



**BOARD OF ZONING ADJUSTMENT
AGENDA
MEETING OF AUGUST 13, 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 July 9, 2019 regular meeting.
Staff recommends approval.

4. CONSENT CALENDAR PUBLIC HEARINGS

Ward 6

- a. **Conditional Use Permit No. 19-0232:** Phil Rudnick is proposing a conditional use permit to allow two metal storage containers (17.57.030.A) in the C-O (Professional and Administrative Office Zone) district, located at 201 New Stine Road. Proposed Notice of Exemption on file.
Staff recommends approval.

Ward 1

- b. **Conditional Use Permit No. 19-0236:** Matt VoVilla is proposing a conditional use permit to allow a trucking yard (17.28.030.I) in the M-1 (Light Manufacturing Zone) district, located at 2138 South Union Avenue. Proposed Notice of Exemption on file.
Staff recommends approval.

Ward 4

- c. **Conditional Use Permit No. 19-0245:** Steve Rawlings is proposing a conditional use permit to revise conditions that allowed alcohol sales/consumption in a movie theater (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 2733 Calloway Drive (Studio Movie Grill). Proposed Notice of Exemption on file.
Staff recommends approval.

Ward 5

- d. **Zoning Modification No. 19-0255:** Tom Dee is proposing a zoning modification to allow a masonry wall at a height of 6 feet with pilasters not to exceed 6 feet 9 inches, except to accommodate subdivision signs at a height not to exceed 10 feet 6 inches (17.08.180.B) for a new residential development in the R-2 (Limited Multiple-Family Dwelling Zone) district, generally located at 11200 Harris Road. Proposed Notice of Exemption on file.
Staff recommends approval.

- e. **Conditional Use Permit No. 19-0258:** Gurvinder Jhaj is proposing a conditional use permit to allow on-site alcohol sales incidental to two (2) restaurants (17.22.040.B.11) in the C-1 (Neighborhood Commercial Zone) district, located at 5848 Comanche Drive. Proposed Notice of Exemption on file.

Staff recommends approval.

- 5. **PUBLIC HEARINGS**
- 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: August 13, 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 July 9, 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 July 9, 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	
	None.	
3.	MINUTES	
	a. Approval of minutes of the June 11, 2019 regular Board of Zoning Adjustment meeting.	
	<i>Motion by Member Kitchen to approve. Motion passed.</i>	
4.	CONSENT CALENDAR PUBLIC HEARINGS	
(Ward 7)	a. Conditional Use Permit No. 18-0454: Mark Russell (architect) 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. <i>(Staff recommends approval.)</i>	Resolution 19-14
(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. <i>(Staff recommends approval.)</i>	Resolution 19-16
(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. <i>(Staff recommends approval.)</i>	Resolution 19-17

REGULAR MEETING**ACTION
TAKEN**

- (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.)

**Resolution
19-18**

- (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.)

**Resolution
19-19**

Motion by Member Fick to approve consent calendar items as recommended by staff, with incorporation of the Director's memorandum dated July 9, 2019 for Item 4.c. Motion passed.

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 with limitation of 350 guests and zoning modification to allow 14 spaces where 53 spaces are required.)

**Resolution
19-15**

The public hearing was opened. Staff presentation given.

No public comments received in opposition or support of the application.

Public hearing closed. Board Members deliberated.

Motion by Member Kitchen to approve, as recommended by Staff. Motion passed.

6. STAFF COMMUNICATIONS

None.

ACTION
TAKEN

REGULAR MEETING

7. BOARD STATEMENTS

None.

8. ADJOURNMENT

Chair Patteson adjourned the meeting at 3:16 p.m.

Marisa Iturralde, Recording Secretary

Kevin F. Coyle, AICP CEP
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: August 13, 2019

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

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: Ward 6

SUBJECT:

Conditional Use Permit No. 19-0232: Phil Rudnick is proposing a conditional use permit to allow two metal storage containers (17.57.030.A) in the C-O (Professional and Administrative Office Zone) district, located at 201 New Stine Road. Proposed Notice of Exemption on file.

APPLICANT: Phil Rudnick

OWNER: 201 New Stine Road, LLC

LOCATION: 201 New Stine Road

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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

PROJECT SUMMARY:

The project is a request for a conditional use permit to allow two metal storage containers in the C-O (Professional and Administrative Office Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

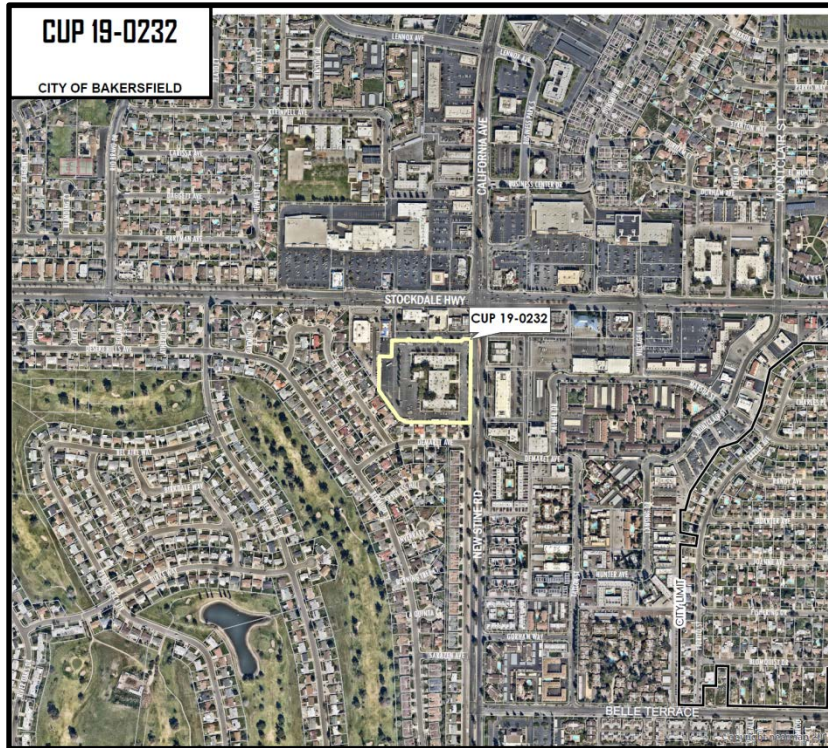
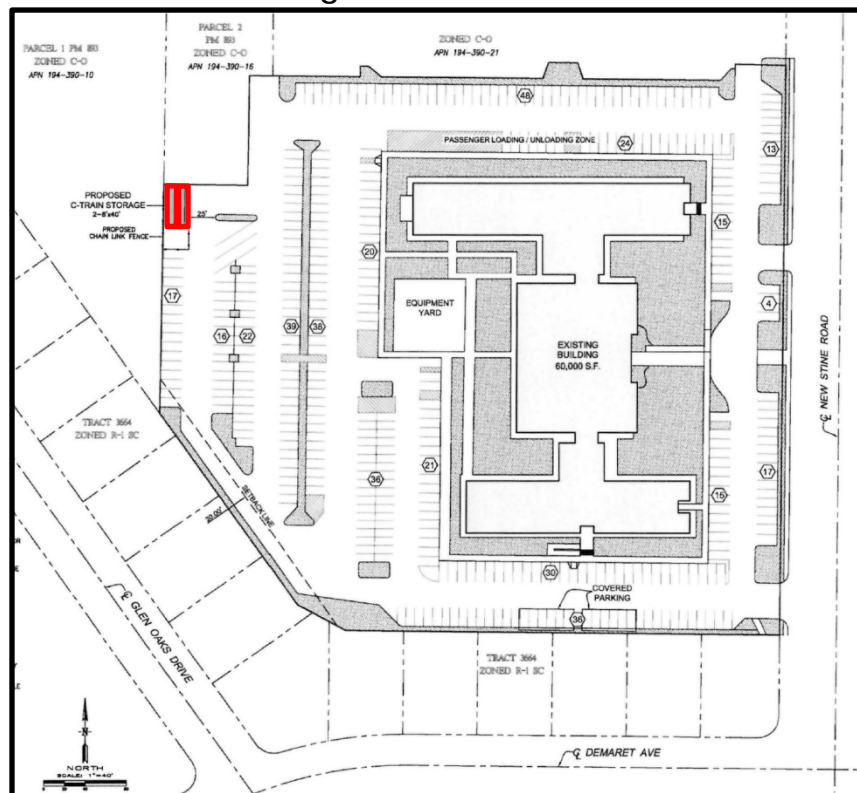


Figure 3. Site Plan



SURROUNDING LAND USES:

The 6.75-acre project site is developed with various commercial uses. 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	OC	C-O	Commercial Uses
North	OC	C-O	Commercial Uses
East	OC	C-O	Commercial Uses
South	LR	R-1	Single-Family Residential
West	OC & LR	C-O & R-1	US Post Office & Single-Family Residential
General Plan Key OC: Office Commercial LR: Low Density Residential		Zone District Key C-O: Professional and Administrative Office R-1: One-Family Dwelling	

BACKGROUND:

In 1998, Bakersfield City Council adopted Ordinance 3869, which created standards for the use of metal storage containers within the City limits.

Metal storage containers are defined as any structure of 120 square feet or more designed to carry cargo to be shipped by truck or rail and designed to I.S.O. (International Organization for Standardization) Standard 668-1979(E) or equivalent, or any roll-off storage bin with a fixed cover.

In adopting this Ordinance, City Council found that the unregulated use of metal storage containers may negatively impact the aesthetics of neighborhoods where they are placed and discourage investment in the surrounding areas. Therefore, metal storage containers, as an alternative to permanent storage, are only permitted in certain zone districts (see Table 2) and subject to specific design criteria.

Table 2. Metal Storage Container - Permitted		
ZONE	PARCEL OR SITE AREA	MAXIMUM NUMBER OF CONTAINERS
C-1, C-2, PCD	• less than 1/2 acre	1
	• 1/2 acre or more	2
M-1, M-2, M-3	• less than 1/2 acre	1
	• 1/2 acre but less than 1 acre	2
	• 1 acre but less than 2 acres	3
	• 2 acres or more	4
Zone District Key C-1: Neighborhood Commercial C-2: Regional Commercial PCD: Planned Commercial Development M-1: Light Manufacturing M-2: General Manufacturing M-3: Heavy Industrial		

ANALYSIS:

Subject to the limitation that the ratio of square footage of metal storage containers to the area of any lot or parcel not exceeds 1:50, they may be permitted in any other zone district not listed in Table 2 by conditional use permit as an accessory use. The applicant is requesting approval of a conditional use permit to allow two (2) containers in the C-O zone district.

As proposed, both 8 x 40-foot (320 square feet each) containers will be located near the rear (western portion) of the property. The containers have been located in an area away from the residential development and adjacent to property zoned C-O. Staff notes that property setbacks remain applicable, except that no rear yard setback shall be required if adjacent to a non-residential zone. The metal storage containers will be utilized as storage for items associated with the on-site commercial office tenants. The 6.75-acre site adheres to the 1:50 square foot area ratio.

As stated above, metal storage containers are subject to specific design criteria, which include limitations on how they can be utilized. These include, but are not limited to the following:

- Metal storage containers shall not be stacked.
- Metal storage containers shall not exceed a height of 8 feet, and not exceed an area of 320 square feet
- Each metal storage container shall be painted a neutral, earth-tone, site compatible color.
- The metal storage container shall be screened so that it is not visible from public streets.
- Under no circumstances shall any metal storage container be used for an office, residence, or other purpose involving human occupancy.

Should your Board approve the proposed request, these regulations are being recommended as conditions of approval. Additionally, metal storage containers are also subject to securing the necessary building permits.

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, *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.

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 safe keeping of goods that would not be an aesthetic blight to the area; (2) the availability of metal storage containers allow ample storage for tenants' valuables; 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. 19-0232, 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 TWO METAL STORAGE
CONTAINERS (17.57.030.A) IN THE C-O (PROFESSIONAL AND
ADMINISTRATIVE OFFICE ZONE) DISTRICT, LOCATED AT 201 NEW STINE
ROAD (CUP NO. 19-0232)**

WHEREAS, Phil Rudnick filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow two metal storage containers (17.57.030.A) in the C-O (Professional and Administrative Office Zone) district, located at 201 New Stine Road (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, August 13, 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, or the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

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. 19-0232 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 13th day of August 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. 19-0232

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 two metal storage containers in the C-O (Professional and Administrative Office Zone) district, located at 201 New Stine Road as depicted on attached Exhibits B and C.
3. The metal storage containers shall be designed to I.S.O. Standard 668-1979(E) or equivalent, or any "roll-off" storage bin with a fixed cover.
4. The metal storage containers shall not be placed within any front yard, rear yard (if adjacent to residential), or side yard setback.
5. The metal storage containers shall be painted a neutral, earth-tone, site-compatible color, as approved by the Planning Director.
6. The metal storage containers shall be placed on either a minimum four inch thick concrete slab, or a minimum three inch thick asphalt concrete over two inch thick aggregate base, as required by the Building Director.
7. Under no circumstances shall the metal storage containers be used for an office, residence, or other purpose involving human occupancy.
8. Signs shall not be permitted on the metal storage containers, except those required that contain public safety information for the container.
9. The metal storage containers shall not exceed a height of eight (8) feet.
10. The metal storage containers shall not exceed an area of 320 square feet.
11. Use of truck trailers, shipping boxes, railroad cars, and similar materials are prohibited.
12. The metal storage containers shall not be permitted in required parking areas, drive aisles, landscape areas, or emergency access ways.
13. The metal storage containers shall be screened so that it is not visible from public streets. Method of screening to be approved by the Planning Director prior to installation/construction.
14. The metal storage containers shall be utilized to provide alternative permanent storage facilities.

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 accessible parking. Private streets are not the public way.
2. 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.
3. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
4. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
5. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
6. 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.
7. 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 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.
2. 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.
3. 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).
4. 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. 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.
3. 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 - George Gillburg; 661-326-3997 or GGillbur@bakersfieldcity.us)

As proposed, no applicable conditions at this time.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - George Gillburg; 661-326-3997 or GGillbur@bakersfieldcity.us)

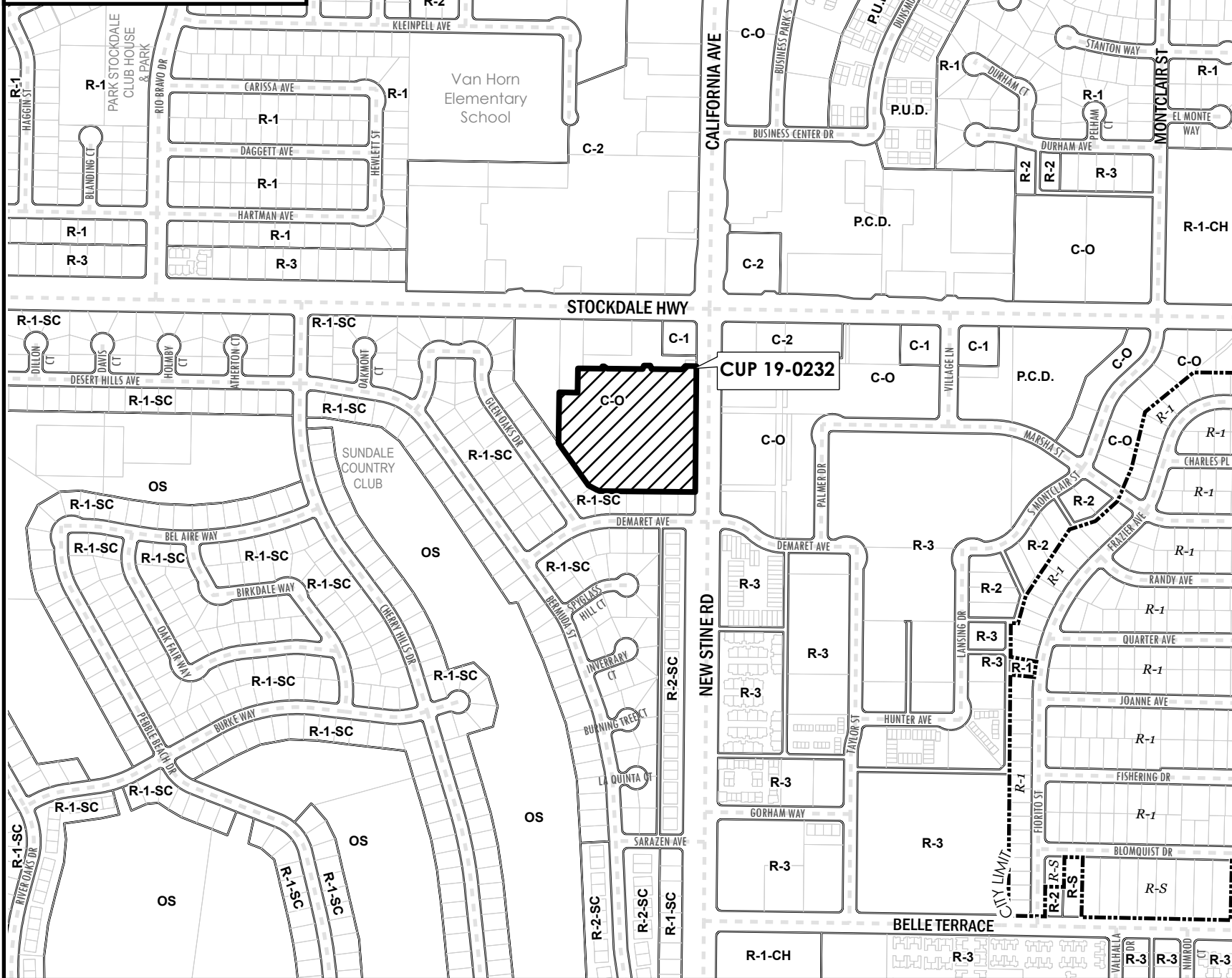
As proposed, no applicable conditions at this time.

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)

CITY OF BAKERSFIELD



R-1 One Family Dwelling
6,000 sq.ft. min lot size
R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
E Estate
10,000 sq.ft. min lot size
R-5 Residential Suburban
24,000 sq.ft./dwelling unit
R-5-1) 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-O Professional and Administrative Office
C-1 Neighborhood Commercial
C-2 Regional Commercial
C-C Commercial Center
C-B Central Business
PCD Planned Commercial Development
M-1 Light Manufacturing
M-2 General Manufacturing
M-3 Heavy Industrial
P Automobile Parking
RE Recreation
Ch Church Overlay
OS Open Space
HOSP Hospital Overlay
AD Architectural Design Overlay
FP-P Floodplain Primary
FP-S Floodplain Secondary
AA Airport Approach
DI Drilling Island
PE Petroleum Extraction Combining
SC Senior Citizen Overlay
HD Hillside Development Combining
WM- West Ming Specific Plan



Feet

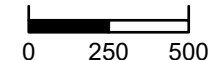
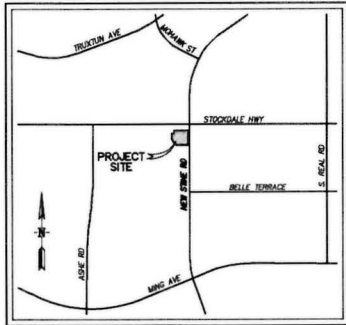


Exhibit C
(Site Development Plan)

EXISTING SITE PLAN CONDITIONAL USE PERMIT 201 NEW STINE ROAD BAKERSFIELD, CALIFORNIA



VICINITY MAP
NO SCALE

SITE STATISTICS:

1. ADDRESS: 201 NEW STINE ROAD, BAKERSFIELD, CA 93312
2. APN: 194-390-18
3. TOTAL AREA: 6.82 ACRES
4. SEWER: CITY OF BAKERSFIELD
5. WATER: CALIFORNIA WATER COMPANY
6. PARKING: 410 EXISTING SPACES & 2 BUS SPACES
COLLEGE (42,000 S.F.) 800 STUDENTS / 50 STAFF = 250 SPACES
GENERAL OFFICE (18,000 S.F.) = 72 SPACES
88 REMAINING SPACES FOR TRANSIT FACILITY

LEGAL DESCRIPTION:

PARCEL 3 OF AMENDED PARCEL MAP NO. 893 FILED IN BOOK 5 OF PARCEL MAPS AT PAGE 184 IN THE OFFICE OF THE KERN COUNTY RECORDER, ALSO BEING A PORTION OF SECTION 3 TOWNSHIP 30 SOUTH, RANGE 27 EAST, M.D.M., IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.

LEGEND

- CUP BOUNDARY
- - - ASSESSORS PARCEL
- EXISTING LANDSCAPE
- (20) NUMBER OF PARKING SPACES

17.57060 GENERAL REGULATIONS

- A. SETBACKS AND YARD AREA RESTRICTIONS.
1. ON PROPERTY ZONED C-1, C-2 AND P.C.D., METAL STORAGE CONTAINERS SHALL BE PROHIBITED WITHIN ANY FRONT YARD OR STREET SIDE YARD.
 2. ON PROPERTY ZONED M-1, M-2 OR M-3, METAL STORAGE CONTAINERS OTHERWISE PERMITTED AND IN CONFORMANCE WITH THE REQUIREMENTS OF THIS CHAPTER MAY BE LOCATED IN A FRONT YARD OR STREET SIDE YARD; HOWEVER, THEY SHALL BE SET BACK A MINIMUM OF THIRTY FEET FROM ANY PROPERTY LINE ABUTTING ANY PUBLIC OR PRIVATE STREET.
 3. ALL OTHER SETBACKS OF THE ZONE DISTRICT IN WHICH THE METAL STORAGE CONTAINERS ARE LOCATED SHALL APPLY, EXCEPT THAT NO REAR YARD SETBACK SHALL BE REQUIRED IF ADJACENT TO NONRESIDENTIAL ZONE.
- B. EACH METAL STORAGE CONTAINER SHALL BE PAINTED A NEUTRAL, EARTH-TONE, SITE-COMPATIBLE COLOR.
- C. EACH METAL STORAGE CONTAINER SHALL BE PLACED ON EITHER A MINIMUM FOUR INCH THICK CONCRETE SLAB, OR MINIMUM THREE INCH THICK ASPHALT CONCRETE OVER TWO INCH THICK AGGREGATE BASE, AS REQUIRED BY THE BUILDING DIRECTOR.
- D. UNDER NO CIRCUMSTANCES SHALL ANY METAL STORAGE CONTAINER BE USED FOR AN OFFICE, RESIDENCE OR OTHER PURPOSE INVOLVING HUMAN OCCUPANCY.
- E. SIGNS SHALL NOT BE PERMITTED ON ANY METAL STORAGE CONTAINER, EXCEPT THOSE REQUIRED THAT CONTAIN PUBLIC SAFETY INFORMATION FOR THE CONTAINER.
- F. A SHOPPING CENTER OR OTHER COORDINATED DEVELOPMENT AS DEFINED IN SECTION 17.04.546 SHALL BE CONSIDERED A SINGLE PARCEL OR SITE.
- G. METAL STORAGE CONTAINERS SHALL EXCEED A HEIGHT OF EIGHT FEET.
- H. A METAL STORAGE CONTAINER SHALL NOT EXCEED AN AREA OF THREE HUNDRED TWENTY SQUARE FEET.
- I. METAL STORAGE CONTAINERS SHALL NOT BE STACKED.
- J. USE OF TRUCK TRAILERS, SHIPPING BOXES, RAILROAD CARS, AND SIMILAR MATERIALS ARE PROHIBITED.
- K. METAL STORAGE CONTAINERS SHALL NOT BE PERMITTED IN REQUIRED PARKING AREAS, DRIVE AISLES, LANDSCAPE AREAS, OR EMERGENCY ACCESS WAYS.
- L. METAL STORAGE CONTAINERS SHALL BE SCREENED SO THAT THEY ARE NOT VISIBLE FROM PUBLIC STREETS.
- M. THIS CHAPTER DOES NOT APPLY TO A BUSINESS THAT SELLS, LEASES, OR STORES METAL STORAGE CONTAINERS AS LEGALLY PERMITTED AND CONFORMING TO THE REGULATIONS OF THE ZONE DISTRICT IN WHICH THE BUSINESS IS LOCATED.

PARCEL 1 PM 893
ZONED C-O
APN 194-390-10

PARCEL 2
PM 893
ZONED C-O
APN 194-390-16

ZONED C-O
APN 194-390-21

PROPOSED
C-TRAIN STORAGE
2-8'x40'
PROPOSED
CHAIN LINK FENCE

TRACT 3664
ZONED R-1 SC

PASSENGER LOADING / UNLOADING ZONE

EQUIPMENT YARD

EXISTING BUILDING
60,000 S.F.

COVERED PARKING

TRACT 3664
ZONED R-1 SC



LAV//Pinnacle Engineering
ENGINEERING • PLANNING • SURVEYING
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184 Fax: (661) 885-4155

REVISION	DATE
1. INITIAL DESIGN	7/1/19
2. REVISED DESIGN	7/1/19
3. REVISED DESIGN	7/1/19
4. REVISED DESIGN	7/1/19
5. REVISED DESIGN	7/1/19
6. REVISED DESIGN	7/1/19
7. REVISED DESIGN	7/1/19
8. REVISED DESIGN	7/1/19
9. REVISED DESIGN	7/1/19
10. REVISED DESIGN	7/1/19



CONDITIONAL USE PERMIT
201 NEW STINE ROAD
BAKERSFIELD CA
APN 194-390-18

JOB No.: 19-007
DWG NO.: 19-007-CUP
DATE: 7/1/19
DRAWN BY: DS
CHECKED BY: MKV
SHEET 1
OF 1 SHEETS



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: August 13, 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 1

SUBJECT:

Conditional Use Permit No. 19-0236: Matt VoVilla is proposing a conditional use permit to allow a trucking yard (17.28.030.I) in the M-1 (Light Manufacturing Zone) district, located at 2138 South Union Avenue. Proposed Notice of Exemption on file.

APPLICANT: Matt VoVilla

OWNER: Jay Mahal

LOCATION: 2138 South Union Avenue

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



www.bakersfieldcity.us

CITY OF BAKERSFIELD 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: August 13, 2019

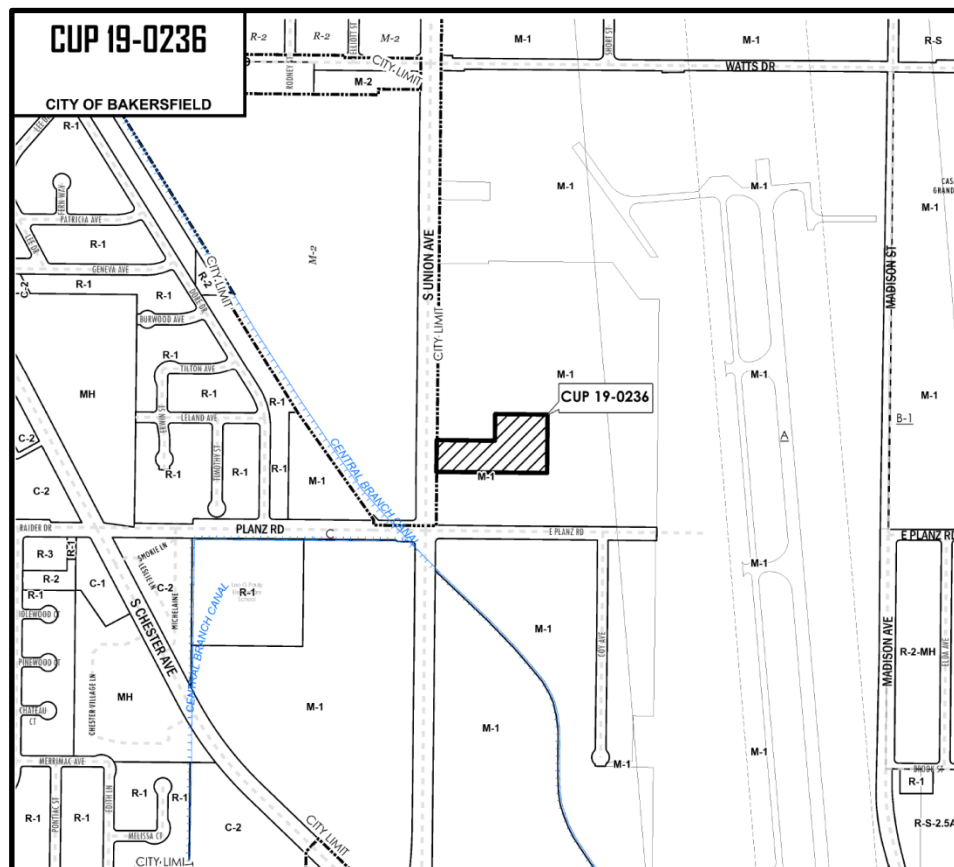
SUBJECT: Conditional Use Permit; File No. 19-0236 (Ward 1)

APPLICANT: Matt VoVilla
12418 Rosedale Highway, Suite A
Bakersfield, CA 93312

OWNER: Jay Mahal
2138 South Union Avenue
Bakersfield, CA 93307

LOCATION: 2138 South Union Avenue | APN: 170-040-02

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0236, 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 trucking yard in the M-1 (Light Manufacturing Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

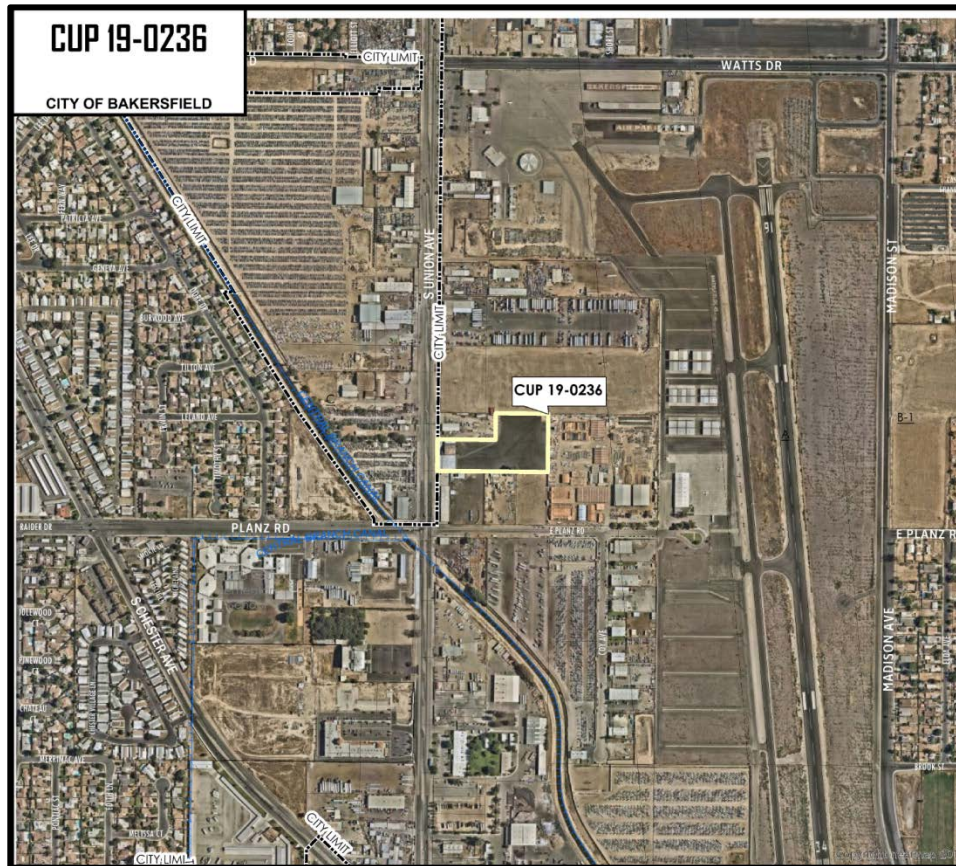
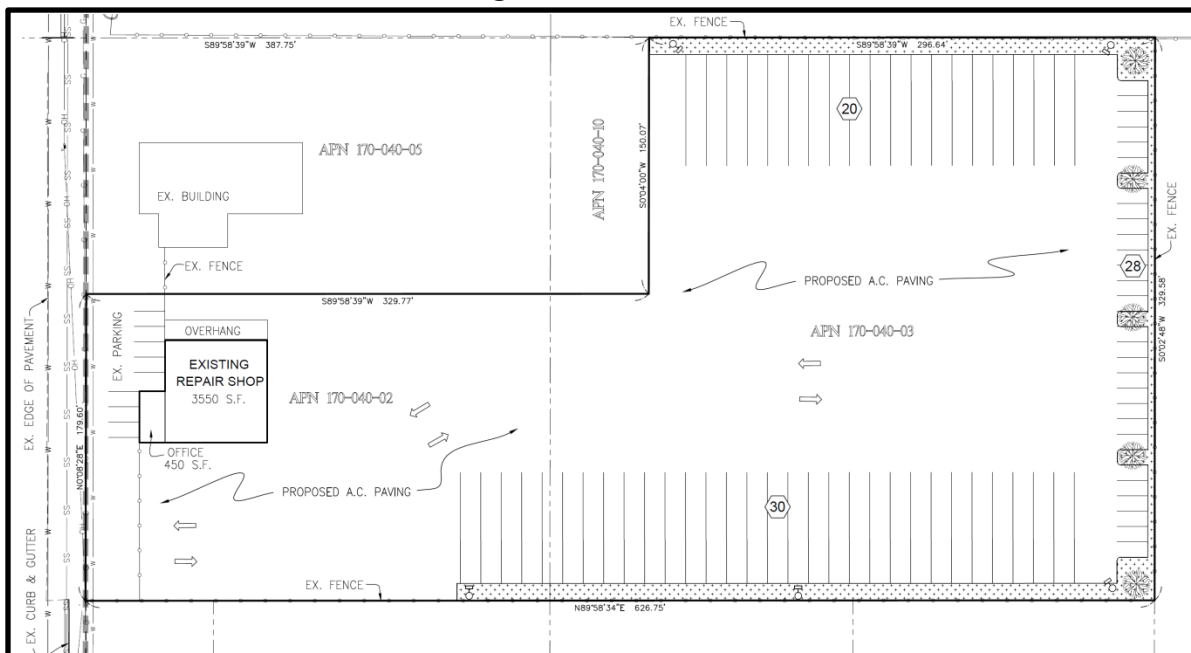


Figure 3. Site Plan



SURROUNDING LAND USES:

The 3.6-acre project site is developed with an existing truck repair shop and general storage area. 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	LI	M-1	Truck Repair
North	LI	M-1	Truck Repair/Trucking Yard (Approved)
East	LI	M-1	Modular Bldg Manufacturer
South	LI	M-1	Auto Parts Store, Storage, Undeveloped
West	7.2 (County)	7.2 (County)	Auto Salvage Yard
General Plan Key		Zone District Key	
LI: Light Industrial		M-1: Light Manufacturing	
7.2 (Casa Loma SP): Service Industrial		7.2 (Casa Loma SP): Service Industrial	

ANALYSIS:

Truck repair and overhauling facilities are a permitted use in the M-1 zone; however, freighting and trucking yards and terminals require approval of a conditional use permit.

As proposed, the applicant will develop the site to accommodate 50 tractor-trailer parking spaces and 34 standard vehicle spaces. The trucking yard will be used as a staging area for trucks traveling interstate. As such, drivers will have 24-hour access to the yard. Trucks will be hauling various materials/goods, and some trailers will be equipped with refrigeration units. There will be no storage of hauling materials/goods on site. No fuel storage is proposed. All truck parking and maneuvering areas shall be paved and maintained according to standards adopted by the City Engineer.

The trucking yard is being developed on two adjoining parcels, with access to the site from South Union Avenue via the western parcel. If the conditional use permit is approved by your Board, the applicant will be required to obtain legal access to the trucking yard through a parcel merger, access easement, or other legal instrument to ensure access for the life of the project.

Airport Land Use Compatibility Plan. Pursuant to the County of Kern Airport Land Use Compatibility Plan (ALUCP), the project site falls within Compatibility Zone C for the Bakersfield Municipal Airport. According to Table 2A of the ALUCP, the C zone is considered "limited risk" from frequent noise intrusion with aircraft at or below 1,000 feet AGL. Truck terminals are normally acceptable uses in this zone. Dedication of overflight easements are not required for industrial uses.

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) the trucking yard would provide a public convenience by allowing drivers a safe place to park their vehicles in an area already subject to substantial noise from the nearby uses to include the airport; 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. 19-0236, 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 TRUCKING YARD
(17.28.030.I) IN THE M-1 (LIGHT MANUFACTURING ZONE) DISTRICT,
LOCATED AT 2138 SOUTH UNION AVENUE. (CUP 19-0236)**

WHEREAS, Matt VoVilla filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a trucking yard (17.28.030.I) in the M-1 (Light Manufacturing Zone) district, located at 2138 South Union Avenue (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, August 13, 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 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. 19-0236 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 13th day of August 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. 19-0236

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 trucking yard in the M-1 (Light Manufacturing Zone) district located at 2138 South Union Avenue as depicted on attached Exhibits B and C.
3. A minimum of Tier-3 level machinery shall be used for construction operations associated with the project.
4. All STAA (Surface Transportation Assistance Act of 1982) trucks shall only be permitted on identified STAA routes.
5. The project shall continuously comply with the following for the duration of all activities authorized by this conditional use permit:
 - a. This conditional use permit allows no more than 126 tractor-trailers. Any increase in this number will require consideration of a new conditional use.
 - b. No more than ten (10) minutes of truck idle time shall be permitted prior to site departure. Trucks entering the site shall turn off their engines within five (5) minutes of being parked. Signage indicating this requirement shall be posted on the entry/exit gate.
 - c. On-site speed limit shall be limited to no more than 5 miles per hour. The developer shall post a speed limit sign at the entrance of the site prior to commencement of operations.
 - d. No transported goods shall be off-loaded from the tractor-trailer(s) and stored on site.
 - e. Transport Refrigeration Units shall use an electric standby power source, or if using their diesel generators, must be operating in compliance with the California Air Resource Board (CARB) regulations at the time the unit is operating. Any trailers operating the Transport Refrigeration Units shall be located on the western half of the trucking yard.
 - f. No diesel fuel shall be stored on the project site, and no fuel trailers shall be permitted to be parked on-site.

III. *The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The 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 accessible parking. Private streets are not the public way.
4. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
5. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
6. 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.
7. 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).
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>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Truck Repair Shop	3,550 SF	1/500 SF	7 Spaces
Office	450 SF	1/300 SF	2 Spaces

Required Parking: 9 Spaces

(Note: 34 standard (9'x18') and 50 tractor-trailer (12'x65') parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. 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.).
3. 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.

(**Note:** Staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.)

4. Our records show that the project site **does not have legal access**. Because access is being shared with adjacent properties, prior to commencement of operations or issuance of any permits, whichever occurs first, legal access must be provided through a recorded access easement, parcel merger, lot line adjustment, or other instrument that ensures legal access for the life of the project. Any recorded document must be provided to the Planning Director.

(**Note 1:** If our records are in error, please provide a copy of the parcel map, subdivision map, or certificate of compliance showing the property as one parcel.)

(**Note 2:** An Assessor's map is not acceptable since it is only for tax purposes and does not verify legal parcel status.)

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 1:** 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.)

(**Note 2:** Upon approval of the final landscape plan, a digital copy shall be submitted to the Planning staff contact listed above.)

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.

(**Note:** Signs must comply with the Sign Ordinance; Chapter 17.60 of the Bakersfield Municipal Code. Review this Chapter as part of due diligence.)

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. 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.)

9. 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.)

10. 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.

11. 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.

12. 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).

13. 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. 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. 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. 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)

1. Property is located outside of the City of Bakersfield domestic water service area, therefore, only pipelines and appurtenances related to fire water are subject to review.
2. Developer shall submit two (2) sets of water plans signed by a California Registered Civil Engineer to the Water Resources Department showing all offsite and onsite improvements, including connections to the existing water main and underground fire waterlines and related apparatuses. Include any existing nearby on or off-site hydrants on the plans. Plans shall be submitted along with applicable plan check fees and any other associated fees per the current fee schedule. Plans shall comply with current City Standards and Specifications, California Fire Code, and City of Bakersfield Municipal Code. City Standards and Specifications are available for download from the City's website at www.bakersfieldcity.us/gov/depts./water_resources.
3. The Contractor responsible for construction of waterlines and appurtenances within the City's right of way or easement, shall have an active Class "A" or "C-34" License from the State of California.

4. Developer shall complete and submit to the Water Resources Department the *Application for Water Service*. The application is available for download from the City's website at www.bakersfieldcity.us/gov/depts/water_resources.
5. Developer shall submit to the Water Resources Department the Contractor's itemized construct cost for all off-site water improvements within the City's right of way or easement. Inspection fees are calculated as five percent (5%) of the approved Contractor's water construction cost. The construction costs are subject to review and approval by the Water Resources Department.
6. Developer shall pay the required domestic inspection fees and request an inspection from the California Water Company at least two (2) full business days before permanent construction within the City's right of way or easement. The California Water Company may be contacted at 661-837-7200.
7. Developer shall pay the required fire water fees and submit an *Inspection Request Form* to the Water Resources Department for any underground fire waterlines and their apparatuses at least two (2) full business days before permanent construction. The form is available for download from the City's website at www.bakersfieldcity.us/gov/depts/water_resources.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)

(Staff contact - George Gillburg; 661-326-3997 or GGillbur@bakersfieldcity.us)

1. The developer shall construct curbs, gutters, cross gutters, 5-foot 6-inch wide sidewalks, and street/alley paving along South Union Avenue 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 1 streetlight along South Union Avenue. 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. 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.
13. 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.

(**Note:** If already within a maintenance district, may need to update the maintenance district form.)
14. This project may be located within a Planned Sewer Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.
15. This project may be located within a Planned Drainage Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.
16. This project may be subject to Bridge and Major Thoroughfare fees. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - George Gillburg; 661-326-3997 or GGillbur@bakersfieldcity.us)

1. Show on the final building plans 42 foot wide (top-to-top) drive approach. 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 Bakersfield Municipal Code (Section 17.58.050.K.) prohibits vehicles from backing out of a parking space into a street. Please revise the parking design on the final building plans to eliminate these spaces.

(Note: This prohibition does not include single-family homes in residential zones, or multiple family units on local streets where the Traffic Engineer has determined that backing onto a street will not adversely affect traffic and is similar to a single family residential driveway use.)

4. Walls, fences, or trash enclosures within 10 feet of a sidewalk at an alley or driveway shall not exceed 3 feet in height above the curb flow line. You must either revise the circulation design or show on the final building plans that the maximum fence/wall height will not exceed three feet.

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: 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 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.

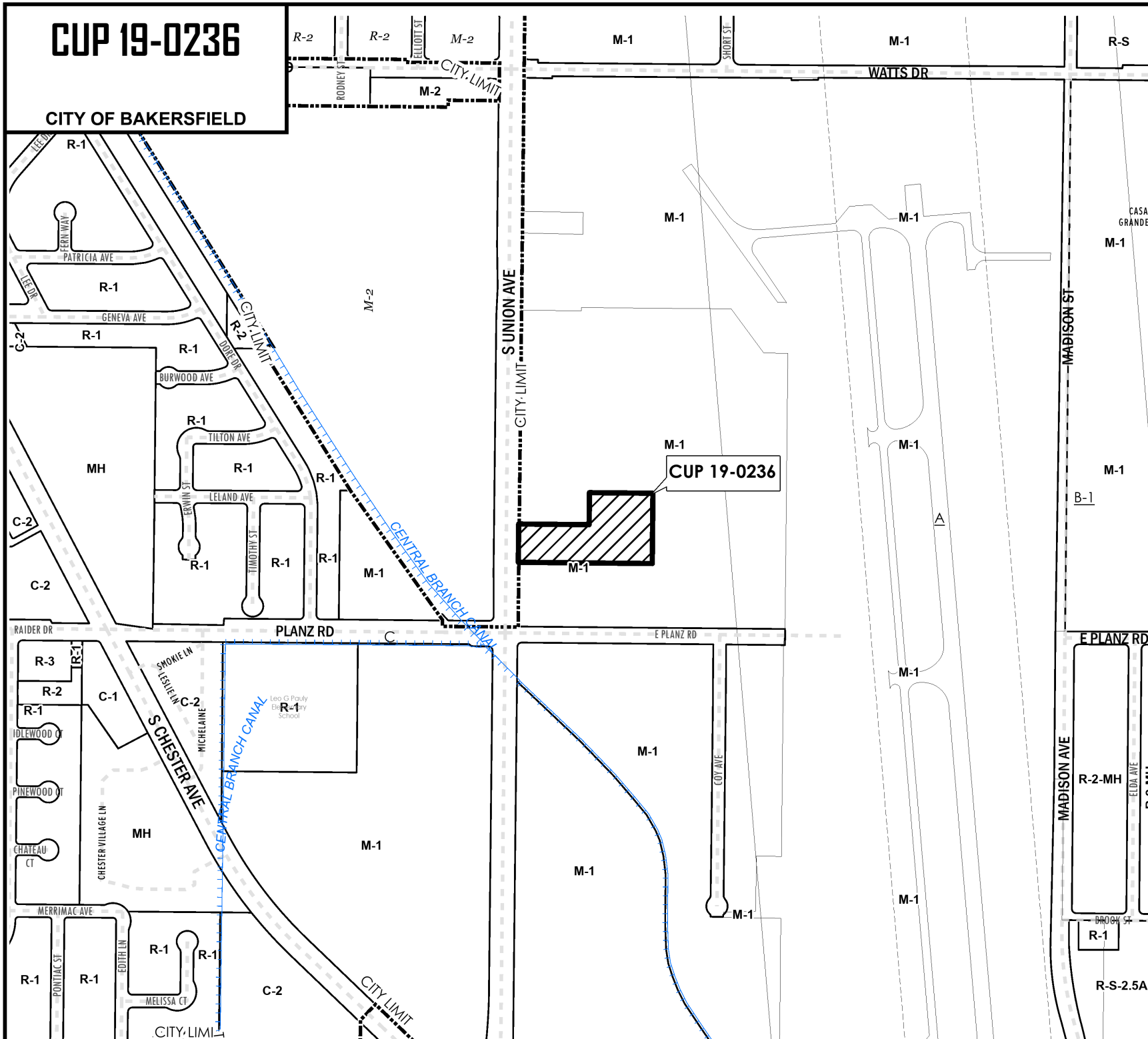
5. Revise the sites plan to make the trash enclosure accessible to the refuse truck. Move the enclosure towards the front of the site entrance.

(Note: City trucks may not drive down dead end corridors, nor back-up long distances.)

Exhibit B
(Location Map)

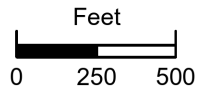
CUP 19-0236

CITY OF BAKERSFIELD



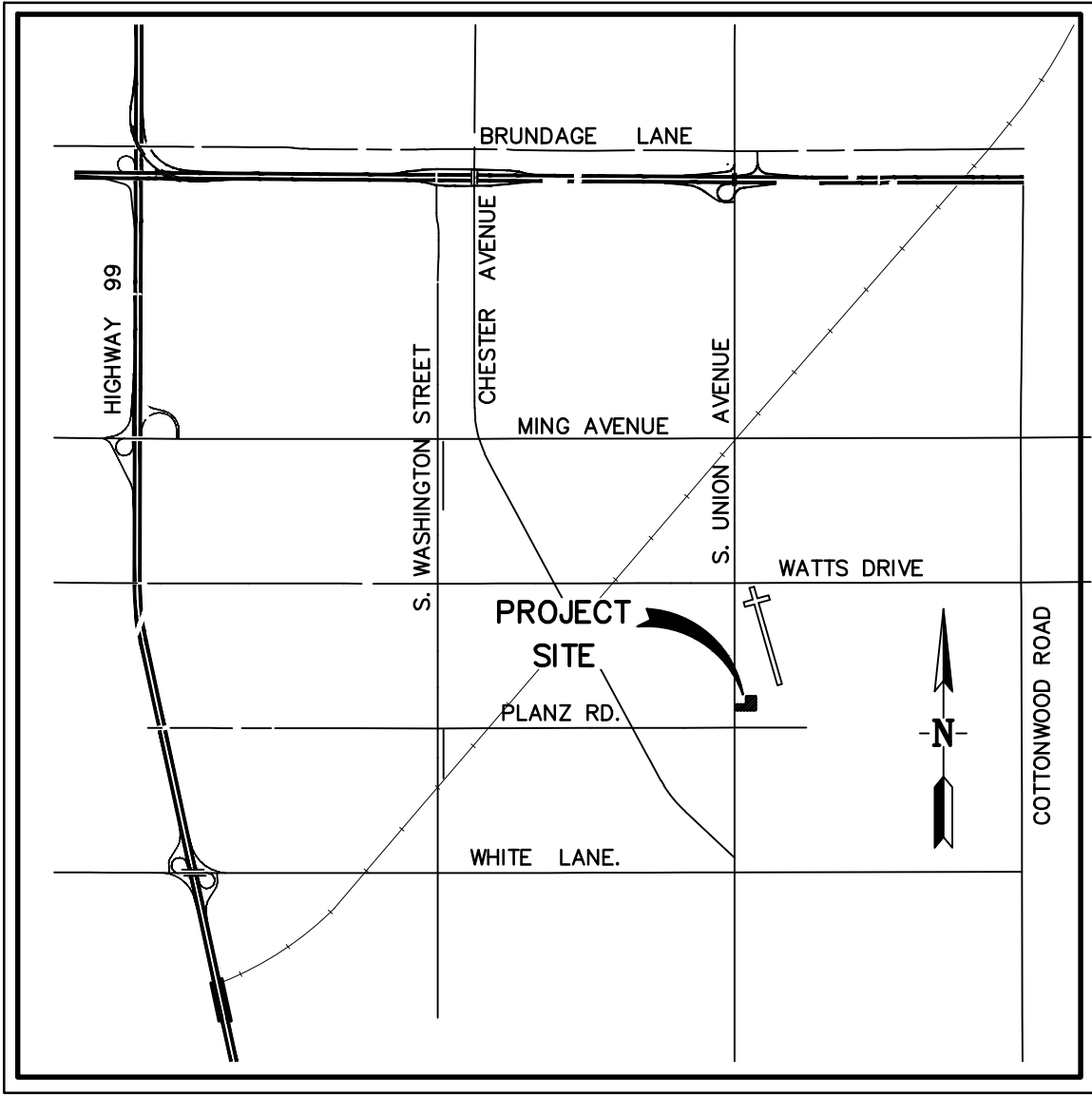
LEGEND (ZONE DISTRICTS)

- 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-O Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Wing Specific Plan



Document Name: Project1

Exhibit C
(Site Development Plan)



VICINITY MAP
NO SCALE

SITE PLAN

CONDITIONAL USE PERMIT

2138 SOUTH UNION AVENUE BAKERSFIELD, CALIFORNIA

SITE STATISTICS:

1. ADDRESS: 2138 SOUTH UNION AVENUE, BAKERSFIELD, CA 93307
2. APN: 170-040-02 & 03
3. TOTAL AREA: 3.6 ACRES
4. SEWER: CITY OF BAKERSFIELD
5. WATER: CALIFORNIA WATER COMPANY
6. DRAINAGE: ON SITE-SUMP
8. LANDSCAPE AREA: 9326 S.F. - 5 TREES (5 REQUIRED)
9. PROPOSED PARKING: 50 TRUCK SPACES (12'X65') - 28 STANDARD SPACES (9'X18')
10. REQUIRED PARKING EXISTING BUILDING:
 - 3550 SF SHOP / 1 PER 500 SF= 7 SPACES
 - 450 SF OFFICE / 1 PER 300 SF= 2 SPACES

LEGAL DESCRIPTION:

THE NORTH HALF OF THE WEST HALF OF LOT 26 IN SECTION 8, TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA ACCORDING TO THE KERN COUNTY SALES MAP NO. 1 OF THE LANDS OF J.B. HAGGIN, FILED IN THE OFFICE OF THE KERN COUNTY RECORDER ON MAY 30, 1889.

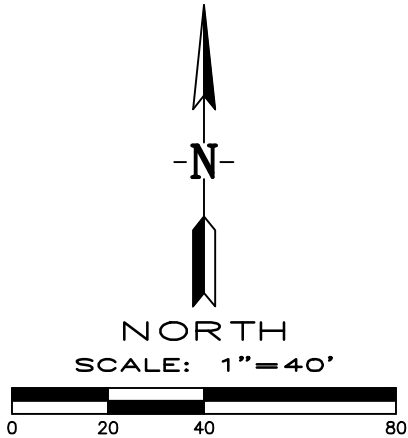
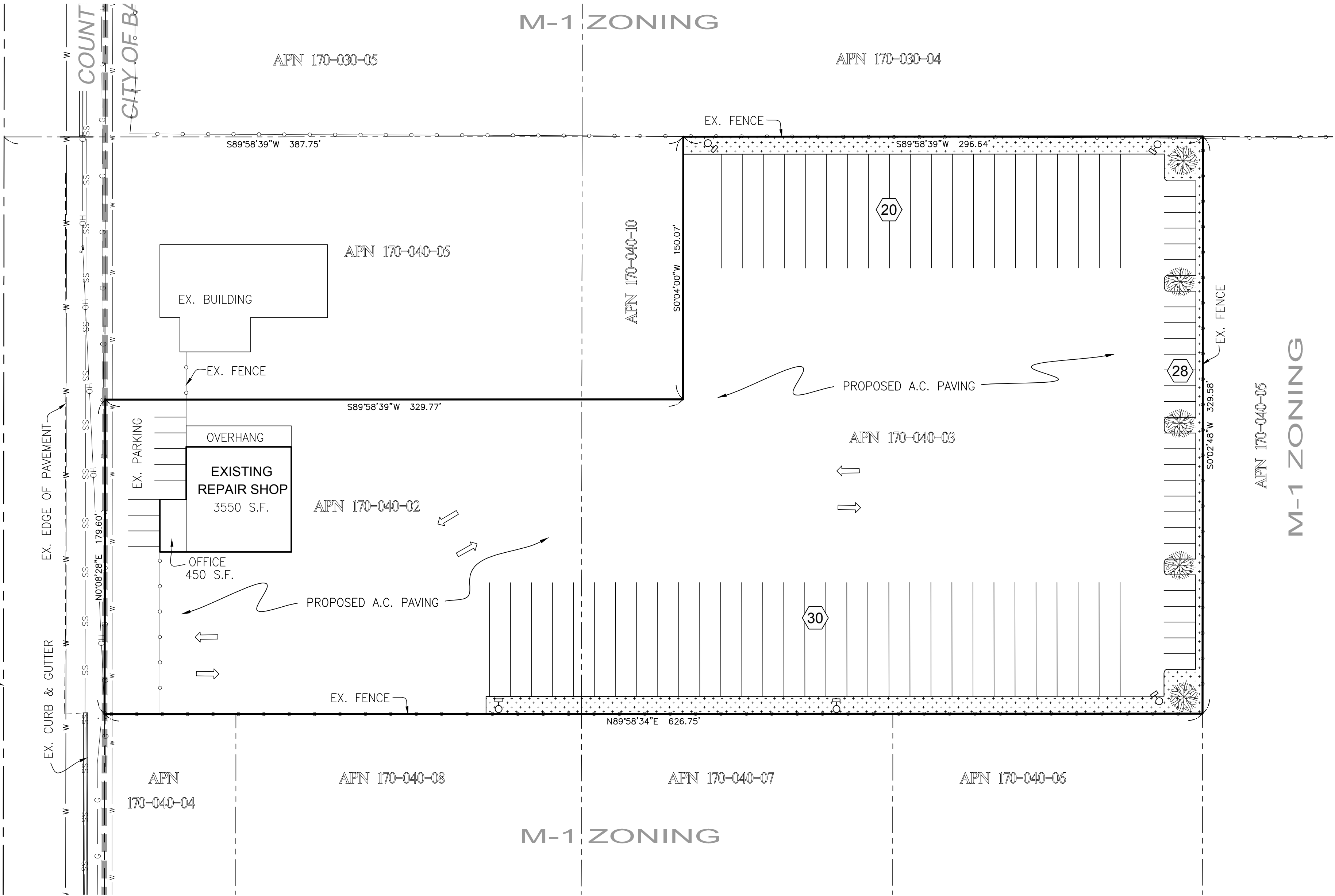
EXCEPTION THEREFROM THE NORTH 150 FEET OF THE WEST 387.75 FEET OF SAID LOT 26.

LEGEND

- CUP BOUNDARY
- ASSESSORS PARCEL
- CITY / COUNTY BOUNDARY
- EXISTING SEWER
- EXISTING WATER
- EXISTING OVERHEAD POWER
- EXISTING CHAIN-LINK FENCE
- EXISTING POWER POLE
- NUMBER OF PROPOSED PARKING SPACES
- PROPOSED LIGHTING
- PROPOSED TREE
- PROPOSED LANDSCAPE
- DIRECTION OF TRAFFIC

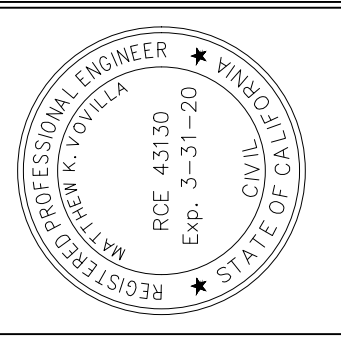
SI ZONING

2138 SOUTH UNION AVENUE



LAV Pinnacle Engineering
ENGINEERING • PLANNING • SURVEYING
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184 Fax: (661) 885-4155

MATTHEW K. NOVILLA	RCE 4330	EXP. 3/31/20
REVISIONS	DATE	



CONDITIONAL USE PERMIT
2138 SOUTH UNION AVE.
BAKERSFIELD CA
APN 170-040-02 & 03

JOB No.:	19-884
DWG NO.:	19-884_CUP
DATE:	6/17/19
DRAWN BY:	DS
CHECKED BY:	MKV
SHEET	1
OF 1 SHEETS	



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: August 13, 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 4

SUBJECT:

Conditional Use Permit No. 19-0245: Steve Rawlings is proposing a conditional use permit to revise conditions that allowed alcohol sales/consumption in a movie theater (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 2733 Calloway Drive (Studio Movie Grill). Proposed Notice of Exemption on file.

APPLICANT: Steve Rawlings

OWNER: Rosedale Bakersfield Retail VI, LLC

LOCATION: 2733 Calloway Drive

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



www.bakersfieldcity.us

CITY OF BAKERSFIELD 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: August 13, 2019

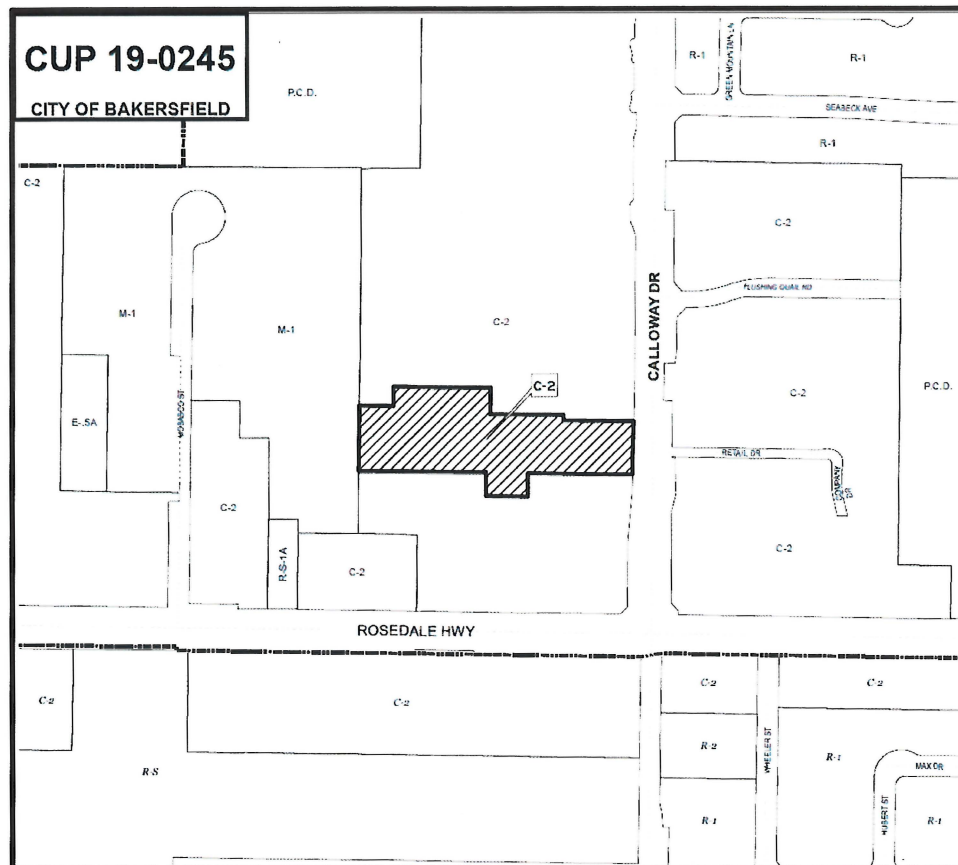
SUBJECT: Conditional Use Permit; File No. 19-0245 (Ward 4)

APPLICANT: Steve Rawlings
26023 Jefferson Avenue, Suite B
Murrieta, CA 92562

OWNER: Rosedale Bakersfield Retail VI, LLC
16795 Von Karman, Suite 200
Irvine, CA 92606

LOCATION: 2733 Calloway Drive | APN: 450-052-51

Figure 1. Location Map and Zone Map

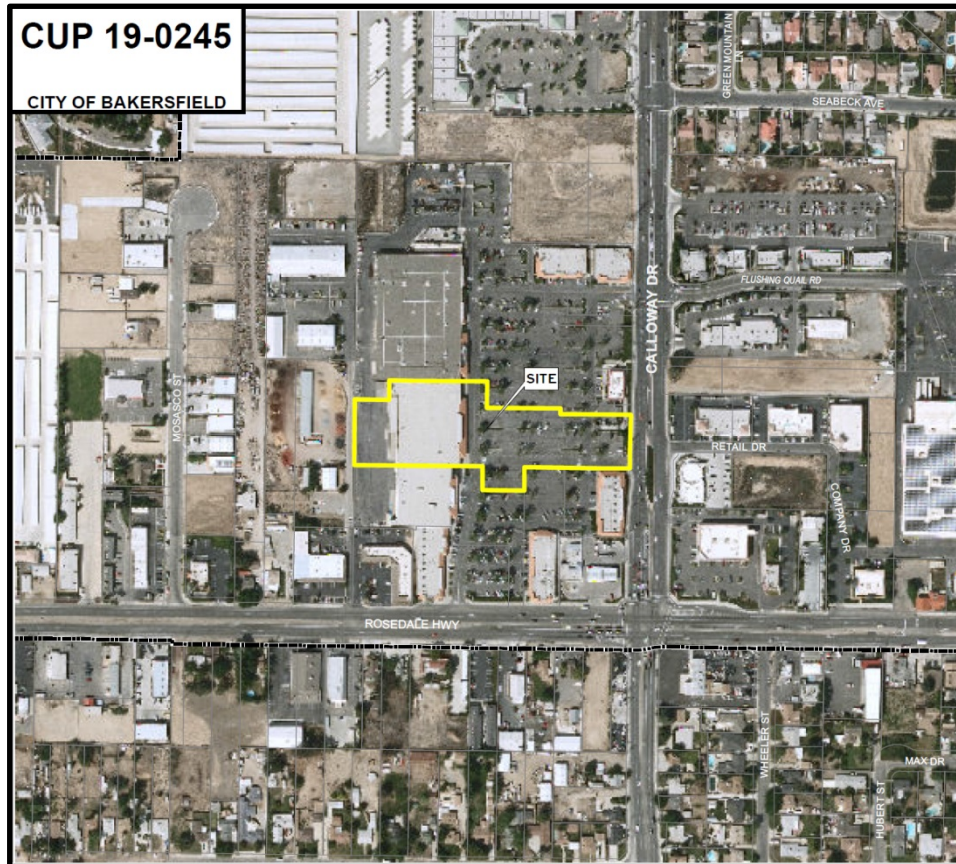


RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0245, as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a conditional use permit to revise conditions that allowed alcohol sales/consumption in a movie theater (Studio Movie Grill) in a C-2 (Regional Commercial Zone) district.

Figure 2. Site Aerial



SURROUNDING LAND USES:

The project site is located within a larger 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	GC	C-2	Movie Theater and Parking
North	GC	C-2	Regional Shopping Center
East	GC	C-2	General Commercial
South	GC	C-2	Regional Shopping Center
West	LI	M-1	Contractor's Storage Yard
General Plan Key GC: General Commercial LI: Light Industrial		Zone District Key C-2: Regional Commercial M-1: Light Manufacturing	

BACKGROUND:

Movie theaters and cinemas are permitted as a primary use 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. A movie theater does not serve meals with the same mode of operation as a bona fide restaurant. Therefore, the request to sell/consume alcohol in a movie theater is subject to approval of a conditional use permit in the C-2 district.

In January 2017, City Council denied a request, on an appeal, for a different movie theater to sell/consume alcohol in the C-2 district (Conditional Use Permit No. 16-0421). At that time, Council expressed concerns that unregulated consumption of alcohol in an all-age, 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 to ensure a continuous safe environment for patrons.

In March 2017, your Board approved the sale/consumption of alcohol at Studio Movie Grill (Conditional Use Permit No. 17-0009). No appeal was filed and Studio Movie Grill became the first local movie theater approved to serve alcohol

Subsequent to that time, two other movie theaters have been approved to sell/consume alcohol on a case-by-case basis: July 2017 (Conditional Use Permit No. 17-0028) and July 2019 (Conditional Use Permit No. 19-0208).

ANALYSIS:

Upon approval of the Conditional Use Permit in March 2017, Studio Movie Grill (SMG) has been operating in compliance with the approved conditions. The applicant notes that SMG's business model includes specific design features for the theater that will help ensure that operations occur in a manner that will reduce the likelihood of minors obtaining access to alcohol or other criminal activities. These features include but are not limited to seat service by an employee that is qualified to serve alcohol, reserved seating, and small to medium sized auditoriums that provide an opportunity for employees to monitor alcohol consumption.

SMG is proposing a new conditional use permit to revise the previously approved conditions. The changes are related to: (a) removing requirement to wear a wristband; (b) allowing two alcoholic drinks per purchase; (c) allowing beer to be sold in 25 ounces; and (d) removing requirement for private security. In addition, SMG would like to update a condition to require a minimum age of 21 for theater employees who will be conducting auditorium inspections every 30 minutes. The changes from the original conditions of approval are reflected in underline and strikeout below:

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 11:00 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~~ two 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~~ 25 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.

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 uniform private security officers on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code). 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 five "Authorized Auditoriums." The permit holder shall also require that a minimum of one (1) security person posted at each entrance, therein and prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided anytime the privileges of this permit are being exercised, until 30 minutes after closing. The overall number of officers may be reduced to one security person for the full facility, on Monday thru Friday, during the hours of 11:00am to 5:30pm, at the property operator's discretion.~~
- ~~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, at least 21 years old, 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 additional conditions being placed on the permit, or revocation.

Should your Board approve the request, this conditional use permit will supersede the previous. Should your Board deny the request, the previous conditional use permit will remain valid and the owner will be able to operate the theater as approved in March 2017. Regardless, if problems or issues with an active conditional use permit arise, the permit may be brought before your Board to consider the imposition of new and/or revised conditions, or revocations of the permit.

In preparing the project for consideration, the Bakersfield Police Department provided crime statistics for the site. Studio Movie Grill is located in Reporting District No. 025, which is considered a high crime reporting district. During the dates of July 1, 2017 thru July 31, 2019, there were no offenses and arrests at Studio Movie Grill.

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. 19-0245, 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 REVISE CONDITIONS THAT
ALLOWED ALCOHOL SALES/CONSUMPTION IN A MOVIE THEATER (17.64.020.B)
IN THE C-2 (REGIONAL COMMERCIAL ZONE) DISTRICT, LOCATED AT 2733
CALLOWAY DRIVE (STUDIO MOVIE GRILL) (CUP NO. 19-0245)**

WHEREAS, Scott Windle filed an application with the City of Bakersfield Development Services Department for a conditional use permit to revise conditions that allowed alcohol sales/consumption in a movie theater (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 2733 Calloway Drive (Studio Movie Grill) (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, August 13, 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. 19-0245 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 13th day of August 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. 19-0245

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 is to revise conditions that allowed alcohol sales/consumption in a movie theater in a C-2 (Regional Commercial Zone) district, located at 2733 Calloway Drive (Studio Movie Grill) 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.
 - 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.

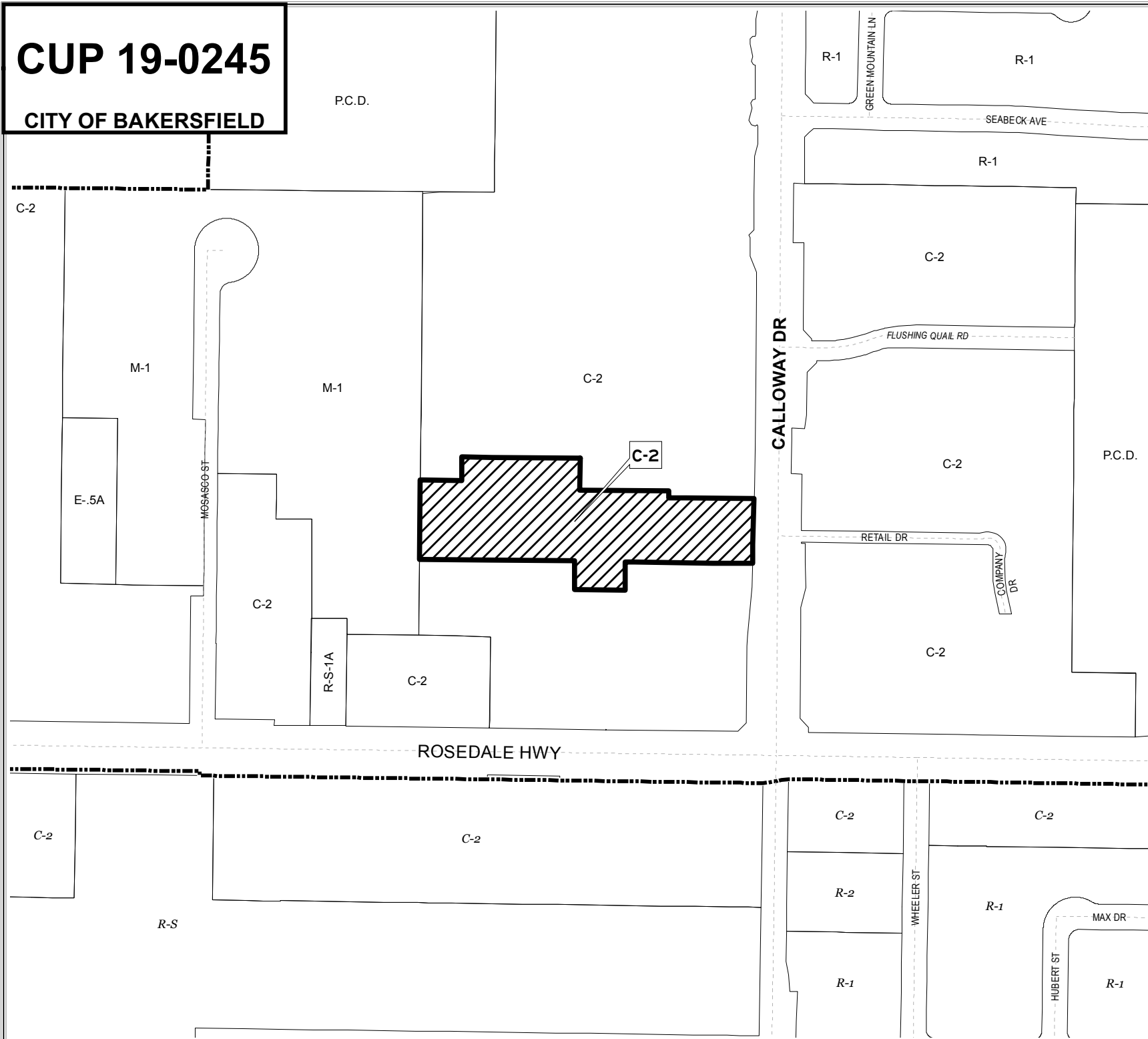
5. **Sales and Service Requirements.** Sales and service of alcoholic beverages shall be subject to the following on-going operational conditions:
 - a. Alcoholic sales are permitted from 11:00 am to 1:00 am or no later than up to the last half hour of the last movie showing, whichever occurs earlier. The theater use may continue to operate without alcohol service beyond the hours specified for alcohol service.
 - b. Employees dispensing alcohol must be 21 years or older; employees serving alcohol must be 18 years or older.
 - c. No more than two alcoholic beverage shall be sold or served to any one person during any transaction.
 - d. Beer and mixed drinks shall not be served in quantities that exceed 25 ounces, and wine shall not be served in a quantity that exceeds 8 ounces.
 - e. 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. 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.
 - c. Theater employees, at least 21 years old, shall conduct auditorium inspections no more than 30 minutes apart to monitor for compliance with the conditions of approval.
 - d. 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.
 - e. 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 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.

Exhibit B
(Location Map)

CUP 19-0245

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

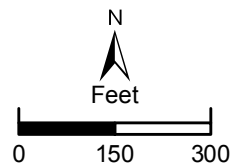
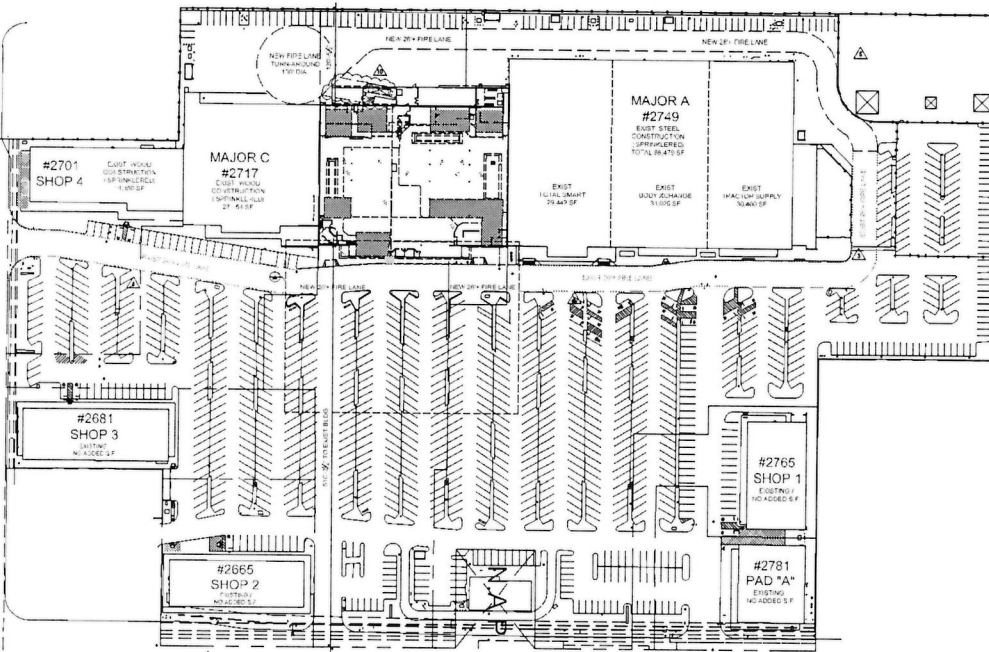
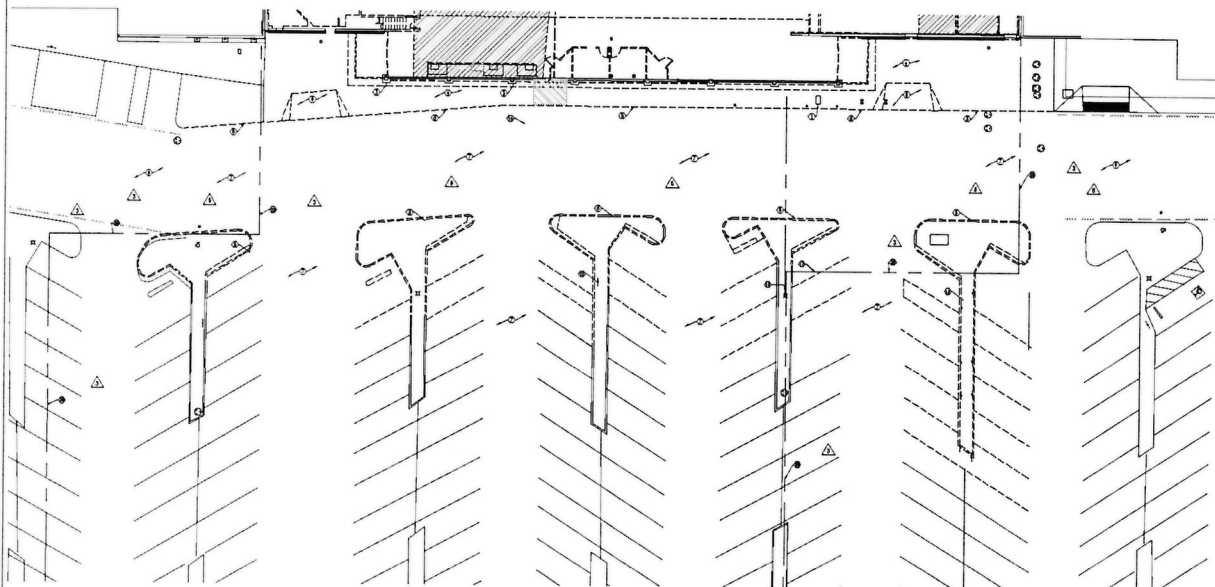


Exhibit C
(Site Development Plan)

ROSEDALE HWY.



OVERALL EXISTING SITE PLAN - FOR REFERENCE ONLY



ENLARGED SITE PLAN - DEMO

GENERAL NOTES

1. PAVING AT ENTRANCES AND EXITS SHALL SLOPE 2% AWAY FROM THE BUILDING.
2. EXISTING CONCRETE SURFACE AT DOORS SHALL BE FLUSH WITH THE INTERIOR CONCRETE SURFACE AND DOORSELS INTO THE SLAB.
3. EXISTING PASSED CONCRETE FOUNDATION TO BE REMOVED. REF. STRUCT.
4. EXISTING SIDEWALK PAVING TO BE REMOVED. REF. CIVIL.
5. EXISTING CONCRETE CURB TO BE REMOVED. REF. CIVIL.
6. EXISTING CONCRETE CURB RAMP TO BE REMOVED. REF. CIVIL.
7. EXISTING FIRE LINE / DRIVE TO BE REMOVED / MOVED. REF. CIVIL.
8. EXISTING FIRE LINE / DRIVE TO REMAIN. PROTECT AND MAINTAIN OPERATIONAL COORDINATION WITH LOCAL FIRE DEPARTMENT.
9. EXISTING SITE LIGHTING TO REMAIN. PROTECT AND MAINTAIN OPERATIONAL COORDINATION WITH OWNER.
10. EXISTING SITE FLOODING ARE LANDSCAPING TO REMAIN. PROTECT AND MAINTAIN OPERATIONAL COORDINATION WITH OWNER.
11. EXISTING SITE SERVICE TO BE REMOVED AND RETURNED TO OWNER.
12. EXISTING SITE PROPERTY LINE. REF. CIVIL AND OWNER.
13. NEW FIRE LINE / DRIVE PAVING FIRE LINE IS TO BE ALL-WEATHER EMERGENCY ACCESS WITH AN OVERHUNG CLEARANCE OF 13 FEET 6 INCHES WITHIN 100 FEET OF ALL BUILDINGS. FIRE LINE MUST BE CAPABLE OF SUPPORTING THE IMPOSED LOAD OF FIRE APPARATUS REMAINING AT LEAST 7500 POUNDS AND BE SURFACED WITH THE FIRST LAYER OF ASPHALT TO BE ALL-WEATHER DRAIN COMPLETES. FIRE LINE TO BE 3' WIDE WITH 4" BASE. REFER TO CIVIL.
14. NEW PAUL GRASS LANDSCAPE AT DRIVE.
15. NEW CONCRETE CURB WITH 12" GROINED RAMP AT TOP AND 26" OF TRANCHES DOWNS LOCATED ON THE RAMP BEFORE EXISTING VEHICLE TRAVEL / PARKING TRANCHES DOWNS TO BE FULL WIDTH OF RAMP. REF. CIVIL AND OWNER.
16. NEW TRANCHES DOWNS RECESSED IN CONCRETE CURB RAMP. REF. CIVIL.
17. NEW SLOPED CONCRETE SIDEWALK. MAINTAIN ADA ACCESSIBLE CROSS SLOPES. REF. CIVIL.
18. NEW SITE FLOODING ARE LANDSCAPING WITH PERMANENT SYSTEM. DO NOT VIOLATE EXISTING STRECH CONDITIONS AND DESIGN. COORDINATE WITH OWNER.
19. NEW CONCRETE SIDEWALK WITH SLOPE LINES SLOPE TO DRAIN. REF. CIVIL.
20. EXISTING CONCRETE SIDEWALK TO REMAIN.
21. NEW - ADA PARKING AND ACCESSIBLE. REF. CIVIL.
22. NEW - CONCRETE CURB WITH LANDSCAPE. REF. CIVIL.
23. NEW CONCRETE WHEEL STOP. REF. CIVIL.
24. NEW HANDCAP PARKING SPACE. REF. CIVIL LOCAL ADA.
25. EXISTING WALKWAY LOCATION TO BE REVERSED. LINES TO BE FLUSH WITH TOP OF PARKING LOT SURFACE. MAINTAIN ADA / NO ACCESSIBLE ROUTE / SLOPES.
26. REMOVE, PROTECT AND REINSTALL EXISTING TIE VAULT. REF. CIVIL.
27. NEW SITE FLOODING ARE LANDSCAPING AT PHOTO ILLUSTRATED.
28. EXISTING SIDEWALK LOT LINES. REF. CIVIL.
29. EXISTING SIDEWALK PAVING FOR CIVIL. REFERENCE CIVIL. COLOR TO BE DETERMINED BY ARCHITECT.
30. EXISTING SIDEWALK PAVING FOR CIVIL. REFERENCE CIVIL. COLOR TO BE DETERMINED BY ARCHITECT.
31. EXISTING SIDEWALK PAVING FOR CIVIL. REFERENCE CIVIL. COLOR TO BE DETERMINED BY ARCHITECT.

SITE LEGEND

	RETAIL
	RESTAURANT
RETAIL VEHICLE (HIGHWAY) SHOPPING CENTER	
TOTAL SQUARE FOOTAGE	SF
222,801	
26,000	5/1000
187,801	4/1000
TOTAL PARKING PROVIDED (INC. HOV 3+)	925
PARKING PROVIDED	1018
ADA STALLS PROVIDED	28 (2.7%)
CLEAR AIR VEHICLE PARKING PROVIDED	
BY CHANGING PARKING PROVIDED	

STUDIO MOVIE GRILL
BAKERSFIELD, CA.
2301 CALIFORNIA AVE.
BAKERSFIELD, CA

**STUDIO
MOVIE GRILL**

SITE PLAN

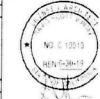
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DAVID SCOTT
WINDLE, AIA

ARCHITECTURAL FIRM
1000 N. 1ST ST.
BAKERSFIELD, CA 93301
TEL: 805.338.1111
FAX: 805.338.1112

STUDIO MOVIE GRILL
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FAX: 805.338.1112



ISSUE FOR
CONSTRUCT



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: August 13, 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 5

SUBJECT:

Zoning Modification No. 19-0255: Tom Dee is proposing a zoning modification to allow a masonry wall at a height of 6 feet with pilasters not to exceed 6 feet 9 inches, except to accommodate subdivision signs at a height not to exceed 10 feet 6 inches (17.08.180.B) for a new residential development in the R-2 (Limited Multiple-Family Dwelling Zone) district, generally located at 11200 Harris Road. Proposed Notice of Exemption on file.

APPLICANT: Tom Dee

OWNER: Harris Road Property LLC

LOCATION: 11200 Harris Road

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



www.bakersfieldcity.us

CITY OF BAKERSFIELD 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: August 13, 2019

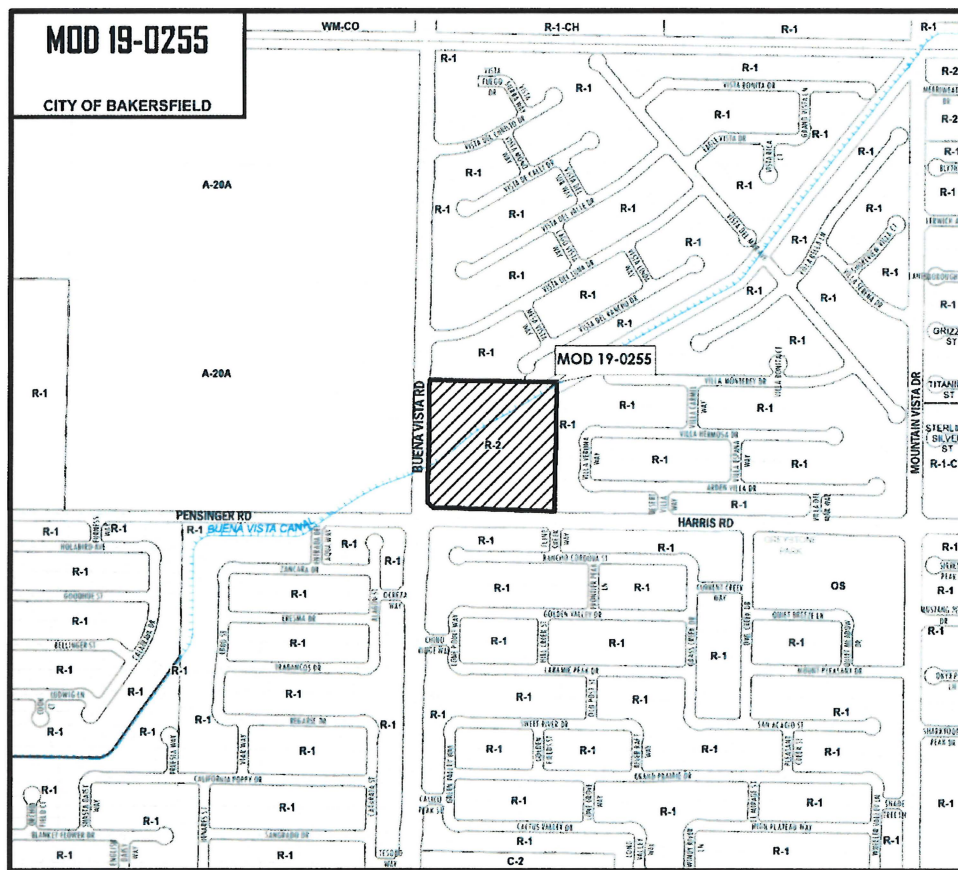
SUBJECT: Zone Modification; File No. 19-0255 (Ward 5)

APPLICANT: Tom Dee
9100 Ming Avenue, Suite 120
Bakersfield, CA 93311

OWNER: Harris Road Property LLC
9100 Ming Avenue, Suite 120
Bakersfield, CA 93311

LOCATION: 11200 Harris Road | APN: 497-340-01

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Zone Modification No. 19-0255, as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a Zone Modification to allow a new residential development with a masonry wall at a height of 6 feet with pilasters not to exceed 6 feet 9 inches, except to accommodate subdivision signs at a height not to exceed 10 feet 6 inches in the R-2 (Limited Multiple-Family Dwelling Zone) district. See Figures 2, 3, and 4.

Figure 2. Site Aerial



Figure 3. Site Plan

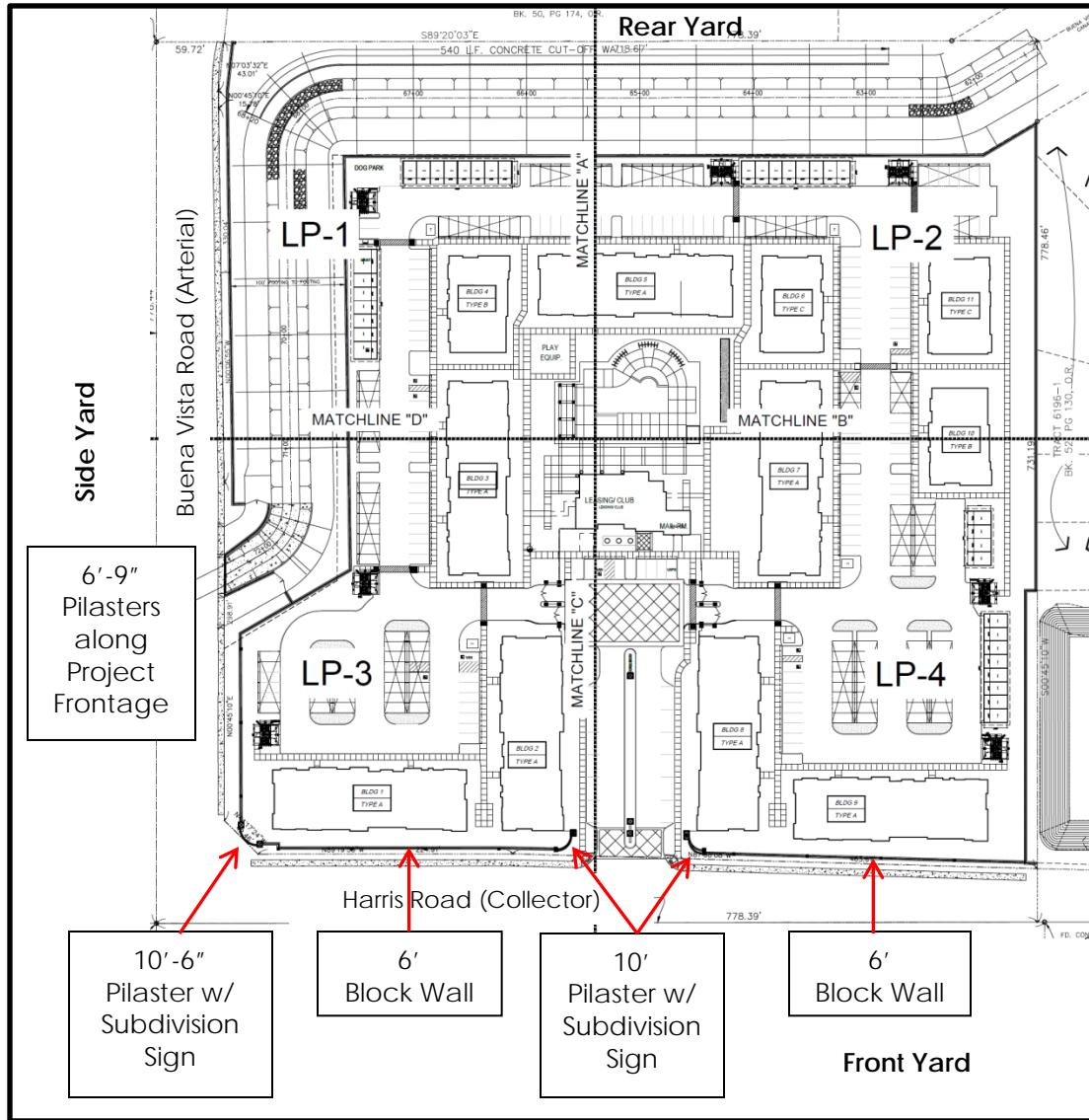


Figure 4a. Wall/Pilaster Elevation (Harris Road & Buena Vista Road Corner)

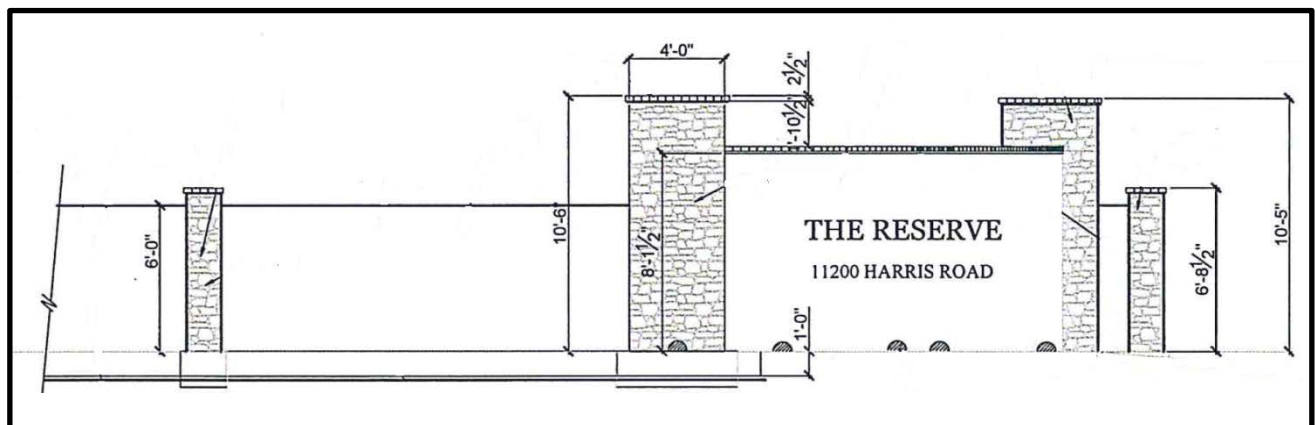
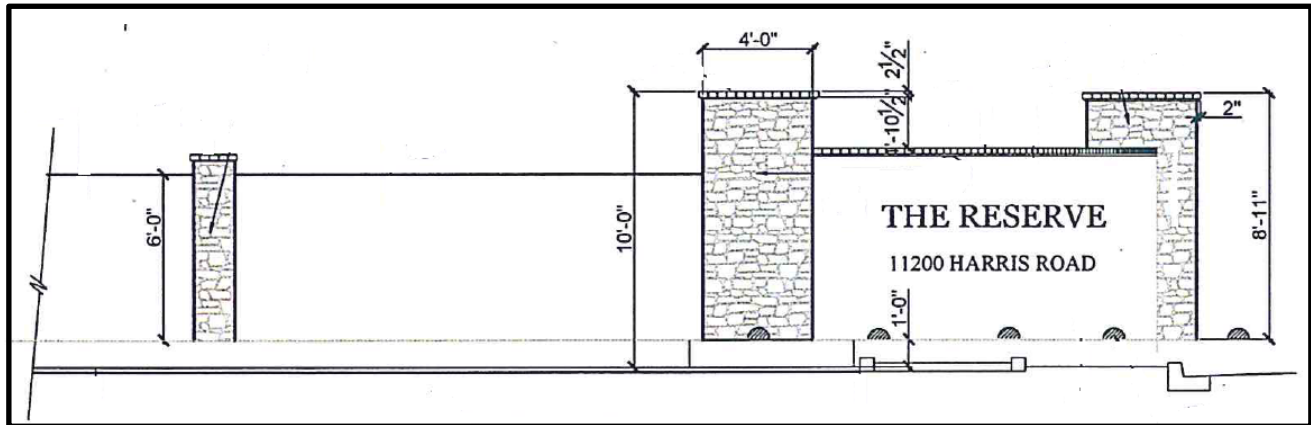


Figure 4b. Wall/Pilaster Elevation (Harris Road Entrance)



SURROUNDING LAND USES:

The 12-acre project site is undeveloped. However, the site has been reviewed for construction of a multiple-family residential project. 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	HMR	R-2	Undeveloped Land
North	LR	R-1	Single-Family Residential and Sump
East	LR	R-1	Single-Family Residential
South	LR	R-1	Single-Family Residential
West	R-IA	A-20A	Single-Family Residential, Church, and Undeveloped Land
General Plan Key HMR: High Medium Density Residential LR: Low Density Residential R-IA: Resource Intensive Agriculture		Zone District Key R-2: Limited Multiple-Family Dwelling R-1: One-Family Dwelling A-20A: Agricultural (20-Acre Minimum Lot Size)	

TIMELINE & BACKGROUND:

July 1991. Pre-Zoning - Approval of Buena Vista No. 5 Annexation pre-zoning the site as A-20A (Agriculture – 20 Acre Minimum Zone) district (Ordinance 3384).

August 1992. Annexation - The site was part of the approval of Annexation No. 355 (Buena Vista No. 5) (Resolution 151-92).

July 1993. Land Use Entitlement - City Council approved Zone Change No. 5432 for the site to be re-zoned from A-20A (Agriculture – 20-acre minimum Zone) district to R-1 (One-Family Dwelling Zone) district (Ordinance 3549).

June 2003. Land Use Entitlement - City Council approved Zone Change No. 03-0009 for the site to be re-zoned from R-1 (One-Family Dwelling Zone) district to C-2/P.C.D. (Regional Commercial/Planned Commercial Development Zone) district (Ordinance 4133).

August 2018. Land Use Entitlement - City Council approved General Plan Amendment/Zone Change No. 18-0050 for the site to be re-zoned from C-2/P.C.D. (Regional Commercial/Planned Commercial Development Zone) district to the current R-2 (Limited Multiple-Family Dwelling Zone) district (Ordinance 4942).

November 2018. Site Development - The Development Services Director approved Site Plan Review No. 18-0378, subject to conditions, to allow a 144-unit multiple-family residential project on one parcel. See Figure 5.

Figure 5. Conceptual Development Plan



ANALYSIS:

Wall heights in residential zones (R-1, R-2, R-3, and R-4) are addressed in Bakersfield Municipal Code Section 17.08.180:

- A. **Side Yard** - No fence, wall or hedge located in the rear or side yards shall exceed a height of 6 feet unless a greater height is required by city or state regulations for noise attenuation or sight screening.
- B. **Front Yard** - No fence, wall or hedge located in the required front yard shall exceed a height of 4 feet, except in the following situations, in which such fence or wall may be higher but shall not exceed a height of 6 feet:
 - 1. Where, as determined by the planning commission, a side yard is adjacent to an arterial or collector street and a higher wall is necessary to finish the required subdivision wall.
 - 2. Where, as determined by the city council, planning commission, or board of zoning adjustment, a higher fence or wall is necessary for purpose of noise attenuation.

As stated above, the site has been approved with conditions, for development of a 144-unit multiple-family residential project on a single parcel. Since it is a single parcel, the side yard is considered Buena Vista Road (arterial) and the front yard is Harris Road (collector).

Side Yard - The applicant is proposing a 6-foot masonry wall along Buena Vista Road with pilasters up to 6 feet 9 inches. Although the pilaster is for decorative purposes, they do exceed the maximum 6 feet. The applicant justifies the extra 9 inches by noting residential development along Buena Vista Road contain pilasters exceeding 6 feet. This will allow continuity along Buena Vista Road. See Figures 6 and 7.

Figure 6. Aerial



Figure 7a. Pilasters - West Side of Buena Vista Road



Figure 7b. Pilasters - East Side of Buena Vista Road



Front Yard - The applicant is proposing a 6-foot masonry wall along Harris Road, with pilasters up to 10 feet 6 inches to accommodate the residential subdivision signs. The applicant justifies the height increase by noting the residential development along Harris Road and Buena Vista Road have walls ranging from 6 feet 6 inches to 8 feet tall and pilasters up to 10 feet. It should be noted, however, that walls above 6 feet on the existing subdivisions are part of a rear yard and the increase height was approved as part of the tract maps process. See Figures 8 and 9.

Figure 8. Aerial



Figure 9a. Wall Height - North Side of Harris Road



Figure 9b. Pilasters/Subdivision Sign - South Side of Harris Road



The intent of limiting fence, wall, and hedge height within the front yard setback takes its premise from protecting against line of sight accidents with drivers. However, Buena Vista Road and Harris Road is a controlled intersection requiring drivers to stop before proceeding; therefore, clear sight view is established. The entry/exit to the development will also be controlled and with the curvature of the walls and compliance with development standards for proper ingress/egress, the increase in wall height will be no different than other residential development in the area.

The applicant states that a 4-foot masonry wall along Harris Road would appear "out-of-place" with surrounding residential development. By increasing the height to 6 feet, it would:

- Secure the residences and their possessions;
- Mitigate safety concerns along a collector street where the speed limit is 50 mph;
- Act as noise attenuation;
- Reduce visual impacts by shielding light and buildings; and
- Protect the residential character of the neighborhood.

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 15305 because the project represents a minor alteration in land use limitations. 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.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 ensure 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.

Staff concurs with the applicant's justification that the increase would (1) secure the residences and their possessions; (2) mitigate safety concerns along a collector street where the speed limit is 50 mph; (3) act as noise attenuation; (4) reduce visual impacts by shielding light and buildings; and (5) protect the residential character of the neighborhood. Additionally, no evidence has been presented to date to demonstrate that adverse impacts are anticipated to result from the requested setback reduction.

In accordance with these required findings, and as conditioned, Staff finds: (1) the proposal would not result in any detrimental impacts to the public welfare or to properties or improvements in the zone or vicinity in which the project is located; (2) the modification will allow appropriate improvements on the site; and (3) the modification would not be inconsistent with the purposes and intent of the Bakersfield Zoning Ordinance.

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 Zone Modification No. 19-0255, 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 ZONING MODIFICATION TO ALLOW A NEW RESIDENTIAL
DEVELOPMENT WITH A MASONRY WALL AT A HEIGHT OF 6 FEET WITH PILASTERS
NOT TO EXCEED 6 FEET 9 INCHES, EXCEPT TO ACCOMMODATE SUBDIVISION
SIGNS AT A HEIGHT NOT TO EXCEED 10 FEET 6 INCHES (17.08.180) IN THE R-2
(LIMITED MULTIPLE-FAMILY DWELLING ZONE) DISTRICT, GENERALLY LOCATED
AT 11200 HARRIS ROAD. (ZONING MODIFICATION NO. 19-0255)**

WHEREAS, Tom Dee filed an application with the City of Bakersfield Development Services Department requesting a zoning modification to allow a new residential development with a masonry wall at a height of 6 feet with pilasters not to exceed 6 feet 9 inches, except to accommodate subdivision signs at a height not to exceed 10 feet 6 inches (17.08.180) in the R-2 (Limited Multiple-Family Dwelling Zone) district, generally located at 11200 Harris Road (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, August 13, 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 zoning modification, 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 15305(a); and

WHEREAS, the City of Bakersfield Community Development 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 categorically exempt from CEQA pursuant to Section 15305(a) because the project represents minor modifications of zoning regulations.

3. The granting of the modifications 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.
4. The granting of the modifications is necessary to permit an appropriate improvement on the subject property.
5. The granting of the modification 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. Zoning Modification No. 19-0255 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 13th day of August 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 Zoning Modification No. 19-0255

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 zone modification allows for a new residential development with a masonry wall at a height of 6 feet with pilasters not to exceed 6 feet 9 inches, except to accommodate subdivision signs at a height not to exceed 10 feet 6 inches in the R-2 (Limited Multiple-Family Dwelling Zone) district, generally located at 11200 Harris Road as depicted on attached Exhibits B and C.
3. All conditions associated with Site Plan Review No. 18-0378 (or any subsequent revision) are hereby incorporated by reference.

Exhibit B
(Location Map)

MOD 19-0255

CITY OF BAKERSFIELD

A-20A

A-20A

R-1

PENSINGER RD

BUENA VISTA CANYON

R-1

R-1

R-1

R-1

R-1

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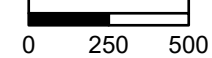
R-1

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-O Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Wing Specific Plan

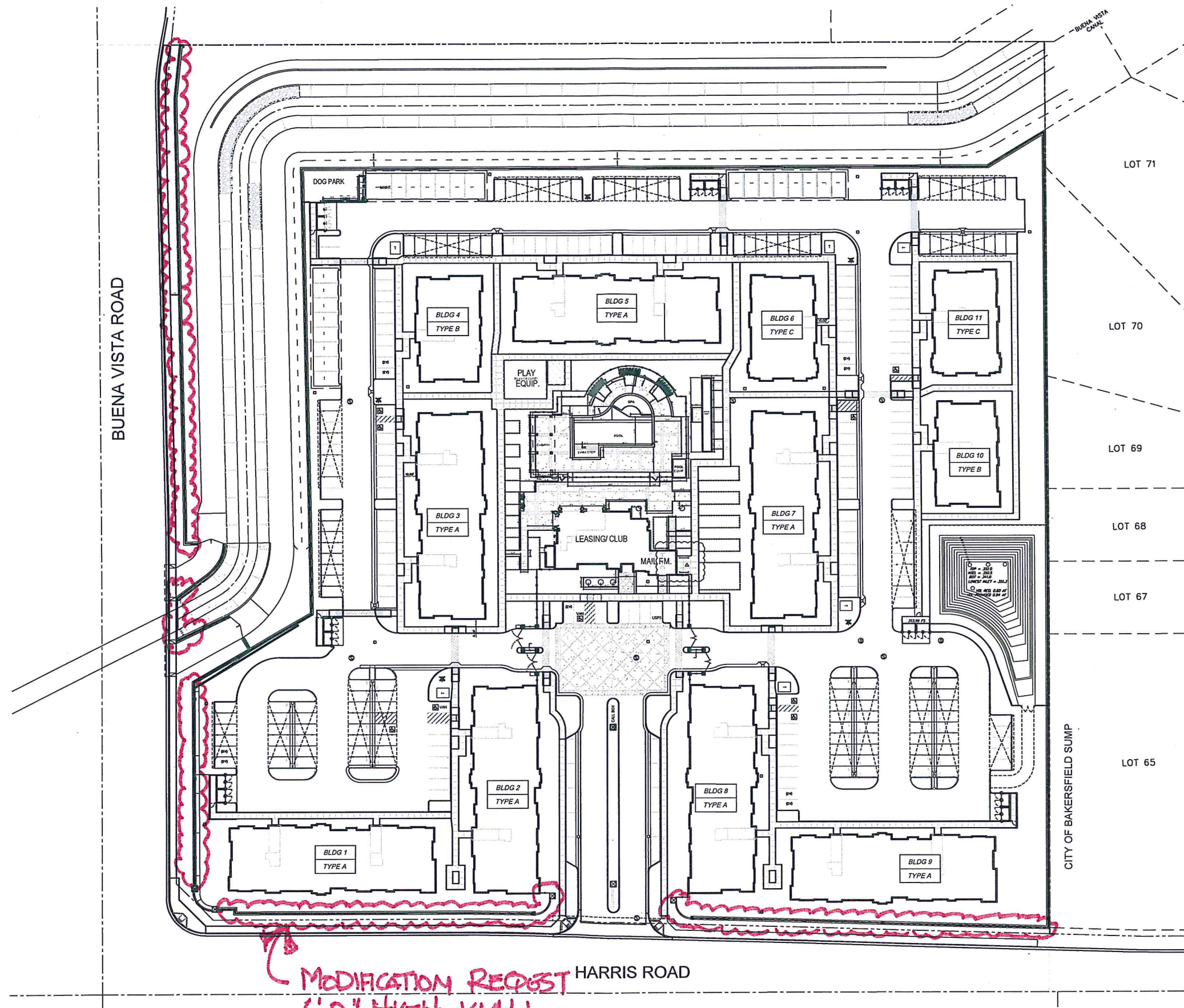


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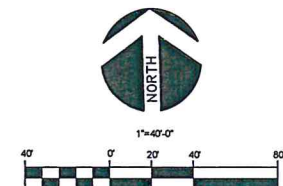
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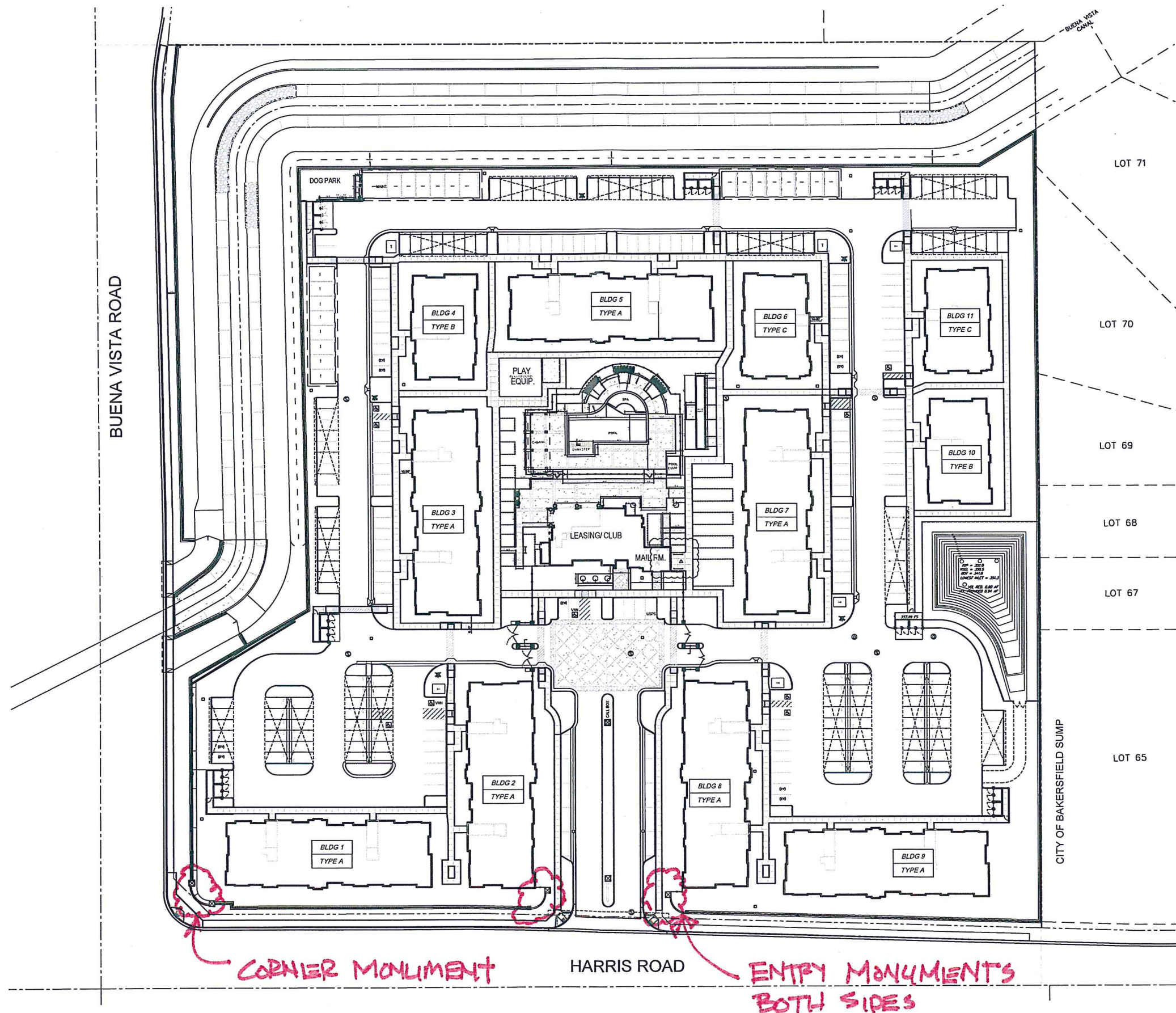
Exhibit C
(Site Development Plan)



HARRIS ROAD PROPERTIES, LLC.- THE RESERVE

Site Plan



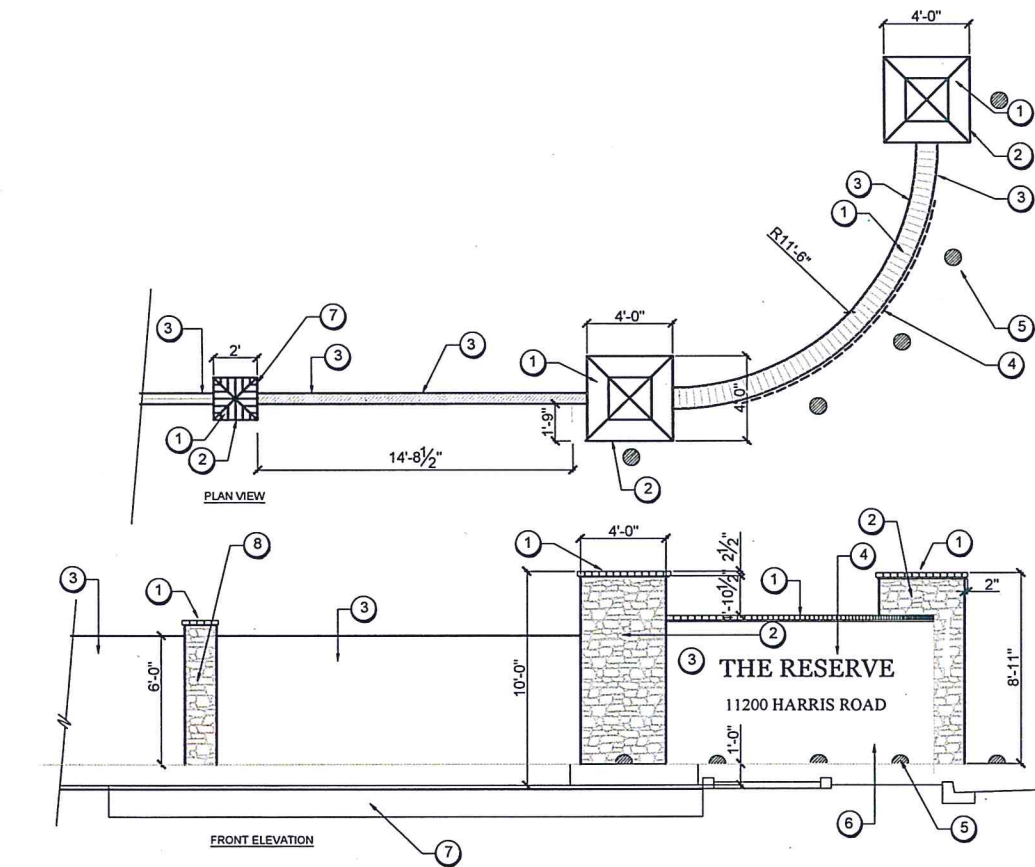


HARRIS ROAD PROPERTIES, LLC.- THE RESERVE

Site Plan



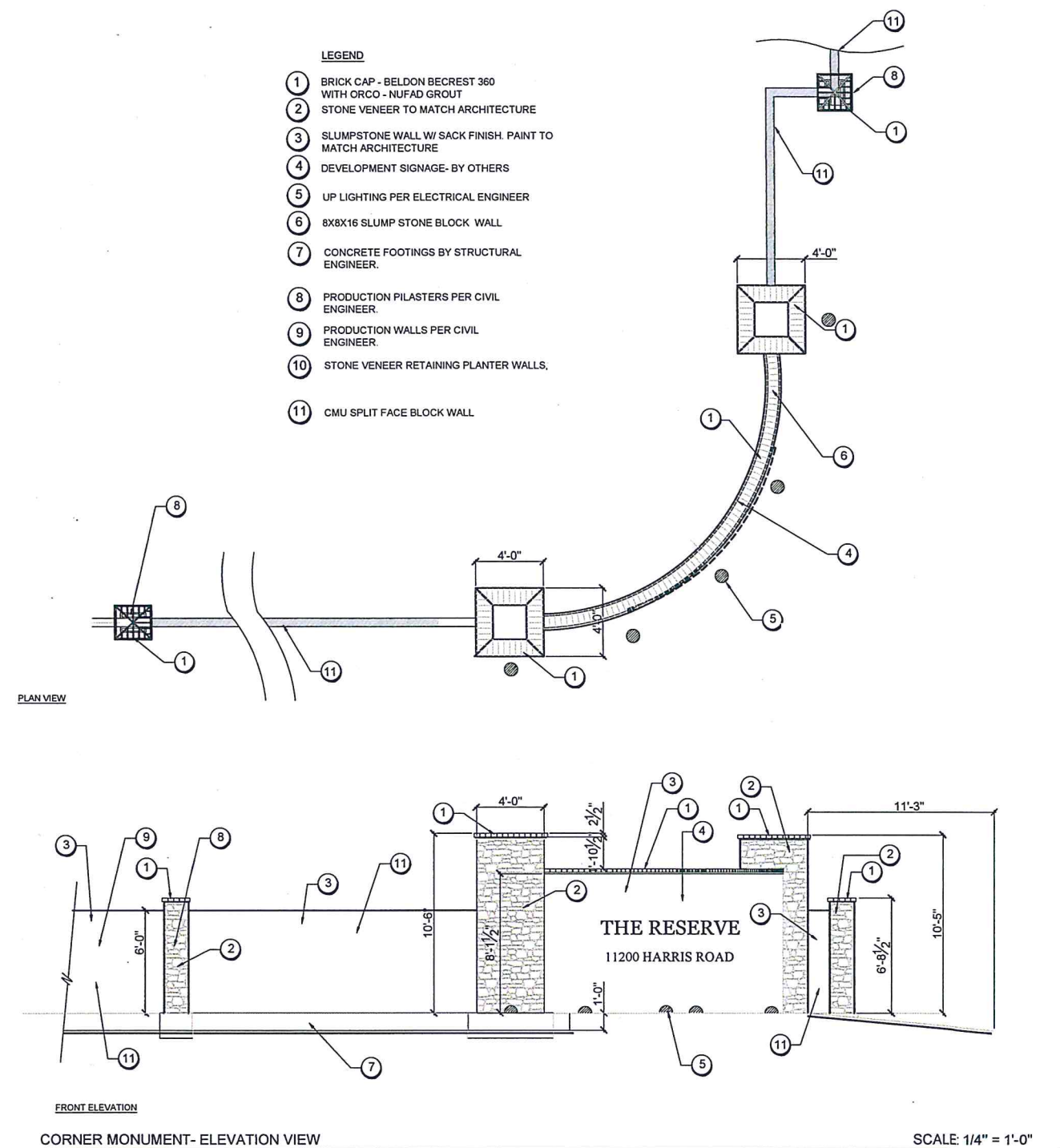
Date: 7/10/2019



ENTRY MONUMENT- ELEVATION VIEW

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

- LEGEND**
- ① BRICK CAP - BELDON BECREST 360 WITH ORCO - NUFAD GROUT
 - ② STONE VENEER TO MATCH ARCHITECTURE
 - ③ SLUMPSTONE WALL W/ SACK FINISH. PAINT TO MATCH ARCHITECTURE
 - ④ DEVELOPMENT SIGNAGE- BY OTHERS
 - ⑤ UP LIGHTING PER ELECTRICAL ENGINEER
 - ⑥ CONCRETE FOOTINGS BY STRUCTURAL ENGINEER.
 - ⑦ PRODUCTION PILASTERS PER CIVIL ENGINEER.



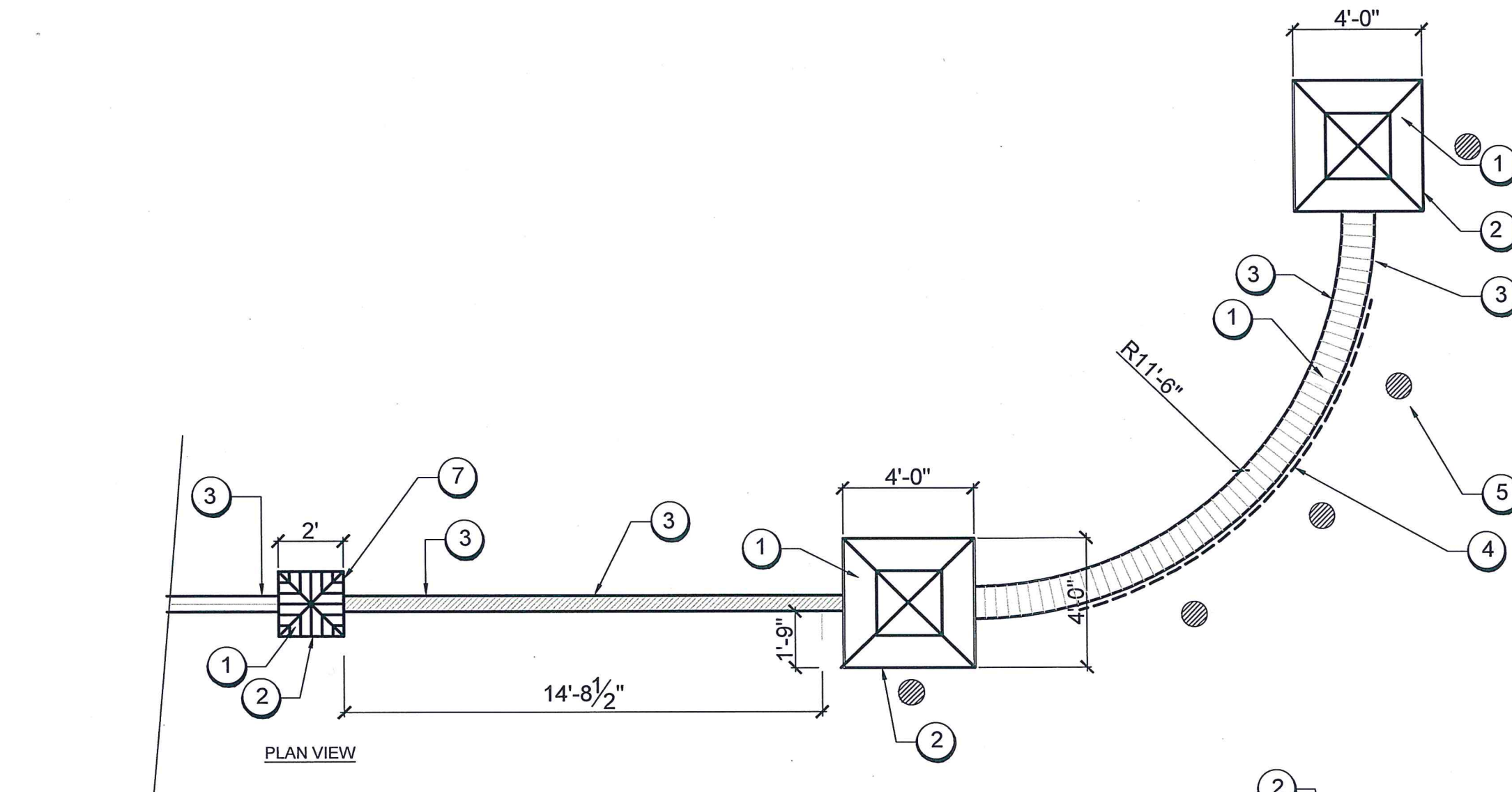
CORNER MONUMENT- ELEVATION VIEW

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

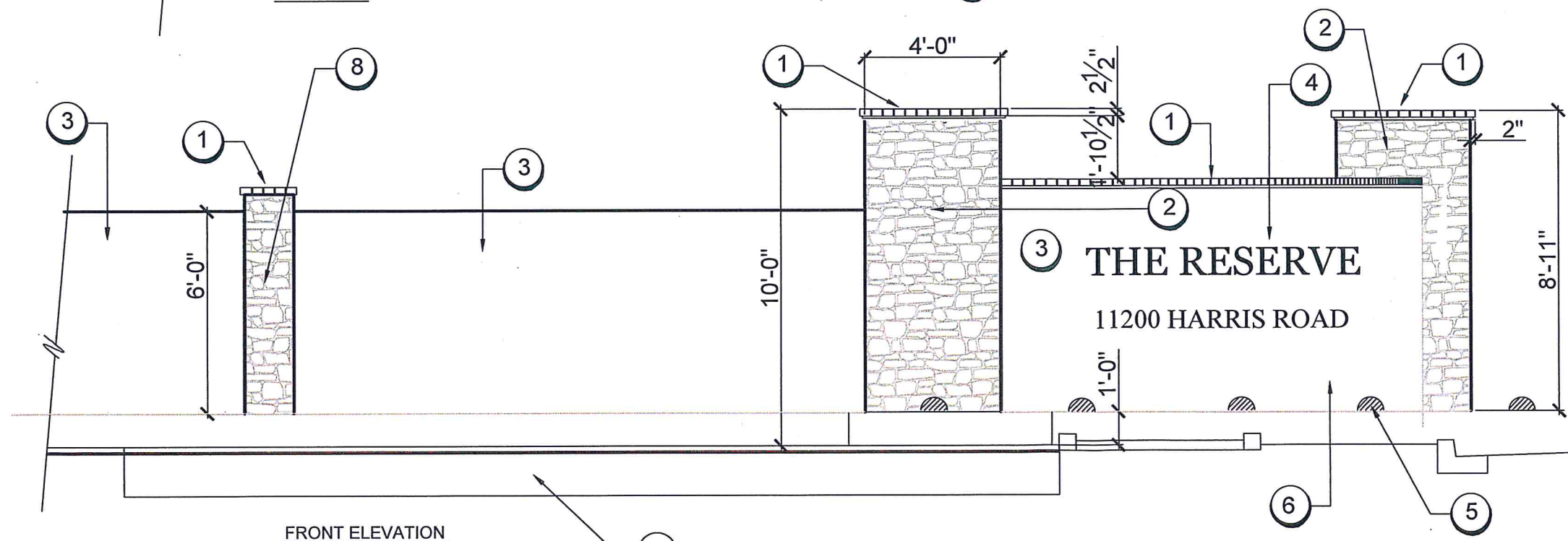
- LEGEND**
- ① BRICK CAP - BELDON BECREST 360 WITH ORCO - NUFAD GROUT
 - ② STONE VENEER TO MATCH ARCHITECTURE
 - ③ SLUMPSTONE WALL W/ SACK FINISH. PAINT TO MATCH ARCHITECTURE
 - ④ DEVELOPMENT SIGNAGE- BY OTHERS
 - ⑤ UP LIGHTING PER ELECTRICAL ENGINEER
 - ⑥ 8X8X16 SLUMP STONE BLOCK WALL
 - ⑦ CONCRETE FOOTINGS BY STRUCTURAL ENGINEER.
 - ⑧ PRODUCTION PILASTERS PER CIVIL ENGINEER.
 - ⑨ PRODUCTION WALLS PER CIVIL ENGINEER.
 - ⑩ STONE VENEER RETAINING PLANTER WALLS.
 - ⑪ CMU SPLIT FACE BLOCK WALL

HARRIS ROAD PROPERTIES, LLC.- THE RESERVE

Conceptual Detail Plan



PLAN VIEW



FRONT ELEVATION

ENTRY MONUMENT- ELEVATION VIEW

LEGEND

- ① BRICK CAP - BELDON BECREST 360 WITH ORCO - NUFAD GROUT
- ② STONE VENEER TO MATCH ARCHITECTURE
- ③ SLUMPSTONE WALL W/ SACK FINISH. PAINT TO MATCH ARCHITECTURE
- ④ DEVELOPMENT SIGNAGE- BY OTHERS
- ⑤ UP LIGHTING PER ELECTRICAL ENGINEER
- ⑥ CONCRETE FOOTINGS BY STRUCTURAL ENGINEER.
- ⑦ PRODUCTION PILASTERS PER CIVIL ENGINEER.

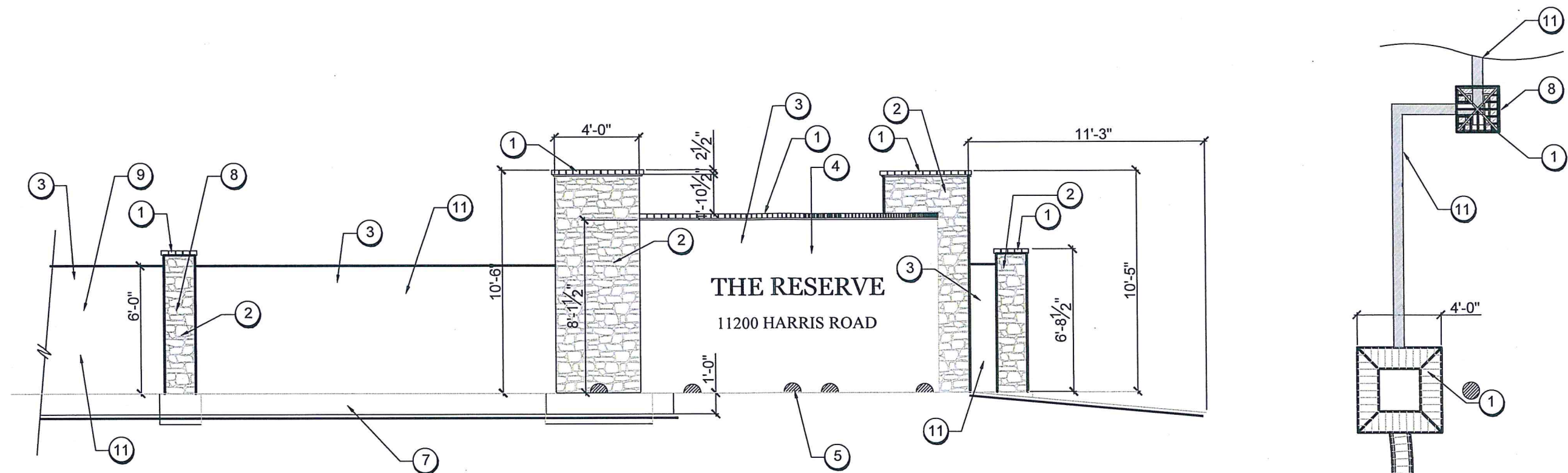
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HARRIS ROAD PROPERTIES, LLC.- THE RESERVE

Conceptual Detail Plan



Date 11/01/11

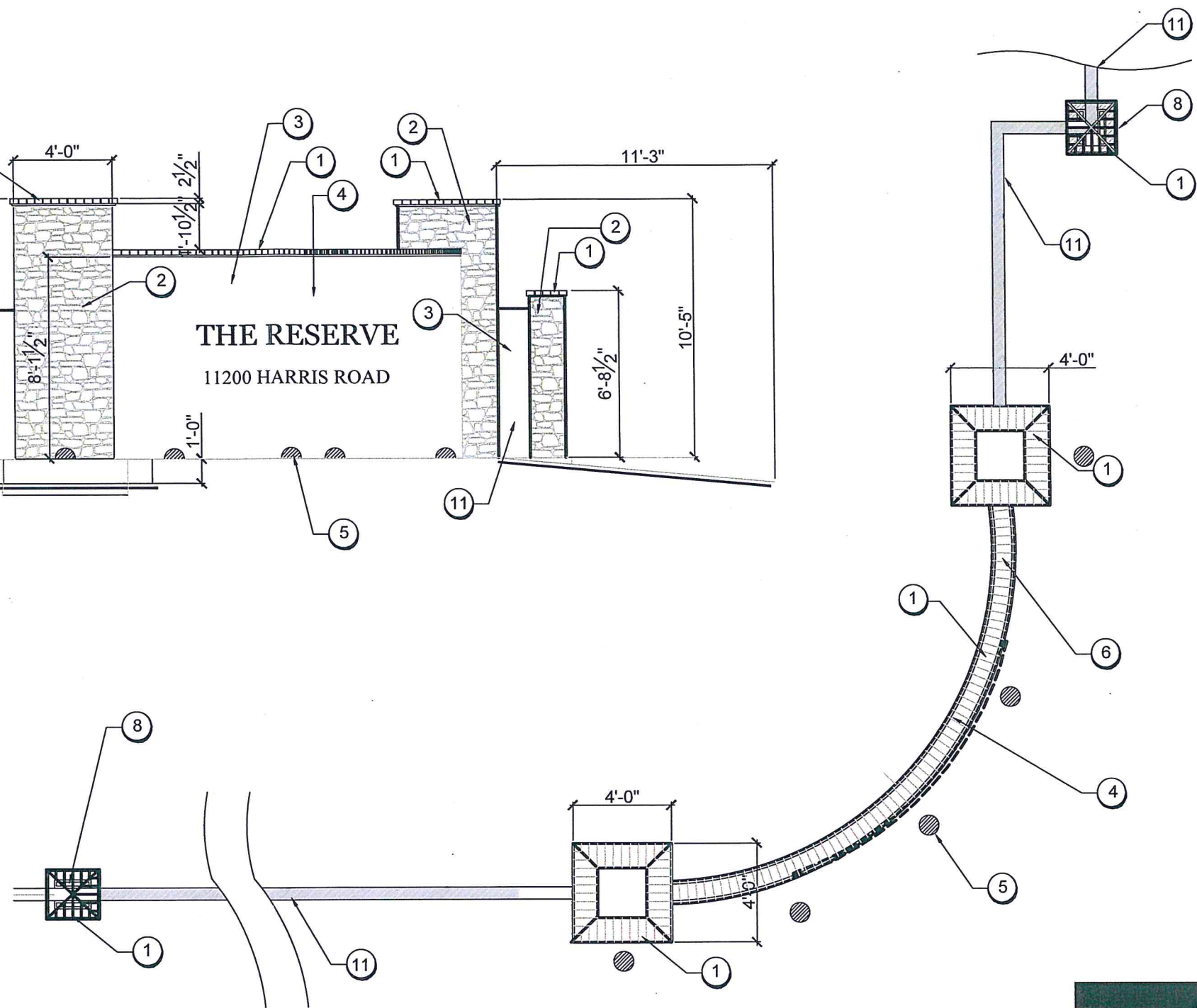


FRONT ELEVATION

LEGEND

- ① BRICK CAP - BELDON BECREST 360 WITH ORCO - NUFAD GROUT
- ② STONE VENEER TO MATCH ARCHITECTURE
- ③ SLUMPSTONE WALL W/ SACK FINISH. PAINT TO MATCH ARCHITECTURE
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- ⑨ PRODUCTION WALLS PER CIVIL ENGINEER.
- ⑩ STONE VENEER RETAINING PLANTER WALLS,
- ⑪ CMU SPLIT FACE BLOCK WALL

PLAN VIEW



CORNER MONUMENT- ELEVATION VIEW

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

HARRIS ROAD PROPERTIES, LLC.- THE RESERVE

Conceptual Detail Plan



Date 7/10/2019



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: August 13, 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 3

SUBJECT:

Conditional Use Permit No. 19-0258: Gurvinder Jhaj is proposing a conditional use permit to allow on-site alcohol sales incidental to two (2) restaurants (17.22.040.B.11) in the C-1 (Neighborhood Commercial Zone) district, located at 5848 Comanche Drive. Proposed Notice of Exemption on file.

APPLICANT: Gurvinder Jhaj

OWNER: Rupinder Jhaj

LOCATION: 5848 Comanche Drive

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



www.bakersfieldcity.us

CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED 

DATE: August 13, 2019

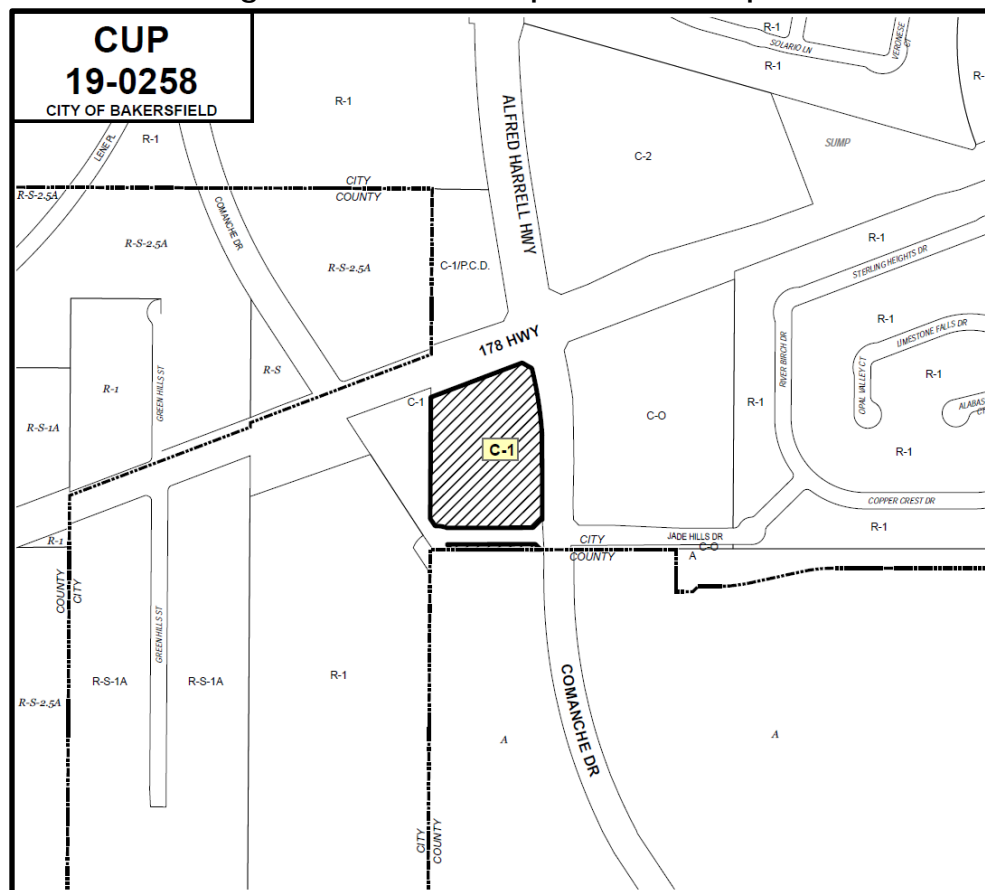
SUBJECT: Conditional Use Permit; File No. 19-0258 (Ward 3)

APPLICANT: Gurvinder Jhaj
1631 Comanche Drive
Bakersfield, CA 93307

OWNER: Rupinder Jhaj
22643 Ronnie Court
Bakersfield, CA 93314

LOCATION: 5848 Comanche Drive | APN: 387-880-02-4

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0258, as depicted in the project description and subject to the listed conditions of approval.

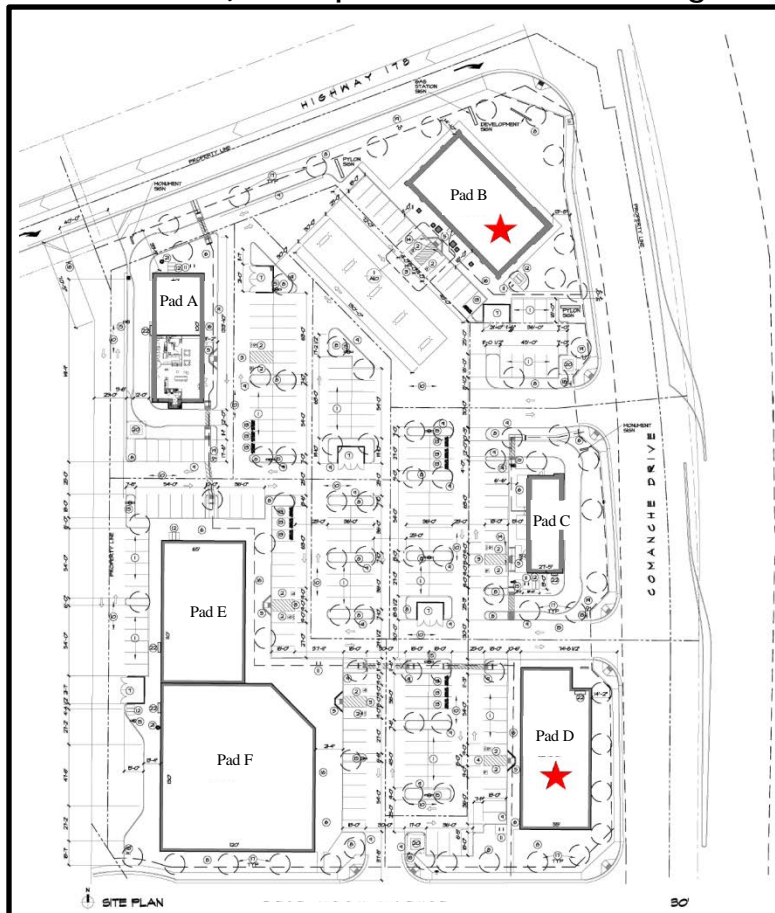
PROJECT SUMMARY:

The project is a request for a conditional use permit to allow on-site alcohol sales incidental to a restaurant in the C-1 (Neighborhood Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Site Plan (★ = Proposed Restaurants Serving Alcohol)



SURROUNDING LAND USES:

The project site is located at the southwest corner of Highway 178 & Comanche Drive, and under construction for development of a neighborhood shopping center. 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-1	Partially Developed Center
North	GC	C-1/P.C.D.	Undeveloped
East	OC	C-O	Undeveloped
South	R-MP (County)	A (County)	Undeveloped
West	GC	C-1	Undeveloped
General Plan Key GC: General Commercial OC: Office Commercial R-MP (County): Resources - Mineral & Petroleum		Zone District Key C-O: Professional and Administrative Office Zone C-1: Neighborhood Commercial C-1/P.C.D.: Neighborhood Commercial/Planned Commercial Development A (County): Exclusive Agriculture	

BACKGROUND:

May 1993. Land Use Entitlement. City Council approved General Plan Amendment/Zone Change No. 5421 to change the zoning from C-2 (Regional Commercial Zone) and M-1 (Light Manufacturing Zone) districts to the current C-1 (Neighborhood Commercial Zone) district (Ordinance 3532).

November 2015. Site Development. The Development Services Director approved Site plan Review No. 15-0316 to allow construction of a 44,287 square foot neighborhood shopping center.

March 2016. Conditional Use. The Board of Zoning Adjustment approved Conditional Use Permit No. 16-0029 to allow a restaurant (Pad A) with drive-through services (Resolution 16-04).

March 2017. Site Development. The Development Services Director approved Site plan Review No. 17-0041 to allow construction of a 41,860 square foot neighborhood shopping center. This Site Plan Review superseded SPR No. 15-0316.

October 2017. Conditional Use. The Board of Zoning Adjustment approved Conditional Use Permit No. 17-0320 to allow a restaurant (Pad C) with drive-through services (Resolution 17-34).

ANALYSIS:

Restaurants are a permitted use in the C-1 (Neighborhood Commercial Zone) district; however, restaurants with on-site alcohol sales, entertainment, or drive-through services are subject to a conditional use permit.

The purpose of the C-1 zone is to provide an adequate variation of retail establishments and services that conveniently serve the needs of residents in the immediate neighborhood; therefore, they are typically situated within residential neighborhoods often abutting or in close proximity to residential development. The subject property does not abut any residential development; however, a residential subdivision is proposed south of the project site.

As proposed, the applicant is requesting to serve alcohol from two restaurants: Pad B and Pad D (see Figure 3 above).

Pad B. Under Site Plan Review No. 17-0041, this building was evaluated as a convenience store for a gas station. Although the gas station remains, the building has been divided between a convenience store and restaurant.

Pad D. Under Site Plan Review No. 17-0041, this building was evaluated as multi-tenant retail. The applicant indicated that it will remain multi-tenant; however, it will include a restaurant component.

The overall site layout will remain unchanged. The amount of required parking spaces will also remain the same, since multi-tenant retail/commercial buildings have the same parking ratio of 1 space per 200 square feet. The minimum parking requirement for the site is 198 spaces, and 211 spaces have been provided.

The applicant will be required to apply for a California Department of Alcoholic Beverage Control license, and comply with any additional conditions imposed by that agency. Conditional use permits approved by the City of Bakersfield are rarely conditioned to expire. Nonetheless, if problems or issues with an active conditional use permit arise, the permit may be brought before your Board to consider the imposition of new and/or revised conditions, or for the consideration of permit revocation.

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, *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.

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 since eating establishments frequently serve alcohol as part of their beverage options for their patrons; 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. 19-0258, 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 ON-SITE ALCOHOL
SALES INCIDENTAL TO TWO (2) RESTAURANTS (17.22.040.B.11) IN THE C-1
(NEIGHBORHOOD COMMERCIAL ZONE) DISTRICT, LOCATED AT 5848
COMANCHE DRIVE. (CUP NO. 19-0258)**

WHEREAS, Gurvinder Jhaj filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow on-site alcohol sales incidental to two (2) restaurants (17.22.040.B.11) in the C-1 (Neighborhood Commercial Zone) district, located at 5848 Comanche Drive (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, August 13, 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; 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.

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. 19-0258 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 13th day of August 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. 19-0258

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.

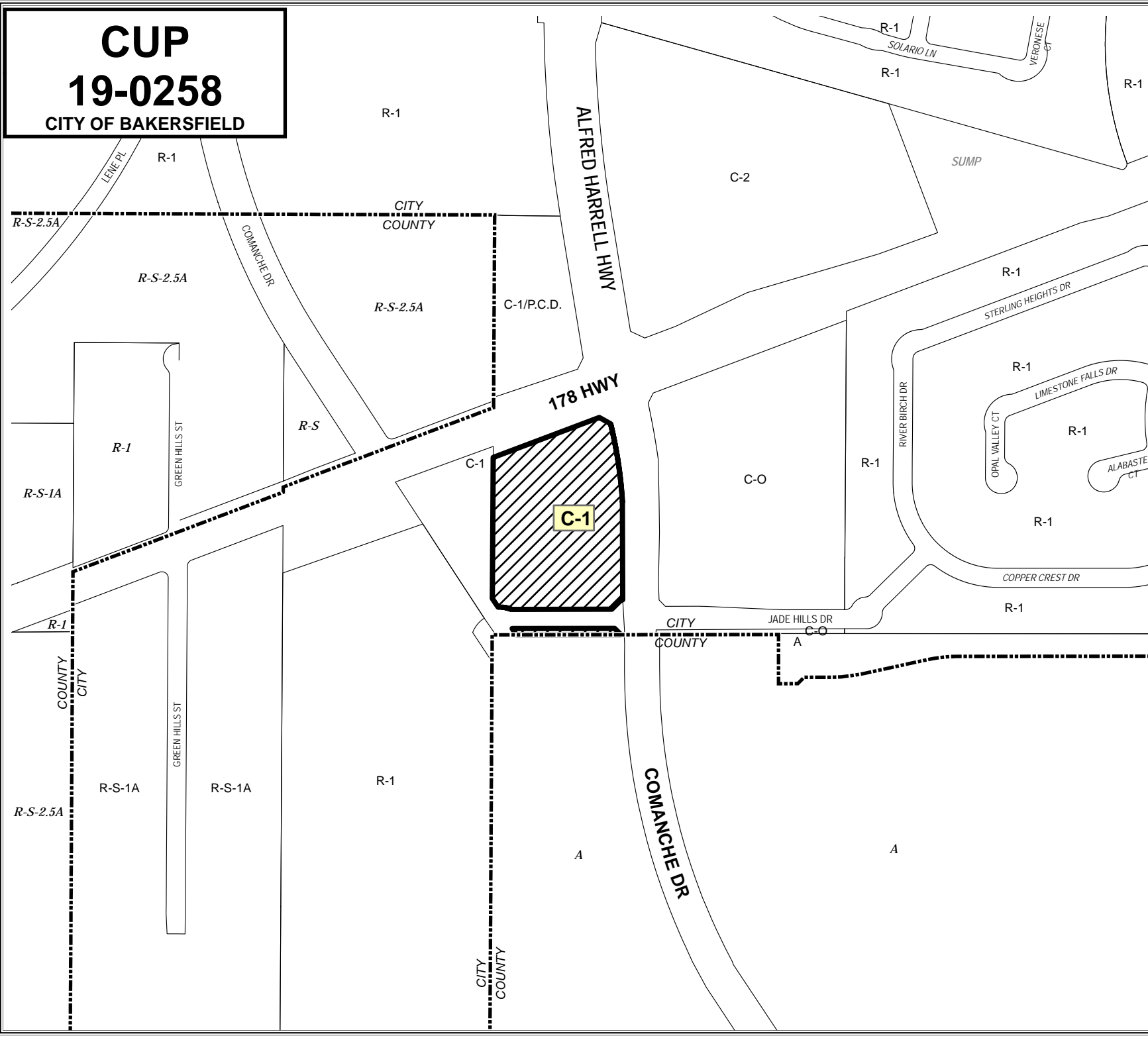
2. This conditional use permit allows for alcohol sales incidental to two (2) restaurants in the C-1 (Neighborhood Commercial Zone) district located at 5848 Comanche Drive as depicted on attached Exhibits B and C.
3. Prior to commencement of alcohol sales/service:
 - a. The permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; without limitation, permits from the California Department of Alcoholic Beverage Control (ABC).
 - b. If hazardous materials or hazardous waste is handled on the site, the Fire Department/Prevention Services Division may require a hazardous material management and/or risk management plan before operations begin. Contact 661-326-3979 for further information.
 - c. The square footage of the proposed restaurants shall be indicated on the site plan. The occupancy type for the restaurant shall be indicated on the site plan. The occupant load shall be identified on the site plan. Contact Ernie Medina with the Fire Department at 661-326-3682 or EMedina@bakersfieldcity.us
 - d. The project shall comply with the current California Fire Code and current City of Bakersfield Municipal Code. Contact Ernie Medina with the Fire Department at 661-326-3682 or EMedina@bakersfieldcity.us
4. 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.
5. 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 Building Director or his designee and/or the Fire Chief or his designee.
6. 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.
7. Loitering is prohibited on the premises or area under the control of the permit holder.
8. 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 additional conditions being placed on the permit, or revocation.

Exhibit B
(Location Map)

CUP

19-0258

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

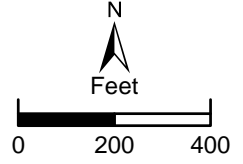
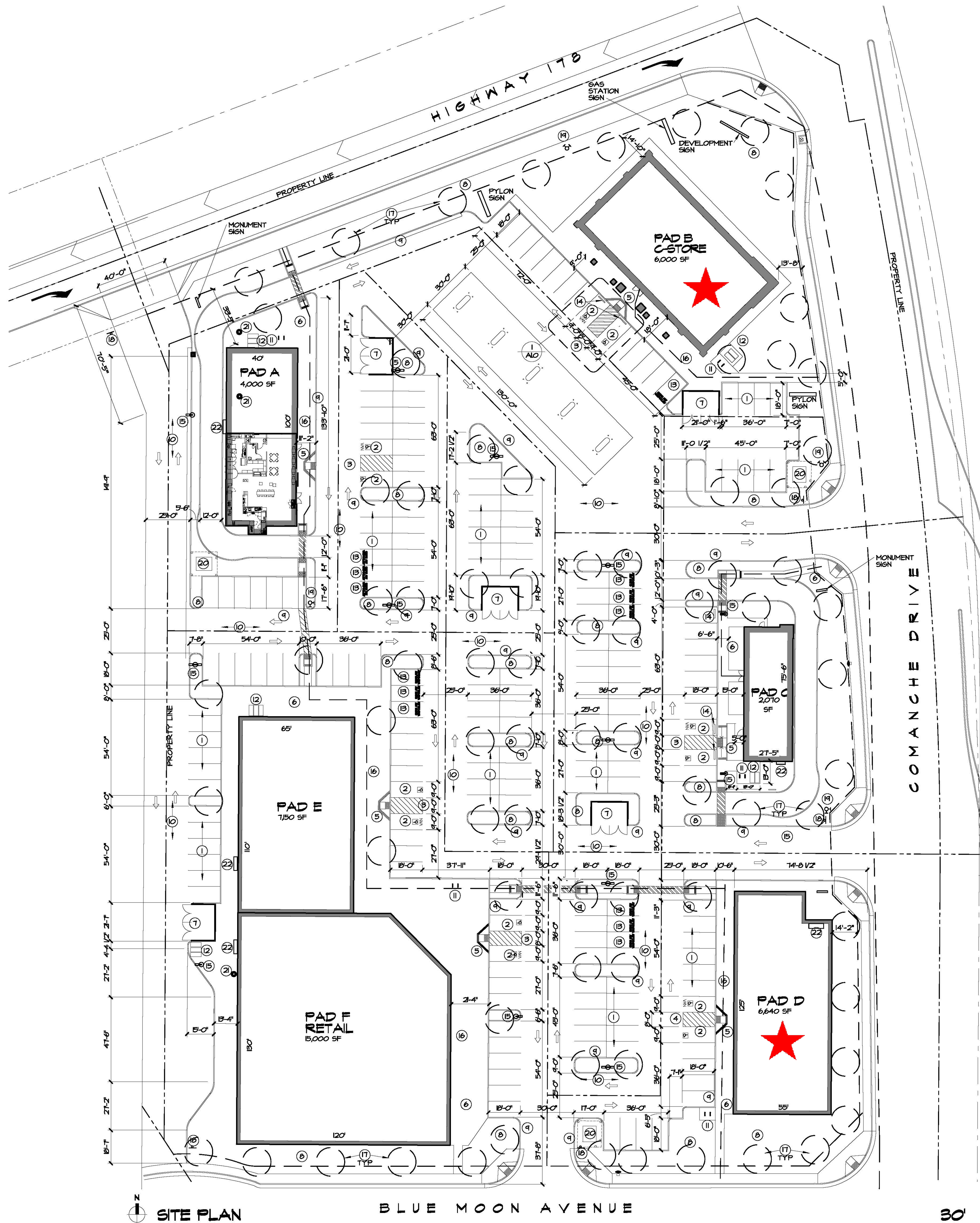
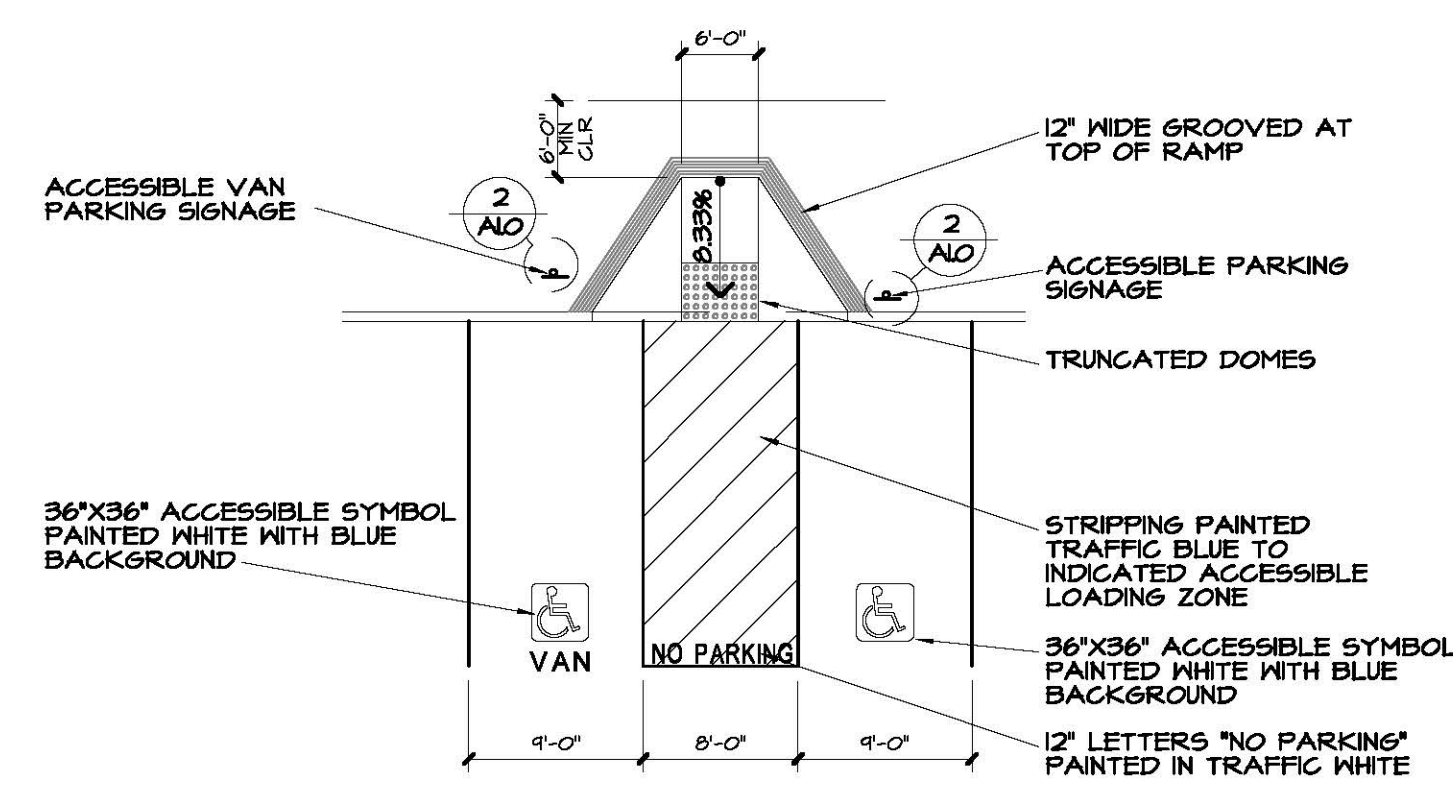


Exhibit C
(Site Development Plan)

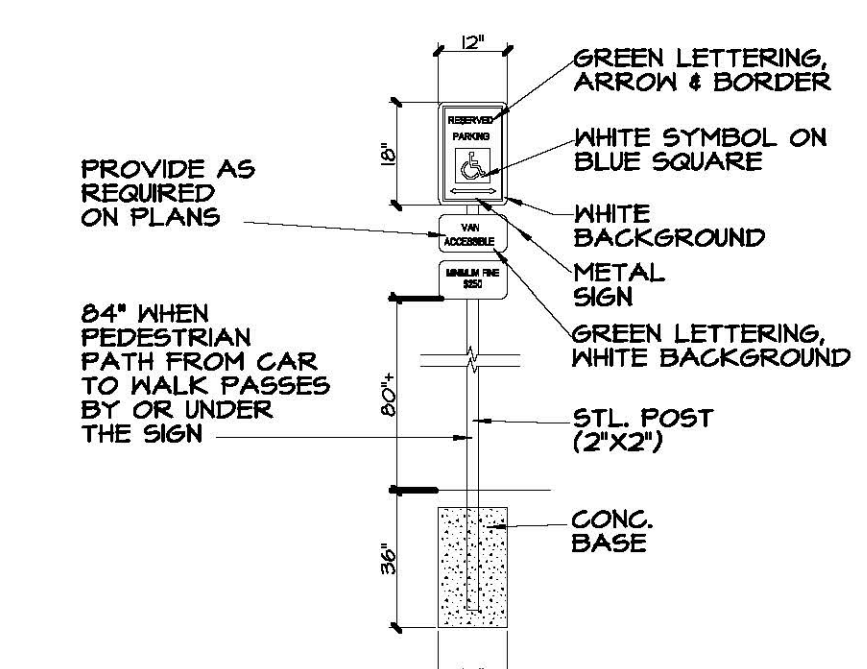


KEYNOTES

- 1 9'-0" WIDE x 19'-0" DEEP PARKING STALL PER CITY STANDARDS
- 2 9'-0" x 18'-0" HANDICAP PARKING STALL WITH 3'-0" x 3'-0" PAINTED STALL SIGN AND TO 50 IN POLE MOUNTED PARKING SIGN DISPLAYING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY WITH AN ADDITIONAL SIGN OR LANGUAGE STATING "MINIMUM FINE \$250.00" INCLUDE SIGN MOUNTED BELOW STATING "VAN ACCESSIBLE" WHERE APPROPRIATE PER CBC SECTION 124B-80" MINIMUM HEIGHT TO THE BOTTOM OF ALL POLE SIGNS
- 3 8'-0" WIDE HANDICAP ACCESS AISLE FOR VAN ACCESS WITH THE WORDS "NO PARKING" IN 12" HIGH CONTRASTING LETTERS- SLOPE NOT TO EXCEED 1/4 12
- 4 5'-0" WIDE HANDICAP ACCESS AISLE FOR ACCESS WITH THE WORDS "NO PARKING" IN 12" HIGH CONTRASTING LETTERS- SLOPE NOT TO EXCEED 1/4 12
- 5 4'-0" WIDE HANDICAP ACCESSIBLE CURB RAMP- SLOPE SHALL NOT EXCEED 1:20 WITH 4'-0" MINIMUM LANDING AT TOP AND 1'-0" BORDER OF 1/4" WARNING GROOVES AT TOP PER CBC STANDARDS- PROVIDE RAISED TRUNCATED DOME TILES FOR THE FULL WIDTH OF BOTTOM LANDING PER CITY STANDARDS
- 6 CONCRETE WALK WITH SLOPE NOT TO EXCEED 1:20 - CROSS SLOPE NOT TO EXCEED 1/4 12
- 7 TRASH ENCLOSURE WITH CONCRETE APRON PER CITY STANDARDS
- 8 LANDSCAPE AREA
- 9 6" CONC GRUB
- 10 ASPHALT PAVING PER CITY REQUIREMENTS
- 11 SHORT TERM 34" HIGH x 24" WIDE INVERTED U-STYLE LOOP BICYCLE PARKING RACKS WITH LOCATIONS FOR (2) BIKES MINIMUM (5 PERCENT) TO BE PARKED AT ONE TIME ON 3 1/2" THICK CONCRETE PAD- SEE SITE PLAN FOR DIMENSIONS (PER CGBSC DIVISION 5106.41)
- 12 LONG TERM STORAGE LOCKER FOR (2) BIKES MINIMUM (5 PERCENT) TO BE PARKED AT ONE TIME ON 3 1/2" THICK CONCRETE PAD- SEE SITE PLAN FOR DIMENSIONS (PER CGBSC DIVISION 5106.41)
- 13 "CLEAN AIR/VANPOOL/EV" DESIGNATED PARKING
- 14 CONCRETE WHEEL STOP
- 15 POLE MOUNTED LIGHT FIXTURE
- 16 PATH OF TRAVEL TO PUBLIC RIGHT OF WAY - 5% SLOPE MAX IN DIRECTION OF TRAVEL, 2% SLOPE MAX CROSS SLOPE
- 17 PROPOSED TREE LOCATIONS
- 18 UNAUTHORIZED PARKING AND TOW AWAY SIGNAGE
- 19 PROPOSED FIRE HYDRANT
- 20 PROPOSED TRANSFORMER LOCATION
- 21 EXISTING POWER POLE TO BE REMOVED/RELOCATED PER UTILITY
- 22 PROPOSED LOCATION FOR ELECTRICAL SWITCHGEAR - VERIFY WITH FINAL BUILDING PLAN




1 TYPICAL ACCESSIBLE PARKING



2 ACCESSIBLE PARKING SIGN

PARKING ANALYSIS

PROPOSED USE	AREA	RATIO	PARKING
PAD A (FAST FOOD/RETAIL)	4,000 SF	(1/200)	20 SPACES
PAD B (C-STORE)	6,000 SF	(1/200)	30 SPACES
PAD C (FAST FOOD)	2,070 SF	(1/75)	28 SPACES
PAD D (MULTI-TENANT RETAIL)	6,640 SF	(1/200)	34 SPACES
PAD E (MULTI-TENANT RETAIL)	7,500 SF	(1/200)	38 SPACES
PAD F (SINGLE TENANT)	15,000 SF	(1/300)	50 SPACES
TOTALS:	40,860 SF		140 SPACES
PARKING PROVIDED			
STANDARD 9'x20' SPACES:			141 SPACES
FUEL PUMPS:			10 SPACES
DRIVE THRU:			4 SPACES
TOTALS:			155 SPACES



PAUL DHANENS • ARCHITECT

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CONSULTANT

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NOTICE TO CONTRACTORS
Written dimensions on these drawings shall take precedence over scaled dimensions. Contractor shall verify and be responsible for confirming all dimensions and shall notify the architect immediately of any discrepancies or field variations discovered.

PROJECT

THE COUNTRYSIDE MARKET AND RESTAURANT

5900 COMMANCHE RD
BAKERSFIELD, CALIFORNIA

DATE	ISSUED FOR
6-4-11	BUILDING DEPT SUBMITTAL
8-11-11	BUILDING DEPT SUBMITTAL
4-8-11	BUILDING DEPT SUBMITTAL

NO.	REVISIONS
1	
2	
3	
4	

SITE PLAN

FILE NAME: 1849A1-0

SHEET

A-1.0