



**BOARD OF ZONING ADJUSTMENT
AGENDA
MEETING OF DECEMBER 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 November 12, 2019 regular meeting.
Staff recommends approval.

4. CONSENT CALENDAR PUBLIC HEARINGS

Ward 3

- a. **Conditional Use Permit No. 19-0356:** Gary Olson is proposing a conditional use permit to allow a residential care facility in the R-3 (Multiple-Family Dwelling Zone) district, located at 2101 Mt. Vernon Avenue. Notice of Exemption on file.
Staff recommends approval.

Ward 1

- b. **Conditional Use Permit No. 19-0362:** Tommie Wofford is proposing a conditional use permit to allow a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public in the C-2 (Regional Commercial Zone) district, located at 401 Brundage Lane. Notice of Exemption on file.
Staff recommends approval.

Ward 1

- c. **Zoning Modification No. 19-0364:** Salvador Carrara is proposing a zoning modification to allow the expansion of an existing convenience store with a 0-foot side yard setback where a minimum 20 feet is required when abutting property zoned residential in the C-1 (Neighborhood Commercial Zone) district, located at 575 Panama Lane. Notice of Exemption on file.
Staff recommends approval.

Ward 5

- d. **Zoning Modification No. 19-0382:** McIntosh and Associates is proposing a zoning modification to allow dwellings with a 25-foot rear yard setback where a minimum 50 feet is required when adjoining property zoned agricultural, on 20 residential lots in the R-2 (Limited Multiple-Family Dwelling Zone) district, generally located at 12700 Panama Lane (Vesting Tentative Tract Map No. 7334). Notice of Exemption on file.
Staff recommends approval.

- e. **Extension of Time No. 19-0395:** Inland Architects is proposing a one-year extension of time for an approved conditional use permit that allowed an amusement center in a C-1 (Neighborhood Commercial Zone) district, located at 6465 Ming Avenue. Notice of Exemption on file.

Staff recommends approval.

5. PUBLIC HEARINGS

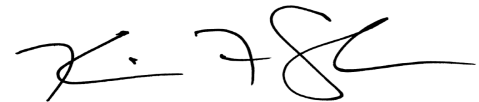
6. STAFF COMMUNICATIONS

- a. Confirm dates of the regular Board of Zoning Adjustment meetings for calendar year 2020.

7. BOARD STATEMENTS

- a. Election of Board of Zoning Adjustment Chair for calendar year 2020.

8. ADJOURNMENT

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

Kevin F. Coyle, AICP CEP,
Planning Director



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: December 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 November 12, 2019 regular meeting.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
☐ Minutes	Backup Material



BOARD OF ZONING ADJUSTMENT MINUTES

Meeting of November 12, 2019, 3:00 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

		<u>ACTION TAKEN</u>
REGULAR MEETING		
1.	ROLL CALL Present: Members Fick and Patteson Absent: Member Kitchen	
2.	PUBLIC STATEMENTS None.	
3.	MINUTES a. Approval of minutes of the October 08, 2019 regular Board of Zoning Adjustment meeting. <i>Motion by Member Fick to approve. Motion passed.</i>	
4.	CONSENT CALENDAR PUBLIC HEARINGS	
(Ward 5)	a. Zoning Modification No. 19-0340: JR Design Group, LLC is proposing a zoning modification to allow a single-family dwelling with a 5-foot side yard setback where a minimum 10 feet is required for a corner lot in the R-1 (One-Family Dwelling Zone) district, located at 11225 Open Trail Road.	Resolution 19-34
(Ward 6)	b. Conditional Use Permit No. 19-0341: Hyansoo and Rom Ja Kim are proposing a conditional use permit to allow a food vending vehicle located within 200 feet of a residential zone, and within the C-1 (Neighborhood Commercial Zone) district, located at 1600 Valhalla Drive. <i>Motion by Member Fick to approve consent calendar items. Motion passed.</i>	Resolution 19-35
5.	PUBLIC HEARINGS None.	
6.	STAFF COMMUNICATIONS None.	

ACTION
TAKEN

REGULAR MEETING

7. BOARD STATEMENTS

None.

8. ADJOURNMENT

Chair Patteson adjourned the meeting at 3:05 p.m.

Marisa Iturralde, Recording Secretary

Kevin F. Coyle, AICP CEP
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: December 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, Planner II

DATE:

WARD: Ward 3

SUBJECT:

Conditional Use Permit No. 19-0356: Gary Olson is proposing a conditional use permit to allow a residential care facility in the R-3 (Multiple-Family Dwelling Zone) district, located at 2101 Mt. Vernon Avenue. Notice of Exemption on file.

APPLICANT: Gary Olson

OWNER: Real Heath, LLC

LOCATION: 2101 Mt. Vernon Avenue

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Operations Statement	Backup Material

**CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT**

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: December 10, 2019

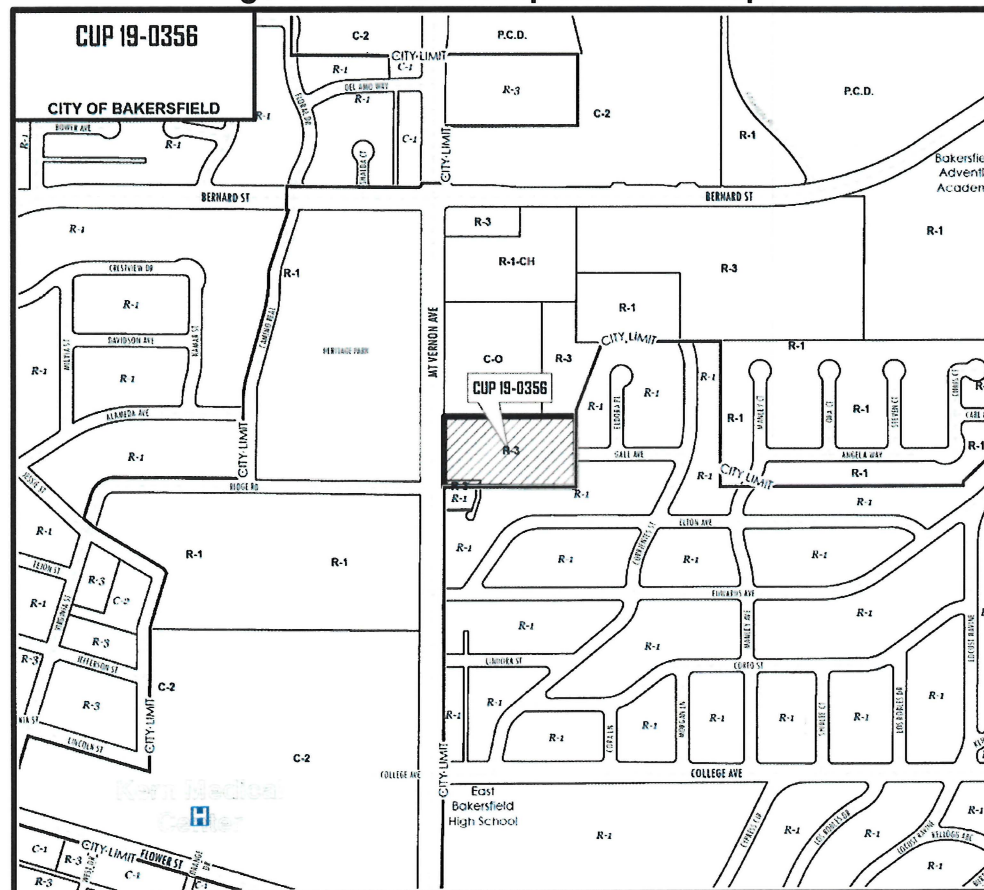
SUBJECT: Conditional Use Permit; File No. 19-0356 (Ward 3)

APPLICANT: Gary Olson
1201 24th Street
Bakersfield, CA 93301

OWNER: Real Heath, LLC
6305 Highland Knolls Drive
Bakersfield, CA 93306

LOCATION: 2101 Mt. Vernon Avenue | APN: 129-030-18, -21, and -36

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0356 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 assisted living facility in the R-3 (Multiple-Family Dwelling Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

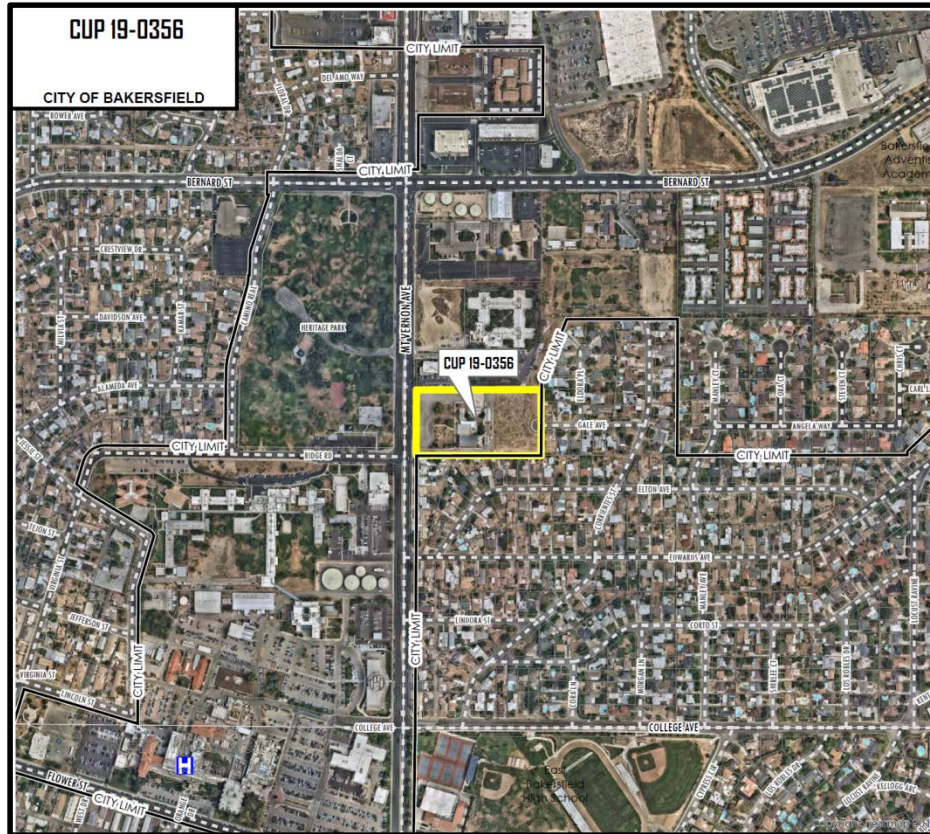
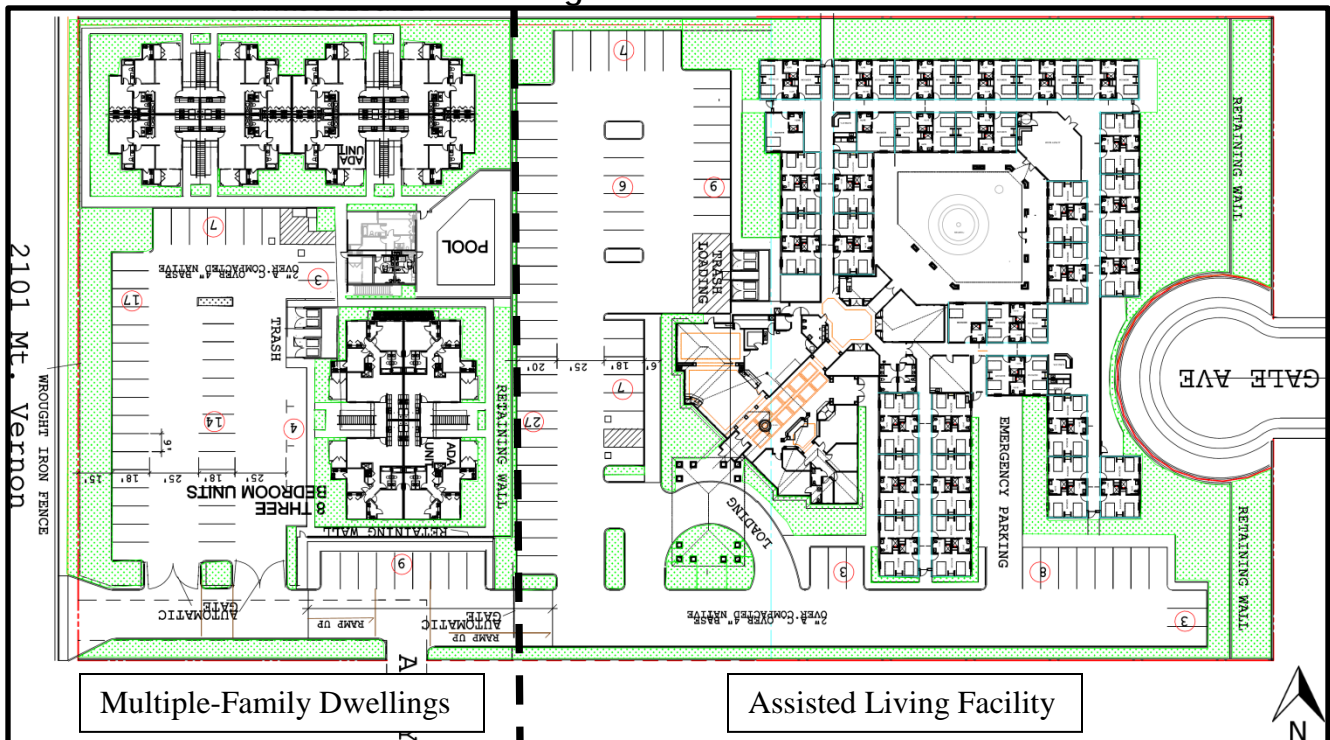


Figure 3. Site Plan



SURROUNDING LAND USES:

The overall project site consists of three parcels on 4.17 acres. The site is currently developed with a church that will be demolished to accommodate the proposed development. 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	HR	R-3	Church
North	OC & HR	C-O & R-3	Medical Offices & Rehabilitation Center
East	LMR/LR	R-1 (County)	Single-Family Residential
South	LMR/LR	R-1 (County)	Single-Family Residential
West	OS-P	R-1	Community Park
General Plan Key HR: High Density Residential LR: Low Density Residential LMR: Low Medium Density Residential OC: Office Commercial OS-P: Open Space - Parks		Zone District Key R-3: Multiple-Family Dwelling R-1: One-Family Dwelling R-1 (County): Low-Density Residential District C-O: Professional and Administrative Office	

ANALYSIS:

The applicant is proposing a project that consists of two developments:

- 1) Multiple-family dwellings; and
- 2) Assisted living facility.

Multiple-Family Dwellings. The multiple-family development is a permitted use in the R-3 zone; however, it was evaluated as part of the project as a whole. Therefore, should your Board deny the conditional use permit for the assisted living facility, the multiple-family development could still be constructed.

The applicant is proposing to develop the western ±1.5 acres with an apartment complex. The complex will consist of a two-story building containing 16 two-bedroom apartments, a two-story building containing 8 three-bedroom apartments, and a 2,554 square foot, one-story office with manager's apartment. Amenities consist of a common swimming pool. See Figure 4.

Parking is calculated as follows:

16 two-bedroom units	16 x 2 = 32 parking stalls
08 three-bedroom units	08 x 2 = 16 parking stalls
01 one-bedroom unit	01 x 1 = 01 parking stalls
Subtotal	49 parking stalls
Guest parking (10%)	05 parking stalls
Total required	54 parking stalls
Total provided	54 parking stalls

Figure 4. Multiple-Family Dwellings



Assisted Living Facility. Assisted living facilities are generally considered a continuum of long term care services that provide a combination of housing and personal care services designed to respond to individuals who need assistance with normal daily activities in a way that promotes maximum independence.

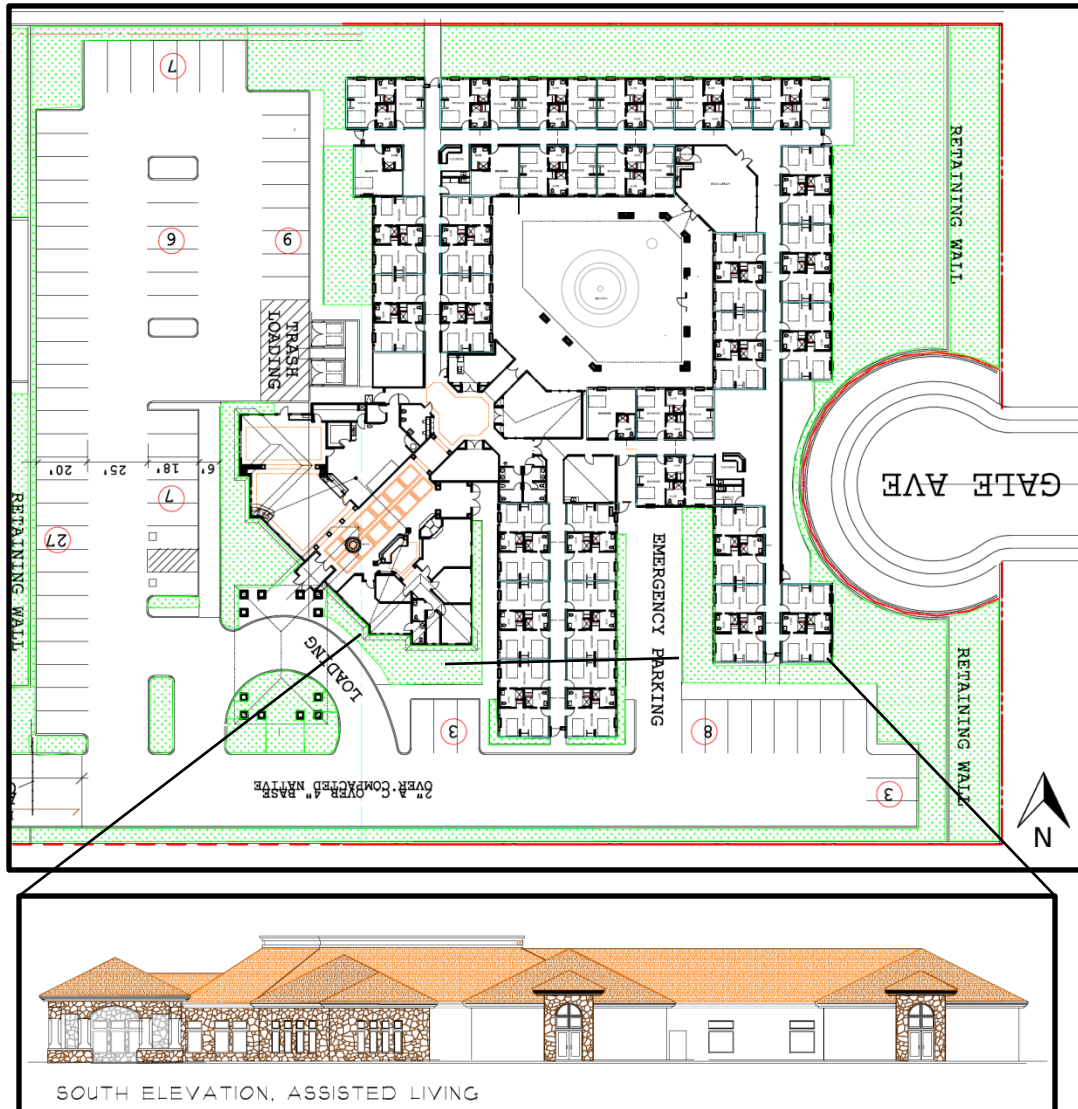
Although these facilities are not specifically defined in the Bakersfield Municipal Code, they are similar to "resthomes, convalescent homes, adult care facilities, and residential care facilities" which are permitted uses in the C-1 (Neighborhood Commercial Zone) district, but require a conditional use permit in the residential zones.

The applicant is proposing to develop the eastern ±2.5 acres with an assisted living facility. The facility will consist of a one-story building containing 59 bedrooms accommodating 119 beds and 1,600 square feet of office space. Amenities include a dining room, theater, library, beauty shop, exercise room, and interior "outdoor" garden area. See Figure 5.

Parking is calculated as follows:

119 beds	$119 \times 1/2 = 60$ parking stalls
Office space (1,600 SF)	$1/200 \text{ SF} = 08$ parking stalls
Total required	68 parking stalls
Total provided	70 parking stalls

Figure 5. Assisted Living Facility



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 assisted living facility will provide a place for living and care for members of the public in need; 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. 19-0356, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Operations Statement

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ASSISTED LIVING
FACILITY (17.64.020.B) IN THE R-3 (MULTIPLE-FAMILY DWELLING ZONE)
DISTRICT, LOCATED AT 2101 MT. VERNON AVENUE. (CUP NO. 19-0356)**

WHEREAS, Gary Olson filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow an assisted living facility (17.64.020.B) in the R-3 (Multiple-Family Dwelling Zone) district, located at 2101 Mt. Vernon Avenue (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, December 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. 19-0356 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 December 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. 19-0356

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 assisted living facility in the R-3 (Multiple-Family Residential Zone) district, located at 2101 Mt. Vernon Avenue 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. 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. An approved site utilities plan is required prior to final plan approval.
4. Show on the final building plan pedestrian access from the public way and accessible parking. Private streets are not the public way.
5. 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.
6. 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.

7. 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 public pool or related facility before building permits can be issued. Disabled access to any public pool and related facility shall comply with Title 24 of the California Building Code.
8. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
9. Before the Building Division can allow occupancy of this apartment complex, they must inspect and approve the placement and colors of the address numbers identifying each unit and/or building, and on-site building/unit location maps so that emergency personnel can easily find a specific unit when responding to the site during an emergency.
10. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
11. 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.
12. 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).
13. 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>
Assisted Living Facility Beds	35,635 SF	½ space/bed (119 Beds)	60 spaces
Assisted Living Facility Office	1,600 SF	1 space/200 SF	08 spaces
Total			68 spaces
Provided			70 spaces
Apartments (2 bdrm)	17,388 SF	2 spaces/unit (16 Units)	32 spaces
Apartments (3 bdrm)	10,360 SF	2 spaces/unit (8 Units)	16 spaces
Manager's Qtrs. (1 bdrm/office)	2,554 SF	1 space/unit (1 unit)	01 space
Guest Parking (10% of Apt. Parking)			05 spaces
Total			54 spaces
Provided			54 spaces

(Note: 124 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.

(**Note:** Minimum parking stall dimensions shall be 9 feet wide by 24 feet long for parallel parking spaces.)

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 parking and/or access is being shared with adjacent properties, the developer shall file with the Planning Division before any building permits are issued a copy of a recorded map, C. C. and R.'s, or other instrument that ensures that drive aisles, parking, and access is legally shared in common with adjoining properties as depicted on the site plan for the life of the project.
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. Overlooks from windows, balconies, and decks of the second or higher floor into rear yards of property containing single-family homes must be screened (see Section 17.08.090). This condition affects any office, commercial, and industrial building, and any apartment or condominium structure containing three or more units that are within 150 feet of properties zoned R-1, R-S-1A, MH, or PUD, or from condominium projects of a single family character. Screening proposals must be approved by the Planning Division before building permits will be issued. Suggested methods for accomplishing screening are included in the referenced ordinance section.
8. 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.
9. Evidence is required to determine that your parcel was legally created. Please provide a copy of a parcel map, tract map, or certificate of compliance.

(**Note:** An Assessor's map is not acceptable since it is only for tax purposes and does not verify legal parcel status.) If a map is not available, a copy of a deed that includes the parcel's current legal description dated March 4, 1972, or earlier is acceptable; however, you may be required to apply for a Certificate of Compliance before a building permit can be issued (please contact the Public Works Department at 661-326-3566 regarding this application.)

10. Provide a site plan showing all dwelling unit designations (by unit number or letter) for each building within the complex.
11. 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.)

12. 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.
- 13. 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.
 - 14. 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.
 - 15. 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.)

16. 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.)
17. 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.
18. 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.
19. 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).
20. 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. 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.
 - 5. Turning Radius: The minimum turning radius shall be thirty-seven feet.
 - 6. 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.
 - 7. 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.

8. 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.
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)

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)
(Staff contact - Gordon Hilton; 661-326-3465 or GHilton@bakersfieldcity.us)

1. The developer shall construct curbs, gutters, cross gutters, 5-foot 6-inch wide sidewalks, and street/alley paving along Mt. Vernon Avenue and Gale 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 one (1) streetlight along Mt. Vernon 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. The developer shall construct standard accessible ramps at the northeast and southeast corners of the radius return drive approach and on Mt. Vernon 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.
4. 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.

5. 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.
6. 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.
7. 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).
8. 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.
9. 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.
10. 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.
11. 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.
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.)

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)**(Staff contact - George Gillburg; 661-326-3997 or GGillbur@bakersfieldcity.us)****(Staff contact - Gordon Hilton; 661-326-3465 or GHilton@bakersfieldcity.us)**

1. Street return type approaches, if used, shall have 20-foot minimum radius returns with a 25 foot 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. The developer shall dedicate additional road right-of-way to the City of Bakersfield along Mt. Vernon for the right turn pocket to full arterial street width according to adopted city standards.
4. The developer shall construct additional roadway, including expanded intersection and/or right turn lanes, along Mt. Vernon Avenue to full arterial street width 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, 8, 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 type="checkbox"/> 8' deep x 10' wide (2 bins) | <input checked="" type="checkbox"/> two (2) - 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.)

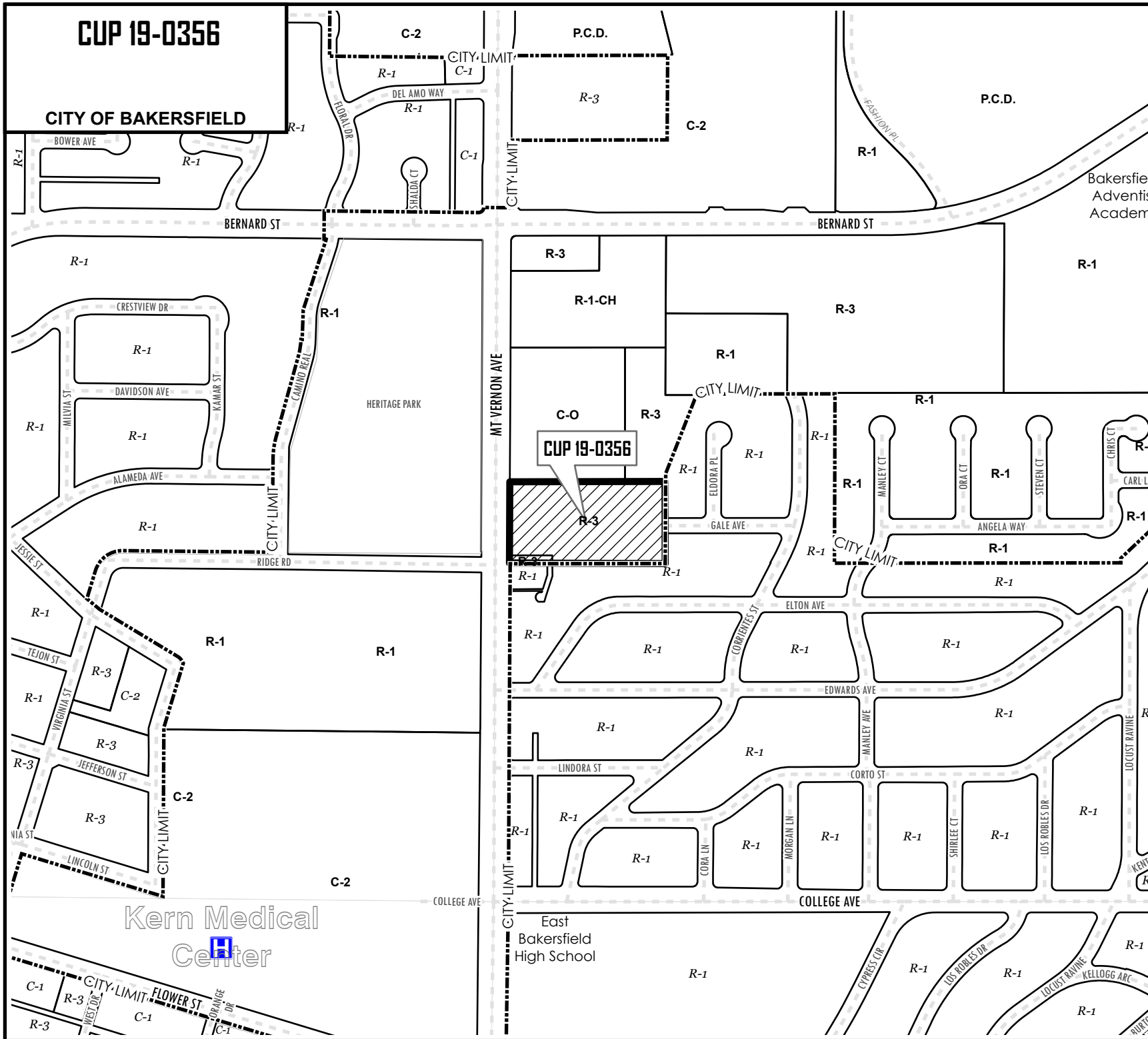
3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities that require infectious waste services shall obtain approval for separate infectious waste storage areas from the Kern County Health Department. In no instances shall the refuse bin area be used for infectious waste containment purposes.

5. Residential properties with four (4) units or greater and are required to have ADA Accessible unit/s, must provide refuse/recycling enclosures that are ADA Accessible (Detail # ST-29).
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.

Exhibit B
(Location Map)

CUP 19-0356

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-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-0 Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Ming Specific Plan



BAKERSFIELD

N



Feet

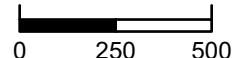
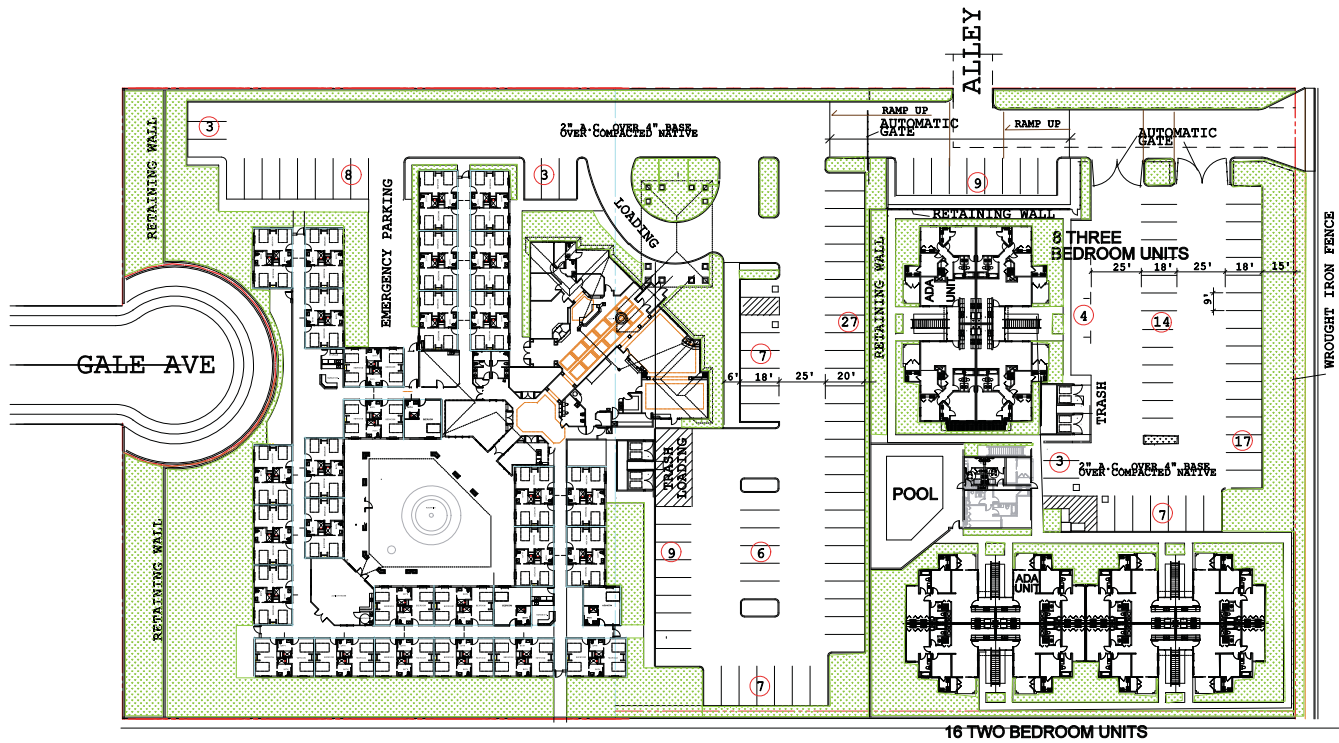


Exhibit C
(Site Development Plan)



PARCEL MAPS: APN: 124 030 18, 124 030 34, 124 030 21, 2001 MT. VERNON AVE

SITE PLAN REVIEW NO.: SPR-0354

EXISTING ZONING: R-3

EXISTING USE: EXISTING CHURCH TO BE DEMOLISHED

PROPOSED USE: 59 ROOM ASSISTED LIVING 35,435 SF, 14 TWO BEDROOM APARTMENTS 17,388 SF, 8 THREE BEDROOM APARTMENTS 10,340 SF, OFFICE/MGR APT 2554 SF, 65,931 SF

ACREAGE: 18,910 SF = 4.11 ACRES

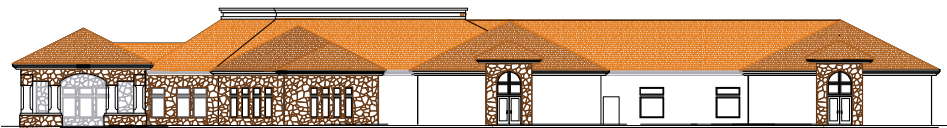
LANDSCAPE AREA: 10% COVERAGE

PARKING REQUIRED: 59/5+30/HQ = 40, 12 PROVIDED

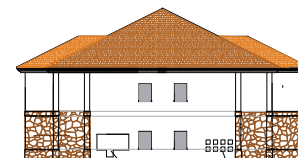
SEWAGE DISPOSAL: CITY OF BAKERSFIELD

WATER SUPPLY: CAL WATER

DRAINAGE: CITY OF BAKERSFIELD



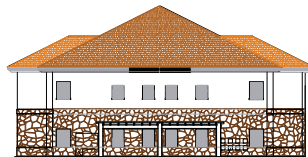
SOUTH ELEVATION, ASSISTED LIVING



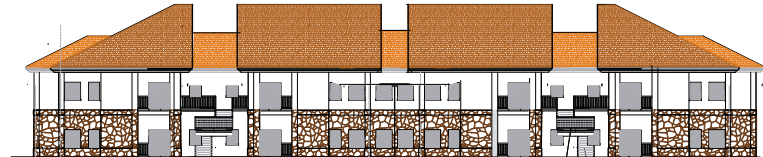
BOTH SIDE ELEVATION TWO BEDROOM



FRONT AND BACK ELEVATION
THREE BEDROOM



BOTH SIDE ELEVATION
THREE BEDROOM



FRONT AND BACK ELEVATION TWO BEDROOM

Operational Statement

Real Health, LLC

6305 Highland Knolls Drive

Bakersfield, CA 93306-7551

mellitirush@gmail.com

Operation Plan for Assisted Living Building located at 2101 Mt. Vernon Ave.

Projections for Real Health LLC facility will be open, providing services for residents for twenty-four hours per day, seven days per week

The project includes Fifty-Nine Units that will accommodate one hundred nineteen occupants. This includes fifty-six double bedrooms and three single bedrooms. The common area includes: General Offices, Commercial Kitchen, Dining Room. A Medical Holding Room, Theater, Library, Beauty Shop, Exercise Room and Activities Area. There is also an interior outdoor Garden Area.

The employees required for the Daytime shift include: Six Certified Nurse Assisting or Aids, two office personnel, two cooks, one prep cook, three house keepers, one maintenance employee and one laundry attendant.

The employees required for the evening shift include: Four Certified Nurse Assisting or Aids, one office personnel, one cook, one prep cook and one housekeeper.

The employees required for the NOC shift include: Three Certified Nurse assisting or Aids and one office Staff.

The facility supplies will be delivered during the day and new occupant will be accepted at daytime hours. An area to receive emergency vehicles will be provided on the South side of the building.



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: December 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, Planner II

DATE:

WARD: Ward 1

SUBJECT:

Conditional Use Permit No. 19-0362: Tommie Wofford is proposing a conditional use permit to allow a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public in the C-2 (Regional Commercial Zone) district, located at 401 Brundage Lane. Notice of Exemption on file.

APPLICANT: Tommie Wofford

OWNER: Zaher Ateia

LOCATION: 401 Brundage Lane

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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

CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED 

DATE: December 10, 2019

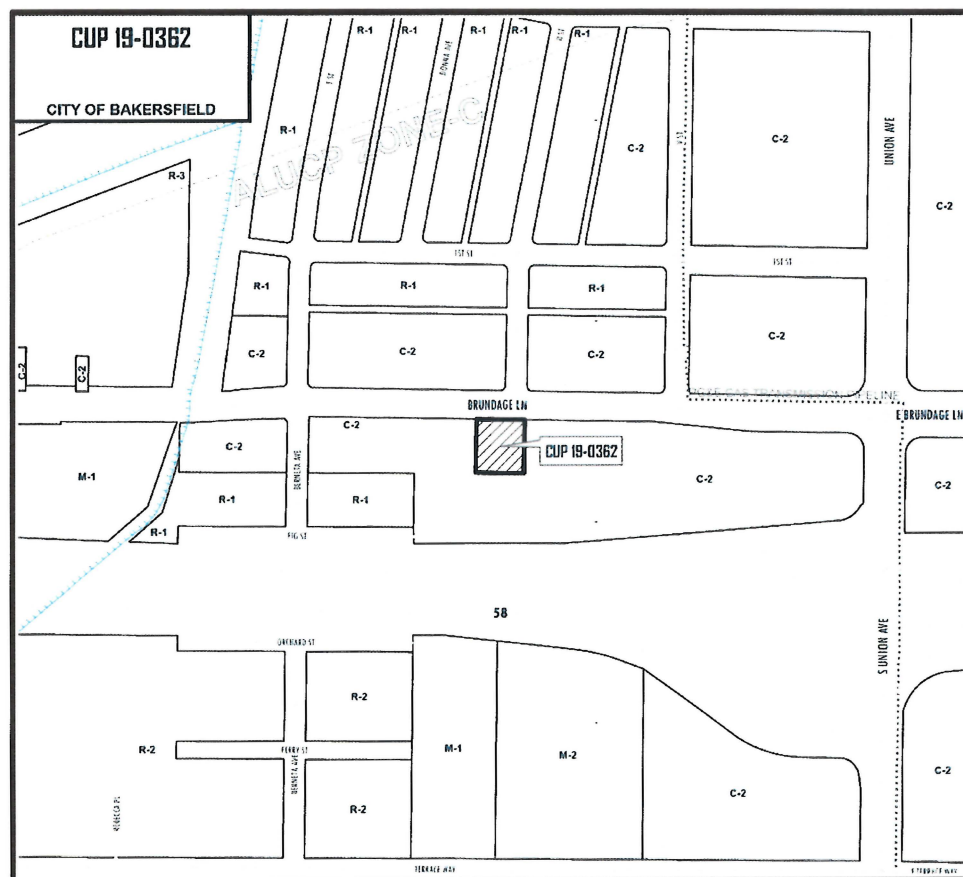
SUBJECT: Conditional Use Permit; File No. 19-0362 (Ward 1)

APPLICANT: Tommie Wofford
P.O. Box 71586
Bakersfield, CA 93387

OWNER: Zaher Ateia
401 Brundage Lane
Bakersfield, CA 93304

LOCATION: 401 Brundage Lane | APN: 011-020-40

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0362 as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a conditional use permit to allow a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public in a C-2 (Regional Commercial Zone) district. See Figures 2 thru 4.

Figure 2. Site Aerial



Figure 3. Elevation View

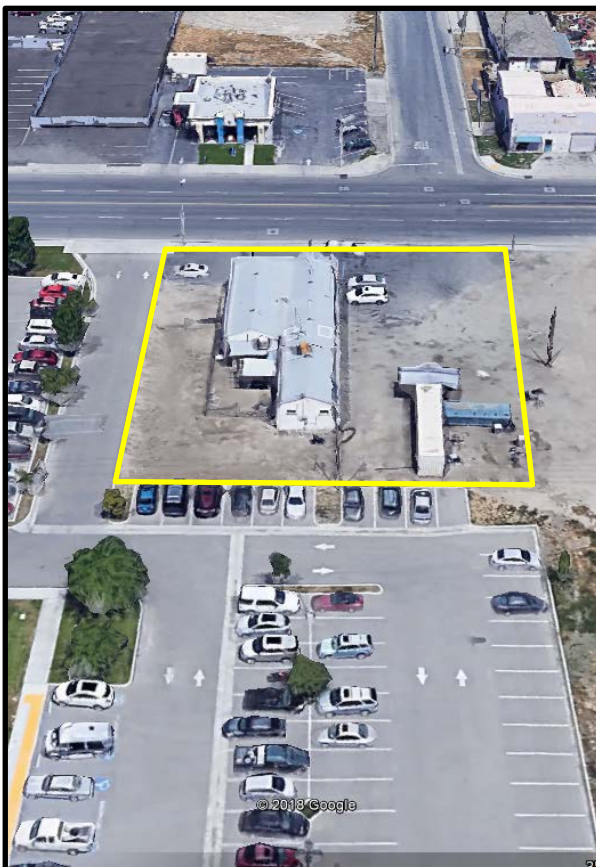
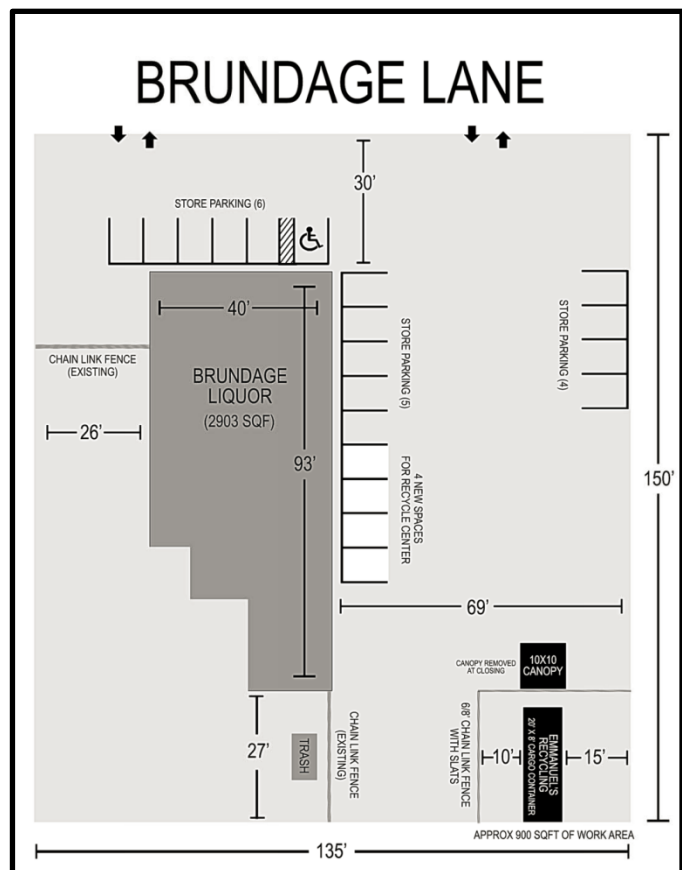


Figure 4. Site Plan



SURROUNDING LAND USES:

The project site is located on an approximate 1,200 square foot portion of a ½-acre parcel developed with a convenience store. 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	Convenience Store
North	GC	C-2	Fast Food Restaurant
East	GC	C-2	Undeveloped
South	GC	C-2	Church Parking Lot
West	GC	C-2	Church
General Plan Key GC: General Commercial		Zone District Key C-2: Regional Commercial	

BACKGROUND:

Public Resources Code (PRC) Section 14520 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.

In 2018, City Council approved revisions to the municipal code requiring a conditional use permit for recycling centers if located within a convenience zone. This was applicable for properties in commercial and light & general manufacturing zones and became effective on December 7, 2018.

In preparation of the municipal code change, Staff identified several CRV operations that were licensed with the State; however, they had not obtained the necessary land use approvals from the City. Staff notes "YaCi Recycling" was operating on site from July 2016 until December 2018.

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

ANALYSIS:

The existing recycling center conducts operations within an approximate 1,200 square foot area; there is one 8 x 20-foot (160-square foot) metal storage container within the area of operations. The container is used for storage of collected materials until removed from the site; no operations (e.g. sorting, payment, etc.) are conducted in the container.

The operation has two employees on the largest shift, with operations occurring Monday - Saturday (10:00 am - 5:30 pm) and closed Sunday. The employee(s) secure the site and clean all debris at the close of business each day. No office area for the recycle center is proposed.

Recycling centers require one parking space per employee and two for customers. There are nineteen on-site parking spaces being provided, where fifteen are dedicated to the 3,000 square foot convenience store and four dedicated to the recycling center.

Staff notes the nearest residentially-zoned property is located approximately 270 feet to the southwest and 430 feet to the north; both are single-family residential. However, by operating within a fenced in area, and containing the materials within an enclosed structure, the applicant states this will minimize noise, visual blight, and potential for vagrants. Should this project be approved, Staff is also recommending conditions of approval that would require all shopping carts and other items brought to the site by customers to be removed by the end of each business day and require the site to be maintained in a clean, odor, and litter-free manner.

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. Warehousing and "most retail uses" are normally acceptable uses in this zone. Dedication of overflight easements are not required for commercial or 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 15303 Class 1 (New Construction or Conversion of Small Structures), because the project consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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

CONCLUSIONS:

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

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and

2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

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

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

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0362, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW A RECYCLING
CENTER OUTSIDE A STATE-RECOGNIZED CONVENIENCE ZONE, FOR THE
PURCHASING OF CALIFORNIA REDEMPTION VALUE (CRV) CONTAINERS
FROM THE PUBLIC (17.64.020.B) IN THE C-2 (REGIONAL COMMERCIAL
ZONE) DISTRICT, LOCATED AT 401 BRUNDAGE LANE. (CUP NO. 19-0362)**

WHEREAS, Tommie Wofford filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public (17.64.020.B) in the C-2 (Regional Commercial Zone) district, located at 401 Brundage Lane (the "Project"); and

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

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 19-0362 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 December 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. 19-0362

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

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

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

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

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

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

2. This conditional use permit allows for a recycling center outside a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public in the C-2 (Regional Commercial Zone) district, located at 401 Brundage Lane as depicted on attached Exhibits B and C.
3. Operating hours are limited to Monday - Saturday from 10:00 am to 5:30 pm; closed Sunday.
4. The recycling operation shall not have more than one metal storage container (8 feet x 20 feet).
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. If a grading plan is required, 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. If a grading plan is required, 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 how and where water will be drained from the property.
4. Show on the final building plan pedestrian access from the public way and accessible parking. Private streets are not the public way.
5. 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.
6. 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.
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>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Existing Convenience Market	3,000 SF	1/200 SF	15 spaces
Recycling Center		1/Employee (2 employees)	02 spaces
		2 for Customers	02 spaces
Total			19 spaces

(Note: 19 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. 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.
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.
 - 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. 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. 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.

4. 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. 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)

(Staff contact - Gordon Hilton; 661-326-3465 or GHilton@bakersfieldcity.us)

1. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
2. 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.
3. All storm water generated on the project site, including the street frontage shall be retained onsite unless otherwise allowed by the Public Works Department (please contact the Public Works Department – Subdivisions at 661-326-3576).
4. 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.
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.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)

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

(Staff contact - Gordon Hilton; 661-326-3465 or GHilton@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).

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

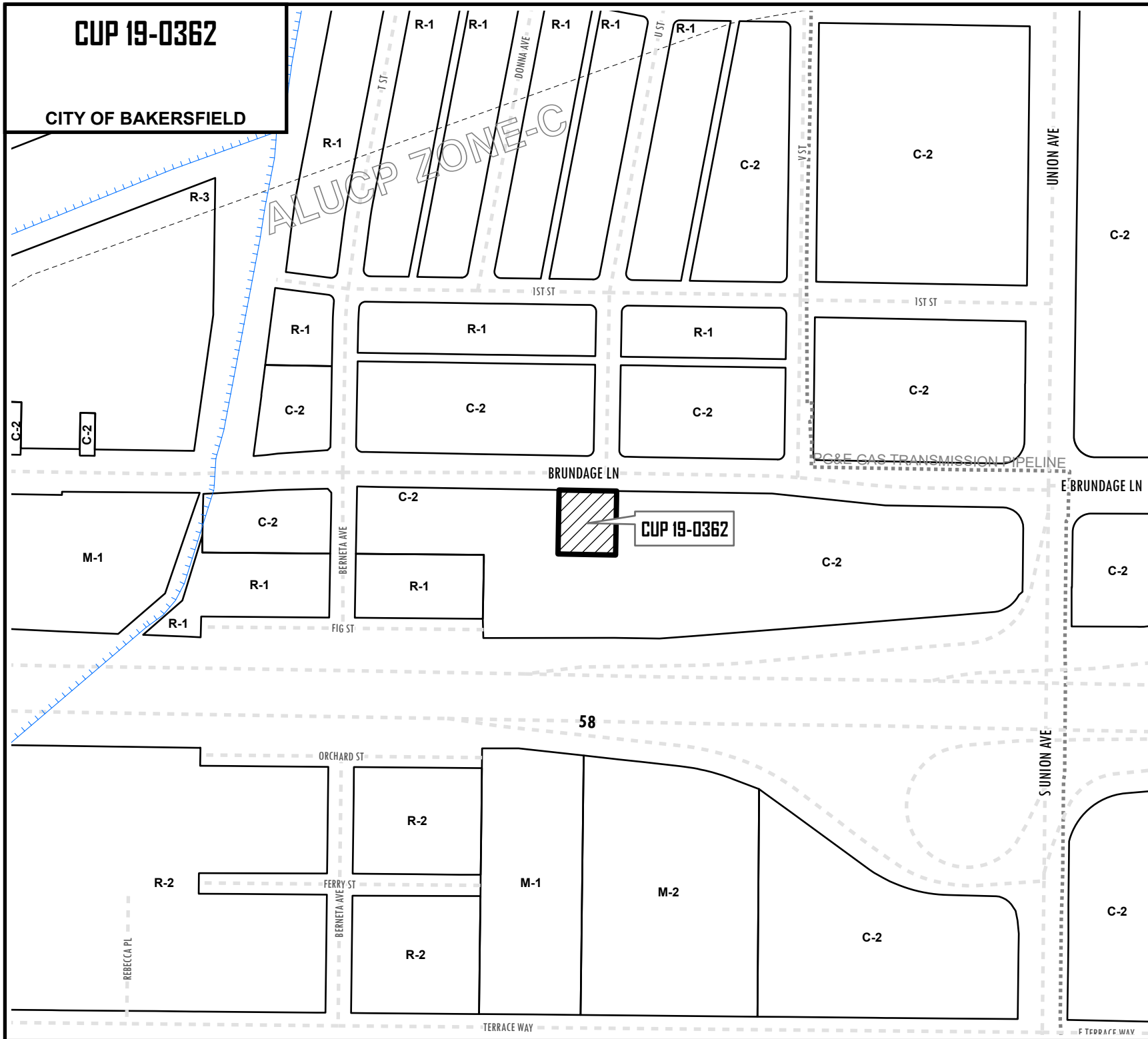
(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

1. Provide a letter from the property owner/management giving the CRV facility permission to share refuse service with the existing on site use (Brundage Liquors). If unable to obtain said letter, then the CRV facility shall construct a 6-foot x 8-foot single bin enclosure for refuse. Letter to be put on file with Public Works/Solid Waste Department.

Exhibit B
(Location Map)

CUP 19-0362

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



BAKERSFIELD

N



Feet

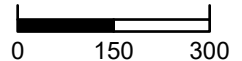
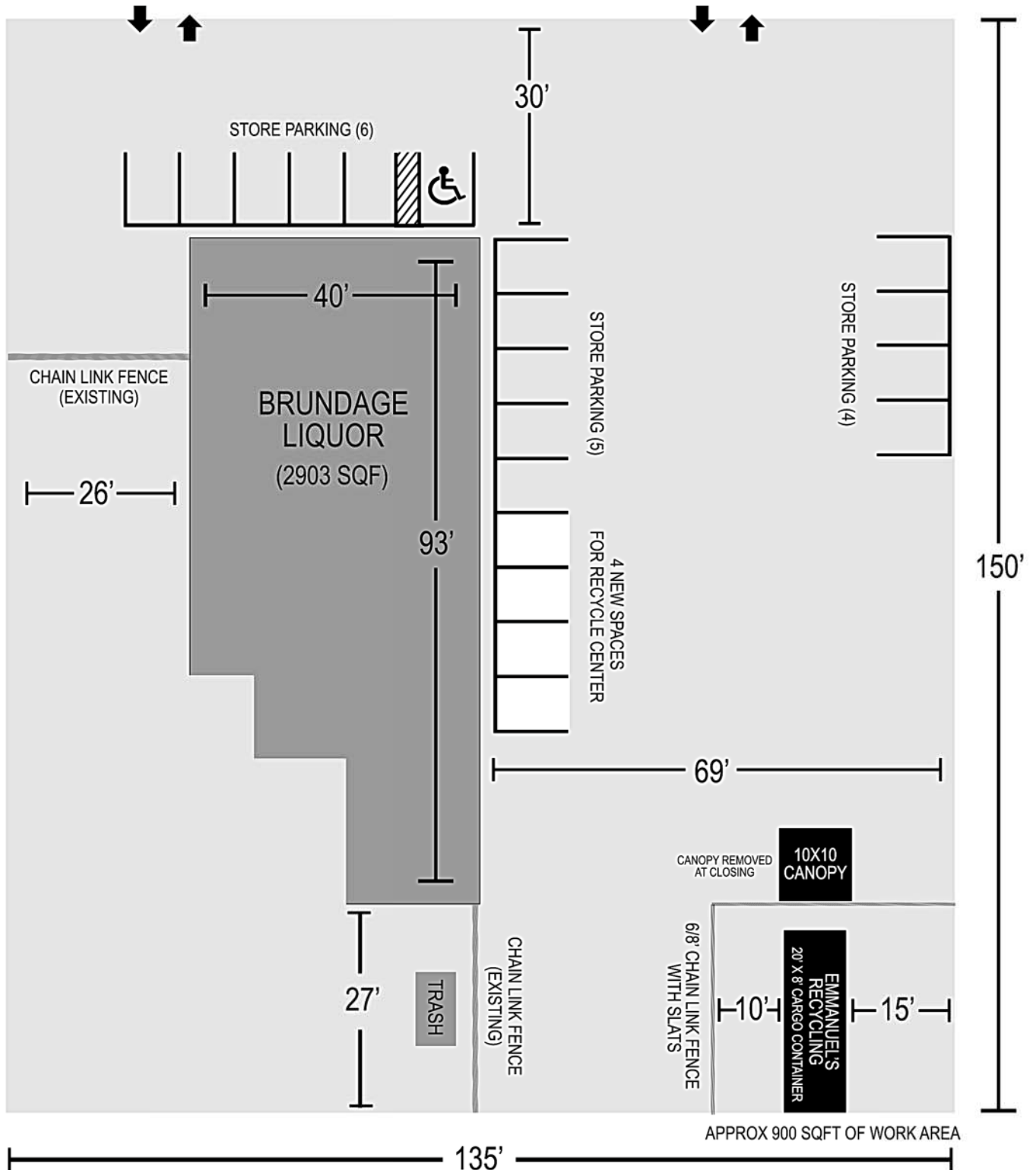


Exhibit C
(Site Development Plan)

-N-

BRUNDAGE LANE





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: December 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, Planner II

DATE:

WARD: Ward 1

SUBJECT:

Zoning Modification No. 19-0364: Salvador Carrara is proposing a zoning modification to allow the expansion of an existing convenience store with a 0-foot side yard setback where a minimum 20 feet is required when abutting property zoned residential in the C-1 (Neighborhood Commercial Zone) district, located at 575 Panama Lane. Notice of Exemption on file.

APPLICANT: Salvador Carrara

OWNER: Salvador Carrara

LOCATION: 575 Panama Lane

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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

**CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT**

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED 

DATE: December 10, 2019

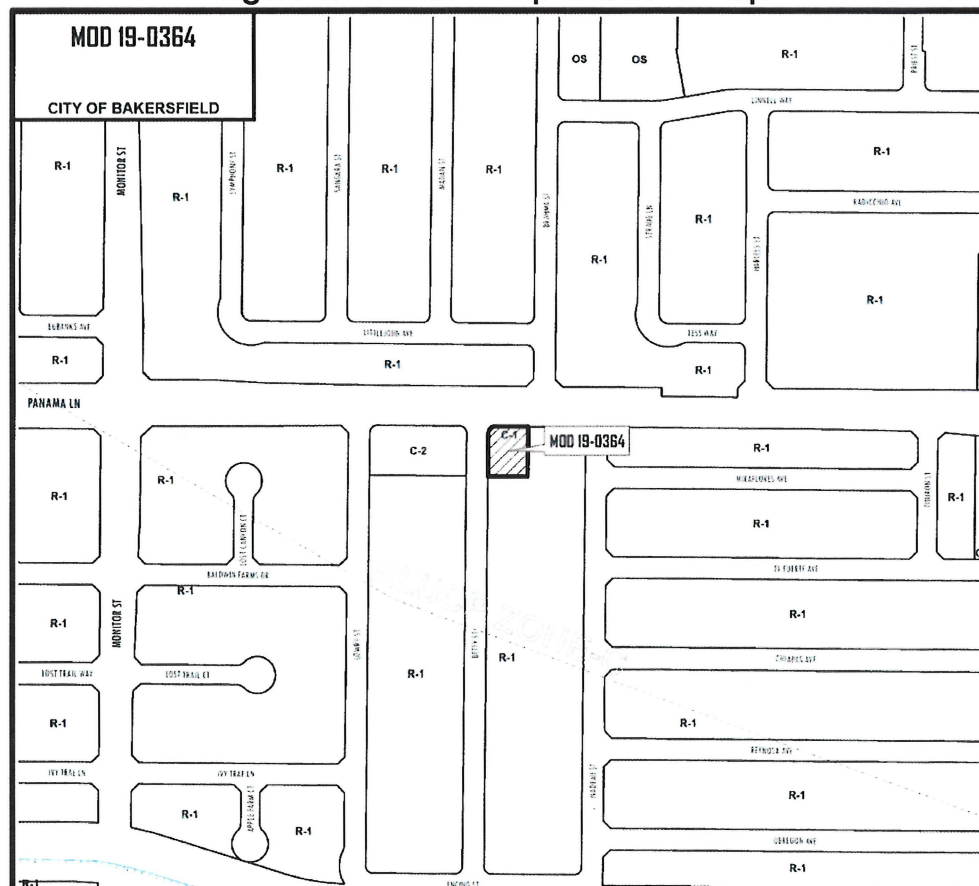
SUBJECT: Zoning Modification; File No. 19-0364 (Ward 1)

APPLICANT: Salvador Carrara
11426 Pecos River Drive
Bakersfield, CA 93312

OWNER: Same

LOCATION: 575 Panama Lane | APN 516-031-04

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Zoning Modification No. 19-0364 as depicted in the project description and subject to the listed conditions of approval.

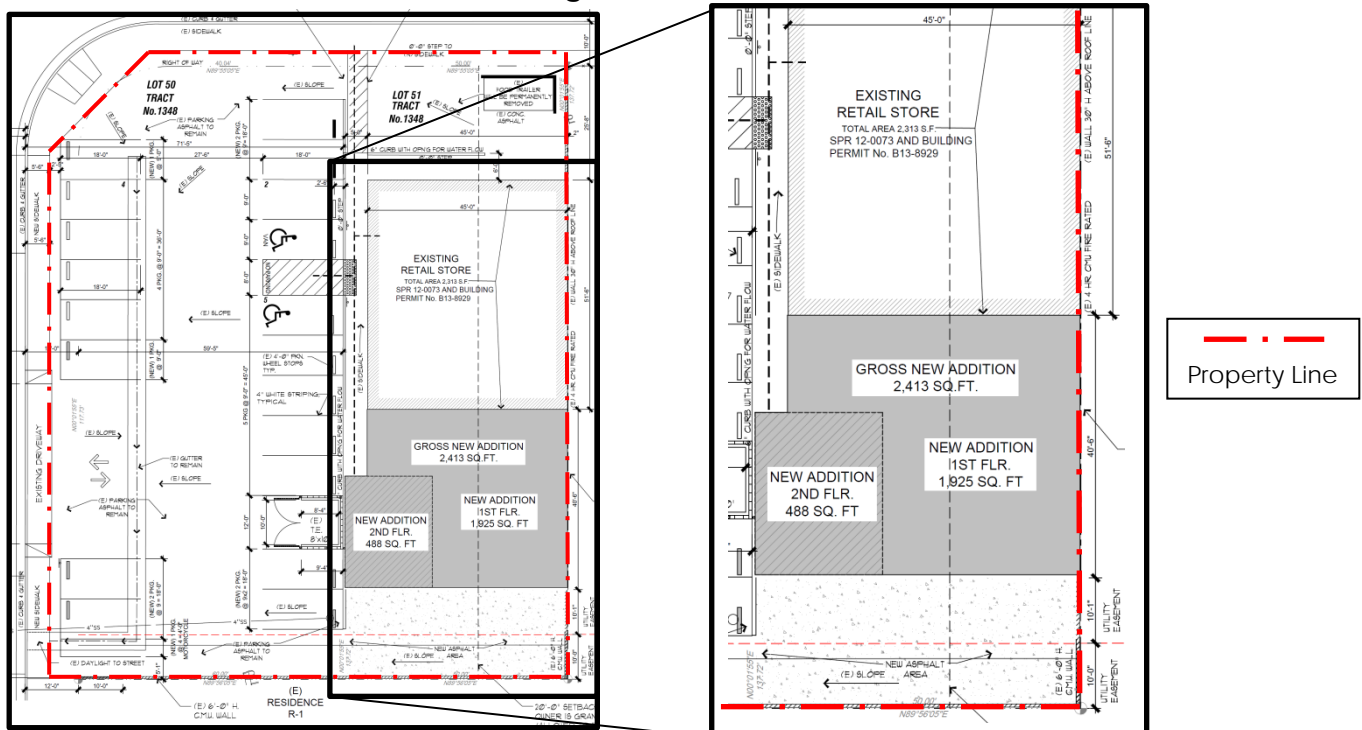
PROJECT SUMMARY:

The project is a request for a zoning modification to allow the expansion of an existing convenience store with a 0-foot side yard setback where a minimum 20 feet is required when abutting property zoned residential 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 a 15,061-square foot parcel with a 10-foot public utility easement and 10-foot alley easement (20 feet total) along the southern boundary. 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	LR	C-1	Convenience Store
North	LR	R-1	Single-Family Residential
East	LR	R-1	Single-Family Residential
South	LR	R-1	Single-Family Residential
West	GC	C-2	Church
General Plan Key LR: Low Density Residential GC: General Commercial		Zone District Key C-1: Neighborhood Commercial C-2: Regional Commercial R-1: One Family Dwelling Zone	

BACKGROUND:

Late 1940's - Convenience market constructed on site (1,562 square foot).

August 4, 1992 - Property annexed to the City (Panama No. 10).

November 13, 2012 - Your Board approved a zoning modification to allow a 1,541 square foot expansion of an existing convenience store with a 0-foot side yard setback where a minimum 20 feet is required when abutting property zoned residential (MOD No. 12-0172; Resolution 12-35).

November 14, 2017 - Your Board approved a conditional use permit to allow a Food Vending Vehicle: (1) in a Neighborhood Commercial Zone; and located within 200 feet of a residential district (CUP No. 15-0355; Resolution 17-36). Should the proposed zoning modification be approved, the applicant states the food vending vehicle will be removed from the site.

ANALYSIS:

Development standards state that where a commercial lot abuts any residential zone, there shall be a side yard of not less than 20 feet. In all other cases, a side yard for a commercial building shall not be required (Bakersfield Municipal Code Section 17.22.080).

As proposed, the applicant is requesting to expand the existing 3,103-square foot commercial building by adding 2,413 square feet. The first floor (1,925 square feet) will be for product sales to include a retail bakery and delicatessen. The second story (488 square feet) will be a private office space. See Figure 4.

The expansion will be constructed along the property line of the eastern boundary (abutting R-1) and 20 feet from the southern property line (abutting R-1). The applicant states the reduced setback is appropriate, considering the existing building is constructed along the

eastern property line. Additionally, if the 20-foot setback was enforced, it could provide an attractive nuisance for the homeless population between the exiting block wall and the back of the proposed building since the area would be concealed from view.

To address overlooks into residential rear yards, the applicant is proposing no windows on the southern and eastern portions of the second story building. There will be a window on the western portion facing the parking lot and church. See Figure 5.

Figure 4a. First Story Floor Plan

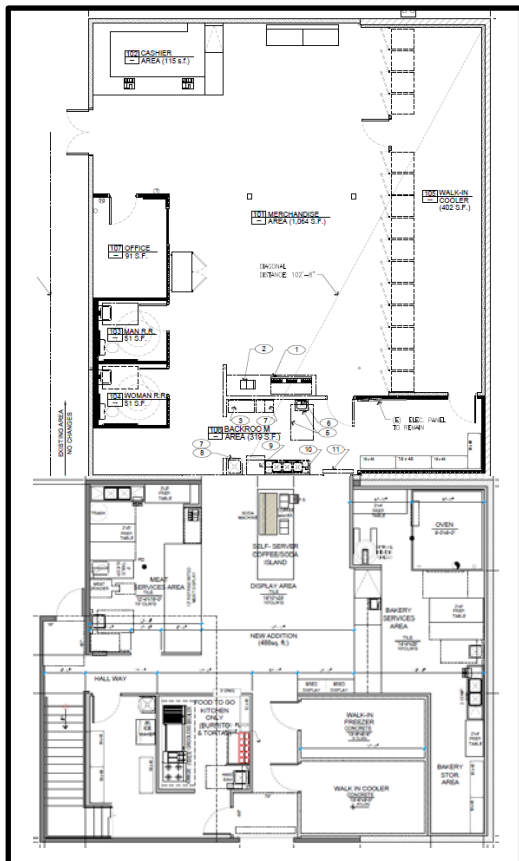
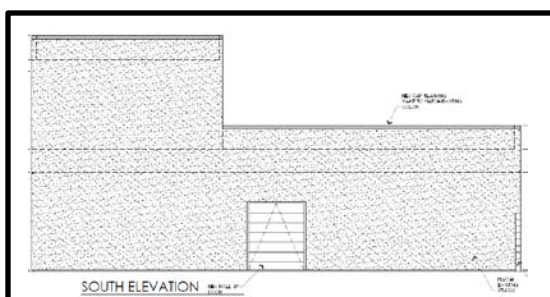
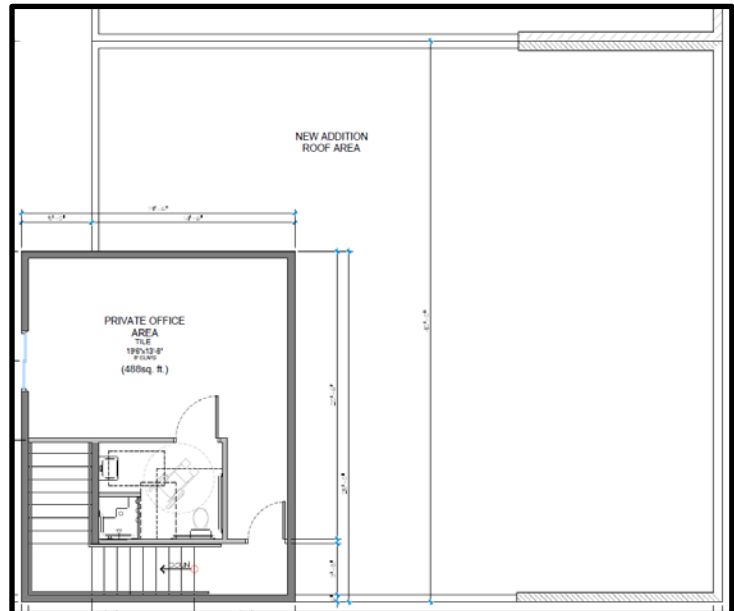
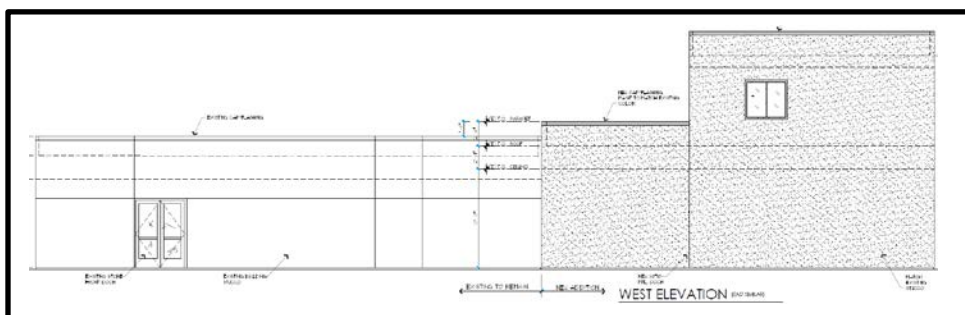


Figure 4b. Second Story Floor Plan



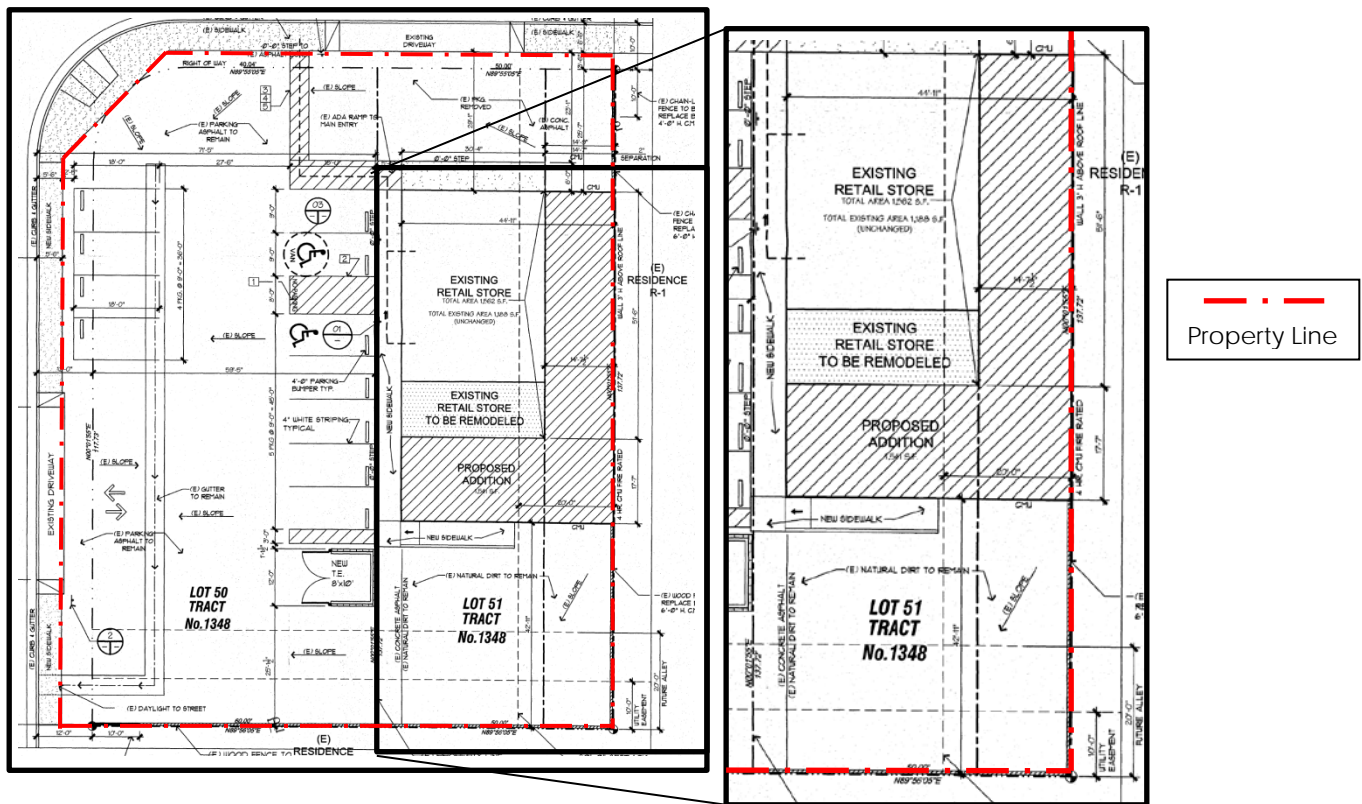
**Figure 5a.
South Elevation**



**Figure 5b.
West Elevation**

Similar Request. As stated above, on November 13, 2012, your Board approved Zoning Modification 12-0172 (Resolution 12-35) to allow the expansion of the existing convenience store with a 0-foot side yard setback where a minimum 20 feet is required when abutting property zoned residential, on the subject site. See Figure 5.

Figure 5. Similar Request



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. Two-story offices and "most retail uses" are normally acceptable uses in this zone. Dedication of overflight easements are not required for commercial or 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 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. As of this writing, no written comments have been received.

CONCLUSIONS:

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

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

Section 17.64.060.D also states that a modification may be subject to such conditions as deemed appropriate or necessary to 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 setback is to provide a buffer between dwellings and commercial property. Staff concurs with the applicant's justification: (1) the reduced setback would be consistent with the existing commercial building on site; (2) the 20-foot vacant area between the commercial building and wall, if request is denied, would create an attractive nuisance for the homeless population; 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. 19-0364, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A ZONING MODIFICATION TO ALLOW THE EXPANSION OF AN
EXISTING CONVENIENCE STORE WITH A 0-FOOT SIDE YARD SETBACK WHERE
A MINIMUM 20 FEET IS REQUIRED WHEN ABUTTING PROPERTY ZONED
RESIDENTIAL (17.22.080), IN THE C-1 (NEIGHBORHOOD COMMERCIAL ZONE)
DISTRICT, LOCATED AT 575 PANAMA LANE (MOD NO. 19-0364)**

WHEREAS, Salvador Carrara filed an application with the City of Bakersfield Development Services Department for a zoning modification to allow the expansion of an existing convenience store with a 0-foot side yard setback where a minimum 20 feet is required when abutting property zoned residential (17.22.080), in the C-1 (Neighborhood Commercial Zone) district, located at 575 Panama Lane (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, December 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 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 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. 19-0364 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 December 2019, on a motion by Member _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Zoning Modification No. 19-0364

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 zoning modification allows the expansion of an existing convenience store with a 0-foot side yard setback where a minimum 20 feet is required when abutting property zoned residential (17.22.080), in the C-1 (Neighborhood Commercial Zone) district, located at 575 Panama Lane, as depicted on attached Exhibits B and C.
3. The project shall comply with all conditions set forth in Site Plan Review No. 19-0365.

Exhibit B
(Location Map)

MOD 19-0364

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

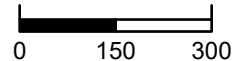


BAKERSFIELD

N



Feet



Document Name: November

OS OS

R-1

PRIEST ST

LINNELL WAY

R-1

RADICCHIO AVE

R-1

R-2

C-2

BRAHMA ST

STRAUB LN

HARLESS ST

R-1

R-1

R-1

TESS WAY

LITTLEJOHN AVE

R-1

R-1

R-1

R-1

R-1

R-1

MONITOR ST

SYMPHONY ST

SANGARA ST

MADAN ST

EUBANKS AVE

R-1

PANAMA LN

R-1

R-1

LOST CANYON CT

BALDWIN FARMS DR

R-1

R-1

MONITOR ST

LOST TRAIL WAY

LOST TRAIL CT

R-1

IVY TRAE LN

IVY TRAE LN

R-1

R-1

APPLE FARM CT

LOWRY ST

C-2

R-1

C-1

MOD 19-0364

R-1

R-1

EL FUERTE AVE

R-1

CHIAPAS AVE

R-1

REYNOSA AVE

R-1

OBREGON AVE

R-1

R-1

C-2

TIBURON ST

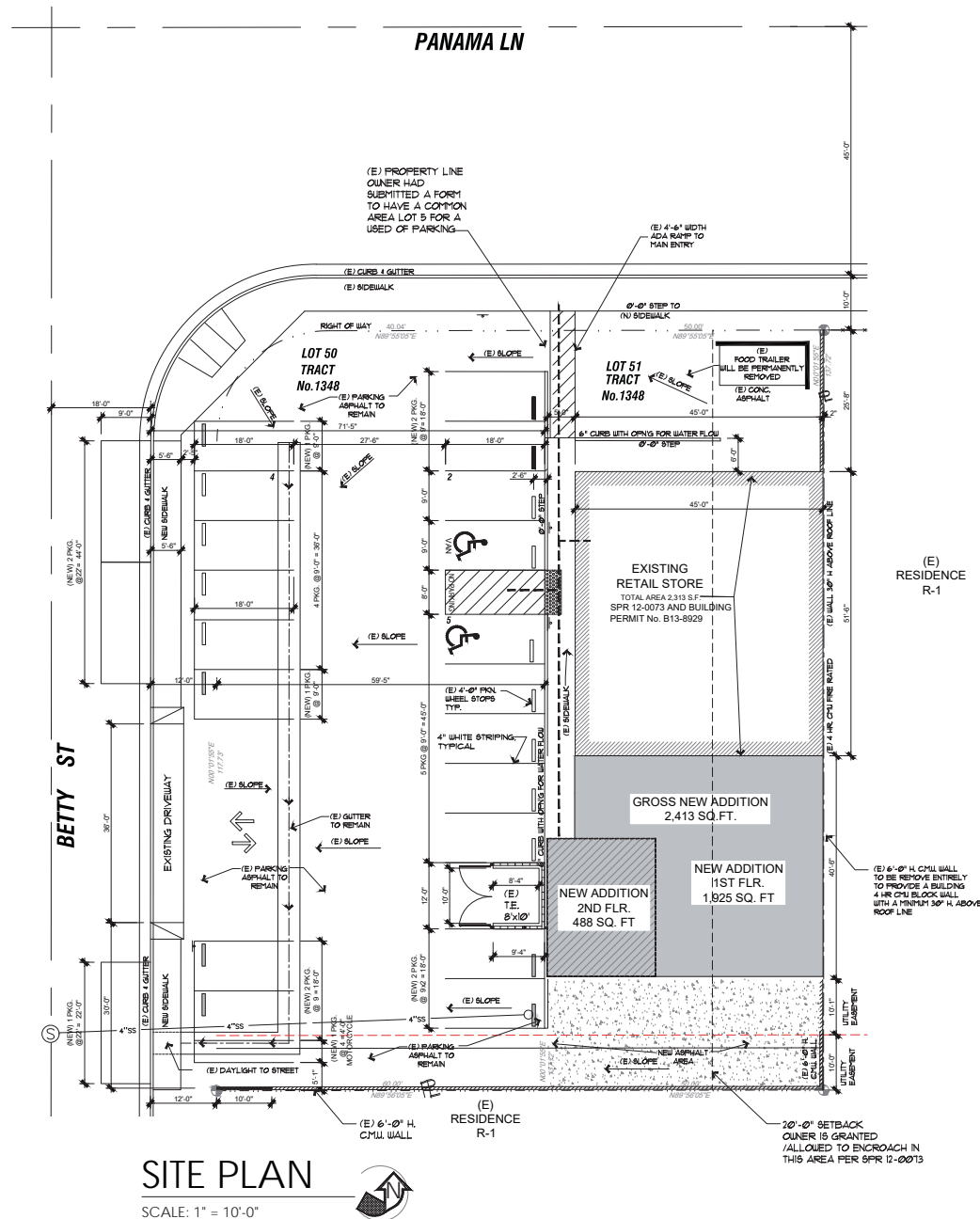
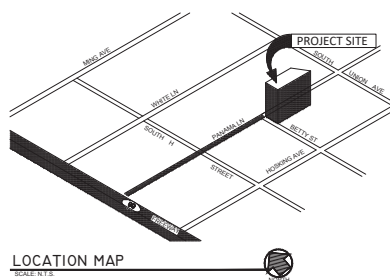
NADEAU ST

FM/IND CT

ALUCP ZONE-C

Exhibit C
(Site Development Plan)

BUILDING DATA			
Project of Scope:			
SCOPE OF WORK FOR THIS SUBMITTAL IS LIMITED TO STRUCTURAL TO THE NEW ADDITION WITH INTERIOR TENANT IMPROVEMENT AND SMALL RELOCATION IN THE EXISTING GROCERY STORE. NO CHANGES TO EXISTING PARKING ELEVATIONS. ONLY PAINT FOR NEW PARKING. NO CHANGES TO EXISTING DRAINAGE AND/OR TO PARKING FLOW.			
GENERAL INFORMATION:			
ADDRESS:	EL MILAGRO MARKET	NEW ADDITION 1ST FLOOR	1,925 S.F.
LOT SIZE:	15,071 SQ. FT.	NEW ADDITION 2ND FLOOR	488 S.F.
A.P.M. No.:	516-031-04-00	TOTAL NEW ADDITION	2,413 S.F.
BUILDING ANALYSIS:		EXISTING NO CHANGES	2,313 S.F.
FIRESPRINKLER:	(EXISTING BUILDING IS A NON-FIRE SPRINKLER) EXISTING + NEW BUILDING AREA IS NOT GREATER THAN 5,000 SQ. FT.	TOTAL GROSS AREA	4,726 S.F.
AREA:	C-1	PARKING REQ.:	
BUILDING USE:	RETAIL	TOTAL NEW ADDITION	2,413 S.F./200+ 12 PKGS
OCCUPANCY:	M	EXISTING NO CHANGES	2,313 S.F./200+ 8 PKGS
USE:	CONVENIENCE STORE	TOTAL PARKING REQ.	20 PKGS
CONSTRUCTION:	EXISTING TYPE V-B	(EXISTING 11+NEW 11) + OFF-STREET PARKING:	19 PARKING
STORIES:	1 AND 2 STORES ONLY PORTION OF BLDG.	ON-STREET PARKING:	3 PARKING
		MOTORCYCLE	1 PARKING
		TOTAL PARKING PROVIDED:	23 PKGS
california green code n/a:			
EVALUATION OF CONSTRUCTION IS LESS THAN 500,000. ESTIMATED CONSTRUCTION EVALUATION ON 100,000 THEREFORE THIS PLANS ARE EXCEPT OF GREEN CODE			



SITE PLAN

SCALE: 1" = 10'-0"

5101 DUNDAS RD. #7
BAKERSFIELD, CA 93309
tel 805.892.8415
web alostudios.blogspot.com
email alostudios@gmail.com

residential & commercial design

Client:

EL MILAGRO MARKET NEW ADDITION

SALVADOR CARRERA
641.900.9411

Project Address:
575 PANAMA LN
Bakersfield, CA 93307

In collaboration with:

DESIGN ENGINEER
HARREL ENGINEERING
KEVIN V. HARREL P.E.
500 CONVENT WAY, SUITE 310
BAKERSFIELD, CA 93309
E-MAIL: kharrel@harrel.com 641.201.4536

Project description:

PROPOSED RETAIL ADDITION FOR BAKERY AND MEAT PREPARATION WITH A 2ND FLOOR OFFICE

REVISIONS

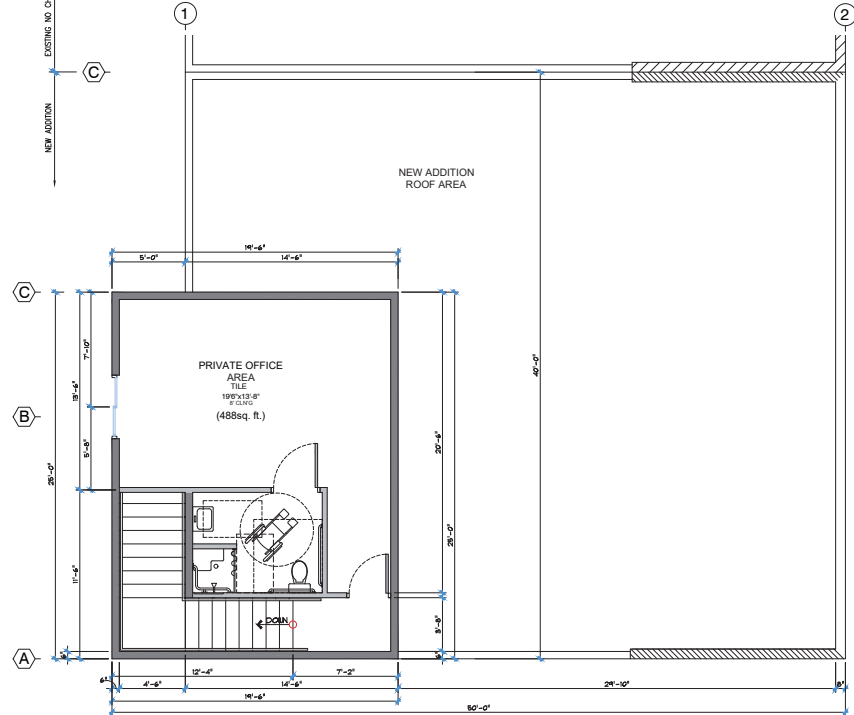
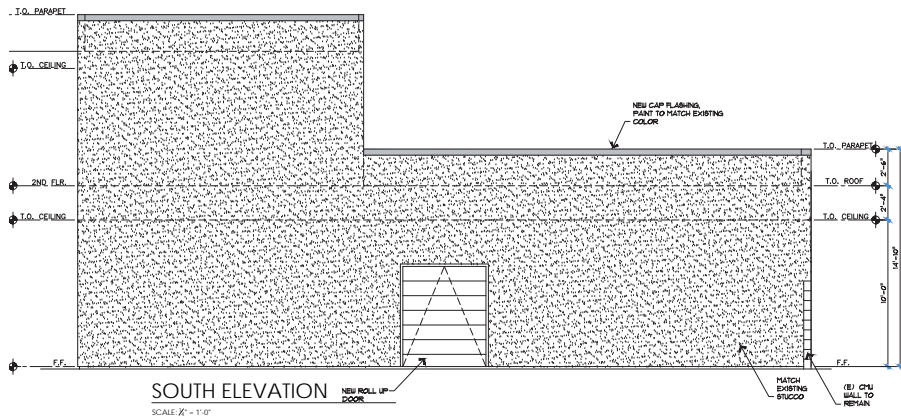
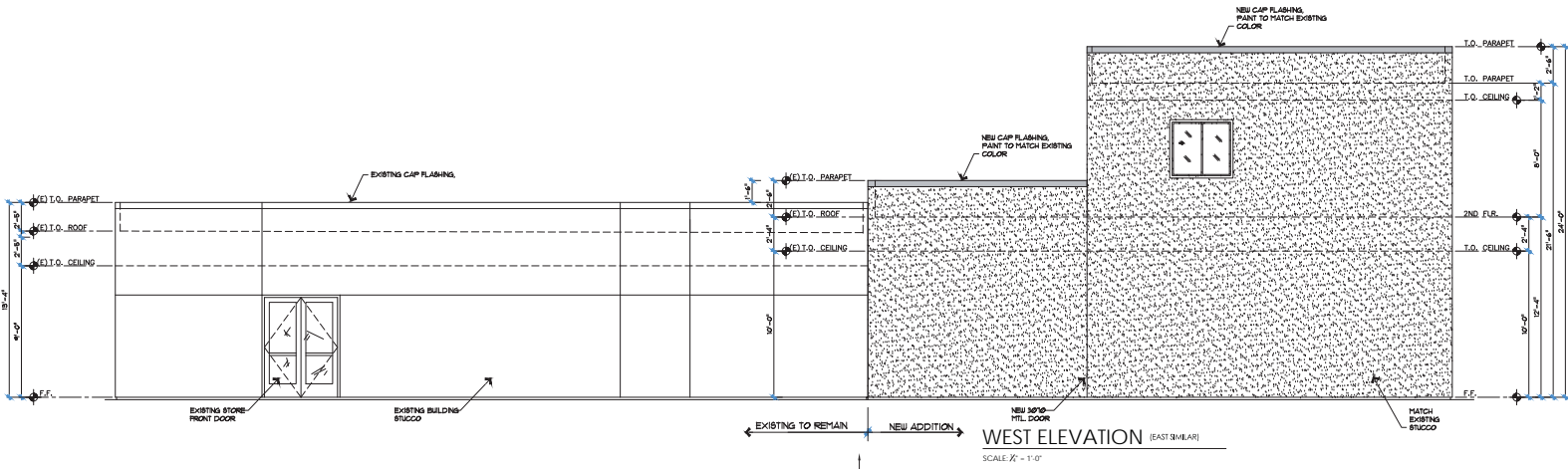
NO.	DATE	DESCRIPTION
1	11.06.2019	110 SUBMITTAL BLDG. OPT.

APPROVAL

DATE	DESCRIPTION
11.06.2019	110 SUBMITTAL BLDG. OPT.

AS-1.1

SITE PLAN AND DATA



PROPOSED PRIVATE OFFICE 2ND FLOOR PLAN
Scale: 1/4" = 1'-0"





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: December 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, Planner II

DATE:

WARD: Ward 5

SUBJECT:

Zoning Modification No. 19-0382: McIntosh and Associates is proposing a zoning modification to allow dwellings with a 25-foot rear yard setback where a minimum 50 feet is required when adjoining property zoned agricultural, on 20 residential lots in the R-2 (Limited Multiple-Family Dwelling Zone) district, generally located at 12700 Panama Lane (Vesting Tentative Tract Map No. 7334). Notice of Exemption on file.

APPLICANT: McIntosh & Associates

OWNER: Wings Way, LLC

LOCATION: 12700 Panama Lane

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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

**CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT**

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: December 10, 2019

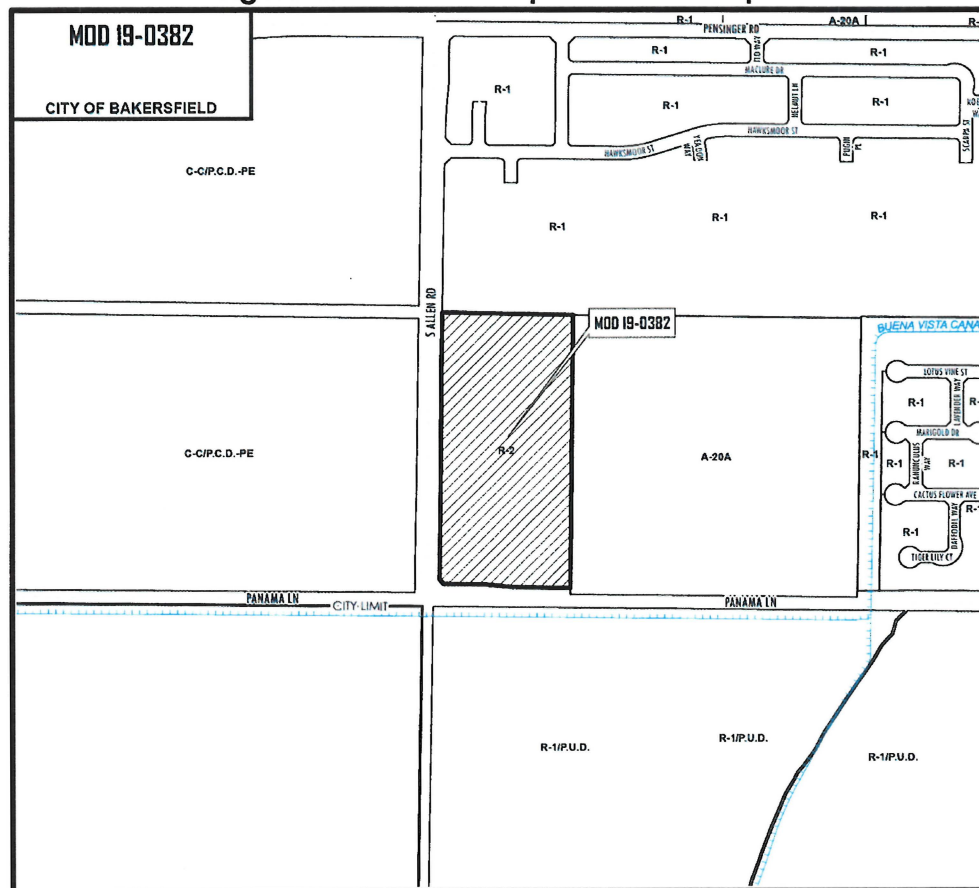
SUBJECT: Zoning Modification; File No. 19-0382 (Ward 5)

APPLICANT: McIntosh & Associates
2001 Wheelan Court
Bakersfield, CA 93309

OWNER: Wings Way, LLC
9201 Camino Media Suite 120
Bakersfield, CA 93311

LOCATION: Generally located at 12700 Panama Lane | APN 535-010-50

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Zoning Modification No. 19-0382 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 allow dwellings with a 25-foot rear yard setback where a minimum 50 feet is required when adjoining property zoned A (Agricultural) on 20 residential lots in the R-2 (Limited Multiple-Family Dwelling Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

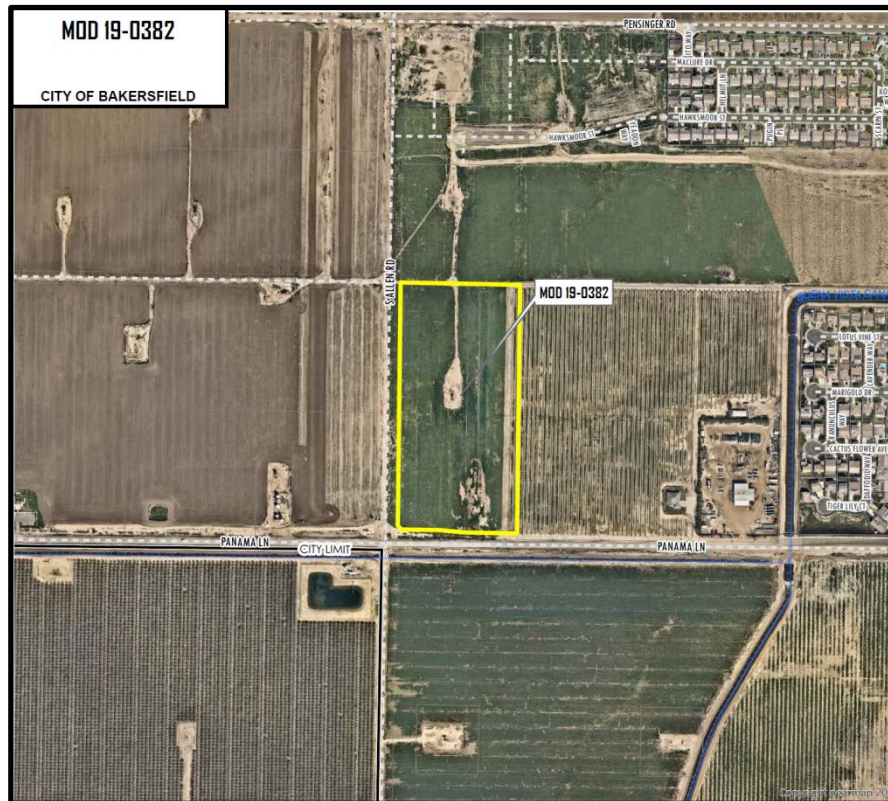
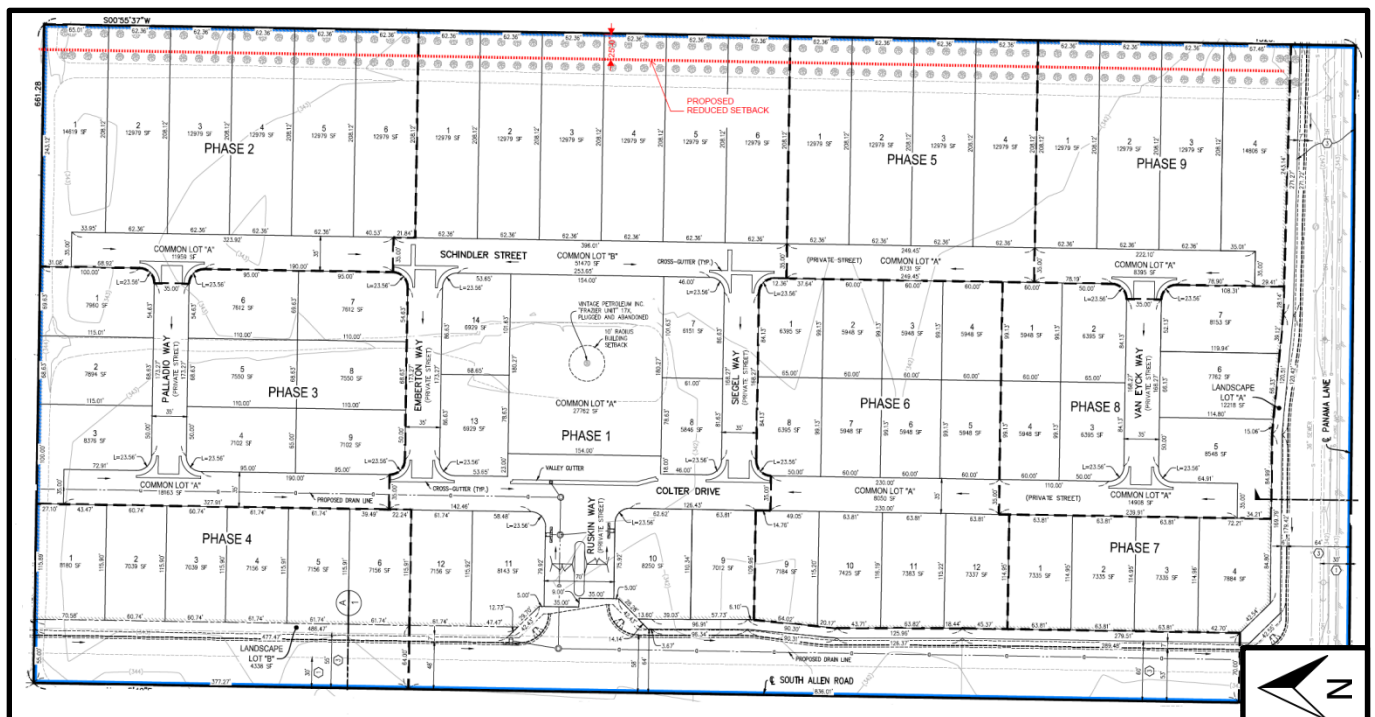


Figure 3. Site Plan



SURROUNDING LAND USES:

The project site is part of a Vesting Tentative Tract Map (VTTM 7334) that is currently undergoing staff review. 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	LR	R-2	Undeveloped
North	LMR	R-1	Undeveloped
East	R-1A	A-20A	Agricultural Production
South	LR	R-1/PUD	Agricultural Production
West	GC	C-C/PCD/PE	Undeveloped
General Plan Key LR: Low Density Residential LMR: Low Medium Density Res. R-1A: Intensive Agriculture GC: General Commercial		Zone District Key R-1: One-Family Dwelling R-2: Limited Multiple-Family Dwelling A-20A: Agricultural, Twenty-Acre Minimum Lot Size C-C: Commercial Center PE: Petroleum Extraction Combining PUD: Planned Unit Development PCD: Planned Commercial Development	

ANALYSIS:

Development standards state that no dwelling shall be constructed within 50 feet of any lot that adjoins property zoned A (Agricultural) or RS (Residential Suburban), unless the property upon which the dwelling is constructed is within one of the said zones (Bakersfield Municipal Code Section 17.08.150.A).

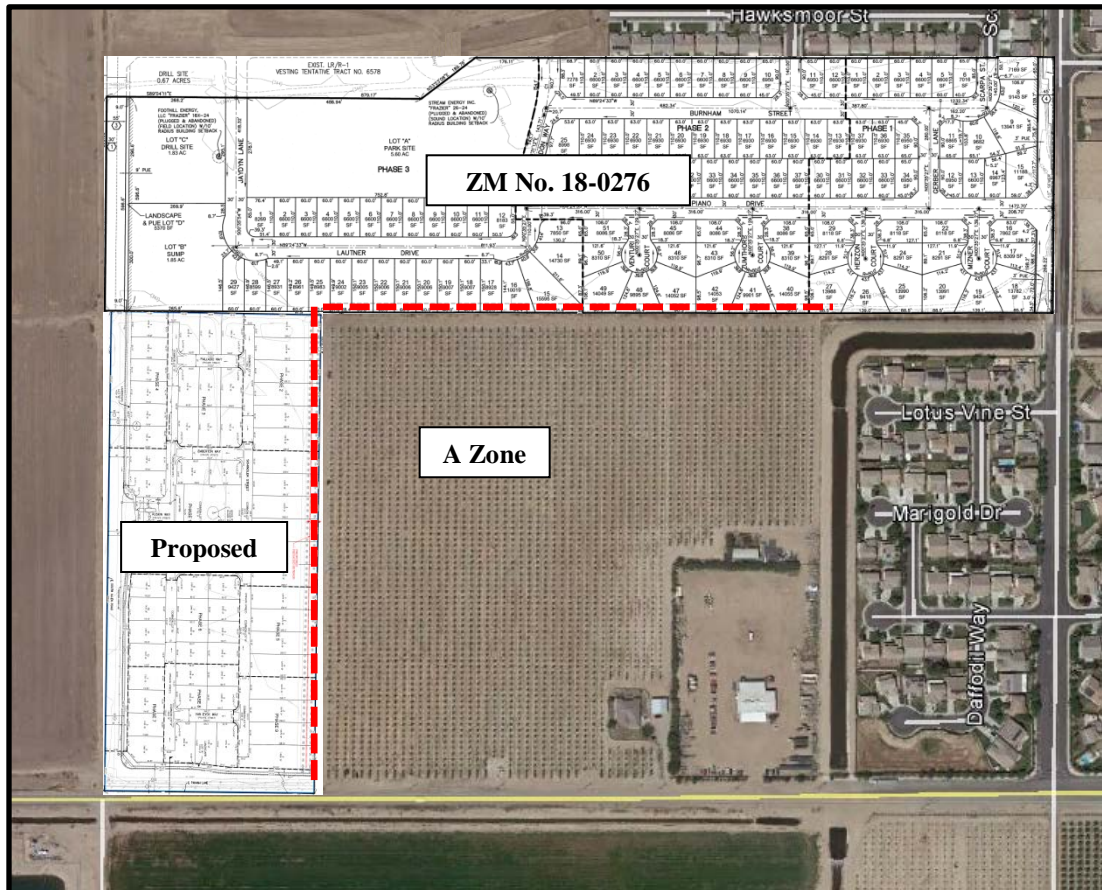
As proposed, VTTM 7334 will contain 20 residential lots adjacent to the A zone. The 50-foot setback is intended to provide a buffer between dwellings and the keeping of livestock that is permitted in the agricultural zone (e.g., horses, cattle, sheep, and poultry). Although the A zone property is currently in agricultural production (orchard), that does not preclude the owner from keeping livestock on the property.

The 20 affected residential lots range in size from 12,979 square feet (0.30 acres) to 14,619 square feet (0.34 acres) and are intended to be developed with multiple-family dwellings (e.g. duplexes). VTTM 7334 will be reviewed for compliance with the Subdivision Map Act and incorporate any conditions associated with this zoning modification. Should your Board approve this proposed request, Staff is recommending conditions of approval requiring a 6-foot tall masonry wall along the boundary of these lots, and the recordation of a covenant disclosing the existence or potential for livestock on adjacent land to prospective buyers.

The applicant states the reduced setbacks are appropriate, considering the ongoing transition of the surrounding area from agricultural to urban uses. Additionally, the 50-foot building setback would not be required if the adjacent parcel was zoned other than A. Furthermore, the potential for the keeping of large animals on the adjoining property is unlikely since it is developed with an orchard.

Similar Request. On August 14, 2018, your Board approved Zoning Modification 18-0276 (Resolution 18-17) to allow dwellings with a 25-foot rear yard setback where a minimum 50 feet is required when adjoining property zoned agricultural on 17 residential lots in the R-1 (One-Family Dwelling Zone). See Figure 4.

Figure 4. Similar Request



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

CONCLUSIONS:

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

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

Section 17.64.060.D also states that a modification may be subject to such conditions as deemed appropriate or necessary to 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 setback is to provide a buffer between dwellings and the keeping of livestock. Staff concurs with the applicant's justification: (1) considering the ongoing transition of surrounding area from agricultural to urban uses, there is no anticipated future need for the required 50-foot building setback; (2) the potential for the keeping of large animals on the adjoining property to the south is unlikely; 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. 19-0382, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. 19-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A ZONING MODIFICATION TO ALLOW DWELLINGS WITH A 25-
FOOT REAR YARD SETBACK WHERE A MINIMUM 50 FEET IS REQUIRED WHEN
ADJOINING PROPERTY ZONED AGRICULTURAL (17.08.150), ON 20
RESIDENTIAL LOTS IN THE R-2 (LIMITED MULTIPLE-FAMILY DWELLING ZONE)
DISTRICT, GENERALLY LOCATED AT 12700 PANAMA LANE (VESTING
TENTATIVE TRACT MAP NO. 7334) (MOD NO. 19-0382)**

WHEREAS, McIntosh and Associates filed an application with the City of Bakersfield Development Services Department for a zoning modification to allow dwellings with a 25-foot rear yard setback where a minimum 50 feet is required when adjoining property zoned agricultural (17.08.150), on 20 residential lots in the R-2 (Limited Multiple-Family Dwelling Zone) district, generally located at 12700 Panama Lane (Vesting Tentative Tract Map No. 7334) (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, December 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 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 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. 19-0382 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 December 2019, on a motion by Member _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Zoning Modification No. 19-0382

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 zoning modification allows dwellings with a 25-foot rear yard setback where a minimum 50 feet is required when adjoining property zoned agricultural (17.08.150.A) on 20 residential lots in the R-2 (Limited Multiple-Family Dwelling Zone) district generally located at 12700 Panama Lane (Vesting Tentative Tract Map No. 7334) as depicted on attached Exhibits B and C.
3. The developer shall construct a 6-foot tall masonry wall along the eastern boundary of Vesting Tentative Tract No. 7334, where adjacent to property zoned A (Agriculture).
4. The developer shall record or caused to be recorded on the affected properties, a covenant disclosing the existence or potential for livestock on adjacent land zoned A (Agriculture).
5. The Permit Holder shall obtain all necessary building permits for construction of the residential development.

Exhibit B
(Location Map)

MOD 19-0382

CITY OF BAKERSFIELD

C-C/P.C.D.-PE

C-C/P.C.D.-PE

PANAMA LN

CITY LIMIT

S ALLEN RD

R-1

A-20A

R-1

PENSINGER RD

R-1

R-1

MACLURE DR

HELMUT LN

R-1

R-1

KOENIG WAY

HAWKSMOOR ST

HAWKSMOOR ST

PUGIN PL

SCARPA ST

R-1

R-1

R-1

MOD 19-0382

R-2

A-20A

BUENA VISTA CANAL

LOTUS VINE ST

LAVENDER WAY

MARIGOLD DR

RANUNCULUS WAY

CACTUS FLOWER AVE

DAFFODIL WAY

TIGER LILY CT

R-1/P.U.D.

R-1/P.U.D.

R-1/P.U.D.

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



BAKERSFIELD

N



Feet

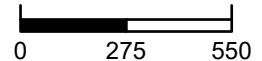


Exhibit C
(Site Development Plan)

OWNER/SUBDIVIDER
WINGS WAY, LLC, A DELAWARE COMPANY
9201 CAMINO MEDIA, SUITE 120
BAKERSFIELD CA, 93311
PHONE: 805-885-8408

PROPOSED NUMBER OF UNITS: 86 DUPLEXES
PROPOSED USE: MULTI-FAMILY RESIDENTIAL
NUMBER OF STORIES PER UNIT: 1
NET DENSITY: 172 D.U. / 17.43 NET ACRES
= 2.87 D.U. PER ACRE
ZONING: EXISTING R-2
GENERAL PLAN DESIGNATION: EXISTING - LMR
SCHOOL DISTRICT: KERN HIGH SCHOOL DISTRICT
HIGH SCHOOL: INDEPENDENCE HIGH SCHOOL
JUNIOR HIGH: EARL WARREN JUNIOR HIGH SCHOOL
ELEMENTARY: BUDA MAE ELEMENTARY SCHOOL

EXISTING USE: VACANT
SEWER: CITY OF BAKERSFIELD
WATER: CITY OF BAKERSFIELD
GAS CO: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRICAL: PACIFIC GAS & ELECTRIC COMPANY
CABLE: SPECTRUM NETWORKS

BEING A SUBDIVISION OF LOT 2 OF LOT LINE ADJUSTMENT NO. 17-0459 PER CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 14, 2018 AS DOCUMENT NO. 218121414 OF OFFICIAL RECORDS; ALSO, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, T.30S., R.26E., M.D.M., IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA
CONTAINING 66 DUPLEXES LOTS, 1 COMMON AREA LOT, 7 PRIVATE STREET AND 2 LANDSCAPE LOTS - 20.07 GROSS ACRES
AUGUST, 2019

EXIST. R-1A/A-20A
SALES MAP OF LANDS OF
KERN COUNTY LAND COMPANY
SEC. 24, T.30S, R.29E, M.6M.
FILED AUGUST 27, 1982



PROJECT SITE

LEGEND:

- | | |
|---|---|
|  | PROPOSED CATCH BASIN |
|  | EXISTING CATCH BASIN |
|  | DIRECTION DRAINAGE AND APPROXIMATE GRADE $\pm 0.5\%$ MIN. |
|  | PROPOSED STORM DRAIN MANHOLE AND STORM DRAIN LINE |
|  | EXISTING STORM DRAIN MANHOLE AND STORM DRAIN LINE |
|  | EXISTING STREET LIGHT |
|  | EXISTING GROUND CONTOUR |
|  | EXISTING SURVEY BENCHMARK AND SEWER LINE |
|  | EXISTING WATERLINE |
|  | EXISTING GAS LINE |
|  | EXISTING OIL LINE |
|  | EXISTING OVERHEAD ELECTRICAL |
|  | EXISTING WATER VALVE |
|  | EXISTING FIRE HYDRANT |
|  | EXISTING MONUMENT |
|  | GATED ENTRY |
|  | TRACT BOUNDARY |
|  | SQUARE FEET |
|  | UNIT BOUNDARY |
|  | EXISTING WELL |
|  | MARKER OF DIRECT ACCESS |

GENERAL NOTES

A 10' PUBLIC UTILITY EASEMENT (P.U.E.) IS PROPOSED AND IS LOCATED IN ALL FRONT AND SIDE YARDS ADJACENT TO ALL STREETS

PHASING:

THE NUMBERING OF THE PHASING ARE FOR IDENTIFICATION PURPOSES AND DO NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT. THIS TRACT WILL BE DEVELOPED IN UP TO 9 PHASES.

EASEMENT LEGEND

- ① PUBLIC ROAD EASEMENT FOR SALES MAP OF LANDS OF KERN COUNTY LAND COMPANY FILED AUGUST 27, 1982, O.R.
- ② AN EASEMENT FOR PRIVATE ROAD PURPOSES RECORDED JUNE 23, 1999 AS DOC. No. 0198083293, O.R.
- ③ AN EASEMENT FOR ROAD PURPOSES IN FAVOR OF THE CITY OF BAKERSFIELD RECORDED APRIL 21, 2018 AS DOC. No. 0206088312, O.R.

BASIS OF BEARINGS:

THE BEARING OF N 00°50'48" E, SHOWN FOR THE CENTERLINE OF ALLEN ROAD AND THE WEST LINE OF THE SOUTHWEST QUARTER OF SEC. 24, T.30S, R.28E, M.D.M. PER TRACT NO. 6578-UNIT 3, M.D. #1, PGS. 185-190, IN THE OFFICE OF THE KERN COUNTY RECORDER, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN HEREON.

FLOOD_ZONE_LEGEND:

ZONE X FLOOD ZONE DESIGNATION PER FIRM MAP No. 06029C2275E, DATED SEPTEMBER 26, 2006. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

STREET NAMES:

NOTE TO PLANNING DEPARTMENT
RE: ALTERNATE STREET NAMES

THE FOLLOWING STREET NAMES ARE PROVIDED AS
SUBSTITUTIONARY ALTERNATES. PLEASE CONSIDER THESE NAMES
IN THE ORDER THEY ARE HEREBY SUBMITTED TO REPLACE NAMES
ON THE MAP.

ON THE MAP THAT MAY NOT BE ACCEPTED

1. ISRAEL	3. FREDOCK
2. MAKO	4. TAKAMATSU

Table 1

—

McINTOSH
& ASSOCIATES

2001 WHEELAN COURT
BAKERSFIELD, CALIFORNIA 93309
(661) 834 - 4814

5

CITY	
COUNTY	
C.S.	

LLC
PLANE, MDM
T NO. 7334

**RICANTO GARDENS
WEST QUARTER SEC. 24, T.30S.,
TENTATIVE TRAC**

VESTED

OF 1 SHEET

SHEET

1



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: December 10, 2019

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

TO: Board of Zoning Adjustment

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

PLANNER: Whitney Jackson, Planner II

DATE:

WARD: Ward 6

SUBJECT:

Extension of Time No. 19-0395: Inland Architects is proposing a one-year extension of time for an approved conditional use permit that allowed an amusement center in a C-1 (Neighborhood Commercial Zone) district, located at 6465 Ming Avenue. Notice of Exemption on file.

APPLICANT: Inland Architects

OWNER: Sagepointe, LLC

LOCATION: 6465 Ming Avenue

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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

**CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT**

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: December 10, 2019

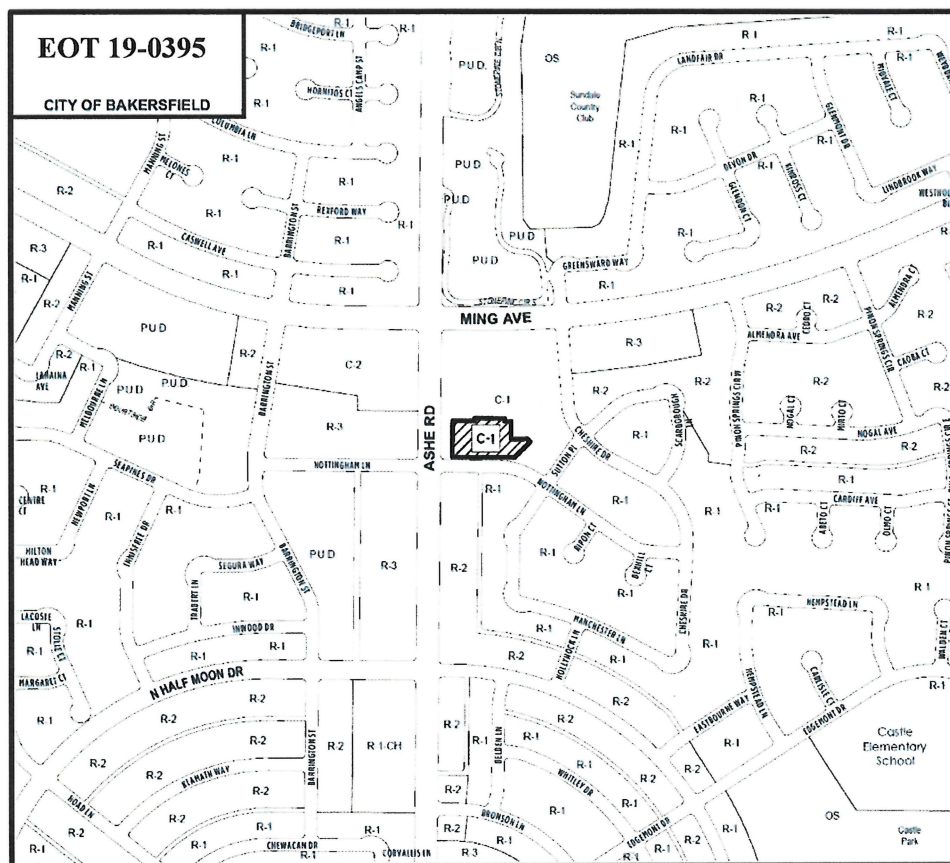
SUBJECT: Extension of Time; File No. 19-0395 (Ward 6)

APPLICANT: Inland Architects
1401 19th Street, Suite 130
Bakersfield, CA 93301

OWNER: Sagepointe, LLC
1401 19th Street, Suite 400
Bakersfield, CA 93301

LOCATION: 6465 Ming Avenue | APN: 115-834-87

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** a one-year extension of time for approved Conditional Use Permit No. 17-0393, as depicted in the project description and subject to the listed conditions of approval.

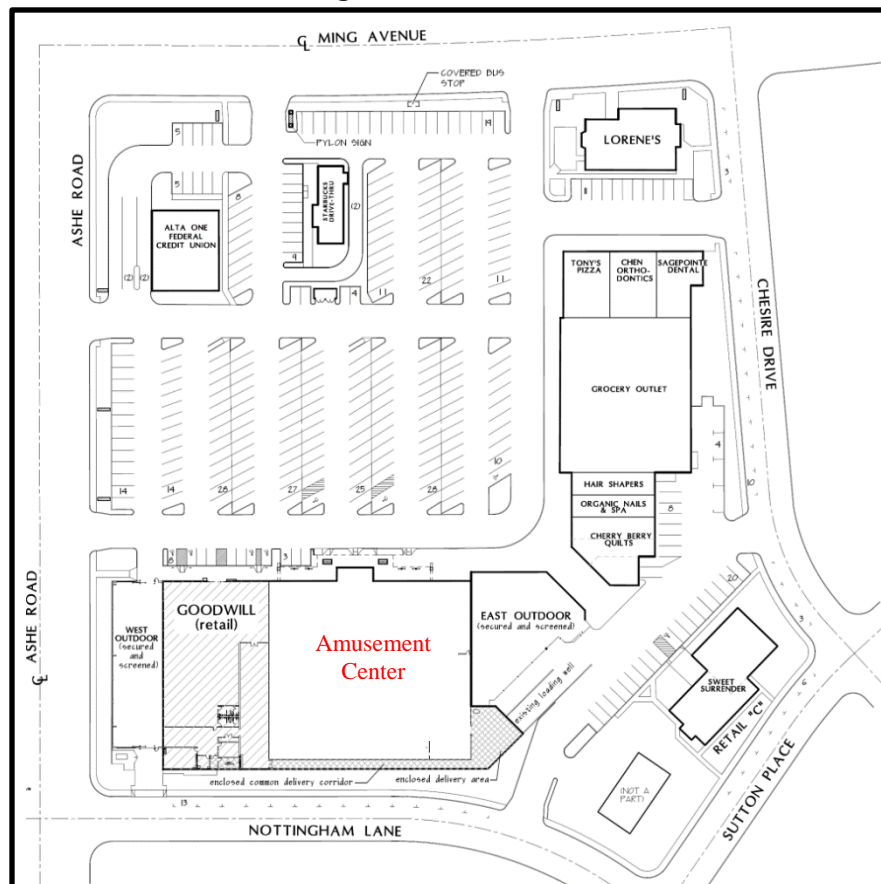
PROJECT SUMMARY:

The project is a request for a one-year extension of time for an approved conditional use permit that allowed an amusement center 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 is located within a portion of the building that formerly housed the "Orchard Hardware Store" within a larger shopping center (Sagepointe) consisting of restaurants, a financial institution, a grocery store, and general retail/commercial. Development outside the center consists of multiple-family residential to the north, single- and multiple-family residential to the east and south, and a daycare center and shopping center to the west. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-1	Retail Building
North	GC	C-1	Restaurants and Financial Institution
East	GC	C-1	General Retail/Commercial
South	HMR and LR	R-1 and R-2	Single & Multiple-Family Residential
West	GC and HMR	C-2 and R-3	Restaurant and Day Care Facility
General Plan Key GC: General Commercial HMR: High Medium Density Residential LR: Low Density Residential		Zone District Key R-1: One-Family Dwelling Zone R-2: Limited Multiple-Family Dwelling Zone R-3: Multiple-Family Dwelling Zone C-1: Neighborhood Commercial Zone C-2: Regional Commercial Zone	

ANALYSIS:

Amusement centers are subject to approval of a conditional use permit in the C-1 district. As proposed, the approximate 30,000 square foot amusement center would include a jump/trampoline venue and maintain hours of operation between 9:00 am and 10:00 pm Sunday through Thursday, and 9:00 am to 12:00 am Friday and Saturday. According to the applicant, the proposed use will draw a family crowd for trampoline/ high-energy activities.

Staff notes the building was previously a home improvement store (Orchard Supply Hardware - OSH), and a portion is currently developed with a retail establishment (Goodwill Industries of Southern California).

Extension of Time. On November 14, 2017, your Board approved Conditional Use Permit No. 17-0393 (Resolution 17-38). The project remained on the consent agenda with no public comments received. Conditional use permits are automatically null and void two years after the effective date unless the applicant or successor has actually commenced the rights granted or requested an extension of time. Bakersfield Municipal Code Section 17.64.060 states that the approving body may approve, conditionally approve, or deny the one-year extension of time.

The owner of the shopping center is requesting the extension of time because the lease negotiations with the prospective tenant are on hold. The owner is still courting that tenant and similar tenants and do not want to lose the conditional land use approval. The space is currently vacant.

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. The granting of the Conditional Use Permit was deemed desirable to the public convenience, and found to be in harmony with the various elements and objectives of the general plan. In light of the ongoing negotiations with potential tenants, Staff recommends approval of the proposed one-year extension of time in order to enable the project to proceed.

Site conditions have not changed. Therefore, should your Board approve the extension, all original conditions of approval are appropriate and will continue to apply to the project.

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 a one-year extension of time for Conditional Use Permit No. 17-0393, 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 ONE-YEAR EXTENSION OF TIME (17.64.060.G) FOR A
CONDITIONAL USE PERMIT THAT ALLOWED AN AMUSEMENT CENTER
(17.64.020.B) IN THE C-1 (NEIGHBORHOOD COMMERCIAL ZONE)
DISTRICT, LOCATED AT 6465 MING AVENUE. (EOT NO. 19-0395)**

WHEREAS, Inland Architects, filed an application with the City of Bakersfield Development Services Department for a one-year extension of time (17.64.060.G) for a conditional use permit (CUP No. 17-0393) that allowed an amusement center (17.64.020.b) in the C-1 (Neighborhood Commercial Zone) district, located at 6465 Ming Avenue (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, December 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. 17-0393 as described in this resolution, and as originally conditioned by the Board of Zoning Adjustment, is hereby granted a one-year extension of the time to commence the rights granted, and that such rights will expire on November 14, 2020.

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 December 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 - CUP No. 17-0393)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 17-0393

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 amusement center (17.64.020.B) in a C-1 (Neighborhood Commercial Zone) district located at 6465 Ming Avenue as depicted on attached Exhibits B and C.
3. The use of amplified sound outdoors is prohibited.
4. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Building Director or his designee and/or the Fire Chief or his designee.
5. Loitering is prohibited on the premises or area 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. COMMUNITY DEVELOPMENT – BUILDING

(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)

1. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
2. 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 disability requirements of Title 24 of the California Building Code.
4. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
5. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.

6. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.
7. Show on the final building plan electric vehicle charging spaces as required by the California Green Code.

B. COMMUNITY DEVELOPMENT – PLANNING

(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>
Shopping Center			330 Spaces
Required Parking: 330 Spaces per			

(Note 1: By ordinance, compact and tandem spaces cannot be counted toward meeting minimum parking requirements.)

(Note 2: Conditional Use Permit/Zoning Modification No. 11-0331 was approved to allow a reduction in the number of required parking spaces from 365 to 330 spaces.)

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

5. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
6. 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.
7. 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).
8. 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.)
9. 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.)
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. 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).

C. FIRE DEPARTMENT

(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 engineered water plans to both the Fire Department and the Water Resources Department.
 - 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. 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. PUBLIC WORKS – ENGINEERING

(Staff contact - Ravi Pudipeddi; 661-326-3997 or RPudipeddi@bakersfieldcity.us)

1. The developer shall construct curbs, gutters, cross gutters, 5-foot 6-inch wide sidewalks, and street/alley paving along Nottingham Lane and Ashe Road according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. The developer shall install streetlights along Nottingham Lane and Ashe Road as shown by staff on the returned site plan. The developer shall be responsible for providing the labor and materials necessary to energize all newly installed streetlights before occupancy of the building or site. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
3. The developer shall construct standard handicap ramps along Nottingham Lane and Ashe Road according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
4. 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.

5. Show on the final building plans all existing connection(s) to the public sewer system.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
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 Manny Behl at 661-326-3576.

E. PUBLIC WORKS – TRAFFIC**(Staff contact - Ravi Pudipeddi; 661-326-3997 or RPudipeddi@bakersfieldcity.us)**

1. Show on the final building plans 36 foot wide (top-to-top) drive approaches as indicated by staff on the returned site plan. Drive approaches must be centered on drive aisles. All dimensions shall be shown on the final building plans.
2. Street return type approaches, if used, shall have 20-foot minimum radius returns with a 36 foot throat width. All dimensions shall be shown on the final building plans.
3. 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.
4. 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).
5. The developer shall dedicate additional road right-of-way to the City of Bakersfield along Ashe Road and Ming Avenue according to adopted city standards.
6. The developer shall construct additional roadway, including ☒ expanded intersection and/or right turn lanes, along Ashe Road and Ming Avenue to full ☐ arterial ☐ collector ☐ local street width according to adopted city standards.

F. PUBLIC WORKS – SOLID WASTE**(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, _____, _____ 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 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. Show on the final building plans _____ compactor roll-off bin location(s), designed according to adopted City standards (Detail # ST-30 and ST-31). Please contact staff for additional information on compactor requirements and placement.
5. 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.
6. 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.
7. Residential properties with four (4) units or greater and that are required to have ADA Accessible unit/s, must provide refuse/recycling enclosures that are ADA Accessible (Detail # ST-29).
8. 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).
9. 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)

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-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

Document Name: NOV

Exhibit C
(Site Development Plan)



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: December 10, 2019

ITEM NUMBER: Staff Communications6.
(a.)

TO: Board of Zoning Adjustment

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

PLANNER: Paul Johnson, Principal Planner

DATE:

WARD:

SUBJECT:

Confirm dates of the regular Board of Zoning Adjustment meetings for calendar year 2020.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: December 10, 2019 **ITEM NUMBER:** New Business7.(a.)

TO: Board of Zoning Adjustment

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

PLANNER: Paul Johnson, Principal Planner

DATE:

WARD:

SUBJECT:

Election of Board of Zoning Adjustment Chair for calendar year 2020.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION: