



**PLANNING COMMISSION AGENDA  
MEETING OF AUGUST 1, 2019  
Council Chambers, City Hall South, 1501 Truxtun Avenue  
Regular Meeting 5:30 P.M.**

**www.bakersfieldcity.us**

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**1. ROLL CALL**

DANIEL CATER, CHAIR  
LARRY KOMAN, VICE-CHAIR  
BOB BELL  
MICHAEL BOWERS  
BARBARA LOMAS  
OSCAR L. RUDNICK  
PATRICK WADE

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC STATEMENTS**

**4. CONSENT CALENDAR NON-PUBLIC HEARING**

- a. Approval of minutes for the Regular Planning Commission meeting of July 18, 2019.  
Staff recommends approval.

**5. CONSENT CALENDAR PUBLIC HEARINGS**

Ward 4

- a. **Extension of Time for Vesting Tentative Tract 6861:** SmithTech USA, Inc. requests an extension of time for this tentative tract consisting of 76 single-family residential lots on 18.72 acres located north of the Snow Road and Jewetta Avenue intersection. Notice of Exemption on file.  
Staff recommends approval.

Ward 7

- b. **Tentative Parcel Map 12327 (Phased):** Dewalt Corporation proposes to subdivide 12.81 acres into 4 parcels for commercial development located at the southeast corner of Hosking Avenue and South 'H' Street. Negative Declaration on file.  
Staff recommends approval.

6. PUBLIC HEARINGS
  7. COMMUNICATIONS
  8. COMMISSION COMMENTS
  9. ADJOURNMENT
- 

A handwritten signature in black ink, appearing to read 'K. F. Coyle', with a stylized flourish at the end.

Kevin F. Coyle, AICP CEP  
Planning Director



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** August 1, 2019

**ITEM NUMBER:** 4.(a.)

**TO:**

**FROM:**

**PLANNER:**

**DATE:**

**WARD:**

**SUBJECT:** Approval of minutes for the Regular Planning Commission meeting of July 18, 2019.

**APPLICANT:**

**OWNER:**

**LOCATION:**

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**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
☐ Minutes of July 18, 2019	Cover Memo



# PLANNING COMMISSION MINUTES

Meeting of July 18, 2019 - 5:30 p.m.  
Council Chambers, City Hall, 1501 Truxtun Avenue

## ACTION TAKEN

### 1. ROLL CALL

Present: Chair Cater, Koman, Bell, Bowers, Lomas, Rudnick, Wade

Absent: None

Staff Present: Richard Iger, Deputy City Attorney; Phil Burns, Interim DS Director; Kevin F. Coyle, DS Planning Director; Jim Schroeter, Public Works Civil Engineer III; Paul Archambault, Building Civil Engineer III; Jennie Eng, DS Principal Planner; Dana Cornelius, Secretary.

### 2. PLEDGE OF ALLEGIANCE

### 3. PUBLIC STATEMENTS

None

### CONSENT CALENDAR NON-PUBLIC HEARING

4. a. Approval of minutes for the Regular Planning Commission meeting of June 20, 2019.

**Motion by Commissioner Koman, seconded by Commissioner Bowers, to approve Consent Calendar Non-Public Hearing Item 4.a.**

**APPROVED**

### CONSENT CALENDAR PUBLIC HEARINGS

5. a. **Extension of Time for Vesting Tentative Tract Map 6251 (Phased):**  
Jason Martin requests an extension of time for this tentative tract consisting of 13 lots for single-family residential purposes on 10 acres generally located at the south of McKenna Street, approximately  $\frac{3}{4}$  mile east of Kern Canyon Road. Notice of Exemption on file.

**RES NO 81-19**

- b. **Extension of Time for Vesting Tentative Tract Map 6858:** SmithTech USA requests an extension of time for this tentative tract consisting of 86 lots for single-family residential purposes on 20 acres, generally located near the northeast corner of Snow Road and Jewetta Avenue. Notice of Exemption on file.
- c. **Extension of Time for Vesting Tentative Tract Map 7056 (Phased):** Dennis Sibson requests an extension of time for this tentative tract consisting of 167 single-family residential lots on 41 acres, located north of future Morning Drive, approximately ¼ mile north of Paladino Drive/Morning Drive intersection. Notice of Exemption on file.
- d. **Vesting Tentative Tract Map 7354:** McIntosh & Associates, Inc., proposes to subdivide 71.64 acres into 234 single-family residential lots, various lots for private streets, private landscaping/common lots, and privately maintained parks, a water well site, and a sewer lift station, located south of the southwest corner of Ming Avenue and Highgate Park Boulevard in the West Ming Specific Plan area. EIR on file.
- e. **Planned Development Review No. 19-0189:** Bo Lundy is requesting a Planned Development Review to allow development of a retail center in the C-2/P.C.D. (Regional Commercial/Planned Commercial Development Zone) district, located at 8120 Hughes Lane. Notice of Exemption on file. **Staff recommends continuance to August 15, 2019.**

**Motion by Commissioner Bowers, seconded by Commissioner Wade, to approve Agenda Items 5.a., b., c., d., and to continue Agenda Item 5.e. to the August 15, 2019 meeting.**

**ACTION TAKEN**

**RES NO 82-19**

**RES NO 83-19**

**RES NO 84-19**

**CONTINUED TO  
AUGUST 15,  
2019**

**APPROVED**

**ACTION TAKEN**

**6. PUBLIC HEARINGS**

None

**7. COMMUNICATIONS**

Planning Director Kevin Coyle stated there would be a Planning Commission meeting on August 1, and August 15, 2019.

**8. COMMISSION COMMENTS**

None

**9. ADJOURNMENT**

There being no further business, Chair Cater adjourned the meeting at 5:39 p.m.

Dana Cornelius  
Recording Secretary

Kevin F. Coyle, AICP CEP  
Planning Director



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** August 1, 2019

**ITEM NUMBER:** Consent – Public  
Hearing5.(a.)

**TO:** Planning Commission

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**PLANNER:** Kristin Pittack, Associate Planner II

**DATE:**

**WARD:** Ward 4

**SUBJECT:**

**Extension of Time for Vesting Tentative Tract 6861:** SmithTech USA, Inc. requests an extension of time for this tentative tract consisting of 76 single-family residential lots on 18.72 acres located north of the Snow Road and Jewetta Avenue intersection. Notice of Exemption on file.

**APPLICANT:** SmithTech USA, Inc.

**OWNER:** Mark & Jennifer Etcheverry

**LOCATION:** Approximately ¼ mile north of the intersection of Snow Road and Jewetta Avenue in northwest Bakersfield.

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**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
▣ Staff Report	Staff Report
▣ Resolution	Resolution
▣ Exhibit A-1	Exhibit
▣ Exhibit A-2	Exhibit
▣ Exhibit B	Exhibit



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## CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

**TO:** Chair and Members of the Planning Commission

AGENDA ITEM: 5.A

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

APPROVED: KFC

**DATE:** August 1, 2019

**SUBJECT:** EXTENSION OF TIME FOR VESTING TENTATIVE TRACT MAP 6861 (WARD 4)

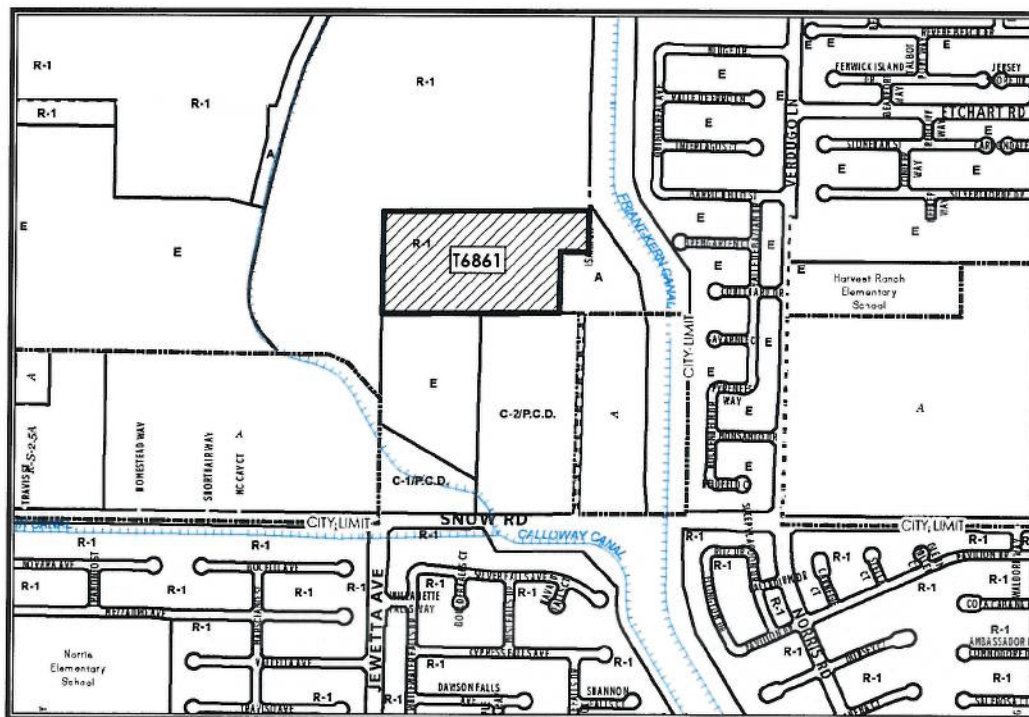
**APPLICANT:** ENGINEER  
SmithTech USA, Inc.  
1424 17<sup>th</sup> Street  
Bakersfield, CA 93301

PROPERTY OWNER  
Mark & Jennifer Etcheverry  
7913 Goesling Avenue  
Bakersfield, CA 93308

SUBDIVIDER  
Adavco, Inc.  
P.O. Box 2346  
Bakersfield, CA 93303

**LOCATION:** Approximately ¼ mile north of the intersection of Snow Road and Jewetta Avenue in northwest Bakersfield. (APN #: 492-090-24)

**Figure 1. Location Map**



### RECOMMENDATION:

Adopt Resolution and suggested findings **APPROVING** the extension of time for Vesting Tentative Tract Map No. 6861 as depicted in the project description.

## PROJECT DESCRIPTION

This project is a request for an extension of time for a vesting tentative tract map to create 76 single-family residential lots and 2 landscape lots on 18.72 acres, zoned R-1 (One-Family Dwelling Zone).

### **Figure 2: SITE VISIT PHOTO**

View from east boundary generally facing north.



## PROJECT ANALYSIS:

### Background and Timeline:

**October 19, 2006.** Original approval of Vesting Tentative Tract Map 6861 by your Commission to create 76 single-family lots and 2 landscape lots on an 18.72 acre subdivision area zoned R-1 (One-Family Dwelling). A Mitigated Negative Declaration for the project was adopted at the same Planning Commission meeting, which included site specific archaeological, cultural, and air quality mitigation measures.

**July 6, 2007.** Vesting Tentative Tract Map 6861 is a portion of the Snow No. 9 Annexation (No. 533) which was completed and annexed into the City Of Bakersfield.

**2008, 2009, 2011, 2013 and 2015:** Automatic extensions of time as approved by State legislation (further detail provided below under "Analysis").

### Analysis:

The applicant is requesting a three-year extension of time to allow for additional time to record this map. No phase of this map has recorded. The applicant requested the extension of time in writing prior to the July 5, 2019 expiration date in response to the economic downturn which has slowed lot sales.

In response to the Economic Downturn and the Recession, the California State Legislature approved a series of automatic extensions to certain approved tentative subdivision maps. As a result of these state extensions, Vesting Tentative Tract Map 6861 was previously provided one additional year of approval per SB 1185 (2008), two additional years under AB 333 (2009), two additional years under AB 208 (2011), two additional years under AB 116 (2013) and two additional years under AB 1303 (2015). The cumulative result of the automatic extensions of time approved by the State is that this tentative map expires on July 5, 2019. The Subdivision Map Act allows an additional 60 days beyond the expiration date to provide local jurisdictions time to consider the extension of time request.

The Subdivision Map Act and the Bakersfield Municipal Code allow for separate extensions to be approved by your Commission with an aggregate of up to six years. Typically, City policy has been to approve extensions of time in 2 three-year intervals. This current request represents the first request for Vesting Tentative Tract Map 6861. Staff recommends approval of a three-year extension of time to expire on July 5, 2022, with no changes to previously approved conditions of approval. The original subdivision application was deemed complete on September 5, 2006.

Except as may otherwise be described in this staff report, the proposed project is subject to the original conditions of approval, and complies with the ordinances and policies of the City of Bakersfield.

### Surrounding Uses:

The site and surrounding properties to the north and west are currently utilized for agricultural purposes. Property to the south contains agricultural uses and a minisorage facility. Property to the east includes two single-family residences on agriculturally-zoned property and the Friant-Kern Canal.

*Figure 3. Aerial Photo*



The project site is depicted as LR (Low Density Residential) on the Land Use Element of the Metropolitan Bakersfield General Plan. The site is currently utilized for agricultural purposes (orchard) and is surrounded by:

<b>Table A. Surrounding Land Use Designations and Zoning Districts</b>			
<b>DIRECTION</b>	<b>LAND USE DESIGNATION</b>	<b>ZONING DISTRICT</b>	<b>EXISTING LAND USE</b>
<b>NORTH</b>	LR	R-1	Agriculture; Approved VTTM 6858
<b>SOUTH</b>	LR and GC	E and C-2/P.C.D.	Agriculture and ministorage facility
<b>EAST</b>	R-IA	A	Single-family residences and Friant-Kern Canal
<b>WEST</b>	LR	R-1	Agriculture
<u>Land Use Designations:</u> R-IA : Resource – Intensive Agriculture LR: ≤ 7.26 du/na GC: General Commercial		<u>Zoning Designations:</u> A: Agriculture E : Estate R-1: One Family Dwelling C-2: Regional Commercial P.C.D. : Planned Commercial Development	

#### **Circulation:**

The project proposes access to the future extension of Jewetta Avenue along the western boundary with secondary access to Vesting Tentative Tract Map 6858 to the north. The closest Golden Empire Transit (GET) bus is at Old Farm and Olive Drive (Route 84), and is located approximately 1 mile southwest of the project.

The City's Bikeway Master Plan identifies current Jewetta Avenue as Class 2 bike facility (bike lanes). The Traffic Engineer will evaluate if bike lane striping should be installed or delayed along future extension of Jewetta Avenue and if their installation will compromise public safety (e.g. short lengths of unconnected bike lanes that would confuse drivers and cyclists increasing the likelihood of accidents). Striping would then occur at the time the City added bike lanes along the street with connections to the existing bikeway network.

#### **ENVIRONMENTAL REVIEW AND DETERMINATION:**

Based upon an initial environmental assessment, pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared for the original project of the subject property and a Mitigated Negative Declaration was adopted on October 19, 2006. In accordance with Section 15061(b)(3), Common Sense Exemption, this project is exempt from the requirements of CEQA because it will not affect the environment.

#### **Noticing:**

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project was advertised in the newspaper and posted on the bulletin board of the Bakersfield

City Planning Department. All property owners within 300 feet of the project site were notified about the hearing at least 10 days prior to the public hearing in accordance with State law.

**CONCLUSION:**

The applicant provided the application for the Extension of Time for Vesting Tentative Tract Map 6861 in a timely manner, and has requested a three-year extension to be able have additional time to process in response to the economic downturn which has slowed lot sales. The three-year extension is reasonable and is in compliance with the extensions permitted by BMC 16.16.080. Therefore, the request is recommended for approval by the Planning Director.

**Exhibits: (attached):**

Exhibit A: Resolution

A-1 Location Map with Zoning

A-2 Vesting Tentative Tract Map

Exhibit B: Notice of Exemption

**EXHIBIT A**

**RESOLUTION NO. \_\_\_\_**

**DRAFT**

**RESOLUTION OF THE BAKERSFIELD PLANNING  
COMMISSION TO APPROVE AN EXTENSION OF TIME  
FOR VESTING TENTATIVE TRACT MAP 6861, LOCATED  
APPROXIMATELY ¼ MILE NORTH OF THE INTERSECTION  
OF SNOW ROAD AND JEWETTA AVENUE IN  
NORTHWEST BAKERSFIELD.**

WHEREAS, SmithTech USA, Inc., representing Mark & Jennifer Etcheverry and Adavco, Inc., filed an application with the City of Bakersfield Planning Department requesting an extension of time for Vesting Tentative Tract Map 6861 (the "Project") located in the City of Bakersfield as shown on attached (Exhibit "A-1"); and

WHEREAS, the application was submitted on June 17, 2019, which is prior to the expiration date of Vesting Tentative Map 6861, and in accordance with the provisions of Section 16.16.080 of the Bakersfield Municipal Code; and

WHEREAS, the original application of the tentative map was deemed complete on September 5, 2006, conditionally approved by the Planning Commission on October 19, 2006; and

WHEREAS, a mitigated negative declaration was previously approved by the Planning Commission on October 19, 2006 for Vesting Tentative Tract Map 6861; and

WHEREAS, there have been no substantial changes to the Project or circumstances under which it will be undertaken; and

WHEREAS, no new environmental impacts have been identified; and

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant State CEQA Guidelines Section 15061(b)(3), Common Sense Exemption; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 1, 2019 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the application, and notice of the public hearing was given in the manner provided in Title Sixteen of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report, environmental review evidence received both in writing, and the 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 the CEQA have been followed.
3. Pursuant to State CEQA Guidelines Section 15061(b) (3), Common Sense Exemption, the Project is exempt from the requirements of CEQA because it will not affect the environment. The Notice of Exemption was properly noticed for public review.
4. This request for an extension of time is pursuant to Bakersfield Municipal Code Section 16.16.080 and Subdivision Map Act Section 66452.6 (e).

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

1. The above recitals, incorporated herein, are true and correct.
2. The project is exempt from CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), Common Sense Exemption.
3. The expiration date of Vesting Tentative Tract Map 6861 is hereby extended until July 5, 2022.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on August 1, 2019, on a motion by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

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DANIEL CATER, CHAIR  
City of Bakersfield Planning Commission

Exhibits:     A-1 Location Map with Zoning  
                  A-2 Vesting Tentative Tract Map

# VTTM 6861

## EXTENSION OF TIME

### EXHIBIT A-1

#### CITY OF BAKERSFIELD

## 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-1 Residential Suburban  
1.25, 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



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Document Name: 20190701

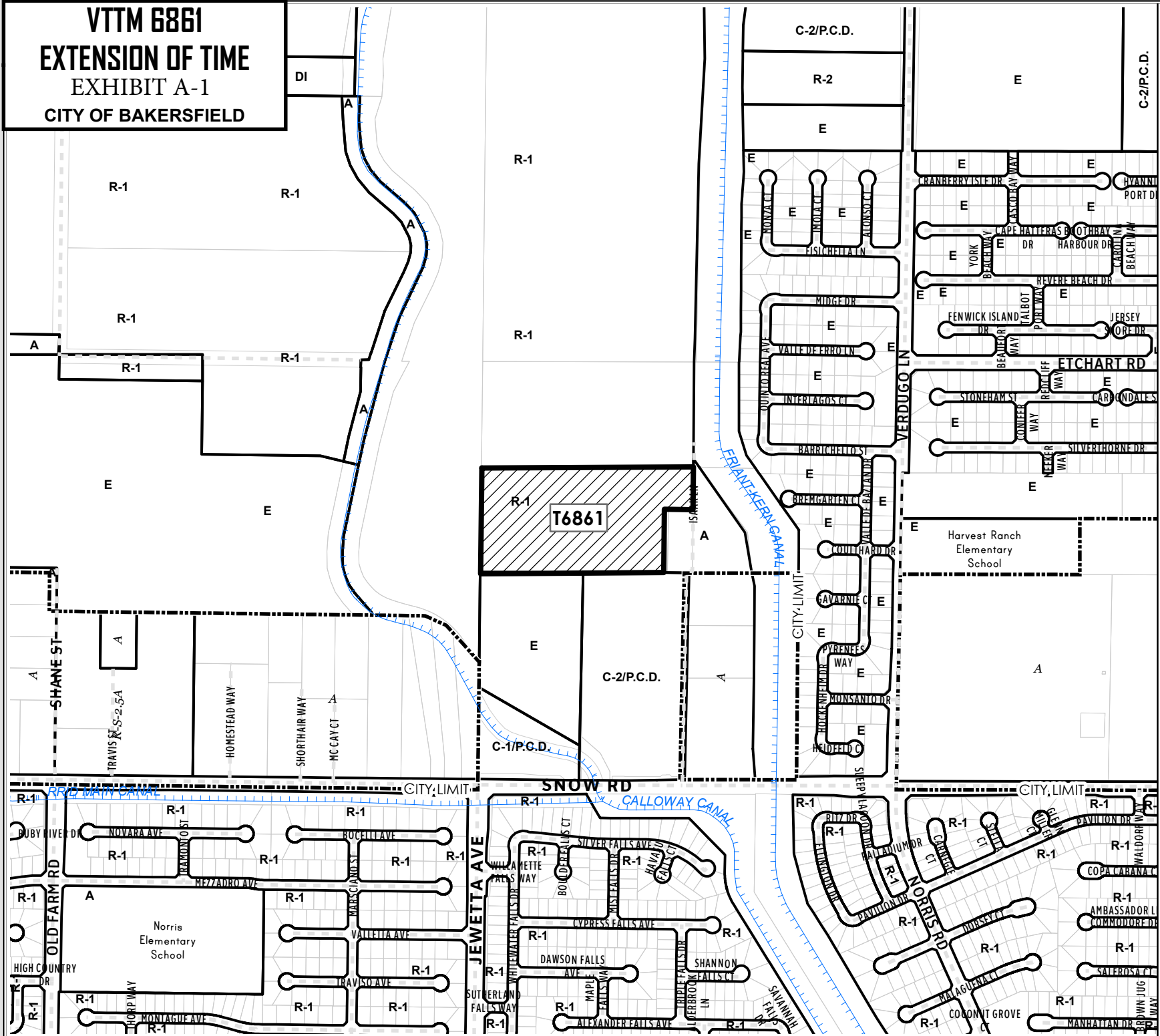


EXHIBIT A-2

GENERAL NOTES

- 6,000 S.F. MIN. LOT SIZE
- TENTATIVE DIRECTION OF STREET FLOW
- INTERSECTION OF VERDUGO LANE & SAKER AVENUE SHALL BE CONSIDERED A "T" JUNCTION PER CITY DESIGN STANDARDS
- WATER: CALIFORNIA WATER COMPANY
- SEWER: NORTH OF THE RIVER SANITARY DISTRICT
- ELECTRIC: P & G & E
- GAS: SO. CAL GAS
- PHONE: SBC
- CABLE TV: BRIGHT HOUSE COMMUNICATIONS
- NORRIS SCHOOL
- KERN HIGH SCHOOL DIST.: NORTH HIGH SCHOOL
- BLUE BORDER INDICATES LAND TO BE SUBDIVIDED
- CONTOUR INTERVAL = ONE FOOT
- GENERAL PLAN LAND USE DESIGNATION: LR
- A.P.N.: 492-090-24
- EXISTING ZONING: R-1
- TOTAL ACREAGE: 18.72 GROSS AC. / 14.04 NET AC.
- TOTAL LOTS: 80 (78 BUILDABLE, 2 LANDSCAPE LOTS)
- RESIDENTIAL DENSITY: 5.56 D.U./NET AC.
- THE PROJECT AREA IS UNDER ANNEXATION TO THE CITY OF BAKERSFIELD AS SHOWN # 9 ANNEXATION # 533
- DRAINAGE TO OFF SITE SUMP
- MULTIPLE FINAL MAPS MAY BE SUBMITTED

B BARN  
H HOUSE  
G GARAGE

ABANDONED OIL WELLS:

- W1 "OSBORN" 1  
(FR SW COR 1880' S., 780' E.)  
(FR W 1/4 COR 990' S., 330' E.)
- W2 "SESSION - ROSDALE RANCH" 16-6  
(FR W 1/4 COR 990' S., 330' E.)
- W3 "SESSION - ROSDALE RANCH" 26-6  
(FR W 1/4 COR 990' S., 990' E.)
- W4 "SESSION - ROSDALE RANCH" 28-6  
(FR W 1/4 COR 958' S., 990' E.)

EASEMENT NOTES

EASEMENTS AFFECTING THIS MAP:

- ① EASEMENT FOR ROAD PURPOSES PER BOOK 370 PAGE 254 OF DEEDS (TO BE ABANDONED PRIOR TO RECORPORATION OF THE FINAL MAP)
- ② EASEMENT FOR ROAD PURPOSES PER BOOK 6614 PAGE 1487 OF O.R. (TO BE ABANDONED PRIOR TO RECORPORATION OF THE FINAL MAP)

ALTERNATE STREET NAMES

LANIER CREST SECRETARYBIRD CREST  
GOLDENEGLE CREST BATELEUR CREST

ADDITIONAL NOTES

OWNER:  
MARTINE P. AND KATHLEEN A. ETCHERRY  
P.O. BOX 2346  
BAKERSFIELD, CA 93303  
MARK ETCHERRY AND JENNIFER ETCHERRY  
P.O. BOX 2346  
BAKERSFIELD, CA 93303

SUBDIVIDER:  
ADAVCO, INC.  
P.O. BOX 2346  
BAKERSFIELD, CA 93303

ENGINEER:  
SMITHTECH/USA, INC.  
1424 17TH STREET  
BAKERSFIELD, CA 93301

LEGAL DESCRIPTION

BEING PARCEL 1 OF PARCEL MAP NO. 9674 IN THE UNINCORPORATED AREA, COUNTY OF KERN, STATE OF CALIFORNIA, DESCRIBED AND RECORDED APRIL 17, 1992 IN BOOK 43, PAGE 190 OF PARCEL MAPS, (O.R. 50) BEING A PORTION OF THE S 1/2 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 6, T. 29 S., R. 27 E., M.D.M., OF THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY & NORTHERLY RIGHT OF WAY LINE OF THE FRONT KERN CANAL, AS IT NOW EXISTS

SALES MAP COR.  
MON  
10-50 CONC.  
40-100' WIDE  
PER FILED MAP # 1  
BK 6 PG 50

SW COR. SEC. 6 29/27

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# NOTICE OF EXEMPTION

TO: — Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 222  
Sacramento, CA 95812-3044

FROM: City of Bakersfield  
Planning Division  
1715 Chester Avenue  
Bakersfield, CA 93301

X County Clerk  
County of Kern  
1115 Truxtun Avenue  
Bakersfield, CA 93301

**Project Title:** Extension of Time for Vesting Tentative Tract Map 6861

**Project Location-Specific:** Approximately ¼ mile north of the intersection of Snow Road and Jewetta Avenue in northwest Bakersfield. (APN #: 492-090-24)

**Project Location-City:** Bakersfield **Project Location-County:** Kern

**Description of Project:** An extension of time for Vesting Tentative Tract 6861 consisting of 76 single-family residential lots and 2 landscape lots on 18.72 acres, zoned R-1 (One-Family Dwelling).

**Name of Public Agency Approving Project:** City of Bakersfield

**Name of Person or Agency Carrying Out Project:** SmithTech USA, Inc.

**Exempt Status:**

- ☐ Ministerial (Sec.21080(b)(1); 15268));
- ☐ Declared Emergency (Sec.21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number.
- ☐ Statutory Exemptions. State section number. \_\_\_\_\_
- ☒ Project is exempt from CEQA pursuant to Section 15061(b)(3)

Reasons why project is exempt: Will not have an effect on the environment based on the common sense exemption.

---

**Lead Agency:** Contact Person: Kristin Pittack Telephone/Ext.: (661) 326-3778

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes\_\_ No\_\_

**Signature:** \_\_\_\_\_ **Title:** Associate Planner II **Date:** 7/1/2019

X Signed by Lead Agency  
\_\_\_\_ Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** August 1, 2019

**ITEM NUMBER:** Consent Calendar5.(b.)

**TO:** Planning Commission

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**PLANNER:** Tony Jaquez

**DATE:**

**WARD:** Ward 7

**SUBJECT:**

**Tentative Parcel Map 12327 (Phased):** Dewalt Corporation proposes to subdivide 12.81 acres into 4 parcels for commercial development located at the southeast corner of Hosking Avenue and South 'H' Street. Negative Declaration on file.

**APPLICANT:** Dewalt Corporation

**OWNER:** Daniel C. Duncan and Susan G. Duncan

**LOCATION:** Located at the southeast corner of Hosking Avenue and South 'H' Street in south Bakersfield.

---

#### **STAFF RECOMMENDATION:**

Staff recommends approval.

#### **ATTACHMENTS:**

Description	Type
□ TPM 12327_Staff Report	Staff Report
□ TPM 12327_Resolution	Resolution
□ TPM 12327_Exhibits Combined	Exhibit



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# CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

**TO:** Chair and Members of the Planning Commission

AGENDA ITEM: 5.b.

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

APPROVED: KFC

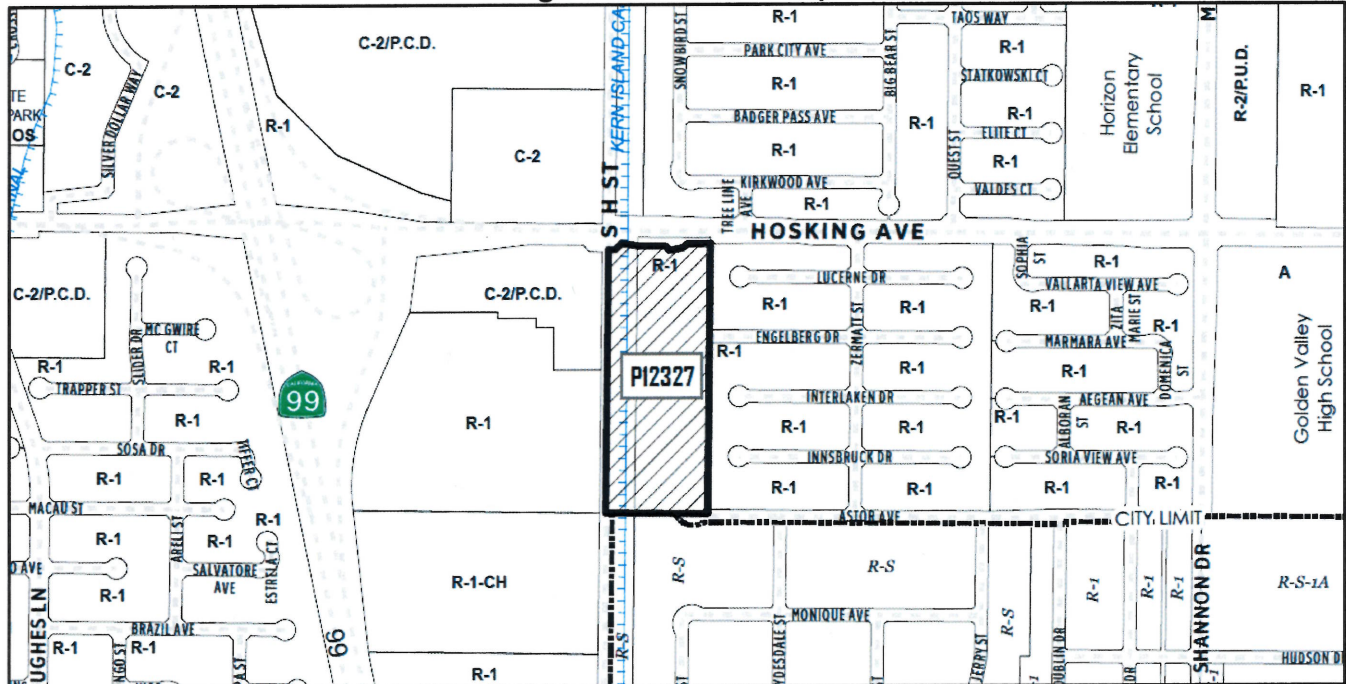
**DATE:** August 1, 2019

**SUBJECT:** TENTATIVE PARCEL MAP 12327 – PHASED (WARD 7)

**APPLICANT:** ENGINEER SUBDIVIDER & PROPERTY OWNER  
DeWalt Corporation Daniel C. Duncan & Susan G. Duncan  
1930 22<sup>ND</sup> Street P.O. Box 2206  
Bakersfield, CA 93301 Bakersfield, CA 93390

**LOCATION:** Located at 1631 Hosking Avenue, also being the southeast corner of Hosking Avenue and South 'H' Street in south Bakersfield (APN #: 517-010-01)

Figure 1. Location Map



## **RECOMMENDATION:**

Motion to adopt Resolution and recommending findings **APPROVING** Tentative Parcel Map 12327 with conditions.

## **PROJECT DESCRIPTION**

DeWalt Corporation, representing Daniel & Susan Duncan, is proposing to subdivide approximately 12 acres into 4 parcels for future commercial development in a C-2/PCD (Regional Commercial / Planned Commercial Development) zone located at the southeast corner of Hosking Avenue and South 'H' Street, including a request for alternate street design and waiver of mineral rights signatures pursuant to BMC 16.20.060.A.1.

**Figure 2: Site visit photo**  
View from Hosking Avenue looking south.



## **PROJECT ANALYSIS:**

### **Background & Timeline:**

**December 1990 - Pre-Zoning.** City Council approved pre-zoning from County A (Exclusive Agriculture) and County E 1/4 RS (Estate 1/4-acre Residential Suburban) to City R-1 (One-family dwelling) on 149.95 acres, which included the subject 12.97 acres (Ordinance No. 3331). This pre-zoning was consistent with the existing LR (Low Density Residential) Land Use designation.

**July 1991 - Annexation.** The site was annexed into the City as part of a larger annexation (Annexation No. 340, Hosking No. 1) which consisted of 160± acres and included surrounding properties along the east side of State Route 99, generally between Hosking Avenue and McKee Road.

**June 20, 2019 - Planned Development Review.** Planning Commission approved Planned Commercial Development (PCD) No. 18-0456 to allow development of a commercial center in the C-2/P.C.D. (Regional Commercial/Planned Commercial Development Zone) district, located at 1631 Hosking Avenue.

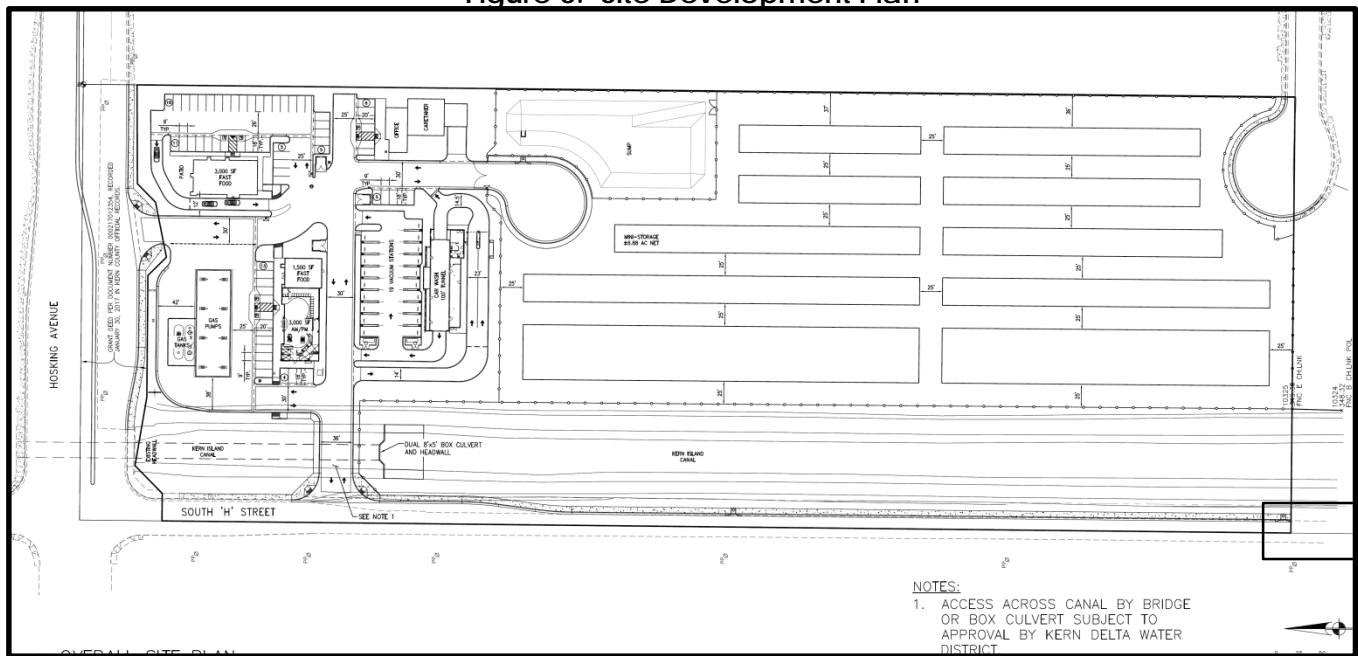
**July 17, 2019 - General Plan Amendment/Zone Change.** City Council approved General Plan Amendment and Zone Change (GPA/ZC) No. 18-0457 to change the land use designation from LR (Low Density Residential) to GC (General Commercial); and change the zoning from R-1 (One Family Dwelling) to combined zone C-2/PCD (Regional Commercial/Planned Commercial Development) on 12.97 gross acres. Second reading of the ordinance to change the zoning is scheduled for August 14, 2019.

### **Analysis:**

The proposed tentative parcel map consists of four parcels on 12.81 gross acres for purposes of commercial development. Parcel sizes range from 0.72 to 9.87 gross acres. The proposed subdivision is consistent with the General Commercial land use designations of the project site. The application was deemed complete on May 23, 2019.

The associated project, PCD 18-0456, was approved to allow for a commercial center consisting of single-tenant fast food restaurant (3,000 square feet), multi-tenant fast food restaurant (1,200 square feet), convenience store (3,000 square feet) with eight fuel pumps, a carwash tunnel with office (600 square feet), and one self-storage facility (10 buildings) with caretaker's unit and office.

**Figure 3. Site Development Plan**



### **Relationship to Surrounding Uses:**

Surrounding land uses include existing single-family homes to the east, undeveloped commercial and existing single-family residential to the north, a religious building and existing single family residential to the south, and State Route (SR) 99 and undeveloped commercial land to the west. The Kern Island Canal borders the western boundary of the project site while the City/County boundary borders a portion of the site's south boundary. The existing General Plan land use designations and zoning of adjacent properties surrounding the project site are specified in the following table:

<b>Table 1. LAND USE/ZONING OF ADJACENT PROPERTIES</b>			
<b>LOCATION</b>	<b>LAND USE DESIGNATION</b>	<b>ZONING</b>	<b>EXISTING LAND USE</b>
<b>NORTH</b>	LR, GC	R-1, C-2	Single-family homes, Undeveloped commercial land
<b>SOUTH</b>	LMR, LR	Pre-zoned R-S	Single-family homes
<b>EAST</b>	LR	R-1	Single-family homes
<b>WEST</b>	LR, GC	R-1, C-2	Undeveloped commercial and residential uses
<b>Land Use Designations:</b> LR: Low Density Residential LMR: Low Medium Density Residential GC: General Commercial		<b>Zone Districts:</b> R-1: One Family Dwelling C-2: Regional Commercial R-S: Residential Suburban	

### **Consistency/Deviation from Design Standards:**

The applicant has requested the following modifications or deviations from City standards.

***Table B. Summary of Modification Requests***

<b>MODIFICATION REQUEST</b>	<b>APPLICANT'S REASON / JUSTIFICATION</b>	<b>STAFF COMMENT / RECOMMENDATION</b>
Right Turn Lane Standard T-11. Request a variance of City standard for the right turn lane on eastbound Hosking Ave. accessing the proposed development.	A reduction of storage length from minimum 150 feet to 113 feet due to a limited distance between the box culvert and east property line.	Recommend denial (Condition No. 1)

### **Circulation:**

Access will be provided via both Hosking Avenue and South H Street (designated arterials). The developer is responsible for roadway improvements within the project site. As a condition of approval, the developer is required to execute dedication of additional right-of-way (ROW) along the project frontage for a typical arterial section, and dedicate additional ROW for the expanded intersection of South 'H' Street with Hosking Avenue. The project will also be conditioned to construct the intersection of South 'H' Street and Hosking Avenue to its ultimate expanded intersection layout within the southeast quadrant of the intersection, and will provide the necessary right turn storage lanes per City standard for the right turning traffic from South 'H' Street and Hosking Avenue into the project site. It is noted that the applicant will not be permitted to reduce the storage length from 150 feet to 113 feet for the right turn lane on eastbound Hosking Ave. to access the proposed development. The approved site plan design allows access over the Kern Island Canal from South 'H' Street. The City received a letter from the Kern Delta Water District dated April 15, 2019, that states that the District is not in opposition to the project, provided it does not negatively impact the operation of the Kern Island Canal. The project will be conditioned to satisfy all of the Kern Delta Water District's requirements.

The project will be subject to the City's policy for "Complete Streets," which requires that all transportation facilities for bicyclists, pedestrians, transit, and motorists be considered. All sidewalks and pedestrian access throughout the development will be required in accordance with City standards.

The closest access to Golden Empire Transit (GET) bus lines is at Hosking Avenue, 0.1 miles west of South 'H' Street. The City's Bikeway Master Plan identifies South 'H' Street as a Class 3 facility (bike route). Bike lanes do not currently exist and at the time the property is developed, lane striping will be required with the construction of street improvements. However, the Traffic Engineer will evaluate if striping should be delayed if its installation will compromise public safety (e.g. short lengths of unconnected bike lanes that would confuse drivers and cyclists increasing the likelihood of accidents). Striping would then occur at the time the City added bike lanes along the street with connections to the existing bikeway network.

**Figure 3. Aerial Photo**



### **Mineral Rights:**

The applicant is requesting the Planning Commission approve waiver of mineral rights signatures on the final map pursuant to BMC 16.20.060.A.1. The preliminary title report indicates that by recorded document, the mineral rights owners have waived their right to surface entry. Staff recommends the Planning Commission approve waiver of these signatures on the final map.

### **ENVIRONMENTAL REVIEW AND DETERMINATION:**

Pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared for the original project (GPA/ZC 18-0457) of the subject property and a Mitigated Negative Declaration was adopted on July 17, 2019. In accordance with CEQA section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken and no new environmental impacts have been identified. Mitigation measures from the related project have been included in the attached conditions of approval (Condition No. 30 - 40).

**Noticing:**

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project with the associated proposed Mitigated Negative Declaration was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Planning Department. All property owners within 300 feet of the project site were notified about the hearing and the proposed subdivision at least 10 days prior to the public hearing in accordance with State law. The applicant has provided proof that signs giving public notice of the proposed tract map were posted on the property 20 to 60 days prior to the public hearing before the Planning Commission.

**Conclusion:**

As noted above, the applicant has requested approval of Tentative Parcel Map 12327 to subdivide 12.81 gross acres into four parcels, ranging in size from 0.72 to 9.18 gross acres, in a C-2/PCD (Regional Commercial/Planned Commercial Development) zone district to facilitate future commercial development. The second component of the request is for a reduction of storage length from the required minimum 150 feet to 113 feet for the right turn lane on eastbound Hosking Ave. accessing the proposed development.

With regard to the first component of the request, Staff finds that subdivision of the 12.81-acre parcel into 4 parcels for future commercial development is reasonable and Staff recommends approval of TTM 12327 as requested.

With regard to the second component of the request, Staff finds the request to modify the described City standards in reducing the storage length from the required minimum 150 feet to 113 feet for the right turn lane on eastbound Hosking Ave. to access the proposed development is not within sound engineering standards and practices or subdivision design features and recommends denial of the second request.

**Exhibits: (Attached)**

A. Resolution with Exhibits

- Exhibit 'A-1' Conditions of Approval
- Exhibit 'A-2' Location Map with Zoning
- Exhibit 'A-3' Tentative Parcel Map

## ATTACHMENT A

### RESOLUTION NO. \_\_\_\_\_

#### RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE TENTATIVE PARCEL MAP 12327 (PHASED), LOCATED AT THE SOUTHEAST CORNER OF HOSKING AVENUE AND SOUTH 'H' STREET.

**WHEREAS**, DeWalt Corporation representing Daniel C. Duncan & Susan G. Duncan, filed an application with the City of Bakersfield Planning Department requesting a Tentative Parcel Map 12327 (Phased) (the "Project"), and a modification request to allow a reduction of storage length from minimum 150 feet to 113 feet for the right turn lane on eastbound Hosking Avenue, consisting of 4 parcels on 12.81 acres to develop commercial development, as shown on attached Exhibit 'A-3', located at the southeast corner of Hosking Avenue and South 'H' Street as shown on attached Exhibit 'A-2' and

**WHEREAS**, the application was deemed complete on May 23, 2019; and

**WHEREAS**, an initial study was conducted and it was determined that the Project would not have a significant effect on the environment and a Mitigated Negative Declaration was prepared and approved by the City Council on July 17, 2019, in conjunction with Project No. GPA/ZC 18-0457, in accordance with California Environmental Quality Act (CEQA); and

**WHEREAS**, the Secretary of the Planning Commission, did set Thursday, August 1, 2019 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed Mitigated Negative Declaration and the Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

**WHEREAS**, the laws and regulations relating to CEQA and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission; and

**WHEREAS**, the City of Bakersfield Planning 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, environmental review, and special studies (if any), 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. Staff determined that the proposed activity is a project and an initial study was prepared for the original project (Project No. GPA/ZC 18-0457) of the subject property and a Mitigated Negative Declaration was adopted on July 17, 2019 by the City Council for the original project, and duly noticed for public review.

3. Said Mitigated Negative Declaration for the Project is the appropriate environmental document to accompany approval of the Project. In accordance with State CEQA Guidelines Section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken, and no new environmental impacts have been identified. The Project will not significantly impact the physical environment because mitigation measures relating to GPA/ZC 18-0457 have been incorporated into the Project.
4. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
5. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan. (Subdivision Map Act Section 66473.5) The proposed density and intensity of development are consistent with the GC (General Commercial) land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
6. Mineral right owners' signatures may be waived on the final map pursuant to Bakersfield Municipal Code Section 16.20.060.A.1. The applicant has provided evidence with the Project application that it is appropriate to waive mineral right owners' signatures because in accordance with BMC Section 16.20.060.A.1., the party's right of surface entry has been by recorded document prior to recordation of any final map.
7. The request for modification has been denied and is not consistent with sound engineering practices or subdivision design features.
8. The conditions of approval are necessary for orderly development and to provide for the public health, welfare, and safety.

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

1. The recitals above are true and correct and incorporated herein by this reference.
2. This map pertains to the Mitigated Negative Declaration previously approved in conjunction with Project No. GPA/ZC 18-0457.
3. Tentative Parcel Map 12327, is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A".

I **HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on August 1, 2019, on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

---

DANIEL CATER, CHAIR  
City of Bakersfield Planning Commission

**Exhibits (attached):**

Exhibit A-1: Conditions of Approval  
Exhibit A-2: Location Map  
Exhibit A-3: Tentative Map

## EXHIBIT 'A-1'

### TENTATIVE PARCEL MAP 12327 (PHASED) CONDITIONS OF APPROVAL

**NOTE to Subdivider/Applicant:** It is important that you review and comply with requirements and deadlines listed in the "FOR YOUR INFORMATION" packet that is provided separately. This packet contains existing ordinance requirements, policies, and departmental operating procedures as they may apply to this subdivision.

#### PUBLIC WORKS

1. City Standard Plan - Request - use storage length of 113' for right turn lane on Hosking Avenue as indicated in May 3rd, 2019, letter. Recommendation – Denied.
2. The developer is required to construct an improvement which is on the facilities list for the Metropolitan Bakersfield Transportation Impact Fee. The developer shall receive credit against his traffic impact fees for constructing one 12-foot-wide lane in Hosking Avenue along the project's frontage and one 12-foot-wide lane in South H Street along the project's frontage. The developer must submit an appraisal, to be approved by the City Engineer, verifying the cost of the right-of-way to be acquired. This credit is not available until the improvement has been constructed by the developer and accepted for maintenance by the City. Any building permit issued prior to this acceptance shall pay the full impact fee.
3. The phasing map as submitted may be unbalanced with respect to the required improvements along the Parcel Map frontages. Therefore, in order to promote orderly development, each phase shall be responsible for an equal dollar amount of frontage improvement. Prior to recordation of a final map for any phase that does not construct its share of the improvements, the difference between the cost of the frontage improvements constructed and the phase share shall be placed into an escrow account. The money deposited in this account would be for the use of the developer of any future phase responsible for more than its share of improvements. The final per lot share will be based upon an approved engineer's estimate. In lieu of the use of an escrow account, the developer may choose to construct with each phase its proportionate share of the frontage improvements, with approval of the City Engineer.
4. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Phase 1 first, then Phase 2, then Phase 3, etc. If recordation does not occur in that normal progression, then, prior to recordation of a final map, the City Engineer shall determine the extent of improvements to be constructed with that particular phase.
  - 4.1 The following shall occur with Phase 1:
    - 4.1.1. Construct Hosking Avenue for the full extent of the street lying along the Parcel Map's frontage.
    - 4.1.2. Construct South H Street for the full extent of the street lying within the Parcel Map's boundary.
    - 4.1.3. Construct Astor Avenue for the full extent of the street lying within the Parcel Map's boundary. Provide waiver of direct access as required by City Engineer.

- 4.2 Where streets do not have curb and gutter, construct a minimum section of 36 feet wide consisting of 2-12' lanes, 2-4' paved shoulders and 2 additional feet per side of either AC or other dust proof surface.
- 4.3 The project shall construct all street improvements along project frontage on Hosking Avenue, and S. H Street per City Standards including curb & gutter, street paving, drainage improvements, sidewalk, and street lights. The project shall construct the intersection of Hosking Avenue and S. H Street to its ultimate expanded intersection layout along project frontage.
- 4.4 Turning movements along arterials streets shall be restricted to right turn in and right turn out only. A minimum storage of 150' plus 90' taper along Hosking Avenue and S. H Street shall be required per the City of Bakersfield standards.
- 4.5 Street Name Signs (SNS):
  - a. Metro Size SNS shall be installed at the intersection of local streets with Arterial and collector streets.
  - b. Standard SNS shall be installed at all other locations.

If the number of phases or the boundaries of the phases are changed, the developer must submit to the City Engineer an exhibit showing the number and configuration of the proposed phases. The City Engineer will review the exhibit and determine the order and extent of improvements to be constructed with each new phase. The improvement plans may require revision to conform to the new conditions

- 5. Prior to recordation of each Final Map, the subdivider shall
  - 5.1 submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map which will prohibit occupancy of any lot until all improvements have been completed by the subdivider and accepted by the City.
  - 5.2 The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents.
  - 5.3 If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.
  - 5.4 Submit for the City's Review and approval C.C. & R.'s and Property Owner's Association By-Laws for the use and maintenance of all non-dedicated, shared facilities. Among those non-dedicated, shared facilities will be the on-site sewer main lines and laterals and storm water retention basin(s), shared access, and associated storm drain lines and appurtenant facilities.

The subdivider shall:

- 5.5 Provide easements for required facilities not within the border of the phase being recorded.
- 5.6 Per Resolution 035-13 the area within the Parcel Map shall implement and comply with the "complete streets" policy. Complete streets will require pedestrian and bicycle access to the Tract from existing sidewalks and bike lanes. If there is a gap less than ¼ mile then construction of asphalt sidewalks and bike lanes to the tract will be required.
- 5.7 Ensure that each cable television company provides notice to the City Engineer of its intention to occupy the utility trench.
- 5.8 If the parcel map is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal all storm water systems that ultimately convey drainage to the river or a canal shall include both source control Best Management Practices (BMPs) and structural treatment control BMPs.
- 5.9 Prior to the issuance of building permits, the project applicant shall participate in the RTIF program by paying the adopted fees in place for the land use type at time of development.
6. On and off site road improvements are required from any collector or arterial street to provide left turn channelization into each street (or access point) within the subdivision (or development). Said channelization shall be developed to provide necessary transitions and deceleration lanes to meet the current Caltrans standards for the design speed of the roadway in question.
7. Prior to grading plan review, submit the following for review and approval:
  - 7.1 A drainage study for the entire subdivision. Ensure the retention basin site is designed to retain the drainage from the entire subdivision.
  - 7.2 A sewerage study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions.
  - 7.3 Verification from the responsible authority that all the wells have been properly abandoned.
8. Install traffic signal interconnect conduit and pull rope in all arterials and collectors. Install conduit and pull ropes in future traffic signals.
9. The subdivider shall construct the equivalent full width landscaped median island in Hosking Avenue along the project's frontage, including an extension of the median improvements to the intersection of Tree Line Avenue to define the left turn pocket. The subdivider shall complete the median improvements east of Tree Line Avenue by joining to the existing median curbs, and providing a stamped concrete median in

their constructed portion of median. The subdivider shall provide the design for the full width median island improvements on South H Street and pay \$100 per Linear Foot (their proportionate share of the cost for the future construction of the median) or the estimated cost as approved by the City Engineer. Median islands shall be designed by the first development to be approved on a side. At subdividers option, he may construct median island improvements along the project's frontage, or a portion of them for reasons of traffic safety. The total cost may be apportioned between the phases and paid prior to recordation of each phase if the subdivider elects to pay his share of the costs for the future construction.

10. Final plan check fees shall be submitted with the first plan check submission.
11. All lots with sumps and water well facilities will have wall and/or slatted chain link fence and landscaping to the appropriate street standards, at the building setback with landscaping as approved by the Public Works and Parks Directors, unless the sump is a private facility. If the sump will be privately maintained, the sump shall be constructed to City standards and shall have a wall or slatted chain link fence separating the sump from the public.
12. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 22, 1997, and modification letter dated October 20, 2000.
13. It is recommended that the on-site sewer system shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. If the developer chooses to video the on-site sewer system, then the following procedure is recommended: The television camera shall have the capability of rotating 360°, in order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the subdivider's engineer, who will also initial and date the "Chain of Custody" form. Any pipe locations revealed to be not in compliance with the plans and specifications shall be corrected. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the subdivider's engineer prior to acceptance. After the subdivider's acceptance of the system, the video cassette, forms, and logs shall be submitted to the City Engineer.
14. Approval of this tentative map does not indicate approval of grading, drainage lines and appurtenant facilities shown, or any variations from ordinance, standard, and policy requirements which have neither been requested nor specifically approved.

**From GPA/ZC No. 18-0457.**

- 15.1 Fully executed dedication for Hosking Avenue and South H Street to arterial standards, and Astor Avenue to local standards for the full frontage of the GPA/ZC area, unless otherwise approved by the City Engineer. Dedications must include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer. No public access will be allowed through Astor Avenue to the GPA/ZC area. The project shall dedicate additional R/W for the expanded intersection of Hosking Avenue and South H Street.
- 15.2 Comprehensive drainage study of the entire drainage area. The City will allow no more than one sump per 80 acres. The sump should be located so that it may be available to serve adjacent areas as they develop. The developer may establish a planned drainage area or provide some other method for the construction of the ultimate drainage facilities satisfactory to the City Engineer.
- 15.3 Sewer study, which will assure that appropriate sewer service will be provided to the entirety of the GPA/ZC area. The developer will be responsible for the initial extension of the sewer line to serve the GPA/ZC area. This sewer line may be sized to serve a much larger area than the project area as directed by the City Engineer. The developer may also form a planned sewer area to provide a mechanism for the reimbursement of oversizing costs to the developer.
16. Prior to the recording of any final map or issuance of any certificates of occupancy for development within the GPA/ZC area, whichever is earlier, the developer must (a) construct all infrastructure, both public and private, within the boundary of the GPA/ZC area, including, but not limited to, any and all boundary streets to the centerline of the street as required by the City Engineer and (b) construct, and acquire any necessary right-of-way to construct, any off-site infrastructure required to support development of the GPA/ZC as determined by the City Engineer. Phasing of the construction of the required infrastructure may be allowed by the City Engineer. Per City Council Resolution 035-13, any development within the GPA/ZC area must comply with the City's "complete streets" policy. The project shall construct all street improvements along project frontage on Hosking Avenue and South H Street per City Standards including curb and gutter, street paving, drainage improvements, sidewalk, and street lights. The project shall construct the intersection of Hosking Avenue and South H Street to its ultimate expanded intersection layout along the project frontage. A second access entry to the GPA/ZC area will be subject to Public Work's and Fire Department's approval. If access entry is required or desired from South H Street, that access must satisfy canal owner's requirements and include right-turn storage lane requirements from South H Street, an arterial.
17. Prior to the City's approval of any construction plans associated with any development project or subdivision, within the GPA/ZC area, the developer must take all actions necessary to add the GPA/ZC area to the Consolidated Maintenance District ("CMD") and pay all fees for inclusion in the CMD or, if the development is already within the CMD, update the maintenance district documents as provided in

Bakersfield Municipal Code section 13.04.021 or as otherwise required by the City Engineer.

18. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must construct, or pay its proportionate share of the estimated cost to construct, the median (currently \$100 per linear foot, or as determined by a City Engineer approved estimate), as determined by the City Engineer, for the arterial frontage of the property within the GPA/ZC area, including South H Street.
19. Prior to the City's issuance of any building permits for construction within the GPA/ZC area, or an earlier time established through conditions of a subsequent City-approved subsequent development project, subdivision, or minor land division within the GPA/ZC area, the developer must pay all development fees for the GPA/ZC area including, but not limited to, the adopted regional traffic impact fee, local mitigation fees, any major bridge and thoroughfare district fees, and any planned sewer and drainage area fees.

#### WATER RESOURCES

20. Prior to recordation of each final map, subdivider shall record a covenant affecting each lot prohibiting the pumping and taking of groundwater from the property for any use off the property; provided, however, such pumping and taking may be carried out by the authorized urban water purveyor which provides water service to the subdivided land, or by a county-wide governmental entity with water banking powers, and such pumping is part of an adopted water banking program that will not have a significant adverse impact on the groundwater levels or diminish the quality of water underlying the subdivision.

*Orderly development and as required by BMC Section 16.40.101.B.*

21. Any drainage basins required for the development need to be included with plans in detail to be reviewed for compliance to City of Bakersfield standards and specifications by Water Resources Staff.

#### CITY ATTORNEY

22. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions

whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

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

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

## PLANNING

23. This subdivision shall comply with all provisions of the Bakersfield Municipal Code, and applicable resolutions, policies and standards in effect at the time the application for the subdivision map was deemed complete per Government Code Section 66474.2.
24. The subdivision shall be recorded in no more than 3 phases. Phases shall be identified numerically and not alphabetically.

### *Orderly development.*

25. Prior to recordation of final map or first building permit, whichever is first, subdivider shall have provide evidence to the Planning Director that the subject property has been annexed into the Greenfield Water District, and submit the water server/availability letter.

- 25.1 Prior to recordation of each final map, subdivider shall submit a "will serve" or "water availability" letter or other documentation acceptable to the Planning Director from the water purveyor stating the purveyor will provide water service to the phase to be recorded.

*Required for orderly development and provide for the public health, welfare and safety by ensuring water service to the subdivision at the time of final map recordation.*

26. In the event a previously undocumented well is uncovered or discovered on the project site, the subdivider is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The subdivider is responsible for any remedial operations on the well required by DOGGR. Subdivider shall also be subject to provisions of BMC Section 15.66.080 (B.)

*Police power based on public health, welfare and safety.*

27. Prior to or concurrently with recordation of each final map, subdivider shall record a common access and parking easement encumbering the subject parcel map. Easement shall be submitted to the City Attorney and Planning Director for review and approval prior to recordation of a final map.

*Police power to provide for orderly development.*

28. Prior to recordation of final map, subdivider shall provide written documentation from the Kern Delta Water District stating they have reviewed and approved the fencing and other improvement plans (ex. Access across the canal). Documentation shall be submitted to the Planning Director for review and accepted at the Planning Director's discretion.

*Orderly development.*

29. Prior to recordation of each final map on any phase, the subdivider shall construct a 6-foot-high chain link fence, in accordance with City of Bakersfield Subdivision and Engineering Design Manual Standard D - 12 (aka S-10) including concrete curb, and approved by the City Engineer adjacent to the canal, as measured from highest adjacent grade, along the common property line and along the South 'H' Street of the Kern Island Canal. The concrete curb may be waived subject to Planning Director approval. The canal fence may not be bonded or secured. A temporary fencing plan may be approved by the Planning Director to facilitate project phasing.

*Canal fencing required to satisfy BMC Section 16.32.060.B.8.a and based on a finding to provide for the public health, safety and welfare.*

***Mitigation/Conditions of Approval  
General Plan Amendment/Zone Change No. 18-0457***

**Air Quality Impact Mitigation Measures:**

30. Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.
31. Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).

**Biological Resources Impact Mitigation Measures:**

32. Prior to ground disturbance, the applicant/developer shall have a California Department of Fish and Wildlife (CDFW) approved wildlife biologist ("qualified biologist") survey the location for species (i.e., Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, and Bakersfield cactus) covered under the Metropolitan Bakersfield Habitat Conservation Plan incidental take permit for urban development and comply with the mitigation measures of the permit. Survey protocol shall be that recommended by CDFW. The applicant/developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Planning Division and wildlife agencies no more than 30 days prior to ground disturbance.
33. Prior to ground disturbance, a focused survey for burrowing owl shall be submitted to California Department of Fish and Wildlife (CDFW) and Planning Division by the applicant/developer. The survey shall follow the methodology developed by the California Burrowing Owl Consortium (CBOC 1993).

If the survey results the presence of burrowing owl nests, prior to grading (including staging, clearing, and grubbing), surveys for active nests shall be conducted by a qualified wildlife biologist no more than 30 days prior to the start of any ground disturbance and in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected directly and/or indirectly by the project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. If the Project applicant identifies active nests, CDFW shall be notified and recommended protocols for mitigation shall be followed, and a copy of the mitigation protocols shall be submitted to Planning Division.

If any ground disturbing activities occur during the burrowing owl nesting season (approximately February 1 through August 31), and potential burrowing owl burrows are present within the project footprint, avoidance measures shall be implemented. In the event that burrowing owls are found, the applicant/developer shall follow CDFW protocol for mitigation and comply with the provisions of the Migratory Bird Treaty Act.

**Cultural Resources Impact Mitigation Measures:**

34. Prior to construction and as needed throughout the construction period, a construction worker cultural awareness training program shall be provided to all new construction workers within one week of employment at the project site. The training shall be prepared and conducted by a qualified cultural resources specialist.
35. During construction, if buried paleontological or cultural resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural and/or paleontological resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.
36. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.

**Greenhouse Gas Emissions Mitigation Measures:**

37. Prior to the issuance of building permits, the applicant/developer shall provide quantitative proof to the Planning Division of the use of design measures and/or compliance with standards to reduce the project's operational GHG emissions by 29% below 2005 business-as-usual emissions. Regulation and policy that would result in the reduction of GHG emissions in new residential and commercial developments include, but are not limited to, Title 24 efficiency standards, Title 20 appliance energy efficiency standards, 2005 building energy efficiency standards, and SJVAPCD air quality guidelines and rules.

**Noise**

38. Prior to the issuance of building permits, the applicant/developer shall provide proof to the Planning Division of compliance with the design measures to build a solid masonry wall adjacent to residentially zoned and/or designated property. This wall must be shown on the final building plans and shall be constructed at a minimum height of 8 feet as measured from the highest adjacent finished property grade.

**Traffic Impact Mitigation Measures:**

39. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.

Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.

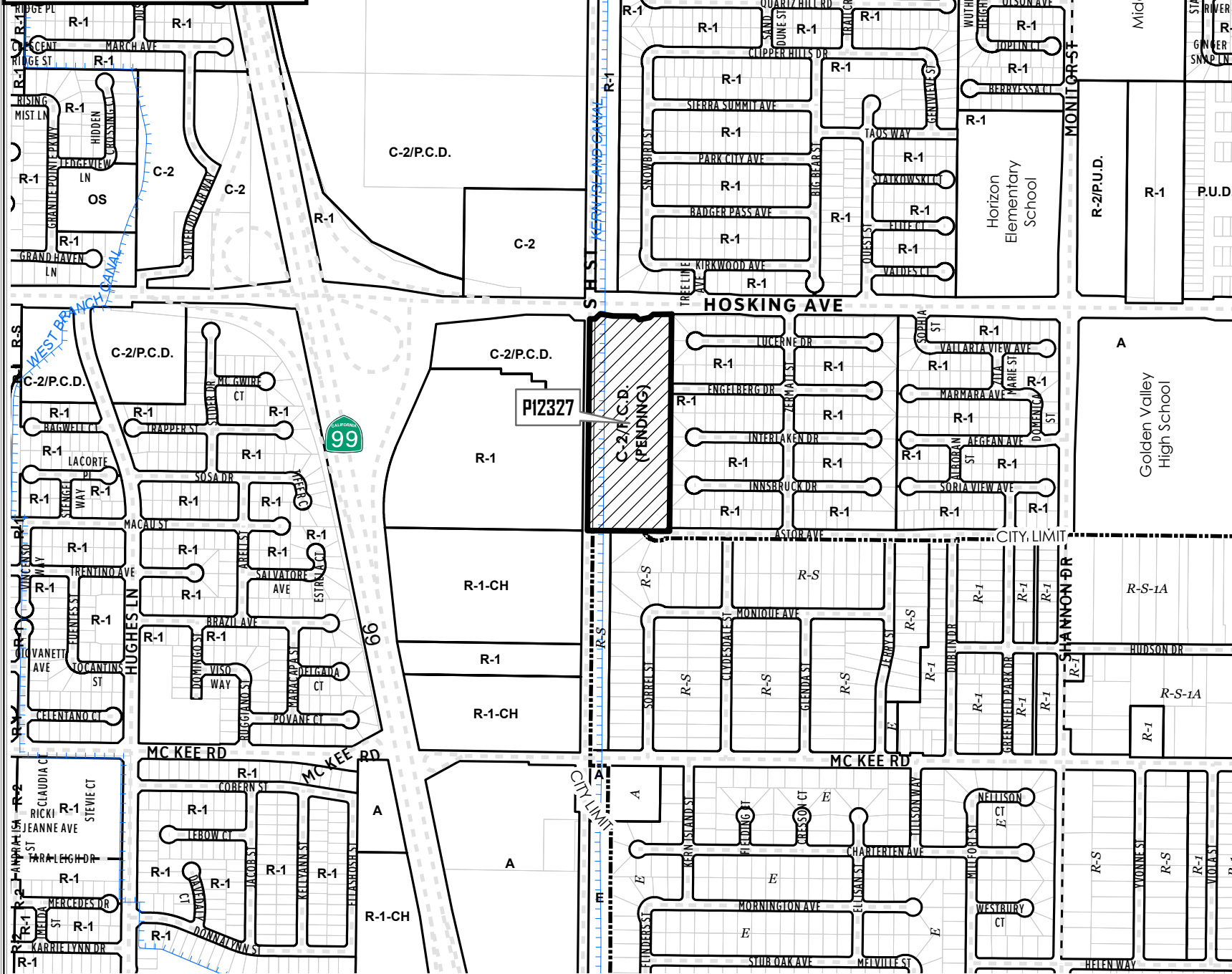
**Utilities and Service Systems Mitigation Measures:**

40. Prior to the issuance of building permits, the applicant/developer shall provide proof to the Planning Division of annexation into the Greenfield County Water District service area.

# TPM 12327

## EXHIBIT 'A-2'

### CITY OF BAKERSFIELD



### 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-1 Residential Suburban  
1.25, 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

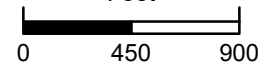


EXHIBIT 'A-3'

TENTATIVE  
PARCEL MAP NO. 12327

BEING A DIVISION OF A PORTION OF THE NORTH 1/2 OF  
THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 30  
SOUTH, RANGE 28 EAST, M.D.M., IN THE COUNTY OF KERN,  
STATE OF CALIFORNIA.

12.81 GROSS ACRES 4 PARCELS 2 PHASES



BASIS OF BEARINGS

THE BEARING OF N89°30'34"W FOR THE NORTH LINE  
OF SECTION 31, T.30S., R.28E., M.D.M., AS SHOWN ON  
TRACT MAP NO. 6192-UNIT 2 RECORDED IN BOOK 51  
OF MAPS AT PAGES 154 AND 155, IN THE KERN  
COUNTY SURVEYOR'S OFFICE WAS USED AS THE BASIS  
OF BEARING SHOWN HEREON.

SURVEYOR

AARON G. BYRD  
DEWALT CORPORATION  
1930 22nd STREET  
BAKERSFIELD, CA 93301  
(661) 323-4600

OWNER/SUBDIVIDER

DANIEL C. DUNCAN AND  
SUSAN G. DUNCAN  
10409 REDBRIDGE WAY  
BAKERSFIELD, CA 93311

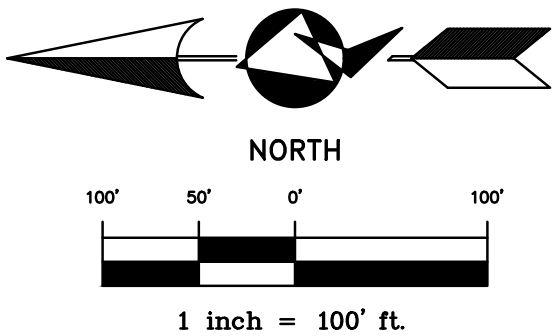
NOTES

THE DISTINCTIVE BORDER INDICATES THE BOUNDARY OF  
LAND TO BE SUBDIVIDED BY THIS MAP.

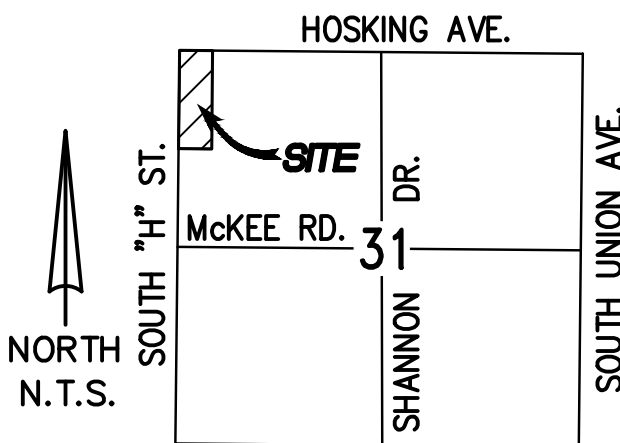
ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE  
IN FEET AND DECIMALS THEREOF.

THE MINIMUM STREET GRADE ALLOWED WILL BE 0.20%  
PER CITY OF BAKERSFIELD DEVELOPMENT STANDARDS.

PHASED DEVELOPMENT. (2 PHASES)



SEE SHEET 2 FOR LINE  
AND CURVE TABLES AND  
EASEMENT LEGEND



TAFT HWY.  
T.30S. R.28E. M.D.M.  
VICINITY MAP

LEGEND:

- △ FOUND CONCRETE MONUMENT IN LAMPHOLE  
PER FILED MAP 7-1, BK. 6, PG. 84
- = FOUND MONUMENT AS DESCRIBED
- < > = RECORD PER FILED MAP 7-1, BK. 6, PG. 84
- K.C.S. = KERN COUNTY SURVEYOR
- O.R. = OFFICIAL RECORDS OF KERN COUNTY
- BK. = BOOK
- PG. = PAGE
- R/S = RECORD OF SURVEY
- CONC. = CONCRETE
- MON. = MONUMENT
- IP = IRON PIPE
- ← = DIRECTION OF FLOW  
(0.20% MIN.)

GENERAL NOTES

ASSESSORS PARCEL NUMBER: 517-010-01  
G.P. DESIGNATION IS: LR (LOW DENSITY RESIDENTIAL)  
PROPOSED DESIGNATION: GC  
EXISTING ZONE: R-1  
PROPOSED ZONE: C-2 PCD  
TOTAL PARCELS: 4  
EXISTING USE: VACANT  
PROPOSED USE: COMMERCIAL  
WATER: GREENFIELD COUNTY WATER DISTRICT  
SEWER: CITY OF BAKERSFIELD  
ELECTRIC: PACIFIC GAS & ELECTRIC CO.  
GAS: SOCAL GAS  
TELECOMMUNICATIONS: AT&T / SPECTRUM  
FIRE PROTECTION: CITY OF BAKERSFIELD FIRE DEPT.  
CONTOURS: 1' INTERVAL  
MAXIMUM ROAD GRADE: 7.0%  
MINIMUM ROAD GRADE: 0.2%  
PROJECT AREA: 12.81 ACRES (GROSS)  
FIRM PANEL NUMBER: 06029C2300E  
FLOOD ZONE DESIGNATION: ZONE X  
ROAD IMPROVEMENTS: TYPE "C"  
THIS MAP WILL BE PHASED INTO 2 PHASES.  
PTR EXCEPTIONS AS PER CHICAGO TITLE COMPANY  
OF CALIFORNIA REPORT # FWKN-5501804412-LM

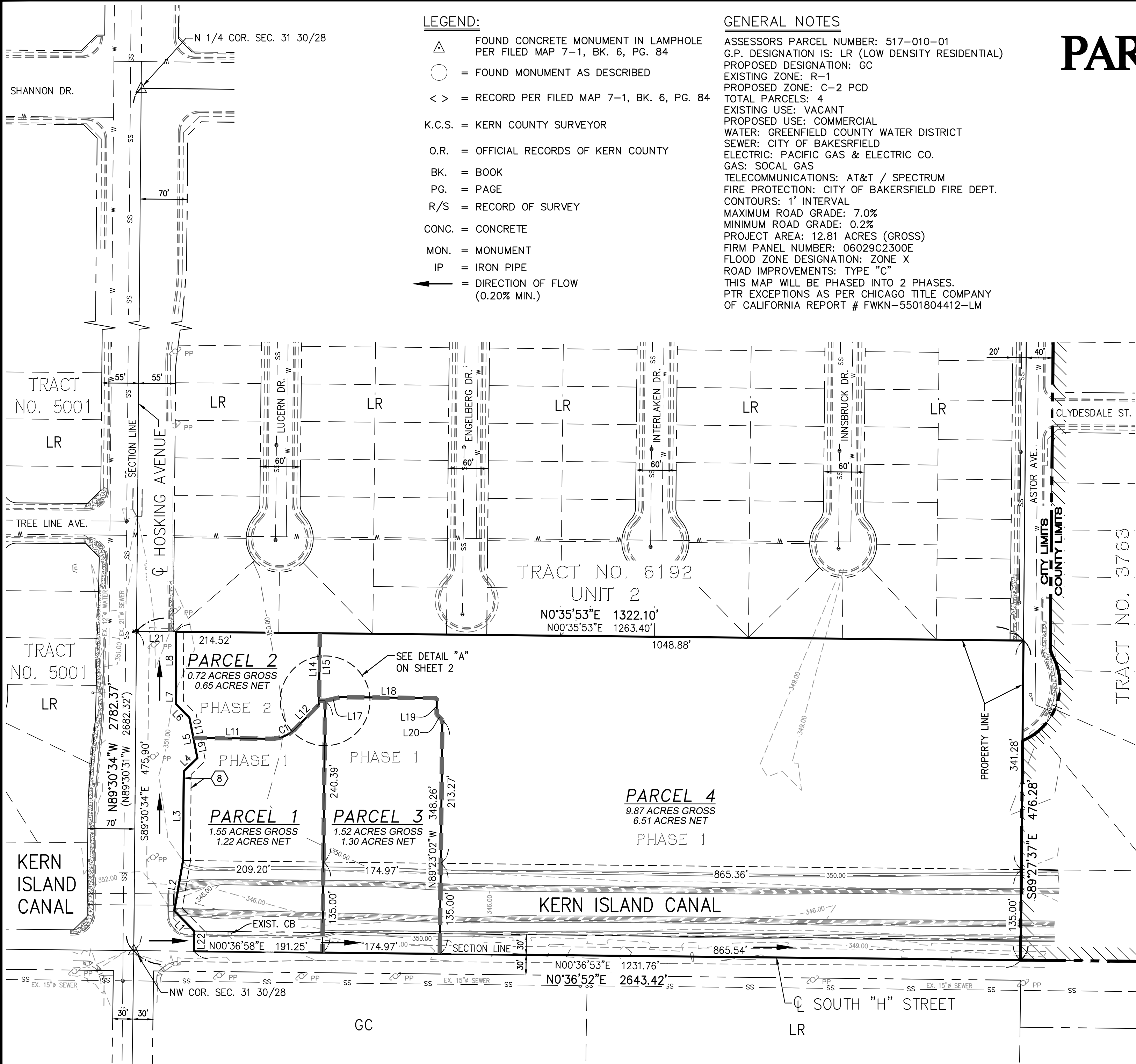


EXHIBIT 'A-3'

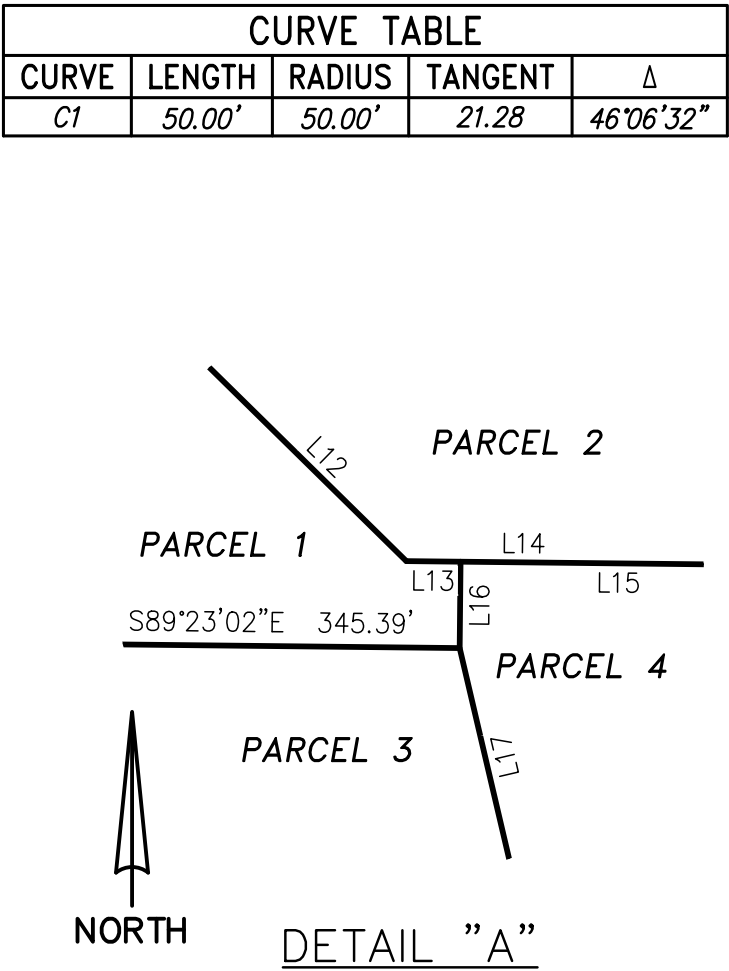
TENTATIVE  
PARCEL MAP NO. 12327

BEING A DIVISION OF A PORTION OF THE NORTH 1/2 OF  
THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 30  
SOUTH, RANGE 28 EAST, M.D.M., IN THE COUNTY OF KERN,  
STATE OF CALIFORNIA.

12.81 GROSS ACRES    4 PARCELS    2 PHASES

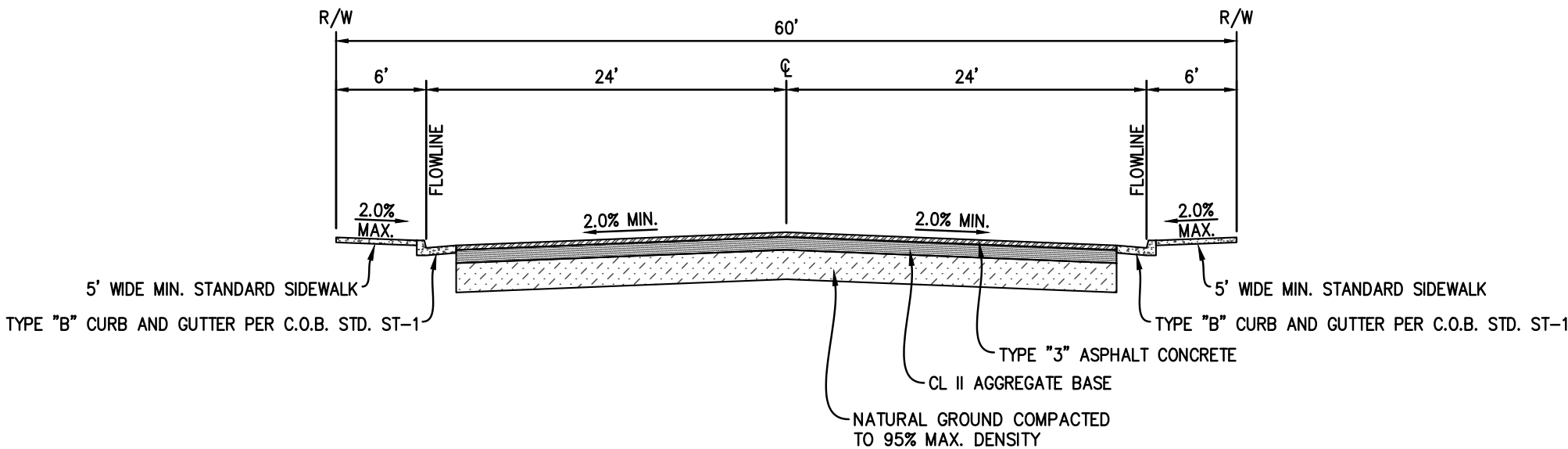


LINE TABLE		
LINE	LENGTH	BEARING
L1	42.47'	N45°33'07"E
L2	75.97'	S80°12'32"E
L3	132.92'	S89°30'34"E
L4	28.31'	S44°26'51"E
L5	61.29'	N78°51'13"E
L6	28.25'	N45°33'13"E
L7	22.21'	S89°30'34"E
L8	85.80'	N89°37'21"E
L9	30.65'	S78°51'13"W
L10	30.64'	S78°51'13"W
L11	115.65'	S00°36'59"W
L12	50.58'	S45°29'33"E
L13	5.65'	N89°23'02"W
L14	106.23'	S89°23'02"E
L15	100.59'	N89°23'02"W
L16	9.00'	N00°36'58"E
L17	23.90'	N13°12'50"W
L18	143.18'	S00°36'58"W
L19	24.34'	N89°30'34"W
L20	12.04'	S45°29'26"W
L21	58.70'	N00°35'53"E
L22	30.00'	S89°23'12"E

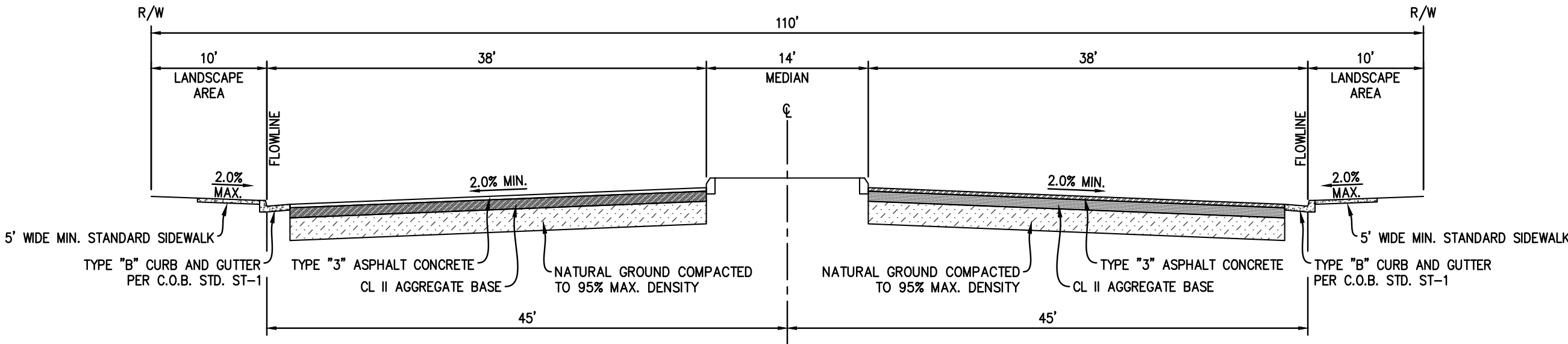


EASEMENTS

- \*\* 5 - EASEMENT FOR THE PURPOSE OF RIGHT-OF-WAY OVER AND UPON SAID LAND FOR THE CONSTRUCTION AND MAINTENANCE OF SUCH DITCHES, CANALS, PIPES AND AQUEDUCTS. PER DOCUMENT DATED MARCH 28, 1907, BK. 182, PG. 462 OF DEEDS.
  - \*\* 6 - EASEMENT FOR THE PURPOSE OF INSTALLING, MAINTAINING AND OPERATING A PIPELINE AND BOOSTER PUMP FOR THE CONVEYANCE AND TRANSPORTATION OF WATER FOR AGRICULTURAL PURPOSES. PER BK. 5266, PG. 1636, O.R.
  - 8 - 11' WIDE PUBLIC UTILITY EASEMENT, PACIFIC GAS & ELECTRIC CO. PER DOC. NO. 218095281 DATED JULY 30, 2018, O.R.
- \*\* THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.



A SOUTH 'H' STREET CROSS SECTION — 60' R\W  
NOT TO SCALE



B HOSKING AVENUE CROSS SECTION — 110' R\W  
NOT TO SCALE