significant affects to a level of insignificance. There is no substantial evidence, in light of the whole record before the agency, that project may have a significant effect on the environment.

On this basis staff recommends that council hold a public meeting to discuss the adoption of the attached Mitigated Negative Declaration for the project pursuant to 15072 of the California environmental Quality Act guidelines.

FISCAL IMPACT: .

None to the general fund,

ACTION REQUESTED:

Approve a resolution adopting the Mitigated Negative Declaration for the Ridgecrest Commercial Specific Plan as presented and attached

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: recommend approval

Submitted by: Gary Parsons
(Rev. 02/13/12)

Action Date: April 15, 2015

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RESOLUTION NO. 15-XX

A RESOLUTION OF THE RIDGECREST CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE RIDGECREST COMMERCIAL SPECIFIC PLAN OFFSITE IMPROVEMENTS PROJECT

WHEREAS, the City of Ridgecrest adopted a qualified voter sponsored initiative entitled the Ridgecrest Commercial Specific Plan Offsite Improvement Project on February 3, 2010, and;

WHEREAS, the plan governs approximately 28.5 acres of vacant land at the southeast corner of South China Lake Boulevard and East Bowman Road and allows for the development of a 205,000 square foot major tenant, proposed to be a Walmart Super Center; a 16 pump fueling station with a 500 square foot building, a 25,000 square foot retail building and a 5,000 square foot retail building, and;

WHEREAS, A complete description of the proposed project, its location and issues of potential environmental concern, are presented in Attachment A, the Initial Study/Mitigated Negative Declaration, and;

WHEREAS, the study indicates that the mitigation measures included in the Mitigated Negative Declaration will reduce all identified potentially significant affects to a level of insignificance, and;

WHEREAS, there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Ridgecrest does hereby adopts the Mitigated Negative Declaration for the project pursuant to 15072 of the California environmental Quality Act guidelines.

APPROVED AND ADOPTED this 15th day of April, 2015 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Peggy Breeden, Mayor

ATTEST:

Ricca Charlon
Deputy City Clerk

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Ridgecrest Commercial Specific Plan Offsite Improvements Project Mitigated Negative Declaration

Prepared for:



**City of Ridgecrest
100 West California Avenue
Ridgecrest, CA 93555**

Prepared by:



February 2015

Initial Study/Mitigated Negative Declaration

for the

Ridgecrest Commercial Specific Plan Offsite Improvements

Prepared for:

City of Ridgecrest
100 West California Avenue
Ridgecrest, CA 93555

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

February 2015

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Appendix A : Biological Site Assessment Report

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1.0 INTRODUCTION

1.0 INTRODUCTION

1.1 DOCUMENT PURPOSE AND SCOPE

This Initial Study/Mitigated Negative Declaration (IS/MND, MND) addresses potential impacts associated with the proposed Ridgecrest Commercial Specific Plan Offsite Improvements Project (Project). The Project proposes the construction of drainage and street improvements related to the development of the Ridgecrest Commercial Specific Plan. Further description of the Project is presented at Section 2.0, "Project Description."

This IS/MND was prepared pursuant to Section 15063 of the *California Environmental Quality Act (CEQA) Guidelines*. Although this document was prepared with consultant support, all analysis, conclusions, findings and determinations presented in the Initial Study fully represent the independent judgment and position of the City of Ridgecrest, acting as Lead Agency under CEQA. In accordance with the provisions of CEQA, and the State and local CEQA Guidelines, as the Lead Agency, the City is solely responsible for approval of the proposed Project. As part of the decision-making process, the City is required to review and consider the potential environmental effects that could result from the Project.

Article 6 of the *CEQA Guidelines* discusses the Mitigated Negative Declaration Process, which is applicable to the Project. Article 6 states in pertinent part:

"A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- (b) The initial study identified potentially significant effects, but:
 - (1) Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
 - (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.”

As supported by the Initial Study presented herein, the City has determined that the Project may result in or cause potentially significant effects. However, compliance with existing policies, plans and regulations, and applicable revisions to the Project plans, together with design features and mitigation measures incorporated in the proposal would avoid the effects or mitigate the effects to a point where no significant impacts would occur. The City has consequently determined that a Mitigated Negative Declaration (MND) should be prepared for the proposed Ridgecrest Commercial Specific Plan Offsite Improvements Project.

The City has the authority to review and approve the proposed Project. This IS/MND is intended to be an informational document, providing the City’s decision-makers, other public agencies, and the public with an objective assessment of the potential environmental impacts that could result from implementation of the proposed Project.

1.2 DOCUMENT ORGANIZATION

This IS/MND includes the following sections.

Introduction: This Section (1.0) describes the format of the IS/MND and provides summary findings of the environmental analysis

Project Description: This Section (2.0) describes the Project and its objectives, and outlines the existing regulations that will affect development of the Project.

Environmental Evaluation: This Section (3.0) presents the Initial Study Environmental Checklist and responses to topical environmental questions posed within the Checklist. Answers provided for items in the Checklist are substantiated qualitatively in all instances, and quantitatively where feasible and appropriate. Additionally, for environmental considerations identified as “potentially significant unless mitigation incorporated,” the checklist discussion identifies potential environmental impacts of the Project, proposes mitigation measures that reduce potentially adverse environmental effects, and indicates levels of significance subsequent to the application of proposed mitigation measures.

Determination: This Section (4.0) responds to questions relating to mandatory findings of impact significance and presents the determination regarding the appropriate environmental document for the Project.

Mitigation Monitoring Plan: This Section (5.0) presents the Project Mitigation Monitoring Plan (MMP). The MMP summarizes potentially significant impacts of the Project together with the specific mitigation measures incorporated in the proposal that avoid or reduce potentially significant environmental effects of the proposal. The MMP also identifies mitigation timing, and parties responsible for implementing and monitoring of mitigation measures.

1.3 DISPOSITION OF THIS DOCUMENT

This Mitigated Negative Declaration and supporting Initial Study will be circulated by the City of Ridgecrest for 20 days, to allow for public and agency review. Comments received on the IS/MND will be considered by the City in their review of the proposed Project. The general public is encouraged to contact the City for responses to specific questions regarding the CEQA process and its administration for the proposed Project.

2.0 PROJECT DESCRIPTION

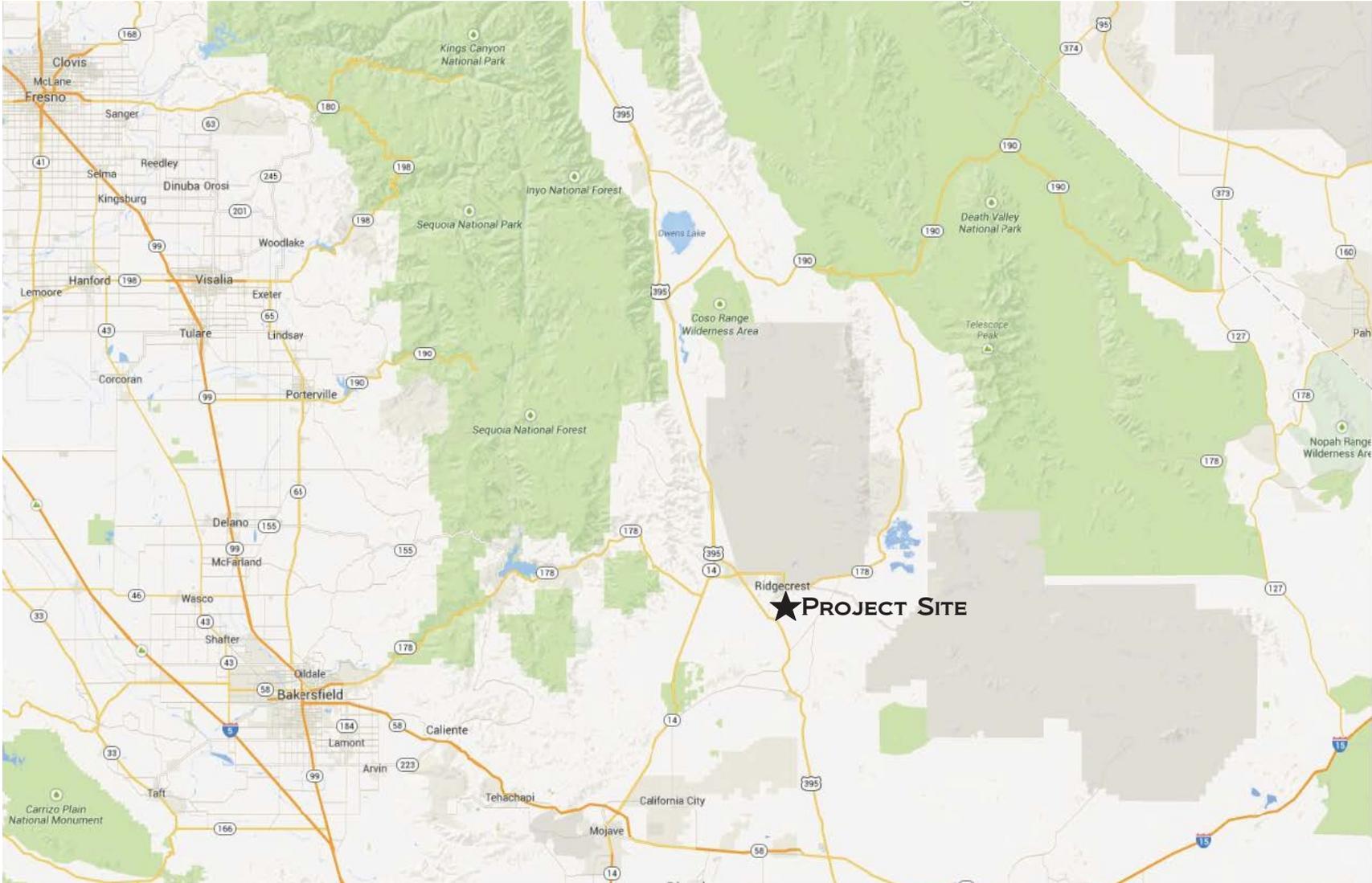
2.0 PROJECT DESCRIPTION

2.1 OVERVIEW

The Ridgecrest Commercial Specific Plan Offsite Improvements Project (Project) proposes the construction of drainage and street improvements related to the development of the Ridgecrest Commercial Specific Plan. The Ridgecrest Commercial Specific Plan was a qualified voter sponsored initiative that was adopted without alteration by the Ridgecrest City Council on February 3, 2010 pursuant to *Elections Code* Section 9214. The Ridgecrest Commercial Specific Plan governs approximately 28.5 acres of vacant land at the southeast corner of South China Lake Boulevard and East Bowman Road and allows for the development of a 205,000-square-foot Major Tenant (proposed to be a Walmart), a 16-pump fueling station and 500-square-foot building, a 25,000-square-foot retail building, and a 5,000-square-foot retail building.

2.2 PROJECT LOCATION

The Project site is located in the City of Ridgecrest in northeastern Kern County, as shown at Figure 2.2-1, "Project Location." The Specific Plan allows for the development of a commercial retail center, along with associated roadway and drainage infrastructure improvements situated within Section 2 of the Ridgecrest South 7.5 minute USGS Quad, Township 27 South, Range 40 East. The City of Ridgecrest is located within the southern portion of Indian Wells Valley, which is surrounded by four mountain ranges: the Southern Sierra Nevada Mountains on the west, the Coso Range on the north, the Argus Range on the east, and the El Paso Mountains on the south. Regional access to the Project site is provided from State Route 14 (SR 14), U.S. 395, and State Route 178 (SR 178). Major arterials that provide access to the Project site include East Bowman Road and South China Lake Boulevard.



NOT TO SCALE

Source: Google Maps, Applied Planning, Inc.



Figure 2.2-1
Project Location

2.3 PROPOSED PROJECT

The Project involves the proposed construction of infrastructure improvements associated with the implementation of the Commercial Specific Plan. The Project components are described in detail below and presented in Figure 2.3-1.

2.3.1 Drainage Improvements

The storm water drainage improvements include the construction of flood control channels along Bowman Road, culverts and a detention basin along South China Lake Boulevard, along with associated culvert crossings. The Major Tenant development will construct on-site storm water drainage facilities for conveyance of on-site runoff into these off-site public storm water improvements. Under existing conditions, storm water runoff originates in the El Paso Mountains to the south of the project and flows north across the site. The development is designed to treat 2-year storm flows onsite prior to discharging to offsite public drainage facilities in order to improve existing water quality and meet future low impact development requirements. Stormwater treatment will be accomplished by using a combination of biofiltration swales and hydrodynamic separation units (CDS Units).

The proposed public drainage improvements are designed as interim flood control measures, under implementation of the City of Ridgecrest's Master Drainage Plan (May 1989) to provide facilities for percolation of runoff, groundwater recharge and beneficial reuse; to alleviate periodic flooding caused by runoff from the large tributary area south and west of the existing commercial center at the southwest corner of South China Lake Boulevard and Bowman Road; and to accommodate the relatively minor flows from the commercial center itself. It is important to clarify that the proposed improvements will not prevent flooding during all storms but represent only the initial, pilot phase of the Master Plan drainage system. The following drainage improvements are proposed within existing state jurisdictional drainage features for the dual purpose of accommodating onsite stormwater flows from the Ridgecrest Commercial Specific Plan and in order to implement the Ridgecrest Storm Drain Master Plan. Please also refer to Table 2.3-1 for a summary of drainage channel improvements.



Source: Kimley-Horn and Associates, Inc.

Figure 2.3-1
Project Improvements

IMPROVEMENT NAME	TYPE OF IMPROVEMENT	MATERIAL	APPROXIMATE LENGTH (FT)	DIMENSIONS
Channel BW-9	Channelization	Rip-rap/unlined, hydroseeded	440	55' W x 8.5' D, 2:1 - 3:1 side slopes
Culvert BW-10	Replace culvert	arch span culvert	210	1 @ 21' W x 8' D
Culvert BW-9 to BW-11	Road crossing	aluminum plate	150	1 @ 17' X 8'
Channel BW-11	Channelization	Rip-rap/armored grade control channel lining/unlined, hydroseeded	2,550	82-97' W x 8' D, 3:1 sides
Channel CHW-12	Detention basin	Native basin bottom	900	10' W x 2.67' D
Culvert CHW-14 to CHW-16	Install culvert	Concrete box culvert	545	2 @ 10' W x 5' D
Culvert CHW-16 to BW-11	Install Road crossing culvert	Concrete box culvert	180	2 @ 10' W x 8' D

Bowman Wash Improvements

The Bowman Wash is an intermittent drainage channel located along the north side of Bowman Road. This man-made flood control channel collects surface flows from storm water during rain events. The flows received from the urban developments are primarily contained west of an outlet weir/culvert located at S. China Lake Boulevard. Surface flows, bed and bank topography, and/or an Ordinary High Water Mark (OHWM) were observed along this feature from Norma Street to the west, to approximately 250 feet east of the existing culvert under China Lake Boulevard. Temporary flows occasionally extend past this point to Sunland Avenue during extreme precipitation events, but evidence of an OHWM or bed and bank topography dissipate.

Downstream of the BW-11/CHW-16 confluence (located at the intersection of S. China Lake Boulevard and East Bowman Avenue), the Bowman Wash channel (BW-11) will be improved (i.e., widened and deepened) to accommodate the increase in storm water runoff caused by upstream improvements. This channel will be extended approximately one-half mile downstream to Sunland Street. In most storms runoff will infiltrate. In

larger storm events water will spread out after it has crossed over Sunland Street as it historically has done.

The following Bowman Wash improvements will be constructed:

- **Channel BW-9:** this is an existing, manmade, earthen trapezoidal channel/detention basin on the north side of Bowman Road, between Norma Street and S. China Lake Boulevard. Approximately 440 feet of the channel west of South China Lake Boulevard will be graded to a 2:1 to 3:1 slope and stabilized by the installation of rock slope protection fabric and rip rap along the side slopes, leaving a native channel bottom. The channel will be lined with reinforced concrete at the transition to Culvert BW-10, an arch culvert to be installed under China Lake Boulevard to connect BW-9 to BW-11. Approximately 428 linear feet (or 0.68 acre) of potential jurisdictional features would be affected in BW-9.
- **Channel BW-11:** the public right-of-way along the north side of E. Bowman Road will be graded and improved to create an earthen channel with a 3:1 slope from South China Lake Boulevard to Sunland Street to convey the flows currently on Bowman Road. BW-11 will convey the flows from the BW-10 culvert, the box culvert under Bowman Road for the CH-14 and CHW-16 flows and the on-site culvert flows. Starting at China Lake Boulevard, the first 600 feet of the channel will be entirely concrete lined to prevent erosion in this confluence, the next 800 feet of channel will be earthen sides and bottom, with armored grade control structures (e.g., rip rap or geogrid) and the remaining approximately 1,100 feet of channel will be unlined, hydroseeded earthen sides and bottom. Approximately 367 linear feet (or 0.14 acre) of jurisdictional features would be affected.

College Heights Wash Improvements

College Heights Wash is a constructed ephemeral roadside channel that conveys flows for brief periods during storm events. This feature receives water primarily from three large corrugated pipes underneath College Heights Boulevard and conveys flows in a northeasterly direction into a dry, level outlet basin south of the S. China Lake Boulevard

and Bowman Road intersection. Approximately 847 linear feet (or 0.06 acre) of jurisdictional features would be affected. The following drainage improvements to the College Heights Wash are proposed as part of the project:

- **Channel CHW-12:** is a proposed detention basin at the southwest corner of the Ridgcrest Commercial Specific Plan area adjacent to South China Lake Boulevard that connects to Channels CHW-14/CHW-16.
- **Channels CHW-14/CHW-16:** combination of approximately 350 foot pre-cast concrete box culvert running adjacent to South China Lake Boulevard and a 180 foot pre-cast concrete box culvert connecting CHW-14/CHW-16 to BW-11 via the concrete box culvert under East Bowman Road.

2.3.2 Roadway Improvements

The following roadway improvements will be constructed as part of the Ridgcrest Commercial Specific Plan:

- East Bowman Road will be widened for approximately 2,500 feet east of South China Lake Boulevard to 200 feet west of Sunland Street.
- West Bowman Road will be widened for approximately 50 feet west of South China Lake Boulevard and then transitioned the next 890 feet to the existing roadway.
- Silver Ridge Street will be constructed and paved from Bowman Road to the southern boundary of the Ridgcrest Commercial Specific Plan, approximately 600 feet.
- The intersection of South China Lake Boulevard and Bowman Road, including turn lanes, widening and transitions will be widened for approximately 600 feet in all directions to provide additional turning lanes.

2.4 DISCRETIONARY APPROVALS AND PERMITS

Discretionary approvals and other permitting actions necessary to realize the Project include, but are not limited to:

- Adoption of this MND;
- Approval of Various Permits Consistent with Sections 1600-1616 of the California Fish and Wildlife Code and Section 401 of the Clean Water Act; and
- Various Demolition, Grading, Encroachment, and Construction Permits.

3.0 ENVIRONMENTAL EVALUATION

3.0 ENVIRONMENTAL EVALUATION

3.1 PROJECT TITLE

Ridgecrest Commercial Specific Plan Offsite Improvements Project

3.2 LEAD AGENCY NAME AND ADDRESS

City of Ridgecrest

100 West California Avenue

Ridgecrest, CA 93555

3.3 PROJECT APPLICANT

Walmart Stores, Inc.

2011 SE 10th Street

Bentonville, AR 72716

3.4 PROJECT LOCATION

The Project site is located in the City of Ridgecrest in northeastern Kern County, as shown at Figure 2.2-1, "Project Location." The City of Ridgecrest is located within the southern portion of Indian Wells Valley, which is surrounded by four mountain ranges: the Southern Sierra Nevada Mountains on the west, the Coso Range on the north, the Argus Range on the east, and the El Paso Mountains on the south. Regional access to the Project site is provided from SR 14, U.S. 395, and SR 178. Major arterials that provide access to the Project site include East Bowman Road and South China Lake Boulevard.

3.5 EXPLANATION OF CHECKLIST CATEGORIES

CEQA suggests format and content for environmental analyses, including topical checklists to assist in evaluation of a project's potential environmental effects. The Checklist presented in this Section follows the Checklist format and presentation of information identified in the *CEQA Guidelines*, Appendix G. Potential environmental effects of the Project are classified and described within the Checklist under the following general headings:

"No Impact" applies where the impact simply does not apply to projects like the one involved. For example, if the project site is not located in a fault rupture zone, then the item asking whether the project would result in or expose people to potential impacts involving fault rupture should be marked as "No Impact."

"Less-Than-Significant Impact" applies where the impact would occur, but the magnitude of the impact is considered insignificant or negligible. For example, a development which would only slightly increase the amount of surface water runoff generated at a project site would be considered to have a less-than-significant impact on surface water runoff.

"Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." Incorporated mitigation measures should be outlined within the checklist and a discussion should be provided which explains how the measures reduce the impact to a less-than-significant level. This designation is appropriate for a Mitigated Negative Declaration, where potentially significant issues have been analyzed and mitigation measures have been recommended.

"Potentially Significant Impact" applies where the project has the potential to cause a significant and unmitigable environmental impact. If there are one or more items marked as "Potentially Significant Impact," an EIR is required.

3.6 INITIAL STUDY CHECKLIST AND SUBSTANTIATION

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
I. AESTHETICS. Would the proposal:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to trees, rocks, outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect the day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

a, b) *No Impact.* The Project does not propose elements that would affect scenic vistas or scenic resources within a designated scenic highway. All proposed drainage and street improvements would occur at the ground level. These low-level improvements would have no effect on any scenic views.

c) *No Impact.* Based on the preceding discussion, the Project would have no effect on the existing visual character and quality of the Project area and its surroundings.

- d) *No Impact*. The roadway improvements would not add any new sources of light or glare. The existing street lighting and signals would be retained along most of the roadway improvement area. Therefore, the Project would have no impact on the day or nighttime views in the area.

Sources: Scenic Highway Mapping System, California Department of Transportation, (http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm, retrieved October 2014).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>II. AGRICULTURE AND FOREST RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:</p>				
<p>a) 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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

- a, c) *No Impact.* The Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. There is no land zoned or used as timber land or forest land within or adjacent to the Project limits.
- b) *No Impact.* No Williamson Act contracts are in place for the subject site. The Project will therefore not conflict with any existing agricultural zoning designations, nor affect any existing Williamson Act contract(s).
- d) *No Impact.* No forest land is located on the Project site or in the vicinity. The Project will have no effect on forest land.

- e) *No Impact*. There is no farmland or any type of agricultural use in or adjacent to the Project limits. The Project does not involve other changes to the environment which could result in the conversion of farm land or forest land to other uses.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
pollutant concentrations?				
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a) *No Impact.* The proposed Project is located within the Mojave Desert Air Basin (MDAB), which covers approximately 20,000 square miles of desert in eastern Kern County and Riverside County, the northern desert portion of Los Angeles County, and most of San Bernardino County. The portion of the MDAB in which the proposed Project is located is regulated by the Eastern Kern Air Pollution Control District (EKAPCD). The EKAPCD California Clean Air Act Ozone Air Quality Attainment Plan was approved by the CARB in 1993. The EKAPCD’s most recent Annual Implementation Progress Report for this attainment plan was completed in 2005. Compliance with existing EKAPCD rules and regulations during construction would ensure conformance with the approved EKAPCD air quality management plans.

A project is deemed inconsistent with air quality plans if it would result in population and/or employment growth that exceeds growth estimates included in the AQMP. Implementation of the proposed Project would not affect population, housing units, or employment or otherwise be inconsistent with the growth forecasts identified in the AQMP. Therefore, the proposed Project would be considered consistent and no impact would occur with the Project’s implementation.

- b) *Less-Than-Significant Impact.* The U.S. EPA and the ARB use different standards for determining whether the Basin is in attainment. Under national standards, the Basin is currently classified as an attainment/maintenance area for 1-hour ozone concentrations; a nonattainment area for 8-hour ozone concentrations; an unclassifiable/attainment area for PM₁₀, PM_{2.5} and CO. The Basin is unclassified for NO_x and SO_x and holds no designation for Lead particulates. Under State standards, the Basin is currently classified as a moderate nonattainment area for 1-hour ozone concentrations; no designation for the 8-hour ozone concentrations and a nonattainment area for PM₁₀. The Basin is unclassified for PM_{2.5} and CO and in attainment for NO_x, SO_x, and Lead particulates under the State standards. The EKCAPCD considers the Basin to be an attainment area for PM₁₀ in accordance with federal thresholds.

During construction hours, there would be minor levels of gaseous and particulate emissions from construction vehicles and equipment, as well as particulates from shallow excavation activities. Such emissions would only occur during actual construction hours and the emissions would dissipate rapidly after cessation of construction activities. All routine dust control measures would be implemented in compliance with EKAPCD Rule 402 to avoid and minimize fugitive dust emissions. Once the Project is completed, there would be no new sources of air pollutant emissions. This Project would not contribute to any violations of state or federal air quality standards.

- c) *No Impact.* Once the Project is completed, there would be no new sources of air pollutant emissions. Given the intermittent and short-term nature of construction emissions, any impacts would be less than significant. Further, the proposed Project would not be population and/or job growth inducing, and therefore would be consistent with the AQMP. Therefore, a cumulatively considerable air quality impact would not occur.

- d) *Less-Than-Significant Impact.* During construction, gaseous and particulate emissions generated by construction vehicles and equipment and minor excavation work could affect pedestrians, bicyclists and possibly people outdoors nearby. Construction of the proposed Project would generate short-term emissions. However, given the extent and intensity of construction activities, it would not generate substantial amounts of air pollutants. Therefore, short-term impacts from the Project’s construction would be less than significant.

- e) *Less-Than-Significant Impact.* During construction, there would be some odors associated with construction vehicles and equipment exhaust emissions and from application of paving materials. Such odors would be minor, highly localized and would not adversely affect nearby land uses. Construction would potentially generate odors due to operation of construction equipment (diesel exhaust). These odors, which would be temporary in nature, would occur during daytime hours only and be isolated to the immediate vicinity of the construction activities. They would not affect a substantial number of people and the impact would be less than significant. Therefore, no impact would occur. The completed Project would not create any new odor sources.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, polices, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a) *Potentially Significant Impact Unless Mitigation Incorporated.* Based on the results of the Project biological surveys, no special-status plants, animals, or protected bird species are present on the Project site. The complete Biological Site Assessment Report can be found at Appendix A of this Initial Study. According to the

Assessment, there is the potential for nesting birds (including burrowing owl), Mohave ground squirrel (MGS), and desert tortoise to migrate onto the site prior to Project construction. For this reason, the proposed Project has a potentially significant impact on protected biological resources. With implementation of Mitigation Measures BIO-1 through BIO-27, any potential impacts will be reduced to less than significant.

BIO-1 Before initiating ground-disturbing activities, Applicant/Permittee shall designate a representative (Designated Representative) responsible for communications with the California Department of Fish and Wildlife (CDFW) and for overseeing compliance with this Permit. The CDFW shall be notified in writing prior to commencement of ground-disturbing activities of the representative's name, business address, and contact information, and shall be notified in writing if a substitute representative is designated.

BIO-2 A biologist (Designated Biologist) knowledgeable and experienced in the biology and natural history of the Covered Species shall monitor construction activities in areas of Covered Species habitat to help avoid the take of individual animals and to minimize habitat disturbance. At least 30 days prior to ground-disturbing activities, the Applicant/Permittee shall submit to the CDFW in writing the proposed Designated Biologist's name, qualifications, business address, and contact information for review. The Designated Biologist must be approved by the CDFW prior to the commencement of ground-disturbing activities.

BIO-3 Prior to ground disturbance, the entire project site shall be fenced with MGS exclusion fence. To avoid impacts to MGS during fence construction, the proposed fence alignment shall be flagged and the alignment surveyed within 24 hours prior to fence construction. Surveys shall be conducted by the Designated Biologist using techniques approved by the CDFW. Biological Monitors may assist the Designated Biologist under his or her supervision. These surveys shall provide 100% coverage of all areas to be disturbed during fence construction and an additional transect along both sides of the proposed fence

line. All small mammal burrows shall be examined to assess occupancy of each burrow by MGS and handled in accordance with CDFW-approved protocol.

The exclusion fencing shall be installed prior to site clearing and grubbing. The fence installation shall be supervised by the Designated Biologist and monitored by the Biological Monitors to ensure the safety of any MGS present. This exclusion fencing shall be constructed of silt fence material that will prohibit wildlife from climbing the fence or burrowing below the fence. The fencing shall be buried approximately twelve inches below the surface and extend a minimum of 30 inches above grade. Fencing shall be installed and maintained during all phases of construction and decommissioning. The fencing shall be inspected by the Designated Biologist weekly and immediately after all major rainfall events through the duration of construction activities. Any needed repairs to the fence shall be performed on the day of their discovery. Exclusion fencing shall be removed once construction or channel work activities are complete. Outside temporarily fenced exclusion areas, the project operator shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas. A copy of the fencing plan shall be submitted to CDFW and the City of Ridgecrest.

After the installation of the MGS exclusion fence and immediately prior to any ground disturbance, the Designated Biologist(s) shall conduct clearance surveys of the construction disturbance area for MGS and their burrows. The survey shall provide 100 percent coverage of suitable habitat within the project site (disturbed saltbush and creosote bush scrub). As a salvage effort, if potentially occupied burrows are identified, an attempt shall be made to trap and relocate the individual(s). Potentially occupied burrows shall also be fully excavated by hand before project activities begin.

BIO-4 As a salvage effort, if potentially occupied burrows are identified, an attempt shall be made to trap and relocate the individual(s). Potentially occupied burrows shall also be fully excavated by hand before project activities begin. Trapping, relocation, and MGS

burrow excavation shall only be conducted by individual(s) possessing an MOU with CDFW for such activities. Where MGS or where active burrows are detected (i.e., MGS are seen going in and out of the burrow), the MGS detected in a burrow shall be trapped and relocated by the Designated Biologist. Relocation sites must meet criteria approved by CDFW. After any MGS detected are trapped and relocated, the biologist shall excavate the active burrow to ensure no other squirrels remain underground. The excavated burrow shall be collapsed to prevent further use.

BIO-5 The Applicant/Permittee shall conduct an education program for all persons who will work onsite during Project implementation and construction. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology of the Covered Species, the habitat needs of the Covered Species, its status under CESA, and the management measures provided in this Permit. A fact sheet containing this information shall also be prepared and distributed. Upon completion of the program, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at City of Ridgecrest offices and shall be made available to the CDFW upon request.

BIO-6 Firearms and domestic dogs shall be prohibited from the Project site and site access routes during construction and development of the Project.

BIO-7 The Designated Biologist shall have authority to immediately stop any activity that is not in compliance with this Permit, and to order any reasonable measure to avoid the take of an individual of the Covered Species.

BIO-8 Dust control shall be implemented during project activities to facilitate visibility for the monitoring of the Covered Species by the Designated Biologist.

BIO-9 A trash abatement program shall be initiated during pre-construction phases of the Project and shall continue throughout the duration of the Project. Trash and food items

shall be contained in closed (raven-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.

BIO-10 The Applicant/Permittee shall clearly delineate the property boundaries of the Project site with fencing, stakes or flags and shall similarly delineate the limits of construction areas.

BIO-11 Project-related personnel shall access the Project site during construction and development activities using existing routes and shall not cross Covered Species' habitat outside of the Project site. To the extent possible, previously disturbed areas within the Project site shall be used for temporary storage areas, laydown sites, and any other surface-disturbing activities. If construction of offsite routes of travel will be required, the CDFW shall be contacted prior to carrying out such an activity. The CDFW may require an amendment to the Permit if additional take of Covered Species may result from Project modification.

BIO-12 All Project-related parking, storage areas, laydown sites, equipment storage, and any other surface disturbing activities shall be confined to the Project site. Off-site Covered Species habitat shall not be used. Project-related vehicle traffic shall be restricted to established roads, staging, and parking areas. Applicant/Permittee shall post signs; place posting stakes, flags, and/or rope or cord; and place fencing as necessary to minimize the disturbance of Covered Species habitat. Vehicle speeds shall not exceed 20 mph on the Project site or construction routes in order to avoid MGS on or traversing these areas.

BIO-13 Any fuel or hazardous waste leaks or spills on the Project site during construction and development activities shall be stopped/repared immediately and cleaned up at the time of occurrence. The storage and handling of hazardous materials shall be excluded from the construction zone and any unused or leftover hazardous products shall be properly disposed of offsite.

BIO-14 The Applicant/Permittee shall provide CDFW representatives with reasonable access to the Project site and mitigation lands under its control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the Permit. Neither the Designated Biologist, nor the CDFW, shall be liable for any costs incurred in complying with the management measures, including cease-work orders issued by the CDFW or as provided in the Permit.

BIO-15 Upon Project completion, all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes shall be removed from the site and disposed of properly.

BIO-16 Notwithstanding any expiration date on the Permit's take authorization, the Applicant/Permittee's obligations under the Permit do not end until the CDFW accepts the Final Mitigation Report as complete.

BIO-17 If a Mohave ground squirrel is found in a burrow during Project-related activities on the Project site, it shall be immediately relocated to a burrow at a protected off-site location approved by the CDFW's Regional Representative. The MGS may only be relocated by a qualified biologist. The relocation burrow shall be prepared in the following manner: dig a hole at least two (2) feet deep, place a nine (9) inch diameter plastic container (with thick enough walls that it will not collapse when buried) in the hole, place cotton bedding material in the container, connect the container to a three (3) inch diameter flexible plastic pipe (with thick enough walls that it will not collapse when buried) running to the surface at a 45 degree angle, cover the artificial burrow with dirt leaving the surface end of the 3 inch pipe open, and place the MGS in the artificial burrow and lightly plug the burrow mouth with soil (in a manner similar to what MGS do in natural burrows). The Designated Representative shall immediately notify the CDFW of the incident unless the incident occurs outside of normal business hours. In that event, the CDFW shall be notified no later than noon on the next business day. Notification to the CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the

date, time, location and circumstances of the incident, the name of the party that actually relocated the animal, and the location (including GPS coordinates) where the animal was moved.

BIO-18 If a Mohave ground squirrel is injured as a result of project related activities, it shall be immediately taken to a CDFW-approved wildlife rehabilitation and or veterinary facility. The Applicant/Permittee shall identify the facility prior to the start of ground disturbing activities. Any costs associated with the care or treatment of such injured Mohave ground squirrels shall be borne by Applicant/Permittee. The CDFW shall be notified immediately unless the incident occurs outside of normal business hours. In that event the CDFW shall be notified no later than noon on the next business day. Notification to the CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location and circumstances of the incident, and the name of the facility where the animal was taken.

BIO-19 To fully mitigate for permanent habitat loss and incidental take of MGS, the Applicant/Permittee will compensate for impacts to 34.65 acres of potential MGS habitat that would be affected during proposed construction activities related to the Walmart retail center and associated offsite drainage and roadway improvements. This will be accomplished either by land acquisition acceptable to CDFW or an assessed financial contribution calculated based on the final construction footprint. With the implementation of the Project, direct permanent impacts to 26.29 acres of potential MGS habitat would be mitigated at a proposed 1:1.5 ratio, resulting in the preservation and management of 39.43 acres of compensatory mitigation land. In addition, temporary impacts to 8.36 acres within the Project site will be mitigated through habitat enhancement at a ratio of more than 2:1 (refer to the Offsite Flood Control Channel Revegetation Plan in Attachment 7). These habitat compensation ratios for permanent and temporary impacts are considered to be sufficient because: 1) take is not expected to exceed one individual, if any; 2) the documented degraded quality of saltbush and creosote bush habitats regularly traversed by OHVs, formerly used for agricultural purposes, and entirely encompassed by commercial and residential developments and well-traveled roads; 3) planned revegetation efforts of

temporarily disturbed areas with native desert species will provide improved habitat quality for MGS as compared to baseline conditions; and lastly, 4) the minor biological significance of resulting from buildout of project in an area that has a low likelihood to support this species. Habitat conservation will consist of the offsite purchase of in-kind habitat of equal or greater value than that impacted. Funding for the long-term management of the land preserved will also be required. The location of the preserved land and the management program will be negotiated between CDFW and the Applicant/Permittee. This mitigation land would contribute to the survival and continued existence of MGS and is consistent with the conservation measures proposed by the Desert Managers Mohave Ground Squirrel Work Group, which recommends securing and/or managing sufficient core habitat and corridors to maintain self-sustaining populations.

The responsibilities for management of the compensation lands may be delegated by written agreement to CDFW or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval CDFW prior to land acquisition or management activities. If habitat disturbance exceeds that described in this analysis, the Applicant/Permittee shall be responsible for acquisition and management of additional compensation lands and/or additional funds required to compensate for any additional habitat disturbances. Additional funds shall be based on the adjusted market value of compensation lands at the time of construction to acquire and manage habitat. Compensatory mitigation will not be required for temporary impacts to on-site drainages as long as the vegetation removed will be restored once construction is complete, and revegetated with native desert shrubs, forbs, and grass species suitable for MGS.

BIO-20 The Applicant/Permittee shall notify the CDFW and shall document compliance with all pre-construction Conditions of Approval before initiating ground-disturbing activities.

BIO-21 The Applicant/Permittee shall notify the CDFW fourteen (14) calendar days before initiating ground-disturbing activities.

BIO-22 *The Applicant/Permittee shall immediately notify the CDFW in writing if it determines that it is not in compliance with any condition of approval of the Permit, including but not limited to any actual or anticipated failure to implement mitigation measures within the time periods indicated in the Permit.*

BIO-23 *The Designated Biologist shall be on site daily while grubbing and grading are taking place to prevent take of the covered species to the greatest extent possible, to check for compliance with all mitigation/avoidance measures, and to check exclusion zones to ensure that signs, stakes, and fencing are intact and that human activities are restricted in these protective zones. Compliance inspections shall be conducted a minimum of once per month after clearing, grubbing, and grading are completed. A monthly compliance report shall be submitted to the CDFW's Regional Representative.*

BIO-24 *Beginning with issuance of the Permit and continuing for the life of the Permit, Applicant/Permittee shall provide the CDFW an annual Status Report no later than January 31 of every year. Each Status Report shall include, at a minimum: 1) a general description of the status of the Project site and construction activities, including actual or projected completion dates, if known; 2) an update of the current implementation status of each mitigation measure; and 3) an assessment of the effectiveness of each completed or partially completed mitigation measure in minimizing and compensating for Project impacts.*

BIO-25 *All observations of Covered Species and their sign during Project activities shall be conveyed to the Designated Representative or Designated Biologist. This information shall be included in the next monthly compliance report submitted to the CDFW by the Permittee.*

BIO-26 *No later than 45 days after completion of the Project, including completion of all mitigation measures, Permittee shall provide the CDFW with a Final Mitigation Report. The Final Mitigation Report shall be prepared by the Designated Biologist and shall include, at a minimum: 1) a discussion of when each of the mitigation measures was*

implemented; 2) all available information about Project-related incidental take of Covered Species; 3) information about other Project impacts on the Covered Species; 4) construction dates; 5) an assessment of the effectiveness of the Permit's conditions of approval in minimizing and compensating for Project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future projects on the Covered Species; and 7) any other pertinent information, including the level of take of the Covered Species associated with the Project.

BIO-27 If a Mohave ground squirrel is killed by project-related activities during construction, or if a Mohave ground squirrel is otherwise found dead, the Designated Biologist shall be immediately notified and a written report will be sent to the CDFW within two (2) calendar days. The report will include the date, time of the finding or incident, location of the carcass, and the circumstances.

- b) *Potentially Significant Impact Unless Mitigation Incorporated.* No riparian habitat or other native habitat exists within the Project site or in the Project vicinity. Based on the results of the Project biological surveys, 1.2 acres/1,596 linear feet of waters of the State were mapped within the limit of grading. Impacts to Waters of the state will be reduced to less than significant with implementation of Mitigation Measure BIO-28. Implementation of the Project would not affect any riparian habitat or other sensitive natural community.

BIO-28 Potential impacts to non-wetland, non-riparian State-regulated waters were identified on the Project site. Assuming these features will be considered jurisdictional by CDFW and Lahontan Regional Water Quality Control Board (LRWQCB), the following actions will occur prior to Project construction activities:

- 1. Submit a Notification package to the California Department of Fish and Wildlife under Section 1600 of the State Fish and Wildlife Code. If CDFW determines that the Project will require a Streambed Alteration Agreement for impacts to the drainage channel,*

then the Agreement will be acquired and all conditions will be agreed to prior to Project construction.

2. *Submit to the LRWQCB an application for Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the State.*

Securing permits and compliance with the state policies will be required to result in no net loss of waters as a result of the Project. Also, as part of the proposed Project, the applicant shall implement standard construction and storm water BMPs to contain and minimize surface runoff originating from the development, thereby avoiding and/or reducing adverse impacts to isolated waters. Standard sediment and erosion control measures (e.g., use of silt fencing around the perimeter of the construction zone) will be implemented to protect jurisdictional wetlands and other waters during construction. Additionally, runoff produced during and after construction is subject to National Pollution Discharge Elimination System Regulations (NPDES) and local water quality and runoff standards.

- c) *No Impact.* The Project site does not contain, and is not adjacent to any areas that would qualify as jurisdictional waters or wetlands. For this reason, the proposed Project would have no impact on state or federally protected waters or wetlands as defined by Sections 401 and 404 of the Clean Water Act (CWA).
- d) *Less-Than-Significant Impact.* The Project site is not located within an established movement corridor. Additionally, the Project site is not a known wildlife nursery site. For these reasons, construction and operation of the proposed Project would have no impact on wildlife corridors or nursery sites.
- e, f) *Less-Than-Significant Impact.* Construction and operation of the proposed Project would not conflict with local goals, objectives, and policies regarding the protection of sensitive biological resources. The Project site and the surrounding vicinity are not part of any adopted habitat conservation plan, natural community

conservation plan, or other approved local, regional, or state habitat conservation plan. For this reason, construction and operation of the proposed Project would have no impact on any adopted habitat conservation plan.

Sources: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008; *Biological Site Assessment Report, Ridgecrest Commercial Specific Plan, Ridgecrest, California* (Cal Ecology) September 26, 2014.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a) *No Impact.* Neither the Project site nor the surrounding properties are identified as historic resources; they have not been identified to be eligible for listing by the State Historical Resources Commission, nor have they been identified as eligible for listing on the National Register of Historic Places.

- b, c) *No Impact.* All work would occur within previously disturbed ground surfaces and subsurface areas and thus the Project would not affect archaeological or paleontological resources that might lie within undisturbed soil materials.

- d) *Less-Than-Significant Impact.* The Project site and its surrounding area are highly disturbed and the possibility of discovering human remains is unlikely. However, the lack of past evidence of a Native American burial ground or human remains at the Project site does not guarantee the absence of subsurface remains. Therefore, as required by California Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains were found to be prehistoric, the coroner would coordinate with the California Native American Heritage Commission as required by State law. Based on compliance with these existing regulations, the Project’s potential to disturb human remains is considered less-than-significant.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant			
Potentially Significant Impact	Unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact	

VI. GEOLOGY AND SOILS. Would the Project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

- i) Rupture of a known earthquake fault, as

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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.				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

a.i) *No Impact.* The site is not located in an Alquist-Priolo Earthquake Fault Zone. There are no known active or potentially active faults, with known surface traces,

traversing the Project site. The nearest known active fault is the Little Lake fault zone, located about ¼ mile east of the site. Given that no mapped faults have been identified trending through the site, the potential for fault rupture at the site is considered low.

- a.ii, iii) *Less-Than-Significant Impact*. The Project site is located in a region known to be seismically active and strong seismic ground-shaking is anticipated during an earthquake. The proposed street improvements do not include any habitable structures or critical facilities that could result in serious harm to people or loss of crucial community support facilities due to severe seismic groundshaking or seismically-induced ground failure.
- a.iv) *No Impact*. The entire Project area is relatively flat and there are no conditions that could result in landslides triggered by seismic ground motions or other environmental influences.
- b) *Less-Than-Significant Impact*. There is minimal potential for any soil erosion within the landscaped portions of the Project limits and not potential within the existing pavement area within the Project limits. The proposed street improvements would result in an increase in impervious surface coverage, due to expanded pavement area and reduction of already landscaped areas. The potential for soil erosion would therefore be reduced compared to existing conditions.
- c, d) *Less-Than-Significant-Impact*. The Project site and vicinity properties are not characterized by expansive soils. The potential for encountering previously unidentified expansive soils is considered unlikely, and potential impacts deriving from expansive soils are considered less-than-significant.

- e) *No Impact.* The Project does not include either sewer or septic systems. Thus, there is no potential for adverse impacts to result from inadequate soils in this regard.

Sources: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008; Geotech Supplement May 7, 2014.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

- a) *Less-Than-Significant Impact.* During construction, minor volumes of greenhouse gases (GHGs), primarily carbon dioxide, would be generated in the exhaust emissions from construction vehicles and equipment. These GHGs are typically present in such exhaust emissions and this Project would not require use of any unique machinery or processes that could generate higher than normal levels of greenhouse gases during construction.
- b) *No Impact.* The provisions of AB 32, SB 375, the CARB Scoping Plan and other state-level GHG reduction plans do not apply specifically to small-scale street improvement and public improvement projects. No GHG reduction plans or

policies have been adopted in Kern County or the City of Ridgecrest to regulate GHG emissions from construction activities. Therefore, the proposed Project would not conflict with any plans, policies or regulations adopted to reduce GHG emissions.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
safety hazard for the people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for the people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

a, b) *Less-Than-Significant Impact*. The Project does not propose uses or activities that might require the substantial transportation, use or storage of hazardous or potentially hazardous materials. During construction activities, there will be limited transport of potentially hazardous materials (e.g., gasoline, diesel fuel, paints, solvents, fertilizer, etc.) to and from the Project site. The transport of these materials is required to meet all City and County Hazardous Materials Management Plans and regulations.

Compliance with existing regulations, as identified above, also reduces the potential for risk of accidental explosion or release of hazardous substances during materials transport. On the basis of the preceding discussion, potential impacts associated with transport of potentially hazardous materials that may be associated with the Project are considered less-than-significant.

- c) *No Impact.* The closest existing schools are James Monroe Middle School and Gateway Elementary School, which are located approximately one mile northwest and one mile northeast of the Project site, respectively. The Project does not include elements or aspects that will create or otherwise result in hazardous emissions. The Project will result in no impacts related to hazardous emissions or hazardous materials handling within one-quarter mile of an existing or proposed school.

- d) *No Impact.* The Project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. In addition, the Project site is not identified in the Ridgecrest General Plan as a hazardous material location of special concern. The Project is not expected to create a significant hazard to the public or the environment.

- e, f) *No Impact.* The nearest airport to the Project site is the Inyokern Airport located approximately 9.5 miles northwest of the Project site. As such, the Project site is not located within any Airport Land use Plan and is not subject to land use regulations within any such plan. In addition, Figure 8-1 (Flooding and Aircraft Hazard) of the Ridgecrest General Plan depicts the Project site as not being located within an accident potential or drop potential zone. No private airstrips are located in the vicinity of the Project site. No impact would occur with regard to private airstrips. Thus, no impact would occur.

- g) *No Impact.* The Project would not interfere with any identified emergency response or emergency evacuation plan. The City of Ridgecrest has an emergency response alert plan that provides services in times of disasters such as earthquakes. Implementation of the proposed Project would not substantially impede public access or travel upon public rights-of-way and would not interfere with any adopted emergency response plan or emergency evacuation plan. In addition, implementation of the proposed Project involves the improvement of existing road infrastructure which would act to improve emergency evacuation within the

City of Ridgecrest. No impact would occur to emergency response plans with implementation of the proposed Project.

- h) *No Impact.* The Project site is located in an area that has been completely urbanized, and there are no wildlands adjacent to the Project area. The proposed Project would not increase the fire hazard in this area. Therefore, there is no impact.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 the 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
surface runoff in a manner which would result in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of the existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

- a) *Less-Than-Significant Impact.* The Project applicant would be required to implement Best Management Practices, which are defined as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or

waste disposal, or drainage from raw material storage. Thus, with incorporation of Best Management Practices (BMPs), the proposed Project would result in a less than significant water quality impact.

- b) *Less-Than-Significant Impact.* The Project would not contribute to groundwater depletion, nor discernibly interfere with groundwater recharge. The Project would not contribute to groundwater depletion or interfere with groundwater recharge to an environmentally significant degree. The Indian Wells Valley Water District provides water throughout the City of Ridgecrest. Groundwater is the sole source of potable water supply in the Indian Wells Valley. The primary components of natural recharge to the groundwater system in the Indian Wells Valley is infiltration of surface runoff from the Sierra Nevada, Coso and Argus ranges; subsurface flow from the Sierra Nevada bedrock unit, and geothermal upwelling and subsurface flow from the Rose Valley. Direct additions or withdrawals of groundwater are not proposed by the Project. Further, construction proposed by the Project will not involve massive substructures at depths that would significantly impair or alter the direction or rate of flow of groundwater. Based on the preceding discussions, the Project's potential impacts to groundwater availability, quality, or recharge capabilities, are considered less-than-significant.
- c, d) *Less-Than-Significant Impact.* The alteration of water courses is not an element of this proposal. No open bodies of water currently exist within or near the Project site. In order to detain expected increased volume, all of the proposed Project drainage improvements, along with the retention capacity of channel BW-11, are designed to have sufficient capacity to safely contain and pass a 100-year storm event without overtopping the channel banks. Potential impacts in this regard are considered less-than-significant.
- e) *Less-Than-Significant Impact.* The proposed Project would not provide substantial additional sources of polluted runoff to the storm drain system and impacts would be less than significant.

- f) *Less-Than-Significant Impact.* Groundwater quality underlying the Project site is considered generally acceptable and is absent significant contaminants. The proposed Project would not essentially change the existing conditions of the Project site, and the Project would not result in significant changes in the quality of surface water. No unusual contamination or pollutant is anticipated as a result of implementing the Project. Therefore, Project impact on water quality would be less than significant.
- g, h) *No Impact.* According to the Safety Element of the City of Ridgecrest General Plan, the Project site lies within a 100-year flood hazard area. The Federal Emergency Management Agency (FEMA) Flood Zone Map for the area designates the proposed Project site as within the Flood Zone B. However, the Project drainage and street improvements do not propose any housing or structures. Therefore, there is no associated Project impact.
- i) *No Impact.* The proposed Project would not construct any structures, and there are no dams or levees in proximity to the Project site. Therefore, the proposed Project would not expose people or structures to flooding as a result of a failure of a levee or dam.
- j) *No Impact.* The proposed Project does not lie in a potential inundation area. There are no major dams or waterways located on or near the site, nor is it located near any bodies of water or water storage facilities that would be considered susceptible to seiche. The Project site is located in the Indian Wells/Valley surrounded by mountains, however, there are no major hills or steep slopes in the immediate Project vicinity. The proposed Project site is relatively flat; therefore, it does not contain any potential sources for mudflow. Therefore, no impact would occur with respect to risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

- a) *No Impact.* No separation of uses or disruption of access between land use types would occur as a result of the Project. Accordingly, implementation of the proposed Project would not disrupt or divide the physical arrangement of the established community. No impact would occur to an established community with implementation of the proposed Project.
- b) *No Impact.* This offsite improvement Project is not governed by any land use policies, would not change any neighboring land uses or land use policies, and would not conflict with any land use policies. The Project will have no impact in this regard.

- c) *No Impact.* There are no existing or proposed habitat conservation plans or natural conservation plans that would affect the Project; nor would the Project affect any identified conservation plans. No impacts due to inconsistency with habitat conservation plans or natural community conservation plans are anticipated.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and to the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

- a, b) *No Impact.* No known mineral resources of value to the region and the residents of the State have been identified on the Project site. Therefore, development of the Project would not result in any impacts to mineral resources that would be of future value to the region and the residents of the State.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

- a) *Less-Than-Significant Impact.* The Project is located within the city of Ridgecrest and is regulated by the Ridgecrest General Plan Noise Element operational noise limitations. As such, the Project will comply with the standards established within

the applicable general plan and will have less than significant impacts in this regard.

- b) *Less-Than-Significant Impact.* The Project does not propose operations or activities or uses that would result in substantial sources of vibration. However, heavy equipment employed during construction could potentially generate groundborne vibration. This would create minor groundborne vibrations that would not extend outside of the roadway and drainage area and would thus have no adverse effects on neighboring land uses. All jack-hammering work would be done during normal daylight work hours, and this noise would be considered acceptable as part of normal construction operations. The completed street improvements would have the same noise profile as the existing street, i.e. dominated by noise from vehicular traffic engines and tires.

- c) *Less-Than-Significant Impact.* The Project proposes drainage and street improvements and, as such, any associated increase in noise levels would be temporary in nature and would not be considered a permanent increase.

- d) *Less-Than-Significant Impact.* Construction activities would temporarily increase noise levels at construction staging areas, throughout the entire construction period. Noise levels would vary, depending on the type and number of trucks, heavy machinery and smaller construction equipment being used. Construction would occur mainly during normal daylight work hours, i.e. 8 am to 6 pm, Monday-Friday. To accomplish the Project's scheduling objectives, work would also occur periodically on Saturdays and Sundays and on some occasions, overnight. Overnight work would be limited to work that does not involve the use of jack hammers such as reconstructing base material, applying new pavement overlay, installing traffic striping, installing traffic loops, etc., which will involve noise from the large trucks and machines associated with that work. No jack-hammering would be permitted during overnight construction. Since these effects would occur intermittently and would be temporary in nature, they would be considered less than significant.

e, f) *No Impact*. The nearest airport to the Project site is the Inyokern Airport; located approximately 9.5 miles northwest of the Project site. As such, the Project site is not located within any Airport Land use Plan and would not be exposed to severe noise levels from airport or aircraft-related activities.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in the area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

a) *No Impact*. The proposed Project would involve drainage and roadway improvements; the Project would not include the construction of homes or businesses, extend roads into previously undeveloped areas or areas that are limited in potential for growth due to lack of transportation infrastructure, or otherwise induce population growth. The proposed Project is designed to improve both the existing flow of traffic and areawide drainage. These improvements have

already been anticipated in the General Plan and the City and County Master Plan of Drainage. Therefore, no impact on population growth would occur.

b,c) *No Impact*. The Project does not involve or propose the displacement of any on-site or off-site housing stock. No impacts relating to displacement of housing will result from the Project.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of the new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

a, b) *No Impact*. The Project would have no effect on the demand for or provision of fire or police services and would thus create no impacts involving construction of any new or modified stations or support facilities.

c-e) *Less-Than-Significant Impact*. The Project proposed roadway and drainage improvements would have no effect on the demand for or provision of school, park, or other public facilities or services and would thus create no impacts involving construction of any new or modified facilities.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

a,b) *No Impact*. The proposed Project consists solely of drainage and roadway improvements, and as such, does not propose elements (e.g., residential

development) that would result in substantially increased demands for neighborhood or regional parks or other recreational facilities. The Project will have no impact in this regard.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

- a, b) *Less-Than-Significant Impact*. The proposed Project improvements are not expected to conflict with any applicable plan, ordinance, policy or congestion management program. The Project proposes infrastructure improvements; any traffic impacts would be considered short-term and temporary in nature.
- c) *No Impact*. The nearest airport to the Project site is the Inyokern Airport located approximately 9.5 miles northwest of the Project site. The Project does not propose elements or aspects that would affect air traffic patterns. Potential impacts associated with air traffic in the vicinity are considered less-than-significant.
- d) *No Impact*. The proposed Project roadway improvements include widening and paving existing roadways and would not include any curvilinear roadways with sharp curves. Therefore, the proposed Project would not substantially increase safety hazards due to a design feature or incompatible use. No impact would occur.
- e) *No Impact*. The Project does not propose elements or aspects that would obstruct or restrict emergency access to or through the area. In conjunction with the review and approval of building permits, the City will review all plans to assure compliance with all applicable emergency access and safety requirements.

- f) *No Impact*. The proposed Project is not expected to conflict with adopted policies, plans, or programs supporting alternative transportation. Therefore, there would be no impact to adopted policies or existing alternative transportation facilities.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS.				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation:

a, b, e) *No Impact.* The proposed Project would involve drainage and roadway improvements. The proposed Project would not construct any new buildings or otherwise induce population growth that would increase the demand for water or increase the amount of wastewater being generated into the system. Operation of the proposed Project would not require additional sewer, wastewater treatment, or water services over current conditions. Therefore, no impact would occur.

c) *No Impact.* The focus of this document is to assess the potential impacts of the Project. These small drainage and roadway improvements would not be considered an incremental improvement of an existing storm drain facility. The capacity of the street drainage system would not be affected and no other modifications to the existing drainage system would be required. Therefore, no impact to storm water drainage facilities would occur.

d) *No Impact.* The proposed Project would not construct any new buildings or otherwise induce population growth that would increase the demand for water supplies. Operation of the proposed Project would not require permanent needs of additional water supplies. Therefore, no impact would occur.

f,g) *No Impact.* The proposed Project would generate an insignificant amount of construction waste. The solid waste generated during the construction of the proposed Project would be disposed of in accordance with all applicable statutes and conservation measures regarding solid waste and recycling of waste materials. Operation of the proposed Project would not generate any solid waste. Therefore, no impact would occur.

Source: *City of Ridgecrest General Plan - Public Draft* (Matrix Design Group, Inc.), October 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to 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, 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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on human beings, either directly or indirectly?

Substantiation:

- a) *Potentially Significant Unless Mitigation Incorporated.* Implementation of the proposed Project would not have a significant impact on special-status plant and animal species. Therefore, cumulative impacts would be less than significant. Although the proposed Project could potentially impact protected species and state-jurisdictional drainages, Mitigation Measures BIO-1 through BIO-28 will ensure that the Project’s impacts are less than significant.

The Project would not affect biological resources, and therefore does not have the potential to significantly degrade the quality of biological resources, 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, reduce the number or restrict the range of a rare or endangered plant or animal.

- b) *Less-Than-Significant Impact.* The proposed Project would contribute air emissions and noise to the Project area during short-term, temporary, Project construction-related activities. No significant or potentially significant unmitigable long-term environmental effects of the proposed Project have been identified. In addition, the proposed Project would not induce growth that would promote cumulative impacts. Therefore, Project impacts would be less than significant.
- c) *Less-Than-Significant Impact.* As supported by the preceding environmental evaluation, the Project will not cause substantial adverse effects on human

beings. Under each environmental consideration addressed herein, the proposed Project is considered to have either no impact, or potential effects of the proposal are substantiated at, or are mitigated to, levels that are less-than-significant.

4.0 DETERMINATION

4.0 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.	<input type="checkbox"/>
I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described previously have been added to the project. A NEGATIVE DECLARATION will be prepared.	<input checked="" type="checkbox"/>
I find that the project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	<input type="checkbox"/>
I find that the project MAY have a significant effect(s) 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 an earlier analysis as described on attached sheets. If the effect is a potentially significant impact or potentially significant unless mitigated an ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that need to be addressed.	<input type="checkbox"/>
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 all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.	<input type="checkbox"/>

City of Ridgecrest:

Signature _____ Date _____

Printed Signature: _____

5.0 MITIGATION MONITORING PLAN

5.0 MITIGATION MONITORING PLAN

5.1 INTRODUCTION

To ensure that the mitigation measures contained in the MND are properly implemented, a monitoring program has been devised pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated into the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described at *CEQA Guidelines* § 15097, this MMP employs reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures; and
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated into the Project are presented in the following Section 5.2. Specific mitigation measures incorporated into the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within this Section in Table 5-1.

5.2 MITIGATION MONITORING AND REPORTING

5.2.1 Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Ridgecrest is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all construction-related and operational mitigation activities, and will require its contractors to implement this mitigation monitoring plan. Primary responsibility for compliance with Project mitigation measures, and reporting the progress of that compliance through the mitigation monitoring plan resides with the City. As notification to affected parties, all of the Mitigation Measures presented herein shall appear on all construction drawings and contract documents.

Any proposed substantive modifications to the mitigation measures presented herein will be reported immediately to any potentially affected agencies. Prior to their implementation, the City will ensure that any proposed substantive modification of the mitigation measures or procedures identified within this mitigation monitoring plan are first approved by any affected responsible agencies.

If, during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City will immediately inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>BIO-1 Before initiating ground-disturbing activities, Applicant/Permittee shall designate a representative (Designated Representative) responsible for communications with the California Department of Fish and Wildlife (CDFW) and for overseeing compliance with this Permit. The CDFW shall be notified in writing prior to commencement of ground-disturbing activities of the representative's name, business address, and contact information, and shall be notified in writing if a substitute representative is designated.</i>	Prior to issuance of grading permits.	Applicant	City of Ridgecrest Planning Department, CDFW	Before issuance of grading permits.
<i>BIO-2 A biologist (Designated Biologist) knowledgeable and experienced in the biology and natural history of the Covered Species shall monitor construction activities in areas of Covered Species habitat to help avoid the take of individual animals and to minimize habitat disturbance. At least 30 days prior to ground-disturbing activities, the Applicant/Permittee shall submit to the CDFW in writing the proposed Designated Biologist's name, qualifications, business address, and contact information for review. The Designated Biologist must be approved by the CDFW prior to the commencement of ground-disturbing activities.</i>	Prior to issuance of grading permits.	Applicant	City of Ridgecrest Planning Department, CDFW	Before issuance of grading permits.
<i>BIO-3 Prior to ground disturbance, the entire project site shall be fenced with MGS exclusion fence. To avoid impacts to MGS during fence construction, the proposed fence alignment shall be flagged and the alignment surveyed within 24 hours prior to fence construction. Surveys shall be conducted by the Designated Biologist using techniques approved by the CDFW. Biological Monitors may assist the</i>	Prior to issuance of grading permits.	Applicant, Project Biologist	City of Ridgecrest Planning Department, CDFW	Before issuance of grading permits.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>Designated Biologist under his or her supervision. These surveys shall provide 100% coverage of all areas to be disturbed during fence construction and an additional transect along both sides of the proposed fence line. All small mammal burrows shall be examined to assess occupancy of each burrow by MGS and handled in accordance with CDFW-approved protocol.</i>				
<i>The exclusion fencing shall be installed prior to site clearing and grubbing. The fence installation shall be supervised by the Designated Biologist and monitored by the Biological Monitors to ensure the safety of any MGS present. This exclusion fencing shall be constructed of silt fence material that will prohibit wildlife from climbing the fence or burrowing below the fence. The fencing shall be buried approximately twelve inches below the surface and extend a minimum of 30 inches above grade. Fencing shall be installed and maintained during all phases of construction and decommissioning. The fencing shall be inspected by the Designated Biologist weekly and immediately after all major rainfall events through the duration of construction activities. Any needed repairs to the fence shall be performed on the day of their discovery. Exclusion fencing shall be removed once construction or channel work activities are complete. Outside temporarily fenced exclusion areas, the project operator shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas. A copy of the</i>				

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>fencing plan shall be submitted to CDFW and the City of Ridgecrest.</i>				
<i>After the installation of the MGS exclusion fence and immediately prior to any ground disturbance, the Designated Biologist(s) shall conduct clearance surveys of the construction disturbance area for MGS and their burrows. The survey shall provide 100 percent coverage of suitable habitat within the project site (disturbed saltbush and creosote bush scrub). As a salvage effort, if potentially occupied burrows are identified, an attempt shall be made to trap and relocate the individual(s). Potentially occupied burrows shall also be fully excavated by hand before project activities begin.</i>				
<i>BIO-4 As a salvage effort, if potentially occupied burrows are identified, an attempt shall be made to trap and relocate the individual(s). Potentially occupied burrows shall also be fully excavated by hand before project activities begin. Trapping, relocation, and MGS burrow excavation shall only be conducted by individual(s) possessing an MOU with CDFW for such activities. Where MGS or where active burrows are detected (i.e., MGS are seen going in and out of the burrow), the MGS detected in a burrow shall be trapped and relocated by the Designated Biologist. Relocation sites must meet criteria approved by CDFW. After any MGS detected are trapped and relocated, the biologist shall excavate the active burrow to ensure no other squirrels remain underground. The excavated burrow shall be collapsed to prevent further use.</i>	Prior to issuance of grading permits.	Applicant, Project Biologist	City of Ridgecrest Planning Department	Before issuance of grading permits.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>BIO-5 The Applicant/Permittee shall conduct an education program for all persons who will work onsite during Project implementation and construction. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology of the Covered Species, the habitat needs of the Covered Species, its status under CESA, and the management measures provided in this Permit. A fact sheet containing this information shall also be prepared and distributed. Upon completion of the program, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at City of Ridgecrest offices and shall be made available to the CDFW upon request.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.
<i>BIO-6 Firearms and domestic dogs shall be prohibited from the Project site and site access routes during construction and development of the Project.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.
<i>BIO-7 The Designated Biologist shall have authority to immediately stop any activity that is not in compliance with this Permit, and to order any reasonable measure to avoid the take of an individual of the Covered Species.</i>	Throughout construction.	Applicant, Project Biologist	City of Ridgecrest Planning Department	Ongoing throughout construction.
<i>BIO-8 Dust control shall be implemented during project activities to facilitate visibility for the monitoring of the Covered Species by the Designated Biologist.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>BIO-9 A trash abatement program shall be initiated during pre-construction phases of the Project and shall continue throughout the duration of the Project. Trash and food items shall be contained in closed (raven-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.
<i>BIO-10 The Applicant/Permittee shall clearly delineate the property boundaries of the Project site with fencing, stakes or flags and shall similarly delineate the limits of construction areas.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.
<i>BIO-11 Project-related personnel shall access the Project site during construction and development activities using existing routes and shall not cross Covered Species' habitat outside of the Project site. To the extent possible, previously disturbed areas within the Project site shall be used for temporary storage areas, laydown sites, and any other surface-disturbing activities. If construction of offsite routes of travel will be required, the CDFW shall be contacted prior to carrying out such an activity. The CDFW may require an amendment to the Permit if additional take of Covered Species may result from Project modification.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>BIO-12 All Project-related parking, storage areas, laydown sites, equipment storage, and any other surface disturbing activities shall be confined to the Project site. Off-site Covered Species habitat shall not be used. Project-related vehicle traffic shall be restricted to established roads, staging, and parking areas. Applicant/Permittee shall post signs; place posting stakes, flags, and/or rope or cord; and place fencing as necessary to minimize the disturbance of Covered Species habitat. Vehicle speeds shall not exceed 20 mph on the Project site or construction routes in order to avoid MGS on or traversing these areas.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.
<i>BIO-13 Any fuel or hazardous waste leaks or spills on the Project site during construction and development activities shall be stopped/repared immediately and cleaned up at the time of occurrence. The storage and handling of hazardous materials shall be excluded from the construction zone and any unused or leftover hazardous products shall be properly disposed of offsite.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.
<i>BIO-14 The Applicant/Permittee shall provide CDFW representatives with reasonable access to the Project site and mitigation lands under its control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the Permit. Neither the Designated Biologist, nor the CDFW, shall be liable for any costs incurred in complying with the management measures, including cease-work orders issued by the CDFW or as provided in the Permit.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department, CDFW	Ongoing throughout construction.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>BIO-15 Upon Project completion, all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes shall be removed from the site and disposed of properly.</i>	Prior to issuance of occupancy permits.	Applicant	City of Ridgecrest Planning Department	Before issuance of occupancy permits.
<i>BIO-16 Notwithstanding any expiration date on the Permit's take authorization, the Applicant/Permittee's obligations under the Permit do not end until the CDFW accepts the Final Mitigation Report as complete.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department	Ongoing throughout construction.
<i>BIO-17 If a Mohave ground squirrel is found in a burrow during Project-related activities on the Project site, it shall be immediately relocated to a burrow at a protected off-site location approved by the CDFW's Regional Representative. The MGS may only be relocated by a qualified biologist. The relocation burrow shall be prepared in the following manner: dig a hole at least two (2) feet deep, place a nine (9) inch diameter plastic container (with thick enough walls that it will not collapse when buried) in the hole, place cotton bedding material in the container, connect the container to a three (3) inch diameter flexible plastic pipe (with thick enough walls that it will not collapse when buried) running to the surface at a 45 degree angle, cover the artificial burrow with dirt leaving the surface end of the 3 inch pipe open, and place the MGS in the artificial burrow and lightly plug the burrow mouth with soil (in a manner similar to what MGS do in natural burrows). The Designated Representative shall immediately notify the</i>	Throughout construction.	Applicant, Project Biologist	City of Ridgecrest Planning Department, CDFW	Ongoing throughout construction.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>CDFW of the incident unless the incident occurs outside of normal business hours. In that event, the CDFW shall be notified no later than noon on the next business day. Notification to the CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location and circumstances of the incident, the name of the party that actually relocated the animal, and the location (including GPS coordinates) where the animal was moved.</i>				
<i>BIO-18 If a Mohave ground squirrel is injured as a result of project related activities, it shall be immediately taken to a CDFW-approved wildlife rehabilitation and or veterinary facility. The Applicant/Permittee shall identify the facility prior to the start of ground disturbing activities. Any costs associated with the care or treatment of such injured Mohave ground squirrels shall be borne by Applicant/Permittee. The CDFW shall be notified immediately unless the incident occurs outside of normal business hours. In that event the CDFW shall be notified no later than noon on the next business day. Notification to the CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location and circumstances of the incident, and the name of the facility where the animal was taken.</i>	Throughout construction.	Applicant, Project Biologist	City of Ridgecrest Planning Department, CDFW	Ongoing throughout construction.
<i>BIO-19 To fully mitigate for permanent habitat loss and incidental take of MGS, the Applicant/Permittee will compensate for impacts to 34.65 acres of potential MGS habitat that would be affected during proposed construction activities related to the Walmart retail center</i>	Prior to issuance of occupancy permits.	Applicant	City of Ridgecrest Planning Department, CDFW	Before issuance of occupancy permits.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<p><i>and associated offsite drainage and roadway improvements. This will be accomplished either by land acquisition acceptable to CDFW or an assessed financial contribution calculated based on the final construction footprint. With the implementation of the Project, direct permanent impacts to 26.29 acres of potential MGS habitat would be mitigated at a proposed 1:1.5 ratio, resulting in the preservation and management of 39.43 acres of compensatory mitigation land. In addition, temporary impacts to 8.36 acres within the Project site will be mitigated through habitat enhancement at a ratio of more than 2:1 (refer to the Offsite Flood Control Channel Revegetation Plan in Attachment 7). These habitat compensation ratios for permanent and temporary impacts are considered to be sufficient because: 1) take is not expected to exceed one individual, if any; 2) the documented degraded quality of saltbush and creosote bush habitats regularly traversed by OHVs, formerly used for agricultural purposes, and entirely encompassed by commercial and residential developments and well-traveled roads; 3) planned revegetation efforts of temporarily disturbed areas with native desert species will provide improved habitat quality for MGS as compared to baseline conditions; and lastly, 4) the minor biological significance of resulting from buildout of project in an area that has a low likelihood to support this species. Habitat conservation will consist of the offsite purchase of in-kind habitat of equal or greater value than that impacted. Funding for the long-term management of the land preserved will also be required. The location of the preserved land and the management program will be negotiated between CDFW and the Applicant/Permittee. This mitigation land would contribute to</i></p>				

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><u>Biological Resources</u></p> <p><i>the survival and continued existence of MGS and is consistent with the conservation measures proposed by the Desert Managers Mohave Ground Squirrel Work Group, which recommends securing and/or managing sufficient core habitat and corridors to maintain self-sustaining populations.</i></p> <p><i>The responsibilities for management of the compensation lands may be delegated by written agreement to CDFW or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval CDFW prior to land acquisition or management activities. If habitat disturbance exceeds that described in this analysis, the Applicant/Permittee shall be responsible for acquisition and management of additional compensation lands and/or additional funds required to compensate for any additional habitat disturbances. Additional funds shall be based on the adjusted market value of compensation lands at the time of construction to acquire and manage habitat. Compensatory mitigation will not be required for temporary impacts to on-site drainages as long as the vegetation removed will be restored once construction is complete, and revegetated with native desert shrubs, forbs, and grass species suitable for MGS.</i></p> <p><i>BIO-20 The Applicant/Permittee shall notify the CDFW and shall document compliance with all pre-construction Conditions of Approval before initiating ground-disturbing activities.</i></p>	<p>Prior to issuance of grading permits.</p>	<p>Applicant</p>	<p>City of Ridgecrest Planning Department, CDFW</p>	<p>Before issuance of grading permits.</p>

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>BIO-21 The Applicant/Permittee shall notify the CDFW fourteen (14) calendar days before initiating ground-disturbing activities.</i>	Fourteen (14) days prior to any ground-disturbing activities.	Applicant	City of Ridgecrest Planning Department, CDFW	Fourteen (14) days prior to any ground-disturbing activities.
<i>BIO-22 The Applicant/Permittee shall immediately notify the CDFW in writing if it determines that it is not in compliance with any condition of approval of the Permit, including but not limited to any actual or anticipated failure to implement mitigation measures within the time periods indicated in the Permit.</i>	Throughout construction.	Applicant	City of Ridgecrest Planning Department, CDFW	Ongoing throughout construction.
<i>BIO-23 The Designated Biologist shall be on site daily while grubbing and grading are taking place to prevent take of the covered species to the greatest extent possible, to check for compliance with all mitigation/avoidance measures, and to check exclusion zones to ensure that signs, stakes, and fencing are intact and that human activities are restricted in these protective zones. Compliance inspections shall be conducted a minimum of once per month after clearing, grubbing, and grading are completed. A monthly compliance report shall be submitted to the CDFW's Regional Representative.</i>	Throughout grading activities and construction.	Applicant	City of Ridgecrest Planning Department, CDFW	Ongoing throughout construction.
<i>BIO-24 Beginning with issuance of the Permit and continuing for the life of the Permit, Applicant/Permittee shall provide the CDFW an annual Status Report no later than January 31 of every year. Each Status Report shall include, at a minimum: 1) a general description of the status of the Project site and construction activities, including actual or projected completion dates, if known; 2) an update of the current implementation status of each mitigation measure; and 3) an</i>	Prior to construction.	Applicant	City of Ridgecrest Planning Department, CDFW	Ongoing.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>assessment of the effectiveness of each completed or partially completed mitigation measure in minimizing and compensating for Project impacts.</i>				
<i>BIO-25 All observations of Covered Species and their sign during Project activities shall be conveyed to the Designated Representative or Designated Biologist. This information shall be included in the next monthly compliance report submitted to the CDFW by the Permittee.</i>	Ongoing.	Applicant	City of Ridgecrest Planning Department, CDFW	Ongoing.
<i>BIO-26 No later than 45 days after completion of the Project, including completion of all mitigation measures, Permittee shall provide the CDFW with a Final Mitigation Report. The Final Mitigation Report shall be prepared by the Designated Biologist and shall include, at a minimum: 1) a discussion of when each of the mitigation measures was implemented; 2) all available information about Project-related incidental take of Covered Species; 3) information about other Project impacts on the Covered Species; 4) construction dates; 5) an assessment of the effectiveness of the Permit's conditions of approval in minimizing and compensating for Project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future projects on the Covered Species; and 7) any other pertinent information, including the level of take of the Covered Species associated with the Project.</i>	No later than 45 days after completion of the Project.	Applicant, Project Biologist	City of Ridgecrest Planning Department, CDFW	No later than 45 days after completion of the Project.

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<i>BIO-27 If a Mohave ground squirrel is killed by project-related activities during construction, or if a Mohave ground squirrel is otherwise found dead, the Designated Biologist shall be immediately notified and a written report will be sent to the CDFW within two (2) calendar days. The report will include the date, time of the finding or incident, location of the carcass, and the circumstances.</i>	Throughout construction.	Applicant, Project Biologist	City of Ridgecrest Planning Department, CDFW	Ongoing throughout construction.
<i>BIO-28 Potential impacts to non-wetland, non-riparian State-regulated waters were identified on the Project site. Assuming these features will be considered jurisdictional by CDFW and Lahontan Regional Water Quality Control Board (LRWQCB), the following actions will occur prior to Project construction activities:</i>	Prior to Project construction activities.	Applicant	City of Ridgecrest Planning Department	Before Project construction activities.
<ol style="list-style-type: none"> 1. <i>Submit a Notification package to the California Department of Fish and Wildlife under Section 1600 of the State Fish and Wildlife Code. If CDFW determines that the Project will require a Streambed Alteration Agreement for impacts to the drainage channel, then the Agreement will be acquired and all conditions will be agreed to prior to Project construction.</i> 2. <i>Submit to the LRWQCB an application for Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the State.</i> 				
<i>Securing permits and compliance with the state policies will be</i>				

**Table 5-1
Ridgecrest Commercial Specific Plan Offsite Improvements
Mitigation Monitoring Plan**

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<u>Biological Resources</u>				
<p><i>required to result in no net loss of waters as a result of the Project. Also, as part of the proposed Project, the applicant shall implement standard construction and storm water BMPs to contain and minimize surface runoff originating from the development, thereby avoiding and/or reducing adverse impacts to isolated waters. Standard sediment and erosion control measures (e.g., use of silt fencing around the perimeter of the construction zone) will be implemented to protect jurisdictional wetlands and other waters during construction. Additionally, runoff produced during and after construction is subject to National Pollution Discharge Elimination System Regulations (NPDES) and local water quality and runoff standards.</i></p>				

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CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM

SUBJECT:

Council Discussion and Approval of a response letter to the Kern County Board of Supervisors regarding the proposed Indian Wells Valley Land Use Management Plan

PRESENTED BY:

Peggy Breeden, Mayor

SUMMARY:

City Council has been asked by a number of citizens to respond to Kern County Board of Supervisors regarding the proposed Indian Wells Valley Land use Management Plan.

The Kern County Planning Department has made a concerted effort to obtain comments and provide informational workshops locally to citizens affected by the proposed Land Use Management Plan.

On April 1, 2015, Lorelei Oviatt of the Kern County Planning Department attended the City Council Meeting and provided an update to the recommendations that were going before the Kern County Board of Supervisors. At this meeting the Council determined the Mayor would draft a response letter to be brought back for review by the full Council prior to mailing of the letter to the Board of Supervisors.

This discussion item is brought before the Council to review the draft response letter for revisions and approval.

At the time of posting of the Agenda, the draft letter was in process and will be released under supplemental cover once completed.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Review, Discuss, Revise and Approve a draft letter of response to the Kern County Board of Supervisors regarding the Indian Wells Valley Land Use Management Plan.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM

SUBJECT:

An Ordinance of The Ridgecrest City Council amending Chapter 20 of the Municipal Code, (Zoning) to permit:

- Emergency Shelters in Residential Zone Districts, and
- Section 20-32 (Density Bonuses) shall be modified in compliance with State Laws.

Applicant: City of Ridgecrest Planning Department

PRESENTED BY:

Matthew Alexander, AICP

SUMMARY:

During the past several months the City of Ridgecrest has been preparing an update to the Housing Element of the General Plan. The final draft Housing Element is tentatively scheduled to come before the City Council for adoption on April 15, 2015. In order for the Housing Element to be certified by the State of California Housing and Community Development Department, two amendments to the City's Zoning Ordinance must occur:

1. A provision permitting "Emergency Shelters" within the R-3 and R-4 (Multi-Family Residential Districts), and
2. An amendment to the Ordinance Section permitting Density Bonuses.

On December 16, 2014 the Planning Commission approved PC Resolution 14-22 recommending that the City Council adopt the Zoning Ordinance amendments identified above.

The following two motions are required to approve:

Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Adopting Zoning Text Amendment No. 14-01, First Reading, By Title Only, By Amending Chapter 20 (Zoning) Of The Municipal Code By Amending The Definitions Section Of The Zoning Ordinance By Adding "Emergency Shelters" And By Permitting Emergency Shelters Within The R-3 And R-4 Zone Districts And By Amending Section 20-32 (Density Bonuses) Section Of The Zoning Ordinance By Permitting Incentives And Concessions By The City Consistent With The Provisions Of Government Code Sections 65915-65918, As Amended, By Providing Increased Residential Densities For Projects That Guarantee That A Portion Of The Housing Units Will Be Affordable To Very Low-, Low-, Or Moderate-Income Households Or Senior Citizens, Or Include Child Care Facilities. Applicant: City Of Ridgecrest Planning Department

Requires A Second

Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Adopting Zoning Text Amendment No. 14-01, First Reading, By Title Only, By Amending Chapter 20 (Zoning) Of The Municipal Code By Amending The Definitions Section Of The Zoning Ordinance By Adding "Emergency Shelters" And By Permitting Emergency Shelters Within The R-3 And R-4 Zone Districts And By Amending Section 20-32 (Density Bonuses) Section Of The Zoning Ordinance By Permitting Incentives And Concessions By The City Consistent With The Provisions Of Government Code Sections 65915-65918, As Amended, By Providing Increased Residential Densities For Projects That Guarantee That A Portion Of The Housing Units Will Be Affordable To Very Low-, Low-, Or Moderate-Income Households Or Senior Citizens, Or Include Child Care Facilities. Applicant: City Of Ridgecrest Planning Department

Requires A Second

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Approve two motions of the Ordinance amending the Zoning Ordinance Text as listed above.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Matthew Alexander AICP
(Rev. 6/12/09)

Action Date: April 15, 2015

CITY COUNCIL RESOLUTION ORDINANCE NO.- 15-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ADOPTING ZONING TEXT AMENDMENT NO. 14-01, FIRST READING, BY TITLE ONLY, BY AMENDING CHAPTER ~~XX-20~~ (ZONING) OF THE MUNICIPAL CODE BY AMENDING THE DEFINITIONS SECTION OF THE ZONING ORDINANCE BY ADDING “EMERGENCY SHELTERS” AND BY PERMITTING EMERGENCY SHELTERS WITHIN THE R-3 AND R-4 ZONE DISTRICTS AND BY AMENDING SECTION 20-32 (DENSITY BONUSES) SECTION OF THE ZONING ORDINANCE BY PERMITTING INCENTIVES AND CONCESSIONS BY THE CITY CONSISTENT WITH THE PROVISIONS OF GOVERNMENT CODE SECTIONS 65915-65918, AS AMENDED, BY PROVIDING INCREASED RESIDENTIAL DENSITIES FOR PROJECTS THAT GUARANTEE THAT A PORTION OF THE HOUSING UNITS WILL BE AFFORDABLE TO VERY LOW-, LOW-, OR MODERATE-INCOME HOUSEHOLDS OR SENIOR CITIZENS, OR INCLUDE CHILD CARE FACILITIES. APPLICANT: CITY OF RIDGECREST PLANNING DEPARTMENT.

THE CITY COUNCIL OF THE CITY OF RIDGECREST RESOLVES as follows:

SECTION 1. PURPOSE

This Ordinance Adopts Zoning Text Amendment No. 14-01

SECTION 2. FINDINGS

1. On December 16, 2014 the Planning Commission held a public hearing and duly and regularly considered and recommended amending The Zoning Ordinance Text by amending Chapter ~~XX-20~~ of the Municipal Code, (Zoning) to amend the *Definitions Section of the Zoning Ordinance by adding Emergency Shelters*” and by permitting Emergency Shelters within the R-3 and R-4 Zone Districts and by adding Section 20-32 (Density Bonuses) Section of the Zoning Ordinance by permitting *incentives and concessions by the City consistent with the provisions of Government Code Sections 65915-65918, as amended*, by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households or senior citizens, or include child care facilities. Applicant: City of Ridgecrest Planning Department.
2. The Council finds, determines and declares:
 - (a) This zoning text amendment will not be accompanied by any significant environmental impacts.
 - (b) This zoning text amendment ~~is~~ consistent with the General Plan as adopted.
 - (c) This zoning text amendment will not have a significant impact on the environment and is not likely to cause environmental damage or serious public health problems,
 - (d) This zoning text amendment will promote the health, welfare and safety of the community.

SECTION 3. APPROVAL

The City Council hereby adopts the Ordinance Amendments as follows:

- *Proposed revisions, additions, and deletions are presented in the order they appear in the Zoning Code*
- Underlined is proposed new language.

- ~~Strike through is existing language to be deleted.~~
- *Standard type is existing language to be retained.*

20-1.2. Definitions.

“Emergency Shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

20-10. R-3 Medium Density Multi-Family Residential District.

20-10.2. Permitted Uses.

The following uses may be permitted subject to the application for a site plan review pursuant to Section 20-22 of this Code.

- a. *Multi-family residential dwellings.*
- b. *A one-family dwelling.*
- c. *Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.*
- d. *Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.*
- e. *Home occupations.*
- f. *Second Units subject to the requirements of subsection 20-8.12.*
- g. Emergency shelters.

20-11. R-4 Medium-Density Multi-Family Residential District.

20-11.2. Permitted Uses.

The following uses may be permitted subject to the application for a conditional use permit per Section 20-22 of this Code.

- ~~a. Multi-family residential dwellings.~~
- a. *A one-family dwelling.*
- b. *Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure area both located on adjacent lots which meet minimum area requirements.*
- c. *Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.*
- d. *Home occupations.*
- e. *Second Units subject to the requirements of subsection 20-8.12.*
- f. Emergency shelters.

20-32. Density Bonuses.

20-32.1. Purpose.

Density Bonuses (incentives and concessions) shall be granted by the City consistent with the provisions of Government Code Sections 65915-65918, as amended, by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households or senior citizens, or include child care facilities. when an applicant for housing development agrees or proposes to construct at least one of the following:

20-32.2. Application.

Density Bonuses shall be granted in a ministerial manner consistent with State Density Bonus Law (Government Code Section 65915) upon site plan review and summarized as follows:

- a. Applications. All applications for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:
 1. The total number of base units and affordable housing units;
 2. The specific developer incentive(s) sought, if any, and documentation regarding the necessity of the incentive in order to provide affordable housing costs or rents;
 3. The specific waiver or modification to development standard(s), if any, and documentation regarding the necessity of the waiver or modification, including

documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus.

- b. Land Donations. If requesting a density bonus based on land donation in accordance with Government Code Section 65915(g), in addition to the above listed information, the application must:
1. Demonstrate the developable acreage and zoning classification is compliant with eligibility criteria of Section 20-32.3a, and that the site is or will be served by adequate public facilities and infrastructure;
 2. Verify that all permits and approvals, other than building permits, necessary for the development of the very low-income housing units have been secured prior to the date of approval of the final subdivision map, parcel map, or other development permits;
 3. Verify that the developer can donate and transfer land no later than the date of approval of the final subdivision map, parcel map, or residential development application; and
 4. The land will be transferred to the City or to a housing developer approved by the City. The City may require the developer to identify and transfer the land to the affordable housing developer.
- c. Child Care Facilities. If requesting a density bonus based on the provision of a child day care facility in accordance with Government Code Section 65915(h), in addition to the above listed information, the application must:
1. Provide the location of the proposed child day care facility and the proposed operator;
 2. Agree to operate the child day care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable;
 3. Agree to have contracted with a child day care facility operator for operation of the child day care facility before the first building permit is issued;
 4. Agree that the child day care facility will be in operation when the first certificate of occupancy is issued; and
 5. Of the children who attend the child care facility, the children of very low-income households, low-income households, and moderate-income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low-, low-, or moderate-income households.

The City shall not be required to provide a density bonus or concession or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

20-32.3. Density Bonuses and Incentives.

- a. Applicability. Pursuant to the requirements of Government Code Sections 65915–65918, the provisions of this Section apply to the development of housing units or any qualified land transfer that satisfy one or more of the criteria set forth in Government Code Section 65915. Currently the provisions of Section 65915 apply to the construction of five or more housing units that satisfy one or more of the following criteria:
1. At least ten (10) ~~twenty (20)~~ percent of the total units of a housing development for low-income households, as identified in Section 50079.5 of the Health and Safety Code,
 2. At least five (5) ~~ten (10)~~ percent of the total number of dwelling units of a housing development for very low-income households, as defined in Section 50105 of the Health and Safety Code,

3. At least ten (10) percent of the units are designated for moderate-income households, provided that all units in the development are offered to the public for purchase.
4. One hundred (100) percent of the units are designated for seniors citizens as defined in Section 51.3 and 51.12 of the Civil Code or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Government Code Section 798.76 or 799.5.
5. ~~Donation of land to the city consisting of at least one acre, or of sufficient developable acreage and zoning classification to permit construction of at least 40 units, and not less than 10 percent of the residential units in the proposed development, that are affordable to very low income households.~~
6. ~~Fifty (50) percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.3 of the Civil Code,~~

7. ~~Twenty (20)~~Ten (10) percent of the total dwelling units in a condominium project as defined in ~~subsection (f) of~~ Section ~~1351-4125~~ of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.
8. ~~A twenty-five (25) percent density bonus shall be granted for housing that includes at least fifty (50) percent of all units for seniors and elderly persons plus one additional incentive, or financially equivalent incentive(s). (California Government Code Section 65915).~~
9. *All handicap units shall be exempt from maximum residential density requirements.*
10. *Incentives shall be provided for the development of Planned Unit Developments (PUD) that include amenities and the preservation of common open space, and accommodate seniors and lower income (low and very low) projects with a twenty-five (25) percent density bonus pursuant to Government Code Section 65915.*
11. *A twenty-five (25) percent density bonus shall be granted for market rate residential developments that set aside twenty (20) percent of the total number of units, with restrictions, for low- and very low-income persons.*
12. *The City shall provide a ten (10) percent density bonus to accommodate large family dwelling units.*
13. *The City shall grant a density bonus equal to the number of lots or units lost as a result of providing additional, useable recreational space for very low- and low-income and special needs housing in Planned Unit Developments.*
14. ~~Density Bonuses shall be granted in a ministerial manner, and be approved as part of site plan review.~~

As language is updated in Government Code Sections 65915–65918 over time, the City shall comply with the current version of the State Density Bonus regulations in those sections.

- b. Calculating the Density Bonus. A density bonus shall be calculated on a sliding scale based upon the amount by which the percentage of affordable housing units exceeds the minimum number of affordable units required to qualify for a density bonus established under state law. Density bonus and applicable concessions or incentives shall be calculated as set forth in California Government Code 65915 as amended or modified after the adoption of this chapter by the City.
- c. Developer Incentives.
 1. Restrictions. When an applicant seeks a density bonus as prescribed by Government Code Section 65915, the City will grant the number of developer incentives as required by Section 20-32.2 c.2., below, unless it makes any of the following findings:
 - a. The developer incentives are not required in order to provide affordable housing, as defined in Sections 50052.3 or 50053 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).
 - b. The developer incentives would have a specific adverse impact, as defined in ~~paragraph (2) of Government Code section -Subdivision (d) of Section 65589.5, subdivision (d)(2),~~ upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The developer incentives would be contrary to state or federal law.
 2. Number of developer incentives. A developer eligible to receive a density bonus shall receive the number of concessions or incentives, in addition to a density bonus as defined under California Government Code 65915, et seq.

3. Developer incentives defined. For the purposes of this Section, concession or incentive means any of the following:
 - a. Reduced site development standards or modified zoning code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
 - b. Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project.
 - c. A density bonus greater than the amount required by this section.
 - d. Deferred or waived planning, plan check, construction permit, and/or development impact fees, in accordance with any fee deferral and waiver process and policies adopted by the city.
 - e. Direct financial aid in the form of a loan or grant to subsidize off-site improvements, or land or construction costs.
 - f. Other regulatory developer incentives proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

20-32.43. Exceptions.

The City shall grant the additional concession or incentive, unless the City makes a written finding and determination, based on substantial evidence, that the additional concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.

20-32.5 Assurance of Continued Availability.

- a. Term of Availability. Where affordable housing units have been provided per the requirements of 20-32.2a, or where a density bonus, incentives, or waivers of development standards has been made pursuant to this chapter, the developer shall assure both of the following:
 1. Continued availability of affordable units for a minimum of thirty (30) years.
 2. Project phasing, including timing of completion, and rental or sale of affordable housing units shall occur concurrently with non-restricted units.
- b. Long-Term Affordability. A developer of affordable units shall enter into an affordable housing agreement with the City prior to the recordation of the final map, or the issuance of a grading permit or a building permit where approval of a map is not requested. The agreement shall be recorded against the parcel(s) designated for construction of the affordable units. The agreement shall run with the land and shall be binding upon the successor(s) in interest. At a minimum, the agreement shall include:
 1. Total number and size of affordable units.
 2. Maximum qualifying household incomes for the affordable units.
 3. Standards for calculating affordable rents or affordable sales prices.
 4. Enforcement mechanisms, including annual reporting and monitoring to ensure affordable units are continuously occupied by eligible households, and remedies for breach of the agreement.
 5. Affordability term.

20-32.6 Consistency with State Law.

The provisions of this subchapter are intended to comply with Government Code Section 65915 and related state laws. In the event that any provision of this section conflicts with Government Code Section 65915 or any related state laws, the state law shall apply.

20-33. Reasonable Accommodation.

20-33.1. Purpose.

This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

20-33.2. Applicability.

- a. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a requirement of this Zoning Ordinance or other city requirement, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.
- b. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- c. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.
- d. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance.
- e. Requests for reasonable accommodation shall be as described in the following section.

20-33.3. Application Procedure.

- a. Application. Requests for reasonable accommodation shall be submitted in the form of a letter to the Director of Community Development and shall contain the following information:
 1. The applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. The current actual use of the property;
 4. The basis for the claim that the individual is considered disabled under the Acts;
 5. The Zoning Ordinance provision, regulation, or policy from which reasonable accommodation is being requested; and
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- b. Fee. The fee for a reasonable accommodation request shall be minimal or there shall be no fee.
- c. Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (e.g., conditional use permit), then the applicant shall file the application for discretionary approval together with the information required by subsection a. above for concurrent review.

20-33.4. Review Authority.

- a. City Planner. Requests for reasonable accommodation shall be reviewed by the Director of Community Development, or his/her designee if no approval is sought other than the request for reasonable accommodation. The written determination to grant, grant with modifications, or deny the request for reasonable accommodation shall be made in accordance with the Findings and Decision as established below.
- b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority responsible for reviewing the discretionary land use application. The written determination to grant, grant with modifications, or deny the request for reasonable accommodation shall be made in accordance with the Findings and Decision as established below.
 1. Findings and Decision. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

- a. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts;
- b. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- c. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City;
- d. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use, zoning, or the Local Coastal Program;
- e. Potential impact on surrounding uses;
- f. Physical attributes of the property and structures; and
- g. Alternative reasonable accommodations that may provide an equivalent level of benefit.

20-33.5. Conditions of Approval.

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall be rescinded in the event that the person for whom the accommodation was requested no longer resides on the property.

The City Council hereby adopts this Ordinance Amendment. The City Clerk shall certify to the passage and adoption of the ordinance and shall cause this Ordinance to be published in the manner required by law.

APPROVED AND ADOPTED this _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Peggy Breeden
Mayor

ATTEST:

Rachel Ford
City Clerk

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Planning Commission Resolution 14-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIDGECREST RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTION 20-1.2. (DEFINITIONS), 20-10.2 R-3 MULTI FAMILY PERMITTED USES, 20-11.2 R-4 MULTI FAMILY PERMITTED USES AND 20-32. DENSITY BONUSES

THE PLANNING COMMISSION OF THE CITY OF RIDGECREST RESOLVES as follows:

SECTION 1. FINDINGS

On December 16, 2014, the Planning Commission duly and regularly reviewed draft amendments to the Zoning Ordinance.

The Commission considered the proposed amendment based upon the findings that:

- (a) Subject to the proposed Zoning Text Amendments, the amendments are in compliance with the City of Ridgecrest Zoning regulations and procedures.
- (b) Subject to the proposed Zoning Text Amendments, the amendments are in compliance with regulations and procedures established by the County of Kern, State of California, and United States of America.
- (c) The amendments are in conformity with the applicable elements of the City of Ridgecrest General Plan.

SECTION 2. RECOMMENDATION

The Commission hereby recommends that the City Council adopt Ordinance Amendments as follows:

- *Proposed revisions, additions, and deletions are presented in the order they appear in the Zoning Code*
- Underlined is proposed new language.
- ~~Strike through is existing language to be deleted.~~
- *Standard type is existing language to be retained.*

20-1.2. Definitions.

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

20-10. R-3 Medium Density Multi-Family Residential District.

20-10.2. Permitted Uses.

The following uses may be permitted subject to the application for a site plan review pursuant to Section 20-22 of this Code.

- a. Multi-family residential dwellings.
- b. A one-family dwelling.
- c. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.
- d. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.
- e. Home occupations.
- f. Second Units subject to the requirements of subsection 20-8.12.
- g. Emergency shelters.

20-11. R-4 Medium-Density Multi-Family Residential District.

20-11.2. Permitted Uses.

The following uses may be permitted subject to the application for a conditional use permit per Section 20-22 of this Code.

- a. Multi-family residential dwellings.
- b. A one-family dwelling.
- c. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure area both located on adjacent lots which meet minimum area requirements.
- d. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.
- e. Home occupations.
- f. Second Units subject to the requirements of subsection 20-8.12.
- g. Emergency shelters.

20-32. Density Bonuses.

20-32.1. Purpose.

Density Bonuses (incentives and concessions) shall be granted by the City consistent with the provisions of Government Code Sections 65915-65918, as amended, by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households or senior citizens, or include child care facilities. ~~when an applicant for housing development agrees or proposes to construct at least one of the following:~~

20-32.2. Application.

Density Bonuses shall be granted in a ministerial manner consistent with State Density Bonus Law (Government Code Section 65915) upon site plan review and summarized as follows:

- a. Applications. All applications for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:
 1. The total number of base units and affordable housing units;
 2. The specific developer incentive(s) sought, if any, and documentation regarding the necessity of the incentive in order to provide affordable housing costs or rents;
 3. The specific waiver or modification to development standard(s), if any, and documentation regarding the necessity of the waiver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus.

- b. Land Donations. If requesting a density bonus based on land donation in accordance with Government Code Section 65915(g), in addition to the above listed information, the application must:
1. Demonstrate the developable acreage and zoning classification is compliant with eligibility criteria of Section 20-32.3a, and that the site is or will be served by adequate public facilities and infrastructure;
 2. Verify that all permits and approvals, other than building permits, necessary for the development of the very low-income housing units have been secured prior to the date of approval of the final subdivision map, parcel map, or other development permits;
 3. Verify that the developer can donate and transfer land no later than the date of approval of the final subdivision map, parcel map, or residential development application; and
 4. The land will be transferred to the City or to a housing developer approved by the City. The City may require the developer to identify and transfer the land to the affordable housing developer.
- c. Child Care Facilities. If requesting a density bonus based on the provision of a child day care facility in accordance with Government Code Section 65915(h), in addition to the above listed information, the application must:
1. Provide the location of the proposed child day care facility and the proposed operator;
 2. Agree to operate the child day care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable;
 3. Agree to have contracted with a child day care facility operator for operation of the child day care facility before the first building permit is issued;
 4. Agree that the child day care facility will be in operation when the first certificate of occupancy is issued; and
 5. Of the children who attend the child care facility, the children of very low-income households, low-income households, and moderate-income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low-, low-, or moderate-income households.

The City shall not be required to provide a density bonus or concession or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

20-32.3. Density Bonuses and Incentives.

- a. Applicability. Pursuant to the requirements of Government Code Sections 65915–65918, the provisions of this Section apply to the development of housing units or any qualified land transfer that satisfy one or more of the criteria set forth in Government Code Section 65915. Currently the provisions of Section 65915 apply to the construction of five or more housing units that satisfy one or more of the following criteria:
1. At least ten (10) ~~twenty (20)~~ percent of the total units of a housing development for low-income households, as identified in Section 50079.5 of the Health and Safety Code,
 2. At least five (5) ~~ten (10)~~ percent of the total number of dwelling units of a housing development for very low-income households, as defined in Section 50105 of the Health and Safety Code,
 3. At least ten (10) percent of the units are designated for moderate-income households, provided that all units in the development are offered to the public for purchase,
 4. One hundred (100) percent of the units are designated for seniors citizens as defined in Section 51.3 and 51.12 of the Civil Code or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Government Code Section 798.76 or 799.5,
 5. Donation of land to the city consisting of at least one acre, or of sufficient developable acreage and zoning classification to permit construction of at least 40 units, and not less than 10 percent of the residential units in the proposed development, that are affordable to very low income households.
 6. Fifty (50) percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.3 of the Civil Code,

7. Twenty (20) percent of the total dwelling units in a condominium project as defined in subsection (f) of Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.
- ~~8. A twenty-five (25) percent density bonus shall be granted for housing that includes at least fifty (50) percent of all units for seniors and elderly persons plus one additional incentive, or financially equivalent incentive(s). (California Government Code Section 65915).~~
9. *All handicap units shall be exempt from maximum residential density requirements.*
10. *Incentives shall be provided for the development of Planned Unit Developments (PUD) that include amenities and the preservation of common open space, and accommodate seniors and lower income (low and very low) projects with a twenty-five (25) percent density bonus pursuant to Government Code Section 65915.*
11. *A twenty-five (25) percent density bonus shall be granted for market rate residential developments that set aside twenty (20) percent of the total number of units, with restrictions, for low- and very low-income persons.*
12. *The City shall provide a ten (10) percent density bonus to accommodate large family dwelling units.*
13. *The City shall grant a density bonus equal to the number of lots or units lost as a result of providing additional, useable recreational space for very low- and low-income and special needs housing in Planned Unit Developments.*
14. ~~Density Bonuses shall be granted in a ministerial manner, and be approved as part of site plan review.~~

As language is updated in Government Code Sections 65915–65918 over time, the City shall comply with the current version of the State Density Bonus regulations in those sections.

- b. Calculating the Density Bonus. A density bonus shall be calculated on a sliding scale based upon the amount by which the percentage of affordable housing units exceeds the minimum number of affordable units required to qualify for a density bonus established under state law. Density bonus and applicable concessions or incentives shall be calculated as set forth in California Government Code 65915 as amended or modified after the adoption of this chapter by the City.
- c. Developer Incentives.
 1. Restrictions. When an applicant seeks a density bonus as prescribed by Government Code Section 65915, the City will grant the number of developer incentives as required by Section 20-32.2 c.2., below, unless it makes any of the following findings:
 - a. The developer incentives are not required in order to provide affordable housing, as defined in Section 50052.3 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).
 - b. The developer incentives would have a specific adverse impact, as defined in paragraph (2) of Subdivision (d) of Section 65589.5, upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The developer incentives would be contrary to state or federal law.
 2. Number of developer incentives. A developer eligible to receive a density bonus shall receive the number of concessions or incentives, in addition to a density bonus as defined under California Government Code 65915, et seq.
 3. Developer incentives defined. For the purposes of this Section, concession or incentive means any of the following:
 - a. Reduced site development standards or modified zoning code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

- b. Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project.
- c. A density bonus greater than the amount required by this section.
- d. Deferred or waived planning, plan check, construction permit, and/or development impact fees, in accordance with any fee deferral and waiver process and policies adopted by the city.
- e. Direct financial aid in the form of a loan or grant to subsidize off-site improvements, or land or construction costs.
- f. Other regulatory developer incentives proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

20-32.43. Exceptions.

The City shall grant the additional concession or incentive, unless the City makes a written finding and determination, based on substantial evidence, that the additional concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.

20-32.5 Assurance of Continued Availability.

- a. Term of Availability. Where affordable housing units have been provided per the requirements of 20-32.2a, or where a density bonus, incentives, or waivers of development standards has been made pursuant to this chapter, the developer shall assure both of the following:
 - 1. Continued availability of affordable units for a minimum of thirty (30) years.
 - 2. Project phasing, including timing of completion, and rental or sale of affordable housing units shall occur concurrently with non-restricted units.
- b. Long-Term Affordability. A developer of affordable units shall enter into an affordable housing agreement with the City prior to the recordation of the final map, or the issuance of a grading permit or a building permit where approval of a map is not requested. The agreement shall be recorded against the parcel(s) designated for construction of the affordable units. The agreement shall run with the land and shall be binding upon the successor(s) in interest. At a minimum, the agreement shall include:
 - 1. Total number and size of affordable units.
 - 2. Maximum qualifying household incomes for the affordable units.
 - 3. Standards for calculating affordable rents or affordable sales prices.
 - 4. Enforcement mechanisms, including annual reporting and monitoring to ensure affordable units are continuously occupied by eligible households, and remedies for breach of the agreement.
 - 5. Affordability term.

20-32.6 Consistency with State Law.

The provisions of this subchapter are intended to comply with Government Code Section 65915 and related state laws. In the event that any provision of this section conflicts with Government Code Section 65915 or any related state laws, the state law shall apply.

20-33. Reasonable Accommodation.

20-33.1. Purpose.

This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

20-33.2. Applicability.

- a. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a requirement of this Zoning Ordinance or other city requirement, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.
- b. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- c. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.
- d. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance.
- e. Requests for reasonable accommodation shall be as described in the following section.

20-33.3. Application Procedure.

- a. Application. Requests for reasonable accommodation shall be submitted in the form of a letter to the Director of Community Development and shall contain the following information:
 1. The applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. The current actual use of the property;
 4. The basis for the claim that the individual is considered disabled under the Acts;
 5. The Zoning Ordinance provision, regulation, or policy from which reasonable accommodation is being requested; and
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- b. Fee. The fee for a reasonable accommodation request shall be minimal or there shall be no fee.
- c. Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (e.g., conditional use permit), then the applicant shall file the application for discretionary approval together with the information required by subsection a. above for concurrent review.

20-33.4. Review Authority.

- a. City Planner. Requests for reasonable accommodation shall be reviewed by the Director of Community Development, or his/her designee if no approval is sought other than the request for reasonable accommodation. The written determination to grant, grant with modifications, or deny the request for reasonable accommodation shall be made in accordance with the Findings and Decision as established below.
- b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority responsible for reviewing the discretionary land use application. The written determination to grant, grant with modifications, or deny the request for reasonable accommodation shall be made in accordance with the Findings and Decision as established below.
 1. Findings and Decision. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:
 - a. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts;
 - b. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

- c. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City;
- d. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use, zoning, or the Local Coastal Program;
- e. Potential impact on surrounding uses;
- f. Physical attributes of the property and structures; and
- g. Alternative reasonable accommodations that may provide an equivalent level of benefit.

20-33.5. Conditions of Approval.

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall be rescinded in the event that the person for whom the accommodation was requested no longer resides on the property.

APPROVED AND ADOPTED this 16th day of December, 2014 by the following vote:

AYES: LeCornu, Obergfell, Davis, Baudhuin and Tallman

NOES: None

ABSENT: None

ABSTAIN: None



Chris LeCornu, Chairman

ATTEST:


Ricca Charlton, Secretary

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