



**BOARD OF ZONING ADJUSTMENT
AGENDA
MEETING OF SEPTEMBER 10, 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 August 13, 2019 regular meeting.
Staff recommends approval.

4. CONSENT CALENDAR PUBLIC HEARINGS

- 1 a. **Conditional Use Permit No. 19-0236:** Matt VoVilla is proposing a conditional use permit to allow a trucking yard in the M-1 (Light Manufacturing Zone) district, located at 2138 South Union Avenue. Notice of Exemption on file.
Staff recommends approval.
- 2 b. **Zoning Modification No. 19-0275:** James Dethlefson is proposing a zoning modification to: (1) Recognize two existing dwelling units with a 2-foot and 4-foot side yard setback where a minimum of 10 feet is required when multiple-family dwellings are adjacent to property of one family character; (2a) Allow conversion of the existing garage to a dwelling unit with a 0-foot side yard setback where a minimum 5 feet is required; (2b) Allow conversion of the existing garage to a dwelling unit with a 6-foot separation between dwelling units where a minimum of 10 feet is required in the R-2 (Limited Multiple-Family Dwelling Zone) district, located at 1306 Alta Vista Drive. Notice of Exemption on file.
Staff recommends approval.
- 2 c. **Conditional Use Permit No. 19-0278:** Tim Stormont is proposing a conditional use permit to allow an indoor banquet venue in the C-1 (Neighborhood Commercial Zone) district, located at 2520 Brundage Lane. Notice of Exemption on file.
Staff recommends approval.
- 1 d. **Conditional Use Permit No. 19-0283:** Verizon Wireless is proposing a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way. Notice of Exemption on file.
Staff recommends approval.

7

- e. **Conditional Use Permit No. 19-0297:** T-Mobile West, LLC is proposing a conditional use permit to allow a 67-foot tall monopalm wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 2821 Auto Mall Drive. Notice of Exemption on file.

Staff recommends approval.

2

- f. **Conditional Use Permit No. 19-0298:** JR Design Group, LLC is proposing a conditional use permit to allow a duplex in the C-1 (Neighborhood Commercial Zone) district, located at 1316 Niles Street. Notice of Exemption on file.

Staff recommends approval.

5. PUBLIC HEARINGS

1

- a. **Conditional Use Permit No. 18-0397:** Yadwinder Singh 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 in the C-2 (Regional Commercial Zone) district, located at 830 Union Avenue. Notice of Exemption on file.

Staff recommends approval.

6. STAFF COMMUNICATIONS

7. BOARD STATEMENTS

8. ADJOURNMENT



Kevin F. Coyle, AICP CEP,
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: September 10, 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 August 13, 2019 regular meeting.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

| Description | Type |
|-------------|-----------------|
| ☐ Minutes | Backup Material |



BOARD OF ZONING ADJUSTMENT MINUTES Meeting of August 13, 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 July 9, 2019 regular Board of Zoning Adjustment meeting. | Approved |
| | <i>Motion by Member Fick to approve. Motion passed.</i> | |
| 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. Notice of Exemption on file. | Resolution 19-20 |
| (Ward 1) | b. Conditional Use Permit No. 19-0236: Matt VoVilla is proposing a conditional use permit to allow a trucking yard (17.28.030.1) in the M-1 (Light Manufacturing Zone) district, located at 2138 South Union Avenue. Notice of Exemption on file. | Continue to 9/10/2019 |
| (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). Notice of Exemption on file. | Resolution 19-21 |
| (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. Notice of Exemption on file. | Resolution 19-22 |

REGULAR MEETING**ACTION
TAKEN****Resolution
19-23**

- (Ward 2) 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. Notice of Exemption on file.

Chair Patteson stated that Item 4.b would be continued to the next scheduled Board of Zoning Adjustment meeting, at the request of the applicant. Additionally, Chair Patteson noted that a Director's memorandum was prepared for Item 4.e to address hours of operation.

Motion by Member Kitchen to approve consent calendar items with incorporation of the Director's memorandum dated August 13, 2019 for Item 4.e. Motion passed.

5. **PUBLIC HEARINGS**

None.

6. **STAFF COMMUNICATIONS**

None.

7. **BOARD STATEMENTS**

Member Kitchen thanked Staff for preparing thorough reports on each project for the Board Members to consider when making their decisions.

8. **ADJOURNMENT**

Chair Patteson adjourned the meeting at 3:13 p.m.

Marisa Iturralde, Recording Secretary

Kevin F. Coyle, AICP CEP
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: September 10, 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: 1

SUBJECT:

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



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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 *KCC*

DATE: September 10, 2019

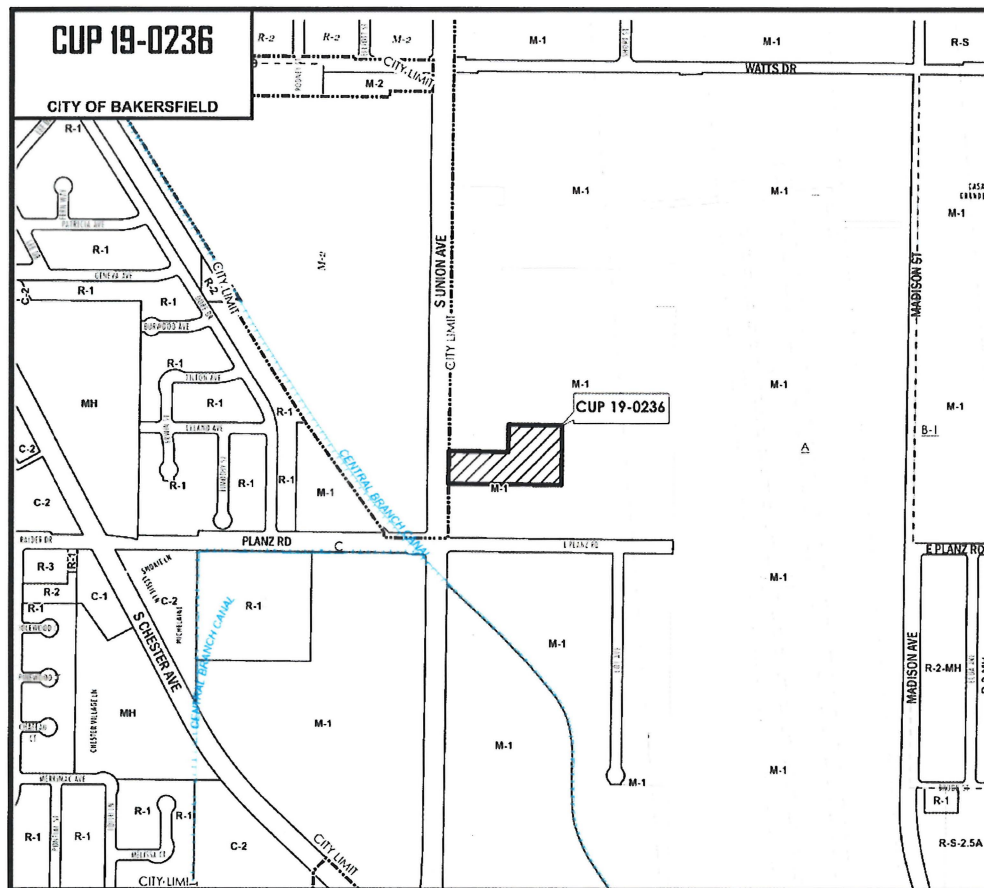
SUBJECT: Conditional Use Permit; File No. 19-0236 (Ward 1)

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:

This project was scheduled for consideration at the August 13, 2019 meeting; however, at that meeting the applicant requested a 30-day continuance. 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

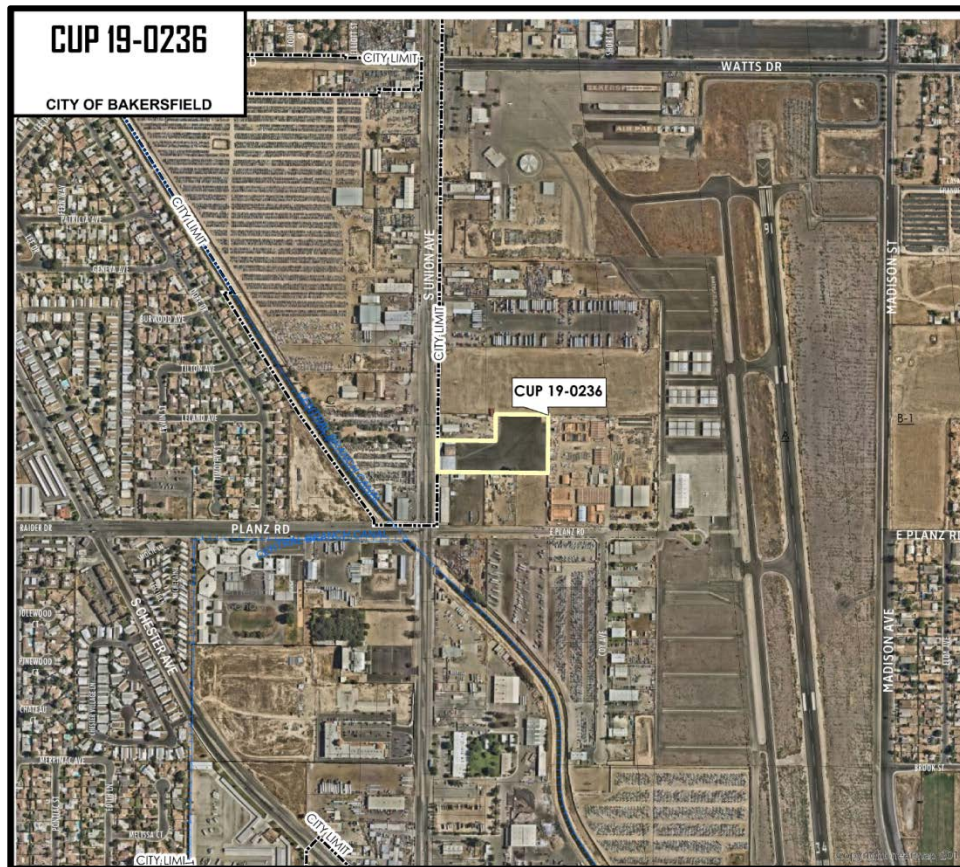
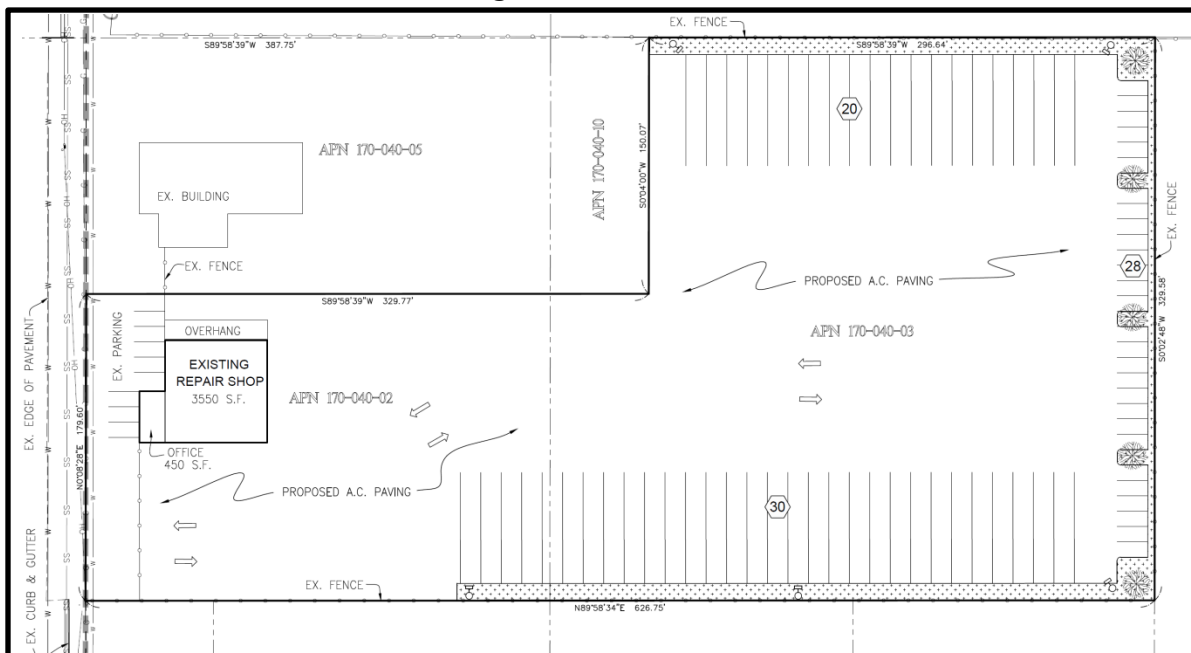


Figure 3. Site Plan



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 LI: Light Industrial 7.2 (Casa Loma SP): Service Industrial | | Zone District Key M-1: Light Manufacturing 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.

BZA - August 13, 2019. As noted above, this project was continued from the August 13, 2019 meeting, at the request of the applicant. During the interim, the applicant met with the California Water Service to discuss connection with their water line.

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 the project was continued to September 10, 2019; and

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

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

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15061(b)(3); and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15061(b)(3) because the project does not have the potential to cause a significant effect on the environment.
3. The proposed use is essential and desirable to the public convenience and welfare.

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

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 19-0236 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 10th day of September 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.

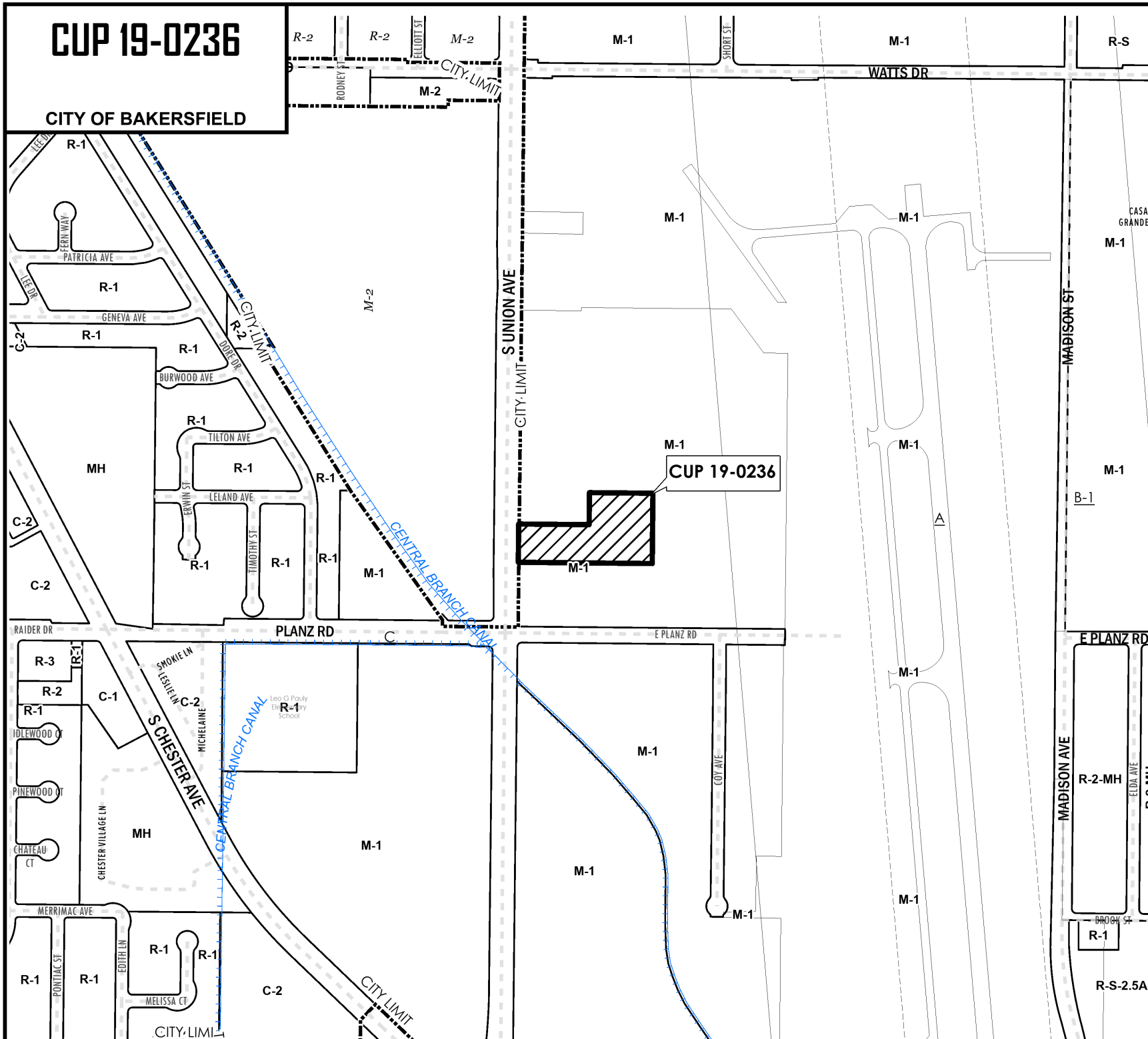
5. Revise the sites plan to make the trash enclosure accessible to the refuse truck. Move the enclosure towards the front of the site entrance.

(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

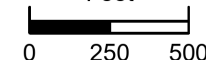


LEGEND (ZONE DISTRICTS)

- 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-() 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

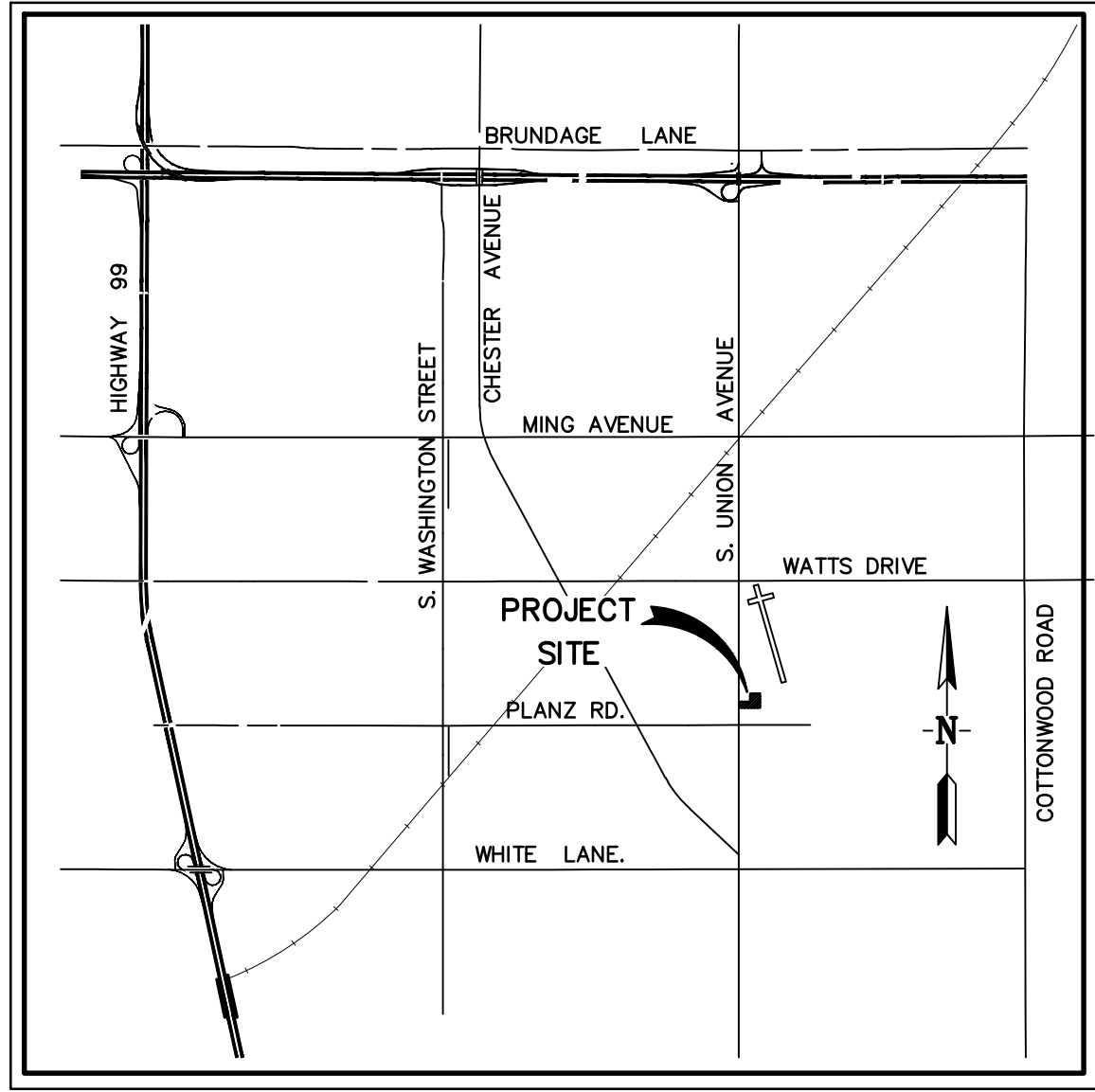


Feet



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.

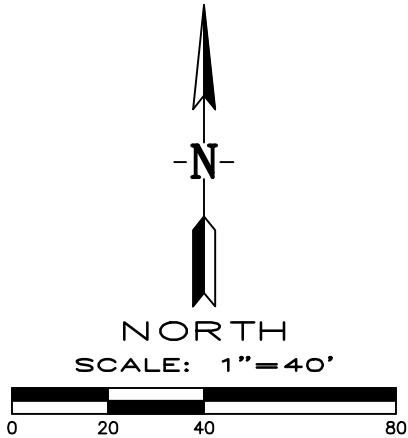
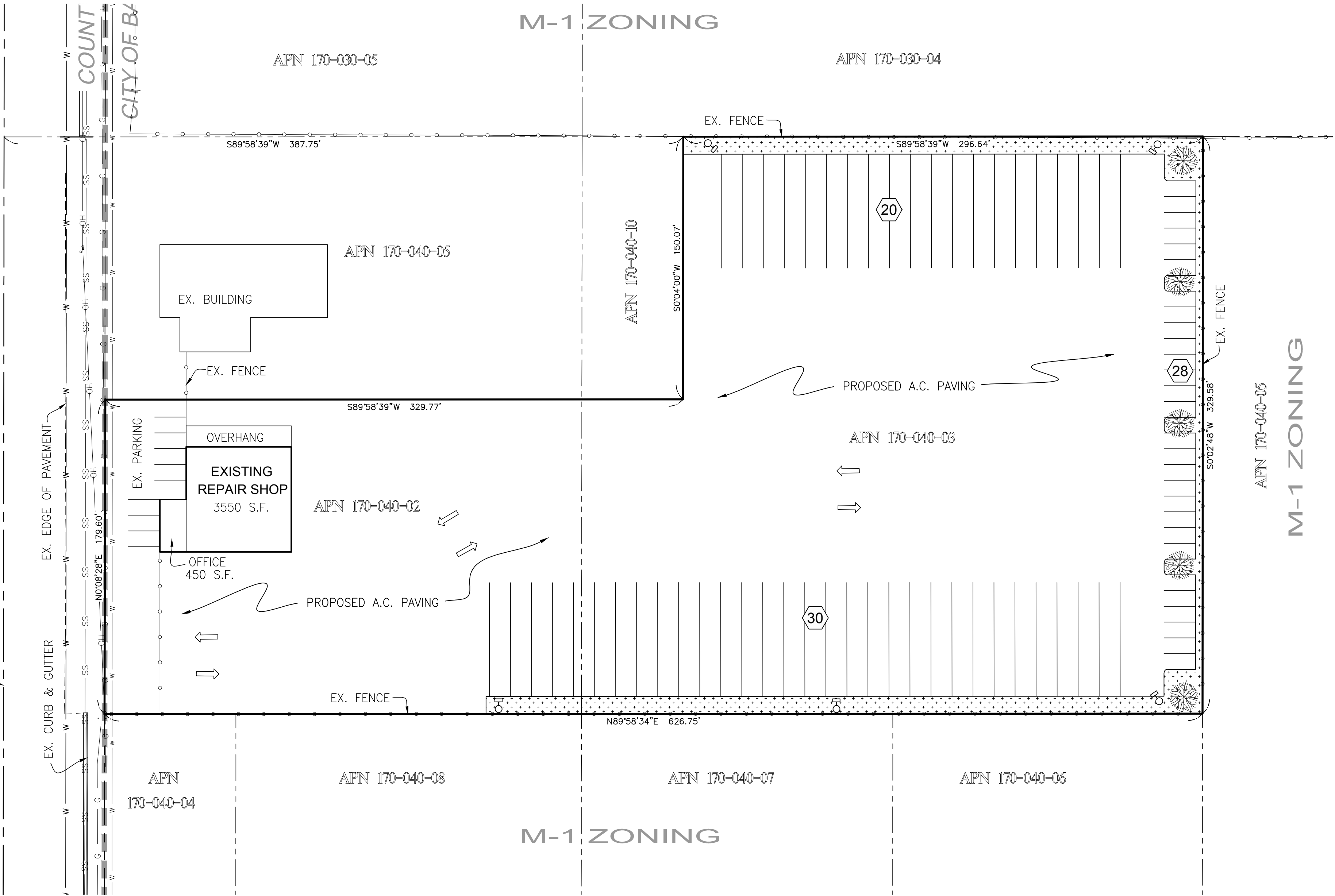
EXCEPTION THEREFROM THE NORTH 150 FEET OF THE WEST 387.75 FEET OF SAID LOT 26.

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

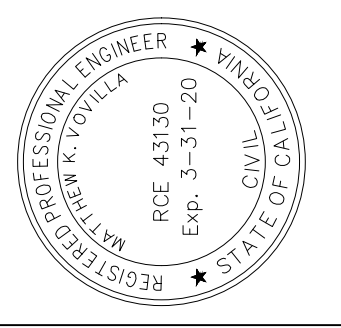
SI ZONING

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 | |
| | | |
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| | | |



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: September 10, 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: 2

SUBJECT:

Zoning Modification No. 19-0275: James Dethlefsen is proposing a zoning modification to: (1) Recognize two existing dwelling units with a 2-foot and 4-foot side yard setback where a minimum of 10 feet is required when multiple-family dwellings are adjacent to property of one family character; (2a) Allow conversion of the existing garage to a dwelling unit with a 0-foot side yard setback where a minimum 5 feet is required; (2b) Allow conversion of the existing garage to a dwelling unit with a 6-foot separation between dwelling units where a minimum of 10 feet is required in the R-2 (Limited Multiple-Family Dwelling Zone) district, located at 1306 Alta Vista Drive. Notice of Exemption on file.

APPLICANT: James Dethlefsen

OWNER: Same

LOCATION: 1306 Alta Vista Drive

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

| Description | Type |
|---------------------------------------|--------------|
| <input type="checkbox"/> Staff Report | Staff Report |
| <input type="checkbox"/> Resolution | Cover Memo |



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED KFC

DATE: September 10, 2019

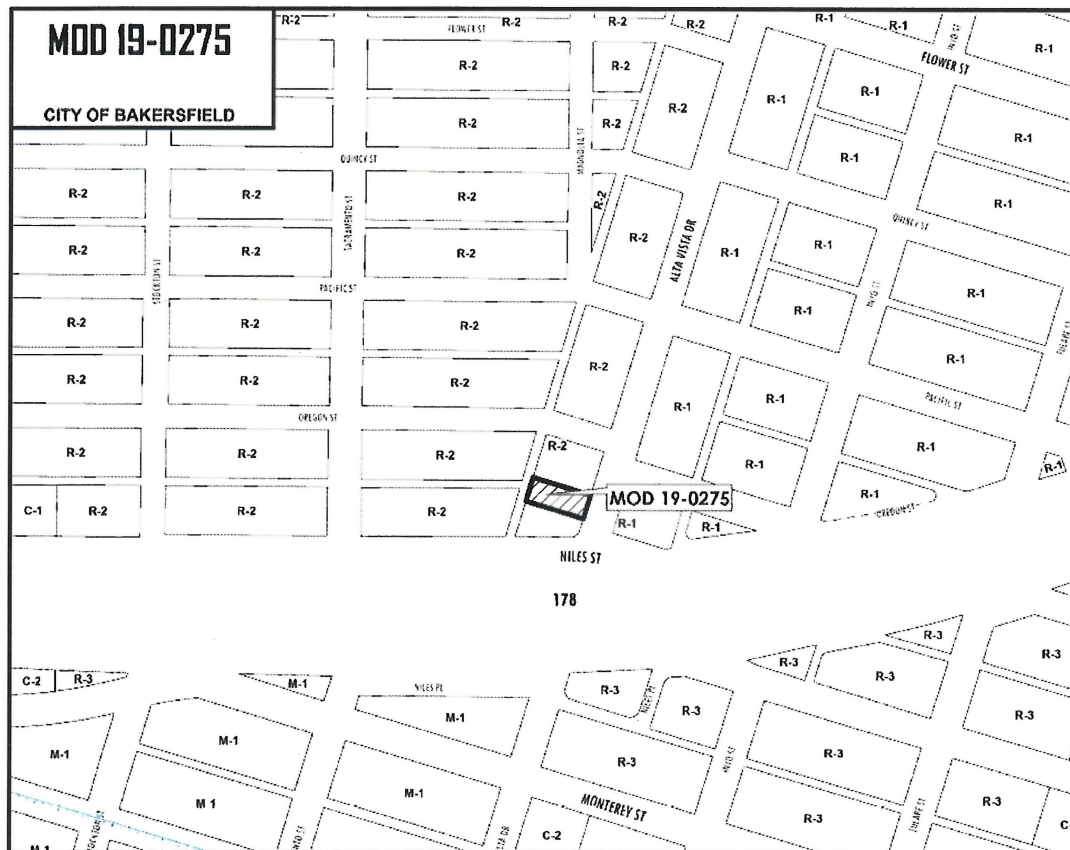
SUBJECT: Zoning Modification; File No. 19-0275 (Ward 2)

APPLICANT: James Dethlefsen
1314 Alta Vista Drive
Bakersfield, CA 93305

OWNER: Same

LOCATION: 1306 Alta Vista Drive | APN: 012-250-10

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Zoning Modification No. 19-0275 as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a zoning modification to: (1) recognize two existing dwelling units with a 2-foot and 4-foot side yard setback where a minimum of 10 feet is required when multiple-family dwellings are adjacent to property of one family character; and (2a) allow conversion of the existing garage to a dwelling unit with a 0-foot side yard setback where a minimum 5 feet is required; (2b) allow conversion of the existing garage to a dwelling unit with a 6-foot separation between dwelling units where a minimum of 10 feet is required in the R-2 (Limited Multiple-Family Dwelling Zone) district. See Figures 2 & 3.

Figure 2. Site Aerial

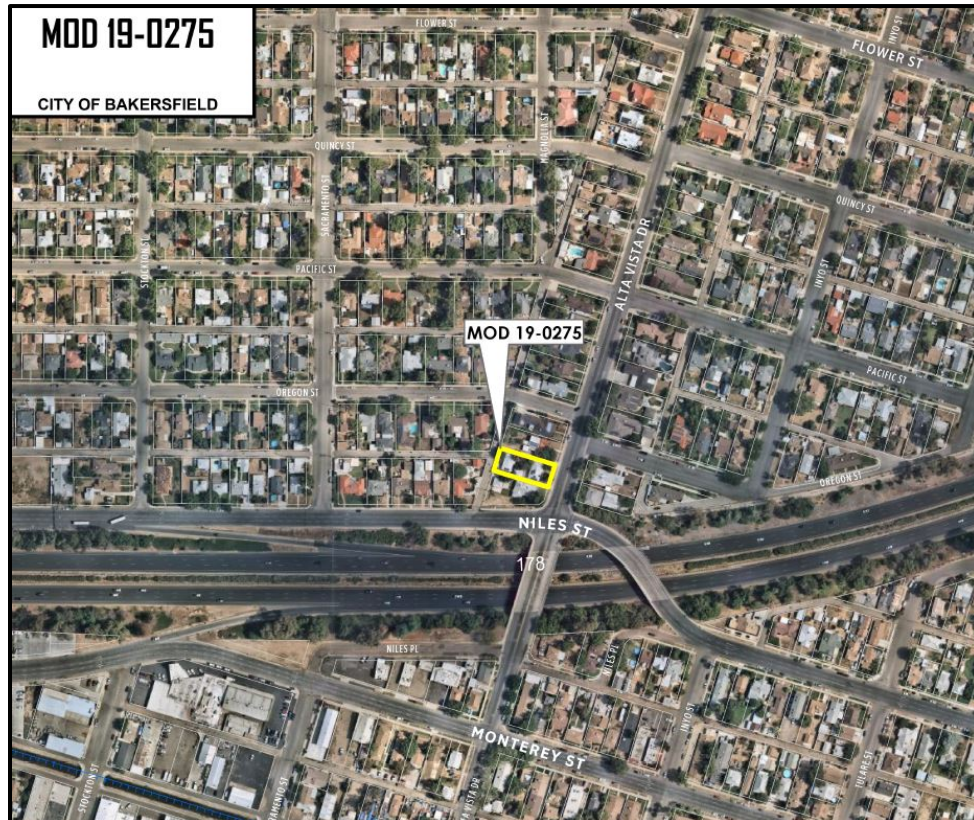
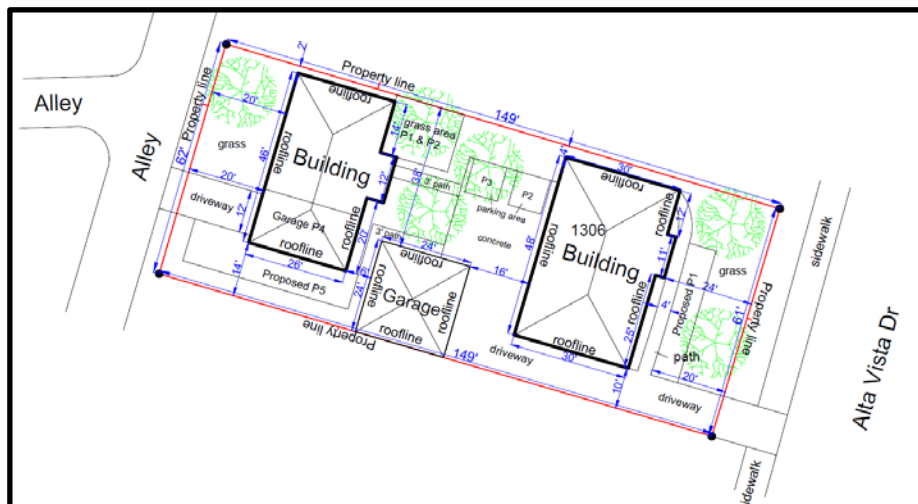


Figure 3. Site Plan



SURROUNDING LAND USES:

The project site is developed with two dwelling units and a detached garage in northeast Bakersfield. 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 | Multiple-Family Residential |
| North | HMR | R-2 | Single-Family Residential |
| East | HMR | R-1 | Single-Family Residential |
| South | HMR | R-2 | Multiple-Family Residential |
| West | HMR | R-2 | Multiple-Family Residential |
| General Plan Key HMR: High Medium Density Residential | | Zone District Key R-1: One-Family Dwelling R-2: Limited Multiple-Family Dwelling | |

ANALYSIS:

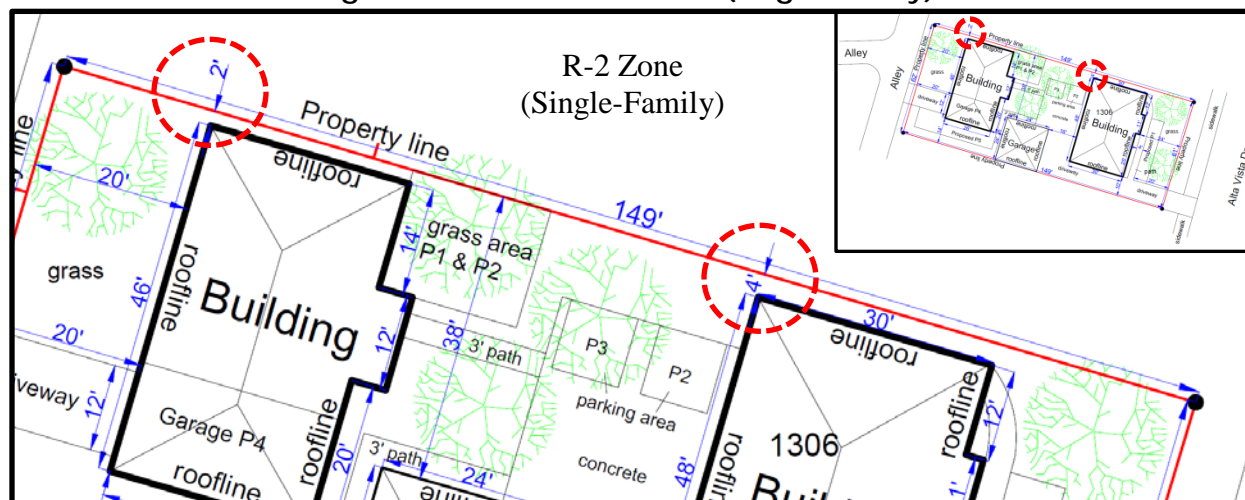
The site is designated High Medium Density (HMR) which allows up to 17.42 dwelling units/net acre. Therefore, the 0.20 acre (8,712 square feet) site would allow for a maximum of 3 dwelling units.

Request 1. Recognize two existing dwelling units with a 2-foot and 4-foot side yard setback where a minimum of 10 feet is required where multiple-family dwellings are adjacent to property of one family character. See Figure 4.

Development standards for single-story, multiple-family dwellings where the side property line separates a lot in an R-2 zone from an adjacent lot zoned R-2 of one-family character with private rear and/or side yards, the side yard shall not be less than 10 feet. Otherwise, the side yard setback shall not be less than 5 feet.

The two existing residential structures were permitted; however, staff did not locate where a zoning modification was approved to allow the encroachment. Therefore, this request is to recognize a legal nonconforming development of the site.

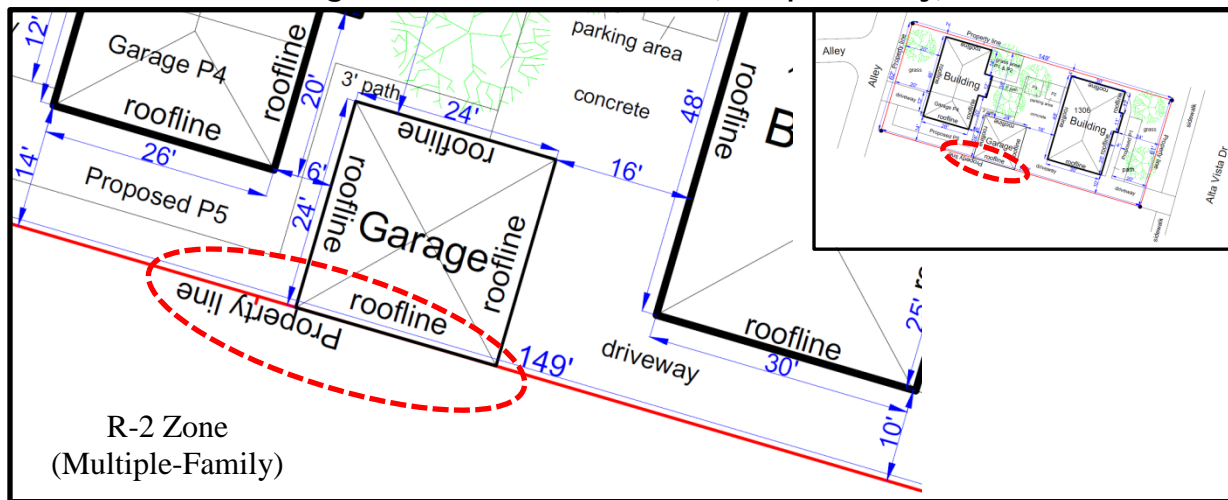
Figure 4. Side Yard Setback (Single-Family)



Request 2a. Allow conversion of the existing garage to a dwelling unit with a 0-foot side yard setback where a minimum 5 feet is required. See Figure 5.

The applicant is proposing to convert the existing garage into a third residential unit. As indicated above, development standards require a minimum side yard for the main building of not less than 5 feet. Should the request be approved, the applicant will be required to retrofit the structure with a fire resistant wall, in addition to other improvements required by the Building Division prior to issuance of certificate of occupancy.

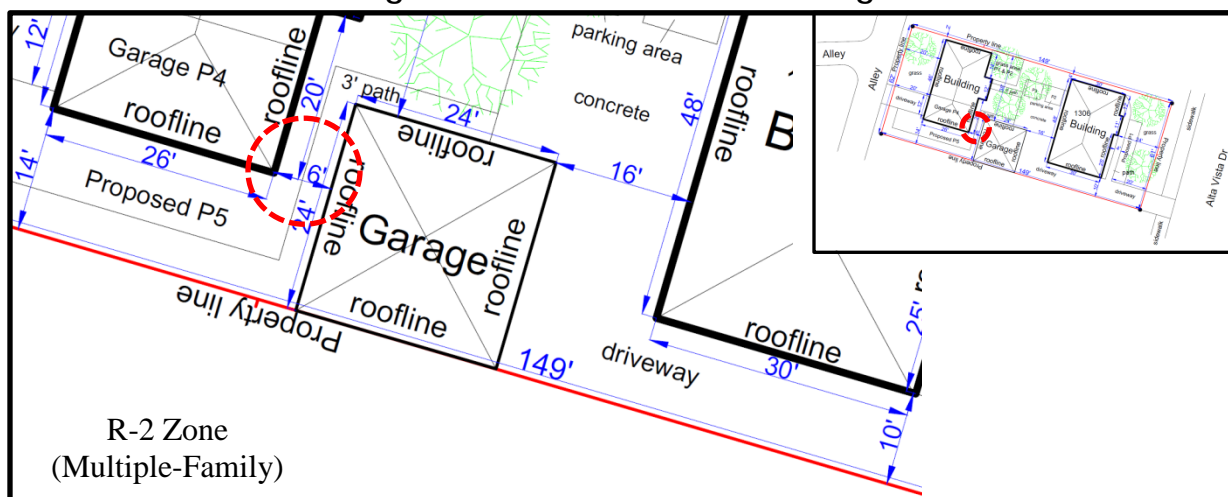
Figure 5. Side Yard Setback (Multiple-Family)



Request 2b. Allow conversion of the existing garage to a dwelling unit with a 6-foot separation between dwelling units where a minimum of 10 feet is required. See Figure 6.

As part of the proposed conversion of the existing garage into a third residential unit, development standards require a minimum 10 feet between dwelling units. Currently, the garage adheres to the minimum 3-foot setback for accessory buildings. However, a zoning modification is required to allow the conversion to be closer than 10 feet.

Figure 6. Distance Between Buildings



Parking. The applicant is providing 5 parking spaces: 2 for each existing building and 1 for the proposed conversion into a one-room dwelling. Therefore, sufficient parking exists on site.

Similar Request. Although your Board has approved zone modifications to allow residential structures to encroach into the side yard setback, staff did not locate a similar request to allow a 0-foot setback. However, the requests considered by your Board were for new construction, not the conversion of an existing structure as being proposed in this zone modification.

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(a), because the project represents a minor modification of a zoning regulation. 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. To date, no 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 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.

The intent of the side yard setback is to provide open area around structures for access, separation of incompatible land uses, and space for privacy, landscaping, etc. Staff concurs with the applicant's justification: (1) due to the limited size of the site, it is most beneficial to maximize the space of the buildings to meet living standards; (2) Building Codes will be met prior to certificate of occupancy to ensure safety of the residents; and (3) 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 add value to the property and area; 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 Zoning Modification No. 19-0275 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: (1) RECOGNIZE TWO EXISTING DWELLING UNITS WITH A 2-FOOT AND 4-FOOT SIDE YARD SETBACK WHERE A MINIMUM OF 10 FEET IS REQUIRED WHEN MULTIPLE-FAMILY DWELLINGS ARE ADJACENT TO PROPERTY OF ONE FAMILY CHARACTER (17.14.050.C); AND (2A) ALLOW CONVERSION OF THE EXISTING GARAGE TO A DWELLING UNIT WITH A 0-FOOT SIDE YARD SETBACK WHERE A MINIMUM 5 FEET IS REQUIRED (17.14.050.A); (2B) ALLOW CONVERSION OF THE EXISTING GARAGE TO A DWELLING UNIT WITH A 6-FOOT SEPARATION BETWEEN DWELLING UNITS WHERE A MINIMUM OF 10 FEET IS REQUIRED (17.14.080.A) IN THE R-2 (LIMITED MULTIPLE-FAMILY DWELLING ZONE) DISTRICT, LOCATED AT 1306 ALTA VISTA DRIVE. (ZONING MODIFICATION NO. 19-0275)

WHEREAS, James Dethlefsen filed an application with the City of Bakersfield Development Services Department requesting a zoning modification to: (1) recognize two existing dwelling units with a 2-foot and 4-foot side yard setback where a minimum of 10 feet is required when multiple-family dwellings are adjacent to property of one family character (17.14.050.C); and (2a) allow conversion of the existing garage to a dwelling unit with a 0-foot side yard setback where a minimum 5 feet is required (17.14.050.A); (2b) allow conversion of the existing garage to a dwelling unit with a 6-foot separation between dwelling units where a minimum of 10 feet is required (17.14.080.A) in the R-2 (Limited Multiple-Family Dwelling Zone) district, located at 1306 Alta Vista Drive (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, September 10, 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 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 10th day of September 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 Zone Modification No. 19-0275

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 (1) Recognizes two existing dwelling units with a 2-foot and 4-foot side yard setback where a minimum of 10 feet is required when multiple-family dwellings are adjacent to property of one family character; (2a) Allows conversion of the existing garage to a dwelling unit with a 0-foot side yard setback where a minimum 5 feet is required; and (2b) Allows conversion of the existing garage to a dwelling unit with a 6-foot separation between dwelling units where a minimum of 10 feet is required in the R-2 (Limited Multiple-Family Zone) district, located at 1306 Alta Vista Drive as depicted on attached Exhibits B and C.

III. *The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.*

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

1. Show on the final building plan how and where water will be drained from the property.
2. The 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. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
4. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
5. 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).

**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> |
|--------------------------|-----------------------|----------------------|-------------------------|
| Multiple-Family Dwelling | 2,948 SF | 2/2+ bdrm | 4 Spaces |
| Garage Conversion | 576 SF | 1/1 bdrm | 1 Space |

Required Parking: 5 Spaces

(Note: 5 parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Minimum parking stall dimensions shall be 9 feet wide by 18 feet long and shall be designed according to standards established by the Traffic Engineer. Vehicles may hang over landscape areas no more than 2-1/2 feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.
3. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
4. 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: No mature landscaping shall be removed without prior approval by the Planning Director.)

(Note 3: Upon approval of the final landscape plan, a digital copy shall be submitted to the Planning staff contact listed above.)

5. A Park Development and Improvement Fee shall be paid at the time of the building permit being issued for each independent residential unit. We will base the fee at the rate in effect at the time the permit is issued.
6. 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.
7. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

8. Prior to receiving final building or site occupancy, you must contact the Planning Division (staff contact noted above) for final inspection and approval of the landscaping, parking lot, lighting and other related site improvements. Inspections will not be conducted until all required items have been installed. Any deviations from the approved plans without prior approval from the Planning Division may result in reconstruction and delays in obtaining a building or site occupancy.

C. FIRE DEPARTMENT (2101 H Street)

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

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

(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
 - b. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
 - c. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
 - d. Name and phone number of the appropriate contact person.
2. The developer must pay required fees to and request an inspection from the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715) for any underground sprinkler feeds at least 2 full business days before they are buried. The Prevention Services Division (2101 H Street, Bakersfield CA, Ph. 661/326-3979) must complete all on-site inspections of fire sprinkler systems and fire alarm systems before any building is occupied.
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)

1. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.

2. Show on the final building plans all existing connection(s) to the public sewer system.
3. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
4. 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 prior to submitting a grading plan. Any off-site/frontage improvements or repairs required during the site inspection shall be shown on the grading plan.
5. 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.
6. 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.
7. 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.)

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)

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. Residential properties with three (3) units or less will be serviced with automated carts. Every dwelling unit must have its own cart and no more than three (3) carts will be allowed for each parcel. A screened 3' x 9' concrete refuse cart storage pad must be provided for carts when they are not out for collection (this area shall be clearly shown on the final building plans). The Solid Waste Division will determine where service collection will occur (street curbside or alley).
3. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B
(Location Map)

MOD 19-0275

CITY OF BAKERSFIELD

LEGEND (ZONE DISTRICTS)

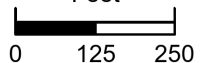
- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-S Residential Suburban
24,000 sq.ft./dwelling unit
- R-S() Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500 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



N



Feet



Document Name: 20190806

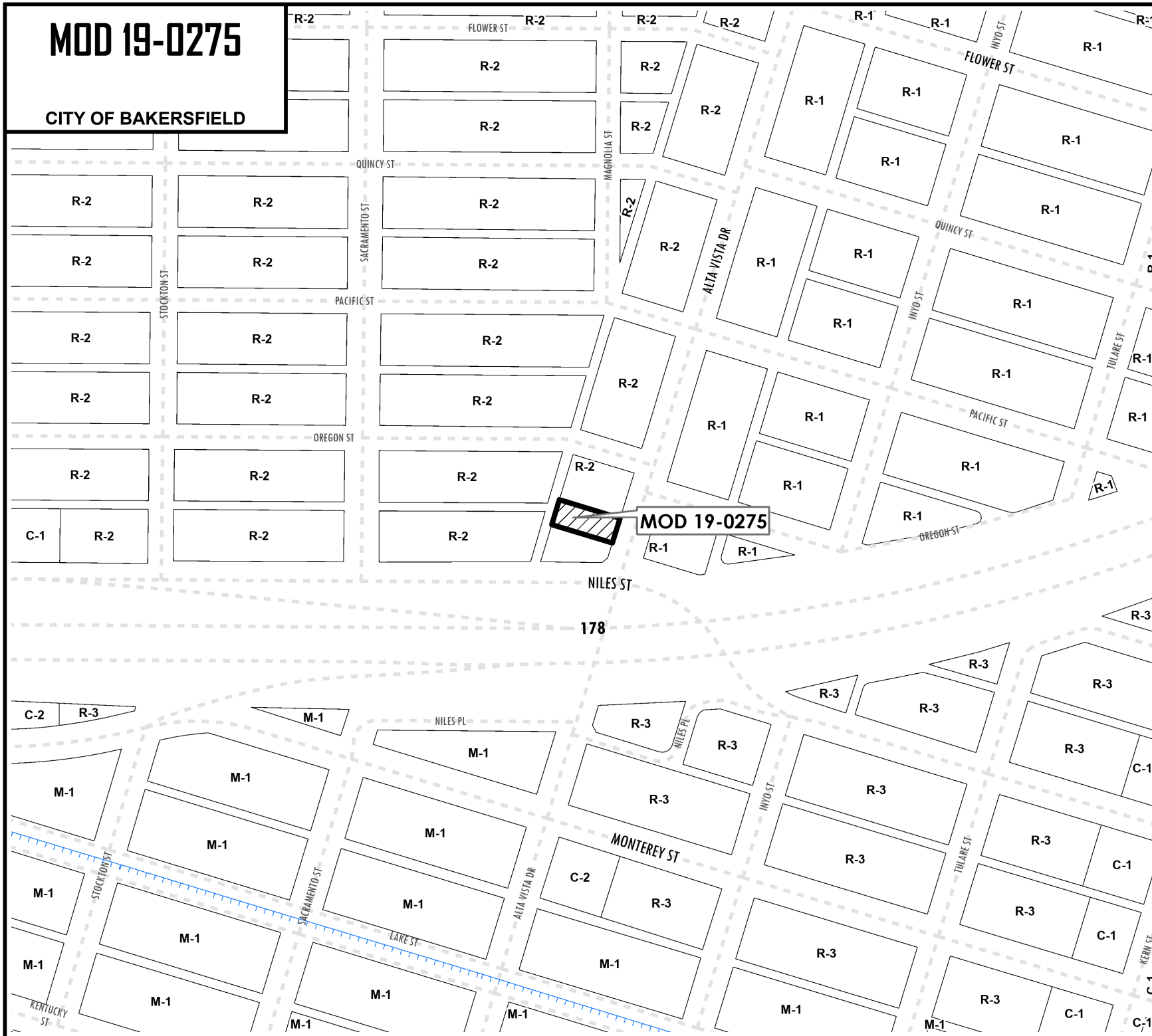
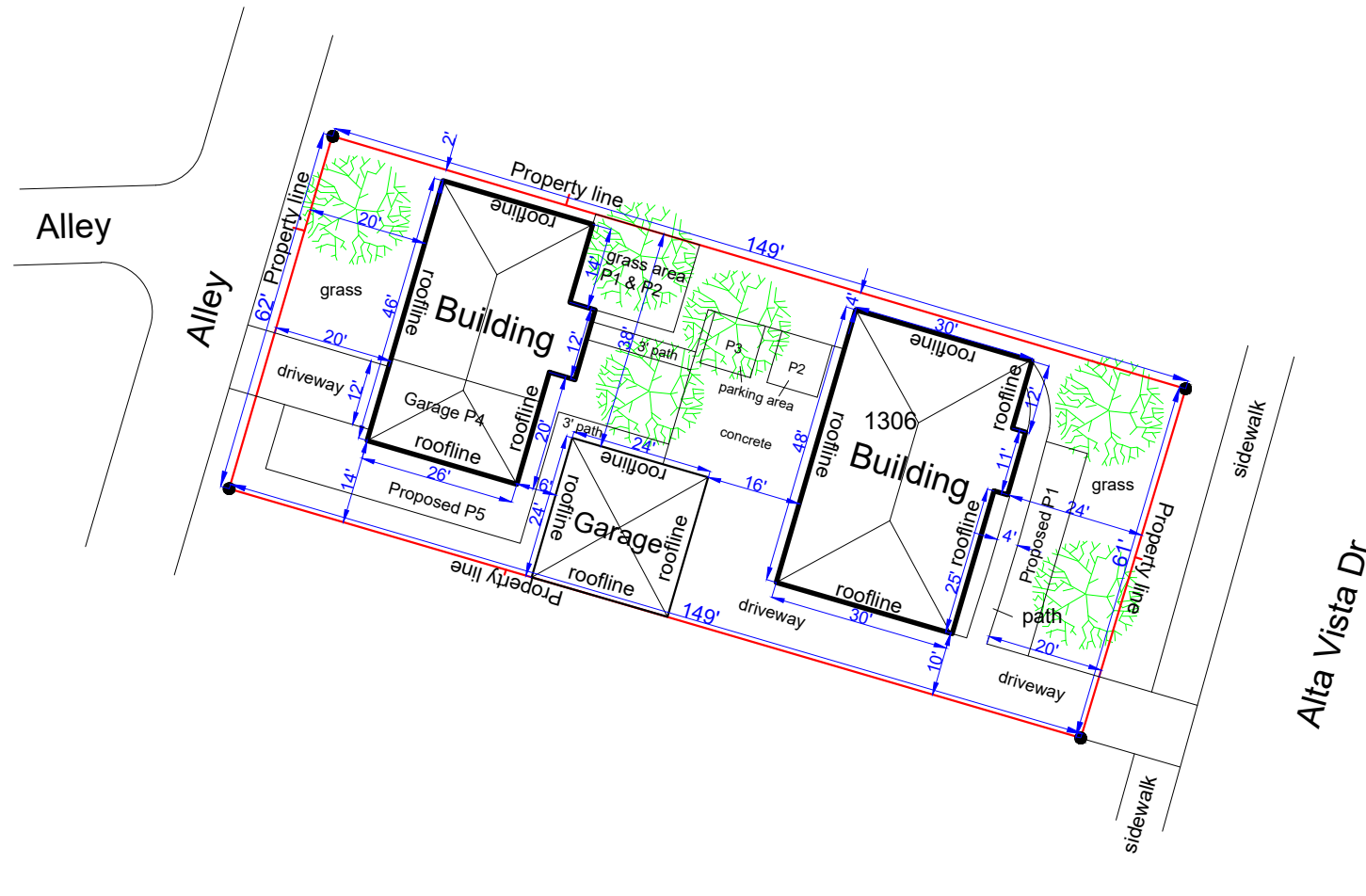


Exhibit C
(Site Development Plan)

Scale 1":30'





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: September 10, 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: 2

SUBJECT:

Conditional Use Permit No. 19-0278: Tim Stormont is proposing a conditional use permit to allow an indoor banquet venue in the C-1 (Neighborhood Commercial Zone) district, located at 2520 Brundage Lane. Notice of Exemption on file.

APPLICANT: Tim Stormont

OWNER: Agustin Ortiz-Rocha

LOCATION: 2520 Brundage Lane

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



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PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KAC*

DATE: September 10, 2019

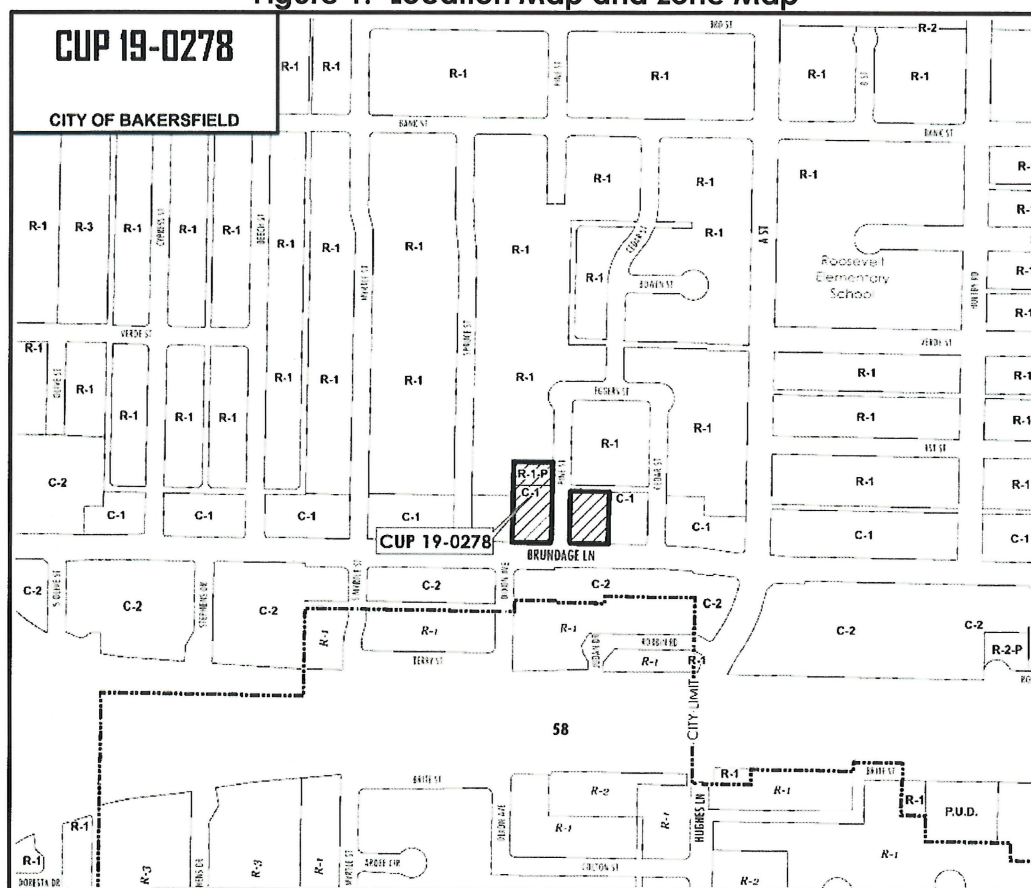
SUBJECT: Conditional Use Permit; File No. 19-0278 (Ward 2)

APPLICANT: Tim Stormont
2113 Duke Drive
Bakersfield, CA 93305

OWNER: Agustin Ortiz-Rocha
2500 Brundage Lane
Bakersfield, CA 93304

LOCATION: 2520 Brundage Lane | APNs: 008-220-18

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0278, as recommended by Staff and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a conditional use permit to allow an indoor banquet venue in the C-1 (Neighborhood Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

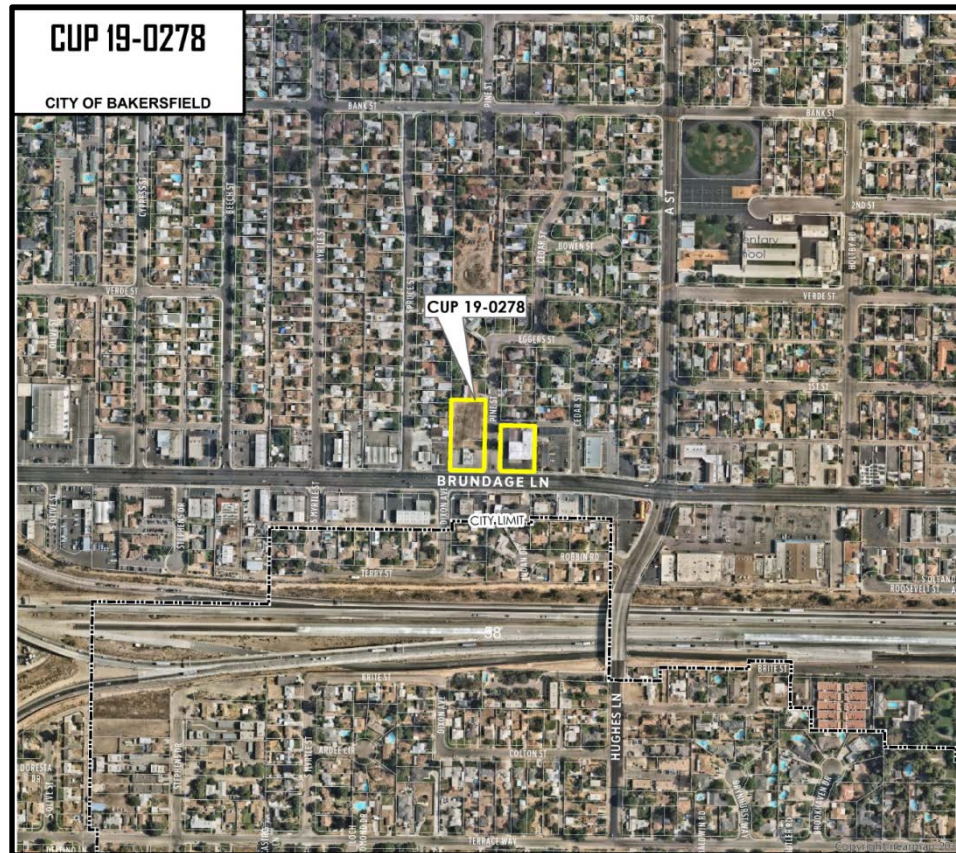


Figure 3a. Site Plan

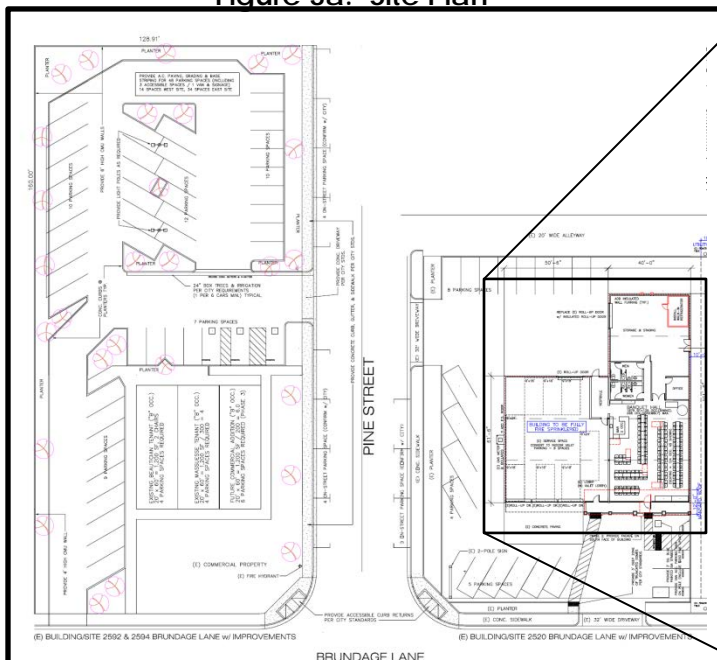
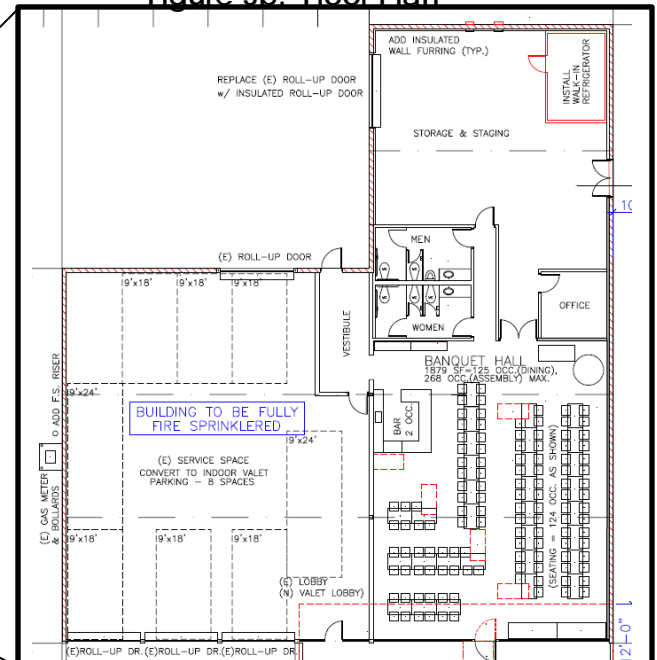


Figure 3b. Floor Plan



SURROUNDING LAND USES:

The project site consists of three parcels, with the banquet venue proposed on the eastern parcel (0.5 acres) and parking proposed on the western parcel (0.58 acres). 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 | Vacant Building |
| North | LR | R-1 | Single-Family Residential |
| East | GC | C-1 | Restaurant |
| South | GC | C-2 | Car Wash |
| West | GC | C-1 | General Commercial |
| General Plan Key GC: General Commercial LR: Low Density Residential | | Zone District Key C-1: Neighborhood Commercial C-2: Regional Commercial R-1: One-Family Dwelling | |

ANALYSIS:

Events

As proposed, the applicant will utilize the eastern portion of the building as an indoor banquet venue for events that include, but are not limited to, weddings, showers, graduation parties, and business mixers. The western portion of the building will be used as indoor valet parking.

The venue will be available from 11:00 am to 10:00 pm Sunday through Thursday and 11:00 am to 12:00 am (midnight) on Friday and Saturday. The proposed maximum number of guests is 296.

Security

In lieu of private security, the applicant will provide staff members at the ratio of 1 personnel for every 100 guests. Event staff will monitor the guests and walk the perimeter of the premises removing any trash produced from the function.

Parking

Parking for the banquet venue is calculated at 1 space per 4 seats; where no fixed seating is provided, 7 square feet of floor space shall be the equivalent of 1 seat. According to the applicant, there is 1,879 square feet of space available for seating. This equates to 268 seats or 67 parking spaces. However, the occupant load allows up to 296 guests in the space without fixed seating. Therefore, a total of 74 parking spaces are required (1 space per 4 seats/guests). The applicant is providing the following:

| | |
|----------------|---|
| On Site | 21 spaces (excludes 9 indoor spaces since reserved for valet) |
| Western Parcel | 36 spaces |
| On Street | 11 spaces |
| Provided | 78 spaces |

Existing / Phased Development

The site plan reflects the use of the general commercial building at the northwest corner of Brundage Lane and Pine Street. Currently, there is sufficient parking provided for the existing uses. However, the plans show a "future 1,200 square foot commercial addition". When/if the applicant moves forward with the addition, the Site Plan Review Committee will conduct a formal review to ensure the addition complies with development standards in effect at that time, to include reviewing for sufficient parking.

The site plan also reflects a new parking lot by the commercial buildings that will support the banquet venue. Staff notes this area is zoned C-1 (Neighborhood Commercial) and R-1/P (One-Family Dwelling/Parking). The area has been reviewed as part of this conditional use permit process.

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.

In response, Staff received a comment letter from Greg Carlon, a neighboring property owner. The concerns of Mr. Carlon are summarized below, followed by Staff's response.

1. Access to the parking lot is located directly on Pine Street; consequently, there will be extreme traffic congestion creating undue stress to homeowners.

Response - Various City Departments have reviewed the project to include Development Services/Building Division and Public Works/Engineering and Traffic Divisions. As proposed, the project does not pose any significant design flaws for traffic and pedestrians.

2. Pedestrian traffic between the parking lot and banquet venue will cross Pine Street at-will and not use the designated crosswalk, thereby creating a potential safety hazard.

Response - See response to Item 1, above.

3. There does not seem to be sufficient parking, which will then cause a lot of street parking on Pine Street as well as neighboring streets.

Response - As proposed, there are 74 parking spaces required (1 space per 4 seats/guests) and 78 spaces provided, excluding the 9 indoor spaces that will be reserved for valet parking.

4. The high level of evening noise the residents are exposed to, will intensify.

Response - Amplified sound will be part of the events. Therefore, Staff anticipates an increase in noise; however, since the events are held indoors, there should be minimal impact. All commercial uses shall be designed or arranged so that they will not subject noise-sensitive land uses to exterior noise levels in excess of 65 dB CNEL and interior noise levels in excess of 45 dB CNEL, and that impacts on noise-sensitive uses shall not exceed the performance standards in Table VII-2 of the Metropolitan Bakersfield General Plan, Noise Element (see Table VII-2).

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

Should your Board approve the proposed request, Staff is recommending a condition of approval so that all noise associated with the operation of any sound equipment must comply with Bakersfield Municipal Code Section 9.22 and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.

5. Alcohol will undoubtedly be served which will cause a lot of mischief, vandalism, and theft.

Response - Staff acknowledges that alcohol and other substances could lead to the aforementioned items. However, in an effort to address the concerns, staff is recommending a condition of approval that prohibits loitering on the premises or areas under the control of the permit holder.

6. Property values will decline.

Response - Staff notes there are a large number of factors that influence property value such as: (a) current housing markets; (b) interest rates; (c) employment opportunities; and (d) faith in the current economy.

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 the indoor banquet venue would provide a public convenience for an event space to gather for graduations, weddings, and other celebrations; and (2) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

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. 19-0278, as proposed by Staff, and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Comment Letter

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN INDOOR
BANQUET VENUE (17.64.020.B) IN THE C-1 (NEIGHBORHOOD
COMMERCIAL ZONE) DISTRICT, LOCATED AT 2520, 2592 AND 2594
BRUNDAGE LANE. (CUP NO. 19-0278)**

WHEREAS, Tim Stormont filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow an indoor banquet venue (17.64.020.B) in the C-1 (Neighborhood Commercial Zone) district, located at 2520, 2592 and 2594 Brundage Lane (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, September 10, 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. 19-0278 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 10th day of September 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. 19-0278

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 an indoor banquet venue in a C-1 (Neighborhood Commercial Zone) district located at 2520 Brundage Lane as depicted on attached Exhibits B and C.
3. Prior to commencement of operations as allowed by this conditional use permit, the permit holder shall:
 - a. Obtain a change in occupancy permit from the City of Bakersfield Building Division.
 - b. Obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services. A copy of the inspector's fire clearance form shall be submitted to the Planning Director.
4. The banquet hall shall continually comply with the following conditions while in operation:
 - a. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
 - b. Unless permitted as part of these conditions, all noise associated with the operation of any sound equipment must comply with BMC section 9.22 and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.
 - c. Entrances into the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of the lighting shall not disturb the normal privacy and use of the neighbors and are subject to the requirements of BMC section 17.58.060.
 - d. Any graffiti painted or marked upon the premises or any area under the control of the permit holder shall be removed or painted over within 72 hours after discovery.
 - e. 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).

- f. 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.
- g. 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.
- h. The number of guests in attendance shall not exceed 296, or limit established by the Fire Department, whichever is less.
- i. Events may be held 7 days a week and shall conclude no later than 10:00 p.m. on Sunday through Thursday and 12:00 a.m. (midnight) on Friday and Saturday. Set up and tear down shall not occur between the hours of 2:00 a.m. and 7:00 a.m.
- j. While the privileges of this permit are being exercised, the permit holder shall provide and maintain at least one (1) staff person for every 100 guests to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Staff shall be provided anytime the privileges of this permit are being exercised, until 30 minutes after closing.
- k. Loitering is prohibited on the premises or areas under the control of the permit holder.

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. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.
5. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
6. The developer shall obtain all required approvals from the Kern County Environmental Health Services Department (2700 "M" Street, Bakersfield, CA., 93301; PH 661-862-8700) for any food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.
7. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
8. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
9. 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.
10. 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).
11. 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>No. Guest</u> | <u>Parking Ratio</u> | <u>Required Parking</u> |
|---------------------|------------------|----------------------|-------------------------|
| Banquet Venue | 296 | 1/4 Seats | 74 spaces |

Required Parking: 74 spaces

(Note 1: 78 parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

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

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

5. Because off-site parking and/or off site access to the project is being proposed, the developer shall file with the Planning Division before any building permits are issued, a copy of a recorded lease, C. C. and R.'s, or other instrument that ensures that the offsite parking and/or legal access proposed for this project is available for its actual lifetime.
6. 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: No mature landscaping shall be removed without prior approval by the Planning Director.)

(Note 3: Upon approval of the final landscape plan, a digital copy shall be submitted to the Planning staff contact listed above.)

7. A solid masonry wall shall be constructed adjacent to residentially zoned and/or designated property. This wall must be shown on the final building plans and shall be constructed a minimum height of 6 feet as measured from the highest adjacent finished property grade. If the parking lot, including drive aisles, delivery areas, loading and unloading areas are within 10 feet of residentially zoned property, a 7-foot wide landscape strip that includes landscaping consistent with Chapter 17.61 shall be installed between the wall and parking/drive areas.

8. 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.)

9. The following conditions are required as part of a grading permit (for the new development and parking lot construction):
 - 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.
10. Rooftop areas of commercial buildings (e.g., office, retail, restaurant, assembly, hotel, hospital, church, school), and industrial buildings adjacent to residentially zoned properties, shall be completely screened by parapets or other finished architectural features constructed to a height of the highest equipment, unfinished structural element or unfinished architectural feature of the building.
 11. 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.)

12. 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.)

13. 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.
14. 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.
15. 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).
16. 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 lanes. Any modifications shall be approved by the Fire Department. Fire lane identification signs shall be installed every 100 feet with red curbing when curbing is required. All work shall be completed before occupancy of any building or portion of any building is allowed.
 - b. 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.)

- c. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
 - d. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
 - e. Name and phone number of the appropriate contact person.
2. The developer must pay required fees to and request an inspection from the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715) for any underground sprinkler feeds at least 2 full business days before they are buried. The Prevention Services Division (2101 H Street, Bakersfield CA, Ph. 661/326-3979) must complete all on-site inspections of fire sprinkler systems and fire alarm systems before any building is occupied.
 3. 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.
 4. 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.
 5. 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. 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 Pine Street according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. The developer shall construct standard accessible ramps at the {☒ northeast ☒northwest ☐southeast ☐southwest} corner of Brundage Lane and Pine Street according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
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 either construct the equivalent full width landscaped median island along the development's frontage or pay their proportionate share (1/2-width) of the total cost for the future construction of the median. Median islands shall be designed by the first development that occurs along an applicable street frontage. That developer shall either construct the full width landscaped median island or pay the median island fee. The median island fee shall be satisfied by fulfilling one of the following options: (1) Pay the standard fee of \$100 per linear foot; or (2) Pay the calculated fee based upon actual cost estimates prepared by the Project Engineer, which shall be reviewed and approved by the City Engineer. If the median island is not constructed by the first development along an applicable street frontage, the second development along that street frontage shall construct the full width landscaped median island.
 14. 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.)

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

1. Street return type approaches, if used, shall have 20-foot minimum radius returns with a 25-foot minimum throat width. 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. Show the typical parking stall dimension on the final building plans (minimum stall size is 9 feet x 18 feet and shall be designed according to standards established by the Traffic Engineer).
4. The developer shall dedicate additional road right-of-way to the City of Bakersfield along Brundage Lane to full ☒ arterial ☐ collector ☐ local street width according to adopted city standards.
5. The developer shall construct additional roadway, including a right turn lane, along Brundage Lane according to adopted city standards.

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, 3, 3 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

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

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

3. Examples of enclosure styles can be found on (Detail # ST-32).

4. Facilities that require infectious waste services shall obtain approval for separate infectious waste storage areas from the Kern County Health Department. In no instances shall the refuse bin area be used for infectious waste containment purposes.
5. Facilities that require grease containment must provide a storage location that is separate from the refuse bin location. This shall be shown on the final building plans.
6. 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.
7. 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)

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-() 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 Site Overlay
HD Hillside Development Combining
WM- West Ming Specific Plan

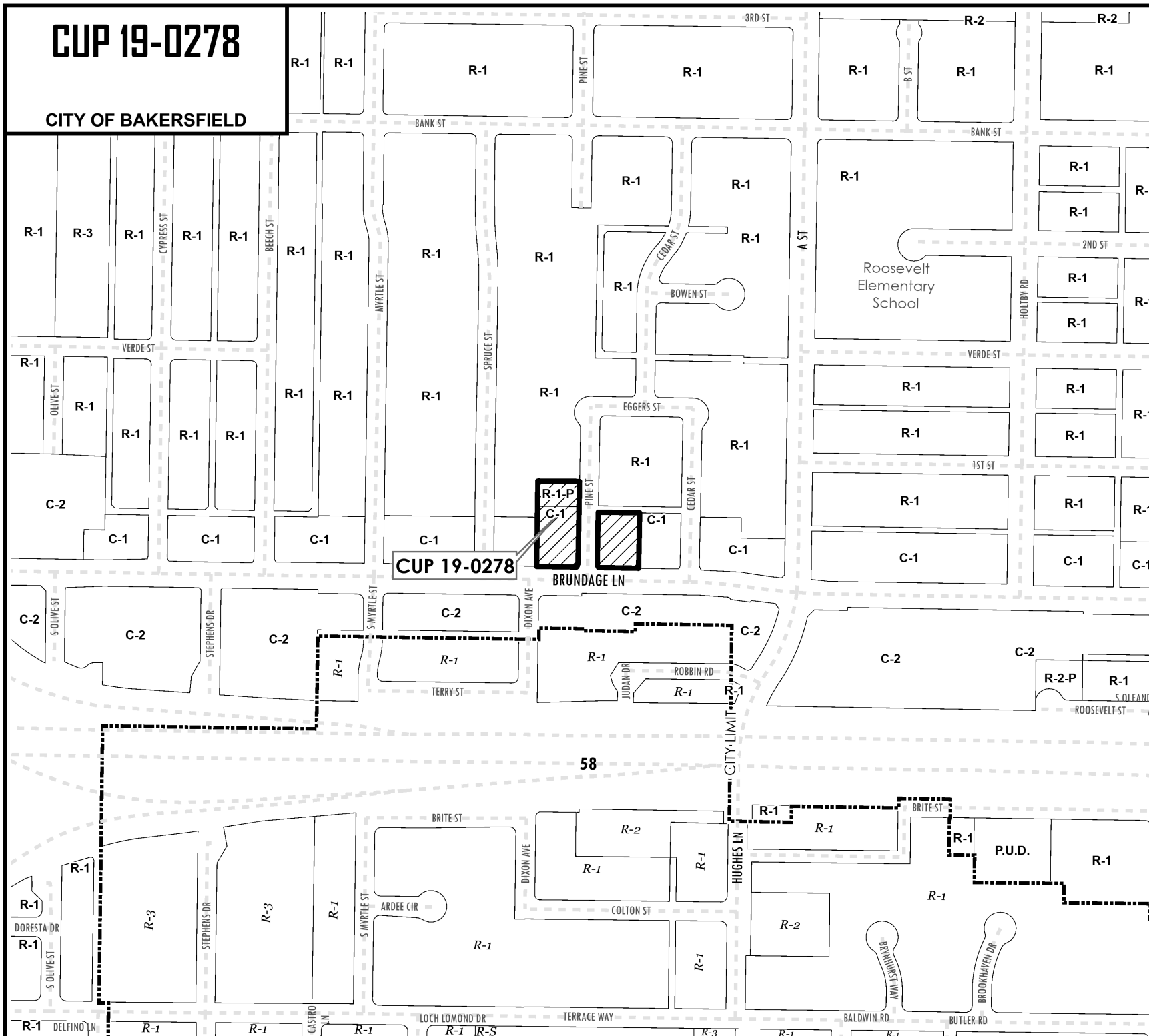
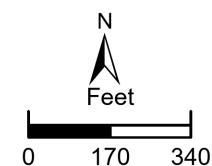


Exhibit C
(Site Development Plan)

Public Comments

From: Gregory Carlon [<mailto:mrgcatering@aol.com>]
Sent: Monday, September 02, 2019 5:25 PM
To: Whitney M. Jackson
Subject: Tim Stormont's proposed Conditional Use Permit (17.64.020.B)

Warning: This email originated from outside the City of Bakersfield. Think before you click!

Sent from my iPad

Begin forwarded message:

From: Gregory Carlon <mrgcatering@aol.com>
Date: September 2, 2019 at 5:07:06 PM PDT
To: Greg Carlon <mrgcatering@aol.com>
Subject: I am writing in response to your resent letter re

I am writing in response to a letter I received from Kevin F. Coyle dated August 2, 2019, regarding the proposed banquet hall request on the corner of Brundage Lane and Pine Street, along with the request for accommodating parking space on Pine Street. Below, I've listed the concerns I have with this proposal which I hope you will take into consideration:

1. Because the entrance and exit to the parking lot will be located directly on Pine Street, there will be extreme traffic congestion creating undue stress to homeowners living on that street.
2. Pedestrian traffic to and from the banquet hall and parking lot will likely take place crisscrossing along Pine Street rather than on a designated crosswalk creating a potential safety hazard.
3. If I understand the parking lot blue prints correctly, there will be 65 parking stalls. The capacity for the hall will be 268 people. That does not seem to be sufficient parking, which will then cause a lot of street parking on Pine Street as well as neighboring streets. There already exists a problem with inadequate parking for The Molcajetes Restaurant. This will only intensify an already terrible situation.
4. The high level of evening noise we residents already are exposed to will also intensify.
5. Alcohol will undoubtedly be served which will cause a lot of mischief, vandalism, and theft.
6. This will lower my property value.

I don't want to stereo type anyone, but I know how Hispanics are; I'm Hispanic. I already have a neighbor to the south side of me who plays loud music till all hours of the night and into the morning hours of four to five. Police records will show that I've had to report them. I don't welcome the additional noise and annoyance.

I'm 77 years old with a lot of medical problems. I've lived here for 18 years, well before the restaurant moved into their location! I'm a main stay on Pine Street. I've seen neighbors move in and move out, and I've remained here. I am not at a point in life where I should be driven out; it would not be an easy undertaking.

I'm requesting that you do not approve this banquet hall request.

Greg Carlon
110 Pine St.
Bakersfield, CA. 93304

(661) 706-4916

Sent from my iPad



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: September 10, 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: 1

SUBJECT:

Conditional Use Permit No. 19-0283: Verizon Wireless is proposing a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way. Notice of Exemption on file.

APPLICANT: Verizon Wireless

OWNER: Charlie Wortiska

LOCATION: 425 Terrace Way

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

| Description | Type |
|---|-----------------|
| <input type="checkbox"/> Staff Report | Staff Report |
| <input type="checkbox"/> Resolution | Resolution |
| <input type="checkbox"/> Photo Simulations | Backup Material |
| <input type="checkbox"/> Propagation Maps | Backup Material |
| <input type="checkbox"/> Correspondence | Correspondence |
| <input type="checkbox"/> RF Emissions Compliance Report | Backup Material |



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED KFC

DATE: September 10, 2019

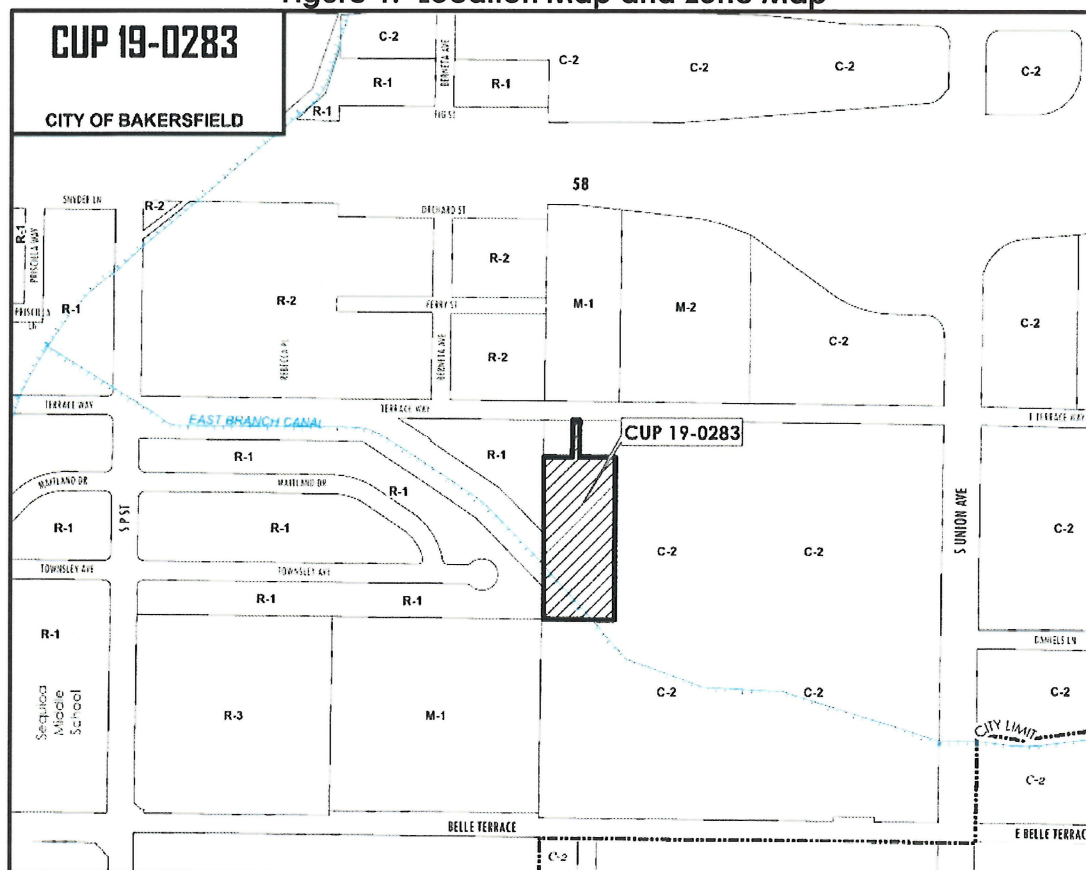
SUBJECT: Conditional Use Permit No. 19-0283 (Ward 1)

APPLICANT: Verizon Wireless
8880 Cal Center Drive
Sacramento, CA 95826

OWNER: Charlie Wortiska
11811 Dell Rapids Court
Bakersfield, CA 93312

LOCATION: 425 Terrace Way | APN: 011-240-02

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0283, as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3a. Site Plan

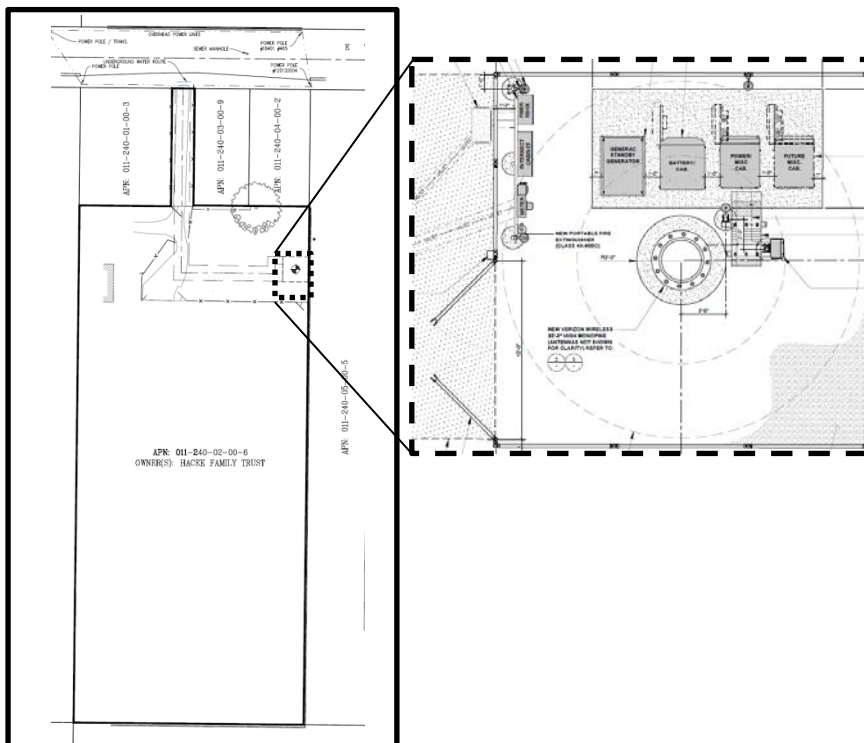
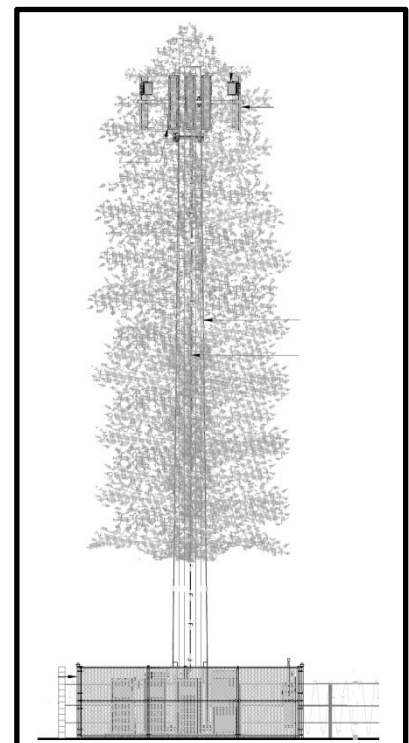


Figure 3b. Elevation (North)



SURROUNDING LAND USES:

The project site is a 25 x 25 foot (625 square feet) portion of a 2.75-acre parcel developed with two commercial structures. 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 | Single-Family Residence / Undeveloped |
| North | LI / GC | M-1 / C-2 | Storage Yard / Single-Family Residence |
| East | GC | C-2 | School Bus Parking |
| South | GC | C-2 | Drainage Sump |
| West | LR | R-1 | Single-Family Residence |
| General Plan Key GC: General Commercial LI: Light Industrial LR: Low Density Residential | | Zone District Key C-2: Regional Commercial M-1: Light Manufacturing R-1: One-Family Dwelling | |

ANALYSIS:

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

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

1. **Height** - Maximum height for a tower, including equipment, is 125 feet or no more than 20 percent above the existing height of adjacent natural objects, whichever is less, on property zoned or designated commercial or industrial. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

The nearest substantial natural objects are trees approximately 53 feet in height located on site. Therefore, the development and design standards allow for a maximum height of approximately 63.5 feet for a wireless communication tower. As proposed, the stand-alone monopole will be 80 feet tall and camouflaged as a pine tree. See Figure 4.

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

Figure 4a. Site Simulations



Figure 4b. Existing

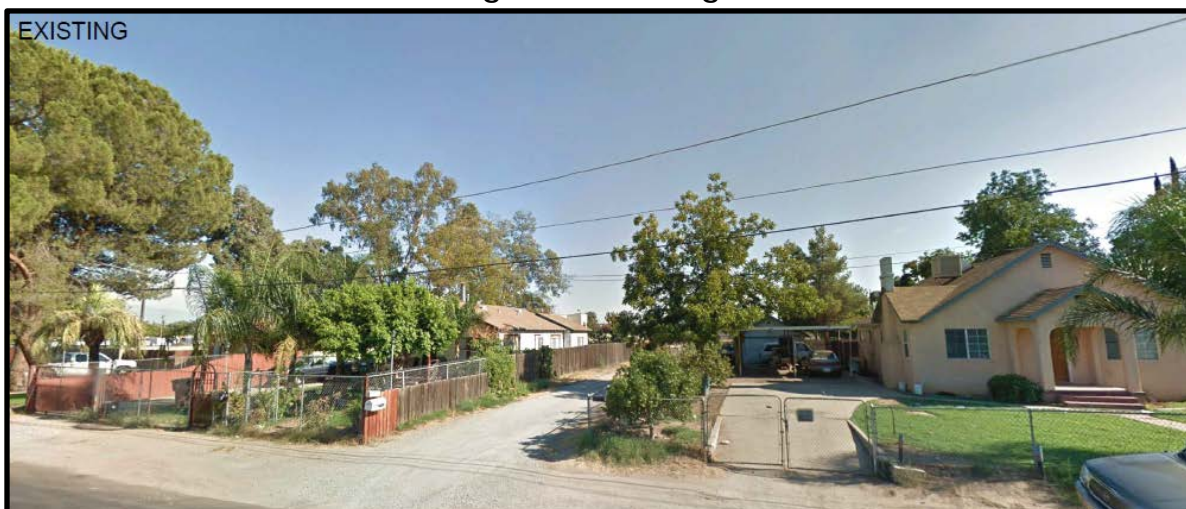


Figure 4c. Proposed



2. **Enclosure** - Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with landscaping. Equipment buildings shall not exceed a height of 12 feet and an area of 750 square feet.

As proposed, the equipment would not be located within a building. However, the applicant is requesting to construct an 8-foot-tall chain link fence with slats painted brown for screening purposes. Given that there are residentially developed properties in close proximity to the lease area, Staff believes if chain link fencing is to be used, that sufficient landscaping be provided. Should your Board approve the proposed request, there is a condition of approval requiring the submittal of a landscape plan for review and approval prior to the issuance of building permits.

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

Setbacks

Equipment buildings and towers shall be set back 50 feet from any public or private street, and 50 feet from adjacent lots zoned or designated residential. As proposed, the lease area is set back more than 275 feet from the frontage street. The nearest residential property is more than 180 feet to the west of the lease area.

Other Standards

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

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

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

1. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

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

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15061(b)(3), because the project does not have the potential to cause a significant effect on the environment. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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

In response, Staff received two comment letters. The concerns are summarized below, followed by Staff's response.

1. Decrease property value up to 20 percent or even more.

Response - Staff notes there are a large number of factors that influence property value such as: (a) current housing markets; (b) interest rates; (c) employment opportunities; and (d) faith in the current economy.

2. Ancillary equipment can expose residents to unknown chemicals.

Response - Based on information provided by Verizon Wireless and predictive modeling, the site will be compliant with Radio Frequency (RF) Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. The proposed operation will not expose members of the general public to hazardous levels of RF energy at ground level or in adjacent buildings. Attached is the Radio Frequency Emissions Compliance Report.

3. The facility produces noise.

Response - According to the submitted documents, noise generated from the site would primarily be limited to the 20kw standby generator. The generator is located on the northern portion of the lease area, approximately 55 feet from the property line where there is an existing residential structure.

The generator will only operate during power outages and maintenance checks. The noise emissions of this generator when operating vary depending on the type of enclosure. As stated above, the equipment would not be located within a building, but rather an 8-foot-tall chain link fence with slats. Should your Board approve the chain link fence, there is a condition of approval requiring the submittal of a landscape plan for review and approval prior around the fence to address aesthetics and noise.

4. It has not been made clear as to what type of telecommunication facility or tower this will be.

Response - As proposed, the facility is being constructed for Verizon Communications Inc. However, a design to allow co-location is encouraged to minimize the number of antennas and towers in an area.

5. Towers can go up an additional 20 feet without community consent.

Response - As stated above within the heading "Co-location/Expansion", the Federal Communication Commission (FCC) published guidance on interpretation of Section 6409(a) which states that co-location may occur on existing towers if the proposed antenna would not increase the existing height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater,

6. Invade privacy during construction.

Response - Staff acknowledges that workers will be elevated above the ground during a specific timeframe while constructing the pole, and placing antennas and camouflage material. However, this is a short duration lasting approximately 2 weeks.

7. A safety issue of high concern is the maintenance/service workers who will access the area with or without other's consent, putting property at risk of unknown person(s) near homes.

Response - The application is signed by the property owner acknowledging the facility will be placed on site. Since legal access from Terrace Way is provided, no additional signatures are required. Staff notes the applicant will be required to pave the area from the public roadway to the lease area.

CONCLUSIONS:

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

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

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

In accordance with these required findings, and as conditioned, Staff finds: (1) construction of an 80-foot tall monopine wireless telecommunication facility would provide a public service for better wireless reception; (2) the facility would not interfere with or disrupt existing land uses in the surrounding area; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0283, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Photo Simulations
Propagation Maps
Comment Letters
Radio Frequency Emissions Compliance Report

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN 80-FOOT TALL
MONOPINE WIRELESS TELECOMMUNICATION FACILITY WITH ANCILLARY
EQUIPMENT (17.59.020.C) IN THE C-2 (REGIONAL COMMERCIAL ZONE)
DISTRICT, LOCATED AT 425 TERRACE WAY. (CUP NO. 19-0283)**

WHEREAS, Verizon Wireless filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.C) in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, September 10, 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. 19-0283 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 10th day of September 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. 19-0283

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 an 80-foot tall monopine wireless telecommunications facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way, as depicted on attached Exhibits B and C.
3. Minimum setbacks of the tower, including equipment and equipment buildings, shall be fifty (50) feet from the property line abutting any public or private street, and 50 feet from adjacent lots zoned or designated residential.
4. Equipment buildings shall not exceed a height of 12 feet and an area of 750 square feet.
5. Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with slats, landscaping, or other cover material as approved by the Planning Director.
6. If security lighting is provided, it shall be directed downward and shielded to prevent light spillage onto adjacent properties and public rights-of-way.
7. Signs and advertisement are prohibited, except required informational signs for public safety in accordance with the area limitations of Section 17.60.080 F.
8. Non-reflective colors shall be used for all equipment shelters, poles, towers, antennas, and supporting structures. If not camouflaged, antenna and monopoles shall be a single color such as off-white, cream, beige, light green, or gray.
9. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7460 latest edition. This may include beacons, sidelights, and/or strobes.
10. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods such as television, radio, telephone, computer, inclusive of any public safety radio system, 911 emergency system, etc., unless exempted by federal regulation.
11. Facilities shall be maintained in good condition and a proper state of preservation at all times. They shall be operational and present a satisfactory appearance regarding their original approval such as painting, material screening, camouflage, landscaping, or anything related to the appearance of the overall facility to the satisfaction of the Planning Director.

III. ***The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

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

1. 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. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.
4. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
5. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
6. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
7. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.
8. 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).

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

1. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).

2. 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:** No mature landscaping shall be removed without prior approval by the Planning Director.)

(**Note 3:** Upon approval of the final landscape plan, a digital copy shall be submitted to the Planning staff contact listed above.)

3. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
4. 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.
5. 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.)
6. 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.)
7. 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.
8. 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).

9. Prior to receiving final building or site occupancy, you must contact the Planning Division (staff contact noted above) for final inspection and approval of the landscaping, parking lot, lighting and other related site improvements. Inspections will not be conducted until all required items have been installed. Any deviations from the approved plans without prior approval from the Planning Division may result in reconstruction and delays in obtaining a building or site occupancy.

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

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

(Note: Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
 - b. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
 - c. Name and phone number of the appropriate contact person.
2. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
3. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved fire apparatus access road* with an asphalt, concrete or other driving surface approved by the fire chief. Must be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds and shall be surfaced with the first lift of asphalt as to provide all-weather driving capabilities. All access (Permanent and temporary) to and around any building under construction must be at least 20 feet wide (26 feet wide where building height exceeds 30 feet), with an overhead clearance of 13 feet 6 inches, and contain no obstruction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
4. 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. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official. All new construction of access gates shall be equipped with an automatic opening device which is activated through the wireless activation system utilized on City of Bakersfield owned vehicles for traffic preemption. Installation and maintenance of the wireless activation system on access gate(s) shall be completed by the gate owner. The gate opening device shall have a disconnect feature for manual operation of the gate when the power fails.
6. The developer shall submit two (2) sets of plans for permits and approvals from the Fire Department for fuel tanks or related facilities before they are installed on the site. Please contact the Prevention Services Division at 661-326-3979 for further information.
7. 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.
8. If you store hazardous materials on the site in either an underground or a permanent aboveground storage tank, a permit from the Prevention Services Division is required to install and operate these tanks. The Prevention Services Division may also require a Spill Prevention Control and Countermeasure Plan for storage of petroleum products above ground in quantities of 1,320 gallons or more. Please contact them at 661-326-3979 for further information.
9. 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)

1. The developer shall construct curbs, gutters, cross gutters, sidewalks, and street/alley paving along Terrace Way 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. 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.
3. 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.
4. 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).

5. 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.
6. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required prior to submitting a grading plan. Any off-site/frontage improvements or repairs required during the site inspection shall be shown on the grading plan.
7. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit.
8. 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 (SWRCB Order No. 2009-009-DWQ as amended by Order No. 2010-0014-DWQ and 2012-0006-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.
9. 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.
10. 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.)

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.

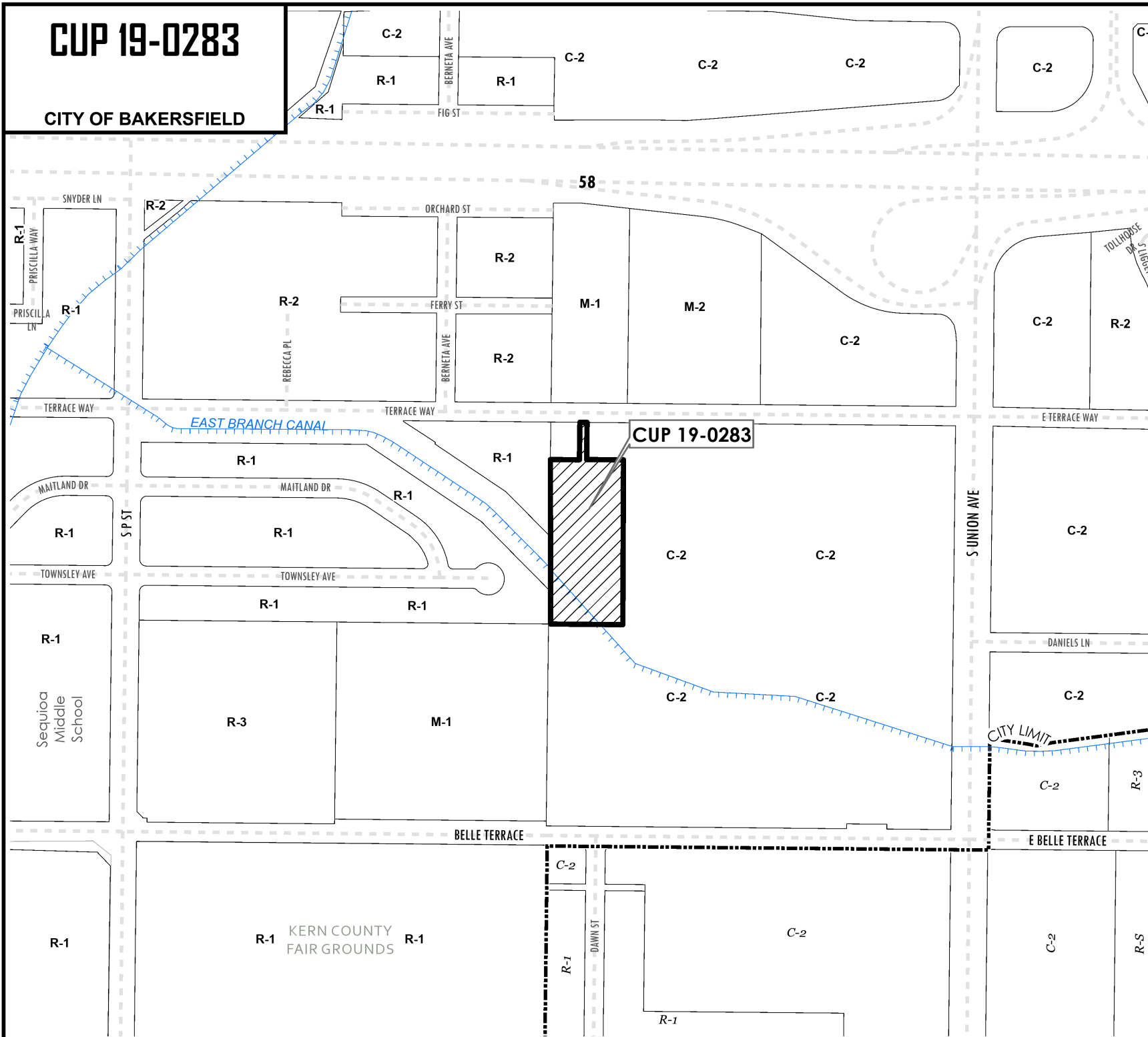
G. PUBLIC WORKS - SOLID WASTE (4101 Truxtun Avenue)
(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

As proposed, no applicable conditions at this time.

Exhibit B
(Location Map)

CUP 19-0283

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



N



Feet

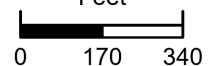


Exhibit C
(Site Development Plan)



TO OBTAIN LOCATION OF PARTICIPANTS
UNDERGROUND FACILITIES BEFORE
YOU DIG IN CALIFORNIA (NORTH &
CENTRAL), CALL USA NORTH 811
TOLL FREE: 1-800-227-2600 OR
www.usanorth811.org
CALIFORNIA STATUTE
REQUIRES MIN OF 2
WORKING DAYS NOTICE
BEFORE YOU EXCAVATE

SAC AE DESIGN GROUP, INC.
5015 SHOREHAM PLACE, STE. 150
SAN DIEGO, CA 92122
www.sacw.com
619.736.3766

THE INFORMATION CONTAINED IN THIS SET OF
DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO
VERIZON WIRELESS

ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES
TO VERIZON WIRELESS IS STRICTLY PROHIBITED



425 TERRACE WAY
BAKERSFIELD, CA 93304

T-1

| | | |
|-------------------|------------|-------|
| DISCIPLINE: | SIGNATURE: | DATE: |
| SITE ACQUISITION: | | |
| PLANNER: | | |
| CONSTRUCTION: | | |
| LANDLORD: | | |

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.

NOTES:

APN: 011-240-02-00-6
OWNER(S): HACEK FAMILY TRUST

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

THE EASEMENTS (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN PLOTTED BASED SOLELY ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT BY: XXXXX XXXXXXXX XXXXXX ORDER NO. XXXXXXXX, DATED XXXXXX XX, XXXX. WITHIN SAID TITLE REPORT THERE ARE XXXXXXXXXX (XX) EXCEPTIONS LISTED, XXXXXX (XX) OF WHICH ARE EASEMENTS AND XXX (X) OF WHICH CAN NOT BE PLOTTED.

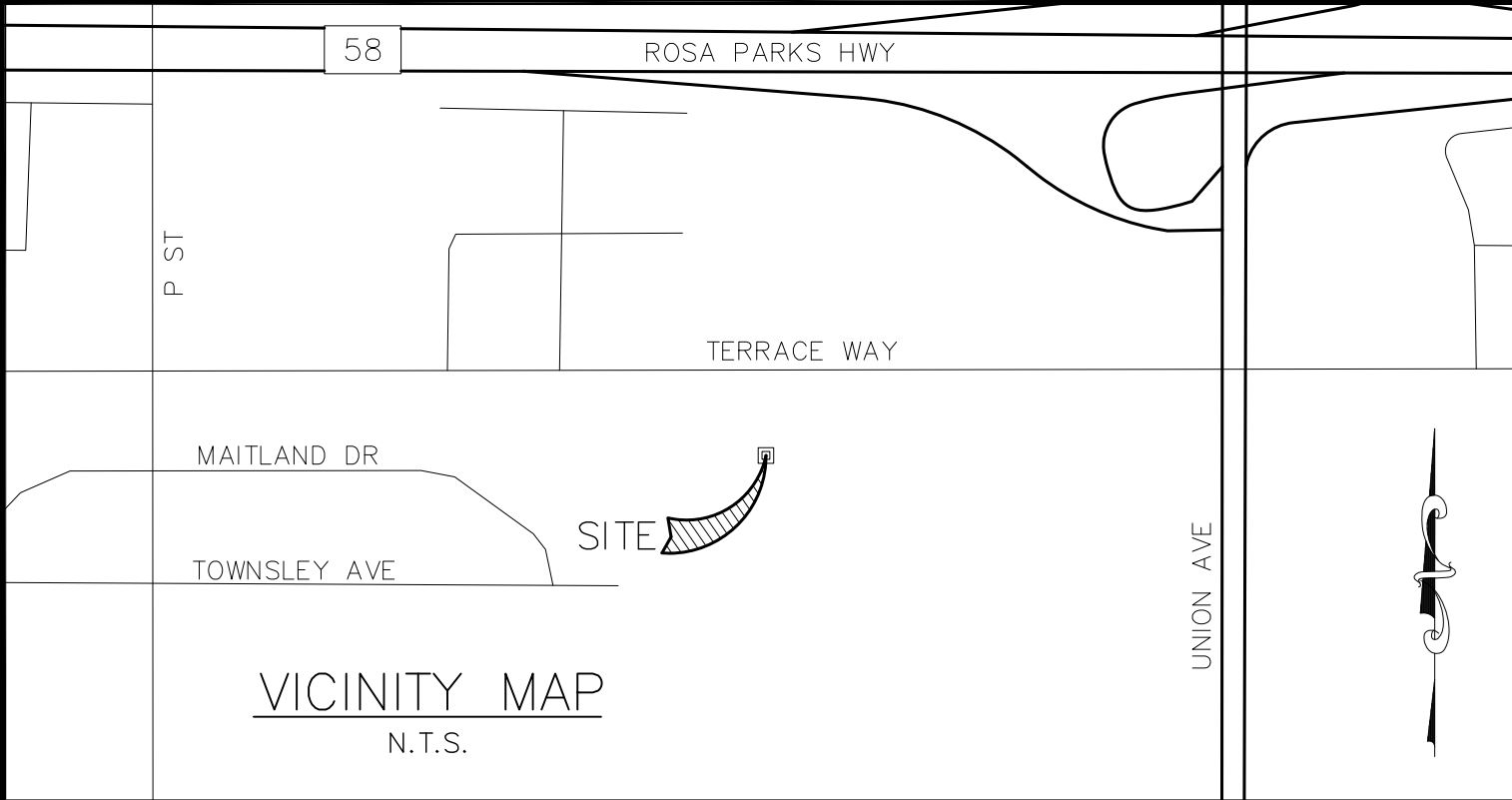
THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 060077, PANEL NO. 2282E, DATED SEPTEMBER 26, 2008 SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE 'X', AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THE LATITUDE AND LONGITUDE AT THE LOCATION AS SHOWN WAS DETERMINED BY GPS OBSERVATIONS.

LAT. 35° 20' 59.12" N. NAD 83
LONG. 119° 00' 24.31" W. NAD 83
ELEV. 390.1' NAVD 88 (BASIS OF DRAWING)

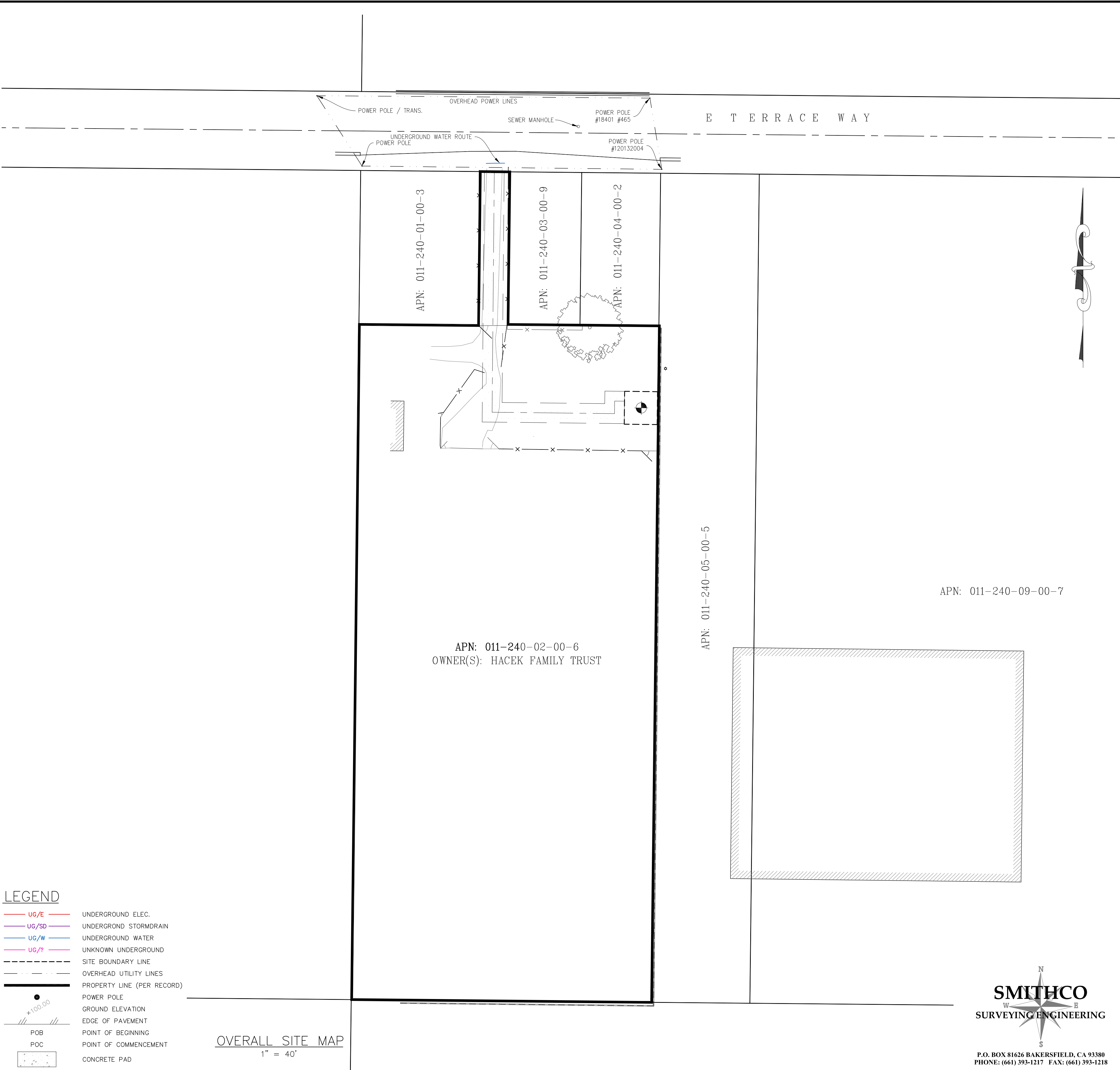
The information shown above meets or exceeds the requirements set forth in FAA order 8260.19d for 1-A accuracy (± 20' horizontally and ± 3' vertically). The horizontal datum (coordinates) are expressed as degrees, minutes and seconds, to the nearest hundredth of a second. The vertical datum (heights) are expressed in feet and decimals thereof and are determined to the nearest 0.1 foot.



LEGEND

- UG/E UNDERGROUND ELEC.
- UG/SD UNDERGROUND STORMDRAIN
- UG/W UNDERGROUND WATER
- UG/? UNKNOWN UNDERGROUND
- SITE BOUNDARY LINE
- - - OVERHEAD UTILITY LINES
- PROPERTY LINE (PER RECORD)
- POWER POLE
- +100.00 GROUND ELEVATION
- /// EDGE OF PAVEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- CONCRETE PAD

OVERALL SITE MAP
1" = 40'



SMITHCO
SURVEYING ENGINEERING
P.O. BOX 81626 BAKERSFIELD, CA 93380
PHONE: (661) 393-1217 FAX: (661) 393-1218

ISSUE STATUS

| REV | DATE | DESCRIPTION | BY |
|-----|----------|---------------------|----|
| 0 | 02/25/19 | PRELIMINARY | EJ |
| 1 | 03/05/19 | REVISION | EJ |
| 2 | 04/08/19 | REVISE ACCESS WIDTH | DA |
| | | | |
| | | | |
| | | | |
| | | | |

SMITHCO JOB NO.: 82-1203

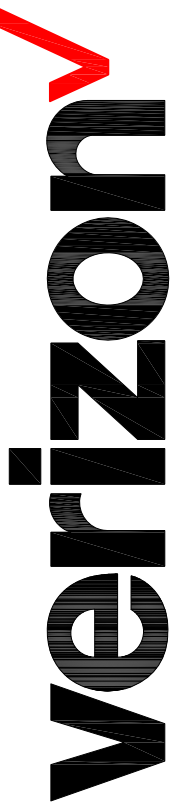


A&E DESIGN GROUP, INC.
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www.sacw.com
619.736.3766

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS

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2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598

285394
S. UNION &
MING

425 TERRACE WAY
BAKERSFIELD,
CA 93304

KERN COUNTY

SHEET TITLE:

SITE SURVEY

FOR EXAMINATION ONLY

C-1

NOTES:

PROPOSED VERIZON WIRELESS DEMISED PREMISE DESCRIPTION:

BEING A PORTION OF LOT 18 OF OF SECTION 6 TOWNSHIP 30 SOUTH, RANGE 28 EAST IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20, PAGE 143 IN RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF SAID LOT, THENCE ALONG THE EAST LINE OF SAID LOT, S 00°39'14" W, A DISTANCE OF 50.06 FEET; THENCE LEAVING SAID EAST LINE, N 89°20'46" W, A DISTANCE OF 0.50 FEET TO THE POINT OF BEGINNING;

COURSE 1) THENCE S 00°39'14" W, A DISTANCE OF 25.00 FEET;
COURSE 2) THENCE N 89°20'46" W, A DISTANCE OF 25.00 FEET;
COURSE 3) THENCE N 00°39'14" E, A DISTANCE OF 17.50 FEET TO POINT 'A';
COURSE 4) THENCE CONTINUING N 00°39'14" E, A DISTANCE OF 7.50 FEET;
COURSE 5) THENCE S 89°20'46" E, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

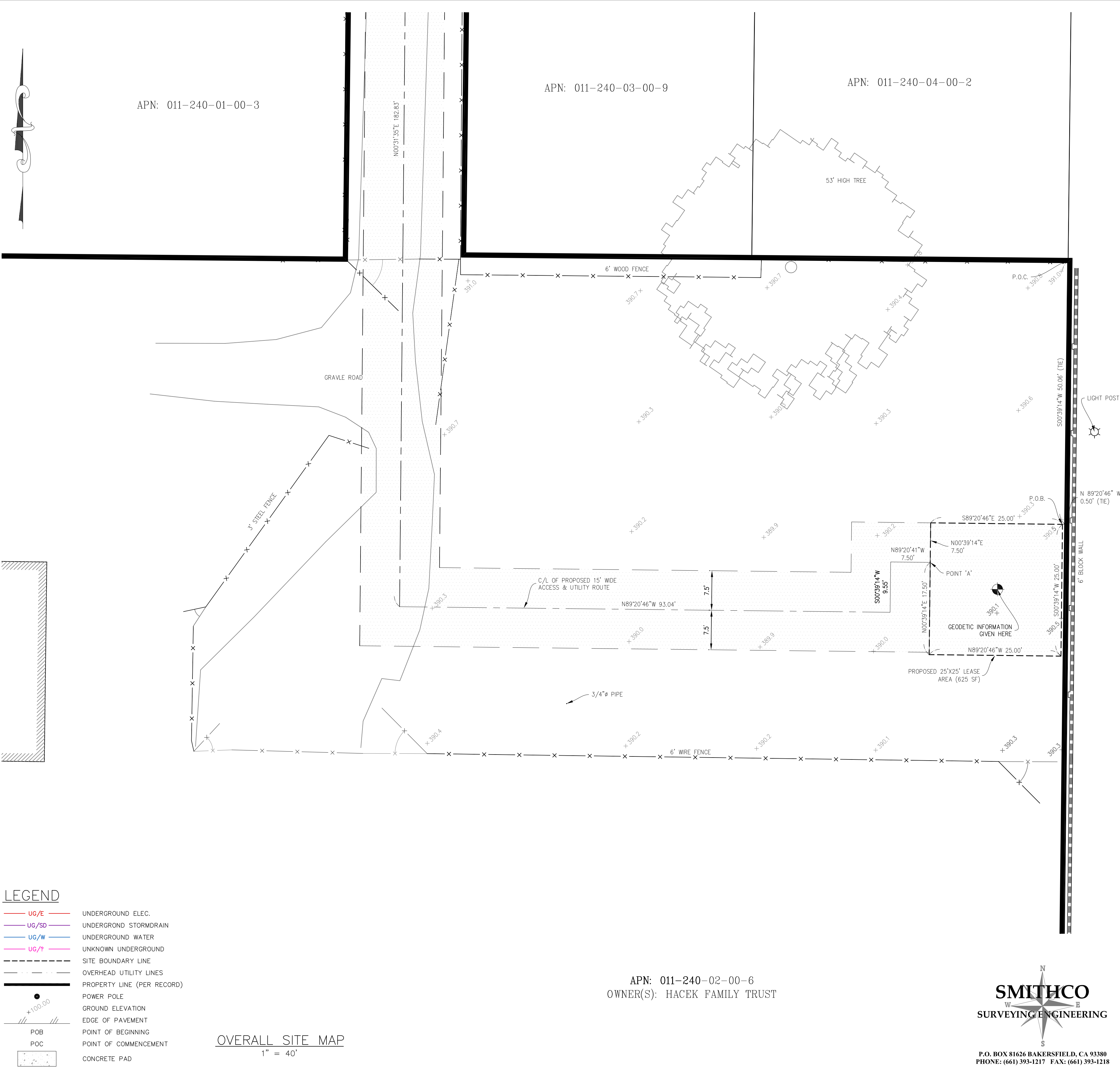
CONTAINING 625 SQUARE FEET, MORE OR LESS.

PROPOSED LESSEE ACCESS & UTILITY EASEMENT RIGHT-OF-WAY DESCRIPTION:

A 15.00 FOOT STRIP OVER, ACROSS AND THROUGH A PORTION OF LOT 18 OF OF SECTION 6 TOWNSHIP 30 SOUTH, RANGE 28 EAST IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20, PAGE 143 IN RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE HEREINBEFORE DESCRIBED POINT 'A';

COURSE 1) THENCE N 89°20'41" W, A DISTANCE OF 7.50 FEET;
COURSE 2) THENCE S 00°39'14" W, A DISTANCE OF 9.55 FEET;
COURSE 3) THENCE N 89°20'46" W, A DISTANCE OF 93.04 FEET;
COURSE 4) THENCE N 00°31'35" E, A DISTANCE OF 182.83 FEET TO THE SOUTH LINE OF TERRACE WAY AND THE TERMINUS OF THIS DESCRIPTION.



ISSUE STATUS

| REV | DATE | DESCRIPTION | BY |
|-----|----------|---------------------|----|
| 0 | 02/25/19 | PRELIMINARY | EJ |
| 1 | 03/05/19 | REVISION | EJ |
| 2 | 04/08/19 | REVISE ACCESS WIDTH | DA |
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SMITHCO JOB NO.: 82-1203

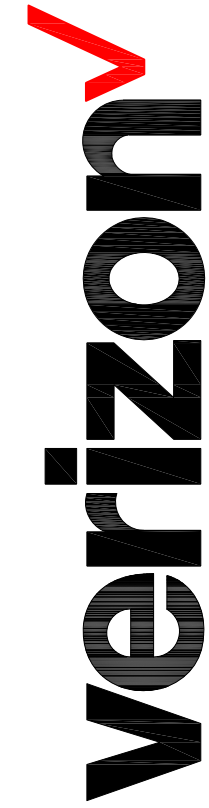


A&E DESIGN GROUP, INC.
5015 SHOREHAM PLACE STE. 150
SAN DIEGO, CA 92122
www.sacw.com
619.736.3766

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS

ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED



2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598

285394
S. UNION &
MING

425 TERRACE WAY
BAKERSFIELD,
CA 93304

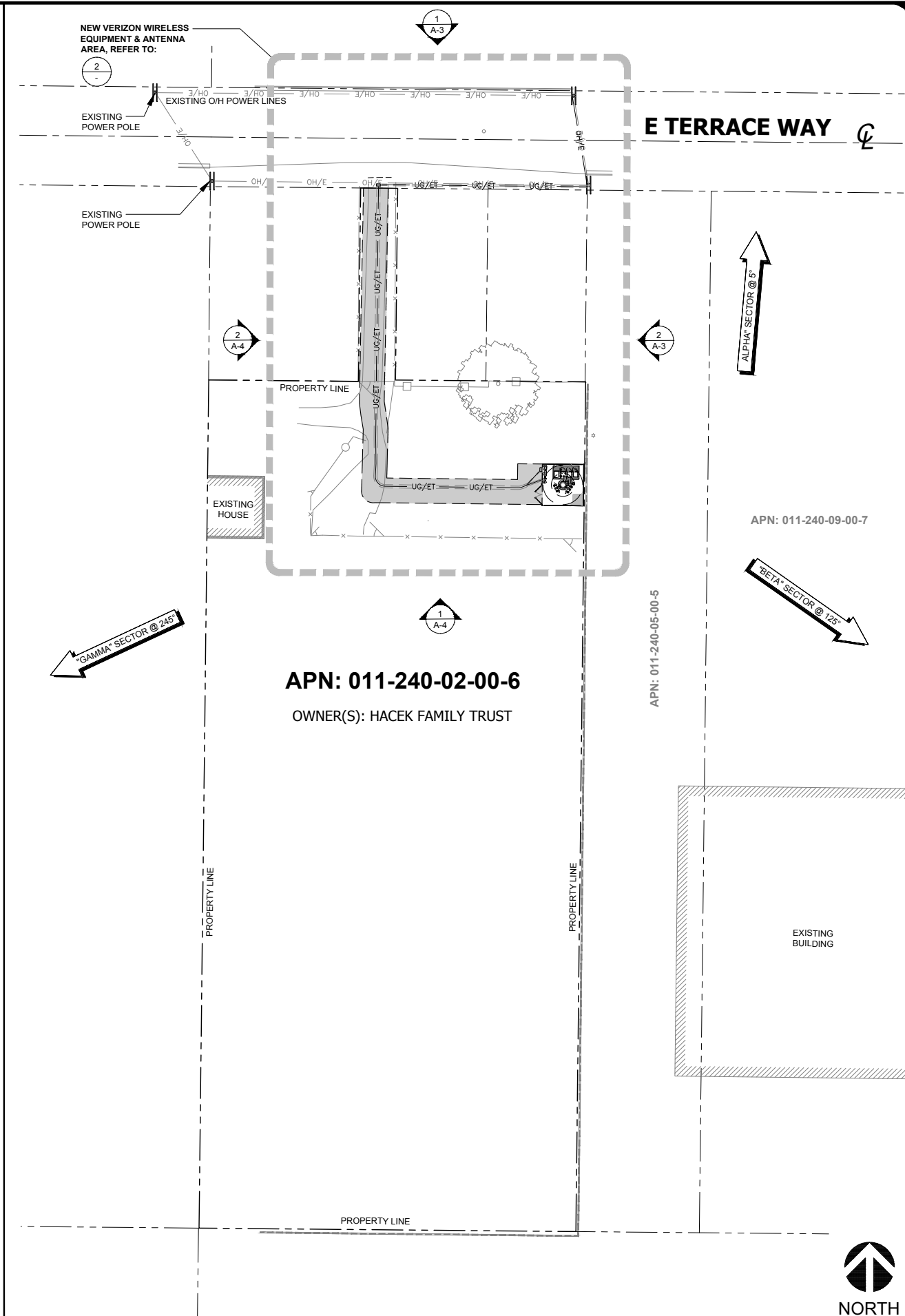
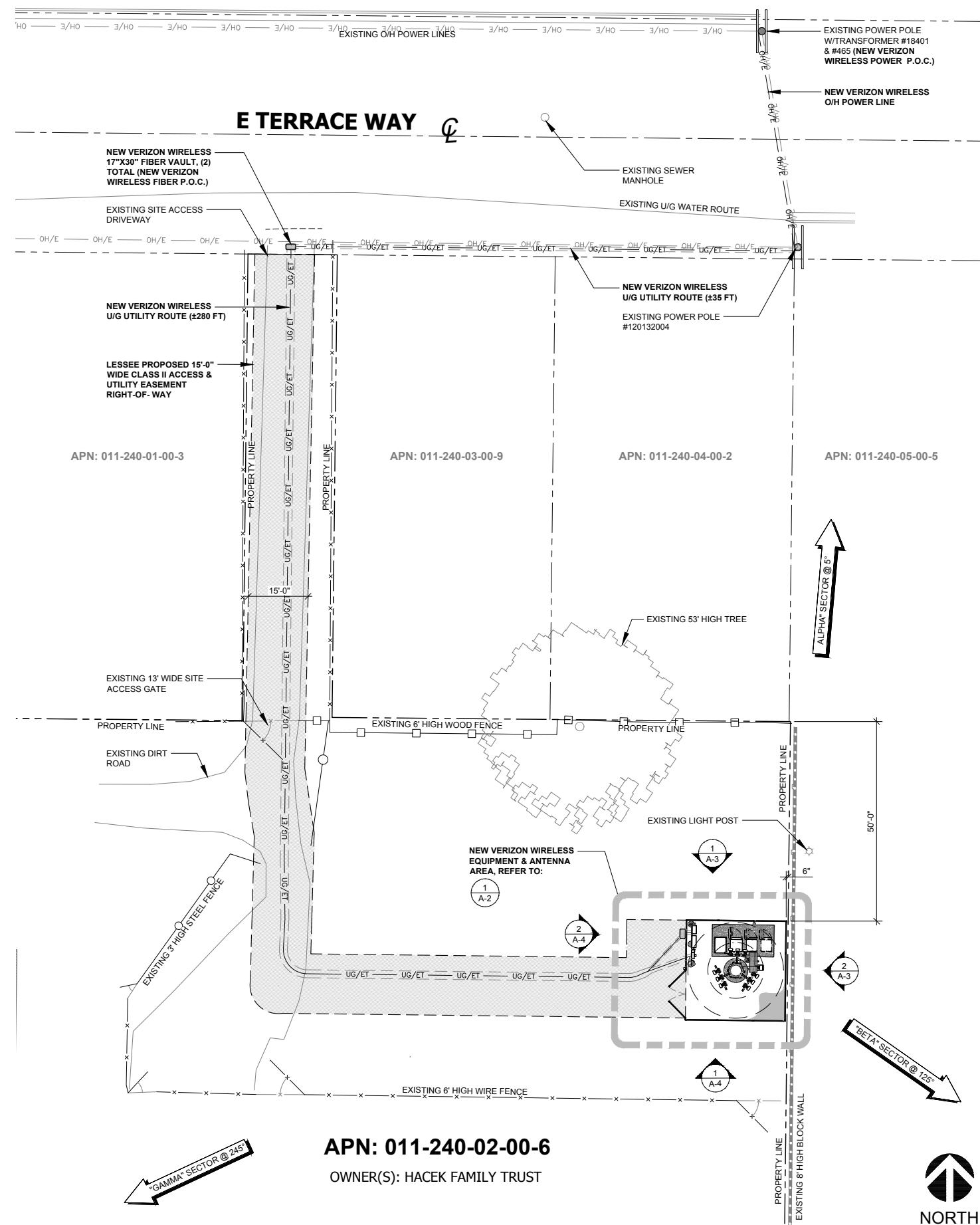
KERN COUNTY

SHEET TITLE:

SITE SURVEY

FOR EXAMINATION ONLY

C-2

[illegible]

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2785 MITCHELL DRIVE, BLDG 9
WALNUT CREEK, CA 94598

**SUNION &
MING**

PSL# 285394

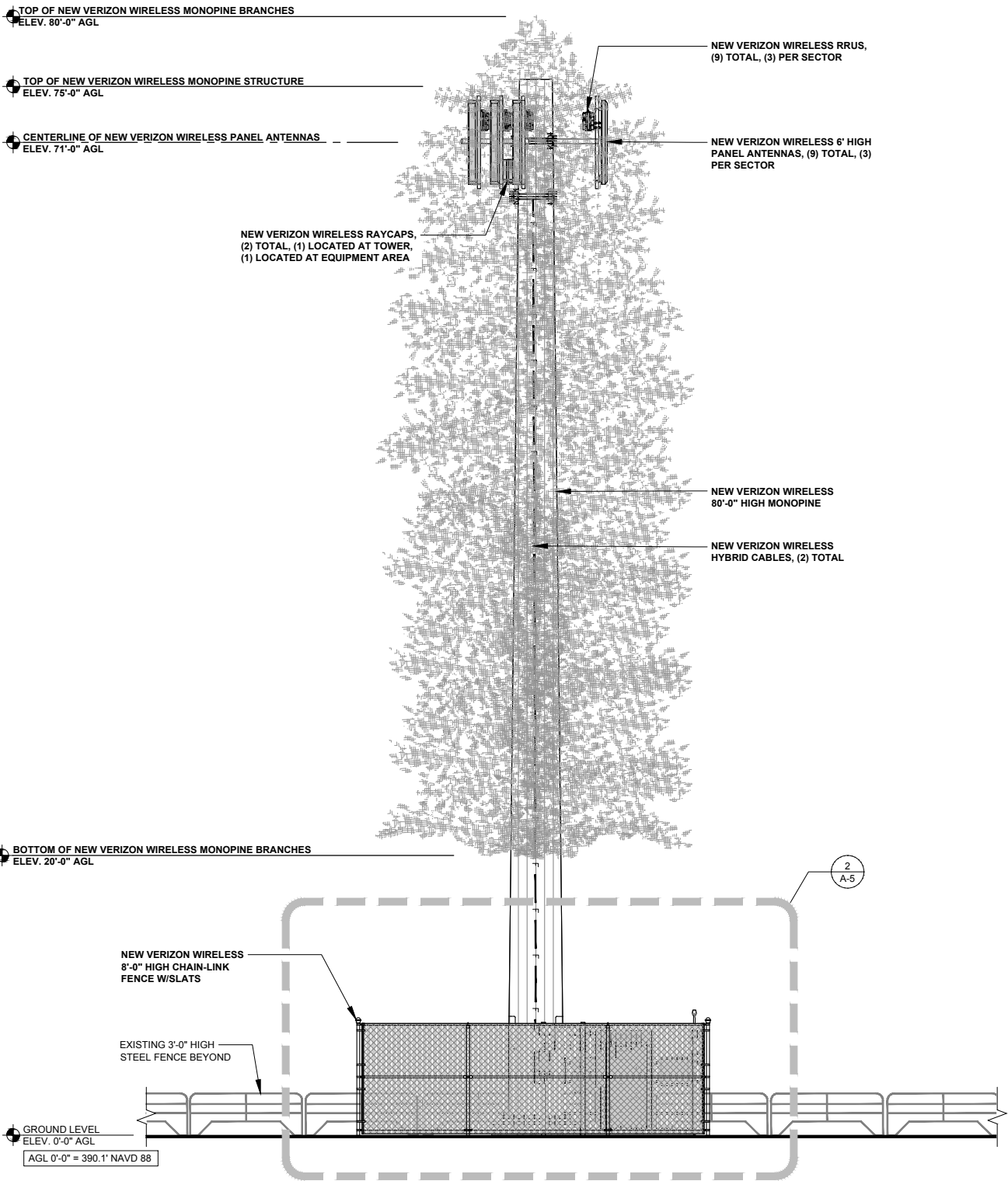
425 TERRACE WAY
BAKERSFIELD, CA 93304

SHEET TITLE:

SITE PLAN & ENLARGED SITE PLAN

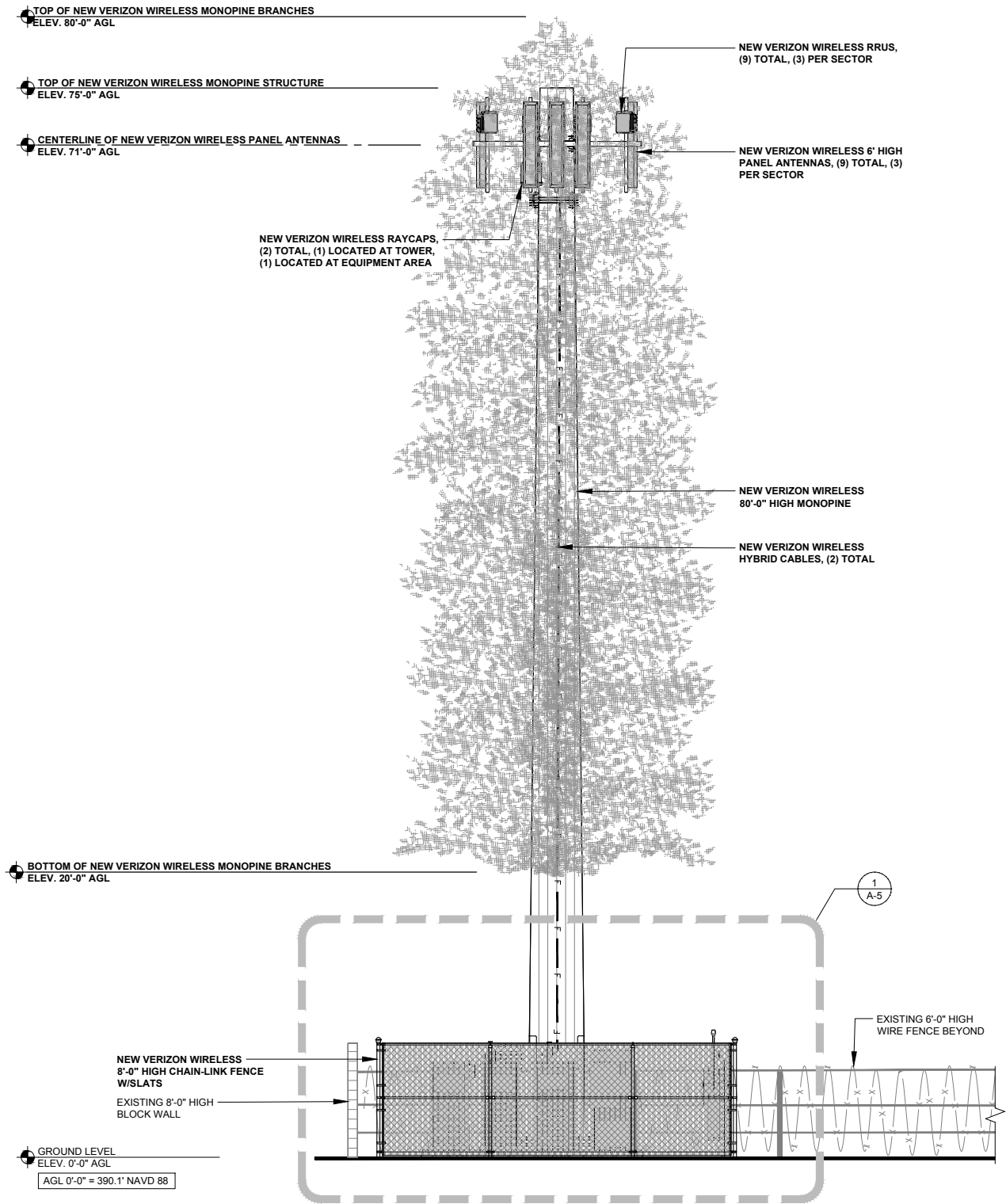
A-1

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.



NOTE:

- PAINT ALL NEW VERIZON WIRELESS EQUIPMENT ON TOWER TO MATCH MONOPINE.
- TOWER TO BE FULLY CLADDED.



ISSUE STATUS

| REV. | DATE | DESCRIPTION | BY |
|------|----------|-------------|----|
| 0 | 03/05/19 | 90% ZONING | FA |
| 1 | 03/05/19 | 100% ZONING | FA |
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2785 MITCHELL DRIVE, BLDG 9
WALNUT CREEK, CA 94598

SUNION &
MING
PSL# 285394

425 TERRACE WAY
BAKERSFIELD, CA 93304

SHEET TITLE:

NORTH & EAST
ELEVATIONS

A-3

EAST ELEVATION

0 1.5' 3' 5'

SCALE: 3/16" = 1'-0" (24x36)
(OR) 3/32" = 1'-0" (11x17)

2

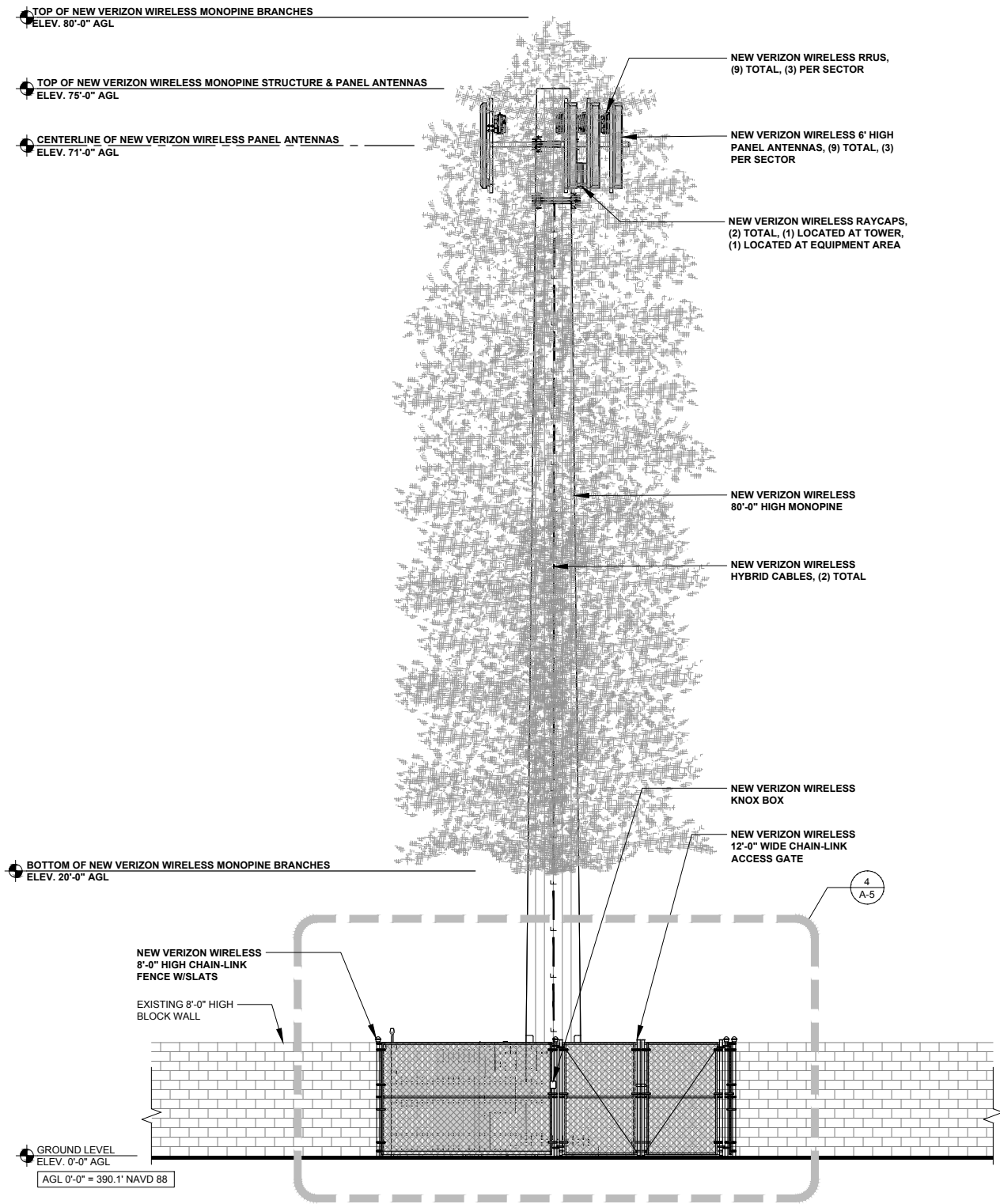
NORTH ELEVATION

0 1.5' 3' 5'

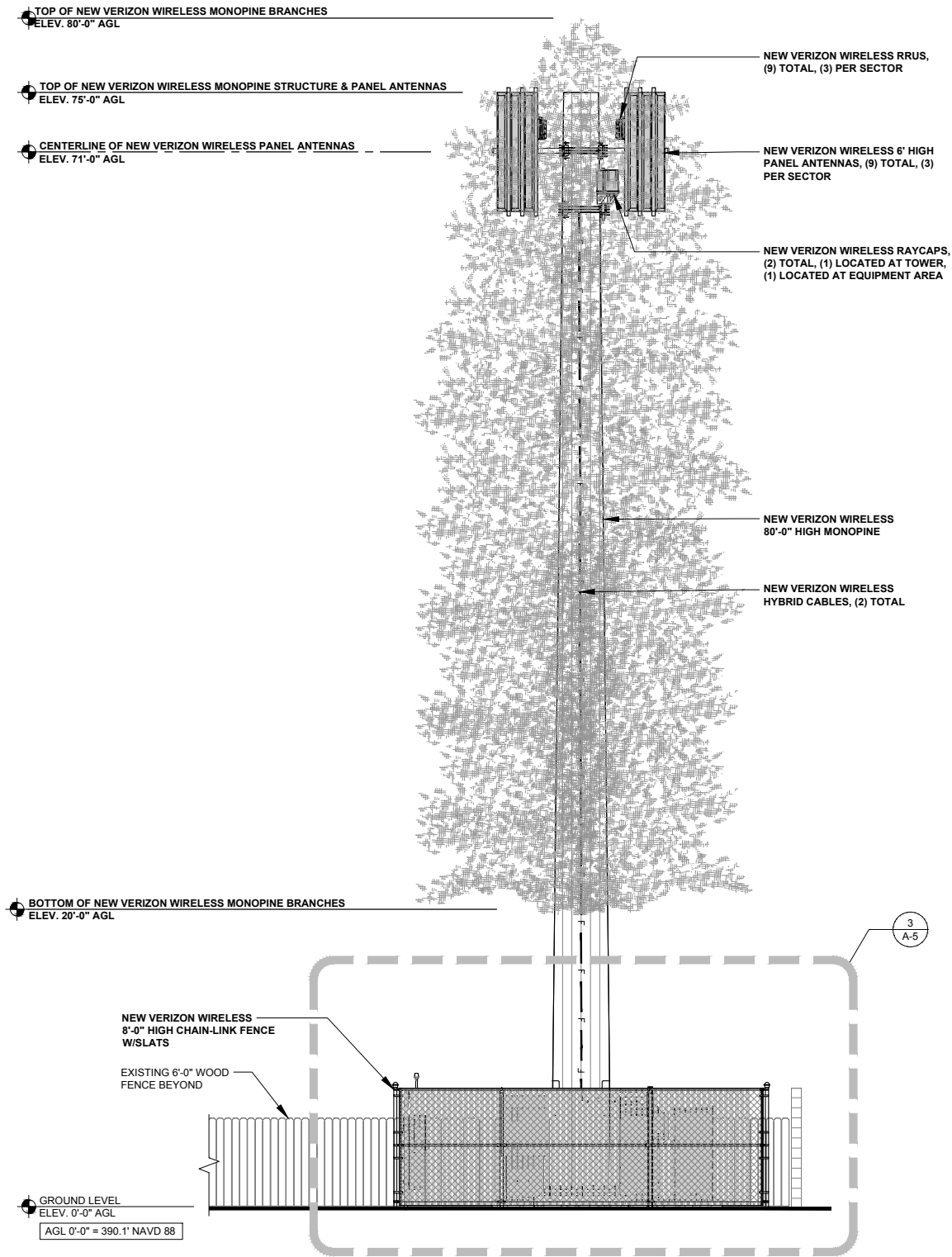
SCALE: 3/16" = 1'-0" (24x36)
(OR) 3/32" = 1'-0" (11x17)

1

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.



- NOTE:
- PAINT ALL NEW VERIZON WIRELESS EQUIPMENT ON TOWER TO MATCH MONOPINE.
 - TOWER TO BE FULLY CLADDED.



WEST ELEVATION

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)
(OR) 3/32" = 1'-0" (11x17)

2

SOUTH ELEVATION

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)
(OR) 3/32" = 1'-0" (11x17)

1

ISSUE STATUS

| REV. | DATE | DESCRIPTION | BY |
|------|----------|-------------|----|
| 0 | 03/05/19 | 90% ZONING | FA |
| 1 | 03/05/19 | 100% ZONING | FA |
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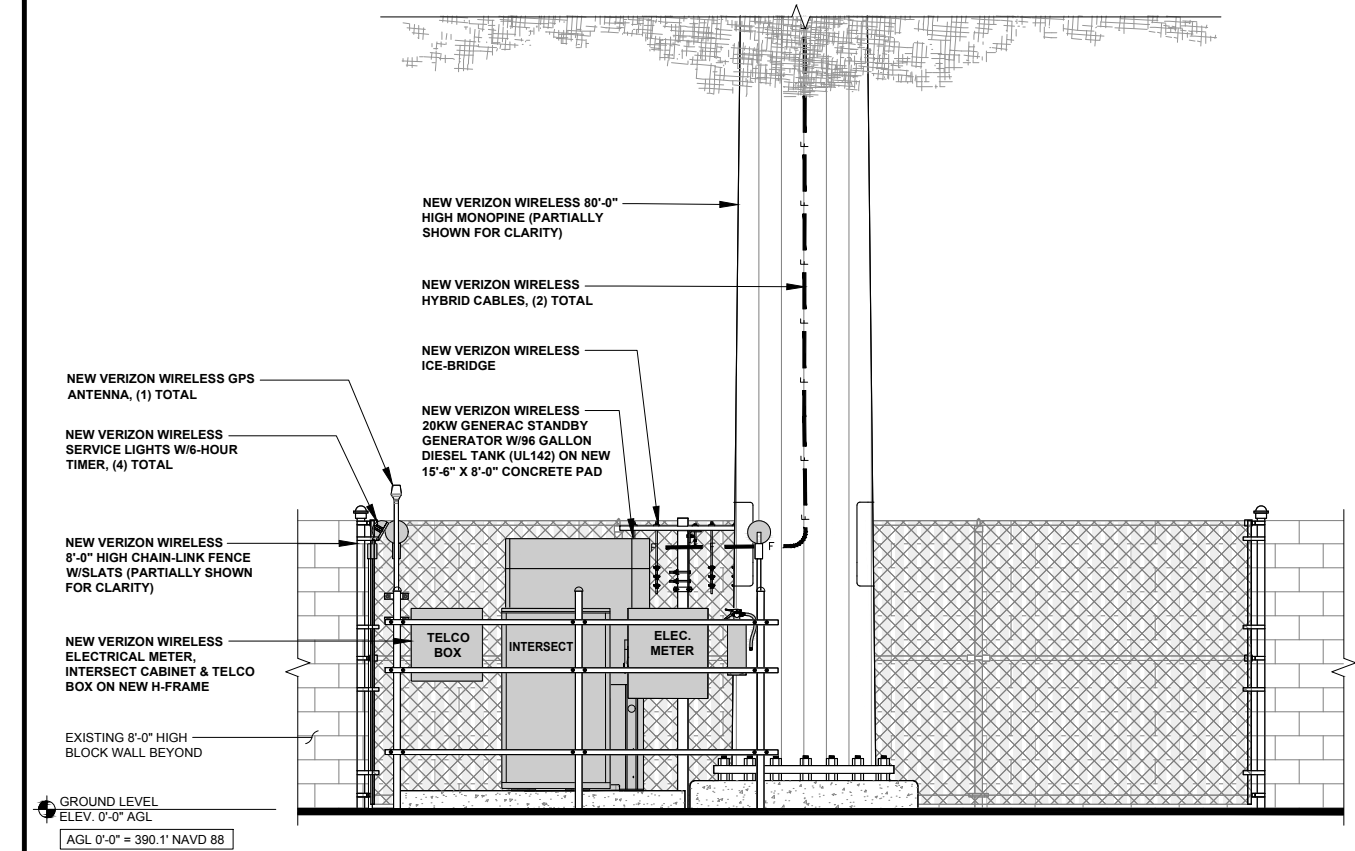
2785 MITCHELL DRIVE, BLDG 9
WALNUT CREEK, CA 94598

SUNION &
MING
PSL# 285394
425 TERRACE WAY
BAKERSFIELD, CA 93304

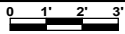
SHEET TITLE:
SOUTH & WEST
ELEVATIONS

A-4

NOTE: THE ORIGINAL SIZE OF THIS DRAWING IS 24" X 36". SCALE RATIO SHOWN FOR REFERENCE ONLY. SHEET SIZES

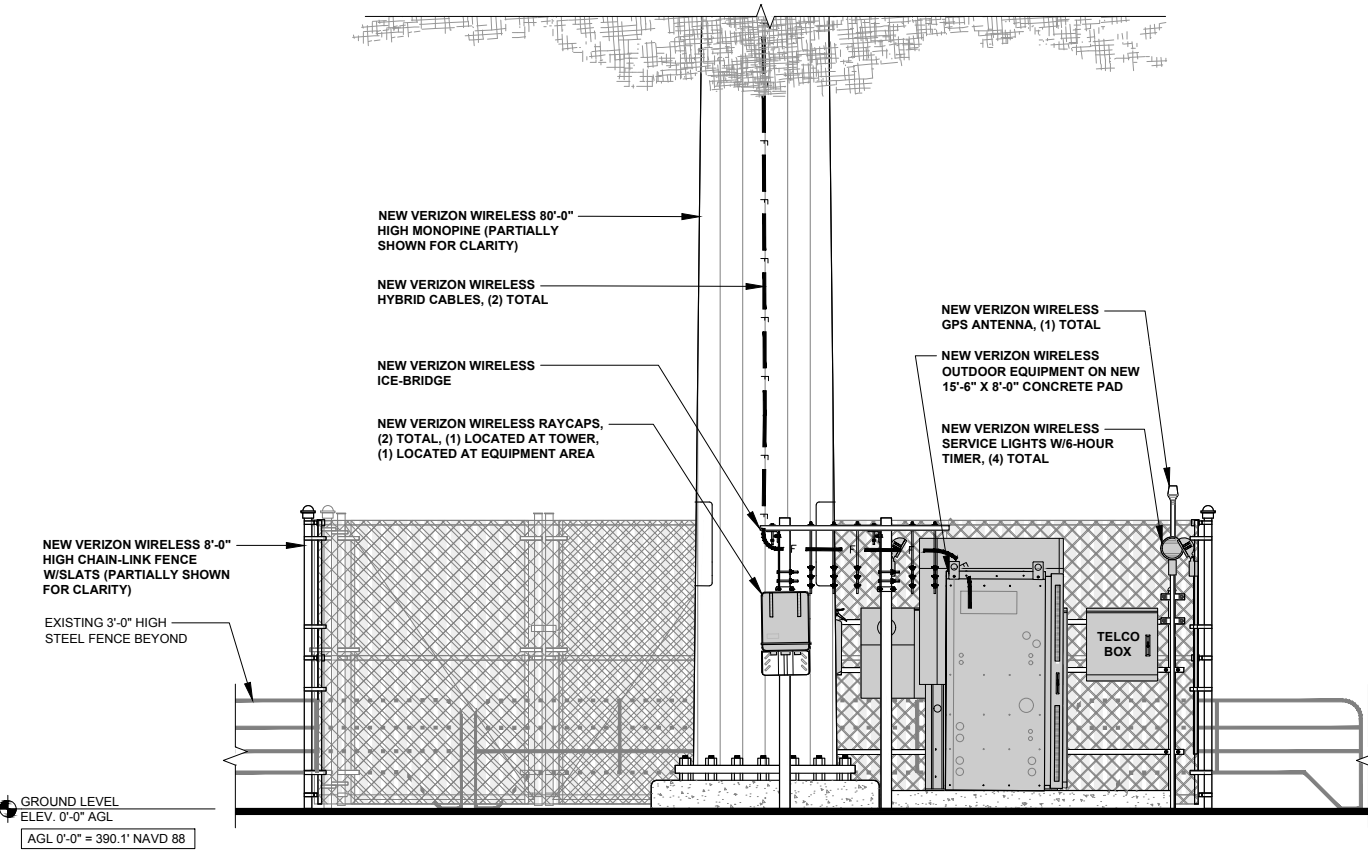


WEST EQUIPMENT ELEVATION

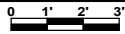


SCALE: 3/8" = 1'-0" (24x36)
(OR) 3/16" = 1'-0" (11x17)

4

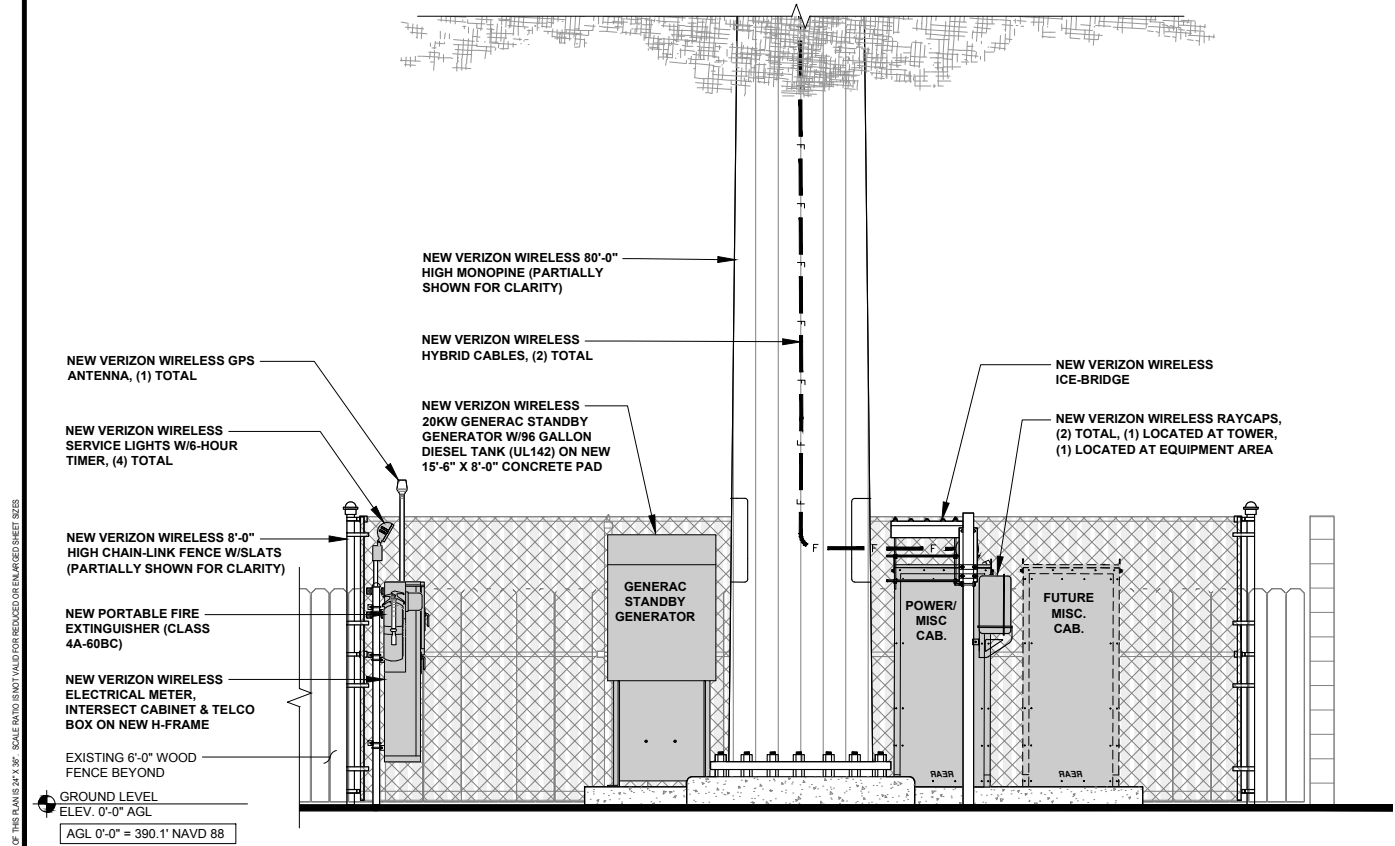


EAST EQUIPMENT ELEVATION

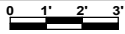


SCALE: 3/8" = 1'-0" (24x36)
(OR) 3/16" = 1'-0" (11x17)

2

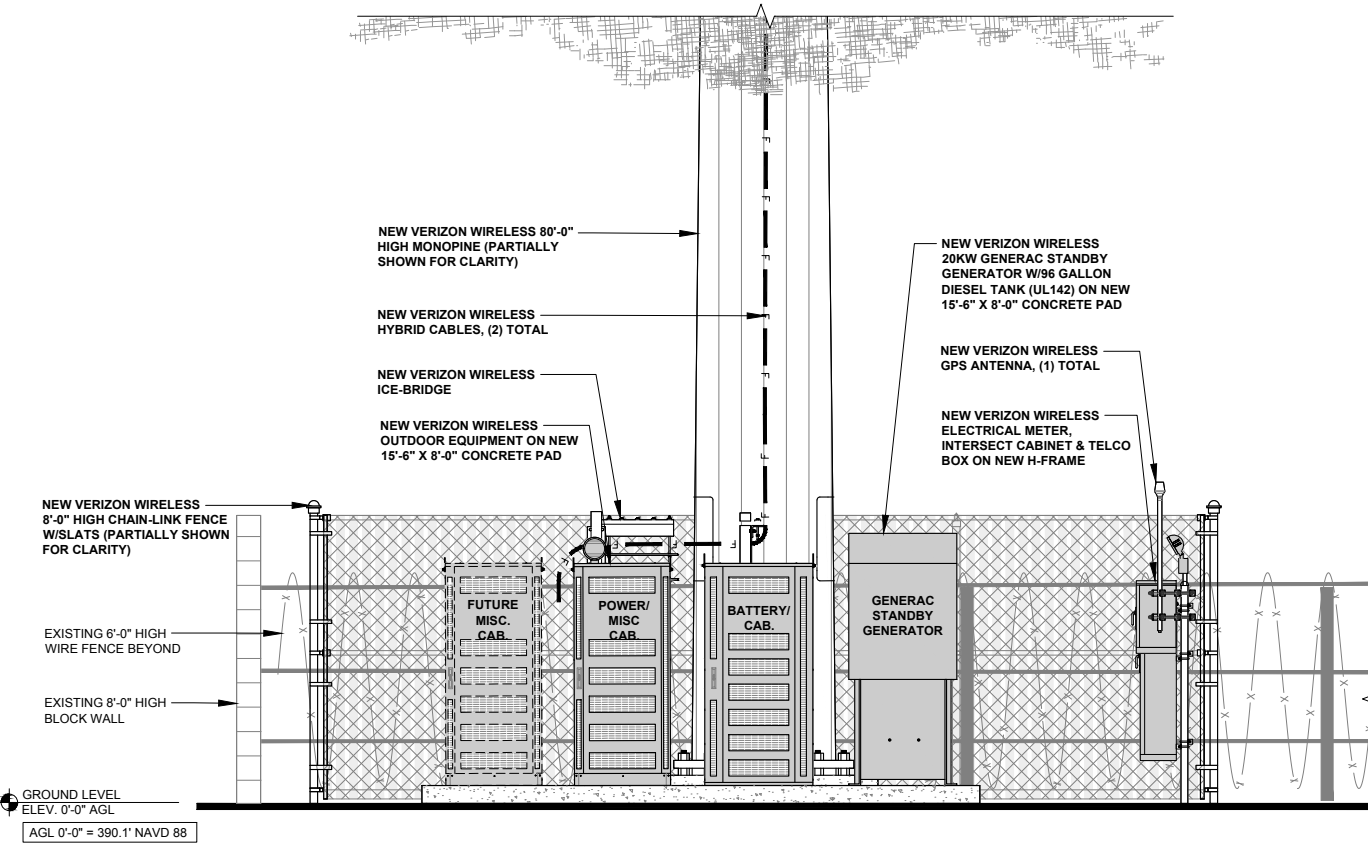


SOUTH EQUIPMENT ELEVATION

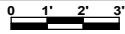


SCALE: 3/8" = 1'-0" (24x36)
(OR) 3/16" = 1'-0" (11x17)

3



NORTH EQUIPMENT ELEVATION



SCALE: 3/8" = 1'-0" (24x36)
(OR) 3/16" = 1'-0" (11x17)

1

ISSUE STATUS

| REV. | DATE | DESCRIPTION | BY |
|------|----------|-------------|----|
| 0 | 03/05/19 | 90% ZONING | FA |
| 1 | 03/05/19 | 100% ZONING | FA |
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WALNUT CREEK, CA 94598

SUNION &
MING

PSL# 285394

425 TERRACE WAY
BAKERSFIELD, CA 93304

SHEET TITLE:
EQUIPMENT
ELEVATIONS

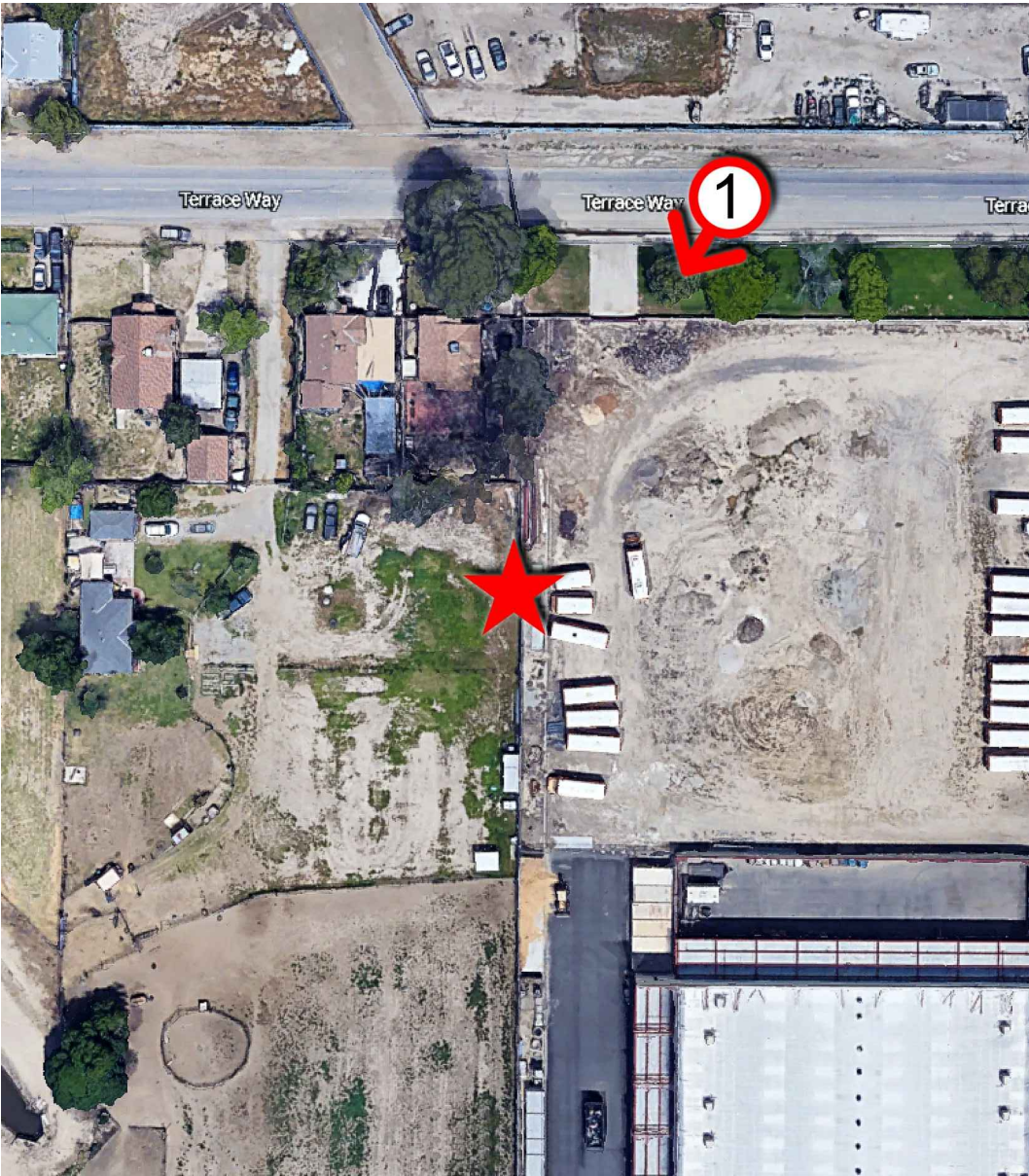
A-5

Photo Sims



S UNION & MING
PSL # 285394
425 TERRACE WAY
BAKERSFIELD, CA 93304

PHOTOSIMULATION VIEWPOINT 1



NEW



NOTE:
NEW VERIZON WIRELESS OUTDOOR CABINET
AND GENERATOR ON NEW CONCRETE PAD,
NEW ICE BRIDGE W/ GPS ANTENNA AND (1)
RAYCAP, NEW H-FRAME W/ METER, INTERSECT
CABINET AND TELCO BOX & 80'-0" HIGH
MONOPINE WITHIN NEW 25'-0" x 25'-0" CHAIN
LINK FENCE ENCLOSURE (LEASE AREA)

NEW VERIZON WIRELESS
(9) PANEL ANTENNA, (9) RRUS
AND (1) RAYCAP ON NEW
80'-0" HIGH MONOPINE

EXISTING



DISCLAIMER: THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY



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BAKERSFIELD, CA 93304

PHOTOSIMULATION VIEWPOINT 2



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S UNION & MING
PSL # 285394
425 TERRACE WAY
BAKERSFIELD, CA 93304

PHOTOSIMULATION VIEWPOINT 3



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EXISTING



NEW



NOTE:
NEW VERIZON WIRELESS OUTDOOR CABINET
AND GENERATOR ON NEW CONCRETE PAD,
NEW ICE BRIDGE W/ GPS ANTENNA AND (1)
RAYCAP, NEW H-FRAME W/ METER, INTERSECT
CABINET AND TELCO BOX & 80'-0" HIGH
MONOPINE WITHIN NEW 25'-0" x 25'-0" CHAIN
LINK FENCE ENCLOSURE (LEASE AREA)

NEW VERIZON WIRELESS
(9) PANEL ANTENNA, (9) RRUS
AND (1) RAYCAP ON NEW
80'-0" HIGH MONOPINE

NEW VERIZON WIRELESS
CHAIN LINK FENCE
ENCLOSURE, SEE NOTE

Propagation Maps

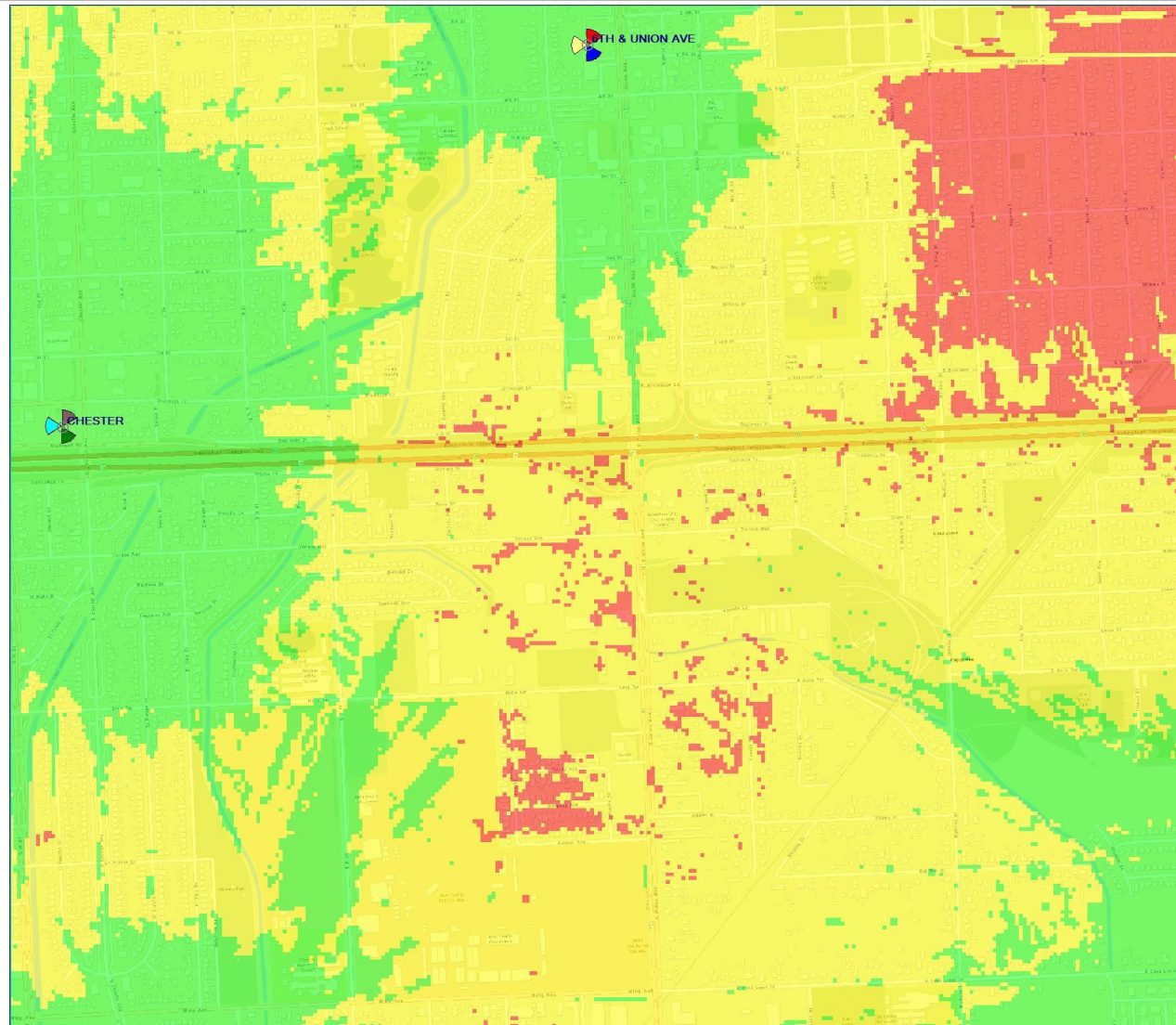


S Union & Ming Propagation Maps

Prepared by Verizon Wireless
RF Engineering



S Union & Ming – Existing Coverage

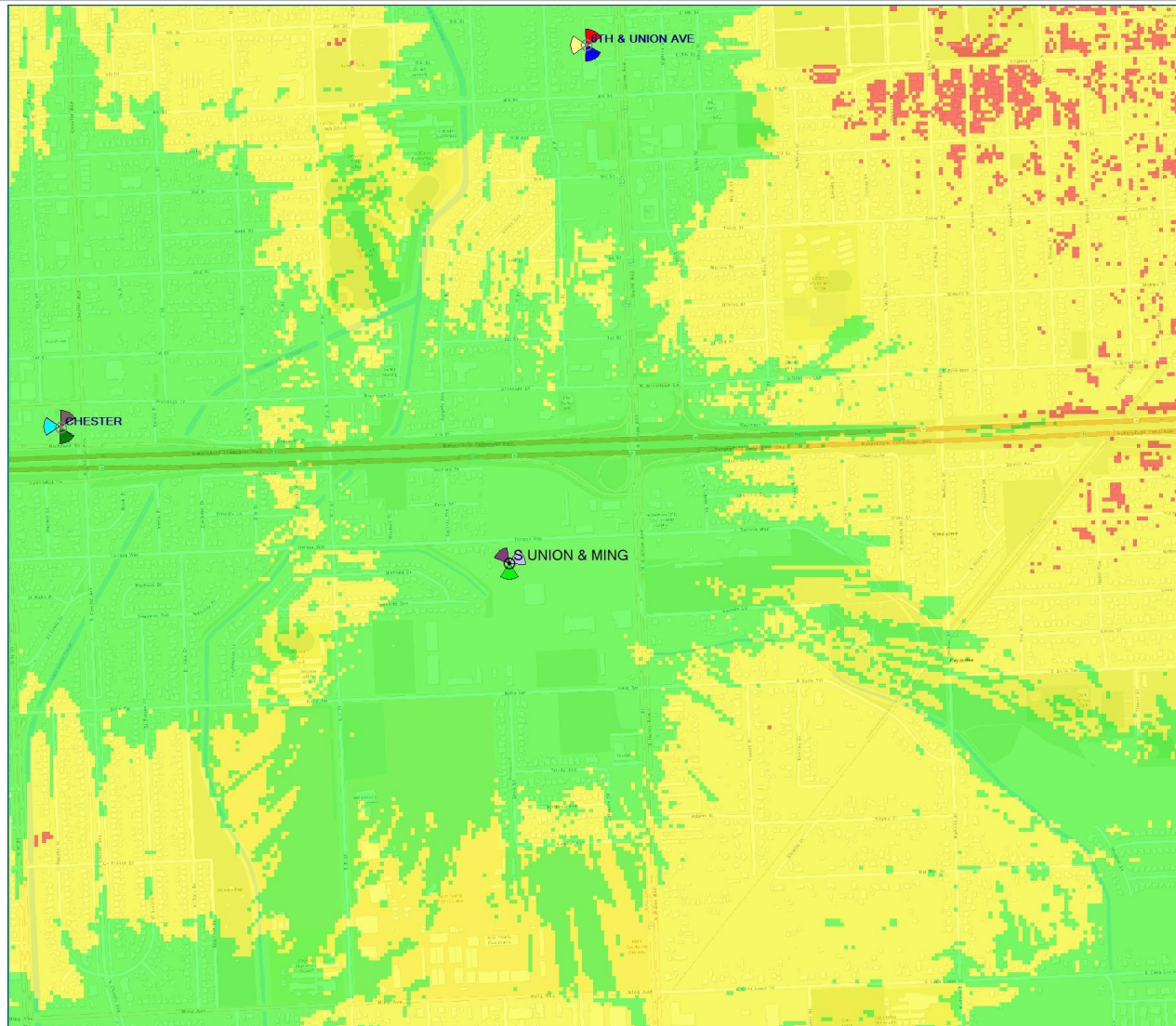


LTE: RSRP

- Indoor
- Vehicle
- Outdoor



S Union & Ming – Proposed Coverage



LTE: RSRP

- Indoor
- Vehicle
- Outdoor

Public Comments

From: Gabriel Nuno <gabrielnuno40@gmail.com>
Sent: Wednesday, September 4, 2019 9:10 PM
To: DEVPln <DEVPln@bakersfieldcity.us>
Subject: 425 terrace way monopine wireless telecommunication facility

Warning: This email originated from outside the City of Bakersfield. Think before you click!

To whom it may concern:

My name is Gabriel Nuno, owner of the property located at 423 Terrace Way in Bakersfield, CA 93304. I am writing in opposition of the 80ft monopine wireless telecommunication facility with ancillary equipment as it will decrease the value of our property for up to 20 percent or even more since the tower will be practically in our back yard. An additional concern is the ancillary equipment that can expose us to unknown chemicals. Another reason for opposing is that once a tower is built, it can go up an additional 20 ft without community consent due to the passing of section 6409 (a) of the middle class tax relief and job creation act of 2012. It would also invade our privacy during construction and maintenance of the tower as it is overlooking our yard right by our fence.

Sincerely,

Gabriel Nuno
Araceli Loza (wife)

Sent from my iPhone

From: Rafael Centeno <rafa.9@hotmail.com>
Sent: Wednesday, September 4, 2019 9:11 PM
To: DEVPln <DEVPln@bakersfieldcity.us>
Cc: Rafael Centeno <rafa.9@hotmail.com>
Subject: Open Letter to the Board of Zoning Adjustment

Warning: This email originated from outside the City of Bakersfield. Think before you click!

Attached is a letter in opposition to the proposed permit for a facility behind our residence and other supporting documents.

Rafael Centeno
(661) 431-3274
rafa.9@hotmail.com

10:34



ehtrust.org

MENU

Research indicates that over 90% of home buyers and renters are less interested in properties near cell towers *and* would pay less for a property in close vicinity to cellular antennas. Documentation of a price drop up to 20% is found in multiple surveys and published articles as listed below. The US Department of Housing and Urban Development (HUD) considers cell towers as "Hazards and Nuisances."

Once built. Cell towers can go up an additional 20 feet- without community consent.

Most people in the United States are unaware that once a tower is built, it can go *up to 20 feet higher* with no public process due to the passing of [Section 6409\(a\) of the Middle Class Tax Relief and Job Creation Act of 2012](#). In other words, a 100 foot tower can be increased to 120 feet after it is constructed and the community will have no input. Communities are largely unaware of this law.

The California Association of Realtors' Property Sellers Questionnaire specifically "cell towers" listed on the disclosure form for sellers of real estate. The seller must note "neighborhood noise, nuisance or other problems from.." and includes cell towers and high voltage transmission lines on the long list problem

Associa
Question

We apologize for any issues that you may have while navigating through our site. We are aware that there are some issues, but we are excited to announce that we are in the process of creating a new website. In the meantime, please continue visiting us, and contact us with any questions or concerns. Thank you!

Scroll down this page for resources on property de-valuation.

[Read the peer reviewed published science documenting the public health risk at this link](#)

10:35



ehtrust.org

MENU

["Cell Tower Antennas Problematic for Buyers"](#)
published in REALTOR® Magazine:

- An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy (NISLAPP) say they are less interested and would pay less for a property located near a cell tower or antenna.
- The NISLAPP survey echoes the findings of a study by Sandy Bond of the New Zealand Property Institute and past president of the Pacific Rim Real Estate Society (PRRES). "The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods," which was published in The Appraisal Journal in 2006, found that buyers would pay as much as 20 percent less for a property near a cell tower or antenna.

2014 Survey by the National Institute for Science, Law and Public Policy (NISLAPP) in Washington, D.C., ["Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?"](#)

- Home buyers and renters are less interested in properties located near cell towers and antennas, as well as in properties where a cell tower or group of antennas are placed on top of a

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would negatively impact interest in a property or the price they would be willing to pay for it.

- Read the Press Release: [Survey by the National Institute for Science, Law &](#)

10:37



ehtrust.org

MENU

The US Department of Housing and Urban Development (HUD) considers cell towers as "Hazards and Nuisances."

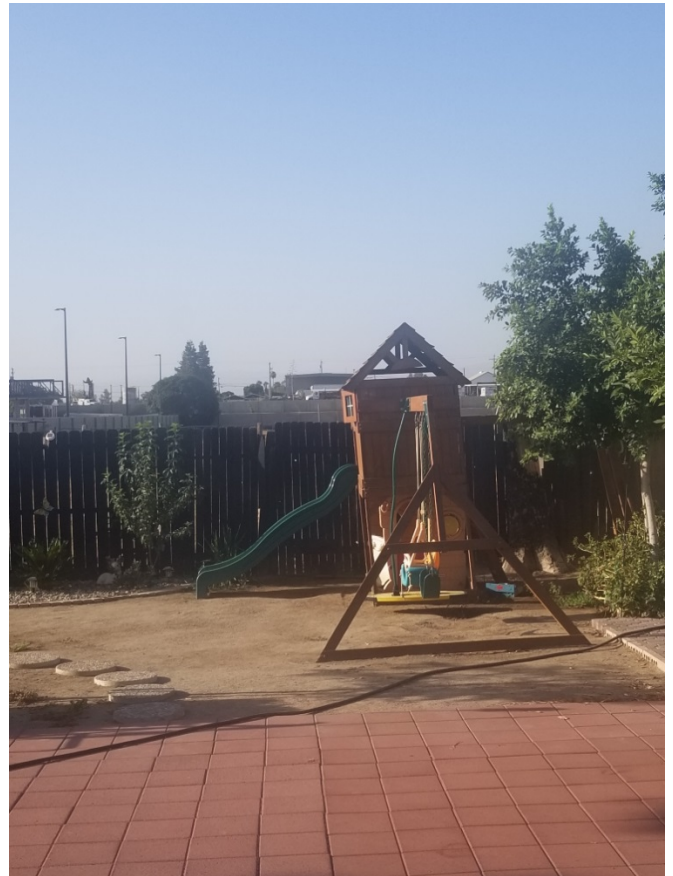
- HUD requires its certified appraisers to take the presence of nearby cell towers into consideration when determining the value of a single family residential property.
- HUD guidelines categorize cell towers with "hazards and nuisances." HUD prohibits FHA underwriting of mortgages for homes that are within the engineered fall zone of a cell tower.
- "The appraiser must indicate whether the dwelling or related property improvements is located within the easement serving a high-voltage transmission line, radio/TV transmission tower, cell phone tower, microwave relay dish or tower, or satellite dish (radio, TV cable, etc)."
- [Read it here at the US Department of Housing and Urban Development.](#)

Cell Towers are Discussed in the [Written Testimony of Bobbi Borland Acting Branch Chief, HUD Santa Ana Homeownership Center Hearing before the Subcommittee on Insurance, Housing and Community](#)

Opportunity
Commitment

We apologize for any issues that you may have while navigating through our site. We are aware that there are some issues, but we are excited to announce that we are in the process of creating a new website. In the meantime, please continue visiting us, and contact us with any questions or concerns. Thank you!

[Impact of Overhead High Voltage Transmission Towers and Lines on Eligibility for Federal Housing Administration \(FHA\) Insured Mortgage Programs" Saturday, April 14, 2012](#)



Sent from my iPhone

Open Letter to the Board of Zoning Adjustment

From Rafael Centeno & Alma Villasenor

September 2, 2019

RE: Opposition to Verizon Wireless proposing a Conditional Use Permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.C) in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way. (This will also affect other homeowners within the affected area.)

This is a letter expressing opposition to the conditional use permit to allow a monopine wireless telecommunication facility with ancillary equipment by Verizon Wireless. My wife and I are current owners of an affected area at 421 Terrace Way. After carefully reading the Notice of Public Hearing regarding this future project and careful research about how a “tall cell phone tower” can significantly impact the value of our home, we have become concerned not only for value of our property, but the impact it will have on our neighborhood. Also, it has not been made clear as to what type of telecommunication facility or tower this will be, 5G. We have strong concerns that 5G has yet to be studied to really know the effects it can have on humans being in such close proximity to a tower. Aside from this danger, there is also a risk of leakage of the facility or other hazardous material or risk of electrical failures that have not been discussed. We have children along with our neighbor that could be at risk in some way, shape, or form because of the facility.

Upon speaking with a few neighbors within the same street, they all share the same concern that this will impact the value of their properties and the aesthetics of the entire neighborhood and are equally concerned that this will impact us greatly. After careful research throughout, it is estimated that property values for homes around cell phone towers is greatly affected with some values decreasing up to 20%. We have spoken to the realtor that sold us this property and stated our concern to him. He, too, agrees that having a facility like this directly behind our home will greatly decrease the value of our property. Although we are currently residing in the area, later down the road we may have thoughts of purchasing another home and renting or selling this home bringing the value of the property down because of the cell phone tower that is proposed to be built directly behind our property causing an “eye sore” and distraction from potential buyers, making it a hardship for us. Not only that but a facility that produces noises and disturbances will affect us now and those who choose to move in to the area in the future. Neighbors have expressed this concern and are agree to oppose this permit.

Furthermore, adding a wireless telecommunication facility with “ancillary equipment” requires personnel to constantly monitor and service the facility. A safety issue is of high concern as well, where workers who need to maintenance and service the facility will be let in to the area with or without our consent putting our property at risk of an unknown person near our home. A background check on workers with access to the tower does not convince us that our homes will be safe when we are away from home and invading our privacy when we are away. This will only cause us to add security measure to our property, dogs and cameras, which we will now have to pay to ensure that our property and neighbor’s property is safe, adding to an expense that is unexpected. Our privacy is now exposed to those who have to perform work on the tower at any point without our consent, as this structure will sit directly above ours, and others’ homes.

We have asked other neighbors around the area and they were unaware that there would be an 80-foot tall monopine cell tower built in our neighborhood and community. They have all expressed opposition to this and agree that the above three arguments greatly affects all of us. As a homeowner who must deal with having to drive up to a house, which we are constantly working on making our home, and see an 80-foot tall artificial, distractive tower directly behind my home does not sit well with our neighbors and us. It is also said in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 that this facility can be expanded to an additional 20 feet taller without providing residents of the affected area know about this change. Further, making the matters worse for us.

Radio Frequency Emissions Compliance Report



WATERFORD

Radio Frequency Emissions Compliance Report For Verizon Wireless

Site Name: S Union & Ming
Address: 425 Terrace Way
Bakersfield, CA
Report Date: July 30, 2019

Site Structure Type: Monopine
Latitude: 35.34975556
Longitude: -119.00675278
Project: New Build

Compliance Statement

Based on information provided by Verizon Wireless and predictive modeling, the S Union & Ming installation proposed by Verizon Wireless will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action is needed to achieve or maintain compliance.

Certification

I, David H. Kiser, am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



General Summary

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

Table 1: FCC Limits

| Frequency (MHz) | <i>Limits for General Population/ Uncontrolled Exposure</i> | | <i>Limits for Occupational/ Controlled Exposure</i> | |
|-----------------|---|--------------------------|---|--------------------------|
| | Power Density (mW/cm ²) | Averaging Time (minutes) | Power Density (mW/cm ²) | Averaging Time (minutes) |
| 30-300 | 0.2 | 30 | 1 | 6 |
| 300-1500 | f/1500 | 30 | f/300 | 6 |
| 1500-100,000 | 1.0 | 30 | 5.0 | 6 |

f=Frequency (MHz)

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.

Based on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources. The power density in the Far Field of an RF source is specified by OET-65 Equation 5 as follows:

$$S = \frac{EIRP}{4\pi \cdot R^2} \text{ (mW/cm}^2\text{)}$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and point of study. Additionally, consideration is given to the manufacturers' horizontal and vertical antenna patterns as well as radiation reflection. At any location, the predicted power density in the Far Field is the spatial average of points within a 0 to 6-foot vertical profile that a person would occupy. Near field power density is based on OET-65 Equation 20 stated as

$$S = \left(\frac{180}{\theta_{BW}} \right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \text{ (mW/cm}^2\text{)}$$

where P_{in} is the power input to the antenna, θ_{BW} is the horizontal pattern beamwidth and h is the aperture length.

Some antennas employ beamforming technology where RF energy allocated to each customer device is dynamically directed toward their location. In the analysis presented herein, predicted exposure levels are based on all beams at full utilization (i.e. full power) simultaneously focused in any direction. As this condition is unlikely to occur, the actual power density levels at ground and at adjacent structures are expected to be less than the levels reported below. These theoretical results represent worst-case predictions as all RF emitters are assumed to be operating at 100% duty cycle.

For any area in excess of 100% General Population MPE, access controls with appropriate RF alerting signage must be put in place and maintained to restrict access to authorized personnel. Signage must be posted to be visible upon approach from any direction to provide notification of potential conditions within these areas. Subject to other site security requirements, occupational personnel should be trained in RF safety and equipped with personal protective equipment (e.g. RF personal monitor) designed for safe work in the vicinity of RF emitters. Controls such as physical barriers to entry imposed by locked doors, hatches and ladders or other access control mechanisms may be supplemented by alarms that alert the individual and notify site management of a breach in access control. Waterford Consultants, LLC recommends that any

work activity in these designated areas or in front of any transmitting antennas be coordinated with all wireless tenants.

Analysis

Verizon Wireless proposes the following installation at this location:

- (9) NEW VERIZON WIRELESS 6' HIGH PANEL ANTENNAS
- (9) NEW VERIZON WIRELESS RRHs

The antennas will be mounted on a 80-foot monopine with centerlines 71 feet above ground level. The antennas will be oriented towards 60, 180 and 320 degrees. The radio equipment to be operated at this location is capable of a maximum of 80W per 4G channel at 700 MHz, 80W per 4G channel at 850 MHz, 80W per 4G channel at 1900 MHz, and 80W per 4G channel at 2100 MHz. Other appurtenances such as GPS antennas, RRUs and hybrid cable below the antennas are not sources of RF emissions. No other antennas are known to be operating in the vicinity of this site.

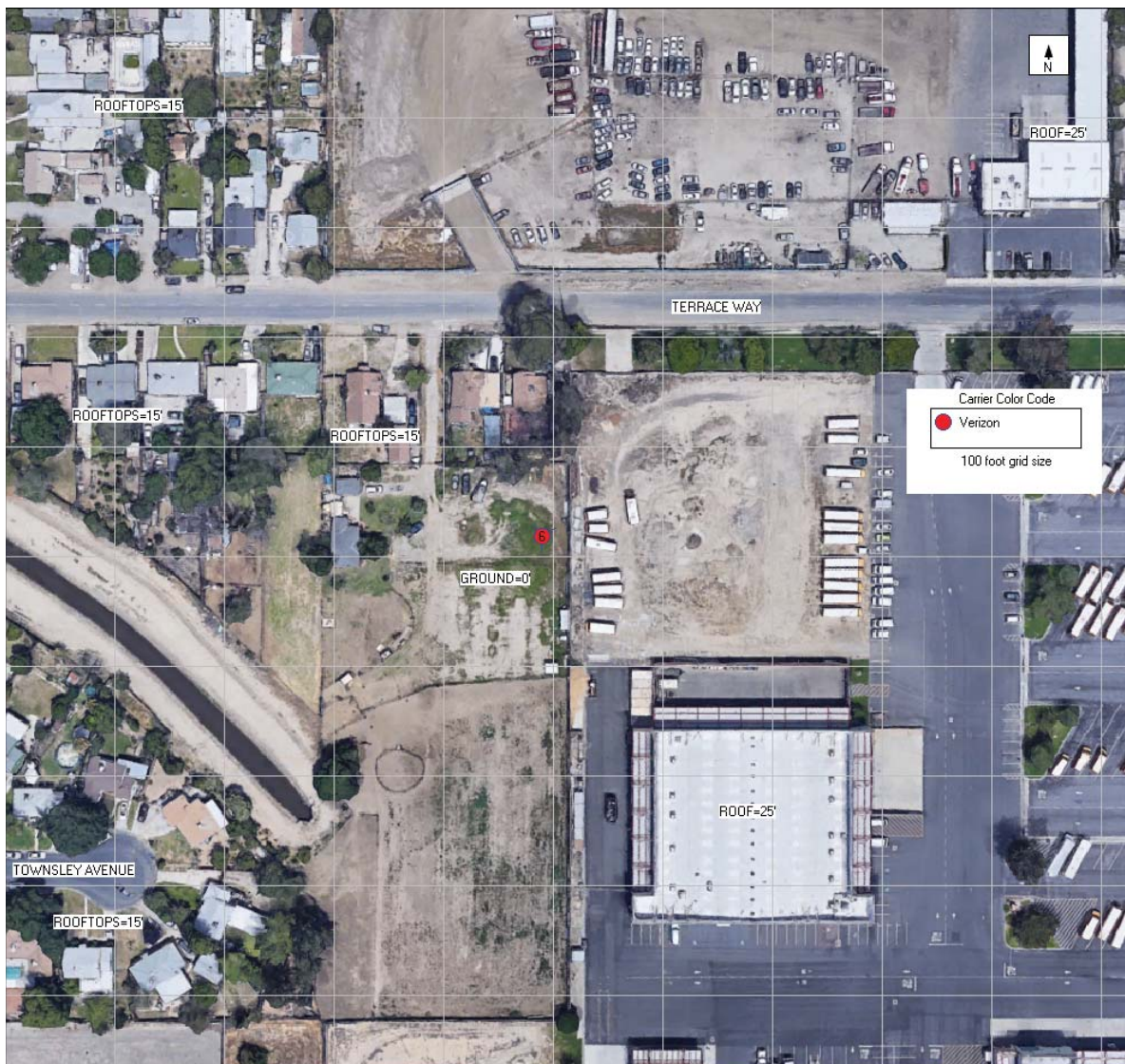


Figure 1: Antenna Locations

Power density decreases significantly with distance from any antenna. The panel-type antennas to be employed at this site are highly directional by design and the orientation in azimuth and mounting elevation, as documented, serves to reduce the potential to exceed MPE limits at any location other than directly in front of the antennas. For accessible areas at ground level, the maximum predicted power density level resulting from all Verizon Wireless operations is 10.129% of the FCC General Population limits. Incident at adjacent buildings depicted in Figure 1, the maximum predicted power density level resulting from all Verizon Wireless operations is 12.5767% of the FCC General Population limits. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action is needed to achieve or maintain compliance.



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: September 10, 2019

ITEM NUMBER: Consent - Public
Hearing4.(e.)

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: 7

SUBJECT:

Conditional Use Permit No. 19-0297: T-Mobile West, LLC is proposing a conditional use permit to allow a 67-foot tall monopalm wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 2821 Auto Mall Drive. Notice of Exemption on file.

APPLICANT: T-Mobile West, LLC

OWNER: Arrendondo Ventures, Inc.

LOCATION: 2821 Auto Mall Drive

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED KFC

DATE: September 10, 2019

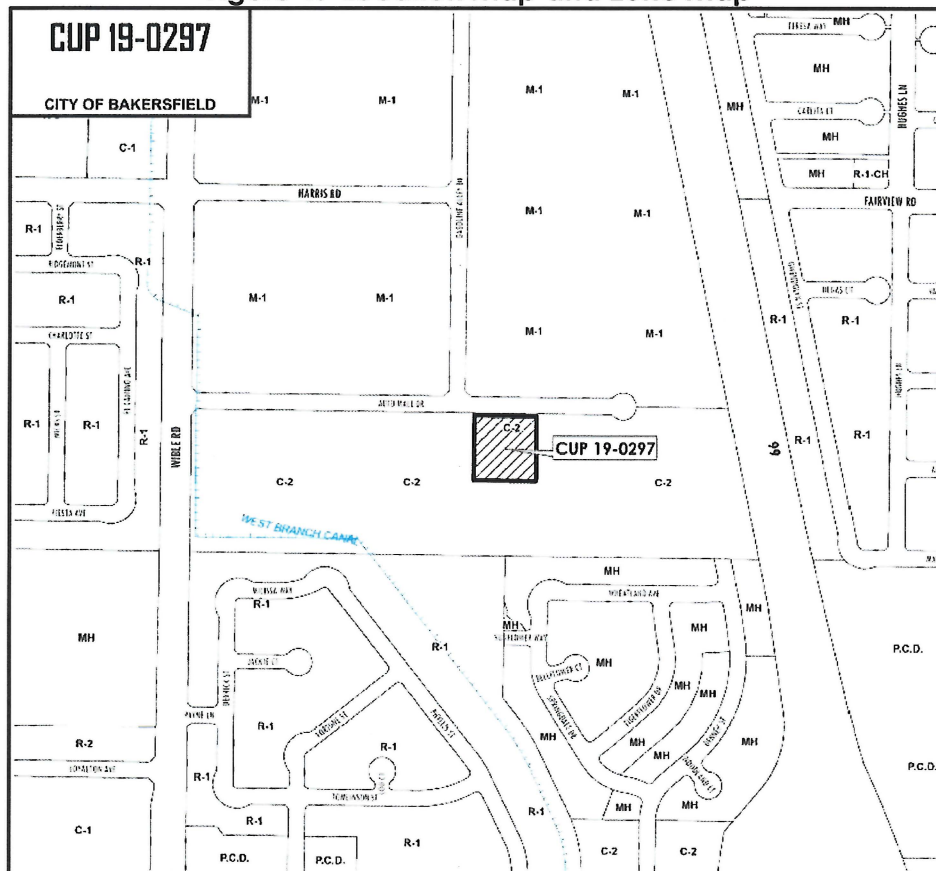
SUBJECT: Conditional Use Permit No. 19-0297 (Ward 7)

APPLICANT: T-Mobile West, LLC
867 East Front Street, Suite A
Ventura, CA 93001

OWNER: Arrendondo Ventures, Inc.
4410 Wible Road
Bakersfield, CA 93313

LOCATION: 2821 Auto Mall Drive | APN: 372-021-09

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0297, 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 67-foot tall monopalm wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3a. Site Plan

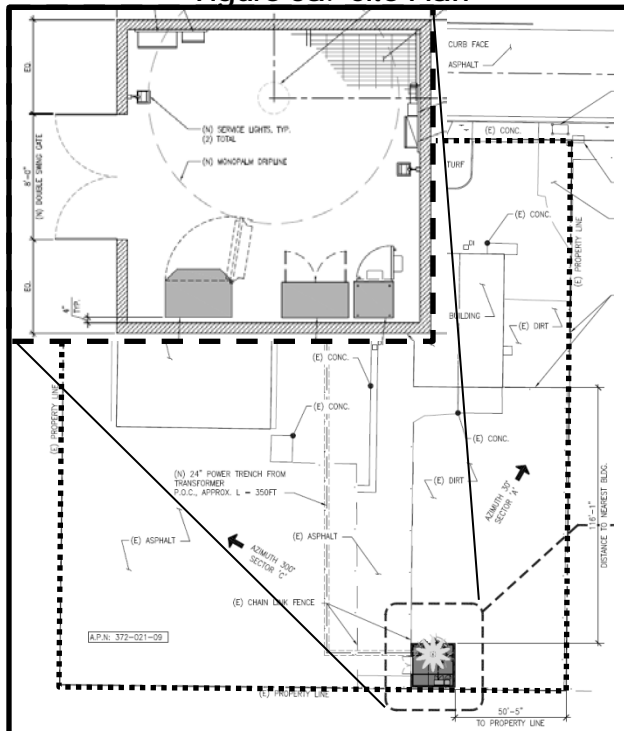
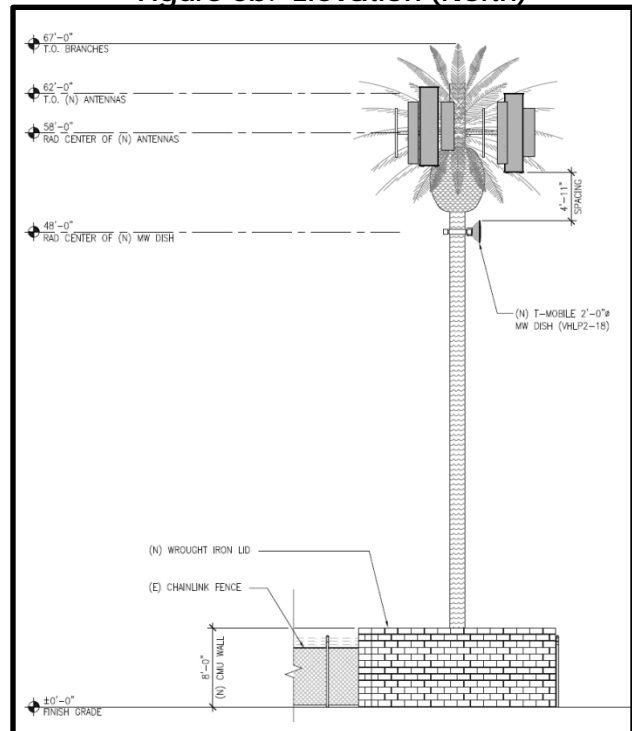


Figure 3b. Elevation (North)



SURROUNDING LAND USES:

The project site is a 20 x 20 foot (400 square feet) portion of a 1.32-acre parcel developed with two commercial structures. 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 | Auto Repair/General Commercial |
| North | LI | M-1 | Rental Car and Undeveloped Land |
| East | GC | C-2 | Parking Lot |
| South | GC | C-2 | Drainage Sump |
| West | GC | C-2 | General Commercial and Retail |
| General Plan Key LI: Light Industrial GC: General Commercial | | Zone District Key C-2: Regional Commercial M-1: Light Manufacturing | |

ANALYSIS:

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

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

1. **Height** - Maximum height for a tower, including equipment, is 125 feet or no more than 20 percent above the existing height of adjacent natural objects, whichever is less, on property zoned or designated commercial or industrial. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

The nearest substantial natural objects are palm trees approximately 55 feet in height located on the parcel to the north, across Auto Mall Drive. Therefore, the development and design standards allow for a maximum height of approximately 66 feet for a wireless communication tower. As proposed, the stand-alone monopole will be 67 feet tall and camouflaged as a palm tree. See Figure 4.

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

Figure 4a. Site Simulations



Figure 4b. Existing

Figure 4c. Proposed



2. **Enclosure** - Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with landscaping. Equipment buildings shall not exceed a height of 12 feet and an area of 750 square feet.

As proposed, the equipment would not be located within a building. However, the applicant is will construct an 8 foot tall masonry enclosure with wrought iron roofing in lieu of a building. Noting the commercial use of the area, Staff believes the concrete masonry wall would act similar to an enclosed building and serve the intent to completely screen ancillary equipment.

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

Setbacks

Equipment buildings and towers shall be set back 50 feet from any public or private street, and 50 feet from adjacent lots zoned or designated residential. As proposed, the lease area is set back more than 200 feet from the frontage street. The nearest residential property is nearly 80 feet to the south of the lease area.

Other Standards

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

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

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

1. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

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

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15061(b)(3), because the project does not have the potential to cause a significant effect on the environment. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

CONCLUSIONS:

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

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

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

In accordance with these required findings, and as conditioned, Staff finds: (1) construction of a 67-foot tall monopalm wireless telecommunication facility would provide a public service for better wireless reception; (2) the facility would not interfere with or disrupt existing land uses in the surrounding area; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0297, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Photo Simulations
Propagation Maps

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 67-FOOT TALL
MONOPALM WIRELESS TELECOMMUNICATION FACILITY WITH ANCILLARY
EQUIPMENT (17.59.020.C) IN THE C-2 (REGIONAL COMMERCIAL ZONE)
DISTRICT, LOCATED AT 2821 AUTO MALL DRIVE. (CUP NO. 19-0297)**

WHEREAS, T-Mobile filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a 67-foot tall monopalm wireless telecommunication facility with ancillary equipment (17.59.020.C) in the C-2 (Regional Commercial Zone) district, located at 2821 Auto Mall Drive (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, September 10, 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. 19-0297 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 10th day of September 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. 19-0297

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 67-foot tall monopalm wireless telecommunications facility with ancillary equipment in the C-2 (Regional Commercial Zone) district located at 2821 Auto Mall Drive as depicted on attached Exhibits B and C.
3. Minimum setbacks of the tower, including equipment and equipment buildings, shall be fifty (50) feet from the property line abutting any public or private street, and 50 feet from adjacent lots zoned or designated residential.
4. Equipment buildings shall not exceed a height of 12 feet and an area of 750 square feet.
5. Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with slats, landscaping, or other cover material as approved by the Planning Director.
6. If security lighting is provided, it shall be directed downward and shielded to prevent light spillage onto adjacent properties and public rights-of-way.
7. Signs and advertisement are prohibited, except required informational signs for public safety in accordance with the area limitations of Section 17.60.080 F.
8. Non-reflective colors shall be used for all equipment shelters, poles, towers, antennas, and supporting structures. If not camouflaged, antenna and monopoles shall be a single color such as off-white, cream, beige, light green, or gray.
9. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7460 latest edition. This may include beacons, sidelights, and/or strobes.
10. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods such as television, radio, telephone, computer, inclusive of any public safety radio system, 911 emergency system, etc., unless exempted by federal regulation.
11. Facilities shall be maintained in good condition and a proper state of preservation at all times. They shall be operational and present a satisfactory appearance regarding their original approval such as painting, material screening, camouflage, landscaping, or anything related to the appearance of the overall facility to the satisfaction of the Planning Director.

III. ***The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

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

1. Show on the final building plan how and where water will be drained from the property.
2. The 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. 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).

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

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

Bakersfield Habitat Conservation Plan (Implementation/Management Agreement Section 3.1.4). This fee is currently \$2,145 per gross acres, payable to the City of Bakersfield (submit to the Planning Division). This fee must be paid before any grading or other site disturbance occurs.

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

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

- b. Burrowing Owl Notification: The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Fish and Game Code prohibit the taking, possession, or destruction of birds, their nests or eggs. To avoid violation of the provisions of these laws generally requires that project related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1- August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered "taking" and is potentially punishable by fines and/or imprisonment.
- c. Prior to ground disturbance, the developer shall have a California Department of Fish and Wildlife approved MBHCP biologist survey the location for kit fox, and comply with the provisions of the Metropolitan Bakersfield Habitat Conservation Plan. Survey protocol shall be recommended by the California Department of Fish and Wildlife. Developer shall be subject to the mitigation measures recommended by the biologist. Copies of the survey shall be provided to the Development Services Department, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service prior to ground disturbance.
4. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.

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

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

(**Note:** All passenger vehicle-parking areas must be paved.)
6. In the event a previously undocumented oil/gas well is uncovered or discovered on the project, the developer is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The developer is responsible for any remedial operations on the well required by DOGGR. The developer shall also be subject to provisions of BMC Section 15.66.080.B.
7. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).
8. Prior to receiving final building or site occupancy, you must contact the Planning Division (staff contact noted above) for final inspection and approval of the landscaping, parking lot, lighting and other related site improvements. Inspections will not be conducted until all required items have been installed. Any deviations from the approved plans without prior approval from the Planning Division may result in reconstruction and delays in obtaining a building or site occupancy.

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

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

(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
2. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
3. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved fire apparatus access road* with an asphalt, concrete or other driving surface approved by the fire chief. Must be capable of supporting the

imposed load of fire apparatus weighing at least 75,000 pounds and shall be surfaced with the first lift of asphalt as to provide all-weather driving capabilities. All access (Permanent and temporary) to and around any building under construction must be at least 20 feet wide (26 feet wide where building height exceeds 30 feet), with an overhead clearance of 13 feet 6 inches, and contain no obstruction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

4. 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.
5. 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.

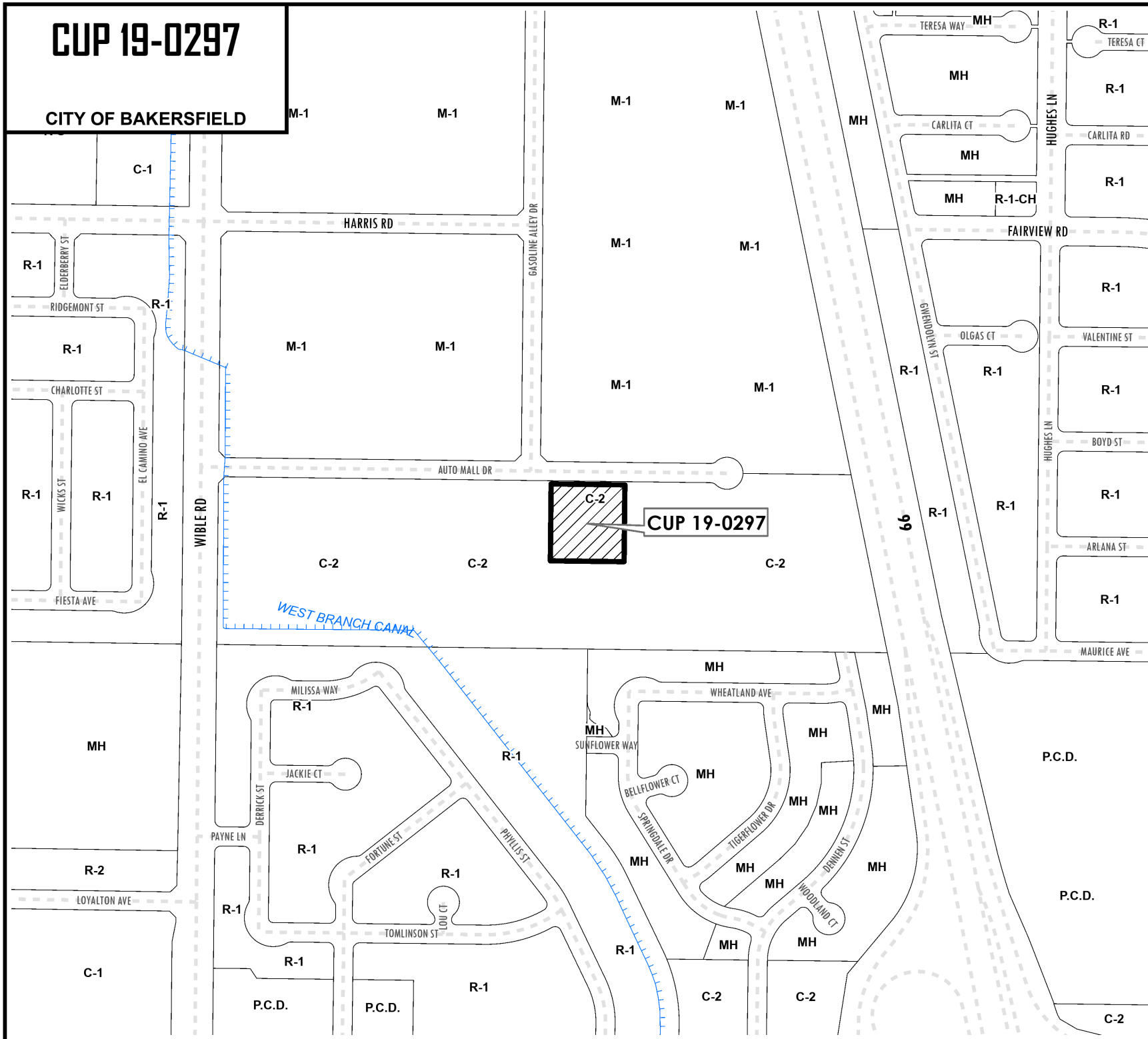
G. PUBLIC WORKS - SOLID WASTE (4101 Truxtun Avenue)
(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

As proposed, no applicable conditions at this time.

Exhibit B
(Location Map)

CUP 19-0297

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



N



Feet

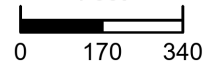


Exhibit C
(Site Development Plan)

NSB

The T-Mobile logo, featuring a large, bold, black 'T' followed by a small black square, a hyphen, another small black square, and the word 'Mobile' in a serif font, ending with a registered trademark symbol (®).

SITE NUMBER: SV13748C
SITE NAME: AUTO MALL
SITE TYPE: MONOPALM
PROJECT TYPE: CELL SPLIT 0.1

**ADDRESS: 2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313**

JURISDICTION: CITY OF BAKERSFIELD

T · · Mobile ·
stick together

2008 MCGAW AVENUE
IRVINE, CA 92614



— PLANS PREPARED BY: —

DCI PACIFIC
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
26 EXECUTIVE PARK | SUITE 170
IRVINE | CA 92614

PROJECT DESCRIPTION:

AN UNMANNED T-MOBILE TELECOMMUNICATIONS FACILITY INCLUDING THE FOLLOWING:

INSTALL (N) MONOPALM WITH EQUIPMENT SPECIFIED ON SHEET D-1

REFER TO SHEET D-1 FOR DETAILED SCOPE OF WORK

SHEET INDEX:

| <u>SHEET NUMBER:</u> | <u>DESCRIPTION:</u> |
|----------------------|---|
| T-1 | TITLE SHEET |
| A-1 | SITE PLAN |
| A-2 | ENLARGED SITE PLAN |
| A-3 | ANTENNA LAYOUT PLAN & EQUIPMENT LAYOUT PLAN |
| A-4 | ELEVATIONS |
| D-1 | RF CONFIGURATION & DETAILED SCOPE OF WORK |
| L-1 | TOPOGRAPHIC SURVEY |

NOTE:
SCALES SHOWN ON SET OF DRAWINGS ARE REPRESENTATIVE OF FULL SIZE 24"x36"
DRAWINGS. IF THIS SET OF DRAWINGS IS LESS THAN 24"x36", IT IS A REDUCED SET.

PROJECT SUMMARY:

APPLICANT:

T-MOBILE WEST LLC | 4100 GUARDIAN ST. SUITE 101 | SIMI VALLEY, CA 93063

REPRESENTATIVE: MICHAEL SCHUBERT
REAL ESTATE MANAGER: JESSE GILHOLM
CONSTRUCTION MANAGER: DUANE CRANMER
CONSTRUCTION COORDINATOR: DUANE CRANMER

BUILDING SUMMARY:

OCCUPANCY CLASSIFICATION: U – UNMANNED TELECOMMUNICATION FACILITY
ZONING: TBD
CONSTRUCTION TYPE: V-B

SAC/ ZONING/ PERMITTING:

SYNERGY
ADVANTAGE ENGINEERS, LLC
867 E. FRONT STREET, SUITE A
VENTURA, CA 93001
CONTACT: JESSE GILHOLM
PHONE: (805) 300-4140
E-MAIL: JGILHOLM@SYNERGY.CC

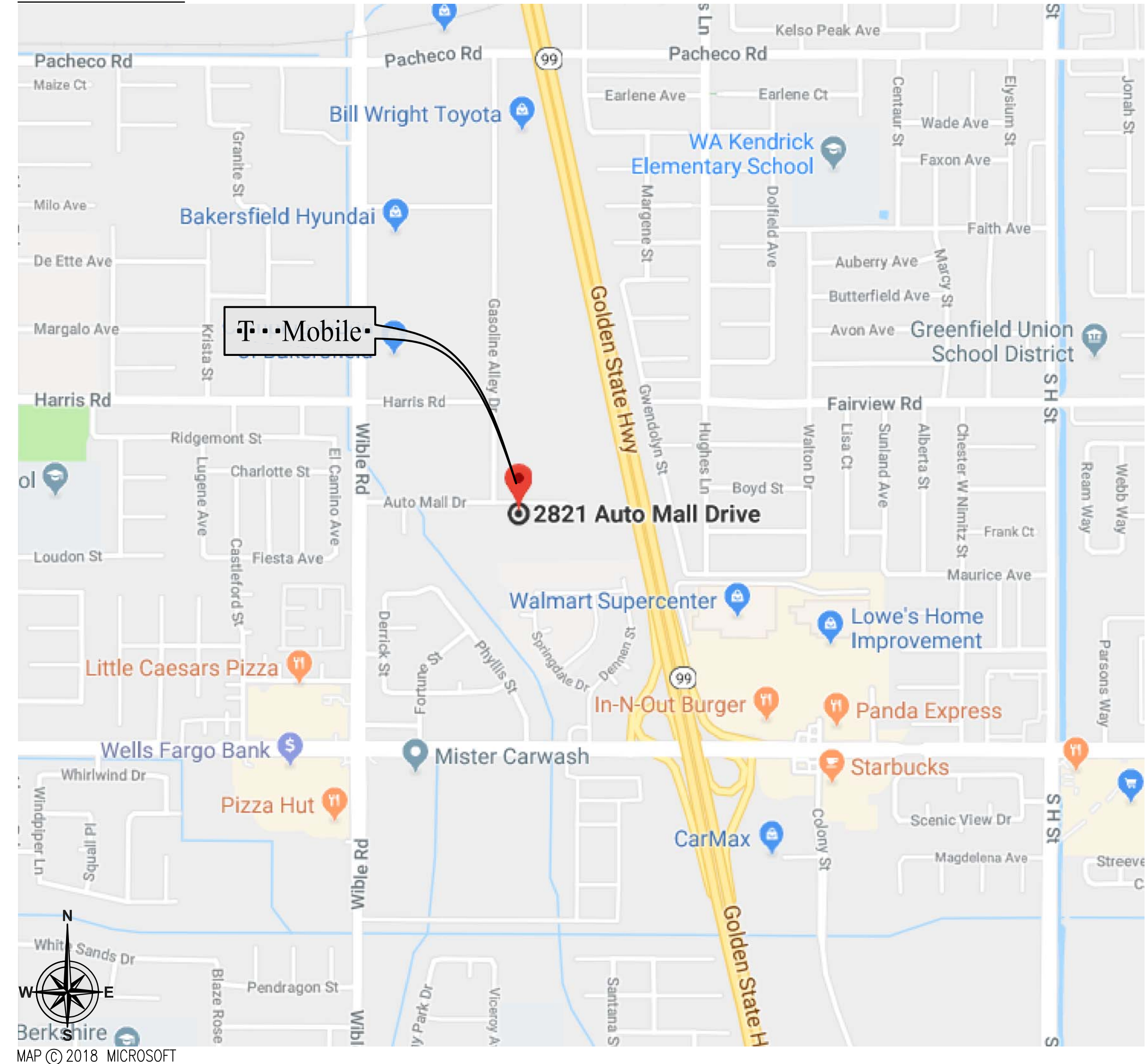
ARCHITECTURAL & ENGINEERING:

DCI PACIFIC
26 EXECUTIVE PARK, SUITE 170
IRVINE, CA 92614
CONTACT: D.K. DO, RA
PHONE: (949) 475-1000
FAX: (949) 475-1001
EMAIL: DK@DCIPACIFIC.COM

APPROVALS:

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL CONSTRUCTION DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND ANY CHANGES AND MODIFICATIONS THEY MAY IMPOSE.

| | <u>PRINT NAME</u> | <u>SIGNATURE</u> | <u>DATE</u> |
|-----------------|-------------------|------------------|-------------|
| LANDLORD | _____ | _____ | _____ |
| CONST. MGR | _____ | _____ | _____ |
| DEVELOP. MGR | _____ | _____ | _____ |
| ZONING MGR | _____ | _____ | _____ |
| CONST. MGR(TMO) | _____ | _____ | _____ |
| PROJECT MGR | _____ | _____ | _____ |
| RF ENGINEER | _____ | _____ | _____ |
| OPERATIONS | _____ | _____ | _____ |
| SAC REP. | _____ | _____ | _____ |

VICINITY MAP:

APPLICABLE CODES

1. 2016 CALIFORNIA ADMINISTRATIVE CODE (CAC)
2. 2016 CALIFORNIA BUILDING CODE (CBC): VOLUMES 1 AND 2
3. 2016 CALIFORNIA ELECTRICAL CODE
4. 2016 CALIFORNIA MECHANICAL CODE (CMC)
5. 2016 CALIFORNIA ENERGY CODE
6. 2016 CALIFORNIA FIRE CODE (CFC)
7. 2016 CALIFORNIA GREEN CODE
8. 2016 CALIFORNIA REFERENCED STANDARDS CODE

** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

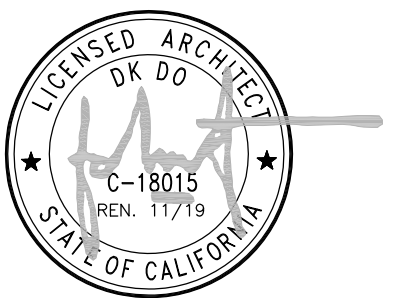
— SITE INFORMATION: —

AUTO MALL

SV13748C

2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313

—SEAL:—

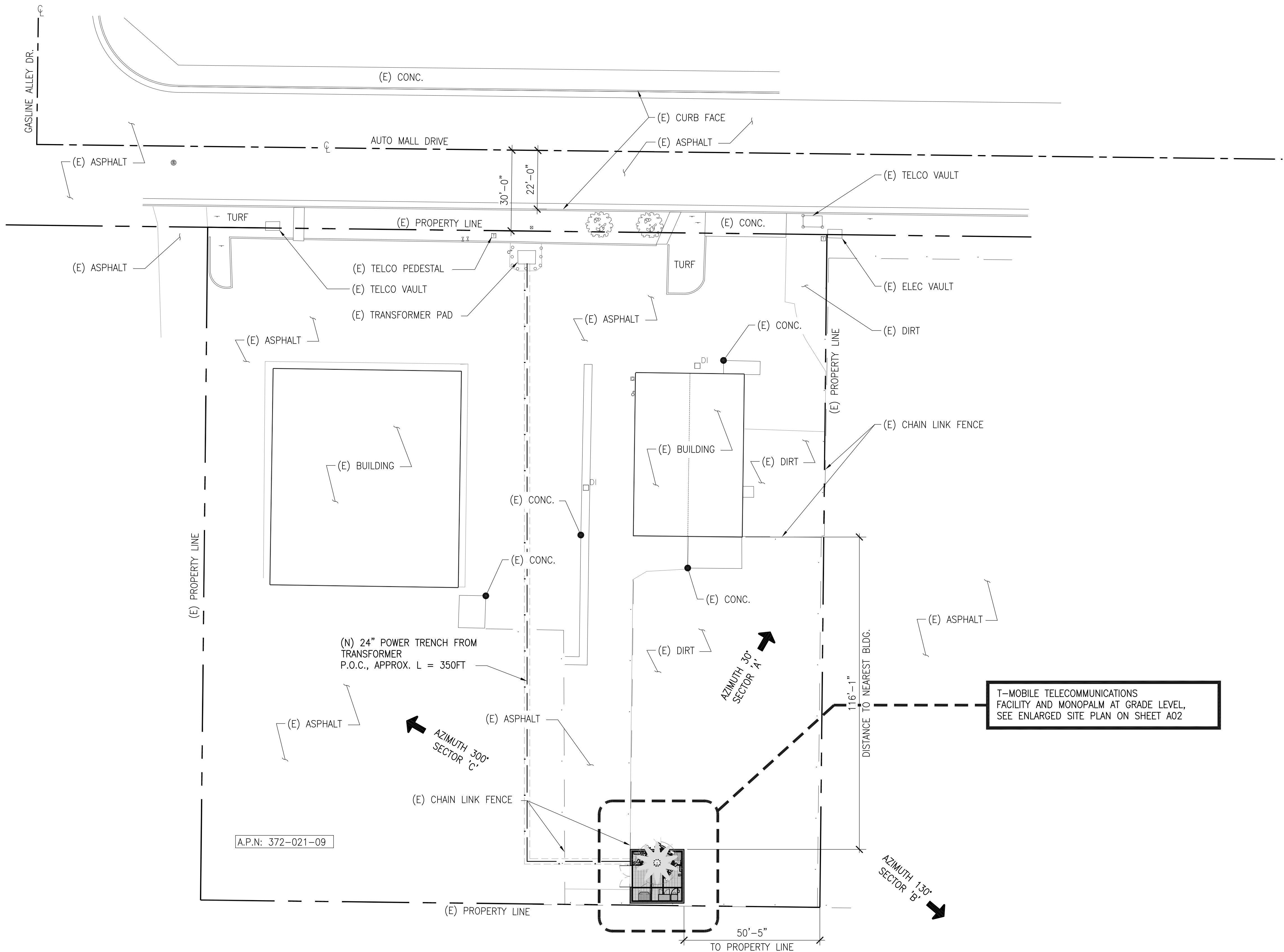


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TITLE SHEET

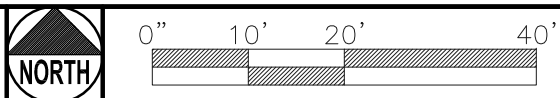
— SHEET NUMBER: —

T-1



DRAWINGS BASED ON:
A) BACKGROUND DRAWINGS FROM LATEST T-MOBILE PROJECT
B) RFDS (RFDS SUPERCEDES BACKGROUND DRAWINGS)

SITE PLAN



SCALE:
1"=20'-0"

1

T-Mobile
stick together

2008 MCGAW AVENUE
IRVINE, CA 92614

Synergy
Development Services, INC.

7543 Woodley Ave #201 Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 688-8066
2500 Red Hill Avenue, Suite 240, Santa Ana, CA 92705
Office: (949) 735-9799

PLANS PREPARED BY:

DCI PACIFIC
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
26 EXECUTIVE PARK | SUITE 170
IRVINE | CA 92614

| NO. | DATE: | DESCRIPTION: | BY: |
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| A | 07/11/19 | 90% ZD | MB |
| O | 08/07/19 | 100% ZD | MB |
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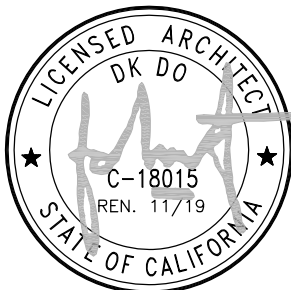
SITE INFORMATION:

AUTO MALL

SV13748C

2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313

SEAL:

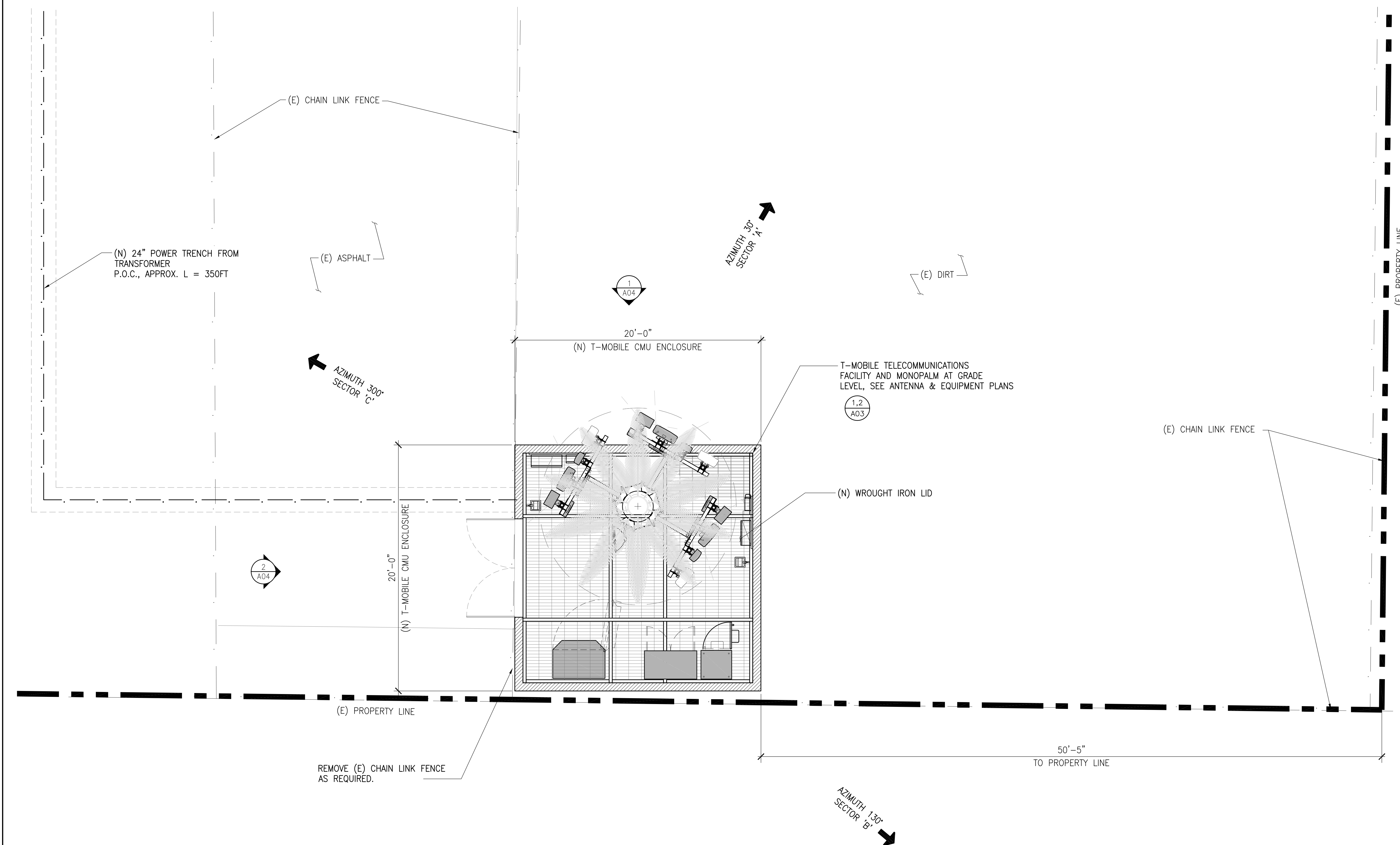


SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-1



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IRVINE, CA 92614

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26 EXECUTIVE PARK | SUITE 170
IRVINE | CA 92614

| NO. | DATE: | DESCRIPTION: | BY: |
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| O | 08/07/19 | 100% ZD | MB |
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SITE INFORMATION:

AUTO MALL

SV13748C

2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313

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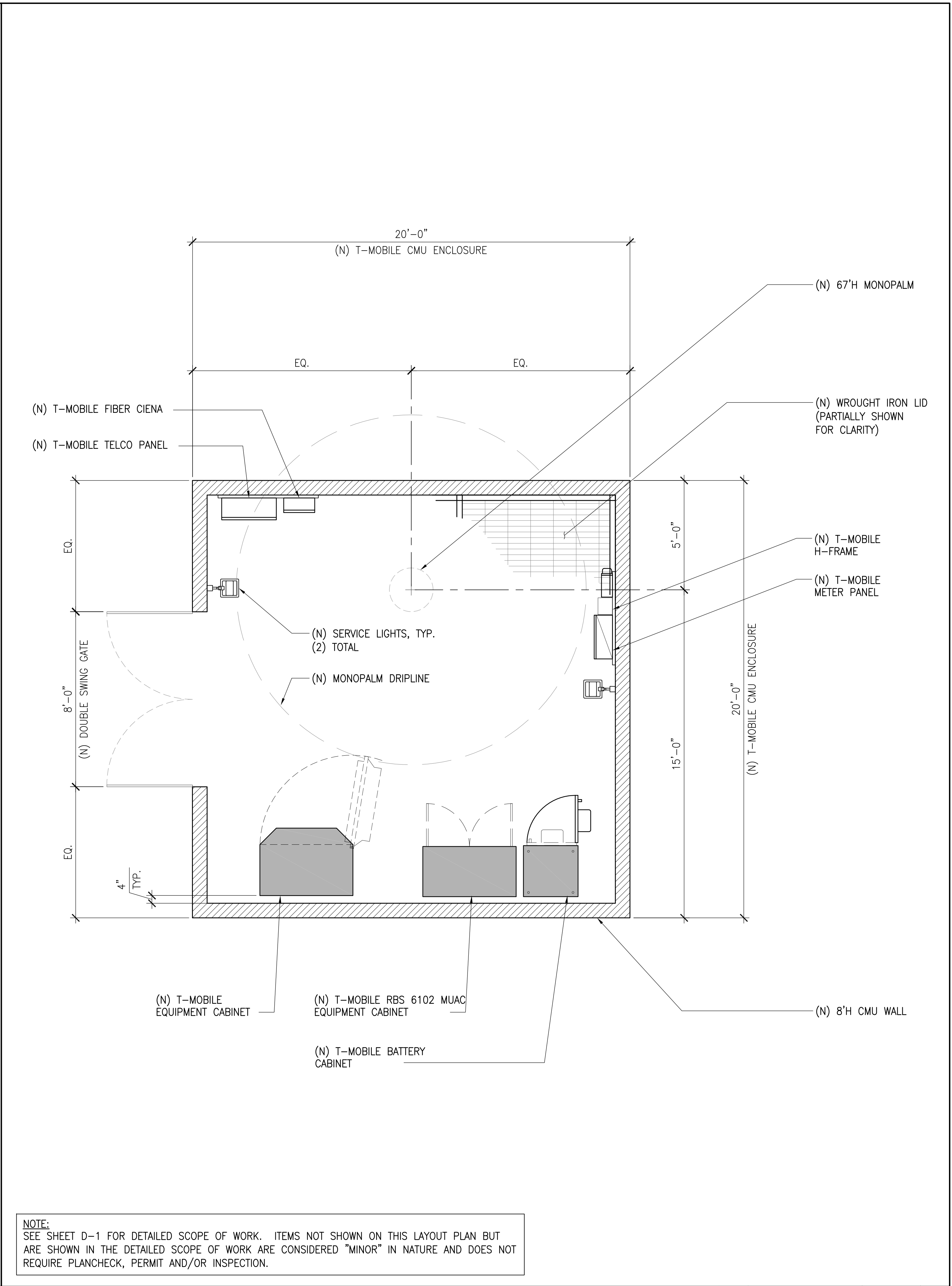
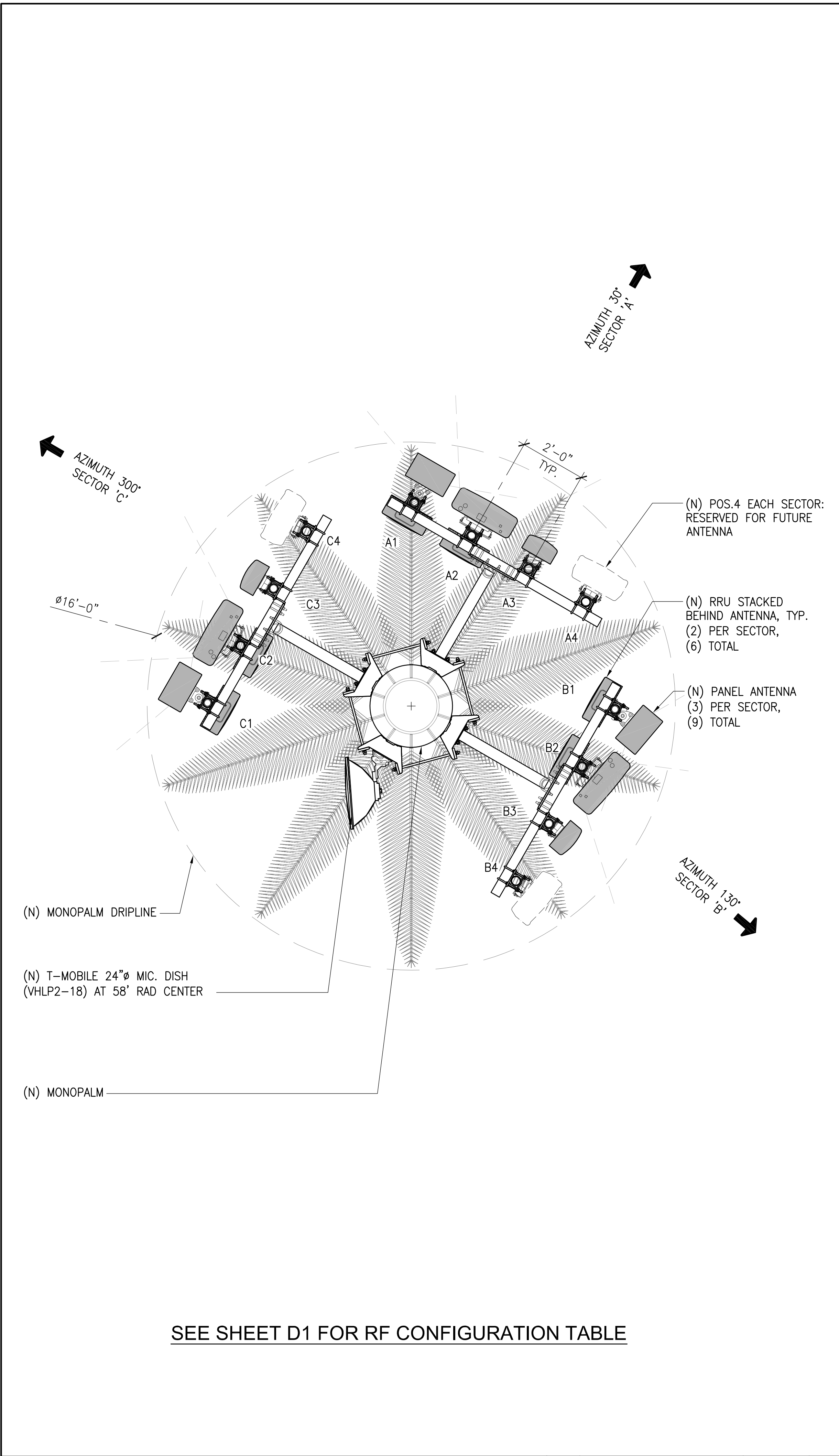
LICENSED ARCHITECT
DK DO
C-18015
REN. 11/19
STATE OF CALIFORNIA

SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

A-2



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2008 MCGAW AVENUE
IRVINE, CA 92614

Synergy
Development Services, INC.

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Office: (818) 840-0808 Fax: (818) 688-8066
2500 Red Hill Avenue, Suite 240, Santa Ana, CA 92705
Office: (949) 735-9799

PLANS PREPARED BY:

DCI PACIFIC
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
26 EXECUTIVE PARK | SUITE 170
IRVINE | CA 92614

| NO. | DATE: | DESCRIPTION: | BY: |
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| A | 07/11/19 | 90% ZD | MB |
| O | 08/07/19 | 100% ZD | MB |
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SITE INFORMATION:

AUTO MALL

SV13748C

2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313

SEAL:

LICENSED ARCHITECT
DK DO
C-18015
REN. 11/19
STATE OF CALIFORNIA

SHEET TITLE:

**EQUIPMENT AND ANTENNA
LAYOUT PLANS**

SHEET NUMBER:

A-3

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2008 MCGAW AVENUE
IRVINE, CA 92614



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Office: (818) 840-0808 Fax: (818) 688-8066
2500 Red Hill Avenue, Suite 240, Santa Ana, CA 92705
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PLANS PREPARED BY:

DCI PACIFIC
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
26 EXECUTIVE PARK | SUITE 170
IRVINE | CA 92614

| NO. | DATE: | DESCRIPTION: | BY: |
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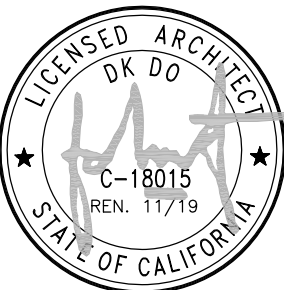
SITE INFORMATION:

AUTO MALL

SV13748C

2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313

SEAL:

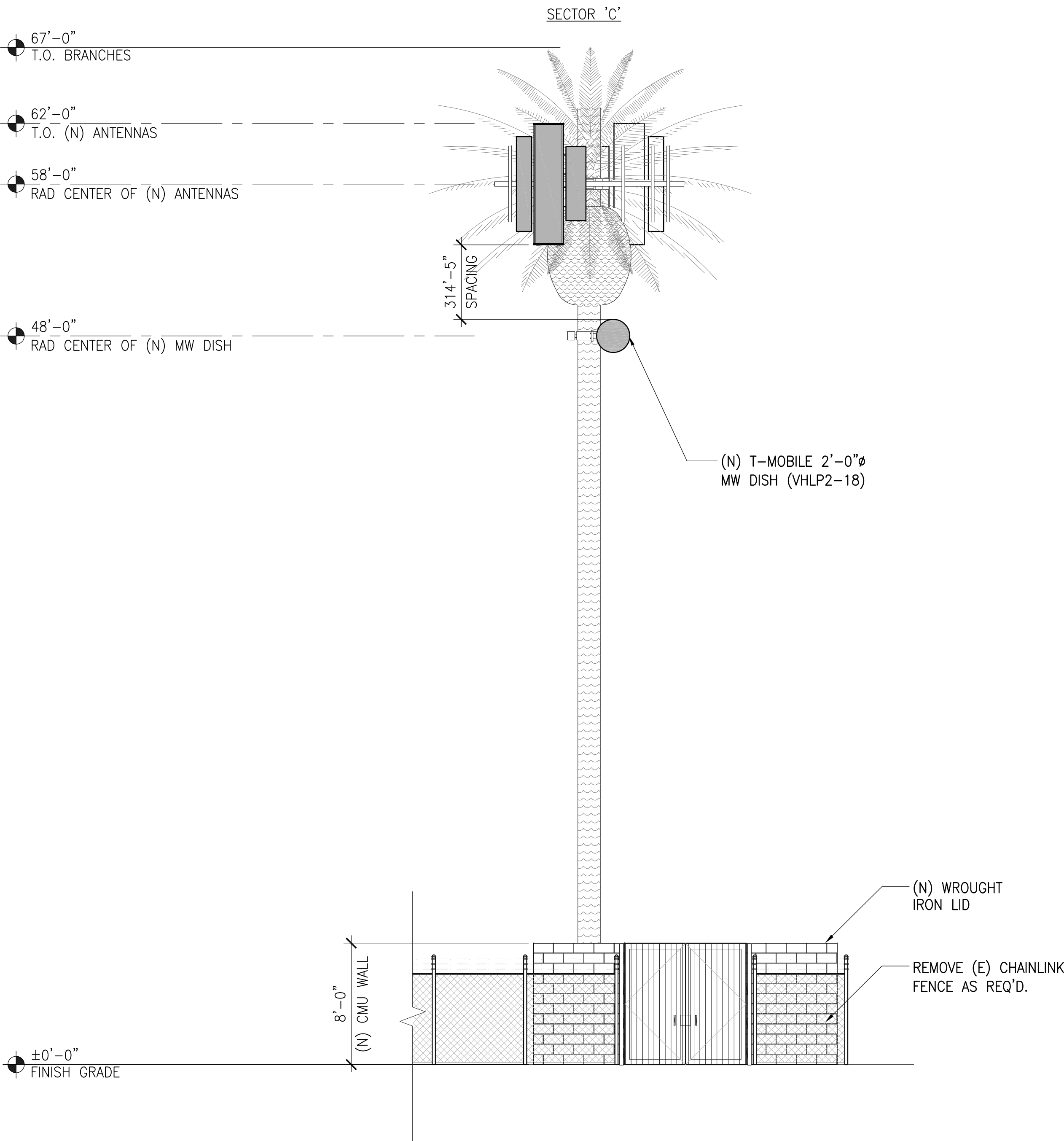


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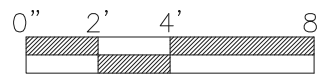
ELEVATIONS

SHEET NUMBER:

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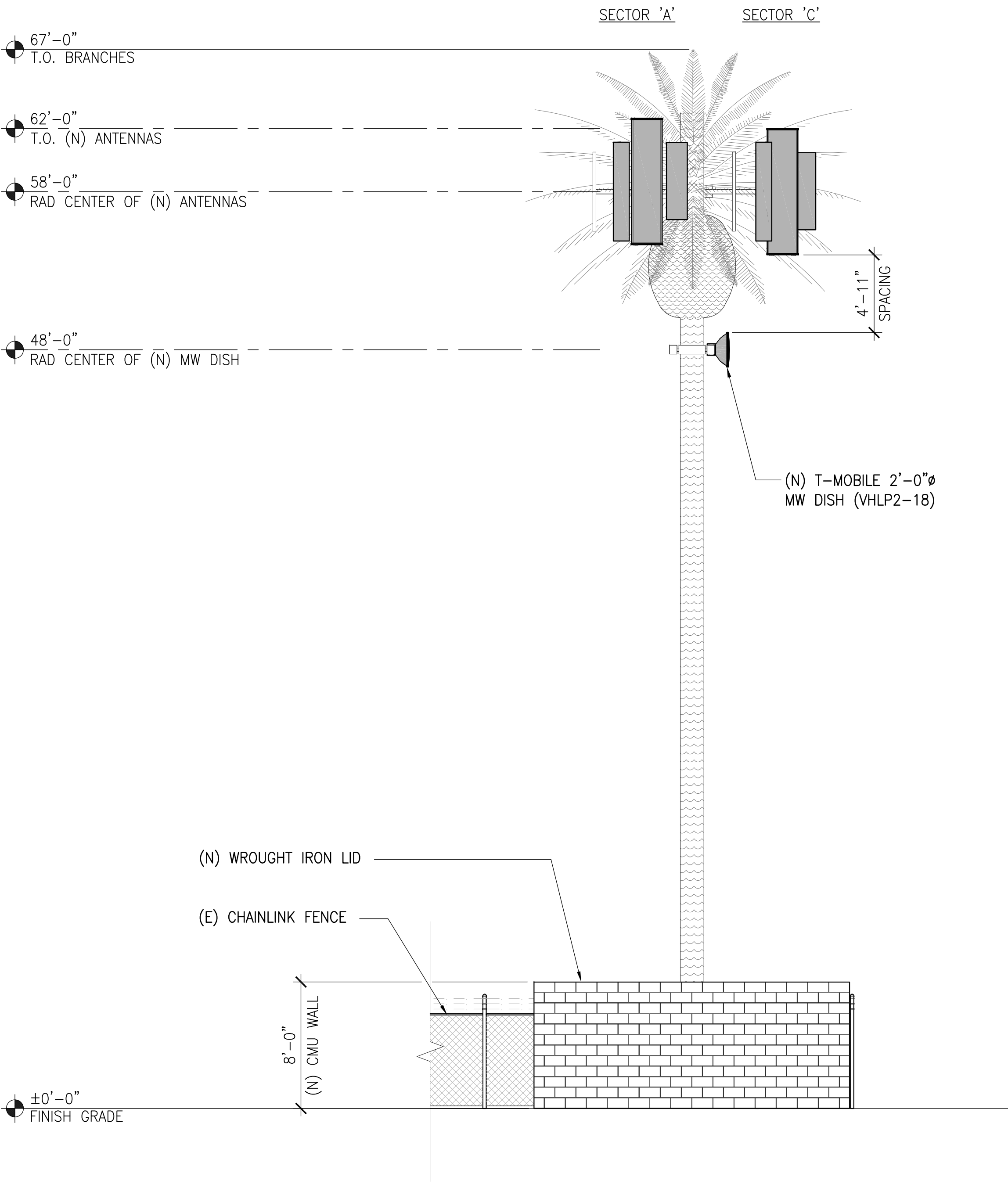


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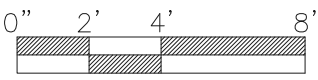


SCALE:
3/16"=1'-0"

2



NORTH ELEVATION



SCALE:
3/16"=1'-0"

1

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IRVINE, CA 92614



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| NO. | DATE: | DESCRIPTION: | BY: |
|-----|----------|--------------|-----|
| A | 07/11/19 | 90% ZD | MB |
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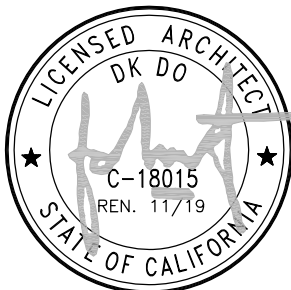
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AUTO MALL

SV13748C

2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313

SEAL:

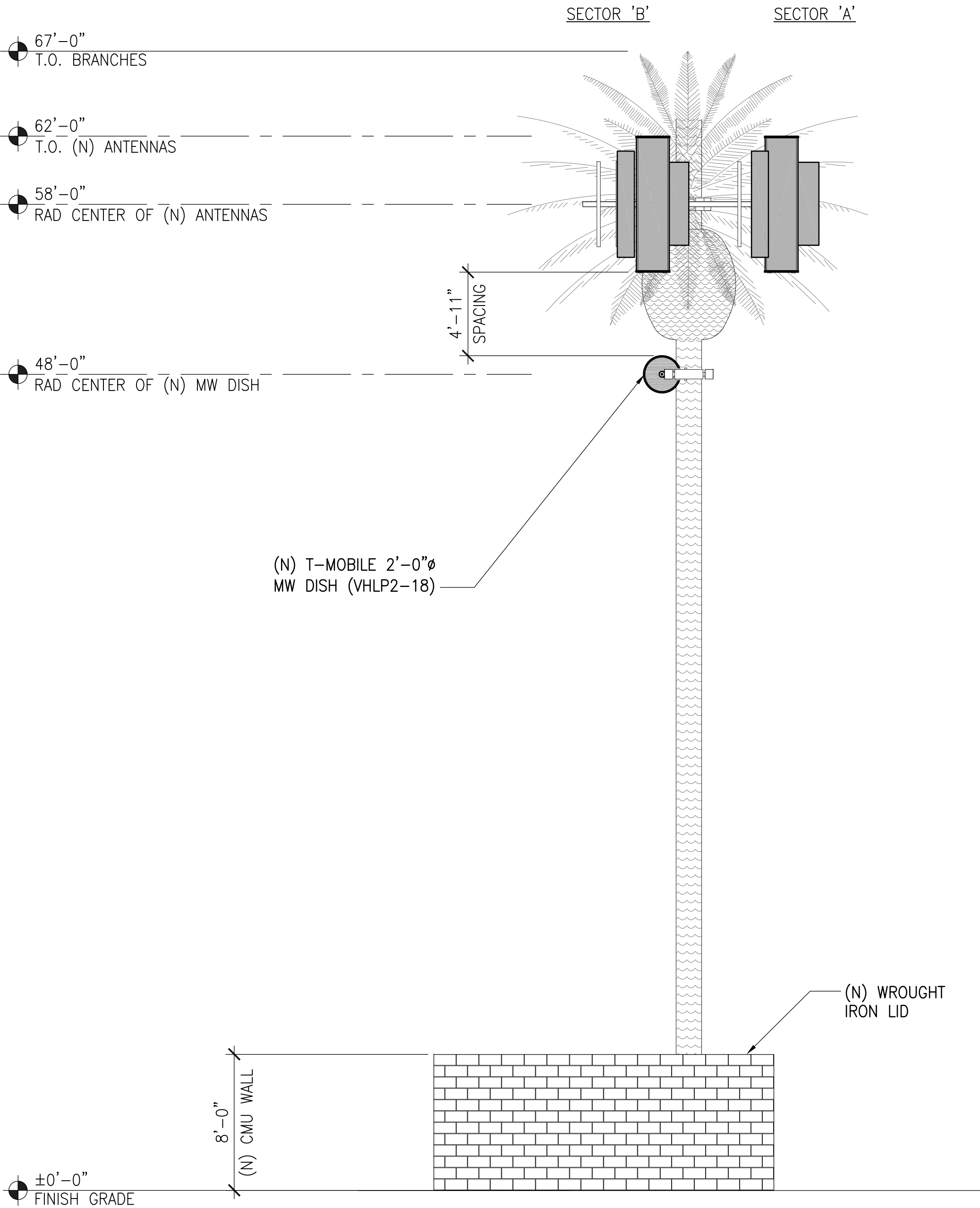


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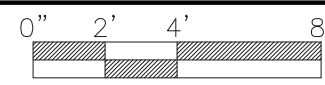
ELEVATIONS

SHEET NUMBER:

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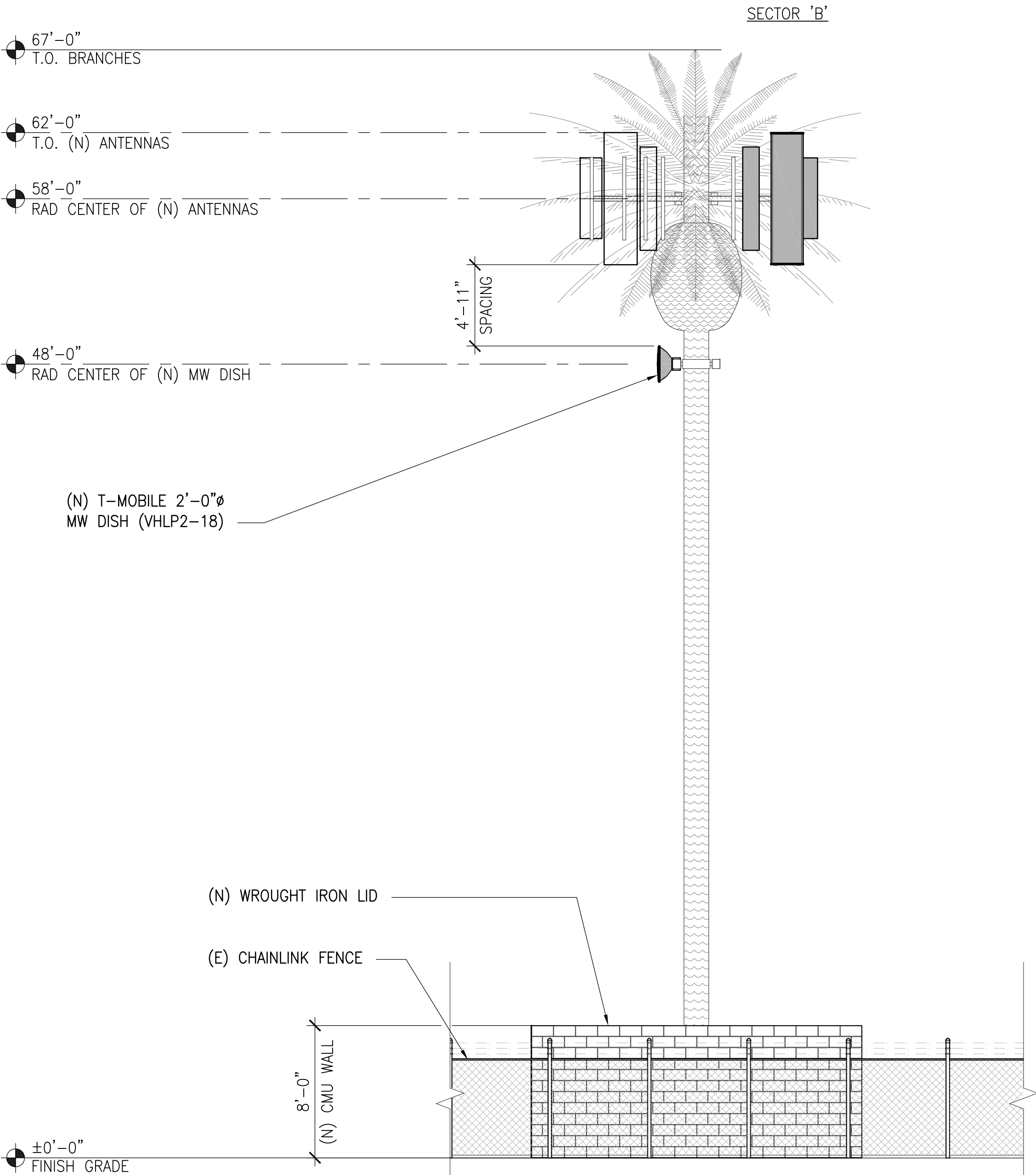


EAST ELEVATION

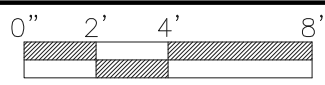


SCALE:
3/16"=1'-0"

2



SOUTH ELEVATION



SCALE:
3/16"=1'-0"

1

| FINAL ---SV13748C - ANTENNA, TMA, RRUS, CABLE SCHEDULE | | | | | | | | | | |
|--|----------------|---------|-----------|--|--------------------------------------|--------|------------|------------------------------------|---|------------------|
| SECTOR | | AZIMUTH | MFR | MODEL NO. | SIZE & WEIGHT | TYPE | RAD CENTER | TMA/DIPLEXERS/BIAS-T/RRUS | CABLES | |
| | | | | | | | | | SIZE | LENGTH |
| A | A1 L21 | 30° | ERICSSON | AIR3246 B66 (ACTIVE ANTENNA _ MASSIVE MIMO) | 58.6"L x 12.9"W x 8.7"D 198.4 lbs | NEW | 58'-0" | | (4) FIBER JUMPER | 16'-0" |
| | A2 L7/L6/N6 | 30° | RFS | RFS-APXVAA24_43-U-A20 (OCTO) | 95.9"L x 24"W x 8.5"D 128 lbs | NEW | 58'-0" | (1) RRUS 4449 B71+B12 (AT ANTENNA) | (2) JUMPER SUREFLEX (2) FIBER JUMPER | 10'-0" 16'-0" |
| | A3 L19/G19 | 30° | ANDREW | HBXX-6517DS-A2M (QUAD) | 75.1"L x 12"W x 6.5"D 40.8 lbs | NEW | 58'-0" | (1) RRUS 4415 B25 (AT ANTENNA) | (2) JUMPER SUREFLEX (2) FIBER JUMPER | 10'-0" 16'-0" |
| | A4 | 30° | TBD | TBD | TBD | FUTURE | 58'-0" | | TBD | TBD |
| B | B1 L21 | 130° | ERICSSON | AIR3246 B66 (ACTIVE ANTENNA _ MASSIVE MIMO) | 58.6"L x 12.9"W x 8.7"D 198.4 lbs | NEW | 58'-0" | | (4) FIBER JUMPER | 16'-0" |
| | B2 L7/L6/N6 | 130° | RFS | RFS-APXVAA24_43-U-A20 (OCTO) | 95.9"L x 24"W x 8.5"D 128 lbs | NEW | 58'-0" | (1) RRUS 4449 B71+B12 (AT ANTENNA) | (2) JUMPER SUREFLEX (2) FIBER JUMPER | 10'-0" 16'-0" |
| | B3 L19/G19 | 130° | ANDREW | HBXX-6517DS-A2M (QUAD) | 75.1"L x 12"W x 6.5"D 40.8 lbs | NEW | 58'-0" | (1) RRUS 4415 B25 (AT ANTENNA) | (2) JUMPER SUREFLEX (2) FIBER JUMPER | 10'-0" 16'-0" |
| | B4 | 130° | TBD | TBD | TBD | FUTURE | 58'-0" | | TBD | TBD |
| C | C1 L21 | 300° | ERICSSON | AIR3246 B66 (ACTIVE ANTENNA _ MASSIVE MIMO) | 58.6"L x 12.9"W x 8.7"D 198.4 lbs | NEW | 58'-0" | | (4) FIBER JUMPER | 16'-0" |
| | C2 L7/L6/N6 | 300° | RFS | RFS-APXVAA24_43-U-A20 (OCTO) | 95.9"L x 24"W x 8.5"D 128 lbs | NEW | 58'-0" | (1) RRUS 4449 B71+B12 (AT ANTENNA) | (2) JUMPER SUREFLEX (2) FIBER JUMPER | 10'-0" 16'-0" |
| | C3 L19/G19 | 300° | ANDREW | HBXX-6517DS-A2M (QUAD) | 75.1"L x 12"W x 6.5"D 40.8 lbs | NEW | 58'-0" | (1) RRUS 4415 B25 (AT ANTENNA) | (2) JUMPER SUREFLEX (2) FIBER JUMPER | 10'-0" 16'-0" |
| | C4 | 300° | TBD | TBD | TBD | FUTURE | 58'-0" | | TBD | TBD |
| N/A | | TBD | COMMSCOPE | VHLP2-18 | 2'Ø | NEW | 48'-0" | | TBD | TBD |

RF CONFIGURATION

SCOPE OF WORK: AN UNMANNED TELECOMMUNICATIONS FACILITY INCLUDING THE FOLLOWING:

INSTALL (N) MONOPALM (MINIMUM 80-PALM FRONDS)
INSTALL (N) ANTENNA MOUNTS FOR (3) SECTORS
INSTALL (1) (N) 2'Ø MICROWAVE DISH
INSTALL (4) ANTENNAS PER SECTOR, (12) TOTAL
INSTALL (2) RRUS PER SECTOR, (6) TOTAL

INSTALL (2) EQUIPMENT CABINETS, (1) FOR FUTURE USE
INSTALL (1) BATTERY CABINET
INSTALL (1) METER PANEL, (1) ATS PANEL, (1) PPC,
INSTALL (1) TELCO BOX, (1) FIBER BOX
INSTALL (1) DUW30 FOR U1900
INSTALL (1) DUG20 FOR G1900
INSTALL (3) BBU6630
INSTALL (1) BB 5216 FOR ALL LTE TECHNOLOGIES
INSTALL (1) XMU
INSTALL (2) HYBRID CABLE 6/12 HCS 6AWG, (1) PER SECTOR

DETAILED SCOPE OF WORK

Mobile
stick together

2008 MCGAW AVENUE
IRVINE, CA 92614



7543 Woodley Ave #201 Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 688-8066
2500 Red Hill Avenue, Suite 240, Santa Ana, CA 92705
Office: (949) 735-9799

PLANS PREPARED BY:

DCI PACIFIC
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
26 EXECUTIVE PARK | SUITE 170
IRVINE | CA 92614

| NO. | DATE: | DESCRIPTION: | BY: |
|-----|----------|--------------|-----|
| A | 07/11/19 | 90% ZD | MB |
| 0 | 08/07/19 | 100% ZD | MB |
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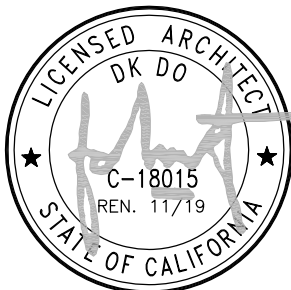
SITE INFORMATION:

AUTO MALL

SV13748C

2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313

SEAL:

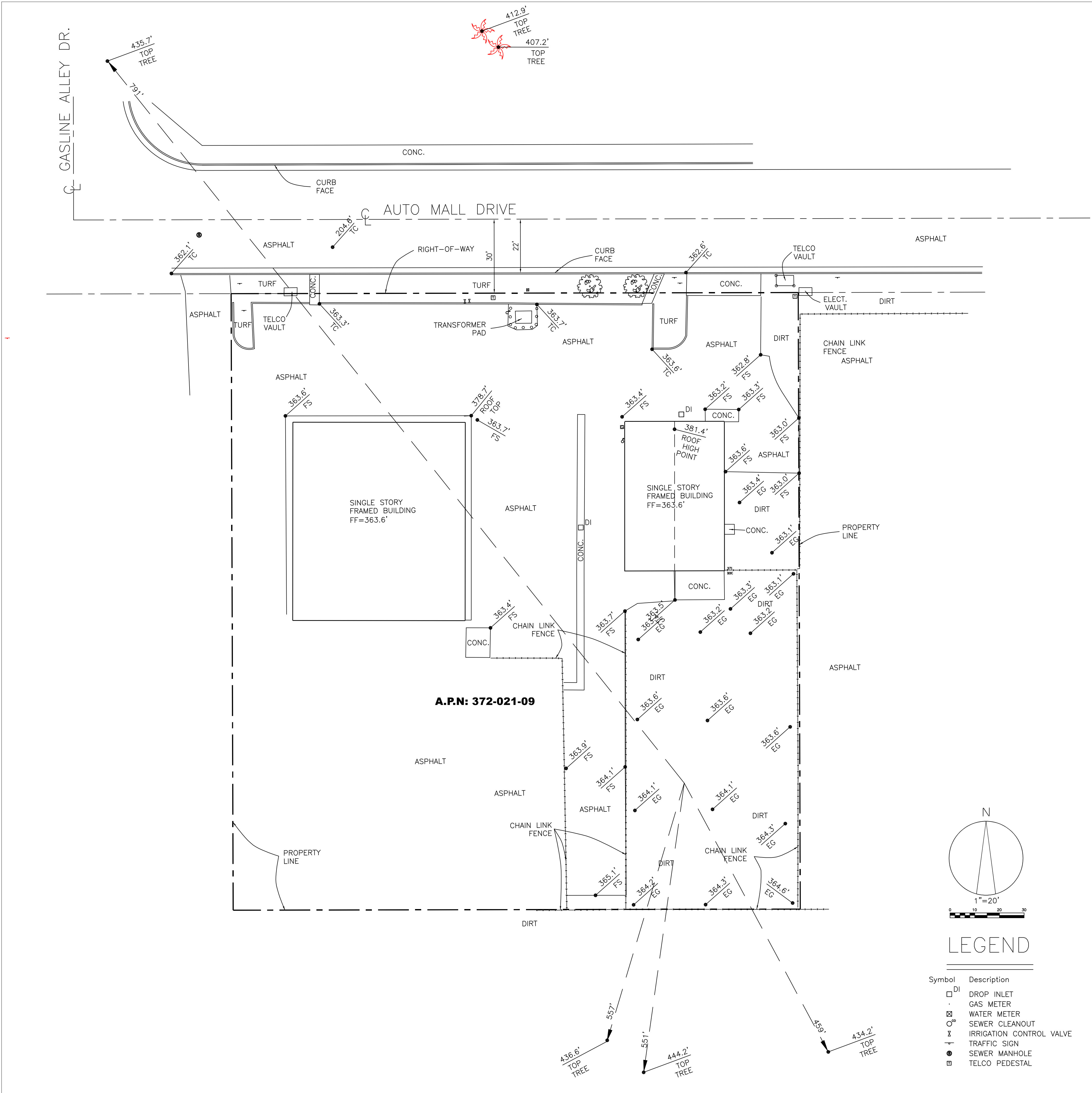


SHEET TITLE:

RF CONFIGURATION AND
DETAILED SCOPE OF WORK

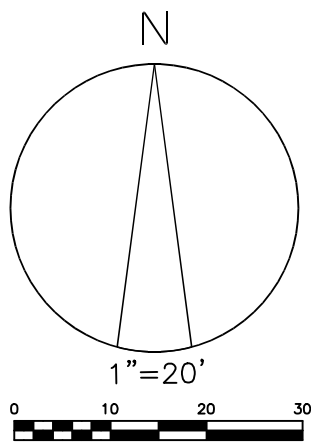
SHEET NUMBER:

D-1



VICINITY MAP

LEGAL DESCRIPTION
A.P.N: 372-021-09



LEGEND

| Symbol | Description |
|--------|--------------------------|
| DI | DROP INLET |
| • | GAS METER |
| ⊗ | WATER METER |
| ⊙ | SEWER CLEANOUT |
| X | IRRIGATION CONTROL VALVE |
| + | TRAFFIC SIGN |
| ● | SEWER MANHOLE |
| □ | TELCO PEDESTAL |



T-Mobile
Stick Together®

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

PROJECT INFORMATION:

SV13748
AUTO MALL

2821 AUTO MALL DRIVE
BAKERSFIELD, CA 93313

CURRENT ISSUE DATE:

07/02/19

ISSUED FOR:

REV.: DATE: DESCRIPTION: BY:

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PLANS PREPARED BY:



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

CONSULTANT:

DRAWN BY: CHK.: APV.:

| | | |
|---|---|---|
| - | - | - |
|---|---|---|

LICENSURE:



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

SHEET TITLE:

SITE SURVEY

SHEET NUMBER: REVISION:

L-1

A

SV13748

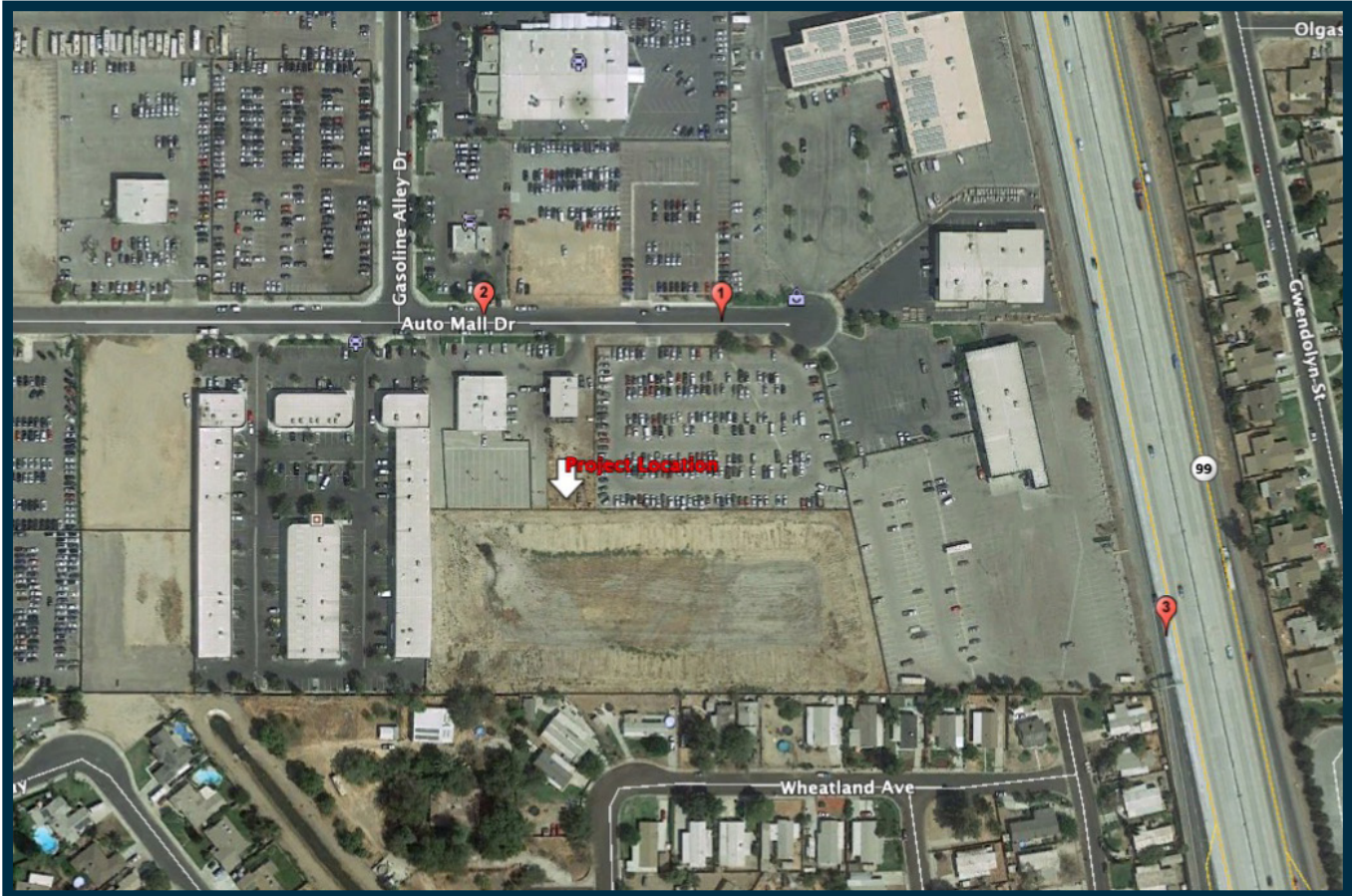
Photo Sims

SV13748c

2821 Auto Mall Drive ~ Bakersfield, CA 93313

..T..Mobile..

View 1

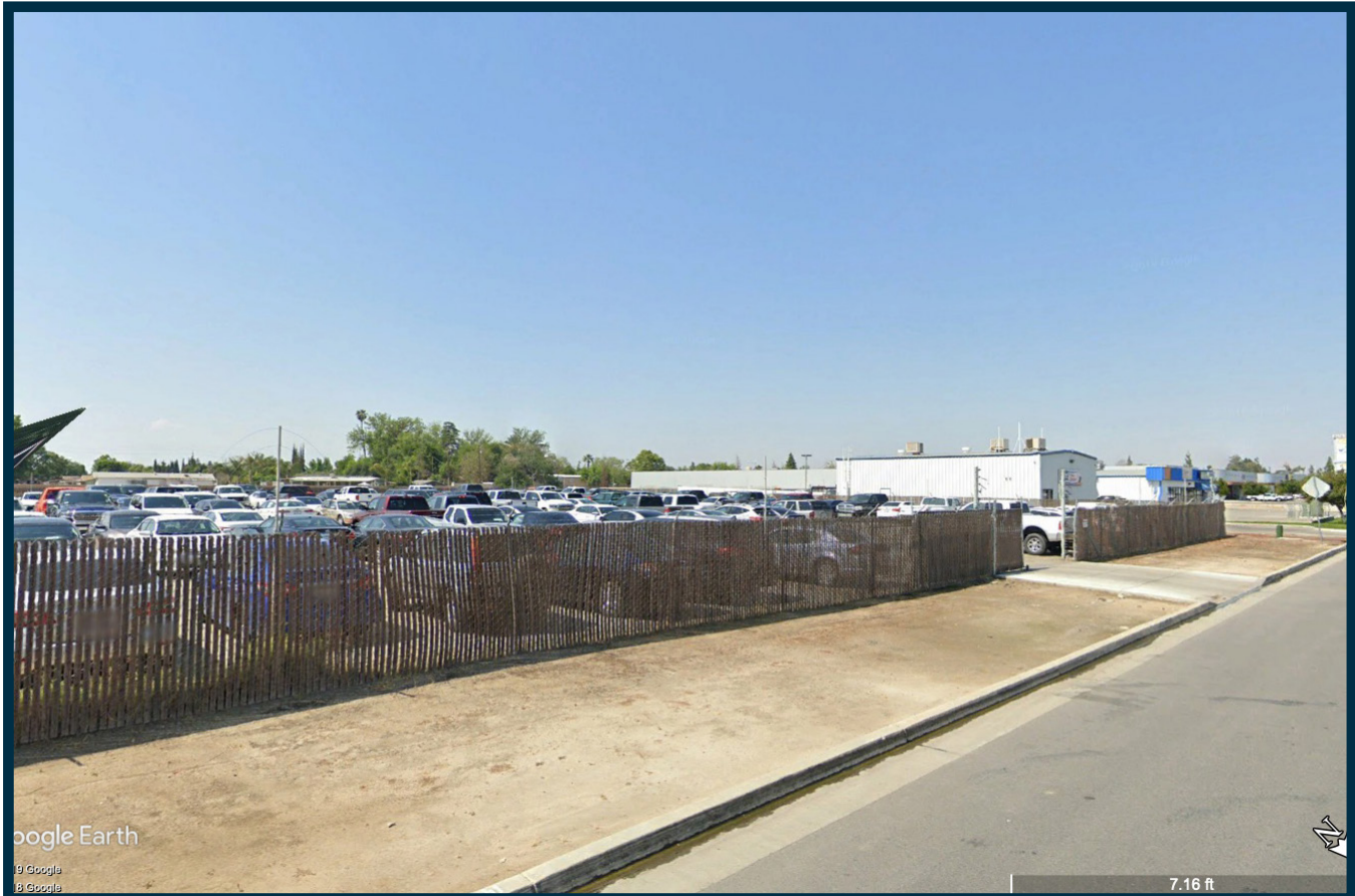


Location Map



Proposed

Notes: Looking south west at proposed project



Existing

Applicant

T-Mobile West LLC

4100 Guardian St., Suite 101
Simi Valley, CA 9306

Contact

Synergy
a division of Advantage Engineers

7543 Woodley Ave #201
Van Nuys, CA 91406
(818) 840-0808

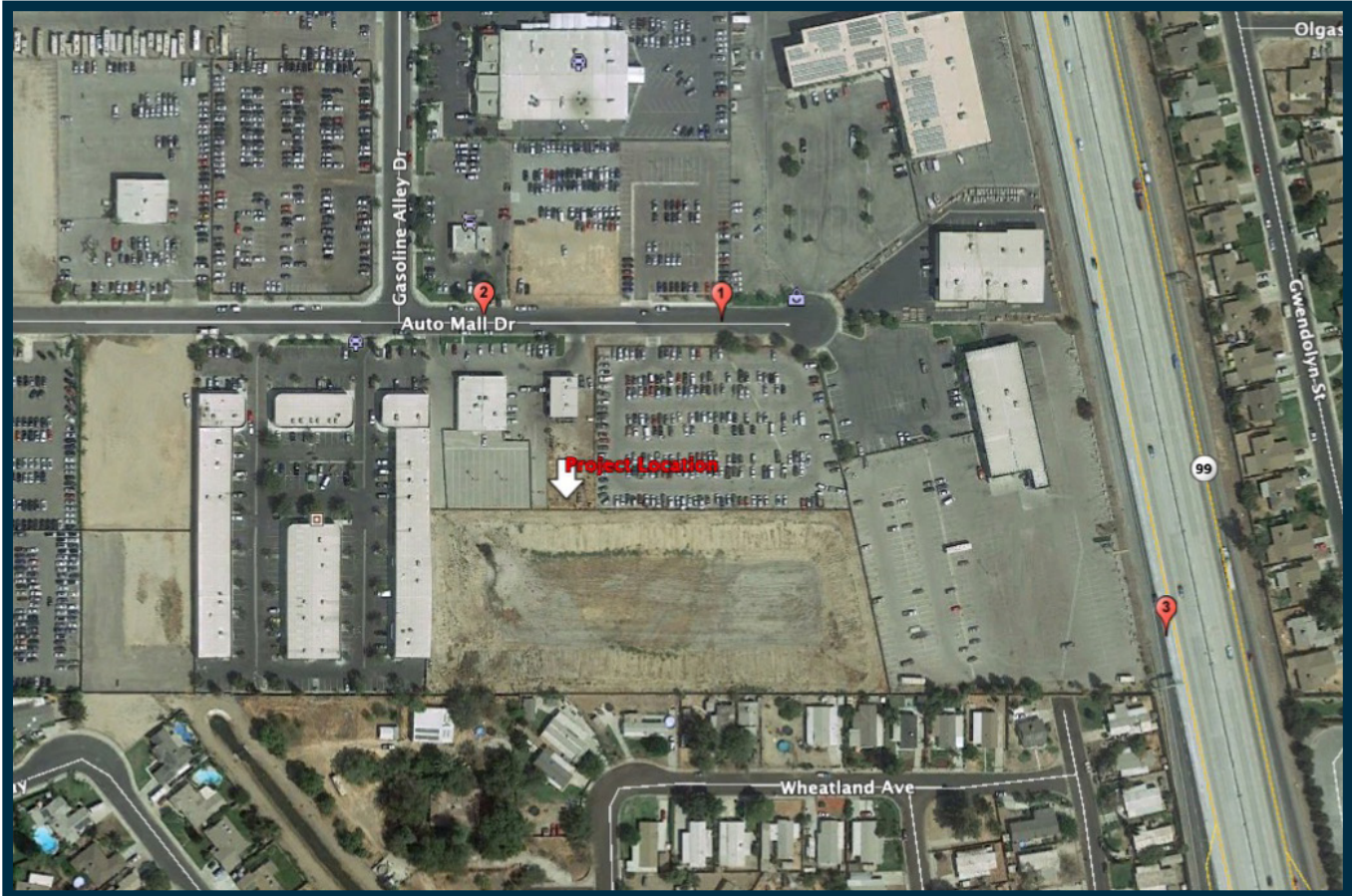
Photographic Visualizations Provided By:



SCDG LLC.
SoCal Design Group

3655 W Anthem Way
Anthem, AZ 85086
www.scdgllc.com
(951) 225-5421
edward@scdgllc.com

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



Location Map



Proposed

Notes: Looking south east at proposed project



Existing

Applicant

T-Mobile West LLC
4100 Guardian St., Suite 101
Simi Valley, CA 9306

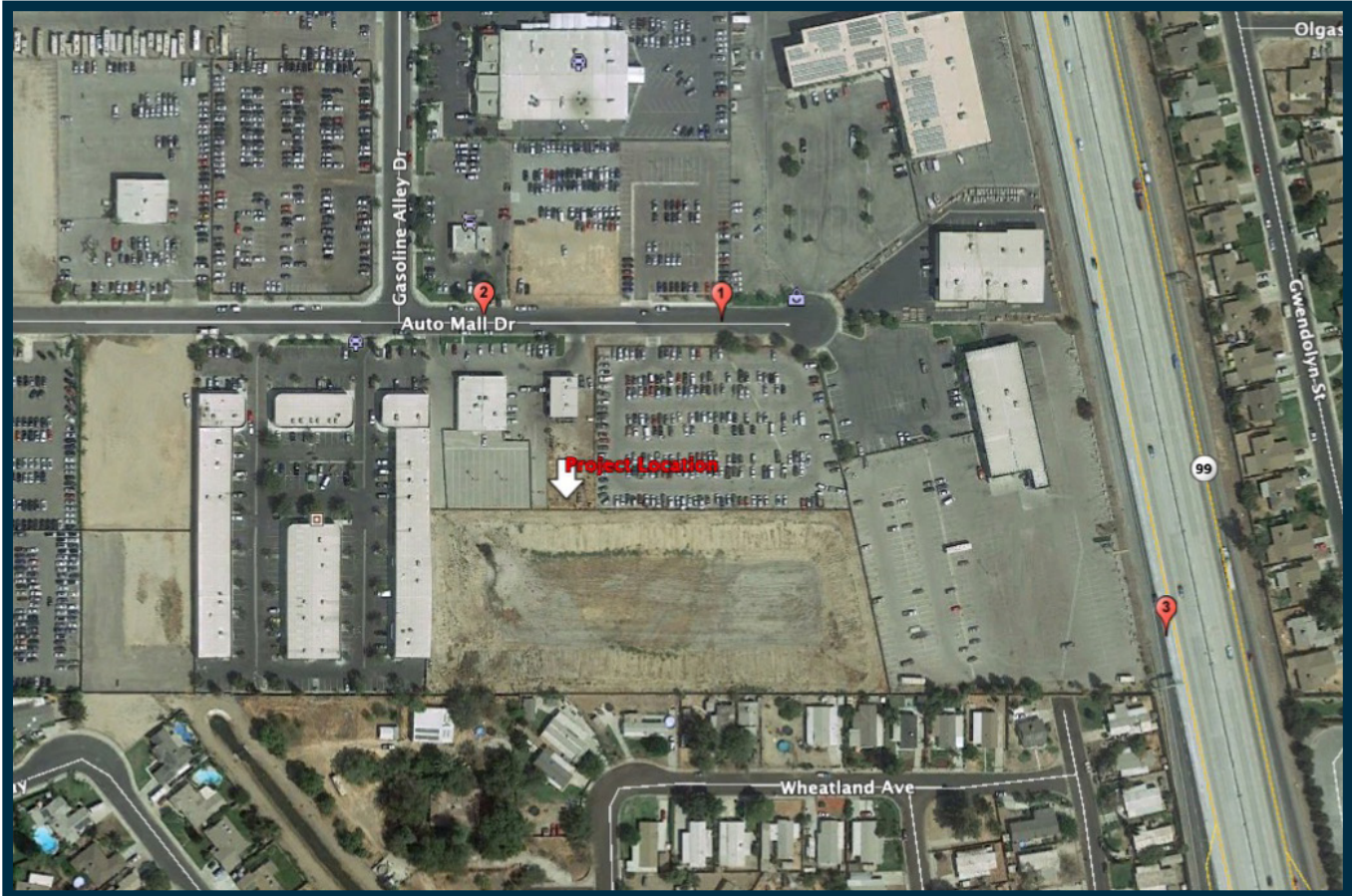
Contact

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

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For exact dimensions and design, please refer to the submitted plans.
SCDG LLC (SoCal Design Group) is not Responsible for Post Simulation Production Design Changes



Location Map



Proposed

Notes: Looking north west at proposed project



Google Earth

© 2019 Google
© 2019 Google
© 2019 Google

Existing

Applicant

T-Mobile West LLC

4100 Guardian St., Suite 101
Simi Valley, CA 9306

Contact

Synergy
a division of Advantage Engineers

7543 Woodley Ave #201
Van Nuys, CA 91406
(818) 840-0808

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Propagation Maps

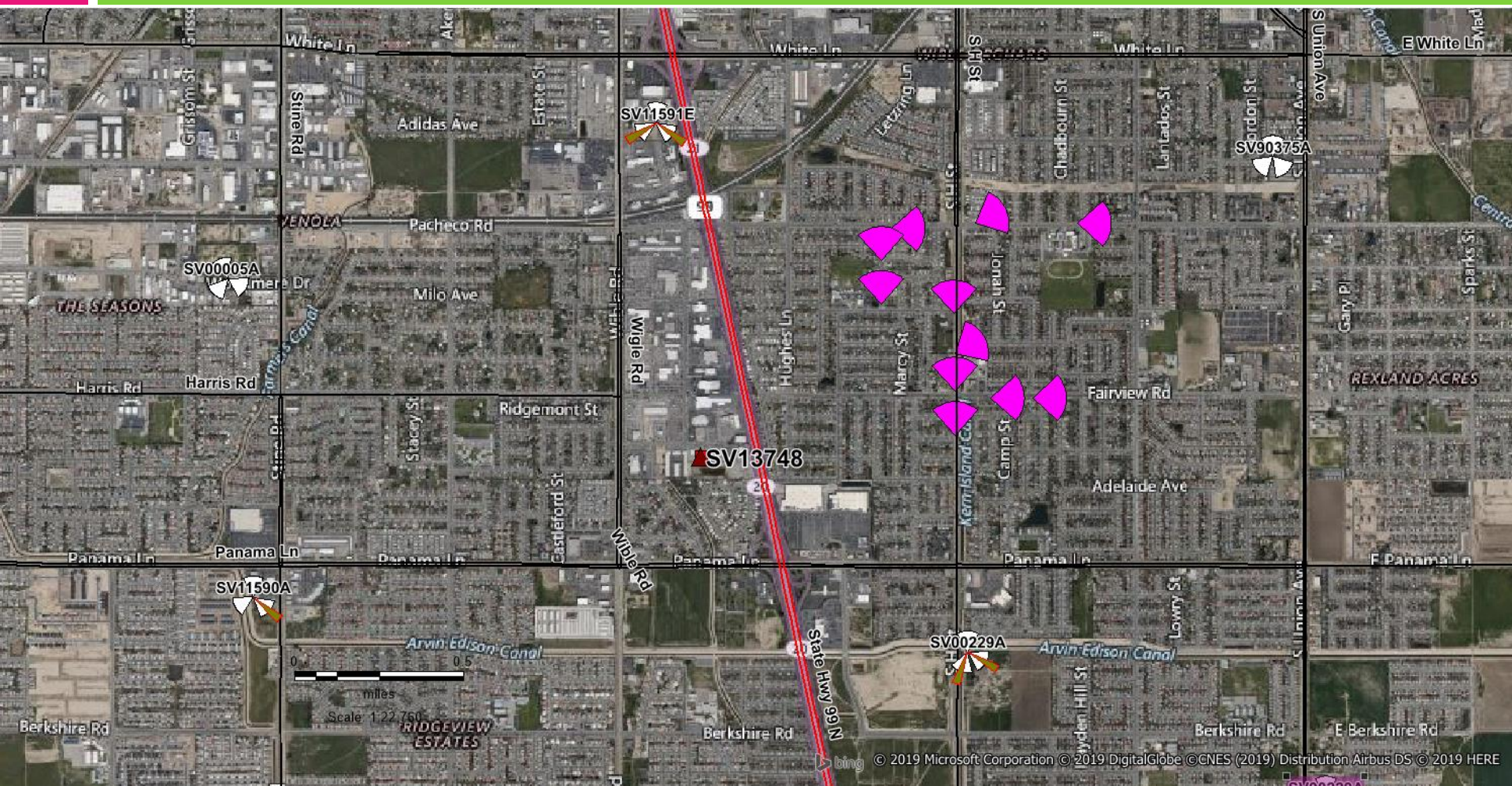


SV13748C

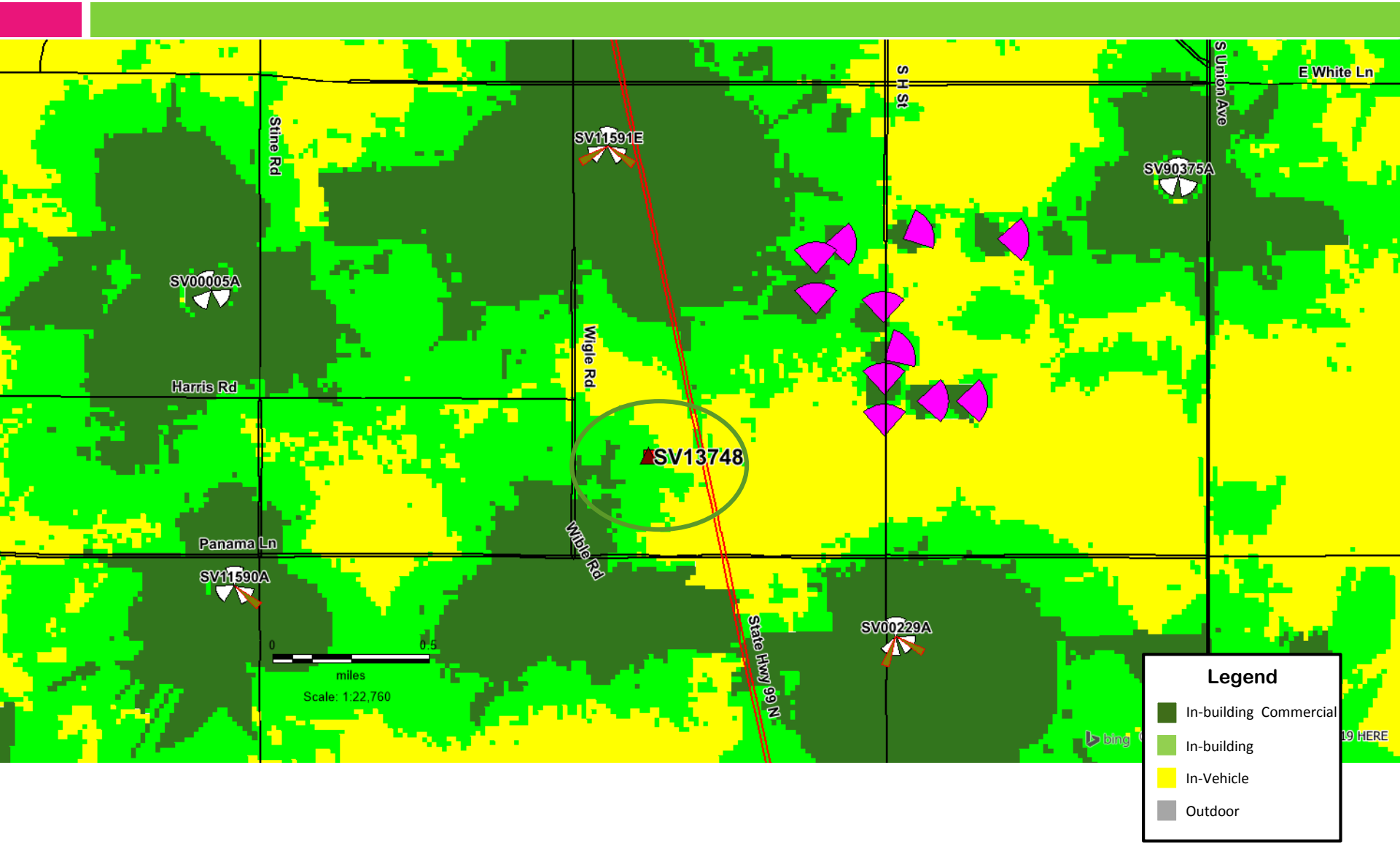
LTE 2100 COVERAGE PREDICTION PLOT

The Right Results
The **Right** Way™

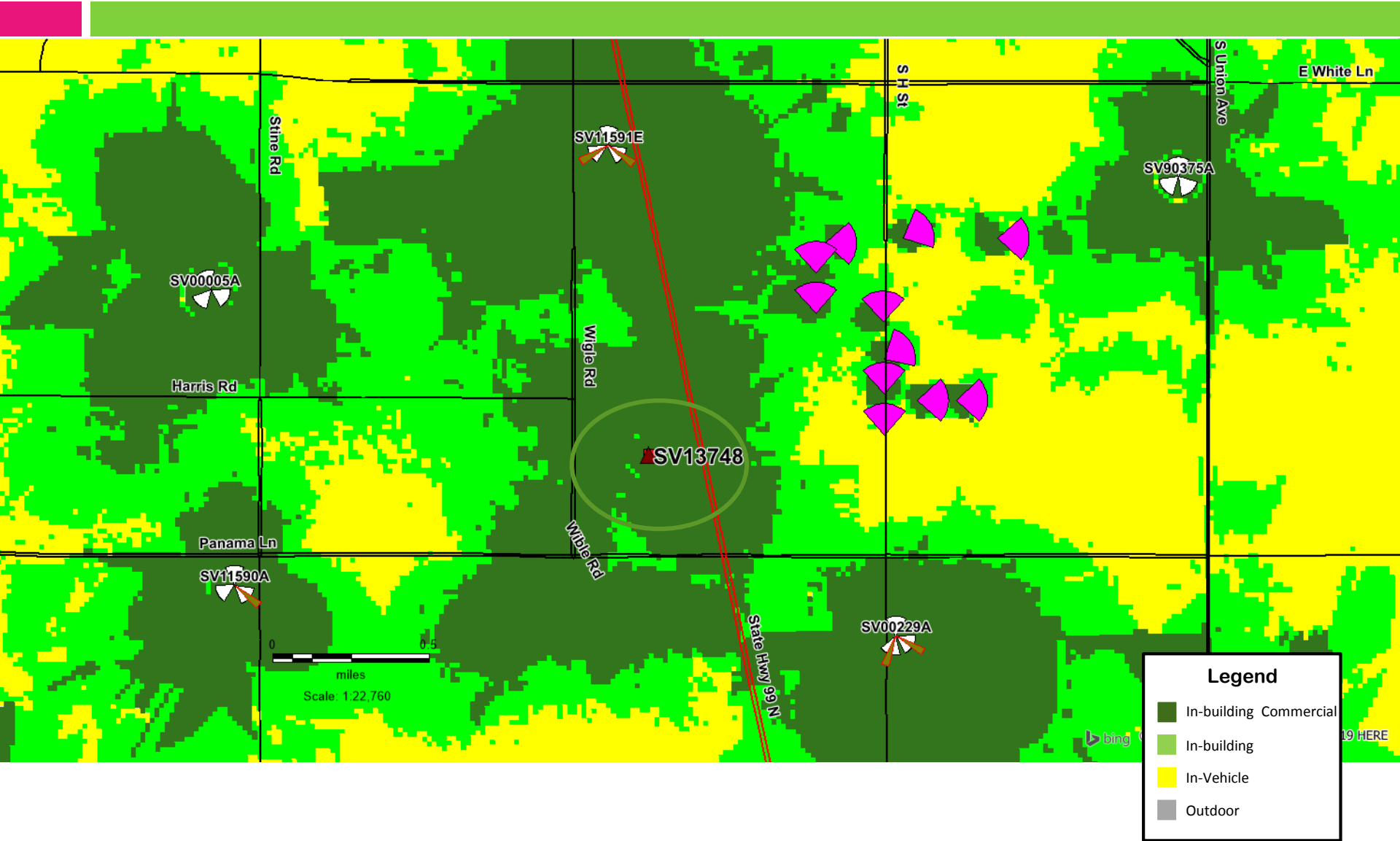
Existing T-MO Network at SV13748C



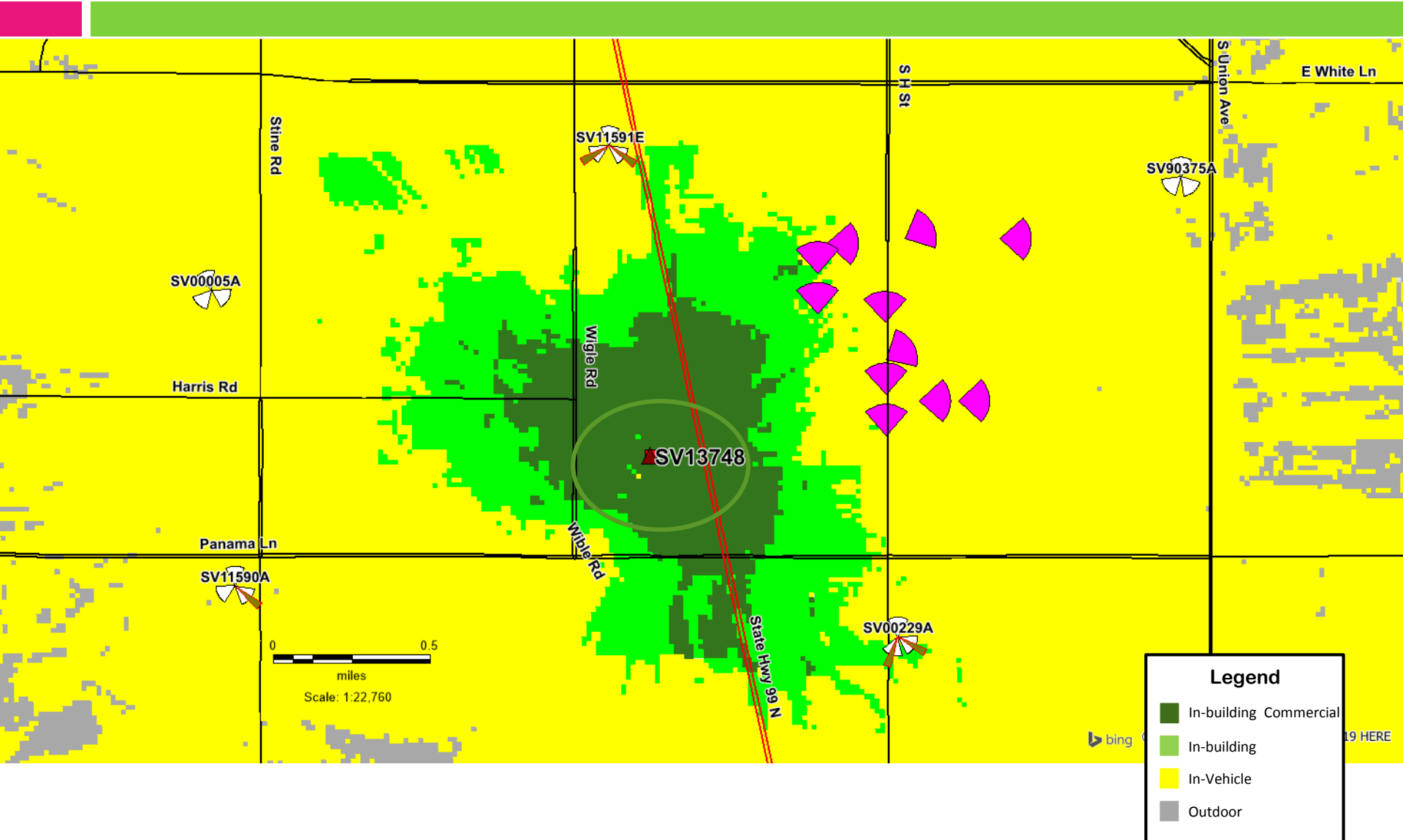
Predicted LTE 2100 Coverage of existing on-air sites



Predicted LTE 2100 Coverage of existing on-air sites with SV13748C



Predicted LTE 2100 Coverage of SV13748C only





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: September 10, 2019

ITEM NUMBER: Consent - Public
Hearing4.(f.)

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: 2

SUBJECT:

Conditional Use Permit No. 19-0298: JR Design Group, LLC is proposing a conditional use permit to allow a duplex in the C-1 (Neighborhood Commercial Zone) district, located at 1316 Niles Street. Notice of Exemption on file.

APPLICANT: JR Design Group, LLC

OWNER: Sergio Aguilar

LOCATION: 1316 Niles Street

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: September 10, 2019

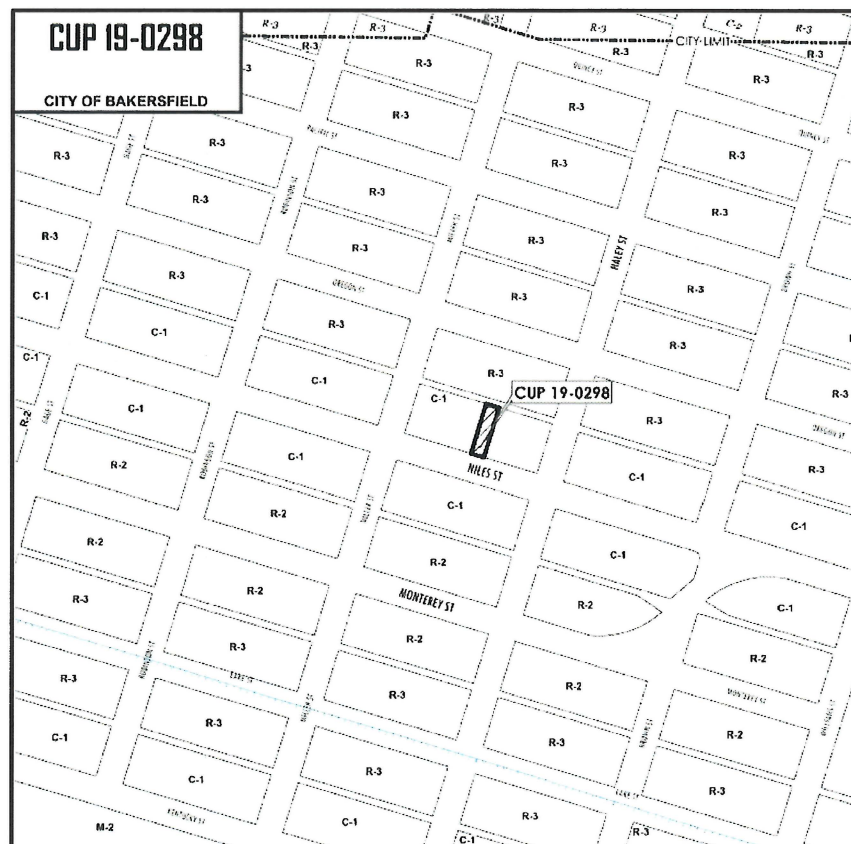
SUBJECT: Conditional Use Permit; File No. 19-0298 (Ward 2)

APPLICANT: JR Design Group, LLC
1234 Chester Avenue, Suite 200
Bakersfield, CA 93301

OWNER: Sergio Aguilar
3501 Mall View Road, Suite 115
Bakersfield, CA 93306

LOCATION: 1316 Niles Street | APN: 015-160-12

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0298, as depicted in the project description and subject to the listed conditions of approval.

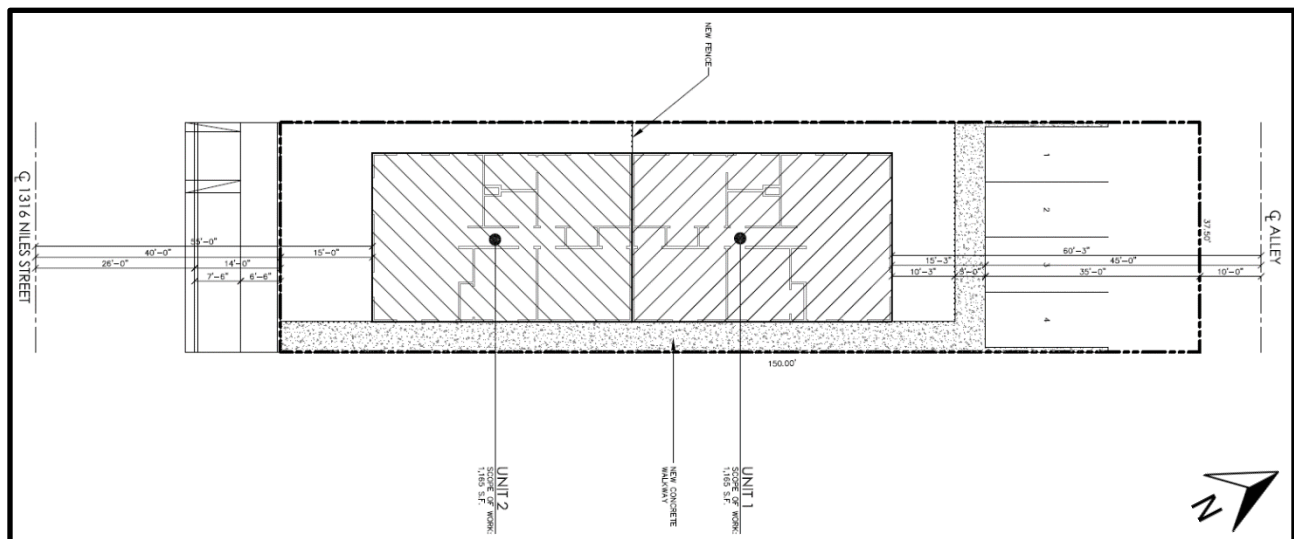
PROJECT SUMMARY:

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

Figure 2. Site Aerial



Figure 3. Site Plan



SURROUNDING LAND USES:

The project site is an undeveloped 5,625 square foot parcel in east Bakersfield. 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 | Undeveloped Land |
| North | HR | R-3 | Single-Family Residential |
| East | GC | C-1 | Multiple-Family Residential |
| South | GC | C-1 | Ice Cream Manufacturing |
| West | GC | C-1 | Multiple-Family Residential |
| General Plan Key GC: General Commercial HR: High Density Residential | | Zone District Key C-1: Neighborhood Commercial R-3: Multiple-Family Dwelling | |

ANALYSIS:

Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel, are permitted uses in the C-1 zone. Any other residential uses are permitted if approved by a conditional use permit.

As proposed, the 2,330 square foot building will be constructed as a single-story structure consisting of two dwelling units. Each unit is 1,165 square feet and developed with three bedrooms and two bathrooms.

Dwelling units containing two or more bedrooms require two parking spaces per unit. As proposed, each unit is provided with two off-street parking spaces to comply with parking requirements. Staff notes that additional parking for guests is only required for apartments containing five or more units.

The GC (General Commercial) General Plan designation allows for a maximum 1.0 Floor Area Ratio (FAR). FAR is equal to gross building area (2,330 square feet) divided by net parcel area (5,625 square feet). As proposed, the FAR of 0.42 does not exceed the density requirement. Additionally, the proposal is consistent with the residential development standards in the R-4 (High Density Multiple-Family Dwelling Zone) district that are required of all residential uses developed in commercial zone districts.

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15332, because the project is an in-fill development meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

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 site is appropriate for residential development due to its size and location; (2) the duplex would contribute to the growing need for multi-family housing; 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. 19-0298, 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 DUPLEX
(17.22.040.A) IN THE C-1 (NEIGHBORHOOD COMMERCIAL ZONE) DISTRICT,
LOCATED AT 1316 NILES STREET. (CUP NO. 19-0298)**

WHEREAS, JR Design Group, LLC filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a duplex (17.22.040.A) in the C-1 (Neighborhood Commercial Zone) district, located at 1316 Niles Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, September 10, 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 15332; and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, The State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15332, because the project is an in-fill development meeting the conditions described within said Section.
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. 19-0298 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 10th day of September 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. 19-0298

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 duplex in the C-1 (Neighborhood Commercial Zone) district, located at 1316 Niles Street as depicted on attached Exhibits B and C.

III. *The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.*

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

1. Show on the final building plan how and where water will be drained from the property.
2. The 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. 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).

**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> |
|----------------------------|-----------------------|----------------------|-------------------------|
| Duplex | 2,330 SF | 2/2+ Bdr | 4 Spaces |
| Required Parking: 4 Spaces | | | |

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

2. Minimum parking stall dimensions shall be 9 feet wide by 18 feet long and shall be designed according to standards established by the Traffic Engineer. Vehicles may hang over landscape areas no more than 2-1/2 feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.
3. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
4. 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:** No mature landscaping shall be removed without prior approval by the Planning Director.)

(**Note 3:** Upon approval of the final landscape plan, a digital copy shall be submitted to the Planning staff contact listed above.)

5. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs.

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

6. A Park Development and Improvement Fee shall be paid at the time of the building permit being issued for each independent residential unit. We will base the fee at the rate in effect at the time the permit is issued.
7. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

(**Note:** This does not include outdoor seating areas for restaurants.)

8. Refuse collection bin enclosures and container areas are subject to all required structural setback from street frontages, and shall not reduce any parking, loading or landscaping areas as required by the Zoning Ordinance.

9. 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.
10. 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).
11. 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. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
2. The developer must pay required fees to and request an inspection from the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715) for any underground sprinkler feeds at least 2 full business days before they are buried. The Prevention Services Division (2101 H Street, Bakersfield CA, Ph. 661/326-3979) must complete all on-site inspections of fire sprinkler systems and fire alarm systems before any building is occupied.
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)

1. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. 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.
3. 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.
4. 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).
5. 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.
6. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit.
7. 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.
8. 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.
9. 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.

10. 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.)

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)

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

1. Show the typical parking stall dimension on the final building plans (minimum stall size is 9 feet x 18 feet and shall be designed according to standards established by the Traffic Engineer).
2. 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)

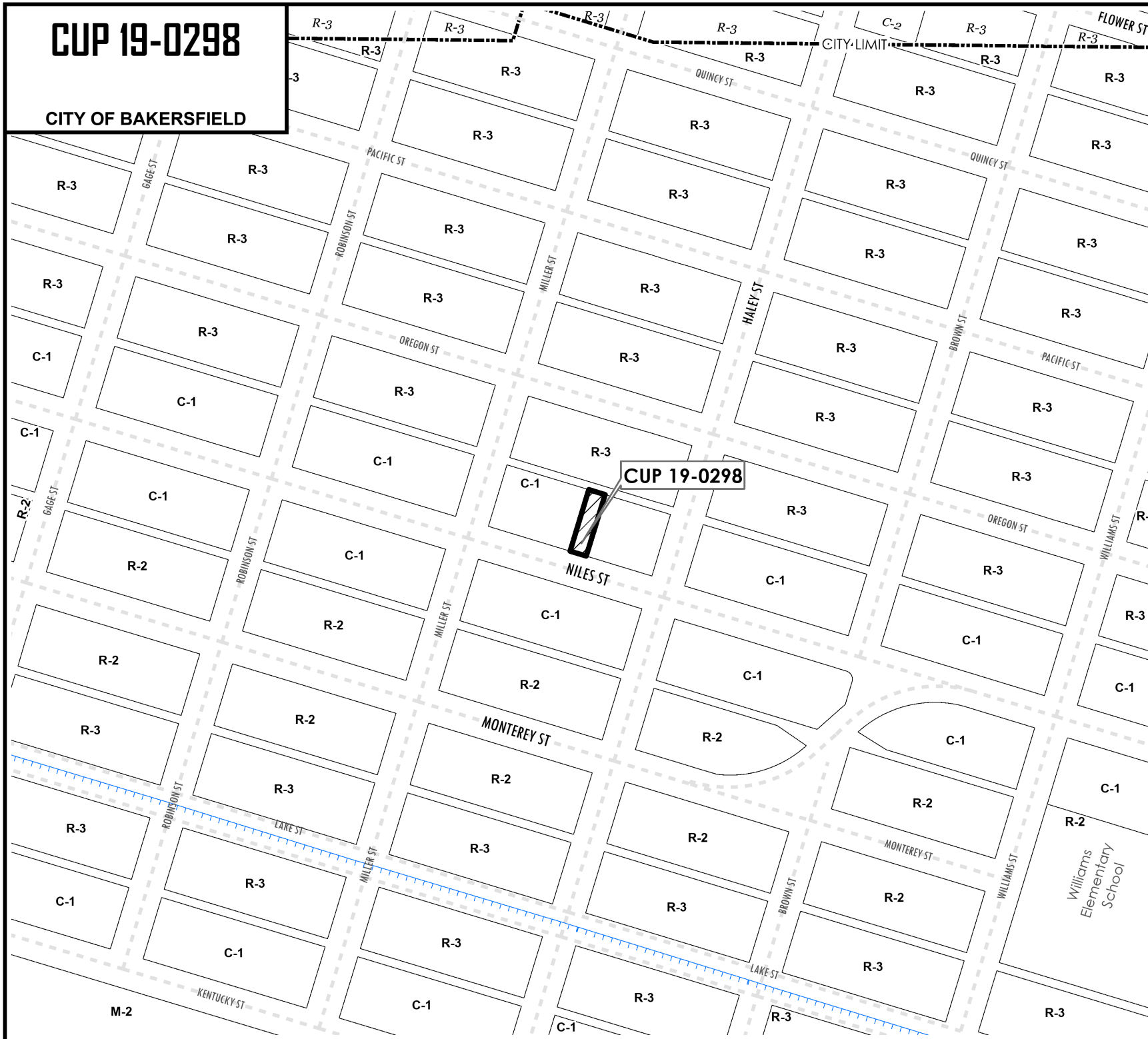
1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that 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. Residential properties with three (3) units or less will be serviced with automated carts. Every dwelling unit must have its own cart and no more than three (3) carts will be allowed for each parcel. A screened 3' x 9' concrete refuse cart storage pad must be provided for carts when they are not out for collection (this area shall be clearly shown on the final building plans). The Solid Waste Division will determine where service collection will occur (street curbside or alley).
3. 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.
4. 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 19-0298

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



N



Feet

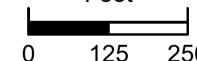


Exhibit C
(Site Development Plan)

AGUILAR PROJECT

SHEET INDEX

T-1 SHEET INDEX/SITE PLAN/ DEFERRED SUBMITTAL/
APPLICABLE CODES/ PROJECT INFORMATION/ VICINITY MAP /
SEISMIC DESIGN/ SCOPE OF WORK/ SPECIAL INSPECTIONS

A-1 FLOOR PLAN
A-2 FOUNDATION PLAN
A-3 ROOF PLAN
A-4 CROSS SECTIONS
A-5 EXTERIOR ELEVATIONS
A-6 BEST MANAGEMENT PRACTICES
A-7 CALIFORNIA GREEN CODE REQUIREMENTS
A-8 RESIDENTIAL MANDATORY MEASURES
A-9 CONSTRUCTION WASTE MANAGEMENT
T-24 ENERGY CALCULATIONS

SCOPE OF WORK

NEW 2,330 S.F. DUPLEX(1,165 S.F. PER UNIT) ON A
VACANT LOT

DESIGN PARAMETERS

DESIGN CRITERIA:

SITE LOCATION: LATITUDE 35.3798089 DEG. N
LONGITUDE 118.98085889 DEG. W

WIND DESIGN: 110 MPH BASIC WIND SPEED
EXPOSURE "C"

SEISMIC DESIGN: OCCUPANCY CATEGORY "II"
SEISMIC DESIGN CATEGORY "D"
SOIL-BASED SITE CLASS CATEGORY "D"
RISK CATAGORY "I/II/III"

NOTES

1. ALL MANUFACTURED MATERIAL, EQUIPMENT AND SYSTEMS SHALL BE INSTALLED AS DIRECTED BY THE MANUFACTURER UNLESS SPECIFIED TO THE CONTRARY AND ONLY THEN IF SUCH CONFLICT IS FIRST VERIFIED WITH THE OWNER IN WRITING.

2. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.

3. IN THE EVENT OF CONFLICTING STATEMENTS OR REQUIREMENTS THE CONTRACTOR SHALL NOTIFY THE OWNER IN SUFFICIENT TIME TO PERMIT THE ISSUANCE OF WRITTEN CLARIFICATION.

4. ALL WORK PERFORMED SHALL BE IN COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES.

5. SEPARATE REVIEW/PERMIT REQUIRED FOR AUTOMATIC FIRE SPRINKLER SYSTEM (NFPA-13R)

6. PROJECT TO REFLECT 2016, CBC, CRC, CMC, CPC, CEC, GREEN BUILDING CODE STANDARDS, AND 2016 CALIFORNIA ENERGY CODE.

7. LANDSCAPE REQUIREMENTS WILL BE MET IN SEPERATE SUBMITTAL LANDSCAPE PLAN.

8. MOISTURE CONTENT OF THE MATERIALS USED IN WALL AND FLOOR FRAMING SHALL NOT EXCEED 19 PERCENT AT THE TIME OF ENCLOSURE PER CGBSC SECTION 4.505.3

9. OPERATION AND MAINTENANCE MANUAL IS TO BE PROVIDED ON SITE AND TO INCLUDE INSTRUCTIONS FOR HVAC EQUIPMENT, WATER HEATERS, WHOLE HOUSE FAN, APPLIANCES, ETC.

10. AT THE TIME OF TROUGH INSTALLATION, DURING STORAGE ON THE CONSTRUCTION SITE AND UNTIL FINAL STARTUP OF THE HEATING, COOLING AND VENTILATING EQUIPMENT, ALL DUCT AND OTHER RELATED AIR DISTRIBUTION COMPONENT OPENINGS SHALL BE COVERED WITH TAPE, PLASTIC, SHEETMETAL OR OTHER METHODS ACCEPTABLE TO THE ENFORCING AGENCY TO REDUCE THE AMOUNT OF WATER, DUST AND DEBRIS, WHICH MAY ENTER THE SYSTEM AS REQUIRE PER CGBSC SECTION 4.504.1.

OWNER:

SERGIO AGUILAR
1316 NILES STREET
BAKERSFIELD CA, 93306

DESIGNER:

ALEJANDRO RIVERA
JR DESIGN GROUP, LLC
1234 CHESTER AVE. STE. #200
BAKERSFIELD, CA 93301
P. 661.323.5402
E. JRDESIGNR@YAHOO.COM

PROJECT ADDRESS:

1316 NILES STREET
BAKERSFIELD CA, 93306

A.P.N.:

A.P.N.: 015-160-12

SERVICES:

WATER: NEW SERVICE
SEWER: NEW SERVICE
ELECTRIC: NEW SERVICE
PHONE: NEW SERVICE
GAS: NEW SERVICE

EXISTING ZONING:

R-1

NEW ZONING:

NO CHANGE

EXISTING USE:

VACANT LOT

NEW USE:

MUTLI-FAMILY DUPLEX

EXISTING ACCESS:

NILES STREET
ALLEY

NEW ACCESS:

NO CHANGE

GROSS LOT AREA:

5,625 S.F.

DEVELOPED LOT AREA:

2,330.0 S.F.

BUILDING COVERAGE AREA:

CONDITIONED:

NEW UNIT 1: 1,165 S.F.
NEW UNIT 2: 1,165 S.F.
TOTAL CONDITIONED AREA: 2,330 S.F.

TOTAL COVERED AREA:

2,330 S.F.

APPLICABLE CODES

GENERAL NOTES:

1. 2016 CALIFORNIA RESIDENTIAL CODE

2. 2016 CALIFORNIA BUILDING CODE

3. KERN COUNTY BUILDING REGULATIONS, 2016

4. CALIFORNIA ELECTRICAL CODE, 2016

5. CALIFORNIA PLUMBING CODE, 2016

6. CAL-GREEN BUILDING CODE, 2016

7. ENERGY STANDARDS, 2016

VICINITY MAP

DEFERRED SUBMITTAL

1. PREFABRICATED TRUSSES ARE TO BE DEFERRED SUBMITTAL BY THIRD PARTY

2. FIRE SPRINKLER SYSTEM IS TO BE DEFERRED SUBMITTAL BY THIRD PARTY

SITE PLAN

Q ALLEY

UNIT 1
SCOPE OF WORK:
1,165 S.F.

UNIT 2
SCOPE OF WORK:
1,165 S.F.

NEW FENCE

NEW CONCRETE WALKWAY

Q 1316 NILES STREET



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: September 10, 2019 **ITEM NUMBER:** Public Hearings5.(a.)

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson

DATE:

WARD: 1

SUBJECT:

Conditional Use Permit No. 18-0397: Yadwinder Singh 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 in the C-2 (Regional Commercial Zone) district, located at 830 Union Avenue. Notice of Exemption on file.

APPLICANT: Yadwinder Singh

OWNER: Same

LOCATION: 830 Union Ave

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

| Description | Type |
|---|-----------------|
| <input type="checkbox"/> Staff Report | Staff Report |
| <input type="checkbox"/> Resolution | Resolution |
| <input type="checkbox"/> Correspondence | Correspondence |
| <input type="checkbox"/> CalRecycle - Handling Fees | Backup Material |



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PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED KCC

DATE: September 10, 2019

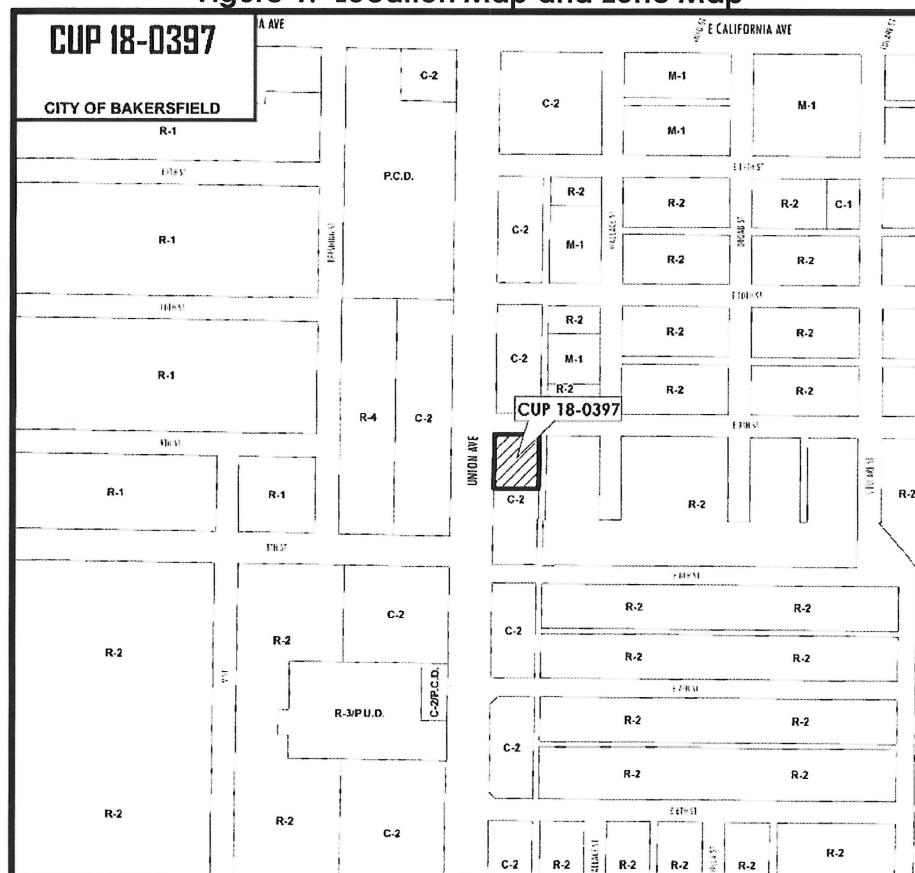
SUBJECT: Conditional Use Permit; File No. 18-0397 (Ward 1)

APPLICANT: Yadwinder Singh
830 Union Avenue
Bakersfield, CA 93307

OWNER: Same

LOCATION: 830 Union Avenue | APN: 139-141-02

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 18-0397, as depicted in the project description and subject to the listed conditions of approval.

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

Diagram illustrating the proposed 'C' TRAIN path and surrounding infrastructure at the intersection of 9th Street and Union Avenue.

Key Features and Dimensions:

- CONVENIENC STORE:** 80' wide, 50' deep.
- PUMP CANOPY:** 30' wide, 50' deep.
- GLASS STORAGE ROLL AWAY:** Located near the intersection.
- Proposed 'C' TRAIN Path:** Indicated by a red arrow pointing towards the intersection.
- Dimensions:**
 - Alley width: 122'
 - Street width: 143'
 - Sidewalk width: 10'
 - Distance from store to pump canopy: 50'
 - Distance from pump canopy to storage: 63'
 - Distance from store to storage: 25'

SURROUNDING LAND USES:

The project site is a 0.40-acre (17,500 square foot) parcel developed with an auto service station with convenience store (undergoing renovation). 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 | Fuel Station w/ Convenience Store |
| North | GC | C-2 | Undeveloped Land |
| East | HMR | R-2 | Multiple-Family Residential |
| South | GC | C-2 | Vacant Buildings |
| West | GC | C-2 | Motel |
| General Plan Key GC: General Commercial HMR: High Medium Density Residential | | Zone District Key C-2: Regional Commercial R-2: Limited Multiple-Family Dwelling | |

TIMELINE:

May 1993. The site was pre-zoned C-2 in preparation of annexation to the City (Ordinance 3531).

November 1994. Site was part of a larger annexation known as Union No. 10 (Ordinance 3626).

July 2009. Your Board approved CUP No. 09-0450 to allow a recycling center for the purchasing of California Redemption Value containers from the public and to permit outdoor automobile tire repair services (Resolution 09-14). Due to on-going operating violations from the conditions of approval, the recycling center became null and void.

October 2018. The applicant submitted a new CUP application to allow a recycling center within a State-recognized convenience zone. Due to code violations and an incomplete application, the project was placed on hold. As of this writing, there are no open code cases and all documentation has been submitted to allow processing of the request.

ANALYSIS:

The recycling center will conduct operations within an 800 square foot area of the parcel, behind an 8-foot high, screened chain link fence. The operation consists of one 8 x 20-foot metal storage container and one 8 x 15-foot glass storage roll away container. The containers are used for storage of collected materials until removed from the site; no operations (e.g. sorting, payment, etc.) are conducted inside the containers.

The facility will have two employees with operations occurring seven days a week from 8:00 am to 5:00 pm. The employees will secure the site and clean all debris at the close of business each day. No office area for the recycle center is proposed. Recycling centers require one parking space per employee and two for customers; the applicant has provided four additional parking spaces.

The nearest residences are located approximately 60 feet to the east of the site. By operating within a fenced in area, and containing the materials within enclosed buildings that will be secured when no one is present, the applicant notes this will minimize noise, visual blight, and potential for vagrants. Nonetheless, Staff is recommending conditions of approval that would require the site to be maintained in a clean, odor, and litter-free manner.

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

CALIFORNIA REDEMPTION VALUE (CRV) PERMITTING BACKGROUND:

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

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

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

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

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

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

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

CALRECYCLE HANDLING FEES:

As noted above, the proposed recycling center is located within a convenience zone established by the Food Maxx store located at 1115 Union Avenue (see Figure 4). CalRecycle provides eligible recyclers with handling fees that are designed to subsidize convenience zone-based recyclers to promote a wider geographic dispersal than would be possible if unassisted. Effective July 1, 2019, CalRecycle calculated the monthly handling fee at the rate of \$0.00860 per beverage container redeemed.

According to CalRecycle, there is currently a recycler within this convenience zone accepting handling fees. That operation, located at 349 Union Avenue, was permitted by the City on November 9, 2018 and went operational with CalRecycle on March 1, 2019.

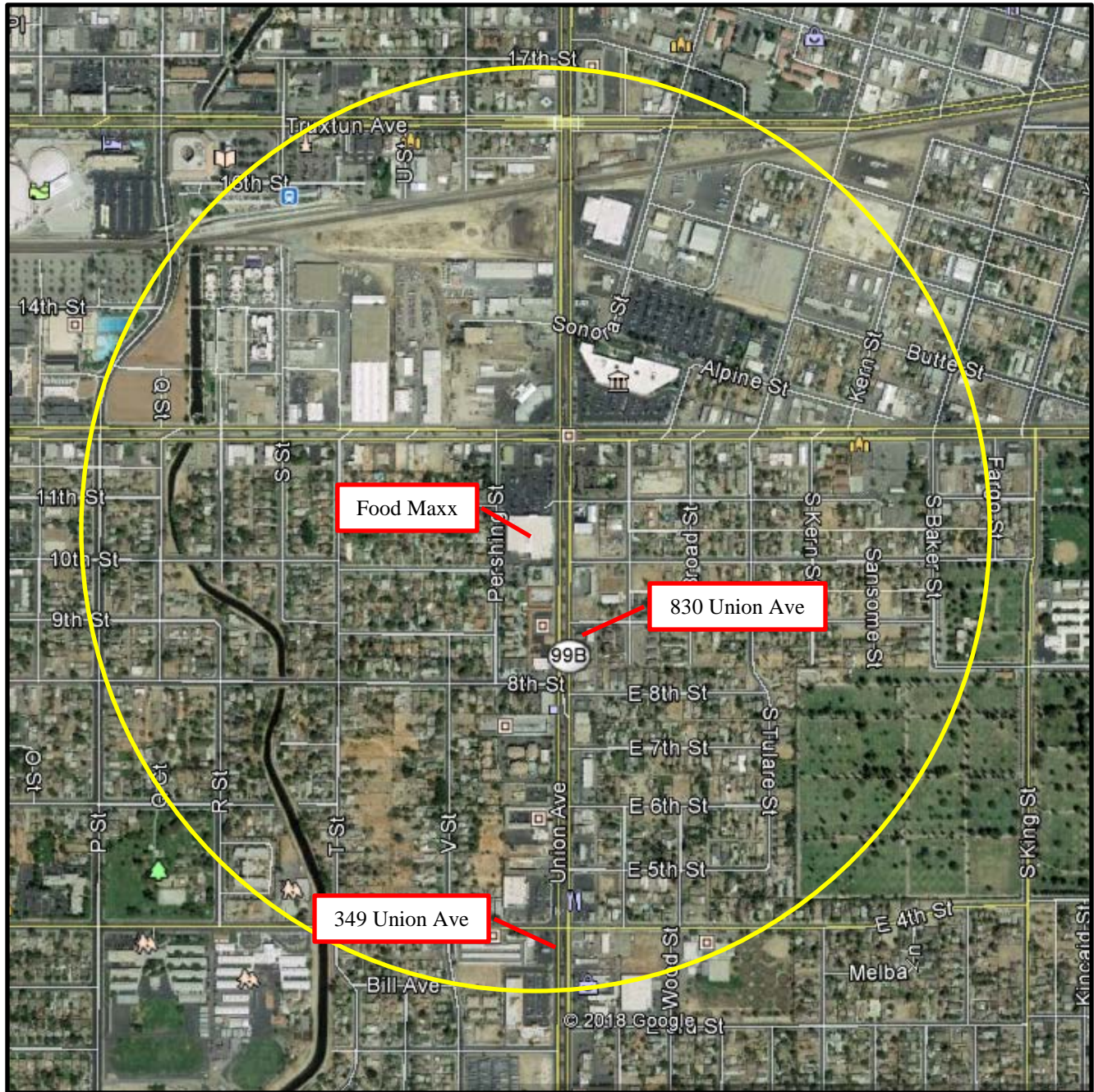
The current state law does not allow CalRecycle to make multiple handling fee payments to two or more operational recycling centers located in the same convenience zone. Therefore, if the proposed recycling operation (830 Union Avenue) registers with CalRecycle to accept handling fees, the first recycling center (349 Union Avenue) will become ineligible to receive monthly handling fees 60 days from the second recycler's operational date.

Furthermore, any recycling center that locates in a convenience zone and causes a pre-existing recycling center to become ineligible to receive handling fees is ineligible to receive handling fees in that convenience zone from that day forward. This is called a "permanent ban" and applies to the second recycling center's parent company, its subsidiaries, and affiliates, even if the first recycling center ceases to operate within the convenience zone. However, if the second recycling center becomes nonoperational, then the first recycling center may again become eligible to apply for handling fee payments in the convenience zone.

The applicant indicated to Staff that they intend to apply for CalRecycle handling fees. However, based on State requirements, both will become ineligible to receive handling fees unless the existing operator agrees to close or decertify with the State.

CalRecycle's FAQs on handling fees is attached.

Figure 4. Convenience Zone (1/2 Mile Radius)



ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15303 Class 1 (New Construction or Conversion of Small Structures), because the project consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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

In response, Staff received two comment letters. The concerns are summarized below, followed by Staff's response.

1. The comments attribute numerous illegal activities, public nuisances, inappropriate actions, and the increase in homelessness in the area to the previous recycling facility and its operator (which is the current applicant). According to the letter, additional evidence is being compiled and will be presented to your Board in a follow-up report.

Response - As indicated above, City Council expressed concerns on the potential impacts recycling centers have on the adjacent neighborhoods, and the complaints received by Code Enforcement and Bakersfield Police Department regarding aesthetics, noise, smell, rodents, crime, and empty shopping carts. In response, City Council amended the municipal code in 2018 to address permitting of recycling centers. Additionally, Code Enforcement has been conducting compliance audits to identify and take appropriate action with unpermitted centers, in addition to ensuring permitted centers are operating in compliance with approved conditions.

2. The conditional use permit should be denied. However, if it is considered then the following conditions should be required:
 - A. Security cameras placed on all four (4) sides of the 830 Union Ave site.
 - B. A 24-hour, round the clock security guard (in multiple shifts), 7 days per week to monitor and maintain security at the site.
 - C. Daily reporting to the appropriate City authorities of the unlawful activity in and around the site, so that they can immediately respond.
 - D. Daily clean-up of rubbish and debris on the site, guaranteed and paid for by the owner of the recycling center. There should be a set maximum number of violations that they can have per year for failing this requirement.

Response - Your Board may condition the project 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.

CONCLUSIONS:

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

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

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

In accordance with these required findings, and as conditioned, Staff finds: (1) the proposed recycling center would help to facilitate the collection of recyclable materials, aiding the City in its efforts to comply with state recycling requirements; (2) the location of the recycling center utilizing enclosed metal storage containers should provide sufficient "safeguards" for the nearby residential development; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 18-0397, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Comment Letters
Handling Fee FAQ

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW A RECYCLING
CENTER WITHIN A STATE-RECOGNIZED CONVENIENCE ZONE, FOR THE
PURCHASING OF CALIFORNIA REDEMPTION VALUE (CRV) CONTAINERS
FROM THE PUBLIC (17.24.040.B.13) IN A C-2 (REGIONAL COMMERCIAL
ZONE) DISTRICT, LOCATED AT 830 UNION AVENUE. (CUP NO. 18-0397)**

WHEREAS, Yadwinder Singh filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a recycling center within a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public (17.24.040.B.13) in a C-2 (Regional Commercial Zone) district, located at 830 Union Avenue (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, September 10, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15303; and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15303 because the project consists of the construction and location of limited numbers of new, small facilities or structures.

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

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 18-0397 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 10th day of September 2019, on a motion by Member _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 18-0397

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

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

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

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

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

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

2. This conditional use permit allows for a recycling center within a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public in a C-2 (Regional Commercial Zone) district, located at 830 Union Avenue, and as depicted on attached Exhibits B and C.
3. Operating hours are limited to seven days a week from 8:00 am to 5:00 pm.
4. The recycling operation shall not have more than two metal storage containers.
5. Metal storage containers shall be screened so that they are not visible from public streets.
6. Each metal storage container shall be painted a neutral, earth-tone, site compatible color.
7. Under no circumstances shall any metal storage container be used for an office, residence, or other purpose involving human occupancy.
8. The subject property, in its entirety, shall be maintained in a clean, odor and litter free manner.
9. Shopping carts and other items brought to the site by customers shall be returned and/or removed from the site by the end of each business day.
10. Without the prior written consent of the appropriate business owner, it is unlawful for any person to remove or cause to be removed any shopping cart, which is the property of the business establishment furnishing such carts for its customers' use, from the parking lot or other premises of said business establishment.
11. Loitering is prohibited on the premises.

III. ***The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

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

1. Show on the final building plan how and where water will be drained from the property.
2. Show on the final building plan pedestrian access from the public way and accessible parking. Private streets are not the public way.

3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.
4. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
5. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
6. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
7. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.

**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> |
|-------------------------|-----------------------|---|-------------------------|
| Existing Fuel Station | 4,000 SF | 1/300 SF | 13 spaces |
| Recycling Center | | 1/Employee (2 employees) 2 for Customers | 2 spaces 2 spaces |
| | | Subtotal | 17 spaces |
| <u>Fuel Pump Credit</u> | | <u>2 per pump (4 pumps)</u> | <u>(8) spaces</u> |
| | | Required Parking: | 9 spaces |

(Note 1: 9 parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

(Note 2: At the time the fuel station was established, parking was calculated at 1 parking space for each 300 square feet; minimum of 5 parking spaces required.)

2. Minimum parking stall dimensions shall be 9 feet wide by 18 feet long and shall be designed according to standards established by the Traffic Engineer. Vehicles may hang over landscape areas no more than 2-1/2 feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.
3. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).

4. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area.

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

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

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

7. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

(**Note:** This does not include outdoor seating areas for restaurants.)

8. Refuse collection bin enclosures and container areas are subject to all required structural setback from street frontages, and shall not reduce any parking, loading or landscaping areas as required by the Zoning Ordinance.

C. FIRE DEPARTMENT (2101 H Street)

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

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

(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)

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 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 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 conditions at this time.

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

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

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

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

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

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

(Note 2: If the facility is using existing onsite refuse, there must be a signed agreement from the owner on file.)

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 18-0397

CITY OF BAKERSFIELD

R-1

11TH ST

R-1

10TH ST

R-1

9TH ST

R-1

R-1

8TH ST

R-2

R-2

R-2

R-2

R-3/P.U.D.

C-2

P.C.D.

R-4

C-2

C-2

A AVE

PERSHING ST

V ST

UNION AVE

CUP 18-0397

C-2

C-2

C-2

C-2

C-2

R-2

M-1

C-2

R-2

M-1

R-2

C-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

M-1

M-1

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

INYO ST

E CALIFORNIA AVE

E 11TH ST

E 10TH ST

E 9TH ST

E 8TH ST

E 7TH ST

E 6TH ST

WALLACE ST

BROAD ST

S TULARE ST

TULARE ST

S KERN ST

S KERN ST

S KERN ST

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



N



Feet

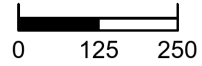


Exhibit C
(Site Development Plan)

Public Comments

From: Taraneh Hariri [mailto:taranehtabib@aol.com]
Sent: Thursday, September 05, 2019 1:57 PM
To: DEVPln
Cc: Whitney M. Jackson; Paul Johnson
Subject: CUP Recycling Center 830 Union Ave

Warning: This email originated from outside the City of Bakersfield. Think before you click!

To Whom It May Concern:

Regarding the proposed Conditional Use Permit for 830 Union Ave.

I am the owner of the two properties directly east of the proposed site. I strongly object to the issuance of a CUP for the stated purpose.

During the previous 10 years when the recycling center had operated at that site, clients of the center routinely damaged my properties' fencing, trespassed on my land, and caused litter to inconvenience the residents living there.

The store proprietor was complacent in turning a blind eye or encouraging the nuisances of his clients onto our adjacent properties. The proprietor has multiple code violations with the City of Bakersfield and leaking gas tanks causing environmental damage.

Additionally, the proprietor's clients (vagrants, transients, hookers, drug dealers) had regularly infringed on our residents' rights to quiet and peaceful enjoyment of the property.

I believe it would be fair to say that these problems would restart and get much worse if they would be allowed to reopen.

Thank you for your consideration.

Taraneh Hariri
Alta Sierra Oak Properties LLC
818 Wallace Street, Bakersfield, CA 93307
814 Wallace Street, Bakersfield, CA 93307

From: M R E [mailto:michaelhariri@outlook.com]
Sent: Thursday, September 05, 2019 11:20 AM
To: Paul Johnson
Cc: Whitney M. Jackson
Subject: 830 Union Ave CUP Complaints - Please confirm receipt

Warning: This email originated from outside the City of Bakersfield. Think before you click!

Good morning Paul,

Following up on our very productive meeting today regarding the CUP application for 830 Union Ave, please see the following concerns below. As I mentioned, there is a direct correlative decrease in many of these issues, since the closure of the recycling center, with evidence being compiled in my upcoming report. The concern is that with the reopening of the recycling center, these issues will dramatically increase again and cause a huge strain on nearby residents, city services, and the community as a whole.

-Actual advancement and development of homelessness in the immediate area surrounding the site: clients continuously use the funds obtained from recycling center proceeds to purchase and use narcotics, many times in plain sight of cars and passersby on Union Ave and Wallace St.

-Promotion of prostitution: clients regularly use funds obtained from the recycling center to purchase services from prostitutes. (Have witnesses, verifiable from police reports.)

-Safety hazard to the 40,000 cars that pass each day on Union Ave: carts, trash, clients of the site, and transients deliberately being pushed unto the street, having caused accidents and injuries.

-Historical data shows a significant number of emergency calls and complaints and various city departments responding to the previous recycling center at the property.

-While I'm still compiling my report based on the actual data recorded in each of the various city departments this includes approximately:

-50-100 calls and/or site visits per year by Bakersfield Code Enforcement, David Paquette and other officers. Numbering between 200-300 within the last 5 years. (Please verify exact number, if possible, with code enforcement.)

-50-100 emergency services called for police, fire, and EMS dispatched to the property and adjacent.

-Numerous calls and responses by city sanitation to clean up dumped shopping carts, rubbish, and personal belongings left behind and not accepted, by clients of the recycling center.

-Property owner and recycling center owners - numerous violations of the previously agreed upon terms and conditions required in order to operate the recycling center. That alone should disqualify them from being approved.

-Unsightliness- reopening a recycling center on such a central and open thoroughfare would greatly tarnish the cleanliness and safety of the neighborhood, Union Ave, and Bakersfield in general. It is generally accepted that there are around 100 transients per day, many with shopping carts that are left

behind and not dealt with appropriately, visited the recycling center each day back when it was operating illegally.

-Residents of the dwellings to the rear of the property have moved out due the above mentioned issues. Children afraid to go out, parents afraid of the needles, trash, and transients loitering and trespassing in and around the site, the alleyway, and on their property.

-My recommendation is that the CUP application be denied.
However, if the CUP is to still be considered, then with the following conditions:

1. Security cameras placed on all 4 sides of the 830 Union Ave site.
2. A 24-hour, round the clock security guard (in multiple shifts), 7 days per week to monitor and maintain security at the site.
3. Daily reporting to the appropriate city authorities of the unlawful activity in and around the site, so that they can immediately respond.
4. Daily clean-up of rubbish and debris on the site, guaranteed and paid for by the owner of the recycling center, as a condition of CUP issuance. There should be a set maximum number of violations that they can have per year for failing this requirement. The weather and the people frequenting this facility have spread trash and debris from the the recycling center in a 100-200 feet radius around the site on a daily basis, including Union Ave. Only code enforcement and cleaning up their mess costs the city and taxpayers thousands of dollars every year. This should be the owner's responsibility.

This is only a partial list of my concerns. I will have a more complete letter at the hearing. As I mentioned, I will be speaking at the hearing. Please put me on the roster.

Thank you for your time and assistance in this matter.

Regards,

Michael Hariri
310-499-2777

**CalRecycle
Handling Fees FAQ**

[Home](#) » [Beverage Containers](#) » [Handling Fees](#) » [FAQ](#)

Frequently Asked Questions

Can CalRecycle make handling fee payments to more than one operational recycling center in a zone?

No they cannot. The current law does not allow the department to make multiple handling fee payments to two or more operational recycling centers located in the same zone.

Can CalRecycle make a separate handling fee payment to a recycling center for every convenience zone it is located in?

No they cannot. If a single recycling center is located in more than one convenience zone, the department can only pay a single handling fee payment to the recycling center. Also, the handling fee payment cannot be split between the various convenience zones the recycling center is in.

Recycling center #1 is handling fee-eligible according to the Division's guidelines, and is located in convenience zones A, B and C. It can only claim handling fees in one of those zones.

Can a second recycling center that becomes operational in a zone cause the first recycling center serving the zone to become ineligible to receive handling fees?

If the first recycling center is handling fee site-eligible, it will become ineligible to receive monthly handling fees 60 days from the second recycler's operational date if they become concurrently operational in the same zone.

Example:

Recycling center #1 becomes operational April 25, 2014. All other conditions being met, its eligibility for handling fees goes into effect for the calendar month of May since that is the first full month of operation. Recycling center #2 begins operation on May 5th.

Recycling center #1 keeps its eligibility to receive handling fees 60 days from the May 5th date or until July 5th. Since handling fee eligibility is determined as of the first of each month, recycling center #1 is eligible to claim handling fees for the entire months of June and July.

Is the second recycling center in Question 4 penalized for causing the first recycling center serving the zone to become ineligible to receive handling fees?

Any recycling center that locates in a convenience zone and causes a pre-existing recycling center to become ineligible to receive handling fees is ineligible to receive handling fees in that convenience zone from that day forward. This scenario for the second recycling center is called a "permanent ban." This ineligibility, or permanent ban, for recycling center #2 will apply to its parent company, its subsidiaries, and affiliates even if recycling center #1 ceases to operate within the convenience zone.

However, if the second recycling center becomes nonoperational, then recycling center #1 may again become eligible to apply for handling fee payments in the convenience zone.

What if recycling center #1 is located in several overlapping convenience zones and it becomes ineligible in only one of the overlapping zones due to recycling center #2 becoming operational? This scenario would be due to recycling center #1 sharing a convenience zone with recycling center #2 but also being the only recycling center in another zone. Will recycling center #2 still be permanently banned since recycling center #1 will still continue to receive handling fees?

Yes. Recycling center #2 will still be permanently banned from receiving handling fees in the zone they share with recycling center #1 because it caused the first recycler to become ineligible to receive handling fees in that zone.

Example:

Recycling center #1 is located in convenience zones A, B and C. Recycling center #2 is located only in convenience zone A. Once recycling center #2 becomes operational it will be permanently banned in convenience zone A. Recycling center #1 will then be ineligible to claim handling fees for convenience zone A but could still claim handling fees for convenience zone B, since it does not share convenience zone B with any other recycling center in this example.

Under what circumstances can recycling center #2, although permanently banned in convenience zone A in the previous example, receive handling fees?

If recycling center #2 is also located in another zone that it does not share with recycling center #1, then it can claim handling fees in that zone if it meets all the other requirements for handling fees. Let's say recycling center #2 is located in convenience zones A and D. If we combine the answers for question 6 and 7, then recycling center #2 is permanently banned from ever receiving handling fees in zone A, but could receive payments due to zone D.

The number of overlapping zones, the degree of the overlap and the actual location of the two recycling centers will impact whether recycling center #2, although permanently banned in one zone, will be eligible for handling fees in another zone.

If recycling center #1 and recycling center #2 are the same company, will recycling center #2 still be permanently banned?

Yes, the law does not make a distinction in this regard. This is because the convenience zone will contain more than one certified and operational recycling center, even if it is the same recycling company.

What if both recycling centers begin operating in a zone during the same month?

If a recycling center becomes operational in a convenience zone after the first day of the month and another recycling center also becomes operational in that zone during the same month, then there will be 2 recycling centers in that zone and neither one is eligible for handling fees. Neither recycling center will be permanently banned in that zone because neither caused an eligible recycling center to become handling fee ineligible.

Example:

Recycling center #1 becomes operational April 5, 2014. Recycling center #2 begins operation on April 20, 2014. Neither one is eligible for handling fees in April since neither were operational during the entire month of April. If both are still operational on May 1st, then two recycling centers exist in the zone, and thus neither qualifies for handling fees. If one of the recycling centers becomes nonoperational during May, then the remaining one would be eligible to apply for future handling fee payments in this convenience zone in subsequent months.

If two recycling centers start operation in a zone on the 1st of the month, then neither is qualified for handling fees due to two centers in the zone and neither one is permanently banned.

What's the difference between "certified" and "operational" with regards to handling fee eligibility?

The term "certified" means the recycling center has been approved to operate by the division and the term "operational" means that the recycling center, having already been certified, is now open for business. A recycling center must become operational within 60 days of certification or the division invalidates the certification.

As long as a recycling center is certified but not operational, the law and regulations pertaining to handling fees do not apply to them. It is the operational date of a recycling center that triggers handling fee eligibility, regardless of the date the recycling center was certified.

What is the Division of Recycling policy in reference to the California Code of Regulations Section 2516 (a) that refers to ... "a recycling center shall meet all of the following criteria for handling fees eligibility on the first day of the month..."

The division's policy is that if a recycling center begins operation in a zone and its official business week as submitted in the application to the division does not align itself to the 1st day of the month and thus the recycling center does not operate on that day, the division refers to their first regular operational day of the month to see if they are eligible for handling fees.

Example:

The Division's records indicate that a particular recycling center will be open for business Tuesday through Saturday, from 9:00 a.m. to 5:00 p.m. The recycling center's regular operational days may have it closed on the first day of the month. The Division would use the first regular business day of the month to determine the handling fee site eligibility.

Last updated: July 9, 2018

Beverage Container Recyclers: <https://www.calrecycle.ca.gov/BevContainer/Recyclers/>

Contacts: Beverage Container Recyclers <https://www.calrecycle.ca.gov/BevContainer/Contacts/>

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