



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

**AGENDA
REGULAR MEETING
SHAFTER PLANNING COMMISSION
TUESDAY, JANUARY 10, 2023**

TELECONFERENCE NOTICE:

As emergency conditions persist in the City, specifically, a state of emergency remains in effect related to COVID-19, community transmission of COVID-19 in Kern County has rapidly increased from Low to High due to the highly contagious variants of COVID-19, which has emerged, Kern County officials are imposing and recommending measures to promote social distancing, requires masking by all, regardless of vaccination status, in an effort to slow the continuously high trends in and level of transmission of COVID-19 throughout the State and Kern County. The City Council determine that the presence of COVID-19 and the increase of cases due to the COVID variants will continue to cause conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and has affirmed a local emergency exists and re-ratified the proclamation of state of emergency by the Governor of the State of California. In compliance with AB 361, Brown Act public meetings will be conducted utilizing Zoom Video Communications.

Remote public participation is allowed in the following ways, please see attached supplement for instructions.

CALL TO ORDER:	6:00 PM
PLEDGE OF ALLEGIANCE:	Chairman Frantz
INVOCATION:	Commissioner Sanchez
ROLL CALL:	Chairman Frantz Commissioner Joshan Commissioner Piuser Commissioner Sanchez

OATH OF OFFICE FOR NEWLY APPOINTED PLANNING COMMISSIONERS:

1. Planning Commissioners Lovedeep Joshan and David Piuser

ORGANIZATIONAL BUSINESS:

1. Election of Chairman and Vice Chairman

APPROVAL OF AGENDA:

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: Regular Meeting of December 13, 2022.

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. Temporary Land Use Permit No. 20-112 Extension of Time:** Planning Commission conduct a public hearing; find the project is exempt from the California Environmental Quality Act; and adopt Resolution No. 23-418, a Resolution of the Planning Commission of the City of Shafter approving a one (1) year Extension of Time for Temporary Land Use Permit No. 20-112 for a temporary construction storage yard on property located at 5511 and 5501 E. Lerdo Highway at the Southeast corner of Carver Street and E. Lerdo Highway, City of Shafter, to expire on January 10, 2024 and as shown in Exhibit "A". (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., January 5, 2023. Yazmina Pallares, S/S, City Clerk



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

**AGENDA
SUPPLEMENT
Regular Meeting
Shafter Planning Commission
January 10, 2023**

**THE January 10, 2023 MEETING WILL BE CONDUCTED IN COMPLIANCE
WITH AB 361**

In order to minimize the spread of the COVID 19 virus, please do the following:

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 January 10, 2023** 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.

The City of Shafter thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

DATE: January 10, 2023
TO: Planning Commission
FROM: Planning Department
SUBJECT: Election of Chairman and Vice Chairman

RECOMMENDATION:

Nominate and elect new Planning Commission Chairman and Vice Chairman for calendar year 2023.

APPLICANT
N/A

OWNER
N/A

LOCATION: N/A

PROJECT ANALYSIS:

At the beginning of each calendar year, the Planning Commission elects a new Chair and Vice Chair. Currently the Chair is Commissioner Frantz and the Vice Chair was former Commissioner Nunlist. Staff has no recommendation on who should fill these positions for calendar year 2023 and defers to the Planning Commission.

CEQA:

Per Section 157378(b)(5) of the California Environmental Quality Act (CEQA) Guidelines, the action is not considered a “project” under CEQA because the action is an administrative activity of the City that would not result in direct or indirect physical changes to the environment and therefore, the action is not subject to CEQA.

ATTACHMENTS
None

EXHIBIT

**MINUTES OF THE REGULAR MEETING OF THE
SHAFTER PLANNING COMMISSION
MEETING HELD IN-PERSON AND VIA ZOOM AND LIVESTREAM TO YOUTUBE
TUESDAY, DECEMBER 13, 2022**

Pursuant to AB 361 Issued by Governor Gavin Newsom on September 20, 2021 and, to the extent applicable, Government Code Section 54953(e), this meeting was held as a Virtual Meeting via Zoom and livestreaming to YouTube Live.

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE: Chairman Frantz

INVOCATION: Commissioner Olvera

ROLL CALL:

PRESENT: Chairman Frantz, Vice Chairman Nunlist, and Commissioners Olvera, Sanchez, and Wiebe. PRESENT: Planning Director Esselman, Senior Planner Forrest, City Clerk Pallares, and IT Systems Manager Rubio.

APPROVAL OF AGENDA:

MOVED (WIEBE) AND SECONDED (OLVERA) COMMISSIONERS APPROVED THE AGENDA AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: Regular Meeting of November 8, 2022.

MOVED (SANCHEZ) AND SECONDED (NUNLIST) COMMISSIONERS APPROVED THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 8, 2022 AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

PUBLIC COMMENT:

There were no members of the public wishing to speak.

MANAGEMENT REPORT:

1. **GOSSAMER GROVE SPECIFIC PLAN ACQUISITION OF REAL PROPERTY RESOLUTION ADOPTION:** Planning Director Esselman made introductory comments.

MOVED (SANCHEZ) AND SECONDED (WIEBE) COMMISSIONERS ADOPTED RESOLUTION 22-417 (SEE EXHIBIT I), A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER FINDING THAT THE ACQUISITION OF REAL PROPERTY WITHIN THE GOSSAMER GROVE SPECIFIC PLAN AREA CONFORMS WITH THE CITY OF SHAFTER GENERAL PLAN IN ACCORDANCE WITH GOVERNMENT CODE 65402 AND FINDING THE ADOPTION OF THE RESOLUTION IN COMPLIANCE WITH CEQA REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

COMMISSIONER REPORTS:

Commissioner Olvera reported that he will be resigning from the Planning Commission effective December 14, 2022.

Planning Director Esselman reported that Senior Planner Forrest will be retiring December 22, 2022; and thanked her for her years of service.

ADJOURNMENT:

MOVED (OLVERA) AND SECONDED (WIEBE) COMMISSIONERS ADJOURNED THE MEETING AT 6:12 P.M. MOTION CARRIED WITH NO OPPOSITION.

Peter Frantz, Chairman

ATTEST:

Yazmina Pallares, City Clerk

DATE: January 10, 2023
TO: Planning Commission
FROM: Planning Department
SUBJECT: Temporary Land Use Permit No. 20-112 Extension of Time

Planning Commission conduct a public hearing; find the project is exempt from the California Environmental Quality Act; and adopt Resolution No. 23-418, a Resolution of the Planning Commission of the City of Shafter approving a one (1) year Extension of Time for Temporary Land Use Permit No. 20-112 for a temporary construction storage yard on property located at 5511 and 5501 E. Lerdo Highway at the Southeast corner of Carver Street and E. Lerdo Highway, City of Shafter, to expire on January 10, 2024 and as shown in Exhibit "A".

APPLICANT

SoCalGas Company
9400 Oakdale Ave
Chatsworth, CA 91311

OWNER

TDC Properties, LLC
9400 Oakdale Ave
Chatsworth, CA 91311

LOCATION: Southeast corner of Carver Street and E. Lerdo Highway (5501 and 5511 E. Lerdo Highway). See Exhibit 1.

PROJECT DATA:

1. General Plan Designation: The current land use designation for the project site is Business Park (BP)
2. Zoning: The project site is zoned Business Park – Airport Approach Height Combining (BP-H).
3. Use: The project site is vacant.

PROJECT ANALYSIS:

The Planning Commission approved Temporary Land Use Permit No. 20-112 on October 13, 2020, under Resolution No. 20-368 (Exhibit 4). The Temporary Land Use Permit authorized a temporary construction storage yard at the southeast corner of Carver Street and E. Lerdo Highway (Exhibit 1). The construction yard is needed to facilitate a gas line pressure betterment project proposed by the Southern California Gas Company. The original pipeline betterment project was planned to replace approximately 19,000 linear feet of gas pipeline along the south side of E. Lerdo Highway from the west side of the Friant-Kern Canal to Zerker Road, then south along Zerker Road to a point approximately 1,700 feet south of New Kapittel Court to a point near the entrance to the Garlic Company. The project has been reduced in scope and will now begin on the east side of the Friant-Kern Canal and end at the Lerdo Highway/Zerker Road intersection, as illustrated in Exhibit 3. All work will occur within the existing right-of-way of E. Lerdo Highway. No changes to the temporary storage

PUBLIC HEARING

yard and staging area have been proposed. The temporary use permit was approved with an expiration date of October 13, 2021.

The Planning Commission approved a request for an extension of time on September 14, 2021. The extension of time was approved (Resolution No. 21-382) until October 13, 2022.

The applicant is requesting a second extension of time due to material shortage, and supply chain issues. The project is scheduled to resume its operation in March 2023. Staff believes that with compliance with the previously adopted conditions of approval, the project is compatible with the surrounding community and recommends an extension of the Temporary Land Use Permit until January 10, 2024.

CEQA:

Staff has determined that the project is categorically exempt from CEQA under Section 15304 of the CEQA Guidelines in that only minor alterations to the existing vacant property are proposed under Temporary Land Use Permit No. 20-112.

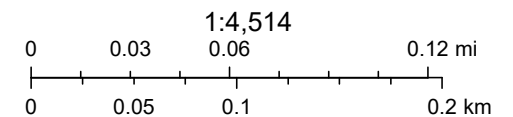
ATTACHMENTS	EXHIBIT
Vicinity Map	1
Site Plan	2
Revised Gas Pipeline Route	3
Resolution 20-368	4
Resolution 23-418	5

TEMPORARY LAND USE PERMIT 20-112 - EXTENSION OF TIME



7/15/2021, 11:50:38 AM

- Road Centerlines — Local
- Airport
- Highway
- Shafter City Limits
- Parcel Boundary
- Subdivision Projects
- PARCEL MAP
- TRACT
- Sections



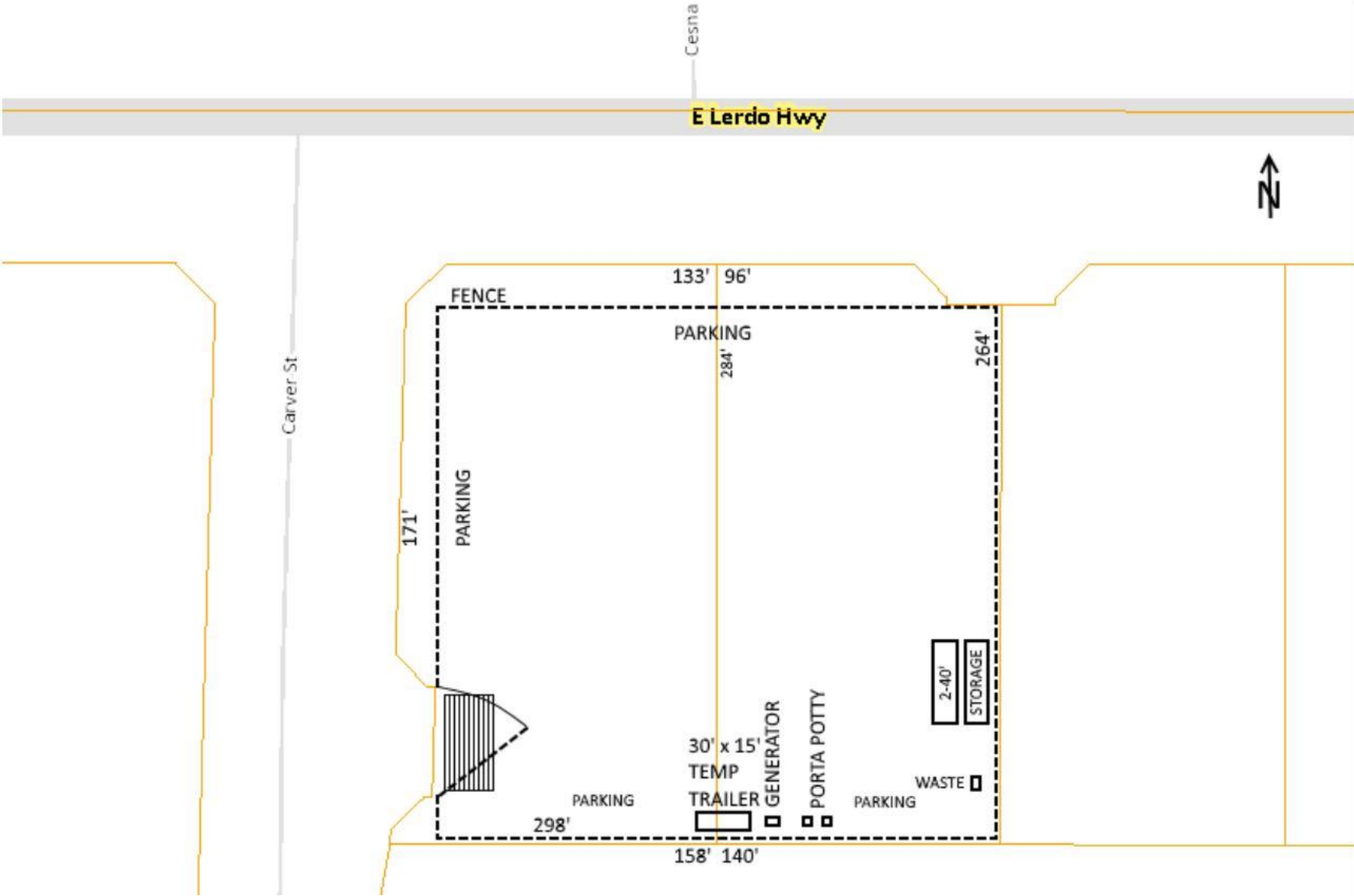
Copyright nearmap 2015, Esri Community Maps Contributors, City of Shafter, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P,

TEMPORARY LAND USE PERMIT NO. 20-112 - EXTENSION OF TIME

Southern California Gas Company

Gas Pressure Betterment Project - Lerdo Highway and Zerker Road

Construction Staging Area – Aerial View



TEMPORARY LAND USE PERMIT NO. 20-112 EXTENSION OF TIME

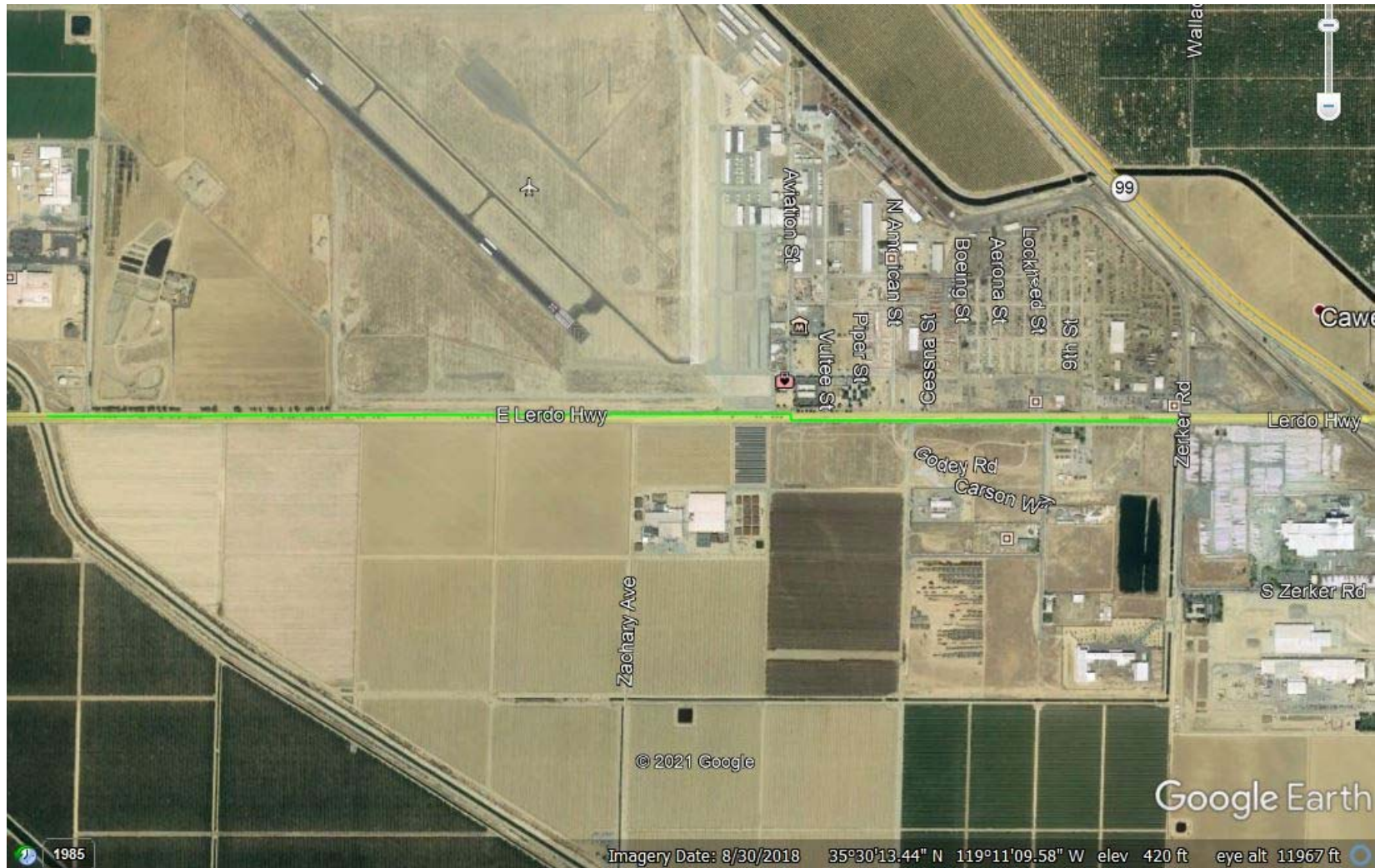


EXHIBIT 3

RESOLUTION NO. 20-368

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER
APPROVING TEMPORARY LAND USE PERMIT NO. 20-112 FOR A TEMPORARY
CONSTRUCTION STORAGE YARD ON PROPERTY LOCATED AT 5511 AND 5501 E.
LERDO HIGHWAY AT THE SOUTHEAST CORNER OF CARVER STREET AND E.
LERDO HIGHWAY, CITY OF SHAFTER**

WHEREAS, the applicant, SoCalGas Company, is requesting a Temporary Land Use Permit to allow a temporary construction storage yard for property located 5511 and 5501 E. Lerdo Highway at the southeast corner of Carver Street and E. Lerdo Highway, as identified in Exhibit “A”; and

WHEREAS, the subject property is zoned Business Park – Airport Approach Height Combining (BP-H); and

WHEREAS, the subject property is vacant; and

WHEREAS, the Planning Commission has, at its regularly scheduled meeting on October 13, 2020, studied and considered the proposed temporary land use permit application for a temporary construction storage yard on property located at 5511 and 5501 E. Lerdo Highway at the southeast corner of Carver Street and E. Lerdo Highway, as shown in Exhibit A; and

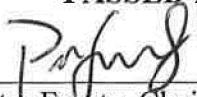
WHEREAS, the Planning Commission has determined that the proposed temporary land use permit is categorically exempt from CEQA under Section 15304 of the CEQA Guidelines in that only minor alterations to the existing vacant property are proposed under Temporary Land Use Permit No. 20-112; and

WHEREAS, a timely and properly noticed public hearing for Temporary Land Use Permit No. 20-112 was held by the Planning Commission of the City of Shafter at a regular meeting on October 13, 2020, at which hearing evidence, oral and documentary, was admitted on behalf of said project; and

WHEREAS, the Planning Commission determined certain conditions of approval are necessary for the temporary land use permit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in a regular session assembled on the 13th day of October, 2020, approves Temporary Land Use Permit No. 20-112 to allow a temporary construction storage yard at 5511 and 5501 E. Lerdo Highway at the southeast corner of Carver Street and E. Lerdo Highway, as described in this resolution and identified in Exhibit “A”, and subject to the conditions of approval as provided in Exhibit “B”.

PASSED AND ADOPTED THIS 13th DAY OF OCTOBER, 2020.



Peter Frantz, Chairman

ATTEST


Vanessa Valdivia, Deputy City Clerk

EXHIBIT 4

TEMPORARY LAND USE PERMIT NO. 20-112

Southern California Gas Company

Gas Pressure Betterment Project - Lerdo Highway and Zerker Road

Construction Staging Area – Aerial View

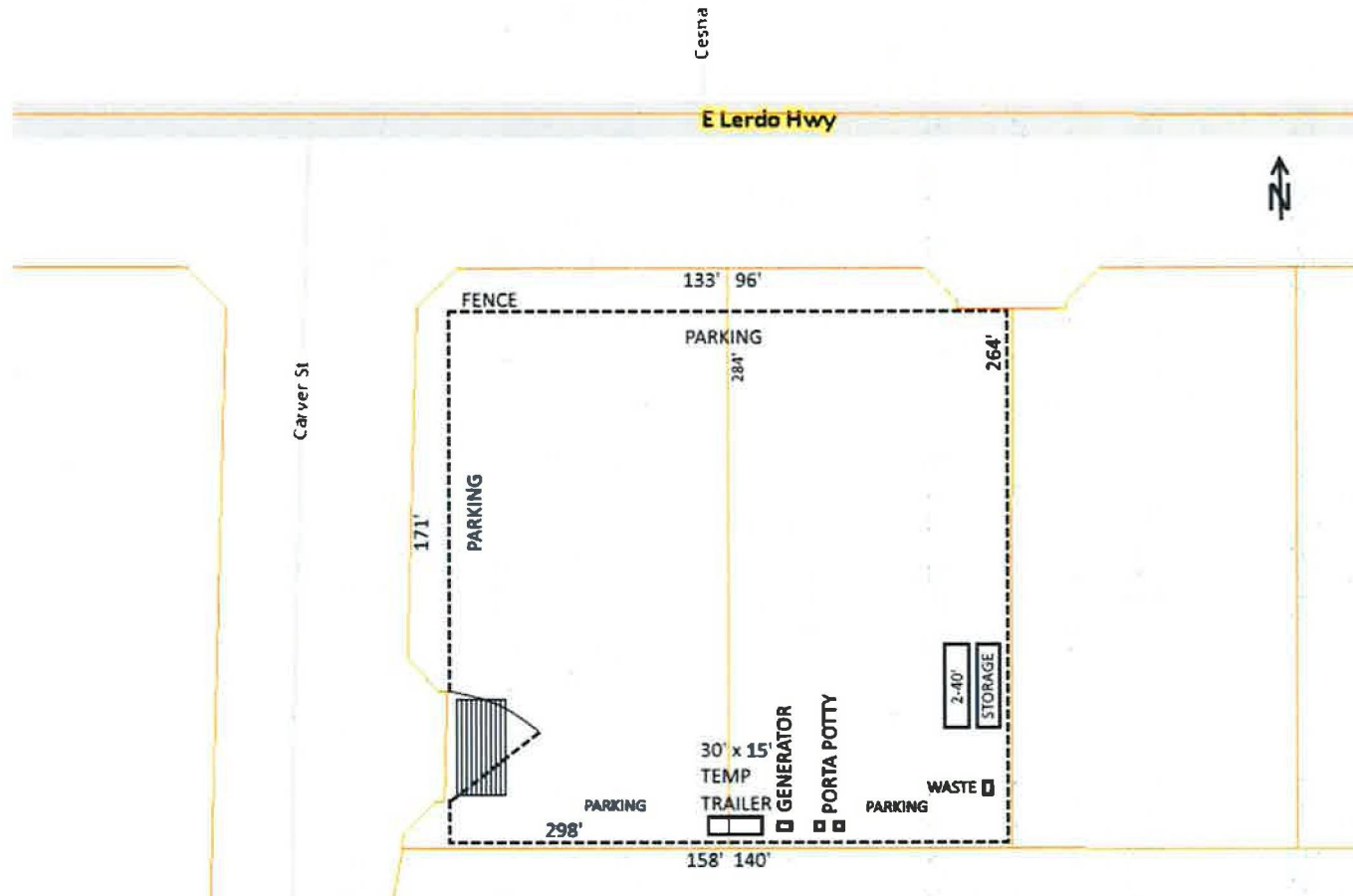


EXHIBIT A

EXHIBIT B

TEMPORARY LAND USE PERMIT NO. 20-112 CONDITIONS OF APPROVAL

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 Temporary Land Use Permit No. 20-112 (hereinafter referred to as “TLUP 20-112”) 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. Temporary Land Use Permit No. 20-112 authorizes a temporary construction storage yard for property located at the 5511 and 5501 E. Lerdo Highway at the southeast corner of Carver Street and E. Lerdo Highway.
3. Developer, or general contractor, shall submit a list of all contractors and/or subcontractors performing any work on this project to the City’s Administrative Services Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City prior to the commencement of work.
4. Developer shall comply with all provisions of the City’s Zoning Ordinance, latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Fire Code, and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits. Identification of specific sections of any of the aforementioned City documents does not negate the Developer’s responsibility to conform to unmentioned sections of the City’s Zoning Ordinance, Subdivision and Engineering Design Manual, Uniform Building Code, and all other applicable ordinances, resolutions, standards, and requirements of the City.
5. Approval of TULP 20-112 shall not vest until all of the Conditions are met.
6. Construction or use of the project site identified as TULP 20-112 shall be in substantial accordance with any and all submittals to the City by Developer, including, but not limited to all Conditions of TULP 20-112.

Planning

7. No new construction, or improvements to the property, including signage, shall be permitted without first obtaining the proper permits from Planning, Building, and Engineering Departments of the City.
8. Unless otherwise stated, all Conditions shall be completed prior to a final inspection and prior to an occupancy permit being issued by the City of Shafter.
9. TULP 20-112 shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Planning Department.
10. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance.
11. Vehicular access to and from E. Lerdo Highway shall be prohibited.
12. All vehicular access to and from the subject property shall be provided from the existing Carver Street drive approach on 5501 Carver Street.
13. Dust control measures meeting the requirements of the San Joaquin Valley Air Pollution Control District shall be implemented for all vehicular access roads and storage areas on the subject property.
14. The entire construction storage yard shall be fenced and screened to a height of six (6) feet.
15. No building permit shall be issued for the subject property until TULP 20-112 has become effective.
16. Temporary Land Use Permit No. 20-112 shall expire on October 13, 2021.
17. Porta potties and hand washing stations shall be provided at the site. The facilities shall be serviced as needed while the site is in use and shall be promptly removed once the site is no longer needed as a temporary construction storage yard.
18. All requirements and regulations of the San Joaquin Valley Air Pollution Control District shall be met while the site is used as a temporary construction storage yard.

Building Department

19. Building permits shall be obtained for all structural, mechanical, and electrical installation.
20. No trailer for permanent lodging, office, or restroom use shall be permitted on the subject property.

Engineering Department

21. If needed, the applicant shall obtain an encroachment permit from the City of Shafter City Engineer, for any pipeline replacement work occurring within the public right-of-way and

outside the exiting utility easement.

22. The temporary basin currently located along the east side of the Carver Street drive approach on 5501 Carver Street shall be relocated to either the north or south side of the entrance. The new basin shall be designed to accept the street flow and site drainage.
23. The site shall be graded and compacted as needed to accommodate proposed site improvements. The site shall be covered with sufficient rock, decomposed granite, or some other material acceptable to the City Engineer to prevent dirt and mud from being dragged into the public right-of-way.

[illegible]

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RESOLUTION NO. 23-418

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER APPROVING A ONE (1) YEAR EXTENSION OF TIME FOR TEMPORARY LAND USE PERMIT NO. 20-112 FOR A TEMPORARY CONSTRUCTION STORAGE YARD ON PROPERTY LOCATED AT 5511 AND 5501 E. LERDO HIGHWAY AT THE SOUTHEAST CORNER OF CARVER STREET AND E. LERDO HIGHWAY, CITY OF SHAFTER

WHEREAS, the applicant, SoCalGas Company, is requesting a one (1) year extension of time for Temporary Land Use Permit No. 20-112 to allow a temporary construction storage yard for property located 5511 and 5501 E. Lerdo Highway at the southeast corner of Carver Street and E. Lerdo Highway, as identified in Exhibit “A”; and

WHEREAS, the subject property is zoned Business Park – Airport Approach Height Combining (BP-H); and

WHEREAS, the subject property is vacant; and

WHEREAS, on October 13, 2020, the Planning Commission approved Temporary Land Use Permit No. 20-112 allowing a temporary construction storage yard on property located at the southeast corner of Carver Street and E. Lerdo Highway until October 13, 2021; and

WHEREAS, the Planning Commission held a meeting on September 14, 2021, and approved an extension of time set to expire on October 13, 2022; and

WHEREAS, the Planning Commission has, at its regularly scheduled meeting on January 10, 2023, studied and considered the proposed one (1) year extension of time for Temporary Land Use Permit No. 20-112 for a temporary construction storage yard; and

WHEREAS, the Planning Commission has determined that the proposed one (1) year extensions of time of a temporary land use permit is categorically exempt from CEQA under Section 15304 of the CEQA Guidelines in that only minor alterations to the existing vacant property are proposed under Temporary Land Use Permit No. 20-112; and

WHEREAS, a timely and properly noticed public hearing for Temporary Land Use Permit No. 20-112 was held by the Planning Commission of the City of Shafter at a regular meeting on January 10, 2023, at which hearing evidence, oral and documentary, was admitted on behalf of said project; and

WHEREAS, the Planning Commission determined certain conditions of approval attached as Exhibit “B” are necessary for the temporary land use permit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in a regular session assembled on the 10th day of January, 2023, approves a one (1) year extension of time for Temporary Land Use Permit No. 20-112 for a temporary construction storage yard at 5511 and 5501 E. Lerdo Highway at the southeast corner of Carver Street and E. Lerdo

EXHIBIT 5

Highway, as described in this resolution and identified in Exhibit “A”, and subject to the conditions of approval as provided in Exhibit “B”, to expire on January 10, 2024.

PASSED AND ADOPTED THIS 10th DAY OF January, 2023.

Peter Frantz, Chairman

ATTEST

Vanessa Uribe, Deputy City Clerk

TEMPORARY LAND USE PERMIT NO. 20-112 - EXTENSION OF TIME

Southern California Gas Company

Gas Pressure Betterment Project - Lerdo Highway and Zerker Road

Construction Staging Area – Aerial View

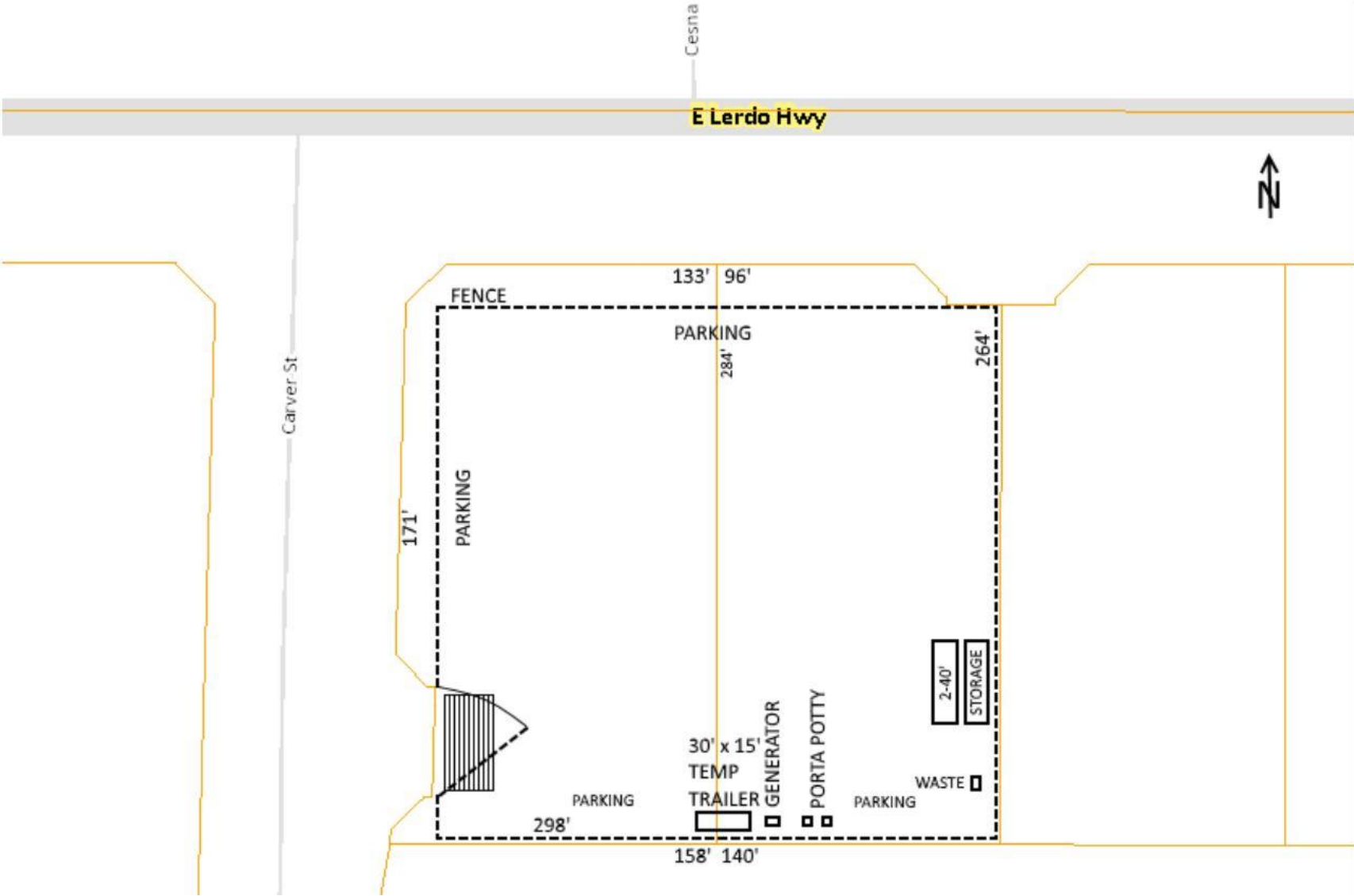


EXHIBIT B

TEMPORARY LAND USE PERMIT NO. 20-112 CONDITIONS OF APPROVAL

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 Temporary Land Use Permit No. 20-112 (hereinafter referred to as “TLUP 20-112”) 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. Temporary Land Use Permit No. 20-112 authorizes a temporary construction storage yard for property located at the 5511 and 5501 E. Lerdo Highway at the southeast corner of Carver Street and E. Lerdo Highway.
3. Developer, or general contractor, shall submit a list of all contractors and/or subcontractors performing any work on this project to the City’s Administrative Services Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City prior to the commencement of work.
4. Developer shall comply with all provisions of the City’s Zoning Ordinance, latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Fire Code, and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits. Identification of specific sections of any of the aforementioned City documents does not negate the Developer’s responsibility to conform to unmentioned sections of the City’s Zoning Ordinance, Subdivision and Engineering Design Manual, Uniform Building Code, and all other applicable ordinances, resolutions, standards, and requirements of the City.
5. Approval of TLUP 20-112 shall not vest until all of the Conditions are met.
6. Construction or use of the project site identified as TLUP 20-112 shall be in substantial accordance with any and all submittals to the City by Developer, including, but not limited to all Conditions of TLUP 20-112.

Planning

7. No new construction, or improvements to the property, including signage, shall be permitted without first obtaining the proper permits from Planning, Building, and Engineering Departments of the City.
8. Unless otherwise stated, all Conditions shall be completed prior to a final inspection and prior to an occupancy permit being issued by the City of Shafter.
9. TLUP 20-112 shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Planning Department.
10. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance.
11. Vehicular access to and from E. Lerdo Highway shall be prohibited.
12. All vehicular access to and from the subject property shall be provided from the existing Carver Street drive approach on 5501 Carver Street.
13. Dust control measures meeting the requirements of the San Joaquin Valley Air Pollution Control District shall be implemented for all vehicular access roads and storage areas on the subject property.
14. The entire construction storage yard shall be fenced and screened to a height of six (6) feet.
15. No building permit shall be issued for the subject property until TLUP 20-112 has become effective.
16. Temporary Land Use Permit No. 20-112 shall expire on January 10, 2024.
17. Porta potties and hand washing stations shall be provided at the site. The facilities shall be serviced as needed while the site is in use and shall be promptly removed once the site is no longer needed as a temporary construction storage yard.
18. All requirements and regulations of the San Joaquin Valley Air Pollution Control District shall be met while the site is used as a temporary construction storage yard.

Building Department

19. Building permits shall be obtained for all structural, mechanical, and electrical installation.
20. No trailer for permanent lodging, office, or restroom use shall be permitted on the subject property.

Engineering Department

21. If needed, the applicant shall obtain an encroachment permit from the City of Shafter City Engineer, for any pipeline replacement work occurring within the public right-of-way and outside the exiting utility easement.
22. The temporary basin currently located along the east side of the Carver Street drive approach on 5501 Carver Street shall be relocated to either the north or south side of the entrance. The new basin shall be designed to accept the street flow and site drainage.
23. The site shall be graded and compacted as needed to accommodate proposed site improvements. The site shall be covered with sufficient rock, decomposed granite, or some other material acceptable to the City Engineer to prevent dirt and mud from being dragged into the public right-of-way.