

**California City
City Council
Staff Report
Planning**

Status: X Routine Closed Session

Meeting Date: 12/19/06 Time: 6:00 p.m.

Item: Public Hearing Consider Approving Initial Study, Negative Declaration, Zone Change 178, General Plan Amendment 2006-04 with Conditions of Approval.

This was reviewed and approved unanimously by the Planning Commission during a public hearing on Tuesday, December 12, 2006 by Resolution 12-06-1983PC. The letters from the Department of Transportation dated 11/20/06 and the Native American Heritage Commission dated 12/6/06 were distributed to the Commission on 12/12/06 during their meeting and are included for your review.

Background: Owners/applicants are requesting to rezone eighteen contiguous lots (Attachment A with map) on 26.5 acres from C2 Community Commercial to C5 Regional Commercial and General Plan Amendment 2006-04 amends the City's general plan map to reflect the change in zoning. The Zone Change is necessary for the development of a regional shopping center in which businesses can own land and facilitate the growth of California City that will offer more diverse retail businesses. The owners/applicants completed Development Review Committee as DRC 06-15 on 5/9/06 and has received approval from DRC. As recommended by the DRC, the owners/applicants were to final Tract Map 5722 and final Tract Map 7013 prior to requesting a zone change and both are completed.

Fees Paid: Yes

Hazardous Waste Site Notice: N/A

Title Report: Yes (Grant Deeds).

Property Owner Notification: Yes to affected property owners within 300 feet.

Posting Completed: Yes

Critical Time lines: N/A

Recommendation: Conduct the public hearing, take public testimony, approve the Initial Study, Negative Declaration, Zone Change 178 and General Plan Amendment 2006-04 with the conditions of approval as set forth in Planning Commission Resolution 12-06-1983PC.

Council adopt: Yes by public hearing on Tuesday, December 19, 2006 for the final approval of the Initial Study, Negative Declaration, Zone Change 178 and General Plan Amendment 2006-04 by ordinance.

Fiscal Impact: N/A

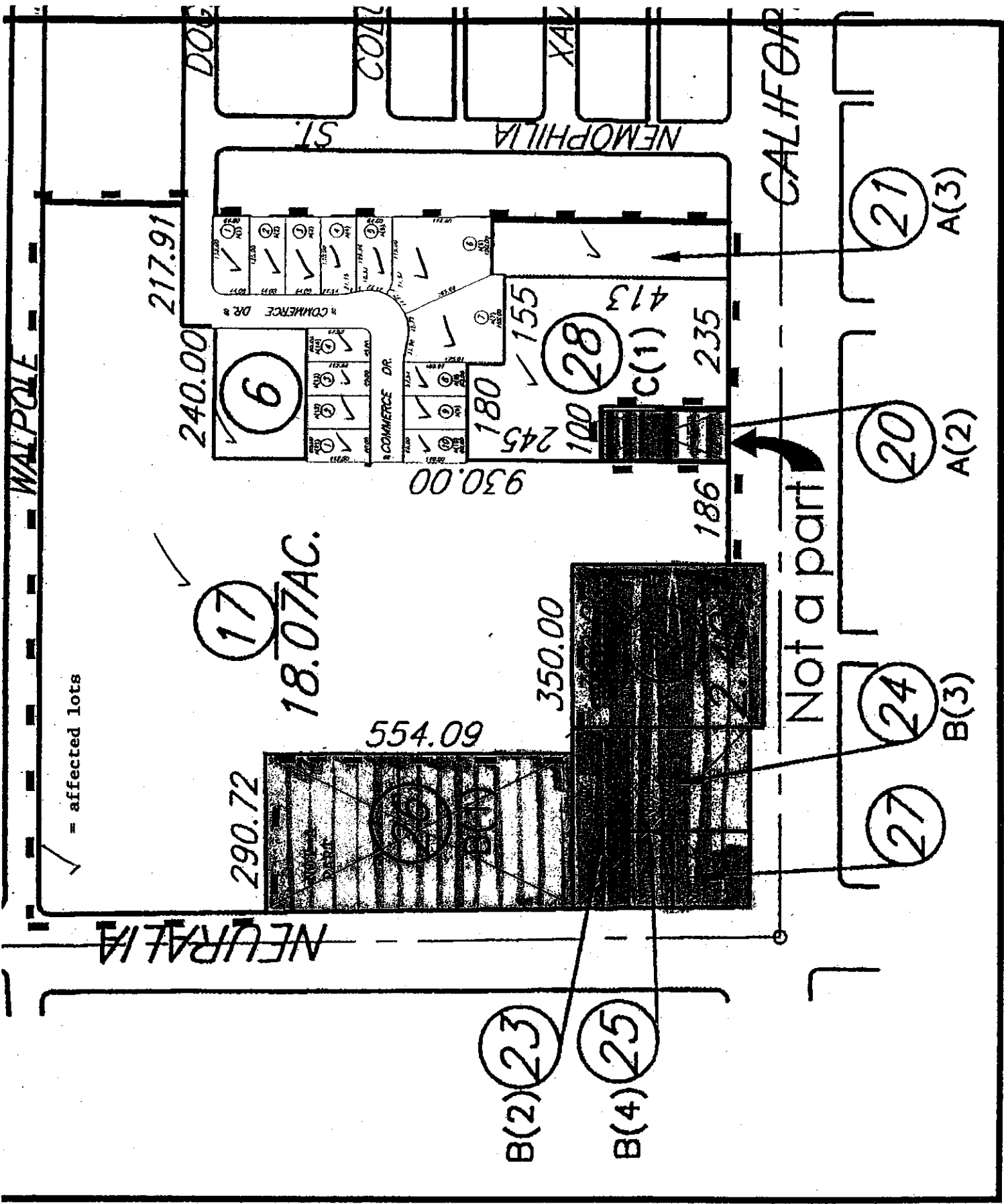
Environmental Action: Staff will file a Notice of Determination with the County Clerk.

PH 1.

Cal City Business Park Zone Change Application

Attachment 1

APN	Map / Parcel	Current Zoning	Proposed Zoning
213-110-21	PM 1194 Parcel 03	C-2	C-5
213-110-17	Tract 5722 Lot 17	C-2	C-5
213-491-01	Tract 5722 Lot 01	C-2	C-5
213-491-02	Tract 5722 Lot 02	C-2	C-5
213-491-03	Tract 5722 Lot 03	C-2	C-5
213-491-04	Tract 5722 Lot 04	C-2	C-5
213-491-05	Tract 5722 Lot 05	C-2	C-5
213-491-06	Tract 5722 Lot 06	C-2	C-5
213-491-07	Tract 5722 Lot 07	C-2	C-5
213-491-08	Tract 5722 Lot 08	C-2	C-5
213-491-09	Tract 5722 Lot 09	C-2	C-5
213-491-10	Tract 5722 Lot 10	C-2	C-5
213-492-01	Tract 5722 Lot 11	C-2	C-5
213-492-02	Tract 5722 Lot 12	C-2	C-5
213-492-03	Tract 5722 Lot 13	C-2	C-5
213-492-04	Tract 5722 Lot 14	C-2	C-5
213-110-28	PM 5644 Lot 1	C-2	C-5
213-110-06	Sec. 23, T32S, R37E	C-2	C-5



✓ = affected lots

17

18.07AC.

290.72

554.09

350.00

240.00

217.91

6

180

155

100

245

28

C(1)

186

235

930.00

413

Not a part

24

B(3)

20

A(2)

21

A(3)

23

25

B(2)

B(4)

27

WALPOLE

NEURALIA

NEMOPHILA ST.

CALIFORNIA

DOUGLASS

COLLEGE

XAVIER

RESOLUTION NO. 12-06-1983PC

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF CALIFORNIA CITY
TO APPROVE THE INITIAL STUDY, NEGATIVE DECLARATION, ZONE CHANGE
178, AND GENERAL PLAN AMENDMENT 2006-04**

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY as follows:

SECTION 1. PURPOSE.

The Commission considered and made recommendation for approval of the Initial Study, Negative Declaration, Zone Change 178, and General Plan Amendment 2006-04 for the purpose of rezoning eighteen contiguous lots on 26.5 acres in the California City Business Park.

WHERE AS; the property is located per Exhibit "A" (1-page) and the conditions of approval for Zone Change 178 and General Plan Amendment 2006-04 as per Exhibit "B" (1-page), hereinafter referred to as "California City Business Park Zone Change 178 and General Plan Amendment 2006-04 conditions," were prepared.

WHERE AS; the zoning and general plan would reflect for these parcels rezoning from C2 Community Commercial to C5 Regional Commercial for a regional shopping center, in which businesses can own land and facilitate the growth of California City that will offer more diverse retail businesses. A notice of determination will be filed with the County Clerk for this project.

WHERE AS; the Development Review Committee (DRC) reviewed this project as DRC 06-15 on May 9, 2006. The project has received approval from DRC. As recommended by the DRC, as conditions of approval, the owners/applicants were to final Tract Map 5722 and final Tract Map 7013 prior to requesting a zone change and both conditions are completed.

SECTION 2. FINDINGS.

The Planning Commission finds, determines and declares:

(1) This project has been reviewed and approved by the Development Review Committee (DRC) as project DRC 06-15 on May 9, 2006.

(2) All improvements will be in accordance with City and County Standards;

(3) A duly-noticed public hearing has been conducted to consider the Initial Study, Negative Declaration, Zone Change 178, and General Plan Amendment 2006-04 and Resolution 12-06-1983PC;

(4) Zone Change 178 and General Plan Amendment 2006-04 will not result in any significant adverse environmental impacts;

(5) Zone Change 178 and General Plan Amendment 2006-04 will promote the welfare of the community;

(6) Zone Change 178 and General Plan Amendment 2006-04 is consistent with the general plan and the City's zoning ordinance.

(7) The owners/applicants were to final Tract Map 5722 and final Tract Map 7013 prior to requesting a zone change and both conditions are completed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of California City does hereby approve the Initial Study, Negative Declaration, Zone Change 178 and General Plan Amendment 2006-04, conditions of approval and forwards to the City Council for final approval.

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the Planning Commission on the 12th day of December 2006.

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0


Chairman

ATTEST:


Recording Secretary

Cal City Business Park Zone Change Application

EXHIBIT A

PROPERTY LOCATION: A portion of the Southwest one quarter of Section 23, T32S, R37E, MDB&M, North of California City Boulevard, East of Neuralia Road, South of Walpole Drive and West of Nemophilia Street, California City, County of Kern.

APN	Map / Parcel	Current Zoning	Proposed Zoning
213-110-21	PM 1194 Parcel 03	C-2	C-5
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213-110-28	PM 5644 Lot 1	C-2	C-5
213-110-06	Sec. 23, T32S, R37E	C-2	C-5

**CONDITIONS OF APPROVAL
ZONE CHANGE 178 AND GENERAL PLAN AMENDMENT 2006-04
EXHIBIT B**

- (1) This project has been reviewed and approved by the Development Review Committee (DRC) as project DRC 06-15 on May 9, 2006.
- (2) All improvements will be in accordance with City and County Standards;
- (3) A duly-noticed public hearing has been conducted to consider the Initial Study, Negative Declaration, Zone Change 178, and General Plan Amendment 2006-04 and Resolution 12-06-1983PC;
- (4) Zone Change 178 and General Plan Amendment 2006-04 will not result in any significant adverse environmental impacts;
- (5) Zone Change 178 and General Plan Amendment 2006-04 will promote the welfare of the community;
- (6) Zone Change 178 and General Plan Amendment 2006-04 is consistent with the general plan and the City's zoning ordinance.
- (7) The owners/applicants were to final Tract Map 5722 and final Tract Map 7013 prior to requesting a zone change and both conditions are completed.

DEPARTMENT OF TRANSPORTATION

District 9
500 South Main Street
Bishop, CA 93514
PHONE (760) 872-0785
FAX (760) 872-0754
TTY (760) 872-9043



*Flex your power!
Be energy efficient!*

November 30, 2006

William W. Way, Jr.
City Manager/Planning Director
City of California City
21000 Hacienda Boulevard
California City, California 93505-2293

File: 09-KER
ND
SCH #: 2006111113

Dear Mr. Way:

California City Business Park - Zone Change 178, GPA 2006-04 (November 2006)

Thank you for giving the California Department of Transportation (Caltrans) the opportunity to review the zone change documentation for eventual creation of a "regional shopping center" in the vicinity of California City Boulevard and Neuralia Road. We have the following comments:

- It is appropriate that a traffic study has been done for this project. Since the project is slated as "regional" which would "facilitate the growth" of California City, it would follow that the regional routes - State Routes (SR) 14 and 58 (noted as such on page 2) would be studied. Please ensure impacts (including cumulative) are addressed for these regional routes especially at the California City Boulevard/SR 14 interchange, SR 58 Exit 187 and the California City Boulevard/SR 58 at-grade intersection.

(Analysis of a SR 14/California City Boulevard intersection has been included, but in its temporary state as a 3-legged intersection during the construction phase of the interchange. The interchange project, which has been in process for some time, is scheduled to be functional in 2007. Since the Business Park project year is 2009, the SR 14 access analyzed should be this interchange.)

A feasible mitigation for cumulative traffic impacts could be the City collecting pro rata developer fees.

- As you are aware the 2004 Kern Regional Transportation (RTP) lists a project that would connect California City Boulevard with Northgate Boulevard so SR 58 access would be at the Exit 187 interchange, and the existing at-grade California City Boulevard intersection would be closed. Since this project is in the distant future, traffic for this proposed shopping center should be directed to use the SR interchange, rather than the at-grade intersection.
- Since the traffic study did conclude some mitigation is required, in the Environmental Checklist Traffic Section "Less than Significant with Mitigation incorporated" should have been checked instead of "No Impact."

William W. Way, Jr.
November 30, 2006
Page 2

Please continue to forward project information. We value a cooperative relationship in matters concerning transportation and development with California City. If you have any questions, I may be contacted at (760) 872-0785.

Sincerely,

A handwritten signature in black ink that reads "Gayle J. Rosander". The signature is written in a cursive, flowing style.

GAYLE J. ROSANDER
IGR/CEQA Coordinator

c: State Clearinghouse
Steve Wisniewski, Caltrans

NATIVE AMERICAN HERITAGE COMMISSION915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814

(916) 653-6251

Fax (916) 657-5390

W

Web Site www.nahc.ca.gove-mail: ds_nahc@pacbell.net

December 6, 2006

Mr. William W. Way, Jr.

City of California City21000 Hacienda Boulevard
California City, CA 93505-2293

Re: SCH#2006111113 CEQA Notice of Completion: Initial Study/ Negative Declaration: for Zone Change 178: General Plan Amendment 2006-04, City of California City, Kern County, California

Dear Mr. Way:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section: .
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact, particularly the contacts of the on the list.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

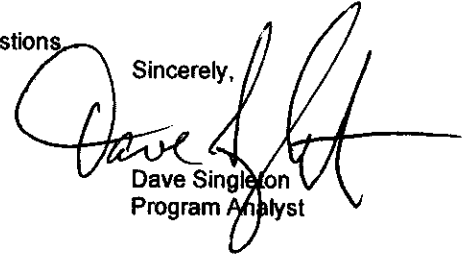
* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", written over the typed name and title.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

**Native American Contacts
Kern County
December 6, 2006**

Ron Wermuth P.O. Box 168 Kernville , CA 93238 warmoose@earthlink. (760) 376-4240 - Home	Tubatulabal Kawaiisu Koso Yokuts	Tehachapi Indian Tribe Attn: Charlie Cooke 32835 Santiago Road Acton , CA 93510 suscol@interx.net (661) 269-1422	Kawaiisu
Kern Valley Indian Council Harold Williams, Chairperson 15775 Setimo Creek Road Caliente , CA 93518 (661) 333-5032	Southern Paiute Kawaiisu Tubatulabal Koso Yokuts	Tejon Indian Tribe Kathy Van Meter, Cultural Res. Team Leader 14035 Rosedale Hwy Bakersfield , CA 93314	Yowlumne Kitanemuk
Kern Valley Indian Council Robert Robinson, Historic Preservation Officer P.O. Box 401 Weldon , CA 93283 brobinson@mchsi. (760) 378-4575 (Home)	Tubatulabal Kawaiisu Koso Yokuts	Tubatulabals of Kern Valley Donna Begay, Tribal Chairwoman P.O. Box 226 Lake Isabella , CA 93240 (209) 304-4708	Tubatulabal

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Sec. 7050.5 of the Health & Safety Code, Sec. 5097.94 of the Public Resources Code and Sec. 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2006111113; CEQA Notice of Completion; Initial Study/Negative Declaration for Zone Change 178; General Plan Amendment 2006-04; City of California City; Kern County, California.