

ORDINANCE NO. _____

**AN ORDINANCE OF THE BAKERSFIELD CITY COUNCIL
APPROVING AN AMENDMENT TO TITLE 17 OF THE BAKERSFIELD
MUNICIPAL CODE TO CHANGE THE ZONE DISTRICT LOCATED AT
4215 LETZRING LANE (ZC NO. 23-0014).**

WHEREAS, Housing Authority of the County of Kern for LMCHAO, LLC, filed an application with the City of Bakersfield Development Services Department requesting to change the zone district from C-2 (Regional Commercial) to C-2 (Regional Commercial) to remove the reference of the Declaration of Restrictions from the Ordinance 2902 on 5.94 acres located at 4215 Letzring Lane, as shown in attached Exhibit "B," (the "Project"); and

WHEREAS, the provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Guidelines have been followed; and

WHEREAS, the Planning Commission held a public hearing on May 4, 2023 and approved Resolution No. 37-23, which recommended that the City Council approve the Project; and

WHEREAS, the City Council considered all facts, testimony, and evidence concerning the Project, including the staff report, Notice of Exemption and the Planning Commission's deliberation, and action; and

WHEREAS, the Project is consistent with the *Metropolitan Bakersfield General Plan*.

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED by the Bakersfield City Council as follows:

1. The above recitals, incorporated herein, are true and correct.
2. The Planning Commission's findings as contained in its Resolution No. 37-23 are hereby adopted.
3. The Project is exempt from the provisions of CEQA in accordance with CEQA Guidelines Section 15061 (b)(3), Common Sense Review for Exemption.
4. The Declaration of Restrictions reference is removed from Ordinance 2902, subject to the conditions of approval as shown in attached Exhibit "A".
5. The Project is hereby approved incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 located on the map as shown in Exhibit B and as specifically described in Exhibit C, all of which are incorporated herein.

SECTION 2.

This ordinance must be posted in accordance with the Bakersfield Municipal Code and will become effective not less than 30 days from and after the date of its passage.

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I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on _____ by the following vote:

AYES:	COUNCILMEMBER	ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR
NOES:	COUNCILMEMBER	_____
ABSTAIN:	COUNCILMEMBER	_____
ABSENT:	COUNCILMEMBER	_____

JULIE DRIMAKIS, MMC

CITY CLERK and Ex Officio Clerk of
the Council of the City of Bakersfield

APPROVED: _____

By _____

KAREN GOH
Mayor

APPROVED AS TO FORM:

VIRGINIA GENNARO, CITY ATTORNEY

By: _____

VIRIDIANA GALLARDO-KING
Deputy City Attorney

Exhibits: A Conditions of Approval
 B Zone Change Map
 C Legal Description

CC/S:\Zone Change\01_Active\2023\23-0014_4215 Letzring\CC\1st Read\ZC 23-0014

EXHIBIT A
CONDITIONS OF APPROVAL
ZONE CHANGE NO. 23-0014

1. The covenant condition to remove the Declaration of Restrictions (recorded on February 16, 1984, Page 533 of Book 5632 of the Official Records of the Kern County Recorder) is approved to be removed/terminated from its incorporation from Ordinance No. 2902 via recordation of a separate covenant. Applicant is responsible for providing the covenant disclosing the removal of these restrictions from Ordinance No. 2902 to the City Planning Director for review and approval prior to recordation. Applicant is responsible for all recording costs.
2. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

EXHIBIT B

CITY OF BAKERSFIELD



R-1 One Family Dwelling
6,000 sq.ft. min lot size
R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
E Estate
10,000 sq.ft. min lot size
R-5 Residential Suburban
24,000 sq.ft./dwelling unit
R-S(-) Residential Suburban
1, 2.5, 5 or 10 min lot size
R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
R-H Residential Holding
20 acre min lot size
A Agriculture
6,000 sq.ft. min lot size
A-20A Agriculture
20 acre min lot size
PUD Planned Unit Development
TT Travel Trailer Park
MH Mobilehome
C-O Professional and Administrative Office
C-1 Neighborhood Commercial
C-2 Regional Commercial
C-C Commercial Center
C-B Central Business
PCD Planned Commercial Development
M-1 Light Manufacturing
M-2 General Manufacturing
M-3 Heavy Industrial
P Automobile Parking
RE Recreation
Ch Church Overlay
OS Open Space
HOSP Hospital Overlay
AD Architectural Design Overlay
FP-P Floodplain Primary
FP-S Floodplain Secondary
AA Airport Approach
DI Drilling Island
PE Petroleum Extraction Combining
SC Senior Citizen Overlay
HD Hillside Development Combining
WM- West Wing Specific Plan

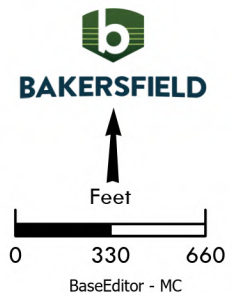


EXHIBIT C

Legal Description

Parcel "C" of Lot Line Adjustment No. P98-0218, as per Certificate of Compliance recorded July 20, 1998 as Document No. 0198096635 of Official Records, being an adjustment of Parcel "B" of Lot Line Adjustment No. P96-0361, as per Certificate of Compliance recorded June 6, 1996 as Document No. 0196072467 of Official Records, located in the North half of the Southeast quarter of Section 13, Township 30 South, Range 27 East, Mount Diablo Meridian, according to the official plat thereof, described as follows:

Commencing at the East quarter corner of said Section 13, said point being the intersection of White Lane and South "H" Street; thence southerly along the East line of said Section 13, and the East line of Parcel 1 of Parcel Map Waiver No. 9-93 as per Certificate of Compliance recorded December 28, 1993 in Book 6964, Page 276 of Official Records, South $00^{\circ}01'41''$ East, a distance of 811.01 feet to a point, said point being the Northeast corner of Parcel 2 of Lot Line Adjustment No. 322; thence departing the East line of said Section 13, North $89^{\circ}56'50''$ West along the South line of Parcel 1 of said Parcel Map Waiver No. 9-93, a distance of 744.64 feet to the Southwest corner of said Parcel 1; thence continuing North $89^{\circ}56'50''$ West, a distance of 101.13 feet to a point, said point being the True Point of Beginning for this description.

Thence continuing North $89^{\circ}56'50''$ West, a distance of 156.87 feet;

Thence North $45^{\circ}36'46''$ West, a distance of 537.66 feet to a point on the West line of Parcel B of said Lot Line Adjustment No. P96-0361;

Thence northeasterly along said West line, North $44^{\circ}23'14''$ East, a distance of 303.75 feet to a point on the North line of said Parcel B;

Thence along said North line South $89^{\circ}56'50''$ East, a distance of 322.30 feet;

Thence South $77^{\circ}20'15''$ East, a distance of 77.87 feet;

Thence South $89^{\circ}56'50''$ East, a distance of 32.00 feet to a point on the West line of Parcel 1 of said Parcel Map Waiver No. 9-93;

Thence southerly along said West line South $00^{\circ}03'10''$ West, a distance of 338.27 feet to the beginning of tangent curve, concave northwest having a radius of 330.00 feet;

Thence along said curve southwesterly through a central angle of $46^{\circ}05'20''$, having an arc length of 265.45 feet to the True Point of Beginning.

Excepting therefrom all petroleum and other oils and minerals, and all gas within said land whether now known to exist or hereafter discovered, together with the right to use the surface in and upon a strip of land 150 feet in width extending the full length of said property along its south line, but no other part of the surface thereof, for ingress and egress for these purposes, and the right to do on said strip of land 150 feet in width and in said land, whatever may be reasonably necessary for the full enjoyment and exercise of the property, and right so excepted and reserved, but if by the exercise of any rights reserved in this paragraph any crops at the time growing on said land or any improvement theretofore erected thereon by the party of the second part, its successors or assigns, shall be responsible for and shall pay to the party of the second part, its successors or assigns, the amount of

such damage to any such crops or improvements, as reserved by Kern County Land Company, a California corporation, in deed recorded January 31, 1946 in Book 1290, Page 376 of Official Records.

All rights of surface access for drilling, exploration and development of oil, gas and other hydrocarbon substances and minerals, from the surface down to a depth of 500 feet below the surface of the ground, were waived by Tenneco West, Inc., in Waiver of Surface Access, recorded April 16, 1984 in Book 5649, Page 1902 of Official Records.

Containing 6.36 acres gross, more or less

Bearings and distances shown hereon are based on record information per Lot Line Adjustment No. P98-0218.



2/8/2023

R. Brandon Walker, P.L.S. 8832

