



PLANNING COMMISSION AGENDA
MEETING OF MARCH 21, 2024
Council Chamber, City Hall South, 1501 Truxtun Avenue
Regular Meeting 05:30 P.M.

www.bakersfieldcity.us

1. ROLL CALL

Zachary Bashirtash, Chair
Daniel Cater, Vice-Chair
Cassie Bittle
Gurtarpreet Kaur
Larry Koman
Candace Neal
Adam Strickland

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

- a. Agenda Item Public Statements
- b. Non-Agenda Item Public Statements

4. CONSENT CALENDAR ITEMS

- a. Approval of Planning Commission minutes of February 29, 2024.
Staff recommends approval.

5. CONSENT PUBLIC HEARINGS

2

- a. **Conditional Use Permit 23-0306:** Inland Architects, representing Union 18 LLC (property owner), is requesting a Conditional Use Permit for the multi-family development to include 2 one-bedroom units and 2 studio units in the C-1 (Neighborhood Commercial) zone located at 1106 Kentucky Street. (B.M.C. 17.22.040.2). Notice of Exemption on file.
Staff recommends approval.

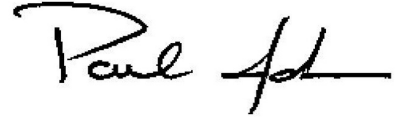
6. NON-CONSENT PUBLIC HEARINGS

Ward 7

- a. **Planned Development Review No. 23-0562:** Porter & Associates, Inc., representing Jacaranda Hood, LLC (property owner), is requesting a revised Planned Development Review to propose a 25,060 square-foot physical fitness center on a portion of a 12.62-acre site in the C-2/PCD (Regional Commercial/Planned Commercial Development) zone district, located at the southwest corner of Hosking Avenue and Hughes Lane. Notice of Exemption on file.

Staff recommends approval.

7. **COMMUNICATIONS**
8. **COMMISSION COMMENTS**
9. **ADJOURNMENT**

A handwritten signature in black ink that reads "Paul Johnson". The signature is written in a cursive style with a large, looped "P" and a long horizontal stroke at the end.

Paul Johnson
Planning Director



COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: March 21, 2024	ITEM NUMBER: Roll Call1.()
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TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT:

Zachary Bashirtash, Chair
Daniel Cater, Vice-Chair
Cassie Bittle
Gurtarpreet Kaur
Larry Koman
Candace Neal
Adam Strickland

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:



COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: March 21, 2024	ITEM NUMBER: Public Statements3.(a.)
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TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Agenda Item Public Statements

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:



COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: March 21, 2024

ITEM NUMBER: Public Statements3.(b.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Non-Agenda Item Public Statements

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:



COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: March 21, 2024	ITEM NUMBER: Consent Calendar Items4.(a.)
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TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT:

Approval of Planning Commission minutes of February 29, 2024.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
☐ 02/29/24 PC Special Meeting Minutes	Cover Memo



PLANNING COMMISSION MINUTES

Special Meeting of February 29, 2024 – 5:30 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

**ACTION
TAKEN**

1. ROLL CALL

Present: Vice-Chair Cater, Commissioners Bittle, Koman, Strickland

Absent: Chair Bashirtash, Commissioners Kaur, Neal

Staff Present: Paul Johnson, DS Planning Director; Viridiana Gallardo-King, Deputy City Attorney II; Shannon Clark, DS Civil Engineer II; Susanna Kormendi, PW Civil Engineer III; Christopher Boyle, DS Director; Roque Nino, DS Principal Planner; Jose Fernandez, DS Associate Planner; Louis Ramirez, DS Associate Planner; Michael Bell, DVS Technician; Macy Iacopetti, DS Secretary I; Ana Solis, DS Secretary II

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

a. Agenda Item Public Statements

Sandra Plascencia-Rodriguez spoke.

b. Non-Agenda Item Public Statements

None.

4. CONSENT ITEMS

a. Approval of Minutes: Regular schedule Planning Commission meeting of February 15, 2024.

**APPROVED.
BASHIRTASH,
KAUR, NEAL
ABSENT**

5. CONSENT PUBLIC HEARINGS

a. There are no Consent Public Hearing Items

**ACTION
TAKEN**

6

NON-CONSENT PUBLIC HEARINGS

- a. **Conditional Use Permit 23-0642:** Sharkpol/Frank Associates (applicant) representing 2700 White Lane LLC (property owner) is requesting a conditional use permit to convert an existing 151-room hotel into a multi-family dwelling complex (BMC 17.24.040.A.3) on an approximate two-and-a-half-acre parcel zoned C-2 (Regional Commercial), located at 2700 White Lane.

RES 07-24

Planning Director Paul Johnson provided the staff report. Public hearing was opened. Nine people spoke in support. Three people spoke in opposition. Two people spoke in favor during rebuttal. Two people spoke in opposition during rebuttal. Public hearing closed. Planning Commission deliberated. Motion by Commissioner Koman, seconded by Commissioner Strickland, to approve Non-Consent Public Hearing Item 6.a. with the addition of Condition II.6 related to providing onsite security, Condition II.7 related to staff reporting back on compliance with conditions, and Condition III.C.4 related to fire alarm and water flow monitoring permits. Motion approved.

**APPROVED.
BASHIRTASH,
KAUR, NEAL
ABSENT**

- b. **Zone Change No. 24-0055:** The City of Bakersfield is requesting a change in zone classification from A (Agriculture), E (Estate), E-1A (Estate One Family Dwelling – 1 acre minimum), R-S (Residential Suburban), R-S-10A (Residential Suburban – 10 acre minimum), R-S-5A (Residential Suburban – 5 acre minimum), R-1 (One Family Dwelling), R-1-4.5 (One Family Dwelling 4,500 sf minimum lot size), R-1-CH (One Family Dwelling-Church Overlay), R-1-CH-HD (One Family Dwelling-Church and Hillside Development Overlay), R-1-HD (One Family Dwelling - Hillside Development Overlay), R-2 (Limited Multiple Family Dwelling), R-2/PUD (Limited Multiple Family Dwelling/Planned Unit Development), R-3 (Multiple Family Dwelling), PCD (Planned Commercial Development), C-O (Professional and Administrative Office), C-O/PCD (Professional and Administrative Office/Planned Commercial Development), C-1 (Neighborhood Commercial), C-2 (Regional Commercial), C-2/PCD (Regional Commercial/Planned Commercial Development), M-1 (Light Manufacturing), M-2 (General Manufacturing),

RES 08-24

**ACTION
TAKEN**

and P (Automobile Parking) to MX-1 (Mixed-Use Neighborhood), MX-2 (Mixed-Use Transit), R-2 (Small Lot Single-Unit Dwelling), R-3 (Medium Density Multi-unit Dwelling), R-4 (High-Density Multi-Unit Dwelling), R-4-HD (High-Density Multi-Unit Dwelling – Hillside Development Overlay), and R-5 (Very-High Density Multi-Unit Dwelling) on approximately 790 acres in various properties throughout the City to facilitate compliance with California's Housing Element Law.

Development Services Director Cristopher Boyle provided the staff report. Public hearing was opened. Two people spoke in support. One person spoke in opposition. No one spoke in rebuttal. Public hearing closed. Planning Commission deliberated. Motion by Commissioner Bittle, seconded by Commissioner Koman, to approve Non-Consent Public Hearing Item 6.b. Motion approved.

**APPROVED.
BASHIRTASH,
KAUR, NEAL
ABSENT**

7. REPORTS

- a.** Housing Element Annual Progress Report for Calendar Year 2023.

Report given by Development Services Director Christopher Boyle.

**RECEIVE &
FILE**

8. COMMUNICATIONS

- a.** Planning Director Johnson thanked the commissioners and staff for attending this Special Meeting. He also announced all commissioners will be attending the Planning Commissioners Academy from March 5, 2024, through March 8, 2024.

COMMISSION COMMENTS

- 9. a.** Commissioner Koman asked for clarification on quorum voting procedures. Deputy City Attorney Il Viridiana Gallardo-King responded to Commissioner Koman's question.

**ACTION
TAKEN**

10. ADJOURNMENT

There being no further business, Vice-Chair Cater adjourned the meeting at 9:11 p.m.

Ana Solis
Recording Secretary

Paul Johnson
Planning Director

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COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: March 21, 2024	ITEM NUMBER: Consent Public Hearings5.(a.)
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TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Ashley Knight, Assistant Planner

DATE:

WARD: 2

SUBJECT:

Conditional Use Permit 23-0306: Inland Architects, representing Union 18 LLC (property owner), is requesting a Conditional Use Permit for the multi-family development to include 2 one-bedroom units and 2 studio units in the C-1 (Neighborhood Commercial) zone located at 1106 Kentucky Street. (B.M.C. 17.22.040.2). Notice of Exemption on file.

APPLICANT: Inland Architects

OWNER: Union 18 LLC

LOCATION: 1106 Kentucky Street, Bakersfield, CA 93305

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Map Set	Backup Material
<input type="checkbox"/> Development Plans	Backup Material
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Combined Exhibits	Exhibit

MEETING DATE: March 21, 2024

AGENDA: 5.a.

TO: Chair Bashirtash and Members of the Planning Commission

FROM: Paul Johnson, Planning Director *TJ for*

DATE: March 15, 2024

FILE: Conditional Use Permit 23-0306

WARD: 2

STAFF PLANNER: Ashley Knight, Assistant Planner

REQUEST: A conditional use permit for a multi-family development to include 2 one-bedroom units and 2 studio units in a commercial zone.

APPLICANT: Inland Architects
Sam Wilson
1401 19th Street
Bakersfield, CA 93301

OWNER: Pomelo Tr LA LLC
Michael Hariri
324 South Beverly Hills Drive
Suite 418
Beverly Hills, CA 90212

LOCATION: 1106 Kentucky Street, Bakersfield, CA 93305

APN: 015-390-15

PROJECT SIZE: 0.17 acres

CEQA: Section 15332 (Class 32; In-Fill)

EXISTING GENERAL PLAN DESIGNATION: GC (General Commercial)

EXISTING ZONE CLASSIFICATION: C-1 (Neighborhood Commercial)

STAFF RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 23-0306 as depicted in the project description and subject to the listed conditions of approval.

SITE CHARACTERISTICS: The site is vacant and the surrounding properties are primarily developed as: *north* – multi-family residential; *east* – undeveloped land; *south* – train yard; *west* – residential.

BACKGROUND AND TIMELINE:

- January 6, 1910 – Annexation No. 2 was annexed to the City of Bakersfield. This project site was included as a portion of this annexation area (Annexation 2, East Bakersfield).
- January 29, 2014 – Permit for a residential demolition permit was approved.
- December 6, 2023 – Parcel merger application submitted to merge the two underlying parcels to facilitate the proposed multi-family residential development.

PERMITTING:

Zoning. Properties with a C-1 (Neighborhood Commercial) zone classification are typically situated within residential neighborhoods, often abutting or in close proximity to a residential development. Pursuant to Bakersfield Municipal Code (BMC) Section 17.22.040, all permitted uses in the R-1, R-2, R-3, and R-4 residential zones are permitted in the C-1 zone with approval of a conditional use permit. These residential zones allow for a variety of housing types varying from single-family (e.g., 1 dwelling unit per acre) to high density apartment buildings (e.g., 72 dwelling units per acre).

Site Plan Review. Pursuant to BMC Section 17.08.060, no person shall undertake, conduct, use or construct, or cause to be undertaken, conducted, used or constructed, any of the following without first obtaining site plan approval: any change in the actual use of land or improvements thereon, including, but not limited to, the construction of any improvements which require a building permit, enlargement, reconstruction or renovation of improvements; provided, however, site plan approval may be consolidated with other discretionary approvals such as a conditional use permit. This process is followed to ensure development is designed in compliance with requirements of City standards, policies, and guidelines.

Conditional Use Permit. A Conditional Use Permit (CUP) does not authorize uses that the zoning ordinance does not allow, nor uses not expressly prohibited. As noted above, Section 17.22.040 of the zoning ordinance specifically allows residential uses in the C-1 zone with approval of a CUP. It is important to note that CUPs are given at the discretion of the jurisdiction that has authority over the property and may impose special conditions to ensure compatibility with surrounding land uses.

PROJECT ANALYSIS:

Proposed Use: The applicant is requesting to develop 7,500 square foot parcel with two multi-family residential buildings. Each 1,000 square foot single-story building will consist of 1 one-bedroom unit (615 square feet) and 1 studio unit (385 square feet).

Each unit will have a back yard fenced with a 6' high wood fencing. The back yard is proposed as compacted crushed gravel. The site plan also shows an approximate 1,325 square foot area between the buildings and parking as compacted crushed gravel. The applicant has agreed to upgrade these areas with grass (turf). Therefore, should your Commission approve the request, staff is recommending a condition of approval requiring the plans be revised to reflect the change, prior to applying for building permits (Condition B-1).

Off-street parking for the residents is provided off the alley. Four parking spaces are required and four spaces are being provided.

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15332 (Class 32: *In-Fill*). This exemption includes projects that occur within city limits, are no more than 5 acres, and are substantially surrounded by urban uses. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law.

Signs are required as part of the public notification process and must be posted between 20 to 60 days before the public hearing date. Photographs of the posted signage and the Declaration of Posting Public Hearing Notice signed by the applicant are on file at the Planning Division.

Comments Received. As of this writing, no written comments have been received.

CONCLUSIONS:

Findings. BMC Section 17.64.060.D contains specific findings that must be made for your Commission to approve the requested conditional use permit. Specifically, the section states that a CUP shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and
2. The proposed use is in harmony with the key elements and objectives of the general plan and applicable specific plans.

BMC Section 17.64.060.E also states that a conditional use permit may be subject to conditions as deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare.

In accordance with these required findings, and as conditioned, Staff finds: (1) the proposed project would provide a public convenience by offering additional dwellings to local residents; (2) the project will positively enhance the site and allow for a positive contribution to the community; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan to include:

Goal 3: Preserve, rehabilitate, and enhance existing housing and neighborhoods.

Goal 5: Encourage sustainable development patterns and promote infill with sufficient affordable housing with access to transit, employment opportunities, community facilities and services, and amenities.

Policy 3-1: Preserve existing neighborhoods.

Recommendation. Staff finds that the applicable provisions of CEQA have been complied with, and the proposal sufficiently demonstrates compliance with the necessary findings. Therefore, staff recommends your Commission adopt Resolution and suggested findings APPROVING Conditional Use Permit 23-0306 with conditions of approval.

ATTACHMENTS:

Map Set

- Aerial
- Zone Classification
- General Plan Designation

Development Plans

- Site Plan
- Floor Plan
- Elevations

Resolution with Exhibits

MAP SET

CUP 23-0306
1106 Kentucky St
APN: 015-390-15
CITY OF BAKERSFIELD



CUP 23-0306

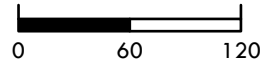
AERIAL



BAKERSFIELD

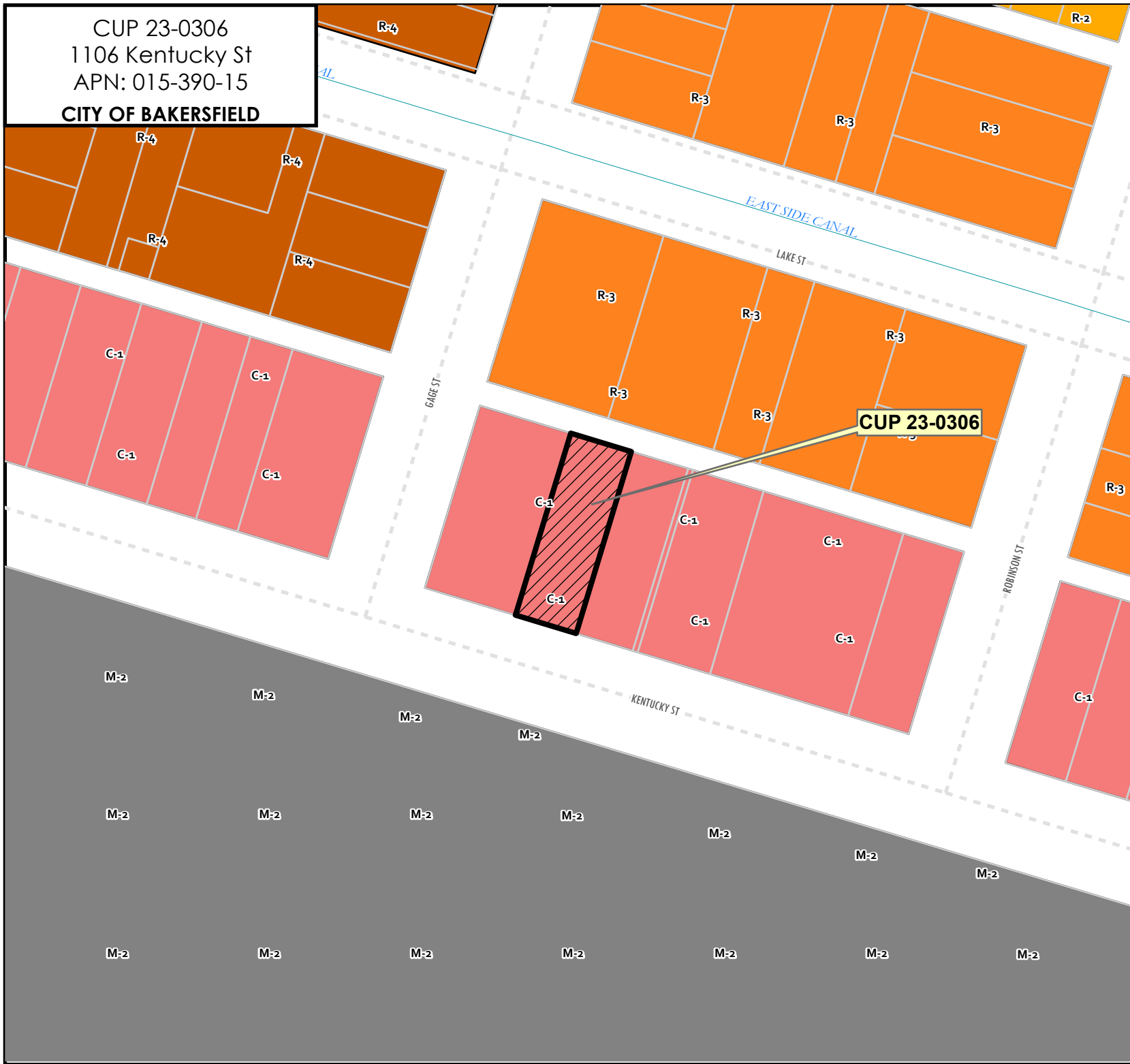


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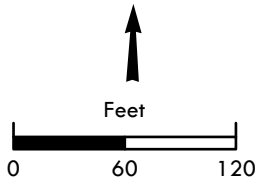


1/31/2024

CUP 23-0306
1106 Kentucky St
APN: 015-390-15
CITY OF BAKERSFIELD

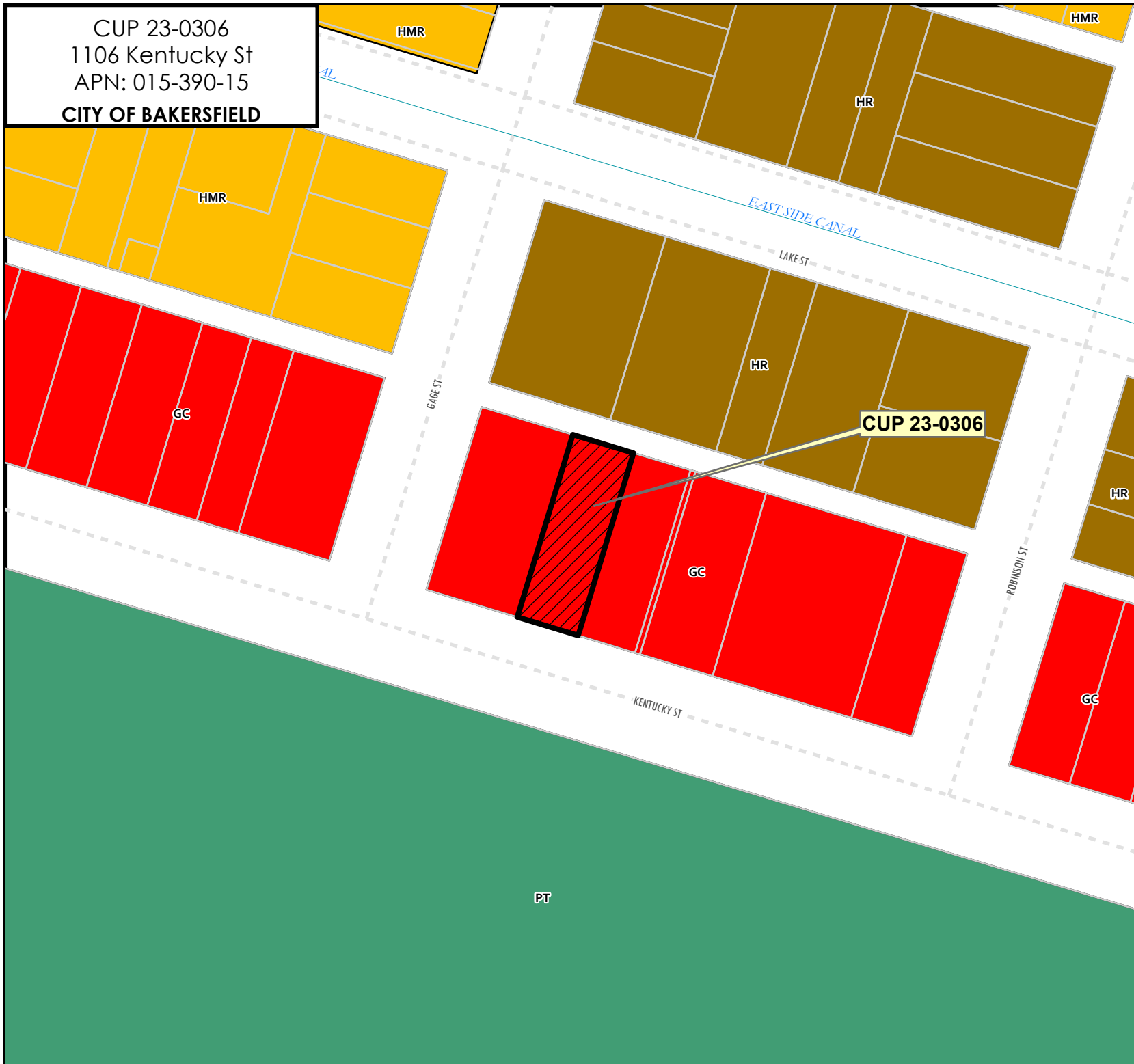


- Zoning**
- Commercial Zone Designations**
- C-1 Neighborhood Commercial
- Industrial Zone Designations**
- M-2 General Manufacturing
- Residential Zone Designations**
- R-2 Limited Multiple Family Dwelling Zone - 1 unit/2,500 sq. ft.
 - R-3 Limited Multiple Family Dwelling Zone - 1 unit/1,250 sq. ft.
 - R-4 Limited Multiple Family Dwelling Zone - 1 unit/600 sq. ft.



1/31/2024

CUP 23-0306
1106 Kentucky St
APN: 015-390-15
CITY OF BAKERSFIELD



- Land Use
- RESIDENTIAL**
- HR - High Density Residential: > 17.42 units but ≤ 72.6 dwelling units/net acre
 - HMR - High Medium Density Residential: > 7.26 units but ≤ 17.42 dwelling units/net acre
- COMMERCIAL**
- GC - General Commercial
- PUBLIC FACILITIES**
- PT - Public Transportation Corridors

BAKERSFIELD

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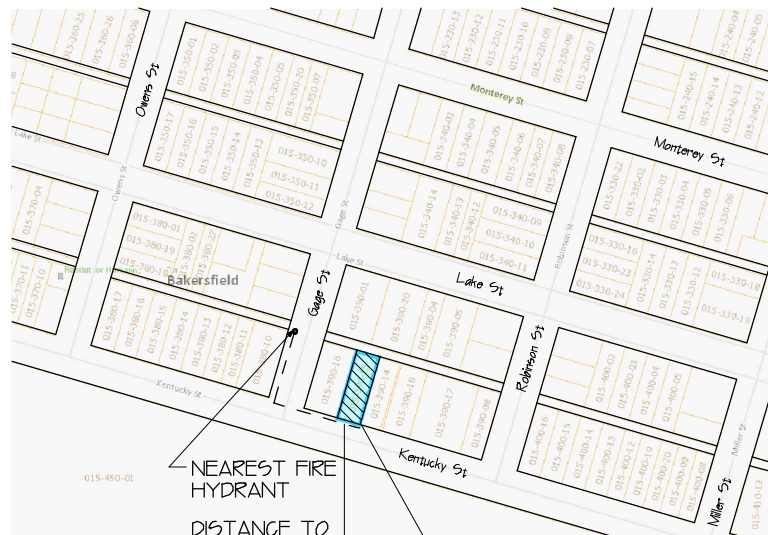
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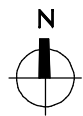
1/31/2024

GOVERNING CODES

ALL WORK SHALL BE IN CONFORMANCE WITH THE CURRENTLY ADOPTED EDITION OF THE FOLLOWING APPLICABLE CODES:
 2022 CALIFORNIA RESIDENTIAL CODE
 2022 CALIFORNIA BUILDING CODE
 2022 CALIFORNIA MECHANICAL CODE
 2022 CALIFORNIA PLUMBING CODE
 2022 CALIFORNIA ELECTRICAL CODE
 2022 CALIFORNIA ENERGY CODE
 2022 CALIFORNIA GREEN BUILDING CODE
 CURRENT CITY OF BAKERSFIELD MUNICIPAL CODE



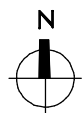
Vicinity Map



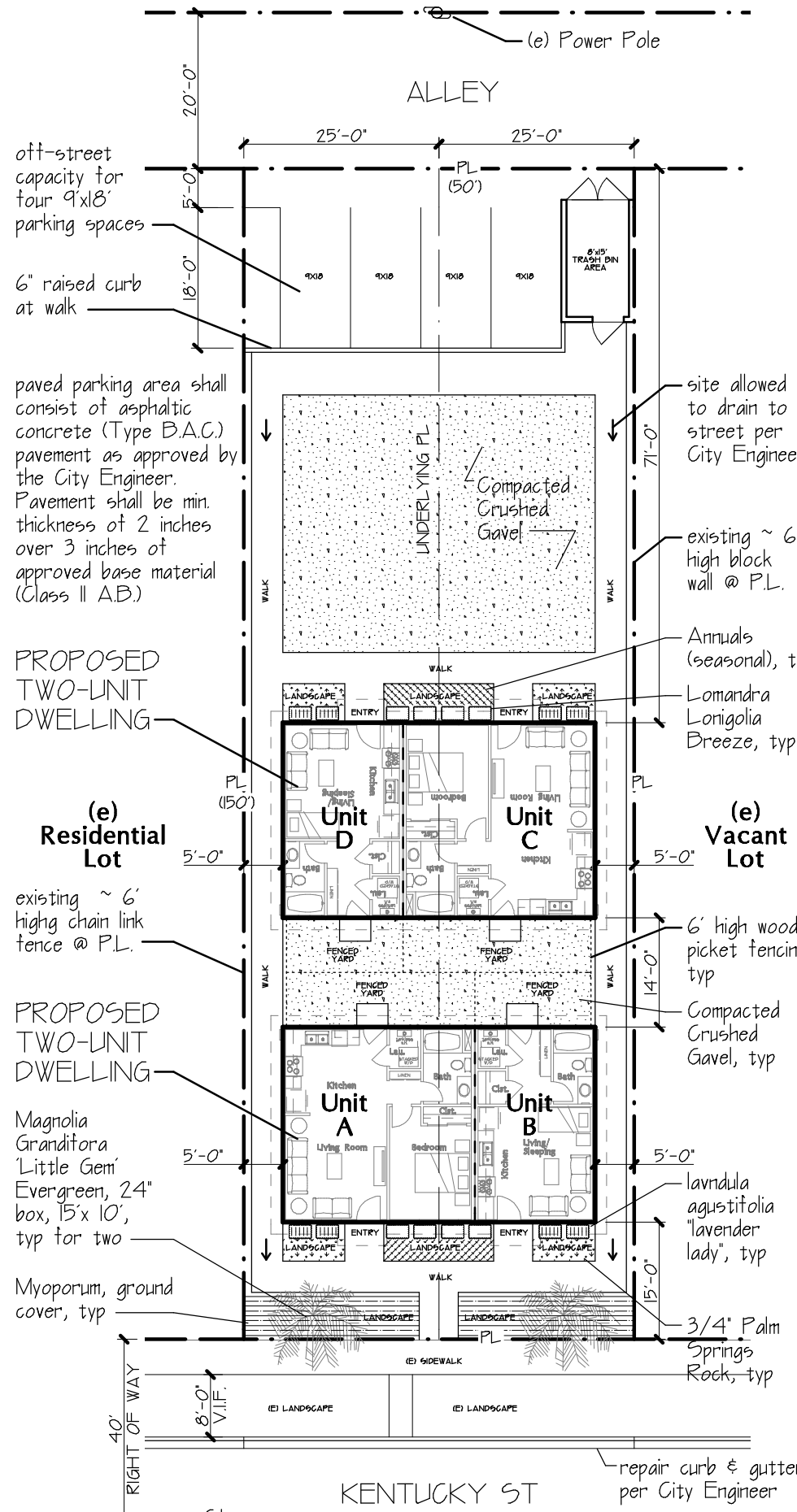
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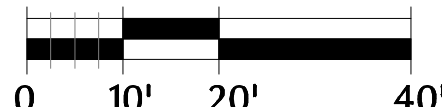
Aerial Map



n.t.s.



PROPOSED PLOT PLAN



PROJECT INFO

PROJECT DESCRIPTION:
 THIS PROPOSED MULTI-FAMILY RESIDENTIAL USE IS LISTED AS USES PERMITTED ONLY BY CONDITIONAL USE PERMIT PER THE PROPERTY'S ZONED C-1 COMMERCIAL DISTRICT. THIS PROPOSED PROPERTY DEVELOPMENT CONSIST OF TAKING A VACANT LOT AND CONSTRUCTING TWO (2) MULTI-FAMILY RESIDENTIAL, TWO-UNIT DWELLING STRUCTURES CONSISTING OF TWO ATTACHED DWELLING UNITS EACH. EACH STRUCTURE CONSISTS OF A ONE BEDROOM UNIT AND A STUDIO UNIT. THIS DEVELOPMENT WILL ALSO INCLUDE THE ASSOCIATED SITE IMPROVEMENTS FOR PAVED FLATWORK, PAVED PARKING, LANDSCAPING, AND SECURITY FENCING.

PROJECT-SPECIFIC INFORMATION
 ADDRESS: 1106 KENTUCKY ST, BAK. CA, 93305
 APN No: 015-390-15-6
 ZONING: C-1, LIMITED COMMERCIAL
 GENERAL PLAN: GENERAL COMMERCIAL
 ACREAGE: ~.17 ACRES (7,500 SF)

DWELLINGS IN C-1 ZONE SHALL COMPLY WITH R-4 ZONE:
 MIN. LOT AREA: 6,000 SF
 MIN. LOT AREA / DWELLING: 600 SF
 (7,500 SF / 600 SF = 12 UNITS ALLOWED)

OPERATION: THESE RENTABLE DWELLING UNITS WILL BE LEASED AND OCCUPIED BY TENANTS ON A 24 HOUR, 7 DAYS A WEEK, YEAR-ROUND BASIS.

DRAINAGE: SURFACE FLOW TO CITY STORM DRAIN SYSTEM
 SEWER & WATER: CONNECTIONS AT ALLEY
 LANDSCAPE AREA: ~ 2,469 SF (33% LOT COVERAGE)

BUILDING SUMMARY INFORMATION
 PROPOSED TWO-UNIT DWELLING x2: +/- 1,000 SF
 1 BEDROOM UNIT EA: +/- 615 SF
 1 STUDIO UNIT EA: +/- 385 SF
 TOTAL PROPOSED UNITS: 4 UNITS
 PROPOSED OCCUPANCY TYPE: TWO-FAMILY DWELLING
 CONSTRUCTION TYPE: V-B
 STORIES: 1
 FIRE SPRINKLERS: YES (S13D)

PARKING ANALYSIS
 MULTIPLE-FAMILY DWELLING (CITY ZONING: 17.58.110.E.3):
 REQUIRED PARKING @ 1 SPACE PER UNIT @ 4 PROPOSED UNITS = 4 X 1 = 4 SPACES REQUIRED
 REQUIRED SPACES = 4 SPACES
 PROVIDED SPACES = 4 SPACES

CITY NOTES

WATER RESOURCES:
 AT LEAST FIVE (5) FULL BUSINESS DAYS BEFORE PERMANENT CONSTRUCTION, THE DEVELOPER SHALL PAY THE REQUIRED WATER RESOURCES FIRE SERVICE INSPECTION FEES AND SUBMIT AN INSPECTION REQUEST FORM FOR ANY UNDERGROUND FIRE WATERLINES AND THEIR APPARATUSES (FORM AVAILABLE FOR DOWNLOAD AT BAKERSFIELD.CITY.US/379/WATERRESOURCES).

BUILDING DEPARTMENT:
 BUILDINGS OR STRUCTURES SHALL REQUIRE INSTALLATION OF AN AUTOMATIC FIRE SPRINKLER SYSTEM WHERE REQUIRED BY CURRENT CALIFORNIA BUILDING CODE AND CITY ORDINANCE.
 THE DEVELOPER SHALL INCLUDE FIRE RESISTIVE WALL CONSTRUCTION DETAILS WITH THE FINAL BUILDING PLANS FOR ALL EXTERIOR WALLS OF ANY BUILDING THAT IS WITHIN THE DISTANCE AS SET FORTH IN CHAPTER 7 OF THE CALIFORNIA BUILDING CODE.

PRIOR TO ISSUING A BUILDING PERMIT, THE BUILDING DIVISION WILL CALCULATE AND COLLECT THE APPROPRIATE SCHOOL DISTRICT IMPACT FEES.



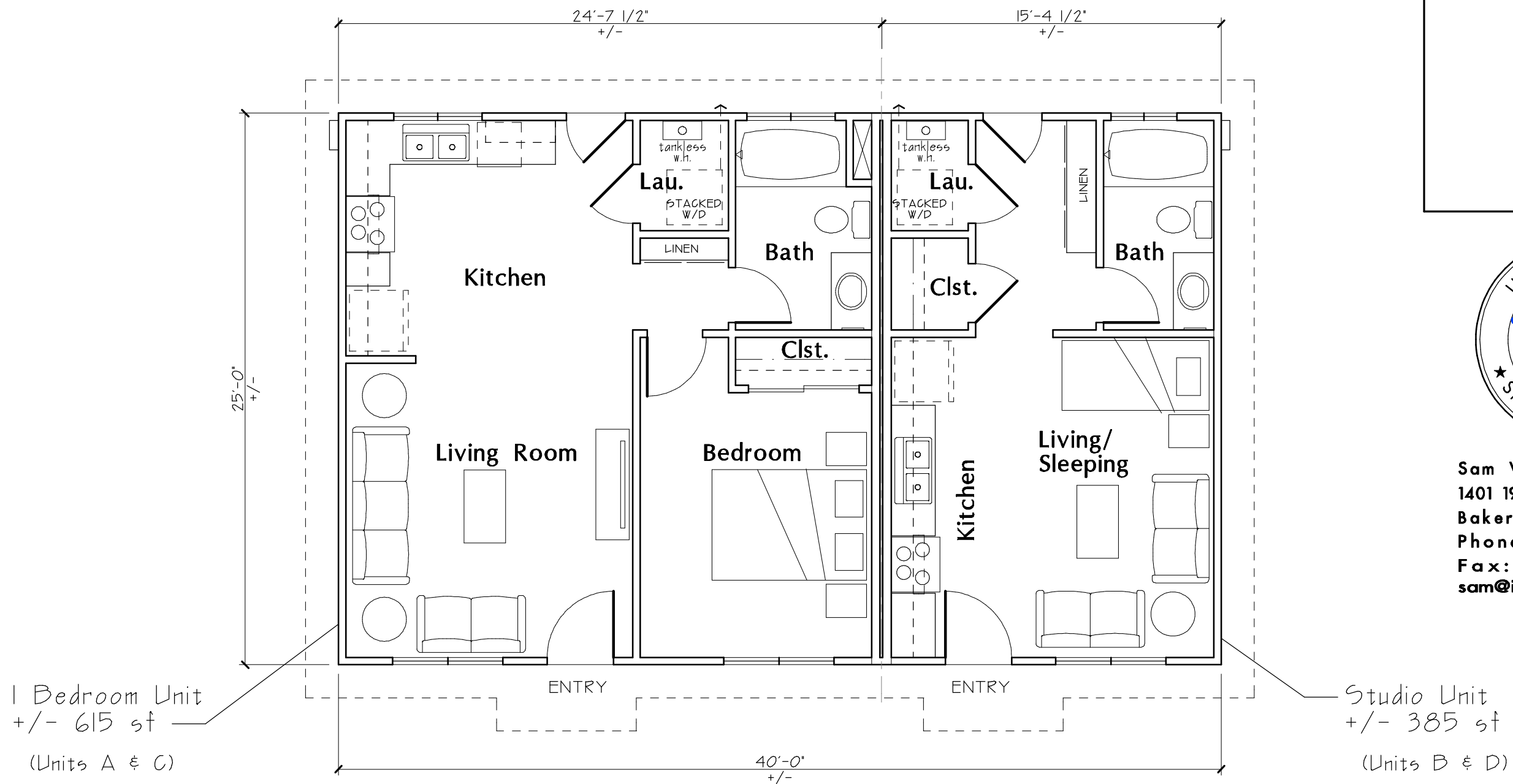
Sam Wilson - Architect
 1401 19th Street - Suite 130
 Bakersfield, CA 93301
 Phone: 661-321-3440
 Fax: 661-321-3441
 sam@inlandarchitects.com

BUILDING DEPARTMENT (CONT.):
 PRIOR TO GRANTING OCCUPANCY OF THE APARTMENT COMPLEX, THE BUILDING DIVISION MUST INSPECT AND APPROVE THE PLACEMENT AND COLORS OF THE ADDRESS NUMBERS IDENTIFYING EACH UNIT AND/OR BUILDING, AND ON-SITE BUILDING/UNIT LOCATION MAPS SO THAT EMERGENCY PERSONNEL CAN EASILY FIND A SPECIFIC UNIT WHEN RESPONDING TO THE SITE DURING AN EMERGENCY.

PRIOR TO GRANTING OCCUPANCY, THE BUILDING DIVISION WILL VERIFY THAT A WATER METER SERVING THE DEVELOPMENT IS IN PLACE. THE DEVELOPER SHALL CONTACT THE APPLICABLE WATER PURVEYOR TO INQUIRE ABOUT THEIR PROCESS FOR OBTAINING WATER SERVICE FOR THE DEVELOPMENT AS SOON AS POSSIBLE (FOR WATER PURVEYOR AGENCY INFORMATION CONTACT: 1000 BUENA VISTA ROAD; 661-326-3715).

PLANNING DEPARTMENT:
 SEE ADDITIONAL PLANNING NOTES ON SHEET #2.

1106 KENTUCKY ST, BAK. CA. 93305	MAP 15-39
CONDITIONAL USE PERMIT FOR TWO, MULTI-FAMILY TWO-UNIT DWELLINGS	
CITY KERN BLOCK 61 LOT 2021	SHEET 1 OF 3



1 Bedroom Unit
 +/- 615 sf
 (Units A & C)

Studio Unit
 +/- 385 sf
 (Units B & D)

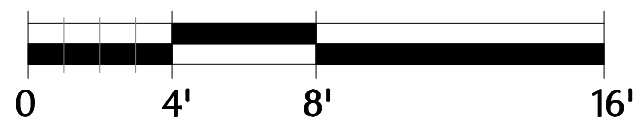
SEE PLOT PLAN FOR ORIENTATION

Duplex Floor Plan

(UNITS A&B, C&D)

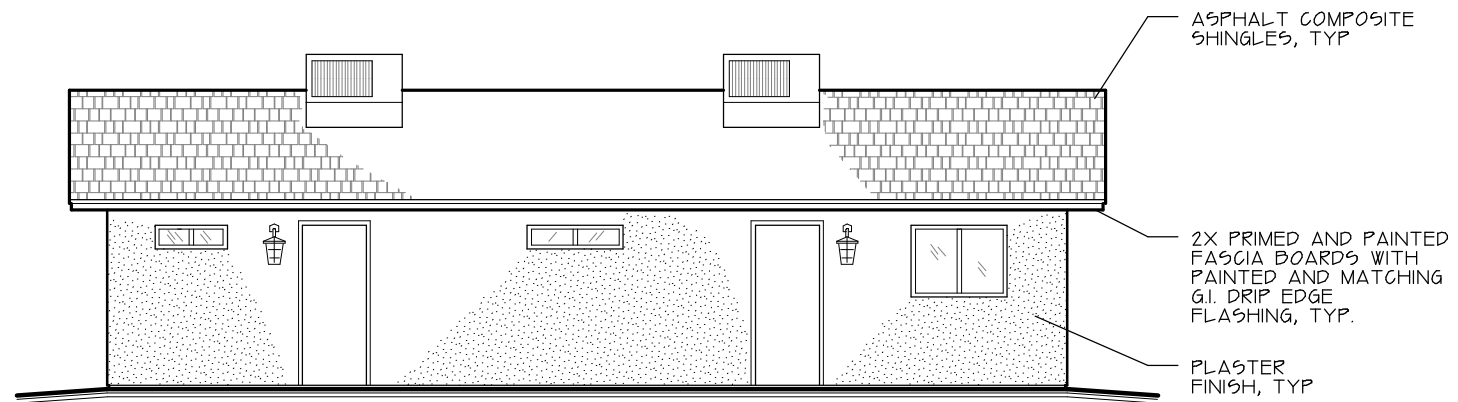
1106 KENTUCKY ST

+/- 1,000 sf

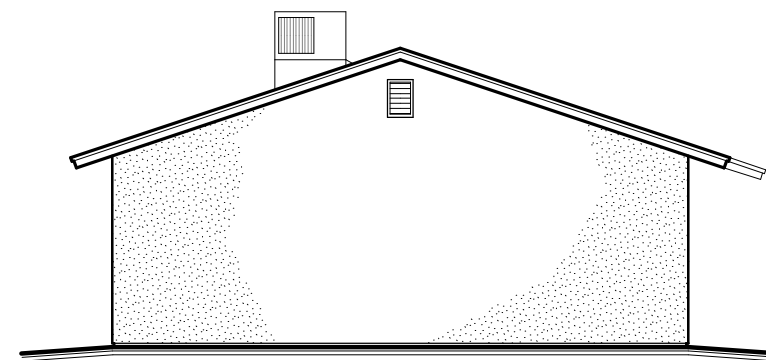


Sam Wilson - Architect
 1401 19th Street - Suite 130
 Bakersfield, CA 93301
 Phone: 661-321-3440
 Fax: 661-321-3441
 sam@inlandarchitects.com

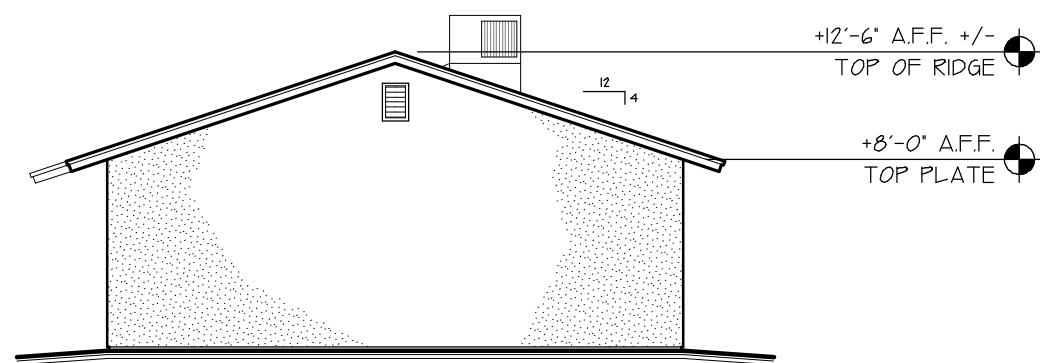
1106 KENTUCKY ST, BAK. CA. 93305	MAP 15-39
CONDITIONAL USE PERMIT TWO-FAMILY DWELLING UNITS - DUPLEXES	
CITY KERN BLOCK 61 LOT 2021	SHEET 2 OF 3



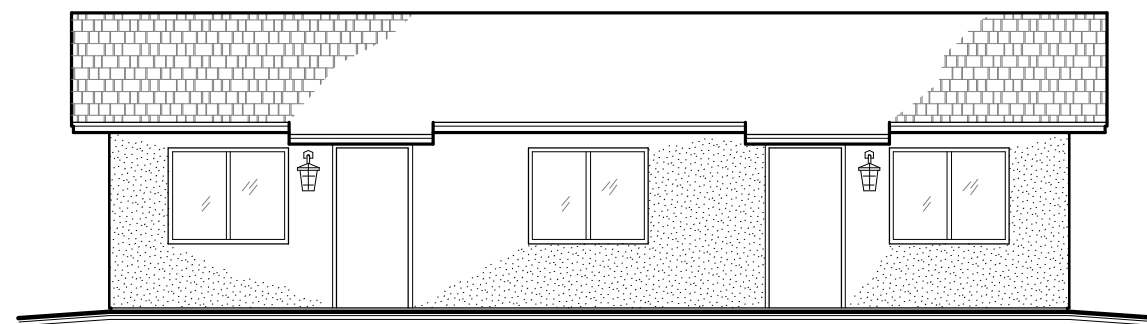
REAR



SIDE



SIDE



FRONT

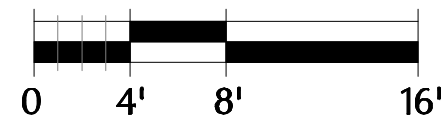


Sam Wilson - Architect
 1401 19th Street - Suite 130
 Bakersfield, CA 93301
 Phone: 661-321-3440
 Fax: 661-321-3441
 sam@inlandarchitects.com

SEE PLOT PLAN FOR ORIENTATION

EXTERIOR ELEVATIONS

(UNITS A&B, C&D)
 1106 KENTUCKY ST



1106 KENTUCKY ST, BAK. CA. 93305

MAP 15-39

CONDITIONAL USE PERMIT
 TWO-FAMILY DWELLING UNITS - DUPLEXES

CITY KERN BLOCK 61 LOT 2021

SHEET 3 OF 3

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR
MULTI-FAMILY DEVELOPMENT TO INCLUDE 2 ONE-
BEDROOM UNITS AND TWO STUDIO UNITS (B.M.C.
17.22.040.2) ON A 0.17-ACRE PARCEL ZONED C-1
(NEIGHBORHOOD COMMERCIAL) ZONE DISTRICT,
LOCATED AT 1106 KENTUCKY STREET. (CUP 23-0306)**

WHEREAS, Inland Architects filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow for multi-family development to include 2 one-bedroom units and two studio units (B.M.C. 17.22.040.2) zoned C-1 (Neighborhood Commercial) zone district, located at 1106 Kentucky Street (the "Project"); and

WHEREAS, the Secretary of the Planning Commission set Thursday, March 21, 2024, at 5:30 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, at the public hearing (no testimony was received either in support or opposition of the Project) (testimony was received only in support/opposition/both in support and opposition of the Project); and

WHEREAS, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission; and

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15332; and

WHEREAS, the City of Bakersfield Development Services Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15332 because the project occurs within city limits, is no more than 5 acres, and is substantially surrounded by urban uses.

3. The proposed use is essential and desirable to the public convenience and welfare.
4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 23-0306 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting held on the 21st day of March, 2024, on a motion by Commissioner _____, seconded by Commissioner _____ the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits: A. Conditions of Approval
 B. Location Map
 C. Site Plan

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 23-0306

I. **The applicant's rights granted by this approval are subject to the following provisions:**

- The project shall be in accordance with all approved plans, conditions of approval, and other required permits and approvals. All construction shall comply with applicable building codes.
- All conditions imposed shall be diligently complied with at all times and all construction authorized or required shall be diligently prosecuted to completion before the premises shall be used for the purposes applied for under this approval.
- This approval will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission to allow for appeal to the City Council. Any permit or license for any approval granted shall not be issued until that effective date.
- This approval shall automatically be null and void two (2) years after the effective date unless the applicant or successor has actually commenced the rights granted, or if the rights granted are discontinued for a continuous period of one (1) year or more. This time can be extended for up to one (1) additional year by the approving body.
- The Planning Commission may initiate revocation of the rights granted if there is good cause, including but not limited to, failure to comply with conditions of approval, complete construction or exercise the rights granted, or violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted. The Planning Commission may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.
- Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above-mentioned provisions are satisfied.

II. **The following conditions shall be satisfied as part of the approval of this project:**

1. 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 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.

2. This conditional use permit allows the development of 2 one-bedroom units and two studio units on a 0.17 acre site.

III. The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards.

The items listed below will usually need to be shown on the final building plans or completed before a building permit is issued.

**A. DEVELOPMENT SERVICES - BUILDING (1715 Chester Avenue)
(Staff Contact – Martin Ledezma; 661-326-3522 or MLedezma@bakersfieldcity.us)**

1. Prior to Building permit approval, the developer shall submit a grading plan for the proposed site to be reviewed and approved by the City Engineer and Building Official (Bakersfield Municipal Code Section 16.44.010). With the grading plan, if the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a Notice of Intent (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 99-08-DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
2. A grading permit is required prior to building plan approval. The developer shall submit four (4) copies of grading plans and two (2) copies of the preliminary soils report to the Building Division. A final soils report shall also be submitted to the Building Division before they can issue a building permit. Grading plans must be consistent with the final building site plans and landscaping plans. Building permits will not be issued until the grading permit is approved by the Building Division, Planning Division (Metropolitan Bakersfield Habitat Conservation Plan), and Public Works Department.
3. Show on the plans how and where water will be drained from the property.

**B. DEVELOPMENT SERVICES - PLANNING (1715 Chester Avenue)
(Staff contact – Ashley Knight; 661-326-3673 or AKnight@bakersfieldcity.us)**

1. The developer shall install irrigation and landscaping in the form of turf on the proposed development in place of the compacted crushed gravel. The plans shall be revised prior to the submittal of the building permit to the Building Division.

2. Prior to the issuance of building permits, a parcel merger or lot line adjustment application removing or relocating property lines shall be submitted to the Planning Division. Recordation of the map shall occur before final building or site occupancy can be granted. If our records are in error, please provide a copy of the parcel map, subdivision map, or certificate of compliance showing the approved property lines. Please note that an Assessor's map is not acceptable since it is only for tax purposes and does not verify legal parcel status.

For Ordinance Compliance: Our records show that the project is contained on more than one parcel. Because building setbacks cannot be met based on the design layout, a parcel line bisects a building, and/or parking for residential use is not on the same site as the project (Section 17.58.020.B of the Bakersfield Municipal Code).

3. Prior to receiving the final building permit or site occupancy, the subdivider shall construct a 6-foot-high masonry wall to City standards, as measured from the highest adjacent grade, along the common property line at the west boundary of the development site.

C. FIRE DEPARTMENT (2101 H Street)

(Staff contact - Ernie Medina; 661-326-3682 or EMedina@bakersfieldcity.us)

1. The project must comply with the current California Fire Code and current City of Bakersfield Municipal Code.
2. Where fire apparatus access roads or a water supply for the fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction
3. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official. All new construction of access gates shall be equipped with an automatic opening device which is activated through the wireless activation system utilized on City of Bakersfield owned vehicles for traffic preemption. Installation and maintenance of the wireless activation system on access gate(s) shall be completed by the gate owner. The gate opening device shall have a disconnect feature for manual operation of the gate when the power fails.

D. WATER RESOURCES (1000 Buena Vista Road)

(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

1. **Prior to the issuance of Building permits**, the developer shall submit two (2) sets of utility plans signed by a California Registered Civil Engineer to the Water Resources Department showing all offsite and onsite improvements, including connections to the existing water main and underground fire waterlines and related apparatuses. Include any nearby on or off-site hydrants on the plans. Plans shall be submitted along with applicable plan check fees and any other associated fees per the current fee schedule. Plans shall comply with current City Standards and Specifications, California Fire Code, and City of Bakersfield Municipal Code. City Standards and Specifications and the current Fee Schedule are available for download from the City's website at www.bakersfieldcity.us/379/water_resources.

**E. PUBLIC WORKS – ENGINEERING & TRAFFIC (1501 Truxtun Avenue)
(Staff contact – Susanna Kormendi; 661-326-3997 or SKormendi@bakersfieldcity.us)**

1. Prior to the issuance of building permits, the developer shall form a new maintenance district. If already within a maintenance district, you may need to update the maintenance district form. Underdeveloped parcels within an existing maintenance district are required to update maintenance district documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Public Works at (661) 326-3571.
2. Prior to the issuance of building permits, a grading plan must be approved by both the Public Works Department and the Building Division.
3. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
4. The developer shall install new connection(s) to the public sewer system.
5. All storm water generated on the project site, including the street frontage shall be retained onsite unless otherwise allowed by the Public Works Department (please contact the Public Works Department – Subdivisions at 661-326-3576).
6. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit.
7. Any proposed or future perimeter fence and/or wall shall be placed outside of existing public road right of way or future ultimate public right of way.
8. Any proposed or future perimeter fence and/or wall shall be placed outside of existing public road right of way or future ultimate public right of way.
9. At the time of building permit issuance, a sewer connection fee shall be paid. This fee is based on the rate that is in effect at the time a building permit is issued.

**F. PUBLIC WORKS - SOLID WASTE (4101 Truxtun Avenue)
(Staff Contact – Richard Guterrez; 661-326-3129 or RMGutierrez@bakersfieldcity.us)**

1. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

ACKNOWLEDGEMENT BY PROJECT APPLICANT:

I agree to the project's conditions of approval and acknowledge that failure to comply with any and all conditions shall constitute grounds for potential revocation of the permit approval.

Signature

Date

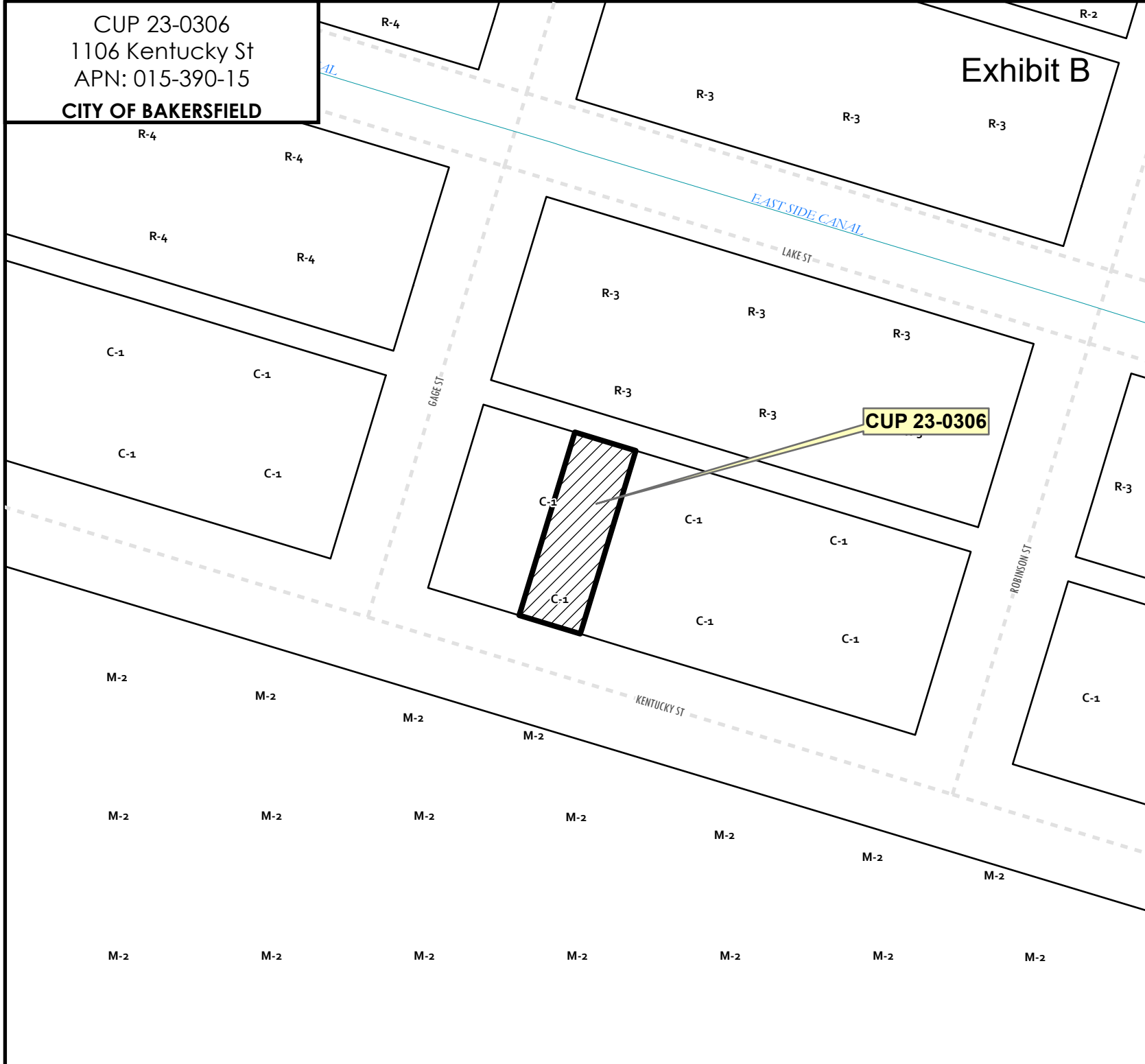
Print Names

CUP 23-0306
 1106 Kentucky St
 APN: 015-390-15
CITY OF BAKERSFIELD

Exhibit B

**LEGEND
 (ZONE DISTRICTS)**

- 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-S 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-0 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 Ming Specific Plan



BAKERSFIELD

↑

Feet

0 60 120

Exhibit C

GOVERNING CODES

ALL WORK SHALL BE IN CONFORMANCE WITH THE CURRENTLY ADOPTED EDITION OF THE FOLLOWING APPLICABLE CODES:

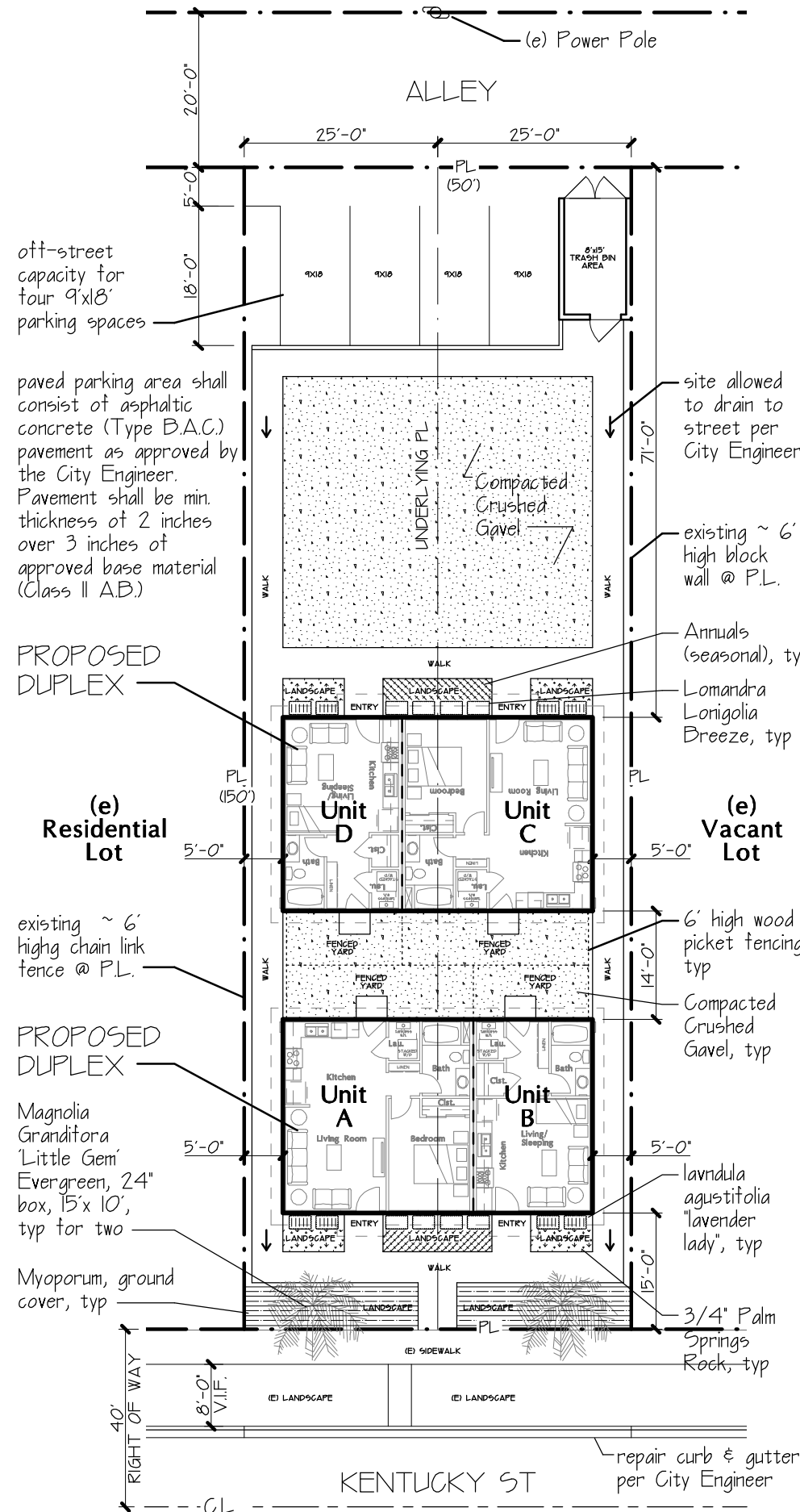
- 2022 CALIFORNIA RESIDENTIAL CODE
- 2022 CALIFORNIA BUILDING CODE
- 2022 CALIFORNIA MECHANICAL CODE
- 2022 CALIFORNIA PLUMBING CODE
- 2022 CALIFORNIA ELECTRICAL CODE
- 2022 CALIFORNIA ENERGY CODE
- 2022 CALIFORNIA GREEN BUILDING CODE
- CURRENT CITY OF BAKERSFIELD MUNICIPAL CODE



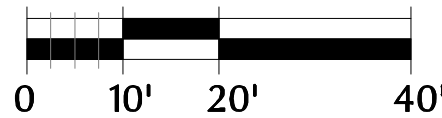
Vicinity Map n.t.s.



Aerial Map n.t.s.



PROPOSED PLOT PLAN



PROJECT INFO

PROJECT DESCRIPTION:
THIS PROPOSED MULTI-FAMILY RESIDENTIAL USE IS LISTED AS USES PERMITTED ONLY BY CONDITIONAL USE PERMIT PER THE PROPERTY'S ZONED C-1 COMMERCIAL DISTRICT. THIS PROPOSED PROPERTY DEVELOPMENT CONSIST OF TAKING A VACANT LOT AND CONSTRUCTING TWO (2) MULTI-FAMILY RESIDENTIAL DUPLEX STRUCTURES CONSISTING OF TWO ATTACHED DWELLING UNITS EACH. EACH STRUCTURE CONSISTS OF A ONE BEDROOM UNIT AND A STUDIO UNIT. THIS DEVELOPMENT WILL ALSO INCLUDE THE ASSOCIATED SITE IMPROVEMENTS FOR PAVED FLATWORK, PAVED PARKING, LANDSCAPING, AND SECURITY FENCING.

PROJECT-SPECIFIC INFORMATION

ADDRESS: 1106 KENTUCKY ST, BAK. CA, 93305
 APN No: 015-390-15-6
 ZONING: C-1, LIMITED COMMERCIAL
 GENERAL PLAN: GENERAL COMMERCIAL
 ACREAGE: ~.17 ACRES (7,500 SF)
 DWELLINGS IN C-1 ZONE SHALL COMPLY WITH R-4 ZONE:
 MIN. LOT AREA: 6,000 SF
 MIN. LOT AREA / DWELLING: 600 SF (7,500 SF / 600 SF = 12 UNITS ALLOWED)
 OPERATION: THESE RENTABLE DWELLING UNITS WILL BE LEASED AND OCCUPIED BY TENANTS ON A 24 HOUR, 7 DAYS A WEEK, YEAR-ROUND BASIS.
 DRAINAGE: SURFACE FLOW TO CITY STORM DRAIN SYSTEM
 SEWER & WATER: CONNECTIONS AT ALLEY
 LANDSCAPE AREA: ~ 2,469 SF (33% LOT COVERAGE)

BUILDING SUMMARY INFORMATION

PROPOSED DUPLEXES x2: +/- 1,000 SF
 1 BEDROOM UNIT EA: +/- 615 SF
 1 STUDIO UNIT EA: +/- 385 SF
 TOTAL PROPOSED UNITS: 4 UNITS
 PROPOSED OCCUPANCY TYPE: TWO-FAMILY DWELLING
 CONSTRUCTION TYPE: V-B
 STORIES: 1
 FIRE SPRINKLERS: YES (S13D)

PARKING ANALYSIS

MULTIPLE-FAMILY DWELLING (CITY ZONING: 17.5B.110,E,3):
 REQUIRED PARKING @ 1 SPACE PER UNIT @ 4 PROPOSED UNITS = 4 X 1 = 4 SPACES REQUIRED
 REQUIRED SPACES = 4 SPACES
 PROVIDED SPACES = 4 SPACES

CITY NOTES

WATER RESOURCES:
 AT LEAST FIVE (5) FULL BUSINESS DAYS BEFORE PERMANENT CONSTRUCTION, THE DEVELOPER SHALL PAY THE REQUIRED WATER RESOURCES FIRE SERVICE INSPECTION FEES AND SUBMIT AN INSPECTION REQUEST FORM FOR ANY UNDERGROUND FIRE WATERLINES AND THEIR APPARATUS (FORM AVAILABLE FOR DOWNLOAD AT BAKERSFIELD.CITY.US/379/WATERRESOURCES).

BUILDING DEPARTMENT:
 BUILDINGS OR STRUCTURES SHALL REQUIRE INSTALLATION OF AN AUTOMATIC FIRE SPRINKLER SYSTEM WHERE REQUIRED BY CURRENT CALIFORNIA BUILDING CODE AND CITY ORDINANCE.

THE DEVELOPER SHALL INCLUDE FIRE RESISTIVE WALL CONSTRUCTION DETAILS WITH THE FINAL BUILDING PLANS FOR ALL EXTERIOR WALLS OF ANY BUILDING THAT IS WITHIN THE DISTANCE AS SET FORTH IN CHAPTER 7 OF THE CALIFORNIA BUILDING CODE.

PRIOR TO ISSUING A BUILDING PERMIT, THE BUILDING DIVISION WILL CALCULATE AND COLLECT THE APPROPRIATE SCHOOL DISTRICT IMPACT FEES.

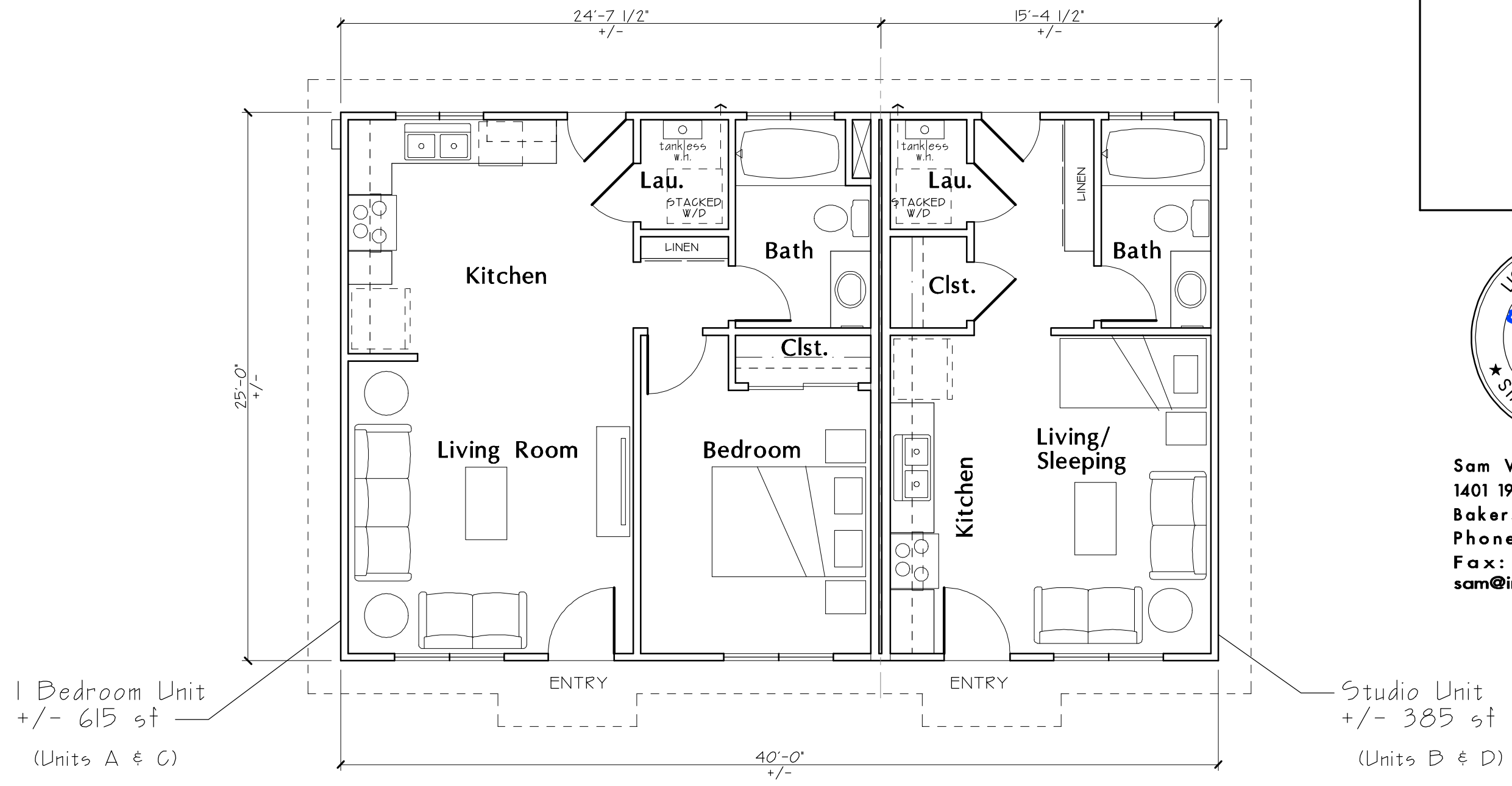


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 Fax: 661-321-3441
 sam@inlandarchitects.com

BUILDING DEPARTMENT (CONT.):
 PRIOR TO GRANTING OCCUPANCY OF THE APARTMENT COMPLEX, THE BUILDING DIVISION MUST INSPECT AND APPROVE THE PLACEMENT AND COLORS OF THE ADDRESS NUMBERS IDENTIFYING EACH UNIT AND/OR BUILDING, AND ON-SITE BUILDING/UNIT LOCATION MAPS SO THAT EMERGENCY PERSONNEL CAN EASILY FIND A SPECIFIC UNIT WHEN RESPONDING TO THE SITE DURING AN EMERGENCY.

PRIOR TO GRANTING OCCUPANCY, THE BUILDING DIVISION WILL VERIFY THAT A WATER METER SERVING THE DEVELOPMENT IS IN PLACE. THE DEVELOPER SHALL CONTACT THE APPLICABLE WATER PURVEYOR TO INQUIRE ABOUT THEIR PROCESS FOR OBTAINING WATER SERVICE FOR THE DEVELOPMENT AS SOON AS POSSIBLE (FOR WATER PURVEYOR AGENCY INFORMATION CONTACT: 1000 BUENA VISTA ROAD; 661-326-3715).

1106 KENTUCKY ST, BAK. CA. 93305	MAP 15-39
CONDITIONAL USE PERMIT	
TWO-FAMILY DWELLING UNITS - DUPLEXES	
CITY KERN BLOCK 61 LOT 2021	SHEET 1 OF 3



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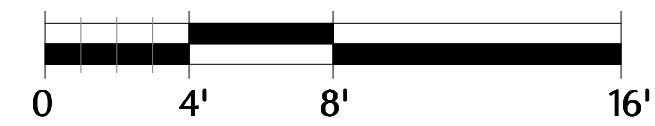
SEE PLOT PLAN FOR ORIENTATION

Duplex Floor Plan

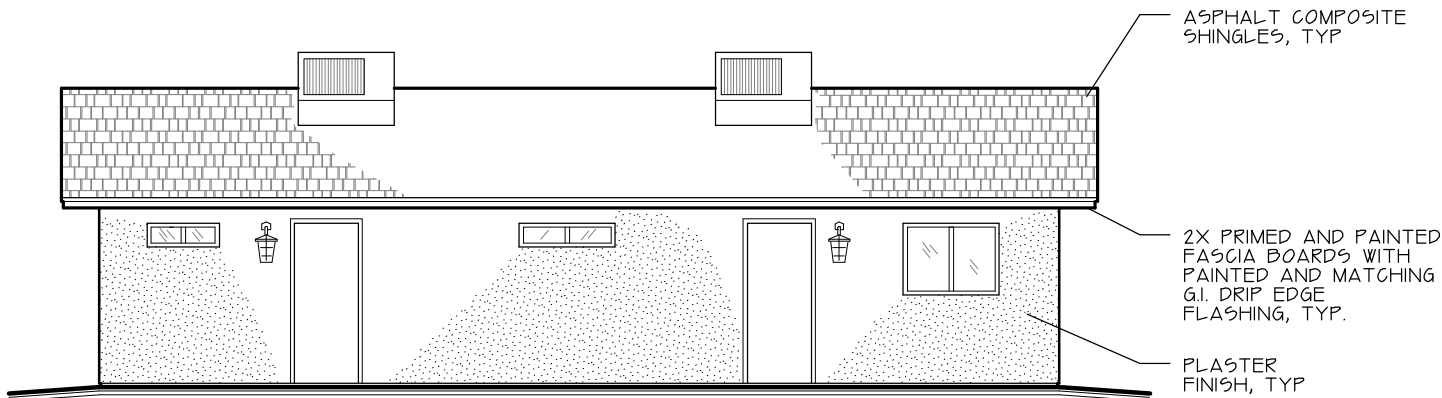
(UNITS A&B, C&D)

1106 KENTUCKY ST

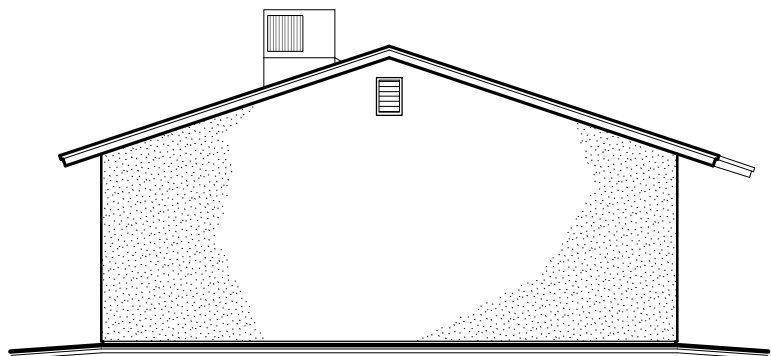
+/- 1,000 sf



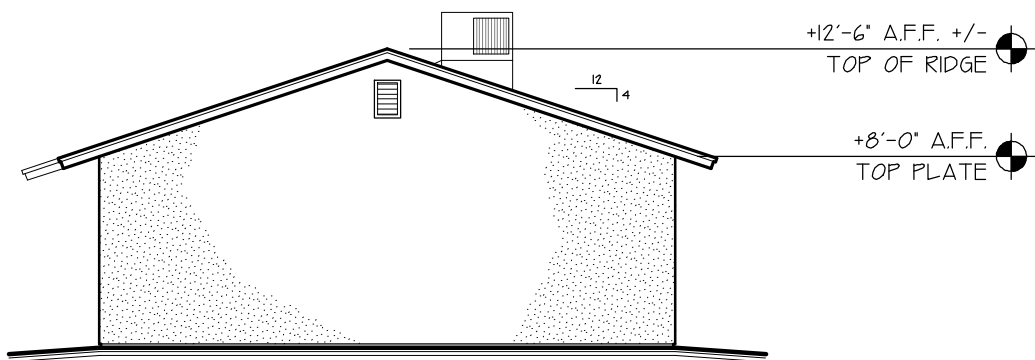
1106 KENTUCKY ST, BAK. CA. 93305	MAP 15-39
CONDITIONAL USE PERMIT TWO-FAMILY DWELLING UNITS - DUPLEXES	
CITY KERN BLOCK 61 LOT 2021	SHEET 2 OF 3



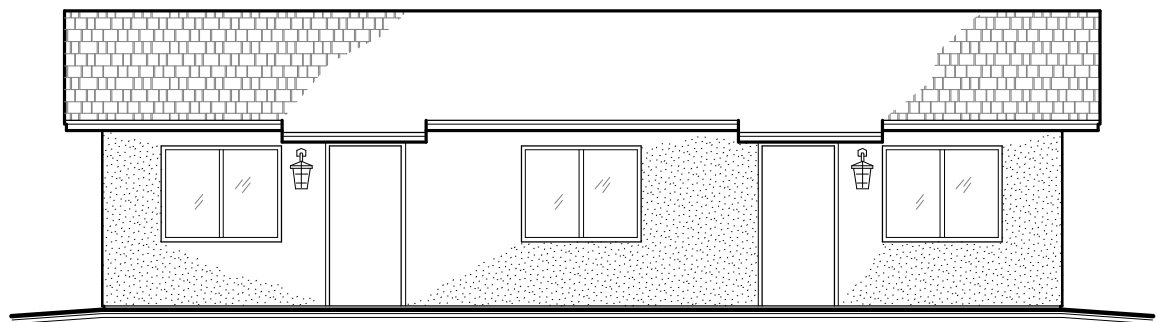
REAR



SIDE



SIDE



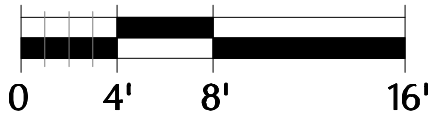
FRONT



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SEE PLOT PLAN FOR ORIENTATION

EXTERIOR ELEVATIONS
 (UNITS A&B, C&D)
 1106 KENTUCKY ST



1106 KENTUCKY ST, BAK. CA. 93305	MAP 15-39
CONDITIONAL USE PERMIT TWO-FAMILY DWELLING UNITS - DUPLEXES	
CITY KERN BLOCK 61 LOT 2021	SHEET 3 OF 3



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: March 21, 2024

ITEM NUMBER: Non-Consent Public Hearings6.(a.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Veronica Martinez, Assistant Planner

DATE:

WARD: Ward 7

SUBJECT:

Planned Development Review No. 23-0562: Porter & Associates, Inc., representing Jacaranda Hood, LLC (property owner), is requesting a revised Planned Development Review to propose a 25,060 square-foot physical fitness center on a portion of a 12.62-acre site in the C-2/PCD (Regional Commercial/Planned Commercial Development) zone district, located at the southwest corner of Hosking Avenue and Hughes Lane. Notice of Exemption on file.

APPLICANT: Porter & Associates, Inc.

OWNER: Jacaranda Hood, LLC

LOCATION: Southwest corner of Hosking Avenue and Hughes Lane.

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Map Set	Backup Material
<input type="checkbox"/> Development Plans	Backup Material
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Exhibits	Exhibit
<input type="checkbox"/> Zoning Ch 17.54	Backup Material



BAKERSFIELD
THE SOUND OF *Something Better*

CITY OF BAKERSFIELD PLANNING COMMISSION STAFF REPORT

MEETING DATE: March 21, 2024

AGENDA: 6.a

TO: Chair Bashirtash and Members of the Planning Commission

FROM: Paul Johnson, Planning Director *PJ*

DATE: March 15, 2024

WARD: 7

STAFF PLANNER: Veronica Martinez, Assistant Planner

REQUEST: A proposed revised Planned Development Review to allow the development of a 25,060-square-foot physical fitness center on a portion of 12.62-acre site.

APPLICANT: Porter & Associates, Inc.
Fred Porter II
1707 Eye Street, Suite 111
Bakersfield, CA 93301

OWNER: Jacaranda Hood, LLC
James Lundy
4468 Foothill Road
Carpinteria, CA 93013

PROJECT LOCATION: Southwest corner of Hosking Avenue and Hughes Lane

APN: Portion of 514-030-29

PROJECT SIZE: Portion of 12.62 Acres

CEQA: Section 15332 (Class 3; Infill Development)

EXISTING GENERAL PLAN DESIGNATION: GC (General Commercial)

EXISTING ZONE CLASSIFICATION: C-2/PCD (Regional Commercial/Planned Commercial Development)

STAFF RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Planned Development Review No. 23-0562 as depicted in the project description and subject to the listed conditions of approval.

SITE CHARACTERISTICS: The project site is partially developed with a Starbucks, Taco Bell, and a convenience store. Surrounding properties are developed as: *north* – single-family residences; *east* – single-family residences and vacant commercial land; *south* – single-family residences; and *west* – single-family residences and the west branch canal.

BACKGROUND AND TIMELINE:

- **January 9, 1991** – The subject property was annexed to the City as part of a larger annexation (Hosking No. 3) (Ordinance No. 3334).
- **March 30, 2005** – City Council approved General Plan Amendment and Zone Change No. 04-0867, changing the property’s land use from LR (Low-Density Residential) to GC (General Commercial) and the zoning from the R-1 (One-Family Dwelling Zone) zone district to the C-1 (Neighborhood Commercial) zone district (Ordinance No. 4239).
- **April 9, 2008** – City Council approved Zone Change No. 07-1724, changing the property’s zoning from the C-1 (Neighborhood Commercial) zone district to the C-2/P.C.D. (Regional Commercial/Planned Commercial Development) zone district (Ordinance No. 4503). No development was proposed at that time.
- **August 15, 2019** - Planned Commercial Development No. 19-0189 was approved by the Planning Commission to allow the development of a 122,500-square-foot retail/commercial center (Resolution No. 90-19).

PROJECT ANALYSIS:

Proposed Development. This proposal would revise Planned Development Review No. 19-0189, which originally outlined the development of a 122,500-square-foot retail/commercial center in three phases. This plan included six multi-tenant buildings totaling 68,500 square feet, a gas station with a 4,000-square-foot convenience store, a 2,000-square-foot fast food restaurant, and a 48,000-square-foot, 3-story hotel that would provide 110 rooms.

This revised plan proposes a 25,605-square-foot, 1-story physical fitness center in place of the originally proposed hotel, designated as Building 6 of the development. Additionally, Building 5 would be relocated, with the square footage to remain the same as proposed in the initial development review.

Parking. The purpose of the City’s parking and loading standards is to provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities, reduce parking lot size within the urban setting to mitigate the heat island effect, ensure that parking demands associated with new development are met without adversely affecting nearby land uses, and provide easy access and maneuverability for emergency vehicles.

Per the City’s parking standards for a development of this nature, the minimum required parking for this development is 443 parking spaces. As proposed, a total of 468 parking spaces would be provided. It should be noted that the number of off-street parking spaces shall not exceed one hundred and fifty (150) percent of the minimum requirement for commercial uses. The development will provide a surplus of parking consistent with the municipal code and would be subject to a shared parking agreement.

Planned Commercial Development (PCD) Development Standards. The planned commercial development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict commercial development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval

of a specific, detailed plan for a commercial development, which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods.

As such, your Commission has the authority to require design standards, regulations, limitations, and restrictions that are designed to protect and maintain property values and provide or protect community amenities that would foster and maintain the health, safety, and general welfare of the community, including and relating to but not limited to the categories specified in Section 17.54.060 (PCD Latitude of Regulations). Generally, those standards are related to topics such as the construction of fences and walls, structure height, the distance between buildings, parking ratios, open space, architectural design of buildings and structures, and any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety, and welfare of the neighborhood and the City.

Consistency with General Plan. The project is consistent with land use goals and policies as contained in the *Metropolitan Bakersfield General Plan* which include but are not limited to:

- *Goal 1:* Accommodate new development which captures the economic demands generated by the marketplace;
- *Goal 2:* Accommodate new development which provides a full mix of uses to support its population;
- *Goal 3:* Accommodate new development which is compatible with and complements existing land uses;
- *Goal 4:* Accommodate new development which channels land uses in a phased, orderly manner and is coordinated with the provision of infrastructure and public improvements;
- *Goal 7:* Establish a built environment that achieves a compatible functional and visual relationship among individual buildings and sites;
- *Policy 15:* Allow for the development of a variety of commercial centers/corridors which are differentiated by their function, intended users, and level of intensity, including convenience centers serving local residential neighborhoods, sub-regional centers that serve groupings of neighborhoods, and major regional centers which serve the planning area and surrounding areas;
- *Policy 16:* Allow for the development of a variety of commercial uses, including those that serve residents, highway users, and tourists-visitors;
- *Policy 19:* Allow for the intensification and development of existing commercial areas in an infill fashion.
- *Policy 23:* Promote the recycling of block-long corridors of commercial uses to consolidate new commercial uses.
- *Policy 28:* Require that commercial development provide design features such as screen walls, landscaping and height, setback and lighting restrictions between the boundaries of adjacent residential land use designations so as to reduce impacts on residences due to noise, traffic, parking, and differences in scale

Consistency with the Zoning Ordinance. This project has been reviewed by the Site Plan Review Committee which has determined that the proposed development is designed in compliance with City standards and policies with the exception of the following retail standard (17.08.140.C.1):

Exterior building walls and facades over one hundred feet in length shall incorporate wall plane projections or recesses with a depth of at least three percent of the length of the facade and extending along at least twenty percent of the length of the facade. No facade shall have an uninterrupted length of flat wall that exceeds one hundred horizontal feet. Facades that face public streets shall include arcades, display windows, entry areas, or other such permanent features along no less than sixty percent of their horizontal length.

In reviewing the elevations, the rear facade of Building 6 consists of lengths of flat wall that exceeds 100 horizontal feet. The applicant acknowledges this but states that the building, overall, maintains various architectural features, material changes, and vertical height changes to meet the intent of the building design standards.

Your Commission can: (1) accept the plans as proposed; (2) accept the plans with a condition of approval that they be revised to meet the minimum development standards before issuance of any building permit; or (3) delay approval of request until revised plans are submitted and presented to your Commission for consideration.

Staff is recommending Option 2 and has included Condition III.A.5 to require compliance with Section 17.18.140 (Design Standards for Retail Development) of the municipal code for the rear façade of Building 6.

Consistency with Surrounding Development. The project site is zoned appropriately for commercial development and is currently under construction as such. Therefore, the proposed development will complement the character of the surrounding community.

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15332 (Class 3: Infill Development). This exemption includes projects that are consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law.

Comments Received. As of this writing, no written public comments have been received.

CONCLUSIONS:

Findings. BMC Section 17.54.070 contains findings that must be made in order for your Commission to approve modifications to approved development plans in the C-2/PCD (Regional Commercial/Planned Commercial Development) zone:

1. The development plan is consistent with the general plan and objectives of the zoning ordinance;
2. The proposed development will constitute a commercial environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community; and

3. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, landscaping and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided on the property.

In accordance with these required findings, and as conditioned, staff finds: (1) the project is consistent with the general plan and objectives of the zoning ordinance; (2) the project will constitute a commercial use of sustained desirability/stability and compliment/harmonize with the surrounding neighborhood; and (3) the project would comply with the zoning code with the addition of Condition III.B.5.

Overall Recommendation. Staff finds that the applicable provisions of CEQA have been complied with, and the proposal sufficiently demonstrates compliance with the necessary findings. Therefore, staff recommends your Commission adopt Resolution and suggested findings APPROVING Planned Development Review No. 23-0562 with conditions of approval.

ATTACHMENTS:

Map Set

- Aerial
- Zone Classification
- General Plan Designation

Development Plans

- Site Plan
- Landscape Plan
- Floor Plan
- Elevations

Chapter 17.54 (Planned Commercial Development Zone)
Resolution with Exhibits

MAP SET

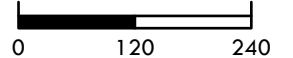
PDR 23-0562
8225 Hughes Ln
APN: 514-030-29
CITY OF BAKERSFIELD



AERIAL

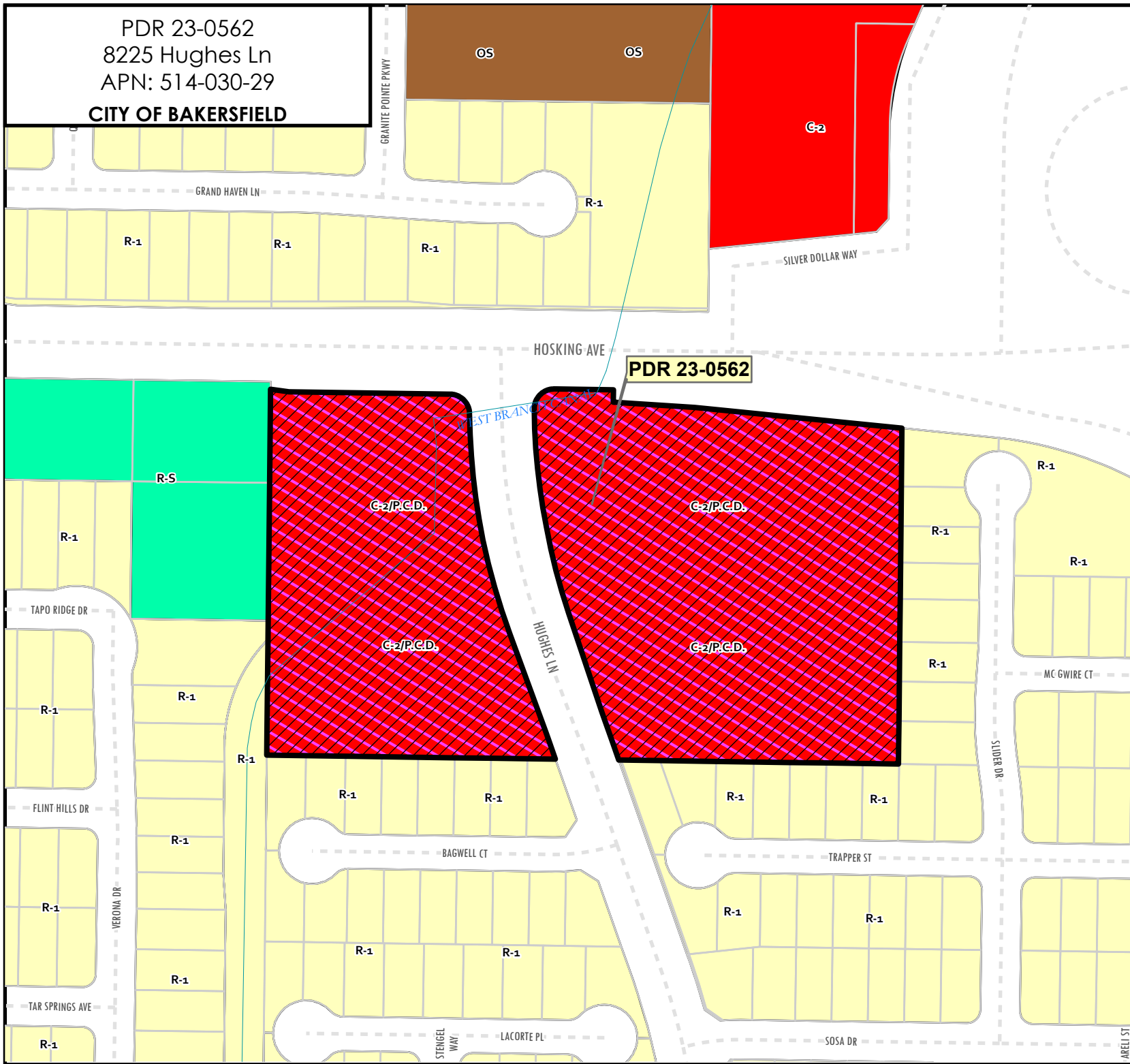


Feet





2/2/2024

PDR 23-0562
8225 Hughes Ln
APN: 514-030-29
CITY OF BAKERSFIELD




Zoning



Commercial Zone Designations

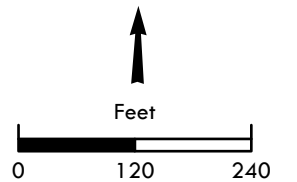
-  C-2 Regional Commercial
-  C-2/P.C.D. Combining

Resource Zone Designations

-  OS Open Space

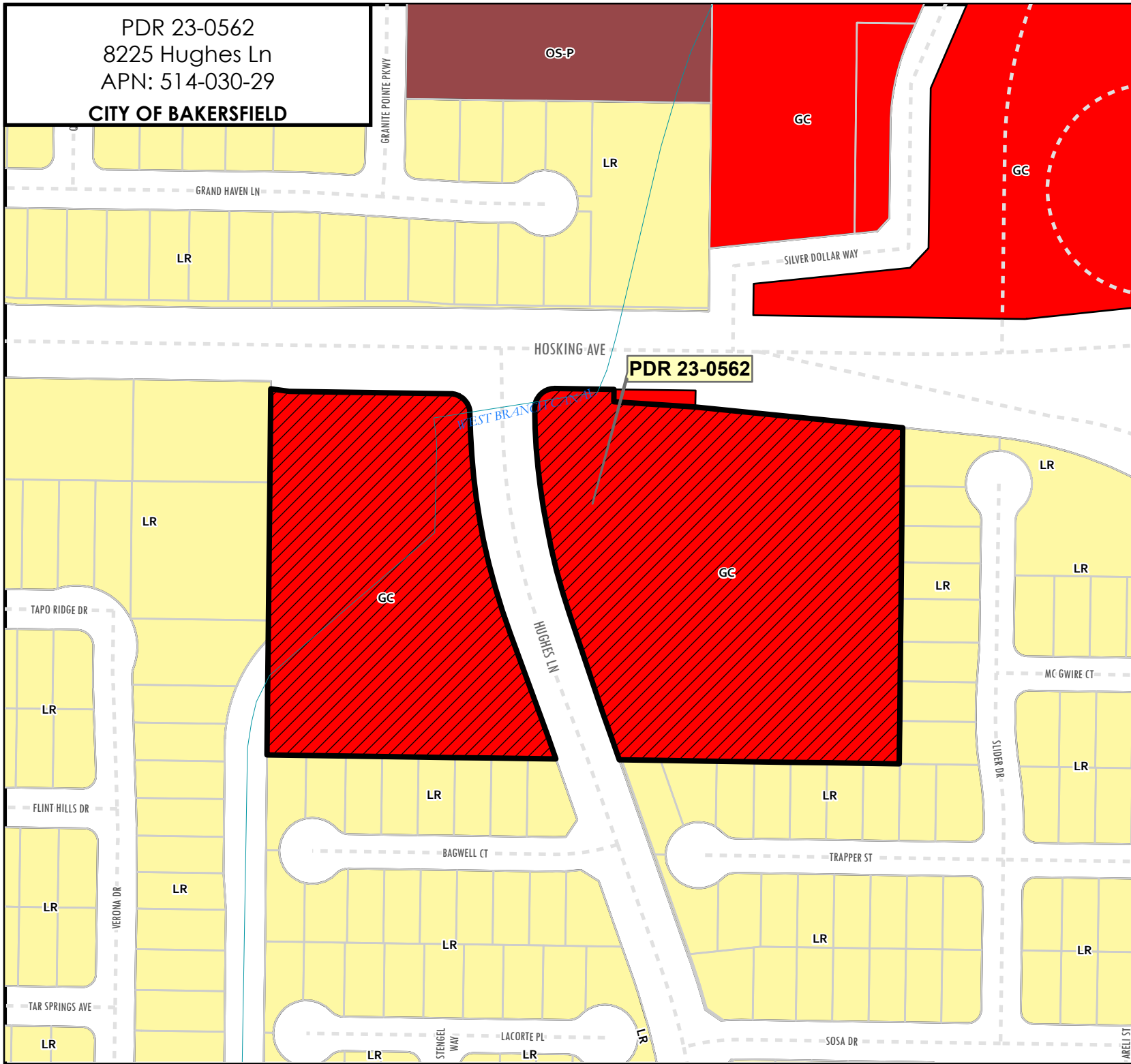
Residential Zone Designations

-  R-S Residential Suburban
-  R-1 One Family Dwelling



2/2/2024

PDR 23-0562
8225 Hughes Ln
APN: 514-030-29
CITY OF BAKERSFIELD



- Land Use
- RESIDENTIAL
 - LR - Low Density Residential: ≤ 7.26 dwelling units/net acre
 - COMMERCIAL
 - GC - General Commercial
 - OPEN SPACE
 - OS-P - Parks and Recreation

BAKERSFIELD

↑
North Arrow

Feet

0 120 240

2/2/2024

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION APPROVING A PLANNED DEVELOPMENT REVIEW TO ALLOW THE DEVELOPMENT OF A 25,060 SQUARE-FOOT PHYSICAL FITNESS CENTER (B.M.C. 17.54.020) IN THE C-2/PCD (REGIONAL COMMERCIAL / PLANNED COMMERCIAL DEVELOPMENT) ZONE DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF HOSKING AVENUE AND HUGHES LANE (PDR 23-0562).

WHEREAS, Porter & Associates, Inc. filed an application with the City of Bakersfield Development Services Department for a Planned Development Review to allow the development of a 25,060 square-foot physical fitness center (B.M.C. 17.54.020) in the C-2/PCD (Regional Commercial/Planned Development Commercial) zone district, located at the southwest corner of Hosking Avenue and Hughes Lane (the "Project"); and

WHEREAS, the Secretary of the Planning Commission set Thursday, March 21, 2024, at 5:30 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed planned development review, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, at the public hearing (no testimony was received either in support or opposition of the Project) (testimony was received only in support/opposition/both in support and opposition of the Project); and

WHEREAS, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission; and

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15332; and

WHEREAS, the City of Bakersfield Development Services Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15332 because the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

3. The proposed use is essential and desirable to the public convenience and welfare.
4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Planned Development Review No. 23-0562 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting held on the 21st day of March, 2024, on a motion by Commissioner _____, seconded by Commissioner _____ the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits: A. Conditions of Approval
 B. Location Map
 C. Site Plan

EXHIBIT A

CONDITIONS OF APPROVAL Planned Development Review No. 23-0562

I. The applicant's rights granted by this approval are subject to the following provisions:

- The project shall be in accordance with all approved plans, conditions of approval, and other required permits and approvals. All construction shall comply with applicable building codes.
- All conditions imposed shall be diligently complied with at all times and all construction authorized or required shall be diligently prosecuted to completion before the premises shall be used for the purposes applied for under this approval.
- This approval will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission to allow for appeal to the City Council. Any permit or license for any approval granted shall not be issued until that effective date.
- This approval shall automatically be null and void two (2) years after the effective date unless the applicant or successor has actually commenced the rights granted, or if the rights granted are discontinued for a continuous period of one (1) year or more. This time can be extended for up to one (1) additional year by the approving body.
- The Planning Commission may initiate revocation of the rights granted if there is good cause, including but not limited to, failure to comply with conditions of approval, complete construction or exercise the rights granted, or violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted. The Planning Commission may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.
- Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above-mentioned provisions are satisfied.

II. The following conditions shall be satisfied as part of the approval of this project:

1. 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 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.

2. All mitigation measures and conditions of approval associated with Planned Development Review No. 19-0189 and Zone Change 07-1724 are hereby incorporated (Resolution 90-19; Ordinance No. 4503).
3. This Planned Development Review allows the development of a 25,060-square-foot physical fitness center on a portion of 12.62 acres.

III. The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards.

The items listed below will usually need to be shown on the final building plans or completed before a building permit is issued. As part of the building permit submittal, identify the location of your response by using the *APPLICANT'S RESPONSE* line provided directly below the item (example: sheet number, detail, etc.).

A. DEVELOPMENT SERVICES - BUILDING (1715 Chester Avenue)

(Staff Contact – Martin Ledezma; 661-326-3522 or MLedezma@bakersfieldcity.us)

1. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

B. DEVELOPMENT SERVICES - PLANNING (1715 Chester Avenue)

(Staff contact – Veronica Martinez; 661-326-3640 or vmartinez@bakersfieldcity.us)

1. Prior to receiving final building or site occupancy, you must contact the Planning Division for final inspection and approval of the landscaping, parking lot, lighting and other related site improvements. Inspections will not be conducted until all required items have been installed. Any deviations from the approved plans without prior approval from the Planning Division may result in reconstruction and delays in obtaining a building or site occupancy. Please call the Planning Division at 661-326-3733 to schedule.
2. Prior to receiving final building permit or site occupancy, the subdivider shall construct a 6-foot-high masonry wall to City standards, as measured from highest adjacent grade, along the common property line at the west and south boundary of the development site.
3. The required wall along the south side of the parcel shall be installed on the property line after removal of any existing fences in coordination with the adjacent property owners.

4. Prior to issuance of any building permits, revised drawings shall be submitted demonstrating compliance with the design standards for retail development as listed in Bakersfield Municipal Code Section 17.18.140.

C. FIRE DEPARTMENT (2101 H Street)

(Staff contact - Ernie Medina; 661-326-3682 or EMedina@bakersfieldcity.us)

1. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

D. WATER RESOURCES (1000 Buena Vista Road)

(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

1. **Prior to the issuance of Building permits**, the developer shall submit two (2) sets of utility plans signed by a California Registered Civil Engineer to the Water Resources Department showing all offsite and onsite improvements, including connections to the existing water main and underground fire waterlines and related apparatuses. Include any nearby on or off-site hydrants on the plans. Plans shall be submitted along with applicable plan check fees and any other associated fees per the current fee schedule. Plans shall comply with current City Standards and Specifications, California Fire Code, and City of Bakersfield Municipal Code. City Standards and Specifications and the current Fee Schedule are available for download from the City's website at www.bakersfieldcity.us/379/water_resources.
2. At least five (5) full business days before permanent construction, the developer shall pay the required Water Resources Fire Service Inspection Fees and submit an Inspection Request Form for any underground fire waterlines and their apparatuses (form available for download at bakersfieldcity.us/379/water-resources).

E. PUBLIC WORKS – TRAFFIC & ENGINEERING (1501 Truxtun Avenue)

(Staff contact – Susanna Kormendi; 661-326-3997 or SKormendi@bakersfieldcity.us)

1. The developer shall dedicate any sidewalk extending out of the right of way to the City of Bakersfield for the pedestrian way along all arterial streets. This must be conducted with a separate instrument or final map.
2. **Prior to the issuance of building permits**, a grading plan must be approved by **both** the Public Works Department and the Building Division.
3. All storm water generated on the project site, including the street frontage shall be retained onsite unless otherwise allowed by the Public Works Department (please contact the Public Works Department – Subdivisions at 661-326-3576).
4. Any proposed or future perimeter fence and/or wall shall be placed outside of existing public road right of way or future ultimate public right of way.

- 5. The developer shall install new connection(s) to the public sewer system.
- 6. The developer shall install a full-sized manhole in each sewer line except residential development before it connects to the sewer main. This manhole is to be located within the property being developed and must be easily accessible by City workers.
- 7. **Prior to the issuance of building permits**, the developer shall form a new maintenance district. If already within a maintenance district, you may need to update the maintenance district form. Underdeveloped parcels within an existing maintenance district are required to update maintenance district documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Public Works at (661) 326-3571.
- 8. **Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction**, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
- 9. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit.

**F. PUBLIC WORKS - SOLID WASTE (4101 Truxtun Avenue)
(Staff Contact – Zekeio Martinez; zmartinez@bakersfieldcity.us)**

- 1. Refuse enclosure details and specifications will need to be shown on the final building plans, with a 4 bin 8'X20' refuse enclosure to accommodate for trash, recycling, and organics.

ACKNOWLEDGEMENT BY PROJECT APPLICANT:

I agree to the project’s conditions of approval and acknowledge that failure to comply with any and all conditions shall constitute grounds for potential revocation of the permit approval.

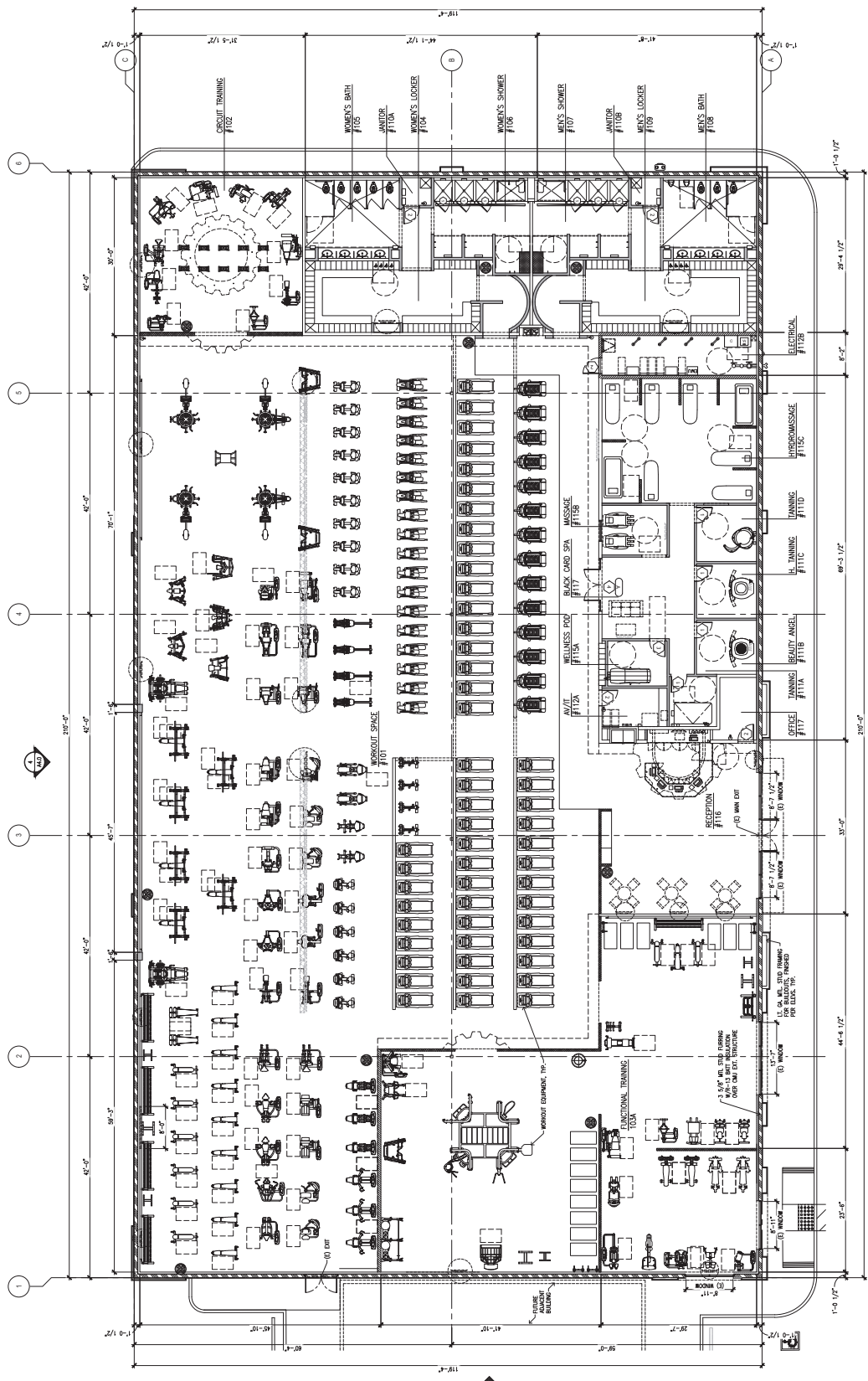
Signature

Date

Print Name

Exhibit C

Planet Fitness Schedule
 Planet Fitness is a 24-hour health club that provides a variety of services to clients, including fitness equipment, tanning rooms, and hydro massage rooms. We are proposing an interior layout that allows a large general fitness area with cardio and weight machines; an express training room; and Black Card Area for clients with an upgraded gym membership. The Black Card Area provides private tanning rooms and hydro massage rooms with pre-programmed food and drinks. There are no employed/member interaction in these Black Card areas.
 All business activities in conjunction with Planet Fitness will occur on the inside of the former site and will not be disruptive to surrounding businesses. The layout includes a Black Card Area for clients with an upgraded gym membership, including tanning rooms and hydro massage rooms. There is no food or drink prepared on site or sold inside of the Planet Fitness.



1 FLOOR PLAN
 1/8" = 1'-0"



Planet Fitness
 4 Liberty Lane West
 Houston, Texas 77058-1824

Revised Date	By	Date	Appr.
No. 1/24/24			

ARCHITECT
 David H. Smith Architects, L.P.
 11111 Katy Road, Suite 111
 Houston, TX 77058
 P: (281) 991-8051

Civil Engineer
 Provo & Associates, Inc.
 111
 Main Street, Suite 111
 Houston, TX 77002
 P: (281) 521-0102

Landscaping Contractor
 Provo & Associates, Inc.
 111
 Main Street, Suite 111
 Houston, TX 77002
 P: (281) 521-0102

CONTRACT
 The property of David H. Smith Architects, L.P. and may not be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of David H. Smith Architects, L.P.

Project Manager Approval
 Architect/Engineer of Record

Location
 8225 Hughes Lane
 Houston, TX 77058

Project Name
 Planet Fitness (Ground Up)

Sheet Title
 FLOOR PLAN

Scale
 1/8" = 1'-0"

Project No.
 23058

Drawn By: D.A.
 Check By: T.C.
 Date: January 3, 2024

Sheet
A1.0

Chapter 17.54

PCD PLANNED COMMERCIAL DEVELOPMENT ZONE*

Sections:

- 17.54.010 Intent and purpose.**
- 17.54.020 Uses permitted.**
- 17.54.030 Application.**
- 17.54.040 Rezoning procedure.**
- 17.54.050 Final development plan.**
- 17.54.060 Latitude of regulations.**
- 17.54.070 Required findings.**
- 17.54.080 Expiration of zone or plans.**
- 17.54.090 Minimum site area.**
- 17.54.100 Modifications to approved preliminary and final development plans.**
- 17.54.110 Maintenance of common areas and non-dedicated improvements and facilities.**

* Prior code history: prior code §§ 17.47.010—17.47.130

17.54.010 Intent and purpose.

It is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied. The planned commercial development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict commercial development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a commercial development which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods. Land may be classified as being solely within a PCD zone (exclusive zone), or the PCD zone may be used as a combining zone in a C-O, C-1, C-2, or CC zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4305 § 1, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

17.54.020 Uses permitted.

- A. Uses permitted in a PCD zone used as a combining zone are those uses permitted by the base zone with which the PCD zone is combined.
- B. Uses for land classified as being within a PCD zone are as follows:
1. Any permitted use listed in Chapters [17.20](#) (C-O), [17.22](#) (C-1) and [17.24](#) (C-2) of this code. Any use that is conditional in these zones may be requested as part of the initial zone change and approved as conditional uses subject to the findings, conditions and revocation of rights as set forth in Chapter [17.64](#) of this code. Uses which are conditional that are proposed once the PCD zone is effective shall be subject to the provisions of Chapter [17.64](#) of this code.
 2. Uses and structures which are incidental or accessory to any of the uses permitted in PCD zones.
- C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the intent and purposes of the planned commercial development. (Ord. 4542 § 2, 2008; Ord. 4305 § 2, 2006; Ord. 4009 § 2, 2001; Ord. 3752 § 1, 1997; Ord. 3656 § 2, 1995)

17.54.030 Application.

- A. When the PCD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:
1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section [17.08.080\(A\)\(3\)](#). The number and type of plans shall be as follows:
 - a. Eight copies at scale of all plans submitted;
 - b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
 - c. One color rendition at scale of the site/landscape plan, and elevation plan;
 2. If the proposed project is to be developed in several stages, indicate the anticipated sequence of development;
 3. Show the proposed methods by which the applicant will govern the maintenance and continued protection of the development including any common areas;
 4. Indicate all proposed signs for the development;
 5. A completed zone change application on such forms as provided by the city, signed by the owner or owners in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if any;

6. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PCD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(4) and (A)(6) shall be required prior to approval of a subdivision map pursuant to Section [16.28.170\(O\)](#) or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modifications to approved plans will be subject to the provisions set forth in Section [17.54.100](#).

C. When the PCD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section [17.64.050\(B\)](#). (Ord. 4305 § 3, 2006; Ord. 4009 § 2, 2001; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

17.54.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter [17.64](#) of this code regarding zone changes.

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PCD. If the PCD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PCD (Example: C2/PCD).

C. The preliminary development plan as approved with a PCD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become a part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PCD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 2, 2001; Ord. 3903 § 5, 1999; Ord. 3656 § 2, 1995)

17.54.050 Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure.* The final development plan for a building permit shall be submitted and processed the same as required for a final site plan pursuant to Section [17.08.080B5](#). The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction with all conditions set forth in the

city council's final decision. In instances where the planning commission desires to review the final plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 2, 2001; Ord. 3903 § 7, 1999; Ord. 3874 § 2, 1998; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

17.54.060 Latitude of regulations.

In the approval of PCD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

- A. Height limitations or any bulk requirements of buildings or structures, lot and yard requirements and distances between buildings;
- B. Percent coverage of land by buildings and structures;
- C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;
- D. Limitations upon the size, design, number, lighting and location of all signs;
- E. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;
- F. Construction of fences and walls;
- G. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;
- H. Location and size of off-street loading areas and docks;
- I. Uses of buildings and structures by general classification and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property or of other property in the development;
- J. Architectural design of buildings and structures;
- K. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof,
- L. Requiring of performance bonds to insure development as approved;
- M. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscape plan;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4305 § 4, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

17.54.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

- A. The proposed planned commercial development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;
- B. The proposed development will constitute a commercial environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community;
- C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, landscaping and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided on the property. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

17.54.080 Expiration of zone or plans.

- A. When the PCD zone is assigned as an exclusive zone, the following shall apply:
 - 1. The applicant shall commence construction no later than three years from the effective date of the zoning change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section [17.64.070](#) of this code.
 - 2. With the exception of satellite pads, if a certificate of occupancy has not been issued for a substantial portion of the commercial structures in the first phase of a PCD zone within five years of the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section [17.64.070](#) of this code.
 - 3. With the exception of satellite pads, where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective

date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section [17.64.070](#) of this code.

B. When the PCD zone is used as a combining zone, no status review or other notification shall be required. Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section [17.08.080D](#)). If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

17.54.090 Minimum site area.

The minimum area for a PCD zone shall be one acre. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

17.54.100 Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other zones permitted in any initial approval of a PCD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section [17.54.070](#) can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alternations, deviations, or substitutions to an approved preliminary development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of the architecture or landscape architecture as established in the planning commission or city council's approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning director's report, may further modify the planning director's approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter [17.64](#) of this code. (Ord. 4009 § 2, 2001; Ord. 3903 §§ 6, 8, 1999; Ord. 3874 § 1, 1998; Ord. 3656 § 2, 1995)

17.54.110 Maintenance of common areas and non-dedicated improvements and facilities.

- A. All common areas, if any, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and any improvements listed in Section [16.32.060](#) of the subdivision regulations of the city which are not dedicated and accepted may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.
- B. Where ownerships are to be separate, such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the original owner or owners; articles of incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.
- C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.
- D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

The Bakersfield Municipal Code is current through Ordinance 5149, passed December 13, 2023.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

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