



**BOARD OF ZONING ADJUSTMENT
AGENDA
MEETING OF JULY 9, 2019, 3:00 PM**
Council Chambers, City Hall South, 1501 Truxtun Avenue

1. ROLL CALL

2. PUBLIC STATEMENTS:

3. MINUTES

- a. Approval of Minutes for the June 11, 2019 regular meeting.
Staff recommends approval.

4. CONSENT CALENDAR PUBLIC HEARINGS

Ward 7

- a. **Conditional Use Permit No. 18-0454:** Mark Russell is proposing a Conditional Use Permit to allow an existing cemetery to construct approximately 15,000 square feet of new facilities for embalming, monument services, and grounds equipment storage; and to allow for the expansion and use of existing chapel, crematory, and office facilities, in the R-1 (One Family Dwelling Zone) district, located at 2739 Panama Lane. Proposed Addendum to the Mitigated Negative Declaration on file.
Staff recommends approval.

Ward 7

- b. **Conditional Use Permit No. 19-0116:** T-Mobile West, LLC is proposing a Conditional Use Permit to allow a 65-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.C) in the R-1 (One-Family Dwelling Zone) district, located at 3112 Hosking Avenue. Proposed Notice of Exemption on file.
Staff recommends approval.

Ward 1

- c. **Conditional Use Permit No. 19-0182:** Salvador Orozco is proposing a conditional use permit to allow a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 699 East Brundage Lane. Proposed Notice of Exemption on file.
Staff recommends approval.

Ward 7

- d. **Conditional Use Permit No. 19-0208:** F. Michael Ayaz is proposing a Conditional Use Permit to allow alcohol sales/consumption in a movie theater (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 2000 Wible Road (Reading Cinemas Valley Plaza with IMAX). Proposed Notice of Exemption on file.
Staff recommends approval.

Ward 2

- e. **Conditional Use Permit No. 19-0210:** Tapia Recycling is proposing a Conditional Use Permit to allow a recycling center within a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public (17.24.040.B.13) in the C-2 (Regional Commercial Zone) district, located at 1414 East California Avenue. Proposed Notice of Exemption on file.

Staff recommends approval.

5. PUBLIC HEARINGS

Ward 2

- a. **Conditional Use Permit/Zoning Modification No. 19-0080:** Edith Gibson is proposing a: (1) conditional use permit to allow an outdoor banquet venue (17.64.020.B); and (2) zoning modification to allow 14 parking spaces where a minimum of 66 parking spaces are required for the uses on-site (17.58.110) in the C-C (Commercial Center Zone) district, located at 700-712 19th Street. Proposed Notice of Exemption on file.

Staff recommends approval; as recommended by Staff.

6. STAFF COMMUNICATIONS

7. BOARD STATEMENTS

8. 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: July 9, 2019

ITEM NUMBER: Minutes3.(a.)

TO: Board of Zoning Adjustment

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

PLANNER: Paul Johnson, Principal Planner

DATE:

WARD:

SUBJECT:

Approval of Minutes for the June 11, 2019 regular meeting.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Minutes	Backup Material



BOARD OF ZONING ADJUSTMENT

MINUTES

Meeting of June 11, 2019, 3:00 p.m.

City Council Chambers, City Hall South, 1501 Truxtun Avenue
Regular Meeting - 3:00 p.m.

		<u>ACTION TAKEN</u>
REGULAR MEETING		
1.	ROLL CALL	
	Present: Members Fick, Kitchen, and Patteson Absent: None	
2.	PUBLIC STATEMENTS	
	a. Antonia Valpredo stated her concerns with the homeless population in Old Town Kern affecting her local business (Luigis).	
	b. Oleta Collins stated her concerns with the homeless population in Old Town Kern affecting her local business (Flourishing Art).	
	c. Rosa, and employee of InMotion located in Old Town Kern, stated her concerns with the homeless population in the area.	
3.	MINUTES	
	a. Approval of minutes of the May 14, 2019 regular Board of Zoning Adjustment meeting.	
	<i>Motion by Member Fick to approve. Motion passed with Member Kitchen Abstaining.</i>	
4.	CONSENT CALENDAR PUBLIC HEARINGS	
(Ward 7)	a. Conditional Use Permit No. 19-0116: T-Mobile West, LLC proposes a Conditional Use Permit to allow a 65-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.C) in the R-1 (One-Family Dwelling Zone) district, located at 3112 Hosking Avenue. Proposed Notice of Exemption on file. <i>(Staff recommends project be continued to July 9, 2019.)</i>	
(Ward 2)	b. Conditional Use Permit No. 19-0154: Sam Wilson proposes a Conditional Use Permit to allow a shelter service agency (17.24.040.B.7) in the C-2 (Regional Commercial Zone) district, located at 800 Baker Street. Proposed Notice of Exemption on file. <i>(Staff recommends project be referred back to staff.)</i>	

**ACTION
TAKEN****REGULAR MEETING**

- (Ward 5) c. Zoning Modification No. 19-0190: McIntosh & Associates proposes a Zoning Modification to allow single-family dwellings with a 20-foot rear yard setback where a minimum 50 feet is required when adjoining property zoned agricultural (17.08.150.A), on 46 residential lots in the R-1 (One-Family Dwelling Zone) district, generally located at 12202 Pensinger Road (Vesting Tentative Tract Map No. 7351). Proposed Notice of Exemption on file.
(Staff recommends project be referred back to staff.)

Motion by Member Fick to approve consent calendar items as recommended by staff. Motion passed.

5. **PUBLIC HEARINGS**

- a. None.

6. **STAFF COMMUNICATIONS**

- a. Paul Johnson, Principal Planner, welcomed Member Kitchen as the new Board member representing the City Manager's Office.

7. **BOARD STATEMENTS**

- None.

8. **ADJOURNMENT**

Chair Patteson adjourned the meeting at 3:19 p.m.

Marisa Iturralde, Recording Secretary

Kevin F. Coyle, AICP CEP
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 9, 2019

ITEM NUMBER: Consent Calendar Public Hearings4.(a.)

TO: Board of Zoning Adjustment

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

PLANNER: Kassandra Nearn

DATE:

WARD: Ward 7

SUBJECT:

Conditional Use Permit No. 18-0454: Mark Russell is proposing a Conditional Use Permit to allow an existing cemetery to construct approximately 15,000 square feet of new facilities for embalming, monument services, and grounds equipment storage; and to allow for the expansion and use of existing chapel, crematory, and office facilities, in the R-1 (One Family Dwelling Zone) district, located at 2739 Panama Lane. Proposed Addendum to the Mitigated Negative Declaration on file.

APPLICANT: Mark Russell

OWNER: James La Mar, Greenlawn Mortuary and Cemetery

LOCATION: 2379 Panama Lane

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: July 9, 2019

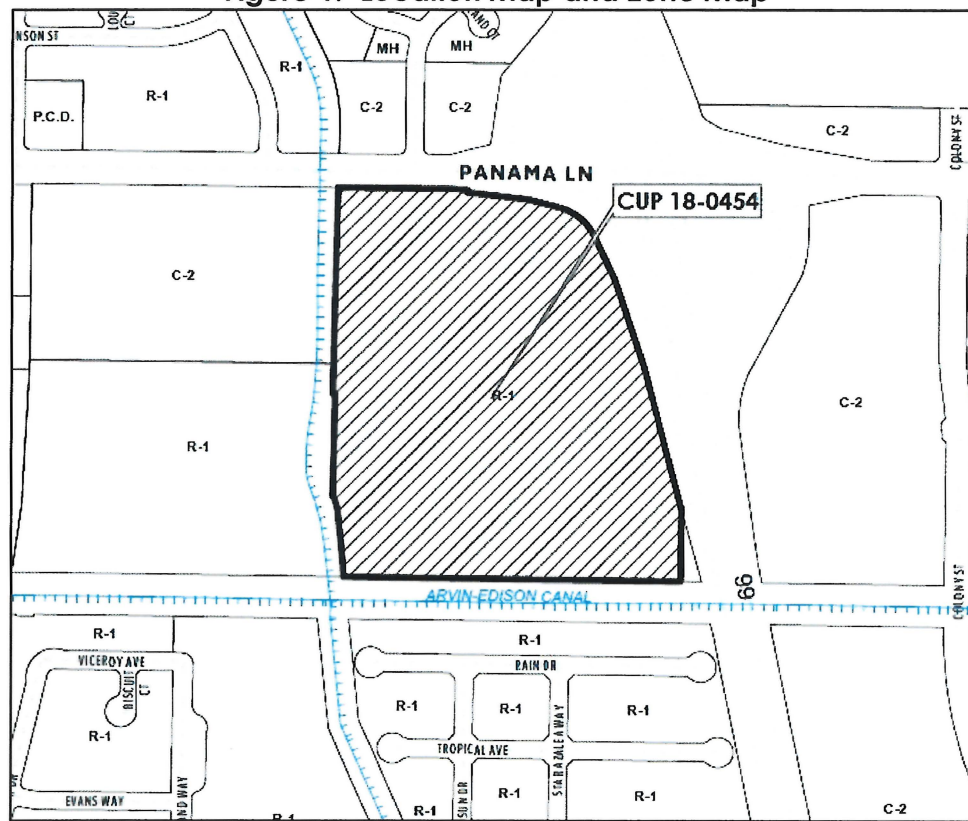
SUBJECT: Conditional Use Permit; File No. 18-0454 (Ward 7)

APPLICANT: Mark Russell
5301 Truxtun Ave, Suite 300
Bakersfield, CA 93309

OWNER: James La Mar
2739 Panama Lane
Bakersfield, CA 93313

LOCATION: 2739 Panama Lane | APN: 515-101-17, -27, and -28

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 18-0454, as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a conditional use permit to allow an existing cemetery to construct approximately 15,000 square feet of new facilities for embalming, monument services, and grounds equipment storage; and to allow for the expansion and use of existing chapel, crematory, and office facilities, located at 2739 Panama Lane. The cemetery is located in an R-1 (One Family Dwelling) zone district. An Addendum to a previously adopted Negative Declaration will also be considered per California Environmental Quality Act Guidelines Section 15164. See Figures 2 and 3.

The current proposal comprehensively incorporates recent and future cemetery expansions. Specifically, the conditional use permit requests to:

- Relocate grounds equipment storage and monument services into a new joint-use building. The building will be approximately 7,000 square feet. Old grounds equipment sheds will be removed.
- Convert existing Monument Building into an Office/Storage building (approximately 500 square feet of existing building).
- Replace an existing backup crematory furnace with a new furnace. The use of the second furnace is subject to the regulations of the San Joaquin Valley Air Pollution Control District.
- Expand existing crematory building for a new garden chapel measuring 2,470 square feet. The new chapel will seat approximately 100 people, and will be available for viewing cremation services.
- Construct a new 7,500 square foot embalming building, to include offices, a hearse receiving area, embalming rooms, employee areas, equipment storage, and refrigerated deceased storage.
- Utilize existing lawn area for a pet cemetery (2,290 square feet) that will allow pet urns.

Figure 2. Site Aerial



CONDITIONAL USE PERMIT

PERMIT	DATE	REVISION
1	12-1-81	1
2	12-1-81	2
3	12-1-81	3
4	12-1-81	4
5	12-1-81	5
6	12-1-81	6
7	12-1-81	7
8	12-1-81	8
9	12-1-81	9
10	12-1-81	10
11	12-1-81	11
12	12-1-81	12
13	12-1-81	13
14	12-1-81	14
15	12-1-81	15
16	12-1-81	16
17	12-1-81	17
18	12-1-81	18
19	12-1-81	19
20	12-1-81	20
21	12-1-81	21
22	12-1-81	22
23	12-1-81	23
24	12-1-81	24
25	12-1-81	25
26	12-1-81	26
27	12-1-81	27
28	12-1-81	28
29	12-1-81	29
30	12-1-81	30
31	12-1-81	31
32	12-1-81	32
33	12-1-81	33
34	12-1-81	34
35	12-1-81	35
36	12-1-81	36
37	12-1-81	37
38	12-1-81	38
39	12-1-81	39
40	12-1-81	40
41	12-1-81	41
42	12-1-81	42
43	12-1-81	43
44	12-1-81	44
45	12-1-81	45
46	12-1-81	46
47	12-1-81	47
48	12-1-81	48
49	12-1-81	49
50	12-1-81	50
51	12-1-81	51
52	12-1-81	52
53	12-1-81	53
54	12-1-81	54
55	12-1-81	55
56	12-1-81	56
57	12-1-81	57
58	12-1-81	58
59	12-1-81	59
60	12-1-81	60
61	12-1-81	61
62	12-1-81	62
63	12-1-81	63
64	12-1-81	64
65	12-1-81	65
66	12-1-81	66
67	12-1-81	67
68	12-1-81	68
69	12-1-81	69
70	12-1-81	70
71	12-1-81	71
72	12-1-81	72
73	12-1-81	73
74	12-1-81	74
75	12-1-81	75
76	12-1-81	76
77	12-1-81	77
78	12-1-81	78
79	12-1-81	79
80	12-1-81	80
81	12-1-81	81
82	12-1-81	82
83	12-1-81	83
84	12-1-81	84
85	12-1-81	85
86	12-1-81	86
87	12-1-81	87
88	12-1-81	88
89	12-1-81	89
90	12-1-81	90
91	12-1-81	91
92	12-1-81	92
93	12-1-81	93
94	12-1-81	94
95	12-1-81	95
96	12-1-81	96
97	12-1-81	97
98	12-1-81	98
99	12-1-81	99
100	12-1-81	100

PARKING REQUIREMENTS

REQUIREMENT	STALLS
MINIMUM CREATION OF LIFE CENTER PHASE 1	10
MINIMUM CREATION OF LIFE CENTER PHASE 2	10
MINIMUM CREATION OF LIFE CENTER PHASE 3	10
MINIMUM CREATION OF LIFE CENTER PHASE 4	10

The project site consists of approximately 30 acres developed with an existing cemetery, chapels, service centers, crematory, mausoleums, offices, and associated parking lots. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	P	R-1	Cemetery
North	HC/LMR	C-2/MH	Commercial, mobile home park
East	GC	C-2	Commercial
South	LR	R-1	Residential
West	LR, GC	R-1/C-2	Undeveloped
General Plan Key P: Public Facilities HC: Highway Commercial LMR: Low Medium Density Residential GC: General Commercial LR: Low Density Residential		Zone District Key R-1: One Family Dwelling C-2: Regional Commercial MH: Mobile Home	

ANALYSIS:

The cemetery was established at this site prior to incorporation into the city limits in 1988 (Annexation No. 398, Panama No. 12). The County of Kern project files indicate that the cemetery was originally approved by the Board of Supervisors on September 6, 1977. That approval included a phased development plan that encompassed the cemetery, a mortuary chapel, and a mausoleum. The County approved an Environmental Impact Report (EIR) based on the growing need for various burial options that are made available for final disposition of remains.

Cemeteries require a conditional use permit in all zone districts within the City of Bakersfield. As proposed, the expansions include logical extensions of the existing facilities and services that are currently provided at the Greenlawn Mortuary and Cemetery. The proposed grounds equipment storage/monument building and the embalming facility will be built in the southeast, undeveloped, portion of the cemetery property. This area has been planned for cemetery expansion since the original analysis; however, the details were not known at that time. The remainder of the proposed uses and expansions are within the existing developed cemetery and will facilitate the current cemetery operations and the identified future needs of the community.

There are 290 on-site church parking spaces available, which are sufficient to accommodate visitors as well as the parking requirements for the proposed expansion. The new buildings will be in operation during normal business hours from 8:00 AM to 5:00 PM, and some evenings as services are needed.

ENVIRONMENTAL REVIEW AND DETERMINATION:

The County of Kern project files indicate that a Final Environmental Impact Report for the cemetery was originally certified by the Board of Supervisors on September 6, 1977. In 2000, a subsequent Negative Declaration (ND) for an expansion of the cemetery was prepared for CUP 00-0194. The ND was adopted by the Board of Zoning Adjustment on April 11, 2000. The project site has been evaluated three additional times for subsequent conditional use permits for various expansions (Project No. 10-0552, 08-0484, and 07-0554).

The California Environmental Quality Act (CEQA) Guidelines, Section 15164 (b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary but none of the conditions described in Section 15162 call for the preparation of subsequent EIR or supplemental Negative Declaration have occurred.

Accordingly, the lead agency has determined that the additions of the new facilities within the previously evaluated project area are considered minor additions pursuant to CEQA Section 15164. No new impacts will result from the proposed project. Therefore, the Negative Declaration prepared for the previous approval has been amended by the Addendum prepared for the proposed project.

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 mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no comment letters have been received.

CONCLUSIONS:

Findings. Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit 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 various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such 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 use would provide a public convenience since the cemetery expansions are consistent with the long-term expansion of the cemetery site and would offer the public diverse mortuary services; and (2) 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.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 18-0454, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. 19-____

RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN EXISTING CEMETERY IN AN R-1 (ONE FAMILY DWELLING) ZONE DISTRICT TO CONSTRUCT APPROXIMATELY 15,000 SQUARE FEET OF NEW FACILITIES FOR EMBALMING, MONUMENT SERVICES, AND GROUNDS EQUIPMENT STORAGE; AND TO ALLOW FOR THE EXPANSION AND USE OF EXISTING CHAPEL, CREMATORY, AND OFFICE FACILITIES, LOCATED AT 2739 PANAMA LANE. (CUP NO. 18-0454)

WHEREAS, Mark Russell on behalf of James La Mar of Greenlawn Mortuary and Cemetery (property owner), filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow an existing cemetery in an R-1 (One Family Dwelling) zone district to construct approximately 15,000 square feet of new facilities for embalming, monument services, and grounds equipment storage; and to allow for the expansion and use of existing chapel, crematory, and office facilities located at 2739 Panama Lane; and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, July 9, 2019, at 3:00 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 Board of Zoning Adjustment 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 Board of Zoning Adjustment; and

WHEREAS, on April 15, 2000, the Board of Zoning Adjustment adopted a Negative Declaration for a previous conditional use permit (P00-0194) on the project site by Resolution No. 00-14; and

WHEREAS, the previous ND for P00-0194 analyzed the environmental impacts of developing the project site and, therefore, CUP 18-0454 would not result in any new environmental effects or environmental effects greater than what was previously analyzed;

WHEREAS, an addendum to the previously approved Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA); 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 none of the conditions set forth in CEQA Section 15162 for the preparation of a subsequent environmental document have been met; therefore, an addendum to the previously adopted ND was completed per CEQA Section 15164.
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 Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. The addendum to the negative declaration is hereby approved.
3. Conditional Use Permit No. 18-0454 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 Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 9th day of July 2019, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 18-0454

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 BZA 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 BZA 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 BZA 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 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.

2. This conditional use permit allows for upgrades to an existing crematory (17.64.020.B) incidental to a cemetery in a R-1 (Single Family Dwelling Zone) district located at 2739 Panama Lane as depicted on attached Exhibits B and C.
3. Prior to commencement of operations of the new crematory, the permit holder shall obtain all required State and local approvals; including but not limited to the State of California Cemetery and Funeral Bureau, and the San Joaquin Valley Air Pollution Control District.
4. A copy of State and local inspection reports shall be presented to any authorized City official upon request.

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 item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.*

**A. DEVELOPMENT SERVICES – BUILDING (1715 Chester Avenue)
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. Prior to review of improvement plans by the City, 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 final 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. Please note that 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 (HCP), and Public Works Department.
3. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.

4. 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 Table 602 of the California Building Code.
5. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
6. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
7. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
8. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.
9. Prior to granting occupancy, the Building Division will verify that a water meter serving the development is in place. Therefore, it is recommended that the developer contact the applicable water purveyor to inquire about their process for obtaining water service for the development as soon as possible. To determine who the water purveyor for the development is, you may contact the City of Bakersfield Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715).
10. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

B. DEVELOPMENT SERVICES – PLANNING (1715 Chester Avenue)
(Staff contact – Kassandra Nearn; 661-326-3411 or knearn@bakersfieldcity.us)

1. The minimum parking required for this project has been computed based on use and shall be as follows:

Proposed <u>Use</u>	Square <u>Footage</u>	Parking <u>Ratio</u>	Required <u>Parking</u>
Chapel	100 seats	1 space/4 seats	25 spaces
Offices	15,005 SF	1 space/500 SF	30 spaces
Storage	10 employees	1 space/vehicle + 1 space/2 employees	6 spaces

Required Parking: 61 spaces

(Note: 290 existing parking spaces are shown on the proposed site plan. This includes parking spaces for previous construction and existing uses. Combined with previous requirements, 254 total spaces are required. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Minimum parking stall dimensions shall be 9 feet wide by 18 feet long and shall be designed according to standards established by the Traffic Engineer. Vehicles may hang over landscape

areas no more than 2-1/2 feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.

3. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
4. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area. Please note that staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.
5. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

(**Note:** At the time a final site inspection is conducted, it is expected that plants will match the species identified and be installed in the locations consistent with the approved landscape plan. Changes made without prior approval of the Planning staff may result in the removal and/or relocation of installed plant materials and delays in obtaining building occupancy.)

6. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
7. The following conditions are required as part of a grading permit:
 - a. Habitat Conservation fees shall be required for this project and will be calculated based on the fee in effect at the time we issue an urban development permit (includes grading plan approvals) as defined in the Implementation/Management Agreement (Section 2.21) for the Metropolitan Bakersfield Habitat Conservation Plan. Upon payment of the fee, the applicant will receive acknowledgment of compliance with Metropolitan Bakersfield Habitat Conservation Plan (Implementation/Management Agreement Section 3.1.4). This fee is currently \$2,145 per gross acres, payable to the City of Bakersfield (submit to the Planning Division). This fee must be paid before any grading or other site disturbance occurs.

Forms and instructions are available at the Planning Division or on the city's web site at www.bakersfieldcity.us (go to Development Services Department).

The current Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) expires in year 2019. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the 2019 expiration date under the current MBHCP. As determined by the City of Bakersfield, only projects ready to be issued an urban development permit, grading plan approval or building permit before the 2019 expiration date will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 2019 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.

- b. Burrowing Owl Notification: The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Fish and Game Code prohibit the taking, possession, or destruction of birds, their nests or eggs. To avoid violation of the provisions of these laws generally requires that project related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1- August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered “taking” and is potentially punishable by fines and/or imprisonment.
- c. Prior to ground disturbance, the developer shall have a California Department of Fish and Wildlife approved MBHCP biologist survey the location for kit fox, and comply with the provisions of the Metropolitan Bakersfield Habitat Conservation Plan. Survey protocol shall be recommended by the California Department of Fish and Wildlife. Developer shall be subject to the mitigation measures recommended by the biologist. Copies of the survey shall be provided to the Development Services Department, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service prior to ground disturbance.
8. Rooftop areas of commercial buildings (e.g., office, retail, restaurant, assembly, hotel, hospital, church, school), and industrial buildings adjacent to residentially zoned properties, shall be completely screened by parapets or other finished architectural features constructed to a height of the highest equipment, unfinished structural element or unfinished architectural feature of the building.
9. A fence shall be maintained adjacent to canals per City Code Section 16.32.060(b)(8). This fence must be shown on the final building plans and shall be constructed a minimum height of 6 feet as measured from the highest adjacent finished property grade.
10. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.

(Note: Fences taller than 6 feet are allowed in commercial and industrial zones but they will require a building permit.)

11. Areas used for outside storage shall be treated with a permanent dust binder or other permanent dust control measure consistent with the regulations of the San Joaquin Valley Air Pollution Control District.

(**Note:** All passenger vehicle-parking areas must be paved.)

12. Refuse collection bin enclosures and container areas are subject to all required structural setback from street frontages, and shall not reduce any parking, loading or landscaping areas as required by the Zoning Ordinance.
13. In the event a previously undocumented oil/gas well is uncovered or discovered on the project, the developer is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The developer is responsible for any remedial operations on the well required by DOGGR. The developer shall also be subject to provisions of BMC Section 15.66.080.B.
14. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).
15. Prior to receiving final building or site occupancy, you must contact the Planning Division (staff contact noted above) 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.

C. FIRE DEPARTMENT (2101 H Street)

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

1. Show on the final building plans the following items:
 - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).

(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
 - b. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.

c. Name and phone number of the appropriate contact person.

2. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
3. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other driving surface approved by the fire chief. Must be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds and shall be surfaced with the first lift of asphalt as to provide all-weather driving capabilities. All access (Permanent and temporary) to and around any building under construction must be at least 20 feet wide (26 feet wide where building height exceeds 30 feet), with an overhead clearance of 13 feet 6 inches, and contain no obstruction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
4. Turning Radius: The minimum turning radius shall be thirty-seven feet.
5. The minimum gate width shall be 20 feet and a minimum vertical clearance of thirteen (13) feet six (6) inches is required when the gate is at full open position. Where there is more than one gate and two or more driveways separated by islands, a minimum horizontal clearance of fifteen (15) feet for each driveway and a minimum vertical clearance of thirteen (13) feet six (6) inches is required when gates are at full open position. Horizontal distance shall be measured perpendicular to the direction of travel on the driveway. Vertical distance shall be measured from the highest elevation of the driveway to the lowest overhead obstruction.
6. If you handle hazardous materials or hazardous waste on the site, the Prevention Services Division may require a hazardous material management and/or risk management plan before you can begin operations. Please contact them at 661-326-3979 for further information.
7. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

D. WATER RESOURCES (1000 Buena Vista Road)

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

No conditions.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)

(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)

1. The developer shall install streetlights along Panama Lane. The developer shall be responsible for providing the labor and materials necessary to energize all newly installed streetlights before occupancy of the building or site. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.

3. Show on the final building plans all existing connection(s) to the public sewer system.
4. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
5. If a grading plan is required by the Building Division, building permits will not be issued until the grading plan is approved by **both** the Public Works Department and the Building Division.
6. 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).
7. If the project generates industrial waste, it shall be subject to the requirements of the Industrial Waste Ordinance. An industrial waste permit must be obtained from the Public Works Department before issuance of the building permit. To find out what type of waste is considered industrial, please contact the Wastewater Treatment Superintendent at 661-326-3249.
8. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required.
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.
10. A sewer connection fee shall be paid at the time a building permit is issued. We will base this fee at the rate in effect at the time a building permit is issued.
11. 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. 92-08- 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 required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
12. 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.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)**(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)**

1. Two-way drive aisles shall be a minimum width of 24 feet. If perpendicular (90°) parking spaces are proposed where a vehicle must back into these aisles, the minimum aisle width shall be 25 feet. All drive aisle dimension shall be shown on the final building plans.
2. Show the typical parking stall dimension on the final building plans (minimum stall size is 9 feet x 18 feet and shall be designed according to standards established by the Traffic Engineer).

G. PUBLIC WORKS – SOLID WASTE (4101 Truxtun Avenue)**(Staff Contact - Robert Manuel; 661-326-3114 or rmanuel@bakersfieldcity.us)****(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)**

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:

- Cart service -- 1 cubic yard/week or less 1 time per week
- Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
- Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, three, 3 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

- | | |
|--|---|
| <input type="checkbox"/> 6' deep x 8' wide (1 bin) | <input checked="" type="checkbox"/> 1-8' deep x 15' wide (3 bins) |
| <input type="checkbox"/> 8' deep x 10' wide (2 bins) | <input type="checkbox"/> 8' deep x 20' wide (4 bins) |

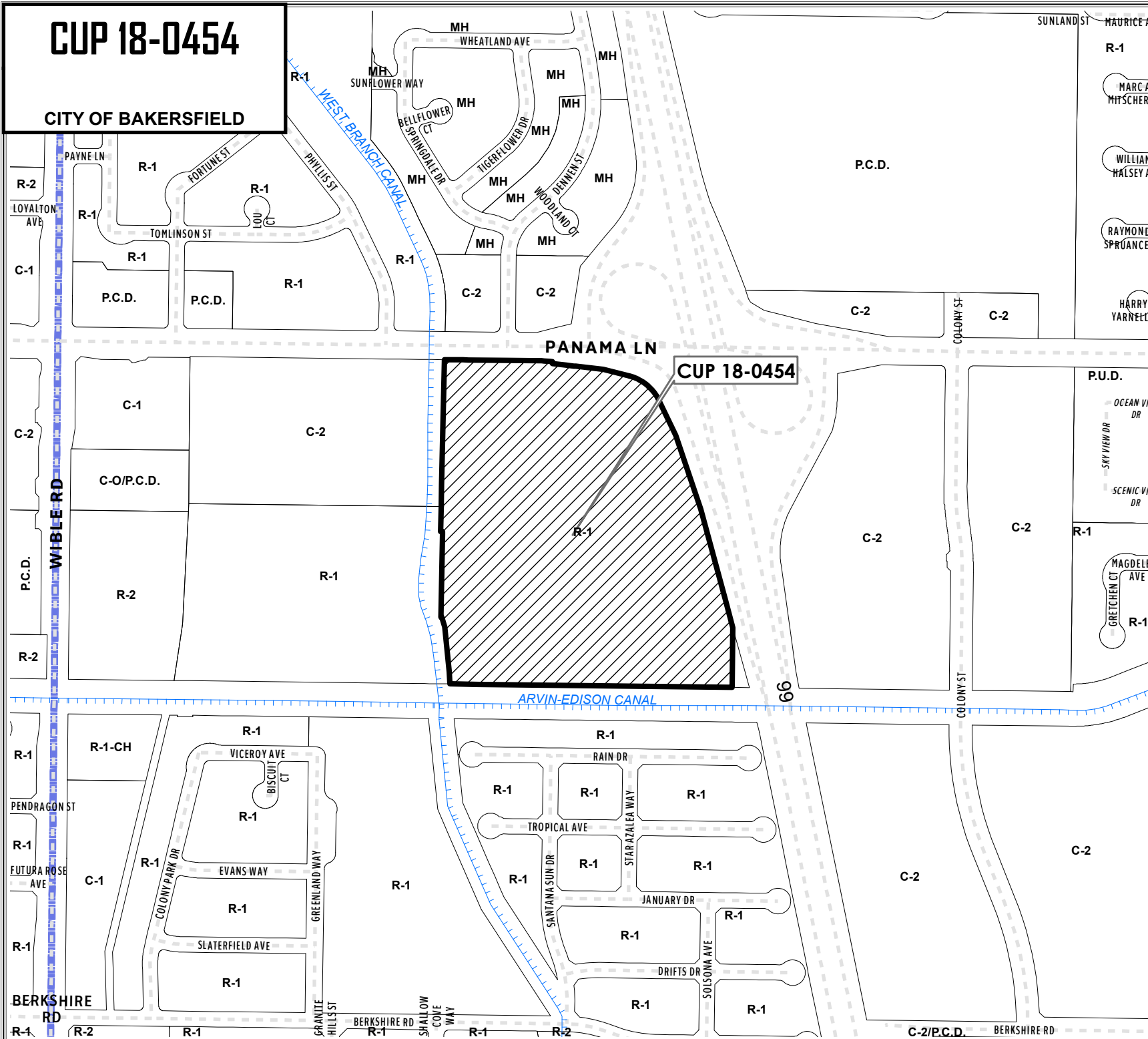
(Note: All measurements above are curb-to-curb dimensions inside the enclosure. If both refuse and recycling containers are to be combined in the same enclosure area, this area must be expanded in size to accommodate multiple containers/bins - contact the staff person above for the appropriate enclosure size.)

3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities that require infectious waste services shall obtain approval for separate infectious waste storage areas from the Kern County Health Department. In no instances shall the refuse bin area be used for infectious waste containment purposes.
5. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B
(Location Map)

CUP 18-0454

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1.5 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, 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

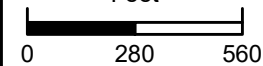
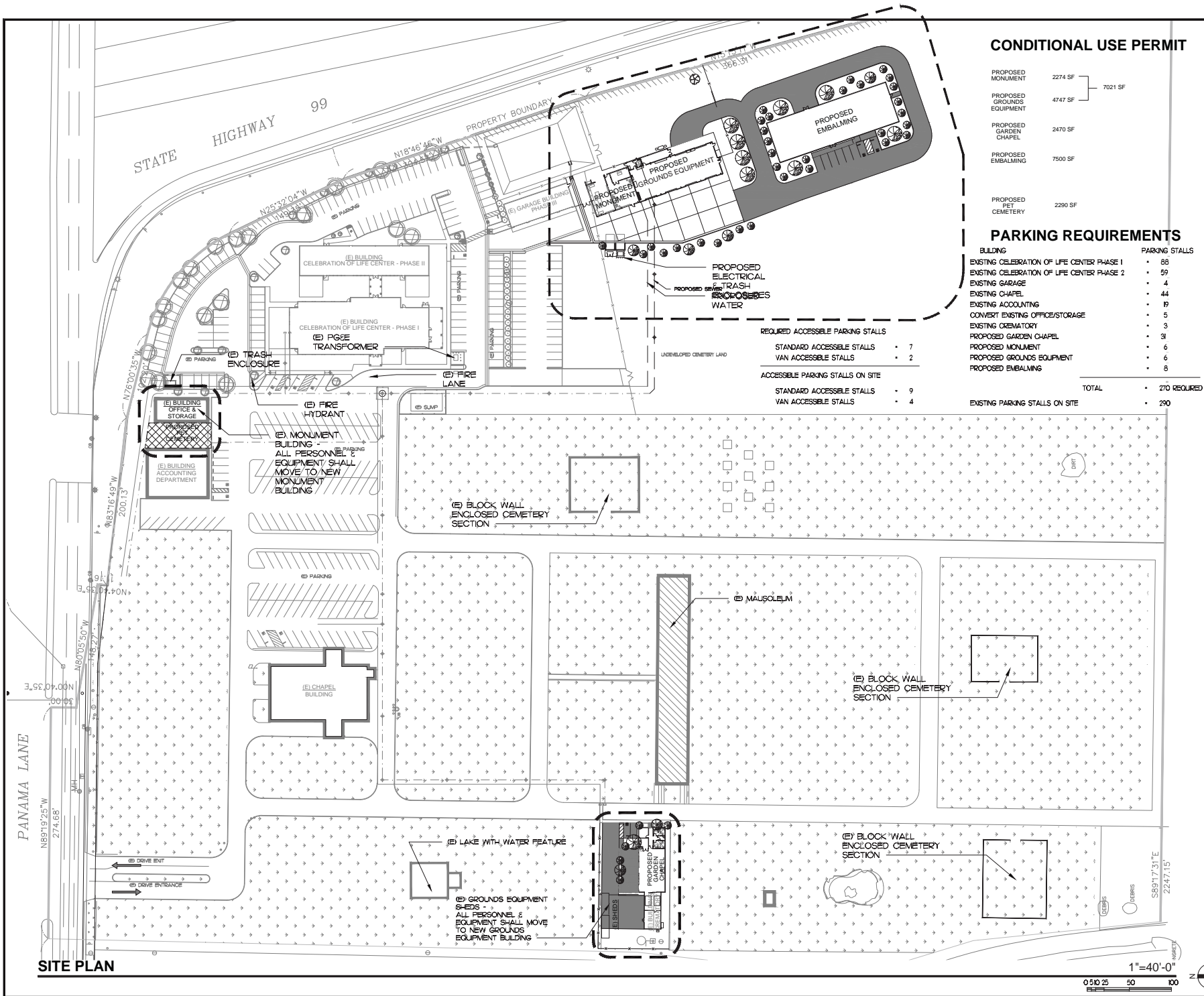


Exhibit C
(Site Development Plan)



CONDITIONAL USE PERMIT

PROPOSED MONUMENT	2274 SF	7021 SF
PROPOSED GROUNDS EQUIPMENT	4747 SF	
PROPOSED GARDEN CHAPEL	2470 SF	
PROPOSED EMBALMING	7500 SF	
PROPOSED PET CEMETERY	2290 SF	

PARKING REQUIREMENTS

BUILDING	PARKING STALLS
EXISTING CELEBRATION OF LIFE CENTER PHASE I	• 88
EXISTING CELEBRATION OF LIFE CENTER PHASE 2	• 59
EXISTING GARAGE	• 4
EXISTING CHAPEL	• 44
EXISTING ACCOUNTING	• 19
CONVERT EXISTING OFFICE/STORAGE	• 5
EXISTING CREMATORY	• 3
PROPOSED GARDEN CHAPEL	• 31
PROPOSED MONUMENT	• 6
PROPOSED GROUNDS EQUIPMENT	• 6
PROPOSED EMBALMING	• 8
TOTAL	• 270 REQUIRED
EXISTING PARKING STALLS ON SITE	• 290

SITE PLAN



RADIAN
DESIGN GROUP, Inc.

ARCHITECTURE
PLANNING
DESIGN BUILD

9301 TRUSTEEN AVENUE, SUITE 300
BAKERSFIELD, CA 93309
861.864-7878 861.864-7877 FAX

CUP for
PROPOSED
BUILDINGS

GREENLAWN SOUTHWEST

5739 PANAMA LANE
BAKERSFIELD, CALIFORNIA



THESE DRAWINGS, SPECIFICATIONS, DESIGN, CONSTRUCTION AND MANAGEMENT OF THE PROJECT SHALL BE THE PROPERTY OF RADIANT DESIGN GROUP, INC. NO PART THEREOF SHALL BE COPIED, ELECTRONICALLY REPRODUCED, OR OTHERWISE USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF RADIANT DESIGN GROUP, INC. ANY REUSE OR MODIFICATION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF RADIANT DESIGN GROUP, INC. SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ETHICS OF THE ARCHITECT. ANY REUSE OR MODIFICATION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF RADIANT DESIGN GROUP, INC. SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ETHICS OF THE ARCHITECT. ANY REUSE OR MODIFICATION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF RADIANT DESIGN GROUP, INC. SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ETHICS OF THE ARCHITECT.

APPROVALS

DATE	DESCRIPTION

REVISIONS

DATE	DESCRIPTION

ISSUED FOR

DATE	DESCRIPTION

SITE PLAN

DATE: 10/16/2018	12.8045.1
DESIGNED BY: A. RUSSELL	SHEET NO.
DRAWN BY: C. WATKINS	
CHECKED BY: A. RUSSELL	
AS-100	

CONDITIONAL USE PERMIT - GREENLAWN SOUTHWEST



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 9, 2019

ITEM NUMBER: Consent Calendar Public Hearings4.(b.)

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: Ward 7

SUBJECT:

Conditional Use Permit No. 19-0116: T-Mobile West, LLC is proposing a Conditional Use Permit to allow a 65-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.C) in the R-1 (One-Family Dwelling Zone) district, located at 3112 Hosking Avenue. Proposed Notice of Exemption on file.

APPLICANT: T-Mobile West, LLC

OWNER: Oscar Arredondo

LOCATION: 3112 Hosking Avenue

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Photo Simulations	Backup Material
<input type="checkbox"/> Propagation Maps	Backup Material



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: July 9, 2019

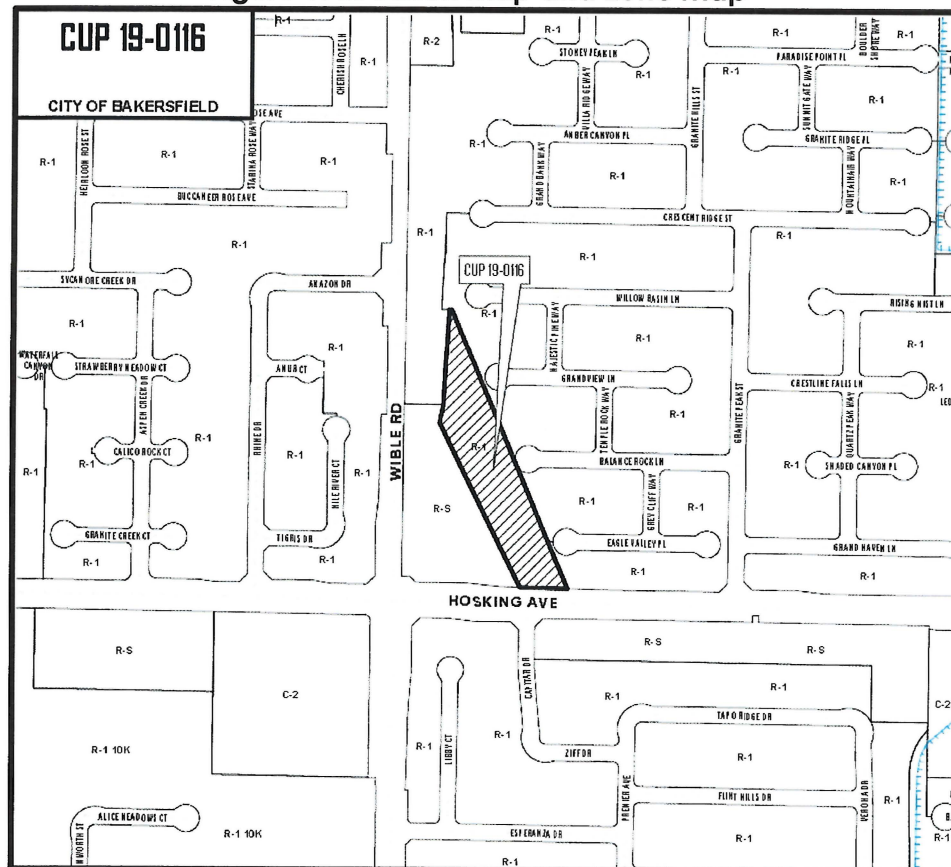
SUBJECT: Conditional Use Permit No. 19-0116 (Ward 7)

APPLICANT: T-Mobile West, LLC
2500 Red Hill Avenue, Ste. 240
Santa Ana, CA 92705

OWNER: Oscar Arredondo
3112 Hosking Avenue
Bakersfield, CA 93313

LOCATION: 3112 Hosking Avenue | APN: 515-110-03

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0116, as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

This project was scheduled for consideration at the June 11, 2019 meeting. During preparation of the staff report, possible land use violations were identified. Therefore, the project was continued for 4 weeks to today's regularly scheduled meeting to allow time for the Code Enforcement action to be resolved. As of this writing, the violations have been abated.

The project is a request for a conditional use permit to allow a 65-foot tall monopine wireless telecommunication facility with ancillary equipment in the R-1 (One Family Dwelling Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



(N) T-MOBILE APW4000-A,
4'-6"-HIGD ANTENNA
AT SECTOR 'V'

(N) T-MOBILE N80S-4415
80' MOUNTED HOMO ANTENNA

(N) T-MOBILE N80S-051605
ANTENNA AT SECTOR 'V'

(N) T-MOBILE N80S-4415
80' MOUNTED HOMO ANTENNA AT SECTOR 'A'

(N) T-MOBILE N80S-051605
ANTENNA AT SECTOR 'A'

(N) T-MOBILE 4'-0" MW DISK

(N) 80'-0" HIGH MONOPOLE

(N) T-MOBILE GENERIC 25 BW
FIELD GENERATOR WITH TAN
ON (N) CONCRETE SLAB

(N) T-MOBILE DIE INSIDE

(N) 4'-0" TALL BLACK
COATED VINYL CHAIN LINK
FENCE

(N) T-MOBILE UTILITY
CABINETS ON (N) H-FRAME

(N) T-MOBILE EQUIPMENT
CABINET, TOP OF (S)

(N) T-MOBILE BATTERY
CABINET

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	LMR	R-1	Single-Family Residential & Wireless Telecommunications Facility
North	LR	R-1	Single-Family Residential
East	LR	R-1	Single-Family Residential
South	LMR	R-S	Single-Family Residential
West	LMR	R-1 and R-S	Single-Family Residential & Undeveloped Land
General Plan Key LR: Low Density Residential LMR: Low Medium Density Residential		Zone District Key R-1: One-Family Dwelling R-S: Residential Suburban	

April 10, 1991 - Pre-Zoning. City Council approved pre-zoning from County A-1 (Light Agriculture) to City R-1 (One-family dwelling) on 32 acres, which included the subject 3.65 acres (Ordinance 3352).

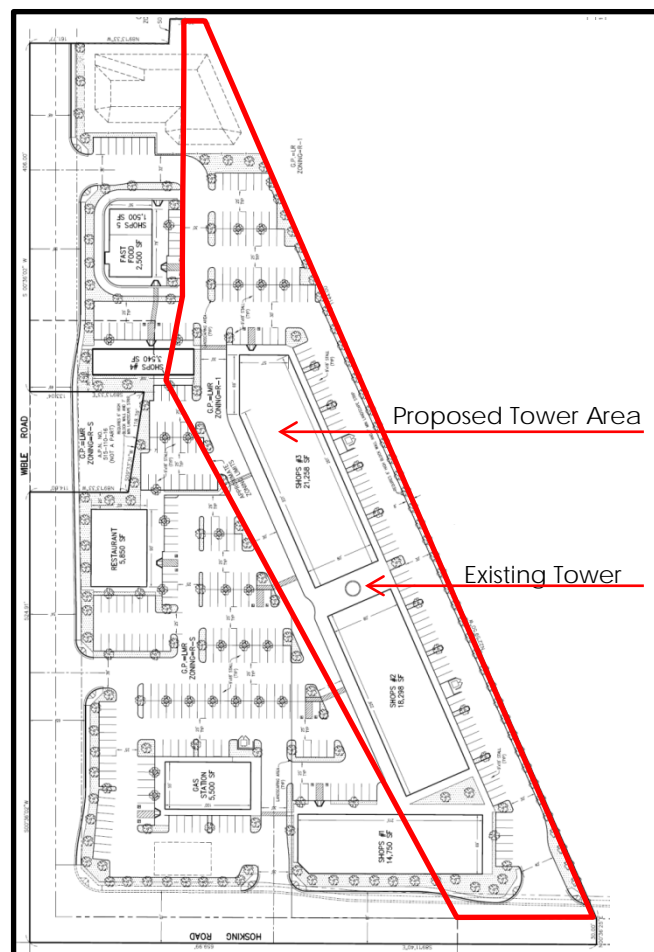
October 24, 1991 - Annexation. The site was annexed into the City as part of a larger annexation (Annexation No. 351, Wible No. 10).

December 9, 2014 - Development Approval. Your Board approved Conditional Use Permit No. 14-0418 allowing a 65-foot tall monopole wireless telecommunications facility camouflaged as a pine tree with ancillary equipment on this site (Resolution No. 14-35).

June 6, 2019 - Change in Land Use. Staff notes that this site is part of a larger area being considered for a General Plan Amendment and Zone Change. On this date, the Planning Commission was scheduled to consider a General Plan Amendment to change the land use designation from LMR (Low Medium Density Residential) to GC (General Commercial) on 10.1 acres, and a Zone Change from R-S (Residential Suburban) and R-1 (One Family Dwelling) to C-1 (Neighborhood Commercial) on 10.1 acres. This action was postponed until a future date so no recommendation was made.

Nonetheless, the applicant for the commercial development proposes 73,196 total square feet of neighborhood commercial, including a 2,500 square foot fast food pad, 5,500 square foot gas station, 5,850 square feet restaurant, and 59,346 square feet of retail shops. Staff notes the proposed fast food pad reflects a drive-thru, which would require consideration of a conditional use permit should the zoning be approved. Figure 4 is a preliminary site plan for the proposed commercial development. This plan has not been formally submitted for review by staff, so it is subject to change.

Figure 4. Preliminary Site Plan for GPA/ZC



ANALYSIS:

The purpose of the Bakersfield Municipal Code Chapter 17.59 (*Wireless Telecommunication Facilities Not in the Public Right-Of Way*) is to establish general guidelines for the siting of wireless telecommunication facilities not in the public right-of-way, in accordance with the Telecommunications Act of 1996, as amended.

Requested Deviations from Development Standards. Unless otherwise provided, wireless telecommunication facilities that do not meet specific requirements listed in the Ordinance, and facilities that do not meet development standards, are subject to a conditional use permit. As such, the proposed facility is being considered for the following:

Located on Property Zoned or Designated Residential

The goals of Chapter 17.59 are to protect residential areas and land uses from potential adverse impacts, encourage their location in industrial and commercial areas, encourage the joint use of new and existing facilities, encourage users to configure such facilities in a way that minimizes the adverse visual impacts, and consider the public health and safety in the siting and use of the facilities. In furtherance of these goals, due consideration shall be given to the general plan, zoning of existing land uses, and environmentally sensitive areas in approving sites for the location of wireless telecommunication facilities. Therefore, the Ordinance states that all proposed towers located on property zoned and designated for residential use shall be reviewed by your Board.

As noted above, there is an existing 65-foot tall monopine tower on site, operated by Verizon. As proposed, the T-Mobile monopine tower will be the same height and of the same camouflage design (see Figure 5).

Figure 5a. Site Simulations

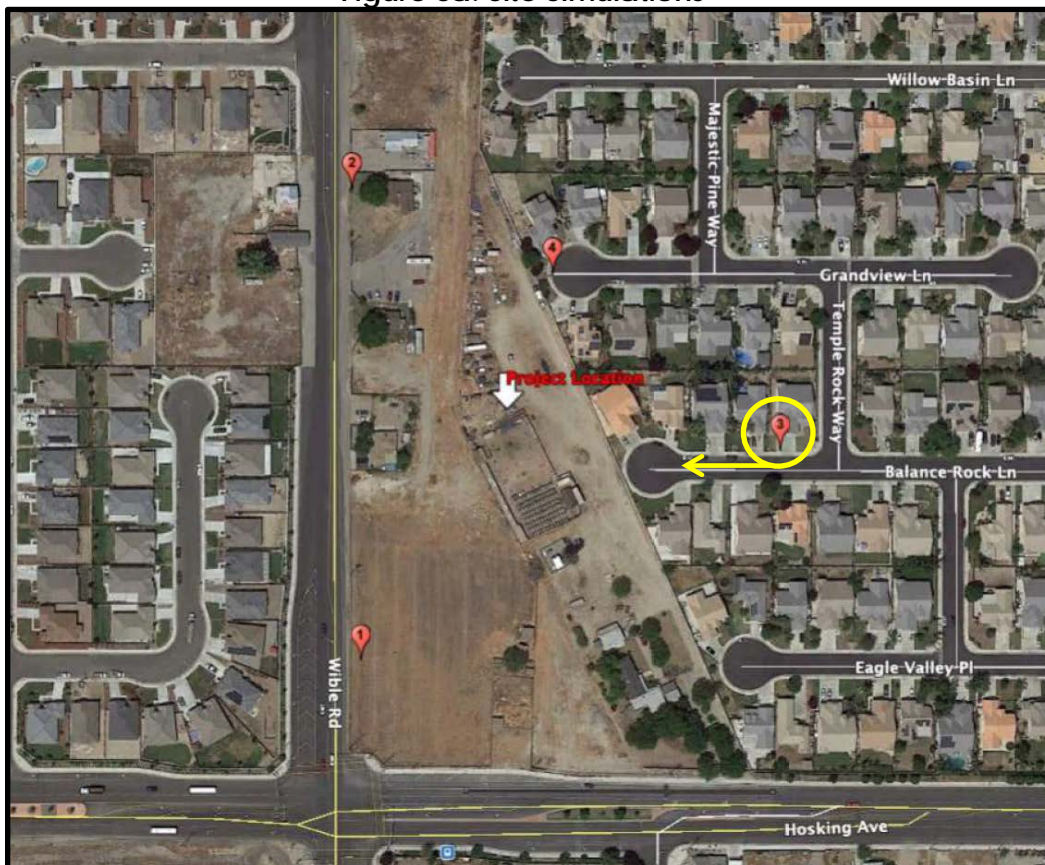


Figure 5b. Existing



Figure 5c. Proposed



Proximity to Existing Camouflaged Monopole

The Ordinance states that camouflaged monopoles shall be located no closer than 300 feet apart. Co-location is encouraged to minimize the number of towers in an area.

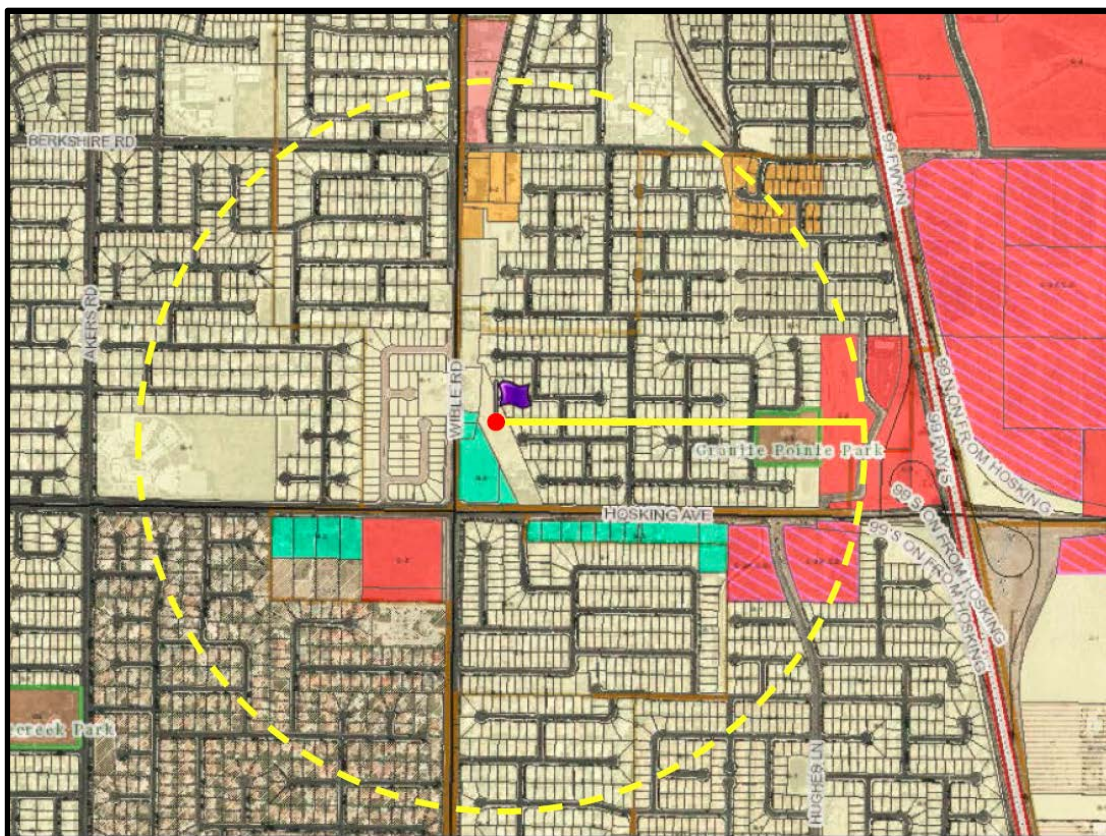
As proposed, the monopine tower will be located approximately 240 feet from the exiting monopine tower. According to the applicant, T-Mobile attempted to co-locate onto the Verizon tower but they would have to install the equipment at a height of 30 feet (which would not achieve coverage objectives) or increase the height by 30 feet equating to a 95-foot tall monopine tower (which would appear out-of-place). The applicant also considered the only commercially zoned property within their coverage objective, located at the southwest corner of Hosking Road & and Wible Road (0.25 miles to the southwest); however, the property owners were not interested in leasing space until it is commercially developed. The applicant asserts it would be in the public interest to limit the number of towers and to locate them as close to each other as possible so as to concentrate their visual effect. In addition, the T-Mobile tower will allow the possibility of co-location for another carrier.

Staff notes there is additional area on the site to achieve the 300-foot separation distance (see Figure 6). However, it would place the monopine tower closer to the residences located to the north. Furthermore, there are additional commercially zoned properties within 1/2 mile of the site, as identified in red/pink on Figure 7. However, it is unclear if this would achieve T-Mobile's desired coverage.

Figure 6. 300-Foot Radius



Figure 7. 1/2-Mile Radius



Height

The maximum height of a tower, including equipment and equipment buildings, shall be as follows:

- Towers located on residential property shall not exceed 65 feet or no more than 20% above the existing height of adjacent natural objects, whichever is less. Natural objects do not include fabricated structures, such as other telecommunication towers.
- Equipment buildings shall not exceed a height of 12 feet and an area of 750 square feet.

The existing trees on site are approximately 38 feet tall which allows a tower height of 45.6 feet. Therefore, the proposed 65 foot monopine is approximately 19.6 feet higher than what is permitted.

Staff notes that if the proposed zone change to commercial is approved, the tower height shall not exceed 125 feet or no more than 20% above the existing height of adjacent natural objects, whichever is less. Although the 125 feet would not be a concern, the existing 38-foot tall trees would likely be removed to accommodate development.

The applicant asserts that the facility and height are needed both to fill a significant gap in coverage existing within the immediate area and to offload capacity from existing facilities in the area that are beginning to suffer functionality issues associated with high user and data traffic. This is reflected on the propagation maps that show the preferred location of the T-Mobile wireless communication site (see attached propagation maps). The proposed facility is located where T-Mobile radio frequency engineers have determined a new antenna facility could be located and provide the needed coverage.

Enclosure

The Ordinance states that associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with landscaping.

As proposed, the 1,600 square foot lease area will be surrounded by a 6-foot tall black coated vinyl chain link fence. According to the applicant, the equipment area is completely contained within a private residence which does not have visibility from the street.

Staff notes the existing Verizon tower complied with standards by installing a wrought iron fence around their 1,600 square foot lease area. Given the location of the lease area on the same parcel as the existing tower and the proposed zone change, Staff believes the associated equipment should be within a completely enclosed building and a wrought iron or similar decorative material chain link fence installed.

Compliance with Development Standards. In addition to the aforementioned development standards, the project is also subject to the following standards:

Setbacks

Equipment buildings and towers shall be set back 50 feet from any public or private street, and 50 feet from adjacent lots zoned or designated residential. As proposed, the lease area is set back at least 50 feet from streets. The nearest residential property is approximately 62 feet to the west of the lease area. However, with the proposed zone change, that becomes irrelevant. The residential property to the east is located approximately 98 feet from the lease area.

Other Standards

As proposed, the facility adheres to all other development and design standards to include security lighting, signs, colors, Federal Aviation Administration conformance, interference with any electrical equipment in the surrounding neighborhoods, and proper state of appearance. Nonetheless, should your Board approve the proposed request, the applicable standards are incorporated as conditions of approval.

Co-location/Expansion. According to the applicant, the wireless facility is designed to allow for future expansion and/or colocation by other wireless users. With regard to future expansion and/or alterations, Staff notes that on January 8, 2015, the Federal Communication Commission (FCC) published guidance on interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 which provides that a State or local government "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.

Although Section 6409(a) does not define what constitutes a "substantial change," the FCC has applied the following four-prong test to determine whether a collocation will effect a "substantial increase in the size of a tower:"

1. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
2. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
3. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
4. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

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 15061(b)(3), because the project does not have the potential to cause a significant effect on the environment. 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 mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

CONCLUSIONS:

Findings. Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit 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 various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such 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) construction of a 65-foot tall monopine wireless telecommunication facility would provide a public service for better wireless reception; (2) the facility would not interfere with or disrupt existing land uses in the surrounding area; and (3) 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.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0116, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Photo Simulations
Propagation Maps

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 65-FOOT TALL
MONOPINE WIRELESS TELECOMMUNICATION FACILITY WITH ANCILLARY
EQUIPMENT (17.59.020.C) IN THE R-1 (ONE-FAMILY DWELLING ZONE)
DISTRICT, LOCATED AT 3112 HOSKING AVENUE. (CUP NO. 19-0116)**

WHEREAS, T-Mobile West, LLC filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a 65-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.C) in the R-1 (One-Family Dwelling Zone) district, located at 3112 Hosking Avenue (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, June 11, 2019, at 3:00 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 Board of Zoning Adjustment 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 was continued to July 9, 2019; 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 Board of Zoning Adjustment; and

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15061(b)(3); 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 15061(b)(3) because the project does not have the potential to cause a significant effect on the environment.

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 Board of Zoning Adjustment 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. 19-0116 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 Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 9th day of July 2019, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 19-0116

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 BZA 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 BZA 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 BZA 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 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.

2. This conditional use permit allows for a 65-foot tall monopine wireless telecommunications facility with ancillary equipment in the R-1 (One-Family Dwelling Zone) district located at 3112 Hosking Avenue as depicted on attached Exhibits B and C.
3. Minimum setbacks of the tower, including equipment and equipment buildings, shall be fifty (50) feet from the property line abutting any public or private street, and 50 feet from adjacent lots zoned or designated residential.
4. Equipment buildings shall not exceed a height of 12 feet and an area of 750 square feet.
5. Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with slats, landscaping, or other cover material as approved by the Planning Director.
6. If security lighting is provided, it shall be directed downward and shielded to prevent light spillage onto adjacent properties and public rights-of-way.
7. Signs and advertisement are prohibited, except required informational signs for public safety in accordance with the area limitations of Section 17.60.080 F.
8. Non-reflective colors shall be used for all equipment shelters, poles, towers, antennas, and supporting structures. If not camouflaged, antenna and monopoles shall be a single color such as off-white, cream, beige, light green, or gray.
9. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7460 latest edition. This may include beacons, sidelights, and/or strobes.
10. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods such as television, radio, telephone, computer, inclusive of any public safety radio system, 911 emergency system, etc., unless exempted by federal regulation.
11. Facilities shall be maintained in good condition and a proper state of preservation at all times. They shall be operational and present a satisfactory appearance regarding their original approval such as painting, material screening, camouflage, landscaping, or anything related to the appearance of the overall facility to the satisfaction of the Planning Director.

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 item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

**A. DEVELOPMENT SERVICES – BUILDING (1715 Chester Avenue)
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. Show on the final building plan how and where water will be drained from the property.
2. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
3. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.

**B. DEVELOPMENT SERVICES – PLANNING (1715 Chester Avenue)
(Staff contact - Whitney Jackson; 661-326-3673 or WJackson@bakersfieldcity.us)**

1. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
2. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
3. The following conditions are required as part of a grading permit:
 - a. Habitat Conservation fees shall be required for this project and will be calculated based on the fee in effect at the time we issue an urban development permit (includes grading plan approvals) as defined in the Implementation/Management Agreement (Section 2.21) for the Metropolitan Bakersfield Habitat Conservation Plan. Upon payment of the fee, the applicant will receive acknowledgment of compliance with Metropolitan Bakersfield Habitat Conservation Plan (Implementation/Management Agreement Section 3.1.4). This fee is currently \$2,145 per gross acres, payable to the City of Bakersfield (submit to the Planning Division). This fee must be paid before any grading or other site disturbance occurs.

Forms and instructions are available at the Planning Division or on the city's web site at www.bakersfieldcity.us (go to Development Services Department).

The current Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) expires in year 2019. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the 2019 expiration date under the current MBHCP. As determined by the City of Bakersfield, only projects ready to be issued an urban development permit, grading plan approval or building permit before the 2019 expiration date will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 2019 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.

- b. Burrowing Owl Notification: The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Fish and Game Code prohibit the taking, possession, or destruction of birds, their nests or eggs. To avoid violation of the provisions of these laws generally requires that project related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1- August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered “taking” and is potentially punishable by fines and/or imprisonment.
 - c. Prior to ground disturbance, the developer shall have a California Department of Fish and Wildlife approved MBHCP biologist survey the location for kit fox, and comply with the provisions of the Metropolitan Bakersfield Habitat Conservation Plan. Survey protocol shall be recommended by the California Department of Fish and Wildlife. Developer shall be subject to the mitigation measures recommended by the biologist. Copies of the survey shall be provided to the Development Services Department, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service prior to ground disturbance.
4. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.
- (Note:** Fences taller than 6 feet are allowed in commercial and industrial zones but they will require a building permit.)
5. Areas used for outside storage shall be treated with a permanent dust binder or other permanent dust control measure consistent with the regulations of the San Joaquin Valley Air Pollution Control District.
- (Note:** All passenger vehicle-parking areas must be paved.)
6. In the event a previously undocumented oil/gas well is uncovered or discovered on the project, the developer is responsible to contact the Department of Conservation’s Division of Oil, Gas, and Geothermal Resources (DOGGR). The developer is responsible for any remedial operations on the well required by DOGGR. The developer shall also be subject to provisions of BMC Section 15.66.080.B.
7. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

8. Prior to receiving final building or site occupancy, you must contact the Planning Division (staff contact noted above) 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.

C. FIRE DEPARTMENT (2101 H Street)

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

1. Show on the final building plans the following items:
 - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).

(Note: Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
2. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
3. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other driving surface approved by the fire chief. Must be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds and shall be surfaced with the first lift of asphalt as to provide all-weather driving capabilities. All access (Permanent and temporary) to and around any building under construction must be at least 20 feet wide (26 feet wide where building height exceeds 30 feet), with an overhead clearance of 13 feet 6 inches, and contain no obstruction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
4. The minimum gate width shall be 20 feet and a minimum vertical clearance of thirteen (13) feet six (6) inches is required when the gate is at full open position. Where there is more than one gate and two or more driveways separated by islands, a minimum horizontal clearance of fifteen (15) feet for each driveway and a minimum vertical clearance of thirteen (13) feet six (6) inches is required when gates are at full open position. Horizontal distance shall be measured perpendicular to the direction of travel on the driveway. Vertical distance shall be measured from the highest elevation of the driveway to the lowest overhead obstruction.
5. If you handle hazardous materials or hazardous waste on the site, the Prevention Services Division may require a hazardous material management and/or risk management plan before you can begin operations. Please contact them at 661-326-3979 for further information.
6. If you store hazardous materials on the site in either an underground or a permanent aboveground storage tank, a permit from the Prevention Services Division is required to install

and operate these tanks. The Prevention Services Division may also require a Spill Prevention Control and Countermeasure Plan for storage of petroleum products above ground in quantities of 1,320 gallons or more. Please contact them at 661-326-3979 for further information.

D. WATER RESOURCES (1000 Buena Vista Road)
(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

As proposed, no conditions.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)
(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)

1. The developer shall construct curbs, gutters, cross gutters, 5-foot 6-inch wide sidewalks, and street/alley paving along Hosking Road according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. The developer shall install streetlights along Hosking Road. The developer shall be responsible for providing the labor and materials necessary to energize all newly installed streetlights before occupancy of the building or site. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
3. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
4. If a grading plan is required by the Building Division, building permits will not be issued until the grading plan is approved by **both** the Public Works Department and the Building Division.
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. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required.
7. 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.
8. The developer shall form a new Maintenance District. Undeveloped 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 Alerik Hoeh at 661-326-3576.

- F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)**
(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)

As proposed, no conditions.

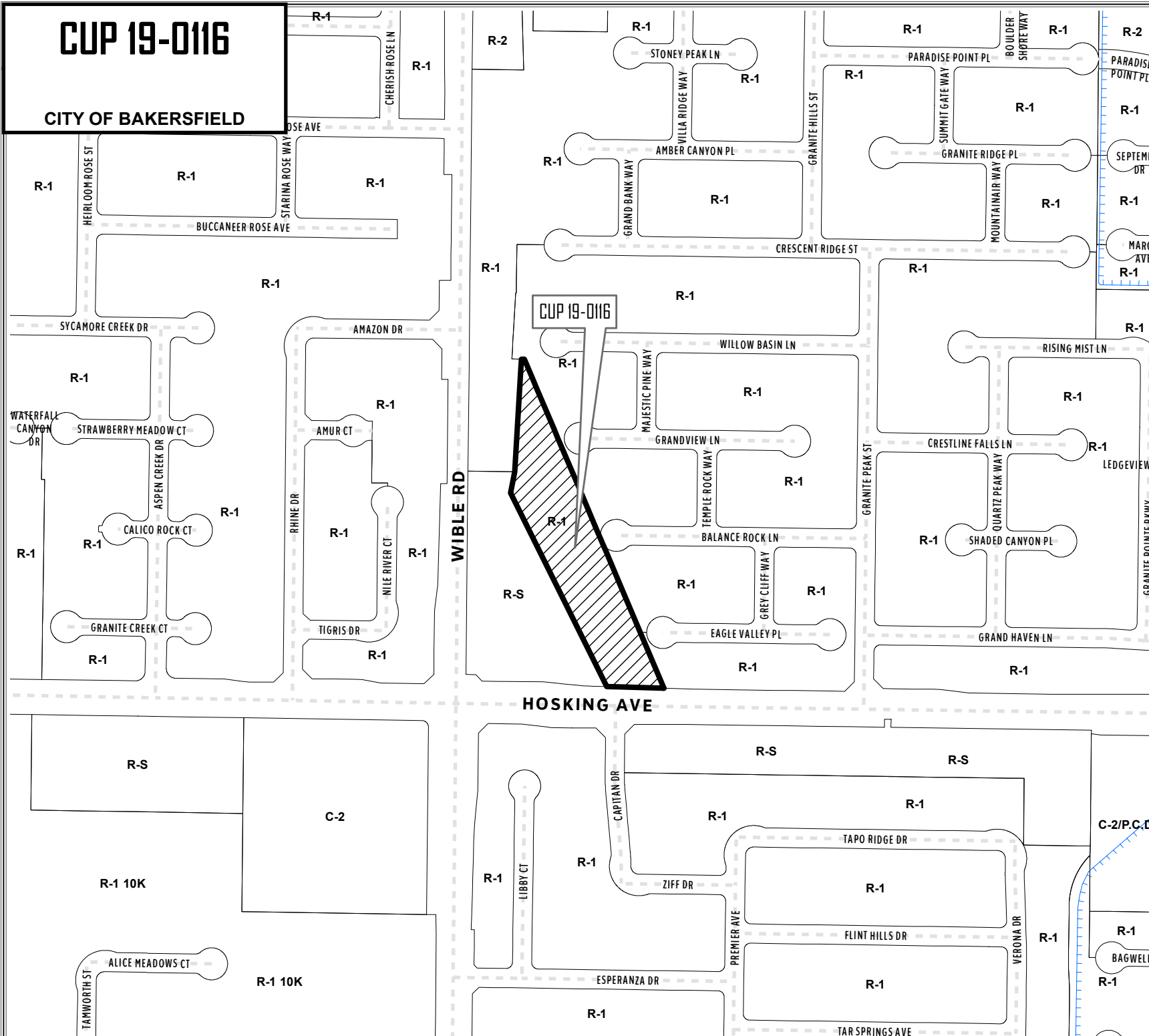
- G. PUBLIC WORKS – SOLID WASTE (4101 Truxtun Avenue)**
(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

As proposed, no conditions.

Exhibit B
(Location Map)

CUP 19-0116

CITY OF BAKERSFIELD



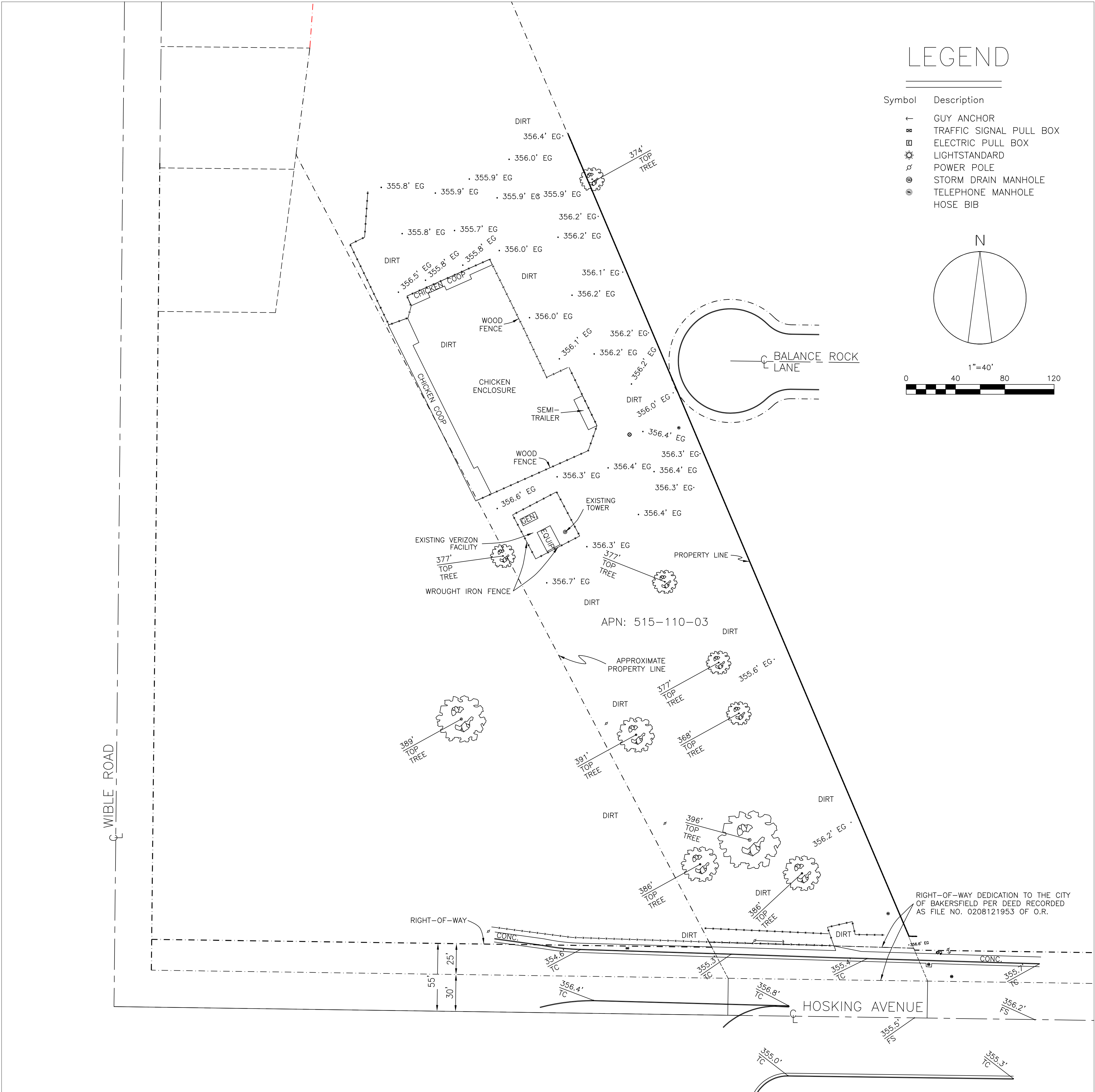
LEGEND (ZONE DISTRICTS)

- 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, 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



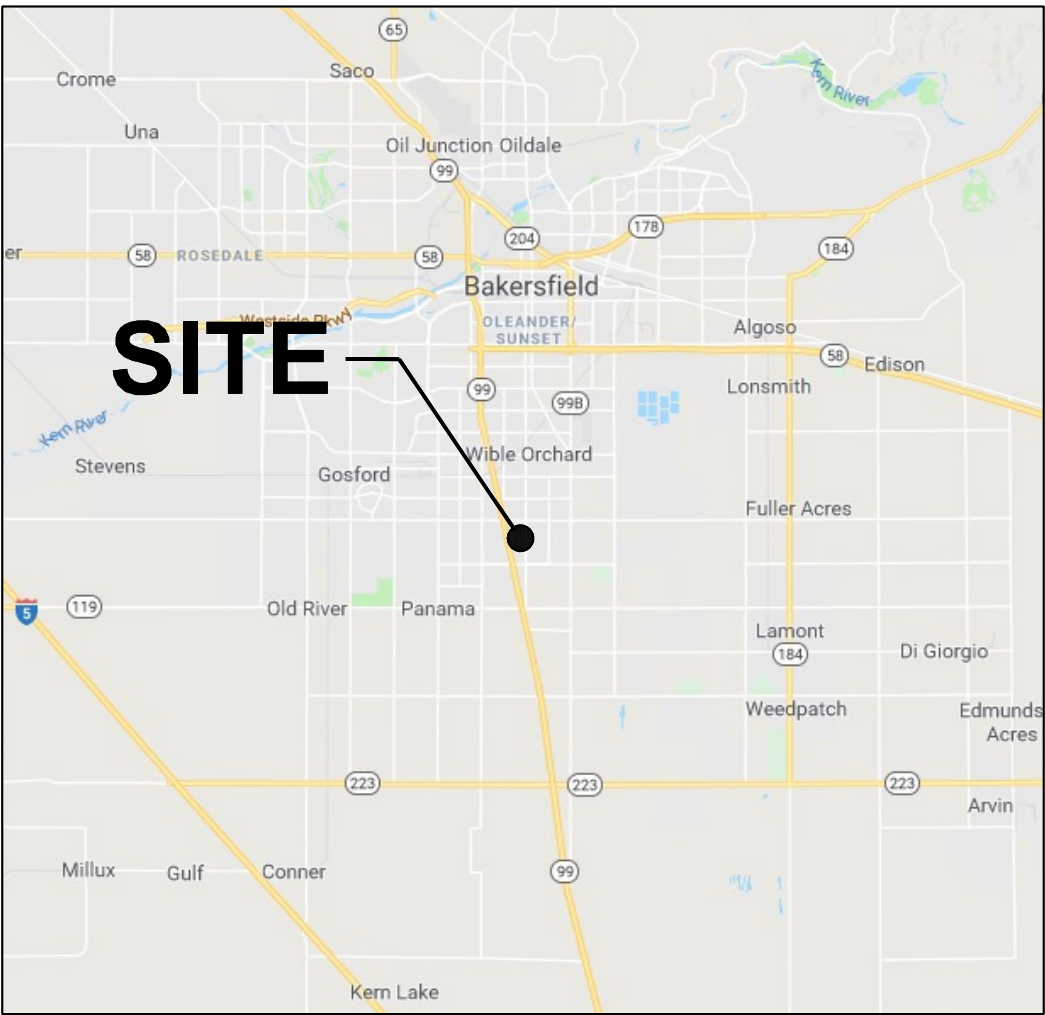
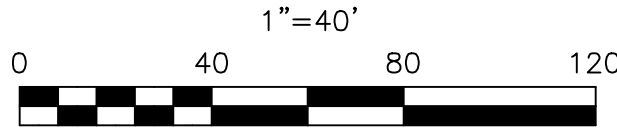
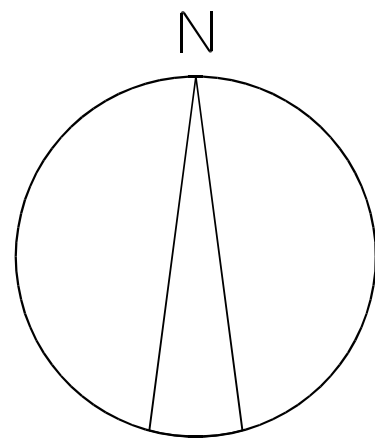
0 225 450 Feet

Exhibit C
(Site Development Plan)



LEGEND

Symbol	Description
←	GUY ANCHOR
⊞	TRAFFIC SIGNAL PULL BOX
⊞	ELECTRIC PULL BOX
☼	LIGHTSTANDARD
⊙	POWER POLE
⊙	STORM DRAIN MANHOLE
⊙	TELEPHONE MANHOLE
⊙	HOSE BIB



VICINITY MAP

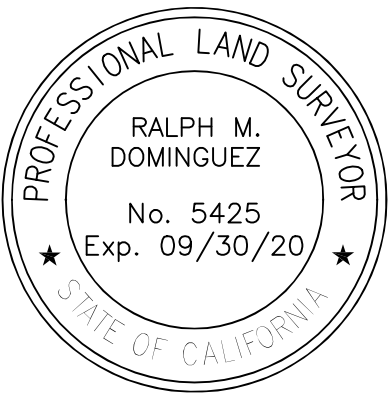
LEGAL DESCRIPTION

THAT PORTION OF LOTS 25 AND 26 OF SECTION 25, TOWNSHIP 30 SOUTH, RANGE 27 EAST, M.D.M., IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE KERN COUNTY SALES MAP NO. 1 OF LANDS OF J.B. HAGGIN, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON MAY 3, 1889, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 26, DISTANT 468 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 26; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 26, 162 FEET; THENCE NORTHWESTERLY 1144 FEET, MORE OR LESS, TO A POINT WHICH IS 202 FEET EAST OF THE WEST LINE OF SAID SECTION 25; THENCE WEST TO THE EAST LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO LIGO B. SMITH AND WIFE, AS JOINT TENANTS, BY DEED RECORDED OCTOBER 30, 1943 IN BOOK 1150, PAGE 349 OF OFFICIAL RECORDS; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF SAID PARCEL SO CONVEYED TO SAID SMITHS AND ALONG THE EAST LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO ROBERT ROGERS AND WIFE, AS JOINT TENANTS, BY DEED RECORDED JUNE 13, 1941 IN BOOK 962, PAGE 293 OF OFFICIAL RECORDS, TO A POINT ON THE EAST LINE OF SAID PARCEL CONVEYED TO ROGERS, WHICH POINT IS DISTANT 141 FEET EAST OF THE WEST LINE OF SAID SECTION 25; THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING.
EXCEPTING THEREFROM THAT PORTIONS GRANTED TO THE CITY OF BAKERSFIELD, A CALIFORNIA MUNICIPAL CORPORATION RECORDED JULY 31, 2008, FILE NO. 0208121953, OF OFFICIAL RECORDS.

APN: 515-110-03

BENCHMARK

PROJECT ELEVATIONS ESTABLISHED FROM GPS DERIVED OTHOMETRIC HEIGHTS BY APPLICATION OF NGS 'GEOID 12B' MODELED SEPARATIONS TO ELLIPSOID HEIGHTS.
ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD88.



T-Mobile
Stick Together

4100 GUARDIAN ST., SUITE 101
SIMI VALLEY, CA 93063

PROJECT INFORMATION:

OSCARS
SV14023

3112 HOSKING AVENUE
PALMDALE, CA 93313

CURRENT ISSUE DATE:

06/04/19

ISSUED FOR:

REV.: DATE: DESCRIPTION: BY:

			-

PLANS PREPARED BY:



7543 Woodley Ave., #201, Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 840-0708

CONSULTANT:

DRAWN BY: CHK.: APV.:

-	-	-
---	---	---

LICENSURE:



RMD SURVEYING CORPORATION
6620 VALINDA AVENUE
RANCHO CUCAMONGA, CA 91737
(909) 419-0645

SHEET TITLE:

SITE SURVEY

SHEET NUMBER: REVISION:

L-1

A

SV14023



Stick Together

4100 GUARDIAN ST., SUITE 101
SIMI VALLEY, CA 93063

PROJECT INFORMATION:

(NSB)
SV14023A
OSCAR

3112 HOSKING AVE.
BAKERSFIELD, CA 93313

CURRENT ISSUE DATE:

01/24/19

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

A	01/11/19	90% ZD, ISSUED FOR REVIEW	RB
B	01/24/19	100% ZD, REVISED PER DRM COMMENTS	RB

PLANS PREPARED BY:

a division of advantage engineers

7543 Woodley Ave., #201, Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 840-0708

CONSULTANT:

a division of advantage engineers

7543 Woodley Ave., #201, Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 840-0708

DRAWN BY: RB

CHK.: PAD

APV.: JG

LICENSURE:

SHEET TITLE:

OVERALL SITE PLAN

SHEET NUMBER: A-1

REVISION: B

SV14023A

PROJECT INFORMATION:

(NSB)
SV14023A
OSCAR

3112 HOSKING AVE.
BAKERSFIELD, CA 93313

CURRENT ISSUE DATE:

01/24/19

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

A	01/11/19	90% ZD, ISSUED FOR REVIEW	RB
B	01/24/19	100% ZD, REVISED PER DRM COMMENTS	RB

PLANS PREPARED BY:



CONSULTANT:



DRAWN BY: CHK.: APV.:

RB PAD JG

LICENSURE:

SHEET TITLE:

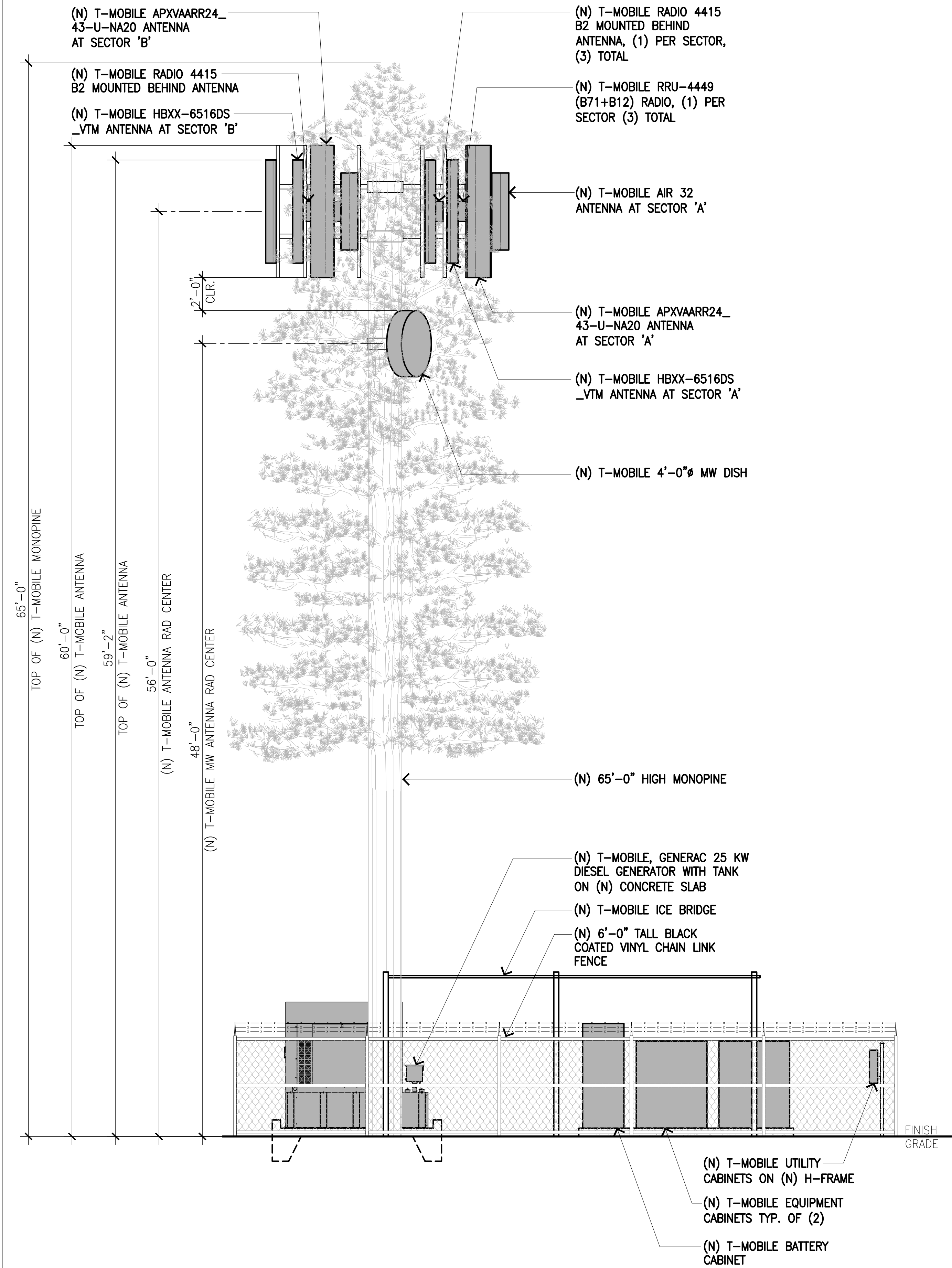
ELEVATIONS

SHEET NUMBER: REVISION:

A-3

B

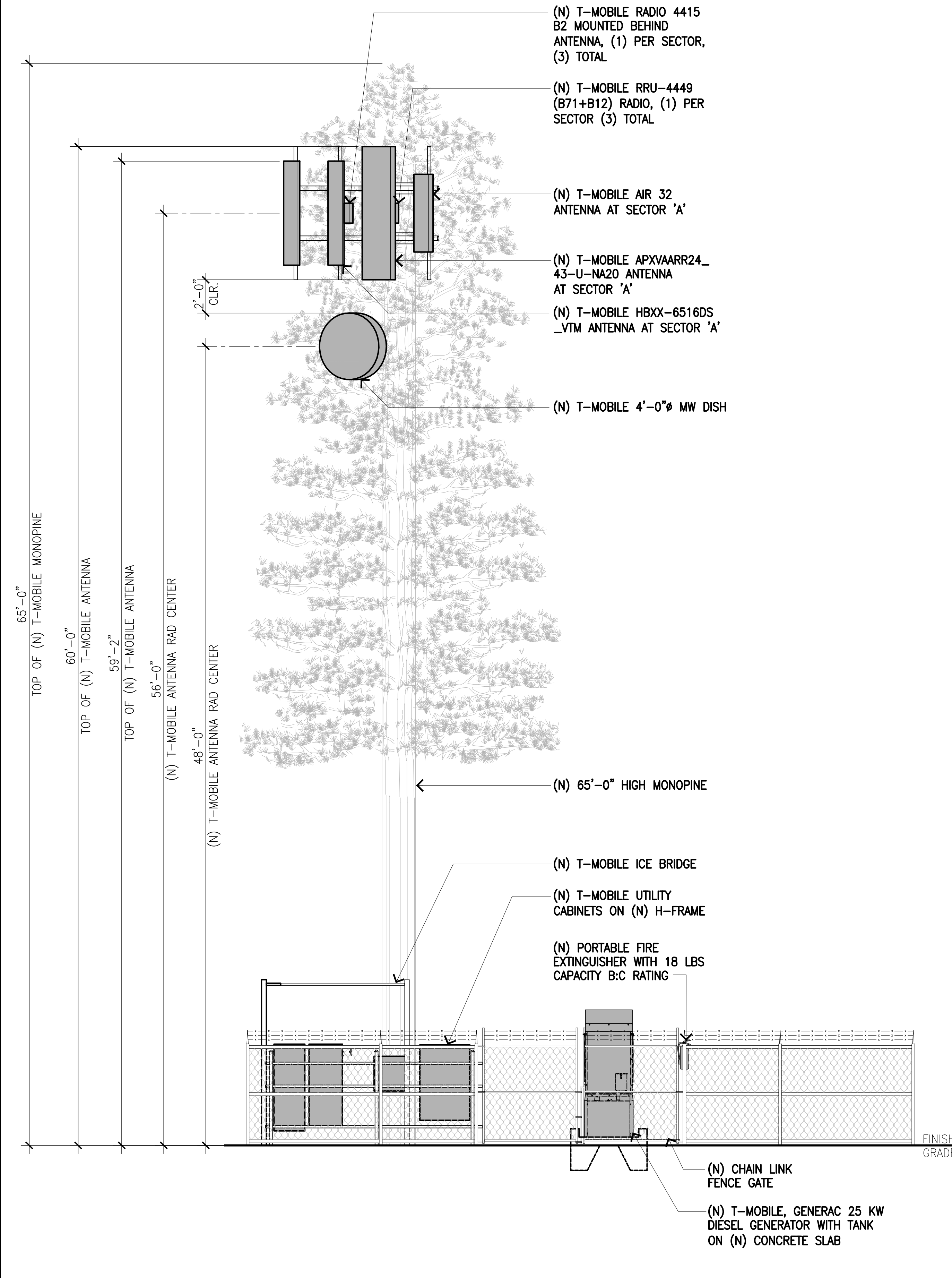
SV14023A



(N) SOUTHEAST ELEVATION

SCALE: 1/4"=1'-0"
0 1' 2' 4' 8'

1



(N) NORTHEAST ELEVATION

SCALE: 1/4"=1'-0"
0 1' 2' 4' 8'

2

PROJECT INFORMATION:

(NSB)
SV14023A
OSCAR

3112 HOSKING AVE.
BAKERSFIELD, CA 93313

CURRENT ISSUE DATE:

01/24/19

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

A	01/11/19	90% ZD, ISSUED FOR REVIEW	RB
B	01/24/19	100% ZD, REVISED PER DRM COMMENTS	RB

PLANS PREPARED BY:

Synergy
a division of **advantage engineers**
7543 Woodley Ave., #201, Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 840-0708

CONSULTANT:

Synergy
a division of **advantage engineers**
7543 Woodley Ave., #201, Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 840-0708

DRAWN BY: CHK.: APV.:

RB PAD JG

LICENSURE:

SHEET TITLE:

ELEVATIONS

SHEET NUMBER: REVISION:

A-4

B

SV14023A

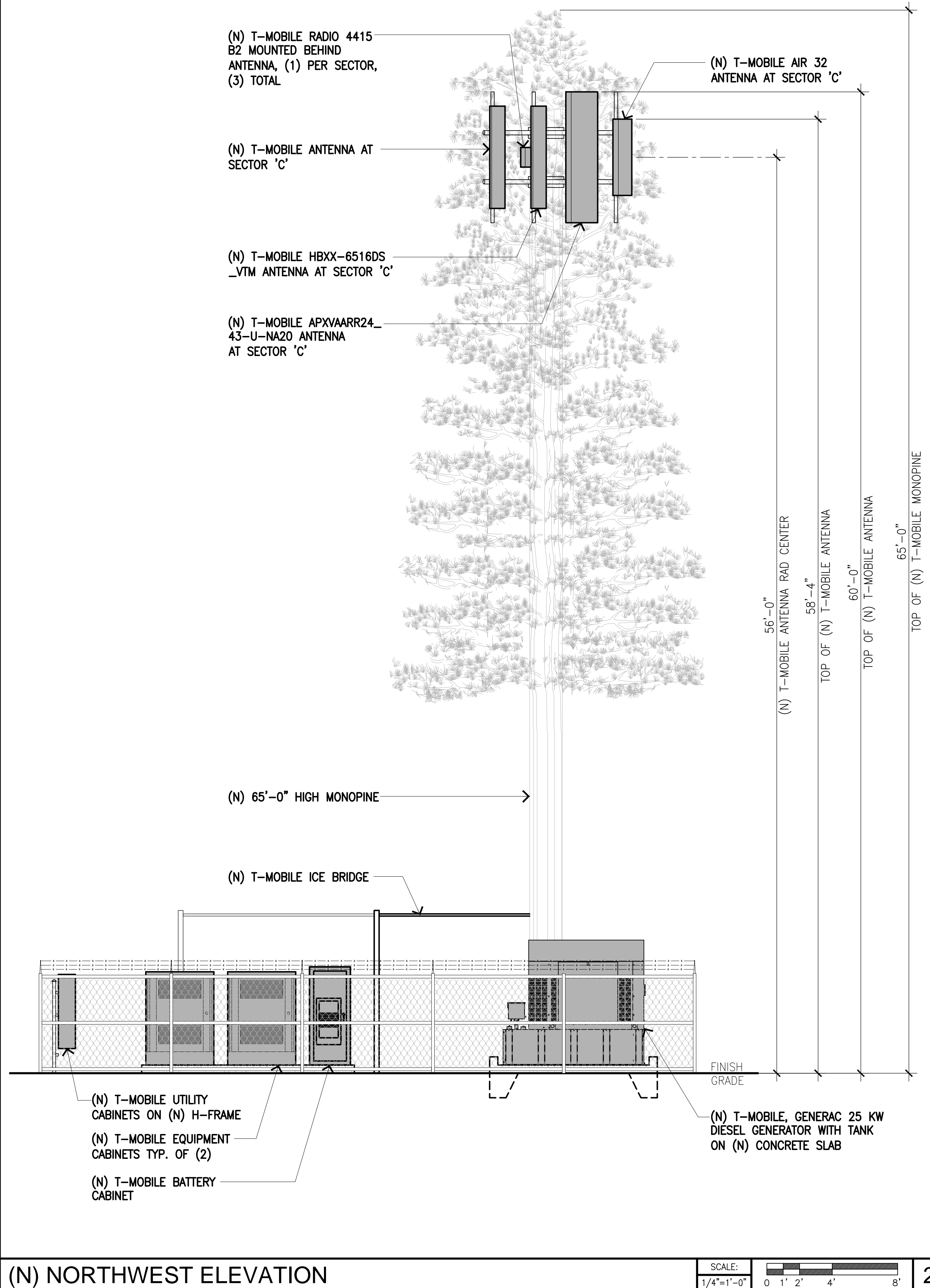
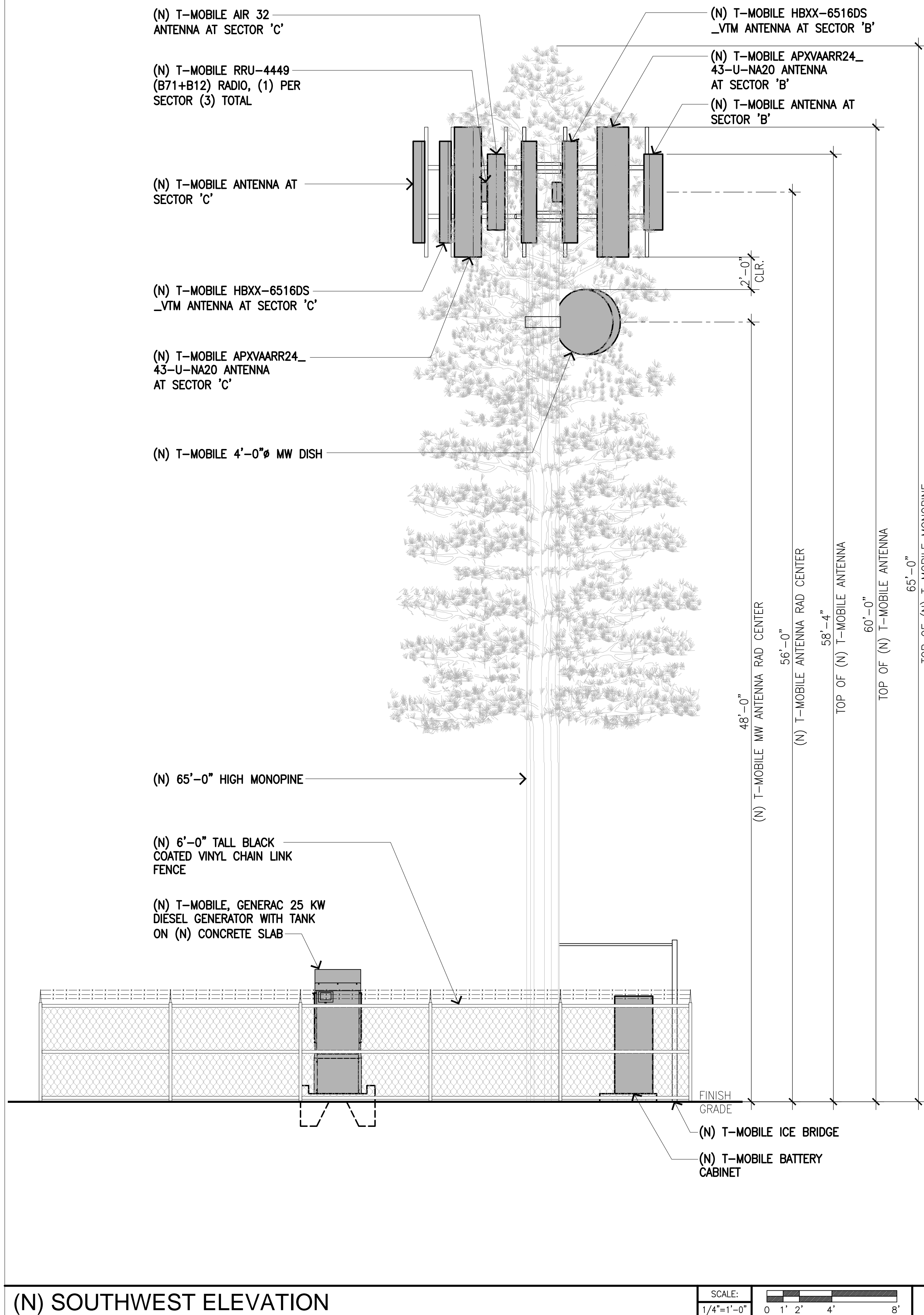
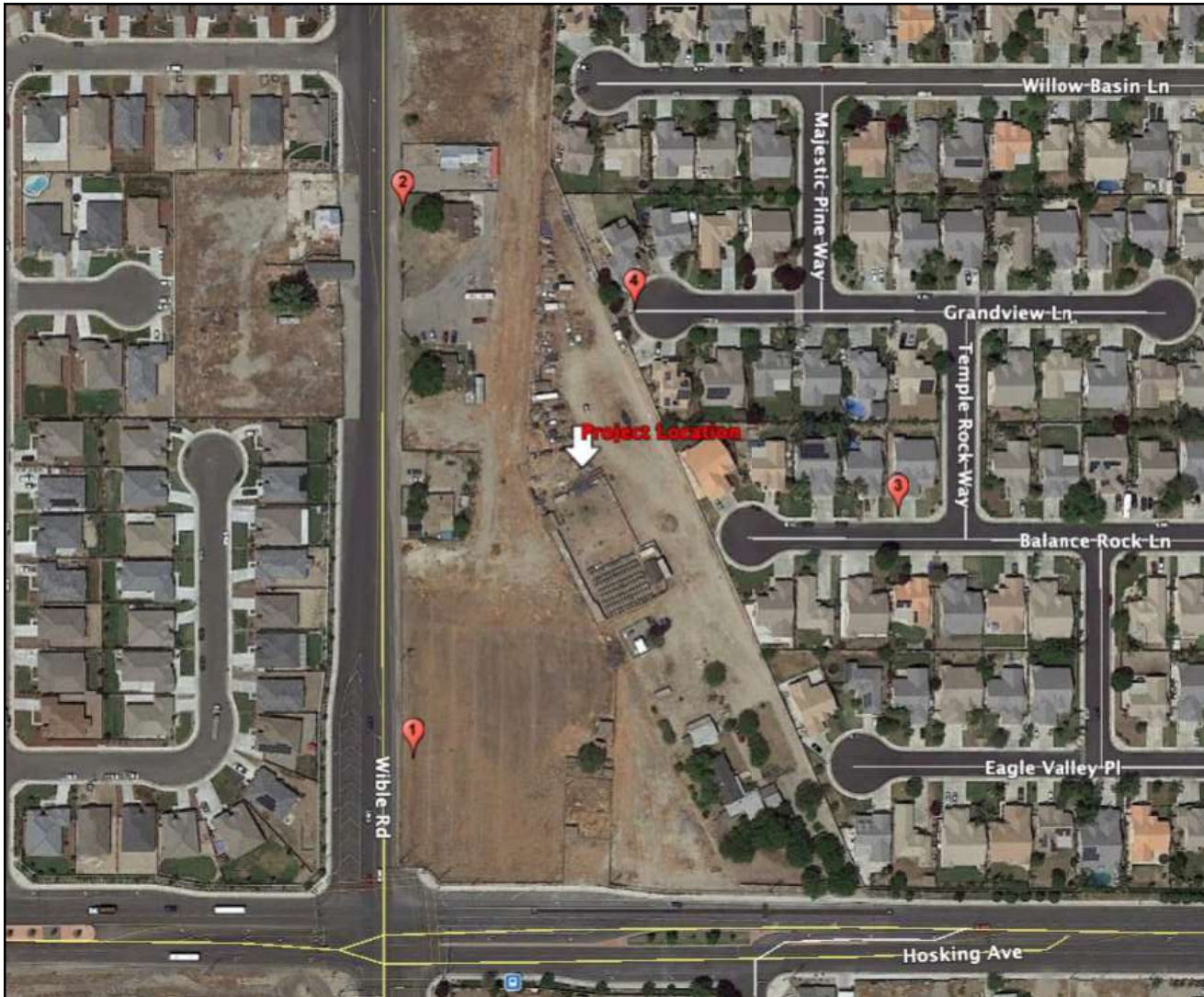


Photo Sims

Site Number: SV14023A
Site Name: Oscar
Site Address: 3112 HOSKING AVENUE
BAKERFIELD, CA 93313

T-Mobile



Synergy

a Division of Advantage Engineers LLC
7543 Woodley Ave #201
Van Nuys, CA 91406
(818) 840-0808

Photographic Visualizations Provided By:

SoCal

SCDG LLC.
SoCal Design Group

10780 Aster Lane
Apple Valley, CA 92308
www.scdgllc.com
(951) 225-5421
edward@scdgllc.com

This photo simulation is being provided as a conceptual representation of the proposed wireless facility.
For exact dimensions and design, please refer to the submitted plans.
SCDG LLC (SoCal Design Group) is not Responsible for Post Simulation Production Design Changes

Revision Date: Mar. 10, 2019



EXISTING

Proposed T-Mobile
Monopine and Equipment
Lease Area



Proposed



EXISTING

Proposed T-Mobile
Monopine and Equipment
Lease Area



Proposed



EXISTING

Proposed T-Mobile
Monopine and Equipment
Lease Area



Proposed



EXISTING

Proposed T-Mobile
Monopine and Equipment
Lease Area



Proposed

Propagation Maps

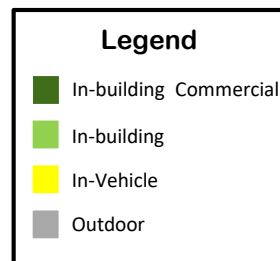
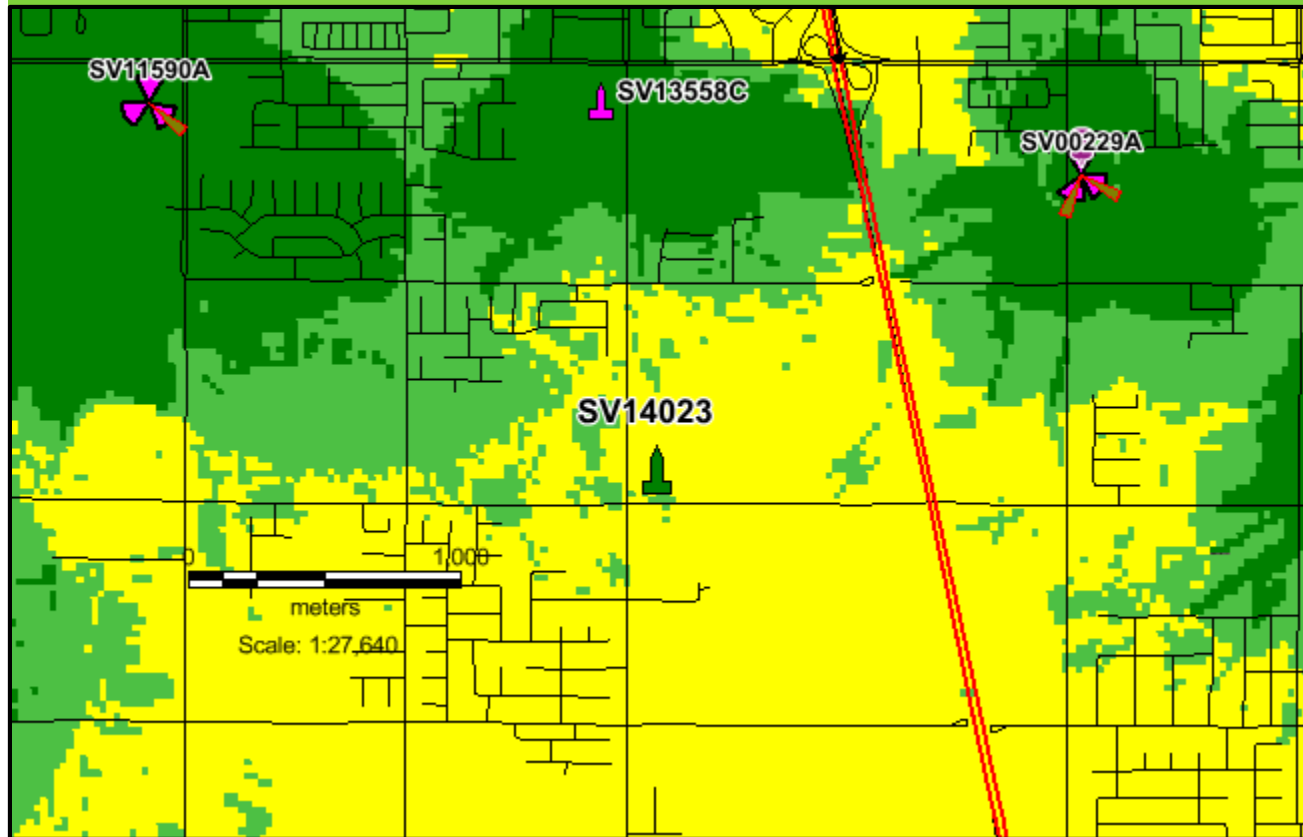


SV14023

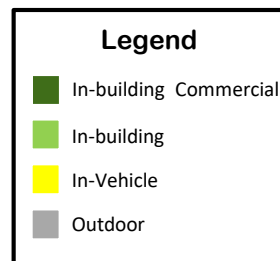
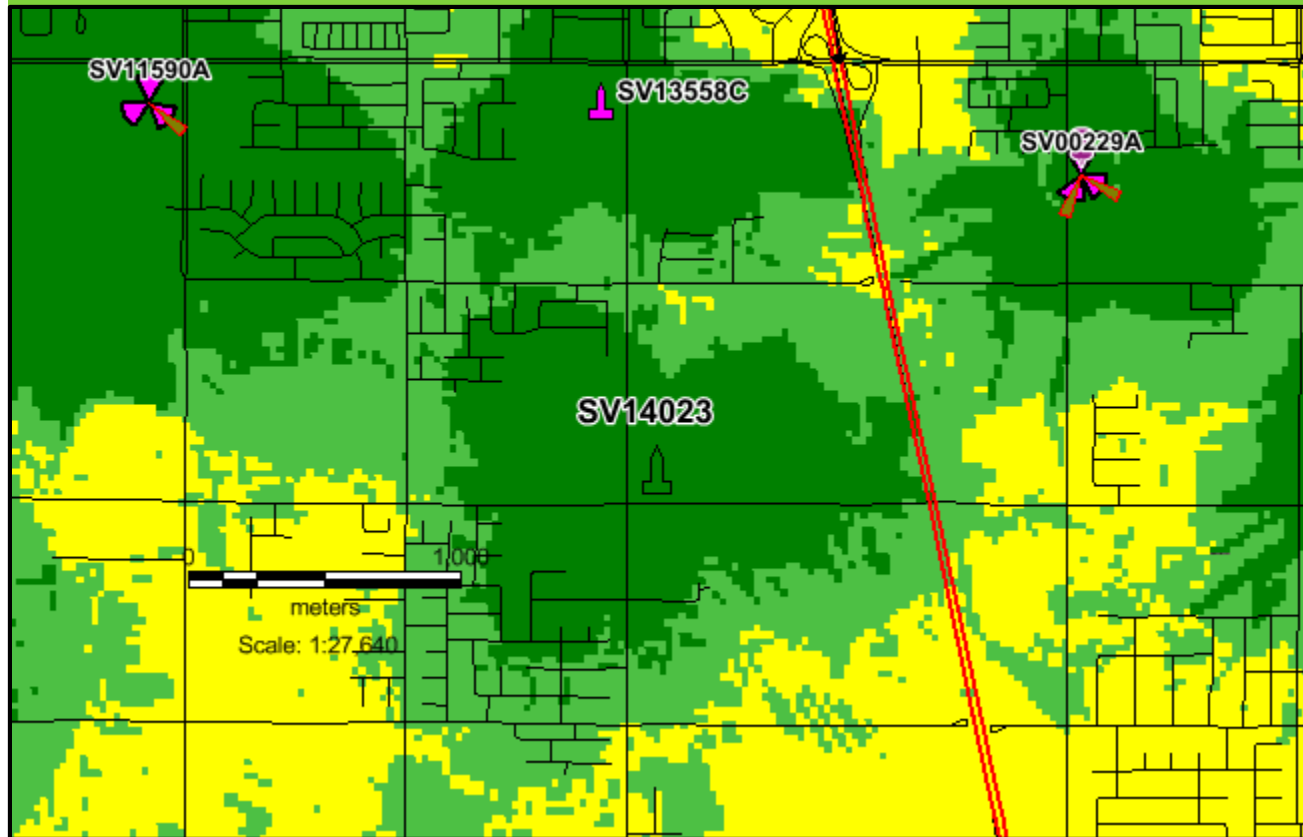
LTE 2100 COVERAGE PREDICTION PLOT

The Right Results
The **Right** Way™

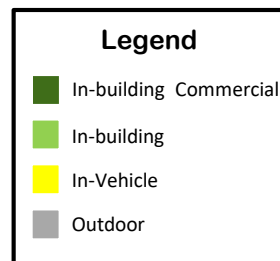
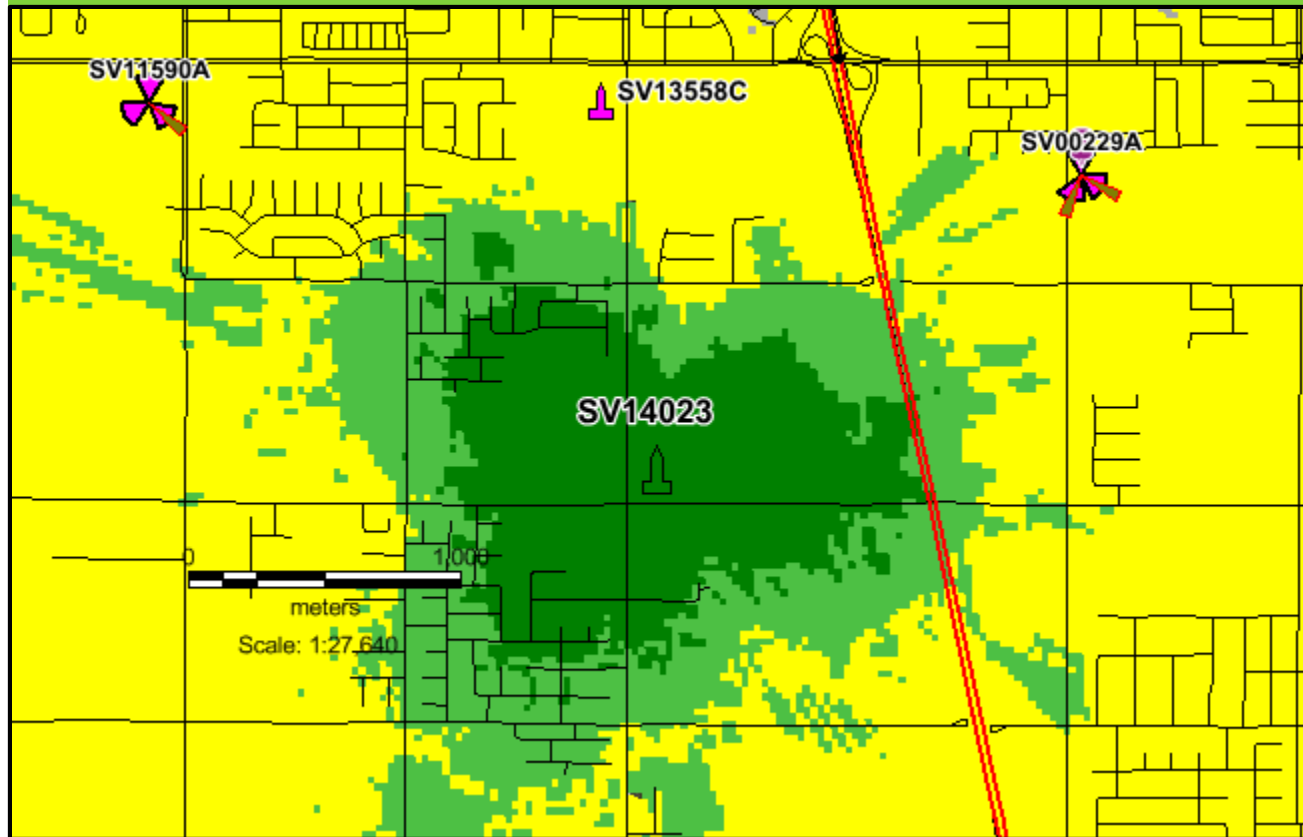
Predicted LTE 2100 Coverage of existing on-air sites



Predicted LTE 2100 Coverage of existing on-air sites with SV14023



Predicted LTE 2100 Coverage of SV14023 only





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 9, 2019

ITEM NUMBER: Consent Calendar Public Hearings4.(c.)

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: Ward 1

SUBJECT:

Conditional Use Permit No. 19-0182: Salvador Orozco is proposing a conditional use permit to allow a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 699 East Brundage Lane. Proposed Notice of Exemption on file.

APPLICANT: Salvador Orozco

OWNER: Jaime Salazar

LOCATION: 699 East Brundage Lane

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: July 9, 2019

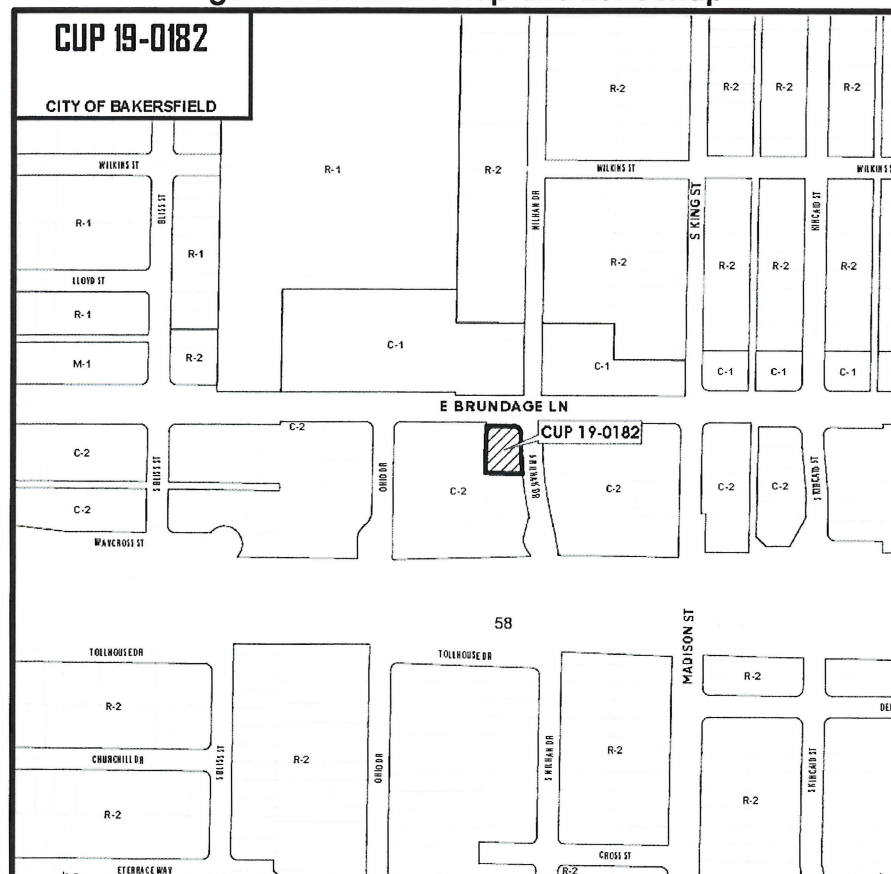
SUBJECT: Conditional Use Permit; File No. 19-0182 (Ward 1)

APPLICANT: Salvador Orozco
4601 Center Street
Bakersfield, CA 93306

OWNER: Jaime Salazar
699 East Brundage Lane
Bakersfield, CA 93301

LOCATION: 699 East Brundage Lane | APN: 169-032-01

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0182, as depicted in the project description and subject to the listed conditions of approval.

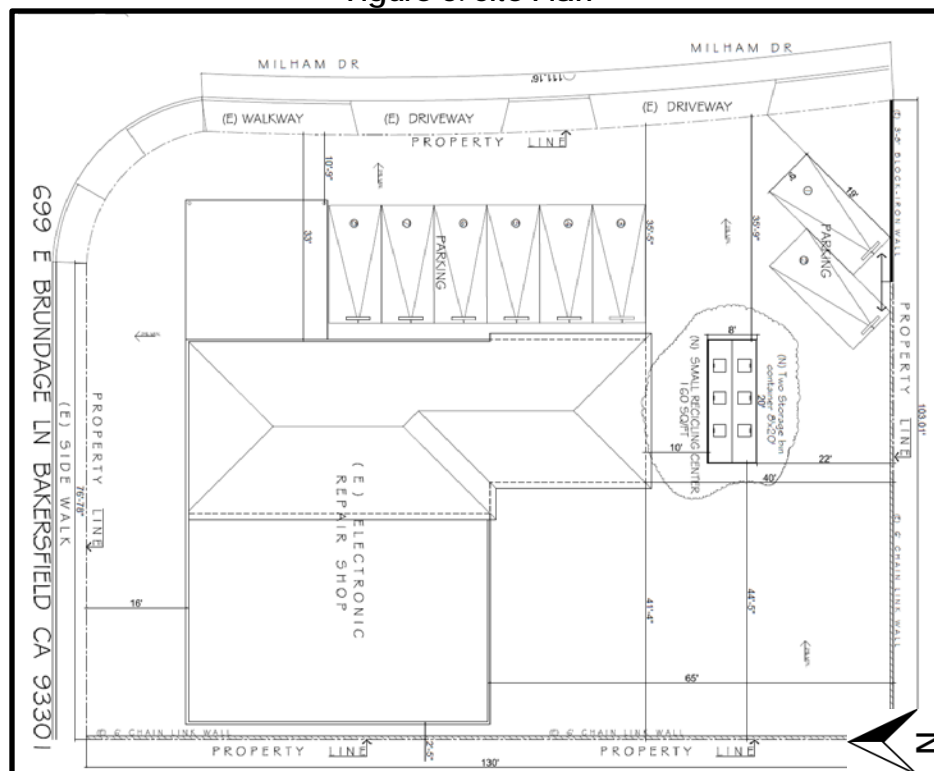
PROJECT SUMMARY:

The project is a request for a conditional use permit to allow a recycling center outside a State-recognized convenience zone for the purchasing of California Redemption Value (CRV) containers from the public in a C-2 (Regional Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Site Plan



The project site is located on an approximate 320 square foot portion of a 1/4+ acre parcel developed with an appliance repair shop and an auto dealership office (auto sales lot is on adjacent property to the west). The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-2	Appliance Repair Shop and Automobile Dealership Office
North	GC	C-1	Automobile Dealership
East	GC	C-2	Vacant Commercial Building
South	GC	C-2	Single-Family Residential
West	GC	C-2	Automobile Dealership Lot
General Plan Key GC: General Commercial		Zone District Key C-1: Neighborhood Commercial C-2: Regional Commercial	

BACKGROUND:

In 2018, City Council approved revisions to the municipal code requiring a conditional use permit for recycling centers, as defined by Public Resources Code (PRC) Section 14520, if located within a convenience zone. This was applicable for properties in commercial and light & general manufacturing zones and became effective on December 7, 2018.

PRC defines a recycling center as an operation which is certified by the Division of Recycling in the Department of Resources Recycling and Recovery (CalRecycle), and which accepts from consumers and pays or provides the refund value for empty beverage containers intended to be recycled.

CalRecycle administers the state's California Redemption Value (CRV) program established by state law for recycling bottles and cans. In order to provide opportunities to redeem containers near where the beverages were purchased, the program requires that a recycling center be established within a 1/2-mile radius of each supermarket (this 1/2-mile radius circle is called a "convenience zone"). A supermarket is defined as:

1. A full-line store that sells a line of dry groceries, canned goods, or nonfood items and perishable items;
2. A store with gross annual sales are \$2 million or more; and
3. A store identified in the Progressive Grocer Marketing Guidebook.

With few exceptions, if a convenience zone does not contain a recycling center, the supermarket must either (1) redeem all CRV beverage containers in the store, or (2) pay \$100 per day to CalRecycle. There are three conditions where an exception may exist:

1. The convenience zone is unserved. In this case, the supermarket is: (a) undergoing a 60-day grace period before they are required to redeem CRV containers in-store; (b) currently redeeming CRV containers in-store; or (c) paying \$100 per day to the State in lieu of accepting the responsibility of redeeming containers in-store.

2. The convenience zone is in a holding pattern awaiting review in the Exemption Process.
3. The convenience zone is exempt based on CalRecycle's determination that one or more of the following mandated conditions are met.
 - a. Ease of access to redemption center by consumers;
 - b. Reasonable distance to next closest recycling center;
 - c. Consumers in area predominantly use curbside program for recycling; and
 - d. Recycling centers in the area fail to meet a sufficient volume for economic viability (i.e. below 60,000 containers in the past 12 months).

In preparation of the 2018 municipal code change, staff identified several CRV operations that were licensed with the state; however, they did not obtain the necessary land use approvals from the City. Staff notes this center has been operating since 2018, with no record of complaints.

The recycling center is licensed by the State, but not serving a convenience zone. The ordinance does not identify a recycling center located "outside" a State-recognized convenience zone as a permitted or conditionally permitted use. Therefore, the applicant is requesting approval through the provision that allows a conditional use permit for any use in any zone in which that use is not permitted by the ordinance.

ANALYSIS:

The existing recycling center conducts operations within an approximate 320 square foot area consisting of one 8 x 20-foot (160-square foot) metal storage container. The container is used for storage of collected materials until removed from the site; no operations (e.g. sorting, payment, etc.) are conducted in the container.

The operation has two employees on the largest shift, with operations occurring Monday - Saturday (8:00 am - 5:00 pm) and Sunday (9:00 am - 2:00 pm). The employee(s) secure the site and clean all debris at the close of business each day. No office area for the recycle center is proposed.

Recycling centers require one parking space per employee and two for customers. There are eight on-site parking spaces being provided, where four are dedicated to appliance repair and four dedicated to the recycling center.

The nearest residentially zoned property is located approximately 380 feet to the northeast, across East Brundage Lane. However, properties to the south of the property along South Milham Drive are all developed with single-family and multiple-family residences. Staff notes these properties are zoned for commercial use, but the residences are recognized as legal nonconforming. By operating within a fenced in area, and containing the materials within enclosed buildings that will be secured when no one is present, the applicant notes this will minimize noise, visual blight, and potential for vagrants. Nonetheless, Staff is recommending conditions of approval that would require all shopping carts and other items brought to the site by customers to be removed by the end of each business day and require the site to be maintained in a clean, odor, and litter-free manner.

Regarding shopping carts, Staff notes that it is unlawful for any person to remove or cause to be removed any shopping cart, which is the property of the business establishment furnishing such carts for its customers' use, from the parking lot or other premises of said business establishment without the prior written consent of the appropriate business owner. The maximum penalty is a \$500 fine, 6 months' confinement, or both.

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 15303 Class 1 (New Construction or Conversion of Small Structures), because the project consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. 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 mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

CONCLUSIONS:

Findings. Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit 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 various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such 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 recycling center would help to facilitate the collection of recyclable materials, aiding the City in its efforts to comply with state recycling requirements; (2) the location of the recycling center utilizing enclosed metal storage containers should provide sufficient "safeguards" for the nearby residential development; and (3) 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.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0182, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW A RECYCLING
CENTER OUTSIDE A STATE-RECOGNIZED CONVENIENCE ZONE, FOR THE
PURCHASING OF CALIFORNIA REDEMPTION VALUE (CRV) CONTAINERS
FROM THE PUBLIC (17.64.020.B) IN A C-2 (REGIONAL COMMERCIAL ZONE)
DISTRICT, LOCATED AT 699 EAST BRUNDAGE LANE. (CUP NO. 19-0182)**

WHEREAS, Salvador Orozco filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public (17.64.020.B) in a C-2 (Regional Commercial Zone) district, located at 699 East Brundage Lane (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, July 9, 2019, at 3:00 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 Board of Zoning Adjustment 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 Board of Zoning Adjustment; and

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15303; 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 15303 because the project consists of the construction and location of limited numbers of new, small facilities or structures.

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 Board of Zoning Adjustment 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. 19-0182 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 Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 9th day of July 2019, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 19-0182

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 BZA 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 BZA 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 BZA 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 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.

2. This conditional use permit allows for a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public in the C-2 (Regional Commercial Zone) district located at 699 East Brundage Lane, and as depicted on attached Exhibits B and C.
3. The recycling operation shall not have more than one metal storage container (8 feet x 20 feet).
4. Metal storage containers shall be screened so that they are not visible from public streets.
5. Each metal storage container shall be painted a neutral, earth-tone, site compatible color.
6. Under no circumstances shall any metal storage container be used for an office, residence, or other purpose involving human occupancy.
7. The subject property, in its entirety, shall be maintained in a clean, odor and litter free manner.
8. Shopping carts and other items brought to the site by customers shall be returned and/or removed from the site by the end of each business day.
9. Without the prior written consent of the appropriate business owner, it is unlawful for any person to remove or cause to be removed any shopping cart, which is the property of the business establishment furnishing such carts for its customers' use, from the parking lot or other premises of said business establishment.

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 item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.*

**A. DEVELOPMENT SERVICES – BUILDING (1715 Chester Avenue)
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. Show on the final building plan how and where water will be drained from the property.
2. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
3. 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 Table 602 of the California Building Code.

4. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
5. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
6. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
7. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.
8. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

**B. DEVELOPMENT SERVICES – PLANNING (1715 Chester Avenue)
(Staff contact - Whitney Jackson; 661-326-3673 or WJackson@bakersfieldcity.us)**

1. The minimum parking required for this project has been computed based on use and shall be as follows:

<u>Proposed Use</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Recycling Center	1 Space/1 Employee 2 for Customers	2 spaces 2 spaces
Required Parking: 4 spaces		

(Note: 4 additional parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Minimum parking stall dimensions shall be 9 feet wide by 18 feet long and shall be designed according to standards established by the Traffic Engineer. Vehicles may hang over landscape areas no more than 2-1/2 feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.
3. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
4. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area. Please note that staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.

5. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
6. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.

(**Note:** Fences taller than 6 feet are allowed in commercial and industrial zones, but they will require a building permit.)
7. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

(**Note:** This does not include outdoor seating areas for restaurants.)
8. Refuse collection bin enclosures and container areas are subject to all required structural setback from street frontages, and shall not reduce any parking, loading or landscaping areas as required by the Zoning Ordinance.

C. FIRE DEPARTMENT (2101 H Street)

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

1. Show on the final building plans the following items:
 - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).

(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
 - b. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
 - c. Name and phone number of the appropriate contact person.
2. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

D. WATER RESOURCES (1000 Buena Vista Road)

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

As proposed, no applicable conditions at this time.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)
(Staff contact - Manpreet Behl; 661-326-3590 or MBehl@bakersfieldcity.us)

1. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
2. A sewer connection fee shall be paid at the time a building permit is issued. We will base this fee at the rate in effect at the time a building permit is issued.
3. The developer shall form a new Maintenance District. Undeveloped 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 Alerik Hoeh at 661-326-3576.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact – Manpreet Behl; 661-326-3590 or MBehl@bakersfieldcity.us)

As proposed, no applicable conditions at this time.

G. PUBLIC WORKS – SOLID WASTE (4101 Truxtun Avenue)
(Staff Contact - Robert Manuel; 661-326-3114 or rmanuel@bakersfieldcity.us)
(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:
 - Cart service -- 1 cubic yard/week or less 1 time per week
 - Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
 - Roll-off compactor service -- More than 12 cubic yards/day
2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 2, 3 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

<input type="checkbox"/> 6' deep x 8' wide (1 bin)	<input type="checkbox"/> 8' deep x 15' wide (3 bins)
<input checked="" type="checkbox"/> 1 - 8' deep x 10' wide (2 bins)	<input type="checkbox"/> 8' deep x 20' wide (4 bins)

(Note 1: All measurements above are curb-to-curb dimensions inside the enclosure. If both refuse and recycling containers are to be combined in the same enclosure area, this area must be expanded in size to accommodate multiple containers/bins - contact the staff person above for the appropriate enclosure size.)

(Note 2: If using neighboring refuse receptacles, applicant must provide a letter granting permission, authorized and signed by the owner.)

3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B
(Location Map)

CUP 19-0182

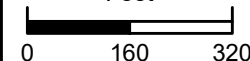
CITY OF BAKERSFIELD

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, 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



Feet



Document Name: 20190604

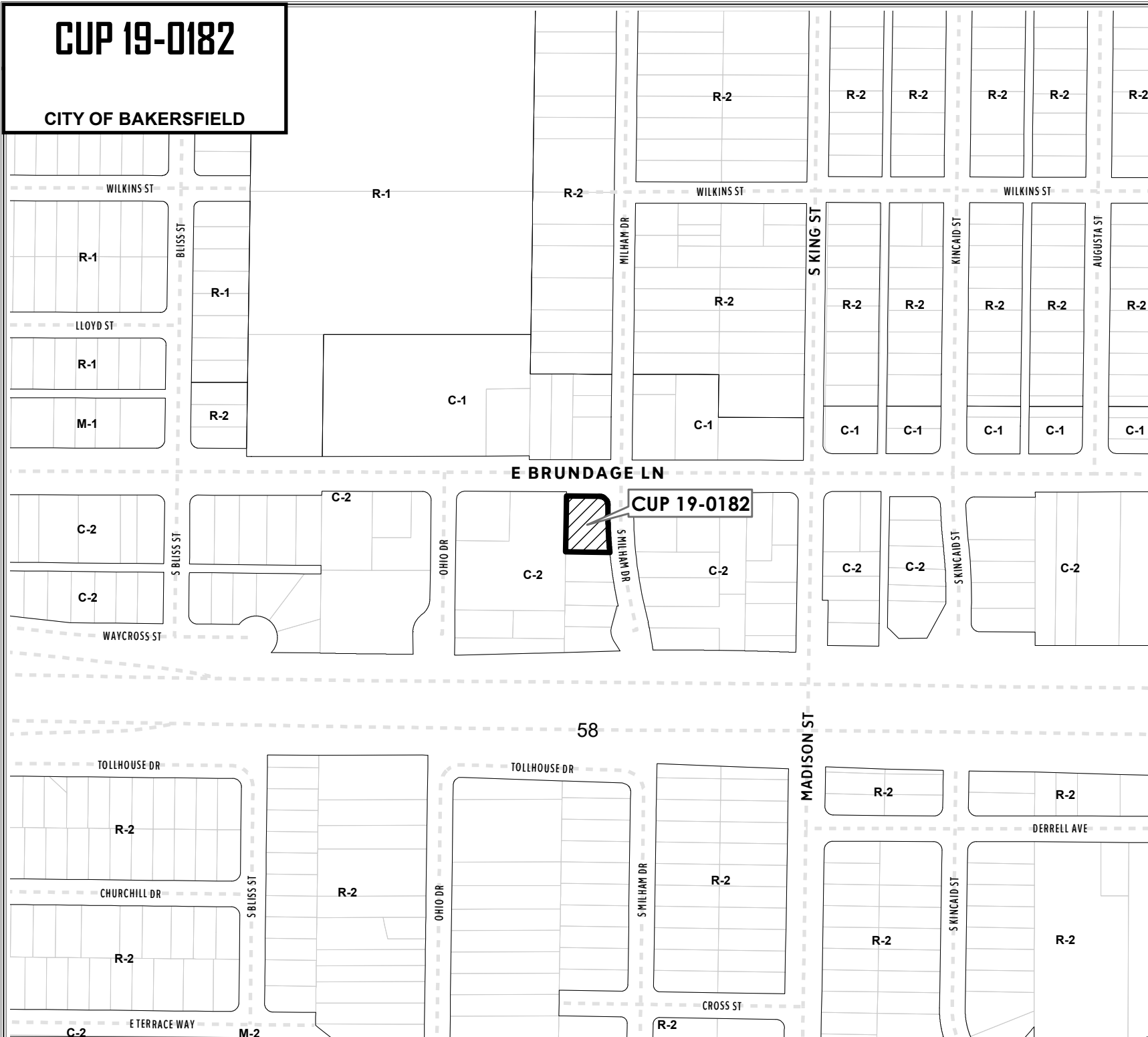


Exhibit C
(Site Development Plan)

OWNER/TENANT: SALVADOR LAGUNAS OROZCO
TEL.: (310)730-3328
PROJECT ADDRESS: 699 E BRUNDAGE LN
BAKERSFIELD CA 93301
APN #: 169-032-018
BLDG. TYPE: N/A
ZONING: C2

PARKING TABULATION

*(E) PARKING-----5
 PARKING SPACES TO REMAIN = 5

PROPOSED SMALL RECYCLING COLLECTION CENTER ON EXISTING LOT.

[illegible]

Diagram of a roof truss structure. The truss is composed of two main members meeting at a peak. The horizontal span is labeled as 9'. The vertical height from the base to the peak is labeled as 18'. The top left member is labeled with a dimension of 4". The top right member is labeled with a dimension of 2".

699 E BRUNDAGE LN
BAKERSFIELD CA 93301
PHONE (310)730-3328

PAID BY: S.
CHECK NO.:
DATE: 18-19
AMOUNT: \$ 1'
BANK NO.:

A-1

TING No.)



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 9, 2019

ITEM NUMBER: Consent Calendar Public Hearings4.(d.)

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: Ward 7

SUBJECT:

Conditional Use Permit No. 19-0208: F. Michael Ayaz is proposing a Conditional Use Permit to allow alcohol sales/consumption in a movie theater (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 2000 Wible Road (Reading Cinemas Valley Plaza with IMAX). Proposed Notice of Exemption on file.

APPLICANT: F. Michael Ayaz

OWNER: Valley Plaza Mall, LLC

LOCATION: 2000 Wible Road

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Operational Procedures & Policies	Backup Material



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: July 9, 2019

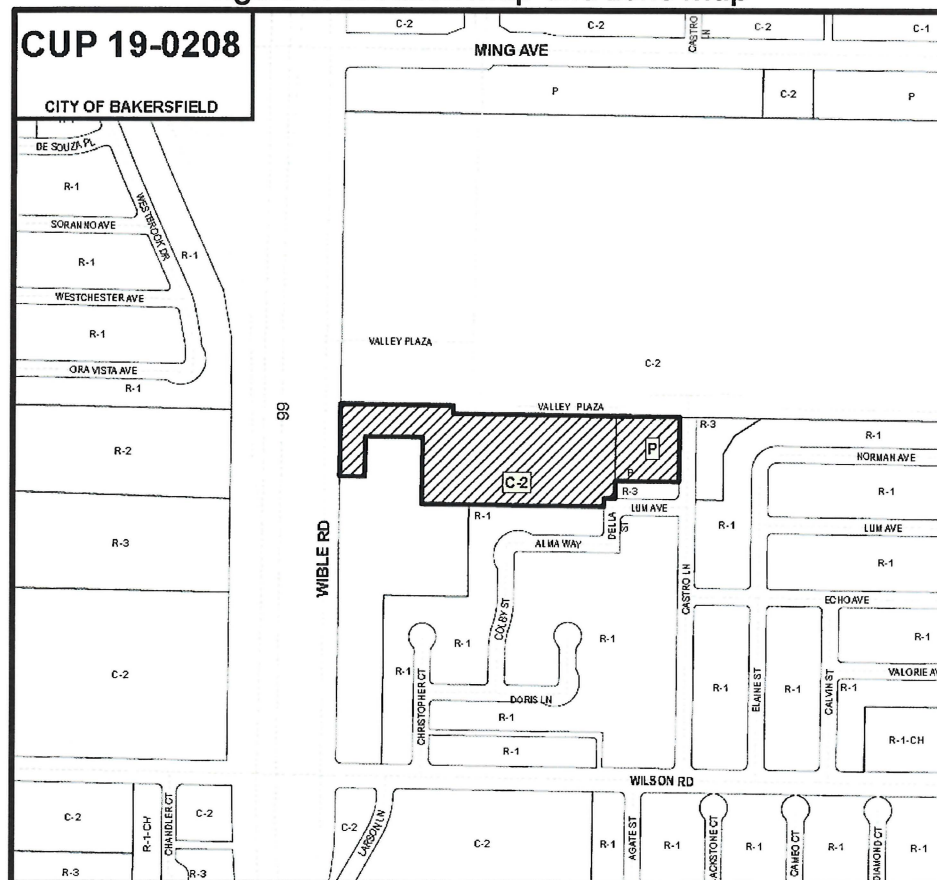
SUBJECT: Conditional Use Permit; File No. 19-0208 (Ward 2)

APPLICANT: F. Michael Ayaz
2222 Damon Street
Los Angeles, CA 90021

OWNER: Valley Plaza Mall, LLC
110 N. Wacker Drive
Chicago, IL 60606

LOCATION: 2000 Wible Road | APN: 023-050-47

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0208, as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a conditional use permit to allow alcohol sales/consumption in a movie theater (Reading Cinemas Valley Plaza with IMAX) in a C-2 (Regional Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

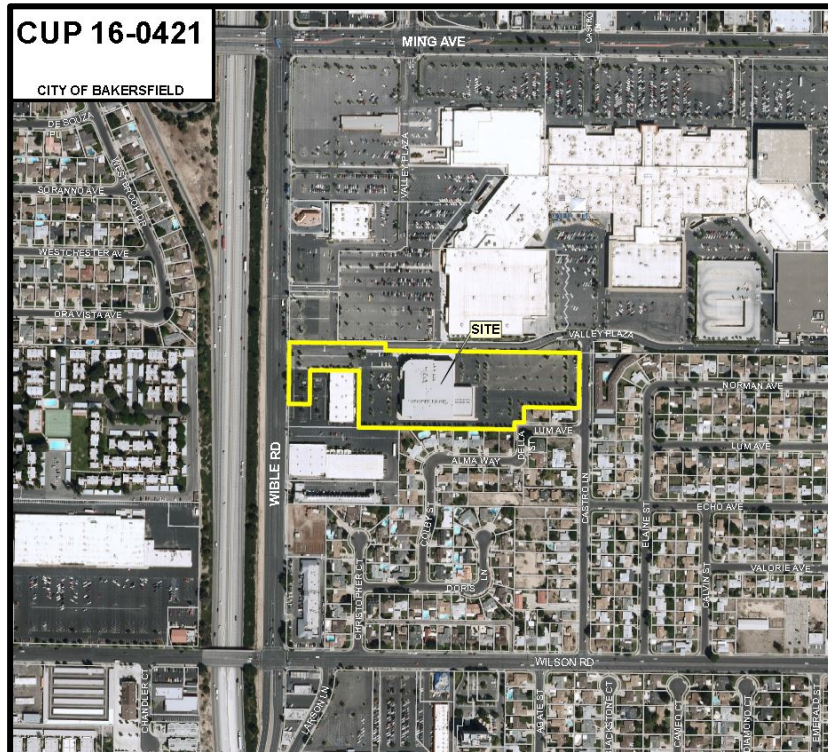
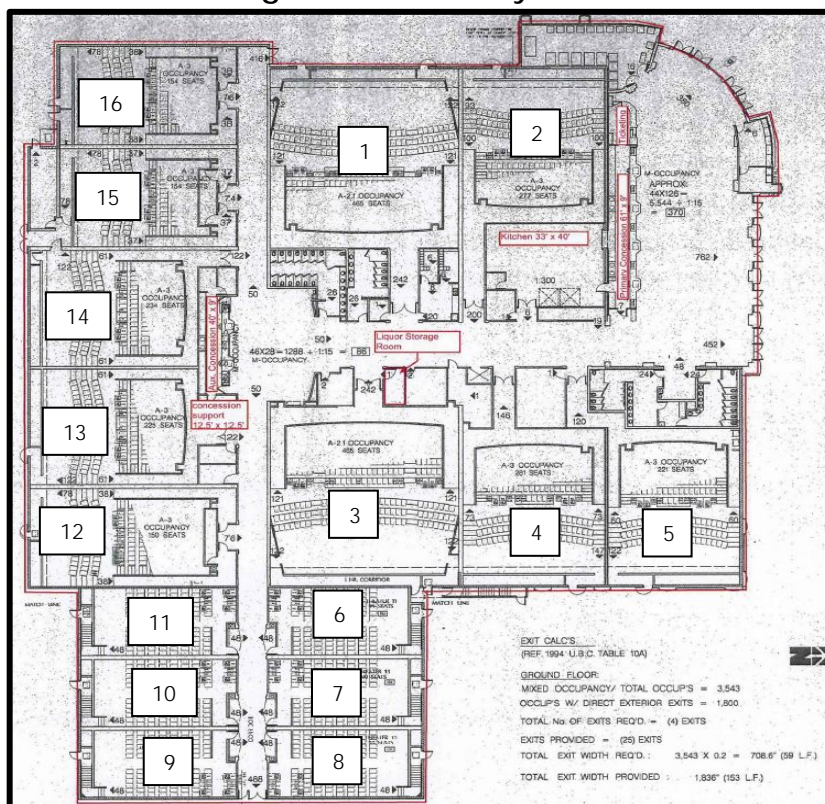


Figure 3. Theater Layout



The property is located within a developed shopping center, and the parcel is developed with a movie theater and parking lot. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	MC	C-2/P	Movie Theater and Parking
North	MC	C-2	Valley Plaza Mall and Parking
East	HR	R-3	Multiple-Family Residential
South	LR/MC	R-1/C-2	Single-Family Residential/General Retail
West	MC	C-2	General Retail
General Plan Key MC: Major Commercial LR: Low Density Residential HR: High Density Residential		Zone District Key C-2: Regional Commercial P: Automobile Parking R-1: One-Family Dwelling R-3: Multiple-Family Dwelling	

BACKGROUND:

In the Fall of 2016, Reading Cinemas Valley Plaza with IMAX (hereafter "Theater") was the first local movie theater to apply for a conditional use permit to allow the serving/consumption of alcohol. By a split vote, your Board approved the request on January 10, 2017 (Conditional Use Permit No. 16-0421). However, an appeal of your Board's decision was filed by the "Neighbors for a Safe Valley Plaza," and on February 15, 2017, City Council considered the request.

Following public comments in support and opposition, a motion was made by Councilmember Parlier to deny the appeal and approve the conditional use permit. This motion was withdrawn and a new motion was made by Councilmember Parlier to uphold the appeal denying the conditional use permit without prejudice, thereby allowing the applicant to come back without waiting a year and reapply for a conditional use permit, which would go directly to the City Council, bypassing the Board of Zoning Adjustment and waving the re-application fee. The motion passed.

At the February 2017 meeting, City Council expressed concerns that unregulated consumption of alcohol in an all-ages, dimly lit, movie theater may lead to the illegal consumption of alcohol by minors and/or other criminal activity. The Council provided direction that this type of use should be considered on a case-by-case basis, and include specific amenities and design features that must be implemented prior to the commencement of alcohol sales to ensure a continuous safe environment for patrons.

Subsequent to that time, your Board has considered two other conditional use permits to allow alcohol sales/consumption in a movie theater. Both these requests included specific design features and were approved without an appeal.

1. Studio Movie Grill located at 2733 Calloway Drive in a C-2 Zone district, was approved March 14, 2017 (Conditional Use Permit No. 17.0009).
2. AMC Bakersfield 6 located at 4200 California Avenue in a C-2 Zone district, was approved on July 11, 2017 (Conditional Use Permit No. 17-0028).

ANALYSIS:

Movie theaters and cinemas are permitted uses in the C-2 district. Additionally, on-site alcohol sales are permitted in the C-2 district, when served in a restaurant where the alcohol is incidental to the serving of food. Although the applicant is pursuing a Department of Alcohol Beverage Control (ABC) Type 47 license (consumption of alcohol on premise in an eating place) which is the license typically used by restaurants, a movie theater does not serve meals with the same mode of operation as a bona fide restaurant. Therefore, the applicant's request to serve/consume alcohol in a movie theater is subject to approval of a conditional use permit.

The applicant states that there has been a demographic shift in the age of moviegoers with the number of patrons over the age of 21 at approximately 65 percent of all ticket purchases. To address the recent trends moviegoers are now accustomed to, Reading Cinemas Valley Plaza has researched and plans to expand its offering of food and beverage products to include made-to-order drinks and gourmet meals, healthy snacks, premium beers, wine and mixed drinks, and other gourmet products.

Food and beverage sales are the Theater's second largest source of revenue after box office admissions. Food and beverage items traditionally include popcorn, soft drinks, candy and hot dogs. However, the Theater recently upgraded their kitchen facility with a new \$500,000 renovation. The remodeled kitchen allows the applicant to prepare an enhanced variety of food choices.

As proposed the Theater is requesting to allow the service and consumption of beer, wine, and distilled spirits to and by patrons 21 years or older in a mixed-age movie screening theater. The Theater has an occupancy rating of 3,543 with 3,218 seats throughout 16 auditoriums (see Figure 3).

Auditorium 1 - 465 seats	Auditorium 6 - 99 seats	Auditorium 11 - 99 seats
Auditorium 2 - 277 seats	Auditorium 7 - 99 seats	Auditorium 12 - 150 seats
Auditorium 3 - 221 seats	Auditorium 8 - 99 seats	Auditorium 13 - 223 seats
Auditorium 4 - 281 seats	Auditorium 9 - 99 seats	Auditorium 14 - 234 seats
Auditorium 5 - 465 seats	Auditorium 10 - 99 seats	Auditorium 15 - 154 seats
		Auditorium 16 - 154 seats

The movie theater operates seven days a week, from 9:00 am to 1:00 am and the applicant is proposing to serve alcohol during these hours of operation. The theater employs approximately 75 individuals, with the largest shift containing 25 employees. The applicant is requesting that alcohol be available for purchase from the both the primary and auxiliary concession stands, and consumed in the lobby area and all 16 auditoriums.

The applicant submitted Reading Cinemas' Operational Procedures & Policies for alcohol sales and consumption at the theater. The following are highlights; a complete list is included as Attachment 2 for your Board's reference:

- All guests purchasing alcohol must provide valid, government-issued photo identification.

- All guests purchasing alcohol will have a distinct colored band attached to their wrist by an employee. Colors change daily and at random.
- Alcoholic beverages will be served in specially designed cups.
- Guests will be limited to only two drinks per valid ID, per transaction.
- Employees will survey auditoriums a minimum of once every 30 minutes.
- Employees dispensing and/or serving alcohol must be 18 years or older; employees mixing cocktails must be 21 years or older.
- Guests may not bring or leave the premises with any alcoholic beverages.
- Police will be notified if someone attempts to purchase alcohol for a minor, or use a false ID.

In order to ensure alcohol is managed responsibly, a condition of approval has been included to require that the project operator continuously comply with the Operational Procedures & Policies and project description.

As stated above, City Council provided direction that alcohol sales/consumption in a movie theater should be considered on a case-by-case basis, and include specific amenities and design features to ensure a continuous safe environment for patrons. For theaters that currently offer alcohol, the operation complies with at least two (2) of the following design features:

1. Auditorium is designated as "21 years and older" only;
2. Auditorium includes a physically separate "21 years and older" seating area for alcohol consumption;
3. Auditorium has a minimum one (1) dedicated theater employee to remain in the auditorium for the full duration of the showing;
4. Each seat includes an individual dedicated "Service Button" to call for direct alcohol service;
5. Each seat includes an individual dedicated table area for consumption of food products.
6. In the case of a remodel of existing auditoriums, conversion/removal of existing auditorium seating to upgraded seating and layout that facilitates staff monitoring of the auditorium;
7. Separate and distinct concession counter which shall serve as the only location in which the sale of alcoholic beverages will occur; i.e., alcoholic beverages shall only be sold from a designated concession stand that will only serve alcohol and no other food, candy, snacks, popcorn, etc.

According to the applicant, the Theater is not designed to comply with the aforementioned design standards. Therefore, the applicant is requesting the following design features be included in the list:

1. Thirty (30) minute documented employee interval auditorium roaming.
2. Reserved seating with identified alcohol patron seating and quality control checks to confirm adult-only consumption.

Staff believes these are reasonable design features that will ensure a continuous safe environment for patrons.

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 15301 Class 1 (Existing Facilities), because the project consists of the operation, maintenance, permitting, licensing, or minor alteration of existing structures involving negligible or no expansion of existing or former use. 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 mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

CONCLUSIONS:

Findings. Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit 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 various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such 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 use would provide a public convenience by offering patrons a variety of beverage choices for 21 years and older age groups; and (2) 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.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0208, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Reading Cinemas' Operational Procedures & Policies

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW ALCOHOL
SALES/CONSUMPTION IN A MOVIE THEATER (17.64.020.B) IN THE C-2
(REGIONAL COMMERCIAL ZONE) DISTRICT, LOCATED AT 2000 WIBLE ROAD
(READING CINEMAS VALLEY PLAZA WITH IMAX) (CUP NO. 19-0208)**

WHEREAS, F. Michael Ayaz filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow alcohol sales/consumption in a movie theater (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 2000 Wible Road (Reading Cinemas Valley Plaza with IMAX) (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, July 9, 2019, at 3:00 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 Board of Zoning Adjustment 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 Board of Zoning Adjustment; and

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15301; 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 15301 Class 1 (Existing Facilities), because the project consists of the operation, maintenance, permitting, licensing, or minor alteration of existing structures involving negligible or no expansion of existing or former use.

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 Board of Zoning Adjustment 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. 19-0208 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 Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 9th day of July 2019, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 19-0208

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 BZA 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 BZA 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 BZA 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 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.

2. This conditional use permit authorizes the sales/consumption of alcohol in specified locations within a movie theater, as a secondary and incidental use and subject to the conditions of approval listed herein, in a C-2 (Regional Commercial Zone) district, located at 2000 Wible Road, and as depicted on attached Exhibits B and C.
3. Prior to the initial commencement of alcohol sales and on January 1st (or the first business day thereafter) of each calendar year thereafter, the theater operator shall submit a written Annual Report to the Development Services Department describing methods for on-going compliance with the operational conditions listed below, specifically Conditions 4, 5, 6, and 7.
4. **Consumption Requirements.** Consumption of alcoholic beverages shall be subject to the following on-going operational conditions:
 - a. Patrons shall not leave the premises with any alcoholic beverages.
 - b. Consumption of alcoholic beverages shall be limited to the lounge area and "Authorized Auditoriums." Authorized Auditoriums are those which have been approved, in writing, by the Development Services Director, and which include at least two (2) of the following Design Features:
 - i. Auditorium is designated as "21 years and older" only;
 - ii. Auditorium includes a physically separate "21 years and older" seating area for alcohol consumption;
 - iii. Auditorium has a minimum one (1) dedicated theater employee to remain in the auditorium for the full duration of the showing;
 - iv. Each seat includes an individual dedicated "Service Button" to call for direct alcohol service;
 - v. Each seat includes an individual dedicated table area for consumption of food products.
 - vi. In the case of a remodel of existing auditoriums, conversion/removal of existing auditorium seating to upgraded seating and layout that facilitates staff monitoring of the auditorium;
 - vii. Separate and distinct concession counter which shall serve as the only location in which the sale of alcoholic beverages will occur, i.e., alcoholic beverages shall only be sold from a designated concession stand that will only serve alcohol and no other food, candy, snacks, popcorn, etc.
 - viii. Thirty (30) minute documented employee interval auditorium roaming.

- ix. Reserved seating with identified alcohol patron seating and quality control checks to confirm adult-only consumption.
 - c. Prior to the initial commencement of alcohol sales at the premises, and subsequent to the future addition of new Authorized Auditoriums, the theater operator shall provide the Development Services Department Director with a written statement identifying all Authorized Auditoriums and confirming completion of applicable Design Features. All other auditoriums shall be appropriately labeled with “no alcohol permitted” signs. Prior to any changes to areas where alcohol sales/consumption are permitted, the theater operator shall obtain written approval from the Development Services Department Director.
5. **Sales and Service Requirements.** Sales and service of alcoholic beverages shall be subject to the following on-going operational conditions:
- a. Eligible moviegoers consuming alcohol shall wear a distinctive colored band attached to their wrist by a qualified/trained employee. Colors shall be changed daily and at random.
 - b. Alcoholic sales are permitted from 9:00 am to 1:00 am or no later than up to the last half hour of the last movie showing, whichever occurs earlier. The theater use may continue to operate without alcohol service beyond the hours specified for alcohol service.
 - c. Employees dispensing alcohol must be 21 years or older; employees serving alcohol must be 18 years or older.
 - d. No more than one alcoholic beverage shall be sold or served to any one person during any transaction.
 - e. Beer and mixed drinks shall not be served in quantities that exceed 16 ounces, and wine shall not be served in a quantity that exceeds 8 ounces.
 - f. Alcoholic beverages shall be sold and served in containers, which significantly differ in appearance from those containers utilized for non-alcoholic beverages. This condition does not preclude the service of alcohol beverages in their original containers.
6. **Security Requirements.** The premises shall continuously adhere to the following security operational conditions:
- a. The owner, manager, or person in charge of the establishment shall be 21 years or older. At least one (1) such person shall be present on the premises at all times.
 - b. While the privileges of this permit are being exercised, the permit holder shall provide and maintain at least one (1) uniform private security officer on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code) on Fridays and Saturdays from 7:00 pm to 2:00 am; and Sundays from 6:00 pm to 1:00 am. All proprietary security officers shall comply with Business and Professions Code 7574.2 and shall register with the Department of Consumer Affairs. The minimum ratio of officers shall be at least one (1) security person for every six “Authorized Auditoriums.” Security personnel shall act to prevent any activity, which

would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided, as described herein, until 30 minutes after closing. The permit holder understands and agrees that should there be an unreasonable increase of calls for service related to alcohol service and/or consumption or an increase of criminal activity with a direct nexus to the permit holder's business operations, permit holder agrees to increase security by a number reasonable determined by the City and/or the Police Department.

- c. During operating hours, all security personnel shall wear clothing that clearly identifies them as "SECURITY" on the front and back of their shirt. During operating hours, employees shall wear clothing and/or a name plaque that identifies them as an employee of the establishment. During operating hours, all establishment employees and security personnel shall cooperate with law enforcement officers who are conducting official investigations on the premises.
 - d. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
 - e. Theater employees shall conduct auditorium inspections no more than 30 minutes apart to monitor for compliance with the conditions of approval.
 - f. The permit holder shall ensure the Bakersfield Police Department is contacted immediately in the event any minor on the premises attempts to obtain an alcoholic beverage through false pretenses.
 - g. Excessive service responses from any City of Bakersfield Department or Division to the permit holder's establishment could result in an investigation being instituted by the Bakersfield Police Department Vice Detail. The results of this investigation could result in notification of an increase of security personnel (Condition 6.b) and/or additional conditions being placed on the permit, or revocation.
7. **General Requirements.** The premises shall continuously adhere to the following general operating conditions:
- a. Prior to commencement of alcohol sales/service, the permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption including, but not limited to, necessary permits from the California Department of Alcoholic Beverage Control (ABC).
 - b. The permit holder shall comply with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
 - c. Prior to commencement of alcohol sales/service, all employees shall go through the Licensee Education on Alcohol and Drugs (LEAD) program and/or the Training for Intervention Procedures (TIPS) program administered or otherwise approved by the California Department of Alcohol Beverage Control.

- d. A copy of the conditions of approval for Conditional Use Permit No. 19-0208 shall be posted in a conspicuous place along with the establishment's issued business license and the California Department of Alcoholic Beverage Control license, and shall be presented to any peace officer or any authorized City official upon request.
- e. Window or other signage visible from the public right-of-way that advertises alcohol, shall not be permitted.
- f. The following alcohol-related signs shall be prominently posed in a readily visible manner in English, Spanish, and the predominant language of the patrons:
 - i. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
 - ii. "No Loitering or Public Drinking"; and
 - iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment".
- g. The permit holder shall ensure that all City fees associated with the premises are current and paid in full.
- h. The establishment's maximum occupant load number shall be posted over every door, which exits outside the premise.
- i. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Development Services Director or his designee and/or the Fire Chief or his designee.
- j. Loitering is prohibited on the premises or areas under the control of the permit holder.
- k. The movie theater shall enforce the facility's policies as stated in the Operational Procedures & Policies provided in association with this Conditional Use Permit.

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 item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.*

**A. DEVELOPMENT SERVICES – BUILDING (1715 Chester Avenue)
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

- 1. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
- 2. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.

3. The developer shall obtain all required approvals from the Kern County Environmental Health Services Department (2700 "M" Street, Bakersfield, CA., 93301; PH 661-862-8700) for any food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.
4. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
5. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.

**B. DEVELOPMENT SERVICES – PLANNING (1715 Chester Avenue)
(Staff contact - Whitney Jackson; 661-326-3673 or WJackson@bakersfieldcity.us)**

1. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)

**C. FIRE DEPARTMENT (2101 H Street)
(Staff contact - Ernie Medina; 661-326-3682 or EMedina@bakersfieldcity.us)**

1. Show on the final building plans the following items:
 - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).

(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
 - b. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
 - c. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
 - d. Name and phone number of the appropriate contact person.
2. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

D. WATER RESOURCES (1000 Buena Vista Road)
(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

As proposed, no applicable conditions at this time.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)
(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)

1. A sewer connection fee shall be paid at the time a building permit is issued. We will base this fee at the rate in effect at the time a building permit is issued.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)

As proposed, no applicable conditions at this time.

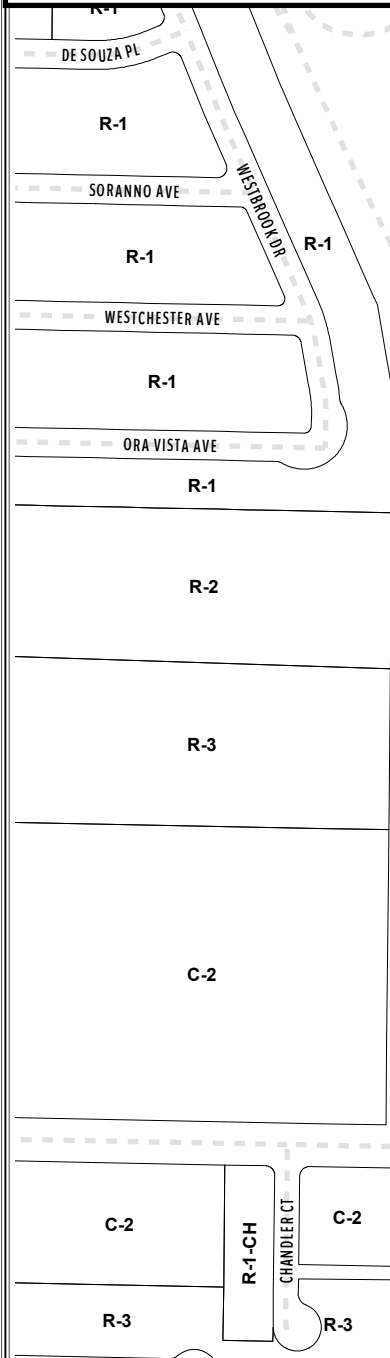
G. PUBLIC WORKS – SOLID WASTE (4101 Truxtun Avenue)
(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

As proposed, no applicable conditions at this time.

Exhibit B
(Location Map)

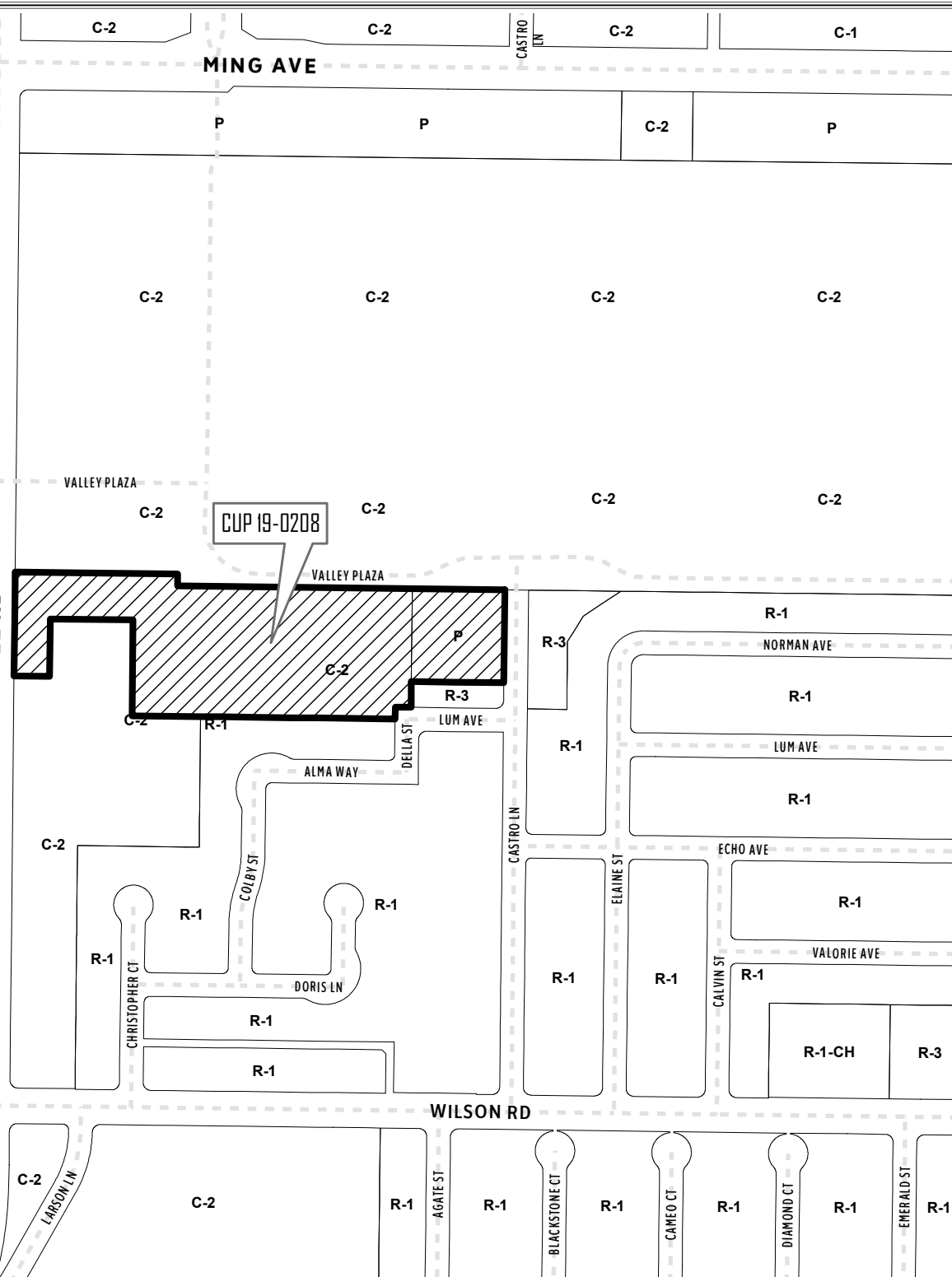
CUP 19-0208

CITY OF BAKERSFIELD



99

WIBLE RD



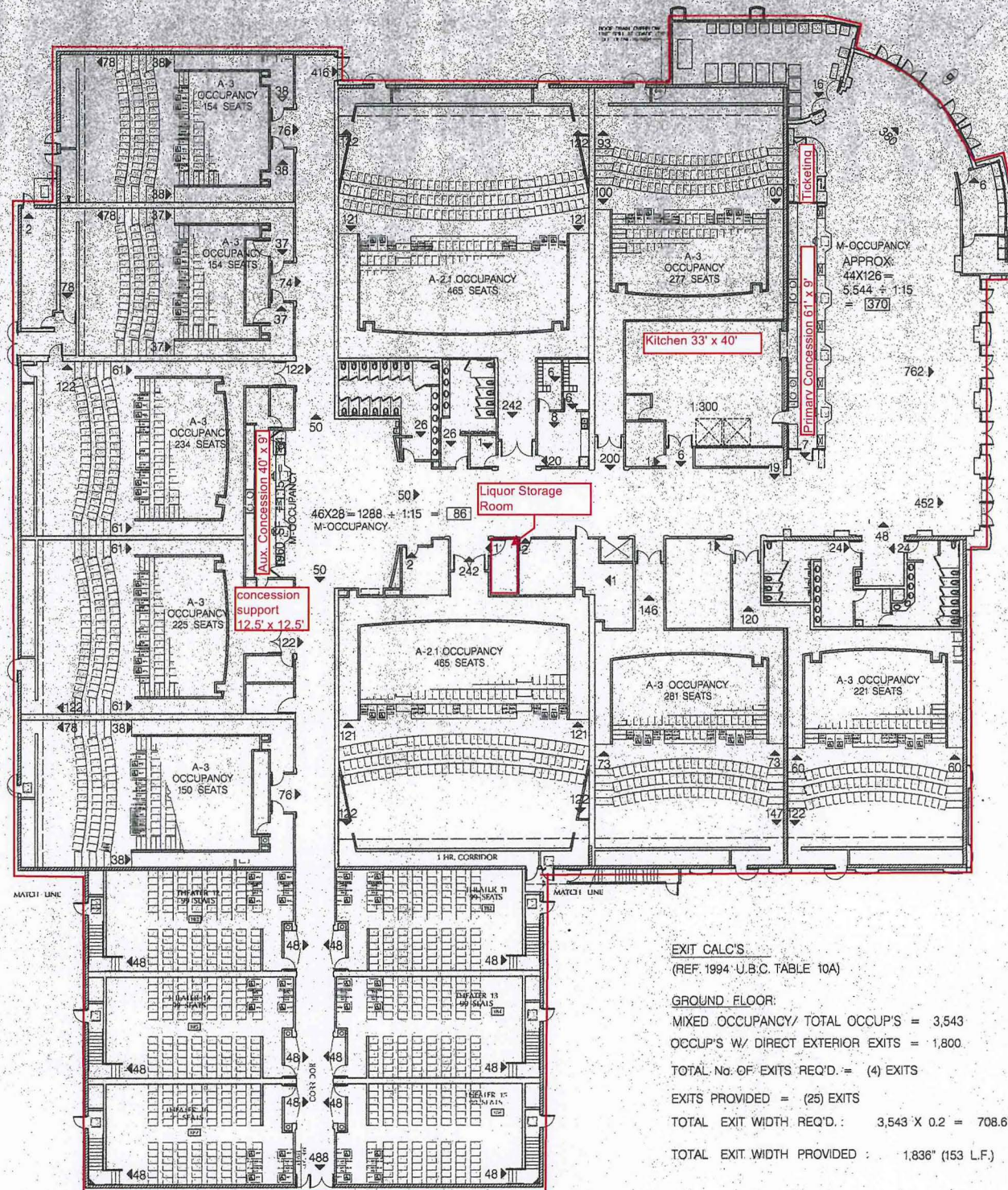
LEGEND (ZONE DISTRICTS)

- 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, 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



0 225 450

Exhibit C
(Site Development Plan)



EXIT CALC'S.
(REF. 1994 U.B.C. TABLE 10A)

GROUND FLOOR:
MIXED OCCUPANCY/ TOTAL OCCUP'S = 3,543
OCCUP'S W/ DIRECT EXTERIOR EXITS = 1,800

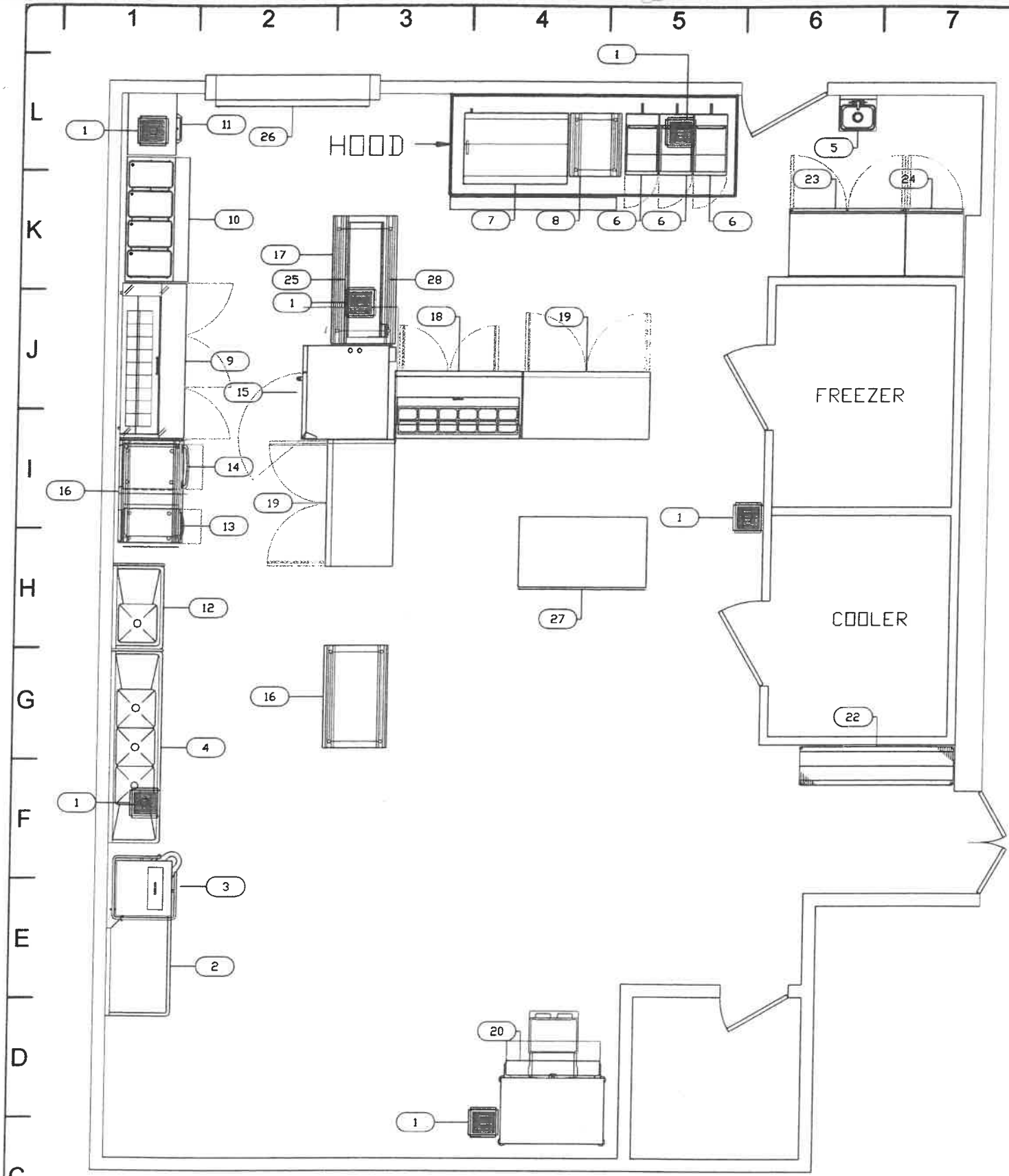
TOTAL No. OF EXITS REQ'D. = (4) EXITS

EXITS PROVIDED = (25) EXITS

TOTAL EXIT WIDTH REQ'D.: $3,543 \times 0.2 = 708.6"$ (59 L.F.)

TOTAL EXIT WIDTH PROVIDED : 1,836" (153 L.F.)





KITCHEN LAYOUT PLAN

Scale: 1/2" = 1'-0"
24x36 SHEET

GRAPHIC SCALE

EQUIPMENT SCHEDULE										PLUMBING		ELECTRICAL		
Item No	Quantity	Category	Mfr	Model	Equipment Remarks	Gas MBTU	Amps	Voltage	Phase	NEMA				
1	6	Floor Drain	Advance Tabco	FDR-1212										
2	1	Clean Dishable	Advance Tabco	DTC-S30-48L										
3	1	Dishwasher, Door Type	CMA Dishmachines	C			16.0	115	1					
4	1	Three (3) Compartment Sink	Turbo Air	TSR-3-D1										
5	1	Hand Sink	Advance Tabco	7-PS-20										
6	3	Fryer, Gas, Floor Model, Full Pot	Frymaster	ESG35T		70.0								
7	1	Range, 48" Thermostatic Griddle	Southbend	448EE-4T		170.0								
8	1	Work Table, Stainless Steel Top	Turbo Air	TSW-3036E										
9	1	Sandwich / Salad Preparation Refrigerator	True	TSSU-72-18			10.3	115	1	5-15P				
10	1	Serving Counter, Hot Food, Electric	Duke	E304SW										
11	1	Warming Drawer, Free Standing	Hatco	HDW-4			15	120	1	5-15P				
12	1	One (1) Compartment Sink	Turbo Air	TSR-1-12-R1										
13	1	Microwave Convection / Impingement Oven	TurboChef	SOTA		30.0	208/240	1	6-30P					
14	1	Microwave Convection / Impingement Oven	TurboChef	ENCORE 2		30.0	208	1	6-30P					
15	1	Combi Oven, Electric	Alto-Shaam	CTC7-20E		45.7-52.7	208-240	3						
16	1	Work Table, Stainless Steel Top	Turbo Air	TSW-3048E										
17	1	Work Table, Stainless Steel Top	Turbo Air	TSW-3060E										
18	1	Sandwich / Salad Preparation Refrigerator	Everest	EPWR2			4.37	115	1	5-15P				
19	1	Reach-In Undercounter Freezer	Everest	ETBWF2			7.15	115	1	5-15P				
20	1	Ice Bin for Ice Machines	Follett	DEV1010SG-48-ICS125										
21	1	Wire Shelving	Metro	1872NC										
22	1	Reach-In Refrigerator	Everest	EBR2			4.92	115	1	5-15P				
23	1	Reach-In Freezer	Everest	EBF1			7.59	115	1	5-15P				
24	1	Overshelf	Advance Tabco	CU-18-60-2										
25	1	Heat Lamp	Hatco	GRAHL-72D3				120	1					
26	1	Popcorn Popper	Gold Medal	2860ED										
27	2	Heat Lamp	Hatco	GRAM-54D-3				120	1					
28	1	floor	Custom	FLOOR										
29	1	walls	Custom	WALLS										
30	1	ceiling	Custom	CEILING										
31	1	notes	Custom	NOTES										
32	1													

TERMINATION OF EXHAUST SYSTEM:

- A) ROOFTOP TERMINATION:
 - a) EXHAUST FLOW SHALL BE DIRECTED UP AND AWAY FROM THE SURFACE OF THE ROOF AND A MINIMUM FORTY (40) INCHES ABOVE THE ROOF SURFACE.
 - b) GREASE DUCT SHALL EXTEND A MINIMUM OF EIGHTEEN (18) INCHES ABOVE THE ROOF SURFACE.
 - c) THE EXHAUST OUTLET SHALL BE A MINIMUM OF TEN (10) FEET FROM ADJACENT BUILDINGS, PROPERTY LINES OR AIR INTAKES (THREE (3) FEET ABOVE ANY AIR INTAKE LOCATED WITHIN TEN (10) FEET IS ALLOWED) AND FORTY (40) INCHES AWAY FROM ANY WALL.

ADDITIONAL ITEMS

- A) GREASE HOOD ASSEMBLIES SHALL BE INSTALLED IN ACCORDANCE WITH THE TERMS OF THEIR LISTING AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- B) GREASE HOOD ASSEMBLIES SHALL BE INSTALLED IN ACCORDANCE WITH THE TERMS OF THEIR LISTING AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- C) EACH ROOM PROVIDED WITH AN EXHAUST SYSTEM SHALL HAVE AIR SUPPLIED TO THE ROOM EQUAL TO THE AMOUNT OF AIR TO BE EXHAUSTED.
- D) THE EXHAUST AND MAKE-UP AIR SYSTEMS SHALL BE CONNECTED BY AN ELECTRICAL INTERLOCKING SWITCH.
- E) IF A PORTION OF THE MAKE-UP AIR IS OBTAINED FROM AN A/C SYSTEM (OR OTHER SOURCE) THE SOURCE MUST ALSO BE INTERLOCKED WITH THE RESPECTIVE EXHAUST SYSTEM.
- F) FIRE DEPARTMENT APPROVAL SHALL BE REQUIRED ON FIRE PROTECTION SYSTEM FOR GREASE HOODS AND DUCTS AS REQUIRED BY SECTION 513 OF THE CALIFORNIA MECHANICAL CODE AND AS REQUIRED BY THE FIRE CODE.
- G) ALL FIRE-EXTINGUISHING SYSTEMS SHALL BE INTERCONNECTED TO THE FUEL OR CURRENT SUPPLY SO THAT THE FUEL OR CURRENT IS AUTOMATICALLY SHUT OFF TO ALL EQUIPMENT UNDER THE HOOD WHEN THE SYSTEM IS ACTIVATED.
- H) OWNER OF THE ESTABLISHMENT SHALL BE RESPONSIBLE FOR CLEANLINESS, MAINTENANCE, AND INSPECTION OF THE KITCHEN EXHAUST SYSTEM, FIRE PROTECTION SYSTEM, AND COOKING EQUIPMENT.
- I) A DRAWING OF THE EXHAUST SYSTEM(S) INSTALLATION ALONG WITH A COPY OF THE OPERATING INSTRUCTIONS FOR SUBASSEMBLIES AND COMPONENTS USED IN THE EXHAUST SYSTEM(S), INCLUDING ELECTRICAL SCHEMATICS, SHALL BE AVAILABLE ON THE PREMISES.
- J) HOOD EXHAUST FAN SHALL CONTINUE TO OPERATE AFTER THE EXTINGUISHING SYSTEM HAS BEEN ACTIVATED, UNLESS FAN SHUTDOWN IS REQUIRED BY A LISTED COMPONENT OF THE VENTILATION SYSTEM.
- K) THE DUCT SYSTEM SHALL BE INSTALLED SO GREASE CANNOT BE POCKETED. THE SYSTEM SHALL SLOPE NOT LESS THAN 1" PER FOOT TOWARDS THE HOOD OR TOWARDS THE GREASE RESERVOIR. WHERE HORIZONTAL DUCTS EXCEED 75 FEET IN LENGTH, THE SLOPE SHALL BE A MINIMUM 1" PER FOOT. MANUFACTURED DUCT SYSTEMS SHALL BE INSTALLED AS PER THE MANUFACTURER APPROVED INSTALLATION INSTRUCTIONS.

TYPE I HOOD:

- THESE NOTES APPLY TO TYPE I HOODS:
- a) THICKNESS OF DUCT (MINIMUM 16 GAUGE CARBON STEEL OR 18 GAUGE STAINLESS STEEL).
 - b) DUCTS AT EXTERIOR LOCATIONS SHALL BE PROTECTED ON THE EXTERIOR BY PAINT OR OTHER SUITABLE WEATHER-PROTECTIVE COATING OR BE CONSTRUCTED OF STAINLESS STEEL.
 - c) THICKNESS OF HOOD (MINIMUM 18 GAUGE CARBON STEEL OR 20 GAUGE STAINLESS STEEL).
 - d) QUANTITY AND SIZE OF LISTED GREASE FILTERS TESTED IN ACCORDANCE WITH UL 1046.
 - e) IF INSTALLING A CEILING INDICATE THE ACTUAL DISTANCE BETWEEN THE TOP OF THE HOOD AND THE BOTTOM OF THE CEILING.
 - e)a) IF THE DISTANCE BETWEEN THE CEILING AND THE HOOD IS MORE THAN 18", EXTEND LIMITED COMBUSTIBLE OR NONCOMBUSTIBLE CEILING MATERIALS 18" BEYOND THE OUTER EDGE OF THE DUCT.
 - e)b) IF THE DISTANCE BETWEEN THE CEILING AND THE HOOD IS BETWEEN 3" AND 18", EXTEND LIMITED COMBUSTIBLE OR NONCOMBUSTIBLE CEILING MATERIALS 18" BEYOND THE OUTER EDGE OF THE HOOD.
 - e)c) IF THE DISTANCE BETWEEN THE CEILING AND THE HOOD IS LESS THAN 3" OR HOOD PENETRATES THE CEILING LINE, EXTEND LIMITED COMBUSTIBLE MATERIALS OR NON COMBUSTIBLE MATERIALS 18" BEYOND THE OUTER EDGE OF THE HOOD AND COMPLY WITH ONE OF THE FOLLOWING:
 - e)c)a) IF A RATED ENCLOSURE IS NOT REQUIRED, THE HOOD SHALL HAVE A CLEARANCE OF AT LEAST 3" FROM LIMITED COMBUSTIBLE MATERIALS, AND MATERIALS WITHIN 3" OF THE HOOD MUST BE NONCOMBUSTIBLE.
 - e)c)b) IF A RATED ENCLOSURE IS REQUIRED, PROVIDE A CONTINUOUS RATED ENCLOSURE FROM THE PENETRATION OF THE FIRE RATED CEILING WITH CLEARANCE FROM THE HOOD TO THE INTERIOR SURFACE OF THE ENCLOSURE NOT LESS THAN 6".
 - f) DISTANCE BETWEEN THE HOOD AND ADJOINING WALL (S) AND INDICATE PROPOSED WALL CONSTRUCTION MATERIALS WHEN LOCATED WITHIN 18" OF THE HOOD.
 - g) WHERE ENCLOSURES ARE NOT REQUIRED, HOODS, GREASE REMOVAL DEVICES, EXHAUST FANS, AND EXHAUST DUCTS SHALL HAVE A CLEARANCE OF AT LEAST 18" FROM COMBUSTIBLE MATERIALS, 3" FROM LIMITED COMBUSTIBLE MATERIALS, AND 0" FROM NONCOMBUSTIBLE MATERIALS.
 - g)a) EXCEPTION 1: WHERE A HOOD, DUCT OR GREASE REMOVAL DEVICE IS LISTED FOR REDUCED CLEARANCES TO COMBUSTIBLE MATERIAL/OR LIMITED COMBUSTIBLE MATERIAL.
 - g)b) EXCEPTION 2: REDUCED CLEARANCE TO COMBUSTIBLE MATERIAL IF THE MATERIAL IS PROTECTED. PLEASE PROVIDE DETAIL OF PROTECTION APPLIED TO COMBUSTIBLE OR LIMITED COMBUSTIBLE MATERIAL FOR REDUCED CLEARANCE PER SECTION 507.2 OF THE CALIFORNIA MECHANICAL CODE.
 - h) A COMPLETE DETAIL OF THE DUCT ENCLOSURE ON THE PLANS. IN ALL BUILDINGS MORE THAN ONE STORY IN HEIGHT AND IN ONE STORY BUILDINGS WHERE THE ROOF ASSEMBLY IS REQUIRED TO HAVE FIRE RESISTANCE RATING, THE DUCTS SHALL BE ENCLOSED IN A CONTINUOUS ENCLOSURE EXTENDING FROM THE LOWEST FIRE RATED CEILING OR FLOOR ABOVE THE HOOD. IF THE BUILDING IS LESS THAN FOUR STORIES THE FIRE RESISTANCE RATING OF NOT LESS THAN ONE (1) HOUR, CONSTRUCTED AS REQUIRED BY THE BUILDING CODE. IF THE BUILDING IS FOUR STORIES OR MORE IN HEIGHT, THE ENCLOSURE SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN TWO (2) HOURS, CONSTRUCTED AS REQUIRED BY THE BUILDING CODE. NOTE: EACH DUCT SYSTEM SHALL CONSTITUTE AN INDIVIDUAL SYSTEM FROM ANY ONE FLOOR, MULTIPLE DUCTS NOT PERMITTED IN A SINGLE ENCLOSURE.
 - i) CLEARANCE FROM THE DUCT (OR THE EXHAUST FAN) TO THE INTERIOR SURFACE OF THE ENCLOSURE OF ROOFING MATERIALS OF COMBUSTIBLE CONSTRUCTION SHALL BE NOT LESS THAN 18" AND CLEARANCE FROM THE DUCT TO THE INTERIOR SURFACE OF THE ENCLOSURE OF NONCOMBUSTIBLE OR LIMITED COMBUSTIBLE CONSTRUCTION SHALL BE NOT LESS THAN 6". IF SHAFT IS EXISTING AND DUCTWORK WITHIN THE SHAFT IS NOT BEING CHANGED/ALTERED/REVISED, SHAFT AND CLEARANCES MUST MEET THE CODE THAT WAS PRESENT AT THE TIME OF CONSTRUCTION.
 - j) OPENINGS IN THE ENCLOSURE WALLS SHALL BE PROTECTED BY APPROVED SELF-CLOSING FIRE DOORS OF PROPER RATING AND SHALL BE READILY ACCESSIBLE. INDICATE LOCATION OF OPENINGS ON THE PLAN.
 - k) DUCT ENCLOSURES SHALL BE VENTED TO THE EXTERIOR THROUGH WEATHER PROTECTED OPENINGS.
 - l) METAL SHIELD (OR COLLAR) TO SEAL DUCT AT POINT OF PENETRATION OF CEILING.
 - m) ALL CANOPY TYPE HOODS SHALL OVERHANG A MINIMUM OF 6" BEYOND THE COOKING SURFACE ON ALL OPEN SIDES.
 - m)a) EXCEPTION: LISTED EXHAUST HOODS IF NOTED AS PART OF THEIR LISTING.
 - n) THE VERTICAL DISTANCE BETWEEN THE LIP OF THE HOOD AND THE COOKING SURFACE SHALL BE NOT MORE THAN 4 FEET.
 - o) THE DISTANCE BELOW THE LOWEST EDGE OF A GREASE REMOVAL DEVICE AND THE COOKING SURFACE SHALL BE NOT LESS THAN 18". GREASE REMOVAL DEVICES SUPPLIED AS PART OF

Reading Cinemas'

Operational Procedures & Policies



Alcohol Sale and Consumption

Operational Procedures

Sales

- All guests must provide valid, government-issued photo identification. No exceptions. Acceptable forms of ID: Driver's license (any state), Passport, Military ID card – Student ID is NOT acceptable.
- Alcoholic beverages will be served in specially designed cups (distinguishable from non-alcoholic beverages).
- Guests will be limited to only two drinks per valid ID, per transaction.
- Any guest who appears to be intoxicated will not be allowed to purchase alcohol.
- All guests purchasing alcohol will have a distinct colored band attached to their wrist by an employee. Colors change daily and at random.

Consumption Monitoring

Lobby

- Staff to monitor lobby and all public areas.
- When necessary, security will be increased to supplement monitoring activity, i.e. - recheck IDs, report suspicious activity, act as deterrent, etc.

Auditorium

- Staff to survey auditorium during the program a minimum of once every 30-minutes.

Awareness Communication

- Signage to be posted throughout facility to communicate "zero tolerance" policy for sale and consumption of alcoholic beverages to persons underage.
- When necessary, staff will engage with guests to reiterate zero tolerance policy for underage consumption and encourage guests to report any suspicious or concerning behavior.



Alcohol Sale and Consumption

Policies

Our goal is to ensure a safe and enjoyable environment where alcohol service and consumption is managed responsibly.

Employee Policies

- All employees dispensing and/or serving alcohol must be 18 years or older.
- All employees mixing cocktails must be 21 years or older.
- All employees dispensing and/or serving alcohol must complete TiPS training prior to serving any alcohol. This training will be conducted by a certified TiPS trainer, as well as periodic re-training led by managers.
- All employees will be given general alcohol awareness and safety training. This training will be completed during 'new-hire orientation' as well as periodic re-training led by managers.
- Any employee who inadvertently or purposely sells or makes available alcohol to an underage person or a non-guest will be removed from service immediately. Any employee consuming or under the influence of alcohol while on duty will be removed from service immediately. Disciplinary action will follow, up to and including termination, and may result in criminal penalties.
- Employees may not consume alcohol while on duty (breaks included). They can purchase alcohol for personal consumption while off-duty, but they may not be in uniform.
- Any employee deviating from Alcohol Sale and Consumption Procedures and Policies will incur disciplinary action, up to and including termination.
- All managers will be certified.
- One certified manager will always be on premises.

Guest Policies

- Guests may not bring or leave the premises with any alcoholic beverages.
- All guests will be asked to provide proof of age, and must produce valid photo identification.
- Guests may have no more than two alcoholic beverages in their possession at any time.
- Management reserves the right to discontinue alcohol service for any reason they deem appropriate.
- Guests found with unauthorized alcohol will have their ticket confiscated and will be removed from the premises.
- Police will be notified if someone attempts to purchase alcohol for a minor or use a false ID – the violator will be trespassed from the theatre.



Our theatre reserves the right to confiscate tickets without compensation, eject patrons, and/or contact the authorities for any unauthorized activity observed.

It is prohibited to:

- Attempt to use fraudulent identification.
- Exhibit public intoxication and/or disturbing the peace.
- Purchase alcohol for a minor.
- Attempt to purchase or found to be in possession of alcohol if you are a minor.

Employee Acknowledgement

I have read the above and agree to comply and enforce the policies described. Additionally, I agree to report any violations and/or non-compliance immediately to senior theatre management and/or the corporate office via the confidential phone line: 888-668-4605.

Print Name	Signature	Date
------------	-----------	------

Manager Signature	Date
-------------------	------



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 9, 2019

ITEM NUMBER: Consent Calendar Public Hearings4.(e.)

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: Ward 2

SUBJECT:

Conditional Use Permit No. 19-0210: Tapia Recycling is proposing a Conditional Use Permit to allow a recycling center within a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public (17.24.040.B.13) in the C-2 (Regional Commercial Zone) district, located at 1414 East California Avenue. Proposed Notice of Exemption on file.

APPLICANT: Tapia Recycling

OWNER: Nick Hills

LOCATION: 1414 East California Avenue

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED KFC

DATE: July 9, 2019

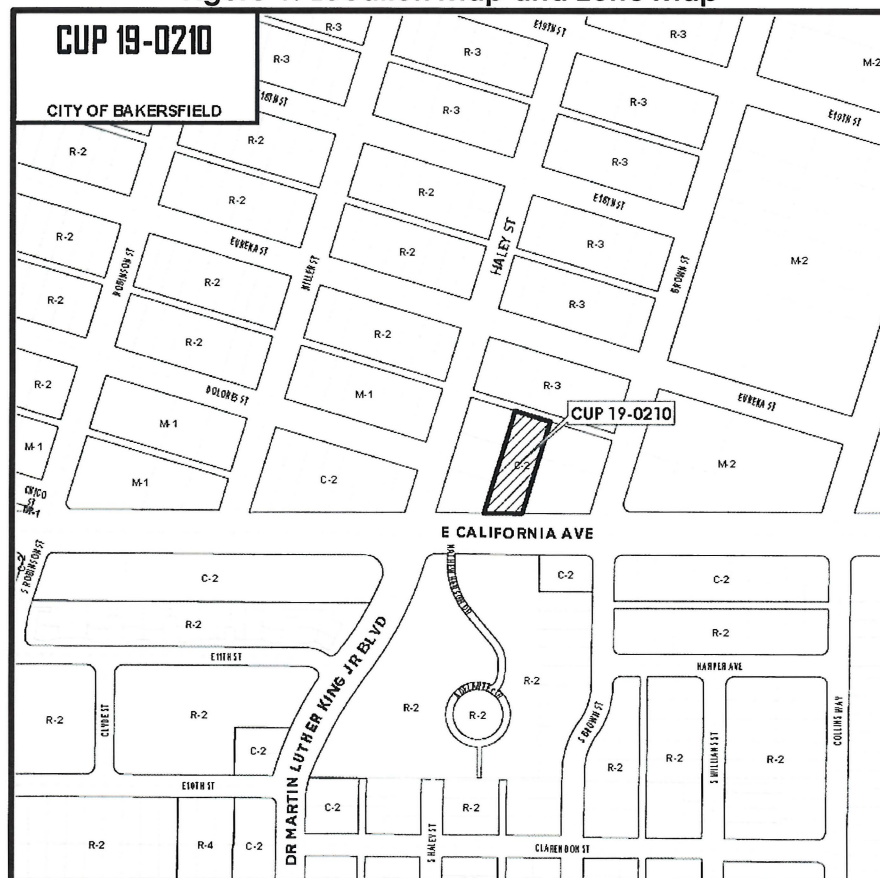
SUBJECT: Conditional Use Permit; File No. 19-0210 (Ward 2)

APPLICANT: Simon Tapia Alcaraz
1414 East California Avenue
Bakersfield, CA 93307

OWNER: Nick Hills
1414 East California Avenue
Bakersfield, CA 93307

LOCATION: 1414 East California Avenue | APN: 017-340-10

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0210, as depicted in the project description and subject to the listed conditions of approval.

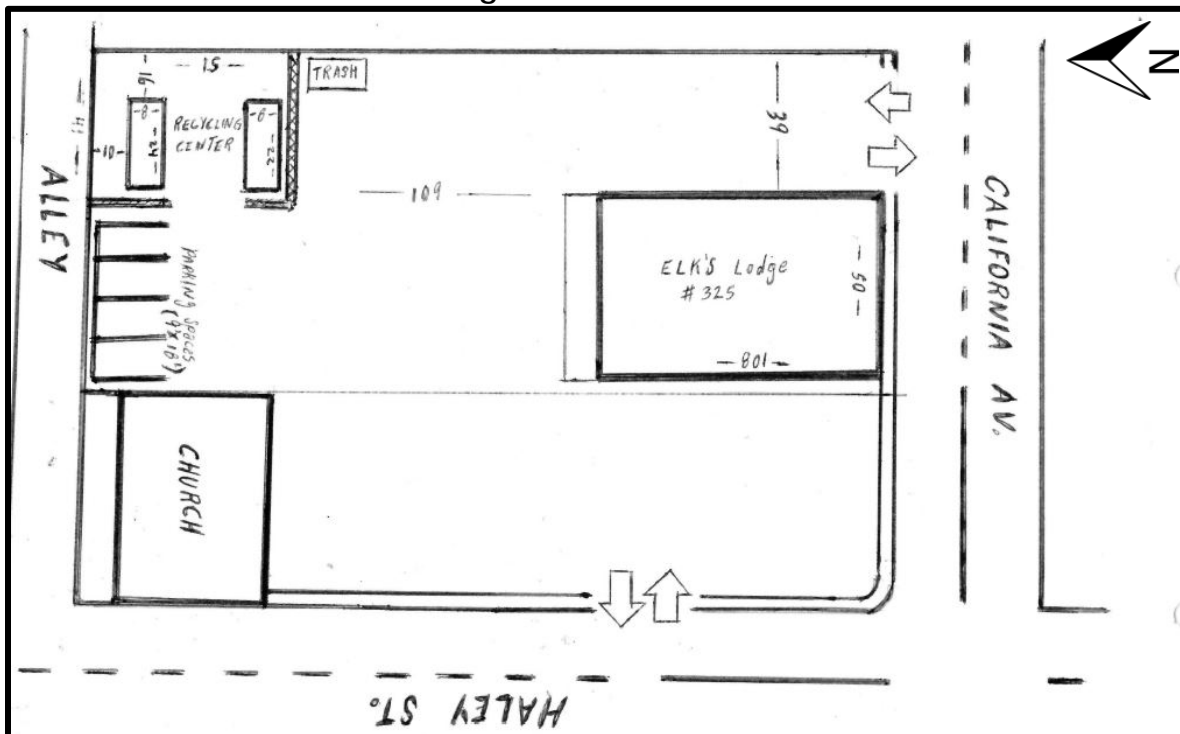
PROJECT SUMMARY:

The project is a request for a conditional use permit to allow a recycling center within a State-recognized convenience zone for the purchasing of California Redemption Value (CRV) containers from the public in a C-2 (Regional Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Site Plan



The project site is a 41 x 51 feet (2,091 square feet) portion of a 1/2+ acre parcel developed with a members-only club (the Elks Lodge). The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-2	Elks Lodge
North	HR	R-3	Single-Family Residential
East	GC	C-2	Automotive Work
South	HMR	R-2	Multiple-Family Residential
West	GC	C-2	Church
General Plan Key GC: General Commercial HMR: High Medium Density Residential HR: High Density Residential		Zone District Key C-2: Regional Commercial R-2: Limited Multiple-Family Dwelling R-3: Multiple-Family Dwelling	

BACKGROUND:

In 2018, City Council approved revisions to the municipal code requiring a conditional use permit for recycling centers, as defined by Public Resources Code (PRC) Section 14520, if located within a convenience zone. This was applicable for properties in commercial and light & general manufacturing zones and became effective on December 7, 2018.

PRC defines a recycling center as an operation which is certified by the Division of Recycling in the Department of Resources Recycling and Recovery (CalRecycle), and which accepts from consumers and pays or provides the refund value for empty beverage containers intended to be recycled.

CalRecycle administers the state's California Redemption Value (CRV) program established by state law for recycling bottles and cans. In order to provide opportunities to redeem containers near where the beverages were purchased, the program requires that a recycling center be established within a 1/2-mile radius of each supermarket (this 1/2-mile radius circle is called a "convenience zone"). A supermarket is defined as:

1. A full-line store that sells a line of dry groceries, canned goods, or nonfood items and perishable items;
2. A store with gross annual sales are \$2 million or more; and
3. A store identified in the Progressive Grocer Marketing Guidebook.

With few exceptions, if a convenience zone does not contain a recycling center, the supermarket must either (1) redeem all CRV beverage containers in the store, or (2) pay \$100 per day to CalRecycle. There are three conditions where an exception may exist:

1. The convenience zone is unserved. In this case, the supermarket is: (a) undergoing a 60-day grace period before they are required to redeem CRV containers in-store; (b) currently redeeming CRV containers in-store; or (c) paying \$100 per day to the State in lieu of accepting the responsibility of redeeming containers in-store.

2. The convenience zone is in a holding pattern awaiting review in the Exemption Process.
3. The convenience zone is exempt based on CalRecycle's determination that one or more of the following mandated conditions are met.
 - a. Ease of access to redemption center by consumers;
 - b. Reasonable distance to next closest recycling center;
 - c. Consumers in area predominantly use curbside program for recycling; and
 - d. Recycling centers in the area fail to meet a sufficient volume for economic viability (i.e. below 60,000 containers in the past 12 months).

In preparation of the 2018 municipal code change, staff identified several CRV operations that were licensed with the state; however, they did not obtain the necessary land use approvals from the City. Staff notes this center has been operating since 2017 on the adjacent parcel (331 Haley Street), with no record of complaints.

The recycling center is licensed by the State and serving a convenience zone. They are now seeking compliance with local ordinance requirements by requesting a conditional use permit.

ANALYSIS:

The recycling center conducts operations within an 8-foot high, screened chain link fence. The operation consists of two 8 x 20 feet metal storage containers. The containers are used for storage of collected materials until removed from the site; no operations (e.g. sorting, payment, etc.) are conducted in the containers.

The operation will have two employees on the largest shift, with operations occurring Monday - Saturday (8:00 am - 5:00 pm) and Sunday (9:00 am - 3:00 pm). The employee(s) secure the site and clean all debris at the close of business each day. No office area for the recycle center is proposed. Recycling centers require one parking space per employee and two for customers; the applicant has provided four parking spaces.

The nearest residence is located approximately 100 feet to the north of the site. By operating within a fenced in area, and containing the materials within enclosed buildings that will be secured when no one is present, the applicant notes this will minimize noise, visual blight, and potential for vagrants. Nonetheless, Staff is recommending conditions of approval that would require all shopping carts and other items brought to the site by customers to be removed by the end of each business day and require the site to be maintained in a clean, odor, and litter-free manner.

Regarding shopping carts, Staff notes that it is unlawful for any person to remove or cause to be removed, any shopping cart, which is the property of the business establishment furnishing such carts for its customers' use, from the parking lot or other premises of said business establishment without the prior written consent of the appropriate business owner. The maximum penalty is a \$500 fine, 6 month's confinement, or both.

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 15303 Class 1 (New Construction or Conversion of Small Structures), because the project consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. 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 mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

CONCLUSIONS:

Findings. Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit 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 various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such 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 recycling center would help to facilitate the collection of recyclable materials, aiding the City in its efforts to comply with state recycling requirements; (2) the location of the recycling center utilizing enclosed metal storage containers should provide sufficient "safeguards" for the nearby residential development; and (3) 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.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0210, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW A RECYCLING
CENTER WITHIN A STATE-RECOGNIZED CONVENIENCE ZONE, FOR THE
PURCHASING OF CALIFORNIA REDEMPTION VALUE (CRV) CONTAINERS
FROM THE PUBLIC (17.24.040.B.13) IN A C-2 (REGIONAL COMMERCIAL
ZONE) DISTRICT, LOCATED AT 1414 EAST CALIFORNIA AVENUE. (CUP NO.
19-0210)**

WHEREAS, Tapia Recycling filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a recycling center within a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public (17.24.040.B.13) in a C-2 (Regional Commercial Zone) district, located at 1414 East California Avenue (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, July 9, 2019, at 3:00 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 Board of Zoning Adjustment 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 Board of Zoning Adjustment; and

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15303; 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 15303 because the project consists of the construction and location of limited numbers of new, small facilities or structures.

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 Board of Zoning Adjustment 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. 19-0210 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 Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 9th day of July 2019, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 19-0210

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 BZA 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 BZA 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 BZA 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 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.

2. This conditional use permit allows for a recycling center within a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public in a C-2 (Regional Commercial Zone) district, located at 1414 East California Avenue, and as depicted on attached Exhibits B and C.
3. The recycling operation shall not have more than two metal storage containers (8 feet x 20 feet).
4. Metal storage containers shall be screened so that they are not visible from public streets.
5. Each metal storage container shall be painted a neutral, earth-tone, site compatible color.
6. Under no circumstances shall any metal storage container be used for an office, residence, or other purpose involving human occupancy.
7. The subject property, in its entirety, shall be maintained in a clean, odor and litter free manner.
8. Shopping carts and other items brought to the site by customers shall be returned and/or removed from the site by the end of each business day.
9. Without the prior written consent of the appropriate business owner, it is unlawful for any person to remove or cause to be removed any shopping cart, which is the property of the business establishment furnishing such carts for its customers' use, from the parking lot or other premises of said business establishment.

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 item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.*

**A. DEVELOPMENT SERVICES – BUILDING (1715 Chester Avenue)
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. Show on the final building plan how and where water will be drained from the property.
2. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
3. 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 Table 602 of the California Building Code.

4. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
5. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
6. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
7. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.
8. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

**B. DEVELOPMENT SERVICES – PLANNING (1715 Chester Avenue)
(Staff contact - Whitney Jackson; 661-326-3673 or WJackson@bakersfieldcity.us)**

1. The minimum parking required for this project has been computed based on use and shall be as follows:

<u>Proposed Use</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Recycling Center	1 Space/1 Employee 2 for Customers	2 spaces 2 spaces
Required Parking: 4 spaces		

(Note: 4 additional parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Minimum parking stall dimensions shall be 9 feet wide by 18 feet long and shall be designed according to standards established by the Traffic Engineer. Vehicles may hang over landscape areas no more than 2-1/2 feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.
3. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
4. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area. Please note that staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.

5. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
6. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.

(**Note:** Fences taller than 6 feet are allowed in commercial and industrial zones but they will require a building permit.)
7. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

(**Note:** This does not include outdoor seating areas for restaurants.)
8. Refuse collection bin enclosures and container areas are subject to all required structural setback from street frontages, and shall not reduce any parking, loading or landscaping areas as required by the Zoning Ordinance.

C. FIRE DEPARTMENT (2101 H Street)

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

1. Show on the final building plans the following items:
 - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).

(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
 - b. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
 - c. Name and phone number of the appropriate contact person.
2. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

D. WATER RESOURCES (1000 Buena Vista Road)

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

As proposed, no applicable conditions at this time.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)
(Staff contact - Manpreet Behl; 661-326-3590 or MBehl@bakersfieldcity.us)

1. The developer shall construct curbs, gutters, cross gutters, 5-foot 6-inch wide sidewalks, and street/alley paving along California Avenue and Haley Street according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. The developer shall install streetlights along California Avenue and Haley Street. The developer shall be responsible for providing the labor and materials necessary to energize all newly installed streetlights before occupancy of the building or site. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
3. The developer shall construct standard handicap ramps at the {☒ northeast ☐ northwest ☐ southeast ☐ southwest} corner of California Avenue and Haley Street according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
4. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
5. If a grading plan is required by the Building Division, building permits will not be issued until the grading plan is approved by **both** the Public Works Department and the Building Division.
6. 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).
7. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required.
8. 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 – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - Manpreet Behl; 661-326-3590 or MBehl@bakersfieldcity.us)

1. Show on the final building plans the existing driveway width (top-to-top). Drive approaches must be centered on drive aisles. All dimensions shall be shown on the final building plans.
2. Two-way drive aisles shall be a minimum width of 24 feet. If perpendicular (90°) parking spaces are proposed where a vehicle must back into these aisles, the minimum aisle width shall be 25 feet. All drive aisle dimension shall be shown on the final building plans.

3. The existing driveway at the north east corner of California Avenue and Haley Street, shall be removed.

G. PUBLIC WORKS – SOLID WASTE (4101 Truxtun Avenue)

(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:

- Cart service -- 1 cubic yard/week or less 1 time per week
- Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
- Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 2, 3 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

- | | |
|---|--|
| <input type="checkbox"/> 6' deep x 8' wide (1 bin) | <input type="checkbox"/> 8' deep x 15' wide (3 bins) |
| <input checked="" type="checkbox"/> 1 - 8' deep x 10' wide (2 bins) | <input type="checkbox"/> 8' deep x 20' wide (4 bins) |

(Note 1: All measurements above are curb-to-curb dimensions inside the enclosure. If both refuse and recycling containers are to be combined in the same enclosure area, this area must be expanded in size to accommodate multiple containers/bins - contact the staff person above for the appropriate enclosure size.)

(Note 2: If using neighboring refuse receptacles, applicant must provide a letter granting permission, authorized and signed by the owner.)

3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

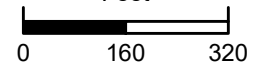
Exhibit B
(Location Map)

CUP 19-0210

CITY OF BAKERSFIELD

LEGEND (ZONE DISTRICTS)

- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1.5 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, 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



Document Name: 20190604

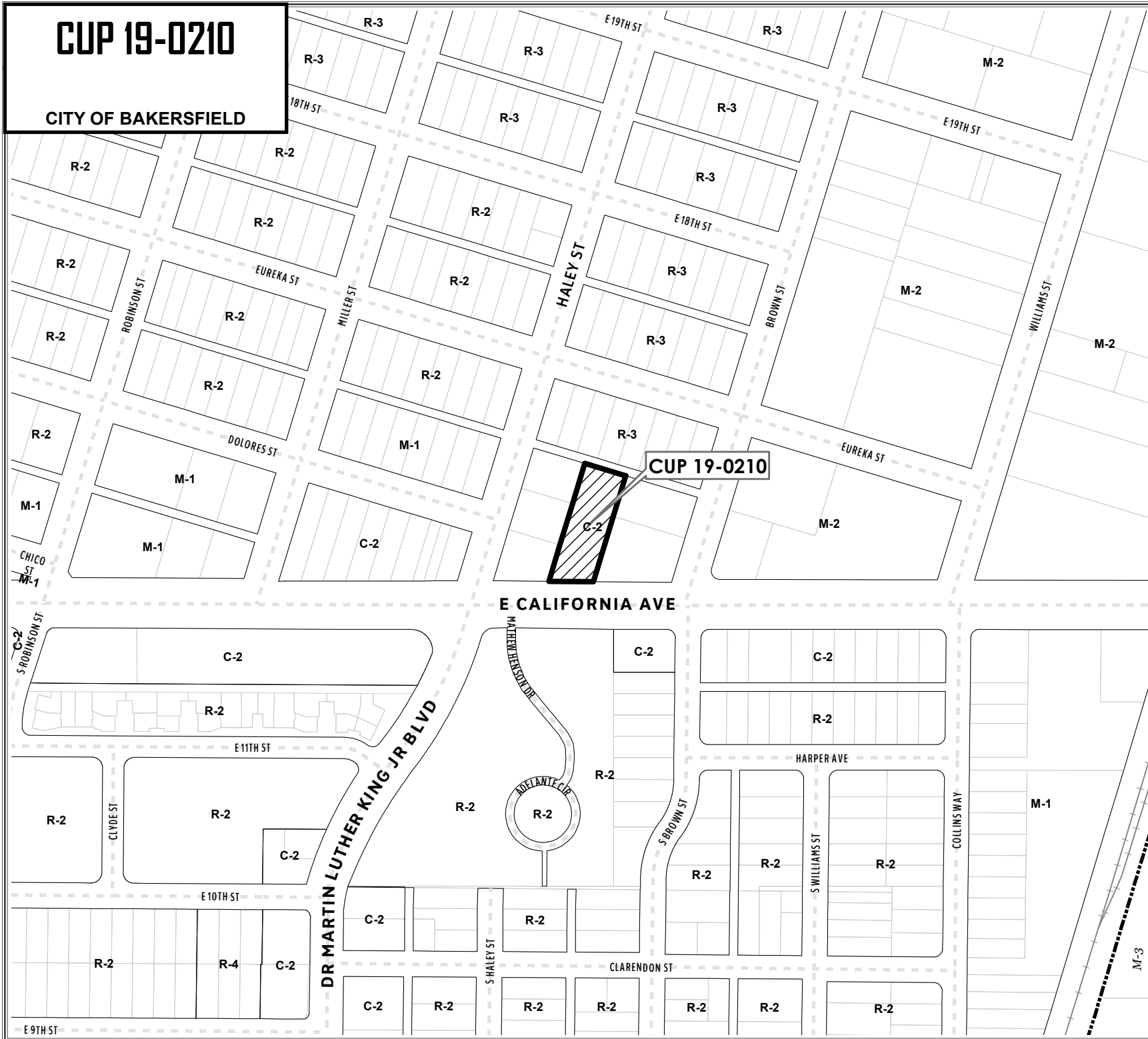


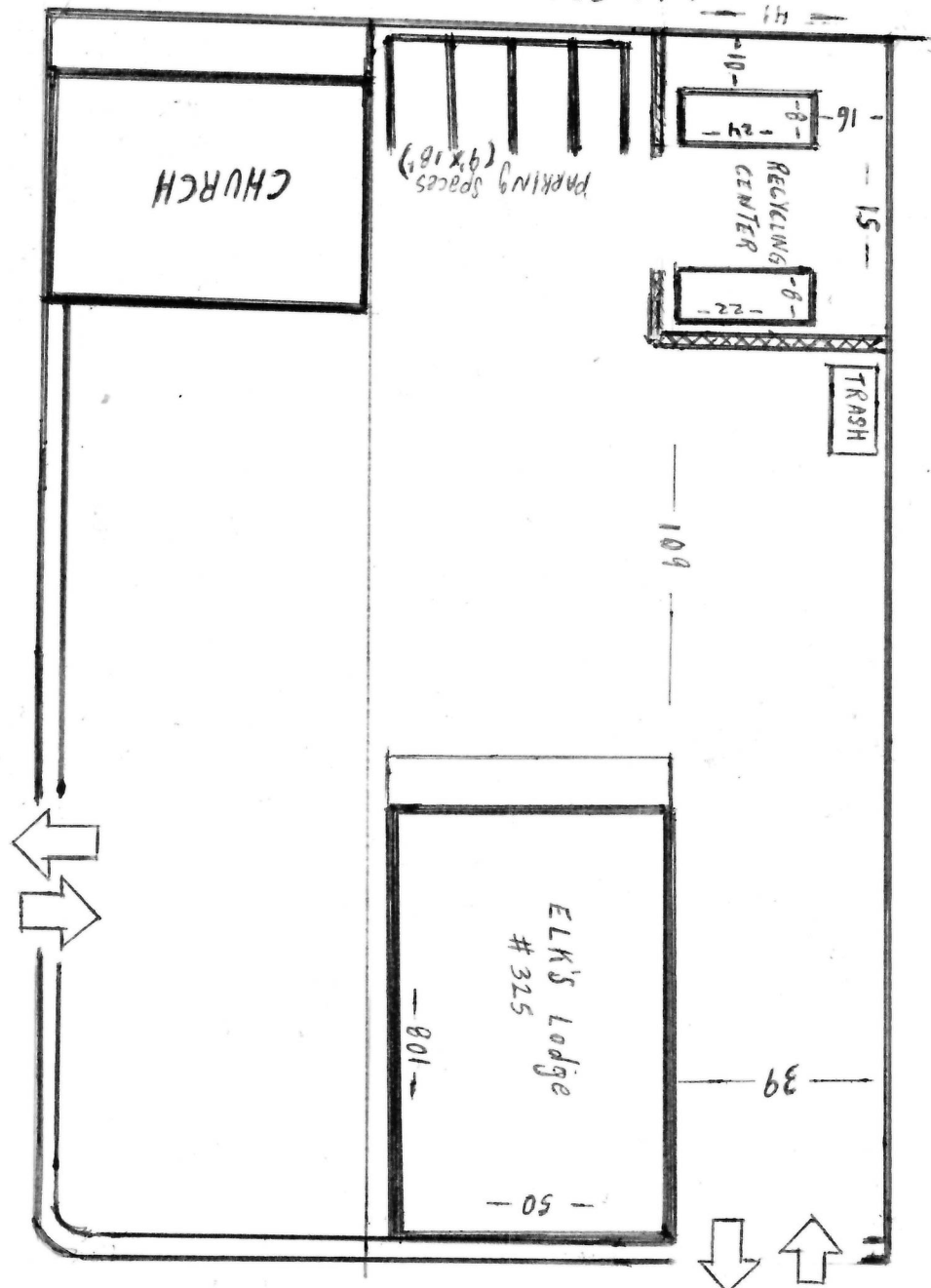
Exhibit C
(Site Development Plan)



CALIFORNIA AV.

HALEY ST.

ALLEY





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 9, 2019

ITEM NUMBER: Consent Calendar Public Hearings5.(a.)

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: Ward 2

SUBJECT:

Conditional Use Permit/Zoning Modification No. 19-0080: Edith Gibson is proposing a: (1) conditional use permit to allow an outdoor banquet venue (17.64.020.B); and (2) zoning modification to allow 14 parking spaces where a minimum of 66 parking spaces are required for the uses on-site (17.58.110) in the C-C (Commercial Center Zone) district, located at 700-712 19th Street. Proposed Notice of Exemption on file.

APPLICANT: Edith Gibson

OWNER: 19th & R Investment Group LLC

LOCATION: 700-712 19th Street

STAFF RECOMMENDATION:

Staff recommends approval; as recommended by Staff.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: July 9, 2019

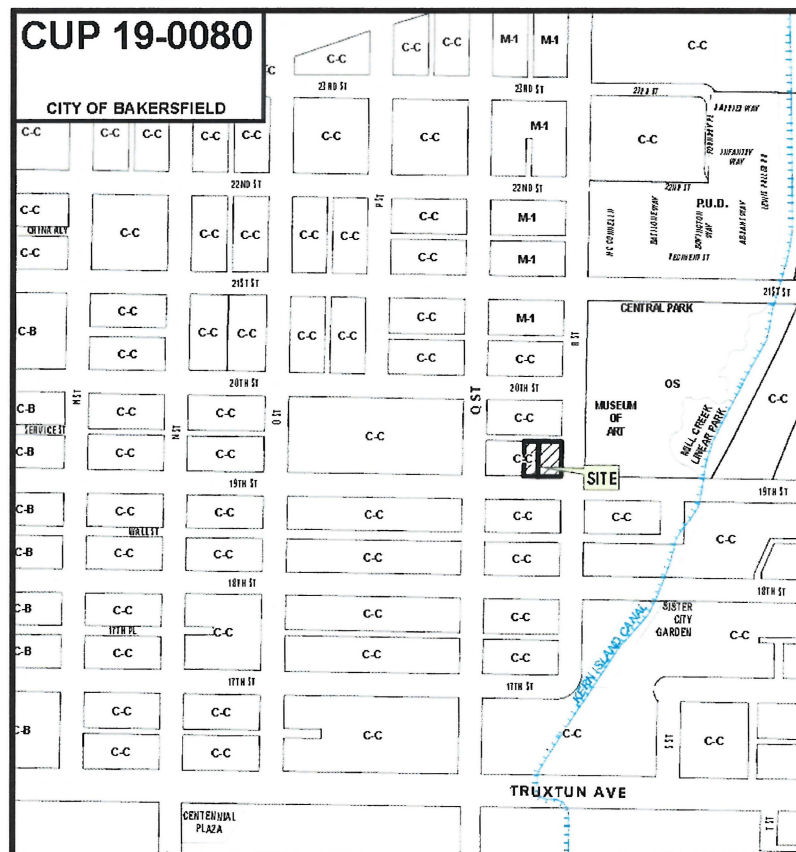
SUBJECT: Conditional Use Permit/Zoning Modification; File No. 19-0080 (Ward 2)

APPLICANT: 19th & R Investment Group LLC
3136 Audubon Drive
Bakersfield, CA 93301

OWNER: 19th & R Investment Group LLC
3136 Audubon Drive
Bakersfield, CA 93301

LOCATION: 700-712 19th Street | APNs: 005-272-04 & -05

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit/Zoning Modification No. 19-0080, as recommended by Staff and subject to the listed conditions of approval.

PROJECT SUMMARY:

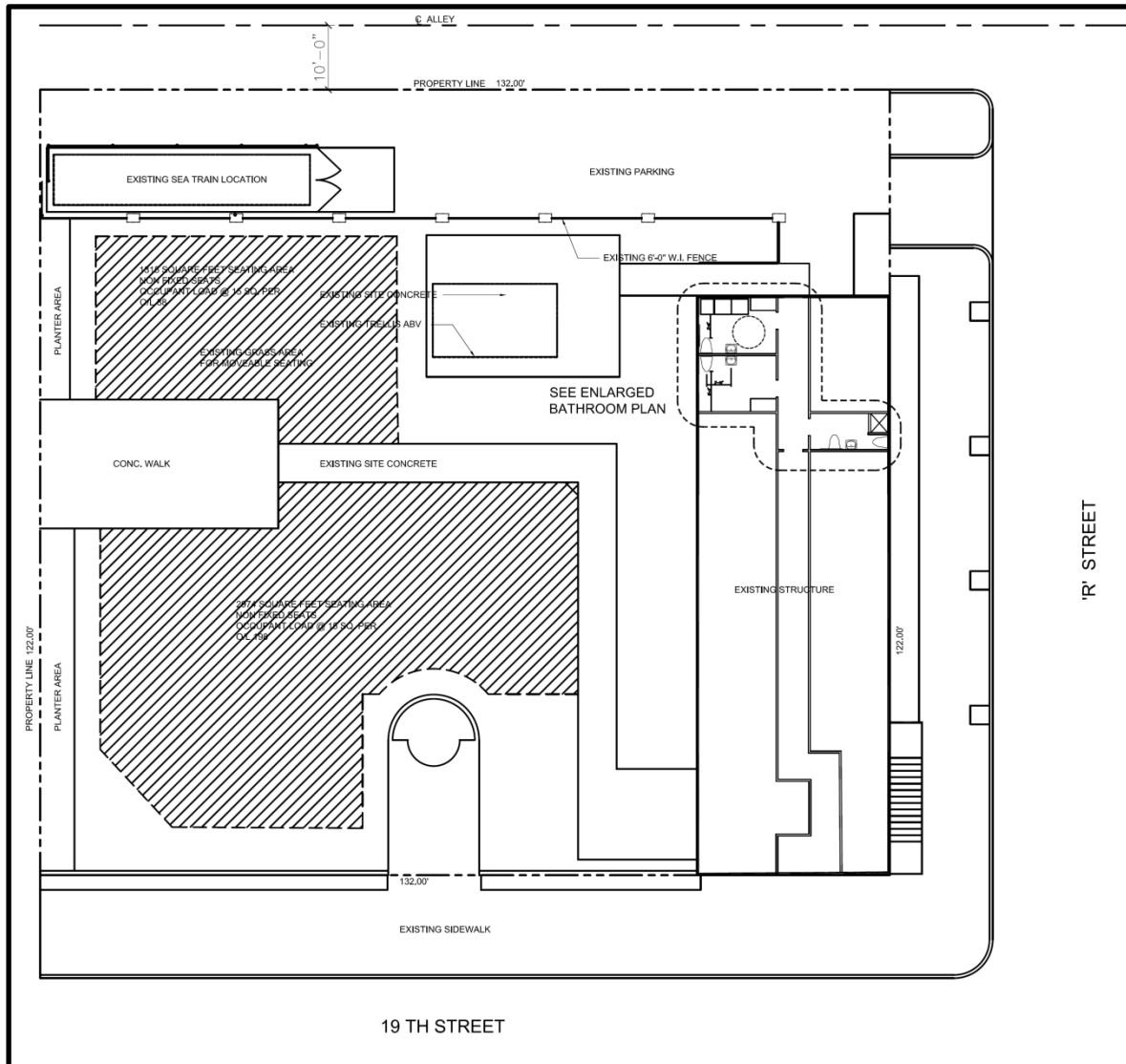
This project was scheduled for consideration at the May 14, 2019 meeting. At that time, parking arrangements were still under negotiation, and the applicant requested additional time to secure parking agreement(s). Therefore, the project was referred back to staff for rescheduling.

The project is a request for: (1) a conditional use permit to allow an outdoor banquet venue; and (2) a zoning modification to allow 14 parking spaces where a minimum of 66 parking spaces are required for the uses on-site in a C-C (Commercial Center Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Site Plan



The project site is approximately 16,100 square feet spanning two parcels. The eastern parcel is developed with a single room occupancy (SRO) building and the western parcel is open space used for banquet events. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	MUC	C-C	Outdoor Banquet Venue & SRO
North	MUC	C-C	General Retail
East	OS-P	OS	Bakersfield Museum of Art
South	MUC	C-C	General Retail
West	MUC	C-C	General Retail
General Plan Key MUC: Mixed Use Commercial OS-P: Open Space -Parks		Zone District Key C-C: Commercial Center OS: Open Space	

BACKGROUND:

1925 - The on-site building was constructed and served as Bakersfield's first hospital. The building was converted to SRO dwellings, with fifteen tenant suites and one manager's suite. There is a shared kitchen, common eating area, and restrooms on each floor. The SRO currently serves as low-mod income affordable housing. According to the applicant, the leases are month-to-month and tenants agree to the banquet events taking place within the lease contract.

2011 - Staff granted informal approval for private parties. At that time, Staff determined that zoning generally allows outdoor activities, plus the property was somewhat of a dual use as a yard/open space for the residents of the building. Additionally, Staff believed the activities were not unlike what occurs across the street at the Bakersfield Museum of Art; however, the difference is that the Museum has access to off-street parking. It was noted that as with all downtown businesses, the issue is parking. However, parking requirements were usually looked at as "grandfathered" due to the shared on-street and parking garages to cover existing and changes of use, especially if there was not much parking competition between day and nighttime uses. According to the applicant, the informal approval allowed a guest count not to exceed 350 people.

2018 - Your Board approved: (1) conditional use permit to allow a metal storage container; and (2) zoning modification to allow a lot size of 6,100 square feet where a minimum of 16,000 square feet is required for a metal storage container. The purpose was to provide storage for the banquet venue (CUP No. 18-0147; Resolution No. 18-11).

ANALYSIS:

Conditional Use Permit

Events

As proposed, the applicant is requesting to use the banquet venue (The Gardens at Mill Creek) for weddings, showers, graduation parties, concerts, business mixers, etc. The maximum amount of guests proposed is 450.

The banquet venue will be available 7 days a week from 1:00 pm to 12:00 am (midnight). Set up may commence 24 hours prior to the event, and tear down will be completed within 24 hours after the event. Set up and tear down will not occur between the hours of 2:00 am and 7:00 am.

The open area will serve as the event space and the 5,700-square foot SRO building will provide three "ready rooms" for bridal/groom/host party changing areas and photographs. These rooms are in addition to the 16 suites and not set up for dwelling purposes. Food, flowers, decorations, etc., are all provided by the guest party.

Security

In lieu of private security, the applicant will provide staff members at the ratio of 1 personnel for every 100 guests, with 5 staff for the 450 guests. Staff will monitor the event and walk to perimeter of the premises removing any trash produced from the event.

Lighting

According to the applicant, on-site lighting consists of lamp posts and Italian wedding lights (see Figure 4).

Figure 4. Example Italian string lights



Noise

Amplified sound will be part of the events. Therefore, Staff anticipates an increase in noise; however, the events typically occur after normal business hours of the surrounding commercial uses. Nonetheless, all commercial uses shall be designed or arranged so that they will not subject noise sensitive land uses to exterior noise levels in excess of 65 dB CNEL and interior noise levels in excess of 45 dB CNEL, and that impacts on noise sensitive uses shall not exceed the performance standards in Table VII-2 of the Metropolitan Bakersfield General Plan, Noise Element (see Table VII-2).

TABLE VII-2			
NOISE LEVEL PERFORMANCE STANDARDS*			
<u>Exterior Noise Level Standards</u>			
<u>Category</u>	<u>Cumulative Number of minutes in any one-hour time period</u>	<u>Daytime 7 a.m. to 10 p.m.</u>	<u>Nighttime 10 p.m. to 7 a.m.</u>
1	30	55	50
2	15	60	55
3	5	65	60
4	1	70	65
5	0	75	70
* Each of the noise level standards specified in this table shall be reduced by five (5) dB(A) for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use.			

Zoning Modification

Parking

There are 5 off-street parking spaces (alley) and 9 on-street frontage parking spaces (4 on R Street and 5 on 19th Street) available for the site.

Parking for the SRO is calculated at 1 space per dwelling unit plus an additional 10 percent for guest parking on parcels containing 5 or more units. Based on 16 single-room dwelling units, 16 spaces are required for the residents/manager plus an additional 2 spaces for guests, for a total of 18 spaces.

Parking for the banquet venue is calculated at 1 space per 4 seats; where no fixed seating is provided, 7 square feet of floor space shall be the equivalent of 1 seat. According to the applicant, there is 4,289 square feet of space available for seating. This amount of open space would accommodate up to 612 guests based on 7 square feet per seat. However, the applicant is proposing a maximum of 450 guests; therefore, a total of 113 parking spaces are required (1 space per 4 seats/guests).

Pursuant to Bakersfield Municipal Code (BMC) Section 17.58.120, off-street parking within the C-C zone may be reduced by up to 50 percent for a mixed- use residential and retail/office commercial project where the design and development functions as an integrated unit. As noted above, a portion of the SRO is used by the banquet venue, and the residents of the SRO can use the open space when there are no events. As such, the total 131 parking spaces can be reduced to 66 spaces.

As noted above, this project was scheduled for consideration at the May 14, 2019 meeting. At that time, parking arrangements were under negotiation, and the applicant requested additional time to secure parking agreement(s). During the interim, the applicant tried to work with nearby businesses to obtain an agreement, to no avail.

Therefore, the applicant is requesting a zoning modification to allow 14 parking spaces where a minimum of 66 parking spaces are required for the SRO and banquet venue. The applicant states additional on-street parking spaces available within walking distance of the venue.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Conditional Use Permit. 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 15303, *New Construction or Conversion of Small Structures*. This exemption includes Class 3 projects consisting of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. A Notice of Exemption has been prepared.

Zoning Modification. 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 15305(a) because the project represents a minor modification of a zoning regulation. Notice of Exemption on file.

PUBLIC NOTIFICATION:

Public Notice - 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 mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

Board of Zoning Adjustment; May 14, 2019 - At the request of the applicant, this project was referred back to staff at the May 14th meeting, without Board discussion. However, prior to making the motion, public testimony was provided by Joe O'Grady, a 20-year resident of the downtown area. Mr. O'Grady stated that The Gardens at Mill Creek held "loud and unruly" events; specifically, amplified music can be heard three blocks away.

Subsequent to the meeting, Staff confirmed that complaints have been filed with the Bakersfield Police Department and with City Code Enforcement. According to the reporting party (RP), individuals at the events disrupt and spread offensive noise throughout the neighborhood. The RP alleges that since this is a continuing problem on a regular basis, it qualifies as a criminal nuisance.

The legal definition of a public nuisance in California is listed in Penal Code 370 PC and is anything that:

1. Is injurious to health, indecent, offensive to the senses or an obstruction to the free use of property; and
2. Interferes with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons.

The Bakersfield Municipal Code defines a "loud event" as an event or incident which results in any loud or unusual noise which disturbs the peace and quiet of a neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the neighborhood. The standards which may be considered in determining whether a violation of the noise provisions exists may include, but are not limited to the following:

1. The level of the noise;
2. The level and intensity of any background noise;
3. The proximity of the noise to residential sleeping facilities;
4. The nature and zoning of the area within which the noise occurs;
5. The density of habitation of the area within which the noise occurs;
6. The time of the day or night the noise occurs;
7. The duration of the noise;
8. Whether the noise is recurrent, intermittent or constant.

CONCLUSIONS:

Conditional Use Permit Findings. Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit 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 various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such 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 the outdoor banquet venue would provide a public convenience for an event space to gather for graduations, weddings and other celebrations; and (2) 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.

Zoning Modification Findings. Section 17.64.060.B contains specific findings that must be made in order for your Board to approve the requested modification. Specifically, the section states that a modification shall be granted only when it is found that:

1. The granting of such modification would not be materially detrimental to the public welfare, nor injurious to the property or improvements in the zone or vicinity in which the project is located; and
2. The granting of the modification is necessary to permit an appropriate improvement or improvements on a lot or lots, including but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero lot line or other atypical subdivision development; and
3. The granting of the modification would not be inconsistent with the purposes and intent of Title 17 of this code.

Section 17.64.060.D also states that a modification may be subject to such 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.

Pursuant to Title 17, Chapter 17.58 (Parking and Loading Standards), the purpose of having parking standards is to:

1. Allow flexibility in addressing vehicle parking;
2. Provide accessible, attractive, secure, and well-maintained off-street parking;
3. Ensure that off-street parking demands associated with development will be met without adversely affecting other nearby land uses and surrounding neighborhoods;

As proposed, there are 14 parking spaces where a minimum of 66 parking spaces are required for the SRO (9 spaces) and banquet venue for 450 guests (57 spaces). Staff believes the SRO should have priority to the 14 available parking spaces; therefore, the banquet venue is providing 5 parking spaces where a total of 57 spaces are required. This is a 91 percent reduction on top of the 50 percent reduction that is already granted for projects in the C-C zone. Staff believes this could be materially detrimental to other businesses with project frontage parking.

Staff recognizes the increased availability for transportation services (Über, Lyft, limousine service, taxi, etc..) makes parking and congestion less of a problem. However, without the ability for the applicant to secure any additional parking from any of the surrounding businesses, Staff believes banquet venue should be limited to a maximum of 350 guests as previously granted by Staff in 2011.

Therefore, Staff is recommending approval of a zoning modification to allow 14 parking spaces where a minimum of 53 parking spaces are required for the SRO (9 spaces) and banquet venue for 350 guests (44 spaces).

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0080, as proposed by Staff, and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. 19-_____

RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT APPROVING (1) A CONDITIONAL USE PERMIT TO ALLOW AN OUTDOOR BANQUET FACILITY UP TO 350 GUESTS (17.64.020.B); AND (2) A ZONING MODIFICATION TO ALLOW 14 PARKING SPACES WHERE A MINIMUM OF 53 PARKING SPACES ARE REQUIRED FOR THE USES ON-SITE (17.58.11) IN THE C-C (COMMERCIAL CENTER ZONE) DISTRICT, LOCATED AT 700-712 19TH STREET. (CUP NO. 19-0080)

WHEREAS, Edith Gibson filed an application with the City of Bakersfield Development Services Department for (1) a conditional use permit to allow an outdoor banquet facility (17.64.020.B); and (2) a zoning modification to allow 14 parking spaces where a minimum of 66 parking spaces are required for the uses on-site (17.58.110) in the C-C (Commercial Center Zone) district, located at 700-712 19th Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, July 9, 2019, at 3:00 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 Board of Zoning Adjustment 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 Board of Zoning Adjustment; and

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Sections 15303 and 15305(a); 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 15303 because the project consists of the construction and location of limited numbers of new, small facilities or structures and the conversion of existing small structures from one use to another where only minor modifications are made, and Section 15305(a) because the project represents minor modifications of zoning 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 granting of the modification, as recommended by Staff, will not be materially detrimental to the public's health and safety, or injurious to the property or improvements in the zone or vicinity in which the subject property is located.
6. The granting of the modification, as recommended by Staff, is necessary to permit an appropriate improvement on the subject property.
7. The granting of the modification, as recommended by Staff, would not be inconsistent with the purposes and intent of Bakersfield Municipal Code, Title 17.

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Board of Zoning Adjustment 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/Zoning Modification No. 19-0080 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 Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 9th day of July 2019, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit/Zoning Modification No. 19-0080

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 BZA 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 BZA 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 BZA 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 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.

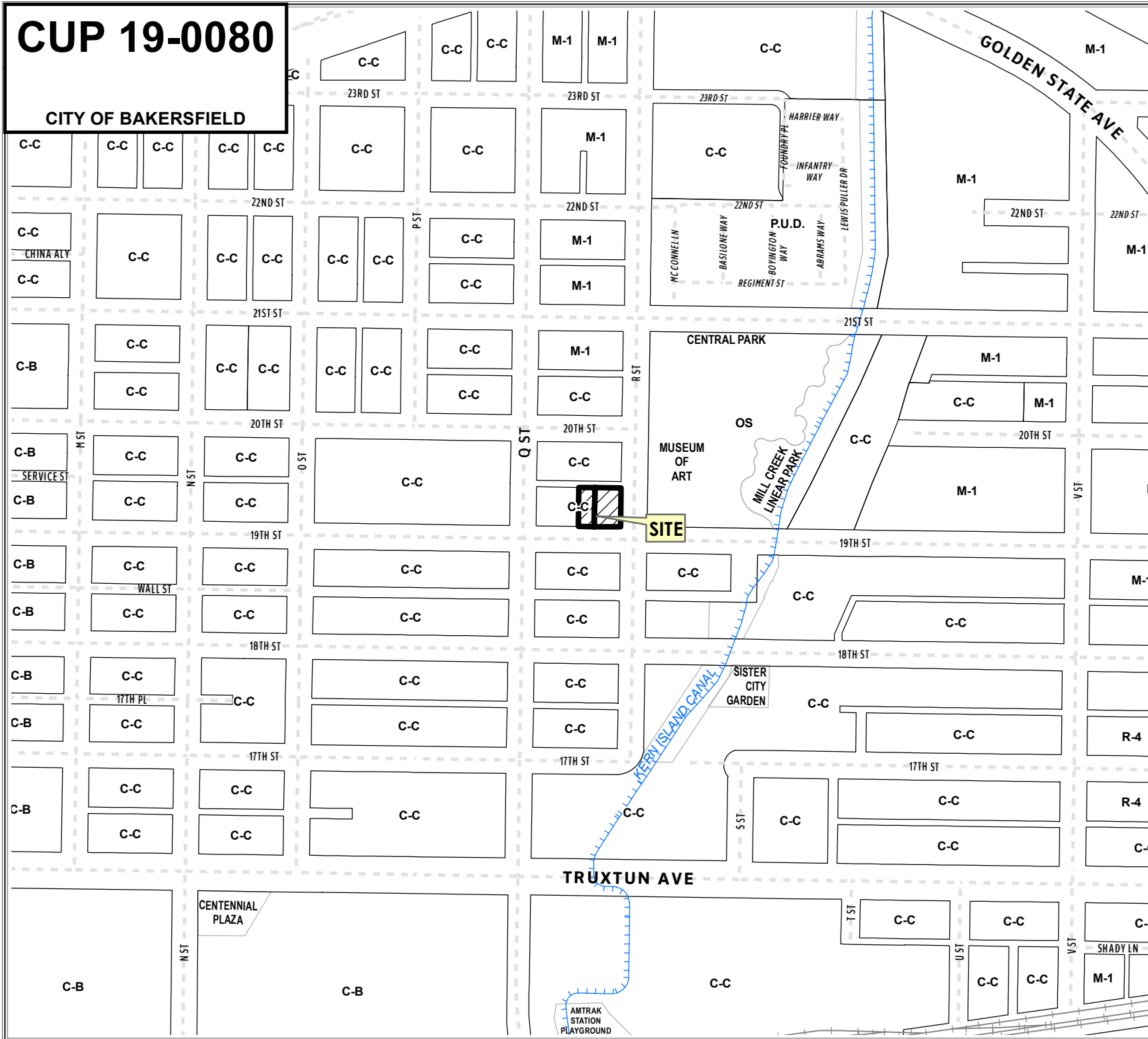
2. This conditional use permit allows a banquet venue in the C-C (Commercial Center Zone) district, located at 700-712 19th Street as depicted on attached Exhibits B and C.
3. This zoning modification allows 14 parking spaces where a minimum of 53 parking spaces are required for the uses on-site in the C-C (Commercial Center Zone) district, located at 700-712 19th Street as depicted on attached Exhibits B and C.
4. Prior to commencement of operations as allowed by this conditional use permit, the permit holder shall:
 - a. Obtain a change in use permit from the City of Bakersfield Building Division. This includes providing sufficient facilities to accommodate the maximum number of outdoor guests.
 - b. Obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services. A copy of the inspector's fire clearance form shall be submitted to the Planning Director.
5. The banquet hall shall continually comply with the following conditions while in operation:
 - a. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
 - b. No changes shall be made to the character of the premise, or in the use of the premise building, which would create a greater occupancy load, unless such change is approved by the Community Development Director and/or the Fire Chief or their designee.
 - c. Unless permitted as part of these conditions, all noise associated with the operation of any sound equipment must comply with BMC section 9.22 and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.
 - d. Entrances into the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of the lighting shall not disturb the normal privacy and use of the neighbors and are subject to the requirements of BMC section 17.58.060.
 - e. Any graffiti painted or marked upon the premises or any area under the control of the permit holder shall be removed or painted over within 72 hours after discovery.

- f. Prior to commencement of alcohol sales/service, the permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; including but not limited to necessary permits from the California Department of Alcoholic Beverage Control (ABC).
 - g. The permit holder shall comply with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
 - h. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Development Services Director or his designee and/or the Fire Chief or his designee.
 - i. The number of guests in attendance at the outdoor events shall not exceed 350.
 - j. Outdoor events may be held 7 days a week and shall conclude no later than 12:00 a.m. (midnight). Set up and tear down shall not occur between the hours of 2:00 a.m. and 7:00 a.m.
 - k. While the privileges of this permit are being exercised for the banquet venue, the permit holder shall provide and maintain at least one (1) staff person for every 100 guests to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Staff shall be provided anytime the privileges of this permit are being exercised, until 30 minutes after closing.
 - l. Outdoor event lighting and sound amplifying equipment shall be directed toward the event building.
6. Minimum parking stall dimensions shall be 9 feet wide by 18 feet long and shall be designed according to standards established by the Traffic Engineer. Vehicles may hang over landscape areas no more than 2-1/2 feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.
7. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).

Exhibit B
(Location Map)

CUP 19-0080

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1.5 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, 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 Wing Specific Plan

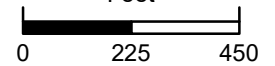
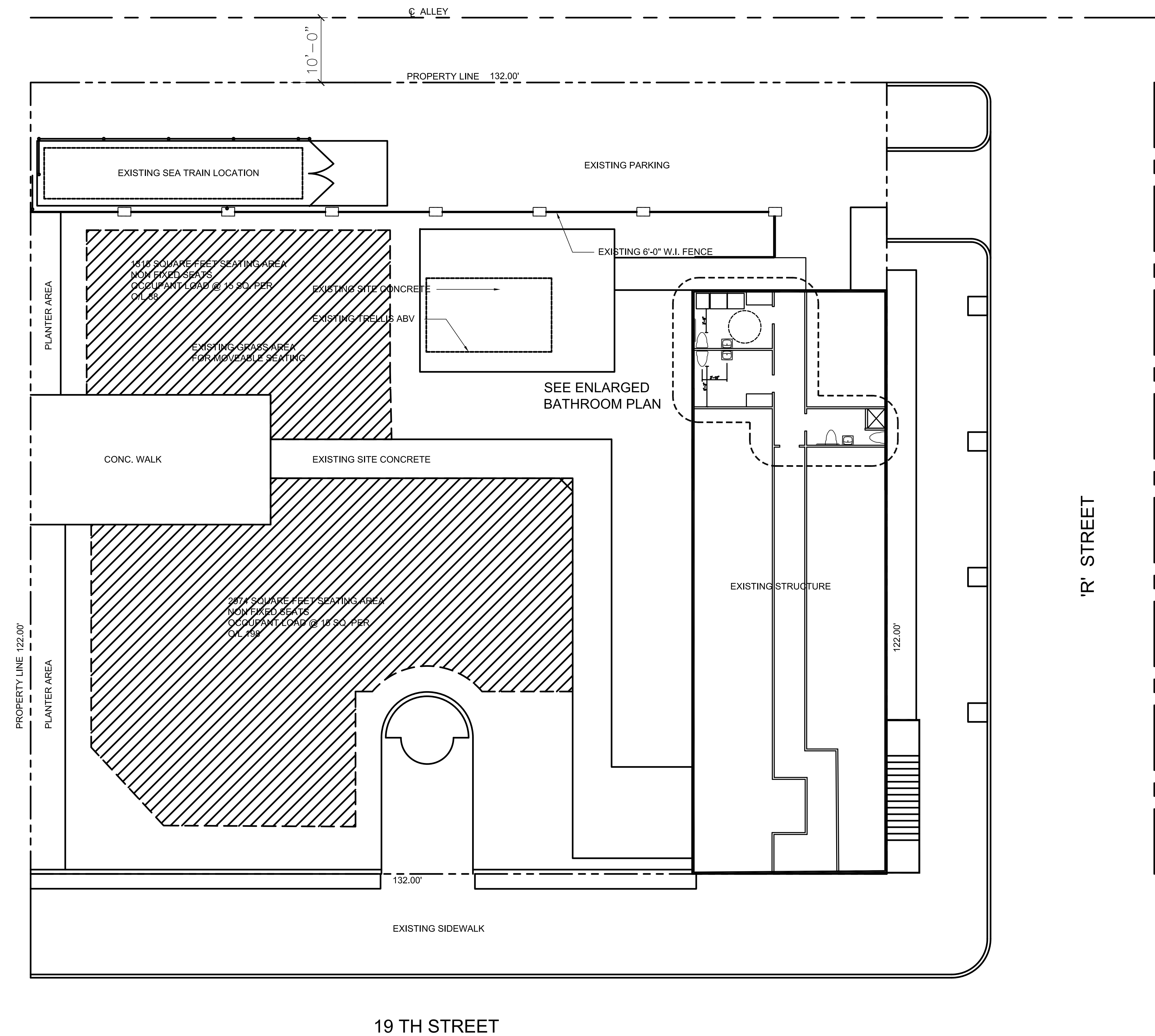


Exhibit C
(Site Development Plan)



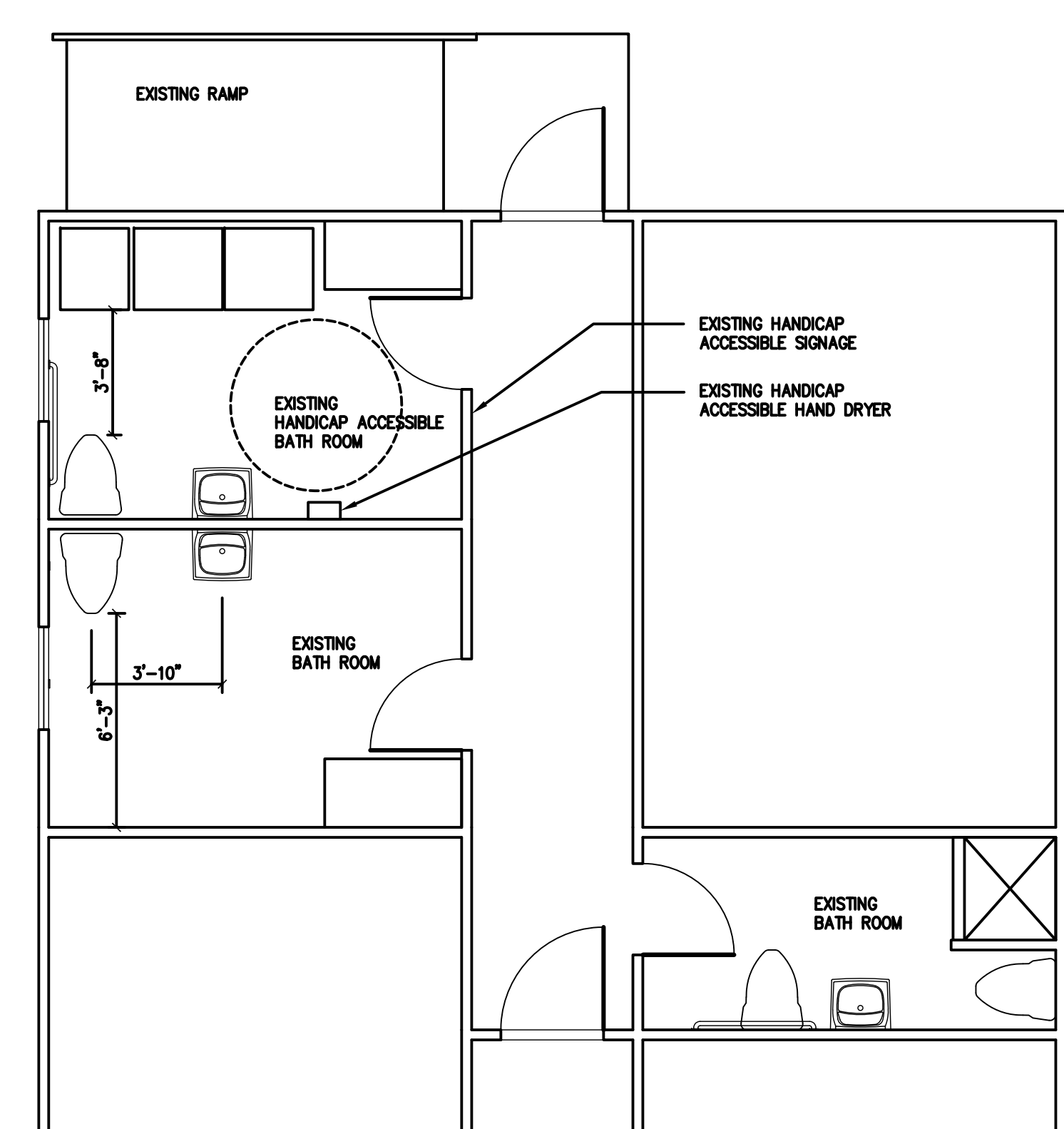
NORTH

SITE PLAN

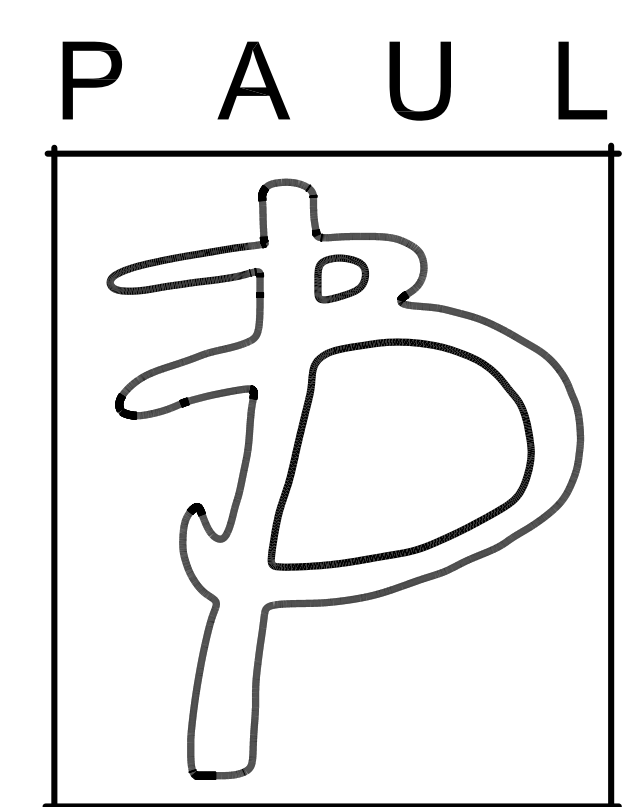
1/8"

OCCUPANCY ANALYSIS		
OCCUPANCY CLASSIFICATION	(CBC 303.4)	A-3
OCCUPANT LOAD FACTOR	(CBC 1004.1.2)	1 PER 15 SQ. FT.
OCCUPANT LOAD:		
	1315 + 2974 = 4576 SQ. FT. / 15	285 OCCUPANTS

REQUIRED RESTROOMS: (CBC 2902.2)			
PLACES OF WORSHIP, AND OTHER RELIGIOUS SERVICES			
REQUIRED :		PROVIDED: ALL UNI-SEX	
TOILETS:		TOILETS : 4 PROVIDED @	
1 PER 150 MEN		285/4 1 PER 71 SQ. FT.	
1 PER 75 WOMEN		LAVATORIES 3 PROVIDED	
LAVATORIES		285/3 1 PER 95 SQ. FT.	
1 PER 200			



ENLARGED BATHROOM PLAN



BROWN
ARCHITECT INC.
P.O. BOX 13085
Bakersfield, Ca. 93389
661.834.9611

NOTHING IN THE DRAWINGS AND OR SPECIFICATIONS SHALL BE CONSTRUED TO PERMIT AN INSTALLATION IN VIOLATION OF ANY APPLICABLE CODES AND OR RESTRICTIONS. SHOULD ANY CHANGE IN THE DRAWINGS OR SPECIFICATIONS BE REQUIRED, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT AND OWNER AT ONCE AND CEASE WORK ON ALL PARTS OF THE PROJECT THAT ARE AFFECTED. THE WORK PERFORMED UNDER THIS CONTRACT SHALL BE IN FULL ACCORDANCE WITH THE LATEST RULES, REGULATIONS, RESTRICTIONS, AND CODE REQUIREMENTS WITHOUT ANY EXCEPTION.

COPYRIGHT 2016 PAUL A. BROWN ARCHITECT INC. ALL RIGHTS RESERVED

712 19TH STREET
OUTDOOR ASSEMBLY AREA
BAKERSFIELD CA 93301



DATE	7/12/2016
REV.	1/23/19
SHEET NO.	

A-0.0
COVER SHEET
SITE PLAN

OF