



336 Pacific Avenue, Shafter, CA 93263
Meeting Held In-Person and Via Zoom and Livestream on YouTube.

**AGENDA
REGULAR MEETING
SHAFTER PLANNING COMMISSION
TUESDAY, NOVEMBER 12, 2024**

NOTICE TO THE PUBLIC:

Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available in the City Clerk's Office during normal business hours at City Hall located at 336 Pacific Avenue, Shafter CA. In addition, such documents will be posted on the City's website at www.shafter.com.

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE: Commissioner Joshan

INVOCATION: Chairman Sanchez

ROLL CALL: Chairman Sanchez
Vice Chairman Frantz
Commissioner Joshan
Commissioner Piuser
Commissioner Wiebe

APPROVAL OF AGENDA:

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: October 8, 2024.

PUBLIC COMMENT:

This portion of the meeting is reserved for persons wanting to address the Commission only on matters not listed on this agenda. Speakers are limited to five minutes unless additional time is needed for translation. Please state your name and address for the record before making your presentation.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described

in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. **Zone Code Amendment No. 24-19:** Planning Commission conduct public hearing; and (1) adopt Resolution No. 24-451, a Resolution of the Planning Commission of the City of Shafter, recommending that the City Council approve Zone Code Amendment No. 24-19 to adopt an Ordinance amending Title 17 (Zoning Ordinance) of the Shafter Municipal Code to comply with recent changes to state law that impose new limits on local authority to regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), to the City Council and (2) find that the adoption of the proposed ordinance is statutorily exempt from review under the California Environmental Quality per Public Resources Code Section 21080.17. (Planning Director Esselman)

ROLL CALL

2. **Revised Tentative Tract Map No. 7244 Amendment of Conditions:** Planning Commission conduct a public hearing; and adopt Resolution No. 24-452, a Resolution of the Planning Commission of the City of Shafter, recommending the approval of an amendment of conditions for Revised Tentative Tract Map No. 7244 to the City Council. (Planning Director Esselman)

ROLL CALL

3. **Tentative Tract Map No. 7461:** Staff recommends the Planning Commission conduct a public hearing and continue the hearing to a date certain of the December 10, 2024, Planning Commission meeting. (Planning Director Esselman)

ROLL CALL

COMMISSIONER REPORTS:

ADJOURNMENT:

Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 at least three (3) days prior to the meeting or time the special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the City Clerk's Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and Police Dept. by 5:00 p.m., November 7, 2024. Yazmina Pallares, S/S, City Clerk

REMOTE PUBLIC PARTICIPATION IS ALLOWED IN THE FOLLOWING WAYS, SEE BELOW FOR INSTRUCTIONS.

1. You are strongly encouraged to observe the Planning Commission meetings live via YouTube <https://www.youtube.com/user/CityofShafter/>
2. If you wish to make a comment on a specific agenda item or public comment, please submit your comment via email by **6:00 PM on November 12, 2024** to the

City Clerk at CityClerk@shafter.com

3. If you wish to make a written comment to the City Clerk, 336 Pacific Avenue, Shafter, CA 93263.
4. If you wish to make a comment during the live meeting, callers must first register with the City Clerk at 661-746-5012 before the meeting begins to receive instructions and the call- in number and code. Please call by 5:00pm on the Monday prior to the Planning Commission meeting to allow ample time for sign up. You will need to provide your name, phone number and the item number you wish to address.
5. All public comments are provided to the Planning Commission and applicable Staff, for review and consideration by the Board prior to taking action on any matters listed on the agenda and are incorporated into the official record of the Planning Commission meeting.

**MINUTES OF THE REGULAR MEETING OF THE
SHAFTER PLANNING COMMISSION
COUNCIL CHAMBER, 336 PACIFIC AVENUE
MEETING HELD IN-PERSON AND VIA ZOOM AND LIVESTREAM TO YOUTUBE
TUESDAY, OCTOBER 8, 2024**

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE: Vice Chairman Frantz

INVOCATION: Commissioner Piuser

ROLL CALL:

PRESENT(In-Person): Chairman Sanchez, Vice Chairman Frantz, and Commissioner Piuser.
Absent with an excused absence: Commissioners Joshan and Wiebe. Also present: Planning Director Esselman, Senior Planner Cazares, IT Specialist Herrera, and Deputy City Clerk Uribe.

APPROVAL OF AGENDA:

*MOVED (FRANTZ) AND SECONDED (PIUSER) COMMISSIONERS APPROVED THE AGENDA AS PRESENTED.
MOTION CARRIED BY THE FOLLOWING VOTE:*

AYES: FRANTZ, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: JOSHAN AND WIEBE.

ABSTENTIONS: NONE.

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: September 10, 2024.

*MOVED (PIUSER) AND SECONDED (FRANTZ) COMMISSIONERS APPROVED THE MINUTES OF THE REGULAR
MEETING OF SEPTEMBER 10, 2024, AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:*

AYES: FRANTZ, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: JOSHAN AND WIEBE.

ABSTENTIONS: NONE.

PUBLIC COMMENT:

There were no members of the public wishing to speak.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. Extension of Time Request for Tentative Tract Map No. 7052: Senior Planner Cazares made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Being no members of the public wishing to speak, the public hearing was closed.

MOVED (PIUSER) AND SECONDED (FRANTZ) COMMISSIONERS CONDUCTED A PUBLIC HEARING; FOUND THE CITY OF SHAFTER ADOPTED A NEGATIVE DECLARATION FOR TENTATIVE TRACT NO. 7052 ON SEPTEMBER 18, 2007 (RESOLUTION NO. 07-1946), THEREFORE NO ADDITIONAL CEQA ANALYSIS OR DOCUMENTATION IS REQUIRED FOR THE EXTENSION OF TIME; AND ADOPTED RESOLUTION NO. 24-447, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING THE CITY COUNCIL APPROVE A TWO (2) YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 7052 LOCATED ON THE WEST SIDE OF POPLAR AVENUE BETWEEN LERDO HIGHWAY AND W. LOS ANGELES AVENUE, WITHIN THE CITY OF SHAFTER, SUBJECT TO THE CONDITIONS APPROVED BY THE CITY COUNCIL ON SEPTEMBER 18, 2007, TO EXPIRE ON SEPTEMBER 18, 2026. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: JOSHAN AND WIEBE.

ABSTENTIONS: NONE.

2. Extension of Time Request for Tentative Tract Map No. 6614: Senior Planner Cazares made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Being no members of the public wishing to speak, the public hearing was closed.

MOVED (PIUSER) AND SECONDED (FRANTZ) COMMISSIONERS CONDUCTED A PUBLIC HEARING; FOUND THE RESIDENTIAL PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, I.E., EXEMPT FROM THE REQUIREMENTS OF DIVISION 13 (COMMENCING WITH SECTION 21000) OF THE PUBLIC RESOURCES CODE, PURSUANT TO CALIFORNIA GOVERNMENT CODE §65457. THE PROJECT IS WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) THAT WAS CERTIFIED FOR THE 2005 CITY OF SHAFTER GENERAL PLAN UPDATE AND RELATED ACTION (SCH NO. 2004101029) AND THE ADDENDUM TO THE CERTIFIED FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT PER RESOLUTION NO. 06-1889. THE CERTIFIED PROGRAM EIR ADEQUATELY DESCRIBES THE ACTIVITY OF THE RESIDENTIAL DEVELOPMENT PROPOSED IN TENTATIVE TRACT NO. 6614 AS ADOPTED IN THE ORCHARD PARK SPECIFIC PLAN PER ORDINANCE 06-583; AND ADOPTED RESOLUTION NO. 24-448, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING THAT THE CITY COUNCIL APPROVE A TWO (2) YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 6614 LOCATED EAST OF NORTH BEECH AVENUE BETWEEN EAST FRESNO AVENUE AND EAST TULARE AVENUE, WITHIN THE CITY OF SHAFTER, SUBJECT TO THE CONDITIONS APPROVED BY THE CITY COUNCIL ON SEPTEMBER 19, 2006, TO EXPIRE ON MARCH 19, 2027. SEE EXHIBIT 5 FOR RESOLUTION NO. 24-448. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: JOSHAN AND WIEBE.

ABSTENTIONS: NONE.

3. Conditional Use Permit No. 24-145: Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised. Planning Director Esselman provided a memo to the Commission with a copy of comment letters submitted by San Joaquin Valley Air Pollution Control District and California Department of Fish and Wildlife regarding the Mitigated Negative Declaration for Conditional Use Permit No. 24-145.

Chairman Sanchez opened the public hearing.

Being no members of the public withing to speak, the public hearing was closed.

MOVED (FRANTZ) AND SECONDED (PIUSER) COMMISSIONERS CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION NO. 24-450, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER, (1) APPROVING CONDITIONAL USE PERMIT NO. 24- 145 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF THREE SOLAR FACILITIES ON THREE SITES (PORTIONS OF APNS 089-090-30, 091-320-03, AND 091-252-34) ON 22.6 TOTAL ACRES AND (2) ADOPT A MITIGATED NEGATIVE DECLARATION IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: JOSHAN AND WIEBE.

ABSTENTIONS: NONE.

4. Tentative Tract Map No. 7461: Planning Director Esselman made introductory comments and requested the public hearing be continued to the November 12, 2024, Planning Commission meeting. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Being no members of the public wishing to speak, the public hearing was continued to the November 12, 2024, Planning Commission meeting.

MOVED (PIUSER) AND SECONDED (FRANTZ) COMMISSIONERS CONDUCTED A PUBLIC HEARING; AND CONTINUED THE HEARING TO A DATE CERTAIN OF THE NOVEMBER 12, 2024, PLANNING COMMISSION MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: JOSHAN AND WIEBE.

ABSTENTIONS: NONE.

COMMISSIONER REPORTS: There were no Commissioner Reports.

ADJOURNMENT:

MOVED (FRANTZ) AND SECONDED (PIUSER) COMMISSIONERS ADJOURNED THE MEETING AT 6:20 P.M. MOTION CARRIED WITH NO OPPOSITION WITH COMMISSIONERS JOSHAN AND WIEBE ABSENT.

John Sanchez, Chairman

ATTEST:

Vanessa Uribe, Deputy City Clerk

DATE: November 12, 2024
TO: Planning Commission
FROM: Planning Department
SUBJECT: Zone Code Amendment No. 24-19

RECOMMENDATION:

Planning Commission conduct public hearing; and (1) adopt Resolution No. 24-451, a Resolution of the Planning Commission of the City of Shafter, recommending that the City Council approve Zone Code Amendment No. 24-19 to adopt an Ordinance amending Title 17 (Zoning Ordinance) of the Shafter Municipal Code to comply with recent changes to state law that impose new limits on local authority to regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), to the City Council and (2) find that the adoption of the proposed ordinance is statutorily exempt from review under the California Environmental Quality per Public Resources Code Section 21080.17.

APPLICANT
Not Applicable

OWNER
Not Applicable

LOCATION: Citywide

BACKGROUND AND ANALYSIS:

In recent years, the California Legislature has approved, and the Governor has signed into law several bills that, among other things, amended various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs. In 2024, the California Legislature approved, and the Governor signed into law, two new bills — AB 2533 and SB 1211 — that further amend state ADU law as summarized below.

AB 2533 – Unpermitted ADUs and JADUs

Subject to limited exceptions, existing state law prohibits a city from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, state, or local ADU standards. One exception allows a city to deny a permit to legalize if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 changes this by: (1) expanding the above prohibition to also include JADUs; (2) moving the construction-cutoff date from January 1, 2018, to January 1, 2020; and (3) replacing the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings). (See amended Gov. Code,

PUBLIC HEARING

§ 66332(a)–(f).)

SB 1211 – Replacement Parking Requirements; Multifamily ADUs

Replacement Parking

Existing state law prohibits the City from requiring off-street parking spaces to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU.

SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU. (See amended Gov. Code, § 66314(d)(11).)

Multifamily ADUs

SB 1211 further defines livable space in connection with converted ADUs inside a multifamily dwelling structure. Existing state law requires the City to ministerially approve qualifying building-permit applications for ADUs within “portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages” The term “livable space” is not defined by existing state ADU law.

SB 1211 changes this by adding a new definition: “‘Livable space’ means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.” (See amended Gov. Code, § 66313(e).)

SB 1211 also increases the number of detached ADUs that lots with an existing multifamily dwelling can have. Existing state law allows a lot with an existing or proposed multifamily dwelling to have up to two detached ADUs.

Under SB 1211, a lot with an existing multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Gov. Code, § 66323(a)(4)(A)(ii).) SB 1211 does not alter the number of ADUs that a lot with a proposed multifamily dwelling can have — the limit remains at two. (See amended Gov. Code, § 66323(a)(4).)

CEQA:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

ATTACHMENTS

EXHIBIT

Resolution No. 24-451

1

RESOLUTION NO. 24-451

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CODE AMENDMENT NO. 24-19 TO ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE SHAFTER MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN THE CITY, AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE SECTION 21080.17

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, several bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law;

WHEREAS, AB 2533 and SB 1211 take effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS, on November 12, 2024, the Planning Commission held a duly-noticed public hearing to consider the attached Ordinance changes; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, does resolve, determine, find, and order as follows:

SECTION 1. Incorporation. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the Planning Commission.

SECTION 2. CEQA. The Planning Commission recommends that the City Council find that, under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 3. General Plan. The Planning Commission hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 4. Recommendation. Given the foregoing, and based on the entire record before the Planning Commission, the Planning Commission hereby recommends that the City Council adopt the ordinance changes attached hereto as Exhibit “A.”

SECTION 5. Effective Date. This Resolution takes effect immediately upon adoption.

SECTION 6. Certification; Records. The City Clerk shall attest as to the adoption of this Resolution and cause the same to be maintained in the permanent records of the City.

PASSED AND ADOPTED THIS 12th DAY OF NOVEMBER, 2024.

John Sanchez, Chairman

ATTEST

Vanessa Uribe, Deputy City Clerk

Exhibit “A”

Proposed Ordinance changes

[Attached]

lot lines of those properties are considered to be abutting, adjoining, or adjacent.

Access Corridor

A portion of the site providing access from a street and having a dimension less than the required lot width. The area of an access corridor shall not be included in determining the lot area.

Access Rights

The right, claims, title, or privilege of access, by pedestrians or vehicles, to a public road or way.

Access Road

A graded road with such improvements and of such width as required in Title 16 of the Municipal Code which provides access from a division of land to an existing maintained street or highway.

Accessory Dwelling Unit

~~An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following: A dwelling unit with complete independent living facilities for one or more persons that can be detached (separate from the primary structure), attached (attached to the primary structure), or converted existing space (e.g., master bedroom, attached garage, or similar use) on the lot of the primary residence that is converted into an independent living unit for one or more persons. An ADU also includes the following: (1) an efficiency unit as defined in California Health and Safety Code Section 17958.1 and (2) a manufactured homes as defined in California Health and Safety Code Section 18007.~~

- ~~• An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and~~
- ~~• A manufactured home, as defined by section 18007 of the California Health and Safety Code.~~

Accessory Structure

~~A structure that is accessory and incidental to a dwelling located on the same lot. Any subordinate structure or portions of the main structure, the use of which is incidental to that of the main structure on the same lot or premises, and which is used exclusively by the occupants of the main structure.~~ An accessory structure may be erected only after the principal structure is established.

Accessory Use

Any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises. An accessory use may be established only after the principal use is established.

Acreage (Gross)

The total fee ownership of a parcel or land area including any easements, but excluding any existing offers of dedication, dedications, or rights-of-way.

by any other entity approved by the City, or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the General Plan or any adopted specific plan.

Improvement Standards

The standards for improvements set forth in this and other regulations related to the development of land within the City of Shafter.

Infraction

A violation of any section of Title 17 of the Municipal Code.

Intensive Agricultural Use

Agricultural activities that typically are associated with one or more of the following impacts: strong offensive odors, substantial runoff, large concentrations of animal waste, noise, and/or extensive use of chemical, compost, and/or manure piles.

JADU

See "Junior Accessory Dwelling Unit."

Junior Accessory Dwelling Unit

~~A residential unit that satisfies all of the following: A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence or attached garage; must have a separate entrance, efficiency kitchen, and may include separate sanitation facilities or use the residence's existing sanitation system; and is no greater than 500 square feet in size.~~

- ~~• It is no more than 500 square feet in size.~~
- ~~• It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.~~
- ~~• It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.~~
- ~~• If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.~~
- ~~• It includes an efficiency kitchen.~~

Kennel (Commercial)

Any kennel maintained for the purpose of boarding, marketing, breeding, raising or training dogs and/or cats over the age of four months for a fee or for sale.

Kennel (Non-Commercial)

Any property where seven or more dogs and/or cats over the age of four months, are kept or maintained for the use and enjoyment of the occupant for non-commercial purposes.

Kiosk

Any Off-Site Subdivision or Business Directional Sign or structure, of four sides or less, typically constructed of 4" by 6" posts upon which Business Directional or Subdivision Signs may be mounted.

Kitchen

A room, or any portion of a room, used for cooking and/or preparation of foods.

Land Project

A subdivision as defined in Section 11000.5 of the Business and Professions Code.

Landscaping

The planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination of design may include natural features such as rock and stone; and structural features, including, but not limited to, fountains, reflecting pools, art work, screens, walls fences and benches.

Liveable Space

A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Livestock

Domestic or useful animals normally kept or reared on a farm or ranch for work, breeding, fattening, or other purposes including, but not limited to, horses, bovines, sheep, swine, and goats.

Living Area

The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure

Logo

Logo shall mean a trademark or symbol of an organization or business.

Lot

A site or parcel of land under one ownership having frontage upon a street, other than an alley, or a private easement determined by the Director of Public Works to be adequate for purposes of access.

Lot (Area)

The horizontal area within the property lines excluding area to be included in future street right-of-way as established by dedication.

Lot (Corner)

A site bounded by two (2) or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

Lot Depth

The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

- A Light Processing Facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two (2) outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
- A Heavy Processing Facility is any processing facility other than a Light Processing Facility.

Project

Any proposal for new or changed use, or for new construction, alteration or enlargement of any structure, that is subject to the provisions of this Title.

Property Line (Front)

The shortest boundary line of a lot which is coterminous with a street line. Boundary lines of a double frontage lot which are coterminous with street lines shall be front lines. When the boundary lines of a corner lot, which are coterminous with street lines, are of equal or substantially equal lengths, the front line shall be determined by the Planning Director. In determining the front line, the Planning Director shall take into consideration the character of the improvements in the neighborhood of the lot, the relative impact to abutting property owners from the establishment of either of such boundaries as a front line, the character of the building proposed to be constructed and the distance that the buildings are set back from the lines of the two streets on which the lot in question abuts.

Property Line (Interior)

A lot line not abutting a street.

Property Line (Rear)

A lot line that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth.

Property Line (Side)

Any lot line that is not a front lot line or a rear lot line.

Property Line (Streetside)

A side lot line abutting a street.

Proposed Dwelling

A dwelling that is the subject of a permit application and that meets the requirements for permitting.

“Subdivision” includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this section, “agricultural purposes” means the cultivation of food or fiber or the grazing or pasturing livestock.

Substantial Change

A revision to an adopted or proposed application or permit which would increase the intensity of site use or project-related traffic, increase the environmental impacts of the development, require a modification of approval findings, or modify conditions of approval specifically imposed by the approving body.

Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- before the improvement or repair is started, or
- if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Supportive Housing

Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (per Health and Safety Code 50675.14 (b)) Supportive housing is considered to be a residential use and subject to only those restrictions that apply to other residential dwellings of the same type in the same zone.

Swimming Pools and Hot Tubs

Water-filled enclosures having a depth of 18 inches or more used for swimming or recreation.

Tandem Parking

Two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Target population

Adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 (commencing Section 4500) of the Welfare and Institutions Code) and may, among other populations, include

- n. Site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present;
- o. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers except where the Planning Director determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety;
- p. One (1) parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone district in which the facility is located.

7. Site Cleanup Required

The operator of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon failure to remove said materials, the City may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for the full cost of any such cleanup work done by the City.

11.200

ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs)

1. ~~Intent~~Purpose

~~The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code. This Section is intended to ensure that accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) located in residential districts do not adversely impact adjacent residential parcels or the surrounding neighborhood and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels. The intent of this Section is to also be in compliance with Government Code Sections 65852.2 and 65852.22.~~

2. ~~Applicability~~Effect of Conforming

~~The provisions of this Section shall apply to all ADUs and JADUs in addition to the provisions of the zone district in which it is located.~~

An ADU or JADU that conforms to the standards in this section will not be (1) deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located; (2) deemed to exceed the

allowable density for the lot on which the ADU or JADU is located; (3) considered in the application of any local ordinance, policy, or program to limit residential growth; and (4) required to correct a nonconforming zoning condition, defined as a physical improvement on a property that does not conform with current zoning standards, but this does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

3. Approvals

The following approvals apply to ADUs and JADUs.

- a. Building-permit Only. If an ADU or JADU complies with each of the general requirements in subsection 4 below, it is allowed with only a building permit in the following scenarios:
 - (1) Converted on Single-family Lot: One ADU as described in this subsection 3a(1)(a) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - (a) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - (b) Has exterior access that is independent of that for the single-family dwelling; and
 - (c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - (d) The JADU complies with the requirements of Government Code ~~Section 65852.22~~Sections 66333 through 66339.
 - (2) Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection 3a(1)(a) above), if the detached ADU satisfies each of the following limitations:
 - (a) The side- and rear-yard setbacks are at least four feet.
 - (b) The total floor area is 800 square feet or smaller.
 - (c) The peak height above grade does not exceed the applicable height limit in subsection 4b below.
 - (3) Converted on Multifamily Lot: One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection 3a(3), at least one converted ADU is allowed within an existing multifamily

dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

- (4) Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot ~~that has an existing or proposed multifamily dwelling with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling.~~ if each detached ADU satisfies ~~both all~~ of the following ~~limitations~~.

(a) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.

(b) The peak height above grade does not exceed the applicable height limit provided in subsection 4b below.

(c) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.-

b. ADU Permit

- (1) Except as allowed under subsection 3a above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections 4 and 5 below.
- (2) The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the director of community development and approved by the city council by resolution.

c. Process and Timing

- (1) An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- (2) The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
- (a) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
- (b) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but

the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

- (3) If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection 3c(2) above.
 - (4) A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.
 4. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved under subsections 3a or 3b above:
 - a. Zoning
 - (1) An ADU or JADU subject only to a building permit under subsection 3a above may be created on a lot in a residential or mixed-use zone.
 - (2) An ADU or JADU subject to an ADU permit under subsection 3b above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
 - (3) In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.
 - b. Height
 - (1) Except as otherwise provided by subsections 4b(2) and 4b(3) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
 - (2) A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - (3) A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
 - (4) An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the

underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection 4b(4) may not exceed two stories.

- (5) For purposes of this subsection 4b, height is measured above existing legal grade to the peak of the structure.

c. Fire Sprinklers

- (1) Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- (2) The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

d. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

e. No Separate Conveyance. An ADU or JADU may be rented, but except as otherwise provided in Government Code Section ~~65852.26~~66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

f. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

g. Owner Occupancy

- (1) An ADU that is permitted on or after January 1, 2020, ~~but before January 1, 2025,~~ is not subject to any owner-occupancy requirement. ~~(2) Unless applicable law requires otherwise, all ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~

- ~~(23)~~ As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection 4g(2) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

h. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Planning Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

- (1) Except as otherwise provided in Government Code Section ~~65852.2666341~~, the ADU or JADU may not be sold separately from the primary dwelling.
 - (2) The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 - (3) The deed restriction runs with the land and may be enforced against future property owners.
 - (4) The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
 - (5) The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- i. ~~Income-Rent~~ Reporting. In order to facilitate the city's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and ~~65852.266330~~, the following requirements must be satisfied:
- (1) With the building-permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
 - (2) Within 90 days after each ~~yearly anniversary of the~~January 1 following issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the owner is in violation of this Code, and the city may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the city may enforce this provision in accordance with applicable law.
- j. Building and Safety

- (1) Must comply with building code. Subject to subsection 4j(2) below, all ADUs and JADUs must comply with all local building code requirements.
 - (2) No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or code enforcement officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection 4j(2) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
5. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection 3b above.
 - a. Maximum Size
 - (1) The maximum size of a detached or attached ADU subject to this subsection 5 is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
 - (2) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
 - (3) Application of other development standards in this subsection 5, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection 5a(2) above or of a FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.
 - b. Floor Area Ratio (FAR). No ADU subject to this subsection 5 may cause the total FAR of the lot to exceed 45 percent, subject to subsection 5a(3) above.
 - c. Setbacks
 - (1) An ADU that is subject to this subsection 5 must conform to a 25-foot front-yard setback, subject to subsection 5a(3) above.
 - (2) An ADU that is subject to this subsection 5 must conform to 4-foot side- and rear-yard setbacks.
 - (3) No setback is required for an ADU that is subject to this subsection ~~(f)~~5 if the ADU is constructed in the same location and to the same dimensions as an existing structure.
 - d. Lot Coverage. No ADU subject to this subsection 5 may cause the total lot coverage of the lot to exceed 50 percent, subject to subsection 5a(3) above.

ed. Minimum Open Space. No ADU subject to this subsection 5 may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection 5a(3) above.

fe. Passageway. No passageway, defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU, is required for an ADU.

gf. Parking

(1) Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, defined as two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another.

(2) Exceptions. No parking under subsection 5g(1) is required in the following situations:

(a) The ADU is located within one-half mile walking distance of public transit, defined as a location including, but not limited to, a bus stop or train station, where the public may access buses, trains, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(b) The ADU is located within an architecturally and historically significant historic district.

(c) The ADU is part of the proposed or existing primary residence or an accessory structure under subsection 3a(1) above.

(d) When on-street parking permits are required but not offered to the occupant of the ADU.

(e) When there is an established car share vehicle stop located within one block of the ADU.

(f) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections 5gf(2)(a) through (f) above.

(3) No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

hg. Architectural Requirements

(1) The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.

- (2) The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- (3) The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- (4) The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
- (5) The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
- (6) ~~No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.~~
- (7) All windows and doors in an ADU are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

~~ih.~~ Landscape Requirements. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:

- (1) At least one 15-gallon size plant shall be provided for every five linear feet of exterior ADU wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior ADU wall.
- (2) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.
- (3) All landscaping must be drought-tolerant.
- (4) All landscaping must be from the city's approved plant list.

~~j.~~ Historical Protections. An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

~~k.~~ Allowed Stories. No ADU subject to this subsection 5 may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph 4b(4) of this section.

6. Fees. The following requirements apply to all ADUs that are approved under subsections 3a or 3b above.

ai. Impact Fees

- (1) No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection **6ai**, “impact fee” means a “fee” under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act (Government Code Section 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
- (2) Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

bj. Utility Fees

- (1) If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- (2) Except as described in subsection **6bj(1)**, converted ADUs on a single-family lot that are created under subsection 3a(1) above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- (3) Except as described in subsection **6bj(1)**, all ADUs that are not covered by subsection **6bj(2)** require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
 - (a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - (b) The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

7. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures

- a. Generally. The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

- b. Unpermitted ADUs and JADUs constructed before 2020~~2018~~.
 - (1) Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2020~~2018~~, if denial is based on either of the following grounds:
 - (a) The ADU violates applicable building standards, or
 - (b) The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (section 11.200)~~The ADU does not comply with the state ADU law (Government Code section 65852.2) or this ADU ordinance (section 11.200). The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.~~
 - (2) Exceptions
 - (a) Notwithstanding subsection 7b(1) above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020~~2018~~, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3~~protect the health and safety of the public or of occupants of the structure.~~
 - (b) Subsection 7b(1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.
- 8. Nonconforming ADUs and Discretionary Approval. Any proposed ADU or JADU that does not conform to the objective design or development standards set forth in subsections 1 through 7 of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.~~standards set forth in subsections 1 through 7 of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.~~

11.210 SELF STORAGE WAREHOUSES

1. Intent

This Section is intended to ensure that self-storage warehouse operations, commonly known as “mini-warehouses,” do not result in an adverse impact on adjacent properties by reason of parking demand, traffic generation, fire, or safety hazard, or visual blight. The special conditions contained in this Section are intended to differentiate self-service storage warehousing uses from more intensive wholesale or general warehousing uses, especially regarding the differing parking requirements for these uses.

3. Public Nuisance

The establishment, maintenance or operation of Medical Cannabis Uses within the City of Shafter is declared to be a public nuisance and may be abated by the City either pursuant to the City of Shafter Municipal Code or any other available legal remedies, including but not limited to declaratory relief and civil injunctions.

**11.300 REGULATION OF PERSONAL, MEDICAL, AND COMMERCIAL USES
OF MARIJUANA**

1. Purpose

The purpose of this section is to regulate personal, medical, and commercial marijuana uses. Nothing in this section shall preempt or make inapplicable any provision of state or federal law.

2. Personal Use.

a. For purposes of this section, personal recreational use, possession, purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the City to the extent is unlawful under California law.

b. Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors, in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

c. Indoor Cultivation

(1) A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

(2) To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, unless the person is issued an indoor cultivation permit by the Planning Department. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.

(3) The Planning Department will issue application and processing guidelines for the indoor cultivation permit. No indoor cultivation permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing equipment.

3. Medical Use.

- a. Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Title 17 of the City of Shafter Municipal Code.
- b. The establishment of operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No user permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

4. Commercial Use.

- a. The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:

(1) The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;

(2) The cultivation of marijuana;

(3) The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or

(4) Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

5. Penalty for Violations.

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section any condition caused or permitted to exist in violation of any of the provisions of this section is declared

a public nuisance and may abated as provided in Title 1, Chapter 1.08 of the City of Shafter Municipal Code and/or under state law.

11.310 ADEQUATE STORAGE OF FIREARMS WITHIN THE COMMERCIAL DISTRICTS

1. Purpose

The purpose of this section is to regulate the adequate storage of firearms within Zone Districts permitting firearms sales and repair to prevent burglary and theft.

2. General Requirements

No person shall engage in the business of selling, offering for sale, or displaying for sale, or storing preparatory for sale, any firearms within the City of Shafter unless the person has fully complied with the following:

The seller shall have obtained a permit from the Chief of Police authorizing the storage of firearms within the City of Shafter. The permit shall be issued only upon a showing that the seller has taken steps to ensure the safety of his or her firearms from burglary and theft.

3. Fee

To be set and adjusted by City Council action. The fee shall be paid at the time the application is obtained from the Chief of Police and is nonrefundable.

4. Revocation

A permit issued under the provisions of this chapter shall be revoked by the Chief of Police upon proof to his satisfaction of a violation by the holder of such permit of this chapter, or any ordinance of the City of Shafter or law of the state regulating or establishing standards for the commercial sale of firearms.

5. Appeal of Suspension or Revocation

Any such person, whose permit issued under the provisions of this chapter having been so suspended or revoked, shall have the right to appeal to the City Council in writing within three (3) days after notification of such suspension or revocation, or within thirty (30) days after denial thereof, and to be heard by the City Council with relation thereto at its next regular or regular-adjourned meeting, or at a special meeting of the City Council called for such purpose, and the action of the City Council upon such appeal shall be final and conclusive with respect to the suspension or revocation of such permit.

DATE: November 12, 2024
TO: Planning Commission
FROM: Planning Department
SUBJECT: Revised Tentative Tract Map No. 7244 Amendment of Conditions

RECOMMENDATION:

Planning Commission conduct a public hearing; and adopt Resolution No. 24-452, a Resolution of the Planning Commission of the City of Shafter, recommending the approval of an amendment of conditions for Revised Tentative Tract Map No. 7244 to the City Council.

APPLICANT

Blaine Neptune
New Gen Engineering Group, Inc. dba
McIntosh & Associates
10800 Stockdale Highway, Suite 103
Bakersfield, CA 93311

OWNER

Millrose Properties California, LLC
5505 Waterford District Drive
Miami, FL 33126

LOCATION: The project is located at the northwest and northeast corners of the intersection of 7th Standard Road and N. Jewetta Avenue.

PROJECT ANALYSIS:

Revised Tentative Tract Map (RTTM) No. 7244 was approved by the City Council on August 15, 2017, pursuant to Resolution No. 2543. A substantial conformance map was approved by staff on October 28, 2024 (see **Exhibit A of Exhibit 1**). Based on the substantial conformance map and revisions because of Specific Plan Amendment (SPA) No. 23-08, the applicant has submitted a request to:

- Change the compliance timing triggers for various conditions,
- Add a few possible street names to the approved list,
- Provide lot identification changes to be consistent with an approved substantial conformance map,
- Add requested North of the River Recreation and Park District revisions,
- Update fiber optic requirements,
- Remove lift station requirements,
- Remove Lot "F" references,
- Remove school site references,
- Remove Homeowner's Association references,
- Revise per Senate Bill 937, and
- Include other non-substantive changes for clarity.

The following provides a brief explanation of the applicant's requested amendments:

Compliance Timing Triggers

There are various conditions where the applicant has requested that the timing trigger for compliance be changed to allow more time for the Condition to be completed while allowing the owner to continue to develop the tract. For those conditions where a public improvement's (such as a wall's) timing trigger has been revised, the applicant is required to bond for the improvement and have it constructed prior to obtaining a Notice of Completion (NOC) from the City Engineer for the subject phase of the tract. Only upon receiving a NOC will the next phase of the tract be allowed to commence. It's important to note that the revised timing triggers do not absolve the owner of complying with any of the conditions, but rather provides additional time to obtain compliance.

Street Name Additions

The applicant requested that Pamplona, Hacienda, Wagon, and Brindlewood be added to the approved alternative street names list in the conditions.

Lot Identification Changes

RTTM No. 7244 that was approved by the Council on August 15, 2017, was shown in sequential numbering from 1 to 395, and the current conditions of approval reflected the outdated lotting alpha-numerics based on this previously used numbering convention. The substantial conformance map approved by staff on October 28, 2024, was shown in three phases. Each phase started at 1 in the approved substantial conformance map. Therefore, the lot alpha-numerics must be amended in the conditions of approval for consistency, clarity, and to accurately coincide with the lots shown in the approved substantial conformance map.

North of the River Recreation and Park District Revisions

The conditions have been amended to incorporate revisions requested from the North of the River Recreation and Park District (NOR). The parks in the tract fall within the jurisdiction of NOR and therefore, NOR was given an opportunity to review, revise, and approve the proposed amendments.

Updated Fiber Optic Requirements

The fiber optic conditions approved in 2017 are outdated and therefore, were replaced with the City's most current fiber optic conditions.

Lift Station Requirements Removal

The City Engineer has confirmed that the current gravity sewer system can accommodate RTTM No. 7244, and a lift station is no longer required. Therefore, references to a lift station were removed from the conditions.

Lot “F” References Removal

The previous City Engineer approved the removal of Lot “F” from RTTM No. 7244 approved in 2017. Lot “F” was a pedestrian access easement to the future Friant-Kern bike trail with pedestrian gate and keypad. The approved substantial conformance map does not include this pedestrian access easement. Therefore, references to Lot “F” were removed from the conditions.

School Site References Removal

SPA No. 23-08 was approved by the Council on December 19, 2023. This action revised the Specific Plan to remove a previously approved school site and instead allows for the development of a future tract on the former school site; staff is currently working on Tentative Tract Map No. 7333, which encompasses the previous school site. Therefore, references to the former school site were removed from the conditions.

Homeowners Association References Removal

SPA No. 23-08 was approved by the Council on December 19, 2023. This action revised the Specific Plan to remove any references to forming Homeowners Association for all or a portion of the tract. Therefore, references to forming a Homeowners Association were removed from the conditions.

Yearling Court References Removal

Since the school site is no longer going to be built, the associated Yearling Court shown in RTTM No. 7244 approved in 2017 is also no longer going to be built. Therefore, references to Yearling Court were removed from the conditions.

Senate Bill 937 Revisions

Senate Bill 937 was recently approved by the Governor and requires that payment of impact fees occur at time of certificate of occupancy issuance rather than when a building permit is submitted. Therefore, conditions were revised to be compliant with this new change in state law. The conditions include a caveat that the impacts fees can be paid at the time of building permit issuance but is now not required.

Non-Substantive Changes

Non-substantive changes were made throughout the conditions like changing the name of the specific plan area from the formerly Heritage Ranch Specific Plan to the new Marcona Preserve Specific Plan or making any mention of “developer” uppercase “Developer” because the term was formally defined in the conditions, and other non-substantive changes.

All the amendments described above can be found in **Exhibit B of Exhibit 1 in ~~striketrough~~ / underline** format.

CEQA:

The City of Shafter certified an Addendum to the Program Environmental Impact Report for the 2005 General Plan Update and related actions (SCH No. 2004101029) for Specific Plan Amendment No. 23-08 (Marcona Preserve Specific Plan) on December 19, 2023 (Ordinance No. 751). The Addendum determined that no new significant impacts would occur because of Specific Plan Amendment No. 23-08 nor would any substantial increase in the severity of any previously identified significant environmental impact occur. Additionally, no new information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the previous Program Environmental Impact Report for the 2005 General Plan Update and related actions would substantially reduce one or more significant effects on the environment. Therefore, it was determined that Specific Plan Amendment No. 23-08 does not meet the criteria set in Section 15162 of the CEQA Guidelines for preparation of a subsequent EIR and that the amendment is within the scope of the certified Program Environmental Impact Report for the 2005 General Plan Update and related actions. The criteria for determining the significance of environmental impacts in the Addendum are the same as those contained within the previously certified Program Environmental Impact Report.

The project is within the scope of the Program Environmental Impact Report that was certified for the 2005 City of Shafter General Plan Update and related actions and certified Addendum for Specific Plan Amendment No. 23-08 (Marcona Preserve Specific Plan). The certified Program EIR and Addendum adequately describe the activity of the residential development to be governed by this Revised Tentative Tract Map No. 7244 Amendment of Conditions.

FINDINGS:

1. The Planning Commission finds that the requested amendment of conditions for Revised Tentative Tract Map No. 7244 is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the City.
2. The Planning Commission finds the requested amendment of conditions would not impair the integrity and character of the Shafter General Plan.
3. The Planning Commission finds that the requested amendment of conditions will result in no change to water, sanitation, public utilities and services to ensure public health and safety.
4. The Planning Commission finds that the City of Shafter certified an Addendum to the Program Environmental Impact Report for the 2005 General Plan Update and related actions (SCH No. 2004101029) for Specific Plan Amendment No. 23-08 (Marcona Preserve Specific Plan) on December 19, 2023 (Ordinance No. 7517) and

that no additional CEQA analysis or documentation is required to amend the conditions of Revised Tentative Tract Map No. 7244.

ATTACHMENTS

Resolution No. 24-452

EXHIBIT

1

RESOLUTION NO. 24-452

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING THE APPROVAL OF AN AMENDMENT OF CONDITIONS FOR REVISED TENTATIVE TRACT MAP NO. 7244 TO THE CITY COUNCIL

WHEREAS, the Planning Commission has, at its regularly scheduled meeting on November 12, 2024, studied and considered the proposed request for an amendment to conditions for Revised Tentative Tract Map No. 7244 (the “Project”); and

WHEREAS, on August 15, 2017, the City Council approved Revised Tentative Tract No. 7244 pursuant to Resolution No. 2543 for a 395-lot residential subdivision, subject to 167 conditions of approval; and

WHEREAS, on October 28, 2024, City staff approved a substantial conformance map for Revised Tentative Tract No. 7244 as shown in Exhibit “A”; and

WHEREAS, New Gen Engineering Group, Inc. dba McIntosh & Associates (“Applicant”) on behalf of Millrose Properties California, LLC (“Owner”) and Lennar Homes of California, Inc. (“Developer”) have requested an amendment to the conditions of approval as shown in Exhibit “B”; and

WHEREAS, a timely and properly noticed public hearing for the Project was held by the Planning Commission of the City of Shafter at a regular meeting on November 12, 2024, at which hearing evidence, oral and documentary, was admitted on behalf of said Project; and

WHEREAS, the Planning Commission finds that the Project is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the City; and

WHEREAS, the Planning Commission finds that the Project will not impair the integrity and character of the City of Shafter General Plan; and

WHEREAS, the Planning Commission finds that the Project will result in no change to the provision for water, sanitation, public utilities, and services to ensure public health and safety; and

WHEREAS, the Project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in vicinity of the Project site; and

WHEREAS, the Planning Commission finds that the City of Shafter certified an Addendum to the Program Environmental Impact Report for the 2005 General Plan Update and related actions (SCH No. 2004101029) for Specific Plan Amendment No. 23-08 (Marcona Preserve Specific Plan) on December 19, 2023 (Ordinance No. 751) and that no additional CEQA analysis or documentation is required for the Project; and

WHEREAS, the Planning Commission has determined that the provisions of CEQA and the State CEQA Guidelines have been followed; and

EXHIBIT 1

WHEREAS, the City of Shafter Planning Department (336 Pacific Avenue, Shafter, California) is the custodian of all documents and other materials upon which the environmental determination is based.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in a regular session assembled on the 12th day of November 2024, resolved to recommend to the City Council approval of the amendment of conditions of Resolution No. 2543 for Revised Tentative Tract Map No. 7244 as shown in Exhibit “B”.

PASSED AND ADOPTED THIS 12th DAY OF NOVEMBER, 2024.

John Sanchez, Chairman

ATTEST

Vanessa Uribe, Deputy City Clerk

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TOPOGRAPHY LEGEND:

EX. EXISTING	FO. FOUND MONUMENT AS DESCRIBED	SURVEY ELEVATION
TY. TYPICAL	EX. EXISTING POWER POLE	EX. EXISTING OIL WELL
FD. FOUND	EX. EXISTING DOWN GUY	EX. EXISTING OIL LINE
CE. CENTERLINE	EX. EXISTING GAS LINE	EX. EXISTING U.E. ELECTRICAL LINE(S)
CONC. CONCRETE	EX. EXISTING TRAFFIC SIGN	EX. EXISTING O.H. ELECTRICAL LINE(S)
A.C. ASPHALT CONCRETE	EX. EXISTING STREET NAME SIGN	EX. EXISTING C.O.S. FIBER OPTIC LINE
O.H. OVERHEAD	EX. EXISTING IRRIGATION VALVE OR RISER	EX. EXISTING EDGE OF PAVEMENT
U.G. UNDERGROUND	EX. EXISTING IRRIGATION STANDBY	EX. EXISTING CHAIN LINK FENCE
C.O.S. CITY OF SHAFTER	EX. EXISTING IRRIGATION STANDBY	EX. EXISTING GROUND CONTOUR
B.C. BRASS CAP	EX. EXISTING IRRIGATION STANDBY	EX. EXISTING CURB AND GUTTER
I.P. IRON PIPE	EX. EXISTING IRRIGATION STANDBY	
P.M. PARCEL MAP	EX. EXISTING IRRIGATION STANDBY	
BK. BOOK	EX. EXISTING IRRIGATION STANDBY	
PG. PAGE	EX. EXISTING IRRIGATION STANDBY	
O.R. OFFICIAL RECORDS	EX. EXISTING IRRIGATION STANDBY	
R/W. RIGHT-OF-WAY	EX. EXISTING IRRIGATION STANDBY	
FL. FLOWLINE	EX. EXISTING IRRIGATION STANDBY	

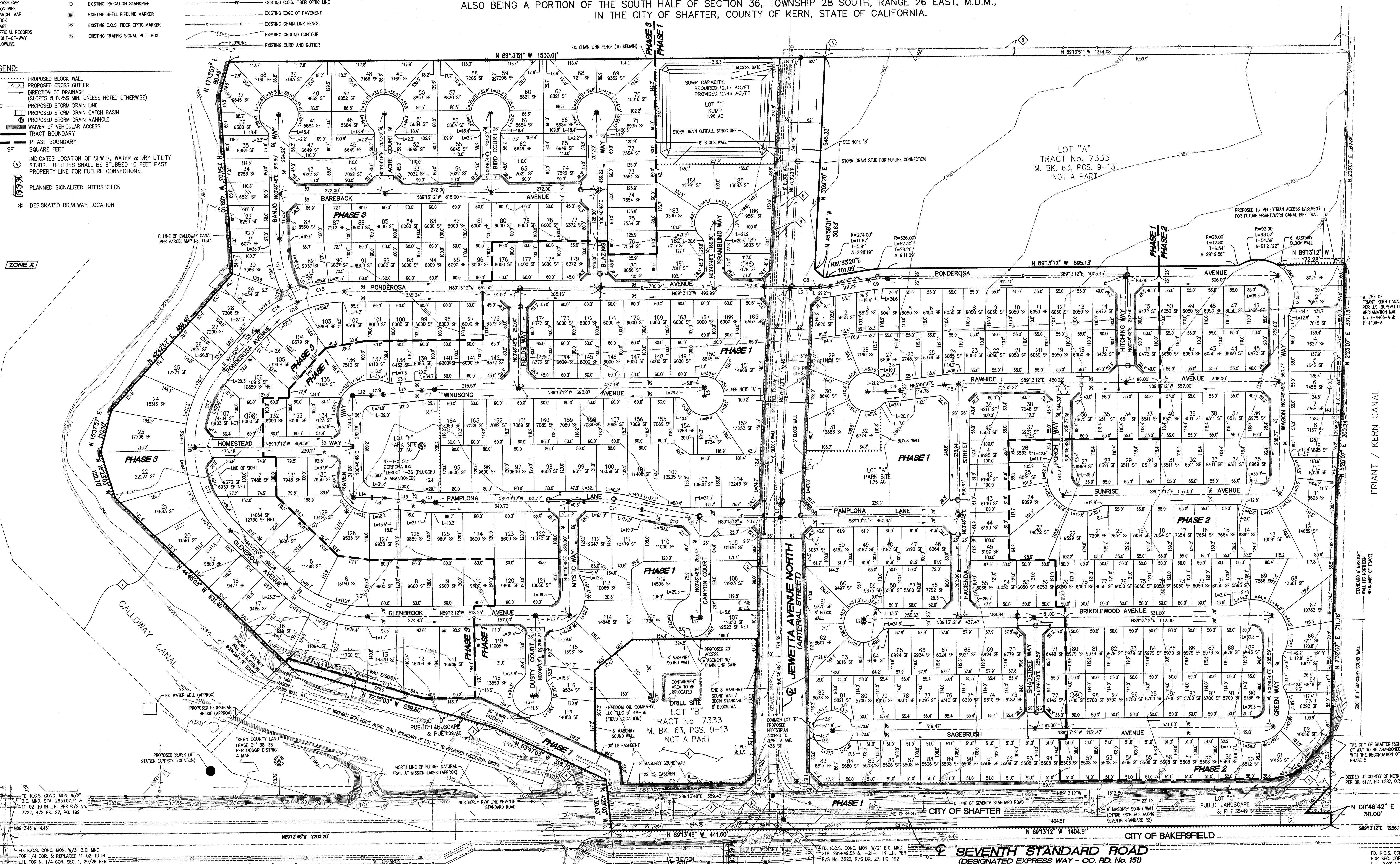
SUBSTANTIAL CONFORMANCE MAP REVISED TENTATIVE TRACT NO. 7244

BEING A SUBDIVISION OF LOTS A, B, C AND D OF LOT LINE ADJUSTMENT NO. 22-89 PER CERTIFICATE OF COMPLIANCE RECORDED MARCH 22, 2023 AS DOCUMENT NO. 223032366 AND LOT 3 OF TRACT NO. 7333, MAP BOOK 63, PAGES 9 THRU 13 BOTH OF OFFICIAL RECORDS IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 28 SOUTH, RANGE 26 EAST, M.D.M., IN THE CITY OF SHAFTER, COUNTY OF KERN, STATE OF CALIFORNIA.

LEGEND:

PROPOSED BLOCK WALL	INDICATES LOCATION OF SEWER, WATER & DRY UTILITY STUBS. UTILITIES SHALL BE STUBBED TO FEET PAST PROPERTY LINE FOR FUTURE CONNECTIONS.
PROPOSED CROSS GUTTER	
DIRECTION OF DRAINAGE (SLOPES 0.25% MIN. UNLESS NOTED OTHERWISE)	
PROPOSED STORM DRAIN LINE	
PROPOSED STORM DRAIN CATCH BASIN	
PROPOSED STORM DRAIN MANHOLE	
WALKER OF VEHICULAR ACCESS	
TRACT BOUNDARY	
PHASE BOUNDARY	
SF. SQUARE FEET	
PLANNED SIGNALIZED INTERSECTION	
DESIGNATED DRIVEWAY LOCATION	

ZONE X



FD. K.C.S. CONC. MON. W/2" B.C. MKD. FOR 1/4 COR. & REPLACED 11-02-10 IN L.H. FOR N. 1/4 COR. SEC. 36, 28/26 PER R/S No. 3222, R/S BK. 27, PG. 192

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 0°46'48" W	33.41'
L2	S 0°46'48" W	10.00'
L3	S 89°13'12" E	55.93'
L4	N 43°39'33" E	95.53'
L5	N 0°46'48" E	22.00'
L6	S 89°13'12" E	65.00'
L7	N 0°47'00" E	70.01'
L8	N 0°47'00" E	55.53'
L10	N 23°00'14" W	44.72'

LINE TABLE

LINE	BEARING	DISTANCE
L11	N 89°13'12" W	47.98'
L12	S 89°13'12" E	47.98'
L13	N 84°41'16" E	100.00'
L14	N 89°13'12" W	47.98'
L15	S 83°07'42" E	100.00'
L16	S 89°13'12" E	10.00'
L17	N 89°13'12" W	22.00'

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA
C1	500.00'	124.53'	42.02'	312°32'
C2	300.00'	232.84'	122.84'	44°28'09"
C3	300.00'	31.90'	15.96'	6°05'30"
C4	300.00'	36.53'	18.29'	6°58'38"
C5	300.00'	36.53'	18.29'	6°58'38"
C6	300.00'	31.90'	15.96'	6°05'30"
C7	300.00'	31.90'	15.96'	6°05'30"
C8	300.00'	48.13'	24.11'	9°19'29"

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA
C9	500.00'	124.53'	42.02'	312°32'
C10	500.00'	150.46'	75.80'	171°24'28"
C11	500.00'	150.46'	75.80'	171°24'28"
C12	300.00'	237.99'	122.66'	45°27'12"
C13	300.00'	219.98'	115.20'	42°00'48"
C14	300.00'	127.13'	64.53'	24°16'49"
C15	300.00'	124.53'	63.18'	23°47'02"
C16	300.00'	251.66'	133.77'	48°03'51"

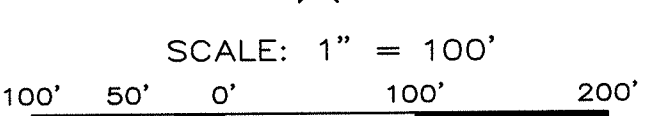
CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA
C17	300.00'	124.53'	63.18'	23°47'02"
C18	300.00'	457.97'	287.02'	87°28'00"
C19	300.00'	31.90'	15.96'	6°05'30"

NOTES:

"A" - INDICATES A POINT 100' NORTH OF THE SEVENTH STANDARD NORTHERLY RIGHT-OF-WAY LINE. BEGIN TRANSITION FROM CITY OF BAKERSFIELD STANDARD ARTERIAL TO CITY OF SHAFTER STANDARD ARTERIAL STREET CONFIGURATION.

"B" - INDICATES A POINT 1650' NORTH OF THE SEVENTH STANDARD NORTHERLY RIGHT-OF-WAY LINE. BEGIN TRANSITION FROM CITY OF BAKERSFIELD STANDARD ARTERIAL TO CITY OF SHAFTER STANDARD ARTERIAL STREET CONFIGURATION.



McINTOSH & ASSOCIATES
NEW GEN ENGINEERING GROUP

10800 STOCKDALE HWY, SUITE 103
BAKERSFIELD, CA 93311
(805) 834-4814
DATE: 10/25/24
SHEET: 2 OF 2

REVISIONS

NO.	DATE	DESCRIPTION
1	10/25/24	ISSUED FOR PERMIT

LENAR HOMES OF CALIFORNIA, LLC
SUBSTANTIAL CONFORMANCE MAP
REVISED TENTATIVE TRACT 7244

811
Know what's below.
Call before you dig.

ATTACHMENT “B”
CONDITIONS OF APPROVAL
REVISED TENTATIVE TRACT NO. 7244

GENERAL

1. The owner(s) or project proponents (hereinafter referred to as “Developer”), solely at their cost and expense, shall defend, indemnify and hold harmless the City of Shafter (hereinafter referred to as “City”), its agents, legislative bodies, officers and employees regarding any legal or administrative action, claim or proceeding concerning approval of Revised Tentative Tract No. 7244 and/or related actions including, without limitation, actions taken or not taken with respect to the California Environmental Quality Act (hereinafter referred to as “CEQA”); or, at its election and in the alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City's reasonable approvals. Developer shall also reimburse the City, its agents, legislative bodies, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative bodies, officers and employees may be required to pay or otherwise pay as a result of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve Developer’s obligations under these conditions of approval (hereinafter referred to as “Conditions”).
2. The ~~developer~~ Developer or the ~~developer~~ Developer’s engineer shall submit a list of all contractors and/or subcontractors performing work on this project to the City Administrative Services Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City of Shafter.
3. The following disclosure shall be given as part of transfer of properties: “All your real property is near property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on any 24 hour basis. Said discomforts may include, but not be limited to equipment noises, odors from manure or other chemicals, and dust or smoke. The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City and Kern County and will not be considered a nuisance for those inconveniences or discomforts arising from agricultural operations, provided such operations are consistent with accepted customs, standards, and laws.”
4. Until all portions of the tentative tract have been developed, all vacant and undeveloped land, not being actively farmed, shall be maintained in a weed-free and clean manner by the ~~developer~~ Developer/applicant/property owner. Should said property not be so maintained, the City shall notify property owner that the property is to be cleaned within thirty (30) days of receipt of said notice. If property owner does not comply within the

required time frame, City may then clear the land and bill the property owner for expenses incurred.

5. Unless a final map is recorded, this tentative tract shall expire twenty-four (24) months from the date of approval by the City Council, unless an extension is granted by the City Council. Should an extension be requested, Developer, not less than sixty (60) days prior to the expiration date, shall submit to the City in writing, a request for an extension of that approval in accordance with the provisions of City Code.
6. All construction and development shall be consistent with the City of Shafter ~~Heritage Ranch Marcona Preserve~~ Specific Plan and Revised Tentative Tract No. 7244.

PLANNING

7. Approved street names are as follows: Seventh Standard Road (existing), Jewetta Avenue North (existing), Bird Court, Canyon Court, Hitching Way, Marble Street, Ponderosa Avenue, Raven Way, Sunrise Avenue, Whispering Lane, Windsong Avenue, Dusty Court, Acre Court, Banjo Way, Fields Way, Green Way, Porch Way, Cabin Way, Yearling Court, Rawhide Avenue, Mystic Way, Blazing Way, Bareback Avenue, Glenbrook Avenue, and Sagebrush Avenue. Approved alternative street names include: Stagecoach, Shadetree, Tumbleweed, Wandering, Bridlewood, Homestead, Longmeadow, Majestic, Pleasant, Rambling, ~~and Sparkling~~, Pamplona, Hacienda, Wagon, and Brindlewood. Street names not approved include Grove Way, Knotty Way, and Golden Avenue.
8. Approved access shall be provided for each lot in accordance with City standards.
9. All roof-mounted air conditioning equipment shall be located on the rear portion of the roof ridge line in such a manner as to be screened as much as practical from view from public streets.
10. With the exception of model houses, as provided in Section 3.080, Chapter 3, Title 16 (Subdivision Ordinance) of the Shafter Municipal Code, no building permit shall be issued by the City until Revised Tentative Tract No. 7244 has been recorded pursuant to the requirements of Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) of the Shafter Municipal Code.
11. Prior to recordation of the first phase of the final map, the Developer shall bond for an 8-foot-tall solid masonry theme wall ~~shall be constructed~~ along the Seventh Standard Road frontage, from the Friant-Kern Canal to the Calloway Canal along the north side of the 22-foot-wide landscape easement, incorporating the primary entry signs and landscaping at the corners of Jewetta Avenue North and Seventh Standard Road as specified in the ~~Heritage Ranch Marcona Preserve~~ Specific Plan. The solid masonry wall shall be eight (8) feet in height above the grade of Seventh Standard Road, as measured from the median, from the west side of Lot ~~"E"~~ "B" to the north side of Phase 2, Lot 117 62. Prior

to the recordation of the first phase, the Developer shall construct an interim 8-foot-tall fence within any portion of the 8-foot-tall solid masonry theme wall that has not been constructed prior to the recordation of the first phase of the final map. Construction of the entire wall shall occur prior to the issuance of the Notice of Completion for the first phase.

12. Prior to the recordation of the ~~subject first~~ first phase of the final map, the Developer shall bond for an 8-foot-high solid masonry wall shall be constructed to separate Lot “E” “B” from the adjacent residential lots, including along the west side of Jewetta Avenue North. Access to the drilling island shall be provided from a residential street by a commercial drive approach and a minimum 16-foot-wide gate. Construction, style and finish are subject to City approval. Construction of the wall shall occur prior to the issuance of the Notice of Completion for the first phase.
13. Prior to recordation of the subject phase of the final map, an eight (8) foot tall solid masonry theme wall shall be constructed along the eastern project boundary adjacent to the Friant-Kern Canal from the north side of Phase 2, Lot 147 62 to the north side of Phase 2, Lot 142 1. The solid masonry wall shall be eight (8) feet in height above the grade of Seventh Standard Road as measured from the median.
14. Prior to the recordation of the subject phase of the final map, an eight (8) foot high solid masonry theme wall shall be constructed along the north boundary of Lot “H” “D” from the west side of Lot “E” “B” to the north side of Phase 3, Lot 235 15. The solid masonry wall shall be eight (8) feet in height above the grade of Seventh Standard Road as measured from the median.
15. Prior to recordation of the ~~subject phase~~ first phase of the final map, an eight (8) foot tall solid masonry theme wall shall be constructed along the west property lines of Phase 1, Lots 140 82 and 141 83, transitioning to a 6-foot-tall block wall with pilasters to the ~~south side of Yearling Court~~ northwest side of Phase 1, Lot 1, including corner cut-off, ~~and along the eastern boundary of the twenty (20) foot school sign easement north of Ponderosa Avenue.~~
16. Prior to the recordation of the ~~subject phase~~ first phase of the final map, the Developer shall bond for a six (6) foot tall solid masonry block wall with pilasters shall be constructed from the north boundary of Lot “E” “B” to the north map boundary along the west side of Jewetta Avenue North. Construction of the wall shall occur prior to the issuance of the Notice of Completion for the first phase.
17. Prior to issuance of the first Certificate of Occupancy, a 6-foot-high masonry wall shall be installed along the east and west project boundaries adjacent to the Friant-Kern Canal and the Calloway Canal.
18. A six (6) foot tall solid masonry wall shall be constructed along the common lot lines between Phase 1, Lots 87 31 and 88 32 and the ~~Recreation Center/Park Site~~ (Lot “D”

“A”), and Phase 1, Lots 385 95 and 386 164 and Park Site (Lot “C” “F”).

19. A six (6) foot tall solid masonry wall shall be constructed along the common lot line between Lot “A” (~~School Site~~) of Tract No. 7333 and the adjacent residential lot, consistent with City of Shafter Development standards.
20. The following note shall appear on the final map and all grading and construction plans:
 - a. Prior to commencing construction activities, the ~~developer~~ Developer shall excavate the plugged well on Lot “C” “F” (Park Site) and coordinate with the Division engineer from the Department of Conservation/~~Division of Oil, Gas, and Geothermal Resources~~ Geologic Energy and Management Division (DOGGR CalGEM) to have the well plugs leak-tested and perform any required remediation.
 - b. If during grading or construction, any plugged, abandoned, or unrecorded oil or gas wells are uncovered or damaged, the ~~DOGGR~~ CalGEM shall be contacted to inspect and approve any remediation required.
 - c. Building setbacks on lots with existing plugged wells shall satisfy the requirements of the ~~DOGGR~~ CalGEM. If the recommended setbacks cannot be satisfied, the ~~developer~~ Developer shall submit, concurrent with the submittal for a building permit for the impacted lot, written confirmation from the ~~DOGGR~~ CalGEM that the setback provide is acceptable.
 - d. If any abandoned water wells are located within the development or discovered during excavation or grading, the Kern County Environmental Health Services Department must be contacted to obtain information for the proper permitting and destruction procedures.
21. During grading operations, all activity shall be restricted to periods of low wind to reduce dust emissions. Verification of compliance will be the responsibility of the City of Shafter Building Inspection Division.
22. The ~~developer~~ Developer of Revised Tentative Tract No. 7244 shall comply with all San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements while grading and developing the site. It is the ~~developer's~~ Developer's responsibility to contact the SJVAPCD to determine the applicable District requirements and rules.
23. Prior to issuance of the first building permit, the ~~developer~~ Developer shall provide written confirmation from the SJVAPCD confirming that the applicable off-site mitigation fees for the subdivision have been paid.
24. The recommendations of the biological, archaeological, and traffic studies shall be implemented by the ~~developer~~ Developer during construction and development of Revised Tentative Tract No. 7244.
25. Prior to recordation of the first phase of Revised Tentative Tract No. 7244, the Developer shall enter into a Development Agreement with the City of Shafter, in a form and substance reasonably approved and required by the City, which shall provide for payment

of traffic fees established by the City and development and funding for the recreation center and park site located on the east side of Jewetta Avenue North. In the event that the City has not adopted such fees in a timely manner such that the Developer would have to make payment at the time of obtaining each ~~building permit~~ Certificate of Occupancy for the development of the subdivision, then the Developer and the City agree that traffic fees shall be a minimum of \$6,925.00 per lot, and that such fees represent the actual costs pertaining to traffic impacts proportional to and directly related to each lot. The Developer can also elect to pay traffic impact fees at the time of each building permit's issuance. Such fees shall be paid regardless of whether the Developer and the City enter into a development agreement. In addition, the Developer shall cooperate with the City regarding the establishment and formation of a community facilities district for school purposes and the Developer shall require all successors in interest in and to the subdivision, and each portion thereof, to cooperate with the City in the establishment of such a district. For this purpose, the Developer and its successors in interest shall not object or participate in any protest regarding the formation of such a district, and shall affirmatively vote "yes" with respect to all real property within the subdivision for purposes of establishing such a district.

26. ~~Prior to recordation of the first phase of Tract 7244, the~~ The Developer shall complete the following:
 - a. ~~Establish a Homeowners Association for maintenance of the streets, entry gates (Pleasant Street and Lot "F"), common landscaping, and infrastructure within the proposed gated community.~~
 - b. Prior to the issuance of the Notice of Completion for the first phase, the Developer shall ~~Obtain~~ obtain approval from the City of Shafter and the North of the River Recreation and ~~Parks~~ Park District (NOR) for the design of the proposed ~~recreation center/park site~~ sites located on ~~Lot~~ Lots "~~D~~" "A" and "F". The approval shall include recordation of ~~any~~ an agreement document specifying the mechanism for maintenance and funding of the park construction as well as long-term maintenance of the park facilities and amenities. For non-agreement on park design between the ~~City of Shafter~~ Developer and North of the River Recreation and ~~Parks~~ Park District, the City of Shafter shall have final approval authority. ~~See Condition No. 34.~~
 - c. Prior to the issuance of the Notice of Completion for the first phase, the Developer shall ~~Obtain~~ obtain and record all required easements and shared use agreements for the pedestrian path and future pedestrian bridge to be constructed along the north side of and across the Calloway Canal.
 - d. Prior to recordation of the first phase of Tract No. 7244, the Developer shall ~~Obtain~~ obtain permits and record all easements needed for construction of the pedestrian bridge across the Friant-Kern Canal if they have not already been obtained by the ~~developer~~ Developer of the Gossamer Grove Specific Plan.
 - e. Prior to recordation of the first phase of Tract No. 7244, the Developer shall ~~Obtain~~ obtain and record all easements and shared access agreements on behalf of the City of Shafter for access and maintenance of the sewer facilities to be constructed along and across the Calloway Canal property.

- f. Obtain and record all easements required for ~~construction of and future access to the lift station and associated sewers lines within the Mission Lakes Specific Plan.~~
27. ~~The developer~~ Developer shall add the subject property to the ~~North of the River Park Maintenance District~~ NOR Park Maintenance District (Proposition 218) prior to ~~recordation~~ Notice of Completion of the first phased final map. The NOR Park Maintenance District covers maintenance throughout NOR's jurisdiction and includes an automatic annual adjustment based on the Consumer Price index to adjust for increasing costs for utilities, materials, labor, etc. Marcona Preserve may be assessed a higher annual assessment to maintain desired high-cost recreation items such as unconventional overhead structures, decorative features, atypical finishes, unconventional amenities, etc.
28. Prior to the issuance of the Notice of Completion for the first phase, The the Developer shall enter into an agreement with North of the River Recreation and Parks Park District (NOR) to:
- a. Develop the two park sites to NOR's standards and be approved and recorded by NOR prior to permit and commencement of construction. Said agreement shall disclose development timeframes for each park site, site amenities and standards of approval, long term maintenance and the responsibilities of the parties involved. The Developer is responsible for all street improvements adjacent to the park site and shall provide infrastructure to the future park sites, prior to their development.
 - b. ~~Join the NOR Park Maintenance District (Proposition 218). A secondary assessment above the annual NOR Park Maintenance fee may be assessed to maintain desired high cost recreation items such as pools, splash pads, water features, distinctive plantings, etc.~~
 - c. ~~Record a Covenant for each phase of the tract with NOR, disclosing proximity of the development to public parks, potential for increased vehicular traffic during programmed activities and potential of light, glare and noise disturbances associated with park operation.~~
 - d. ~~NOR's acceptance of the two (2) parks is contingent upon Norris School District's agreement to allow use of their open space and playing fields as public park land. Should Norris School District no agree to allow NOR to utilize their open space and playing field making NOR unwilling to accept the two (2) parks, the City of Shafter shall have full authority over the design and construction of the two parks. See Conditions Nos. 33 and 34.~~
29. The Developer shall record a Covenant for each phase of the tract prior to the Notice of Completion for each phase with NOR, disclosing proximity of the development to public parks, potential for increased vehicular traffic during programmed activities and potential of light, glare, and noise disturbances associated with park operation.
30. ~~Prior to recordation of the second phase of Tract 7244 containing the 200th lot of the map, the developer~~ Developer shall ~~pay to the City of Shafter his or her~~ bond for their proportional share, based on an engineer's estimate acceptable to the City Engineer, of the cost to construct a pedestrian bridge across the Calloway Canal. ~~The City will place~~

~~the funds into an escrow account for use when the bridge is constructed. The developer will be refunded any excess funds upon completion of the bridge construction or, should the bridge construction costs exceed the original engineer's estimate will be responsible for providing any additional funds needed. Construction of the bridge shall occur prior to the issuance of the Notice of Completion for the second phase.~~

31. Prior to or concurrent with the recordation of the first phase of Tract 7244, the ~~developer~~ Developer shall pay to the City of Shafter his or her proportional share, based on an engineer's estimate acceptable to the City Engineer, of the cost to construct a pedestrian bridge across the Friant-Kern Canal. The City will place the funds into an escrow account for use when the bridge is constructed. The ~~developer~~ Developer will be refunded any excess funds upon completion of the bridge construction or, should the bridge construction costs exceed the original engineer's estimate will be responsible for providing any additional funds needed.
32. If applicable, the ~~developer~~ Developer shall enter into an agreement with the Norris School District to either join the existing Community Facilities District (NORSD CFD) or create a new NORSD CFD.
33. Developer shall ensure all existing electrical conduits, conductors, poles, guy wires, utility boxes, and all related surface and subsurface facilities between the solar field to the north and the PG&E substation to the south are not damaged by development activity except where allowed or approved by the utility owner, PG&E. Developer shall also ensure no portion of the easement for said utility is located within any residential lot boundary.
- ~~34. Prior to recordation of the final map and issuance of a residential occupancy permit for the subject phase, the Lot "C" public park site shall be fully constructed, landscaped, and completed pursuant to City of Shafter approval, consistent with the Heritage Ranch Specific Plan, and dedicated to the City of Shafter.~~
- ~~35. Prior to recordation of the final map and issuance of a residential occupancy permit for the subject phase, the Lot "D" public park site shall be fully constructed, landscaped, and completed pursuant to City of Shafter approval, consistent with the Heritage Ranch Specific Plan, and dedicated to the City of Shafter.~~
36. The map shall be redesigned to replace the knuckle at the intersection of Marble Street and Glenbrook Avenue with a radius curve.
37. Lot "~~H~~" "D" shall be dedicated to the City of Shafter with the first recorded phase of Tract No. 7244. Lot "~~H~~" "D" shall fully contain the following:
 - a. The existing electrical easement owned by Shafter Solar LLC.
 - b. Sewer easements required for gravity sewer and force mains from both Tract No. 7244 and the Gossamer Grove development.
 - c. A ~~thirty~~ twenty-two (~~30~~ 22) foot wide pedestrian easement on and along the north

right-of-way line of the Calloway Canal needed to connect the Natural Trail on Seventh Standard Road to the future pedestrian bridge crossing the Calloway Canal.

38. Prior to initiating any grading or earthmoving within Revised Tentative Tract No. 7244, the ~~developer~~ Developer shall provide the City of Shafter with written confirmation from the San Joaquin Valley Air Pollution Control District that the development is in compliance with the District's Rule 9510.

BUILDING

39. Prior to issuing a certificate of occupancy for any building, building address(es) shall be permanently installed and be clearly visible from the street.
40. No final inspection or issuance of a certificate of occupancy shall be approved for any lot, until all required improvements have been completed by the ~~developer~~ Developer ~~/applicant~~ and accepted by the City.
41. Developer shall pay all development fees and impact fees adopted by the City in effect at the time of issuance of any ~~building permits~~ Certificate of Occupancy. The Developer can also elect to pay traffic impact fees at the time of each building permit's issuance.
42. Developer shall comply with the latest California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, California Fire Code and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.
43. Prior to issuance of each building permit for houses within Revised Tentative Tract No. 7244, ~~developer~~ Developer shall submit a site plan to the City Planning Department for review and approval. The site plan shall reference the floor plan layout and building elevations, including exterior building materials and colors, for each of the single-family residences to be constructed within Revised Tentative Tract No. 7244.
44. Private drives constructed of Portland cement concrete shall be constructed at a minimum width of 16 feet from the edge of public roadway pavement to the garage of each home.
45. A landscaping plan, including design of a permanent irrigation system, shall be submitted to and approved by the Planning Director. Said approved landscape and irrigation plan shall be implemented prior to receiving a final inspection for any house constructed within the subdivision. All landscaping is subject to the requirements for landscaping contained herein these conditions and with City Standards. Landscaping shall include an irrigation system for both the front-yard and the street side-yard (where applicable) provided the street side-yard is not obscured from sight from an adjacent street by fencing, for each lot within the subdivision. Landscaping shall be in compliance with current State guidelines for residential landscaping.

46. Fiber Optic Installation for Dwelling Units: Owner agrees to install in each dwelling unit the following fiber optic requirements:
- a. ~~Install a City fiber box (enclosure type: 14326W-UL or as directed by the City) adjacent to the other utility boxes (power, phone, and cable). The fiber box shall be in addition to the phone and cable boxes. The fiber box shall face the exterior and shall include one 120-volt, 15-amp surge protected convenience receptacle located inside the fiber box. The Owner may alternately install a common communication box (enclosure type: 14326W-UL or as directed by the City IT Department) for the proposed utilities (phone, cable, and fiber). The communication box shall face the exterior and shall include one 120-volt, 15-amp surge protected convenience receptacle located inside the communication box for the fiber installation. Install a Dedicated City Fiber Enclosure adjacent to the other utility enclosures or a Common Communication Enclosure (collectively "Utility Enclosure") for the proposed communications utilities (phone, cable, fiber, etc.). The enclosure type shall be Benner-Nawman 14326W-UL or as approved by the City. The Utility Enclosure may face the garage exterior or interior and shall include one 120-volt, 15-amp convenience receptacle inside the enclosure mounted on either side of the wall. A surge-protected receptacle must be installed or verification that an equivalent surge protection device (SPD) has been installed as an integral part of the service equipment or located immediately adjacent to the service equipment to be in accordance with article 230.67 of the California Electrical Code.~~
 - b. ~~Install an RF transparent structured media enclosure (enclosure type: Leviton 49605-30W, Primex Verge P3000 or as approved by the City) in the master bedroom closet with a minimum 72" clearance between any other in-wall or freestanding appliances or accessories so as to allow for unobstructed wireless signal propagation throughout the home. The enclosure shall include one 120-volt, 15-amp surge protected convenience receptacle located inside the enclosure. Install a Dedicated City Fiber Enclosure adjacent to the other utility enclosures or a Common Communication Enclosure (collectively "Utility Enclosure") for the proposed communications utilities (phone, cable, fiber, etc.). The enclosure type shall be Benner-Nawman 14326W-UL or as approved by the City. The Utility Enclosure may face the garage exterior or interior and shall include one 120-volt, 15-amp convenience receptacle inside the enclosure mounted on either side of the wall. A surge-protected receptacle must be installed or verification that an equivalent surge protection device (SPD) has been installed as an integral part of the service equipment or located immediately adjacent to the service equipment to be in accordance with article 230.67 of the California Electrical Code.~~
 - c. ~~Install a future route from the City fiber or common communication box to the proposed media enclosure with a minimum of a one (1) inch diameter non-metallic tubing (smurf tube) or better with bright orange Tyvek or plastic tags, labeled "City Fiber Use Only, 661-746-5000", attached at each end of the conduit in plain view. Install a conduit pathway from the Utility Enclosure to the Media Enclosure with a minimum of one (1) 1-inch diameter non-metallic, flexible conduit which shall maintain a minimum 36-inch bend radius and protrude a minimum of 6-inches into the enclosures. The conduit shall be marked with orange Tyvek or plastic tags,~~

labeled “City Fiber Use Only”, 661-746-5000”, tie wrapped to the conduit in plain view within the enclosures.

- d. ~~Install a continuous conduit without breaks or couplings from the bottom side of the City fiber or common communication box to the existing City fiber infrastructure located in the right-of-way. The conduit shall be a minimum of one (1) direct bury 10/6mm (OD/ID) HDPE microduct with attached trace wire. The proposed conduit shall be installed a minimum of 36 inches below grade and be bright orange or other color approved by the City. The final conduit shall be a different size, color or shade of color from all other utility conduits. If the conduit does not have an attached trace wire, a continuous external #12 AWG solid conductor tracer wire with high-density polyethylene insulation rated for direct burial shall be installed along with the conduit leaving a minimum 4 feet of slack at both ends. Install a continuous conduit without breaks or couplings from the existing City Fiber Distribution Enclosure located in the right-of-way (“Distribution Enclosure”) to the bottom side of the Utility Enclosure. The conduit shall be installed a minimum of 36-inches below grade, protrude a minimum of 12-inches into the Utility Enclosure, be orange in color, and be factory labeled “City of Shafter 661-746-5000”. If the conduit does not have an integrated tracer wire, a continuous external #12 AWG solid-conductor tracer wire with high-density polyethylene insulation rated for direct burial shall be installed along with the conduit leaving a minimum 15-feet of slack coiled in the Distribution Enclosure and 3-feet of slack coiled in the Utility Enclosure. The conduit and tracer wire shall be inspected by a City of Shafter representative before shading and backfilling.~~
 - i. ~~After backfill, all fiber optic conduits installed underground shall be mandrelled between the City fiber or common communication box and the existing City fiber infrastructure located in the right of way. The mandrelling process shall be witnessed by a City of Shafter Public Works Department representative. For conduit without a pull string, mandrel diameter shall be at least 70% of the conduit inside diameter. For conduit with a pull string, the string shall be taped taught to both ends and the mandrel diameter shall be at least 50% of the conduit inside diameter. After backfilling, polyester cable pulling tape (Muletape), or equivalent, shall be installed in all conduit paths between the Distribution Enclosure and the Utility Enclosure. Muletape shall be slack (no tension) and fastened to the plug or caps.~~
 - ii. ~~Conduit couplings shall only be used to repair damaged conduit and shall be airtight, water tight, push up compression fitting approved by the City. Coupling shall be used to repair damaged or short-length conduit only is approved by the City. Conduit couplings shall be airtight, watertight, push-on compression fitting approved by the City. Tracer wire couplings shall be airtight, watertight, twist on or compression connector approved by the City. Coupling integrity shall be inspected by a City of Shafter representative.~~
- e. ~~Install Category 6 Unshielded Twisted Pair (CAT 6 UTP) cable (or as approved by the City) from the media enclosure to every phone and cable termination point through the home leaving 6 feet of slack in the enclosure and terminating to a CAT 6-rated 8P8C (RJ 45) jack, using the TIA/EIA-568-T568A pinout standard, adjacent to every phone and cable termination. All CAT 6 and other networking cable is to be~~

~~installed according to industry standards and shall not be pinched, stapled, bent sharply or crossing any sharp, unprotected edges. Category 6 Unshielded Twist Pair (CAT 6 UTP) cable (or as approved by the City) shall be installed according to industry standards and shall not be pinched, stapled, bent sharply, or crossing any sharp, unprotected edges. A minimum of two (2) cables from the Utility Enclosure to the Media Enclosure shall be installed.~~

- ~~f. Install ceiling Wi-Fi Access Point mounting locations as approved by the City on each floor such that no exterior wall is more than 30 feet from either the media enclosure or another Wi-Fi AP mounting location. Since Wi-Fi AP signals generally do not propagate well vertically between floors, each floor must meet the aforementioned 30-foot standard. Each Wi-Fi AP mounting location will include a single-gang low voltage walk box through which a single CAT 6 UTP cable, terminated with a CAT 6-rated 8P8C (RJ 45) plug and connected to the AP, will be run to the media enclosure and left with 6 feet of slack.~~

ENGINEERING

47. Developer shall remove and replace any existing public or private improvements that may become damaged during any phase of construction, as required by the City Engineer. The contractor working within the public right-of-way shall obtain an encroachment permit from the City Engineer prior to commencing any such work.
48. Acceptable traffic control, including signs and personnel, shall be utilized whenever construction of required improvements requires the contractor to work within existing vehicular paths of travel. If determined necessary by the City Engineer, the contractor shall include provisions to allow for pedestrian traffic through or past the construction site. The latest edition of Caltrans Traffic Manual shall be the standard for all construction related traffic control.
49. Developer shall relocate and/or install all necessary infrastructure to provide utilities to the proposed project.
50. A ten (10) foot public utility easement, as shown on the tentative map, shall be provided in the front of all lots and on the street side of all corner lots as requested by the utility companies and the City Engineer. Easements shall be granted with the final map.
51. On all corner lots and/or reverse corner lots within the tract, fences/walls shall not be located within the first five (5) feet of the Public Utility Easement behind the street side yard and front yard property lines. A note stating this must be included on all site plans during building permit review. The City will not permit walls nor fences to be built within the first five (5) feet of the PUE dedication on the side yard of corner/reverse corner lots.
52. Pedestrian easements shall be provided wherever sidewalks and other public walking paths are to be constructed outside the proposed public rights-of-way. The minimum width of the pedestrian easements shall be one (1) foot.

- ~~53. Lot "F" (Pedestrian Access) between Lots 117 and 118 shall be lighted and landscaped in a manner approved by the City Engineer. The lot shall be recorded as a Public Access Easement on the final map. Walls on both sides shall be constructed within the easement. Walls shall be reduced to no more than 40 inches in height within the minimum front-yard setback.~~
54. Easements to be given to the City or any other public utility agency for, sewer, water, storm drain, electrical, or any other utility or similar purpose shall not cross private property without prior approval of the City Engineer.
55. Any above-ground utility cabinets or facilities to be located within the road right-of-way or public utility easement shall be permitted only upon approval by the City Engineer. Such approval will be made in writing, upon written request of the ~~developer~~ Developer and/or the affected utility company.
56. Any obstructions including utilities, irrigation lines, etc., shall be removed and/or relocated, if necessary, at the expense of the ~~developer~~ Developer.
57. No final inspection shall be approved until all required improvements have been completed by the ~~developer~~ Developer and accepted by the City of Shafter.
58. All new utilities shall be underground service.
59. During construction, vehicular access points shall be covered with decomposed granite, road oil, or some other treatment acceptable to the City Engineer, to prevent generation of dust during periods of vehicular activity and/or windy conditions and tracking of mud and dirt on public roadways.
60. Prior to the issuance of a Certificate of Occupancy on any lot of Tract No. 7244, all required improvements shall be completed and accepted by the City of Shafter. Additional improvements outside the affected project boundary may be required for orderly development as determined by the City Engineer.
61. All improvements shall be complete within one (1) year from the date of filing of the final map for the development, unless a time extension is granted by the City Engineer. Timing of improvements shall be subject to approval of the City Engineer.
62. Type and location of centralized mail delivery units shall be determined by the postal service. If the postal service requires special easements for the placement of the delivery units, then said easements shall be shown on the final map.
63. Access to and from the existing solar plant through the main gate on the south side of the facility shall not be restricted or prevented by development activities.

64. Prior to recordation of the first phase of the final map, the Developer shall bond for Seventh Standard Road improvements shall be constructed to its ultimate northerly extent within the development of Revised Tentative Tract No. 7244. Improvements shall include an additional west bound lane, deceleration and acceleration lanes at Jewetta Avenue North, landscaping (minimum 22 feet wide) trail, paseo, and 8' 8-foot high block wall, consistent with Revised Tentative Tract No. 7244, Heritage Ranch Marcona Preserve Specific Plan, and City of Shafter General Plan. Construction of the improvements shall occur prior to the issuance of the Notice of Completion for the first phase.
65. Prior to the recordation of the first phase of the final map, the Developer shall bond for Jewetta Avenue North improvements, shall be constructed and improved including theme wall, entrance monuments, landscaping, sidewalk, and multi-use walkway, as required by and consistent with Revised Tentative Tract No. 7244 and the Heritage Ranch Marcona Preserve Specific Plan. Construction of the improvements shall occur prior to the issuance of the Notice of Completion for the first phase.
66. Prior to recordation of the first phase of the final map, The the developer Developer shall install bond for a traffic signal and construct a median break for the intersection of Jewetta Avenue North and Seventh Standard Road prior to recordation of the first phase of Tract 7244. The median break shall not be constructed separately from the traffic signal. The design, construction, and installation of the traffic signal and median break shall be subject to City of Shafter and City of Bakersfield approval. The Developer shall notify the prospective buyers that Certificate of Occupancy of the units will not be issued per Conditions of Approval until the signal at the intersection of 7th Standard Road and North Jewetta Avenue is installed and made operational.
67. All road, landscaping, trail, sidewalk, block wall, and multi-use walkway improvements, required by and consistent with Revised Tentative Tract No. 7244 and the Heritage Ranch Marcona Preserve Specific Plan, shall be constructed bonded by the developer Developer and approved by the City of Shafter prior to recordation of the subject final map phase. Wall plans, materials, and dimensions shall be consistent with the requirements of the Heritage Ranch Marcona Preserve Specific Plan and Revised Tentative Tract No. 7244 and shall be approved by the City of Shafter prior to construction. Timing of improvements shall be subject to the approval of the City Engineer. Construction of all improvements shall occur prior to the issuance of the Notice of Completion for the subject phase unless stated otherwise in this Conditions of Approval document.
68. All landscaping, trail, sidewalk, block wall, and multi-use walkway improvement areas within the map boundary shall be dedicated to the City of Shafter with the recorded map for its respective phase. Areas located outside the tract map boundary shall be dedicated by separate instrument prior to, or concurrent with, recordation of the final map phase.
69. Developer shall place the entire subdivision within a new Landscape/Lighting Maintenance District Community Facilities District (City CFD), prior to acceptance of

improvements by the City of Shafter. The maintenance district shall be set-up to cover the cost of street lighting, drainage basin maintenance, landscaping maintenance, paseo/trail maintenance, as well as all administrative costs associated with the City of Shafter's management of the district.

- a. ~~The developer~~ Developer shall be required to cover the cost of street lighting, maintain all landscaping, park maintenance, including the replacement of any trees or shrubs that do not survive, within public right-of-way and landscape easements for a period of one (1) year after final inspection of the landscape improvements, or until such time as the maintenance district is formed, whichever shall occur last.
 - b. Developer shall be fully responsible for the formation, and formation cost of the ~~Landscape/Lighting District~~ City CFD, as directed by the City Engineer.
 - c. Developer shall be fully responsible for paying the cost of water for all landscaping and electricity for the ~~street lights~~ streetlights until such time as the maintenance district is formed.
70. Engineered plans and building permits are required for all block walls greater than ~~6 feet~~ 6 feet in height.
71. ~~Developer shall design and install a system of conduits, terminal boxes, splice boxes, connection points, and hand holes for a fiber optic network to each buildable lot within the development. Plans shall be submitted and approved by the City of Shafter, prior to recordation of the final map, showing the proposed utility trench and all appurtenant hardware. Fiber optic conduits can be joint trenched with other utility company pipes and/or conduits. After backfill, conduits and microducts shall be mandrelled, checked for obstructions, and re-excavated and repaired where necessary. The mandrelling process shall be witnessed by a City of Shafter Public Works Department representative. For conduit without a pull string, mandrel diameter shall be at least 70% of the conduit inside diameter. For conduit with a pull string, the string shall be taped taught to both ends and the mandrel diameter shall be at least 50% of the conduit inside diameter. Conduits 1/2-inch or larger shall require mule tape. Design and material specifications are available from the City of Shafter. Existing City owned fiber optic conduits, boxes, "FOC cable, and related facilities within the development shall be modified or relocated by the developer as necessary in a manner approved by the City. Developer shall design and install a system of conduits, terminal enclosures, distribution enclosures, splice enclosures, connection points, and hand holes for a fiber optic network to each buildable lot within the development. Design and material specifications are available from the City of Shafter. Plans shall be submitted to and approved by the City of Shafter, prior to recordation of the final map, showing the proposed utility trench and all appurtenant hardware. The design shall include the following minimum specifications:~~
- a. A combination of fiber optic conduits shall minimally include 4" SDR-11 HDPE, 2" SDR-11 HDPE, 1.25" SDR-11 HDPE, and 7-Way bundled HPDE innerduct with attached tracer wire. Fiber optic conduits may be joint-trenched with other utility company pipes and/or conduits.
 - b. All underground fiber optic conduits, innerduct bundles, etc. shall be factory-labeled "City of Shafter 661-746-5000". Conduits shall be identified by a

- permanent marking, with the address number of the residence they serve, within the distribution enclosures.
- c. All underground fiber optic conduit paths shall have tracer wire. If the conduit does not have an integrated tracer wire, a continuous external #12 AWG solid-conductor tracer wire with high-density polyethylene insulation rated for direct burial shall be installed along with the conduit leaving a minimum 15-feet of slack coiled in the endpoint enclosures.
 - d. The ends of all fiber optic conduits and innerducts shall be plugged or capped to prevent dirt, debris, or foreign objects from entering.
 - e. After backfilling, all conduits shall be checked for obstructions, and re-excavated and repaired or replaced as required. All conduits ½-inch or larger shall require polyester cable pulling tape (Muletape) or equivalent installed. Polyester cable pulling tape (Muletape) shall be slack (no tension) and fastened to the plug or cap. Innerducts shall be mandrel tested and are subject to inspection by a City of Shafter representative.
 - f. A combination of underground utility enclosures shall minimally include 36"W x 60"L x 36"D polymer concrete enclosures with dual torsion covers, 36"W x 36"L x 24-36"D and 24"W x 36"L x 24-36"D High Density Polyethylene (HDPE) enclosures.
 - g. All underground utility enclosures shall be factory-stamped "City Fiber".
72. Prior to construction, all improvement plans and landscaping plans shall be approved by the City of Shafter.
73. Developer shall install four (4) way stop signs, pursuant to City of Shafter standards, at the intersections of 1.) Jewetta Avenue North and ~~Whispering~~ Pecos Lane, and 2.) Jewetta Avenue North and Ponderosa Avenue.
74. The side-yard fences running parallel to local streets shall consist of a masonry block wall topped with a wooden fence. Wall shall be designed to retain earth where necessary. Sufficient area behind the sidewalk shall be provided to accommodate the installation of community mailboxes, where required by the US Postal Service.
75. All phased final subdivision maps proposed for recordation shall be in substantial conformance with the approved tentative map or approved alterations thereof.
76. If the subdivision is to be phased, additional improvements for circulation shall be provided as required by the City Engineer.

ENGINEERING: GRADING & DRAINAGE

77. Prior to review of any required improvement plans, both a drainage/hydrology study and a grading plan shall be submitted to and approved by the City Engineer. A master grading plan shall be submitted and approved for Revised Tentative Tract No. 7244. Future development plans shall be based upon the approved master plan. Any deviation from

the approved master plan will require the approval of the City Engineer.

78. The drainage/hydrology study and hydraulic analysis for the project shall be performed by a registered civil engineer and submitted to the City Engineer for review and approval. The study shall demonstrate that any potential run-off will not impact surrounding properties. The study shall focus on the project property and any affected adjacent properties.
79. Developer shall review the existing grading for the solar plant constructed to the north to ensure to the Developer's satisfaction that drainage from the existing solar site will not negatively impact finished lots or improvements within Tract No. 7244.
80. A soils report, prepared by a registered civil engineer shall be submitted along with the grading plan. Soils report shall be performed in compliance with California Building Code, Chapter 18, latest edition. In addition, all site grading, earthwork and building design shall be performed in accordance with the recommendations of the soils report.
81. A grading permit shall be obtained from the City prior to commencement of any grading activity.
82. Prior to issuance of a building permit, the ~~developer~~ Developer shall file a "Rough Grade Certificate" with the City in accordance with the City Engineering Design Standards. Rough Grade Certificate shall be accompanied by certified soil compaction test data from an acceptable materials testing company and a certificate stating that the rough grade is in substantial conformance with the approved grading plan and Chapter 33 of the California Building Code. Developer to obtain Rough Grade Certificate form from the City.
83. Prior to final approval, acceptance of work, or issuance of Certificate of Occupancy, the ~~developer~~ Developer's engineer shall file a "Final Grade Certificate" stating that all required grading has been done in accordance with the approved grading plan. Developer to obtain Final Grade Certificate form from the City.
84. The location and frequency of soils compaction testing shall be per the City Engineer. Soils compaction testing shall be provided by the ~~developer~~ Developer/owner.
85. Minimum slopes across any flat surface shall be 1%. For slopes less than 1%, surface drainage shall be channeled into a concrete v-gutter, curb and gutter, underground storm drain, or similar drainage structure.
86. All building pads shall provide a minimum of 2% slope away from each house to an earth swale, and a minimum of 1% from the highest point in the swale to the street. A ~~four-inch~~ four-inch landscape drain may be used to replace the earth swale. The minimum pad height shall be twelve (12) inches above the adjacent curb.

87. Street side corner lots shall not have their side yard slope (finish grade to back of sidewalk) exceed 4 horizontal: 1 vertical. If maximum slope is exceeded, side yard shall be retained in an approved manner.
88. Wood retaining structures shall not be approved. Developer shall use masonry, concrete, or other approved material.
89. Engineered off-site drainage plans for Revised Tentative Tract No. 7244 shall be submitted to and approved by the City of Shafter prior to recordation of the final map. The approved drainage facilities shall be constructed and approved by the City of Shafter prior to issuance of building permits.
90. The area used for the drainage sump shall be fenced and screened in a manner approved by the City Engineer and consistent with the requirements of the ~~Heritage Ranch~~ Marcona Preserve Specific Plan. The fence is to enclose the entire sump. Masonry wall (or equivalent) conforming to City standards shall be built for all portions of the perimeter fence viewable from the street or adjacent lots. The north side does not need to be provided with a block wall. A lockable privacy gate, concrete driveway, access easements, and drainage easements shall be provided for access and storm drain lines to the drainage sump as required by the City Engineer. At the option of the City Engineer, a landscaping plan, including design of a permanent irrigation system, shall be submitted to and approved by the City Engineer. Said approved landscape and irrigation plans shall be implemented prior to issuance of any building permit for the development. At the option of the City Engineer, in lieu of the above, the area between the right-of-way line and the setback line from the lots containing the sump shall be dedicated to the adjacent lots, and the landscaping usually required for the sump lot shall belong to the lots adjacent to the sump.
91. The number and location of cross gutters allowed, if any, will be determined during the grading and drainage review process. Drainage siphons shall not be used. The minimum grade for allowed cross gutters shall be 0.6%.
92. All storm drain pipes and manholes shall be installed with the street paving. Catch basins shall be installed per City standards.
93. Grading onto adjacent property shall not be done without written permission from the adjacent property owner.
94. The Office of the City Engineer shall be notified 24 hours in advance of the placement of any fill material.
95. Fill and/or import material shall be subject to the approval of the soils engineer.
96. Developer is responsible for the grading of lot pad areas to within 0.1-foot of the design elevations.

97. All areas in the site on which structures are to be placed must be compacted to 90% relative density, or as required by the soils report and with concurrence of the City Engineer, for a minimum distance of 5 feet in all directions from the foundations of the structure.
98. All fill material shall be moisture conditioned to at least 2% above optimum moisture and compacted to 90% relative density, or as required by the soils report and with concurrence of the City Engineer, as determined by test methods referenced in California Building Code, appendix Chapter 33, Section 3305, and so certified by test and report from the soils engineer.
99. The design engineer shall exercise sufficient supervisory control during grading operations to ensure compliance with the plans, specifications, and code within his purview.
100. The placement of fill shall be in 6-inch maximum lifts, compacted with heavy compaction equipment approved by the City Engineer, unless specifically recommended otherwise in the preliminary soils report.
101. Compaction in proposed pavement areas should be the same as for the building pads, and should extend to a minimum distance of 2 feet beyond the outside edges of pavement. Compaction shall be as required by the soils report and with concurrence with the City Engineer.
102. All cut and fill slopes shall not be steeper than 2 horizontal to 1 vertical.
103. All fill areas to be cleared of all vegetation and other unsuitable materials for a structural fill and the areas shall be scarified to a depth of 6-inches, unless specifically noted otherwise in the preliminary soils report.
104. All slopes in excess of three (3) feet shall be prepared and maintained to control against erosion.
105. Grading work shall be supervised as engineered grading in accordance with Chapter 33 of the California Building Code.
106. During grading, reasonable searching should be performed for concealed subsurface obstructions. All abandoned subsurface obstructions should be removed. If terminus of any abandoned piping is outside the project limits, the piping should be removed within the project and properly capped at the project boundary.
107. The Developer shall coordinate with the North Kern Water Storage District to establish a new common grade along the common property line with the Calloway Canal.

108. Developer's attention is directed to the provisions of the SJVAPCD's Regulation VIII – Fugitive PM10 Prohibitions, which require the submission of a Dust Control Plan for certain construction projects. Developer shall comply with all applicable SJVAPCD rules and regulations including the submission of a Dust Control Plan as may be applicable. Current SJVAPCD rules and regulations are available online at <http://www.valleyair.org/rules/1ruleslist.htm>.
109. It shall be the Developer's responsibility to prevent a dust nuisance from originating from the site of the work as a result of its operations. Preventative measures to be taken by the Contractor shall include, but shall not be limited to, the following:
- a. Water shall be applied to all unpaved areas as required to prevent the surface from becoming dry enough to permit dust formation.
 - b. Paved surfaces over which vehicular traffic is permitted to travel shall be kept free of dirt.
 - c. Temporary suspension of the work, either as a result of order by the Engineer or as a result of conditions beyond control of the Contractor shall not relieve the Contractor from his responsibility for dust control as set forth herein.

ENGINEERING: WATER/FIRE

110. The ~~developer~~ Developer shall install two water systems for the project together with such equipment, pipeline, and facilities, including individual water services, as may be necessary to ensure the development has a minimum supply of water for the purposes of the development including fire protection. One water system shall be developed exclusively for drinking or domestic water service. The other shall be for irrigation of lawns, parks, and common landscape area and provided by either existing or new wells. Developer shall submit water improvement plans to the City Engineer and Oildale Mutual Water Company for review and approval. Developer shall construct the public water system in accordance with Subdivision Engineering Design Manual for the subject property. The dual water system shall be ~~constructed~~ bonded by the ~~developer~~ Developer and approved by the City of Shafter and Oildale Mutual Water Company prior to recordation of the subject final map phase. Construction of the water systems shall occur prior to the issuance of the Notice of Completion for the subject phase.
111. To the greatest extent possible, above ground air-vac or air release valves required by Oildale Mutual Water Company shall be located in public landscaping or natural trail areas and not along residential project frontages. This requirement is subject to the approval of Oildale Mutual Water Company.
112. To the greatest extend possible, wet utilities (sewer, water, storm drain) shall be installed between the flowlines on all streets.
113. Fire protection shall be provided per Kern County Fire Department Standards for the type of development. A Certificate of Approval shall be obtained by the ~~developer~~ Developer from the Kern County Fire Department. Evidence of this Certificate of Approval shall be

provided to the City prior to acceptance of the water system by the City.

114. Prior to installation, all water improvement plans shall be reviewed and approved by the Kern County Fire Department. The review includes hydrant locations and access into and out of the ~~Tract~~ tract. A plan review permit, obtained from the Kern County Fire Department, must be applied and paid for prior to the review of any modified or new tract map.
115. Water line size, location, and materials shall be subject to the approval of the City Engineer. Minimum water line size shall be in accordance with the Subdivision and Engineering Design Manual.
116. Tie-ins to existing water mains shall be constructed in a manner approved by the City Engineer.
117. Whenever possible, the water system shall be looped to minimize dead ends. For cul-de-sacs greater than 330 feet in length, the water main shall be looped through the side lot lines of the lots near the end of the cul-de-sac, back to adjacent streets, as directed by the City Engineer. Easements shall be provided to the City in a manner consistent with the Subdivision and Engineering Design Manual.
118. Separate dual water services shall be installed for each residential property.
119. No permanent structures shall be constructed over proposed or existing utility easements.
120. The ~~developer~~ Developer shall provide a minimum 2 access/egress points per CFC Sec D107.1 into the tract for emergencies. Such access shall be provided through Lot "~~H~~" "D" or alternative approved by the City Engineer, or as approved by the Kern County Fire Department.
121. The ~~developer~~ Developer shall provide fire hydrants that comply with Kern County Development Standards (Clow 850 or equivalent).
122. The required fire hydrants shall be placed a maximum of 660 feet apart throughout the tract for firefighting purposes. Final hydrant locations shall be approved by the Kern County Fire Department prior to installation.
123. The ~~developer~~ Developer shall install reflective markers to identify hydrant locations pursuant to California Health and Safety Code 13060.
124. The required fire hydrants shall provide a minimum fire flow of 500 gallons per minute for one hour at 20 psi residual pressure.
125. The water system for the required fire hydrants shall be looped.

126. The Kern County Fire Department, Fire Prevention Office shall be contacted for a fire flow test and approval prior to the start of underground construction.
127. The ~~developer~~ Developer shall install the required water, access and street signs prior to issuance of any building permit.
128. A fire flow test of the on-site facilities shall be performed and approved by the Kern County Fire Department prior to issuance of any Certificates of Occupancy. A fire flow test permit, obtained from the Kern County Fire Department, must be applied and paid for before flow test clearance will be granted.
129. Prior to issuance of a building permit, water mains and fire hydrants to be installed by ~~developer~~ Developer shall be completed, tested, and accepted (UFC 10.502, 10.503).

ENGINEERING: SEWER

130. No properties shall be served by a septic system.
131. Developer shall install a sewer system for the development together with such materials, pipeline, manholes, and individual services for the purposes of the development. Developer shall submit sewer improvement plans to the City Engineer for review and approval prior to recordation of the final map. Developer shall construct public sewer system in accordance with Shafter Subdivision Engineering Design Manual for the subject property.
 - a. Until such time as a permanent City trunk sewer in Seventh Standard Road can be constructed and connected, the ~~development~~ Developer shall construct a gravity sewer system, ~~sewer lift station, and a force main~~ that will collect ~~and pump~~ sewage from Tract No. 7244 to the existing City sewer system located within the Wonderful Industrial Park near the intersection of Seventh Standard Road and Zachary Avenue.
 - i. Gravity sewer mains shall be provided and installed within rights-of-way and easements granted to the City of Shafter and within Lot “H” “D”. All easements, deeds, licenses, and/or permits necessary for sewer facilities located outside the tract boundary shall be secured and recorded prior to the first recorded phase of Tract No. 7244 or sewer plan approval, whichever is first.
 - ii. ~~Gravity sewer shall collect sewage from all sources within Tract 7244 and deliver them to the proposed lift station. Lift station shall be a premanufactured precast concrete lift station constructed by a manufacturer with at least 10 years of experience in sewage lift station design and manufacture. Make and manufacturer shall be approved by the City. Lift station shall be delivered to the site and constructed in accordance with the manufacturer’s installation requirements and plans approved by the City of Shafter.~~
 - iii. ~~Lift station shall be located off-site, north of Seventh Standard Road and west of the Calloway Canal. Developer shall secure sufficient property (easements, dedications, or deeds) and access rights for the proposed lift station prior to the~~

- first recorded phase of Tract 7244 or sewer plan approval, whichever is first.
- ~~iv. Lift station site location, layout, ultimate size, design, and capacity shall be reviewed and approved by the City.~~
 - ~~v. Developer shall secure a sufficient source of electrical power to operate the lift station.~~
 - ~~vi. A single sewer force main pipe shall connect the lift station to the City of Shafter's existing sewer system located near the intersection of Zachary Avenue and Fanucchi Way. Force main shall be sized for the lift station discharge from both Tract 7244 and Gossamer Grove Specific Plan. Developer shall coordinate with Lennar Homes (developer of Gossamer Grove) for the future anticipated flows from Gossamer Grove Specific Plan.~~
 - ~~(1) As of July 8, 2017, the City of Shafter is in the process of designing a trunk sewer system on and along the north side of Seventh Standard Road. This gravity sewer will eventually provide sewer service to properties located north of Seventh Standard Road, including Tract 7244 (Heritage Ranch) and Gossamer Grove. It is possible that this trunk sewer may be operational prior to the development of Tract 7244 allowing the Developer to connect to the City's sewer system at a location closer to Tract 7244. The City makes no warranty regarding the schedule of the construction of this sewer trunk. The Developer is advised to coordinate with the City regarding connection to the City's sewer system.~~
 - ~~vii. Dual parallel force mains shall be installed along the north side of Seventh Standard Road for the Gossamer Grove development. The force main shall run from the west right of way line of the Friant Kern Canal to the lift station location. The force mains shall bypass the lift station and location and connect to the force main installed for Tract 7244.~~
 - ~~(2) The developer of Gossamer Grove (Lennar Homes) shall be responsible for construction of their force mains up to and over the Friant Kern Canal right of way to the west side of the Calloway Canal right of way to connect with the sewer system that is being designed and constructed for Tract 7244.~~
 - ~~(3) The developer of Tract 7244 shall coordinate the size and location of the force mains with the developer of Gossamer Grove (Lennar Homes).~~
 - ~~(4) City of Shafter shall be provided with access rights to the force mains for maintenance and repair where they are installed outside public right-of-way. Access easements shall be recorded prior to, or concurrent with, the notice of completion of the first recorded phase of Tract No. 7244, whichever occurs first.~~
 - ~~viii. Other conditions applicable to the design and construction of the lift station and all force mains shall be developed in consultation with the City Engineer.~~

132. All fees and costs necessary to connect to the sanitary sewer collection and treatment system shall be those in effect at the time the service connection is made.

133. Sewer line size, location, slope and materials shall be subject to the approval of the City Engineer. Minimum sewer line size, location, slope, and materials shall also be in accordance with the Subdivision and Engineering Design Manual.
134. Tie-ins to existing sewer mains, manholes, or other structures shall be constructed as directed by the City Engineer.
135. Sewer pipelines and manholes shall be installed within the proposed street paving of the development.
136. Separate sewer services shall be installed for each property. At no time shall sewer be joint trenched with water.
137. Sewer lines will not be permitted in easements between the backyards or side-yards of residential lots.
138. No permanent structures shall be constructed over proposed or existing utility easements.

ENGINEERING: STREET & TRAFFIC

139. Developer shall construct and provide right-of-way for all streets, curb, gutter, cross gutter, drainage facilities, sidewalks, walls, landscaping, street lights, drive approaches, intersections, and other related improvements consistent with Revised Tentative Tract No. 7244 and the Heritage Ranch Marcona Preserve Specific Plan. Developer shall submit street improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and shall include: Preliminary soils report with R-Value tests taken from proposed road locations, preliminary engineer's estimate of construction costs; and plan check and inspection fees.
- ~~140. Pleasant Street shall be considered private south of the easterly extension of the south line of Lot 188.~~
141. The drawings shall include all proposed public street pavement, curb, gutter, driveways, street lights, cross gutter, catch basins, striping, signage, traffic signals, and sidewalks along the perimeter of all streets adjacent to or within the project site. Said improvements shall be constructed as per the street improvement plans approved by the City Engineer in a manner consistent with the Subdivision and Engineering Design Manual.
142. All local streets shall be developed as full-width streets in accordance with standards and specifications of the Heritage Ranch Marcona Preserve Specific Plan and the City, as approved by the City Engineer. All local streets shall be fifty-two (52) feet full right-of-way with forty (40) feet flowline to flowline.

143. Should a street transition to another street with a ninety (90) degree turn occur, that transition shall be a street knuckle and shall be shown on the final tract map and in the street improvement plans.
144. Cul-de-sac and street knuckle dimensions and radii to conform to the Subdivision and Engineering Design Manual and/or as approved by the City Engineer. The use of off-set cul-de-sacs is approved provided they meet the requirements of the City.
145. Street signs shall be installed per City standards as required by the City Engineer.
146. All utilities proposed under paving shall be installed prior to paving. Cover over utilities shall be a depth as approved by the City Engineer.
147. During construction, the ~~developer~~ Developer shall maintain the project, including adjacent streets in a dust free condition. This condition applies at all times including weekends, evenings, and ~~night-time~~ nighttime hours. During construction operations, cleanup of soil from the public roadways shall be required, if deemed necessary, by the City Engineer.
148. Driveway approaches shall be constructed in a manner consistent with the requirements for residential approaches as set forth in the City's Subdivision and Engineering Design Manual.
149. Sidewalk, including curb, shall be five (5) feet wide and shall be placed behind the curb, or as specified by the ~~Heritage Ranch~~ Marcona Preserve Specific Plan. Transitions at intersections and wheelchair ramps shall be provided and installed per the City's Subdivision and Engineering Design Manual.
150. Monument and monument covers shall be set per City Standards.
151. Temporary turnarounds, if required, including right-of-way, shall be granted, designed, and installed per the Subdivision and Engineering Design Standards.
152. Property line locations shall be marked with a chiseled line on the top of curb for all property lines. The location of all sewer laterals shall be indicated on the top of curb with a stamped "S".
153. Street lighting shall be installed in accordance with the City Engineering and Subdivision Design Manual as directed by the City Engineer. Developer shall coordinate with Pacific Gas & Electric to ensure that the ~~street lights~~ streetlights are established under the LS-2 rate schedule.
154. Secondary access easements shall be provided at the request of the City Engineer. Within any given phase of development, secondary access easements and improvements shall be provided in a manner approved by the City Engineer. Access roads shall be

twelve (12) feet in width and shall consist of three (3) inches of Class II aggregate base over six (6) inches of native material compacted to 90% relative maximum density.

155. A waiver of direct access to the following shall be dedicated and shown on the final map as follows:
- a. Phase 3, Lots 263 43, 264 44, 273 53, 274 54, 283 63, and 284 64 to Bareback Avenue
 - b. Phase 3, Lots 308 88 and 309 89 to Banjo Way
 - c. Phase 3, Lots Lot 297 77 and Phase 1, Lot 320 179 to Blazing Way
 - d. Phase 1, Lots 321 180, 322 181, and 329 188 to Ponderosa Avenue
 - e. Phase 1, Lots 332 142, 340 143, 363 174, and 364 175 to Fields Way
 - f. Phase 3, Lot 351 107 to Marble Street Ponderosa Avenue
 - g. Phase 1, Lot Lots 355 130 and 134 to Raven Way
 - h. Phase 3, Lot 212 1 to Grove Way Glenbrook Avenue
 - i. Phase 1, Lots Lot 227 and 231 119 to Glenbrook Avenue
 - j. Phase 1, Lots 203 112, 204 121, and 223 122 to Mystic Way
 - k. Phase 1, Lots 194 105 and 201 110 to Whispering Pecos Lane
 - l. Phase 1, Lots 13 14, 14 15, 39 16, and 40 17 to Hitching Way
 - m. Phase 1, Lots 56, 57, 82, and 83 Lot 36 and Phase 2, Lot 27 to Porch Way
 - n. Lots 90, 96, 187 and 188 to Pleasant Street
 - o. Phase 1, Lots 150 70, 151 71, 172 72, and 173 73 to Knotty Way Shadetree Way
 - p. Phase 2, Lots 161 89 and 162 90 to Green Way
 - q. Phase 1, Lot 115 to Dusty Court
 - r. Phase 1, Lots 38 and 39 to Rawhide Avenue
 - s. Lots 117 and 118 to Common Lot "F"
 - t. All lots adjacent to the east and west sides of Jewetta Avenue North
 - u. All lots adjacent to the north line of the Natural Trail easement along Seventh Standard Road
 - v. All rear lot lines adjacent to the Friant-Kern Canal and the Calloway Canal
 - w. All rear lot lines adjacent to the sewer/landscape lot identified as Lot "H" "D"
156. ~~Developer shall design and construct, with the subject phase of the final map, the public path(s) between common Lot "F", the sidewalk along Seventh Standard Road, and the pedestrian bridge across the Friant Kern Canal meeting the requirements of the American with Disabilities Act (ADA). The path design and construction shall be approved by the City of Shafter.~~
157. ~~Yearling Court shall be constructed and approved by the City of Shafter, including curb and flowline, with the subject phase.~~

ENGINEERING: LANDSCAPING

158. Developer shall provide easements ~~for and construct a 30-foot~~ varying 30-foot to 22-foot wide pedestrian easement on and along the north right-of-way line of the Calloway Canal.

- a. Pedestrian easement shall be contained within Lot “H” “D” for all portions within the boundary of Tract No. 7244. Any portions of the easement lying outside the tract boundary, including the proposed pedestrian bridge across the Calloway Canal, shall be recorded prior to, or concurrently with, the first recorded phase of Tract No. 7244. The pedestrian easement shall provide public access from the north side of Seventh Standard Road east of the existing vehicle bridge over the Calloway Canal to a future pedestrian bridge over the Calloway Canal, the exact location to be determined at a later date.
 - b. The minimum width of the pedestrian easement shall be ~~thirty~~ twenty-two (30 22) feet.
 - c. Masonry wall shall be constructed between the pedestrian easement and residential lots.
 - d. A ~~thirty~~ twenty-two (30 22) foot wide pedestrian easement west of Lot “H” “D” on the northern portion of the Calloway Canal property to a point where the pedestrian bridge will be constructed over the Calloway Canal. The easement shall be recorded prior to, or concurrently with, the first phase of Tract No. 7244.
 - e. A thirty (30) foot wide easement for a pedestrian bridge over the Calloway Canal shall be recorded prior to, or concurrent with, the issuance of a Notice of Completion for the first phase of Tract No. 7244.
 - f. A six (6) foot high ~~chain~~ wrought iron fence shall be installed along the common boundary of Lot “H” “D” and the Calloway Canal, north of the Seventh Standard Road right-of-way, to the pedestrian bridge canal crossing. The fence shall be maintained by the North Kern Water Storage District.
159. Electrical Source for Landscaping:
- a. Developer shall provide one or more metered services and pedestals for public landscaping.
 - b. Location of the meter pedestal shall be approved by the City Engineer.
160. Water Source for Landscaping:
- a. Landscaping water service point of connection shall be approved by the City Engineer. Water source shall be from the non-potable water system installed with the tract.
161. Landscaping Enclosure:
- a. Landscaping timers, electrical service fuses, breakers, etc., shall be installed within a commercial grade landscaping enclosure.
 - b. Commercial grade landscaping enclosure shall be installed within the dedicated landscaping area adjacent to the water source and/or electrical source.
 - c. Commercial grade landscaping enclosure shall be installed on a concrete foundation poured onto a minimum of six (6) inches of native subgrade compacted to 90% (or in accordance with manufacturer’s recommendations, whichever is more stringent).
 - d. Landscaping enclosure shall be provided with a 110-volt duplex electrical GFCI plug within the enclosure.

162. The ~~developer~~ Developer shall comply with all requirements for grading and erosion control, including the prevention of sedimentation or potential damage to off-site property.
163. Sleeves shall be placed under the proposed paving for landscape piping or low voltage electrical per the City Engineer.
164. Landscaping within the Natural Trail on Seventh Standard Road shall be approved by the City. Separate plan sets shall be provided for the Natural Trail landscaping and shall show locations of water and electrical services necessary to serve the landscaping and lighting needs of the areas.
165. Bollards or other effective obstructions shall be placed at the pedestrian access easements located at the east end of Ponderosa Avenue.
166. Developer shall deed Lots ~~B, C, D, H, and I~~ B, C, D, and E to the City of Shafter concurrent with the recordation of the applicable phase of the final map.
167. Developer shall deed Lots A and F to the North of the River Recreation and Park District concurrent with the recordation of the applicable phase of the final map.
168. The landscaping along the north side of 7th Standard Road, between Jewetta Avenue North and the east boundary of the project, shall be dedicated to the City of Shafter as a lot.
169. A thirty (30) foot wide easement for a pedestrian bridge over the Friant-Kern Canal shall be recorded prior to, or concurrent with, the issuance of a Notice of Completion for the first phase of Tract No. 7244.

ENGINEERING: SUBDIVISION IMPROVEMENT AGREEMENT

170. The ~~developer~~ Developer shall furnish the City of Shafter with acceptable security to guarantee the construction of off-site street improvements in accordance with all applicable provisions of the City of Shafter Municipal Code and the State Subdivision Map Act. The ~~developer~~ Developer may enter into a subdivision improvement agreement with the City of Shafter for public improvements that are not completed at the time of Final Map approval.

DATE: November 12, 2024
TO: Planning Commission
FROM: Planning Department
SUBJECT: Tentative Tract Map No. 7461

RECOMMENDATION:

Staff recommends the Planning Commission conduct a public hearing and continue the hearing to a date certain of the December 10, 2024, Planning Commission meeting.

APPLICANT

OWNER

LOCATION:

ATTACHMENTS

EXHIBIT

PUBLIC HEARING