



PLANNING COMMISSION AGENDA
MEETING OF JULY 16, 2020
Council Chambers, City Hall South, 1501 Truxtun Avenue
Regular Meeting 5:30 P.M.

www.bakersfieldcity.us

1. ROLL CALL

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

SPECIAL NOTICE: Public Participation and Accessibility
JULY 16, 2020 Bakersfield Planning Commission Meeting

On March 18, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which includes a waiver of Brown Act provisions requiring physical presence of the Commission or the public in light of the COVID-19 pandemic. Based on guidance from the California Governor's Office and Department of Public Health, as well as the County Health Officer, in order to minimize the potential spread of the COVID-19 virus, the City of Bakersfield hereby provides notice that as a result of the declared federal, state, and local health emergencies, and in light of the Governor's order, the following adjustments have been made:

1. The meeting scheduled for **July 16, 2020, at 5:30 p.m.** will have limited public access.
2. Consistent with the Executive Order, Commissioners may elect to attend the meeting telephonically and to participate in the meeting to the same extent as if they were physically present.
3. As an alternative to attending the meeting, the public may participate in the meeting and address the Planning Commission as follows:
 - View a live video stream of the meeting at <https://bakersfield.novusagenda.com/AgendaPublic/> or, on your local government channel (KGOV 2).
 - If you wish to comment on a specific agenda item, submit your comment via email to the Planning Department at DEVPln@bakersfieldcity.us **no later than 1:00 p.m., July 15, 2020**. Please clearly indicate which agenda item number your

comment pertains to. If your comment meets the foregoing criteria, it will be entered into the record during the meeting.

- If you wish to make a general public comment not related to a specific agenda item, submit your comment via email to Planning Department at DEVPln@bakersfieldcity.us **no later than 1:00 p.m., July 15, 2020**. If your comment meets the foregoing criteria, it will be entered into the record during the meeting.
- You may comment by calling **(661) 326-3043** and leaving a voicemail no later than **4:00 p.m., July 14, 2020**. Your message must clearly indicate whether your comment relates to a particular agenda item, or is a general public comment. If your comment meets the foregoing criteria, it will be transcribed as accurately as possible and then entered into the record during the meeting.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

4. CONSENT CALENDAR NON-PUBLIC HEARING

- a. Approval of minutes for the Planning Commission regular meeting of June 18, 2020.

Staff recommends approval.

5. CONSENT CALENDAR PUBLIC HEARINGS

Ward 5

- a. **Vesting Tentative Tract Map 7334 (Phased):** McIntosh and Associates proposes to subdivide 20.07 acres into 66 multi-family residential lots, located at the northeast corner of Panama Lane and South Allen Road. Mitigated Negative Declaration on file. *Continued from June 18, 2020.*

Staff recommends approval.

Ward 5

- b. **Vesting Tentative Tract Map 7355 (Phased):** McIntosh and Associates proposes to subdivide 55.86 acres into 154 single family residential lots, located at the southwest corner of Ming Avenue and Highgate Park Boulevard in the West Ming Specific Plan area. Previously adopted EIR on file.

Staff recommends approval.

Ward 6

- c. **Zone Change No. 20-0062.** Dabeen LLC (applicant and property owner) requests a Zone Change from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial), or a more restrictive district, on approximately 0.45 acres located at 4040 Ming Avenue. Notice of Exemption on file.

Staff recommends approval.

Ward(s) 1, 2, 3, 4, 5, 6, 7 **d. Text Amendments to the Bakersfield Municipal Code** by amending Sections 1.28.030, 2.28.080, 2.28.110, 12.64.020, 15.66.020, 15.66.030, 15.72.040, 15.74.180, 17.04.155, 17.08.180, 17.45.050, 17.56.010, 17.56.030, 17.56.040, 17.56.050, 17.56.060, 17.56.080, 17.59.020, 17.60.020, 17.60.030, 17.62.050, 17.63.050, 17.64.020, 17.64.040, 17.64.042, 17.64.050, 17.64.060, 17.64.090, 17.64.110, 17.66.180, 17.68.040, and 17.71.040, and repealing Section 2.28.090 related to dissolving the Board of Zoning Adjustment and assigning its responsibilities to the Planning Commission and the Planning Director. Notice of Exemption on file.

Adopt Resolution approving ordinance amendments and recommend same to the City Council.

6. PUBLIC HEARINGS

Ward 7 **a. Comprehensive Sign Plan 20-0088:** Lane Engineers, Inc. requests a comprehensive sign plan for the proposed Love's Travel Stop in the M-1 (Light Manufacturing Zone) district, generally located on the northeast corner of Taft Highway and South H Street. Notice of Exemption on file.

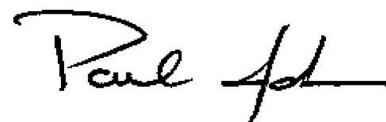
Staff recommends approval.

Ward(s) 1, 2, 3, 4, 5, 6, 7 **b. General Plan Update Strategy and Options Report.**
Adopt Resolution approving a comprehensive update to the Bakersfield General Plan as outlined in the General Plan Update Strategy and Options Report, and recommend same to the City Council.

7. COMMUNICATIONS

8. COMMISSION COMMENTS

9. ADJOURNMENT



Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: July 16, 2020

ITEM NUMBER: 4.(a.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Approval of minutes for the Planning Commission regular meeting of June 18, 2020.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Minutes for June 18, 2020	Cover Memo
<input type="checkbox"/>	Minutes for June 18, 2020	Cover Memo



PLANNING COMMISSION MINUTES

Regular Meeting of June 18, 2020 – 5:30 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

ACTION TAKEN

1. ROLL CALL

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

Absent: Commissioners Bowers , Wade

Staff Present: Viridiana Gallardo-King Deputy City Attorney;
Christopher Boyle, DS Director, Paul Johnson, DS Planning
Director; Steve Esselman, DS Principal Planner; Kassandra
Gale, DS Principal Planner; Oscar Fuentes, Building Civil
Engineer III, Dana Cornelius, Secretary.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

None

4. CONSENT CALENDAR NON-PUBLIC HEARING

a. Approval of minutes for the Regular Planning Commission meeting
of June 11, 2020.

b. **Planning Director's Report – Planned Development Review No. 20-0113:** Paul Dhanens Architect, Inc., is requesting to modify
Planned Development Review (PDR No. 98-0462) to enclose a
patio at an existing restaurant in a PCD (Planned Commercial
Development Zone) district located at 8450 Granite Falls Drive.
Notice of Exemption on file.

**Motion by Commissioner Bell, seconded by Commissioner Cater, to
approve Consent Calendar Non-Public Hearing Items 4.a. and 4.b.
Motion approved.**

RES NO. 27-20

APPROVED

**LOMAS
ABSTAINED**

**BOWERS,
WADE ABSENT**

	<u>ACTION TAKEN</u>
5. <u>CONSENT CALENDAR PUBLIC HEARINGS</u>	
a. Vesting Tentative Tract Map 7334 (Phased): McIntosh and Associates is proposing to subdivide 20.07 acres into 66 multi-family residential lots in an R-2 (Limited Multi-Family Dwelling) zone located at the northeast corner of Panama Lane and South Allen Road. Mitigated Negative Declaration on file.	Continued to JULY 16, 2020
b. General Plan Amendment/Zone Change No. 19-0292:	MOVED TO ITEM 6.a
c. Text Amendments to Title 17 of the Bakersfield Municipal Code by amending Section 17.61.020 related to approved landscape plan requirements. Notice of Exemption on file.	RES NO. 31-20
d. Text Amendments to Title 17 of the Bakersfield Municipal Code by adding Sections 17.10.025, 17.14.025, and 17.16, 025; and amending Sections 17.08.040, 17.08.025, 17.18.025, 17.20.040, 17.22.040, 17.24.040, 17.25.040, 17.26.040, 17.28.020, 17.28.030, and 17.30.020, related to a Determination of Uses not listed in the Zoning Ordinance. Notice of Exemption on file.	RES NO. 32-20
Item 5.b. was removed from Consent Calendar for separate hearing. Public hearing for Item 5.a. continued to July 16, 2020; Public hearing open and closed for Items 5.c. and 5.d.	APPROVED
Motion by Commissioner Lomas, seconded by Commissioner Rudnick to approve Agenda Items 5.c. and 5.d. Motion approved.	BOWERS, WADE ABSENT
6. <u>PUBLIC HEARINGS</u>	
a. General Plan Amendment/Zone Change No. 19-0292: Lane Engineers, Inc., requests a General Plan Amendment/Zone Change on approximately 20.55 acres located at the northeast corner of Taft Highway and South H Street consisting of: (1) an amendment to the Land Use Element designation from GC (General Commercial) to LI (Light Industrial, or a more restrictive designation; and (2) a change in zone classification from C-2 (Regional Commercial) to M-1 (Light Manufacturing), or a more restrictive classification. Mitigated Negative Declaration on file.	RES NO 28-20 RES NO 29-20 RES NO 30-20

ACTION TAKEN

Public hearing open. Staff report given. Two people spoke in favor. No one spoke in opposition. Public hearing closed. Commission deliberated.

Motion by Commissioner Bell, seconded by Commissioner Cater to approve Public hearing Item 6.a with a modification to Condition #8 including all staff recommendation. Motion approved.

APPROVED

**BOWERS,
WADE ABSENT**

7. WORKSHOPS

a. Workshop regarding General Plan.

Workshop presented by Development Services Director Christopher Boyle.

**RECEIVE AND
FILE**

COMMUNICATIONS

Planning Director Paul Johnson stated the next Planning Commission meeting of July 2, 2020 was canceled and there would be a meeting on July 16, 2020 at 5:30 p.m.

8. COMMISSION COMMENTS

None

9. ADJOURNMENT

There being no further business, Chair Koman adjourned the meeting at 6:49 p.m.

Dana Cornelius
Recording Secretary

Paul Johnson
Planning Director



BAKERSFIELD
THE SOUND OF *Something Better*

PLANNING COMMISSION MINUTES

**Regular Meeting of July 16, 2020 – 5:30 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue**

ACTION TAKEN

1. ROLL CALL

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

Absent: Commissioner Wade

Staff Present: Joshua Rudnick, Deputy City Attorney; Christopher Boyle, DS Director, Paul Johnson, DS Planning Director; Jennie Eng, DS Principal Planner; Steve Esselman, DS Principal Planner; Cassandra Gale, DS Principal Planner; Oscar Fuentes, Building Civil Engineer III, Jim Schroeter, Public Works Civil Engineer III; Dana Cornelius, Secretary.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

None

4. CONSENT CALENDAR NON-PUBLIC HEARING

- a.** Approval of minutes for the Regular Planning Commission meeting of June 18, 2020.

Motion by Commissioner Cater, seconded by Commissioner Bell, to approve Consent Calendar Non-Public Hearing Items 4.a. Motion approved.

APPROVED

WADE ABSENT

5. CONSENT CALENDAR PUBLIC HEARINGS

- a. Vesting Tentative Tract Map 7334 (Phased):** McIntosh and Associates is proposing to subdivide 20.07 acres into 66 multi-family residential lots in an R-2 (Limited Multi-Family Dwelling) zone located at the northeast corner of Panama Lane and South Allen Road. Mitigated Negative Declaration on file. *Continued from June 18, 2020.*

RES NO 33-20

	<u>ACTION TAKEN</u>
<p>b. Vesting Tentative Tract Map 7355 (Phased): McIntosh and Associates proposes to subdivide 55.86 acres into 154 single family residential lots, located at the southwest corner of Ming Avenue and Highgate Park Boulevard in the West Ming Specific Plan area. Previously adopted EIR on file.</p>	RES NO. 34-20
<p>c. Zone Change No. 20-0062: Dabeen LLC (applicant and property owner) requests a Zone Change from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial), or a more restrictive district, on approximately 0.45 acres located at 4040 Ming Avenue. Notice of Exemption on file.</p>	RES NO. 35-20
<p>d. Text Amendments to Title 17 of the Bakersfield Municipal Code by adding Sections 1.28.030, 2.28.030, 2.28.110, 12.64.020, 15.66.020, 15.66.030, 15.72.040, 15.74.180, 17.04.155, 17.08.180, 17.45.050, 17.56.010, 17.56.030, 17.56.040, 17.56.050, 17.56.060, 17.56.080, 17.59.020, 17.60.020, 17.60.030, 17.62.050, 17.63.050, 17.64.020, 17.64.040, 17.64.042, 17.64.050, 17.64.060, 17.64.090, 17.64.110, 17.66.180, 17.68.040, and 17.71.040, and repealing Section 2.28.090 related to dissolving the Board of Zoning Adjustment and assigning its responsibilities to the Planning Commission and the Planning Director. Notice of Exemption of file.</p>	RES NO. 36-20
<p>Public hearing opened and closed.</p>	APPROVED
<p>Motion by Commissioner Lomas, seconded by Commissioner Rudnick to approve Agenda Items 5.a thru 5.d, including staff memorandums for Items 5.a thru 5.b. Motion approved.</p>	WADE ABSENT
<p>6. <u>PUBLIC HEARINGS</u></p>	
<p>a. Comprehensive Sign Plan 20-0088: Lane Engineers, Inc., requests a comprehensive sign plan for the proposed Love's Travel Stop in the M-1 (Light Manufacturing Zone) district, generally located on the northeast corner of Taft Highway and South H Street. Notice of Exemption on file.</p>	RES NO 37-20
<p>Staff report given. Public hearing open. Applicant spoke in favor of project. No one spoke in opposition. Public hearing closed. Commission deliberated.</p>	
<p>Motion by Commissioner Lomas, seconded by Commissioner Bell to approve Agenda Item 6.a. Motion approved.</p>	<p>APPROVED</p> <p>RUDNICK –NO WADE ABSENT</p>

ACTION TAKEN

b. General Plan Update Strategy and Options Report.

Adopt Resolution approving a comprehensive update to the Bakersfield General Plan as outlined in the General Plan Update Strategy and Options Report, and recommend same to the City Council.

RES NO 38-20

Staff report given and presentation provided by Rincon Consultants Inc., regarding the General Plan Update. Public hearing open and closed. Commission deliberated.

Motion by Commissioner Lomas, seconded by Commissioner Cater to approve Agenda Item 6.b. Motion approved.

APPROVED

WADE ABSENT

7. COMMUNICATIONS

Planning Director Paul Johnson stated the next Planning Commission meeting of August 6, 2020, with a workshop from the Thomas Roads Improvement Program. He stated future meetings would contain workshops on items such as Conditional Use Permits.

8. COMMISSION COMMENTS

Commissioner Koman asked how long Agenda Item 6.d regarding Text Amendment to dissolve the Board of Zoning Commission take place?

Planning Director Johnson stated that it would need to go to the City Council for approval. The effective date should be by November.

9. ADJOURNMENT

There being no further business, Chair Koman adjourned the meeting at 6:35 p.m.

Dana Cornelius
Recording Secretary

Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 16, 2020

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

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Tony Jaquez, Associate Planner

DATE:

WARD: Ward 5

SUBJECT:

Vesting Tentative Tract Map 7334 (Phased): McIntosh and Associates proposes to subdivide 20.07 acres into 66 multi-family residential lots, located at the northeast corner of Panama Lane and South Allen Road. Mitigated Negative Declaration on file. *Continued from June 18, 2020.*

APPLICANT: McIntosh and Associates

OWNER: Wings Way, LLC

LOCATION: Located at the northeast corner of Panama Lane and South Allen Road in southwest Bakersfield.

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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

CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair Koman and Members of the Planning Commission **AGENDA ITEM:** 5.a

FROM: Paul Johnson, Planning Director **APPROVED:** PJ

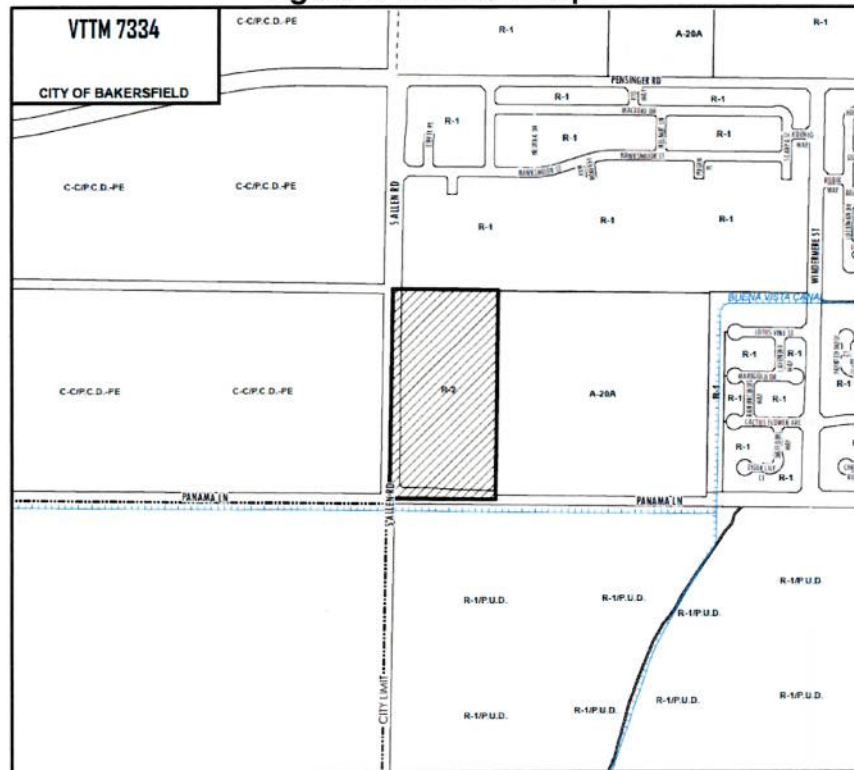
DATE: July 16, 2020

SUBJECT: VESTING TENTATIVE TRACT 7334 – PHASED (WARD 5)

APPLICANT: ENGINEER **SUBDIVIDER/PROPERTY OWNER**
McIntosh & Associates Wings Way, LLC
2001 Wheelan Court 9201 Camino Media, Suite 120
Bakersfield, CA 93309 Bakersfield, CA 93311

LOCATION: Northeast corner of Panama Lane and South Allen Road | APN: 535-010-50

Figure 1. Location Map



RECOMMENDATION:

Adopt the Resolution and suggested findings **APPROVING** Vesting Tentative Tract Map 7334 (Phased) as depicted in the project description and recommended conditions.

PROJECT SUMMARY:

This project was originally scheduled to be considered at the June 18, 2020 Planning Commission meeting. However, at the request of the applicant, it was continued to the July 16, 2020 meeting so they could satisfy the mineral rights requirements per Bakersfield Municipal Code (BMC) Section 16.20.060.

The project is a request to subdivide 20.07 acres into 66 multi-family residential lots, 1 common area lot, 7 private street lots, and 2 landscape lots in an R-2 (Limited Multi-Family Dwelling) zone located at the northeast corner of Panama Lane and South Allen Road in southwest Bakersfield. The project includes a request for alternate lot and street design, and waiver of mineral rights signatures. See Figure 2 and 3.

Figure 2. Aerial Photo

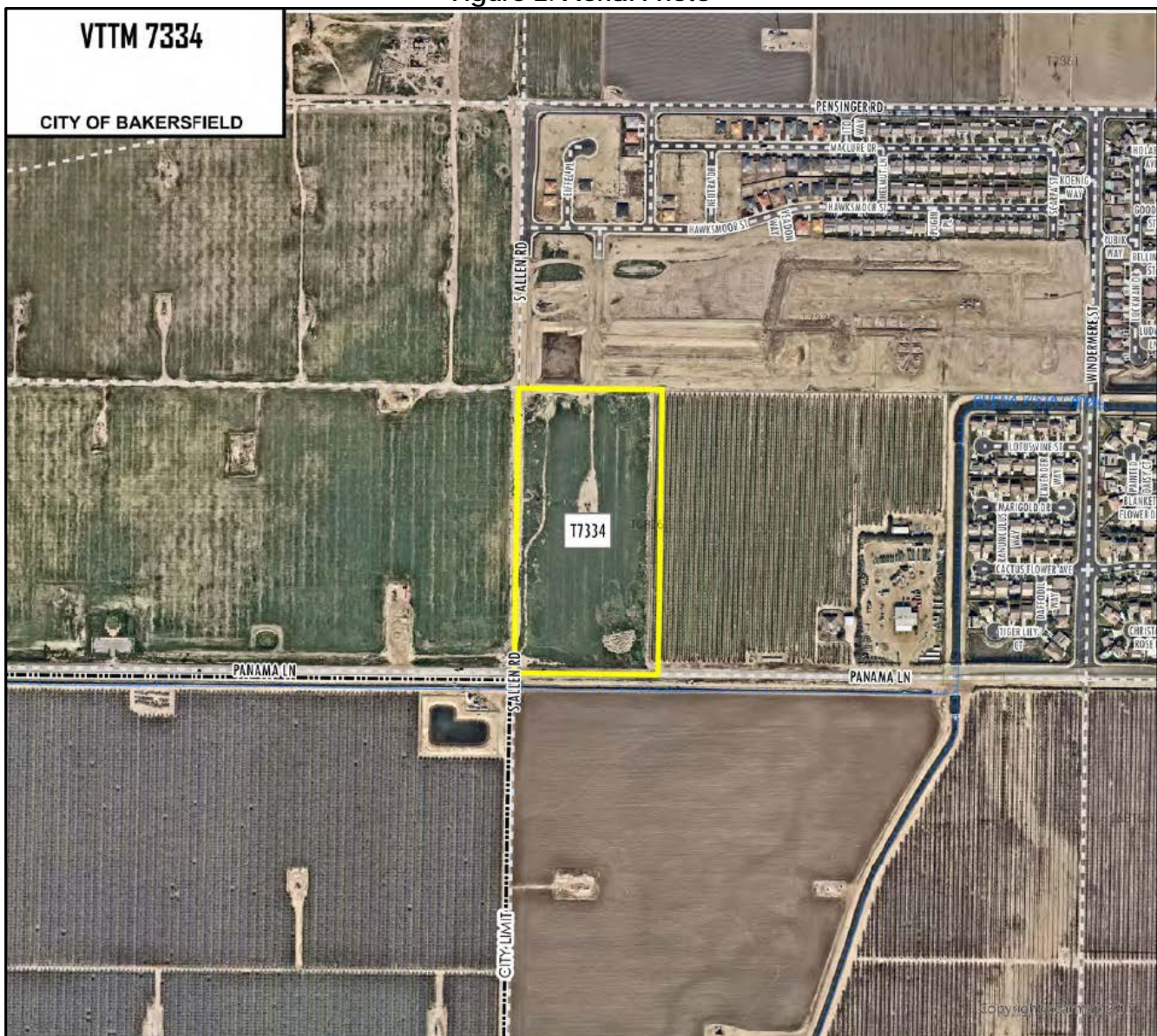


Figure 3. Site Visit Photo
(View Looking North from Panama Lane)



SURROUNDING LAND USES:

The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table A:

Table A. Surrounding Designation, Zoning, and Land Use			
DIRECTION	LAND USE DESIGNATION	ZONING DISTRICT	EXISTING LAND USE
SITE	LMR	R-2	Fallow land
NORTH	LR	R-1	Single family residential (VTM 7335)
WEST	LR	R-1/P.U.D.	Agricultural land
SOUTH	R-IA	A-20A	Agricultural land
EAST	GC	C-C/P.C.D. – PE	Agricultural land
Land Use Designations: LMR : > 4 du/na and ≤ 10 du/na LR: ≤ 7.26 du/na R-IA: Resources – Intensive Agriculture GC: General Commercial		Zoning Designations R-1: One Family Dwelling R-1/P.U.D: One Family Dwelling / Planned Unit Development A-20A: Agriculture- 20 acre minimum lot size C-C/P.C.D.-PE: Commercial Center/Planned Commercial Development – Petroleum Extraction Overlay	

BACKGROUND AND TIMELINE:

July 1, 1992. The project site was annexed to the City of Bakersfield as a part of the Buena Vista No. 5 Annexation (Annexation # 355).

March 14, 2007. City Council approved General Plan Amendment/Zone Change 06-0925 to change the land use designation from R-1A (Resource – Intensive Agriculture) to LR (Low Density Residential) and zoning from A-20A (Agriculture – 20 acre minimum) to R-1 (One Family Dwelling) on 60-acres. An air quality study, cultural resources survey and traffic study were prepared and mitigation measures have been incorporated into staff's recommended conditions of approval for this subdivision (Resolution 265-06 and Ordinance 4414).

August 15, 2018. City Council approved General Plan Amendment/Zone Change 18-0032 to change the land use designation from LR (Low Density Residential) to LMR (Low Medium Density

Residential) and zoning from R-1-4.5 (One Family Dwelling – 4,500 square foot minimum lot size) to R-2 (Limited Multiple Family Dwelling) (Resolution 106-18 and Ordinance 4941).

September 14, 2018 Lot Line Adjustment (LLA) No. 17-0459 was approved to adjust lot lines between two legal lots (Doc No. 218121414 O.R.).

December 10, 2019. Board of Zoning Adjustment approved Zoning Modification 19-0382 to allow 20 residential lots along the proposed project's south boundary with a minimum 25-foot rear yard setback for residential structures where a minimum 50 feet is required when abutting agricultural zoned property. Conditions of approval from the zoning modification have been incorporated into staff's recommended conditions of approval for this subdivision (Resolution 19-39).

PROJECT ANALYSIS:

The proposed vesting tentative tract subdivision consists of 66 lots on 20.07 acres for purposes of multi-family development. Typical lot size is 68 feet wide by 110 feet deep (7,480 square feet). The net density is 9.87 dwelling units (D.U.) per net acre, which is consistent with the Low Medium Density Residential designation of the project site of less than or equal to 17.42 dwelling units per net acre. No specific development plan has been submitted at this time. However, the land owner has indicated that the overall project would likely include a duplex development with approximately 172 dwelling units, resulting in 9.87 D.U. per net acre. The application was deemed complete on May 7, 2020.

Consistency/Deviation from Design Standards. The applicant requested three modifications from City standards as listed in Table B.

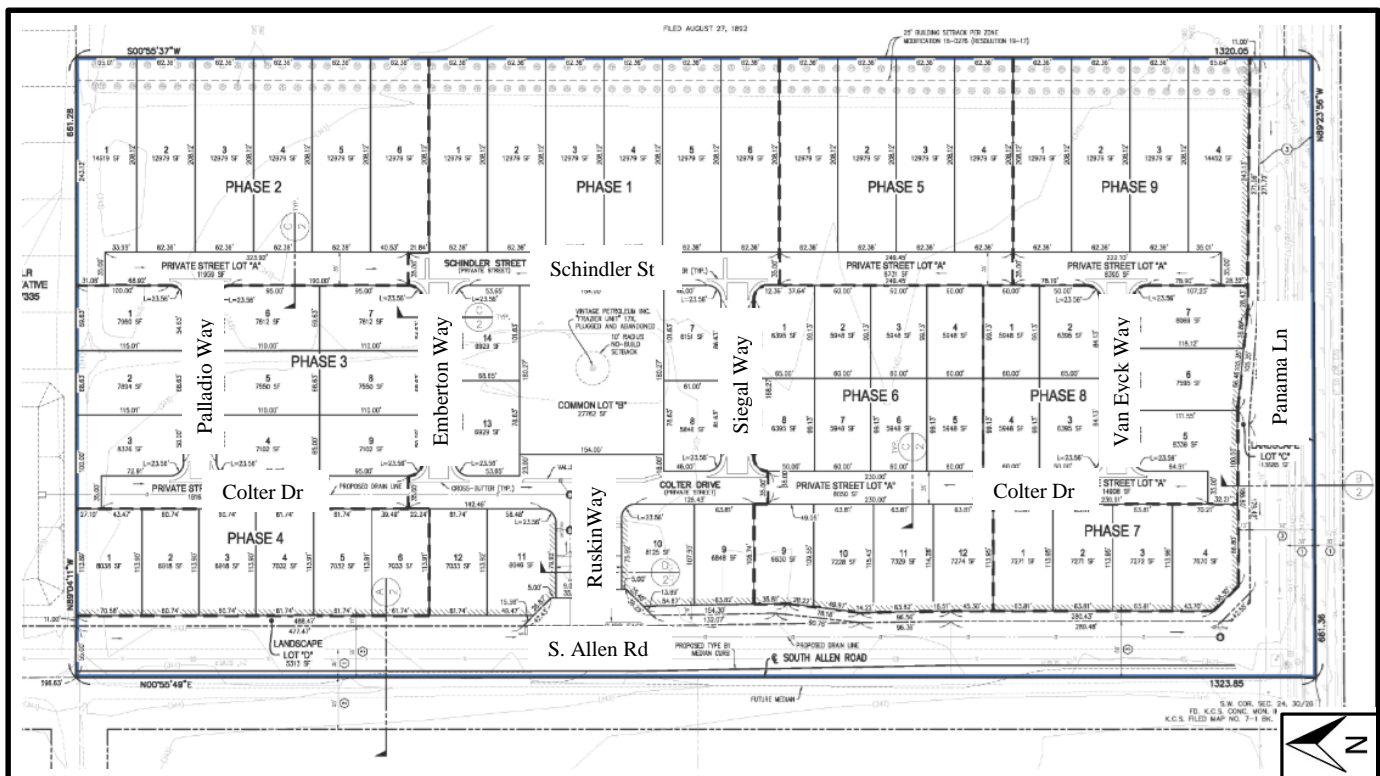
Table B. Modification Requests		
MODIFICATION REQUEST	APPLICANT'S REASON-JUSTIFICATION	STAFF COMMENT / RECOMMENDATION
1) Use of private streets instead of public streets	The streets will be privately maintained.	City staff has reviewed and does not object / APPROVE.
2) Smaller local street width (35 feet) compared to City standard (60 feet)	The reduced street width is necessary due to site acreage and the constraints of the lot and street layout.	These are proposed private streets that will provide two-way traffic, but prohibit on-street parking. An HOA will serve to be responsible for enforcement and maintenance of the private streets (Cond 1.1) / APPROVE.

<p>3) Double frontage lots along South Allen Road (arterial public street) and Colter Drive (local private street) for the following lots: Phase 1 Lots 9-12 Phase 4 Lots 1-6 Phase 6 Lots 9-12 Phase 7 Lots 1-4 Phase 8 Lots 5-7</p>	<p>Lots with side yards adjacent to South Allen Road and Panama Lane will be separated by a block wall. Access will be limited to the interior local street.</p>	<p>Staff is recommending construction of masonry wall in accordance with City arterial and collector street standards (Cond. 1.2 through Cond. 1.6) / APPROVE.</p>
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The subdivision includes double frontage lots located along the western portion of Colter Drive (local street) with South Allen Drive (arterial street); and southern portion of Van Eyck Way (local street) with Panama Lane (arterial street). BMC Section 16.28.170 H allows the Planning Commission flexibility in determining the appropriateness of double frontage lots with considerations to design options and street functions. The proposed double frontage lots shown on the tentative map are reasonable due to such controlling factors as traffic, safety, appearance and setback (see Figure 4).

Staff is of the opinion the proposed double frontage lots depicted on the tentative map are consistent with the municipal code, and a finding is provided in attached resolution to facilitate approval. If approved, staff recommends Condition No. 1.2 – 1.6 requiring waiver of direct access onto South Allen Road and Panama Lane. A block wall and landscaping along South Allen Road and Panama Lane are also required (Condition No. 27).

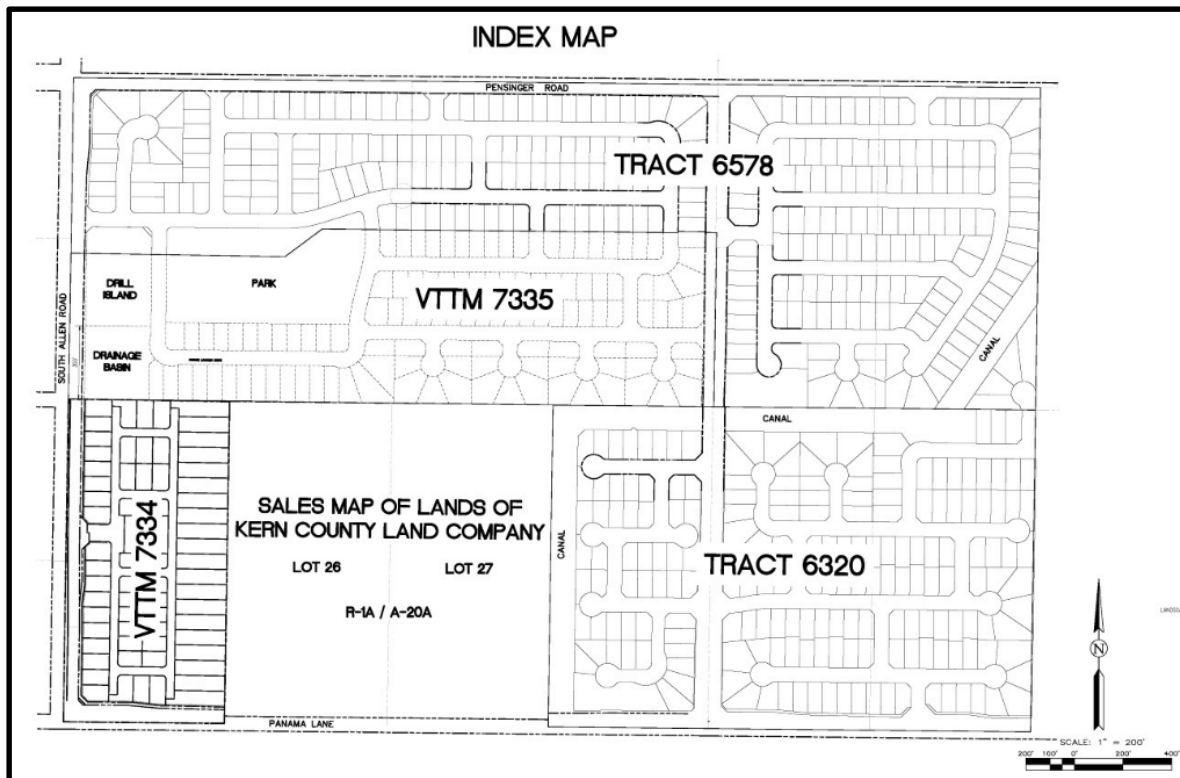
Figure 4. Tentative Map



Circulation. Access to the project will be provided from one entrance on Ruskin Way via South Allen Road. The closest Golden Empire Transit (GET) bus stop is located approximately 3 miles west of the project site at Gosford Road and Harris Road. The City's Bikeway Master Plan identifies both arterial streets, Panama Lane and South Allen Road, as Class 2 facilities (bike lanes). If bike lanes do not exist at the time the property is developed, lane striping will be required with the construction of street improvements. The Traffic Engineer will evaluate if bike lane striping should be installed along project street frontages or delayed if their installation will compromise public safety (e.g. short lengths of unconnected bike lanes that would confuse drivers and cyclists increasing the likelihood of accidents). Striping would then occur at the time the City added bike lanes along the streets with connections to the existing bikeway network.

Park Land In-Lieu Fees/Dedication. The City of Bakersfield Parks District provides park and recreational services to the project site. The nearest existing park to the subdivision is Greystone Park located 1.25 miles east of the project site. A future park is planned to be located about 320 feet north of the project site, within the adjacent approved tract maps, Vesting Tentative Tract Maps (VTTMs) 7335 and 6578 (see Figure 5). Staff recommends payment of in-lieu fees, land, or combination to satisfy the park land requirement of BMC Chapter 15.80 (Cond. No. 20).

Figure 5. Surrounding Vesting Tentative Tract Maps



Mineral Rights. The subdivider intends to utilize the reserved drill site or sites as defined in BMC 16.20.060.A.3, on or within a practicable distance of the subdivision. The 2.5-acre drill lot is located to the north within the boundary of VTTMs 7335 and 6578, to serve as the surface access for mineral interests. There are no petroleum activities on the proposed subdivision.

The project site is within California Geologic Energy Management (CalGEM) Division administrative boundaries of the Canfield Ranch oil field. Their records indicate there is one known plugged oil and gas well, "Frazier Unit" 17X, A.P.I. No. 029-47839. Planning recommends several conditions (Condition No. 31-32) which require the applicant to consult with CalGEM prior to commencement of any work in order to: 1) to locate, uncover, and leak test the abandoned wells; 2) provide soil testing and any required remediation; and 3) notify the Division if any additional wells are encountered during construction activities.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA), an initial study was prepared for the original project (GPA/ZC 06-0925) of the subject property and a Mitigated Negative Declaration was adopted on March 14, 2007. In accordance with CEQA section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken and no new environmental impacts have been identified. Mitigation measures from the related projects have been included in the attached conditions of approval (Condition No. 38-60).

PUBLIC NOTIFICATION:

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

Comments Received. In response, staff received two comment letters. The comments letters are summarized below followed by staff's response.

- Kern County Superintendent of Schools – The commenter states the project would have no significant effects on their District's facilities, provided statutory school facilities fees, if any, are collected as required by law.

Response - Comment noted of the record. Applicable school fees will be collected during the building permit process.

- Panama-Buena Vista Union School District – The commenter states there is not adequate land for future schools accounted for in the City's Master Plan. In addition, the area of growth that includes this project would adversely affect various grade levels.

Response - Comment noted of the record. On June 18, 2020, staff met with the Panama-Buena Vista Union School District to discuss new residential development impacts on school districts. Staff noted the General Plan Update is a perfect opportunity to evaluate City growth and the need for schools. In the meantime, there would be continued communication with the District pertaining to future residential development within their school boundaries.

CONCLUSIONS:

As noted above, the applicant has requested approval of Vesting Tentative Tract Map 7334 to subdivide 20.07 acres into 66 lots, ranging in size from 5,846 square feet to 14,619 square feet, 1 common area lot, 7 private street lots, and 2 landscape lots in an R-2 (Limited Multi-Family Dwelling) zone. The purpose of this request is to facilitate future multi-family residential development. The applicant is also requesting approval of alternate lot and street design.

Staff finds the proposed subdivision is reasonable, and the requests for alternate lot and street design are based on sound engineering practices. Therefore, staff recommends approval of Vesting Tentative Parcel Map 7334 as requested with conditions and mitigation measures as shown in the attached Exhibit A of the Resolution.

ATTACHMENTS:

Resolution

- A-1. Conditions of Approval
- A-2. Location Map with Zoning
- A-3. Tentative Map

Attachment B: Correspondence

Attachment C: CEQA document

ATTACHMENT A

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO APPROVE VESTING TENTATIVE TRACT MAP 7334 (PHASED) LOCATED AT THE NORTHEAST CORNER OF PANAMA LANE AND SOUTH ALLEN ROAD.

WHEREAS, McIntosh and Associates representing Wings Way, LLC, filed an application with the City of Bakersfield Planning Department requesting a Vesting Tentative Tract Map 7334 (the "Project"), and a modification request to allow alternate lot and street design, consisting of 66 residential lots, 1 common area lot, 7 private street lots, and 2 landscape lots on approximately 20 acres for multi-family residential development, as shown on attached Exhibit "A-2", located at the northeast corner of Panama Lane and South Allen Road as shown on attached Exhibit "A-3"; and

WHEREAS, the application was deemed complete on May 7, 2020; and

WHEREAS, an initial study was conducted and it was determined that the Project would not have a significant effect on the environment and a Mitigated Negative Declaration was prepared and approved by the City Council on March 14, 2007, in conjunction with Project No. GPA/ZC 06-0925, in accordance with California Environmental Quality Act (CEQA); and

WHEREAS, the Secretary of the Planning Commission, did set, Thursday, June 18, 2020, at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the previously adopted Mitigated Negative Declaration and proposed Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

WHEREAS, the Project was continued to July 16, 2020; and

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

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

WHEREAS, the facts presented in the staff report, environmental review, and special studies (if any), and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

Prepared by TJaquez S:\TRACTS\7334\7334_Resolution.docx

2. Staff determined that the proposed activity is a project and an initial study was prepared for the original project (Project No. GPA/ZC 06-0925) of the subject property and a Mitigated Negative Declaration was adopted on March 14, 2007, by the City Council for the original project, and duly noticed for public review.
3. Said Mitigated Negative Declaration for the Project is the appropriate environmental document to accompany approval of the Project. In accordance with State CEQA Guidelines Section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken, and no new environmental impacts have been identified. The Project will not significantly impact the physical environment because mitigation measures relating to GPA/ZC 06-0925 have been incorporated into the Project.
4. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
5. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan. (Subdivision Map Act Section 66473.5) The proposed density and intensity of development are consistent with the LMR (Low Medium Density Residential) land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
6. Mineral right owners' signatures may be waived on the final map pursuant to Bakersfield Municipal Code Section 16.20.060 A.3. The applicant has provided evidence with the Project application that it is appropriate to waive mineral right owners' signatures because in accordance with BMC Section 16.20.060 A.3, if the party's right of surface entry has not been expressly waived by recorded document prior to recordation of any final map, a drill site reserved for mineral access has been provided and notice of such as required in Section 16.20.060 A.3 has been made to each mineral owner and lessee of record.
7. In accordance with BMC 16.28.170 H, Panama Lane and South Allen Road function as major streets as shown on the Project, therefore the abutting double frontage lots are reasonable due to controlling factors as traffic, safety, appearance, and setback, and are approved with construction of a 6-foot high masonry wall separating the residential lot and the major street.

8. The request for modification(s) is consistent with sound engineering practices or subdivision design features.
9. The conditions of approval are necessary for orderly development and to provide for the public health, welfare, and safety.

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

1. The recitals above are true and correct and incorporated herein by this reference.
2. This map pertains to the Mitigated Negative Declaration previously approved in conjunction with Project No. GPA/ZC 06-0925.
3. Vesting Tentative Tract Map 7334 (Phased), is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A".

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on July 16, 2020, on a motion by Commissioner ____ and seconded by Commissioner ____, by the following vote.

AYES:
NOES:
ABSENT:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

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

EXHIBIT "A-1"

VESTING TENTATIVE TRACT 7334 (PHASED) CONDITIONS OF APPROVAL

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

PUBLIC WORKS

1. In a letter dated April 2, 2020, the applicant requested deviations from the following ordinance and policy requirements:
 - 1.1. SDM 16.28.070 B.2 and 16.28.070– Request modification to local street standards to allow street width of 35 feet with a flowline width of 24 feet. On street parking will not be allowed. Private streets are proposed. Recommendation: **APPROVE** 35-foot wide street width and flowline width of 24 feet because these are private streets and still provide two-way traffic. A Homeowner's Association will serve to be responsible for maintenance of the private streets.
 - 1.2. Request Double frontage lots (BMC 16.28.170.H) – Phase 1, Lots 9-12. Access to lots with side yards adjacent to South Allen Road will be limited by a block wall. Actual frontage will be limited to the interior local street, Colter Drive. Recommendation: **APPROVE** Phase 1, Lots 9-12.
 - 1.3. Request Double frontage lots (BMC 16.28.170.H) – Phase 4, Lots 1-6. Access to lots with side yards adjacent to South Allen Road will be limited by a block wall. Actual frontage will be limited to the interior local street, Colter Drive. Recommendation: **APPROVE** Phase 4, Lots 1-6.
 - 1.4. Request Double frontage lots (BMC 16.28.170.H) – Phase 6, Lots 9-12. Access to lots with side yards adjacent to South Allen Road will be limited by a block wall. Actual frontage will be limited to the interior local street, Colter Drive. Recommendation: **APPROVE** Phase 6, Lots 9-12.
 - 1.5. Request Double frontage lots (BMC 16.28.170.H) – Phase 7, Lots 1-4. Access to lots with side yards adjacent to South Allen Road will be limited by a block wall. Actual frontage will be limited to the interior local street, Colter Drive. Recommendation: **APPROVE** Phase 7, Lots 1-4.
 - 1.6. Request Double frontage lots (BMC 16.28.170.H) – Phase 8, Lots 5-7. Access to lots with side yards adjacent to Panama Lane will be limited by a block wall. Actual frontage will be limited to the interior local street, Van Eyck Way. Recommendation: **APPROVE** Phase 8, Lots 5-7.
2. Approval of this tentative map does not indicate approval of grading, drainage lines and appurtenant facilities shown, or any variations from ordinance, standard, and policy requirements which have neither been requested nor specifically approved.
3. Approval of private streets for this subdivision is based on the necessity that the streets within the subdivision shall provide unrestricted access for all residents, construction vehicles, service vehicles, emergency services and all other vehicles needing to use the road system to construct, support and maintain the private community of which this subdivision is all or a part of. No restrictive covenants or other restrictive mechanisms shall

be recorded or otherwise enforced which would inhibit access to existing or future residences and connecting subdivisions within the entire private street community of which this subdivision is a part of.

4. Prior to grading plan review submit the following for review and approval:
 - 4.1. A sewer study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions.
 - 4.2. The project shall pay \$350/du for the Buena Vista sewer capacity fee.
 - 4.3. A drainage study for the subdivision shall be submitted for review and approval by the City Engineer.
 - 4.4. **For a private tract, under normal conditions a private tract shall provide its own detention basin for its own storm water. Since there is an existing public sump adjacent to this private development, the storm water from the private development will be allowed to be collected in the existing public sump provided: The existing sump is properly sized to collect the volume of additional storm water from the private development, the developer provides a hydrodynamic separator (such as a CDS Stormceptor unit) on the private storm water collection system to remove sediment, debris, and oils prior to the storm water entering the existing publically maintained sump. This CDS unit shall be located in a place approved by the City Engineer and shall be an integral part of the private drainage system. The CDS unit, along with the private storm drain system within this development shall be privately maintained by the Homeowner's Association. A maintenance agreement shall be prepared in order to perpetuate the servicing and maintenance of the CDS unit. The agreement will include seasonal cleaning and maintenance/replacement in accordance with the manufacturer's recommendation. The agreement shall include reporting requirements. The agreement shall be recorded and run with the land, such that subsequent owners will continue such maintenance.**

If the tract is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal shall include both source control Best Management Practices (BMPs) and structural treatment control BMPs.

5. The following conditions must be reflected in the design of the improvement plans:
 - 5.1. Final plan check fees shall be submitted with the first plan check submission.
 - 5.2. Per Resolution 035-13 the area within the Tract shall implement and comply with the "complete streets" policy. Complete streets will require pedestrian and bicycle access to the Tract from existing sidewalks and bike lanes. If there is a gap less than ¼ mile then construction of asphalt sidewalks and bike lanes to the tract will be required.
 - 5.3. The subdivider shall install street lights on the interior, private streets.
 - 5.4. The subdivider shall install the blue reflective markers near fire hydrants as per the City Fire Department requirements.
6. The subdivider shall either construct the equivalent full width landscaped median island in Panama Lane for the site's frontage or pay \$100 per Linear Feet (their proportionate share of the cost for the future construction of the median. Cost of the median is allowed

to be determined by a City Engineer approved estimate). Median islands shall be designed by the first tract or development to be approved on a side. Subdivider and the City have agreed to allow a portion of the median be constructed with the street improvements along the length of the project's frontage of Allen Road. The subdivider shall pay \$100 per Linear foot of the site's frontage (their proportionate share of the future cost of the median in Allen Road. Cost of the median is allowed to be determined by a City Engineer approved estimate). Subdivider shall receive back a portion of the payment for Allen Road median construction, based upon actual costs submitted to the City for approval in accordance with City requirements, after the portion of the median is constructed and accepted by the City.

- 6.1. Install traffic signal interconnect conduit and pull rope for the frontage in all arterials and collectors. Install conduit and pull ropes in future traffic signal locations.
- 6.2. In addition to other paving requirements, on and off site road improvements may be required from any collector or arterial street to provide left turn channelization into each street (or access point) within the subdivision (or development), where warranted and as directed by the City Engineer. Said channelization shall be developed to provide necessary transitions and deceleration lanes to meet the current CalTrans standards for the design speed of the roadway in question.
- 6.3. Off-site pavement and striping construction will be required to transition from the proposed/ultimate on-site improvements to the existing conditions at the time construction commences. Transitions must be designed in accordance with City Standards and/or the Caltrans Highway Design Manual. If existing conditions change during the period of time between street improvement plan approval and construction commencement, the street improvement plans must be revised and approved by the City Engineer.

7. The following conditions apply:

- 7.1. Turning movements at South Allen and Ruskin Way shall be limited to right in and right out only. A minimum storage of 150 feet plus 90-foot taper at Ruskin Way shall be required per the City of Bakersfield standards.
- 7.2. Stacking on Ruskin Way between the flowline on Allen Road and the gates shall be 140 feet minimum, unless a dual lane entry is proposed in which case 70 feet shall be the minimum. Where additional lanes are designed, minimum lane widths for ingress and egress shall be 12 feet (14 feet at curb side): Table 6.8.2 – Division 6 Traffic, Subdivision and Engineering Design Manual. Additional width is required to accommodate the 14-foot curb side lane. Increase ingress and egress widths from egress widths from 24 feet to 26 feet at the proposed access.
- 7.3. Right turn deceleration lanes are required on arterials at local streets.
- 7.4. The phasing map as submitted may be unbalanced with respect to the required improvements along the tract frontages. Therefore, in order to promote orderly development, each phase shall be responsible for an equal dollar amount of frontage improvement. Prior to recordation of each final map for any phase that does not construct its share of the improvements, the difference between the cost of the frontage improvements constructed and the phase share shall be placed into an escrow account. The money deposited in this account would be for the use of the developer of any future phase responsible for more than its share of improvements. The final per lot share will be based upon an approved engineer's estimate. In lieu of the use of an escrow account, the developer may choose to

construct with each phase its proportionate share of the frontage improvements, with approval of the City Engineer.

- 7.5. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Phase 1 first, then Phase 2, then Phase 3, etc. If recordation does not occur in that normal progression, then, prior to recordation of each final map, the City Engineer shall determine the extent of improvements to be done with that particular phase.

7.5.1. The following shall occur with Phase 1:

7.5.1.1. Construct Allen Road to the centerline of the street to arterial standards for the full frontage of the project.

7.5.2. The following shall occur with Phase 7:

7.5.2.1. Construct Panama Lane to the centerline of the street to arterial standards for the full frontage of the project. The project shall construct the intersection of Allen Road and Panama Lane to its ultimate expanded intersection layout along the project frontage.

The sharing of estimated construction costs for conditioned improvements on Panama Lane of the underlying GPA/ZC 06-0925 shall apply to this development. The development and City staff shall comply with the letter from the Public Works Director, dated November 20, 2019.

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

- 7.6. The subdivider is responsible for verifying that existing streets within the boundary of the tract are constructed to city standards and he will reconstruct streets within the boundary if not to standard.
- 7.7. Where streets do not have curb and gutter, construct a minimum section of 36 feet wide consisting of 2-12' lanes, 2-4' paved shoulders and 2 additional feet per side of either AC or other dust proof surface.
- 7.8. Install W31 (CA) sign and OM4-3 markers at the end of each phase if the adjacent phase is not constructed simultaneously.
- 7.9. Street name signs (SNS):
- 7.9.1. Metro size SNS shall be installed at the intersection of local streets with arterial and collector streets.
- 7.9.2. Standard SNS shall be installed at all other locations.
- 7.10. R1-1 signs shall be installed at points of access from local streets onto arterial and collector streets.
- 7.11. All access roads shall have an unobstructed width of not less than 20 feet to accommodate fire apparatus.
- 7.12. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 24, 1997, and updated October 2000.
- 7.13. In order to preserve the permeability of the sump and to prevent the introduction of sediments from construction or from storm events, Best Management Practices for complying with the requirements of the Clean Water Act are required.

- 7.14. All lots with sumps and water well facilities will have wall and/or slatted chain link fence and landscaping to the appropriate street standards, at the building setback with landscaping as approved by the Public Works and Parks Directors.
8. The following must be reflected in the final map design:
 - 8.1. A waiver of direct access shall be required for all lots abutting any arterials (Allen Road and Panama Lane)
9. Prior to recording the first final map:
 - 9.1. The City Council must have taken final action for inclusion of this tract within the Consolidated Maintenance District.
 - 9.2. Prior to recordation of the first final map, submit a street lighting plan for the interior streets.
 - 9.3. If a convenience signal to the site is desired, it must meet warrants and a traffic signal maintenance district shall be created.
 - 9.4. Prior to issuance of building permits, the project applicant shall participate in the RTIF program by paying the adopted fees in place for the land use type at time of development.
 - 9.5. The developer is required to construct an improvement which is on the facilities list for the Metropolitan Bakersfield Transportation Impact Fee (Panama Lane, Allen Road). The developer shall receive credit against his traffic impact fees for constructing this project. The developer must submit an appraisal, to be approved by the City Engineer, verifying the cost of the right-of-way to be acquired. This credit is not available until the improvement has been constructed by the developer and accepted for maintenance by the City. Any building permit issued prior to this acceptance shall pay the full impact fee.
 - 9.6. If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.
 - 9.7. Submit for the City's Review and approval C.C. & R.'s and Property Owner's Association By-Laws for the use and maintenance of all non-dedicated, shared facilities. Among those non-dedicated, shared facilities will be the on-site sewer main lines and laterals and storm water retention basin(s) and associated storm drain lines and appurtenant facilities.
10. Prior to recording each final map:
 - 10.1. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map which will prohibit occupancy of any lot until all improvements have been completed by the subdivider and accepted by the City.
 - 10.2. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. Said covenant shall also contain information pertaining to the maximum anticipated annual cost per single family dwelling for the maintenance of landscaping associated with this tract. Said covenant shall be provided to each new property owner through escrow proceedings. If the parcel is already within a

consolidated maintenance district, the owner shall update the maintenance district documents, including a Proposition 218 Ballot and Covenant, which shall be signed and notarized.

11. Prior to the notice of completion by the City of the private improvements, the subdivider's engineer shall:
provide certification to the City Engineer that, except as otherwise provided, the private improvements have been constructed to City standards, ordinances, and policies, all in accordance with approved plans.
 - 11.1. Written verification shall be obtained from the Fire Department that all gates, locks, and keys have been installed or provided to their satisfaction.
 - 11.2. The on-site sewer system shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. The television camera shall have the capability of rotating 360°, in order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the subdivider's engineer, who will also initial and date the "Chain of Custody" form. Any pipe locations revealed to be not in compliance with the plans and specifications shall be corrected. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the subdivider's engineer prior to acceptance. After the subdivider's acceptance of the system, the video cassette, forms, and logs shall be submitted to the City Engineer.
12. Prior to Notice of Completion:
 - 12.1. The storm drain system, including the sump, shall be inspected and any debris removed.
13. The project is located within the limits of the McAlister Ranch Planned Sewer Area (170-06). Payment of the Planned Sewer Area fees are required at building permit issuance.

WATER RESOURCES

14. Prior to recordation of each final map, subdivider shall record a covenant affecting each lot prohibiting the pumping and taking of groundwater from the property for any use off the property; provided, however, such pumping and taking may be carried out by the authorized urban water purveyor which provides water service to the subdivided land, or by a county-wide governmental entity with water banking powers, and such pumping is part of an adopted water banking program that will not have a significant adverse impact on the groundwater levels or diminish the quality of water underlying the subdivision. *Orderly development and as required by BMC Section 16.40.101.B.*
15. Execute and record a Domestic Water Service Agreement with the Water Department.
16. Pay all applicable fees to the Water Department.

17. Submit a Will Serve Letter from the Water Department to the Development Services Department.
18. Submit water system plans to the Water Department for review and approval. Water system plans shall be prepared in accordance with the Water Department Standards and Specifications and per the Water Department's engineering recommendations.

FIRE SAFETY DIVISION

19. Pipeline Easements.
 - 19.1 Concurrently with recordation of any phase that includes the pipeline easements or portions thereof, subdivider shall show the easements on the final map with a notation that structures including accessory buildings and swimming pools, are prohibited within the easements and record a corresponding covenant.
 - 19.2 Prior to or concurrently with recordation of any phase that includes the pipeline easements or portions thereof, subdivider shall show on the final map that no habitable portion of a structure may be built within 50 feet of a gas main, or transmission line, or refined liquid product line with 36 inches of cover, and record a corresponding covenant.
 - 19.3 No structure may be within 40 feet of a hazardous liquids pipeline bearing refined product, within 48 inches or more of cover. If a pipeline meets this criteria, the 40-foot setback line shall be shown in the final map and a corresponding covenant shall be recorded prior to or concurrently with recordation of any phase that is affected.
 - 19.4 No habitable portion of a structure may be built within thirty (30) feet of a crude oil pipeline operating at twenty percent (20%) or greater of its design strength.
 - 19.5 Prior to or concurrently with recordation of any phase within 250 feet of the pipeline easements, subdivider shall record a covenant disclosing the location of the pipelines on all lots of this subdivision within 250 feet of the pipelines. *Public health, safety and welfare.*

RECREATION AND PARKS

20. Prior to recordation of each final map, the subdivider shall pay an in-lieu fee, dedication of land, or combination as determined by the Recreation and Parks Director. In-lieu fee is based on a park land dedication requirement of 2.5 acres per 1000 population in accordance with Chapter 15.80 of the Bakersfield Municipal Code. If the number of dwelling units increases or decreases upon recordation of a final map(s), the park land requirement will change accordingly. Refer to BMC Chapter 15.80 and the Planning Information Sheet regarding calculation and payment of in-lieu fee. In accordance with Government Code Section 66020(d), you are hereby notified that the 90-day period in which you may protest the imposition of this fee has begun.

BMC Chapter 15.80 requires the Planning Commission to determine if a subdivider is to dedicate park land, pay an in-lieu fee, reserve park land or a combination of these in order to satisfy the City's park land ordinance. Staff is recommending this condition in accordance with BMC Chapter 15.80.

21. All exterior perimeter landscaping installation and maintenance along Panama Lane and South Allen Road shall be responsible by the property owner.

CITY ATTORNEY

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

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

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

PLANNING

23. This subdivision shall comply with all provisions of the Bakersfield Municipal Code, and applicable resolutions, policies and standards in effect at the time the application for the subdivision map was deemed complete per Government Code Section 66474.2.

The subdivision shall be recorded in no more than 10 phases. Phases shall be identified numerically and not alphabetically. *Orderly development.*

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

Required for orderly development and provide for the public health, welfare and safety by ensuring water service to the subdivision at the time of final map recordation because the water purveyor has included an expiration date in the initial "will serve" letter.

25. All lots shall have minimum 6,000 sq.ft. lot area (BMC 17.14.070)

26. The following modifications are approved:
- 26.1 Double frontage lots for: Phase 1, Lots 9-12; Phase 4, Lots 1-6; Phase 6, Lots 9-12; Phase 7, Lots 1-4; and Phase 9, Lots 5-7
 - 26.2 Reduction of local street width
 - 26.3 Use of private local street

Note: All other City standards apply. See Zone Modification 19-0382 (Res. No. 19-39) dwelling unit setback. *Orderly development.*

27. Subdivider shall construct a 6-foot high masonry wall along South Allen Road and Panama Lane frontages and landscaping shall be maintained by HOA. *Orderly development.*

28. Mineral Rights: Prior to recordation of the first final map, the following shall apply:

- 28.1 Subdivider shall provide the minimum 2-acre drill site drill site reservation as shown on the tentative subdivision map. The drill site shall be either recorded with the first final map or prior to or currently with a final map, subdivider shall:
- i. Record a covenant encumbering the drill site as such;
 - ii. Record a covenant of all lots of this subdivision within 500 feet of the drill site disclosing the drill site location and possible activities;
 - iii. Construct a six-foot high masonry wall with gate access around the drill site as shown on the tentative tract. However, upon approval by the Planning Director, wall construction may be defer until adjacent residential lots are recorded. Wall height shall be measured to the highest adjacent grade.
 - iv. Have covenants reviewed approved by the City Attorney and Planning Director prior to recording.

Required to verify compliance with BMC Section 16.20.060 A. and orderly development.

29. Prior to or concurrently with recordation of any phase within 500 feet of the drill site subdivider shall record a covenant disclosing the location of the drill site on all lots of this subdivision within 500 feet of them. *Police power based on public health, welfare and safety.*
30. In the event a previously undocumented well is uncovered or discovered on the project site, the subdivider is responsible to contact Department of Conservation's Division of Geologic Energy Management (CalGEM) (formally Division of Oil, Gas, and Geothermal Resources (DOGGR). The subdivider is responsible for any remedial operations on the well required by CalGem. Subdivider shall also be subject to provisions of BMC Section 15.66.080 (B.) *Police power based on public health, welfare and safety*
31. Prior to recordation of each final map, the subdivider shall provide written confirmation to the Planning Director that the abandoned well plug been leak tested by an independent, third party, qualified leak testing company and that it shows no sign of leakage. If there is evidence of leakage, re-abandonment of the well may be required to the satisfaction of Department of Conservation's Division of Geologic Energy

Management (CalGEM), confirmation of which the subdivider shall provide to the Planning Director. *Police power based on public health, welfare and safety.*

32. Prior to or concurrently with recordation of any final map containing abandoned oil well, subdivider shall provide a covenant disclosing the location of abandoned oil wells and the 10-foot non-buildable radii shall be recorded. The covenant shall be submitted to the City Attorney and Planning Director for review and approval prior to recordation of the final map. *Police power based on public health, welfare and safety.*
33. Prior to recordation of each final map, the subdivider shall construct a six-foot high masonry wall along drill island as shown on the tentative tract. Wall height shall be measured to the highest adjacent grade. *BMC Section 16.28.170 L allows Planning Commission to require wall based on a finding that it is necessary for orderly development.*
34. Prior to recordation or concurrently with recordation of each final map, subdivider shall create a Homeowners Association (HOA) and CC&Rs for the subdivision, as approved by the City Attorney and Planning Director to maintain the common areas including the private street and private landscaping. Prior to recordation, subdivider shall submit HOA and CC&Rs to the City for review and approval. *Orderly development.*
35. Show 25-foot dwelling unit setback line adjacent to Agriculture zoned property along the east boundary of Tract Map 7334 (Reference BZA Res. No. 19-0382, Condition 57).

Biological Impact Mitigation Measures

36. Prior to ground disturbance, the developer shall have a qualified biologist survey the location for species covered under the Metropolitan Bakersfield Habitat Conservation Plan incidental take permit for urban development (Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, & Bakersfield cactus) and comply with the mitigation measures of the permit. Survey protocol shall be that recommended by the California Department of Fish and Wildlife. Developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Community Development Department and wildlife agencies no more than 30 days prior to ground disturbance.

The current MBHCP expires on February 28, 2022. To ensure take of covered species does not occur after the expiration date, fees must be paid no later than August 31, 2021 and all covered activities must be completed by the MBHCP expiration date of February 28, 2022. As determined by the City, only projects ready to be issued an urban development permit, grading plan approval, or building permit 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 2022 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 & Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW). *Mitigation measure.*

37. 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 Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. To avoid violation of the take 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.
- a. To avoid impacts to burrowing owl, prior to ground disturbance, a focused survey shall be submitted to California Department of Fish and Wildlife (CDFW) by the Project applicant of a subdivision or site plan review, following the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). A copy of the survey shall also be submitted to the City of Bakersfield, Planning Division.
 - b. If the survey results the presence of burrowing owl nests, prior to grading; including staging, clearing, and grubbing, surveys for active nests shall be conducted by a qualified wildlife biologist no more than 30 days prior to the start of the of the Project commencing and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. If the Project applicant identifies active nests, the CDFW shall be notified and recommended protocols for mitigation shall be followed and a copy submitted to City of Bakersfield, Planning Division.
 - c. If any ground disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31), and potential burrowing owl burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that burrowing owls are found, the applicant must follow CDFW protocol for mitigation and comply with the provisions of the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711). If the Project applicant proposes to evict burrowing owls that may be present, the CDFW recommends passive relocation during the non-breeding season. *Mitigation measure.*

General Plan Amendment/Zone Change No. 06-0925
Mitigation Measures from Negative Declaration:

Air Quality Mitigation Measures:

38. Upon submittal of tentative tract or site plan for approval, the applicant/developer of the project site shall submit documentation to the Planning Department that they will/have met the following air quality mitigation measures:

- Water all unpaved or haul road surfaces as needed.
- Limit speed on all unpaved roads to 15 mph.
- Water any exposed ground surfaces as needed.
- Stabilize all disturbed areas including inactive storage piles on an as needed basis.
- Maintain at least a 6 inch freeboard space during transport of materials and/or cover and wet to limit dust emissions.
- Remove mud or dirt accumulations on public roadways immediately when track out exceeds 50 or more feet as well as at the end of the work day.
- Cease grading activities during periods of high winds where entrainment of dust will exceed the SJVAPCD 20% opacity requirement.

Construction Equipment Mitigation Measures:

- Limit idling to no more than 20 minutes at a time.
- All construction equipment shall be maintained to manufacturers' specification.
- Where possible electric equipment shall be used in lieu of diesel or gas powered equipment.

Encourage employees at the construction sites to carpool to and from work as well as during established lunch hours. *Mitigation for potentially significant air quality impacts.*

Cultural Impact Mitigation Measures

39. If archaeological resources are encountered during the course of construction, a qualified archaeologist shall be consulted for further evaluation. *Mitigation for potentially significant cultural resource impacts.*
40. If human remains were discovered during grading or construction activities, work would cease pursuant to Section 7050.5 of the California Health and Safety Code. If human remains are identified on the site at any time, work shall stop at the location of the find and the Kern County Coroner shall be notified immediately (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code which details the appropriate actions necessary for addressing the remains) and the local Native American community shall be notified immediately. *Mitigation for potentially significant cultural resource impacts.*

Traffic Impact Mitigation Measures:

41. Prior to the issuance of any building permit within the GPA/ZC area, the developer shall pay the applicable Regional Transportation Impact Fee (RTIF) to as adopted at time of development. *Mitigation for potentially significant traffic and circulation impacts.*

42. Prior to issuance of the first building permit within the GPA/ZC area, the developer shall pay the proportionate share contributions for the intersection and roadway improvements not covered by the RTIF as identified in Tables 7 and 8 of the project traffic study (TPG Consulting, January 2005) and in the following tables:

FUTURE INTERSECTION IMPROVEMENTS AND LOCAL MITIGATION

Intersection	Local Mitigation (Improvements not covered by RTIF)	Project Share for Local Mitigation
Stockdale Highway & Old River Road	1 SBL	3.71%
Panama Lane & Buena Vista Road	1 WBL	0.55%
NB=Northbound L=Left Turn Lane SB=Southbound T=Through Lane WB=Westbound R=Right Turn Lane EB=Eastbound		

FUTURE ROADWAY IMPROVEMENTS AND LOCAL MITIGATION

Roadway	Total Improvements Required by 2025	Local Mitigation (Improvements not covered by RTIF)	Project Share for Local Mitigation
Panama Lane: Allen Road – Windemere	Add 6 Lanes	Add 2 Lanes	0.36%
Panama Lane: Windemere to Buena Vista	Add 6 Lanes	Add 2 Lanes	0.59%

Mitigation for potentially significant traffic and circulation impacts

ADDITIONAL CONDITIONS OF APPROVAL:

Public Works:

43. Along with the submittal of any development plan, prior to approval of improvement plans, or with the application for a lot line adjustment or parcel merger, the following shall occur:
- Provide fully executed dedication for Windermere Street to collector standards and Allen Road to arterial standards for the full frontage of the area within the GPA request. Dedications shall include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer. Submit a current title report with the dedication documents. If a tentative subdivision map over the entire GPA/ZC area is submitted, dedication can be provided with the map. *For orderly development.*

- b. This GPA/ZC area is too small to support its own storm drainage sump. The City will allow no more than one sump per 80 acres; therefore, this GPA/ZC area must be included within the drainage area of adjoining property. Submit a comprehensive drainage study to be reviewed and approved by the City Engineer. The drainage area to be covered in the comprehensive drainage study will be larger than the GPA/ZC area – the City is willing to aid the developer in the formation of a Planned Drainage Area to provide a mechanism for the reimbursement of oversizing costs to the developer. *For orderly development.*
 - c. Submit a comprehensive sewer study to be reviewed and approved by the City Engineer. The developer shall be responsible for the initial extension of the sewer line to serve the property. This sewer line must necessarily be sized to serve a much larger area than the project area. This area is within the McAllister Ranch Planned Sewer Area; any sewer improvements for the PSA are eligible for reimbursement from future connection fees within the PSA. *For orderly development.*
 - d. In order to preserve the permeability of the sump and to prevent the introduction of sediments from construction or from storm events, all retention and detention basins (sumps) shall have a mechanical device in the storm drain system to remove or minimize the introduction of oil, grease, trash, and sediments to the sump. This device shall be reviewed and approved by the City Engineer, and shall provide the greatest benefit to the storm drain system with the least maintenance cost. *For orderly development.*
44. The entire area covered by this General Plan Amendment shall be included in the Consolidated Maintenance District. The applicant shall pay all fees for inclusion in the Consolidated Maintenance District with submittal of any development plan, tentative subdivision map, Site Plan Review, or application for a lot line adjustment for any portion of this GPA area. *For orderly development.*
45. Construct full improvements for the north side of Panama Lane along the frontage of the 40-acre parcel to the east of the GPA/ZC area (APN52417014). If the adjacent Tract 6706 constructs these improvements first, this condition will be considered as met. If prior to recordation of the first map, a new GPA/ZC is approved related to this previously approved GPA/ZC #06-0925 condition as stated above, this condition shall abide by the requirements of the newly approved GPA/ZC. *For orderly development.*
46. Payment of median fees for the arterial frontage of the property within the GPA/ZC request is required prior to recordation of any map or approval of any improvement plan for the GPA/ZC area. *For orderly development.*
47. The tract design shall accommodate the access provided by the design of approved Tentative Tract 6578 to the north. *For orderly development.*
48. If it becomes necessary to obtain any off site right of way and if the developer is unable to obtain the required right of way, then he shall pay to the City the upfront costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way. *For orderly development.*

49. Local Mitigation: Pay the proportionate share of the following mitigation measures (not paid for by the Regional Transportation Impact Fee nor included with normal development improvements) as indicated in Tables 7 and 8 of the traffic study. An estimate and fee schedule should be developed by the applicant and approved prior to recordation of a map or issuance of a building permit. Proportionate shares from the study as follows: *For orderly development*.

- 49.1. Stockdale Hwy & Old River Rd, Add 1 SBL, 3.71% share
- 49.2. Panama Ln & Buena Vista Rd, Add 1 WBL, 0.55% share
- 49.3. Panama Ln, Allen Rd to Windermere St, add 2 lanes, 0.36% share
- 49.4. Panama Ln, Windermere St to Buena Vista Rd, add 2 lanes, 0.59% share

Notes: NB – north bound, SB – south bound, WB – west bound, EB – east bound,
L – Left turn lane, T – Through lane, R – Right turn lane

Conditions of Approval Zoning Modification No. 18-0322

Public Works:

50. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must submit the following for review and approval by the City Engineer:
- a. **Comprehensive drainage study of the entire drainage area.** The City will allow no more than one sump per 80 acres. The sump should be located so that it may be available to serve adjacent areas as they develop. The developer may establish a planned drainage area or provide some other method for the construction of the ultimate drainage facilities satisfactory to the City Engineer.
 - b. **Sewer study.** The GPA/ZC area is within the McAllister Ranch Planned Sewer Area (PSA). The developer shall submit a supplemental sewer study to the McAllister Ranch PSA to verify to the City Engineer that the proposed sewer system within the GPA/ZC area is compatible with the McAllister Ranch PSA and the existing sewer system's capability to accept the additional flows to be generated through development under the new land use and zoning. *For orderly development*.
51. Prior to the issuance of any certificates of occupancy for development within the GPA/ZC area, the developer must (a) construct all infrastructure, both public and private, within the boundary of the GPA/ZC area, including, but not limited to, any and all boundary streets, Panama Lane & South Allen Road, to the centerline of the street as required by the City Engineer and (b) construct, and acquire any necessary right-of-way to construct, any off-site infrastructure for Panama Lane & South Allen Road required to support development of the GPA/ZC as determined by the City Engineer. Phasing of the construction of the required infrastructure may be allowed by the City Engineer. Per City Council Resolution 035-13, any development within the GPA/ZC area must comply with the City's "complete streets" policy. *For orderly development*.

52. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must take all actions necessary to add the GPA/ZC area to the Consolidated Maintenance District ("CMD") and pay all fees for inclusion in the CMD or, if the development is already within the CMD, update the maintenance district documents as provided in Bakersfield Municipal Code section 13.04.021 or as otherwise required by the City Engineer. *For orderly development.*
53. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must construct, or pay its proportionate share of the estimated cost to construct, the median (currently \$100 per linear foot), as determined by the City Engineer, for Panama Lane & South Allen Road frontage of the property 1Mthin the GPA/ZC area. *For orderly development.*
54. Prior to the City's issuance of any building permits for construction within the GPA/ZC area, or an earlier time established through conditions of City approval of any subsequent development project, subdivision, or minor land division within the GPA/ZC area, the developer must pay all development fees for the GPA/ZC area including, but not limited to, the adopted regional traffic impact fee, local mitigation fees, any major bridge and thoroughfare district fees. the McAllister Ranch Planned Sewer Area fee and any drainage area fees. *For orderly development.*
55. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must pay its proportionate share of the cost to form a major bridge and thoroughfare district, and assist in its formation, for the widening of the South Allen Road crossing of the Buena Vista Canal. *For orderly development.*

Conditions of Approval
Zoning Modification No. 19-0382

56. 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.

57. 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 generally located at 12700 Panama Lane (Vesting Tentative Tract Map No. 7334) as depicted on attached Exhibits B and C.
58. 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).
59. 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).
60. The Permit Holder shall obtain all necessary building permits for construction of the residential development.

VTTM 7334

EXHIBIT A-2

CITY OF BAKERSFIELD

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

R-1

A-20A

R-1

**LEGEND
(ZONE DISTRICTS)**

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

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

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

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

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

R-2

A-20A

BUENA VISTA CANAL

PANAMA LN

PANAMA LN

R-1/P.U.D.

R-1/P.U.D.

R-1/P.U.D.

R-1/P.U.D.

R-1/P.U.D.

R-1/P.U.D.

R-1/P.U.D.

R-1/P.U.D.



BAKERSFIELD

N



Feet

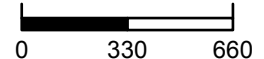
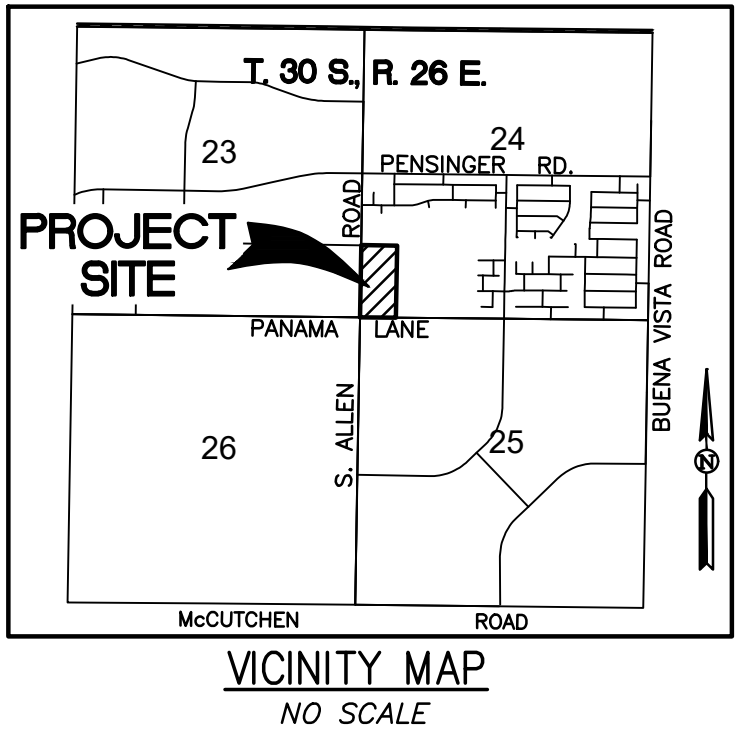


EXHIBIT A-3

VESTING TENTATIVE TRACT NO. 7334

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 9 PHASES, 66 DUPLEXES LOTS, 1 COMMON AREA LOT, 7 PRIVATE STREET LOTS AND 2 LANDSCAPE LOTS - 20.07 GROSS ACRES APRIL, 2020



- LEGEND:**
- PROPOSED CATCH BASIN
 - EXISTING CATCH BASIN
 - DIRECTION DRAINAGE AND APPROXIMATE GRADE = 0.20% MIN.
 - PROPOSED STORM DRAIN MANHOLE AND STORM DRAIN LINE
 - EXISTING STORM DRAIN MANHOLE AND STORM DRAIN LINE
 - EXISTING STREET LIGHT
 - EXISTING GROUND CONTOUR
 - EXISTING SEWER MANHOLE 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
 - SF SQUARE FEET
 - UNIT BOUNDARY
 - EXISTING WELL
 - WAIVER OF DIRECT ACCESS

GENERAL NOTES:
ALL ROAD IMPROVEMENTS AND DRAINAGE IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF BAKERSFIELD. IT IS ANTICIPATED THAT THE GRADING OF THIS TRACT WILL BE WITHIN THE AMOUNTS OUTLINED WITHIN SECTION 16.16.030(0) OF THE MUNICIPAL CODE
THIS TRACT SHALL FOLLOW THE "COMPLETE STREET" POLICY PER RESOLUTION 035-13.
A 10' PUBLIC UTILITY EASEMENT (P.U.E.) IS PROPOSED AND IS LOCATED IN ALL FRONT AND SIDE YARDS ADJACENT TO ALL STREETS.
ALL CUL-DE-SAC AND KNUCKLE RETURN RADII ARE 25' UNLESS OTHERWISE NOTED.

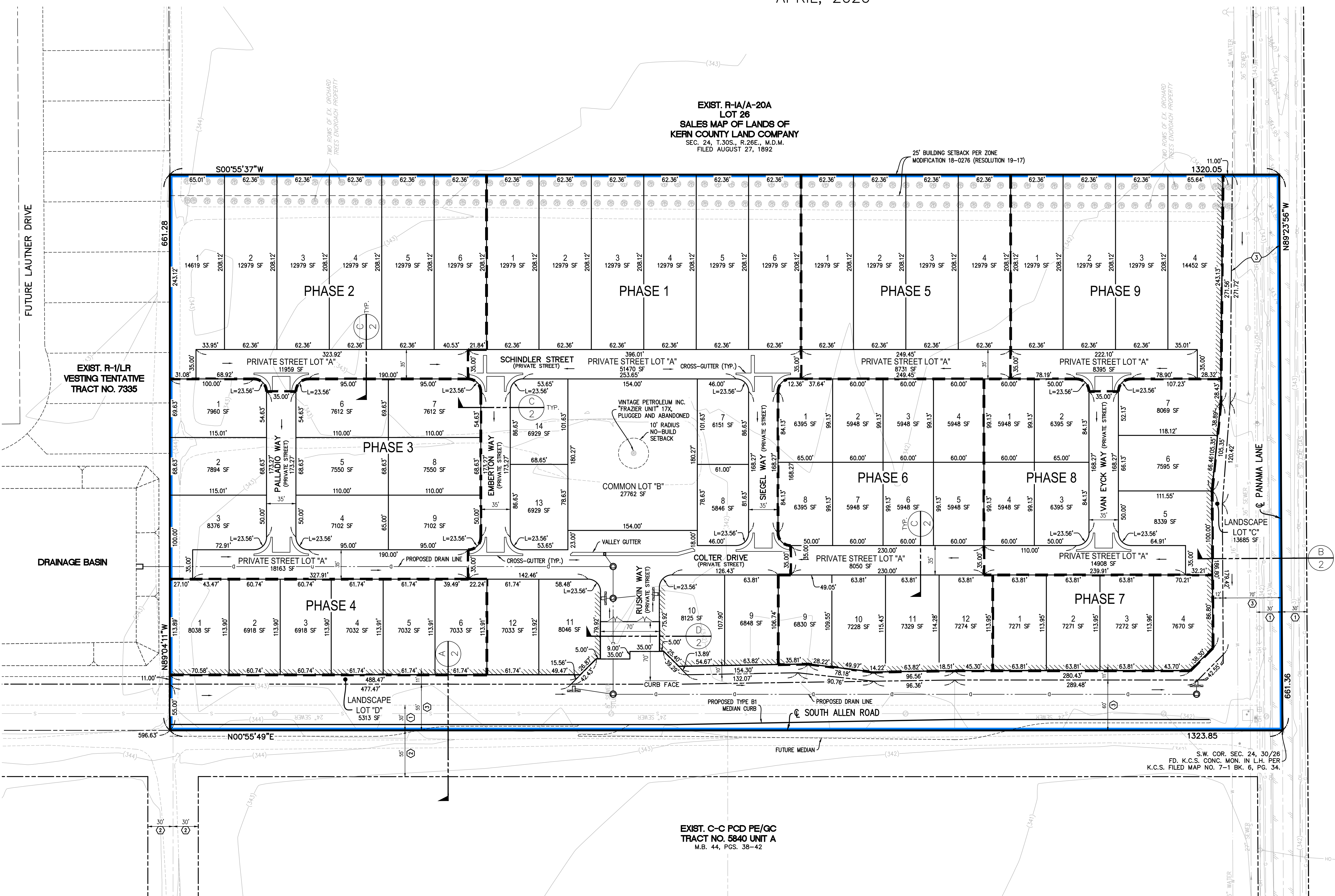
PHASING:
THE NUMBERING OF THE PHASING ARE FOR IDENTIFICATION PURPOSES AND DO NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT. THIS TRACT WILL BE DEVELOPED IN UP TO 9 PHASES.

- EASEMENT LEGEND**
- PUBLIC ROAD EASEMENT PER SALES MAP OF LANDS OF KERN COUNTY LAND COMPANY FILED AUGUST 27, 1892, O.R.
 - AN EASEMENT FOR PRIVATE ROAD PURPOSES RECORDED JUNE 23, 1998 AS DOC. NO. 0198083293, O.R.
 - AN EASEMENT FOR ROAD PURPOSES IN FAVOR OF THE CITY OF BAKERSFIELD RECORDED APRIL 21, 2016 AS DOC. NO. 0206098312, O.R.

BASIS OF BEARINGS:
THE BEARING OF N 00°55'49" E, SHOWN FOR THE CENTERLINE OF ALLEN ROAD AND THE WEST LINE OF THE SOUTHWEST QUARTER OF SEC. 24, T.30S., R.26E., M.D.M. PER TRACT NO. 6579-UNIT 3, M.B. 61, PGS. 185-195, 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, 2008. 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 THAT MAY NOT BE ACCEPTABLE.
1. ISRAEL
2. MAKI
3. PREDOCK
4. TAKAMATSU



EXIST. R-1 PUD/LR TRACT NO. 6706 M.B. 59, PGS. 147-152

EXIST. C-C PCD PE/GC TRACT NO. 5840 UNIT A M.B. 44, PGS. 38-42

TRACT No. 7334 SUMMARY					
PHASE	# OF LOTS	# OF DUPLEXES	COMMON LOTS	PRIVATE STREET LOTS	LANDSCAPE LOTS
1	14	20	1	1	2
2	6	12	-	-	-
3	9	9	-	1	-
4	6	6	-	-	-
5	4	8	-	1	-
6	12	12	-	1	-
7	4	4	-	-	-
8	7	7	-	1	-
9	4	8	-	1	-
TOTAL	66	86	1	7	2

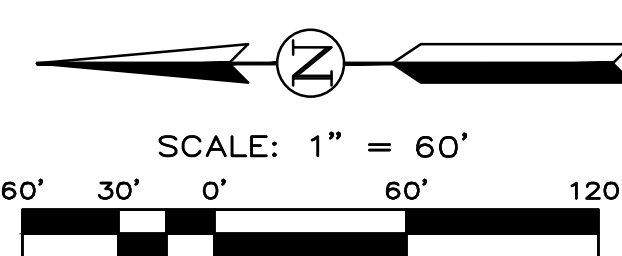
ENGINEER
McINTOSH & ASSOCIATES
2001 WHEELAN COURT
BAKERSFIELD, CA 93309
CONTACT PERSON - ROGER MCINTOSH
PHONE: (661)834-4814

OWNER/SUBDIVIDER
WINGS WAY, LLC, A DELAWARE COMPANY
9201 CAMINO MEDIA, SUITE 120
BAKERSFIELD, CA 93311
CONTACT PERSON - MATT WADE
PHONE: (661)885-9406

STATISTICS:
PROPOSED NUMBER OF UNITS: 86 DUPLEXES
PROPOSED USE: MULTI-FAMILY RESIDENTIAL
NUMBER OF STORES PER UNIT: 1
GAS CO.: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRICAL: PACIFIC GAS & ELECTRIC COMPANY
CABLE: SPECTRUM NETWORKS
TELEPHONE: AT&T

GENERAL PLAN DESIGNATION: EXISTING - LMR
SCHOOL DISTRICT: KERN HIGH SCHOOL DISTRICT
HIGH SCHOOL: INDEPENDENCE HIGH SCHOOL
JUNIOR HIGH: EARL WARREN JUNIOR HIGH SCHOOL
ELEMENTARY: BUENA VISTA 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
TELEPHONE: AT&T



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

DATE: 4/21/20
DRAWN BY: MWW
CHECKED BY: [Signature]
ISSUED FOR: [Signature]

DATE: 03/30/20
REVISIONS
BY: MWW
REVIEWED PER PLANNING COMMENTS

WINGS WAY, LLC
SOUTHWEST QUARTER SEC. 24, T.30S., R.26E., M.D.M.
VESTED TENTATIVE TRACT NO. 7334

AutoCAD FILE: 0415541702

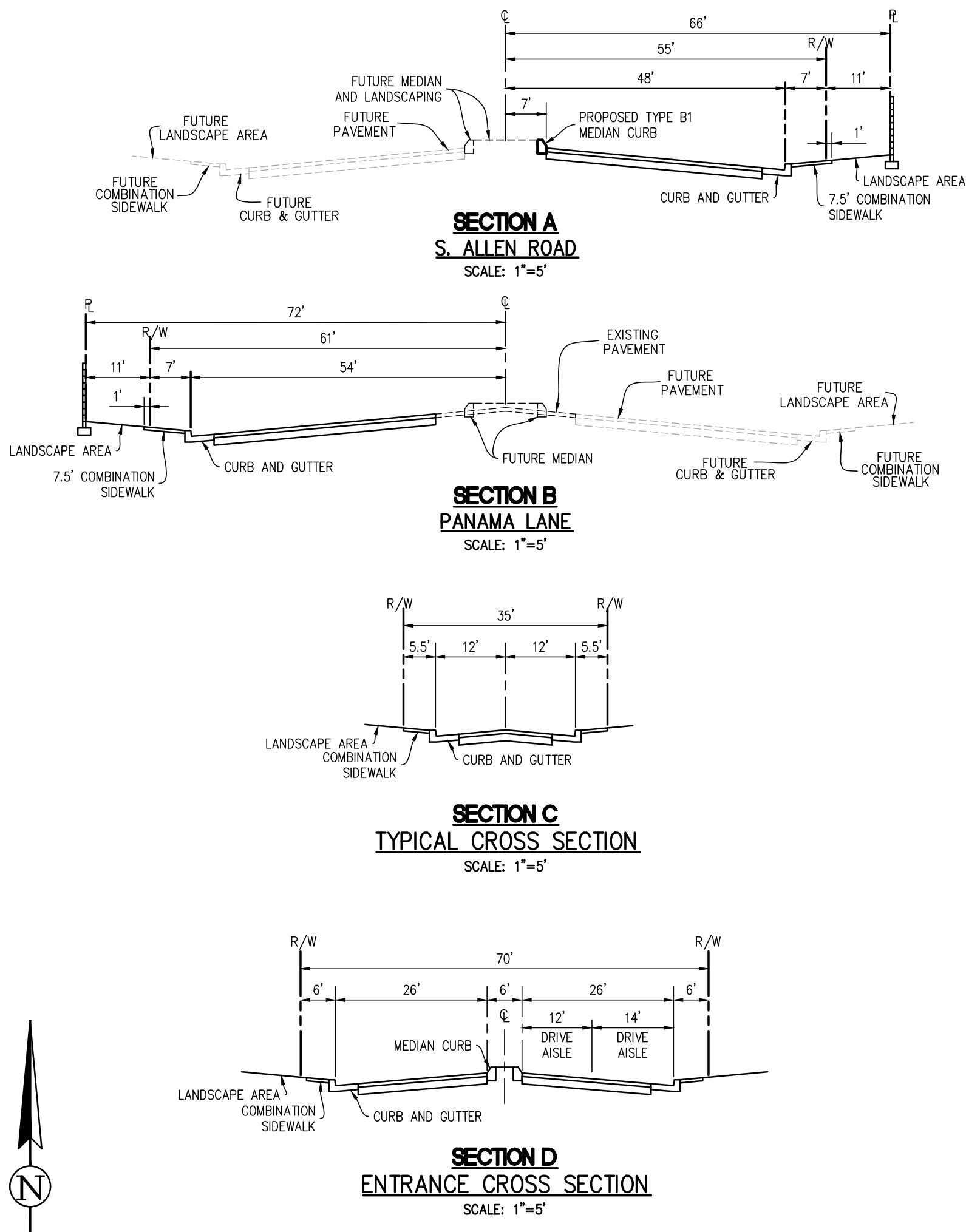
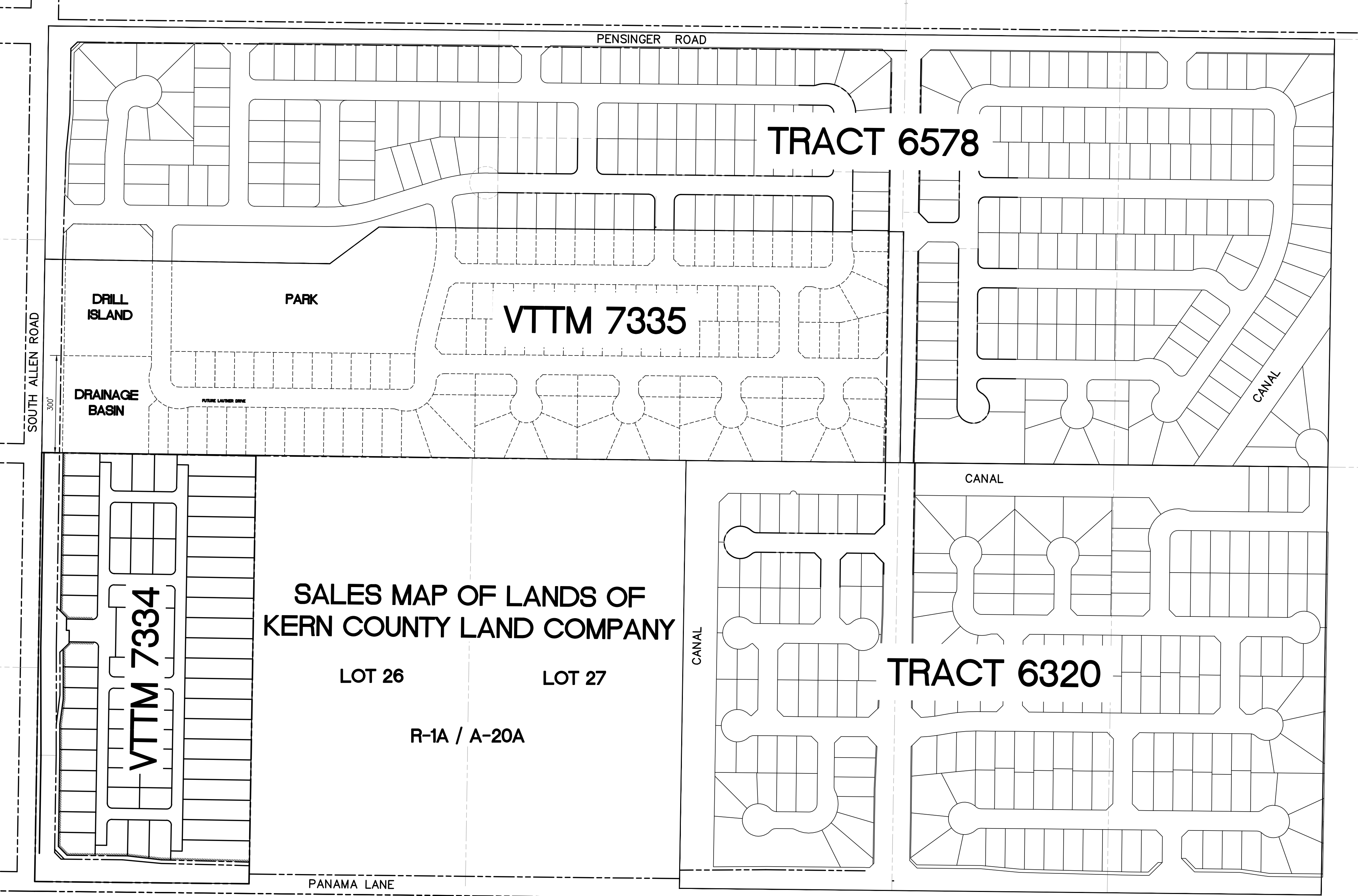
SHEET 1 OF 2 SHEETS

EXHIBIT A-3

VESTING TENTATIVE TRACT NO. 7334

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
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APRIL, 2020

INDEX MAP



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

DATE: 4/27/20
JOB NO: 04-15914
DRAWN BY: MWW
ISSUED FOR:

ENCANTO GARDENS, LLC
SOUTHWEST QUARTER SEC. 24, T.30S., R.26E., M.D.M.
VESTED TENTATIVE TRACT NO. 7334
AUTOCAD FILE: 0415914102

SHEET
2
OF 2 SHEETS

ATTACHMENT B

VESTING TENTATIVE TRACT MAP 7334 (PHASED)

Correspondence

MAY 21 2020

Office of Mary C. Barlow ...advocates for children

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

May 18, 2020

City of Bakersfield – Planning Department
Attn: Tony Jaquez
1715 Chester Ave.
Bakersfield, CA 93301

Our File No.: CI20-0010
VTM: 7334

RE: DEVELOPER FEES FOR: Vesting Tentative Tract Map No. 7334, Map. No. 122-24
(Northeast corner of S. Allen Rd and Panama Lane.)

Dear Mr. Jaquez,

This office represents the Panama Buena Vista Union Elementary and Kern High School Districts with regard to the imposition of developer fees, and appreciate the opportunity to respond on behalf of these districts regarding the proposed project. This letter is limited to addressing the possible effects which the project might have on school facilities created by students attributable to the project. It is not intended to address other possible environmental concerns which might be identified by the district(s) after reviewing it.

It is our determination that the above mentioned project proposing Vesting Tentative Tract Map No. 7334 proposing nine phases and a total of 86 buildable duplex lots for residential use may have significant effects on either of these district's facilities. The districts have been advised that Government Code Sections 65995.5 et seq. now prohibits the County of Kern from denying or refusing to approve a project such as this on the basis of the adequacy of school facilities. For this reason, although the above-mentioned project will have significant effects on these districts' facilities, neither district expects the County to impose any condition related to the financing of public school facilities at this time. Pursuant to Government Code Sections 65995, 65996, and 65997, mitigation of this project's impacts on public school facilities will be limited to the collection of statutory fees authorized under Education Code Section 17620 and Government Code Sections 65995, 65995.5, 65995.6, and 65995.7 at the time that building permits are issued. Currently, these fees are set at \$3.79 per square foot, an amount subject to adjustment every two years, with 2020 being an adjustment year. However, the Panama Buena Vista Union Elementary has adopted the alternative fees authorized by Government Code Sections 65995.5 and/or 65995.7. The current fee of **\$4.38** per square foot will be levied on all new residential building permits. (This alternative fee under Government Code Section 65995.5 is nominally 50 percent of construction cost, while that under Government Code Section 65995.7--which can be levied when the State's school facilities program runs out of money--is nominally 100 percent of construction cost.)

Thank you for the opportunity to comment on the project. Should you have any questions, or if we can be of any further assistance in this matter, please contact me at 636-4599, or through e-mail at anwatson@kern.org.

Sincerely,

Mary C. Barlow
County Superintendent of Schools



Andrea Watson, Specialist
School District Facility Services

ALW
cc: District(s)

Panama-Buena Vista Union School District

KEVIN SILBERBERG, Ed.D.
District Superintendent

4200 Ashe Road
Bakersfield, CA 93313
(661) 831-8331 FAX (661) 398-2141



BOARD OF TRUSTEES
Dean Haddock, Psy.D.
John P. Lake
Elynor Cherie Olgin
Greg White
Keith C. Wolaridge

May 18, 2020

City of Bakersfield
City Planning Department
1715 Chester Avenue
Bakersfield, CA 93301

Re: Vesting tentative Tract 7334 (Phased)

Attention: Tony Jaquez

Please consider this letter as the Panama - Buena Vista Union School District's notice, as requested per the City of Bakersfield Municipal Code Section 16.16.050 regarding comments of the above referenced Tentative Tract Map #7334

The District is concerned that the area of growth that includes this tentative tract map is risking the possibility of being underserved by the Panama-Buena Vista Union School District in that there is not adequate land for future schools accounted for in the City's Master Plan.

Both Grade K-6 and 7-8 grade levels are going to be adversely affected if it is not addressed appropriately and in a timely manner.

Please feel free to contact me at (661) 831-8331 extension 6280 should you have any questions or require further information regarding this notice and our concerns for the constituents in this area.

Sincerely,

Paul M Johnson
Director of Facilities Planning & Construction
Panama- Buena Vista Union School District



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: July 16, 2020

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

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Tony Jaquez

DATE:

WARD: Ward 5

SUBJECT:

Vesting Tentative Tract Map 7355 (Phased): McIntosh and Associates proposes to subdivide 55.86 acres into 154 single family residential lots, located at the southwest corner of Ming Avenue and Highgate Park Boulevard in the West Ming Specific Plan area. Previously adopted EIR on file.

APPLICANT: McIntosh and Associates

OWNER: Castle and Cooke California, Inc.

LOCATION: Located at the southwest corner of Ming Avenue and Highgate Park Boulevard in the West Ming Specific Plan area of west Bakersfield.

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
☐ 7355 Staff Report	Staff Report
☐ 7355 Resolution	Resolution
☐ 7355 Exhibits Combined	Exhibit



CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair Koman and Members of the Planning Commission AGENDA ITEM: 5.b

FROM: Paul Johnson, Planning Director APPROVED: PJ

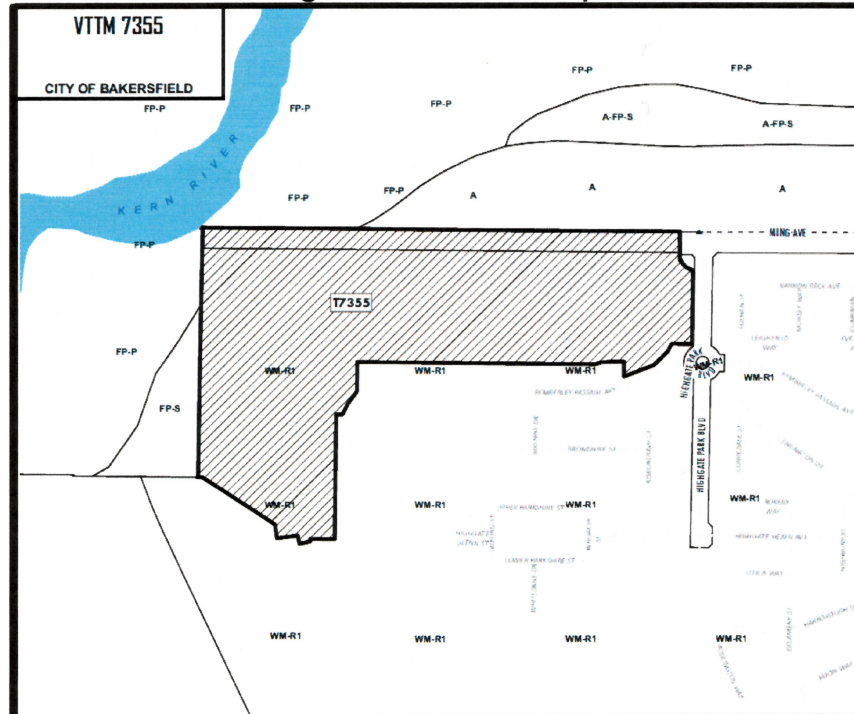
DATE: July 16, 2020

SUBJECT: **VESTING TENTATIVE TRACT 7355 – PHASED (WARD 5)**

APPLICANT: ENGINEER SUBDIVIDER/PROPERTY OWNER
McIntosh & Associates Castle and Cooke California, Inc.
2001 Wheelan Court 10000 Stockdale Highway
Bakersfield, CA 93309 Bakersfield, CA 93311

LOCATION: Southwest corner of Ming Avenue and Highgate Park Boulevard in the West Ming Specific Plan area | APN: 523-540-38 (Portion of)

Figure 1. Location Map

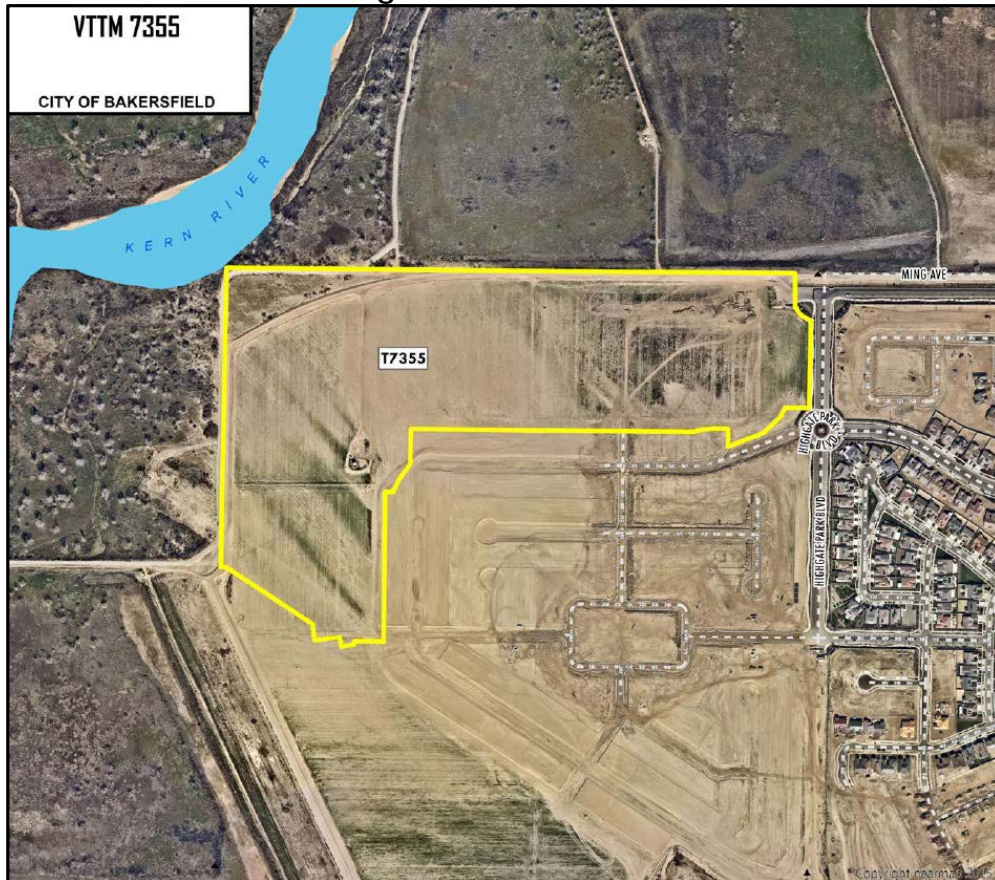


RECOMMENDATION:

Adopt the Resolution and suggested findings **APPROVING** Vesting Tentative Tract Map 7355 (Phased) as depicted in the project description and recommended conditions.

PROJECT SUMMARY:

The project is a request to subdivide 55.86 acres into 154 single family residential lots, 4 private street lots, 14 private landscape lots, 4 public park lots, 1 private park lot, and 1 oil well drill site lot in a WM/R1(West Ming / One-Family Dwelling) zone located at the southwest corner of Ming Avenue and Highgate Park Boulevard in the West Ming Specific Plan area of west Bakersfield. The project also includes a request for alternate lot and street design, and waiver of mineral rights signatures.

Figure 2. Aerial Photo**Figure 3. Site Visit Photo**

(View Looking south from Ming Avenue and Highgate Park Boulevard)



SURROUNDING LAND USES:

The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table A:

Table A. Surrounding Designation, Zoning, and Land Use			
DIRECTION	LAND USE DESIGNATION	ZONING DISTRICT	EXISTING LAND USE
SITE	WM-LR	WM-R1	Vacant and development
NORTH	OS	FP-P and A	Undisturbed land
WEST	OS and WM-LR	FP-P and FP-S	Undisturbed land
SOUTH	WM-LR	WM-R1	Agriculture and Approved Tract Map 7354
EAST	WM-LR	WM-R1	Developed, Approved Tract Map 7354 and Recorded Tract Map 7299
Land Use Designations: WM-LR: West Ming Low Density Residential OS: Open Space		Zoning Classifications WM-R-1: West Ming Single-Family Dwelling A: Agriculture FP-P: Flood Plaid – Primary FP-S: Flood Plaid – Secondary	

BACKGROUND AND TIMELINE:

August 15, 2007. City Council adopted the 2,182-acre *West Ming Specific Plan (WMSP)*, certified the Environmental Impact Report (EIR), and approved a General Plan Amendment/Zone Change (GPA/ZC No. 03-1544). The WMSP serves as the governing planning document for the project area as well as providing development standards. This is a master-planned community which includes a maximum of 7,450 residential dwellings; 56 acres of public parks, open space, and recreation facilities; a Town Center with 331,200 square feet of retail and office development; 478,880 square feet of commercial; and 1,135,000 square feet for special uses including light industrial and oil extraction. Staff notes VTTM 7355 is within the residential portion of Village A, one of seven planned sections in the WMSP.

August 29, 2007. City Council approved a Development Agreement (Development Agreement No. 07-310). The Agreement sets forth the developer's financial responsibilities in return for the ability to proceed with the project in accordance with the existing policies, rules, and regulations accompanied by GPA/ZC No. 03-1544.

February 12, 2014. City Council approved a General Plan Amendment to amend the *Metropolitan Bakersfield General Plan Circulation Element* and the *West Ming Specific Plan* (GPA No. 13-0360). Approval changed the planned circulation of a major road and multi-purpose trail to accommodate adding a secondary access to Ming Avenue from the West Ming development project. Approval also added a new roundabout.

At the same meeting, City Council approved a General Plan Amendment to amend the *Metropolitan Bakersfield General Plan Circulation Element* and the *West Ming Specific Plan* (GPA No. 13-0361). Approval changed the planned circulation of major roads and multi-purpose trails to create a more realistic circulation pattern for future housing development.

June 16, 2016. City Council approved a General Plan Amendment to amend the *Metropolitan Bakersfield General Plan Circulation Element* and the *West Ming Specific Plan* (GPA No. 16-0184). Specifically, approval: (1) amended the WMSP to realign a proposed roadway and the corresponding multi-purpose trail, changed a segment of the roadway from a collector to a local collector, removed one roundabout, and removed the trails segment located west of the realigned roadway; and (2) amended the General Plan-Circulation Element Map to match the changes as described in Item 1.

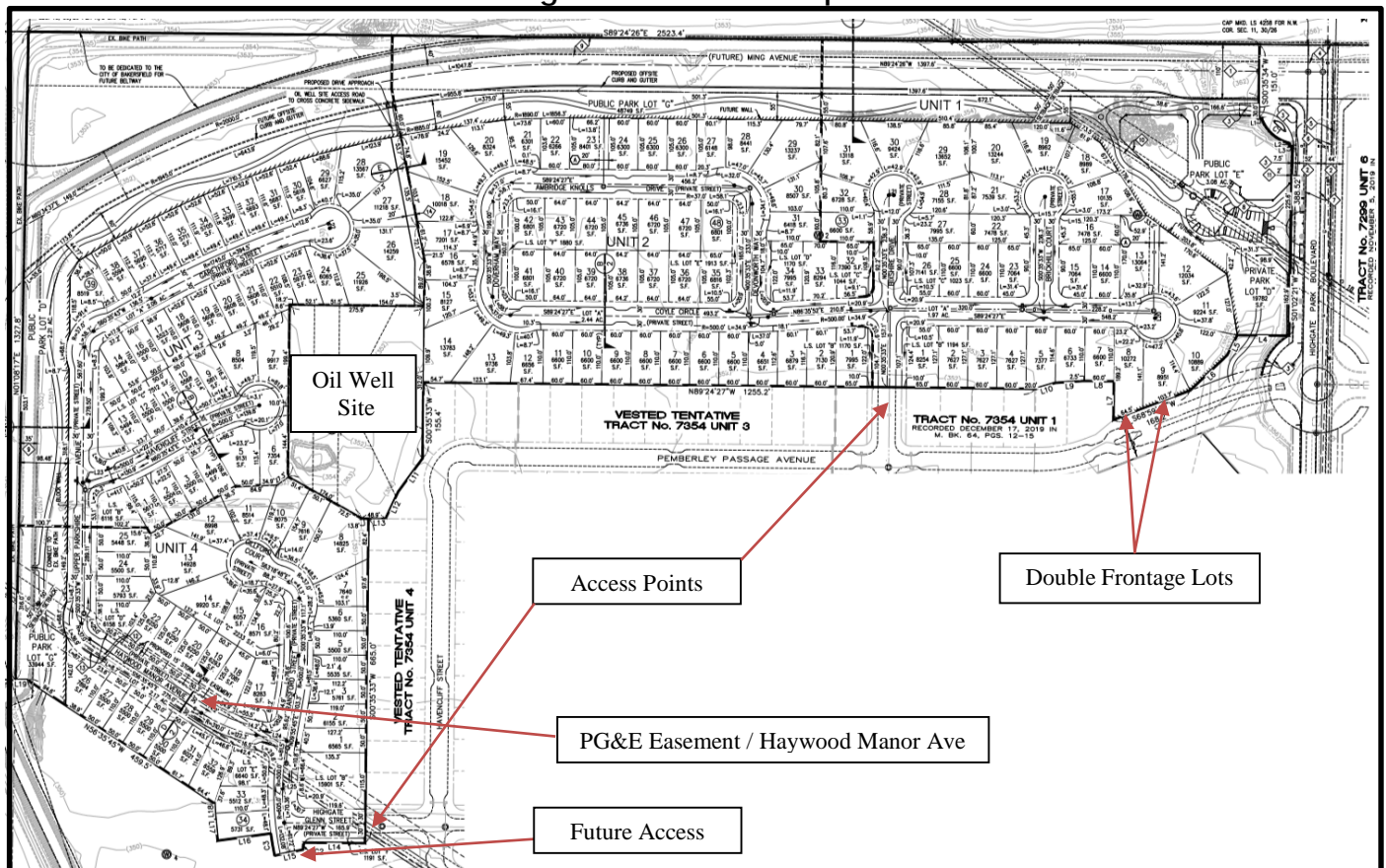
April 10, 2019. City Council approved an amendment to the *West Ming Specific Plan* (SPA No. 18-0452). Approval reconfigured the shape of the public park in Village 'A' from a compact rectangular shape to linear shape along Ming Avenue, the future West Beltway, Kern River Canal, and Highgate Park Boulevard. Staff notes a portion of the linear park is part of VTTM 7355 located along north, east, and west boundary of the subdivision.

May 21, 2020. Vesting Tentative Tract Map 7355 application deemed complete.

PROJECT ANALYSIS:

The vesting tentative tract subdivision consists of 154 single family residential lots, 4 private street lots, 14 private landscape lots, 4 public park lots, 1 private park lot, and 1 oil well drill site lot on 55.86 acres to facilitate single family development (Figure 4).

Figure 4. Tentative Map



Lot Size Flexibility. As proposed, the net density is 5.85 dwelling units per net acre, which is consistent with the West Ming-Low Density Residential (WM-LR) designation that is calculated at ≤ 7.25 dwelling units per net acre. The applicant is requesting flexibility in lot sizes to allow the developer to quickly react to a changing market to accommodate buyer's request for specific floor plans/lot design and lot enhancements which are typically locked into by lot constraints based on standard lot dimensions. The following table reflects the typical lot size variation options. A minimum lot size of 5,360-square feet will be provided for any variation.

Table B. Proposed Lot Size Options*

Minimum Lot Width	Maximum Lot Width	Minimum Lot Depth	Maximum Lot Depth
50 feet	80 feet	110 feet	176 feet

*Cul de sac and knuckle lots may slightly deviate from this table, subject to the Planning Director approval.

Additionally, the applicant will not be permitted to change street pattern alignment and will be unable to exceed recordation of 154 single-family lots. If approved, staff recommends Condition No. 36 to address the flexibility.

Pacific Gas & Electric Easement. There is a Pacific Gas & Electric high-pressure gas pipeline line that is located in the southern portion of the tract and within the Haywood Manor Avenue right-of-way (Figure 4). Consequently, there is a 50-foot no-build setback within Unit 4, Lots 17 - 22 and Lots 26 - 32. If approved, staff recommends Condition No. 25 to require that lots adjacent to the no-build setback will be required to have a covenant recorded with the final map to inform the lot owners of the location of the gas line and the setback.

Consistency/Deviation from Design Standards. The applicant requested the following modifications or deviations from City standards.

Table C. Modification Requests

MODIFICATION REQUEST	APPLICANT'S REASON-JUSTIFICATION	STAFF COMMENT / RECOMMENDATION
1) Use of private streets instead of public streets	The streets will be privately maintained.	City staff has reviewed and does not object (Condition No. 1.1) / APPROVE.
2) Double frontage lots – Unit 1, Lots 8 and 9	Lots with rear yards adjacent to Pemberley Passage Avenue will be separated by a block wall. Access will be limited to the interior local street.	Staff is recommending construction of masonry wall in accordance with City arterial and collector street standards (Cond. 1.2 and 38) / APPROVE.
3) Reverse Corner/Key Lots – Unit 1, Lots 15-16, 22 & 23; Unit 2 Lots 32 & 34	Lot layout design is restricted by tract boundaries. Proposal not detrimental to character of development.	City staff has reviewed and does not object (Condition No. 1.3) / APPROVE.
4) Street Knuckle Standard ST-21	Maintain minimum radius. Private local streets with no parking.	Staff has reviewed and it is compliant with the minimum turn radius and there will be no parking allowed in the interior radii of the knuckle (Condition No. 1.4) / APPROVE.

5) Curb Ramp Standard ST-10	Previously allowed in Tracts 7299, 7300, 7302, and 7354 in the WMSP, Village 'A'.	City staff has reviewed and does not object (Condition No. 1.5) / APPROVE.
6) Cul-de-sac Standard ST-20	Prior to submittal, discussed with Public Works Department and found to acceptable.	City staff has reviewed and does not object (Condition No. 1.6) / APPROVE.
7) Oil Well Drill Site - Unit 2, Lot H	Well size meets the required size, the lot configuration complies with the terms and agreements made between Castle & Cooke and Crimson Oil.	City staff has reviewed and does not object (Condition No. 39) / APPROVE.

Double-Frontage Lots. The subdivision includes double frontage lots located along Pemberley Passage Avenue, a local street. Bakersfield Municipal Code (BMC) Section 16.28.170.H allows the Planning Commission flexibility in determining the appropriateness of double frontage lots with considerations to design options and street functions. The proposed double frontage lots shown on the tentative map (Figure 4) are reasonable due to such controlling factors as traffic, safety, appearance, and setback.

Staff is of the opinion the proposed double frontage lots depicted on the tentative map are consistent with the municipal code, and a finding is provided in attached resolution to facilitate approval. If approved, staff recommends Condition No. 38 requiring waiver of direct access onto Pemberley Passage Avenue and the installation of block walls and landscaping.

Circulation. Access to the gated, private street subdivision will be provided from two access points via the adjacent previously approved tract to the south (VTM 7354) and one proposed private local street, Ransford Street. The latter is located along the south boundary for connectivity to future adjacent development (Figure 4). All private streets and private landscaping will be maintained by the HOA. If approved, staff recommends Condition No. 44 to require that with each Unit recorded, CC&Rs be recorded to provide for the operations and maintenance.

The closest access to Golden Empire Transit (GET) bus lines are at Ming Avenue and Haggin Oaks, approximately three miles to the east. The City's Bikeway Master Plan and the WMSP identify Ming Avenue as a Class 2 facility (bike lanes). If bike lanes do not exist at the time the property is developed, lane striping will be required with the construction of street improvements. The Traffic Engineer will evaluate if bike lane striping should be installed along project street frontages or delayed if their installation will compromise public safety (e.g. short lengths of unconnected bike lanes that would confuse drivers and cyclists increasing the likelihood of accidents). Striping would then occur at the time the City added bike lanes along the streets with connections to the existing bikeway network.

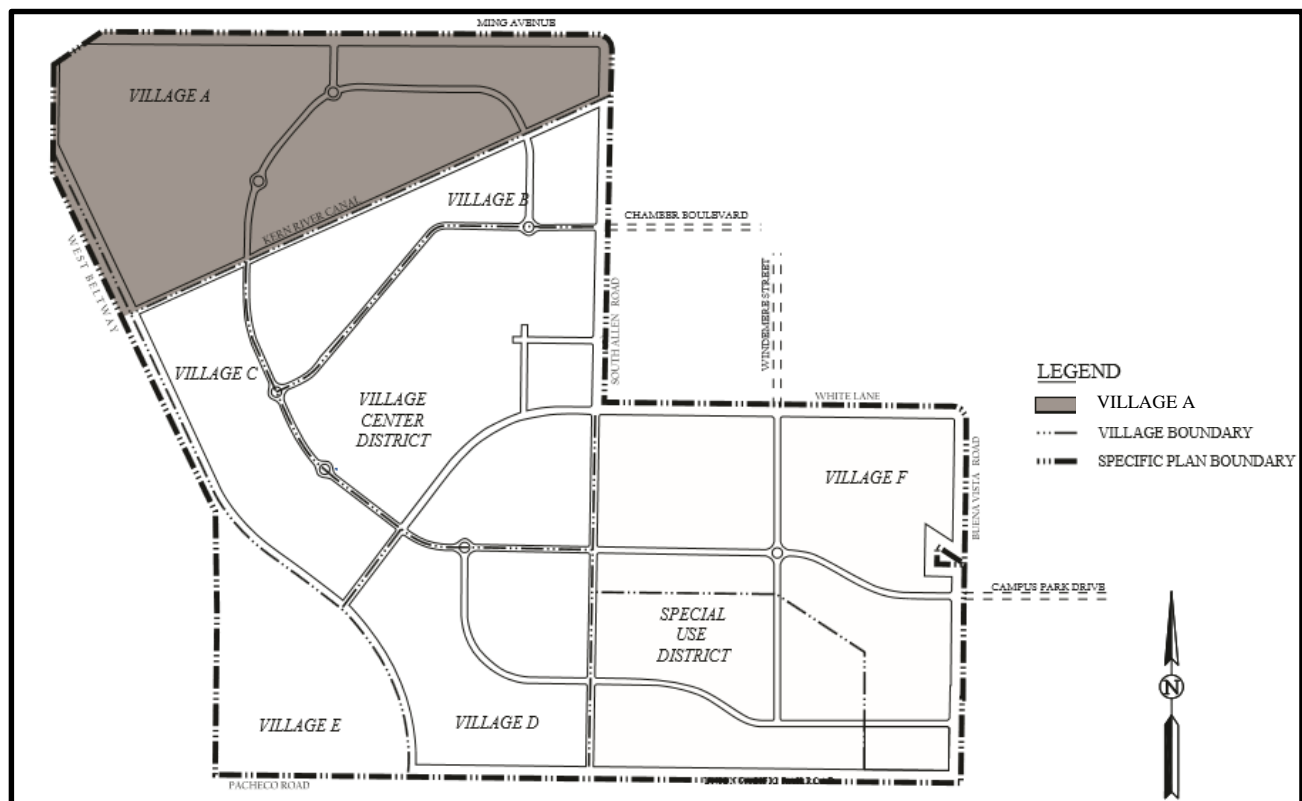
Mineral Rights. The applicant is requesting the Planning Commission approve a waiver of mineral rights signatures on the final map pursuant to BMC 16.20.060.A.1. The preliminary title report indicates that by recorded document, the mineral rights owners have waived their right to surface entry for the residential subdivision except for the oil well site shown in Unit 2, Lot 'H'. Staff recommends that the Planning Commission approve waiver of these signatures on the final map.

In order to meet the agreement between Castle & Cooke and Crimson Oil, the subdivider intends to utilize the 2.5-acre oil well site located in Unit 2, Lot H and is in compliance with BMC 16.20.060.A.3. The well site is accessed via a 20-foot area from Ming Avenue across the linear park. The lot configuration is based on best practice design and complies with the terms and agreements made with Castle & Cooke and Crimson Oil. The applicant notes there is an active well within Unit 2, Lot H. Additionally, the California Geologic Energy Management Division (CalGEM) submitted a letter stating there are two abandoned wells ("Kern Bellevue-1", API: 029-66621 and "Kern Bellevue-2", API: 029-67018) also located within the project that have been leaked-tested and results indicate there was no gas or fluid detected. However, if an unknown well is uncovered, the subdivider must consult with the Division regarding proper abandonment of the well and in accordance with the Bakersfield Municipal Code (Condition No. 40).

Park Land In-Lieu Fees/Dedication. The WMSP includes six separate residential developments identified as "Villages A through F", a Village Center District, and a Special Use District. The WMSP provides for various parks to be located within the Villages and Village Center District. Village 'A' consists of approximately 450 acres, generally located between Ming Avenue, West Beltway, and Kern River Canal (Figure 5).

VTM 7355 includes a private use 0.43-acre park (Unit 1, Lot D). This park will be maintained by the HOA. The Map also includes a portion of a public-use linear park with a central meandering trail spanning a length of approximately 2 miles at completion. The portion of the linear park within VTM 7355 is located along the outside perimeter and consists of 4 public park lots totaling approximately 7.21 acres (Unit 1, Lot E - 3.10 acres; Unit 2, Lot G - 1.12 acres; Unit 3, Lot D - 2.21 acres; Unit 4, Lot G - 0.78 acres). These parks will also be maintained by the HOA. Staff notes the linear park is subject to the mitigated measures of GPA/ZC 18-0452 (Conditions Nos. 90 through 94).

Figure 5. Village A



ENVIRONMENTAL REVIEW AND DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA), an initial study was prepared for the original project (GPA/ZC #03-1544) of the subject property and an Environmental Impact Report was certified on August 15, 2007. In accordance with CEQA Section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken and no new environmental impacts have been identified. Mitigation measures from the related projects have been included in the attached conditions of approval (Condition Nos. 47 through 89). Additionally, Condition No. 35 requires the mitigation monitor to annually verify that the WMSP implementation measures are being satisfied.

PUBLIC NOTIFICATION:

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project with the associated proposed Mitigated Negative Declaration was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Planning Department. All property owners within 300 feet of the project site were notified about the hearing and the proposed subdivision at least 10 days prior to the public hearing in accordance with State law. The applicant has provided proof that signs giving public notice of the proposed tract map were posted on the property 20 to 60 days prior to the public hearing before the Planning Commission. With the exception of the CalGEM letter as discussed above, no additional written comments have been received.

CONCLUSIONS:

As noted above, the applicant has requested approval of Vesting Tentative Tract Map 7355 to subdivide 55.86 acres into 154 lots, ranging in size from 5,448 square feet to 15,452 square feet, 4 private street lots, 14 private landscape lots, 4 public park lots, 1 private park lot, and 1 oil well drill site lot in a WM/R1 (West Ming / One-Family Dwelling) zone. The purpose of this request is to facilitate future single-family residential development.

The applicant requested flexibility in lot sizes to allow the developer to quickly react to a changing market to accommodate buyer's request for specific floor plans/lot design and lot enhancements which are typically locked into by lot constraints based on standard lot dimensions. The applicant is also requesting approval of modifications from City standards for private streets; double frontage lots; reverse corner/key lots; changes to the Street Knuckle Standard ST-21, Curb Ramp Standard ST-10, and Cul-de-sac Standard ST-20; and an oil well drill site within the proposed subdivision.

Staff finds the proposed subdivision is reasonable, and the requests for modifications are based on sound engineering practices. Therefore, staff recommends approval of Vesting Tentative Parcel Map 7355 as requested with conditions and mitigation measures as shown in the attached Exhibit A of the Resolution.

ATTACHMENTS:

Resolution

- A-1. Conditions of Approval
- A-2. Location Map with Zoning
- A-3. Tentative Map

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
TO APPROVE VESTING TENTATIVE TRACT MAP 7355 (PHASED),
LOCATED SOUTHWEST CORNER OF MING AVENUE AND
HIGHGATE PARK BOULEVARD**

WHEREAS, McIntosh & Associates for Castle & Cooke California, Inc., filed an application with the City of Bakersfield Planning Department requesting a Vesting Tentative Tract Map 7355 (the "Project"), and a modification request to allow private streets; some double frontage lots and reverse corner/key lots; changes to the Street Knuckle Standard ST-21, Curb Ramp Standard ST-10, and Cul-de-sac Standard ST-20, and an oil well drill site within the proposed subdivision, consisting of 154 residential lots, 4 private street lots, 14 private landscape lots, 4 public park lots, one private park lot, and one oil well drill site lot on 55.86 acres for residential development, as shown on attached Exhibit "A-3", located at the southwest corner of Ming Avenue and Highgate Park Boulevard as shown on attached Exhibit "A-2; and

WHEREAS, the application was deemed complete on May 21, 2020; and

WHEREAS, the West Ming Specific Plan (GPA/ZC #03-1544) EIR, certified on August 15, 2007, and incorporated by reference for this Project, documents that this subdivision is a later project that will not have a significant effect; based upon an initial environmental assessment, staff has determined the Project will not significantly affect the environment and, pursuant to State CEQA Guidelines Section 15162, the EIR certified for this Project is adequate and no further environmental documentation is necessary; and

WHEREAS, the Secretary of the Planning Commission, did set, Thursday, July 16, 2020, at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider use of the certified EIR and the Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

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

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

WHEREAS, the facts presented in the staff report, environmental review, and special studies (if any), and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, ten days prior to the hearing.
2. Staff determined that the proposed activity is a project. An Environmental Impact Review was prepared for the original project (West Ming Specific Plan GPA/ZC #03-1544), of which the subject property was included, and the EIR was certified on August 15, 2007 by the City Council, and duly noticed for public review.
3. Said Environmental Impact Review for the Project is the appropriate environmental document to accompany approval of the Project. In accordance with State CEQA Guidelines Section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken, and no new environmental impacts have been identified. The Project will not significantly impact the physical environment because mitigation measures relating to West Ming Specific Plan (GPA/ZC #03-1544) EIR have been incorporated into the Project.
4. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
5. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan (Subdivision Map Act Section 66473.5), the Kern River Plan Element and the West Ming Specific Plan. The proposed density and intensity of development are consistent with the West Ming-Low Density Residential land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
6. Mineral right owners' signatures may be waived on the final map pursuant to Bakersfield Municipal Code Section 16.20.060 A. 1. The applicant has provided evidence with the Project application that it is appropriate to waive mineral right owners' signatures because in accordance with BMC Section 16.20.060 A.1., the party's right of surface entry has been or will be expressly waived by recorded document prior to recordation of any final map.
7. In accordance with BMC 16.28.170 H, Pemberley Passage Avenue function as private local street, as shown on the Project, therefore the abutting double frontage lots are reasonable due to controlling factors as traffic, safety, appearance, and setback, and are approved with construction of a 6-foot high masonry wall with landscaping separating the residential lot and the private local streets.

8. The request for modifications is consistent with sound engineering practices or subdivision design features, as conditioned.
9. The conditions of approval are necessary for orderly development and to provide for the public health, welfare, and safety.

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

1. That the above recitals, incorporated herein, are true and correct.
2. This map pertains to the Environmental Impact Report previously approved in conjunction with the West Ming Specific Plan GPA/ZC #03-1544.
3. Vesting Tentative Tract Map 7355 is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A-1".

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on July 16, 2020 on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

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

EXHIBIT "A-1"
VESTING TENTATIVE TRACT MAP 7355
CONDITIONS OF APPROVAL

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

PUBLIC WORKS

1. In a letter dated May 7, 2020, the applicant requested deviations from the following ordinance and policy requirements:
 - 1.1. BMC reference 16.28.070 – Request private streets. Recommendation: **APPROVE** private streets that are maintained by a Home Owner's Association.
 - 1.2. BMC reference 16.28.170.H – Request for Double Frontage Lots. Unit 1, Lots 8 and Recommendation: **APPROVE** as lots with rear yard adjacent to Pemberley Passage will be limited by a block wall. Actual frontage will be limited to the interior private street Coyle Circle.
 - 1.3. BMC reference 16.28.170.P – Request Reverse Corner/Key Lots. Unit 1, Lots 15, 16, 22, and 23. Unit 2, Lots 32 and 34. Recommendation: **APPROVE**. Proposed design is restricted by the existing project boundary and future road alignments.
 - 1.4. SDM reference Standard Street Knuckle ST-21 – Request deviations of minimum turn radius. Recommendation: **APPROVE**.
 - 1.5. SDM reference Standard Curb Ramp ST-10 – Request use of Case "F" Caltrans curb ramp, previously approved for other nearby private development. Recommendation: **APPROVE**.
 - 1.6. SDM reference Standard Offset Cul-de-Sacs ST-20 – Request offset deviations at several Cul-de-Sac street locations. Recommendation: **APPROVE** as long as minimum curb radius of 42' is maintained.
2. Approval of this tentative map does not indicate approval of grading, drainage lines and appurtenant facilities shown, or any variations from ordinance, standard, and policy requirements which have neither been requested nor specifically approved.
3. Approval of private streets for this subdivision is based on the necessity that the streets within the subdivision shall provide unrestricted access for all residents, construction vehicles, service vehicles, emergency services and all other vehicles needing to use the road system to construct, support and maintain the private community of which this subdivision is all or a part of. No restrictive covenants or other restrictive mechanisms shall be recorded or otherwise enforced which would inhibit access to existing or future residences and connecting subdivisions within the entire private street community of which this subdivision is a part of.

NOTE: The intent of this condition is to allow for free flow of traffic over the entire private street system in and around the subdivision for public health, welfare and safety.

4. Prior to grading plan review submit the following for review and approval:
 - 4.1. A drainage study for the entire subdivision.
 - 4.2. A sewer study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions.

- 4.3. The subdivider's engineer shall provide updated sewer calculations verifying that the Buena Vista sewer trunk line has available capacity to serve this tract.
- 4.4. For a private tract, the sump must be private and shall be privately maintained.
- 4.5. If the tract is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal shall utilize both source control BMP's and structural treatment control BMP's.
5. The following conditions must be reflected in the design of the improvement plans:
 - 5.1. Final plan check fees shall be submitted with the first plan check submission.
 - 5.2. Per Resolution 035-13 the area within the Tract shall implement and comply with the "complete streets" policy. Complete streets will require pedestrian and bicycle access to the Tract from existing sidewalks and bike lanes. If there is a gap less than ¼ mile then construction of asphalt sidewalks and bike lanes to the tract will be required.
 - 5.3. The subdivider shall install street lights on the interior, private streets.
 - 5.4. The subdivider shall install the blue reflective markers near fire hydrants as per the City Fire Department requirements.
6. The subdivider shall:
 - 6.1. Install traffic signal interconnect conduit and pull rope for the frontage in all arterials and collectors. Install conduit and pull ropes in future traffic signal locations.
 - 6.2. In addition to other paving requirements, on and off-site road improvements may be required from any collector or arterial street to provide left turn channelization into each street (or access point) within the subdivision (or development), where warranted and as directed by the City Engineer. Said channelization shall be developed to provide necessary transitions and deceleration lanes to meet the current CalTrans standards for the design speed of the roadway in question.
 - 6.3. Off-site pavement and striping construction will be required to transition from the proposed/ultimate on-site improvements to the existing conditions at the time construction commences. Transitions must be designed in accordance with City Standards and/or the Caltrans Highway Design Manual. If existing conditions change during the period of time between street improvement plan approval and construction commencement, the street improvement plans must be revised and approved by the City Engineer.
 - 6.4. The subdivider shall either construct the equivalent full width landscaped median island in Ming Avenue for the site's frontage or pay his proportionate share of the cost for the future construction of the median. Median islands shall be designed by the first tract to be approved on a side. The medians may be constructed by the first tract on a side, or the median island fees shall be paid. Median costs shall incorporate prevailing wage rates in the engineer's estimate. The median estimate shall include line items for curb, stamped concrete, landscaping, irrigation piping, controllers, etc. The estimate shall be reviewed and approved by Public Works. In lieu of an estimate, \$100 per lineal foot of the length of the

median along the project frontage may be used as a fee. If the median island is not constructed, the second tract across the street shall construct and landscape the median island. Construction or payment shall be for the full width of the land being subdivided. The total cost may be apportioned between the phases and paid prior to recordation of each phase if he elects to pay his share of the costs for the future construction. Left turn median restrictors shall be constructed by the first tract in. The City Engineer may approve a reimbursement of the actual cost of median improvements constructed based on actual invoices submitted.

7. The subdivider shall:
 - 7.1. The phasing map as submitted may be unbalanced with respect to the required improvements along the tract frontages. Therefore, in order to promote orderly development, each phase shall be responsible for an equal dollar amount of frontage improvement. Prior to recordation of each final map for any phase that does not construct its share of the improvements, the difference between the cost of the frontage improvements constructed and the phase share shall be placed into an escrow account. The money deposited in this account would be for the use of the developer of any future phase responsible for more than its share of improvements. The final per lot share will be based upon an approved engineer's estimate. In lieu of the use of an escrow account, the developer may choose to construct with each phase its proportionate share of the frontage improvements, with approval of the City Engineer.
 - 7.2. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Unit 1 first, then Unit 2, then Unit 3, etc. If recordation does not occur in that normal progression, then, prior to recordation of each final map, the City Engineer shall determine the extent of improvements to be done with that particular Unit.
 - 7.2.1. The following shall occur with Unit 1:
 - 7.2.1.1. Design the ultimate half-width improvements for Ming Avenue from Unit 1/2 Boundary to the east Tract Boundary. Construct southern curb and gutter along Ming Avenue from Unit 1/2 Boundary to the east Tract Boundary. Construct remaining half-width improvements for Ming Avenue or pay cash deposit per note below depending upon future construction of the West Beltway Interchange.
 - 7.2.2. The following shall occur with Unit 2:
 - 7.2.2.1. Design the ultimate half-width improvements for Ming Avenue from Unit 2/3 Boundary to the Unit 1/2 Boundary. Construct southern curb and gutter along Ming Avenue from Unit 2/3 Boundary to the Unit 1/2 Boundary. Construct remaining half-width improvements for Ming Avenue between said boundaries, or pay cash deposit per note below depending upon future construction of the West Beltway Interchange.
 - 7.2.3. The following shall occur with Unit 3:
 - 7.2.3.1. Design the ultimate half-width improvements for Ming Avenue from the west Tract Boundary to the Unit 2/3 Boundary. Construct half-width improvements for Ming Avenue between said boundaries, or pay cash deposit per note below depending upon future construction of the West Beltway Interchange.

PLEASE NOTE: Ming Avenue construction is dependent upon the construction of the West Beltway Interchange. Prior to the recordation of any Final Map of this tentative map, the developer shall deposit funds in an account at the City in the amount of the construction cost of Ming Avenue along the project's frontage. The estimated amount shall be divided up into amounts equal to the proportional amount of the acreage of each Unit. This estimate shall be approved by the City Engineer. The estimate may include a value of the RTIF facility for Ming Avenue (B161) normally attributed to the construction of the required half street improvements. Such RTIF value shall be approved by the City Engineer.

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

- 7.3. The subdivider is responsible for verifying that existing streets within the boundary of the tract are constructed to city standards and he will reconstruct streets within the boundary if not to standard.
 - 7.4. Where streets do not have curb and gutter, construct a minimum section of 36 feet wide consisting of 2-12' lanes, 2-4' paved shoulders and 2 additional feet per side of either AC or other dust proof surface.
 - 7.5. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 24, 1997, and update letter dated October 20, 2000.
 - 7.6. In order to preserve the permeability of the sump and to prevent the introduction of sediments from construction or from storm events, Best Management Practices for complying with the requirements of the Clean Water Act are required.
 - 7.7. All lots with sumps and water well facilities will have wall and/or slatted chain link fence and landscaping to the appropriate street standards, at the building setback with landscaping as approved by the Public Works and Parks Directors.
8. The following must be reflected in the final map design:
- 8.1. A waiver of direct access shall be required for all lots abutting any arterials and collectors, except for an easement for oil well site access shown in Unit 3 of this map. When the access is no longer needed and the easement is quitclaimed, the direct access to the arterial shall be restricted.
9. Prior to recording the first final map:
- 9.1. The City Council must have taken final action for inclusion of this tract within the Consolidated Maintenance District.
 - 9.2. Prior to recordation of the first final map, submit a street lighting plan for the interior streets.
 - 9.3. If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.

- 9.4. Submit for the City's Review and approval C.C. & R.'s and Property Owner's Association By-Laws for the use and maintenance of all non-dedicated, shared facilities. Among those non-dedicated, shared facilities will be the on-site sewer main lines and laterals and storm water retention basin(s) and associated storm drain lines and appurtenant facilities.
10. Prior to recording each final map:
 - 10.1. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map which will prohibit occupancy of any lot until all improvements have been completed by the subdivider and accepted by the City.
 - 10.2. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. Said covenant shall also contain information pertaining to the maximum anticipated annual cost per single family dwelling for the maintenance of landscaping associated with this tract. Said covenant shall be provided to each new property owner through escrow proceedings. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents, including a Proposition 218 Ballot and Covenant, which shall be signed and notarized.
11. Prior to acceptance of the public improvements by the City,
 - 11.1. The subdivider's engineer shall:
 - 11.1.1. Provide certification to the City Engineer that, except as otherwise provided, the private improvements have been constructed to City standards, ordinances, and policies, all in accordance with approved plans.
 - 11.1.2. Submit to the City Engineer copies of the sewer video cassette, forms, and his inspection log.
 - 11.2. Written verification shall be obtained from the Fire Department that all gates, locks, and keys have been installed or provided to their satisfaction.
 - 11.3. The on-site sewer system shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. The television camera shall have the capability of rotating 360°, in order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the subdivider's engineer, who will also initial and date the "Chain of Custody" form. Any pipe locations revealed to be not in compliance with the plans and specifications shall be corrected. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the subdivider's engineer prior to acceptance. After the subdivider's acceptance of the system, the video cassette, forms, and logs shall be submitted to the City Engineer.
12. Prior to Notice of Completion:
 - 12.1. The storm drain system, including the sump, shall be inspected and any debris removed.

13. The project is subject to applicable conditions of the West Ming Specific Plan Village "A".
14. The project is subject to the applicable conditions of the following:
 - 14.1. GPA/ZC 03-1544 (Council Reso. 162-07)
 - 14.2. GPA 13-0360 (Council Reso. 27-14)
 - 14.3. GPA 18-0452 (PC Reso. 40-29)
15. The project is subject to the current fee at the time of payment for the following Major Bridge and Thoroughfare District Areas, either through lump sum payment or collection at time of individual building permit:
 - WEST MING BELTWAY (RESO. 014-14)
 - WEST MING KERN RIVER CANAL (RESO.123-16)
16. The project is subject to the Allen I Planned Sewer Area fees at time of individual building permit.
17. Units of this development are subject to the approved Linear Park Agreement No. 19-167, dated September 11, 2019, and any modifications thereto.
18. Prior to issuance of building permits, the project applicant shall participate in the RTIF program by paying the adopted fees in place for the land use type at time of development.
19. Install W31 (CA) sign and OM4-3 markers at the end of each phase if the adjacent phase is not constructed simultaneously. Remove and salvage sign with construction of adjacent street.
20. Street name signs (SNS):
 - a) Metro size SNS shall be installed at the intersection of local streets with arterial and collector streets
 - b) Standard SNS shall be installed at all other locations.
21. R1-1 signs shall be installed at points of access from local streets onto arterial and collector streets.
22. All access roads shall have an unobstructed width of not less than 20 feet to accommodate fire apparatus.

WATER RESOURCES

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

adverse impact on the groundwater levels or diminish the quality of water underlying the subdivision.

24. Prior to recordation, subdivider shall satisfy the following:
 - 24.1 Execute and record a Domestic Water Service Agreement with the Water Department.
 - 24.2 Pay all applicable fees to the Water Department.
 - 24.3 Submit a Will Serve Letter from the Water Department to the Development Services Department.
 - 24.4 Submit water system plans to the Water Department for review and approval. Water system plans shall be prepared in accordance with the Water Department Standards and Specifications and per the Water Department's engineering recommendations.

FIRE SAFETY DIVISION

25. Pipeline Easements.
 - 25.1 Concurrently with recordation of any phase that includes the pipeline easements or portions thereof, subdivider shall show the easements on the final map with a notation that structures including accessory buildings and swimming pools, are prohibited within the easements and record a corresponding covenant.
 - 25.2 Prior to or concurrently with recordation of any phase that includes the pipeline easements or portions thereof, subdivider shall show on the final map that no habitable portion of a structure may be built within 50 feet of a gas main, or transmission line, or refined liquid product line with 36 inches of cover, and record a corresponding covenant.
 - 25.3 No structure may be within 40 feet of a hazardous liquids pipeline bearing refined product, within 48 inches or more of cover. If a pipeline meets this criteria, the 40-foot setback line shall be shown in the final map and a corresponding covenant shall be recorded prior to or concurrently with recordation of any phase that is affected.
 - 25.4 No habitable portion of a structure may be built within thirty (30) feet of a crude oil pipeline operating at twenty percent (20%) or greater of its design strength.
 - 25.5 Prior to or concurrently with recordation of any phase within 250 feet of the pipeline easements, subdivider shall record a covenant disclosing the location of the pipelines on all lots of this subdivision within 250 feet of the pipelines.

Public health, safety and welfare.

RECREATION AND PARKS

26. Prior to recordation of the first final map within the project site, subdivider shall have entered into a Park Development Agreement with the City of Bakersfield concerning development, park land, trail plans and specifications, and improvement requirements pursuant to the West Ming Specific Plan for Village A.

27. Prior to recordation of each final map, the subdivider shall construct a 6-foot masonry wall along the park boundary adjacent to residential lots as shown on the tentative tract. Wall to be measured from the highest adjacent grade.
28. Subdivider shall be responsible for improving streets adjacent to the park site to City standards and the West Ming Specific Plan.
29. A portion of the linear park located south of Ming Avenue, along the west side of Highgate Park Boulevard is a private park and shall be accessible to the public and maintained by the HOA to City standards and the West Ming Specific Plan. Prior to recordation of a final map, a covenant may be required to ensure public access to the private park.
30. The public and private park areas shall maintain separate utilities for each of their respective landscape construction improvements.

Note: Please see page 35 of this Exhibit related to Specific Plan Amendment 18-452 regarding the linear park. Subdivider is required to comply with Chapter 15.80 (Park Land Ordinance) by providing the linear park.

CITY ATTORNEY

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

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

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

PLANNING

32. This subdivision shall comply with all provisions of the Bakersfield Municipal Code, and applicable resolutions, policies and standards as stated in the West Ming Specific Plan Development Agreement 07-0310.

Orderly Development.

33. Each final map shall include a statement similar to the following and as approved by the Planning Director:

"The subdivision is subject to the adopted West Ming Specific Plan and Development Agreement No. 07-310."

34. The subdivision shall be recorded in no more than 5 phases. Phases shall be identified numerically and not alphabetically.

Orderly development.

35. The subdivider's mitigation monitor (as approved by the Planning Director) shall submit the annual progress report in January of each year with detail information and evidence of compliance with all applicable Mitigation Measures for the West Ming Specific Plan for Village A. The report shall provide information for the previous calendar year.

For orderly development in accordance with the West Ming Specific Plan EIR.

36. Prior to recordation of any final map, the subdivider may submit an application for a Substantial Conformance Review, with applicable fees, subject to review and approval by the Planning Director. All requests shall be subject to the parameters listed below for considering whether the proposed final map is in substantial compliance with previously approved tentative map, in accordance with Section 66474.1 of the Subdivision Map Act:

36.1 The changes are necessary to satisfy conditions of approval of the tentative map;
or,

36.2 The changes reflect new or updated survey data in preparation of the final map that affects the design of the tract; or,

36.3 The changes reflect modifications to lot width, depth and square footage (area) only, with no changes to street patterns, geometry, or alignments. Any proposed lot size changes shall adhere to the following overall criteria, as approved by the Planning Commission;

- A. **Minimum and maximum lot sizes** (lot area). All lots shall adhere to the range noted in Table 1; however, lots fronting a cul-de-sac street may exceed the maximum square footage if the Planning Director determines the lot design is consistent with good planning practice.

Table 1. Proposed Lot Size Variation Options			
Minimum Width	Maximum Width	Minimum Depth	Maximum Depth
50 feet	80 feet	110 feet	176 feet

- B. **Total Lots.** Total number of recorded residential lots shall not exceed 154.
- C. **Minimum Square Footage of residential lot:** 5,360 sqft
- D. **Application Contents and Criteria.** All Substantial Conformance requests shall be subject to the following criteria:
1. All requests submitted prior to or concurrently with street improvement plan check to allow for reasonable inter-Department review and processing timelines. Improvement plans must be consistent with the substantial conformance maps approved by the Planning Director.
 2. All Maps shall include an inventory of the number of lots per phase of the unrecorded portions of the map reflecting the proposed change shall be shown on the proposed substantial conformance map.
 3. The maximum number of all substantial conformance requests shall be limited to the total number of phases permitted for this map.
 4. Changes in the number of phases for recordation of final maps as conditioned, or changes to phase lines require approval through a substantial conformance request, and may be combined with a substantial conformance request regarding lot size modification. The substantial conformance requests related to phasing/phase lines are included in the number of substantial conformance requests limit stated above, and may require separate approval of phase plans as determined by the Public Works Department.
 5. All substantial conformance requests may be subject to additional conditions of approval in order to address public health, safety, and welfare.

For orderly development and based on a finding to provide for the public health, safety and welfare.

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

Required for orderly development and provide for the public health, welfare and safety by ensuring water service to the subdivision at the time of final map recordation because the water purveyor has included an expiration date in the initial "will serve" letter.

38. Prior to recordation of each final map on the phase depicting residential lots abutting Pemberley Passage Avenue, the subdivider shall construct a six-foot high masonry wall, as measured from highest adjacent grade, along the rear property line.

BMC Section 16.28.170 K allows Planning Commission to require wall based on a finding that it is necessary for orderly development.

39. Mineral Rights: Prior to recordation of the first final map, the following shall apply:
- a. Subdivider shall submit written evidence that waiver(s) of surface entry has been obtained from 100% of the mineral right interest(s) for the entire area of this tract. Written evidence shall be submitted to the Planning Director in the form of a recorded document such as a grant deed or other instrument approved by the City Attorney. The proposed lots shown underlying the drill site shall be allowed to record subject all other conditions of approval of the tentative map.
 - b. Prior to or concurrently with the first final map, subdivider shall:
 - i. Record a covenant encumbering the drill site as such;
 - ii. Record a covenant of all lots of this subdivision within 500 feet of the drill site disclosing the drill site location and possible activities;
 - iii. Construct a six-foot high masonry wall with gate access around the drill site and both sides of access as shown on the tentative tract. However, upon approval by the Planning Director, wall construction may be defer until adjacent residential lots are recorded. Wall height shall be measured to the highest adjacent grade.
 - iv. Have covenants reviewed approved by the City Attorney and Planning Director prior to recording.

Required to verify compliance with BMC Section 16.20.060 A. and orderly development.

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

Police power based on public health, welfare and safety.

41. Prior to or concurrently with recordation of any phase within 500 feet of the drill site, subdivider shall record a covenant disclosing the location of the drill site on all lots of this subdivision within 500 feet of them.

Police power based on public health, welfare and safety.

42. Prior to recordation of each final map, the subdivider shall provide written confirmation to the Planning Director that the abandoned well plug been leak tested by an independent, third party, qualified leak testing company and that it shows no sign of leakage. If there is evidence of leakage, re-abandonment of the well may be required to the satisfaction of Department of Conservation's Division of Geologic Energy Management (CalGEM) (formally Division of Oil, Gas, and Geothermal Resources (DOGGR)), confirmation of which the subdivider shall provide to the Planning Director.

Police power based on public health, welfare and safety.

43. Prior to or concurrently with recordation of any final map containing abandoned oil well, subdivider shall provide a covenant disclosing the location of abandoned oil wells and the 10-foot non-buildable radii shall be recorded. The covenant shall be submitted to the City Attorney and Planning Director for review and approval prior to recordation of the final map.

Police power based on public health, welfare and safety.

44. Prior to recordation or concurrently with recordation of each final map, subdivider shall create a Homeowners Association (HOA) and CC&Rs for the subdivision, as approved by the City Attorney and Planning Director to maintain the common areas including the private street and private landscaping. Prior to recordation, subdivider shall submit HOA and CC&Rs to the City for review and approval.

Orderly development.

45. 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 Agency and the California Fish and Game Department.

For orderly development.

46. Prior to recordation of any final map, the developer shall record a covenant on all lots providing notice that the lot is located close to a nearby groundwater banking facility and the Pioneer Property; and that they may be subject to inconveniences or discomfort arising from said use. Such discomfort or inconveniences may include, but not limited to:
- 46.1 Fluctuations in groundwater levels resulting in damage to stormwater disposal facilities, swimming pools and other (sub)surface structures;

- 46.2 Periods of constant noise, as facilities may be operated twenty-four hours per day for significant periods of time;
- 46.3 The use of vector controls;
- 46.4 Aesthetic impairments, including visible personnel, equipment, vehicle lights and any other activities associated with the facilities; and
- 46.5 The presences of blowing dust or smoke.

**Mitigation/Conditions of Approval
General Plan Amendment/Zone Change No. 03-1544**

MITIGATION MEASURES FROM ENVIRONMENTAL IMPACT REPORT:

AGRICULTURAL RESOURCES

- 47. The applicant shall mitigate loss of 2,182 acres of agricultural lands (of the overall West Ming Specific Plan area), on a one-to-one basis, by selecting one or more of the items described below. The applicant shall submit written verification of the applicant's compliance with this mitigation measure to the Planning Director's satisfaction at the time of recordation of final tract maps and parcel maps for urban development or support facilities as contemplated in the West Ming Specific Plan. Compliance with this condition may be phased as the project is developed. The amount of agricultural land to be mitigated shall be equal to the amount of land being developed as each phase is developed.
 - Funding and/or purchase of agricultural conservation easements. Such easements shall be accepted or purchased and monitored and enforced by a land trust or another appropriate entity. Funds may be used for easement purchases, ongoing monitoring and enforcement, transaction costs, and reasonable administrative costs.
 - Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California. Funds may be used for purchases, ongoing monitoring and enforcement, transaction costs, and reasonable administrative costs.
 - Purchase of credits from an established agricultural farmland mitigation bank approved by applicable governmental authority.
- 48. During the life of the project, if the City of Bakersfield or other responsible agency adopts an agricultural land mitigation program that provides equal or more effective mitigation than measures listed above, the applicant may choose to participate in that alternate program to mitigate loss of agricultural land impacts. Prior to participation in the alternate program, the applicant shall obtain written approval from the City of Bakersfield agreeing to the participation, and the applicant shall submit written verification of compliance with the alternate program at the same time described above in the first paragraph.
- 49. Agricultural land used for mitigation shall be of at least equal agricultural classification as the land being converted or be capable of being developed as such; that is,

mitigation land shall be classified or developed as Prime Farmland, Farmland of Statewide Importance, etc., (as established by the California Department of Conservation in the Farmland Mapping and Monitoring Program), the mitigation acreage being at least equivalent in classification to the converted land, or being capable of producing the same or equivalent crops as the land being converted.

50. Completion of the selected mitigation measure, or with the Planning Director's approval, a combination of the selected mitigation measures, can be on qualifying agricultural land within the San Joaquin Valley (San Joaquin, Stanislaus, Merced, Fresno, Madera, Kings, Tulare, Kern), or outside the San Joaquin Valley with written evidence that the same or equivalent crops can be produced on the mitigation land."

(EIR Mitigation Measure 5.1.A.1)

AIR QUALITY

51. Prior to grading plan approval, the applicant shall demonstrate to the City of Bakersfield and the San Joaquin Valley Air Pollution Control District that all construction activities and operations will comply with local zoning codes, and District Regulation VIII (Rules 8011-8081) and implementation of all other control measures (BACMs) as stated in GAMAQI. (Mitigation Measure 5.2.B.1.)
52. Prior to the approval of building permits, the applicant shall comply with District Regulation II, specifically, the project will be subject to Best Available Control Technology (BACT) in accordance with the District's New Source Review (NSR) Rule. As a part of the District permitting process, any emissions exceeding the District's offsetting thresholds would have to be offset back to the thresholds on a stationary source by stationary source basis. Accordingly, these NSR Offsets will reduce ROG net emissions by 22.92 tons per year (from 90.97 tons per year to 68.05 tons per year) and reduce NO_x net emissions by 14.00 tons per year (from 33.20 tons per year to 19.20 tons per year). (Mitigation Measure 5.2.C.1.)
53. Prior to the approval of building permits, the applicant shall comply in all respects with developer's obligations under that certain Air Quality Mitigation Agreement approved by the San Joaquin Valley Air Pollution Control District, and entered into by and between the District and developer, a copy of which is contained within the appendices of the Air Quality Assessment in Appendix C of this Draft EIR. Developer's compliance with the Air Quality Mitigation Agreement will result in a reduction of ROG, NO_x, and PM₁₀ net emissions to zero or in quantities sufficient to fully mitigate the project's air quality impacts to the extent that the development of the project will result in no net increase in criteria pollutant emissions over the criteria pollutant emissions which would otherwise exist without the development of the project, all as verified by the San Joaquin Valley Air Pollution Control District. Accordingly, the Air Quality Mitigation Agreement will further reduce ROG net emissions by 68.05 tons per year (from 68.05 tons per year to 0 tons per year), will further reduce NO_x net emissions by 19.20 tons per year (from 19.20 tons per year to 0 tons per year), and will reduce PM₁₀ net emissions by 38.79 tons per year (from 38.79 tons per year to 0 tons per year). It should be restated that approximately 39.42 tons per year of ROG, 28.22 tons per year of NO_x,

and 43.28 tons per year of PM₁₀, from onsite agricultural emissions will be subtracted from the proposed project emissions since they will be phased out as the project is developed. (Mitigation Measure 5.2.C.2.)

BIOLOGICAL RESOURCES

54. Prior to grading plan approval, the project applicant shall pay a Habitat Mitigation Fee in accordance with Section 15.78.030 of the City of Bakersfield Municipal Code and MBHCP. (Mitigation Measure 5.3.A.1.)
55. Prior to grading plan approval, the project proponent shall comply with all appropriate terms and conditions of the MBHCP to the City regarding San Joaquin kit fox. The MBHCP requires certain take avoidance measures for the San Joaquin kit fox. MBHCP guidelines regarding tracking and excavation shall be followed to prevent entrapment of kit fox in dens. Specific measures during the construction phase of the project shall be implemented and include the following:
 - A pre-construction survey shall be conducted prior to site grading to search for active kit fox dens. The survey shall be conducted not more than 30 days prior to the onset of construction activities in areas subject to development to determine the necessity of den excavation.
 - Monitoring and excavation of each known San Joaquin kit fox den which cannot be avoided by construction activities.
 - Notification of wildlife agencies of relocation opportunity prior to ground disturbance in areas of known kit fox dens.
 - Excavations shall either be constructed with escape ramps or covered to prevent kit fox entrapment. All trenches or steep-walled excavations greater than three feet deep shall include escape ramps to allow wildlife to escape. Each excavation shall contain at least one ramp, with long trenches containing at least one ramp every 0.25 mile. Slope of ramps shall be no steeper than 1:1.
 - All pipes, culverts or similar structures with a diameter of four inches or greater shall be kept capped to prevent entry of kit fox. If they are not capped or otherwise covered, they will be inspected prior to burial or closure to ensure no kit foxes, or other protected species, become entrapped.
 - All employees, contractors, or other persons involved in the construction of the project shall attend a "tailgate" session informing them of the biological resource protection measures that will be implemented for the project. The orientation shall be conducted by a qualified biologist and shall include information regarding the life history of the protected species, reasons for special-status, a summary of applicable environmental law, and measures intended to reduce impacts. A report summarizing the date, time, and topics of the "tailgate" session, list of attendees and identification of qualified biologist conducting session shall be submitted to the Planning Director within 10 days of the "tailgate" session.
 - All food, garbage, and plastic shall be disposed of in closed containers and regularly removed from the site to minimize attracting kit fox or other animals. (Mitigation Measure 5.3.A.2.)

56. Since kit foxes are known to exist in the general area, it is recommended that all construction personnel involved in initial ground disturbance receive sensitive species instruction prior to initial ground phases of construction. Any evidence, such as dens, should be avoided and reported to the reviewing agencies for resolution. (Mitigation Measure 5.3.A.3.)
- 56.1. Prior to grading plan approval, the project applicant shall comply with the following raptor nest mitigation:
- If site grading is proposed during the avian nesting season (February to September), a focused survey for avian nests shall be conducted by a qualified biologist prior to grading activities in order to identify active nests in areas potentially impacted by project implementation.
 - If construction is proposed to take place during the nesting season (February to September), no construction activity shall take place within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist). Habitat containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (October to January).
 - Preconstruction surveys shall include a survey for burrowing owl. If active burrowing owl burrows are detected outside of breeding season (September 1 through January 31), passive and/or active relocation efforts may be undertaken if approved by CDFG and USFWS. If active burrowing owl burrows are detected during breeding season (February 1 through August 31), no disturbance to these burrows shall occur in accordance with the Migratory Bird Treaty Act. (Mitigation Measure 5.3.A.4.)

Although the following conditions of approval are not required to reduce potential environmental impacts that are currently known to be less than significant, they are included to ensure these conditions are implemented with the West Ming EIR/West Ming Specific Plan:

57. The applicant shall be required to survey for nesting raptors following the survey methodology developed by the Swainson's hawk Technical Advisory Committee (SWHATAC, 2000), prior to any disturbance on the project site that is within 5 miles of a potential nest tree (CDFG, 1994) to ensure that the findings in the EIR are still applicable and no new measures are required. However, if new information is found that detects an active nest of a Swainson's hawk within 5 miles of the project site and a potential significant impact could occur, additional CEQA documentation would be required as outlined in Section 15162 of the CEQA Guidelines. This additional environmental documentation may involve consultation with CDFG.
58. The applicant shall be required to conduct trapping prior to ground disturbance activities to confirm that the Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*) is not located on the project site. However, if new information is found that detects the Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*) on the project site, potential significant impact could occur and additional CEQA documentation would be

required as outlined in Section 15162 of the CEQA Guidelines. This additional environmental documentation may involve consultation with CDFG and United States Fish and Wildlife Service (USFWS).

59. The applicant shall be required to implement a no construction buffer zone of a minimum distance of 250 feet, unless a qualified biologist approved by CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival, and that in the event burrowing owls are detected within the area of ground disturbance, passive and/or active relocation efforts may be undertaken subject to approval by CDFG and USFWS.
60. The applicant shall consult with USFWS and CDFG, where applicable, prior to any ground disturbance activities. This consultation is to ensure that the findings in the EIR are still applicable and no new measures are required. However, if new information is found that identifies a potential significant impact, additional CEQA documentation would be required as outlined in Section 15162 of the State CEQA Guidelines. This additional CEQA documentation may involve obtaining a USFWS 10(a)1(b) Incidental Take Permit and/or a State Incidental Take Permit pursuant to Section 2181(b) of the Fish and Game Code.

CULTURAL RESOURCES

61. Prior to grading plan approval within the project site, a qualified archaeologist shall attempt to find evidence of the previously recorded sites.

If the qualified archaeologist finds evidence of the previous recorded sites, the resources shall be evaluated for significance and integrity using the criteria established in the CEQA Guidelines for unique cultural resources and/or 36 CFR 60.4 for eligibility for listing on the National Register of Historic Places. If the resources are found to be significant, specific measures shall be recommended. In addition, the grading plans shall state that archaeological monitoring by a qualified archaeologist and a Native American monitor shall take place during construction excavation activities at the locations of the 10 cultural sites and 26 isolates that were previously recorded on the site within the project site. The archaeologist shall prepare a summary report of the monitoring activities and findings. The report shall be submitted to the City of Bakersfield Planning Department and other appropriate agencies within 10 days of completion of monitoring.

If the qualified archaeologist does not find evidence of the previous recorded sites, the grading plans shall state that archaeological monitoring by a qualified archaeologist and a Native American monitor shall take place during construction excavation activities at the locations of the 10 cultural sites and 26 isolates that were previously recorded on the site within the project site. The archaeologist shall prepare a summary report of the monitoring activities and findings. The report shall be submitted to the City of Bakersfield Planning Department and other appropriate agencies within 10 days of completion of monitoring.

Following are the specific measures.

- The archaeological monitor shall attend a pre-grade meeting to explain the role of the monitor during grading activities.
- If cultural resources are detected within the project area, the cultural resources must be recorded using appropriate State record forms (DPR523 series) and following guidelines in the California Office of Historic Preservation's handbook "Instructions for Recording Historical Resources." The archaeologist will then submit two (2) copies of the completed DPR523 forms to the Southern San Joaquin Valley Information Center for the assignment of trinomials.
- If cultural resources are detected within the survey areas, they must be evaluated for significance and integrity using criteria established in the CEQA Guidelines for unique cultural resources and/or 36 CFR 60.4 for eligibility for listing on the National Register of Historic Places.
- If cultural resources are found within the project footprint, appropriate mitigation measures and recommended conditions of approval must be developed to eliminate adverse project effects on significant, important, and unique historical resources, following appropriate CEQA and/or National Historic Preservation Act Section 106 guidelines.
- A technical resources management report is required. The report must document the inventory, evaluation, conclusions and mitigation recommendations. Submit two copies of the completed report, with original illustrations, to the Southern San Joaquin Valley Information Center for permanent archiving. (Mitigation Measure 5.4.A.1.)

62. Prior to grading plan approval, the grading plans shall state that paleontological monitoring shall take place during construction excavation activities that result in excavations of six feet below ground surface or greater within the project site. Following are the specific measures. (Mitigation Measure 5.4.C.1.)
- Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.
 - Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.
 - Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository.
 - Submit a summary report to the City of Bakersfield. Transfer collected specimens with copy of report to the repository.
63. Prior to grading plan approval, the grading plans shall state that if human remains are encountered on the project site, the Kern County Coroner's Office shall be contacted within 24 hours of the find, and all work in the immediate vicinity shall be halted until a clearance is given by that office and any other involved agencies. (Mitigation Measure 5.4.D.1)

GEOLOGY AND SOILS

64. Prior to grading plan approval, an erosion control plan for construction activities that describe the best management practices (BMPs) that will be used to reduce the potential for soil erosion and loss of top soil. The erosion control plan shall be submitted to the City of Bakersfield Public Works Department for review and approval. The BMPs could include soil stabilizers and silt fencing as well as other measures. (Mitigation Measure 5.5.B.1.)

HAZARDOUS AND HAZARDOUS MATERIALS

65. Prior to site plan approval, applicant shall provide evidence that future active oil wells and associated equipment will meet the California Division of Oil, Gas and Geothermal Resources regulations and public health and safety regulations, or provide other assurances that residents and visitors will not be exposed to health hazards from the routine transport, use, or disposal of hazardous materials, prior to development of affected portions of the project. (Mitigation Measure 5.6.F.1)
66. Prior to grading plan approval where there is an existing drilling and/or production operations of exploration oil wells and including disposal wells, the project applicant shall have the locations surveyed, located, and marked by a licensed land surveyor or civil engineer authorized to practice land surveying. A map shall be furnished to the Office of Environmental Services showing how all existing petroleum related facilities will be protected and integrated into the proposed development. The California Division of Oil, Gas and Geothermal Resources and the City of Bakersfield development standards shall be met. (Mitigation Measure 5.6.F.2.)
67. Prior to grading plan approval, all drilling and production activities shall be subject to all fire and safety regulations as required by the Bakersfield City Fire Department. The City Code 15.66.040 and 15.66.080 Well Site Development Standards Setback states that no petroleum well shall be drilled nor shall any storage tank and other production related structures be located within:
- 75 Feet of the right-of way of any dedicated public street, highway, railroad or private street, or adopted specific plan line of any street or highway;
 - No streets may be constructed within 75 feet of any oil well unless it has been properly abandoned;
 - 100 Feet of any building including dwellings, except buildings incidental to the operation of the well;
 - 1,000 feet of sensitive receptors which include residential area, schools, daycare centers, hospital, convalescent homes and other large immobile populations;
 - 300 Feet of any public assembly;
 - 25 Feet of a storage tank or boilers, fired heaters, open flame devices or other sources of ignition;
 - A solid masonry wall 8 feet high shall encompass the entire well site. Two gates, as nearly opposite as possible to each other shall be installed;

- Pipelines utilized for all petroleum related operations shall be buried a minimum of 3 feet below grade. (Mitigation Measure 5.6.F.3)

68. The Pipeline Development Policy of the City of Bakersfield Fire Department is as follows:

- No habitable portion of a structure may be built within 50 Feet of a gas main, or transmission line, or refined liquid product line with 36 inches of cover;
- No structure may be within 40 Feet of a hazardous liquids pipeline bearing refined product, with 48 inches or more of cover;
- No habitable portion of a structure may be built within 30 Feet of a crude oil pipeline operation at 20% of its design strength;
- Prior to or concurrently with filing of a final map, a covenant shall be recorded on all lots of this tract, or portion thereof, which are within 250 Feet of any gas transmission lines. Covenant shall acknowledge proximity of pipeline easement to said property and describe the name, type and dimension of the pipeline. Prior to recordation, the subdivider shall submit and obtain approval of covenant wording with the City Attorney, Office of Environmental Services and City Engineer. (Mitigation Measure 5.6.F.4)

Prior to recordation of a final map, any abandoned wells within the grading envelope shall have the surface area returned to its natural condition including but not limited to cleaning all oil, oil residues, drilling fluids, mud and other substances; leveling, grading or filling of sumps, ditches, and cellars including removal of all lining material to the satisfaction of the Department of Oil, Gas and Geothermal Resources. (Mitigation Measure 5.6.G.1.)

69. Prior to recordation of a final map, all stained soils observed within the grading envelope near the active water wells, idle water wells, and former water wells shall be tested. If the soils are found to be hazardous, the soils shall be disposed of in accordance with applicable federal, state and local regulations. The applicant shall provide the City with evidence that any hazardous soils found onsite have been disposed of in accordance with federal, state, and local laws. (Mitigation Measure 5.6.G.2)
70. Prior to recordation of a final map, a written verification shall be obtained from the Department of Oil, Gas and Geothermal Resources that abandoned wells within the grading envelope were properly abandoned pursuant to their regulations. The written verification shall be submitted to the City. (Mitigation Measure 5.6.G.3.)
71. Prior to recordation of final map, any lot or parcel within the grading envelope containing an abandoned well shall be encumbered with a deed restriction specifying the exact location of said well and prohibiting any construction within said 10 feet of an abandoned oil well. This is required by the City Municipal Code 15.66.080, Development encroachment in petroleum areas. (Mitigation Measure 5.6.G.4.)

72. Prior to recordation of a final map, information on the location of the pipelines and any information regarding safety concerns of these pipelines shall be provided to the Bakersfield City Fire Department. Prior to grading activities, Pacific Gas and Electric Company and/or any other company with pipelines running through the affected portions of the project site shall be notified of the construction activity within the corresponding easement. If any pipelines have any problems or if a pipeline is ruptured during development, the Bakersfield City Fire Department shall be notified. (Mitigation Measure 5.6.G.5.)
73. If during grading and construction, a pipeline accident occurs or potential unknown buried hazardous materials are found, and/or if unidentified materials are discovered in the testing of the soil, health and safety procedures shall be implemented. These procedures shall include, at a minimum, emergency medical, evacuation of the site and/or threatened area, and notification action. Notification shall include but not be limited to the following agencies: The City of Bakersfield, Department of Toxic Substance Control (DTSC), Bakersfield City and/or County Fire Department, and the Regional Water Quality Control Board (RWQCB). Evacuation and determination regarding the type of contamination encountered and best course of action would be determined by the ranking official and the required mediation measures shall be implemented. (Mitigation Measure 5.6.G.6.)
74. Prior to grading and building plan approvals, the grading and building plans shall state that all work will stop immediately if any unknown odorous or discolored soil or other possible hazardous materials arise during any part of the testing, grading, or construction on the project site. (Mitigation Measure 5.6.G.7.)
75. Prior to grading plan approval, the handling and storage of hazardous and acutely hazardous materials shall be restricted to less than threshold planning quantities within 1,000 feet of sensitive receptors which include residential areas, schools, daycare centers, hospital, convalescent homes and other large immobile populations. Sensitive receptors shall not be approved within zones of cancer risk identified by a health risk assessment of greater than 10 in 1,000,000. (Mitigation Measure 5.6.K.1.)
76. Prior to recordation of a final map, or as otherwise determined by the City of Bakersfield Building Director in writing, for onsite areas that are currently in 100-year flood hazard area, the project applicant is required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA). The LOMR shall identify that the area of the proposed development has been removed from the Zone A FEMA designation and submitted to the City of Bakersfield Building Department. Developer shall provide to the City all documentation regarding the LOMR.
77. If the City of Bakersfield Building Director defers compliance of determine the location of within Federal Emergency Management Agency (FEMA) Flood Zone this condition to a time after recordation of a final map, the subdivider shall depict the Zone A

FEMA designation boundaries on the final map, or concurrently with recordation of each final map, a covenant shall be recorded on all lots affected by Flood Zone A which discloses Flood Zone A, as designated by the Federal Emergency Management Agency (FEMA). The covenant shall be submitted to the Planning Director for review and approval by the Planning Director and City Attorney prior to recordation. If FEMA approves removal or change to this flood zone designation, the developer may request that the Planning Director approve the recordation of a covenant to reflect the designation change.

HYDROLOGY AND WATER QUALITY

78. Prior to grading plan approval, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) that conforms to the State Water Resources Control Board NPDES permit in which the City of Bakersfield is a co-permittee. The SWPPP shall specify Best Management Practices (BMPs) to prevent construction-related pollutants from reaching storm water and all products of erosion from moving off-site. The SWPPP shall require approval by the State Water Resources Control Board and verification of approval provided to the City of Bakersfield Planning Department. (Mitigation Measure 5.7.A.1.)

NOISE

79. Prior to site plan approval for commercial and industrial uses adjacent to residential uses, the project applicant shall conduct a noise study to determine the appropriate measures to reduce potential noise levels to meet the City's noise level performance standards. If commercial and industrial uses are proposed adjacent to residential uses, appropriate measures would include setbacks, sound barrier, or a combination of both. (Mitigation Measure 5.8.C.1)
80. Prior to City approval (conditional use permit, site plan, building permit, fire department permit, etc.) for the construction of an oil well adjacent to sensitive land uses, the project applicant shall conduct a noise study to determine the appropriate measures to reduce potential noise levels to meet the City's noise level performance standards. If sensitive land uses are proposed to adjacent existing oil wells, appropriate measures would include setbacks, sound barrier, or a combination of both. If oil wells are proposed adjacent to existing sensitive land uses, the engines associated with the oil wells could be converted to electric motors, sound barriers could be used, or setbacks could be established. (Mitigation Measure 5.8.C.2)
81. Prior to grading plan approval, the grading plans shall state that construction activities associated with development of the project site would be required to be in conformance with Section 9.22.050 of the City of Bakersfield Municipal Code which limits construction to the hours of 6 a.m. to 9 p.m. on weekdays, and between 8 a.m. and 9 p.m. on weekends, where construction occurs less than 1,000 feet from residences. (Mitigation Measure 5.8.E.1)

82. Prior to grading plan approval, the grading plans shall state that construction equipment shall be equipped with mufflers and maintained in accordance with the equipment's factory specifications. During construction activities, the construction equipment muffler and maintenance records shall be onsite. (Mitigation Measure 5.8.E.2)

TRANSPORTATION

83. Prior to the issuance of building permits, the project applicant shall participate in the Regional Transportation Impact Fee (RTIF) program as well as paying the proportional share for local mitigation improvements (those not covered by the RTIF). The intersection and roadway improvements that are required with the proposed project are as follows. The timing of these improvements is estimated below; however, all of these improvements shall be completed as the significance thresholds are reached. (Mitigation Measure 5.11.A.1)

Measures 5.11.A.11 and 6.3.11.A.1 (Regional Transportation Impact Fee – Regional Mitigation) Prior to the issuance of building permits, the project applicant shall a) participate in the current, full RTIF program as modified by the Construction Cost Index (CCI) or b) mitigate everything to Level of Service C through the payment of their calculated Regional Impact Fee AND pay a local transportation impact mitigation fee. For the calculated Regional Impact Fee, the applicant shall submit revised funding calculations for all improvements associated with the RTIF program pursuant to Table 10 from the project traffic study and the current policy of the Public Works Department for said calculations. Said calculations shall be updated based upon the adopted RTIF at time of further subdivision.

Measure 5.11.A.11 and 6.3.11.A.1 (Local Mitigation) For impacted intersections and segments subject to fair share improvements (refer to Tables 6 & 8 from the project traffic study), prior to subdivision updated estimates shall be submitted and approved. The local mitigation fee shall be based upon the proponent's share of the cost to upgrade the affected facilities to Level of Service C, and shall be adjusted annually by the CCI in the same manner as the Regional Transportation Impact Fee. The cost of the upgrade shall be the City's costs and shall include, but not be limited to, all costs of obtaining and clearing right-of-way, all utility relocations, and all construction. Construction shall include but not limited to: curb, gutter, sidewalk, pavement, signal modification, landscape and wall replacement, drive approaches, catch basin replacement, additional storm drain where necessary, streetlights, striping and signing. Unit costs used in the traffic study may be outdated due to recent rises in construction costs and shall be updated as appropriate. Applicant shall participate in the improvements required on a pro-rata fair share basis, prior to the issuance of building permits, based upon the approved estimates. It is the Public Works Department's decision as to which methodology adequately mitigates the cumulative traffic impacts associated with the project to a level of less than significant.

Year 2015

Intersection

- Allen Road and Westside Parkway Westbound Ramps - Construct one southbound through lane.
- Allen Road and Westside Parkway Eastbound Ramps - Install signal and construct two southbound left turn lanes.
- Ming Avenue and Project Entrance No. 1 - Provide all-way-stop.
- Ming Avenue and South Allen Road - Install signal.
- Ming Avenue and Ashe Road - Construct one southbound right turn lane.
- South Allen Road and Chamber Boulevard - Install signal.
- South Allen Road and Project Entrance No. 2 - Install signal.
- White Lane and Campus Park Drive - Install signal.
- White Lane and South Allen Road - Construct one eastbound left turn lane, one eastbound right turn lane, one westbound left turn lane, one southbound right turn lane, one eastbound through lane, two westbound through lanes, one southbound through lane, and provide overlapping phase for westbound and northbound right turn lane.
- White Lane and Windermere Street - Install signal.
- White Lane and Buena Vista Road - Construct two eastbound through lanes and one northbound left turn lane.
- South Allen Road and Campus Park Drive - Install signal.
- Buena Vista Road and Campus Park Drive - Construct one southbound through lane, one eastbound left turn lane, and one eastbound through lane.
- Panama Lane and Northbound Ramps West Beltway - Construct one eastbound through lane and one northbound left turn lane.
- Panama Lane and South Allen Road - Construct one westbound right turn lane and one southbound right turn lane.
- Panama Lane and Buena Vista Road - Construct one southbound left turn lane.
- Panama Lane and Ashe Road - Construct one northbound through lane.

Roadway Segment

- Stockdale Highway - Gosford Road to Ashe Road - Add two lanes.
- Allen Road - Stockdale Highway to Ming Avenue - Add two lanes.
- South Allen Road - Ming Avenue to Chamber Boulevard - Add two lanes.
- South Allen Road - Chamber Boulevard to White Lane - Add two lanes.
- South Allen Road - White Lane to Campus Park Drive - Add two lanes.
- South Allen Road - Campus Park Drive to Pacheco - Add two lanes.
- South Allen Road - Harris Road to Panama Lane - Add two lanes.
- Buena Vista Road - White Lane to Campus Park Drive - Add two lanes.
- Buena Vista Road - Campus Park Drive to South Project Entrance - Add two lanes.
- Buena Vista Road - South Project Entrance to Panama Lane - Add two lanes.

Year 2030

Intersection

- Calloway Drive and Westside Parkway Westbound Ramps - Construct one southbound right turn lane.
- Calloway Drive and Westside Parkway Eastbound Ramps - Construct one northbound right turn lane.
- Stockdale Highway and Buena Vista Road - Construct one eastbound right turn lane.
- Stockdale Highway and Old River - Provide overlapping phase for westbound right turn lane.
- Ming Avenue and Project Entrance No. 1 - Install signal and construct one eastbound right turn lane, one westbound left turn lane, one northbound right turn lane, and one eastbound through lane.
- Ming Avenue and South Allen Road - Construct one northbound left turn lane, one southbound left turn lane, one eastbound through lane, one westbound through lane, one northbound through lane, one southbound through lane, and provide overlapping phase for northbound right turn lane and eastbound right turn lane.
- Ming Avenue and Buena Vista Road - Construct one eastbound through lane.
- Ming Avenue and Gosford Road - Provide overlapping phase for eastbound right turn lane.
- South Allen Road and Chamber Boulevard - Construct one eastbound left turn lane, one westbound left turn lane, two northbound left turn lanes, one southbound left turn lane, one southbound right turn lane, one northbound through lane, and one southbound through lane.
- South Allen Road and Project Entrance No. 2 - Construct one northbound left turn lane, one northbound through lane, and one southbound through lane.
- White Lane and Campus Park Drive - Construct one eastbound right turn lane, one eastbound through lane, two westbound through lanes, and one southbound through lane.
- White Lane and South Allen Road - Construct one northbound left turn lane, one southbound left turn lane, one eastbound through lane, one southbound through lane, one northbound through lanes, and provide overlapping phase for southbound right turn lane.
- White Lane and Windermere Street - Construct one westbound left turn lane, one westbound right turn lane, one northbound left turn lane, one northbound right turn lane, one southbound right turn lane, one eastbound through lane, and one westbound through lane.
- White Lane and Buena Vista Road - Construct one westbound left turn lane, one northbound through lane, and one southbound through lane.
- White Lane and Gosford Road - Construct one westbound through lane.
- South Allen Road and Campus Park Drive - Construct two eastbound left turn lanes, one westbound left turn lane, one westbound right turn lane, one northbound left turn lane, one northbound right turn lane, one southbound left turn lane, one southbound right turn lane, and one northbound through lane.

- Buena Vista Road and Campus Park Drive - Construct one westbound right turn lane, one northbound left turn lane, and one southbound right turn lane.
- South Allen Road and South Allen Entrance - Install signal.
- Old River Road and Harris Road - Construct one eastbound left turn lane and one westbound left turn lane.
- Buena Vista Road and South Project Entrance - Install signal.
- South Allen Road and Harris/Pensinger Road - Construct one northbound through lane.
- Gosford Road and Harris Road - Construct one northbound through lane.
- Panama Lane and Buena Vista Road - Construct one westbound left turn lane and one southbound through lane.

Roadway Segment

- Stockdale Highway - Buena Vista Road to Old River Road - Add two lanes.
- Ming Avenue - Ming Avenue Project Entrance to South Allen Road - Add two lanes.
- Ming Avenue - South Allen Road to Buena Vista Road - Add two lanes.
- Ming Avenue - Old River Road to Ashe Road - Add two lanes.
- Ming Avenue - New Stine Road to Old Stine Road - Add two lanes.
- White Lane - West Beltway to Allen Road - Add two lanes.
- Allen Road - Rosedale Highway to Brimhall Road - Provide for divided roadway.
- Allen Road - Brimhall Road to Westside Parkway Westbound Ramps - Add two lanes.
- Allen Road - Westside Parkway Westbound Ramps to Westside Parkway Eastbound Ramps - Add two lanes.
- Allen Road - Westside Parkway Eastbound Ramps to Stockdale Highway - Add two lanes.
- Allen Road - Stockdale Highway to Ming Avenue - Provide for divided roadway.
- South Allen Road - Ming Avenue to Chamber Boulevard - Provide for divided roadway.
- South Allen Road - Chamber Boulevard to White Lane - Add two lanes and provide for divided roadway.
- South Allen Road - White Lane to Campus Park Drive - Add two lanes.
- South Allen Road - Campus Park Drive to Pacheco - Add two lanes.
- Buena Vista Road - Ming Avenue to Chamber Boulevard - Add two lanes.
- Buena Vista Road - Chamber Boulevard to White Lane - Add two lanes.
- Buena Vista Road - White Lane to Campus Park Drive - Add two lanes and provide for divided roadway.
- Buena Vista Road - Campus Park Drive to South Project Entrance - Provide for divided roadway.
- Buena Vista Road - South Project Entrance to Panama Lane - Provide for divided roadway.
- Coffee Road - Rosedale Highway to Brimhall Road - Add two lanes.
- Gosford Road - Harris Road to Panama Lane - Add two lanes.

UTILITIES AND SERVICE SYSTEMS

84. Prior to the issuance of building permits for the onsite water facilities (i.e., water lines and water wells), the construction and operational impacts such as noise, traffic, and air emissions on adjacent land uses need to be adequately addressed in accordance with the CEQA Guidelines. Construction activities are required to occur at times specified in the Municipal Code as well as ensure that mufflers are on the construction equipment. Operational noise levels associated with the water wells are required to be in conformance with the City of Bakersfield Noise Performance Standards. Traffic management plans need to be implemented to ensure adequate safety during construction activities. Finally, construction air emissions are required to be reduced according to the San Joaquin Valley Air Pollution Control District Guidelines and long term emissions associated with the water well pump would require an air permit from the District. (Mitigation Measure 5.12.B.1)
85. Prior to the recordation of final maps, the project applicant shall demonstrate to the City of Bakersfield Public Works Department that the existing sewer trunk lines and the existing sewer lift station on White Lane are adequate to accommodate project flows. If the development of the individual tracts results in the exceedance of the capacities of the existing facilities, the existing facilities shall be expanded or new facilities shall be constructed to adequately serve the proposed tract. (Mitigation Measure 5.12.C.1)
86. Prior to the issuance of building permits, the project applicant shall pay sewer connection fees to the City of Bakersfield Public Works Department. The fees would be used to provide adequate sewer facilities to convey wastewater from the project site to Wastewater Treatment Plan No. 3 as well as contribute to the cost to increase the capacity of the treatment plant. (Mitigation Measure 5.12.C.2)
87. Prior to the issuance of building permits for the onsite and offsite sewer facilities, the construction and operational impacts such as noise, traffic, and air emissions on adjacent land uses need to be adequately addressed in accordance with the CEQA Guidelines. Construction activities are required to occur at times specified in the Municipal Code as well as ensure that mufflers are on the construction equipment. Operational noise levels associated with any sewer lift stations are required to be in conformance with the City of Bakersfield Noise Performance Standards. Traffic management plans need to be implemented to ensure adequate safety during construction activities. Finally, construction air emissions are required to be reduced according to the San Joaquin Valley Air Pollution Control District Guidelines and long term emissions associated with the lift station would require an air permit from the District. (Mitigation Measure 5.12.C.3)
88. Prior to the issuance of building permits for the onsite drainage facilities, the construction and operational impacts such as noise, traffic, and air emissions on adjacent land uses need to be adequately addressed in accordance with the CEQA Guidelines. Construction activities are required to occur at times specified in the Municipal Code as well as ensure that mufflers are on the construction equipment.

Operational noise levels associated with the drainage pumps are required to be in conformance with the City of Bakersfield Noise Performance Standards. Traffic management plans need to be implemented to ensure adequate safety during construction activities. Finally, construction air emissions are required to be reduced according to the San Joaquin Valley Air Pollution Control District Guidelines and long term emissions associated with the drainage pumps would require an air permit from the District. (Mitigation Measure 5.12.E.1)

CUMULATIVE IMPACTS

Transportation and Traffic

89. Prior to the issuance of building permits, the project applicant shall participate in the Regional Transportation Impact Fee (RTIF) program as well as paying the proportional share for local mitigation improvements (those not covered by the RTIF). The intersection and roadway improvements that are required with cumulative development (i.e., the cumulative growth of "background-related" traffic with the addition and contribution of project-generated traffic) in the years 2015 and 2030 are as follows (Note: All project-generated impacts and corresponding mitigation measures/improvements are included in both Section 5.11 and Section 6.3.11): (Mitigation Measure 6.3.11.A.1.)

Measures 5.11.A.11 and 6.3.11.A.1 (Regional Transportation Impact Fee – Regional Mitigation) Prior to the issuance of building permits, the project applicant shall participate in the RTIF program. The applicant shall submit revised funding calculations for all improvements associated with the RTIF program pursuant to Table 10 from the project traffic study and the current policy of the Public Works Department for said calculations. Said calculations shall be updated based upon the adopted RTIF at time of further subdivision.

Measure 5.11.A.11 and 6.3.11.A.1 (Local Mitigation) For impacted intersections and segments subject to fair share improvements (refer to Tables 6 & 8 from the project traffic study), prior to the issuance of building permits, updated estimates shall be submitted and approved. Unit costs used in the traffic study may be outdated due to recent rises in construction costs and shall be updated as appropriate. Applicant shall participate in the improvements required on a pro-rata, fair share basis, prior to the issuance of building permits, based upon the approved estimates.

Year 2015

Intersections

- Rosedale Hwy & Allen Road - Construct one northbound through lane.
- Rosedale Highway and Calloway Drive - Construct one northbound left turn lane, one northbound right turn lane, and one eastbound through lane.
- Rosedale Highway and Coffee Road - Construct one eastbound through lane and one westbound through lane.
- Brimhall Road and Allen Road - Construct one southbound through lane

- Allen Roadway and Westside Parkway Westbound Ramps - Install signal.
- Allen Road and Westside Parkway Eastbound Ramps - Install signal.
- Calloway Drive and Westside Parkway Westbound Ramps - Install signal.
- Calloway Drive and Westside Parkway Eastbound Ramps - Install signal.
- Coffee Road and Westside Parkway Westbound Ramps - Install signal.
- Coffee Road and Westside Parkway Eastbound Ramps - Install signal.
- Ming Avenue and South Allen Road - Provide all-way-stop.
- Ming Avenue and Gosford Road - Construct one westbound right turn lane and one northbound right turn lane - "Providing Full expansion per COB Std. Det. T-4."
- Ming Avenue and Ashe Road - Construct one eastbound right turn lane and one northbound right turn lane.
- Ming Avenue and New Stine Road - Construct one southbound right turn lane.
- Buena Vista Road and Chamber Blvd. - Install signal.
- White Lane and South Allen Road - Install signal.
- White Lane and Buena Vista Road - Construct one southbound left turn lane and one southbound through lane.
- White Lane and Ashe Road - Construct one eastbound left turn lane and one westbound left turn lane.
- White Lane and Wilson Road - Construct one southbound right turn lane.
- White Lane and Wible Road - Construct one westbound through lane.
- Buena Vista Road and Campus Park Drive - Install signal.
- South Allen Road and Harris/Pensinger Road - Install signal.
- Panama Lane and West Beltway Southbound Ramps - Install signal and construct one westbound left turn lane, two southbound right turn lanes, and one eastbound through lane.
- Panama Lane and West Beltway Northbound Ramps - Install signal and construct two eastbound left turn lanes, one westbound right turn lane, one northbound right turn lane, and one westbound through lane.
- Panama Lane and South Allen Road - Install signal and construct two eastbound left turn lanes, one westbound left turn lane, one northbound left turn lane, two southbound left turn lanes, one westbound through lane, and one eastbound through lane.
- Panama Lane and Windermere Street - Construct one eastbound through lane and one westbound through lane.
- Panama Lane and Buena Vista Road - Install signal and construct one eastbound left turn lane, one westbound left turn lane, one westbound right turn lane, one northbound left turn lane, one southbound left turn lane, and one eastbound through lane.
- Panama Lane and Mountain Vista Drive - Construct one eastbound through lane and one westbound through lane.
- Panama Lane and Gosford Road - Construct one northbound through lane and one southbound left turn lane.
- Panama Lane and Reliance Drive - Install signal.

- Panama Lane and Ashe Road - Install signal and construct one southbound left turn lane.
- Panama Lane and Wible Road - Construct one westbound through lane, one southbound through lane, and provide overlapping phase for northbound right turn lane.
- McCutchen Road and Buena Vista Road - Provide all-way-stop.

Roadway Segments

- Buena Vista Road - Panama Lane to McCutchen Road - Add two lanes.
- Calloway Drive - Brimhall Road to WB Westside Parkway - Add two lanes
- Calloway Drive - Westside Parkway Westbound Ramps to Westside Parkway Eastbound Ramps - Add two lanes
- Calloway Drive - Westside Parkway Eastbound Ramps to Stockdale Highway - Add two lanes
- Coffee Road - Brimhall Road to Westside Parkway Westbound Ramps - Add two lanes.
- Coffee Road - Westside Parkway Westbound Ramps to Westside Parkway Eastbound Ramps - Add two lanes.
- Gosford Road - Panama Lane to McCutchen Road - Add two lanes.
- Rosedale Highway - Calloway Drive to Coffee Road - Add two lanes.
- Stockdale Highway - Enos Road to Nord Avenue - Construct divided roadway.
- Stockdale Highway - Nord Avenue to Wegis Road - Add two lanes.
- Stockdale Highway - Wegis Road to Heath Road - Add two lanes
- Stockdale Highway - East of New Stine Road - Add two lanes.
- Ming Avenue - West Beltway to Ming Project Entrance - Construct two lane roadway
- Ming Avenue - Ming Project Entrance to South Allen Road - Construct two lane roadway
- Ming Avenue - South Allen Road to Buena Vista Road - Construct two lane roadway.
- Ming Avenue - Ashe Road to New Stine Road - Add two lanes.
- White Lane - West Beltway to South Allen Road - Construct two lane roadway.
- White Lane - South Allen Road to White Lane Project Entrance - Construct two lane roadway.
- White Lane - White Lane Entrance to Buena Vista Road - Construct two lane roadway.
- White Lane - Wible Road to SR 99 Southbound Ramps - Add two lanes.
- Panama Lane - Gosford Road to Ashe Road - Add two lanes, construct as divided roadway.
- Panama Lane - Stine Road to Wible Road - Add two lanes.
- Allen Road - Rosedale Highway to Brimhall Road - Add two lanes
- Allen Road - Brimhall Road to Westside Parkway Westbound Ramps - Add two lanes.
- Allen Road - Westside Parkway Westbound Ramps to Westside Parkway Eastbound Ramps - Add two lanes.

- Allen Road -Westside Parkway Eastbound Ramps to Stockdale Highway - Add two lanes.
- South Allen Road - Ming Avenue to Chamber Boulevard - Construct two lane roadway
- South Allen Road - Chamber Boulevard to White Lane - Construct two lane roadway
- South Allen Road - White Lane to Campus Park Drive - Construct two lane divided roadway
- South Allen Road - Campus Park Drive to Pacheco - Construct two lane divided roadway
- South Allen Road - Pacheco Road to Harris Road - Construct four lane roadway
- South Allen Road - Harris Road to Panama Lane - Construct two lane divided roadway
- South Allen Road - Panama Lane to McCutchen Road - Construct two lane roadway.

Year 2030

Intersections

- Buena Vista Road and Harris/Pensing Road - Install signal.
- Hageman Road and Calloway Drive - Construct one northbound through lane and one southbound through lane.
- Rosedale Highway and Calloway Drive - Construct one eastbound left turn lane and one westbound left turn lane.
- Rosedale Highway and Coffee Road - Construct one eastbound right turn lane, one westbound left turn lane, one northbound left turn lane, and provide overlapping phase for northbound right turn lane.
- Rosedale Highway & Allen Road - Construct one southbound left turn lane.
- Brimhall Road and Allen Road - Construct one southbound left turn lane.
- Brimhall Road and Jewetta Avenue - Construct one southbound through lane.
- Brimhall Road and Calloway Drive - Construct one southbound through lane.
- Brimhall Road and Coffee Road - Construct one northbound left turn lane.
- Allen Roadway and Westside Parkway Westbound Ramps - Construct one westbound left turn lane and one westbound right turn lane.
- Calloway Drive and Westside Parkway Westbound Ramps - Construct two northbound left turn lanes, one northbound through lane, and one southbound through lane.
- Calloway Drive and EB Westside Parkway - Channelize eastbound right turn lane; and construct one southbound left turn lane, one northbound through lane, and one southbound through lane.
- Coffee Road and Westside Parkway Eastbound Ramps - Construct one eastbound right turn lane, one southbound through lane, one northbound through lane, one northbound right turn lane, and southbound left turn lane.
- Coffee Road and Westside Parkway Westbound Ramps - Construct one northbound left turn lane, one southbound right turn lane, one westbound left turn lane, and one southbound through lane.
- Truxtun Avenue and Coffee Road - Construct one northbound through lane.

- Stockdale Highway and Allen Road - Construct one eastbound left turn lane and provide overlapping phase for westbound right turn lane.
- Stockdale Highway and Old River Road - Construct one westbound through lane "for Full expansion per COB Std. Det. T-4.
- Stockdale Highway and Gosford Road - Construct one westbound right turn lane and one northbound right turn lane.
- Stockdale Highway and New Stine Road - Construct one eastbound right turn lane, one eastbound left turn lane, one northbound right turn lane, and one southbound through lane.
- Ming Avenue and Buena Vista Road - Construct one westbound right turn lane, one northbound through lane, and one southbound through lane.
- Ming Avenue and Gosford Road - Construct one eastbound through lane, one westbound through lane, one northbound through lane, and one southbound through lane.
- Ming Avenue and Ashe Road - Construct one westbound right turn lane.
- Ming Avenue and New Stine Road - Construct one eastbound right turn lane and one westbound right turn lane.
- Ming Avenue and Old Stine Road - Construct one eastbound left turn lane.
- White Lane and South Allen Road - Construct one northbound through lane.
- White Lane and Buena Vista - Construct one westbound right turn lane.
- White Lane and Old River - Construct one northbound through lane and provide overlapping phase for westbound right turn lane.
- White Lane and Gosford Road - Construct one westbound left turn lane, one southbound left turn lane, one northbound left turn lane, and one northbound through lane.
- White Lane and Ashe Road - Construct one southbound left turn lane and one northbound left turn lane.
- White Lane and Wilson Road - Construct one eastbound left turn lane.
- White Lane and Stine Road - Construct one westbound right turn lane and one southbound right turn lane.
- White Lane and Wible Road - Construct one eastbound right turn lane, one northbound through lane, southbound through lane, and provide overlapping phase for northbound right turn lane.
- South Allen Road and Harris/Pensinger Road - Construct one eastbound left turn lane, two eastbound right turn lanes, one westbound left turn lane, one westbound right turn lane, one northbound left turn lane, one southbound left turn lane, one southbound right turn lane, one southbound through lane, and provide overlapping phase for southbound right turn lane.
- Harris Road and Old River Road - Construct one northbound through lane and one southbound through lane.
- Harris Road and Gosford Road - Construct one southbound left turn lane.

- Panama Lane and West Beltway Southbound Ramps - Channelize southbound right turn lane; and construct one eastbound right turn lane, one westbound through lane, and one eastbound through lane.
- Panama Lane and West Beltway Northbound Ramps - Construct one westbound right turn lane, one northbound right turn lane, one eastbound left turn lane and one westbound through lane.
- Panama Lane and South Allen Road - Construct one eastbound right turn lane, one northbound right turn lane, one westbound through lane, and provide overlapping phases for westbound right turn lane and southbound right lane.
- Panama Lane and Buena Vista Road - One eastbound left turn lane, one northbound right turn lane, one southbound right turn lane, one eastbound through lane, one southbound through lane, two northbound through lanes, two westbound through lanes, and provide overlapping phase for westbound right turn lane.
- Panama Lane and Gosford Road - Construct one eastbound left turn lane, two eastbound through lanes, one eastbound right turn lane, one westbound left turn lane, two westbound through lanes, one northbound left turn lane, one northbound through lane, one northbound right turn lane, one southbound left turn lane, two southbound through lanes, and provide overlapping phase for westbound right turn lane.
- Panama Lane and Mountain Vista Drive - Install signal.
- Panama Lane and Reliance Drive - Construct two eastbound through lanes, one westbound through lane, and one westbound left turn lane.
- Panama Lane and Ashe Road - Construct one eastbound left turn lane, one westbound left turn lane, one northbound left turn lane, two eastbound through lanes, one westbound through lane, and one southbound through lane.
- Panama Lane and Golden Gate/Mountain Ridge Drive - Install signal.
- Panama Lane and Stine Road - Construct one eastbound through lane.
- Panama Lane and Wible Road - Construct one westbound left turn lane.
- McCutchen Road and Buena Vista Road - Install signal and construct one eastbound left turn lane, one northbound left turn lane, one southbound left turn lane, and one southbound right turn lane.
- McCutchen Road and Old River Road - Install signal.
- McCutchen Road and Gosford Road - Install signal.

Roadway Segments

- Buena Vista Road - Stockdale Highway to Ming Avenue - Add two lanes.
- Buena Vista Road - Panama Lane to McCutchen Road - Construct as divided roadway.
- Calloway Drive - Hageman Road to Rosedale Highway - Add two lanes.
- Calloway Drive - Rosedale Highway to Brimhall Road - Add two lanes.
- Calloway Drive - Brimhall Road to Westside Parkway Westbound Ramps - Add two lanes.
- Calloway Drive - Westside Parkway Westbound Ramps to Westside Parkway Eastbound Ramps - Add two lanes.

- Calloway Drive - Westside Parkway Eastbound Ramps to Stockdale Highway - Add two lanes.
- Old River Road - South of Taft Avenue - Add two lanes.
- Gosford Road - Panama Lane to McCutchen Road - Add two lanes, construct as divided roadway.
- Gosford Road - McCutchen Road to Taft Highway - Construct as divided roadway.
- Stockdale Highway - Enos Road to Nord Avenue - Add two lanes.
- Ming Avenue - South Allen Road to Buena Vista Road - Construct as divided roadway.
- Ming Avenue - Old Stine Road to Real Road - Add two lanes.
- White Lane - West Beltway to South Allen Road - Construct as divided roadway.
- White Lane - South Allen Road to White Lane Project Entrance - Add two lanes
- White Lane - White Lane Entrance to Buena Vista Road - Add two lanes roadway.
- White Lane - Gosford Road to Ashe Road - Add two lanes.
- White Lane - Stine Road to Wible Road - Add two lanes.
- White Lane - Wible Road to SR 99 Southbound Ramps - Add two lanes.
- Panama Lane - Gosford Road to Ashe Road - Add four lanes.
- Panama Lane - Ashe Road to Stine Road - Add four lanes.
- Panama Lane - Stine Road to Wible Road - Add two lanes.
- Panama Lane - Wible Road to SR 99 Southbound Ramps - Add two lanes.
- Allen Road - Brimhall Road to Westside Parkway Westbound Ramps - Construct as divided roadway.
- Allen Road - Westside Parkway Westbound Ramps to Westside Parkway Eastbound Ramps - Construct as divided roadway.
- Allen Road - Westside Parkway Eastbound Ramps to Stockdale Highway - Construct as divided roadway.
- South Allen Road - White Lane to Campus Park Drive - Construct as divided roadway.
- South Allen Road - Campus Park Drive to Pacheco Road - Construct as divided roadway.
- South Allen Road - Pacheco Road to Harris Road - Add two lanes, construct as divided roadway.
- South Allen Road - Harris Road to Panama Lane - Construct as divided roadway.

**Mitigation/Conditions of Approval
General Plan Amendment/Zone Change No. 18-0452**

RECREATION AND PARKS

90. Prior to recordation of the first final map within the project site, subdivider shall have entered into a Park Development Agreement with the City of Bakersfield concerning development, park land, trail plans and specifications, and improvement requirements pursuant to the West Ming Specific Plan for Village A.

Orderly development.

91. Prior to recordation of each final map, the subdivider shall construct a 6-foot masonry wall along the park boundary adjacent to residential lots as shown on the tentative tract. Wall to be measured from the highest adjacent grade.
92. Subdivider shall be responsible for improving streets adjacent to the park site to City standards and the West Ming Specific Plan.

Orderly development.

93. A portion of the linear park located south of Ming Avenue, along the west side of Highgate Park Boulevard is a private park and shall be accessible to the public and maintained by the HOA to City standards and the West Ming Specific Plan.
94. During the design planning process, the applicant will collaborate with Recreation and Parks staff to ensure an open fence/wall is constructed along the linear park for visual openness, safety, and aesthetics, thereby avoiding a 'tunnel-feel' or effect.

Orderly development.

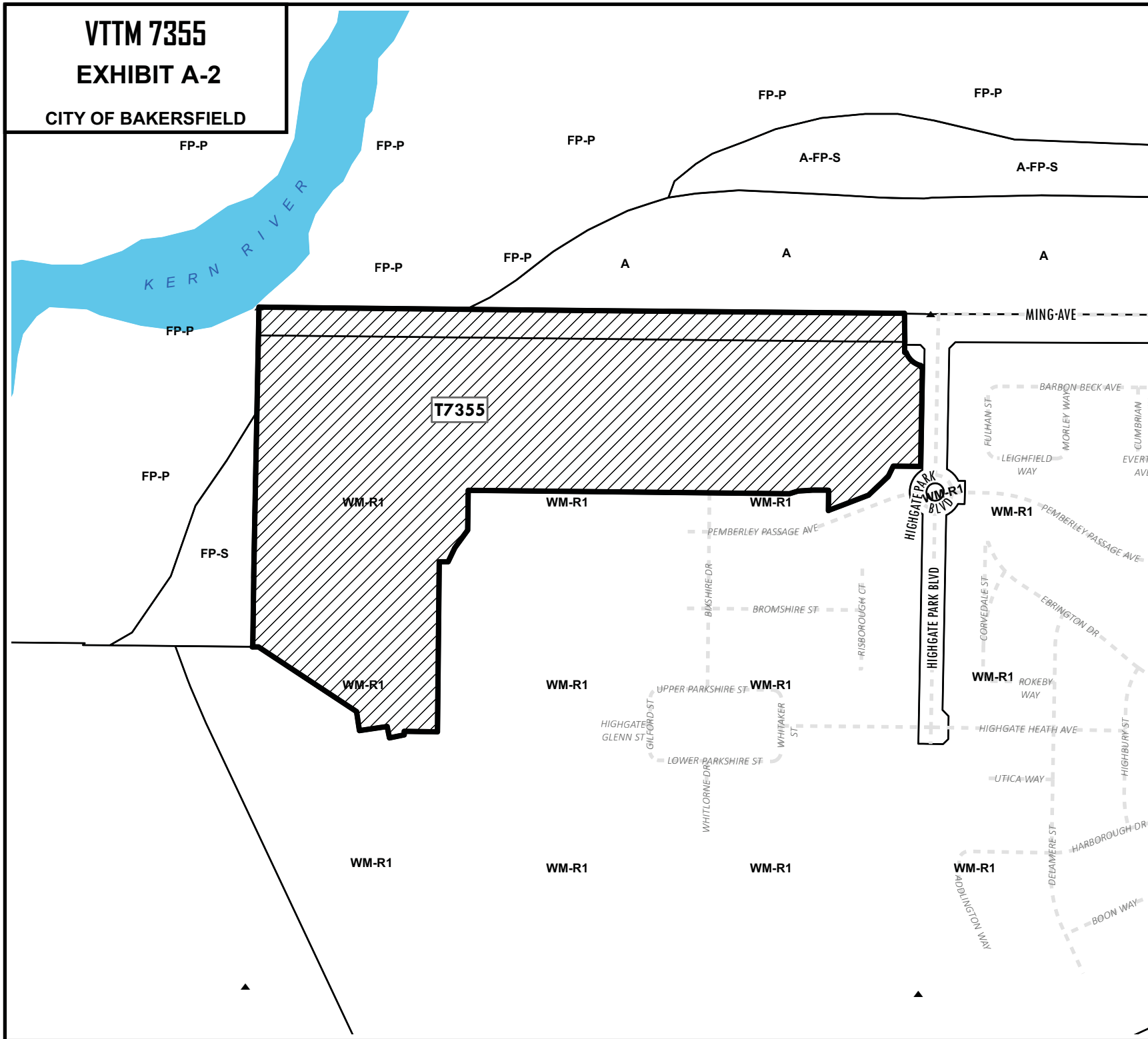
WATER RESOURCES

95. Prior to recordation of the first final map within the project site, the subdivider shall submit a letter from the Kern County Water Agency verifying the accessibility of the parcel located at the southeast corner of Ming Avenue and future West Beltway.

Orderly development.

VTTM 7355 EXHIBIT A-2

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-S Residential Suburban
24,000 sq.ft./dwelling unit
- R-S() Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
- R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
- R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
- R-H Residential Holding
20 acre min lot size
- A Agriculture
6,000 sq.ft. min lot size
- A-20A Agriculture
20 acre min lot size
- PUD Planned Unit Development
- TT Travel Trailer Park
- MH Mobilehome
- C-O Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Ming Specific Plan

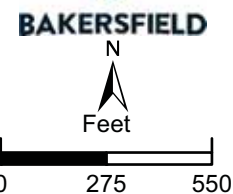
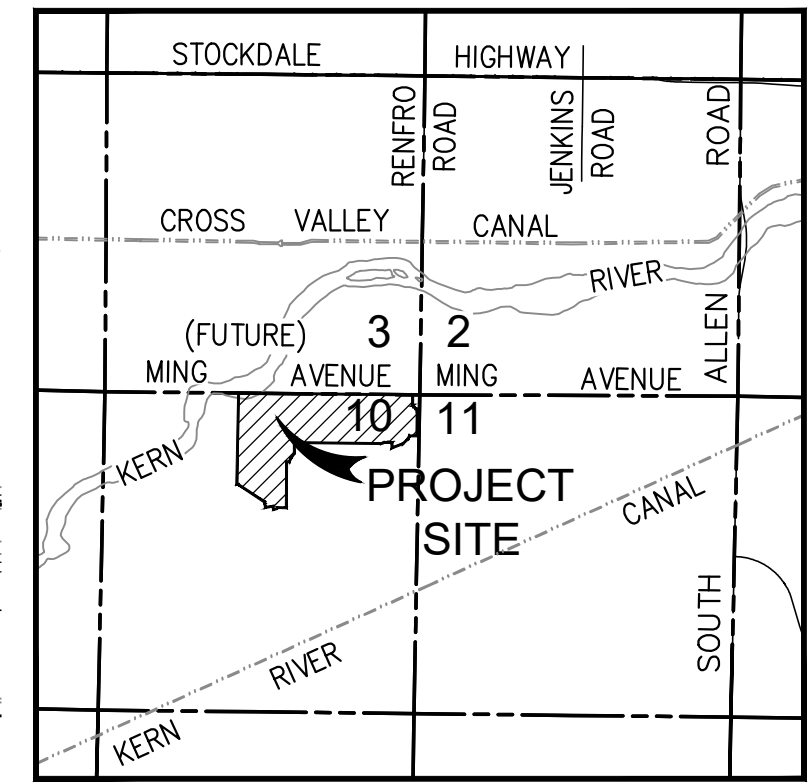
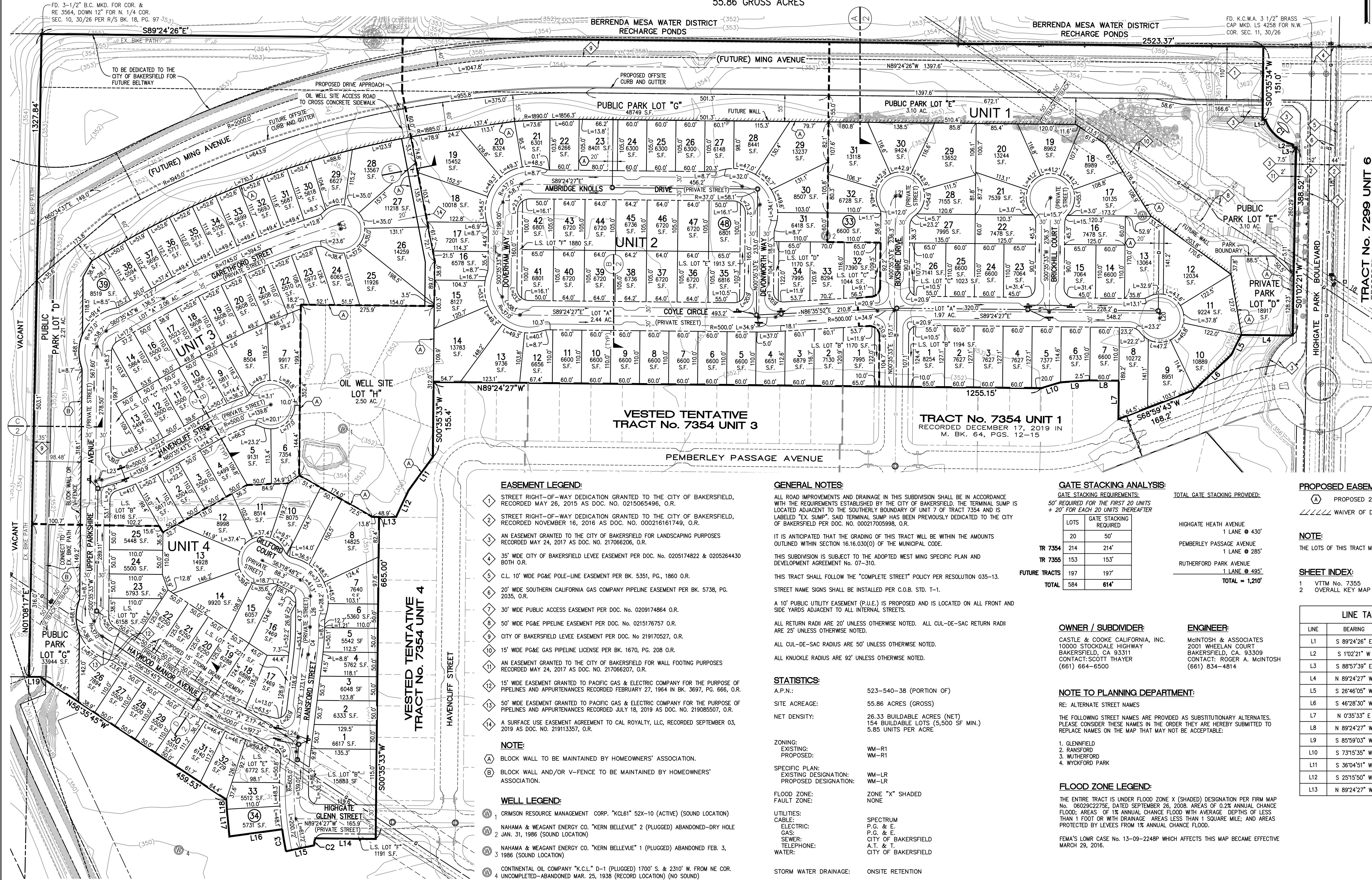


EXHIBIT A-3

VESTING TENTATIVE TRACT No. 7355

BEING A SUBDIVISION OF THE REMAINDER OF PARCEL 2 OF LOT LINE ADJUSTMENT No. 17-0353 PER CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 21, 2018 AS DOCUMENT No. 218019657 OF OFFICIAL RECORDS; ALSO BEING PORTIONS OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 26 EAST, M.D.M. IN THE CITY OF BAKERSFIELD, COUNTY KERN, STATE OF CALIFORNIA.

CONTAINING 154 RESIDENTIAL LOTS, 4 PRIVATE STREET LOTS, 14 PRIVATE LANDSCAPE LOTS, 4 PUBLIC PARK LOTS, 1 PRIVATE PARK LOT AND 1 OIL WELL SITE LOT
55.86 GROSS ACRES



VICINITY MAP
NOT TO SCALE

TRACT NO. 7355 SUMMARY					
UNIT	# OF LOTS	PRIVATE ST. LOT	PRIVATE L.S. LOT	PRIVATE PARK	PUBLIC PARK
1	33	1	2	1	1
2	48	1	5	-	1
3	39	1	2	-	1
4	34	1	5	-	1
TOTAL:	154	4	14	1	4

PRIVATE STREET LOT SUMMARY			
UNIT	LOT NAME	AREA (SF)	AREA (AC)
1	"A"	85,675	1.97
2	"A"	106,405	2.44
3	"A"	89,541	2.06
4	"A"	94,517	2.14

PARKS & LANDSCAPE LOTS SUMMARY			
UNIT	PRIVATE LANDSCAPE LOT	PRIVATE PARKS	PUBLIC PARKS
UNIT 1	LOT "B" AND "C"	LOT "D"	LOT "E"
UNIT 2	LOT "B" THRU "F"	-	LOT "G"
UNIT 3	LOT "B" AND "C"	-	LOT "D"
UNIT 4	LOT "B" THRU "F"	-	LOT "G"

- EASEMENT LEGEND:**
- STREET RIGHT-OF-WAY DEDICATION GRANTED TO THE CITY OF BAKERSFIELD, RECORDED MAY 26, 2015 AS DOC. NO. 0215065496, O.R.
 - STREET RIGHT-OF-WAY DEDICATION GRANTED TO THE CITY OF BAKERSFIELD, RECORDED NOVEMBER 16, 2016 AS DOC. NO. 00021616749, O.R.
 - AN EASEMENT GRANTED TO THE CITY OF BAKERSFIELD FOR LANDSCAPING PURPOSES RECORDED MAY 24, 2017 AS DOC. NO. 021706206, O.R.
 - 35' WIDE CITY OF BAKERSFIELD LEVEE EASEMENT PER DOC. NO. 0205174822 & 0205264430 BOTH O.R.
 - C.L. 10' WIDE PG&E POLE-LINE EASEMENT PER BK. 5351, PG. 1860 O.R.
 - 20' WIDE SOUTHERN CALIFORNIA GAS COMPANY PIPELINE EASEMENT PER BK. 5738, PG. 2035, O.R.
 - 30' WIDE PUBLIC ACCESS EASEMENT PER DOC. NO. 0209174864 O.R.
 - 50' WIDE PG&E PIPELINE EASEMENT PER DOC. NO. 0215176757 O.R.
 - CITY OF BAKERSFIELD LEVEE EASEMENT PER DOC. NO. 219170527, O.R.
 - 15' WIDE PG&E GAS PIPELINE LICENSE PER BK. 1670, PG. 208 O.R.
 - AN EASEMENT GRANTED TO THE CITY OF BAKERSFIELD FOR WALL FOOTING PURPOSES RECORDED MAY 24, 2017 AS DOC. NO. 21706207, O.R.
 - 15' WIDE EASEMENT GRANTED TO PACIFIC GAS & ELECTRIC COMPANY FOR THE PURPOSE OF PIPELINES AND APPURTENANCES RECORDED FEBRUARY 27, 1964 IN BK. 3697, PG. 666, O.R.
 - 50' WIDE EASEMENT GRANTED TO PACIFIC GAS & ELECTRIC COMPANY FOR THE PURPOSE OF PIPELINES AND APPURTENANCES RECORDED JULY 18, 2019 AS DOC. NO. 219085507, O.R.
 - A SURFACE USE EASEMENT AGREEMENT TO CAL ROYALTY, LLC, RECORDED SEPTEMBER 03, 2019 AS DOC. NO. 219113357, O.R.

- NOTE:**
- BLOCK WALL TO BE MAINTAINED BY HOMEOWNERS' ASSOCIATION.
 - BLOCK WALL AND/OR V-FENCE TO BE MAINTAINED BY HOMEOWNERS' ASSOCIATION.

- WELL LEGEND:**
- CRIMSON RESOURCE MANAGEMENT CORP. "KOL61" 52X-10 (ACTIVE) (SOUND LOCATION)
 - NAHAMA & WEAGANT ENERGY CO. "KERN BELLEVUE" 2 (PLUGGED) ABANDONED-DRY HOLE 2 JAN. 31, 1986 (SOUND LOCATION)
 - NAHAMA & WEAGANT ENERGY CO. "KERN BELLEVUE" 1 (PLUGGED) ABANDONED FEB. 3, 1986 (SOUND LOCATION)
 - CONTINENTAL OIL COMPANY "K.C.L." D-1 (PLUGGED) 1700' S. & 2310' W. FROM NE COR. 4 UNCOMPLETED-ABANDONED MAR. 25, 1938 (RECORD LOCATION) (NO SOUND)

- GENERAL NOTES:**
- ALL ROAD IMPROVEMENTS AND DRAINAGE IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF BAKERSFIELD. THE TERMINAL SUMP IS LOCATED ADJACENT TO THE SOUTHERLY BOUNDARY OF UNIT 7 OF TRACT 7354 AND IS LABELED "EX. SUMP". SAID TERMINAL SUMP HAS BEEN PREVIOUSLY DEDICATED TO THE CITY OF BAKERSFIELD PER DOC. NO. 000217005998, O.R.
 - IT IS ANTICIPATED THAT THE GRADING OF THIS TRACT WILL BE WITHIN THE AMOUNTS OUTLINED WITHIN SECTION 16.16.030(O) OF THE MUNICIPAL CODE.
 - THIS SUBDIVISION IS SUBJECT TO THE ADOPTED WEST MING SPECIFIC PLAN AND DEVELOPMENT AGREEMENT NO. 07-310.
 - THIS TRACT SHALL FOLLOW THE "COMPLETE STREET" POLICY PER RESOLUTION 035-13.
 - STREET NAME SIGNS SHALL BE INSTALLED PER C.O.B. STD. T-1.
 - A 10' PUBLIC UTILITY EASEMENT (P.U.E.) IS PROPOSED AND IS LOCATED ON ALL FRONT AND SIDE YARDS ADJACENT TO ALL INTERNAL STREETS.
 - ALL RETURN RADII ARE 20' UNLESS OTHERWISE NOTED. ALL CUL-DE-SAC RETURN RADII ARE 25' UNLESS OTHERWISE NOTED.
 - ALL CUL-DE-SAC RADIUS ARE 50' UNLESS OTHERWISE NOTED.
 - ALL KNUCKLE RADIUS ARE 92' UNLESS OTHERWISE NOTED.

- STATISTICS:**
- A.P.N.: 523-540-38 (PORTION OF)
- SITE ACREAGE: 55.86 ACRES (GROSS)
- NET DENSITY: 26.33 BUILDABLE ACRES (NET)
154 BUILDABLE LOTS (5,500 SF MIN.)
5.85 UNITS PER ACRE
- ZONING:**
EXISTING: WM-R1
PROPOSED: WM-R1
- SPECIFIC PLAN:**
EXISTING DESIGNATION: WM-RX
PROPOSED DESIGNATION: WM-RX
- FLOOD ZONE:**
FAULT ZONE: NONE
- UTILITIES:**
CABLE: SPECTRUM
ELECTRIC: P.G. & E.
GAS: P.G. & E.
SEWER: CITY OF BAKERSFIELD
WATER: A.T. & T. CITY OF BAKERSFIELD
- STORM WATER DRAINAGE:** ONSITE RETENTION
- SCHOOL DISTRICTS:** PANAMA BUENA-VISTA UNION
KERN HIGH SCHOOL
- SCHOOLS:** BUENA VISTA ELEMENTARY
EARL WARREN JR. HIGH
STOCKDALE HIGH SCHOOL

GATE STACKING ANALYSIS:

GATE STACKING REQUIREMENTS:
50' REQUIRED FOR THE FIRST 20 UNITS
+ 20' FOR EACH 20 UNITS THEREAFTER

LOTS	GATE STACKING REQUIRED
TR 7354	210
TR 7355	153
FUTURE TRACTS	197
TOTAL	564

TOTAL GATE STACKING PROVIDED:

HIGHGATE HEATH AVENUE	1 LANE @ 430'
PEMBERLEY PASSAGE AVENUE	1 LANE @ 285'
RUTHERFORD PARK AVENUE	1 LANE @ 495'
TOTAL	= 1,210'

- PROPOSED EASEMENTS:**
- PROPOSED 20' STORM DRAIN EASEMENT TO CITY OF BAKERSFIELD.
 - WAIVER OF DIRECT ACCESS DEDICATED PER THIS MAP.
- NOTE:**
THE LOTS OF THIS TRACT MAY BE ADJUSTED UPON SUBSTANTIAL CONFORMANCE MAP PROCESSING.

- SHEET INDEX:**
- VTM No. 7355
 - OVERALL KEY MAP

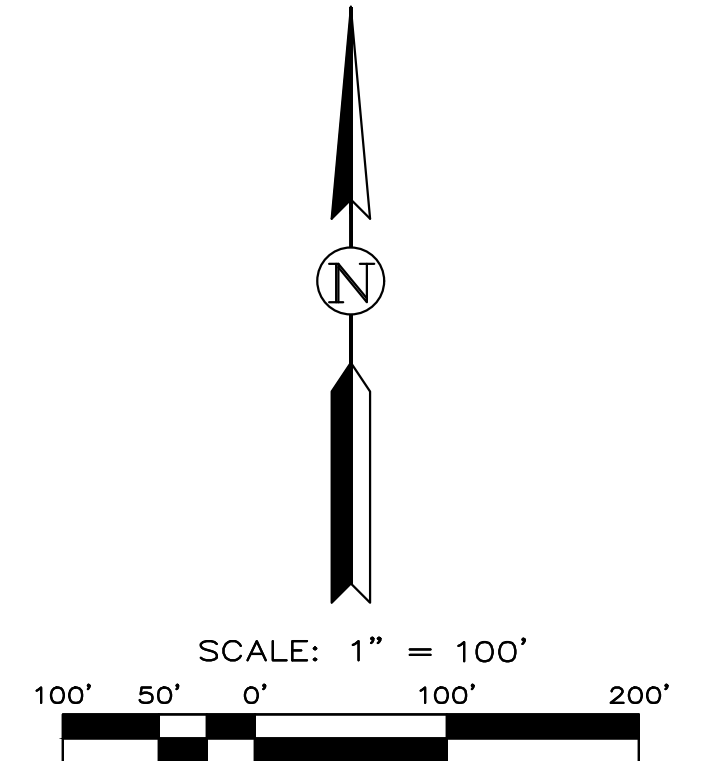
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°24'26" E	6.00'
L2	S 10°22'21" W	6.00'
L3	S 88°57'39" E	6.00'
L4	N 89°24'27" W	106.13'
L5	S 26°46'05" W	45.89'
L6	S 46°28'30" W	105.01'
L7	N 0°35'33" E	79.18'
L8	N 89°24'27" W	62.50'
L9	S 85°59'03" W	57.69'
L10	S 73°15'35" W	41.90'
L11	S 36°04'51" W	84.83'
L12	S 25°15'50" W	61.12'
L13	N 89°24'27" W	35.09'

LINE TABLE		
LINE	BEARING	DISTANCE
L14	N 89°24'27" W	124.15'
L15	S 78°05'04" W	60.00'
L16	S 82°14'57" W	110.00'
L17	N 53°48'48" W	56.44'
L18	N 23°81'7" W	20.05'
L19	N 89°24'27" W	24.19'
L20	N 0°35'33" E	10.00'
L21	N 89°24'27" W	10.00'
L22	N 16°27'09" W	10.00'
L23	S 75°35'33" W	12.66'
L24	N 79°11'45" W	25.17'
L25	S 7°53'37" W	29.04'
L26	S 0°35'33" W	63.79'

- LEGEND:**
- FOUND MONUMENT AS DESCRIBED
 - EXISTING POWER POLE
 - EXISTING DOWN GUY
 - EXISTING ELECTRICAL METER
 - EXISTING STREET NAME SIGN
 - EXISTING IRRIGATION VALVE OR RISER
 - EXISTING IRRIGATION STANDPIPE
 - EXISTING WATER VALVE
 - EXISTING HOSE BIB
 - EXISTING WATER METER
 - EXISTING FIRE HYDRANT
 - EXISTING WHARF HYDRANT
 - EXISTING BLOW-OFF ASSEMBLY
 - EXISTING SEWER MANHOLE
 - EXISTING SEWER CLEANOUT
 - EXISTING STORM DRAIN MANHOLE
 - EXISTING GAS VALVE
 - EXISTING PIPELINE MARKER
 - EXISTING TELEPHONE PEDESTAL
 - EXISTING TELEPHONE VAULT
 - EXISTING STREET LIGHT
 - EXISTING STREET LIGHT PULL BOX
 - ABBREVIATIONS
 - SF SQUARE FEET
 - AC. ACRES
 - WI SEE WELL LEGEND
 - EXISTING OVERHEAD POWER LINE
 - EXISTING SEWER LINE
 - EXISTING STORM DRAIN LINE
 - EXISTING WATER LINE
 - EXISTING TELEPHONE LINE
 - EXISTING GAS LINE
 - EXISTING UTILITY TRENCH
 - EXISTING EDGE OF PAVEMENT
 - EXISTING CHAIN LINK FENCE
 - EXISTING BARB WIRE FENCE
 - EXISTING GROUND CONTOUR
 - EXISTING CURB AND GUTTER
 - EXISTING FLOOD ZONE BOUNDARY
 - PHASE LINE
 - TRACT BOUNDARY
 - DIRECTION DRAINAGE AND APPROXIMATE GRADE

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA	RADIAL IN	RADIAL OUT
C1	80.00'	80.02'	43.72'	57°18'37"	N 70°13'58" E	S 12°55'21" W
C2	20.00'	14.84'	7.78'	42°30'29"	S 59°24'27" E	S 78°05'04" W
C3	635.00'	46.16'	23.09'	47°09'53"	N 78°05'04" E	S 82°14'57" W
C4	500.00'	56.73'	28.40'	6°30'4"	S 82°54'23" E	N 89°24'27" W



McINTOSH & ASSOCIATES
LAND SURVEYING • CIVIL ENGINEERING • 2020

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

Owner: M.V.W. Job No: 681131 Date: 5/4/20

Checked by: [Signature] Date: 5-5-20

Revised per C.O.B.'s comments

DATE: 05/17/20

REVISIONS

Castle & Cooke California, Inc.
WNSP VILLAGE A - HIGHGATE COMMUNITY
VESTING TENTATIVE TRACT NO. 7355

AutoCAD FILE: 681131.DWG

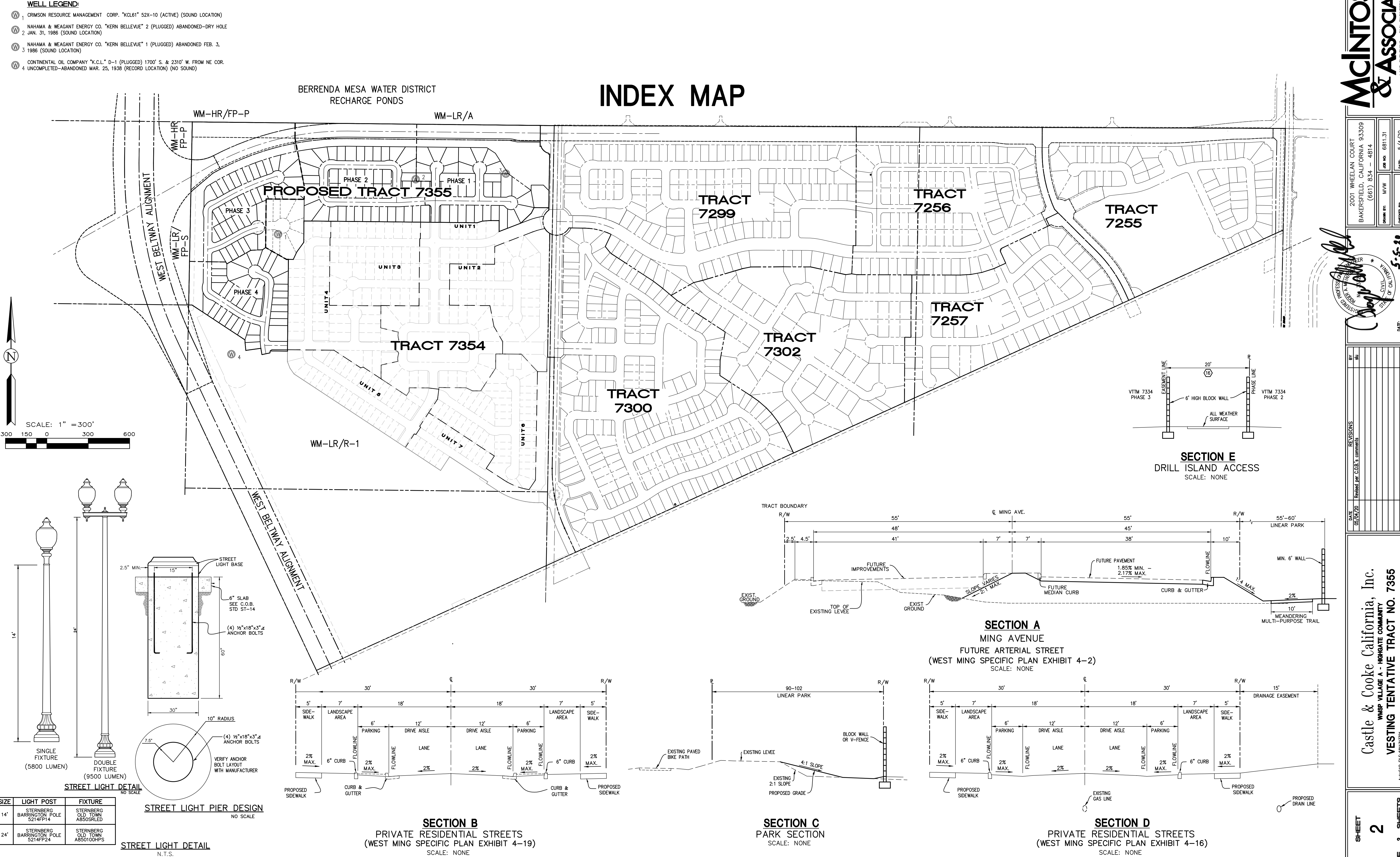
SHEET 1 OF 2 SHEETS

EXHIBIT A-3

VESTING TENTATIVE TRACT No. 7355

BEING A SUBDIVISION OF THE REMAINDER OF PARCEL 2 OF LOT LINE ADJUSTMENT No. 17-0353 PER CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 21, 2018 AS DOCUMENT NO. 218019657 OF OFFICIAL RECORDS; ALSO BEING PORTIONS OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 26 EAST, M.D.M. IN THE CITY OF BAKERSFIELD, COUNTY KERN, STATE OF CALIFORNIA.
CONTAINING 154 RESIDENTIAL LOTS, 4 PRIVATE STREET LOTS, 14 PRIVATE LANDSCAPE LOTS, 4 PUBLIC PARK LOTS, 1 PRIVATE PARK LOT AND 1 OIL WELL SITE LOT
55.86 GROSS ACRES

INDEX MAP





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 16, 2020

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

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Steve Esselman, Principal Planner

DATE:

WARD: Ward 6

SUBJECT:

Zone Change No. 20-0062. Dabeen LLC (applicant and property owner) requests a Zone Change from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial), or a more restrictive district, on approximately 0.45 acres located at 4040 Ming Avenue. Notice of Exemption on file.

APPLICANT: Dabeen LLC

OWNER: Dabeen LLC

LOCATION: Located at 4040 Ming Avenue, Bakersfield, CA 93309

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution Approving ZC w/ Exhibits	Resolution
<input type="checkbox"/> Resolution Adopting NOE w/ Exhibits	Resolution
<input type="checkbox"/> CEQA - NOE	Backup Material
<input type="checkbox"/> Site Plan Review Letter	Backup Material



CITY OF BAKERSFIELD PLANNING DIVISION STAFF REPORT

TO: Chair Koman and Members of the Planning Commission **AGENDA ITEM:** 5.c

FROM: Paul Johnson, Planning Director **APPROVED:** PJ

DATE: July 16, 2020

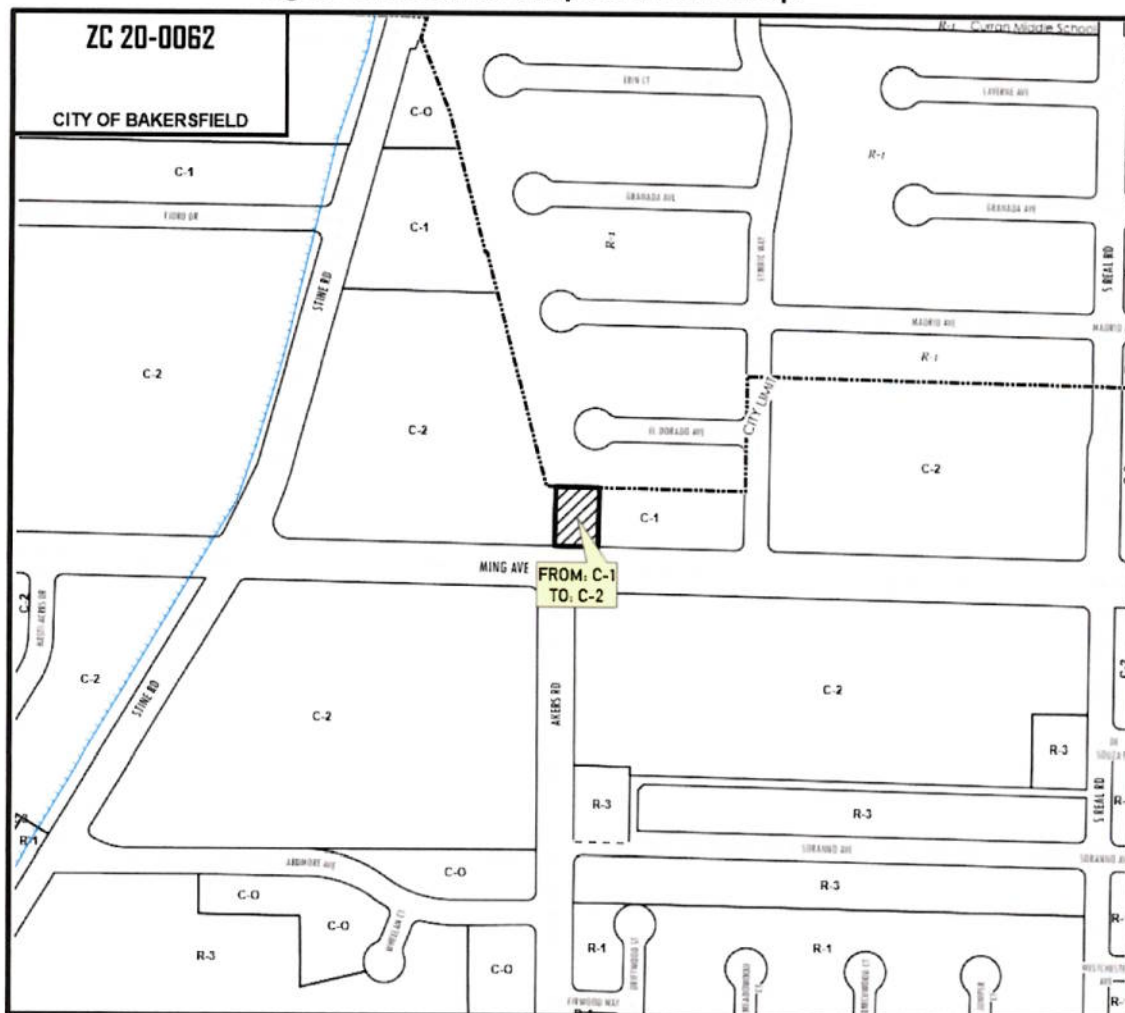
SUBJECT: **ZONE CHANGE NO. 20-0062 (WARD 6)**

APPLICANT: Dabeen LLC
Attn: Samuel Rhyoo
PO Box 10059
Bakersfield, CA 93389

PROPERTY OWNER: Dabeen LLC
Attn: Saekyu Oh
PO Box 10059
Bakersfield, CA 93389

LOCATION: 4040 Ming Avenue | APN: 164-050-20

Figure 1. Location Map and Zone Map



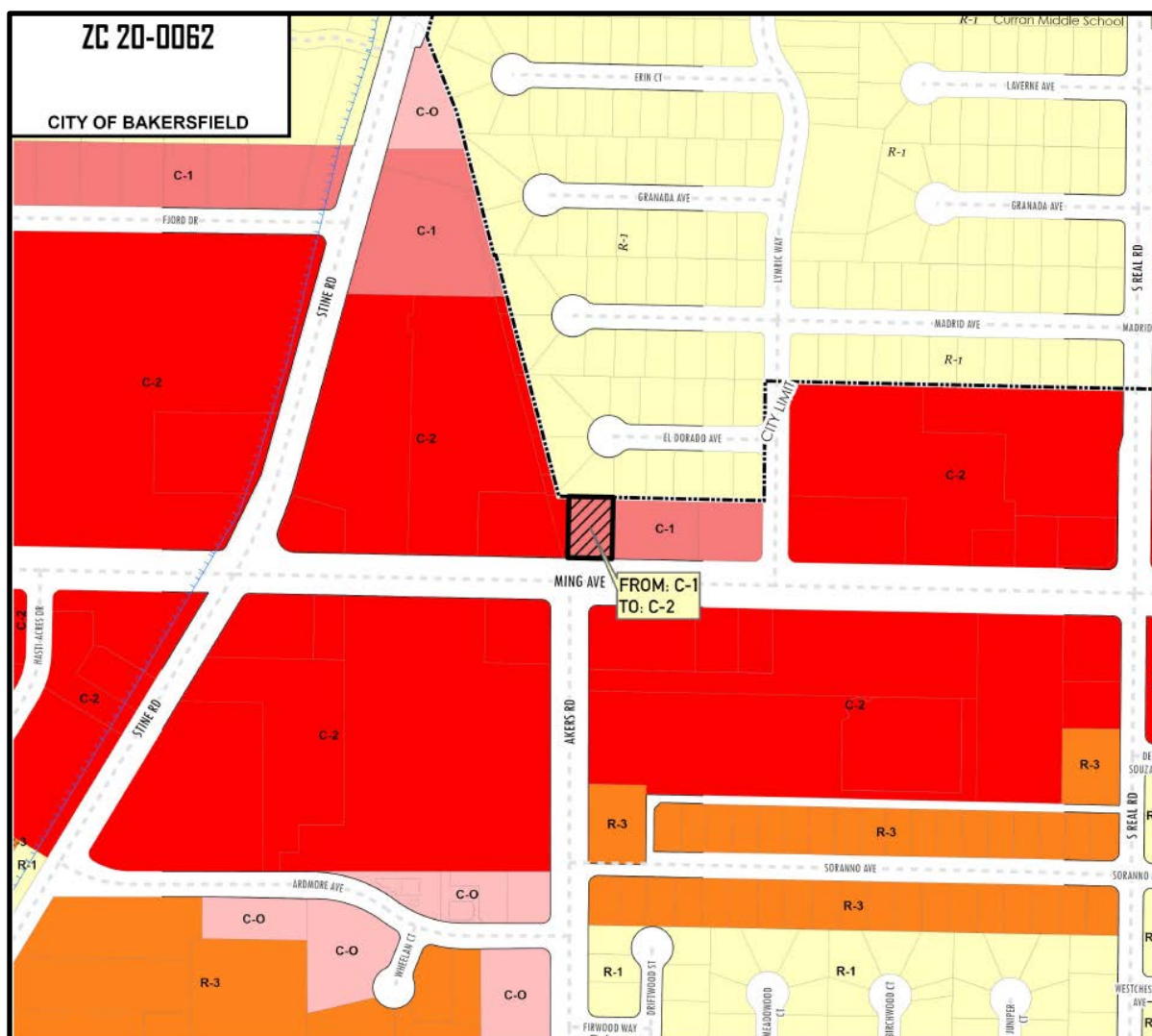
RECOMMENDATION: Adopt Resolutions:

1. **APPROVING** the Zone Change from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial) on 0.45 acres, and recommend same to City Council.
2. **ADOPTING** the Notice of Exemption, and recommend same to City Council.

PROJECT SUMMARY:

The project is a request from Dabeen LLC., for a Zone Change (ZC) on 0.45 acres located at 4040 Ming Avenue. The request includes a change in zone classification from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial) or a more restrictive district. See Figure 2.

Figure 2. Existing/Proposed Zone Classification



SURROUNDING LAND USES:

The site and surrounding property's General Plan land use designation, zone classification, and existing land use are specified in Table 1 and shown in Figure 3:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-1	Vacant (commercial building recently demolished)
North	LMR/LR (County)	R-1 (County)	Single-family residential
East	GC	C-2	Regional commercial
South	GC	C-1	Neighborhood commercial
West	GC	C-2	Regional commercial
General Plan Key GC: General Commercial LMR/LR: Low Medium Density Residential/Low Density Residential		Zone District Key C-1: Neighborhood Commercial C-2: Regional Commercial R-1 (County): County Low-Density Residential	

Figure 3. Aerial Photograph



BACKGROUND & TIMELINE:

May 1972. The project site, along with a larger area, was annexed into the City with the current C-1 zoning (Ming No. 5 Par. A).

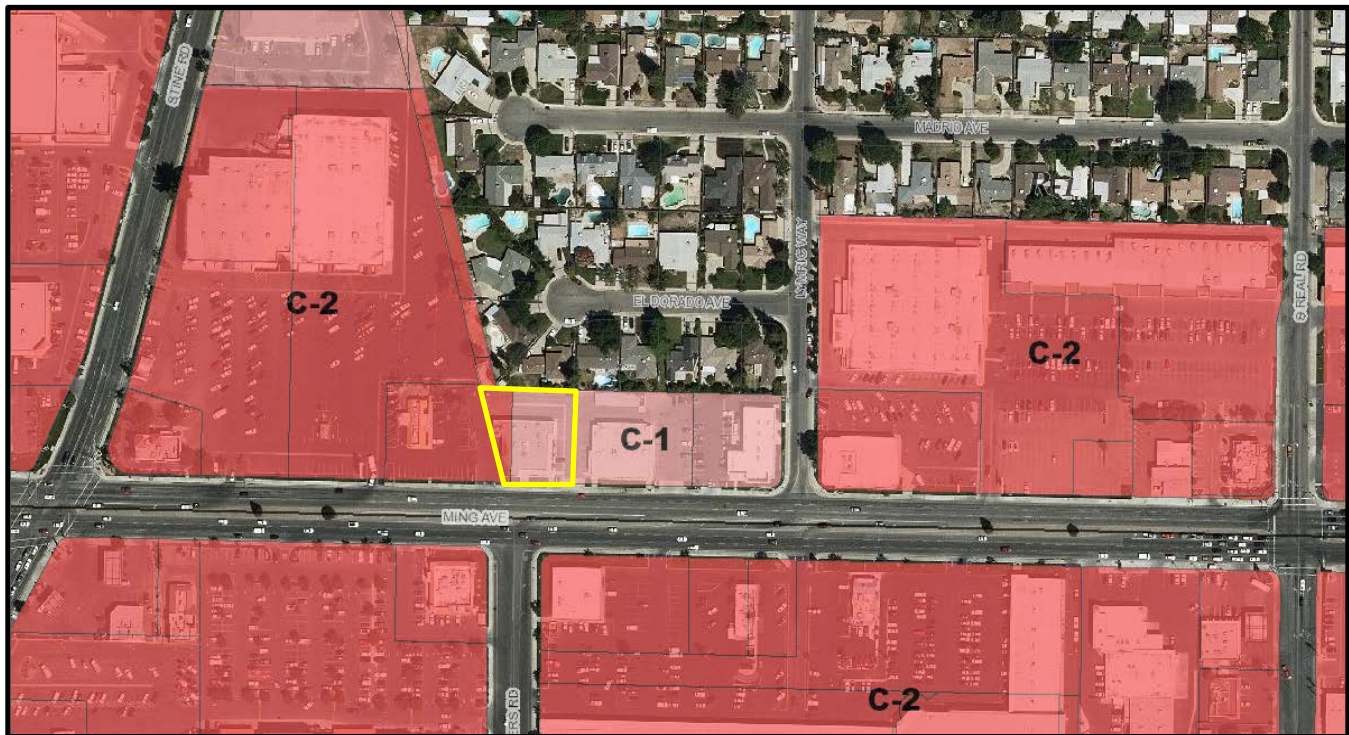
ANALYSIS:

Proposed Zone Change. As noted above, the project is a request for a change in zone classification from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial) on 0.45 acres. The applicant is requesting the zone change to facilitate construction of a business with drive thru service. The applicant demolished the existing commercial building and, after submitting for site plan review, was advised the proposed drive thru amenity is not permitted "by-right" within the C-1 zone. Therefore, a conditional use permit would be required for this amenity. Pursuant to Bakersfield Municipal Code Section 17.22.040, restaurants and related eating places with on-site alcohol sales, entertainment or drive-through services may only be permitted in the C-1 zone with approval of a conditional use permit.

Staff notes the parcel is split-zoned, meaning there are two different zone districts on one legal parcel. In this instance, the parcel contains C-1 and C-2 zoning. Split-zoning can be useful in limited situations to allow for creative use of property, or when there are extenuating technical circumstances which warrant temporary split-zoning. Generally, however, split-zoning results in potential land use incompatibility issues.

Based on the foregoing, the logical option is to submit a zone change request from C-1 to C-2 on a portion of the parcel. That will eliminate the split-zoning and allow a drive thru restaurant. Staff notes there is C-2 zoning to the east, south, and 400 feet to the west (see Figure 4).

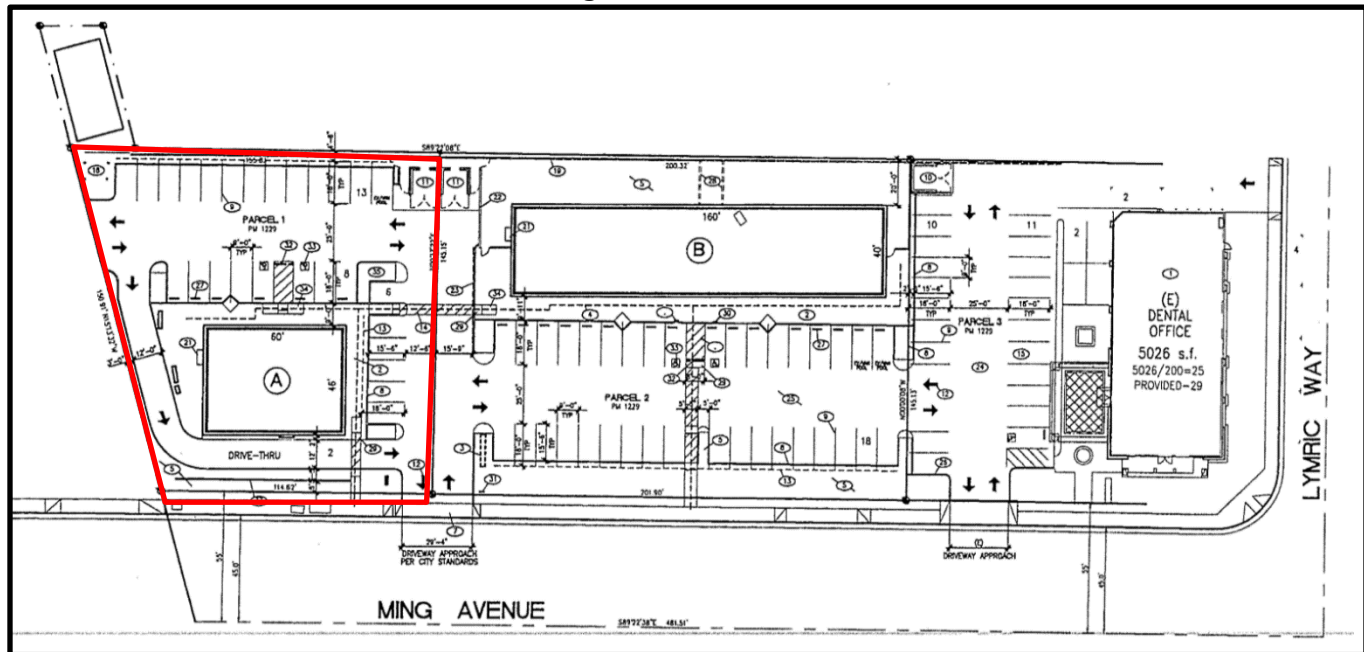
Figure 4. Surrounding Zoning



Proposed Site Development. Should the request be approved, the applicant is proposing to develop the parcel with a 2,700 square foot multi-tenant pad with drive thru service. The parcel

is part of a larger neighborhood commercial site that shares parking and access (see Figure 5). As noted above, an application for site plan review was submitted and the associated conditions are attached to Planning Division letter dated March 13, 2020.

Figure 5. Site Plan



ENVIRONMENTAL REVIEW AND DETERMINATION:

A Notice of Exemption (NOE) was prepared for this project in accordance with the California Environmental Quality Act (CEQA). Staff has determined that the proposed project would not have a significant effect on the environment. This project has been found to be categorically exempt from the provisions of CEQA in accordance with CEQA Guidelines Section 15302, Replacement or Reconstruction. The project is the replacement of a commercial building with another commercial building (restaurant with drive thru) on the same site within the urban core of Bakersfield. The replacement commercial building would be about the same square footage, and would serve a similar commercial purpose and have a similar occupancy capacity as the previous commercial building. Therefore, this project has been found to be categorically exempt from the provisions of CEQA in accordance with CEQA Guidelines Section 15302, Replacement and Reconstruction.

PUBLIC NOTIFICATION:

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project with the associated proposed NOE was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Planning Division. All property owners within 300 feet of the project site were notified about the hearing and the proposed subdivision at least 20 days prior to the public hearing in accordance with State law. The applicant has also provided proof that signs giving public notice of the proposed tract map were posted on the property 20 to 60 days prior to the public hearing before the Planning Commission. As of this writing, no written comments have been received.

CONCLUSION:

Consistency with General Plan and Zoning Ordinance. The project site is depicted as GC (General Commercial) on the Land Use Element of the *Metropolitan Bakersfield General Plan*. The proposed C-2 zone is consistent with the GC designation. The proposed development is a permitted use within the C-2 zone.

Overall Analysis. Staff finds that the applicable provisions of CEQA have been complied with and the applicant will be developing a business with drive-thru compatible with the existing commercial building and surrounding development.

The proposed development is subject to Site Plan Review requirements as identified in Bakersfield Municipal Code Section Chapter 17.08. Therefore, development will occur in compliance with applicable regulations and design standards.

OVERALL RECOMMENDATION:

As noted above, the applicant requested a zone change from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial) on 0.45 acres. Staff recommends that your Commission approve the request, adopt the Notice of Exemption, and recommend the same to the City Council.

ATTACHED:

- Resolutions with Exhibits
- Notice of Exemption
- Site Plan Review Letter - March 13, 2020

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL APPROVE AN
AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL
CODE TO CHANGE THE ZONE, LOCATED 4040 MING AVENUE,
BAKERSFIELD, CALIFORNIA 93309 (ZC NO. 20-0062).**

WHEREAS, Dabeen LLC (property owner) filed an application with the City of Bakersfield Development Services Department requesting an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial) on 0.44 acres, located at 4040 Ming Avenue, Bakersfield, CA 93309 (the "Project"); and

WHEREAS, adoption of a Notice of Exemption for the Project has been recommended; and

WHEREAS, the Secretary of the Planning Commission set Thursday, July 16, 2020 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed Notice of Exemption and Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report, initial study, and special studies, 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, 20 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 categorically exempt under CEQA.
3. The public necessity, general welfare, and good planning practices justify the Project.
4. The Project is compatible with the zone districts and development of surrounding properties, and is consistent with the *Metropolitan Bakersfield General Plan*.

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

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, and incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 as specifically described in Exhibit A and located on the map as shown in Exhibit B, all of which are incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on July 16, 2020, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

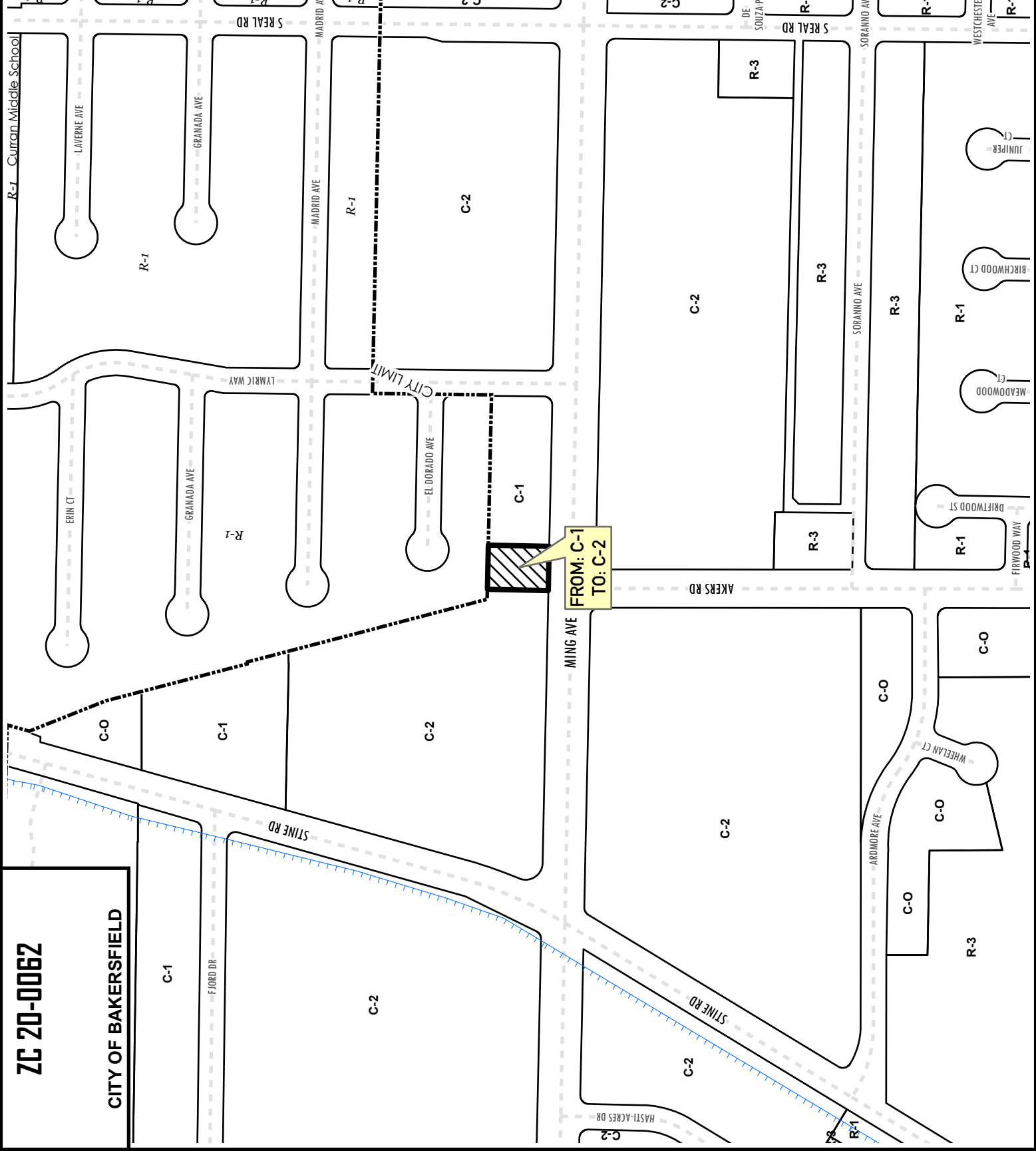
LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Zone Change Map
Exhibit B: Legal Description

ZC 20-0062

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
- 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



Feet



LEGAL DESCRIPTION

164-050-19 & 20

BEING PARCEL 1 OF PARCEL MAP NO. 1229, AS PER MAP RECORDED AUGUST 29, 1973 IN BOOK 6 OF PARCEL MAPS AT PAGE 194, IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF THE SOUTH ONE-HALF OF SECTION 2, TOWNSHIP 30 SOUTH, RANGE 27 EAST, M.D.M. IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

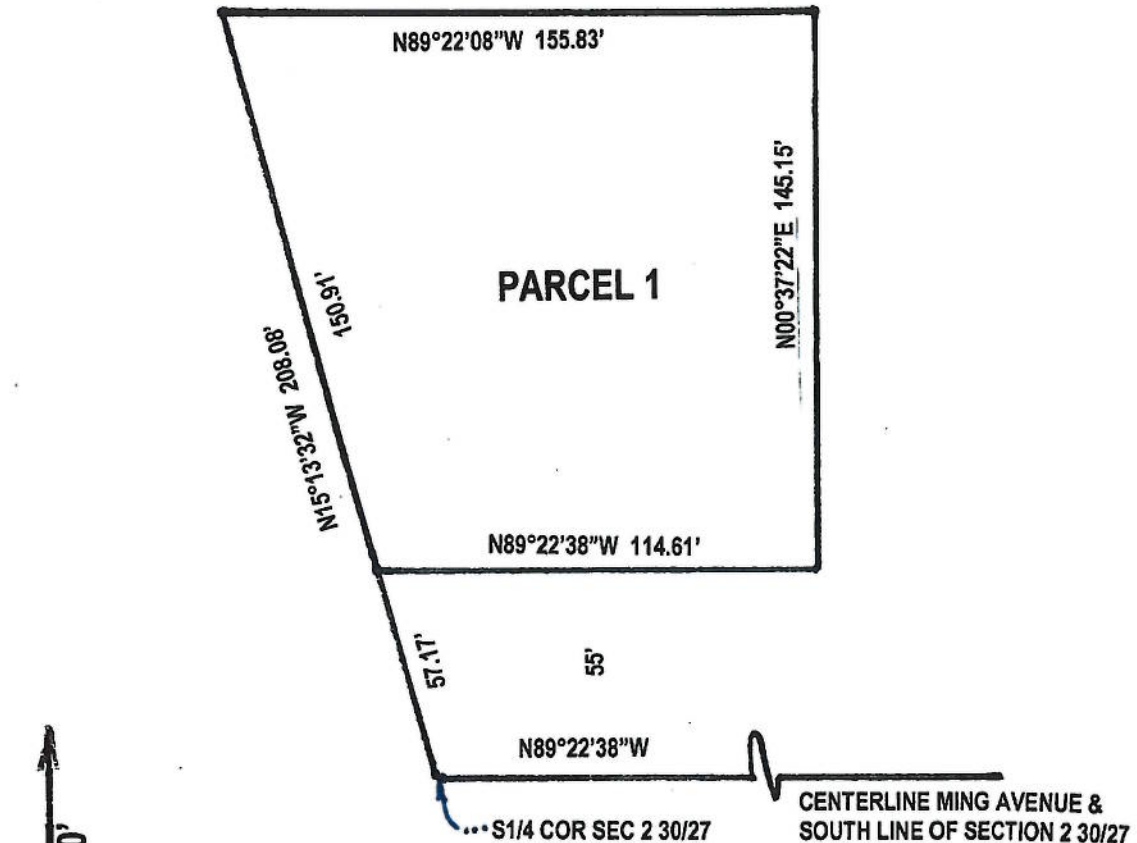
COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH $15^{\circ}13'32''$ WEST, A DISTANCE OF 57.17 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1, NORTH $15^{\circ}13'32''$ WEST, A DISTANCE OF 150.91 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, SOUTH $89^{\circ}22'08''$ EAST, A DISTANCE OF 155.83 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1, SOUTH $00^{\circ}37'22''$ WEST, A DISTANCE OF 145.15 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 NORTH $89^{\circ}22'38''$ WEST, A DISTANCE OF 114.61 FEET TO THE TRUE POINT OF BEGINNING.



[Handwritten signature]
02/05/20

LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP NO. 1229 RECORDED IN BOOK 6 OF PARCEL MAPS AT
PAGE 194 IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A
PORTION OF THE SOUTH HALF OF SECTION 2, T.30S., R.27E. M.D.M., CITY OF
BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA



[Signature]
02/05/20

LEGAL DESCRIPTION

164-050-20

BEING A PORTION PARCEL 1 OF PARCEL MAP NO. 1229, AS PER MAP RECORDED AUGUST 29, 1973 IN BOOK 6 OF PARCEL MAPS AT PAGE 194, IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 30 SOUTH, RANGE 27 EAST, M.D.M. IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUARTER, NORTH $00^{\circ}31'14''$ WEST, A DISTANCE OF 55.00 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 1 OF SAID PARCEL MAP NO. 1229, ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF MING AVENUE, ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH $00^{\circ}31'14''$ WEST, A DISTANCE OF 145.20 FEET TO THE NORTHERLY LINES OF SAID PARCEL 1 AND SAID PARCEL MAP NO. 1229; THENCE ALONG SAID NORTHERLY LINE, SOUTH $89^{\circ}22'08''$ EAST, A DISTANCE OF 103.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1 OF SAID PARCEL MAP NO. 1229; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1 SOUTH $00^{\circ}37'22''$ WEST, A DISTANCE OF 145.15 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1, AND SAID NORTHERLY RIGHT-OF-WAY LINE OF MING AVENUE, AND THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 1229; THENCE ALONG SAID SOUTHERLY LINE, NORTH $89^{\circ}22'38''$ WEST, A DISTANCE OF 100.10 FEET TO THE TRUE POINT OF BEGINNING.



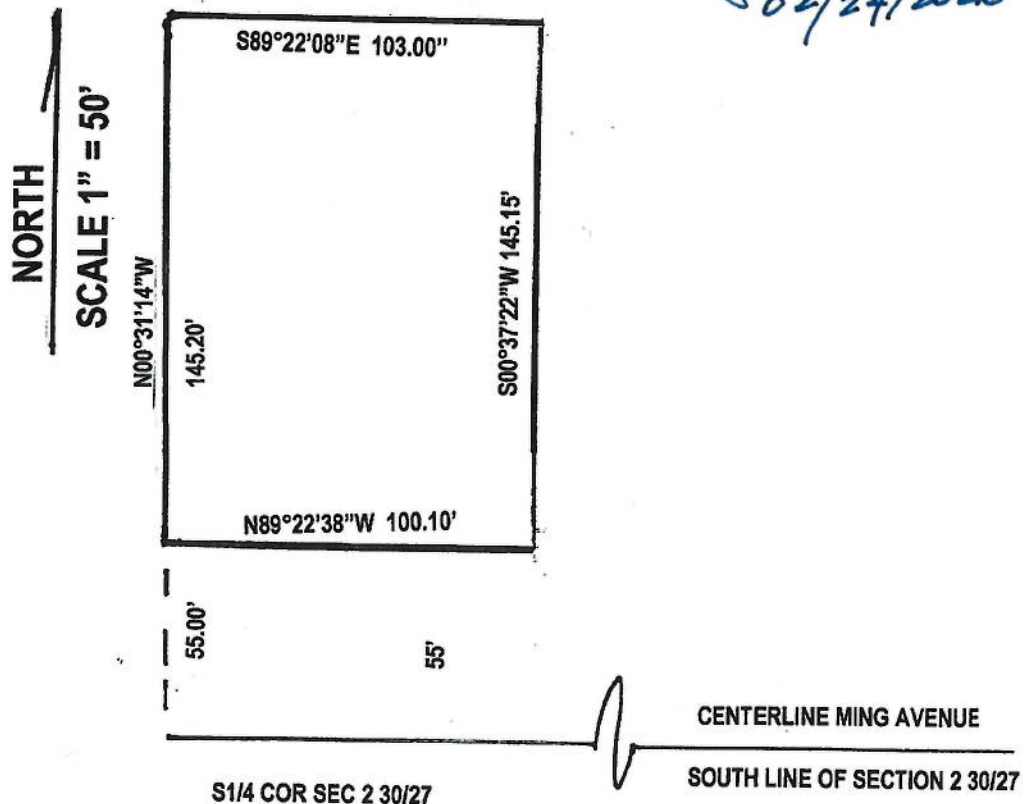
[Handwritten Signature]
02/24/2020

EXHIBIT "A"

BEING A PORTION PARCEL 1 OF PARCEL MAP NO. 1229, AS PER MAP RECORDED AUGUST 29, 1973 IN BOOK 6 OF PARCEL MAPS AT PAGE 194, IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 30 SOUTH, RANGE 27 EAST, M.D.M. IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.



[Signature]
02/24/2020



RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING
COMMISSION RECOMMENDING THAT THE CITY
COUNCIL ADOPT A NOTICE OF EXEMPTION FOR A
ZONE CHANGE, LOCATED 4040 MING AVENUE,
BAKERSFIELD, CALIFORNIA 93309 (ZC NO. 20-0062).

WHEREAS, Dabeen LLC (property owner) filed an application with the City of Bakersfield Development Services Department requesting an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial) on 0.44 acres, located at 4040 Ming Avenue, Bakersfield, CA 93309 (the "Project"); and

WHEREAS, it was determined that the Project would not have a significant effect on the environment; therefore, a Notice of Exemption was prepared in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Secretary of the Planning Commission set Thursday, July 16, 2020 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed Notice of Exemption and Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the laws and regulations relating to the preparation and adoption of Notice of Exemptions as set forth in CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been duly followed by City staff and the Planning Commission; 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, 20 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 under CEQA. A Notice of Exemption was prepared and properly noticed.
3. A Notice of Exemption for the Project is the appropriate environmental document to accompany its approval as the Project will not significantly impact the physical environment.

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

1. The above recitals, incorporated herein, are true and correct.
2. The Notice of Exemption is hereby recommended for adoption by the City Council.
3. The Project site is shown in Exhibit A.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on July 16, 2020, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

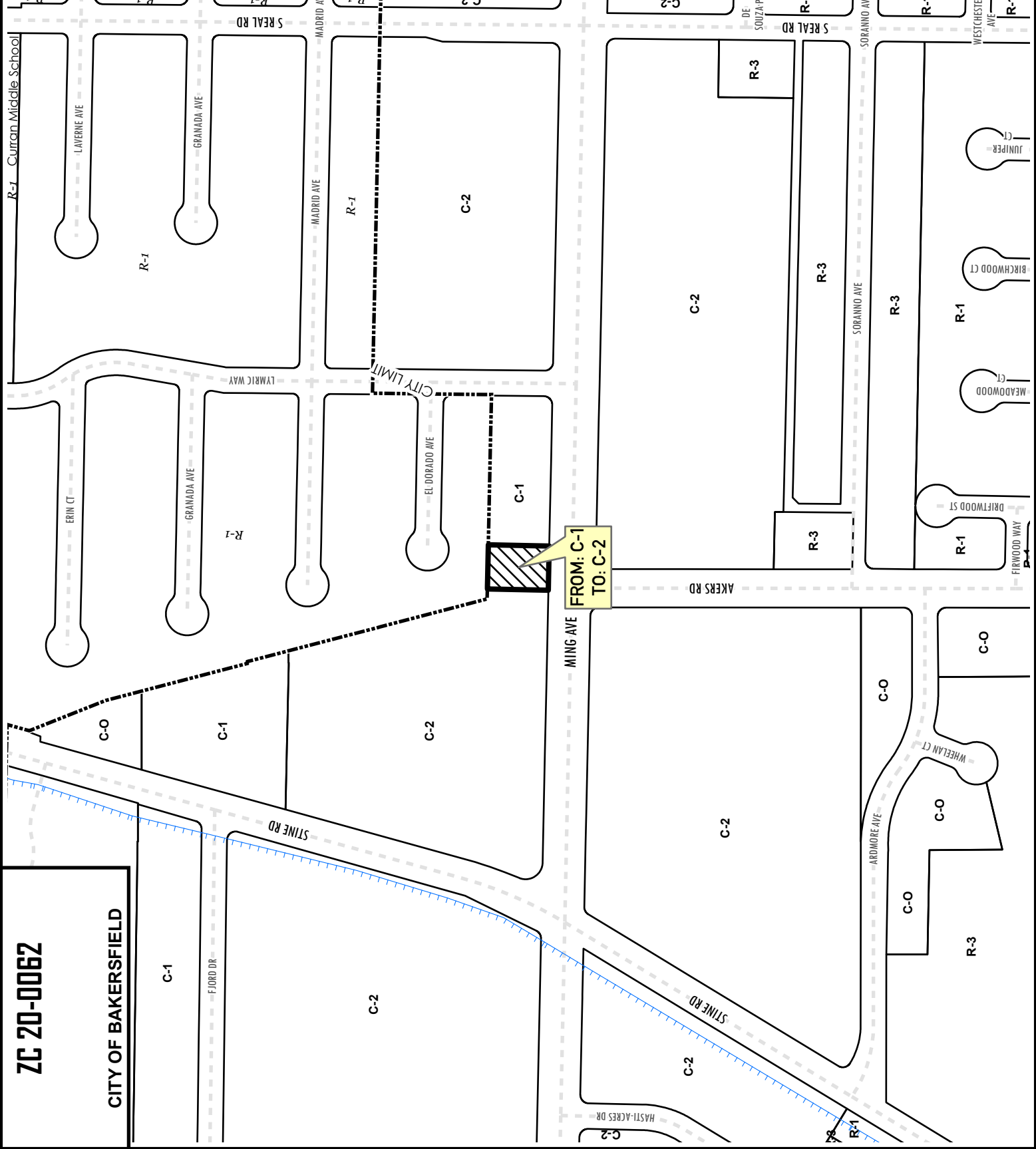
LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Location Map

ZC 20-0062

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
- 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



Feet



NOTICE OF EXEMPTION

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

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

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

Project Title: Zone Change No. 20-0062

Project Location-Specific: Located at 4040 Ming Avenue, Bakersfield, CA 93309 (APN 164-050-20).

Project Location-City: Bakersfield

Project Location-County: Kern

Description of Project: The project is a request for a Zone Change on 0.45 acres located at 4040 Ming Avenue, Bakersfield, CA 93309. The applicant proposes to change the existing zone from C-1 (Neighborhood Commercial) to C-2 (Regional Commercial). The zone change would allow a drive-thru as part of a replacement of an existing commercial building at the site. The City's zoning ordinance does not allow drive-thru facilities within the C-1 zone, but does allow the use in the C-2 zone.

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project: Planning Division

Exempt Status:

- ☐ Ministerial (Sec.21080(b)(1); 15268));
- ☐ Declared Emergency (Sec.21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number. Section 15302 (Replacement or Reconstruction)
- ☐ Statutory Exemptions. State section number. _____
- ☐ Project is exempt from CEQA pursuant to Section 15061(b)(3)

Reasons why project is exempt: Staff has determined that the proposed project would not have a significant effect on the environment. The project is the replacement of a commercial building with another commercial building (restaurant with drive thru) on the same site within the urban core of Bakersfield. The replacement commercial building would be about the same square footage, and would serve a similar commercial purpose and have a similar occupancy capacity as the previous commercial building. Therefore, this project has been found to be categorically exempt from the provisions of CEQA in accordance with CEQA Guidelines Section 15302, Replacement and Reconstruction.

Lead Agency: Contact Person: Steve Esselman

Telephone/Ext.: (661) 326-3733

If filed by applicant:

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



Signature: _____ Date: September 9, 2020 Title: Principal Planner

☒ Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: _____



BAKERSFIELD

THE SOUND OF *Something Better*

March 13, 2020

Samuel Rhyoo
Dabeen, LLC
P O Box 10059
Bakersfield, CA 93389-0059

RE: Notice of Decision - Site Plan Review (Project No. 20-0004) (Ward 6)

Dear Mr. Rhyoo

At the recommendation of the Site Plan Review Committee, the plans for demolition of two buildings and construction of two buildings totaling 9,160 square feet in the C-1 and C-2 (Neighborhood Commercial and Regional Commercial Zone) district located at 4000 - 4040 Ming Avenue, have been reviewed and conditionally approved. This letter provides a list of items requiring your attention.

Staff notes the following two items require special attention: (1) per staff's previous telephone conversations, a zone change is required to C-2; and (2) the site plan needs to be updated to reflect development on APN 164-060-13. These items will need to be addressed before any building permits can be issued. ***Before you submit any revised plans for consideration, you will need to schedule a meeting with Planning staff to discuss how to proceed.***

Once the corrections noted in the attached site plan compliance list have been made, the proposal will meet the minimum required codes, policies and standards for development as adopted by the Bakersfield City Council. Specific items have been identified (see attached Site Plan Compliance List) that you need to resolve before you can obtain a building permit or be allowed occupancy. These items may include changes or additions that need to be shown on the final building plans, alert you to specific fees, and/or are comments that will help you in complying with the city's development standards. Each item will note when it is to be completed and they have been grouped by department so that you know whom to contact if you have questions.

Your next step is to either apply for necessary building permits to construct your project, or begin your business activities depending on the request submitted. You must submit final building plans to the Building Division. The Site Plan Review Committee will review these final plans while building plan check occurs to ensure that you satisfy the items in the Site Plan Compliance List. Please read them carefully. Failure to satisfy an item may delay your obtaining a building permit or commencing your project.

After construction of your project but before the City can allow occupancy, the Building Division must inspect the development to find if it complies with the approved plans, and any other relevant permits and codes. If you have satisfied all of the requirements, the Building Director will issue a certificate of occupancy; if not, the area inspector will give you a correction notice. Once you have made all of the corrections, the Building Director can issue a certificate of occupancy. You may not occupy a development until the Building Director has issued a certificate of occupancy.

INDEMNIFICATION CONDITION

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 actions 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, failing 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.

REVISIONS TO THE APPROVED PLAN

Any time after site plan approval but before the approval expires, you may submit revisions to the plan. We will treat these revisions as a new site plan application subject to a new review and required fees. The Planning Director can only approve minor changes to the original plan without a new application if they are necessary to meet a condition, mitigation, or result from physical obstacles or other comparable constraints (See Section 17.08.080.c.3 of the Zoning Ordinance).

EXPIRATION OF PLANS

This site plan expires on March 12, 2022 (2 years from the decision date), unless building permits have been issued, or where the use has commenced on projects not requiring a building permit. The project must be completed within 5 years from the decision date. If the property is rezoned, site plan approval will expire upon the effective date for the rezoning unless the use is permitted in the new zone.

The Planning Director may extend the expiration date up to one (1) year if you resubmit new plans for check against the code requirements in effect at that time and include a written request for the extension. We must receive this request before expiration of the project approval. We will not require a fee for this extension request; however, changes to the plans originally approved for purposes other than code requirements shall be subject to a new site plan review, including payment of all required fees (See Section 17.08.080.D of the Zoning Ordinance).

ENVIRONMENTAL DETERMINATION

This site plan review has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) according to Section 15332. This project is exempt because it is an infill development that is consistent with the general plan and zoning regulations, is within an area predominantly developed with urban uses, is not identified as critical habitat for endangered or threatened species, will not significantly affect traffic noise, air or water quality, and will be adequately served by appropriate utilities and public services. A Notice of Exemption has been prepared and is available for review at the Planning Division.

APPEAL

Any person may appeal this decision. An appeal is limited to whether or not an adopted development standard, zoning regulation, mitigation, or policy applied or not applied to the project, was done consistent with the authority granted by city ordinances or the California Environmental Quality Act (CEQA). The appeal must be in writing stating the precise basis or issue as noted, must include the appropriate filing fee, and must be filed within **10 days** of the decision date to the City of Bakersfield Planning Commission (c/o Bakersfield Planning Director, 1715 Chester Avenue, Bakersfield, CA 93301). The Planning Commission will hold a public hearing on the appeal and their decision will be final unless their decision is appealed to the City Council.

Site plan approval is based on the statements made in the application and the plans you submitted. Any errors or omissions on these plans could alter the compliance list and/or void this decision. If you have questions about any of the items noted in the Site Plan Compliance List, you must speak to the contact person representing the department requiring that item.

Correspondence will continue to be sent to the applicant on record. Should the applicant change, it is the property owner's responsibility to update the contact information with the Planning Division. If you have other questions regarding general information about the site plan review process, please contact the Planning Division at (661) 326-3733.

DECISION DATE: March 13, 2020

Sincerely,



Paul Johnson
Planning Director

cc: All Interested Agencies – For your records.

CONDITIONS AND ORDINANCE COMPLIANCE

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 items listed below will usually need to be shown on the final building plans or completed before a building permit is issued. As part of the building permit submittal, identify the location of your response by using the *APPLICANT'S RESPONSE* line provided directly below the item (example: sheet number, detail, etc.).

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.

APPLICANT'S RESPONSE: _____

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.

APPLICANT'S RESPONSE: _____

3. Show on the final building plan pedestrian access from the public way and accessible parking. Private streets are not the public way.

APPLICANT'S RESPONSE: _____

4. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.

APPLICANT'S RESPONSE: _____

5. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.

APPLICANT'S RESPONSE: _____

6. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.

APPLICANT'S RESPONSE: _____

7. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.

APPLICANT'S RESPONSE: _____

8. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.

APPLICANT'S RESPONSE: _____

9. Prior to granting occupancy, the Building Division will verify that a water meter serving the development is in place. Therefore, it is recommended that the developer contact the applicable water purveyor to inquire about their process for obtaining water service for the development as soon as possible. To determine who the water purveyor for the development is, you may contact the City of Bakersfield Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715).

APPLICANT'S RESPONSE: _____

10. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

APPLICANT'S RESPONSE: _____

B. DEVELOPMENT SERVICES - PLANNING (1715 Chester Avenue)

(Staff contact - Wayne Lawson; 661-326-3976 or WLawson@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>
3990 Ming Ave (SPR 10-0248) Dental Office	5,026 SF	1 space/200 SF	25 spaces
APN 164-060-130	720 SF		
4000 Ming Ave. Multi-tenant Building (B)	6,400 SF	1 space/200 SF	32 spaces
4040 Ming Ave. Multi-tenant Building – A <u>Drive-thru window credit</u>	2,760 SF	1 space/200 SF	14 spaces (2) spaces
Required Parking: 69 spaces			

(Note 1: 69 parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements. For commercial development containing a multi-tenant pad, any change in use where 50 percent or more of the pad requires additional parking pursuant to Bakersfield Municipal Section 17.58.110, the Planning Director may require parking commensurate with the new use.)

(Note 2: Provide a floor plan for each building with intended use of every suite. Parking calculations may require adjustment.)

APPLICANT'S RESPONSE: _____

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.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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.)

APPLICANT'S RESPONSE: _____

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, CC&Rs, 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.

APPLICANT'S RESPONSE: _____

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.)

APPLICANT'S RESPONSE: _____

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.

APPLICANT'S RESPONSE: _____

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.

APPLICANT'S RESPONSE: _____

9. Our records show that the project is contained on more than one parcel. Because building setbacks cannot be met based on the design layout, a parcel line bisects a building, and/or parking for residential use is not on the same site as the project (Section 17.58.020.B. of the Bakersfield Municipal Code), a parcel merger or lot line adjustment application removing or relocating property lines shall be submitted to the Planning Division before building permits can be issued. Recordation of the map shall occur before final building or site occupancy can be granted. If our records are in error, please provide a copy of the parcel map, subdivision map, or certificate of compliance showing the approved property lines.

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

APPLICANT'S RESPONSE: _____

10. Evidence is required to determine that APN 164-060-130 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.)

APPLICANT'S RESPONSE: _____

11. Street addresses for the project shall be designated by staff. These numbers will be the only addresses assigned by the city unless you wish to have a different address program. Internal building unit addresses will be only by suite number and will be the responsibility of the owner or developer to assign to each tenant. Please contact the Karl Davisson at 661-326-3594 for further information.

(**Note:** It is recommended that you assign suite numbers beginning with 100, 200, 300 etc. instead of an alphabetic character. If in the future a tenant space were split, you would then be able to assign a suite number between the existing numbers, which would keep your suites in numerical order. Keeping an orderly numbering system will make it easier for customers, emergency personnel, and mail delivery to find the business.)

APPLICANT'S RESPONSE: _____

12. Business identification signs are **neither considered nor approved** under this review (e.g. wall, monument, pylon, etc.). 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.)

APPLICANT'S RESPONSE: _____

13. 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.

APPLICANT'S RESPONSE: _____

- 14. 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.

APPLICANT'S RESPONSE: _____

- 15. 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.

APPLICANT'S RESPONSE: _____

16. 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.)

APPLICANT'S RESPONSE: _____

17. 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.)

APPLICANT'S RESPONSE: _____

18. 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.)

APPLICANT'S RESPONSE: _____

19. 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.

APPLICANT'S RESPONSE: _____

20. 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.

APPLICANT'S RESPONSE: _____

21. 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).

APPLICANT'S RESPONSE: _____

22. 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.

APPLICANT'S RESPONSE: _____

23. As noted on the first page, the following two items require special attention: (1) per staff's previous telephone conversations, a zone change is required to C-2; and (2) the site plan needs to be updated to reflect development on APN 164-060-13.

APPLICANT'S RESPONSE: _____

Before you submit any revised plans for consideration, you will need to schedule a meeting with Planning staff to discuss how to proceed.

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.

APPLICANT'S RESPONSE: _____

- 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.

APPLICANT'S RESPONSE: _____

- 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.

APPLICANT'S RESPONSE: _____

- 4. If you handle hazardous materials or hazardous waste on the site, the Prevention Services Division may require a hazardous material management and/or risk management plan before you can begin operations. Please contact them at 661-326-3979 for further information.

APPLICANT'S RESPONSE: _____

- 5. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

APPLICANT'S RESPONSE: _____

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.

APPLICANT'S RESPONSE: _____

2. If the property requires a dedicated fire water service line, Developer shall submit two (2) sets of utility 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.

APPLICANT'S RESPONSE: _____

3. Developer shall pay the required Water Resources Fire Service Inspection Fees and submit an *Inspection Request Form* 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/fees.htm

APPLICANT'S RESPONSE: _____

E. PUBLIC WORKS - ENGINEERING (1501 Truxtun Avenue)

(Staff contact - Alerik Hoeh; 661-326-3581 or ahoeh@bakersfieldcity.us)

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

1. The developer shall construct curbs, gutters, cross gutters, sidewalks, and street/alley paving along Ming 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.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

3. Show on the final building plans all existing connection(s) to the public sewer system.

APPLICANT'S RESPONSE: _____

4. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B, A, C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved

base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.

APPLICANT'S RESPONSE: _____

5. If a grading plan is required by the Building Division, building permits will not be issued until the grading plan is approved by **both** the Public Works Department and the Building Division.

APPLICANT'S RESPONSE: _____

6. All storm water generated on the project site, including the street frontage shall be retained onsite unless otherwise allowed by the Public Works Department (please contact the Public Works Department – Subdivisions at 661-326-3576).

APPLICANT'S RESPONSE: _____

7. If the project generates industrial waste, it shall be subject to the requirements of the Industrial Waste Ordinance. An industrial waste permit must be obtained from the Public Works Department before issuance of the building permit. To find out what type of waste is considered industrial, please contact the Wastewater Treatment Superintendent at 661-326-3249.

APPLICANT'S RESPONSE: _____

8. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required prior to submitting a grading plan. Any off-site/frontage improvements or repairs required during the site inspection shall be shown on the grading plan.

APPLICANT'S RESPONSE: _____

9. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

11. 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.

APPLICANT'S RESPONSE: _____

12. 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.)

APPLICANT'S RESPONSE: _____

13. The developer shall install a full sized manhole in each sewer line except residential development before it connects to the sewer main. This manhole is to be located within the property being developed and must be easily accessible by City workers.

APPLICANT'S RESPONSE: _____

F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)

(Staff contact - Alerik Hoeh; 661-326-3581 or ahoeh@bakersfieldcity.us)

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

1. Show on the final building plans 36-foot wide (top-to-top) drive approach(es). Drive approaches must be centered on drive aisles. All dimensions shall be shown on the final building plans.

APPLICANT'S RESPONSE: _____

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.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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, six (6) 3-cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

- ☐ _____ 6' deep x 8' wide (1 bin) ☒ Two (2) 8' deep x 15' wide (3 bins)
☐ _____ 8' deep x 10' wide (2 bins) ☐ _____ 8' deep x 20' wide (4 bins)
☐ _____ 8' deep x 10' wide; on skids for direct stab only (1-6 yard recycling bin)

(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.)

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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.

APPLICANT'S RESPONSE: _____

5. Facilities that require grease containment must provide a storage location that is separate from the refuse bin location. This shall be shown on the final building plans. If a grease interceptor is to be used instead of a grease containment bin, the plans must still show the location of an adequately sized enclosure should a grease containment bin be required at a future date. The grease containment bin shall not share the same enclosure as the refuse/recyclable/organic bin enclosure.

APPLICANT'S RESPONSE: _____

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.

APPLICANT'S RESPONSE: _____

7. If utilities are incorporated into the enclosure design, they shall not interfere with space provided for refuse bins and must provide sufficient protection measures to guard the utilities from damage.

APPLICANT'S RESPONSE: _____

8. Enclosures shall not be located in an area that would cause refuse trucks to interfere with drive thru traffic flow entering or exiting the site, drive thru lanes, etc.

APPLICANT'S RESPONSE: _____

9. Businesses are required to have sufficient capacity of refuse/recycling/organic material storage to go without service for 1 day (Sunday). At any time refuse/recycling/organic services become an issue, businesses shall construct a second refuse enclosure to meet the demand. The second enclosure shall be approved by the City prior to construction.

APPLICANT'S RESPONSE: _____

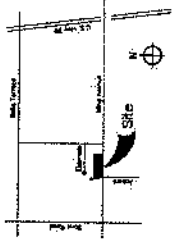
10. Revise the site plan to make the trash enclosure accessible to the refuse truck. City trucks may not drive down dead end corridors, nor back-up long distances; therefore, a turn-around area shall be provided.

APPLICANT'S RESPONSE: _____

11. Provide a scaled detail sheet that shows how the properly sized trash enclosure will be constructed. Do not paste a boilerplate schematic into the building plan nor into the grading plan sheets.

APPLICANT'S RESPONSE: _____

Vicinity Map



Project Statistics

Assessor's No.: 164-003-31-00-8 PM 1229-1 4010 Ming Ave
 164-003-31-00-9 PM 1229-2 4000 Ming Ave
 Land Area: ① 18 629 s.f. (4.26 AC)
 ② 23 188 s.f. (.52 AC)
 ③ 42 813 s.f. (1.12 AC)

Zone: C-1
 Existing Use: General Office
 Proposed Use: Restaurant/Financial Retail/Daycare
 Type of Occupancy: A2, B1, F, M
 Type of Construction: Y-B
 Building Area:
 ① Neighborhood Shopping Center 2 760
 ② Shopping Center (2 or more tenants) 5 400
 ③ Neighborhood Shopping Center
 (Restaurant and Service Area)
 9 160 s.f. (0.21)

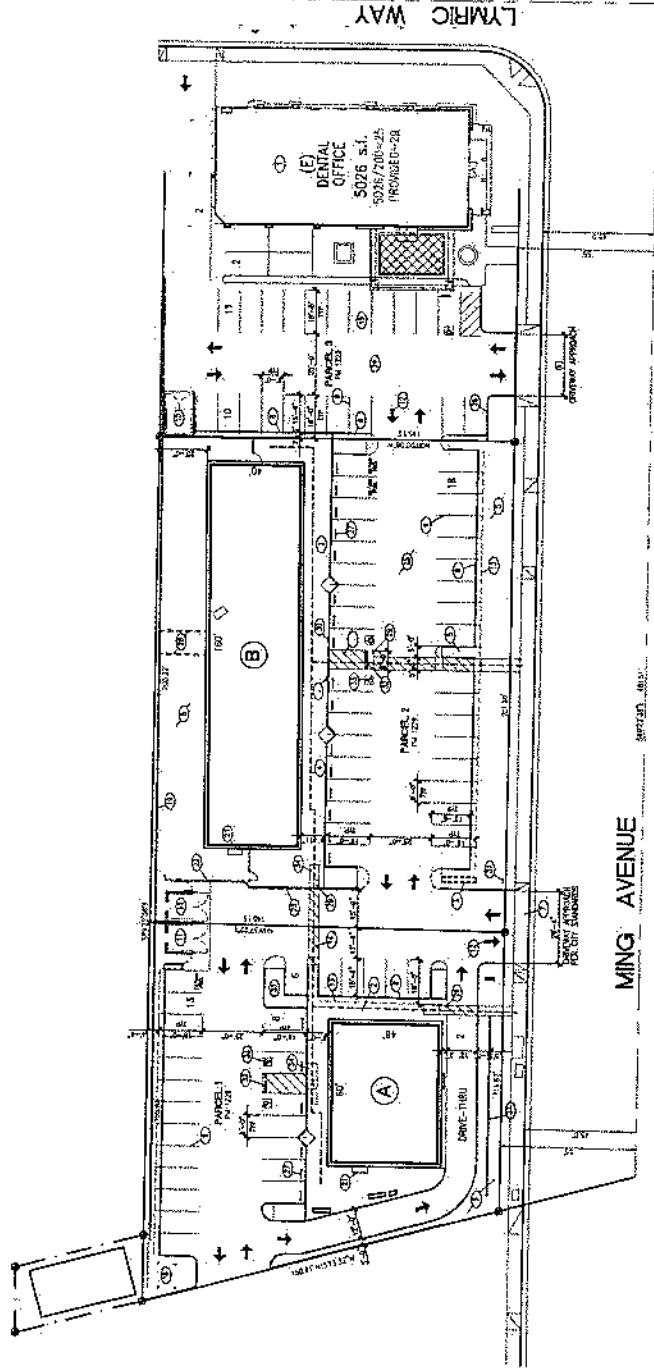
Building Height: 35 feet
 Parking: Neighborhood Shopping Center
 9 160 s.f. / 700 s.f. (15)
 Parking Spaces Required = 45
 Parking Spaces Provided = 60

Landscaping: ① 2450
 ② 3730
 9180 s.f.
 (12%)

Sewer: City of Berkeley
 Water: Cal Water
 Fire: (E) Fire Hydrants
 Power: PG&E

New Shell Building

Ming Avenue
Berkeley, CA



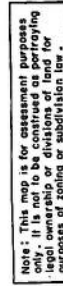
SITE PLAN

1" = 20'-0"

KEYNOTES

- ① PARCELS 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1150, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1340, 1350, 1360, 1370, 1380, 1390, 1400, 1410, 1420, 1430, 1440, 1450, 1460, 1470, 1480, 1490, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, 1580, 1590, 1600, 1610, 1620, 1630, 1640, 1650, 1660, 1670, 1680, 1690, 1700, 1710, 1720, 1730, 1740, 1750, 1760, 1770, 1780, 1790, 1800, 1810, 1820, 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SI/2 OF SE1/4 SEC. 2 T.30 S. R.27 E. SCHOOL DIST. 56-5
1-1 164-05

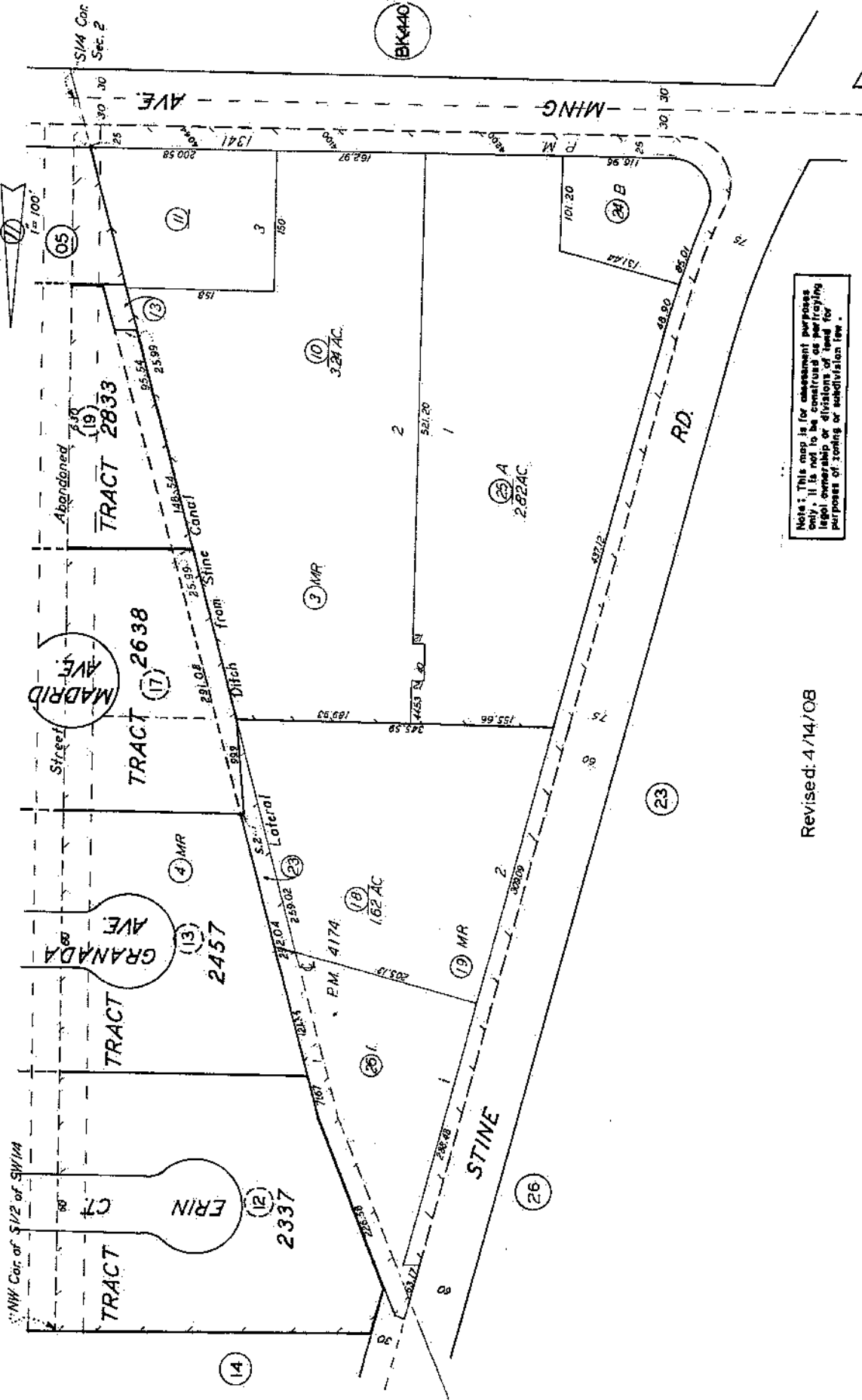


ASSESSORS MAP NO. 164-05...
COUNTY OF KERN

164-06

PTN. OF SW 1/2 OF SW 1/4 SEC. 2 T.30 S. R. 27 E. SCHOOL DIST.

164-06



Revised: 4/14/08

ASSESSORS MAP NO. 164-06

COUNTY OF KERN



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: July 16, 2020

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

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER:

DATE:

WARD: Ward(s) 1, 2, 3, 4, 5, 6, 7

SUBJECT:

Text Amendments to the Bakersfield Municipal Code by amending Sections 1.28.030, 2.28.080, 2.28.110, 12.64.020, 15.66.020, 15.66.030, 15.72.040, 15.74.180, 17.04.155, 17.08.180, 17.45.050, 17.56.010, 17.56.030, 17.56.040, 17.56.050, 17.56.060, 17.56.080, 17.59.020, 17.60.020, 17.60.030, 17.62.050, 17.63.050, 17.64.020, 17.64.040, 17.64.042, 17.64.050, 17.64.060, 17.64.090, 17.64.110, 17.66.180, 17.68.040, and 17.71.040, and repealing Section 2.28.090 related to dissolving the Board of Zoning Adjustment and assigning its responsibilities to the Planning Commission and the Planning Director. Notice of Exemption on file.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Adopt Resolution approving ordinance amendments and recommend same to the City Council.

ATTACHMENTS:

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



BAKERSFIELD

THE SOUND OF *Something Better*

CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair Koman and Members of the Planning Commission AGENDA ITEM: 5.d

FROM: Paul Johnson, Planning Director APPROVED: PJ

DATE: July 16, 2020

SUBJECT: TEXT AMENDMENTS TO THE BAKERSFIELD MUNICIPAL CODE BY AMENDING SECTIONS 1.28.030, 2.28.080, 2.28.110, 12.64.020, 15.66.020, 15.66.030, 15.72.040, 15.74.180, 17.04.155, 17.08.180, 17.45.050, 17.56.010, 17.56.030, 17.56.040, 17.56.050, 17.56.060, 17.56.080, 17.59.020, 17.60.020, 17.60.030, 17.62.050, 17.63.050, 17.64.020, 17.64.040, 17.64.042, 17.64.050, 17.64.060, 17.64.090, 17.64.110, 17.66.180, 17.68.040, AND 17.71.040, AND REPEALING SECTION 2.28.090 RELATED TO DISSOLVING THE BOARD OF ZONING ADJUSTMENT AND ASSIGNING ITS RESPONSIBILITIES TO THE PLANNING COMMISSION AND THE PLANNING DIRECTOR. (ALL WARDS)

RECOMMENDATION:

Adopt Resolution **APPROVING** the ordinance amendment and recommend same to the City Council.

BACKGROUND:

This item is in response to a referral from Councilman Freeman at the May 20, 2020 City Council meeting for staff to review the responsibilities of the Board of Zoning Adjustment (BZA) so as to streamline development.

At the June 30, 2020 Planning and Development Committee meeting, staff provided a presentation on dissolving the BZA and assigning its responsibilities to the Planning Commission and the Planning Director, and recommended amendments to the Bakersfield Municipal Code. Staff was directed to draft the proposed amendments.

ANALYSIS:

Currently, the BZA has discretionary authority per Section 17.64.020 of the Municipal Code, which states:

The board of zoning adjustment shall have authority to grant, subject to appeal to the city council under the provisions of this title, the following:

A. Modification or waiver of:

1. *Automobile parking space or loading requirements on private property, and*
 2. *The height, yard and lot area regulations 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 typical subdivision development, and*
 3. *Fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot; and*
- B. *Conditional use permits permitting any use in any zone in which that use is not permitted by this title, subject to the findings set forth in Section 17.64.060(C);*
- C. *Wireless facilities right-of-way permits for wireless telecommunication facilities proposed to be located within the public right-of-way pursuant to Chapter 12.30.*

Thus, the City's BZA has authority of three entitlement processes: (1) Zoning Modification; (2) Conditional Use Permit; and (3) a wireless facilities permit specific to the public right-of-way.

Comparable Cities. When reviewing comparable cities for broader understanding of zoning entitlement hierarchy and strategy, staff looked to discern how each municipality permitted specific uses, the types of permits required, and the degree of discretionary authority assigned to each of the permitting entities. Ten comparable cities/counties were surveyed. The results of that survey are:

MUNICIPALITY	Administrative Permit	Discretionary Permit	CUP Review
Bakersfield	DRA	CUP	BZA
Glendale	AUP	CUP	PC
Modesto	None	CUP	PC
Riverside	None	MCUP and CUP	PC
Stockton	AUP	CUP	PC
Fresno	None	CUP	PC
Ontario	AUP	CUP	PC
Visalia	AUP	CUP	PC
Pasadena	None	MCUP and CUP	PC
Fresno County	DRA	CUP	PC
Kern County	None	CUP	PC

Note: DRA (Director Review and Approval), AUP (Administrative Use Permit), CUP (Conditional Use Permit), MCUP (Minor Conditional Use Permit), BZA (Board of Zoning Adjustment), PC (Planning Commission).

Zoning Modification. When looking at the comparable municipalities concerning the Zoning Modification, administrative permits such as a Director Review and Approval (DRA) or Administrative Use Permit (AUP) were reviewed by various governmental bodies or individuals including a Development Review Committee, the Planning Director, the Development Services Director, Community Development Director or their appointee. Because of the minor nature of available modifications within Bakersfield's Municipal Code, these "modifications" from development standards typically would be granted via an administrative permit process such as a Director Review and Approval or Administrative Use Permit, only forwarding the modification request to the Planning Commission (PC) when it was being processed concurrently or when the decision of the lower body was appealed. The City's current Zoning Ordinance already has a Director Review and Approval process that could easily process zoning modification requests and absorb the administrative function of the BZA.

Conditional Use Permit (CUP). Bakersfield is the only municipality within the referenced comparable cities that does not assign the authority to review and approve CUPs to its PC. In some cases, cities even required a lesser Minor Conditional Use Permit (MCUP) to be reviewed by the PC. For some jurisdictions, a MCUP could be the installation of a septic tank. Most zoning use schedules included permitted uses, uses approved administratively and uses requiring a CUP where the discretionary permit was decided by the PC. Thus, there is overwhelming rationale for reassigning discretionary authority of CUPs to the Planning Commission.

Wireless Facilities Permit. The final entitlement currently under BZA authority is the wireless facilities right-of-way permit for wireless telecommunication facilities proposed to be located within the public right-of-way. This specialized permit was codified into ordinance in 2016. To date, no application for a wireless facilities permit has ever been processed.

RECOMMENDED ORDINANCE UPDATES:

In response to the Council direction, staff prepared the attached draft text amendments. The Ordinances amendments would accomplish the following:

- The Board of Zoning Adjustment (BZA) and its authority is eliminated and removed from the code.
- A Director Review and Approval (DRA) replaces the BZA, taking on an administrative/ministerial permitting function. The concept of a DRA is already utilized within the use schedules of the ordinance.
- Ordinance guiding DRA authority and processes is added, separate from ordinance specific to Conditional Use Permit (CUP) which is moved into the authority of the Planning Commission (PC).
- Modifications would be processed at the DRA level, with referral and/or appeal to the PC in certain cases.
- The review and discretionary approval of CUPs would be moved to the PC, and integrated with processes associated with zone changes, per existing ordinance.
- Where the BZA is referenced within the code as the permitting agency, such as is found in Title 15, that responsibility will be assigned to the PC.
- Where the BZA is assigned to hear appeals, that responsibility will be assigned to the PC, or the DRA, whichever is most appropriate.

There are also numerous references to the BZA that are distributed throughout the Municipal Code. The references are located in various locations, including but not limited to the following:

- Section 1.28 Administrative Procedure
- Section 2.28 Planning and Zoning Agencies
- Section 12.64 Specific Trails Plan
- Section 15.66 Drilling for and Production of Petroleum
- Section 15.72 Historical Preservation
- Section 15.74 Flood Damage Prevention
- Title 17 Numerous references.

The ordinance amendments address each of the references and, dependent upon the context, assign them appropriately to either the Planning Director or the PC, ultimately creating a more efficient framework of governance.

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. Under CEQA Section 15306 (*Information Collection*) Class 6 projects consist of basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

PUBLIC NOTIFICATION:

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Development Services/Planning Division. As of this writing, no written comments have been received.

CONCLUSION:

In summary, based on the whole of research completed, the role of the BZA could be dissolved, integrated its discretionary authority into the PC and its ministerial functions into the existing DRA. This would improve Planning Division efficiencies while streamlining the development process wherever applicable. Certain cost savings would also be enjoyed by the City.

Based on the foregoing, staff concludes the recommended ordinance amendments to the Bakersfield Municipal Code are appropriate.

ATTACHMENTS:

A: Draft Resolution

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT
AMENDMENTS TO THE BAKERSFIELD MUNICIPAL CODE BY AMENDING
SECTIONS 1.28.030, 2.28.080, 2.28.110, 12.64.020, 15.66.020,
15.66.030, 15.72.040, 15.74.180, 17.04.155, 17.08.180, 17.45.050,
17.56.010, 17.56.030, 17.56.040, 17.56.050, 17.56.060, 17.56.080,
17.59.020, 17.60.020, 17.60.030, 17.62.050, 17.63.050, 17.64.020,
17.64.040, 17.64.042, 17.64.050, 17.64.060, 17.64.090, 17.64.110,
17.66.180, 17.68.040, AND 17.71.040, AND REPEALING SECTION
2.28.090 RELATED TO DISSOLVING THE BOARD OF ZONING
ADJUSTMENT AND ASSIGNING ITS RESPONSIBILITIES TO THE
PLANNING COMMISSION AND THE PLANNING DIRECTOR.

WHEREAS, the City of Bakersfield initiated text amendments to the Bakersfield Municipal Code by amending Sections 1.28.030, 2.28.080, 2.28.110, 12.64.020, 15.66.020, 15.66.030, 15.72.040, 15.74.180, 17.04.155, 17.08.180, 17.45.050, 17.56.010, 17.56.030, 17.56.040, 17.56.050, 17.56.060, 17.56.080, 17.59.020, 17.60.020, 17.60.030, 17.62.050, 17.63.050, 17.64.020, 17.64.040, 17.64.042, 17.64.050, 17.64.060, 17.64.090, 17.64.110, 17.66.180, 17.68.040, and 17.71.040, and repealing Section 2.28.090 related to dissolving the Board of Zoning Adjustment and assigning its responsibilities to the Planning Commission and the Planning Director (the Project); and

WHEREAS, the Secretary of the Planning Commission, did set Thursday, July 16, 2020, at 5:30 p.m. in the Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for consideration; and

WHEREAS, the Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Section 15306 (Information Collection) which consists of basic data collection, research, and resource evaluation activities that does not result in a serious or major disturbance to an environmental resource (e.g., information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded); and

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

WHEREAS, the City of Bakersfield Planning Division (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 at the above referenced public hearing support the following findings:

1. All required public notices have been given. Advertisement of the hearing notice regarding the Project was published in the *Bakersfield Californian*, a local newspaper of general circulation.

2. The provisions of the California Environmental Quality Act (CEQA) have been followed.
3. Pursuant to State CEQA Guidelines Section 15306, this request is exempt from the requirements of CEQA because it is for information collection.
4. The text amendments are necessary and desirable as the proper use of the City's zoning authority for the protection of the general health, safety, welfare of the community.
5. The text amendments are consistent with the goals, objectives and policies of the Metropolitan Bakersfield General Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BAKERSFIELD as follows:

1. The recitals above are true and correct and incorporated herein by this reference.
2. The ordinance amendments as shown in Exhibit A and incorporated herein, is hereby recommended for adoption by the City Council.

-----oOo-----

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 16th day of July 2020, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits:
Draft Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 17.64, SECTIONS 020, 040, 042, 050, 060, 090, AND 110, AMENDING SECTION 1.28.030, SECTION 2.28.080, SECTION 2.28.110, SECTION 12.64.020, SECTION 15.66.020, SECTION 15.66.030, SECTION 15.72.040, SECTION 15.74.180, SECTION 17.04.155, SECTION 17.08.180, SECTION 17.45.050, AMENDING CHAPTER 17.56, SECTIONS 010, 030, 040, 050, 060, AND 080, SECTION 17.59.020, CHAPTER 17.60, SECTIONS 020 AND 030, SECTION 17.62.050, SECTION 17.63.050, SECTION 17.66.180, SECTION 17.68.040, AND SECTION 17.71.040, AND REPEALING SECTION 2.28.090 OF THE BAKERSFIELD MUNICIPAL CODE RELATING TO DISOLVING THE BOARD OF ZONING ADJUSTMENT AND ASSIGNING ITS RESPONSIBILITIES TO THE PLANNING COMMISSION AND THE PLANNING DIRECTOR.

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Section 17.64.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.020 Authority of ~~board of zoning adjustment~~ planning director

The ~~board of zoning adjustment~~ planning director shall have authority to grant director review and approval permits, subject to appeal to the ~~city council~~ planning commission under the provisions of this title, subject to the following:

A. Modification or waiver of:

1. Automobile parking space or loading requirements on private property, and
2. The height, yard and lot area regulations 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 typical subdivision development, and
3. Fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot; ~~and.~~

B. Land use approvals as provided for within the various zone districts of this title. Conditional use permits permitting any use in any zone in which that use is not permitted by this title, subject to the findings set forth in Section 17.64.060(C);

C. Wireless facilities right-of-way permits for wireless telecommunication facilities proposed to be located within the public right-of-way pursuant to Chapter 12.30.

SECTION 2.

Section 17.64.040 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.040 Initiation.

A. Applications for director review and approval permits ~~modifications and conditional use permits~~ shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

B. Applications for conditional use permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

CB. Proceedings for redistricting of property may be initiated by the city council, planning commission, planning director or by filing with the planning director an application signed by one or more of the record owners of the parcel of property which is the subject of the application or an agent of the owner authorized in writing. In the event that an application by owners involving more than one parcel of land is submitted for district amendment or adoption, owners of parcels representing at least sixty percent of the area involved must sign the application. The names of all record owners of all land involved must be stated on the application.

DG. Proceedings for amendment of any provisions of Title 17 of this code, other than amendments changing property from one zone to another, may be initiated by city council action, planning commission action or action of the city staff.

SECTION 3.

Section 17.64.042 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.042 Fees.

The city council shall by resolution set fees for application for director review and approval ~~modifications~~, conditional use permits, changes of zones and for

appeals from any order, requirement, decision or determination of the board of zoning adjustment, provided for in this chapter. Such fees shall be in amounts necessary and appropriate to reimburse the city for all costs related to the processing of and acting upon each such application or appeal. No application or appeal shall be deemed complete until the prescribed fee has been received by the city.

SECTION 4.

Section 17.64.050 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.050 Hearings—Notices.

A. Procedure for director review and approval permits. Any application for a director review and approval permit shall be considered by the planning director after it is publicly noticed in the following manner:

1. Not less than ten days before the planning director decision, a direct mailing shall be sent to the owners and/or occupants of property located within 300 feet of the boundaries of the project site, as shown on the latest equalized assessment roll.

2. Notice shall also be given by first class mail to any person who has filed a written request with the planning division. The City may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

3. Such notice shall include the following information: the name of the applicant, nature of the request, location of the property, the environmental determination, the proposed date of "planning director decision" (10 days from date of notice), and the appropriate method and deadline for written or verbal comments to be submitted to the City for consideration.

4. Substantial compliance with these provisions shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this section.

5. Alternatively, at his/her discretion, the planning director may refer the proposed use directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing, hearing, and planning commission appeal procedures of subsection B of Section 17.064.050, Hearings - Notices, shall be followed.

6. For any director review and approval permit application filed in

conjunction with any discretionary application (including a conditional use permit, tentative subdivision map, etc.), the applicant shall file the application concurrently, for review with the application requiring discretionary approval.

B.A. Procedure for conditional use permits and zone changes. Upon the receipt in proper form of a complete application for a ~~modification~~, conditional use permit, or zone change, along with the fee adopted pursuant to Section 3.70.040, the planning director shall fix a time and place of public hearing thereon in the following manner:

B. 1. Not less than ten days before the date of such public hearing, notice of the date, time and place of hearing, along with the location of the property and the nature of the request shall be given ~~in the following manner:~~

21. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property of the owners duly authorized agent, and to the project applicant.

32. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to each local agency (if not the city) expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

43. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of real property that is the subject of the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph or subsection (B)(21) of this section is greater than one thousand, in-lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city at least ten days prior to the hearing. Notice of hearing upon each application for a conditional use permit to allow drilling for and production of petroleum pursuant to Chapter 15.66 shall be mailed to such owners of all property that is the subject of the hearing, and the production operator of record of subject real property as shown in the State of California Department of Conservation, Division of Oil, Gas and Geothermal Resources (herein D.O.G.G.R.) records as of thirty days of the date of application of the conditional use permit. The applicant shall be responsible for obtaining the operators name and address from D.O.G.G.R and submitting such documentation from the division with the application for a conditional use permit.

54. Notice shall be published in at least one newspaper of general circulation within the city at least ten days prior to the hearing.

~~6~~5. Notice shall be mailed to every person filing with the planning director a written request for notice.

~~7~~6. In addition, not less than twenty days but not more than sixty prior to the hearing on any general plan amendment, specific plan, ~~or~~ zone change, or conditional use permit, the applicant shall post signs on the property indicating the date, time, and place of the hearing on the proposed general plan amendment, specific plan, ~~or~~ zone change, or conditional use permit.

a. One sign shall be posted for every three hundred feet of street frontage, or portion thereof, with a maximum of two signs per street frontage. If no portion of the property fronts an existing public street, at least one sign shall be posted on the property nearest the point of legal access from a public street or as otherwise directed by the planning director.

b. For general plan amendment, specific plan, zone change, and conditional use permit on an undeveloped site, ~~the~~ the size of the sign shall be eight feet wide by four feet high. Lettering style, formatting, mounting, and materials to be used shall be as set forth in the administrative policy manual approved by the development services director.

c. For a conditional use permit on a developed site in all non-residential zones, the size of the sign shall be four feet wide by four feet high. The sign shall be posted along the street frontage, but not in the public right of way. In addition, a smaller sign (e.g., 11" x 17"), at the discretion of the planning director, shall be placed in the window of the facility where the activity will occur. For a conditional use permit on a developed site in a residential zone, the provisions of BMC 17.60.070.(C). shall apply.

~~e~~d. The applicant shall file with the planning department, on a form provided by the city, photograph(s) of the posted sign(s) and a declaration, signed under penalty of perjury, that the property has been posted according to the requirements of this section.

~~e~~e. If the applicant fails to post the signs within the specified time, and if the photographs and declaration are not filed with the planning department within five days of the signs being posted, the public hearing may be postponed until the signs are posted and proof of posting has been submitted.

~~e~~f. The applicant shall remove all signs posted pursuant to this section within ten days after final city ~~council~~ action on the general plan amendment, specific plan, or zone change, or conditional use permit. Should the applicant withdraw their application for a general plan amendment, specific plan, ~~or~~ zone change, or conditional use permit, all

signs posted shall be removed within ten days of the withdrawing of the application.

~~f~~g. Should the applicant fail to remove any sign within the specified time, the city may remove any such sign and the costs thereof shall be borne by the applicant.

C. When proceedings are initiated for the amendment of any provision of Title 17, other than amendments changing property from one zone to another, or changing the boundary of any zone, a public hearing shall be held. Notice of such hearing shall be given once by publication in a newspaper of general circulation in the city, which notice shall state the time, date and place of such hearing and a general description of the nature of the proposed text amendment.

SECTION 5.

Section 17.64.060 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.060 ~~Modifications~~ Director review and approval permits and conditional use permits—Hearing—Decision and findings.

A. Director review and approval permit. The planning director shall render a decision on the application within ten (10) days after the proposed date of "planning director decision" included in the public notice, as described in subsection A of Section 17.64.050. The decision shall grant in modified form, conditionally grant, or deny the requested director review and approval permit as follows:

1. Approval/Conditional Approval. In the case where no public comments in opposition to the request have been received and the planning director is able to make the appropriate findings as noted in subsection B of Section 17.64.060, the planning director will grant approval or conditional approval. For conditional approvals, the planning director may apply conditions of approval upon the entitlement as noted in subsection D of Section 17.64.060.

2. Referral to planning commission. In the case where public comments in opposition to the request have been received, the planning director shall either deny or refer the proposed request directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing and hearing procedures in subsection B of Section 17.064.050, Hearings - Notices, shall apply.

3. Denial. In the case where public comments in opposition to the request have been received and the planning director is unable to make the

appropriate findings as noted in subsection B Section 17.64.060, the planning director will deny the application. Such denial may be appealed per Section 17.64.090.

B. Findings Required for ~~Modification~~ director review and approval permit. A ~~modification~~ director review and approval permit shall be granted only when it is found that:

1. The granting of such ~~modification~~ director review and approval permit would not be materially detrimental to the public welfare, nor injurious to the property or improvements in the zone or vicinity in which the property is located; and

2. The granting of the ~~modification~~ director review and approval permit 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~~ director review and approval permit would not be inconsistent with the purposes and intent of Title 17 of this code.

~~C.A.~~ Conditional use permit. Following the public hearing, the ~~board of zoning adjustment~~, planning commission or city council may grant, grant in modified form, conditionally grant, or deny the requested ~~waiver or modification~~ conditional use permit. Such decision shall be reflected in a formal resolution containing the findings and the facts upon which the findings are based.

~~D.G.~~ Findings Required for Conditional Use Permit. 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.

~~E.D.~~ Conditions. The issuance of any ~~modification~~ director review and approval permit or conditional use permit pursuant to this title may be granted subject to such conditions as may be 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. Dedications of real property may be required and improvements of public streets shall be in accordance with standard specifications of the city on file in the office of the city engineer.

~~F~~E. Exercise of Rights. The exercise of rights granted by a ~~modification~~ director review and approval permit or conditional use permit shall be commenced within two years after the date of the final decision.

~~G~~F. Termination of Rights. The ~~modification~~ director review and approval permit or conditional use permit shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of the provisions and regulations of Title 17 applicable to the zone in which such property is classified, when any of the following occur:

1. There is a failure to commence the exercise of rights as required by subsection E of this section, or within any duly granted extension;
2. There is a discontinuance for a continuous period of one year of the exercise of the rights granted.

~~H~~G. Extension of Time. Any time limit contained in this chapter or in any decision, for good cause shown, may be extended by the body issuing the initial conditional use permit or ~~modification~~ director review and approval permit for a period which shall not exceed one year.

1. The property owner may request an extension of the time limit by written application to the planning director or designee. Such application shall be filed before the expiration date of the conditional use permit or ~~modification~~ director review and approval permit. The application shall provide reasons for extension of the permit.

2. Upon the receipt in proper form of an application for an extension, along with the fee adopted pursuant to Section 3.70.040, the planning director shall fix a time and place of public hearing thereon. The hearing shall be noticed as set forth in subsection B of Section 17.64.050.

3. Following the public hearing, the hearing body shall approve, conditionally approve, or deny extension of the conditional use permit or ~~modification~~ director review and approval permit.

~~I~~H. Revocation of Rights. The ~~board of zoning adjustment~~ planning commission may revoke the rights granted by such ~~modification~~ director review and approval permit or conditional use permit and the property affected thereby shall be subject to all of the provisions and regulations of Title 17 of this code applicable as of the effective date of revocation. Such revocation shall be for good cause, including, but not limited to, the failure to comply with conditions or complete construction as required by subsection G of this section, the failure to comply with any condition contained in the ~~modification~~ director review and approval permit or conditional use permit, or the violation by the owner or tenant of any provision

of the municipal code pertaining to the premises for which such ~~modification~~ director review and approval permit or conditional use permit was granted.

1. Notice of the intent to revoke shall be given, together with the reasons therefor, either by personal delivery to the occupant of such premises, to the owner of such premises, to any person indicated in the permit as being entitled to exercise the permit, or by deposit in the United States mail, postage prepaid, addressed to such person(s) at his or her last known business or residence address as the same appears in the records of the ~~modification~~ director review and approval permit or conditional use permit. Service by mail shall be deemed to have been completed at the time of deposit in the post office, or any United States mailbox.

2. The decision of the ~~board of zoning adjustment~~ planning commission shall be final, subject to appeal to the city council within ten days after notice.

3. When a proper appeal has been filed, public hearing upon the matter shall be set before the city council within a reasonable time after the appeal is filed.

4. Not less than ten days before the date of such public hearing, notice of the time and place of the hearing before the body shall be given as set forth in subsection B of Section 17.64.050.

5. On appeal, the city council may affirm the revocation, overturn the revocation or modify the order of revocation.

6. The decision of the city council shall be final and conclusive.

J. Date of Issuance. No permit or license for any use involved in an application for a ~~modification~~ director review and approval permit or conditional use permit shall be issued until same has become final by reason of the failure of any person to appeal or by reason of the action of the city council.

SECTION 6.

Section 17.64.090 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.090 Appeals – ~~Modifications,~~ Conditional use permits and zone changes.

A. The action of the ~~board of zoning adjustment~~ or planning commission shall be final unless, within ten calendar days after the decision, the applicant or any other person shall appeal therefrom in writing to the city council by filing such appeal with the city clerk. A decision of the city council shall be final and conclusive.

B. The appeal shall include the appellants interest in or relationship to the subject property, the decision or action appealed, and specific reasons why the appellant believes the decision or action from which the appeal is taken should not be upheld.

C. The city clerk shall set the date for hearing the appeal. Notice of the appeal hearing shall be given as set forth in Section 17.64.050.

D. For ~~modifications and~~ conditional use permits, on appeal following the hearing, the city council may grant, grant in modified form, or deny the requested ~~modification or~~ conditional use permit. The decision of the council shall be final and conclusive.

E. For zone changes, on appeal following a public hearing, the council may enact into ordinance the zoning amendment giving rise to the appeal or any alternative zoning district more restrictive than that proposed, may affirm any conditional approval and recommendation of the planning commission and, or may decide against adoption of the proposed zoning ordinance amendment. The decision of the council shall be final and conclusive.

SECTION 7.

Section 17.64.110 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.110 Conditions for reapplication.

Where an application for a zone change, or conditional use permit ~~or modification~~ has been finally determined by the city council, or planning commission ~~or board of zoning adjustment~~, no reapplication or new application for the same zone change, or conditional use permit ~~or modification~~ shall be considered or heard by the planning commission, or city council ~~or board of zoning adjustment~~ for a period of one year. However, where a change has occurred which, in the sound discretion of the city council, or planning commission ~~or board of zoning adjustment~~ (whichever previously made the final determination) indicates that a new hearing should be had on an application for a zone change and where a showing has been made that the public interest would best be served by reconsideration or new consideration, the prohibition of this subsection may be waived after a finding by the body petitioned that the public interest would best be served by a reconsideration of a new hearing.

SECTION 8.

Section 1.28.030 of the Bakersfield Municipal Code is hereby amended to read as follows:

1.28.030 Definitions.

In this chapter, unless otherwise specifically indicated:

A. "City agency" means any or all of the following listed agencies or boards:

~~Board of zoning adjustment;~~

Board of charity appeals and solicitations;

Inter-group relations board;

Board of building and housing appeals;

Fire prevention board of examiners and appeals;

Fire department pension board;

Bakersfield art commission.

B. "Order of repeal" means any resolution, order or other official act of a city agency which expressly repeals a regulation in whole or in part.

C. "Regulation" means every rule, regulation, order or standard of general application or the amendment, supplement or revision of any such rule, regulation, order or standard adopted by any city agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the city agency.

SECTION 9.

Section 2.28.080 of the Bakersfield Municipal Code is hereby amended to read as follows:

2.28.080 Members of planning commission and board of zoning adjustment.

The planning commission ~~and the board of zoning adjustment~~ created prior to the adoption of the ordinance codified in this chapter, are continued in existence and operation as the planning commission ~~and the board of zoning adjustment~~ of the city, and the appointed members of each shall be and constitute the members of the

planning commission ~~and of the board of zoning adjustment, respectively,~~ until the expiration of the terms for which they were or shall be appointed.

SECTION 10.

Section 2.28.090 of the Bakersfield Municipal Code is hereby repealed in its entirety, as follows:

~~2.28.090 Board of zoning adjustment—Created—Membership—Terms—Vacancies—Alternates—Removal.~~

~~A. There is created a board of zoning adjustment of the city, which shall consist of the building director, the public works director and a member of the city manager's office selected by the city manager.~~

~~B. An alternate shall participate and vote in the place of any member who is absent or disqualified for an economic interest in a matter before the board of zoning adjustment.~~

~~C. The alternate for the building director shall be the assistant building director. The alternate for the public works director shall be the assistant public works director. In the event there is no assistant director to serve as an alternate, the city manager shall designate the alternate from that respective department. The alternate for the member of the city manager's office shall be another member of the city manager's office selected by the city manager.~~

~~D. Members of the board of zoning adjustment and alternates serve until they no longer hold the position making them a board member or alternate or until the make-up of the board is changed by ordinance.~~

SECTION 11.

Section 2.28.110 of the Bakersfield Municipal Code is hereby amended to read as follows:

2.28.110 Planning department—Duties.

The planning department of the city shall act in advisory capacity on all matters relating to all applications decided by the planning commission, including conditional use permits, ~~variances, and modifications,~~ and shall provide technical and secretarial services to the ~~board of zoning adjustment~~ planning commission.

SECTION 12.

Section 12.64.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

12.64.020 Definitions.

A. "Advisory agency". The following bodies shall constitute the advisory agency for projects subject to this chapter:

1. For projects subject to Bakersfield Municipal Code Title 16, the advisory agency shall be defined by Section 16.08.020 of said Title;

2. For conditional use permits, general plan or specific plan amendments, zone changes, or other ~~permits~~ "development" permits and/or approvals not specifically listed in this section, the planning commission shall be the advisory agency;

~~3. For projects subject to the authority of the board of zoning adjustment, such as conditional use permits or modifications, the board of zoning adjustment shall be the advisory agency;~~

3. For grading plans, site plan review, building permits or other ministerial permits, the planning director shall be the advisory agency.

B. "Applicant" means a person, firm, corporation, partnership or association who proposes to develop or causes to be developed and/or use real property as defined in "development" for himself or for others.

C. "Development" means any action taken requiring a permit or application to seek amendment, approval or authorization under provisions of any grading, zoning, parcel map, or final map subdivision ordinance, including actions, such as grading permit approval, zoning change, conditional use permit, modification, variance, tentative parcel map approval, and tentative subdivision map approval. It also means converting an existing legal land use entitlement to another specific purpose by altering the intended density, intensity or use of an existing authorized entitlement.

D. "Fair market value" is defined in Bakersfield Municipal Code Section 15.80.100 which requires a written appraisal report acceptable to the Planning Director; except as further defined in Section 12.64.100B in the case where a trail or support facility, which serves a subject phase, has been acquired by the city prior to said development.

E. "Phase of the Specific Trails Plan". A "phase" of the Specific Trails Plan identifies the locality of an area planned for trails and support facilities.

F. "Specific Trails Plan". A planning document adopted by the city council for the purpose of setting policy and identifying trails and support facilities within the city.

SECTION 13.

Section 15.66.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

15.66.020 Definitions.

The terms set forth in this chapter shall have the meanings herein unless it is apparent from the context that a different meaning is intended.

"Abandonment" means the permanent plugging of a well in accordance with the requirements of the Department of Conservation, Division of Oil, Gas and Geothermal Resources of the state of California, and the removal of all equipment related to the well, including restoration of the drill site as required by these regulations.

"A.N.S.I." means the American National Standards Institute.

"A.P.I." means the American Petroleum Institute.

"A.S.T.M." means the American Society for Testing Materials.

"Blowout" means the uncontrolled flow of gas, liquids or solids (or a mixture thereof) from a well onto the surface.

"Blowout preventor" means a mechanical, hydraulic, pneumatic, or other device or combinations of such devices secured to the top of a wells casing including valves, fittings, and control mechanisms connected therewith designed and capable of preventing a blowout.

~~"Board of zoning adjustment" or "B.Z.A." means the board of zoning adjustment of the city of Bakersfield as defined in Title 2 of this code.~~

"Building Code" means the most recent edition of the Building Code as adopted by the city of Bakersfield.

"Cellar" means an excavation in which the wellhead is located.

"Completion of drilling" on a well site is deemed to occur for the purpose of this code upon: (1) initiation of disassembly or removal of the drilling rig from any one well on the drill site; (2) thirty days after setting of a well head on any one well on the drill site; or (3) thirty days after the drilling equipment has been removed from the site. Completion has not occurred if drilling, testing, or remedial operations are resumed on that one well before the end of any thirty-day period.

“Derrick” means any framework, tower or mast together with all the appurtenances to such structure placed over a well for the purpose of drilling, raising or lowering pipe, casing, tubing or other drilling, completion production or injection tools or equipment out of or into the well bore.

“Desertion” means the cessation of operations at a well site where suspension of drilling operations and removal of drilling machinery has occurred where the operator cannot be located or contacted, and no activity has taken place for at least six consecutive months, or production equipment or facilities have been removed and no activity has taken place for at least two consecutive years, unless the D.O.G.G.R has granted an extension of time pursuant to their regulations. This definition does not apply to observation wells.

“Division of Oil, Gas and Geothermal Resources” or “D.O.G.G.R” means that division of the Department of Conservation of the state of California.

“Drill” or “drilling” means to bore a hole in the earth for the purpose of completing a well, exploration or testing. Drilling includes all operations through the removal of the drilling equipment from the drill site.

“Drill island” means the discrete area zoned drilling island (DI) district in accordance with Chapter [17.46](#) of this code.

“Drill site” means the land required to be reserved in accordance with Section 15.66.080(C) as part of a rezoning, subdivision or other development for future drilling and/or production operations.

“Dwelling” means any building or portion thereof providing living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking and sanitation, and includes both single-family and multiple-family residential facilities.

“Gas” means the gaseous components or vapors contained in or derived from petroleum or natural gas.

“Grade” (adjacent ground elevation) means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than five feet from the structure, between the structure and a line five feet from the structure.

“Hazardous well” means an oil or gas well that presently poses a danger to life, health, or natural resources as determined by the D.O.G.G.R under the provisions of the public resources code.

“Idle well” means a well for which production has been suspended for a minimum of five consecutive years, except any well being held for future programs,

including those being retained for use under a secondary or tertiary recovery plan or for disposal, which has been approved by the D.O.G.G.R but has not been abandoned or deserted as defined in this code and by the D.O.G.G.R. This definition does not apply to observation wells.

“Lessee” means the party possessing the right(s) to drill, develop and produce oil, gas or other hydrocarbons from the subsurface of land with said right(s) being specifically conveyed by a written oil, gas, mineral or surface lease.

“Lessor” means the party owning an interest in and to any oil, gas or other hydrocarbons as may be produced from a tract of land who has conveyed the right(s) to drill, develop and produce said substances to another party (lessee) by a written oil, gas, mineral or surface drilling rights lease. This party may or may not be the surface owner.

“Maintenance” or “maintain” means the upgrading, repair, cleaning, upkeep and replacement of parts of a structure and equipment. Maintenance of a structure does not alter or lessen the character, strength, or stability of the structure.

“N.F.P.A.” means the National Fire Protection Association.

“Noise sensitive receptor” means and includes a land use associated with human activities which is particularly sensitive to noise. Examples of noise sensitive receptors include hospitals, libraries, schools, residential uses, and those uses deemed noise sensitive by the city council, **or** planning commission ~~or board of zoning adjustment~~.

“Observation well” means a well bore for the purpose of observing petroleum reservoir characteristics, including but not limited to, temperature, saturation, pressure, and fluid movement, as recognized by the D.O.G.G.R.

“Operator” means a person, including corporations, partnerships and associations, whether proprietor, lessee, contractor, or agent or officer of the same, in charge of or in control of the drilling, maintenance, and operation of a well or wells as shown on the permit application.

“Petroleum” means and includes any and all hydrocarbon substances found in a natural state, including, but not limited to, crude oil, natural gas, natural gasoline, and other related substances.

“Petroleum lease” means a property right with respect to which a lessee enjoys the right to drill, develop, produce and possess petroleum resources for a determinable period. May also be referenced as a subsurface lease or mineral rights lease.

"Production operation" means and includes all oil or gas recovery activities following completion of drilling, redrilling or testing of a well.

"Public assembly" refers to a building, structure or site, or portion thereof, for the gathering together or accommodation of fifty or more persons for such purposes of deliberation, education, worship, entertainment, lodging, medical care, amusement, drinking and dining, or awaiting transportation.

"Redrilling" means any drilling operation, including deviation from original well bore, to recomplete the well in the same or different geologic zone, excluding sidetracking.

"Redrilling" means any drilling operation, including deviation from original well bore, to recomplete the well in the same or different geologic zone, excluding sidetracking.

"Remedial" means any work on a well, other than drilling or redrilling.

"Sidetracking" means drilling, excluding substantial deviation from the original well bore to recomplete a well in the same or different geologic zone.

"Sump" means a lined or unlined, covered or uncovered excavation pit which holds petroleum or other liquids incidental thereto, or solids associated with drilling or production operations.

"Tank" means a structure or container, with a minimum volume of sixty gallons, used in conjunction with either the drilling or production of a well used for holding, storing, or treating liquids or solids, or otherwise associated with drilling or producing operations.

"Uniform Fire Code" or "U.F.C." means the most recent edition of the Uniform Fire Code as adopted by the city of Bakersfield.

"Well" means any hole drilled into the earth for the purpose of exploring for or producing oil or gas; injecting fluids or gas for stimulating oil or gas recovery; repressuring or pressure maintenance of oil or gas reservoirs; disposing of oil field waste fluids; seismic testing; or any hole drilled into the earth within or adjacent to an oil or gas pool for the purpose of observation of subsurface conditions.

"Well servicing" means and includes remedial or maintenance work or work performed to maintain or improve production from an already producing facility.

"Well site" means that surface area used for oil or gas drilling or extraction operations, for injection purposes in enhanced petroleum recovery operations

after drilling is completed and oil and gas recovery activities following completion of drilling or redrilling of a well. A well site may include one or more wells.

SECTION 14.

Section 15.66.030 of the Bakersfield Municipal Code is hereby amended to read as follows:

15.66.030 Permits.

A. No person shall drill, operate or maintain any well or well site for petroleum, natural gas, or related drilling, nor operate or maintain any production operation without first obtaining a permit. Applications for drilling/production permits shall be made in writing to the director of prevention services, or designee, on such forms as provided by the director. Permits are classified as follows:

1. Class 1. The well site and/or production operation is:
 - a. Within an area zoned for residential development; or
 - b. Located less than five hundred feet from a dwelling except those for use by a caretaker or night security on the same parcel, or public assembly as defined in this chapter.
2. Class 2. The well site and/or production operation is:
 - a. Within an area zoned for commercial, light manufacturing or open space; or
 - b. Located between five hundred and one thousand feet from a dwelling unit except those for use by a caretaker or night security on the same parcel, or public assembly as defined in this chapter, provided no well or related structure for production is located less than five hundred feet from said uses.
3. Class 3. The well site and/or production operation is:
 - a. Within an area zoned for general manufacturing, heavy manufacturing, or agricultural, or is within the primary floodplain pursuant to the restrictions in subsection (B)(1) of this section, or the secondary floodplain, provided no well or related structure for production is located less than five hundred feet from a dwelling except those for use by a caretaker or night security on the same parcel, or public assembly as defined in this chapter; or
 - b. Located within the state approved boundaries of the following state designated oil fields as defined by the state D.O.G.G.R., regardless of

the zone district or distance from dwellings or public assembly uses as defined in this chapter:

- i. Kern River Oil Field (D.O.G.G.R. Map 457),
 - ii. Kern Bluff Oil Field (D.O.G.G.R. Map 439),
 - iii. Portion of the Fruitvale Oil Field encompassing Sections 14 (west of State Highway 99), 21 (south of Meany Avenue), 22 (except Tracts 6003 and 6042), 23 (west of State Highway 99), 26 (north of the Cross Valley Canal and west of State Highway 99), 27 (north of the Cross Valley Canal), and 28 (east of the Friant-Kern Canal), all within T29S, R27E (D.O.G.G.R. Map 435);
- c. An area zoned DI (drilling island district) zone or PE (petroleum extraction combining district) zone.

B. Well sites and/or production operations shall be prohibited in the following areas in the city: primary floodplain of the Kern River, except that area located within the state approved boundary of the Kern River oil field as delineated on Map 457 of the D.O.G.G.R.

C. Drilling by Conditional Use Permit. Class 1 permits shall not be issued until a conditional use permit is granted by the ~~board of zoning adjustment (B.Z.A.)~~ planning commission pursuant to Chapter 17.64 (~~Modifications~~ Director Review and Approval, Conditional Use Permits, Amendments and Appeals), except that a conditional use permit shall not be required for any well on a lot within an approved tentative or recorded subdivision map that is specifically identified as a drill site for the extraction of petroleum, gas, and/or other hydrocarbons. Any conditions required under the conditional use permit shall be in addition to those imposed by this chapter for a Class 1 permit. The ~~B.Z.A.~~ planning commission may modify any condition set forth in the development standards and conditions if it determines that there will be no material detriment to the public welfare or safety of persons and property located within a reasonable distance of such a well.

1. In addition to the application requirements for a conditional use permit pursuant to Chapter 17.64 (~~Modifications~~ Director Review and Approval, Conditional Use Permits, Amendments and Appeals), an applicant shall also submit the following:

- a. A plot plan or site development plan drawn at the scale specified by the planning director, which includes the following information:
 - i. Topography and proposed grading.

ii. Location of all proposed well holes and related accessory equipment, structures, and facilities to be installed and any abandoned wells if such are known to exist.

iii. Location of all existing dwellings and buildings used for other purposes, located within three hundred feet of the proposed well holes, identification of the use of each structure, and distances between well holes and existing buildings.

iv. North arrow.

b. Narrative description of the proposed development, including:

i. Acreage or square footage of the property.

ii. Nature of hydrocarbon development activity.

iii. Description of equipment to be used, including height of derrick.

iv. Distance to all existing buildings.

v. Phasing or development schedule.

c. A copy of the letter, or other official documentation, from D.O.G.G.R. containing the name and address of the operator of record, if any, as shown in D.O.G.G.R. records as of thirty days prior to the date the conditional use permit application is submitted to the planning department or a written statement from D.O.G.G.R. that there is no party of record with D.O.G.G.R. relative to the subject site.

d. Additional information may be required, as part of an application for a conditional use permit, as provided in Chapter 17.64 (Modifications Director Review and Approval, Conditional Use Permits, Amendments and Appeals).

2. Notice of the public hearing shall be expanded to include property owners within one thousand feet of the property line containing the well site subject of the hearing and the operator of record as shown in D.O.G.G.R. records as of thirty days of the date of application for a conditional use permit.

3. If a producing well or service well is not commenced upon land subject to the terms of the conditional use permit, or within any extended period thereof, the conditional use permit shall expire and the premises shall be restored

as nearly as practicable to its original condition. No permit shall expire while the permittee is continuously conducting drilling, redrilling, completing or abandoning operations, or related operations, in a well on the lands covered by such permit, where operations were commenced while said permit was otherwise in effect. Continuous operations are operations suspended not more than thirty consecutive days.

4. Any permit issued pursuant to the provisions of this subsection may be revoked or modified pursuant to Section 17.64.060(~~H~~).

D. The owner or operator of any well permitted by this chapter shall provide the director of prevention services, or designee, a copy of the written notice to the D.O.G.G.R. of the sale, assignment, transfer, conveyance, or exchange by the owner or operator of the well within thirty days after the sale, assignment, transfer, conveyance, or exchange. In addition, the owner or operator shall also acknowledge that they have notified the new owner or operator of all existing terms and conditions of the city's permit.

E. Modification to any standards in this chapter may be approved by the ~~B.Z.A.~~ planning director pursuant to the provisions of Chapter 17.64.

F. Every permit issued by the director of prevention services, or designee, under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one year from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained to do so, to determine if the permit classification as defined in subsection A of this section has changed.

G. The director of prevention services, or designee, may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error on the basis of incorrect information supplied by the applicant which results in there being a violation of any ordinance or regulation or any of the provisions of this chapter.

H. Any city official or employee, for the purpose of reviewing a permit application, transfer of operation/ownership, complaint, compliance or any other investigation pursuant to the chapter, shall have the right to enter upon the premises for inspection provided they give prior notice of such to the operator.

I. Well sites and production operations established prior to September 19, 1992, may continue to operate pursuant to permits issued for them, and shall be exempt from the new the provisions of this chapter. However, significant changes or modifications that necessitate new permits as required by the director of prevention services, or designee, or ~~B.Z.A.~~ the planning director, shall be required to comply with the provisions of this chapter or obtain modifications as permitted in subsection E of this section.

J. The city may impose fees to offset the costs associated with permit processing and condition monitoring pursuant to Chapter 3.70.

K. Attainment of permits pursuant to this chapter does not relieve the applicant of the responsibility in obtaining permits as required by law from other local, state or federal agencies. All required federal, state, county, and city rules and regulations shall be complied with at all times including, but not limited to, the rules and regulations of the following agencies:

1. Division of Oil, Gas and Geothermal Resources;
2. City of Bakersfield fire department;
3. Kern County health department;
4. Regional Water Quality Control Board;
5. San Joaquin Valley Unified Air Pollution Control District.

SECTION 15.

Section 15.72.040 of the Bakersfield Municipal Code is hereby amended to read as follows:

15.72.040 Historic preservation commission—Powers and duties.

The commission shall have the following powers and duties:

- A. Establish criteria and conduct or cause to be conducted a comprehensive survey of properties within the boundaries of the city, and publicize and periodically update survey results.
- B. Adopt specific guidelines for the designation of cultural resources, including landmarks, landmark sites, and historic districts.
- C. Maintain a local register of designated cultural resources, designated historic districts and designated areas of historic interest.
- D. Review and correspond with the city council and city departments as to matters as they relate to the cultural resources of the community.
- E. Assist in recommending prescriptive standards to be used by the council in reviewing applications for permits to alter, remove, preserve, protect, reconstruct, rehabilitate, restore or stabilize any designated cultural resource or historic district.

- F. Recommend to the city council the purchase of fee or less-than-fee interests in property for purposes of cultural resource preservation and designation.
- G. Investigate and report to the city council on the use of various federal, state, local, or private funding sources and mechanisms available to promote cultural resource preservation in the city.
- H. Preserve, restore, maintain, and operate designated cultural resources and historic properties owned or controlled by the city.
- I. Recommend for approval or disapproval, in whole or in part, applications for cultural resource, historic district, or area of historic interest designation pursuant to procedures set forth in this chapter.
- J. Review and comment on applications for land use decisions as such applications may be referred to the commission by the planning commission, ~~the board of zoning adjustment~~ or the city council. Comments and recommendations shall be forwarded to the referring body.
- K. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation.
- L. Provide information, upon the request of the property owner, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource or property within a historic district or area of historic interest.
- M. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural resources, historic districts and areas of historic interest.
- N. Perform any other functions that may be designated by the city council.
- O. Meet at irregular intervals as determined by the city manager or his or her designee. All meetings shall be noticed and open to the public.
- P. Quorum. Three members of the commission shall constitute a quorum for the transaction of business.
- Q. Identify as early as possible conflicts between the preservation of cultural resources and alternative land uses and make recommendations to the appropriate legislative body.

R. Establish a procedure for the review of and comment on historic preservation certification applications for federal tax incentives for both designated cultural resources and designated historic districts.

SECTION 16.

Section 15.74.180 of the Bakersfield Municipal Code is hereby amended to read as follows:

15.74.180 ~~Board of zoning adjustment~~ Planning commission designated.

A. The ~~board of zoning adjustment~~ planning commission, as established by Section 2.28.0930 of this code, is designated to hear and decide appeals and requests for exemptions from the requirements of this chapter. Except as may be required in connection with other proceedings with which determination on a requested exemption is combined, no public hearing is required. The decision of the ~~board of zoning adjustment~~ planning commission on appeals and requests for exemptions shall be final.

B. The ~~board of zoning adjustment~~ planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the administrator of this chapter.

C. In passing upon appeals and requests for exemption, the ~~board of zoning adjustment~~ planning commission shall consider all technical evaluations, all relevant factors, standards, etc., specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, for the proposed uses that are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system and streets and bridges.

D. Generally, exemptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsection D of Section 15.74.190 has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

E. Upon consideration of the factors of subsection D of Section 15.74.190 and the purpose of this chapter, the city of Bakersfield ~~board of zoning adjustment~~ planning commission may attach such conditions to the granting of exemptions as it deems necessary to further the purpose of this chapter, and upon the issuance of any exemption to construct a structure below the base flood level that notice will be given that increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of coverage may result, and that such construction below the base flood level increases the risk to life and property. The ~~board of zoning adjustment~~ planning commission may require the flood plain administrator to record a copy of this notice in the office of the county recorder in such a manner that it appears in the chain of title of the affected parcel of land.

F. The floodplain administrator shall maintain a record of all appeal actions, including the justification for the issuances of any exceptions, and report such exceptions issued in required reports submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

SECTION 17.

Section 17.04.155 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.04.155 Conditional uses.

"Conditional use" is a use which requires special review and control by the ~~board of zoning adjustment~~ planning commission or the city council to ensure compatibility with other existing or permitted uses in the vicinity.

SECTION 18.

Section 17.08.180 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.08.180 Fence, walls and hedges—Regulations.

A. In the R-1, R-2, R-3 and R-4 zones, no fence, wall or hedge located in the rear or side yards shall exceed a height of six feet unless a greater height is required by city or state regulations for noise attenuation or sight screening. On all through lots located in these zones in which the rear lot line abuts a state highway, major highway or secondary highway and is below the grade of the roadway, at the roadway grade, or less than ten feet above the roadway grade, a masonry wall as defined by Section 17.04.462 shall be provided.

B. In the R-1, R-2, R-3 and R4 zones, no fence, wall or hedge located in the required front yard shall exceed a height of four feet, except in the following situations, in which such fence or wall may be higher but shall not exceed a height of six feet:

1. Where, as determined by the planning commission, a side yard is adjacent to an arterial or collector street and a higher wall is necessary to finish the required subdivision wall.

2. Where, as determined by the city council, planning commission, or ~~board of zoning adjustment~~ planning director, a higher fence or wall is necessary for purpose of noise attenuation.

C. Reserved.

D. In the R-1, R-2, R-3 and R-4 zones no barbed or electrified wire shall be used or maintained in or about the construction of a fence, wall or hedge along the front, side or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.

E. In the C-O, C-C, C-1, C-2, M-1 and M-2 zones no barbed or electrified wire shall be erected, installed, used or maintained or caused to be erected, installed, used or maintained on, in or about any fence, wall or hedge along the front, side or rear lines of any lot, nor shall any barbed wire be erected, installed, used or maintained or caused to be erected, installed, used or maintained, for fencing purposes, or as a barrier across or around any lot, or portion thereof, or around any building or structure upon or along any street, alley or public way, unless the lowest strand of barbed wire is installed not less than six feet three inches above the highest adjoining grade on either side of such fence; where barbed or electrified wire is erected, installed, used or maintained in accordance with this subsection, it shall not extend over or into any abutting property or public right-of-way and shall, in all cases, either extend in toward the owner's side of such fence or directly vertical, subject to approval by the building director.

F. In the A zone barbed or electrified wire for agricultural fencing purposes shall be permitted to be erected, installed, used or maintained at locations at least one thousand three hundred feet from any residential area as defined in Section 17.32.020, and not otherwise, subject to approval by the building director.

G. Fences constructed prior to September 1, 1983, intended to act as protective enclosures and to make canals inaccessible to small children, are exempted from the restrictions of subsections D, E and F of this section.

SECTION 19.

Section 17.45.050 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.45.050 Permits.

Before that portion of any nonconforming structure which exceeds the height limitation established by the airport approach zoning map and Section 17.45.020 may be structurally altered and before any nonconforming structure or tree may be replaced, reconstructed, allowed to grow higher or replanted, a permit must be secured from the ~~board of zoning adjustment~~ planning director authorizing such structural alteration, replacement, reconstruction or change. These portions of an existing nonconforming structure below the applicable height limitations may be structurally altered, repaired and added to, and those portions of an existing nonconforming structure above the applicable height limitation may be repaired and minor replacements made therein without securing such a permit unless such structural alteration, repair, addition, or enlargement exceeds the applicable height limitation. No such permit shall be granted that would allow the creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard

to air navigation than it was on the date that this chapter was made applicable to a particular airport. All other applications for such permits may be granted.

SECTION 20.

Chapter 17.56 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.56.010 Definitions.

~~A. "Board of zoning adjustment" means the board of zoning adjustment of the city.~~

AB. "Building official" means the chief building inspector of the city.

BC. "Fallout shelter" means a structure designed and used exclusively for the purpose of protecting human life from the effects of nuclear weapons.

CD. "Yard area" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title surrounding a building.

17.56.020 Permit required.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any fallout shelter in the city or cause the same to be done, without first obtaining a permit from the building official of the city.

17.56.030 Zoning.

A fallout shelter may be constructed in and shall be a permissible accessory use in any land use zone within the city, provided, that the structure is built in compliance with all regulations and restrictions applicable to such zoned area under Title 17 of this code entitled Zoning, including but not limited to front yard, side yard and setback regulations, with the exception of those **modifications to** zoning regulations or restrictions which have been ~~waived by the board of zoning adjustment~~ **approved within a director review and approval permit** or the city council as provided in Section 17.56.040.

17.56.040 Waiver of restrictions.

A. When special circumstances exist which are applicable to a parcel of property upon which any interested person desires to construct a fallout shelter such as size, shape, topography, location, surroundings, access or similar physical factors which make it impossible for the applicant to comply with all zoning regulations or restrictions which would otherwise be applicable to such property, the applicant may file a verified application **for a director review and approval**

with the ~~board of zoning adjustment~~ planning director requesting that such regulations or restrictions be modified or waived.

B. The ~~board of zoning adjustment~~ planning director shall hold a public hearing ~~on said application within ten days after the application is filed~~ consistent with Section 17.64.050 (Hearings—Notices) at which time the ~~board~~ planning director may either grant or deny the application.

C. In granting any such application the ~~board~~ planning director may impose such conditions as it ~~may deem~~ ed necessary or desirable to protect the neighborhood or adjoining properties.

17.56.050 Shelters within front and side yard areas.

Notwithstanding any provision in Section 17.56.040 to the contrary, a fallout shelter shall not be permitted by the ~~board of zoning adjustment~~ planning director in any front yard or any side yard as defined in Title 17 of this code unless the following conditions are satisfied:

A. The fallout shelter will not protrude above the existing grade of the lot, with the exception of ventilators and entrance ways;

B. The entrance ways will not exceed twenty-four inches in height above the existing grade of the lot;

C. Projecting vents will not exceed more than thirty-six inches above the existing grade of the lot;

D. The structure will not be located closer than five feet to the front property line, the official plan line or the future street line as defined on official master plans.

17.56.060 Appeal.

A. Any person who is dissatisfied with the decision of the ~~board of zoning adjustment~~ planning director concerning any matter affecting his application for the installation of a fallout shelter may appeal to the ~~city council~~ planning commission.

B. All decisions of the ~~board of zoning adjustment~~ planning director acting under the authority of this chapter shall be final and conclusive upon the expiration of ten days following the decision of the ~~board~~ director unless a written appeal is filed with the ~~city council~~ planning department within said ten-day period.

C. The ~~secretary of the board of zoning adjustment~~ planning director shall cause a written notice of the decision to be mailed to the applicant.

17.56.070 Structural standards.

Each fallout shelter must conform to the requirements of Chapter 15.12.

17.56.080 Time limit for construction pursuant to waiver of restrictions.

Any waiver of restrictions granted pursuant to Section 17.56.040 shall be null and void if the applicant does not exercise the privilege of constructing a fallout shelter within six months following the date the application is granted by the ~~board of zoning adjustment~~ planning director or by the ~~city council~~ planning commission.

17.56.090 Use restricted.

A. Any fallout shelter which has been constructed in a front or side yard area pursuant to Section 17.56.040 shall not be used for any purposes other than protection from nuclear fallout and the storage of emergency supplies.

B. The use of such a shelter for purposes other than those referred to in this section shall constitute a public nuisance.

17.56.100 Covenant to remove.

Whenever any application for a waiver of restrictions is granted pursuant to Section 17.56.040 the owner of the property upon which the fallout shelter is to be constructed shall record a covenant in the chain of title for the benefit of the city stating that the owner and his successors in interest will remove said fallout shelter within six months after the adoption by the city council of a resolution declaring that such shelters are no longer necessary for the protection of human life.

SECTION 21.

Section 17.59.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.59.020 Review process.

A. All wireless telecommunication facilities not in the public right-of-way, including antennas, towers, mounted poles, and satellite dishes shall be subject to review as follows:

1. Exemptions. The following installations are exempt from the provisions of this chapter:

a. The installation of one ground-mounted satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than ten feet in diameter and less than fifteen feet in height and complies with all applicable accessory structure setbacks.

b. One satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than twenty-four inches in diameter installed on a building providing that such antenna does not extend above the roof-line of the building.

c. One single-pole, tower roof, or ground-mounted television, or amateur radio antenna for the private, personal use of the occupants of a dwelling provided such antenna is no more than sixty-five feet in height from grade and complies with all applicable accessory structure setbacks.

B. ~~Planning~~ Director Review and Approval. The following shall be reviewed by the planning director or designee, prior to the issuance of a building permit. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly shows how the proposed facilities will meet the required development standards.

1. Antennas mounted on a building or rooftop and that are screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

2. Antennas architecturally integrated within a building or structure, or concealed so as not to be recognized as an antenna, such as clock towers, carillon towers, flagpoles, and steeples. These antennas may be permitted in any zone district.

3. Antennas mounted on other existing structures including, but not limited to, water tanks, pump stations, utility poles, field lighting and signs (excluding outdoor advertising structures), where the antenna height does not exceed the structure height nor project more than eighteen inches from the structure. The antennas shall also be painted to match the color of the building or structure, and/or be covered or architecturally screened with materials using the latest stealth design features so that it is indistinguishable from the main structure. These antennas may be permitted in any zone district.

4. Antennas mounted on existing electrical transmission towers in any zone district where the antenna height is no more than ten feet above the height

of the tower, the antenna blends with the architectural design of the tower, and the utility company has given written permission for such co-location.

5. Co-location of new equipment on an existing legally approved antenna or tower that blends with the architectural design of the existing facility and meets all other requirements of this chapter.

6. Modification of existing telecommunications facilities that existed prior to the effective date of the ordinance codified in this chapter where the physical area of the reconfigured or altered antenna does not exceed twenty-five percent of the original approval, blends with the architectural design of the existing facility, and meets all other requirements of this chapter.

7. Stand-alone monopole camouflaged as a palm tree, pine tree or other natural object.

8. Stand-alone slim-line monopole with flush-mounted vertical antennas employing the latest stealth design features. A slim-line monopole shall measure no more than twenty-four inches in diameter at the base that tapers smaller toward the top. The maximum distance of antenna arrays projecting from the pole shall not exceed eighteen inches.

C. ~~Board of Zoning Adjustment~~ Director Review and Approval. The following shall be reviewed by the ~~board of zoning adjustment~~ planning director, subject to a ~~conditional use~~ director review and approval permit in accordance with Chapter 17.64. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly shows how the proposed facilities will meet the required development standards.

1. Facilities that do not meet the requirements of subsection B of this section or the development standards in Section 17.59.030.

2. New uncamouflaged monopoles.

3. All other wireless communication facilities not in the public right-of-way, including lattice towers.

4. Placement of a commercial antenna or satellite dish antenna on any building not screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

5. On property zoned or designated residential, residential suburban, agricultural, or open space unless otherwise provided by this chapter.

SECTION 21.

Section 17.60.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.60.020 Permits.

A. Permit Required. No sign shall be painted, placed, pasted, posted, printed, tacked, fastened, constructed, erected, re-erected, installed, altered or otherwise permitted or maintained without first obtaining a permit from the building director in accordance with the requirements of this chapter and Chapter 15.36 of this code.

B. Permit Not Required. Regardless of subsection A of this section, permits from the building director are not required for the following signs:

1. Real estate sales, rent, lease or open house; construction/home improvement, future facility use or tenant signs, and agricultural signs not exceeding sixteen square feet in area and six feet in height, placed on the property subject to such sign;

2. Changing of the advertising copy or message on a theater marquee, readerboard, menuboard, or similar such sign;

3. Repainting or cleaning of an outdoor advertising structure or changing the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made;

4. Nonilluminated promotional window sign as regulated by the zone district in which it is located;

5. Garage/yard sale and estate sale signs, pursuant to the requirements of Section 17.60.060(B);

6. Noncommercial signs, pursuant to the requirements of Section 17.60.070(C);

7. Flags for model homes as regulated in the residential districts;

8. Nameplate, as regulated;

9. Signs that are exempt as specified in Section 17.60.080;

10. Nonprofit special event signs subject to the provisions of Section 17.60.070(B)(5);

11. Pole banners, pennants/streamers in compliance with the provisions of Sections 17.60.060(B)(4) and (5) .

C. Other Actions. Uses permitted under conditional use permits, wall and landscape plans, zone changes, specific plans, and other such projects may include signage as part of and in accordance with the permit or project. The ~~board of zoning adjustment~~, planning commission, or city council may approve, deny, limit or grant modifications to such signage consistent with the provisions of this chapter. If a comprehensive sign plan is required as a condition of approval for such project, a separate application for said plan shall be required pursuant to Section 17.60.030.

D. Exceptions. The building director may, in writing, grant exceptions to the following sign regulations provided it has been determined that strict application of the provisions of this chapter places an unnecessary hardship in satisfying the purposes of this chapter:

1. Reduction of the minimum sign setbacks or minimum distance between signs of not more than ten feet;

2. Signage on properties having no street frontage; provided, that any such sign permitted shall not exceed the regulations as delineated by the zone district in which they are located;

3. Additional on-site residential project identification signs, not to exceed two additional per project, or an increase in sign area of one residential identification project sign to sixty-four square feet;

4. An increase of a monument sign located within a commercial or industrial zone district to sixty square feet in area and twelve feet in height, provided the total number of monument signs per street frontage shall not exceed two signs and no pylon sign exists along that street frontage or will be permitted.

E. Modification of Regulations Not Permitted. Signs shall only be permitted provided they meet the regulations of the zone district in which they are located for that type of sign. With the exception of subsection D of this section or Section 17.60.030 regarding comprehensive sign plans, no waivers of, exceptions to, or modification of any regulation of this chapter shall be permitted.

F. Fees. The city may impose fees to offset the costs associated with permit administration and monitoring pursuant to Chapter 3.70.

SECTION 22.

Section 17.60.030 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.60.030 Comprehensive sign plans.

The comprehensive sign plan is a program that may allow developers or business owners of a shopping/business center or other such project, to request special consideration of signs that are specifically integrated into the overall architectural style or theme for that project. Because signage can play an important role in the overall site design in order to set it apart from other similar projects, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development. However, it is not the intent of this section to be used to request relief of the sign regulations in order to circumvent any requirements or purpose of this chapter.

A. General Requirements. Any person may file with the city a comprehensive sign plan application for only the following projects:

1. Shopping/business center developments as defined in this title, including office and industrial complexes. The application for the plan shall be signed by more than fifty percent of the property owners, not including royalty interests, of the real property constituting the center.

2. PCD (planned commercial development) projects.

3. Areas covered by a specific plan where signage was not identified in said plan.

4. Public and semi-public institutional projects.

5. Neighborhood/subdivision identification sign program. This program is limited to developments of one hundred acres or more that have frontage along an arterial and/or collector street of one-half mile or more.

B. Condition of Project Approval. Comprehensive sign plans may be required by the city council, or planning commission, ~~or board of zoning adjustment~~ as part of any project approval as specified in Section 17.60.020(C).

C. Application Information. Any comprehensive sign plan application shall be submitted to the planning department on a form provided by that department. Information submitted shall include, but is not limited to, location, size, height, color, lighting, number, visual effects, and orientation of all proposed and existing signs as they pertain to the comprehensive sign plan.

D. Authority and Review. The planning commission shall have the authority under the conditions provided in this chapter to permit the utilization of comprehensive sign plans and may approve signs that are more or less restrictive than the sign regulations set forth in this chapter.

1. All comprehensive sign plan requests shall be heard by the planning commission at a public hearing. The applicant, their authorized agent, property owners and operators of the businesses affected shall be notified by mail of the time and place of the hearing before the planning commission at least ten days before hearing.

2. Exceptions to the sign regulations in this chapter may be permitted, provided the planning commission finds that the comprehensive sign plan as a whole is in conformity with the purpose of this chapter and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan.

3. The planning commission may require special conditions on approved plans such as, but not limited to, bonds or other type of security to ensure the removal or abatement of signs that are abandoned or are in violation of any condition of an approved plan, or a time schedule for any sign program where signage is not considered permanent.

4. The planning commission shall either approve, conditionally approve or disapprove the comprehensive sign plan at the public hearing. All decisions by the planning commission are final and conclusive.

5. An approved comprehensive sign plan may be changed or modified subject to the same process as a new application.

6. Where an application for a comprehensive sign plan has been denied by the planning commission, no reapplication or new application for the same or nearly the same such plan on the property shall be considered for a period of one year from the date of the decision. However, where a change has occurred which, in the discretion of the planning commission, indicates that the new application is significantly different and that reconsideration would serve the public interest, this time period may be waived provided the planning commission makes such a finding.

7. The planning director may grant minor changes to an approved comprehensive sign plan provided any such change does not alter the overall architectural design or style of signs approved by such plan, and there is no increase in the total area of signs.

E. Future Signs. A comprehensive sign plan may be approved where signs for satellite pads or other such detached future buildings have not been identified and considered under such approved plan. In these instances, unless otherwise conditioned, such future signs shall be subject to the requirements of the C-1 zone district.

F. Existing Signs as Part of a Comprehensive Sign Plan. If any new or amended comprehensive sign plan is filed for property on which existing signs are located, those signs shall be integrated into the plan and shall be in compliance with that plan prior to issuance of a permit for any new sign permitted under said plan.

G. Permits Prohibited Until Decision Rendered. No permit shall be issued for any sign on property where a comprehensive sign plan has been applied for and is pending a decision from the planning commission.

H. Withdrawal of Plan. An approved comprehensive sign plan may be withdrawn by the applicant provided: (1) it is not required as a condition of project approval; (2) no signs have been installed pursuant to such plan; (3) all signs installed since approval of said plan comply with the requirements of the zone district in which they are located; or (4) all signs in the center or project comply with the provisions of the zone district in which they are located. The withdrawal shall be submitted in writing to the planning department.

I. Binding Effect. After approval of a comprehensive sign plan, no signs shall be erected, placed, painted, installed, or otherwise permitted, except in conformance with said plan. The plan shall be enforced in the same manner as any other provision in this chapter. The comprehensive sign plan shall be attached to the lease agreements or sale of space within the project and becomes binding for the entire site for both existing and future owners/tenants. In case of any conflict between the provisions of the plan and this chapter, the approved plan shall control.

SECTION 23.

Section 17.62.050 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.62.050 Permit review procedure.

A. Application. A conditional use permit shall be required for all applications for a surface mining operation or land reclamation project, including any reclamation plan and financial assurance. The application for the permit shall be filed with the planning director on forms provided by the director, and shall include all information as necessary to meet city ordinances, CEQA, SMARA and any other information that the director finds necessary to ensure that the project can be adequately evaluated.

B. Authority. The ~~board of zoning adjustment (BZA)~~ **planning commission** shall have the authority to grant or deny, subject to appeal to the city council, the following:

1. A conditional use permit to conduct surface mining operation;

2. A reclamation plan;
3. Financial assurance for reclamation of mined lands;
4. Amendments to any term, condition or other consideration regarding a surface mining operation, reclamation plan or financial assurance;
5. An interim management plan as defined in SMARA for idle surface mining operations;
6. Environmental determinations concerning the conditional use permit for surface mining operations;
7. Revocation of the conditional use permit.

C. Review Process. The procedures contained in Chapter 17.64 relating to processing a conditional use permit, including but not limited to, notice, public hearings, permit rights and restrictions, extensions and appeals shall apply to any project regulated by this chapter.

D. Additional Notice. In addition to the notice required under the conditional use procedure and CEQA, notice shall also be provided as follows:

1. Within thirty days of acceptance of an application as complete, the Planning Director shall notify the State Department of Conservation of the filing of the application.

2. If mining operations are proposed in the one hundred-year floodplain of any watercourse as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the planning director shall notify the State Department of Transportation that the application has been received.

3. The above notifications may be combined with any other notice or consultation necessary to meet CEQA requirements.

E. Agency Consultation and Comments. In addition to the consultation and comment period required by city ordinance and CEQA, the State Department of Conservation shall be given thirty days to review and comment on a reclamation plan and forty-five days to review and comment on a financial assurance (PRC Section 2774(d)). The ~~BZA~~ planning commission shall consider all written comments received, if any, from the State Department of Conservation and any other person or agency during the comment period.

F. Required Findings. In addition to any findings required by Chapter 17.64 for conditional use permits, an approval for a surface mining operation, reclamation plan and financial assurance shall include findings that the project complies with the provisions of SMARA and related state regulations.

G. Distribution of Final Decision. In addition to the final decision being distributed to interested persons and/or agencies as may be required by city ordinance and CEQA, a copy of each approved and/or amended conditional use permit for a surface mining operation, reclamation plan and/or financial assurance shall also be forwarded to the State Department of Conservation.

H. Amendments. Amendments to any approved surface mining operation, reclamation plan and/or financial assurance, shall be processed in the same manner as a new application.

SECTION 24.

Section 17.63.050 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.63.050 Appeal.

A. Should any applicant be dissatisfied with the decision of the planning director not to grant a permit or for the revocation of a permit, then said applicant or permit holder may, no later than ten days after notice of such decision is deposited in the United States mail addressed to the applicant or permittee at the address provided on the application, appeal the decision to the ~~board of zoning adjustment~~ planning commission by filing such appeal with the planning department.

B. The ~~secretary to the board of zoning adjustment~~ planning director shall set the date for hearing the appeal at a regular meeting within a reasonable time following filing of the appeal. Notice of the appeal shall be given in the same manner as required in Section 17.64.050.

C. The ~~board of zoning adjustment~~ planning commission may sustain, suspend, or overrule the decision of the planning director. Their decision shall be final and conclusive.

D. Pending the hearing before the ~~board of zoning adjustment~~ planning commission, the decision of the planning director shall remain in full force and effect, and any reversal by the ~~board of zoning adjustment~~ planning commission shall not be retroactive but shall take effect as of the date of the ~~board~~ planning commission's decision.

SECTION 25.

Section 17.66.180 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.66.180 Appeals.

A. A determination by staff of the provisions of this chapter may be appealed to the planning commission. The action of staff shall be final unless, within ten days of their decision, the applicant or any other person appeals in writing to the planning commission by filing such appeal with the planning director and paying appropriate fees.

B. A determination by the planning commission ~~or board of zoning adjustment~~ pursuant to this chapter may be appealed to the city council pursuant to the appeals procedures of Chapter 16.52 in the case of subdivision map approvals, or Chapter 17.64, in the case of ~~modifications~~ director review and approval, conditional use permits, or zone changes.

C. On appeal, the city council or planning commission may grant modifications from the provisions of this chapter where the appellant clearly demonstrates a practical difficulty in carrying out a specified provision. In granting the modification, the city council or planning commission shall first find that the strict application of a specified provision is impractical and that the modification is in conformance with the intent of this chapter that the modification does not lessen any fire protection or other public safety requirements and/or serves to protect views as required by this chapter.

SECTION 26.

Section 17.68.040 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.68.040 Changes or expansion to legal nonconforming uses.

The ~~board of zoning adjustment~~ planning commission or city council may allow changes or expansions to legal nonconforming uses as set forth in subsections A through D of this section. They shall use the procedures adopted for conditional use permits according to Chapter 17.64, except that they shall make findings set forth in subsection E of this section.

A. A legal nonconforming use may be changed to another nonconforming use of the same or more restrictive nature.

B. A structure occupied by a legal non-conforming use that has ceased or been abandoned according to Section 17.68.030(C) may be permitted to be

used for the same or more restrictive use if the structure cannot be used for any use consistent with the zone district in which it is located.

C. A legal nonconforming use may be enlarged, expanded, or extended when such use is necessary due to economic market demands for the goods, products, or services provided.

D. Time restrictions specified in Sections 17.68.020(A), 17.68.030(C), (H), or 17.68.060 may be extended.

E. The ~~board of zoning adjustment~~ planning commission or city council shall make the following findings regarding changes or expansions to legal nonconforming uses:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare.

2. The proposed change or expansion of the legal nonconforming use is consistent with the intent and purpose of the ordinance that caused the use to become nonconforming.

3. The change or expansion of the nonconforming use will have a positive impact on the surrounding conforming uses and the area overall.

4. Other property where the use would be conforming is unavailable, either physically or economically.

5. No other appropriate remedies are available to bring the use into conformance, including amending the zone district boundary and/or zoning ordinance text.

SECTION 27.

Section 17.71.040 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.71.040 Additional standards for specific uses.

In addition to the general standards contained in Section 17.71.030, the following shall apply to the specific use identified below:

A. Parking Lots and Garages.

1. Lighting shall be in accordance with the provisions in Section 17.58.060(B).

B. Outdoor Performance, Sports, and Recreation Facilities.

1. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings within the project site. Illumination should be no greater than the minimum recommended levels established by the Illuminating Engineering Society of North America (IESNA) for the type of activity. Illumination should also meet, without exceeding, the IESNA recommendations for the IESNA defined illumination class appropriate for the predominant use of the facility.

2. The main lighting shall be turned off within one hour or as soon as possible following the end of an event. Where feasible, a low level lighting system may be used immediately following events to facilitate patrons leaving the facility, cleanup, maintenance, and other closing activities.

3. Because lighted fields and other lighted outdoor facilities may also be subject to discretionary approval, operational regulations, and the standards in this chapter may be further restricted, modified or otherwise conditioned by the ~~board of zoning adjustment~~ planning director, planning commission, or city council.

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

-----o0o-----

I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted,
by the Council of the City of Bakersfield at a regular meeting thereof held on
_____ by the following vote:

AYES:	COUNCILMEMBER: RIVERA, GONZALES, WEIR, SMITH, FREEMAN, SULLIVAN, PARLIER
NOES:	COUNCILMEMBER: _____
ABSTAIN:	COUNCILMEMBER: _____
ABSENT:	COUNCILMEMBER: _____

JULIE DRIMAKIS, CMC

CITY CLERK and Ex Officio Clerk of the
Council of the City of Bakersfield

APPROVED:

By: _____
KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: _____
VIRIDIANA GALLARDO-KING
Deputy City Attorney



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: July 16, 2020

ITEM NUMBER: Public Hearings6.(a.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD: Ward 7

SUBJECT:

Comprehensive Sign Plan 20-0088: Lane Engineers, Inc. requests a comprehensive sign plan for the proposed Love's Travel Stop in the M-1 (Light Manufacturing Zone) district, generally located on the northeast corner of Taft Highway and South H Street. Notice of Exemption on file.

APPLICANT: Lane Engineers, Inc.

OWNER: Elmer F. Karpe, Inc.

LOCATION: Northeast corner of Taft Highway and S H Street

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
▣ Staff Report	Staff Report
▣ Attachment A: Draft Resolution with Exhibits	Resolution
▣ Attachment B: USSC Sign Legibility Criteria	Backup Material
▣ Attachment C: CA Business and Professional Code	Backup Material
▣ Attachment D: Sign Height Survey	Backup Material
▣ Attachment E: Bakersfield Municipal Code Signs	Backup Material
▣ Attachment F: Comments Received	Backup Material



BAKERSFIELD
THE SOUND OF *Something Better*

CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair Koman and Members of the Planning Commission **AGENDA ITEM:** 6.a

FROM: Paul Johnson, Planning Director **APPROVED:** PJ

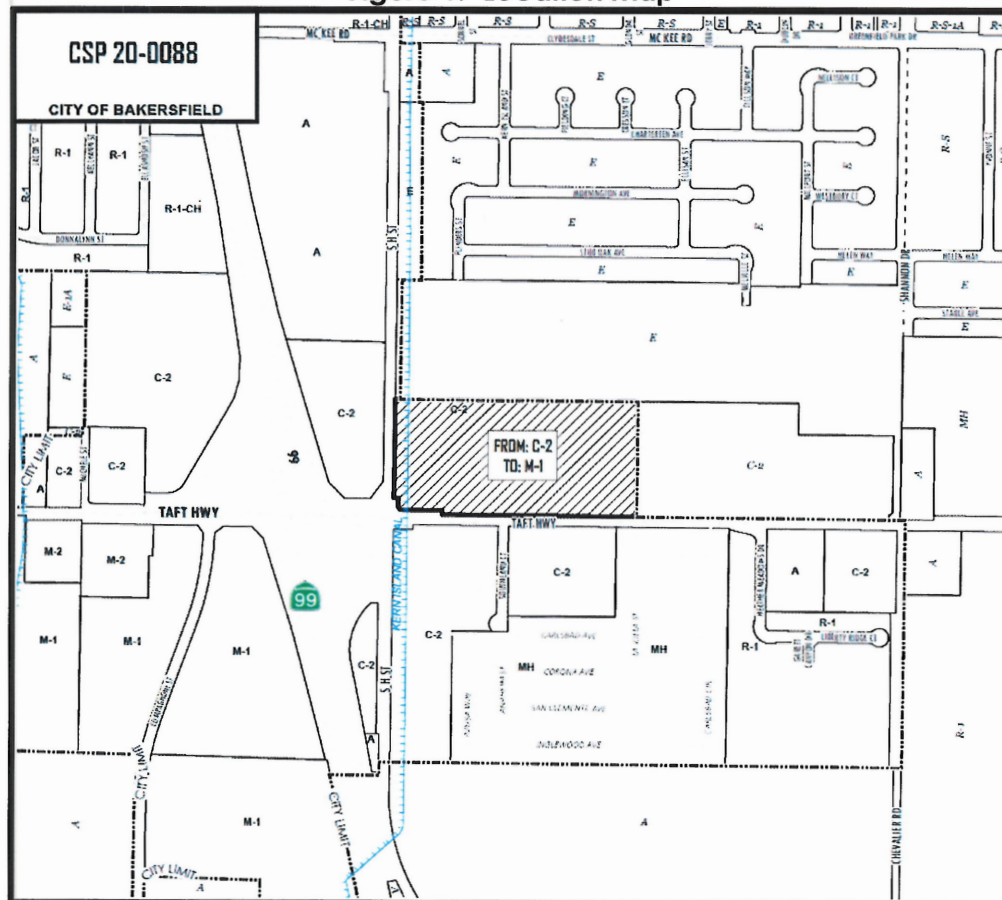
DATE: July 16, 2020

SUBJECT: **Comprehensive Sign Plan No. 20-0088 (Ward 7)**

APPLICANT: Lane Engineers, Inc.
PO Box 1059
Tulare, CA 93275 **OWNER:** Elmer F. Karpe, Inc.
8501 Camino Media
Bakersfield, CA 93319

LOCATION: Northeast corner of Taft Hwy and South H Street | APNs: 517-030-06, 517-030-08

Figure 1. Location Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Comprehensive Sign Plan No. 20-0088, as depicted in the project description.

PROJECT SUMMARY:

The project is a request for a Comprehensive Sign Plan (CSP) for the proposed “Love’s Travel Stop and Country Store” at the northeast corner of Taft Highway and South H Street (see Figures 2 and 3).

Figure 2. Site Aerial



Figure 3. Site Plan

(additional landscaping to be provided along northeast portion of project)



SURROUNDING LAND USES:

The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	LI (Pending)	M-1 (Pending)	Vacant
North	SR/LR (County)	E (County)	Vacant
East	GC (County)	C-2 (County)	Vacant
South	GC/HMR	C-2 and MH	Taft Hwy, Commercial, Residential
West	GC	C-2	Commercial and State Route 99
General Plan Key LI: Light Industrial GC: General Commercial SR/LR (County): Less than or equal to four dwelling units per net acre HMR (County): High Medium Density Res.		Zone District Key M-1: Light Industrial C-2 (City): Regional Commercial C-2 (County): General Commercial E (County): Estate MH: Mobile Home	

TIMELINE & BACKGROUND:

January 1998. The City Council adopted pre-zoning of the subject properties to C-2 upon annexation of the properties into the City.

July 2011. The project site, along with a larger area, was annexed into the City (South H Street No. 2).

June 2020. The Planning Commission recommended approval for a General Plan Amendment/Zone Change from GC (General Commercial) to LI (Light Industrial) and from C-2 (Regional Commercial) to M-1 (Light Industrial) to facilitate construction of the Love's Travel Stop (GPA/ZC No. 19-0292; Resolutions 28-20, 29-20, and 30-20).

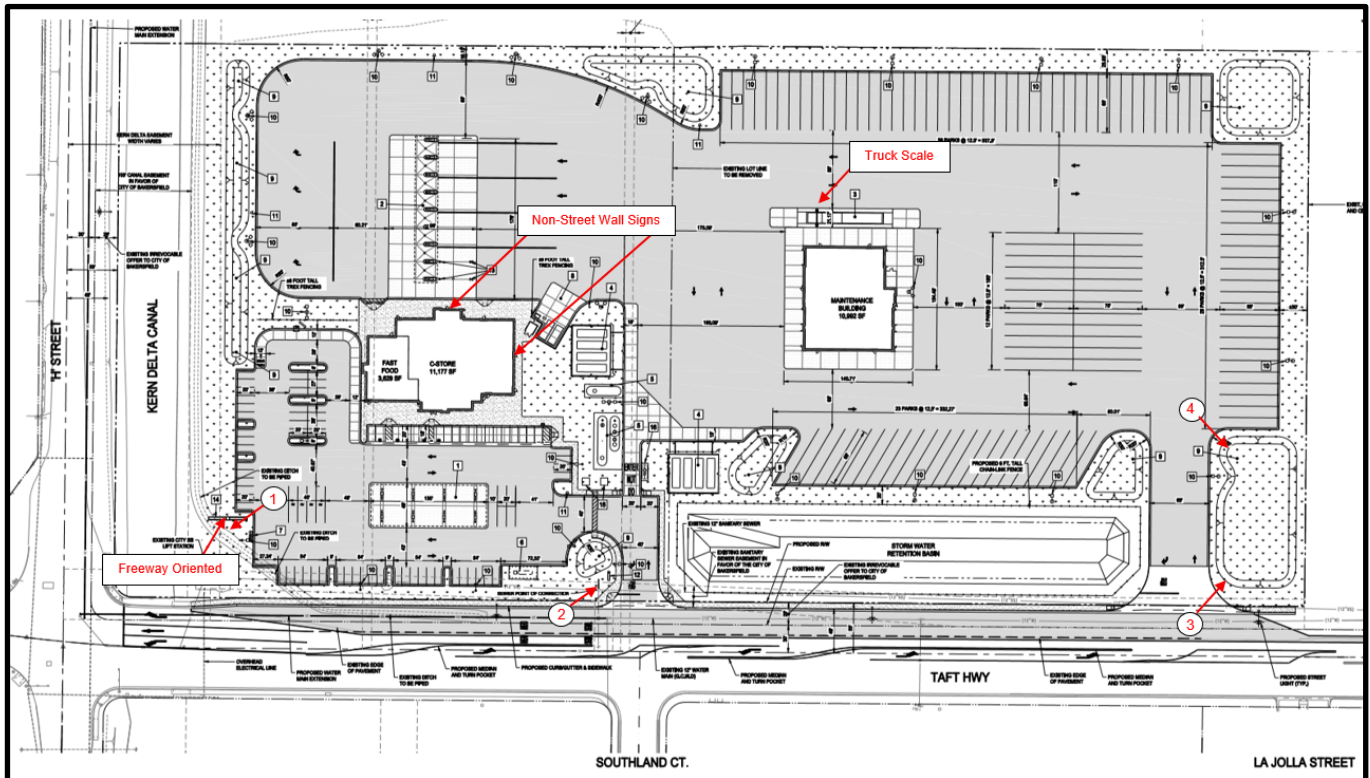
July 15, 2020. The City Council considered approval of General Plan Amendment/Zone Change from GC (General Commercial) to LI (Light Industrial) and from C-2 (Regional Commercial) to M-1 (Light Industrial) to facilitate construction of the Love's Travel Stop (GPA/ZC No. 19-0292). The outcome of the meeting was unavailable at the time of this writing.

ANALYSIS:

Purpose of a Comprehensive Sign Plan (CSP). Pursuant to Bakersfield Municipal Code Section 17.60.030, the CSP is a program that may allow developers or business owners of a shopping/business center or other such project, to request special consideration of signs that are specifically integrated into the overall architectural style or theme for that project. Because signage can play an important role in the overall site design in order to set it apart from other similar projects, a CSP can create an effect both desired and unique that will enhance the overall environment of the development. However, it is not the intent of a CSP to be used to request relief of the sign regulations in order to circumvent any requirements.

Request for Comprehensive Sign Plan (CSP). In the M-1 zone, signs are permitted subject to specific height, area, and quantity requirements. Any proposal to deviate from these standards necessitates a CSP, if the site meets the qualifications mentioned in the previous paragraph. The proposed CSP deviations for the Love's Travel Stop is identified on Figure 4 and specific details of each sign component are discussed in Exhibit B of the Resolution.

Figure 4. Proposed Deviation Sign Location



Requested Deviations from Sign Ordinance Requirements. The Love's Travel Stop CSP includes a request for three deviations from the sign ordinance requirements related to: (1) increase in sign area for wall signs; (2) increase in sign area and height for directional/informational signs; and (3) increase in sign area for freeway-oriented signs. The deviations are summarized in Table 2 and described in more detail below.

Table 2. Summary of Deviations				
	Sign Area (square feet)		Height (feet)	
Sign	Proposed	Permitted	Proposed	Permitted
Wall Signs				
Conv Store (Non-Street North)	286.06 sf	125 sf	< 30 ft	30 ft
Conv Store (Non-Street East)	200 sf	125 sf	< 30 ft	30 ft
Directional Signs				
Truck/Auto (4 total)	32 sf	6 sf	8 ft	6 ft
Truck Scale	113.5 sf	6 sf	21 ft	6 ft
Freeway Oriented Sign				
Hi-Rise (SW corner)	1,027.58 sf	350 sf	75 ft	75 ft

Wall Signs. The Ordinance defines this as a sign attached to, embedded in, painted on or erected against the exterior wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the plane of the wall, and does not project more than 12 inches from the wall that is attached.

The Ordinance calculates wall signs based on the following: (a) Street elevations: 2 square feet per linear foot of the business' elevation 250 square feet, whichever is less; and (b) Non-street elevations: 1 square foot per linear foot of the business' elevation or 125 square feet, whichever is less.

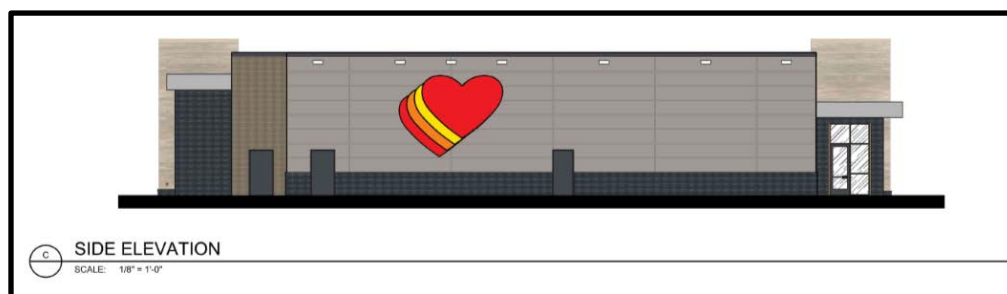
As proposed, the wall signs adhere to the permitted standards with the exception of the north and east non-street facing signs on the convenience store. The applicant is proposing wall signs on the north elevation totaling 286.06 square feet of sign area, where the ordinance allows a cumulative 125 square feet (see Figure 5). Additionally, one wall sign is proposed on the east elevation totaling 200 square feet, where the ordinance allows 125 square feet (see Figure 6).

The applicant is requesting the deviation to accommodate two approximate 200 square foot signs in the shape of the signature Love's heart logo. The signs have been designed to be constructed of the same building material as the wall (stucco), and therefore, act as architectural elements of the overall building design.

Figure 5. North Elevation



Figure 6. East Elevation



Directional Signs. The Ordinance defines this as an on-premise, incidental sign designed to guide or direct pedestrian or vehicular traffic.

Directional or informational signs such as entrance/exit signs are exempt from the Ordinance provisions provided they contain no commercial advertisement, and do not exceed 6 feet in height and 6 square feet in area. Business logos are permitted provided it does not exceed 25 percent of each total sign area.

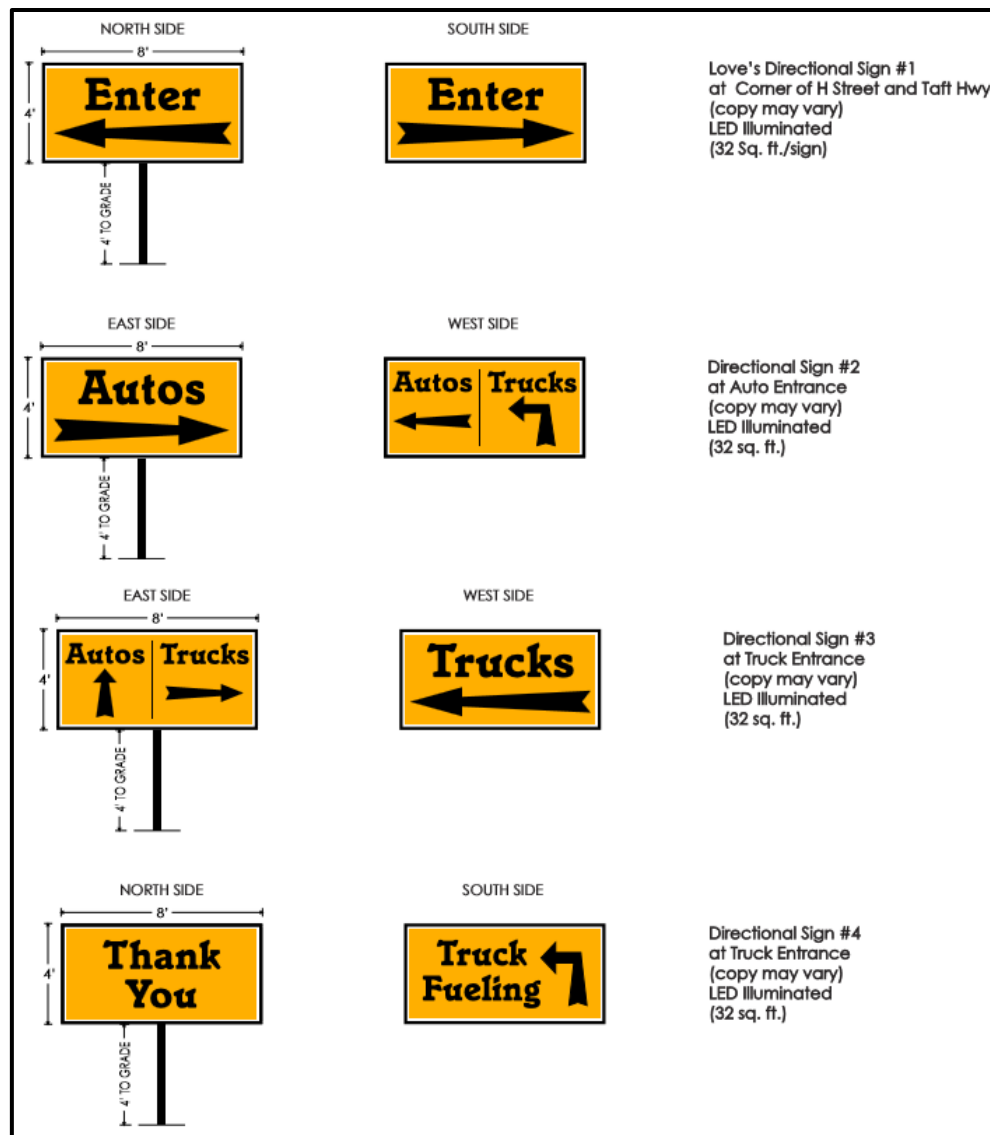
As proposed, the directional signs adhere to the permitted standards with the exception of four signs to direct automobiles and trucks throughout the property and one "certified scale" sign.

The applicant is proposing auto/truck directional signs that are 8 feet tall and 32 square feet in area, where the ordinance allows a 6 feet and 6 square feet respectively (see Figure 7). The sign locations are identified as #1, 2, 3, and 4 on Figure 4 above. Additionally, the applicant is proposing a "certified scale" sign that is 21 feet tall and totaling 113.50 square feet in area, where the ordinance allows a 6 feet and 6 square feet respectively (see Figure 8).

The applicant notes that semi-trucks take longer to come to a stop and the driver sits higher above the ground when compared to passenger vehicles. Therefore, the deviation to allow a greater size and height with the four directional signs is necessary to increase visibility and readability for semi-truck drivers during both day and night travel.

The applicant also notes the "certified scale" sign is located on the northern side of the maintenance building and generally will not be seen by the public. The deviation for increased height is necessary to ensure vertical clearance is achieved to meet drive load requirements for the interstate system. This sign is similar to a "headache bar" hanging at the entrance to a parking garage, drive-thru lane, etc.

Figure 7. Auto and Truck Directional Signs



FRONT VIEW

20'-0"

5'-4 1/2"

21'-5 3/4"

3'

16'-1 1/4" 2'

6'-11 7/8"

16'-0"

LEFT END VIEW

RIGHT END VIEW

**BACK VIEW NOT TO SCALE

CAT SCALE

CERTIFIED SCALES

ENTER

CAT SCALE

CERTIFIED SCALES

DO NOT ENTER

3'

3'

The Ordinance limits freeway oriented signs to eight distinct rectangular areas along SR-99. The maximum sign height is 75 feet with 350 square feet of sign area. The subject property is located within one of the qualifying areas and the applicant is proposing to install a sign that is 75 feet tall with 1,027.58 square feet of sign area (see Figure 9).

As justification for the sign area deviation, the applicant provided information from the United States Sign Council (USSC) regarding sign legibility as it relates to driver safety and visual communication to drivers traveling at freeway speeds. The general formula for calculation of sign area is based on a formula provide by USSC:

$$A_{sign} = \frac{[VRT \times MPH]^2}{800}$$

Where: VRT = Vehicle Reaction Time
MPH = Speed in miles per hour

Vehicle reaction time is provided on page 12 of the USSC document (attached) and based on the number of lanes on the road. There is a VRT of 8 seconds for a 2-lane road, a VRT of 10 seconds for a 4-lane road, and a VRT of 11 seconds for a multi-lane road. A summary of the USSC sign size calculations for automobiles is described in Table 3.

Table 3. USSC Sign Size Calculations for Automobiles			
Sign Size (Square Feet) = [(VRT)(MPH) ² / 800			
MPH	Road Complexity	Viewer Reaction Time (VRT)	Recommended Sign Size (ft ²)
Automobiles			
Speed 50 mph	Simple (2 lane)	8 seconds	200 square feet
Speed 55 mph	Complex (4 lane)	10 seconds	378 square feet
Speed 70 mph	Multi-lane	11 seconds	741 square feet

According to the applicant, a fully-loaded semi-truck can take 40 percent longer to stop than a regular automobile; therefore, it is reasonable to assume the VRT should be increased by 40 percent for a semi-truck. A summary of the calculations for a semi-truck are presented in Table 4.

However, the applicant notes the speed limit in this area for semi-trucks is 55 mph and SR-99 is a multi-lane road. Since USSC does not provide calculations for this scenario, the applicant calculated the sign area could be up to 896.7 square feet in size (see last line on Table 4).

Table 4. Assumed Sign Size Calculations for Semi-Trucks			
Sign Size (Square Feet) = [(VRT)(MPH) ² / 800			
MPH	Road Complexity	Viewer Reaction Time (VRT)	Recommended Sign Size (ft ²)
Semi Trucks			
Speed 50 mph	Simple (2 lane)	11.2 seconds	392 square feet
Speed 55 mph	Complex (4 lane)	14 seconds	741.1 square feet
Speed 70 mph	Multi-lane	15.4 seconds	1452.6 square feet
Speed 55 mph	Complex (4 lane)	15.4 seconds	896.7 square feet

The applicant also states that in addition to the USSC recommendations, the State of California Business and Professional Code (BPC) includes various unique requirements for the advertisement of fuel prices. Namely the following sections:

- Section. 13531(a)(1): Every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall display on the premises an advertising medium that

complies with the requirements of this article and that advertises the total prices of the three major grades of motor vehicle fuel offered for sale.

- Section 13531(a)(2): The advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of business is situated at an intersection, the advertising medium shall be clearly visible from each street of the intersection.
- Section. 13532(a): It is unlawful for any person to display any advertising medium that indicates the price of motor vehicle fuel unless the advertising medium displays all of the following (not all inclusive):
 - The total price per gallon, including all taxes and fractions when applicable
 - The trademark or brand of the motor vehicle fuel in letters, figures or numerals
 - The word "gasoline" or the name of other motor vehicle fuel in letters
 - The grade designation of the motor vehicle fuel in letters or numerals

For the purposes of sign area calculations, the applicant is requesting each business on the premises (i.e. Love's, Arby's and Speedco) be looked at independently. The applicant also requests the area of the price sign be given additional and special consideration for reasons described in the BPC that not only requires the advertisement fuel prices, but also requires the prices be clearly visible and provide specific requirements as to content. Based on this, a summary of the applicant's justification for the need to increase sign area is reflected on Table 5.

Table 5. Applicant's Summary of Individual Signs		
Sign	Proposed Sign Area (ft²)	USSC (Auto) / 40% (Semi-Truck) Sign Area (ft²)
Love's (including heart)	278 square feet	741 / 896.7 square feet
Arby's	194.33 square feet	741 / 896.7 square feet
Speedco	185.25 square feet	741 / 896.7 square feet
Price Sign	370 square feet	741 / 896.7 square feet
TOTAL	1,027.58 square feet	2,964 / 3,586.8 square feet

A sign height survey (copy attached) was provided by the applicant for the freeway oriented sign. Taking into consideration a 75-foot tall and 979-square foot sign, it would initially be visible for northbound travelers on SR-99 at 0.7 miles from the exit, with clear views beginning at 0.2 miles (see Figures 10 and 11). This provides time for travelers to recognize the sign, the fuel prices, safely plan their maneuver, and exit the freeway.

Figure 10. Photo simulation of Freeway Sign



Figure 11. Photo simulation of Freeway Sign



Sign Permit Required. Should your Commission approve the proposed request, the applicant is required to submit a sign application. At that time, City staff will evaluate to ensure the signs adhere to minimum City standards with regard to road right-of-way, line of site, compliance with the CSP, and compliance with Building Code.

Sign Styles. Signage plays an important role in communicating to the public the business/service offered at a particular location. However, there are different ways to convey the message through various sign styles. Two of those sign styles include the Cabinet sign (Figure 12A) that uses the entire box to calculate sign area, and since the box is typically backlit there is an increased chance for light "pollution" onto adjacent property. The Pan Channel Lettering sign (Figure 12B) only uses the letters/symbol to calculate sign area and produces less light. Generally, pan channel signs are considered more effective, allow for larger letter size with minimal increase in sign area compared to a cabinet sign, and produce less light.

Figure 12A. Cabinet Sign



Figure 12B. Pan Channel Lettering Sign



Figure 13 provides an example comparison of the pan channel lettering sign and a cabinet sign (in this case the cabinet sign is an electronic message board).

Figure 13. Example



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 15311, Accessory Structures. The Class 11 exemption defined in Section 15311 identifies on-premise signs as exempt. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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.

Comments Received. In response to the notification, staff received an email from the Kern Delta Water District. The email stated that they reached out to the applicant to obtain more information regarding the proposed "hi-rise" sign because it appeared the location may impact their canal right-of-way.

Staff notes that any development within an easement or right-of-way requires approval of the respective easement/right-of-way holder regardless if public or private. In this case, if the sign is determined to be located within Kern Delta's right-of-way, the sign would have to be relocated or receive approval prior to installation. If the relocation area is not in substantial conformance to the site plan presented in this report, it may require reconsideration by your Commission.

PLANNING COMMISSION OPTIONS:

Based on the information presented, public testimony, and deliberations, your Commission has several options regarding the Comprehensive Sign Plan:

Approve as Requested. Your Commission could approve the CSP as requested.

Approve Alternate CSP. Your Commission could approve the CSP subject to different sign heights and sign area. The applicant could appeal the decision to City Council.

Deny the Request. Your Commission could deny the CSP. The applicant could appeal the decision to City Council.

Continue Hearing. Your Commission may have unanswered questions and/or request additional information unavailable at the time of the hearing that is needed to make an informed decision. Therefore, your Commission could continue the hearing to a date certain to provide additional time to obtain the requested information.

Refer Back to Staff. Your Commission may have substantial concerns that require an undetermined amount of time to resolve. In which case, it may warrant the project be referred back to staff for re-advertisement and reconsideration at a later date.

CONCLUSIONS:

Consistency with General Plan and Zoning Ordinance. A CSP is a program that may allow developers or business owners of shopping/business centers to request special consideration of signs that are specifically integrated into the overall architectural style or theme for that project. Because signs can play an important role in the overall site design in order to set it apart from other similar projects, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development.

Overall Recommendation. In order to approve the proposed CSP, your Commission must find that the sign plan as a whole is in conformity with the purpose of Bakersfield Municipal Code Chapter 17.60 and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan. The deviations relative to the standards of the M-1 zone are requested to accommodate the safety of the users of the travel stop, mainly semi-truck drivers and passenger vehicles, both in the driver's approach of the development and regarding the circulation within the travel stop. The signs have been designed to be compatible with the USSC recommendations, state requirements for price signage, and City ordinance requirements when possible.

Overall, the requested deviations as identified in this report are considered appropriate. Staff recommends approval of a Comprehensive Sign Plan.

ATTACHMENTS:

- A. Draft Resolution with Exhibits
- B. USSC Sign Legibility Criteria
- C. California Business and Professional Code - Price Signs
- D. Sign Height Survey
- E. Bakersfield Municipal Code Section 17.04.547 and Chapter 17.60
- F. Comments Received

Attachment A
(Draft Resolution)

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION APPROVING
A COMPREHENSIVE SIGN PLAN FOR A LOVE'S TRAVEL STOP IN THE M-1
(LIGHT INDUSTRIAL ZONE) DISTRICT GENERALLY LOCATED ON THE
NORTHEAST CORNER OF TAFT HIGHWAY AND S H STREET. (FILE NO. 20-
0088)**

WHEREAS, Lane Engineers, Inc. (applicant) filed an application requesting a Comprehensive Sign Plan for a Love's Travel Stop in the M-1 (Light Industrial Zone) district, generally located on the northeast corner of Taft Highway and S H Street; and

WHEREAS, the Secretary of the Planning Commission, did set Thursday, July 16, 2020, at 5:30 p.m. in the Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for consideration of the Planning Director's report; and

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

WHEREAS, the above described project is exempt from the requirements of the California Environmental Quality Act in accordance with State CEQA Guidelines Section 15311; and

WHEREAS, at said meeting held July 16, 2020, said Comprehensive Sign Plan (20-0088) was duly heard and considered and the Planning Commission found as follows:

1. All required public notices have been given. Hearing notices regarding the proposed project were mailed to property owners within 300 feet of the project area and published in a local newspaper of general circulation 10 days prior to the hearing.
2. The provisions of the California Environmental Quality Act (CEQA) have been followed.
3. Pursuant to State CEQA Guidelines Section 15311, this request is exempt from the requirements of CEQA because it consists of the placement of minor accessory structures (signs).
4. The Comprehensive Sign Plan for the travel stop is in conformity with the purpose of Chapter 17.60 of the Bakersfield Zoning Ordinance and the exceptions granted are for the general welfare resulting in an improved relationship among the various signs, and overall project covered by the plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BAKERSFIELD as follows:

1. The recitals above are true and correct and incorporated herein by this reference.
2. The project is exempt from CEQA.

3. Comprehensive Sign Plan No. 20-0088, as delineated in attached Exhibit B, is hereby approved.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 16th day of July 2020, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits: A. Location Map
 B. Comprehensive Sign Plan No. 20-0088

Exhibit A
(Location Map)

CITY OF BAKERSFIELD



- 
- BAKERSFIELD**
THE SOUND OF *Swimming Pools*



Response	Percent
Used	300
Did not use	600

Exhibit B

(Comprehensive Sign Plan No. 20-0088)

LOVE'S SIGN PACKAGE - BAKERSFIELD, CA

		<u>SIGN SQ. FT.</u>
HI-RISE SIGN:	75' OAH	
	8' x 10' Heart - LED	80.00
	9' x 22' Love's	198.00
	8' 10" x 22' Arby's	194.33
	10' x 37' Price Sign - 76" Numeral	370.00
	9' x 20' 7" Speedco	185.25
TOTAL HI-RISE SQUARE FEET:		1027.58
STREET SIGN:	35' OAH	
	18' 1" x 10' Love's / Price Sign / Arby's	180.83
	3' 6" x 8' Speedco	28.00
TOTAL STREET SIGN SQUARE FEET:		208.83
BUILDING SIGNS:		
FRONT ELEVATION:	5' X 6' 4" Heart	31.67
	3' 6" x 11' 1" Love's	36.94
	66" x 72 3/4" Arby's Logo	25.78
	9' x 11' 6" Heart - Stucco Architectural Element	103.50
	10" It's the love that drives us.	12.08
	TOTAL FRONT ELEVATION SQUARE FEET:	209.97
SIDE ELEVATION:	2' 7-5/8" x 9' 10 1/4" Arby's Letters	35.67
	TOTAL LEFT ELEVATION SQUARE FEET:	35.67
SIDE ELEVATION:	12' 6" x 16' Heart - Stucco Architectural Element	200.00
	TOTAL RIGHT ELEVATION SQUARE FEET:	200.00
REAR ELEVATION:	5' X 6' 4" Heart	31.67
	3' 6" x 11' 1" Love's	36.94
	12' 6" x 16' Heart - Stucco Architectural Element	200.00
	12-5/8" Driven by love, fueled by you.	17.45
	TOTAL REAR ELEVATION SQUARE FEET:	286.06
TOTAL BUILDING SIGN SQUARE FEET:		731.70
SPEEDCO BUILDING SIGNS:		
FRONT ELEVATION:	4' x 9' 1" Speedco	36.33
	33" x 42" Speedco Heart	9.63
	5' 5" X 10' 3" Digital Display	55.52
	TOTAL FRONT ELEVATION SQUARE FEET:	101.48
SIDE ELEVATION:	5' x 11' 5" Speedco	57.08
	33" x 42" Speedco Heart	9.63
	2' x 6 1/2" Michelin	12.08
	2' x 6 1/2" Bridgestone	12.08
	2' x 6 1/2" Good Year	12.08
	2' x 6 1/2" Yokohama	12.08
	TOTAL SIDE ELEVATION SQUARE FEET:	115.03
REAR ELEVATION:	33" x 42" Speedco Heart	9.63
	TOTAL REAR ELEVATION SQUARE FEET:	9.63
SIDE ELEVATION:	33" x 42" Speedco Heart	9.63
	TOTAL SIDE ELEVATION SQUARE FEET:	9.63
TOTAL SPEEDCO BUILDING SIGN SQUARE FEET:		235.77
FUEL CANOPIES:		
GAS CANOPY:	2' 3 1/2" x 10' 2 1/2" North Elevation	23.39
	2' 3 1/2" x 10' 2 1/2" East Elevation	23.39
	2' 3 1/2" x 10' 2 1/2" South Elevation	23.39
	2' 3 1/2" x 10' 2 1/2" West Elevation	23.39
DIESEL CANOPY:	2' 3 1/2" x 10' 2 1/2" North Elevation	23.39
	2' 3 1/2" x 10' 2 1/2" East Elevation	23.39
	2' 3 1/2" x 10' 2 1/2" South Elevation	23.39
	2' 3 1/2" x 10' 2 1/2" West Elevation	23.39
TOTAL FUEL CANOPY LOGO SQUARE FEET:		187.12
DIRECTIONAL SIGNS:		
	4' x 8' Directional	32.00
	4' x 8' Directional	32.00
	4' x 8' Directional	32.00
	4' x 8' Directional	32.00
	1' 3" x 3' 1" Arby's Directional	3.90
	1' 3" x 3' 1" Arby's Directional	3.90
	TOTAL DIRECTIONAL SQUARE FEET:	135.80
CAT SCALE SIGNS:		
	5' 4 1/2" x 20' Cat Scale Sign	107.50
	2' x 3' Cat Scale Sign	6.00
TOTAL CAT SCALE SQUARE FEET:		113.50
TOTAL SQUARE FOOTAGE:		2640.30



DATE:		DATE:	BY:		DATE:	BY:
**12/02/19	REV. #1	3/10/2020	JLW	REV. #5:	6/1/20	JW
	REV. #2	3/20/2020	JLW	REV. #6:		
DRAWN BY:	REV. #3	3/25/2020	JLW	REV. #7:		
JLW	REV. #4	4/1/2020	JW	REV. #8:		

LOVE'S HI-RISE SIGN ~ BAKERSFIELD, CA

OVERALL HEIGHT: 75'

TOTAL SQ. FT.: 1027.58

8' X 10' HEART = 80 SQ. FT.

9' X 22' LOVE'S = 198 SQ. FT.

10' X 36' PRICE SIGN = 370 SQ. FT.

- 76" NUMERALS

8' 10" X 22' ARBY'S = 194.33 SQ. FT.

9' X 20' 7" SPEEDCO = 185.25 SQ. FT.


28' 2" FROM BOTTOM OF SPEEDCO TO GRADE

DIESEL INSTALLED TOWARDS INTERSTATE/ HIGHWAY

SIDE B
* SCALE: 3/64" = 1'



** NOTE: PRODUCT PANEL COPY AND NUMERAL DETAILS TO BE CONFIRMED BY OTHERS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0201	2 - 4/1/20 JW	3/32" = 1'	JLW	



316 S. 6th Street,
St. Joseph, MO 64501 800. 821. 9013

Client

Love's Country Stores, Inc.
10601 N. Pennsylvania
P.O. Box 26210
Oklahoma City, OK 73120

Install Location

BAKERSFIELD, CA

Sales

Date: Feb 20, 2018

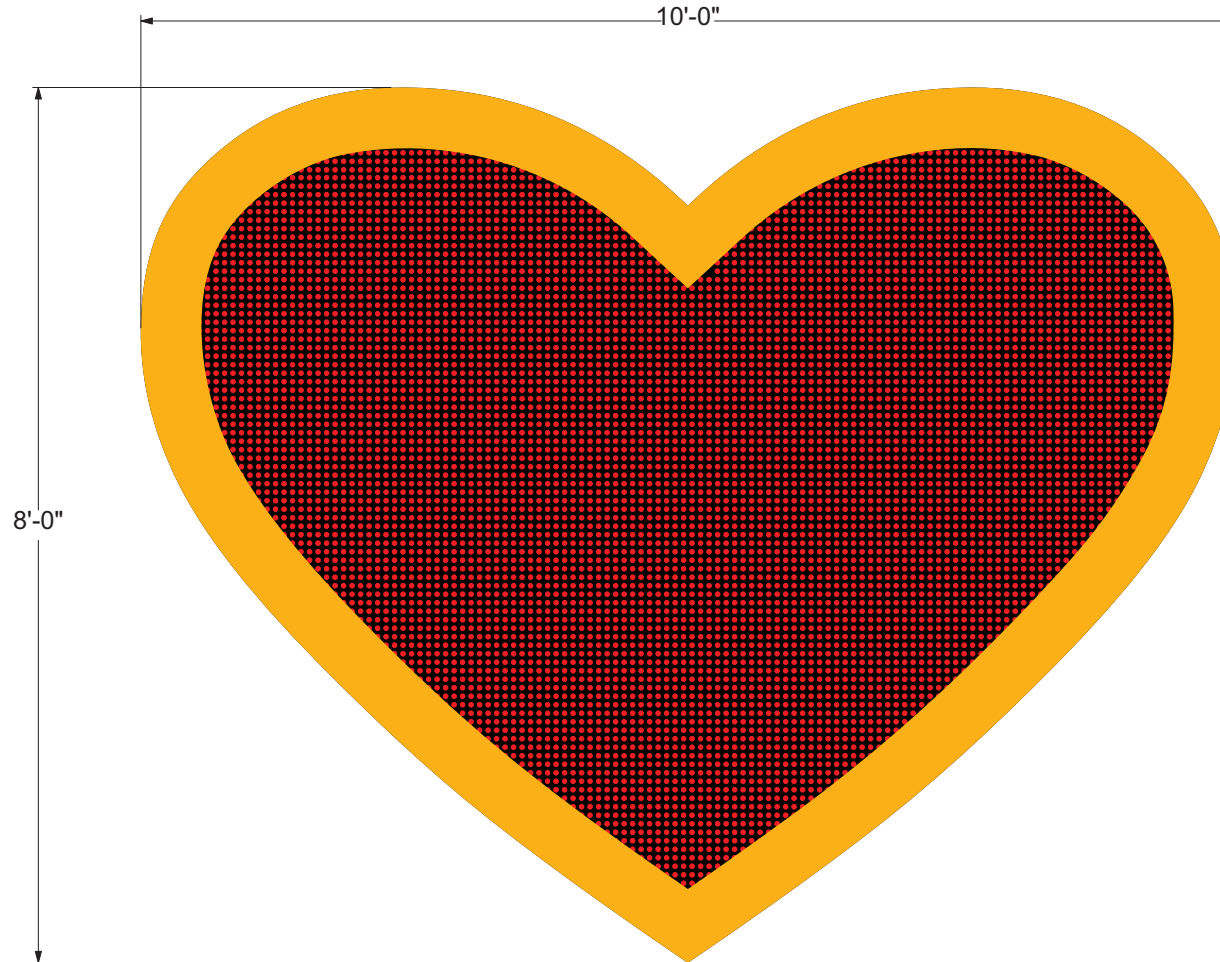
Job #:

Revisions:

Date:

Client Approval:

Date:



APPROXIMATE WEIGHT: 1,500 LBS.
ELECTRICAL INFO: (2) 30 AMP DEDICATED CIRCUITS

Cabinet Specs

Red LED logo sign
Double face

Label Specs**Other**

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Sunshine Electronic Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL, STATE, ELECTRICAL AND BUILDING CODES. Sunshine Electronic Display Corporation has no responsibility for wind loads, installations or electrical circuits. These are the sole responsibility of the Buyer/user. Actual LED size and conguration may vary

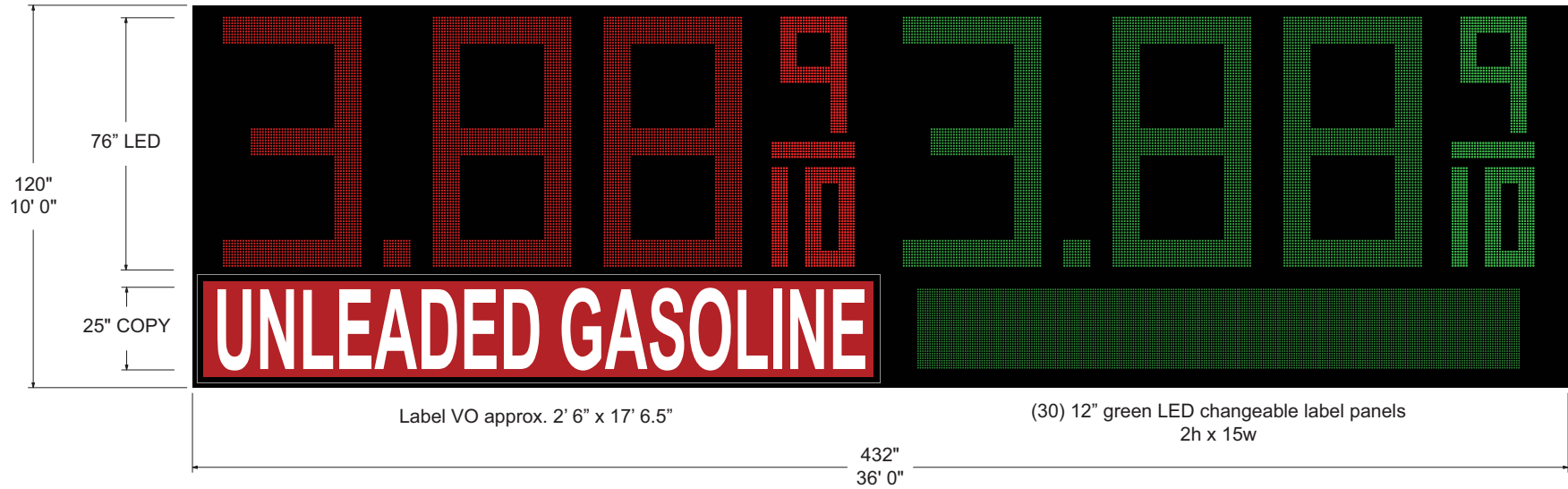
UL LISTED
UL File Number: E340294
CCN: UXYT

ETL LISTED
CONFORMS TO
UL STD 48
UL STD 1433
102482
CERTIFIED TO
CAN/CSA STD C22.2 NO. 207



316 S. 6th Street
St. Joseph, MO 64501 800. 821. 9013

Client	Install Location	Sales	Date: Mar 18, 2020	Job #:
Love's	Bakersfield, CA		Revisions:	Date:
Client Approval:		Date:		



Cabinet Specs	Label Specs	Other	
Digit Size & Style: 76" LED	LED Backlit Label Panel -	* Optimum digit spacing	<p>This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Sunshine Electronic Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL, STATE, ELECTRICAL AND BUILDING CODES. Sunshine Electronic Display Corporation has no responsibility for wind loads, installations or electrical circuits. These are the sole responsibility of the Buyer/user.</p> <p>* Actual LED size and configuration may vary</p> <p>UL LISTED UL File Number: E340294 CCN: UXYT</p> <p>ETL LISTED CONFORMS TO UL STD 48 UL STD 1433 102402 CERTIFIED TO CAN/CSA STD C22.2 NO. 207</p>
'UNLEADED' Digit Color: Red	Label Font: Helvetica Bold	* Label and cabinet colors for representation only	
'DIESEL' Digit Color: Green	Label Panel Color: 3M 3630-73 Dark Red	* 360 sq ft	
Overall Cabinet Size: 10'h x 36'w	Label Type Color: White	* Cabinet(s) will have lifting/install eyebolt(s)	
Cabinet Color: Black	(30) 12" green LED changeable label panels	* Electrical to be knocked out and ran at installer's preference	

← 51 -5/16" →

← 22' →



↑ 9' ↓



Client:

Love's

Location:

Standard

Account Rep:

Kari Keup

Drawing #:

13466

Revision:

.

Drawn By:

ML

Date:

10/8/19

Scale:

1/4" = 1'

Sales Order #:

.

Structural Dwg. #:

.

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exact match to the finished
sign colors. Material samples
are available upon request.
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9' x 22' x 51 -5/16" Double Faced Steel Tube Frame Skinned with (.063)

Pre-finished Black Aluminum

Quantity: 1
Retainer: 4 1/2" (.063) Pre-finished Black Aluminum Flex Hook
Primary Power: 120 VAC
Illumination: Principal Street Fighter Heavyweight - True White LED Modules
Elect. Out Location: Down Pole (Label All Wires)
Switch Location: Inside Near Service Door
Listing: UL Label
Mounting: Thru Mount
Pole Spacing: Center
Pole Size: TBD
Service Door: See Structural Drawing
Eyebolt Quantity: 2

3M Envision FS-1 Substrate Faces (1st Surface Decoration)

Quantity: 2
Background: 3730-125L Golden Yellow Vinyl
Loves: 3630-22 Black Vinyl
Apostrophe Heart: 3730-43L Light Tomato Red Vinyl
Face Tensioning: 8" Center to Center ESCO Wedge Clamps

CUSTOMER APPROVAL: _____ **Date:** _____

Please Sign & Email or Fax to:
(605) 753-9701



8' 10" x 22' x 63 -5/16" Double Faced Steel Tube Frame Skinned with (.063)

Pre-finished Black Aluminum

Quantity: 1
Retainer: 4½" (.063) Pre-finished Black Aluminum Flex Hook
Primary Power: 120 VAC
Illumination: Principal Street Fighter Heavyweight - True White Led's
Elect. Out Location: To Be Determined (Label All Wires)
Switch Location: Inside Near Service Door
Listing: UL Label
Mounting: Custom End Plates
Service Door: 1 on Top Sliding, 1 on Bottom Sliding Towards One End of Frame

Arby's Faces Provided by Others

effective
images, Inc.
 211 10th Street SW
 Watertown, SD 57201
 Phone: 605.753.9700

Client:

Love's

Location:

Bakersfield, CA

Account Rep:

Kari Keup

Drawing #:

14713

Revision:

1 - 4/1/20

Drawn By:

ML

Date:

3/19/20

Scale:

¼" = 1'

Sales Order #:

.

Structural Dwg. #:

.

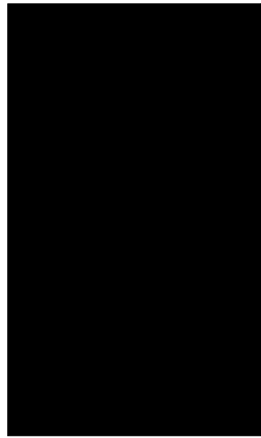
Computer generated colors
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 exact match to the finished
 sign colors. Material samples
 are available upon request.
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CUSTOMER APPROVAL: _____ **Date:** _____

Please Sign & Email or Fax to:
(605) 753-9701

63 -5/16"

20' 7"



9'



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images, inc.
211 10th Street SW
Waterloo, SD 57201
Phone: 605.753.9700

Client:

Love's

Location:

Standard

Account Rep:

Kari Keup

Drawing #:

13474

Revision:

.

Drawn By:

ML

Date:

10/8/19

Scale:

1/4" = 1'

Sales Order #:

.

9' x 20' 7" x 63 -5/16" Double Faced Steel Angle Frame w/ Aluminum Skin

Quantity: 1
Retainer: 4 1/2" (.063) Aluminum Hook Flexible
Primary Power: 120 VAC
Illumination: Principal Street Fighter Heavyweight - True White LED Modules
Elect. Out Location: Down Pole with Lead Wire - Label All Wires
Switch Location: Inside of Sign Near Service Door
Listing: UL Label
Mounting: Thru
Pole Size: To Be Determined
Service Door: Mansize Service Door (Qty. 3)
Eyebolt Quantity: 2
Paint Color: #9000 Black (Gloss Finish)

3M Envision FS-1 Substrate (1st Surface Decoration)

Quantity: 2
Background: 3730-137L European Blue Envision Vinyl
Speedco: 3730-125L Golden Envision Vinyl
Face Tensioning: 10" Center to Center ESCO Wedge Clamps

Side B - Not to Scale



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CUSTOMER APPROVAL: _____ **Date:** _____

Please Sign & Email or Fax to:
(605) 753-9701

LOVE'S STREET SIGN ~ BAKERSFIELD, CA

OVERALL HEIGHT: 35'

TOTAL SQ. FT.: 208.83

18' 1" X 10' LOVES / PRICE SIGN / ARBY'S = 180.83 SQ. FT.

- 16" NUMERALS ON PRICE SIGN


3' 6" x 8' SPEEDCO = 28 SQ. FT.

2' 11" FROM BOTTOM OF SPEEDCO TO GRADE

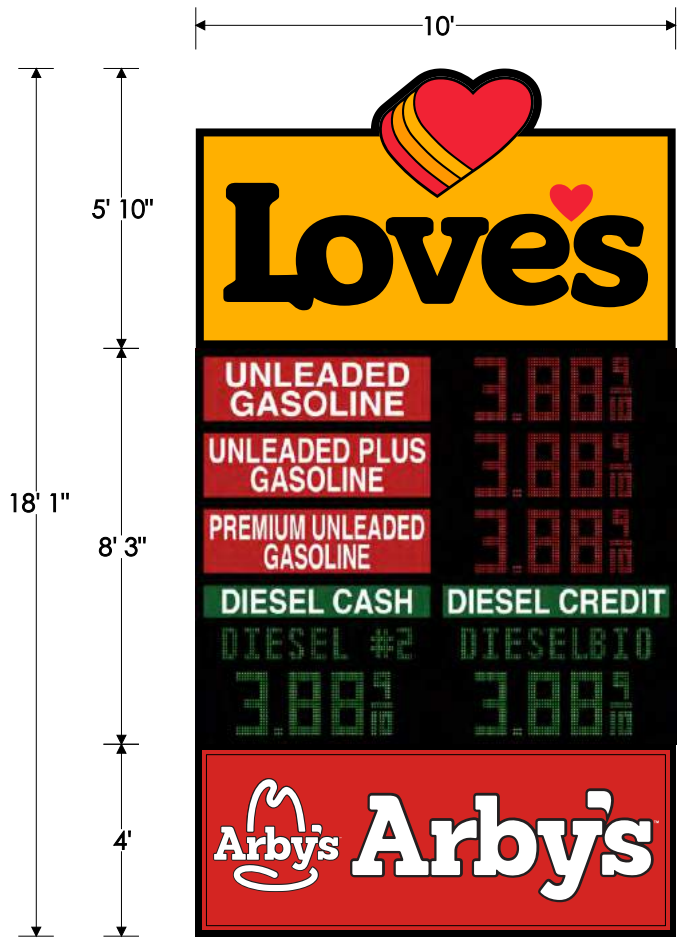
SIDE B
SCALE: 1/8" = 1'



** NOTE: PRODUCT PANEL COPY AND NUMERAL DETAILS TO BE CONFIRMED BY OTHERS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0202	1 - 4/1/20	1/4" = 1'	JLW	
			JW			

Love's Street Sign
Total Square Feet: 180.83



Side B - Not to Scale



effective images inc.
211 10th Street SW
Watertown, SD 57201
Phone: 605.753.9700

Client:	Love's
Location:	Bakersfield, CA
Account Rep:	Kari Keup
Drawing #:	14700
Revision:	1 - 4/1/20
Drawn By:	ML
Date:	3/18/20
Scale:	1/4" = 1'
Sales Order #:	.

18' 1" x 10' x 25 -9/16" Double Faced Steel Angle Frame with (.063) Pre-finished Black Aluminum

- Quantity:** 1
- Retainer:** 2" Alum Flat (Top Section) & 1 3/4" Dak Rigid (Bottom Section)
- Primary Power:** 120 VAC
- Illumination:** Principal Street Fighter Heavyweight - True White LED Modules
- Elect. Out Location:** One for Top Love's Area & One for Bottom Food Area (Label All Wires)
- Switch Location:** One for Top Love's Area & One for Bottom Food Area
- Listing:** UL Label
- Mounting:** Between Pole Mount
- Eyebolt Quantity:** 2
- Paint Color:** #9000 Black (Gloss Finish)

Love's Face - Clear Flat Polycarbonate (2nd Surface Decoration)

- Quantity:** 2
- Thickness:** (.177)
- Background:** 3730-125L Envision Golden Yellow Vinyl
- Echo Heart:** 3730-125L Envision Golden Yellow Vinyl, 3730-43L Envision Light Tomato Red Vinyl, 3630-74 Kumquat Vinyl, & 3630-22 Black Vinyl
- Loves @:** 3630-22 Black Vinyl
- Apostrophe Heart:** 3730-43L Envision Light Tomato Red Vinyl

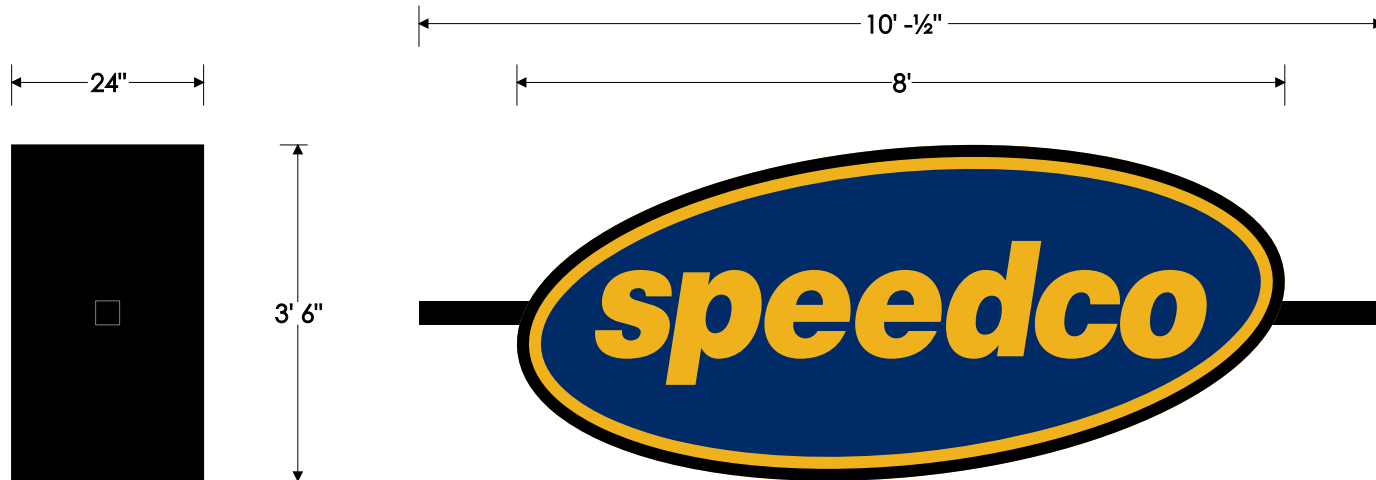
8' 3" x 10' Pricer by Sunshine - Concept Drawing Only (16" Numerals)

Arby's Faces Provided by Others

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CUSTOMER APPROVAL: _____ **Date:** _____



3' 6" x 8' x 24" Double Faced Steel Angle Frame w/ Aluminum Skin

Quantity: 1
Retainer: 1 1/2" Extruded Aluminum Rigid
Primary Power: 120 VAC
Illumination: Principal Street Fighter Heavyweight - True White LED Modules
Elect. Out Location: Thru Tube with Lead Wire - Label All Wires
Switch Location: On Inside, Near Access Panel
Listing: UL Label
Mounting: Stub 3" x 3" x 3/16" Steel Tube Out Both Ends for Customer to Weld to Existing Square Tubes
Eyebolt Quantity: 1
Paint Color: #9000 Black (Gloss Finish)

Flat Clear Polycarbonate Face (2nd Surface Decoration)

Quantity: 2
Thickness: (.118)
Background: 3730-137L European Blue Envision Vinyl & 3730-137L European Blue Envision Vinyl
Speedco: 3730-125L Golden Envision Vinyl

Side B - Not to Scale



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images, inc.
 211 10th Street SW
 Watertown, SD 57201
 Phone: 605.753.9700

Client:

Love's

Location:

Standard

Account Rep:

Kari Keup

Drawing #:

13470

Revision:

.

Drawn By:

ML

Date:

10/8/19

Scale:

1/2" = 1'

Sales Order #:

.

Structural Dwg #:

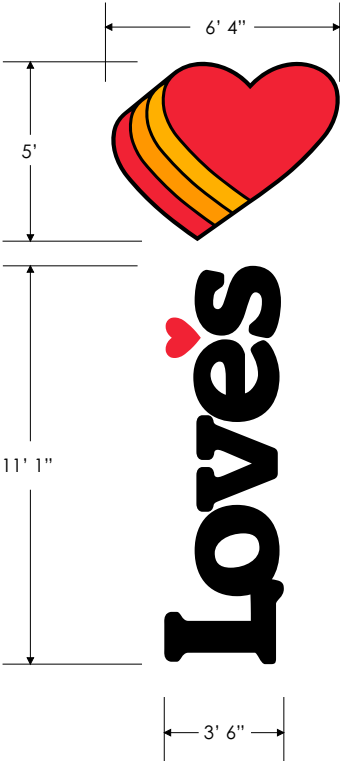
.

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CUSTOMER APPROVAL: _____ **Date:** _____

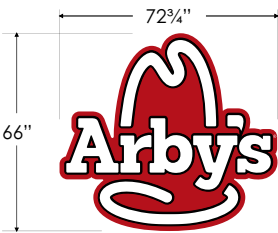
Please Sign & Email or Fax to:
(605) 753-9701

LOVE'S BUILDING SIGNS ~ BAKERSFIELD, CA

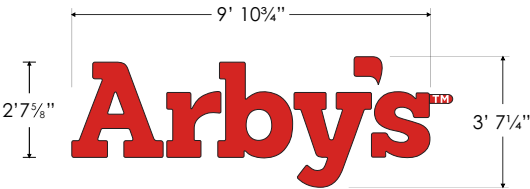


Qty (1) Front elevation
Qty (1) Rear elevation
LED Illuminated
(31.67 Sq. ft./sign)


Qty (1) Front elevation
Qty (1) Rear elevation
LED Illuminated
(36.94 Sq. ft./sign)



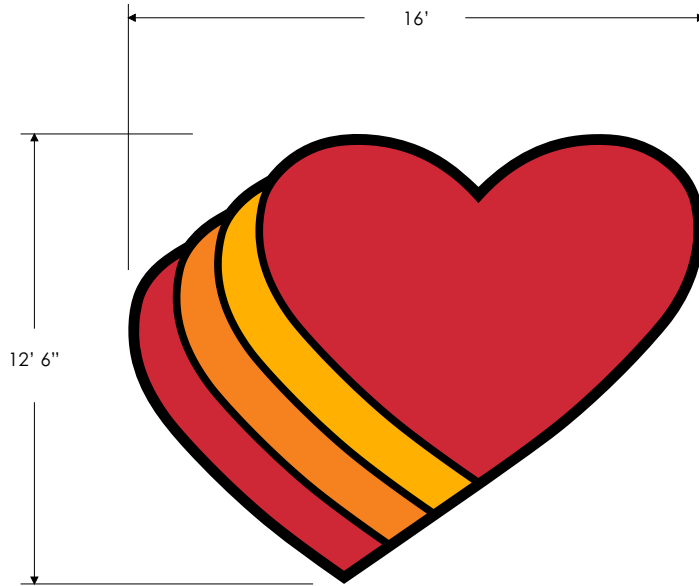
Qty (1) Front elevation
LED Illuminated
(33.34 Sq. ft.)



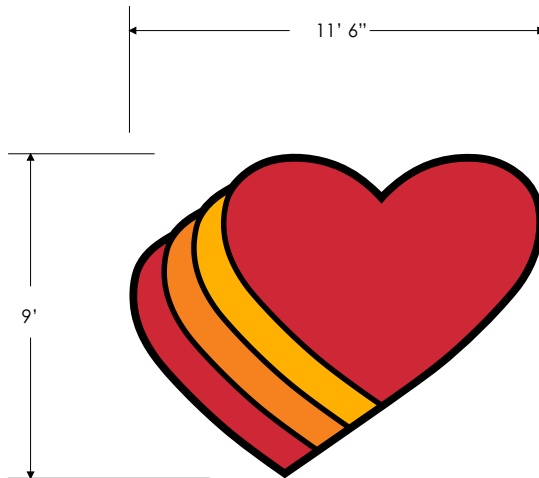
Qty (1) Side elevation
LED Illuminated
(35.67 Sq. ft.)

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0203	1 - 3/20/20	3/16" = 1'	JLW	
			JW			

LOVE'S BUILDING SIGNS ~ BAKERSFIELD, CA



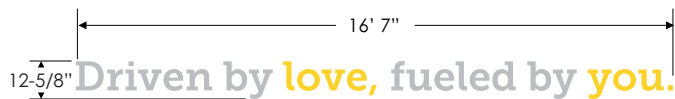
Qty (1) Side elevation
Qty (1) Rear elevation
Stucco Architectural element
(200 Sq. ft./sign)




Qty (1) Front elevation
Stucco Architectural elements
(103.50 Sq. ft./sign)



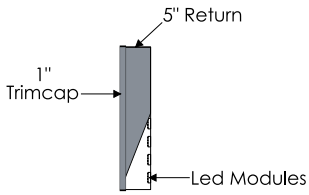
Qty (1) Front elevation
(12.08 Sq. ft./sign)



Qty (1) Rear elevation
(17.45 Sq. ft./sign)

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0203B	1 - 3/20/20	3/16" = 1'	JLW	
			JW			

Letter/Heart Detail - Not to Scale



60" Heart: Individually Mounted Exterior Channel Can

Face Material: (.177) 2447 White Plex
Face Retention: 1" Brushed Chrome Trimcap
Face Decoration: 3730-43L Light Tomato Red Vinyl,
 3730-125L Golden Yellow Vinyl,
 & 3630-74 Kumquat Vinyl

Return Size/Type: 5" (.040) Bright Brushed Clear with
 7725-10 White Vinyl Applied to
 Inside Surface

Back Type: (.080) Pre-finished White

Illumination Rows: Grid

LED Brand/Color: Principal Street Fighter Heavyweight -
 True White LED Modules

42" Loves: Individually Mounted Exterior Channel Letters

Face Material: (.177) 2447 White Plex
Face Retention: 1" Brushed Chrome Trimcap
Face Decoration: 3635-222 Perforated Black Vinyl
Return Size/Type: 5" (.040) Bright Brushed Clear with
 7725-10 White Vinyl Applied to
 Inside Surface

Back Type: (.063) Pre-finished White

Illumination Rows: 2 Rows

LED Brand/Color: Principal Street Fighter Heavyweight -
 True White LED Modules

12 -3/8" Heart: Individually Mounted Exterior Channel Can

Face Material: (.177) 2447 White Plex
Face Retention: 1" Brushed Chrome Trimcap
Face Decoration: 3730-43L Light Tomato Red Vinyl,
Return Size/Type: 5" (.040) Bright Brushed Clear with
 7725-10 White Vinyl Applied to
 Inside Surface

Back Type: (.063) Pre-finished White

Illumination Rows: Grid

LED Brand/Color: Principal Street Fighter Heavyweight -
 True White LED Modules

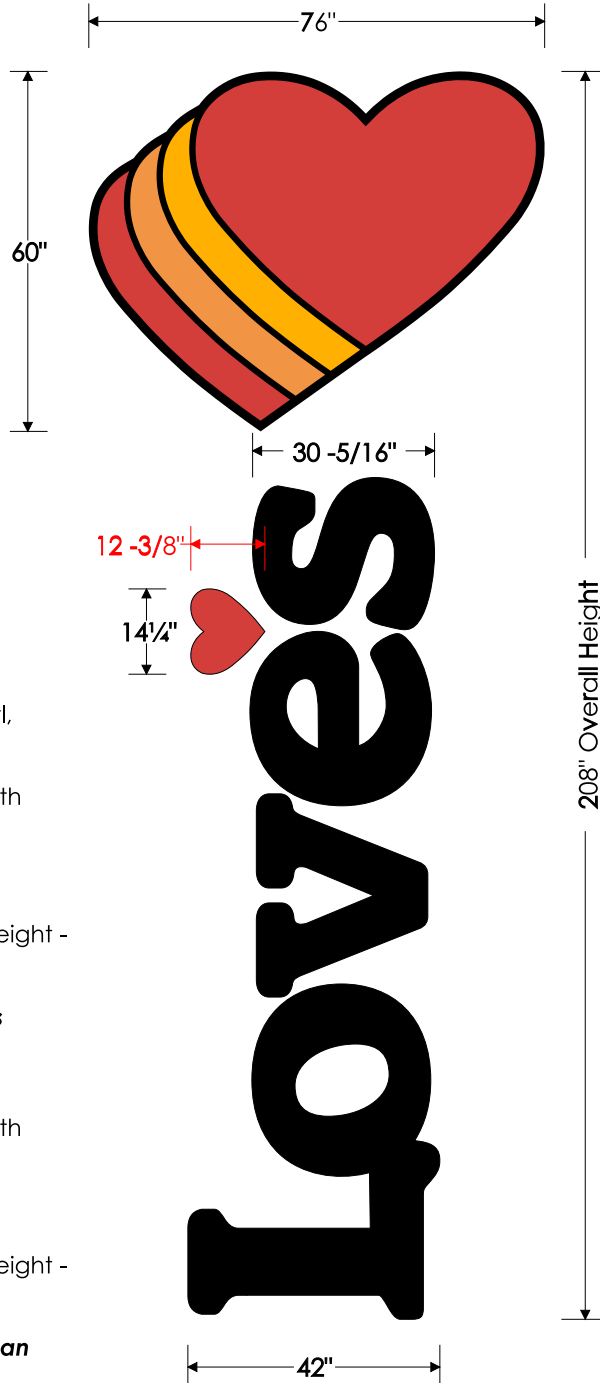
Primary Power: 120 VAC

Mounting Type: Holes Thru Back with Template

Listing: UL Label

Electrical Out: Production Discretion

Weep Holes: Yes



effective
images inc.
 211 10th Street SW
 Watertown, SD 57201
 Phone: 605.753.9700

Client:

Love's

Location:

Standard

Account Rep:

Kari Keup

Drawing #:

13761

Revision:

.

Drawn By:

ML

Date:

10/31/19

Scale:

3/8" = 1'

Sales Order #:

.

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**Please Sign &
 Email or Fax to
 (605) 753-9701**

CUSTOMER APPROVAL:

Date:

14' 6"

10"

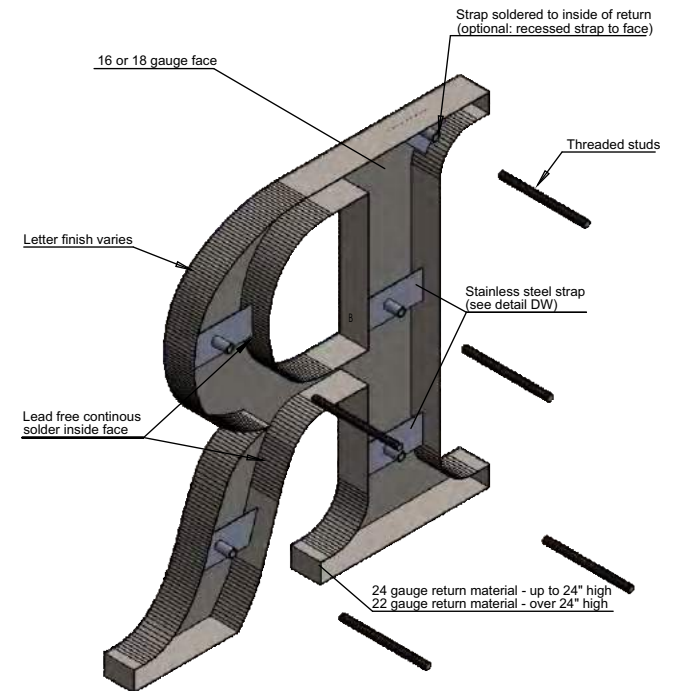
It's the love that drives us.

SPECIFICATIONS:


EXTERIOR MOUNTED
 CUSTOM BLOCK STYLE
 1100 - VERT BRUSH (HAIRLINE) FACE
 1" RETURNS - FINISH SAME AS FACE
 INSIDE CANS NOT PAINTED
 STRAP MOUNTS FOR STUDS

LOVE, YOU.: PAINTED PMS 109 YELLOW, GLOSS FINISH

INCLUDE MOUNTING PATTERN



ISOMETRIC BACK VIEW II SCALE 1:3

LOCATION:	DATE:	DRAWING #:	REVISION #:	SCALE:	DRAWN BY:	
STANDARD	10/4/19	E11910-0401	1 - 2/11/20	NONE	JW	 <p>PHONE: 605.753.9700</p>

16' 7"

12-5/8"

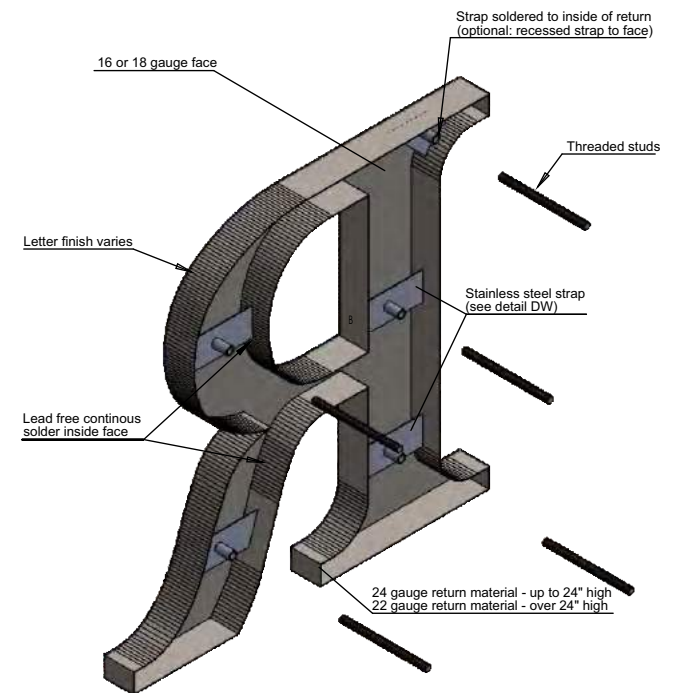
Driven by love, fueled by you.

SPECIFICATIONS:


EXTERIOR MOUNTED
 CUSTOM BLOCK STYLE
 1100 - VERT BRUSH (HAIRLINE) FACE
 1" RETURNS - FINISH SAME AS FACE
 INSIDE CANS NOT PAINTED
 STRAP MOUNTS FOR STUDS

LOVE, YOU.: PAINTED PMS 109 YELLOW, GLOSS FINISH

INCLUDE MOUNTING PATTERN

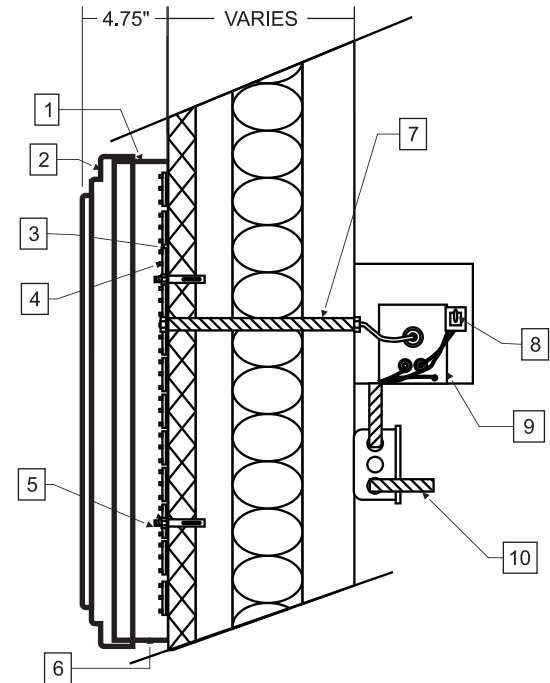
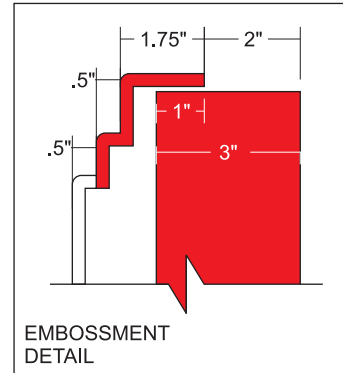
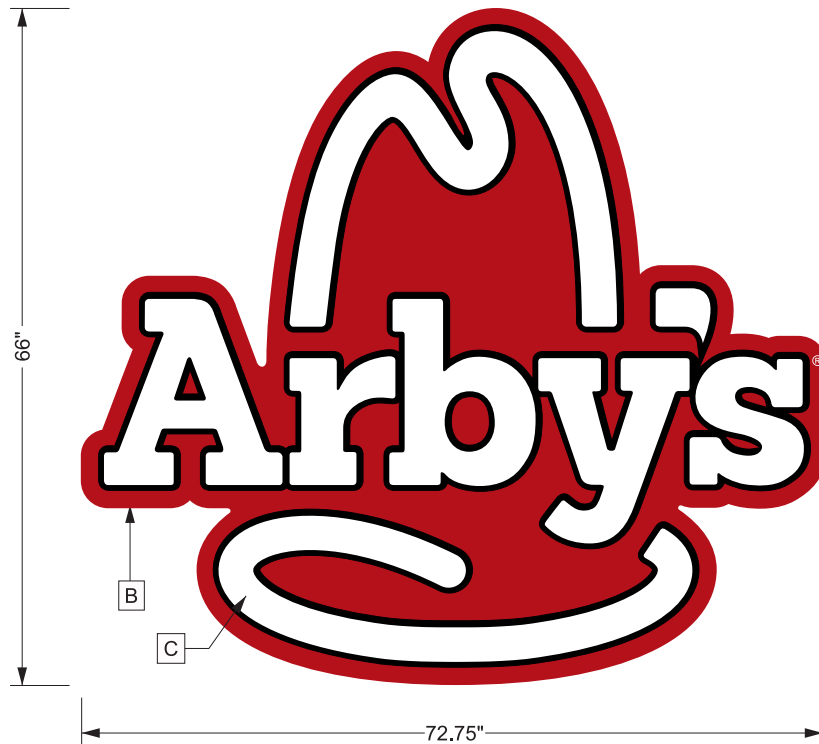


ISOMETRIC BACK VIEW II SCALE 1:3

LOCATION:	DATE:	DRAWING #:	REVISION #:	SCALE:	DRAWN BY:	
STANDARD	11/12/19	E111911-1201	1 - 2/11/20	NONE	JW	 PHONE: 605.753.9700

B

WALL SIGN



MATERIALS

1	.050 ALUMINUM RETURN
2	3/16 CLEAR ACRYLIC FACE
3	.090 ALUMINUM BACK
4	WHITE L.E.D. MODULE
5	MOUNTING HARDWARE
6	1/4" WEEP HOLE
7	1/2" FLEX CONDUIT
8	TOGGLE SWITCH MOUNTED TO BOX
9	POWER SUPPLY
10	PRIMARY ELECTRICAL LEADS

Colors		
A		Clear thermoformed acrylic face
B		Red PMS 1795 painted 2nd surface
C		White painted second surface
D		Cabinet painted PMS 1795 (Gloss)
E		Black Vinyl Outline

ELECTRICAL REQUIREMENTS:

LED: (130) GE TETRA miniMAX GEMM71-2 WHITE
 DRIVER: (1) GEPS12-60U-NA @ 0.65 AMPS
 TOTAL LOAD: 0.65A @ 120VAC
 CIRCUITS: (1) 20 AMP REQUIRED

APPROVAL INFORMATION & CONFIRMATION

☐ Proof is approved. Proceed with production of order. ☐ Proof is approved with corrections. Make corrections as indicated and proceed with production of order

SIGNATURE _____ PRINT NAME _____ DATE _____
 I have reviewed this proof in regard to: Sign type, order quantity, and accuracy of icons, symbols, and text (e.g. spelling capitalization, punctuation).

These plans are the exclusive property of Design Team Sign Company and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Design Team Sign Company a product manufactured according to these plans. Distribution or exhibition of the plans to anyone other than employees of your company, or use of these plans to construct a product similar to one embodied herein, is expressly forbidden. In the event that exhibition or construction occurs, Design Team Sign Company expects to be reimbursed \$500 in compensation for time and effort entailed in creating these plans.



Client: Arby's
 Location: _____
 Drawn By: TH Date: 8/13/14
 Approved By: _____
 Sheet: _____ Scale: _____
 File: CorpRest/Arbys/_Spec/66x72.75_Wall_Sign

Design Team

SIGN COMPANY LLC.

731-925-4448 • 800-953-3744 • Fax 731-926-2222
 www.designteam.net



Sign Type:

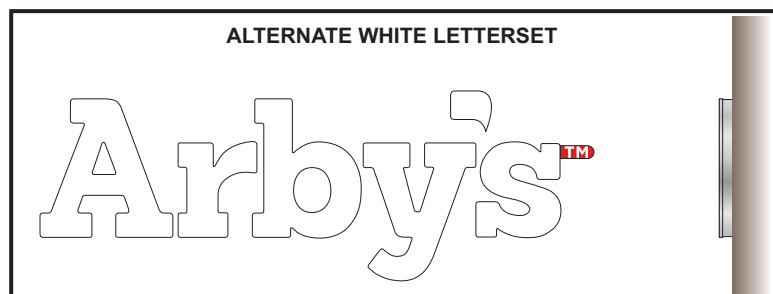
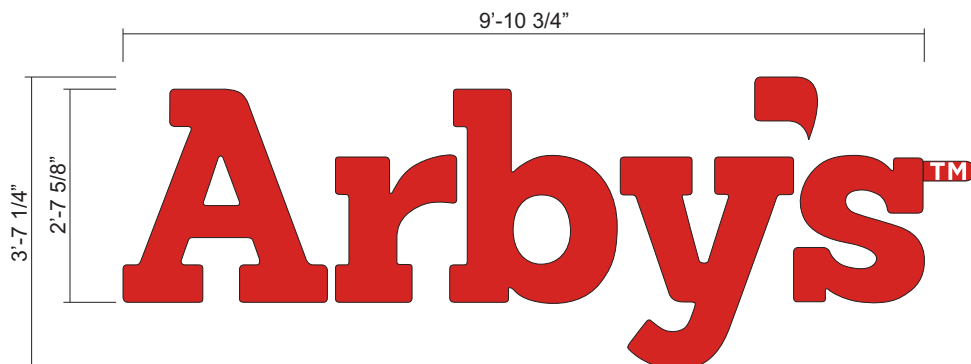
36 sqft Letterset
Flush



Actual Area
14.0 SqFt



Rectangle Area
25.7 SqFt



COLOR SPECIFICATIONS

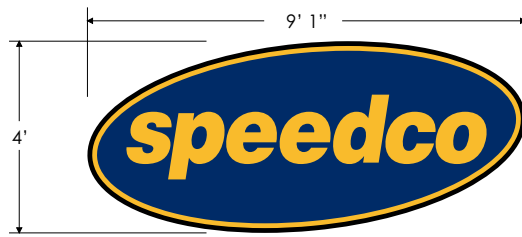
	Red to match #2793 Red
	Silver to match AkzoNobel Arby's Silver
	Black
	White



135 South David Lane
Knoxville, Tennessee 37922
865.539.4001 • 865.539.0851 fax
www.linkengr.com

File Name:	Arby's Cutsheet 2014
Project #:	14-0359
Date:	09/04/14

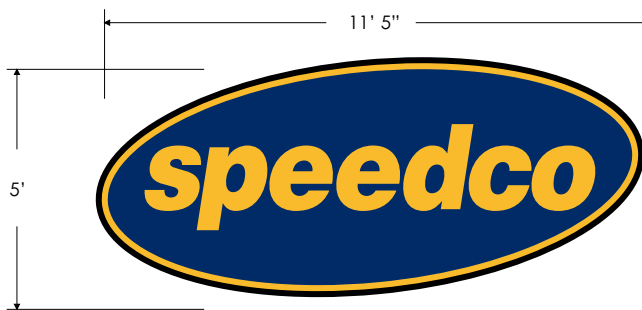
SPEEDCO BUILDING SIGNS ~ BAKERSFIELD, CA



Qty (1) Front elevation
LED Illuminated
(36.33 Sq. ft.)



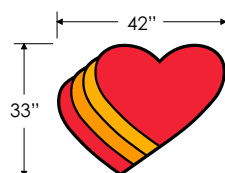
Qty (1) Front elevation
Digital Display
(55.52 Sq. ft.)




Qty (1) Side elevation
LED Illuminated
(57.08 Sq. ft.)

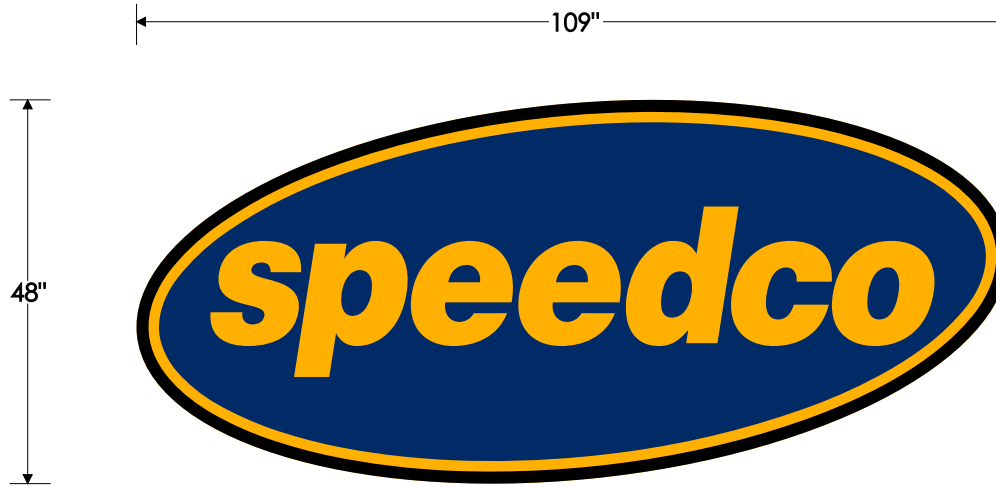


Qty (4) Side elevation
LED Illuminated
(12.08 Sq. ft. per sign)
(48.32 Total sq. ft.)



Qty (1) Front elevation
Qty (1) Side elevation
Qty (1) Side elevation
Qty (1) Rear elevation
LED Illuminated
(9.63 Sq. ft. ea.)

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0204	0	1/4" = 1'	JLW	
			JW			



Client:
Love's

Location:
Standard

Account Rep:
Kari Keup

Drawing #:
13578

Revision:
.

Drawn By:
ML

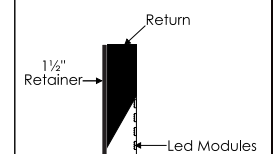
Date:
10/10/19

Scale:
 $\frac{1}{2}" = 1'$

Sales Order #:
.

Structural Dwg #:
.

Channel Can Detail - Not to Scale



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Individually Mounted Self-Contained Exterior Channel Can

Face Material: (.150) Clear Polycarbonate
Face Decoration: 3730-137L European Blue Vinyl, 3730-125L Golden Yellow Vinyl, & 3635-30 Diffuser Vinyl Applied to Second Surface
Face Retention: 1½" Retainers Painted Black (Gloss Finish)
Return Size/Type: 7 -9/16" (.040) Pre-finished Black
Back Type: (.080) Pre-finished White Aluminum with Gussets to Return
Illumination Rows: Grid
LED Brand/Color: Principal Street Fighter Heavyweight - True White LED Modules
Primary Power: 120 VAC
Mounting Type: Holes Thru Back with Template
Listing: UL Label
Electrical Out: Out Back Center
Service Switch: On Return
Weep Holes: Yes

CUSTOMER APPROVAL: _____ **Date:** _____

Please Sign & Email or Fax to:
(605) 753-9701

On Premise Quote



QUOTE NUMBER: 1901145.2 (Revision 2) DATE: 2/25/2019

SIGN ID: 1248901 W10-FV

Gator Sign Company 9010823

Cody Redditt,
1027 Karey Andrews Road
McComb, MS 39648
601-684-8686
cody@gatorsigncompany.com

Shipping Destination

Gator Sign Company
1027 Karey Andrews Road
McComb, MS 39648

Job Site

Name: Love's
Address:
City:
State: Zip:

PRODUCT SPECIFICATIONS

Pixel Pitch:	W10mm LED RGB
Pixel Matrix:	150 X 300
Cabinet Size:	5ft 5in H x 10ft 3in L x 8in D
Viewing Area:	5ft H x 10ft L
Cabinet Style:	Single Face Signpak
Character Size:	18 lines / 60.0 Characters at a 3" type
Approx. Weight:	644.00 Lbs.
Warranty:	Standard 5 Year Watchfire warranty applies.
Mfg. Lead Time:	2-4 weeks (after this document is signed & returned and receipt of down payment).

Electrical Service: 120 VOLT 30.0 amps (30.00 per face) Single Phase Service. Refer to the Installation manual for details on wiring. Based on 18 hours of operation a day, plus or minus 10% depending on how the sign is programmed.
Example: 18.7 KWHrs a day x \$0.07 = \$1.31/Day

STANDARD FEATURES

Brightness	Daytime 7000 NITs Maximum; Nighttime 700 NITs Maximum
Color	LED RGB
Color Capability	Min. 1.2 Quintillion
Includes	Ignite Graphics Software
Video	Up to 30FPS
Viewing Angles	150 Horizontal/95 Vertical

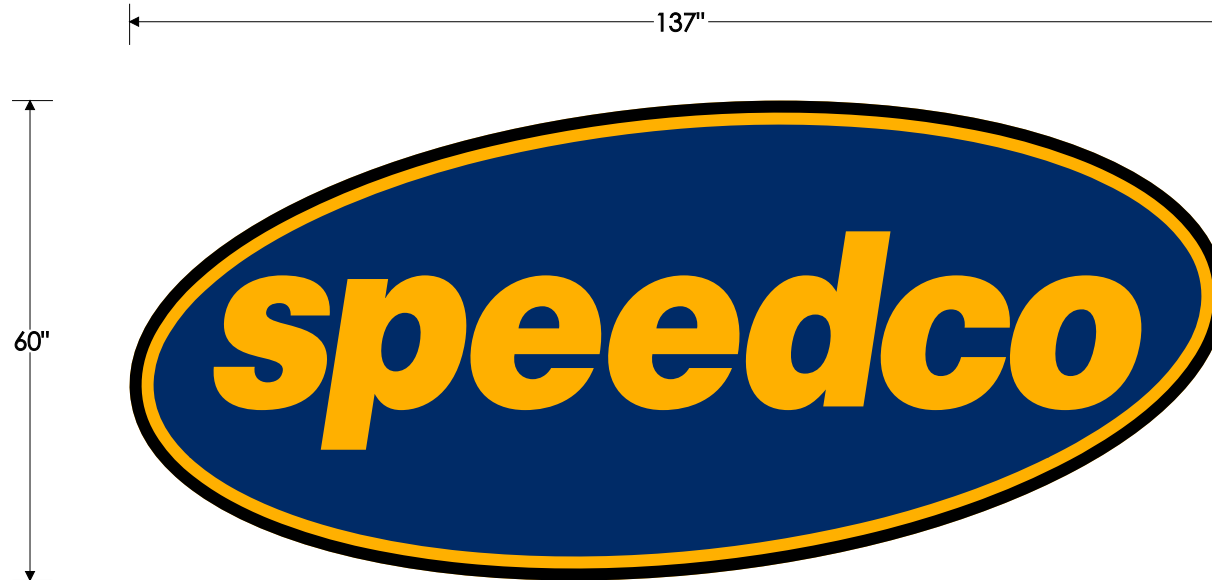
OPTIONS

Software	Ignite OP
Communications	See Additional Options below
Software Training	Web Based Software Training
Temperature Sensor	Not Ordered
Power Requirements	Standard As Quoted
Sign Mounting Kit	SF Mounting Angles
Warranty	Standard 5-Year Parts Warranty
Personal Computer	PC Not ordered. Ignite Included
Technician On-Site	Not Ordered
Spare parts kit	Not Ordered

NOTES

- All parts are covered under 6-year replacement warranty. Includes shipping of parts and return shipping of defective parts.
- 6-year labor reimbursement warranty included, not to exceed \$250 per occurrence, and requires authorization from Watchfire tech support prior to dispatch.
- Tech support is available at no charge for the life of the display.
- * Communications: HDMI capture with Watchfire PC. Copper Ethernet connection from PC to sign.





Individually Mounted Self-Contained Exterior Channel Can

Quantity: 1
Face Material: (.150) Clear Polycarbonate
Face Decoration: 3730-137L European Blue Envision Vinyl & 3730-125L Golden Yellow Envision Vinyl
Face Retention: 1½" Retainers Painted Black (Gloss Finish)
Return Size/Type: 7 -9/16" (.040) Pre-finished Black
Back Type: (.080) Pre-finished White Aluminum with Gussets to Return
Illumination Rows: Grid
LED Brand/Color: Principal Street Fighter Heavyweight - True White LED Modules
Primary Power: 120 VAC
Mounting Type: Holes Thru Back with Template
Listing: UL Label
Electrical Out: Out Back Center
Service Switch: On Return
Weep Holes: Yes

Client:
 Love's

Location:
 Standard

Account Rep:
 Kari Keup

Drawing #:
 13579

Revision:
 .

Drawn By:
 ML

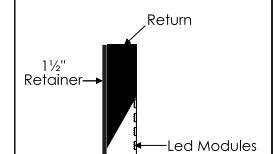
Date:
 10/10/19

Scale:
 ½" = 1'

Sales Order #:
 .

Structural Dwg #:
 .

Channel Can Detail - Not to Scale

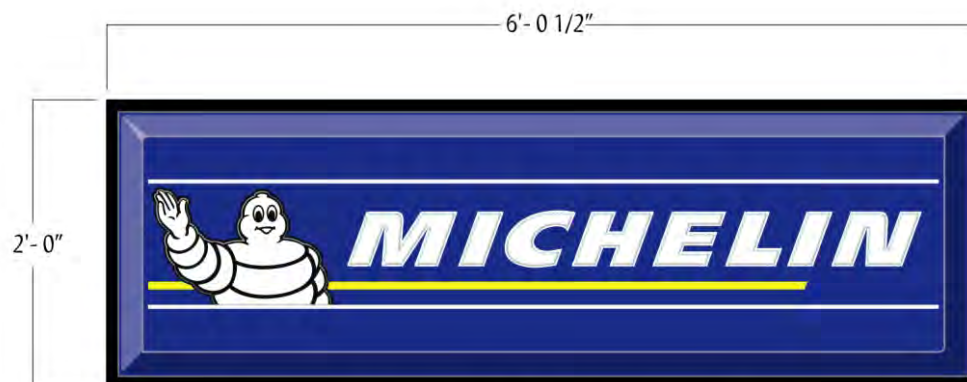


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CUSTOMER APPROVAL: _____ **Date:** _____

Please Sign & Email or Fax to:
(605) 753-9701

2'- 0" x 6'- 0 1/2" Single Face Illuminated Pan Formed Signs

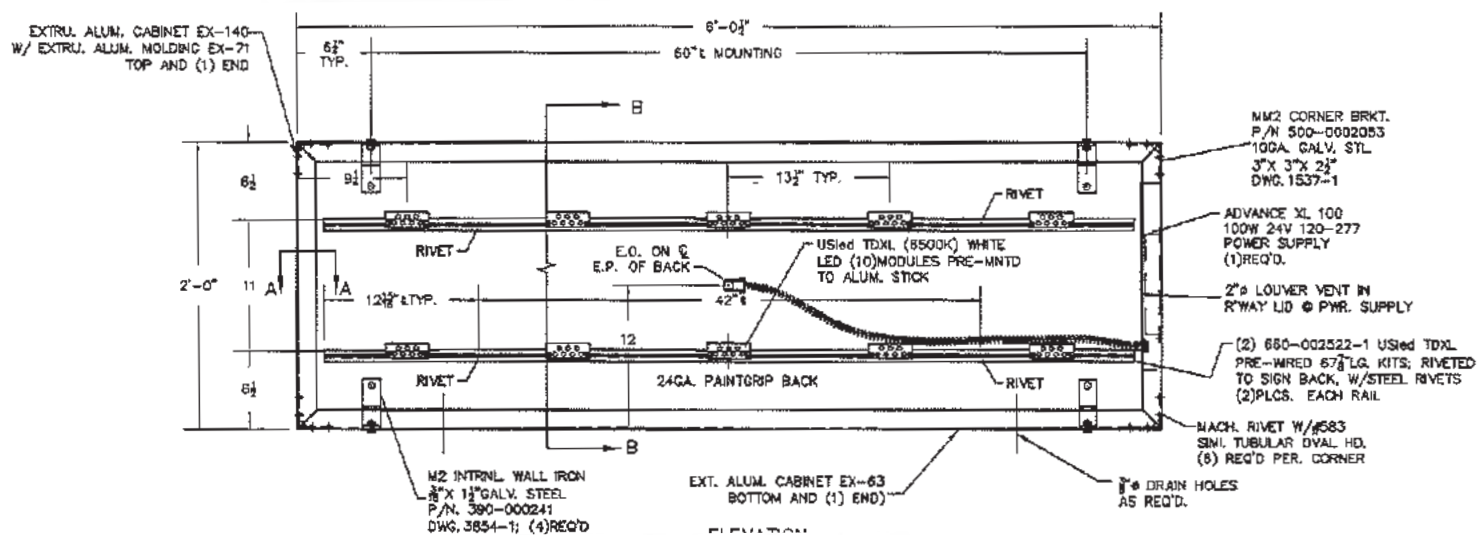


2' - 0" x 6' - 0 1/2" • 1/4" Deep Embossing - Bib Man & MICHELIN • 1/8" Deep Embossing - Yellow Stripe

Pantone Reflex Blue, Pantone Process Yellow, Black & White (2nd surface printing)

Face Material Non-Yellowing Solar Grade • Black Retainer and Cabinet

NOTE: Dualite does not recomend opaquing flanges.



Sketch No. 10-4-205 MICH01 KVF

Scale: $\frac{3}{4}'' = 1' 0''$

Date: 4-19-10

Customer
Approval:

Dualite Sales & Service, Inc.
WILLIAMSBURG, OHIO • CEDAR HILL, TEXAS

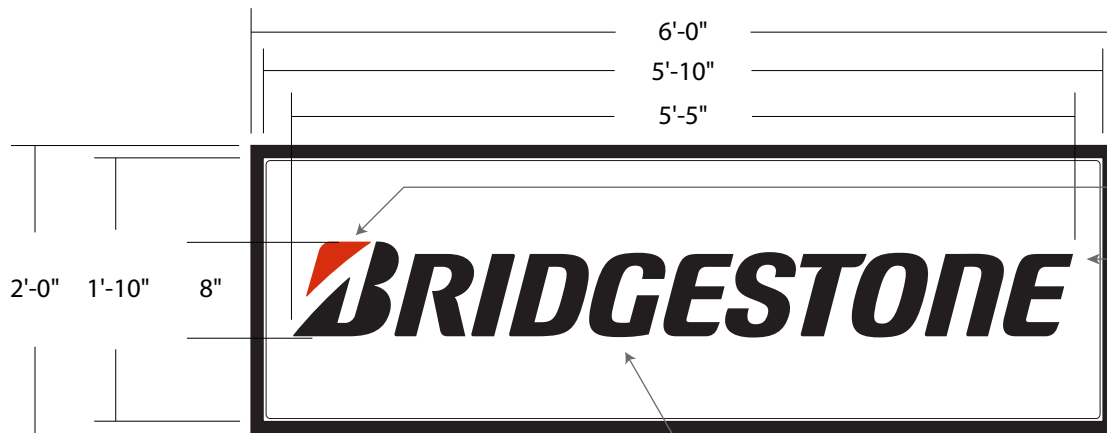
Dualite Sales & Service, Inc.
One Dualite Lane
Williamsburg, Ohio 45176

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Dualite Sales & Service, Inc.
1 Dualite Lane, Williamsburg, OH 45176
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proprietary work without the permission of
Dualite Sales & Service, Inc. will subject the
user to liability under the copyright statutes
of the United States.

Note: Dimensions are Approximate
and Subject to Change Pending
Review by Dualite Engineering.



PLAN VIEW
Scale: 3/4" = 1'



FRONT
Scale: 3/4" = 1'

COPY & UPPER SECTION OF LOGO IS **SECOND SURFACE APPLIED VINYL 3M #3630-73 'DARK RED'** ON FACE & SIDES OF 1/4" EMBOSS

2" DEEP PAN FORMED .150" SPARTECH SUNGUARD ULTRA WEATHERABLE 'CLEAR' POLYCARBONATE FACE W/ EMBOSSED LOGO

- **BACK SPRAYED SPRAYLAT #801 TRANSLUCENT 'WHITE'**

FABRICATED ALUM. CABINET W/ 1" RETAINERS

COPY IS WEEDED OUT TO **SHOW THRU WHITE**

Design #

Sign Family

Location

Address

Acct. Rep.
Coordinator

Designer

Date

Approval / Date

Client

Sales

Estimating

Art

Engineering

Landlord

Artist/Date: 10/12/18 hw

Revision / Date

Rev. 1:

Rev. 2:

Rev. 3:

Rev. 4:

Rev. 5:

IMPORTANT APPROVAL NOTIFICATION
ONCE APPROVAL HAS BEEN RECEIVED, YOU WILL BE HELD FINANCIALLY RESPONSIBLE FOR ANY ADDITIONAL CHANGES OR ADJUSTMENTS TO THE RECOMMENDED SIGNAGE.

Authorized Signature: _____
Print Name: _____
Date: _____

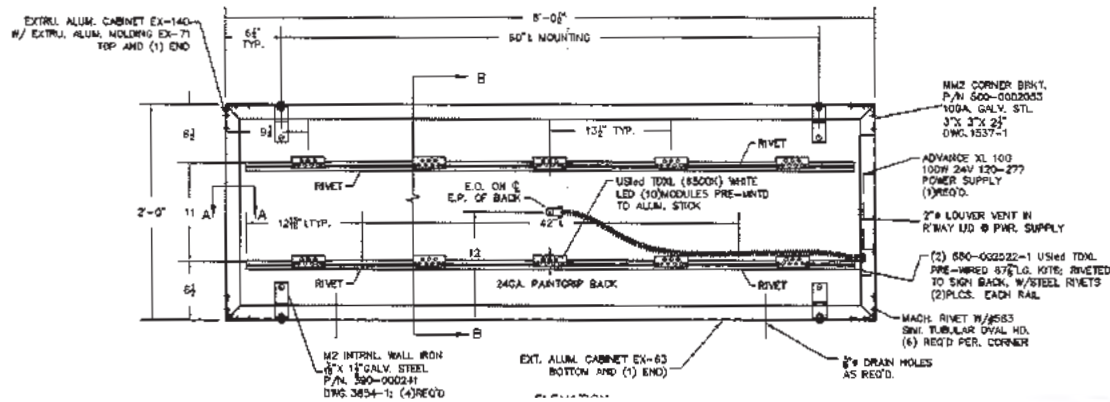
☐ Approved As Shown
☐ Approved with Changes Noted



Drawings are the exclusive property of AGI. Any unauthorized use or duplication is not permitted.

FINAL ELECTRICAL CONNECTION BY CUSTOMER

THIS SIGN IS INTENDED TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 606 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABELING.



FAIRMONT
Sign Company

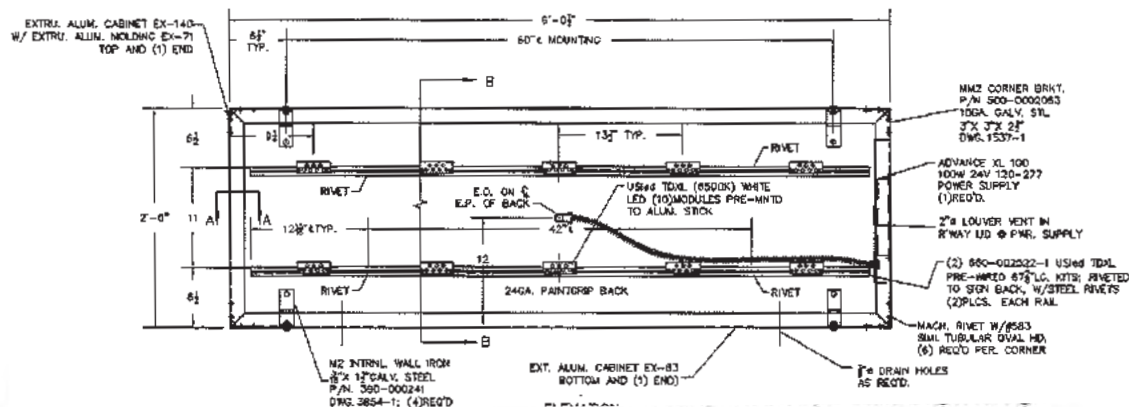
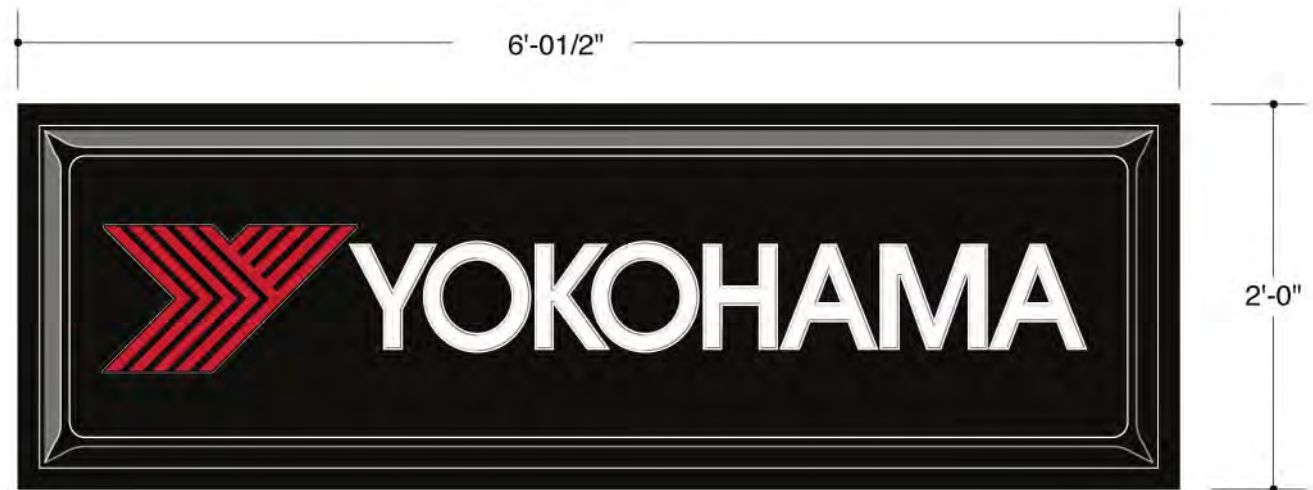
Approval:

Scale: 3/4" = 1'-0"

Date:

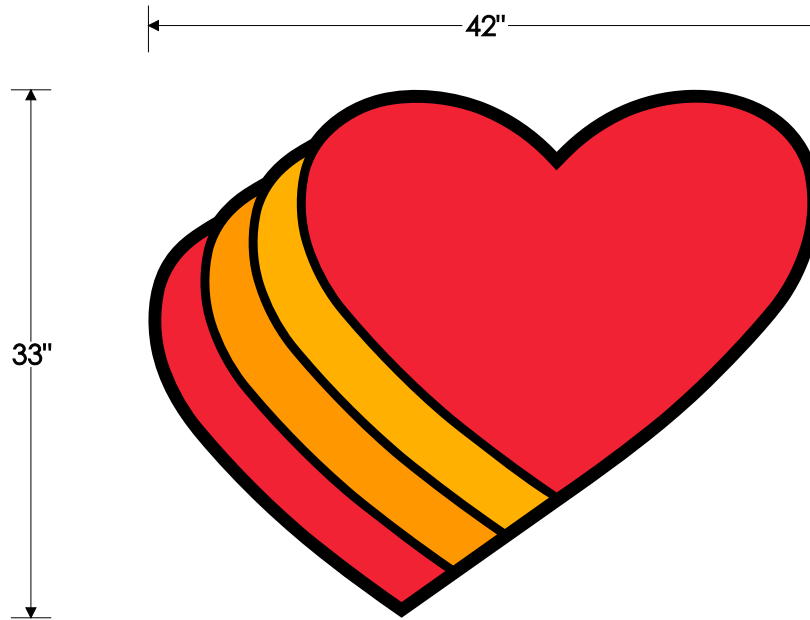
ILLUMINATED 2 FOOT x 6 FOOT 01/2 INCH SINGLE FACE WALL MOUNT SIGN • 2006 LOGO GRAPHICS
with BLACK BACKGROUND • SCREENED POLYCARBONATE FACE

- **2 FOOT x 6 FOOT 01/2 INCH LOGO SIGN**
- CABINET shown as BLACK
- 2 COLORS: BLACK and PMS#186 RED
- ICON at LEFT is RED (EMBOSSSED)
- "YOKOHAMA" COPY is WHITE (EMBOSSSED)
- ALL GRAPHICS are on a BLACK BACKGROUND and RETURNS



 Dualite Sales & Service, Inc. WILLIAMSBURG, OHIO • CEDAR HILL, TEXAS	Dualite Sales & Service, Inc. One Dualite Lane Williamsburg, Ohio 45176	Sketch No. 11-1-37YOKO01-SEL		Approval:
		Scale: 1" = 1'	Date: 1-4-11	

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Individually Mounted Self-Contained Exterior Channel Can

Face Material: (.118) 2447 White Plex
Face Retention: 1" Black Trimcap
Face Decoration: 3630-22 Black Vinyl, 3730-125L Envision Golden Yellow Vinyl, 3730-43L Envision Light Tomato Red Vinyl & 3630-74 Kumquat Vinyl
Return Size/Type: 5" (.040) Pre-finished Black
Back Type: (.063) Pre-finished White with Gussets to Returns
Illumination Rows: Grid
LED Brand/Color: Principal Street Fighter Heavyweight - True White LED Modules

Primary Power: 120 VAC
Mounting Type: Holes Thru Back with Template
Listing: UL Label
Electrical Out: Out Back Center
Service Switch: On End Near Bottom
Weep Holes: Yes

Other Notes:
 - Black vinyl will need to be applied last for face decoration.

Client:
 Love's

Location:
 Standard

Account Rep:
 Kari Keup

Drawing #:
 13593

Revision:
 .

Drawn By:
 ML

Date:
 10/10/19

Scale:
 1" = 1'

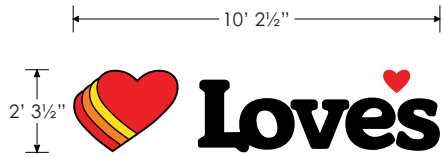
Sales Order #:
 .

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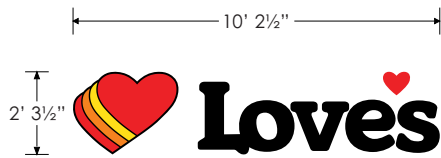
CUSTOMER APPROVAL: _____ **Date:** _____

Please Sign & Email or Fax to:
(605) 753-9701


LOVE'S FUEL CANOPY LOGOS ~ BAKERSFIELD, CA



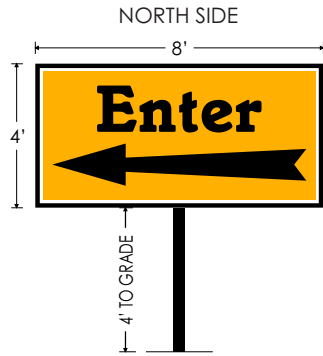
Qty (4) Gas Canopy
(23.39 Sq. ft./sign)



Qty (4) Diesel Canopy
(23.39 Sq. ft./sign)

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0205	1 - 3/18/20	3/16" = 1'	JLW	
			JW			

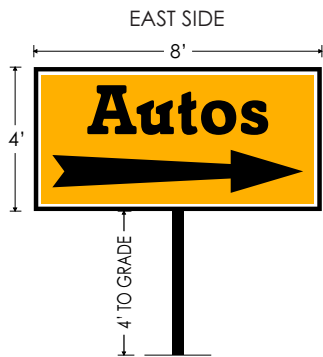
LOVE'S DIRECTIONAL SIGNS ~ BAKERSFIELD, CA



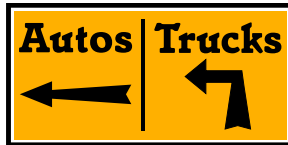
SOUTH SIDE



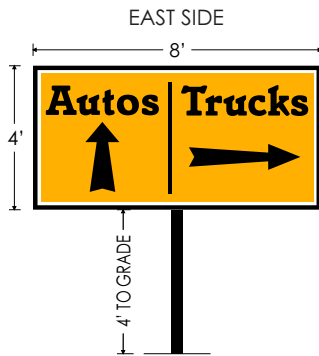
Love's Directional Sign #1
at Corner of H Street and Taft Hwy
(copy may vary)
LED Illuminated
(32 Sq. ft./sign)



WEST SIDE



Directional Sign #2
at Auto Entrance
(copy may vary)
LED Illuminated
(32 sq. ft.)



WEST SIDE




Directional Sign #3
at Truck Entrance
(copy may vary)
LED Illuminated
(32 sq. ft.)

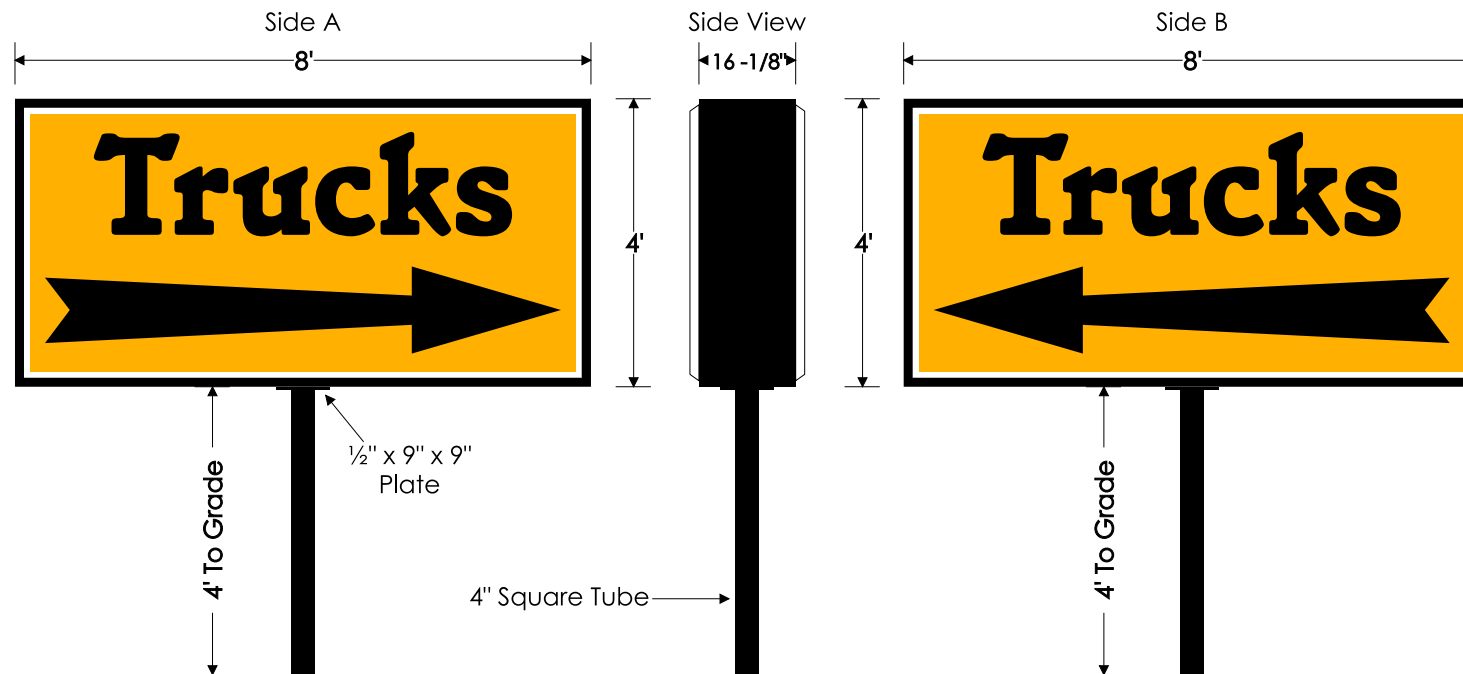


SOUTH SIDE



Directional Sign #4
at Truck Entrance
(copy may vary)
LED Illuminated
(32 sq. ft.)

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0206	2 - 6/1/2020	3/16" = 1'	JLW	
			JW			

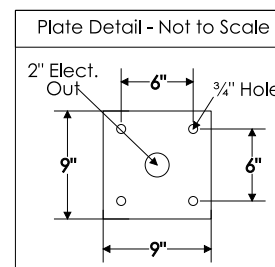


4' x 8' x 16 - 1/8" Double Faced Steel Spacer Frame with Aluminum Skin

Quantity: 1
Retainer: 1 1/2" Beveled
Primary Power: 120 VAC
Illumination: Principal Street Fighter Heavyweight - True White LED Modules
Elect. Out Location: At Plate with 15' of Lead Wire (Label All Wires)
Switch Location: On End Near Bottom
Listing: UL Label
Mounting: Plate/Match Plate
Pole Spacing: Center
Pole Size: 4" x 4" Square Tube
Eyebolt Quantity: 1
Paint Color: #9000 Black (Gloss Finish)

Clear Pan Polycarbonate Face (2nd Surface Decoration)

Quantity: 2
Thickness: (.118)
Mold Depth: 1 1/2"
Flange & Draft Angle: White Backspray
Background: 3730-125L Golden Yellow Vinyl
All Copy & Arrows: 3630-22 Black Vinyl



Client:
 Love's

Location:
 Standard

Account Rep:
 Kari Keup

Drawing #:
 13583

Revision:
 .

Drawn By:
 ML

Date:
 10/10/19

Scale:
 3/8" = 1'

Sales Order #:
 .

Structural Dwg. #:
 .

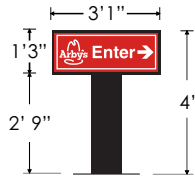
Computer generated colors
 in this artwork are not an
 exact match to the finished
 sign colors. Material samples
 are available upon request.
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Directional #1
 Location TBD

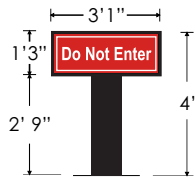
CUSTOMER APPROVAL: _____ **Date:** _____

Please Sign & Email or Fax To:
(605) 753-9701


LOVE'S DIRECTIONAL SIGNS ~ BAKERSFIELD, CA

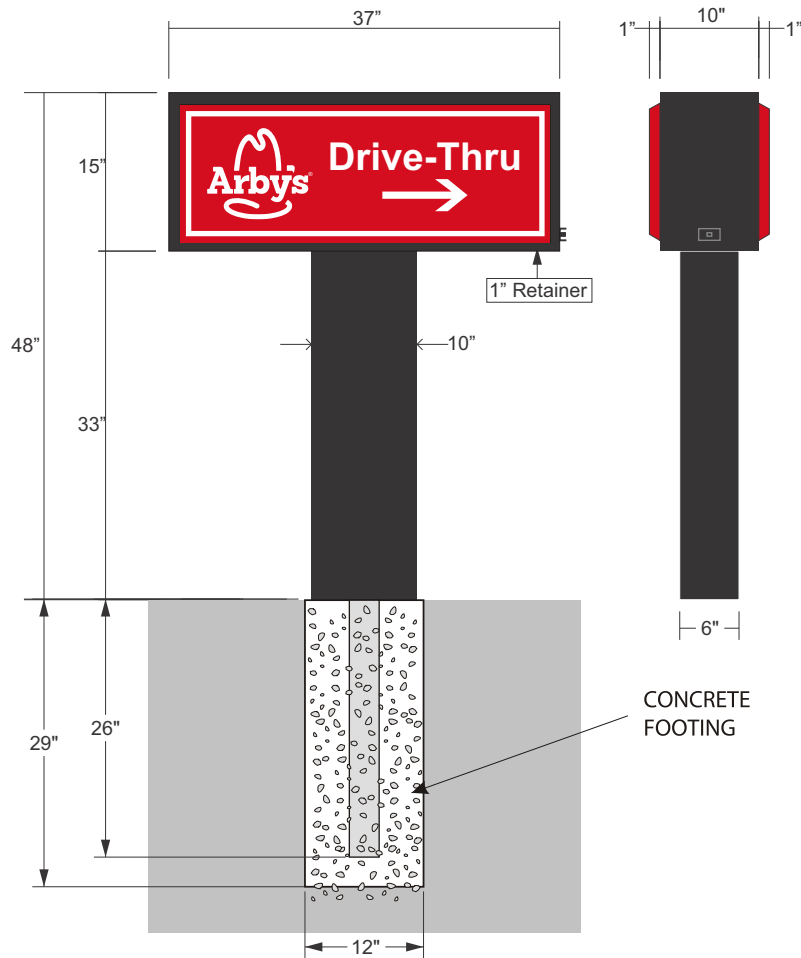


Directional Sign #5
at Drive-Thru Entrance
(copy may vary)
LED Illuminated
(3.9 sq. ft.)



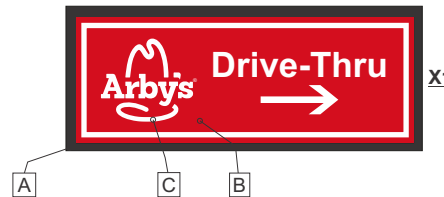
Directional Sign #6
at Drive-Thru Exit
(copy may vary)
LED Illuminated
(3.9 sq. ft.)

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0207	1 - 6/1/20	3/16" = 1'	JLW	
			JW			



*SIGN HEIGHT AS PER CITY SIGN CODE

Front View



Opposite View



Color Specifications

A	Retainers And Pole Powdercoat Gloss Black 1st Surface
B	Faces Painted To Match 3M 3630-0033 2nd Surface
C	Clear Polycarbonate Faces painted White 2nd surface

Color Specifications

Internally illuminated aluminum cabinets. Cabinet and Pole Powdercoated Gloss Black. . Faces to be clear acrylic with Painted Second Surface to Match 3M 3630-0033. Internally illuminated with White LED.

APPROVAL INFORMATION & CONFIRMATION

☐ Proof is approved. Proceed with production of order.

☐ Proof is approved with corrections. Make corrections as indicated and proceed with production of order

SIGNATURE _____ PRINT NAME _____ DATE _____

I have reviewed this proof in regard to: Sign type, order quantity, and accuracy of icons, symbols, and text (e.g. spelling capitalization, punctuation).

These plans are the exclusive property of Design Team Sign Company and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Design Team Sign Company a product manufactured according to these plans. Distribution or exhibition of the plans to anyone other than employees of your company, or use of these plans to construct a product similar to one embodied herein, is expressly forbidden. In the event that exhibition or construction occurs, Design Team Sign Company expects to be reimbursed \$500 in compensation for time and effort entailed in creating these plans.



Client:	ARBY'S		
Location:			
Drawn By:	JRB	Date:	3/3/17
Approved By:			
Sheet:			
Scale:			
File:	Filesystem/Rest./Arbys/CP		



SIGN COMPANY LLC.

731-925-4448 • 800-953-3744 • Fax 731-926-2022
www.designteam.net

CAT SCALE SIGNS ~ BAKERSFIELD, CA

OVERALL HEIGHT: 21' 5³/₄"

TOTAL SQ. FT.: 113.50

5' 4¹/₂" X 20' CAT SCALE SIGN = 107.5 SQ. FT.

2' X 3' CAT SCALE SIGN = 6 SQ. FT.

16' 1¹/₄" FROM GRADE TO BOTTOM OF CAT SCALE

Electrical Requirements Are As Follows:

Trademark Sign

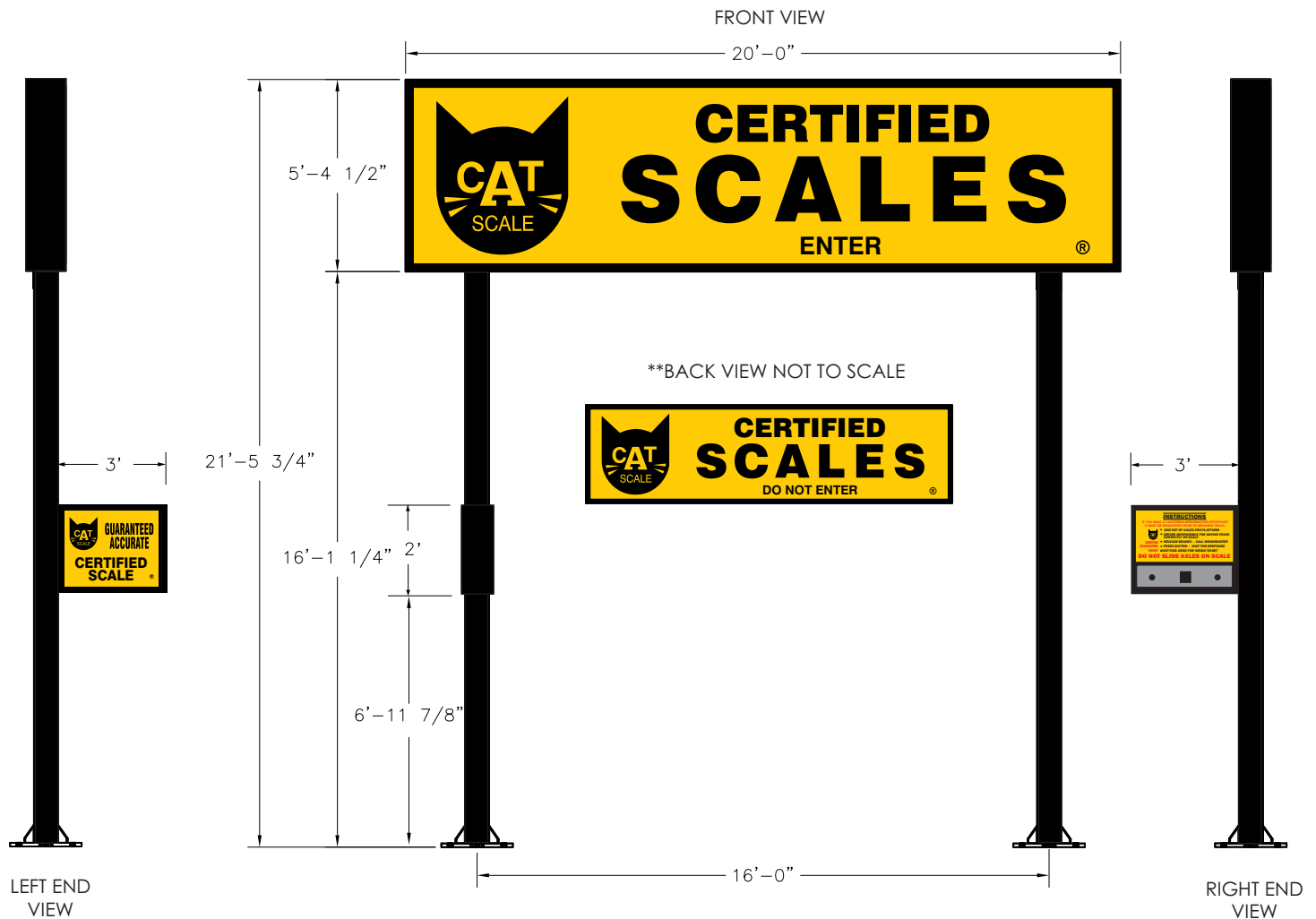
(5) ASB-0620-24-BL Advance Ballasts Or Equivalent,
2.5 Amps Per Ballast. (Total Of 12.5 Amps)


(20) T12F60 CWHO Fluorescent Lamps.

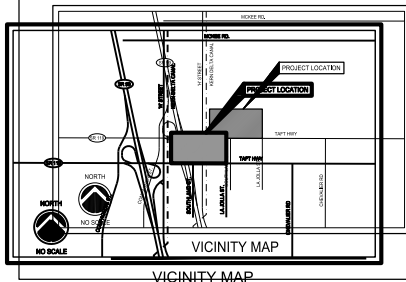
Speaker Sign

(1) ASB-0620-24-BL Advance Ballasts Or Equivalent,
2.5 Amps Per Ballast.

(3) T12F36 CWHO Fluorescent Lamps.



LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
BAKERSFIELD, CA	12/02/19	EI71912-0208	1 - 3/18/20 JW	1/4" = 1'	JLW	

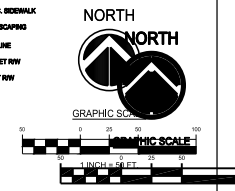


PROJECT INFORMATION	
PROJECT INFORMATION	
ADDRESS:	NORTHEAST CORNER OF TAYT HAY AND 91 STREET
PROJECT NAME:	KARPE DEVELOPMENT
ADDRESS:	NORTHEAST CORNER OF TAYT HAY AND 91 STREET
FLOOD ZONE:	15 UNDEVELOPED
APR:	17-20-08 08:00
PROPERTY OWNER:	ELMER F. KARPE, INC.
FLOOD ZONE:	7A1
NET PROJECT AREA:	18.27 ACRES
PROPERTY OWNER:	ELMER F. KARPE, INC.
PROPOSED LANDSCAPING AREA:	1.00 ACRES
NET PROJECT AREA:	17.27 ACRES
PROPOSED LANDSCAPING AREA:	121,181 SF

LEGEND:

LEGEND:

- PROPOSED A.C. PAVEMENT
- PROPOSED CONC. PAVEMENT
- PROPOSED CONC. PAVEMENT
- PROPOSED CONC. SIDEWALK
- PROPOSED CONC. PAVEMENT
- PROPOSED CONC. SIDEWALK
- PROPOSED LANDSCAPING
- PROPOSED CONC. SIDEWALK
- PROPOSED STREET ROW
- PROPOSED LANDSCAPING
- PROPOSED STREET ROW
- STREET CENTERLINE
- EXISTING STREET ROW
- PROPOSED STREET ROW
- EXISTING STREET ROW



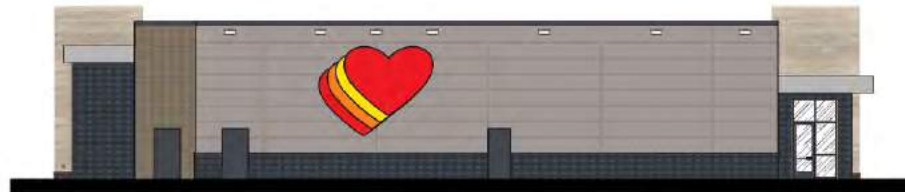
ALL SIGN LOCATIONS ARE APPROXIMATE. TO BE
VERIFIED BY THE ARCHITECT AND LOVE'S
REPRESENTATIVE.



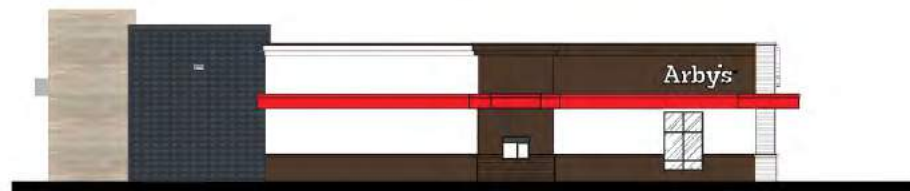
A FRONT ELEVATION
SCALE: 1/8" = 1'-0"



B REAR ELEVATION
SCALE: 1/8" = 1'-0"



C SIDE ELEVATION
SCALE: 1/8" = 1'-0"



D SIDE ELEVATION
SCALE: 1/8" = 1'-0"

Love's Travel Stops & Country Stores

BAKERSFIELD, CA

03-27-2020





A FRONT ELEVATION West
SCALE: 1/8" = 1'-0"



B REAR ELEVATION East
SCALE: 1/8" = 1'-0"



C SIDE ELEVATION North
SCALE: 1/8" = 1'-0"



D SIDE ELEVATION South
SCALE: 1/8" = 1'-0"

Love's Travel Stops & Country Store
TIRE CARE FACILITY

BAKERSFIELD, CA

03-27-2020



Attachment B
(USSC Sign Legibility Criteria)



Bakersfield, CA – Love's Sign Justification

March 20, 2020

Love's Travel Stops and County Stores
10601 N Pennsylvania
Oklahoma City, OK, 73126

RE: Love's Travel Stop located in the Northeast corner of Taft Hwy & "H" Street (just off Hwy 99)

This property lies in the Northeast corner of Taft Hwy and "H" St just off Hwy 99 (Golden State Hwy). In order for drivers traveling on Hwy 99 to have a view of the freestanding Hi-Rise sign over the trees between the sign and the highway, a deviation from the sign code would be necessary. It is imperative that drivers are given adequate time to see the sign and make the decision to safely exit the highway system to patronize Love's. Without the increased height and area of the sign being requested, motorists may not be aware that the Love's Travel Stop is located at this exit or they may not see the sign with enough time to make a safe exit, compromising the safety of themselves as well as other drivers. The United States Sign Council recommends sign sizes based on the complexity of the driving conditions and speed of traffic. The USSC would recommend a sign with a minimum of 639 square feet of sign area in an area with multi lanes of traffic, such as Hwy 99, traveling at 65 MPH (see attached Freestanding Sign Sizes sheet from the USSC). The size is recommended to give drivers of **automobiles** enough time to see the sign, read the sign and then to react to the sign. When you take into consideration it takes **semi-truck drivers** 40% longer to come to a stop, the size of sign being proposed would be needed for patrons to make safe lane changes in order to visit the Love's Travel Stop. According to the USSC, the viewer reaction time for automobiles is 11 seconds. This means that drivers of **automobiles** will need at least 11 seconds to read, respond and react to a sign once they get a clear view of it. Again taking into consideration that **semi-truck drivers** need 40% more time to react, the height of the sign is vital in allowing drivers to have a clear view of the sign and being able to react in a manner that is safe for all drivers on the highway system.

The spirit and intent behind the request being made to increase the overall height and overall square footage of the sign is to increase the level of safety of all patrons of Love's and the surrounding community. The taller sign and additional square footage being requested will help ensure that there is safe ingress and egress to the facility which has a positive impact on the community.

Table 2. Freestanding Sign Sizes

Freestanding Sign Size in Square Feet

$$\text{Sign Size (Square Feet)} = [(VRT)(MPH)]^2 / 800$$

VRT = Viewer Reaction Time MPH = Miles Per Hour

VRT varies with roadside complexity:

simple or 2 lane = 8 seconds / complex or 4 lane = 10 seconds / multi lane = 11 seconds

MPH	Road Complexity	VRT	Sign Size
25	simple / 2 lane	8	50
25	complex / 4 lane	10	78
30	simple / 2 lane	8	72
30	complex / 4 lane	10	112
35	simple / 2 lane	8	98
35	complex / 4 lane	10	153
40	simple / 2 lane	8	128
40	complex / 4 lane	10	200
45	simple / 2 lane	8	162
45	complex / 4 lane	10	253
50	simple / 2 lane	8	200
50	complex / 4 lane	10	312
55	complex / 4 lane	10	378
60	complex / 4 lane	10	450
65	multi lane	11	639
70	multi lane	11	741
75	multi lane	11	850

Source: United States Sign Council



Sign Legibility Rules Of Thumb

UNITED
STATES
SIGN
COUNCIL

SIGN LEGIBILITY

By Andrew Bertucci, United States Sign Council

Since 1996, the United States Sign Council (USSC) and its research arm, the United States Sign Council Foundation (USSCF) have funded an extensive array of studies into the legibility of on-premise signs and the manner in which motorists react to these signs in various roadside environments. Because of these ground breaking studies, it is now possible to determine, with a degree of certainty, the size of letters as well as the size of signs necessary to ensure motorist legibility. Most of this work has been synthesized in the current USSC publication entitled ***USSC Best Practices Standards for On-Premise Signs***, which details methods for ascertaining sign size, legibility, and height for on-premise signs that are directly in view of a motorist approaching the sign. In addition, a study completed in 2006 and entitled ***On-Premise Signs, Determination of Parallel Sign Legibility and Letter Heights*** now provides similar methods for ascertaining legibility factors for signs not directly in view, such as wall mount building signs usually parallel to a motorist's viewpoint.

The USSC Best Practices Standards and the parallel sign study offer relatively detailed analysis of the legibility factors involved with on-premise signs, and certainly should be utilized whenever such analysis is warranted. A number of equally useful generalizations, or time-saving rules-of-thumb based on the studies, however, can be applied to arrive at results which reflect legibility values which can be used as a general average applicable to most conditions. These are detailed below.



On Premise Sign Legibility Simplified Rules Of Thumb

How Motorists React To Signs In The Roadside Environment

Detecting and reading a roadside on-premise sign by a motorist involves a complex series of sequentially occurring events, both mental and physical. They include message detection and processing, intervals of eye and/or head movement alternating between the sign and the road environment, and finally, active maneuvering of the vehicle (such as lane changes, deceleration, and turning into a destination) as required in response to the stimulus provided by the sign.

Complicating this process is the dynamic of the viewing task, itself, involving the detection of a sign through the relatively constricted view provided by the windshield of a rapidly moving vehicle, with the distance between the motorist and the sign quickly diminishing. At 40 miles per hour, for example, the rate at which the viewing distance decreases is 58

feet per second, and at 60 miles per hour, it becomes an impressive 88 feet per second. Further complicating the process is the relative position of the sign to the eye of the motorist, whether directly in his/her field of view (perpendicular orientation), or off to the side and turned essentially parallel to the motorist's field of view (parallel orientation).

Research has now been able to quantify the viewing process and set a viewing time frame or viewing window of opportunity for both types of sign orientation. In the case of signs perpendicular to the motorist, this time frame is measured as Viewer Reaction Time (VRT), or the time frame necessary for a motorist traveling at a specific rate of speed to detect, read, and react to a sign within his/her direct field of vision with an appropriate driving maneuver. The driving maneuver itself can entail a number of mental and physical reactions, usually involving signaling, lane changes, acceleration and/or deceleration, and finally, a turn into the site of the sign.

In the case of signs parallel to the motorist's view, detecting and reading a sign is generally restricted to quick sideways glances as the sign is approached and the angle of view becomes more constricted. Because of this, the VRT involving these signs is, at best, necessarily compromised. Compensation for this reduction in the time frame involved in detecting and reading parallel signs is made through increases in letter height and size designed to facilitate rapid glance legibility. It must be understood however, that the parallel orientation will always present legibility problems, and in many cases, even if the sign is detected and read, sufficient time for a motorist to complete a driving maneuver in response to the sign may not be available.

Perpendicular Signs

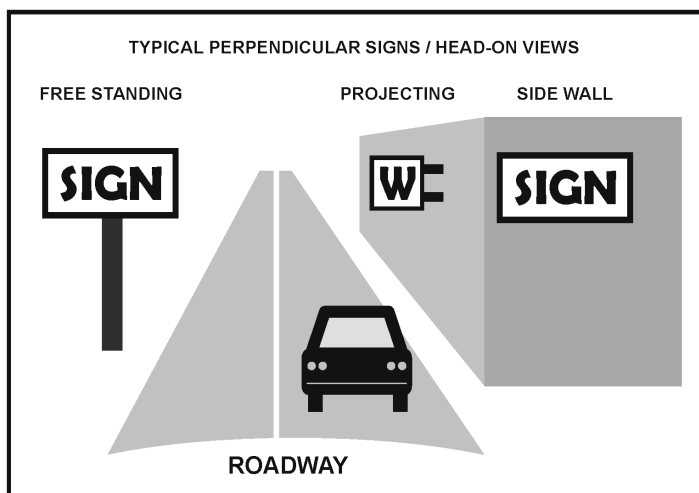


Figure 1. Perpendicular Sign Types

Perpendicular signs include most free standing signs, projecting signs, and, in some cases, flat wall signs placed on building walls that directly face on-coming traffic. (see figure 1). These signs are generally placed close to property lines and fall into the motorist's so-called "cone of vision", which is a view down the road encompassing ten degrees to the right or left of the eye, or twenty degrees total view angle. Signs falling within this cone can usually be viewed comfortably without excessive eye or head movement, and generally can be kept in the motorist's line-of-sight from the time they are first detected until they are passed. (see figure 2, cone of vision).

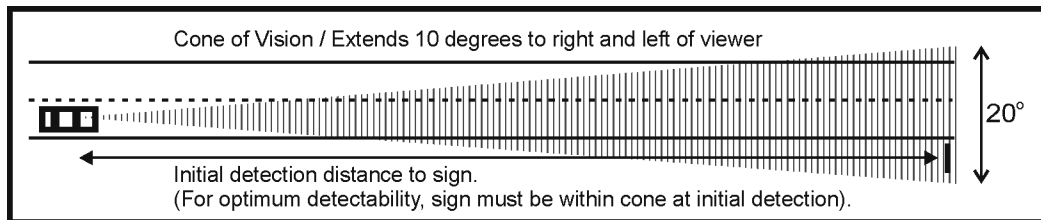


Figure 2. Cone of Vision

Because of this relatively constant view window, perpendicular signs can be designed and sized to provide for viewing time sufficient to allow for adequate detection, reading, and driving maneuvers. The key to providing adequate viewing time is an understanding of Viewer Reaction Time and Viewer Reaction Distance, and how these factors can be computed to provide for adequate letter heights and sign sizes under varied traffic conditions and vehicle speeds.

Viewer Reaction Time / Viewer Reaction Distance

Viewer Reaction Time is simply the time necessary for a motorist to detect, read, and react to the message displayed on an approaching on-premise sign that lies within his or her cone of vision. The USSC Guideline Standards offer precise mathematical procedures for calculating VRT for specific signs with specific copy located in varied locations of increasing traffic complexity and speed.

As a rule-of-thumb for average usage with signs displaying six words of copy (or 30 letters) or less however, VRT for vehicles traveling under 35 miles per hour in simple two to three lane environments can be estimated at eight (8) seconds; for vehicles traveling over 35 miles per hour in more complex four to five lane environments, at ten (10) seconds; and for vehicles traveling over 35 mph in high speed multi-lane environments at eleven to twelve (11-12) seconds.

These values include a maneuvering time of 4 seconds in the simple environment, 5 seconds in the complex environment, and 6 seconds in the high speed multi-lane environment. Although most roadside on-premise sign installations require a motorist to make the driving maneuver before the sign is passed and thus require the full VRT value, occasionally the maneuver can safely be made after the sign location has been passed. Where this is the case, the driving maneuver time of either 4, 5, or 6 seconds should not be included in computing Viewer Reaction Time.

Once VRT is ascertained, Viewer Reaction Distance for a given sign location, or the distance in feet which a vehicle travels during the VRT interval, can be calculated. It is necessary to know this distance because it determines the size of the letters and the size of the sign necessary for legibility to take place over that distance. It represents, in lineal feet, the distance between the motorist and the sign from the moment he or she has first detected it, and it rapidly diminishes as the motorist closes the distance at speed.

It is calculated by first converting travel speed in miles per hour (MPH) to feet per second (FPS) by using the multiplier 1.47, and then multiplying the feet per second by the Viewer Reaction Time. For example, a vehicle traveling at sixty miles per hour covers eighty-eight feet per second ($60 \times 1.47 = 88$). Eighty-eight feet per second times a Viewer Reaction Time of ten seconds equals eight hundred eighty feet (880) of Viewer Reaction Distance. The computation can be expressed also as this equation:

$$VRD = (MPH) (VRT) 1.47$$

Determining Letter Height and Sign Size

The overall legibility of a sign is essentially determined by the height, color, and font characteristics of the letters making up its message component. To this end, the USSC has, through extensive research, developed standard legibility indices for typical letter types and color combinations (see table 1, USSC Standard Legibility Index).

The Legibility Index (LI) is a numerical value representing the distance in feet at which a sign may be read for every inch of capital letter height. For example, a sign with a Legibility Index of 30 means that it should be legible at 30 feet with one inch capital letters, or legible at 300 feet with ten inch capital letters. The USSC Standard Legibility Index also reflects the 15 percent increase in letter height required when all upper case letters (all caps) are used instead of more legible upper and lower case letters with initial caps.

Table 1. The USSC Standard Legibility Index

ILLUMINATION	LETTER STYLE	LETTER COLOR	Background COLOR	LEGIBILITY INDEX	
				Upper & Lower Case	ALL CAPS
External	Helvetica	Black	White	29	25
External	Helvetica	Yellow	Green	26	22
External	Helvetica	White	Black	26	22
External	Clarendon	Black	White	28	24
External	Clarendon	Yellow	Green	31	26
External	Clarendon	White	Black	24	20
Internal Translucent	Helvetica	Black	White	29	25
Internal Translucent	Helvetica	Yellow	Green	37	31
Internal Translucent	Clarendon	Black	White	31	26
Internal Translucent	Clarendon	Yellow	Green	37	31
Internal Opaque	Helvetica	White	Black	34	29
Internal Opaque	Helvetica	Yellow	Green	37	31
Internal Opaque	Clarendon	White	Black	36	30
Internal Opaque	Clarendon	Yellow	Green	37	28
Neon	Helvetica	Red	Black	29	25
Neon	Helvetica	White	Black	38	32

Illumination Variations:

External light source

Internal light source with fully translucent background

Internal light source with translucent letters and opaque background

Exposed neon tube

To use the Legibility Index table to determine letter height for any given viewing distance, select the combination of font style, illumination, letter color, and background color that most closely approximates those features on the sign being evaluated. Then, divide the viewing distance (Viewer Reaction Distance) in feet by the appropriate Legibility Index value. The

result is the letter height in inches for the initial capital letter in upper and lower case configurations, or for every letter in an all caps configuration. For example, if the Viewer Reaction Distance is 600 feet, and the Legibility Index is 30, the capital letter height would be 20 inches ($600' / 30 = 20''$).

VRD (in feet) / LI = Letter Height (in inches)

The Legibility Index rule-of-thumb...30

In addition to the use of the Legibility Index chart, a simpler, rule-of-thumb Legibility Index of 30 is frequently used as an average to address most legibility requirements. Although generally acceptable, it should be understood that this is an average only, and it may fall short of meeting the legibility needs of any specific sign or environment. The USSC On-Premise Sign Standards provides a much more precise means of establishing this requirement, particularly for complex environments, and should be used whenever such precision is warranted.

Sign Copy Area and Negative Space – Computing Sign Size

The computation of overall sign size is of vital concern to anyone involved in designing or building on-premise signs, since it relates directly to both sign cost as well as to adherence to local building and zoning ordinances. It is for this reason that USSC has devoted so much research resources into developing methods for computing adequate sign sizes for varied environments, and into providing the industry with the means to compute the size of signs necessary to adequately transmit communicative messages to motorists traveling at different rates of speed. The use of the Legibility Index is the vital first step in this process, but there is frequently more involved than just letter height, especially in perpendicular signs involving the use of background panels. Clearly, in these instances, an understanding of how sign copy area and negative space interact to bring about optimum viewer legibility is critical.

In instances in which only letters comprise the total sign, such as channel letters on building walls, however, the computation of total sign size in square feet is relatively simple. In the case of these types of individual letter signs, overall size is frequently considered as the product of the height of the letters times the length of the line of letters. For example, if capital letter height is two feet, and the line of letters measures thirty feet horizontally, sign size would be calculated at sixty square feet ($2 \times 30 = 60$). There is an important exception to this mode of calculation in which only the space actually taken up by the letters themselves in square feet, and not the space between letters, is considered. In these cases, overall size becomes simply the sum of all the individual letter areas, and is generally a fairer method of computation when the letters and or/symbols

are spread out over a large area of building wall. In any event, for individual letter signs, it is essentially the height of the letters which is the prime determinant of overall sign size, and as we observed above, this can be calculated with some precision through use of the Legibility Index.

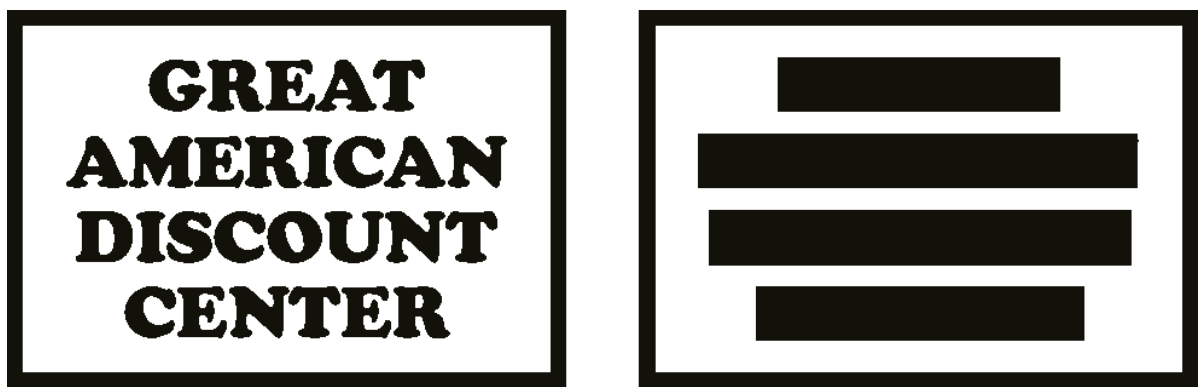
In this context, there is also another useful rule of thumb which can be used to give a working approximation of how much horizontal length a given number of letters would require once the letter height is established by simply multiplying capital letter height by the number of letters. For average fonts, this rule of thumb takes into account the space between letters in a line (usually $\frac{1}{3}$ the width of an individual letter and referenced as letterspace) and can give a surprisingly close determination of the actual length of the line of letters.

In the case of signs utilizing background areas, however, computation of the amount of space occupied by the lettering, also called copy area, is only the first step in computing overall sign size. Of equal importance in signs of this type is the amount of negative space surrounding the letters or copy area. It is this negative space which provides the background for the letters, makes legibility possible, and which must be accounted for in any computation to determine overall sign size.

Copy Area

The copy area of a sign is that portion of the sign face encompassing the lettering and the space between the letters (letterspace), as well as any symbols, illustrations, or other graphic elements. It is a critical component of effective sign design because it establishes the relationship between the message and the negative space necessary to provide the sign with reasonable legibility over distance.

Figure 3. Copy Area

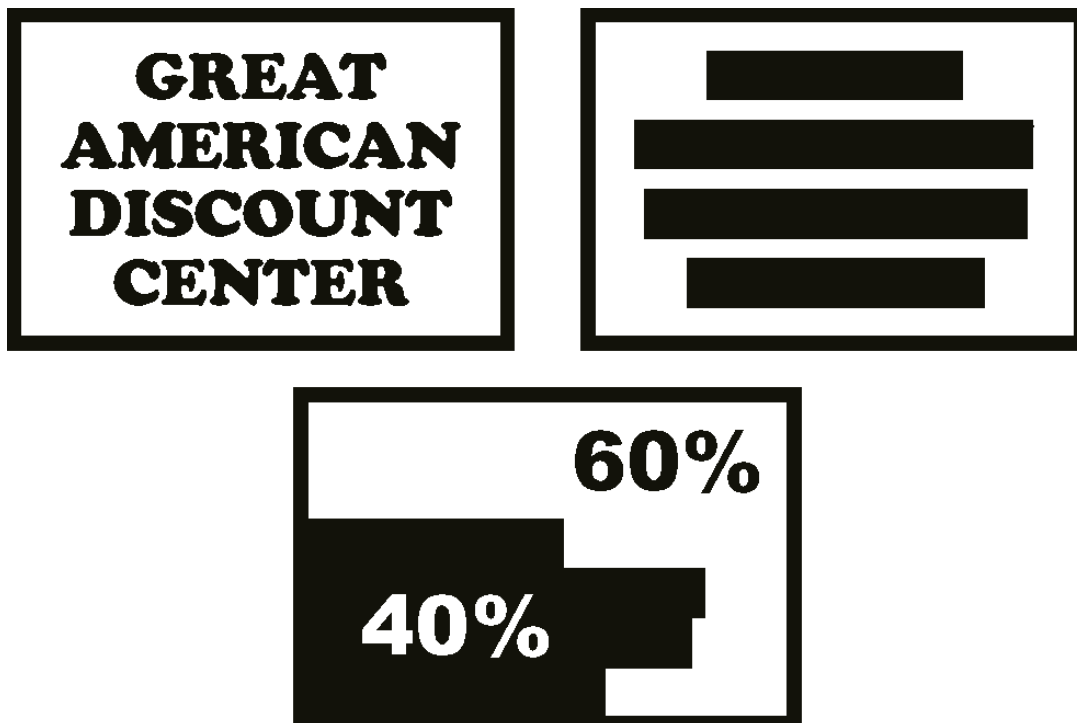


The illustration on the left depicts a typical on-premise sign face; while the one on the right, with black rectangles covering the copy area, affords a visual of the message layout

Negative Space

Negative space is the open space surrounding the copy area of a sign. It is essential to legibility, particularly in signs in which the copy is displayed within a background panel. Negative space ideally should not be less than 60 percent of the sign or background area. This requirement for a 40/60 relationship between the copy area and negative space is the minimum USSC standard. It is intended only to establish a measurable baseline for the negative space component of a sign, such that a reasonable expectation of legibility will exist.

Figure 4. Relationship Between Copy Area And Negative Space



The bottom sign panel illustrates how the aggregate copy area comprises 40 percent of the total sign panel area, with the remaining 60 percent forming the negative space area.

DETERMINING SIGN SIZE – Calculation Methodology

The size of a sign is determined by the size and length of the message and the time required to read and understand it. It can be calculated once the numerical values of the five size determinants –Viewer Reaction Time, Viewer Reaction Distance, Letter Height, Copy Area, and Negative Space – have been established.

The step-by-step process to determine sign size, which is explained below, is useful not only as a calculation method, but also as a means of understanding the elements involved in the calculation.

Area of Sign / Computation Process:

1. Determine speed of travel (MPH) in feet per second (FPS): $(\text{MPH} \times 1.47)$.
2. Determine Viewer Reaction Time (VRT).
3. Determine Viewer Reaction Distance $(\text{VRT} \times \text{FPS})$.
4. Determine Letter Height in inches by reference to the Legibility Index (LI): (VRD/LI) .
5. Determine Single Letter Area in square inches (square the letter height to obtain area occupied by single letter and its adjoining letterspace).
6. Determine Single Letter Area in square feet: $\text{Single Letter Area in square inches}/144$).
7. Determine Copy Area $(\text{Single Letter Area in square feet} \times \text{total number of letters plus area of any symbols in square feet})$.
8. Determine Negative Space Area at 60% of Sign Area $(\text{Copy Area} \times 1.5)$.
9. Add Copy Area to Negative Space Area.
10. Result is Area of Sign in square feet.

Computation Process / Calculation Example



Figure 5. Calculation Example Sign

Location: Complex Driving Environment

Posted Traffic Speed of 40 MPH

Sign Background: White

Sign Copy: 23 Letters, Upper & Lower Case

Clarendon Style, Black

Internally Illuminated, Translucent Face

1. Determine speed of travel in feet per second; $40 \text{ MPH} \times 1.47 = 59 \text{ FPS}$
2. Determine Viewer Reaction Time – Complex Environment
 - Detection and Message Scan..... 5 seconds
 - Maneuver.....5 seconds
 - Total Viewer Reaction Time = 10 seconds VRT
3. Determine Viewer Reaction Distance; $59 \text{ (FPS)} \times 10 \text{ (VRT)} = 590 \text{ feet}$
4. Determine Letter Height in inches - Refer to Legibility Index, Table 1
 - Black Clarendon letters on White background = Index of 31
 - $590 \text{ (VRD)} / 31 \text{ (LI)} = 19 \text{ inch letter height}$
5. Determine Single Letter Area in square inches
 - $19 \times 19 = 361 \text{ square inches, single letter area}$
6. Determine Single Letter Area in square feet
 - $361 / 144 = 2.5 \text{ square feet, single letter area}$
7. Determine Copy Area; single letter area (sq. ft.) x number of letters
 - $2.5 \times 23 = 57.5 \text{ square feet, copy area}$
8. Determine Negative Space @ 60% of sign area
 - $57.5 \times 1.5 = 86.25 \text{ square feet, negative space}$
9. Add Copy Area to Negative Space
 - $57.5 + 86.25 = 143.75 \text{ square feet}$
10. Result is Area of Sign, 144 square feet

Area of Sign – Equation / Specific Usage

In addition to the computation method above, the USSC has developed an algebraic equation to determine the Area (A_{sign}) for signs containing letters only, which will provide the same result but will simplify the process. The equation allows for insertion of all of the size determinants, except for Negative Space, which is fixed at the standard 40/60 ratios. (Note: If numbers are rounded off in the computation process, a very slight difference in result may occur between the computation process and the equation).

$$A_{\text{sign}} = \frac{3n}{80} \left[\frac{(\text{VRT}) (\text{MPH})}{\text{LI}} \right]^2$$

Fixed Value:

40/60 ratio, letters/negative space

Variable Values:

Number of Letters (n)

Viewer Reaction Time (VRT)

Miles Per Hour (MPH)

Legibility Index (LI)

Here's how to work the equation:

Start with the first portion of the equation which is three times the number of letters divided by 80. Three times 23 letters is 69; when divided by 80 the result is .8625. Keep this number ready for later use. Compute the second part of the equation in brackets by multiplying VRT (Viewer Reaction Time), which is 10 by the MPH (miles per hour), which is 40. The multiplication product is 400. Divide 400 by the LI (Legibility Index), which is 31, and the result is 12.90. Square the 12.90 by multiplying it by itself (12.90 x 12.90) for a product of 166. Finally, multiply the 166 by the .8625 obtained from the first part of the equation, and the resulting square footage is 143.

Area of Sign – Equation / Broad Usage

To allow for a broader scientific evaluation of sign size and satisfy the minimal legibility requirements across a full range of reaction times and speed zones, USSC has also developed a second more simplified equation shown below. This formula fixes the average sign size determinants, leaving only Viewer Reaction Time (VRT) and the speed of travel (MPH) as the sole variables. It can be used effectively as a broad rule-of-thumb to ascertain the general size of signs necessary to adequately and safely convey roadside information to motorists traveling at a given rate of speed as well as to establish size parameters for signs across an entire community and/or road system. Table 2 below provides a handy look-up reference of the use of the equation.

$$A_{\text{sign}} = \frac{[(\text{VRT}) (\text{MPH})]^2}{800}$$

Fixed Values:

30 Letters

Legibility Index (LI) of 30

40/60 ratio, letters/negative space

Variable Values:

Viewer Reaction Time (VRT)

Miles Per Hour (MPH)

Here's how to work the equation,
assuming Viewer Reaction Time of 10 seconds and speed at 50 miles per hour:

Compute the values in the brackets by multiplying the VRT (Viewer Reaction Time) of 10 seconds by the MPH (miles per Hour), which is 50. The multiplication product is 500. Square the 500 by multiplying it by itself (500 x 500) for a product of 250,000. Divide 250,000 by 800 for the resulting square footage of 312.

Table 2. Freestanding Sign Sizes

Freestanding Sign Size in Square Feet

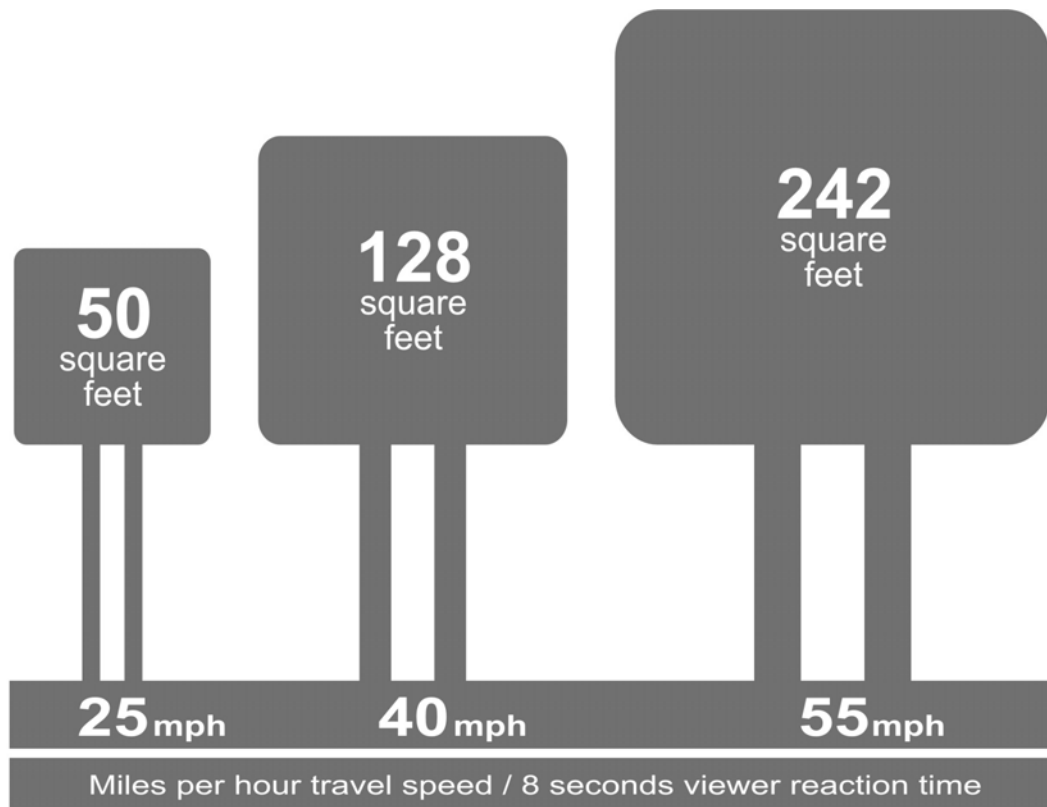
$$\text{Sign Size (Square Feet)} = [(VRT)(MPH)]^2 / 800$$

VRT = Viewer Reaction Time MPH = Miles Per Hour

VRT varies with roadside complexity:

simple or 2 lane = 8 seconds / complex or 4 lane = 10 seconds / multi lane = 11 seconds

MPH	Road Complexity	VRT	Sign Size
25	simple / 2 lane	8	50
25	complex / 4 lane	10	78
30	simple / 2 lane	8	72
30	complex / 4 lane	10	112
35	simple / 2 lane	8	98
35	complex / 4 lane	10	153
40	simple / 2 lane	8	128
40	complex / 4 lane	10	200
45	simple / 2 lane	8	162
45	complex / 4 lane	10	253
50	simple / 2 lane	8	200
50	complex / 4 lane	10	312
55	complex / 4 lane	10	378
60	complex / 4 lane	10	450
65	multi lane	11	639
70	multi lane	11	741
75	multi lane	11	850



Average sign size related to speed of travel and reaction time

Illustration from *Street Graphics and the Law*,
American Planning Association, 2004

Parallel Signs

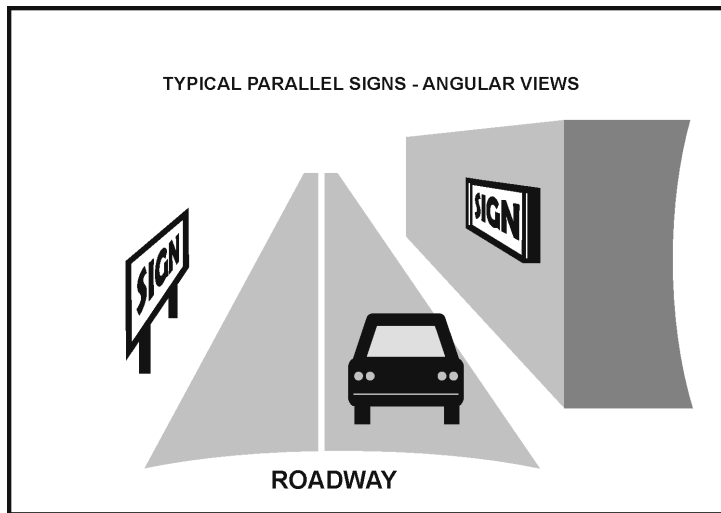


Figure 6. Parallel Sign Types

Everyday experience teaches us that parallel signs are more difficult to read than perpendicular signs simply because their orientation to the eye of any observer is at an acute angle. Now USSC research has corroborated this subjective impression with scientific evidence, and has made it possible to construct a mathematical model and attendant equations to account for the size increases necessary to allow parallel oriented signs to achieve at least some measure of the legibility quotient of perpendicular signs in a motorist oriented environment.

Parallel signs are harder to read because their orientation, or tilt, with respect to the driver makes it impossible to see the sign face at certain distances and offsets. When the driver can see the sign face, the content is often foreshortened and distorted. The driver must get close to the sign in order to increase the viewing angle to the point where the sign becomes legible. However, as drivers approach the sign, the time they have to read it gets shorter, while the sign moves further into their peripheral vision.

This condition places parallel signs at a threefold disadvantage relative to perpendicular signs. First, they are inherently more difficult to read because of the foreshortening of the message content caused by the angle of view. Second, because they become legible only after the angle of view exceeds 30 degrees, the time frame during which legibility can take place is compressed, and third, because they are usually placed back from the roadside well outside a driver's cone of vision, they are viewed by drivers only during short sideway glance durations, usually measured in fractions of seconds.

In many cases, their orientation causes not only severely compromised legibility compared to perpendicular signs, but results in the sign not being seen at all. In the USSC study, *Real World On-Premise Sign Visibility*, in which people were asked to drive through typical suburban shopping areas and locate specific signs, perpendicular signs were almost never missed while the subjects drove past 30 percent of the parallel signs, even though the parallel signs were two and three times larger than the perpendicular signs and the drivers were actively looking for them.

Parallel signs, therefore, must be read using a series of very quick glances at large visual angles during small windows of opportunity. Because of this, letter heights developed for perpendicular signs, where drivers have more time and can take longer straight ahead glances, cannot provide for adequate parallel sign legibility.

As we have noted in the case of perpendicular signs, the minimum distance at which a sign must become legible is a function of the time it takes to read the sign and the decisions and maneuvers required to comply with the sign. This is the Viewer Reaction time (VRT), which when combined with the speed of travel, becomes the Viewer Reaction Distance (VRD). Given the VRD, a perpendicular sign's letter height can be calculated using the Legibility Index.

The legibility of parallel signs, however, depends not on a driver's line of sight to a sign down the road, but rather when the sign becomes visible to the driver at a sight angle sufficient to allow at least some glance legibility to take place. A significant amount of research has now determined that this angle should be no less than 30 degrees to the driver's line of sight, and it is the visual restriction imposed by this angle, along with the number of lanes of travel, and the sign's offset from the curb, which determines the Maximum Available Legibility Distance, (or MALD) for a given parallel sign

While traversing this distance, however, a driver cannot be expected to register much more than a few quick glances at the sign without adversely affecting his/her view of the road. Thus it is essential to optimize reading speed for parallel signs in order to minimize the duration and frequency of glances that drivers must make to read the sign. Research has shown that reading speed increases to its maximum as letters are enlarged by a factor of three, and then tends to level off; and to ensure adequate letter height for parallel signs, a multiplier of three is used in the mathematical model to determine the letter heights and the legibility index for parallel signs.

Using this multiplier of three as a benchmark or rule of thumb, the Legibility Index for parallel signs falls to 10, instead of the Legibility Index of 30 we have shown as a rule of thumb for perpendicular signs. Thus a

parallel sign with a MALD of 500 feet, for example, would require a capital letter size of 50" (500/10=50). Conversely, a perpendicular sign at the same location, but directly viewable 500 feet down the road, would require a capital letter size of 17" (500/30=17)

Equations and Lookup Table

The following equations can be used to determine appropriate letter heights for parallel mounted signs given the number of lanes of travel and the lateral offset of the sign from the curb. Equation #1 uses an average LI of 10, while Equation #2 allows users to input the LI that most closely matches their sign conditions from the USSC Legibility Index table (Table 1) and applies the three times threshold constant to that LI. A parallel sign letter height lookup table is also provided for typical roadway cross-sections and lateral sign offsets (Table 3).

***When using the equations or the lookup table
always use the maximum number of lanes on the
primary target road.***

Parallel Letter Height Model Equations

Equation #1: $LH = (LN \times 10 + LO) / 5$

Equation #2: $LH = (LN \times 10 + LO) / (LI / 6)$

where:

LH is letter height in inches.

LN is the number of lanes of traffic.

LO is the lateral offset from curb in feet.

LI is the legibility index from Table 1

Examples of how to work the equations

2-Lane Roadway
Lateral offset is 37 feet from the curb.
User does not know the letter style.

Equation #1: $LH = (LN \times 10 + LO) / 5$

$$LH = (2 \times 10 + 37) / 5$$

$$LH = 57 / 5$$

$$LH = 11.4 \text{ inches}$$

Same scenario, but user knows the sign is: Externally Illuminated,
Helvetica, all Caps, Light Letters on Dark Background
(USSC LI = 22 ft/in)

Equation #2: $LH = (LN \times 10 + LO) / (LI / 6)$

$$LH = (2 \times 10 + 37) / (22 / 6)$$

$$LH = 57 / 3.67$$

$$LH = 15.5 \text{ inches}$$

Table 3. Parallel sign letter height lookup table.

Offset from Curb (ft)	Letter Height in Inches				
	Number of Lanes				
	1	2	3	4	5
10	4	6	8	10	12
20	6	8	10	12	14
40	10	12	14	16	18
60	14	16	18	20	22
80	18	20	22	24	26
100	22	24	26	28	30
125	27	29	31	33	35
150	32	34	36	38	40
175	37	39	41	43	45
200	42	44	46	48	50
225	47	49	51	53	55
250	52	54	56	58	60
275	57	59	61	63	65
300	62	64	66	68	70
325	67	69	71	73	75
350	72	74	76	78	80
375	77	79	81	83	85
400	82	84	86	88	90

Attachment C

(California Business and Professional Code - Price Signs)

State of California

BUSINESS AND PROFESSIONS CODE

Section 13531

13531. (a) (1) Every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall display on the premises an advertising medium that complies with the requirements of this article and that advertises the total prices of the three major grades of motor vehicle fuel offered for sale.

(2) The advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of business is situated at an intersection, the advertising medium shall be clearly visible from each street of the intersection.

(3) For purposes of this subdivision, motor vehicle fuel does not include propane.

(4) For purposes of this subdivision, electricity and natural gas sold as a motor vehicle fuel shall meet only the requirements adopted pursuant to Sections 13404 and 13404.5.

(b) The governing body of any city, county, or city and county may, by ordinance, exempt specified geographic areas from the provisions of this section if, pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7 of the Government Code, the areas are designated on the local general plan as scenic corridors or historic preservation areas.

(c) (1) Except as provided in paragraph (2), any person who violates the provisions of subdivision (a) is guilty of an infraction and, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500).

(2) Any person who violates the provisions of subdivision (a) and who has been previously convicted two or more times of a violation of subdivision (a) is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both.

(d) Notwithstanding Section 13590, the district attorney of each county, or pursuant to Section 41803.5 of the Government Code, the city attorney of any general law city or chartered city within each county, or the county sealer, shall, upon complaint or upon his or her own motion, enforce the provisions of this section and, in addition, may bring an action for injunctive relief in accordance with Section 13611.

(Amended by Stats. 2015, Ch. 591, Sec. 40. (AB 808) Effective January 1, 2016.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 13532

13532. (a) It is unlawful for any person to display any advertising medium that indicates the price of motor vehicle fuel unless the advertising medium displays all of the following:

(1) The total price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5, including all taxes, in numerals, and fractions when applicable, not less than six inches in height and of uniform size and color. For purposes of this article, fractions are considered one numeral. For purposes of this section, electricity sold as a motor vehicle fuel shall meet only the requirements adopted pursuant to Section 13404.5.

(2) The trademark or brand of the motor vehicle fuel in letters, figures, or numerals not less than one-third the size of the numerals designating the price.

(3) The word "gasoline" or the name of other motor vehicle fuel in letters not less than one-third the size of the numerals designating the price, but these words need not be more than four inches in height.

(4) The grade designation of the motor vehicle fuel in letters or numerals not less than one-sixth the size of the numerals designating the price, but this designation need not be more than four inches in height.

(5) If motor vehicle fuel prices are advertised by the unit of measurement other than gallon, the unit shall be displayed on the advertising medium in letters not less than one-third the size of the numerals designating the price.

(b) (1) It is unlawful for any person to display an advertising medium that advertises a discount or price reduction for motor vehicle fuel, unless the advertising medium contains all the following:

(A) The total price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5 from which the discount or price reduction is to be taken.

(B) The amount of the discount or price reduction in cents per gallon, liter, or other unit of measurement using numerals that do not exceed the height of the numerals in the advertised price.

(C) The conditions of the discount or price reduction using words whose letters are not less than one-third the size of the price numerals.

(2) Any limitations under which the discount or price reduction is offered shall be explained in words whose letters are not less than one-third the size of the numerals indicating the prices.

(3) There shall be available for each customer's reference, a chart showing the amount of discount for each type of unit being sold or fraction thereof in one cent

(\$0.01) increments, or the retail dispensers used to dispense motor vehicle fuel at the discount price shall be set to compute the total sale at the discounted price per gallon or liter and shall be clearly labeled "Includes Cash Discount" in letters not less than one inch in height.

(4) For purposes of this subdivision, the motor vehicle fuel shall be sold in the same unit of measure in which the discount and the price from which the discount is taken are advertised.

(c) In the event that the same grade of motor vehicle fuel is sold at different prices from any single place of business, it is unlawful for any person to display any advertising medium that advertises a price of a grade of motor vehicle fuel unless the advertising medium advertises in numerals of equal size each of the higher prices, including all taxes for which the grade is sold or offered for sale, and unless the advertising medium explains the conditions, and any limitations, under which that grade is sold or offered for sale at different prices. The words of explanation shall be clearly shown in letters at least one-third the size of the numerals indicating the prices. The different prices at which the same grade of motor vehicle fuel is sold or offered for sale shall be advertised in the same unit of measure as permitted or required by law.

(d) Nothing in this section prohibits any person who has posted or displayed a sign or advertising medium in compliance with this chapter from displaying additional signs or advertising media that state either (1) the amount of discount in cents per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5, or (2) the total price of one or more brands or grades of motor vehicle fuel sold or offered for sale, provided the conditions and any limitations of the discount or price of the brand or grade of motor vehicle fuel are included in the additional advertising media in letters not less than one-third the size of the numerals indicating the discount or price.

(Amended by Stats. 2016, Ch. 208, Sec. 1. (AB 2906) Effective January 1, 2017.)

Attachment D
(Sign Height Survey)



Bakersfield, CA Sign Survey

March 11, 2020

Survey Location: Bakersfield, CA

Survey Date: April 22, 2019

Surveyed By: James Hillis

Blimp Height: 100'

Blimp Location: Southwest corner of property

In this survey for Bakersfield, CA the blimp is located in the Southwest corner of the property. The property is located on the Northeast quadrant of the Taft Hwy and S. H Street intersection and runs parallel to Hwy 99 at exit 18. Northbound travelers on Hwy 99 will get their first glimpse of the sign at 0.7 miles and this view will continue with minor obstruction from trees on an adjacent property. Drivers will have a clear view of all signs from 0.3 miles which will continue to the exit. Southbound drivers will get their first glimpse of the bottom signs at 0.7 miles from the exit. The view will then become partially blocked and will come in and out of view with parts of the sign blocked by trees. This will continue to the exit.

Our recommendation would be a 100' OAH sign structure. The sign in the ensuing photos has been superimposed at 75' OAH for your reference. The property is in the City of Bakersfield's jurisdiction. Their sign code is as follows:

- **Freeway Oriented Sign:** 75' OAH up to 350 square feet
- **Street Sign:** 50' OAH up to 300 square feet
- **Monument Sign:** 8' OAH up to 32 square feet
- **Building Signs:** Up to 250 square feet on street elevations and up to 125 square feet on non-street elevations
- **Directional Signs:** 6' OAH up to 6 square feet. Logo's are allowed if they represent less than 25% of total sign area

A preliminary FAA submittal was completed. Due to the proximity to an airport facility we have formally filed the proposal with the FAA. The outcome of this filing was a no hazard determination. Any height and/or location changes of this structure will affect this determination and require a resubmittal.

Once you have had a chance to review this information, please let us know if you have any questions.

Thank You,

Sue Trively
Effective Images, Inc.

BAKERSFIELD, CA



★ = BLIMP & RECOMMENDED SIGN LOCATION

**NORTHBOUND
0.8 MILES FROM EXIT**



**NORTHBOUND
0.7 MILES FROM EXIT**



**NORTHBOUND
0.6 MILES FROM EXIT**



**NORTHBOUND
0.5 MILES FROM EXIT**



**NORTHBOUND
0.4 MILES FROM EXIT**



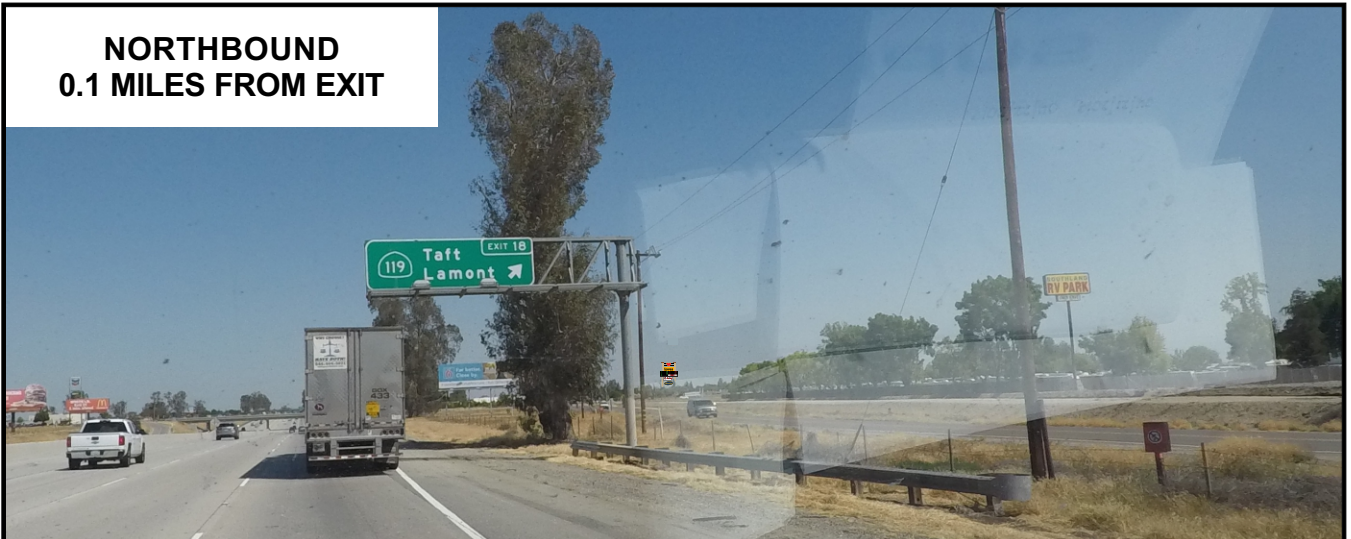
**NORTHBOUND
0.3 MILES FROM EXIT**



**NORTHBOUND
0.2 MILES FROM EXIT**



**NORTHBOUND
0.1 MILES FROM EXIT**



**SOUTHBOUND
0.7 MILES FROM EXIT**



**SOUTHBOUND
0.6 MILES FROM EXIT**



Sign is blocked by truck but will be seen.

**SOUTHBOUND
0.5 MILES FROM EXIT**



**SOUTHBOUND
0.4 MILES FROM EXIT**



**SOUTHBOUND
0.3 MILES FROM EXIT**



**SOUTHBOUND
0.2 MILES FROM EXIT**



**SOUTHBOUND
0.1 MILES FROM EXIT**



**SOUTHBOUND
AT EXIT**



Overall Height: 75'
Total Sq. Ft.: 979

Love's Hi Rise



211 10th Street SW
Watertown, SD 57201
Phone: 605.753.9700

Client:
Love's

Location:
Bakersfield, CA

Account Rep:
Kari Keup

Drawing #:
14712

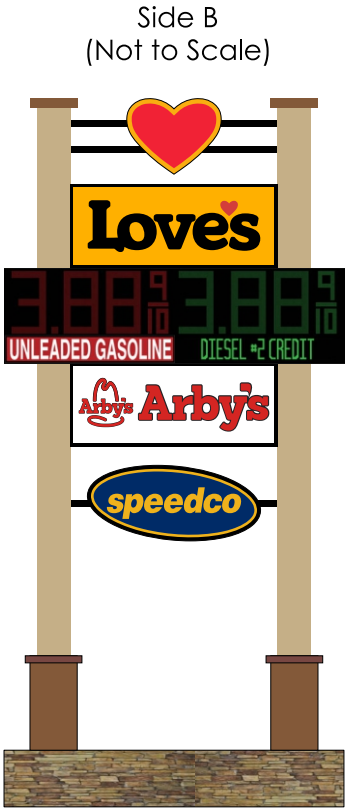
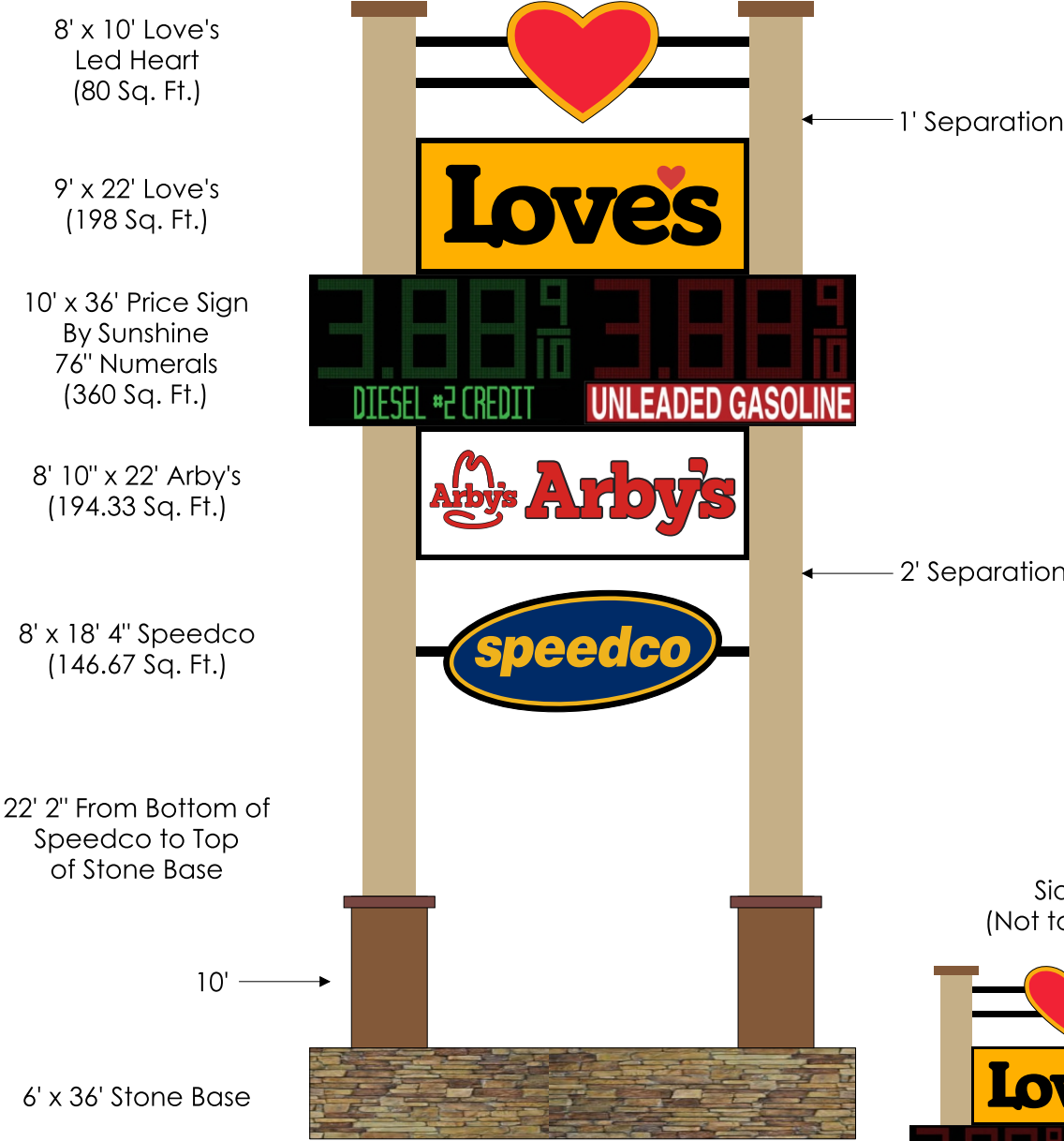
Revision:
.

Drawn By:
TB

Date:
3/19/20

Scale:
Not to Scale

Sales Order #:
.



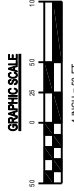
Computer generated colors
in this artwork are not an
exact match to the finished
sign colors. Material samples
are available upon request.
This drawing is property
of Effective Images. Any
Reproduction is prohibited.

**Please Sign &
Email or Fax to
(605) 753-9701**

CUSTOMER APPROVAL: _____ **Date:** _____

LEGEND:

	PROPOSED A/C PAVEMENT
	PROPOSED CONC. PAVEMENT
	PROPOSED CONC. SIDEWALK
	PROPOSED LANDSCAPING
	STREET CENTERLINE
	PROPOSED STREET PAV.
	EXISTING STREET PAV.



Attachment E

(Bakersfield Municipal Code Section 17.04.547 and Chapter 17.60)

17.04.547 Sign.

“Sign” means and includes every message, announcement, device, declaration, demonstration, display, illustration, insignia, advertising statuary, surface or space, including the supporting structure and component parts, erected or maintained for attraction of, attention to, identification of or advertisement of a business, profession, product or service. Exemptions to this definition are listed in Section [17.60.080](#). Specific sign definitions are identified as follows:

“Abandoned sign” means a sign that includes copy that remains in place or is not maintained, for a period of ninety days or more, which no longer advertises or identifies an on-going business, product or service available on the premises where the sign is located.

“Advertising statuary” means a three-dimensional imitation, representation or similitude of a person, animal or object which is sculptured, molded or cast in any solid or plastic substance, materials or fabric and is used for advertising purposes.

“A-frame” means any sign with two or more faces or surfaces usable for advertising display, not attached to the wall of a building or structure, whether portable or affixed to the ground and commonly known as A-frame, T-frame and sandwich board.

“Animated sign” means any sign which uses movement or change of lighting to depict action, or to create a special effect or scene.

“Awning, canopy or marquee sign” means a sign that is mounted on or painted on, or attached to an awning, canopy, marquee, or other such overhang. Such signs shall be considered wall signs for the purpose of calculating allowable sign area.

“Banner, flag, pennant, streamer or balloon ” means any fabric, bunting, plastic, paper, or similar nonrigid material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing or vehicle, including captive balloons and other such inflatable signs, but not including official flags of the United States, state of California and other states of the nation, counties, municipalities, foreign nations and national/international nonprofit organizations.

“Bench sign” means a bench located outdoors with advertising matter thereon.

“Building identification sign” means a sign which serves to identify individual buildings on a site to assist in providing direction to the public. Such sign does not contain commercial advertisement or business identification.

“Business identification sign” means any sign which is used to identify or advertise the occupant of a commercial or industrial business.

“Center identification sign” means any sign which is used to identify or advertise a shopping or business center as defined in this title.

“Commercial sign” means a sign which advertises a product or service for profit or for a business purpose.

“Construction or home improvement sign” means a temporary sign stating the names of those individuals, firms or corporations connected with the construction project and which is placed upon the premises where construction, repair or renovation is in progress. Said sign may include the name of the city in which their business is located and emergency telephone numbers.

“Copy” means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

“Directional sign” means an on-premises, incidental sign designed to guide or direct pedestrian or vehicular traffic.

“Directory” means any sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

“Electric message display” means a sign displaying words, symbols, figures, images or video that is automatically controlled by mechanical, electronic, or computerized means.

“Flashing sign” means any sign which contains or is illuminated by lights which flash, scintillate, blink, travel, go on and off intermittently, change in intensity or color or is illuminated by light not providing constant illumination, also including flashing beacons or flashing arrows and parts of attachments to signs which are illuminated by such lights.

“Freestanding sign” means a sign which is supported by one or more columns, uprights, or braces in or upon the ground and not attached to a building. Monument, pylon and pole signs are considered freestanding signs.

“Freeway-oriented sign” means any pylon sign identifying premises where food, lodging and places of business engaged in supplying goods and services essential to the normal operation of motor vehicles and which are directly dependent upon an adjacent freeway.

“Future facility sign” means a temporary sign which identifies the future use or tenant, consistent with what use is permitted by the existing zoning of the site.

“Garage sale sign” means a temporary sign which announces the sale of personal used goods, furniture, or clothing at a residence by the occupant for a limited period of time. Sign may also be referred to as a yard sale or estate sale.

“Indirectly illuminated sign” means a sign whose illumination is derived entirely from a light source which is arranged so that no direct rays of light are projected from such light source into adjacent properties or public streets.

“Logo” means a symbol, design, or graphic representation which may or may not include text, which identifies a business, activity or company.

“Menuboard” means a sign similar to a readerboard which is a permanent structure upon which is displayed a menu of items for sale and may or may not include prices, of which the copy is of a temporary or changeable nature. Advertisement or copy shall not be displayed on materials constructed of cloth, fabric, paper, cardboard, placards, or similar such materials.

“Monument sign” means a low profile freestanding sign supported from grade to the bottom of the sign face with or having the appearance of a solid base. The width of the base shall be at least seventy-five percent of the dimension of the width of the sign face, and the area of said base shall not exceed fifty percent of the allowable area of the sign face.

“Moving sign” means any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations, or by action of wind currents.

“Nameplate” means a small sign that contains the name and/or address of the occupant of a residence or building, and is located near or on the door of the entrance.

“Neighborhood/subdivision identification sign” means a sign which identifies a single-family development, condominium development, or apartment complex. This type of sign also includes signs identifying public parks.

“Nonconforming sign” means a sign which was legally installed under laws or ordinances in effect prior to the effective date of this title or subsequent revisions as they pertain to signage, but which is currently in conflict with those provisions. This definition does not include signs illegally installed contrary to the laws or ordinances in effect when it was established.

“Off-premises or off-site sign” means a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

“On-premises or on-site sign” means a sign that directs attention to a business, profession, product, commodity, or service that is the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

“Outdoor advertising sign (billboard)” means a sign that is rented or leased for limited durations as specified by Section [17.60.070\(E\)](#), has temporary or changeable copy, and is not to be used as permanent off-premises identification sign for a business or activity, and directs attention to a business, profession, product, commodity or service that is not the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

“Outlining of a building” means the placing and maintaining of neon tubing, fluorescent lighting, or incandescent lighting in a line marking the outer limits or edges of a building or window or roof of a building. Such definition shall not apply to any customary Christmas lighting placed and maintained for a reasonable time during the holiday season.

“Pole banner” means a sign on a rectangular piece of lightweight fabric or similar non-rigid material that is attached on the longest side to a vertical pole, and is framed along the top and/or bottom by a solid structural unit attached to the pole to ensure that it hangs flat.

“Portable sign” means a sign not permanently affixed to the ground or a building or structure on the premises it is intended to occupy.

“Projecting sign” means an identification sign other than a wall sign, which projects more than twelve inches from and is supported by, a wall of a building or structure.

“Promotional sign” means a temporary sign that promotes an individual business’s merchandise, services or products on sale, but does not include the business’s name.

“Public service sign” means any sign or portion thereof intended to promote items of general interest to the community such as public events or public messages, time, temperature, atmospheric conditions.

“Pylon sign” means a freestanding sign that is supported by pylons, pillars, poles, columns, or similar structures, and that the area between grade and the bottom of the sign face is more than fifty percent open. Such sign may also be referred to as a pole sign.

“Readerboard” means a sign which is a permanent structure upon which is displayed advertising material or copy of a temporary or changeable nature. Advertisement or copy shall not be displayed on materials constructed of cloth, fabric, paper, cardboard, placards, or similar such materials.

“Real estate sign” means a temporary sign offering real property, personal property, or a business, or any combination thereof, for sale, lease or exchange and includes signs pertinent to open houses and property management. It does not include merchandise sold in the usual course of business.

“Residential subdivision/project directional kiosk” means an off-site sign structure with individual name panels identifying subdivisions where new home sales are taking place. Each panel informs the viewer as to the specific project and the route or change of direction of travel for potential buyers to visit the project.

“Roof sign” means an identification sign or portion thereof located on, or extending over the roof line of a building and either supported by the roof of a building or by independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure which is a part of the enclosed floor area of the building shall be considered a roof sign. Mansard type roof signs or any single-faced sign attached to or mounted upon a roof which has a slope which exceeds forty-five degrees from the horizontal plane and which does not project above the highest sight line of such roof, shall be deemed a wall sign for the purposes of this chapter.

“Rotating sign” means any sign that moves or that portion of any sign which moves or rotates in any manner.

“Shingle sign” means a sign that is suspended from a marquee, canopy, awning, or similar overhang, and is oriented to be viewed by pedestrians.

“Skyline building sign” means a wall sign comprised solely of individual letters or logo that provides long distance visual identification of a building or its primary tenant. Such sign shall only be permitted for a building that is three or more stories and shall be located on the top story or between the top story and top of the building.

“Special event sign” means a temporary sign publicizing a unique happening, action, purpose or occasion. These signs may be promotional; however, the event occurs infrequently or one time such as grand openings, clearance sales, seasonal sales, carnivals, and fund raising events.

“Temporary sign” means a sign usually constructed of cloth or fabric, cardboard, wallboard, wood, aluminum, or other light material intended to be displayed for a limited period of time.

“Vehicle sign” means an advertising display or sign that is exposed to public view, attached to, painted on, or supported from a parked or mobile automobile, truck trailer or other mobile vehicle, for the purpose of advertising a business, service or products, or directing people to a business activity, located on any private or public property, but shall not refer to standard advertising or identification practices where such sign is painted on or permanently attached to a commercial or business vehicle used in the conduct of such business.

“Wall sign” means a sign attached to, embedded in, painted on or erected against the exterior wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the plane of the wall, and does not project more than twelve inches from the wall that is attached. Signs attached to or painted on an awning, canopy, marquee, or other such overhang shall be considered wall signs for the purpose of calculating allowable sign area.

“Window sign” means any sign painted, attached, glued or otherwise affixed to, and visibly displayed on the inside or outside of a ground floor window and facing a public street, walkway, mall or parking lot available for public use. If a window is painted or otherwise covered in that it resembles the building wall or no longer functions to provide a view within or outside the building, then any signs within or on that space shall be considered as and subject to the minimum area permitted for wall signs. (Ord. 4953 § 1, 2018; Ord. 4489 § 1, 2008; Ord. 3755 § 1, 1997; Ord. 3586 § 1, 1994)

The Bakersfield Municipal Code is current through Ordinance 5005, passed May 6, 2020.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.bakersfieldcity.us](http://www.bakersfieldcity.us)

City Telephone: (661) 326-3000

[Code Publishing Company](#)

Chapter 17.60

SIGNS*

Sections:

- 17.60.010 Purpose.**
- 17.60.020 Permits.**
- 17.60.030 Comprehensive sign plans.**
- 17.60.040 Sign area computations.**
- 17.60.050 Sign location restrictions.**
- 17.60.060 Sign development standards.**
- 17.60.070 Specialized signs.**
- 17.60.080 Exempt signs.**
- 17.60.090 Prohibited signs.**
- 17.60.100 Nonconforming signs.**
- 17.60.110 Violation and abandonment.**
- 17.60.120 Interpretation and enforcement.**

* Prior history: Ords. [2647](#), [2674](#), [2797](#), [2887](#), [2930](#), [2953](#), [2969](#), [2979](#), [3038](#), [3074](#), [3098](#), [3231](#), [3320](#), [3378](#) and prior code §§ 17.54.010—17.54.170, 17.54.190—17.54.230.

17.60.010 Purpose.

The purpose of this chapter is to promote the growth of the city in an orderly and attractive manner and to provide standards to safeguard life, health, property and public welfare by regulating and controlling the type, number, area, height, quality of materials, construction, illumination, location and maintenance of all signs and sign structures. The use of signs is regulated by zone. Their placement and physical dimensions are regulated primarily by type and length of street frontage. This chapter is not intended to, nor shall any of its provisions be construed to modify or repeal the Uniform Sign Code, Chapter [15.36](#), except as specified.

The sign regulations of this chapter are intended to accomplish the following results:

- A. Protect and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs.
- B. Promote and maintain healthy commercial centers and property values for effective identification and communication of the nature of goods and services and avoidance of wasteful and unsightly competition in signs.
- C. Attract and direct persons to various activities and enterprises, in order to provide for public convenience.
- D. Provide a reasonable system of sign control throughout the city.

- E. Encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing.
- F. Encourage a desirable urban character.
- G. Enhance the economic value of the community and each area thereof through the reasonable regulation of such things as type, number, area, height, location and illumination of signs.
- H. Encourage signs which are harmonious with adjacent land uses and to encourage architectural compatibility.
- I. Reduce possible traffic and safety hazards through good signing.
- J. Provide a reasonable amortization period for the removal of nonconforming signs.
- K. Implement the objectives, policies and programs of the general plan. (Ord. 3586 § 2, 1994)

17.60.020 Permits.

- A. *Permit Required.* No sign shall be painted, placed, pasted, posted, printed, tacked, fastened, constructed, erected, re-erected, installed, altered or otherwise permitted or maintained without first obtaining a permit from the building director in accordance with the requirements of this chapter and Chapter [15.36](#) of this code.
- B. *Permit Not Required.* Regardless of subsection [A](#) of this section, permits from the building director are not required for the following signs:
 - 1. Real estate sales, rent, lease or open house; construction/home improvement, future facility use or tenant signs, and agricultural signs not exceeding sixteen square feet in area and six feet in height, placed on the property subject to such sign;
 - 2. Changing of the advertising copy or message on a theater marquee, readerboard, menuboard, or similar such sign;
 - 3. Repainting or cleaning of an outdoor advertising structure or changing the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made;
 - 4. Nonilluminated promotional window sign as regulated by the zone district in which it is located;
 - 5. Garage/yard sale and estate sale signs, pursuant to the requirements of Section [17.60.060\(B\)](#);
 - 6. Noncommercial signs, pursuant to the requirements of Section [17.60.070\(C\)](#);
 - 7. Flags for model homes as regulated in the residential districts;
 - 8. Nameplate, as regulated;
 - 9. Signs that are exempt as specified in Section [17.60.080](#);

10. Nonprofit special event signs subject to the provisions of Section 17.60.070(B)(5);

11. Pole banners, pennants/streamers in compliance with the provisions of Sections [17.60.060\(B\)\(4\)](#) and [\(5\)](#) .

C. *Other Actions.* Uses permitted under conditional use permits, wall and landscape plans, zone changes, specific plans, and other such projects may include signage as part of and in accordance with the permit or project. The board of zoning adjustment, planning commission, or city council may approve, deny, limit or grant modifications to such signage consistent with the provisions of this chapter. If a comprehensive sign plan is required as a condition of approval for such project, a separate application for said plan shall be required pursuant to Section [17.60.030](#).

D. *Exceptions.* The building director may, in writing, grant exceptions to the following sign regulations provided it has been determined that strict application of the provisions of this chapter places an unnecessary hardship in satisfying the purposes of this chapter:

1. Reduction of the minimum sign setbacks or minimum distance between signs of not more than ten feet;
2. Signage on properties having no street frontage; provided, that any such sign permitted shall not exceed the regulations as delineated by the zone district in which they are located;
3. Additional on-site residential project identification signs, not to exceed two additional per project, or an increase in sign area of one residential identification project sign to sixty-four square feet;
4. An increase of a monument sign located within a commercial or industrial zone district to sixty square feet in area and twelve feet in height, provided the total number of monument signs per street frontage shall not exceed two signs and no pylon sign exists along that street frontage or will be permitted.

E. *Modification of Regulations Not Permitted.* Signs shall only be permitted provided they meet the regulations of the zone district in which they are located for that type of sign. With the exception of subsection [D](#) of this section or Section [17.60.030](#) regarding comprehensive sign plans, no waivers of, exceptions to, or modification of any regulation of this chapter shall be permitted.

F. *Fees.* The city may impose fees to offset the costs associated with permit administration and monitoring pursuant to Chapter [3.70](#). (Ord. 4953 § 2, 2018; Ord. 4712 § 1, 2012; Ord. 3870 §§ 1, 2, 1998; Ord. 3755 § 4, 1997; Ord. 3586 § 2, 1994)

17.60.030 Comprehensive sign plans.

The comprehensive sign plan is a program that may allow developers or business owners of a shopping/business center or other such project, to request special consideration of signs that are specifically integrated into the overall architectural style or theme for that project. Because signage can play an important role in the overall site design in order to set it apart from other similar projects, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development. However, it is not the intent of this section to be used to request relief of the sign regulations in order to circumvent any requirements or purpose of this chapter.

A. *General Requirements.* Any person may file with the city a comprehensive sign plan application for only the following projects:

1. *Shopping/business center developments as defined in this title, including office and industrial complexes.* The application for the plan shall be signed by more than fifty percent of the property owners, not including royalty interests, of the real property constituting the center.
2. PCD (planned commercial development) projects.
3. Areas covered by a specific plan where signage was not identified in said plan.
4. Public and semi-public institutional projects.
5. Neighborhood/subdivision identification sign program. This program is limited to developments of one hundred acres or more that have frontage along an arterial and/or collector street of one-half mile or more.

B. *Condition of Project Approval.* Comprehensive sign plans may be required by the city council, planning commission, or board of zoning adjustment as part of any project approval as specified in Section [17.60.020\(C\)](#).

C. *Application Information.* Any comprehensive sign plan application shall be submitted to the planning department on a form provided by that department. Information submitted shall include, but is not limited to, location, size, height, color, lighting, number, visual effects, and orientation of all proposed and existing signs as they pertain to the comprehensive sign plan.

D. *Authority and Review.* The planning commission shall have the authority under the conditions provided in this chapter to permit the utilization of comprehensive sign plans and may approve signs that are more or less restrictive than the sign regulations set forth in this chapter.

1. All comprehensive sign plan requests shall be heard by the planning commission at a public hearing. The applicant, their authorized agent, property owners and operators of the businesses affected shall be notified by mail of the time and place of the hearing before the planning commission at least ten days before hearing.
2. Exceptions to the sign regulations in this chapter may be permitted, provided the planning commission finds that the comprehensive sign plan as a whole is in conformity with the purpose of this chapter and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan.
3. The planning commission may require special conditions on approved plans such as, but not limited to, bonds or other type of security to ensure the removal or abatement of signs that are abandoned or are in violation of any condition of an approved plan, or a time schedule for any sign program where signage is not considered permanent.
4. The planning commission shall either approve, conditionally approve or disapprove the comprehensive sign plan at the public hearing. All decisions by the planning commission are final and conclusive.
5. An approved comprehensive sign plan may be changed or modified subject to the same process as a new application.

6. Where an application for a comprehensive sign plan has been denied by the planning commission, no reapplication or new application for the same or nearly the same such plan on the property shall be considered for a period of one year from the date of the decision. However, where a change has occurred which, in the discretion of the planning commission, indicates that the new application is significantly different and that reconsideration would serve the public interest, this time period may be waived provided the planning commission makes such a finding.

7. The planning director may grant minor changes to an approved comprehensive sign plan provided any such change does not alter the overall architectural design or style of signs approved by such plan, and there is no increase in the total area of signs.

E. *Future Signs.* A comprehensive sign plan may be approved where signs for satellite pads or other such detached future buildings have not been identified and considered under such approved plan. In these instances, unless otherwise conditioned, such future signs shall be subject to the requirements of the C-1 zone district.

F. *Existing Signs as Part of a Comprehensive Sign Plan.* If any new or amended comprehensive sign plan is filed for property on which existing signs are located, those signs shall be integrated into the plan and shall be in compliance with that plan prior to issuance of a permit for any new sign permitted under said plan.

G. *Permits Prohibited Until Decision Rendered.* No permit shall be issued for any sign on property where a comprehensive sign plan has been applied for and is pending a decision from the planning commission.

H. *Withdrawal of Plan.* An approved comprehensive sign plan may be withdrawn by the applicant provided: (1) it is not required as a condition of project approval; (2) no signs have been installed pursuant to such plan; (3) all signs installed since approval of said plan comply with the requirements of the zone district in which they are located; or (4) all signs in the center or project comply with the provisions of the zone district in which they are located. The withdrawal shall be submitted in writing to the planning department.

I. *Binding Effect.* After approval of a comprehensive sign plan, no signs shall be erected, placed, painted, installed, or otherwise permitted, except in conformance with said plan. The plan shall be enforced in the same manner as any other provision in this chapter. The comprehensive sign plan shall be attached to the lease agreements or sale of space within the project and becomes binding for the entire site for both existing and future owners/tenants. In case of any conflict between the provisions of the plan and this chapter, the approved plan shall control. (Ord. 4729 § 2, 2013; Ord. 4489 § 2, 2008; Ord. 3586 § 2, 1994)

17.60.040 Sign area computations.

The following criteria shall control the computation of sign area and sign height:

A. *Area of Individual Signs (Single Face).* The area of a sign face, which is also the area of a wall sign or other sign with only one face, shall be computed by means of the smallest measurable polygon that will encompass the extreme limits of the writing, representation, emblem, color, logo, or other display, together with any material or color forming an integral part of the background of the display, or used to differentiate the sign from the background or structure against which it is placed. If a sign is composed of individual letters or symbols with no

added decoration, the total sign area shall be calculated by measuring the area of each individual letter and/or symbol; the combined areas shall be the total sign area.

B. *Area of Multifaced Signs.* The sign area for a sign with more than one face shall be computed by adding together the area of a single sign face pursuant to subsection [A](#) of this section. When sign faces are placed back to back or in a way that only one face can be viewed from any point, and when such sign faces are part of the same structure and are not more than two feet apart, the total sign area shall be computed by measuring one of the faces if they are all of equal area or the largest face if they are of unequal area.

C. *Structural Support Area.* The area of a sign does not include any supporting framework, bracing or other support, whether or not it has been architecturally treated, provided said support does not exceed twenty-five percent of the allowable sign area for a pylon sign, and fifty percent of the allowable sign area for a monument sign. If the support area exceeds these percentages, any excess shall be computed as part of the total sign area.

D. *Sign Height.* The height of a sign shall be computed as the distance from the base of the sign including any of its structural support, at grade as defined in this title, to the top of the highest component of the sign. (Ord. 3586 § 2, 1994)

17.60.050 Sign location restrictions.

A. Signs shall not be placed on any curb, sidewalk, post, pole, light standard, hydrant, bridge, tree or other surface located on public property, and shall not be located within, over or across any public right-of-way or public parkway including street median islands, except as may otherwise be authorized by this chapter. These restrictions do not apply to signs by a public agency that identify public facilities; such signs shall be subject to the zone district in which the facility is located. Any such sign hereby prohibited constitutes a nuisance, and shall not become a legal nonconforming sign.

B. Signs shall not be permitted near the intersection of any street, pedestrian crosswalks, alley or any vehicle access in such a manner as to obstruct free and clear vision of motor vehicle operators, or at any location where by reason of its position, shape, illumination or color, it may interfere with or be confused with any authorized sign, signal or device, or which makes use of a work, symbol, phrase illumination, shape or color in such a manner as to interfere with, mislead or confuse traffic. Any such sign constitutes a nuisance and shall not become a legal nonconforming sign.

C. Permanent freestanding signs, except monument and directional signs, shall be prohibited in the following areas:

1. The Truxtun Avenue corridor between the west right-of way line of State Highway 99 and the east right-of-way line of Coffee Road, a width of five hundred feet from the right-of-way of Truxtun Avenue or between the north right-of-way line of the Cross Valley Canal and the south right-of-way line of the Carrier Canal/Santa Fe Railroad, whichever distance is greater;
2. Along or within one thousand feet of the right-of-way of State Highway 178 east of Oswell Street, commencing at a point five hundred feet east of the centerline of Oswell Street;

3. Along or within one thousand feet of the right-of-way of Alfred Harrell Highway;
4. Along or within one thousand feet of the right-of-way of Stockdale Highway west of the Arvin-Edison canal;
5. Along or within one thousand feet of the right-of-way of Panorama Drive;
6. Along or within one thousand feet of the right-of-way of the Westside Parkway from State Highway 99 to its western terminus.

A map delineating these corridors prohibiting freestanding signs is shown at the end of this chapter. (Ord. 4729 § 3, 2013; Ord. 4489 § 3, 2008; Ord. 3870 § 3, 1998; Ord. 3586 § 2, 1994)

17.60.060 Sign development standards.

A. *General Regulations.* The following provisions shall apply to all signs unless otherwise stated in this chapter:

1. Signs or their supporting members shall not be erected, altered, relocated, or maintained so as to interfere with or restrict access to a window or other opening in a building in such manner as to limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door, ventilator or window, or similar opening. Any such sign constitutes a nuisance and shall not become a legal nonconforming sign.
2. All signs shall be constructed, installed and maintained to structurally comply with all applicable requirements of the Building Code and Uniform Sign Code, as adopted and amended by the city. Those signs incorporating electrical components shall be constructed and maintained to also comply with the Electrical Code as adopted by the city.
3. Where signs are permitted to be illuminated, the following regulations shall apply:
 - a. Floodlighting is permitted only when such lighting is installed on private property or property maintained by a maintenance district, and is hooded or shielded so that the light source is not a nuisance or detrimental to persons viewing such area, nor affect or interfere with vehicular traffic, pedestrians, or adjacent properties in any manner.
 - b. Outlining of a building by means of exposed neon tubing is permitted only where the amperage does not exceed thirty milliamperes. Outlining of a building by means of exposed incandescent lighting is permitted if the wattage does not exceed forty watts per bulb and the units of lights forming the line marking the outer limits or edges of a building, or window or roof of a building, are at least two feet apart.
 - c. Exposed bulbs forming a part of a sign are permitted, provided they do not exceed fifteen watts per bulb; signs in the C-2, C-C, C-B, M-1, M-2 and M-3 zone districts may be allowed up to forty watts per bulb. Neon signs shall not exceed thirty milliamperes. Bulbs providing indirect lighting not visible from off the premises of the sign are not subject to this subsection. Exposed reflector-type lamps forming part of a sign or used to illuminate a sign are prohibited in all instances.

d. Flashing signs are only permitted in the C-2, C-C, C-B, M-1, M-2 and M-3 zone districts and shall not exceed a total of sixty milliamperes for neon signs, and ten watts for incandescent signs.

e. Signs that contain changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, cathode ray tubes (CRTs), plasma, or other such lighting devices, shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions, and ensure that the sign is visible but not excessively bright to adversely affect motorists or nearby residents.

4. Placards or posters advertising special community events are permitted as window signs or on public bulletin boards.

5. Public service signs may contain or include trade or professional name identification and logo only.

6. Theater marquee signs are permitted pursuant to the regulations of the Uniform Sign Code as adopted and amended by Chapter [15.36](#) of this code.

7. Permitted signs for a particular street frontage of a parcel may not be combined with that allowed for another street frontage for the purpose of placing the combined area of signs on one street frontage.

8. Any commercial sign which does not identify or advertise the occupant of a building, lot or premises, or relate to any merchandise or to any business or other activity available or being conducted at the building, lot or premises where the sign is located, except outdoor advertising signs and subdivision directional signs, is prohibited; however, in each instance and under the same conditions under which this chapter permits a sign, a sign containing copy with ideological, political, or other noncommercial message and constructed subject to the standards of the zone district in which it is located shall be permitted.

9. Persons owning or controlling any sign shall keep such sign, together with all supports, braces, guys and anchors in good repair and in proper state of preservation at all times. Signs shall be fully operational and present a satisfactory appearance in regard to painting, cleaning, broken faces, electrical outages, landscaping, or anything deemed related to the appearance of the sign.

10. Any sign structure, can, supports, anchors or other related component of a sign that will not be utilized due to new signs being permitted shall be removed prior to any new sign being installed.

B. *Regulations by Zone District—Sign Matrix.* The following tables identify the signs permitted in each zone district. In addition to the following regulations, all signs shall be in compliance with all other provisions of this chapter:

1. Signs permitted in the residential and agricultural/open space zone districts (R, E, A, OS, MH, TT, FP-P, DI zones):

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
a. Nameplate	Wall or door	1 per residence	1 sq. ft.	Below roofline	Yes	a. Shall be on premises. b. Sign shall be attached to and parallel with the front wall or front door.	Shall identify only the name and/or street address of the occupant.
b. Apartment ID (over 4 units)	Wall or monument	1 per street frontage	32 sq. ft. each	20 ft. for wall sign and 6 ft. for monument sign Note: Wall signs may exceed the height max. if building is 3 or more stories per skyline sign standards.	Yes	Setbacks: - 10 ft. from interior property lines - 0 ft. from street rights-of-way	a. Copy limited to project name and address only. b. Signs shall not be internally lighted. c. Building wall sign shall not exceed a horizontal length greater than 70% of the linear frontage elevation that sign is placed. d. If skyline signs are utilized, such signs as well as all other wall signs shall be subject to Section 17.60.070(F) .
c. Neighborhood	Subdivision wall or	2 per major entrance not	32 sq. ft. each	6 ft.	Yes	Signs shall be located at the entrances	a. Copy limited to project/ neighborhood name only; use of

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
Subdivision ID (includes parks)	monument	to exceed signs at 2 entrances				where arterial and/or collector streets intersect with local streets into the development.	developer/subdivider name or logo, or commercial advertising is prohibited. b. City parks div. shall approve of all material used in the sign to assure continued maintenance.
d. Temporary Signs							
i. Residential Project ID (on-site)	Freestanding	2 per subdivision (multiple phases of a tract shall be considered a single subdivision)	32 sq. ft.	12 ft.	No	Shall be within the subdivision or project. Signs shall be prohibited on lots developed with residences.	a. Limited to new projects only. b. Copy may include direction to model homes/sales office, the developer/ builder's name, logo, prices, and any other information related to home sales. c. All signs shall be removed within 30 days after the initial sale/rent of the last unit in the project/subdivision tract, or 2 years after recordation of the final map, whichever occurs first. The director may grant up to 2 time extensions not to exceed 1 year each if necessary to complete all sales.
ii. Residential Sub/Project Directional (off-site)	See Section 17.60.070(A) .						

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
iii. Real Estate (sales, rent, lease)	Freestanding	1 per parcel	6 sq. ft.	6 ft.	No	a. Shall be on premises being sold, rented or leased. b. -10 ft. from interior property lines. - 0 ft. from street rights-of-way.	a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business. b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.
iv. Real Estate (open house)	Freestanding	6 per residence (1 on-site, 5 off-site directional)	3 sq. ft.	6 ft.	No	Off-site directional signs shall not be located more than 1 mile from the open house.	a. The maximum duration of the use of these signs shall not exceed 3 consecutive days each week. b. Use of A-frame signs is permitted provided they are not located in the public-right-of-way or maintained parkway/landscape area. c. Balloons, pennants, streamers and banners may be used in conjunction with on-site signs but not off-site signs.
v. Garage, Yard and Estate Sales	Freestanding	2 per residence (1 on-site, 1 off-site)	3 sq. ft.	6 ft.	No	Off-site sign shall not be placed within right-of-way and shall not be affixed in any manner to any utility pole, street sign, fence, etc.	a. No property shall be allowed signage for more than 2 sales per calendar year. b. The maximum duration of the use of these signs shall not exceed 3 consecutive days. c. Balloons, pennants, streamers and banners may be used in conjunction with on-site signs but not off-site signs.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
vi. Construction/ Home Improvement	Freestanding	1 per project or residence	4 sq. ft.	6 ft.	No	a. Shall be on premises. b. Shall be set back 10 ft. from all property lines.	a. Copy limited to type of construction occurring on site and name of company including logo. b. Sign shall be removed within 10 days after completion of project.
vii. Future Use	Freestanding	1 per undeveloped parcel	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Shall be set back 10 ft. from all property lines.	a. Copy limited to identify future use consistent with existing zoning and may include ownership ID. b. Sign shall be removed upon initial occupancy of site or building.
viii. Model Home/Tract Sales Office	Freestanding and flags	Signs: 1 per sales office 1 per model home Flags: 20 per subdivision	Sales office: 24 sq. ft. Model home: 8 sq. ft. Flag: 15 sq. ft.	Sales office: 8 ft. Model home: 4 ft. Flag: 25 ft. (pole height)	No	Signs for sales office and model homes shall be located on the lot containing said office or model. Flags may be located anywhere on the project site where the new homes are being constructed for appropriate identification of the project, model homes or sales office, provided they are not located within any street right-of-way or	a. Limited to new projects only. b. Copy limited to name of development and/or company name/logo. c. All flags shall be removed within 30 days after the initial sale of the last unit in the project/subdivision tract, or 2 years after recordation of the final map, whichever occurs first. The director may grant up to 2 time extensions not to exceed 1 year each if such flags are necessary to complete all sales. d. Signs shall be removed when model home is sold, sales office closed, or per

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
						public parkway. Flags shall be prohibited on developed lots with occupied residences or lots not owned by the builder/developer advertising on said signs.	subsection c above, whichever occurs first. e. Special event permits are not required for balloons (as limited per Section 17.60.070(B)(3)) or banners 6 ft. or less in height if only used on Saturdays and Sundays.
ix. Special Event	See Section 17.60.070(B) .						
x. Noncommercial	See Section 17.60.070(C) .						
e. Agricultural Products	Freestanding	1 per parcel	32 sq. ft.	8 ft.	No	a. Shall be on premises b. Shall be set back 10 ft. from property lines, except those fronting public streets where no setback is required.	a. Copy limited to products produced on the property or agricultural related affiliation, and may also include name of owner. b. Sign is only permitted in the A and R-S zone districts.
f. Churches and Schools	Uses are subject to the CH (church) combining zone sign standards pursuant to Section 17.60.060(B)(6)(c) .						

2. Signs permitted in the C-O (professional and administrative office) zone district:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
a. Residential Uses	Subject to the residential sign standards pursuant to Section 17.60.060(B)(1) .						
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 1 sq. ft. per linear foot of the business's elevation sign is located or 100 sq. ft., whichever is less. Non-street elevations: 0.5 sq. ft. per linear foot of the business's elevation sign is located or	30 ft. Note: Wall signs may exceed the height maximum if building is 3 or more stories per skyline sign standards.	Yes	Sign shall not project above roofline of building.	<p>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</p> <p>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</p> <p>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section 17.60.070(F).</p>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
			32 sq. ft., whichever is less.				
	Pylon or monument	4 per street frontage (see Remarks for additional monument signs)	32 sq. ft. each	8 ft.	Yes	a. Setbacks - 25 ft. from interior property lines (not part of a center). - 0 ft. from street rights-of-way. b. Minimum 50 ft. between signs. c. 100 ft. from existing outdoor advertising structures.	a. Business or center is limited to use of either pylon or monument. b. Business or center name is limited to being listed on only one sign per street frontage. c. If center name incorporates the name of an on-site business in any form, said name shall not be allowed on other sign per item b. d. One additional sign per street frontage is permitted that only identifies the center. e. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street.
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 15 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R) .

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by the public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	a. Copy shall be limited to business/tenant name. b. Sign is limited to loading entrance only, not public entrance.
	Wall	2 per building	10 sq. ft. each	10 ft.	Yes	Wall only	a. Illumination shall be indirect or backlit; internal lighting is prohibited. b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.
d. Temporary Signs							
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	a. Shall be on premises being sold, rented or leased. b. Shall be set back 10 ft. from all property lines.	a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business. b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Shall be set back 10 ft. from property lines.	a. Copy limited to type of construction occurring on site and name of company including logo. b. Sign shall be removed within 10 days after completion of project.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Shall be set back 10 ft. from property lines.	a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification. b. Sign shall be removed upon occupancy of building or site.
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business identification is prohibited except as permitted under (2)(b). b. Area limitation does not include business identification under (2)(b). c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained for a reasonable time during a holiday season.
	Pole banners	4 per light pole (2 on each side of pole, back to back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
v. Special Event	See Section 17.60.070(B) .						

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
vi. Noncommercial	See Section 17.60.070(C) .						

3. Signs permitted in the C-1 (neighborhood commercial) zone district:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
a. Residential Uses	Subject to residential sign standards pursuant to Section 17.60.060(B)(1)						
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 1 sq. ft. per linear foot of the business' elevation sign is located or 150 sq. ft., whichever is less. Non-street elevations: 0.5 sq. ft. per linear foot of the business' elevation sign is located or 75 sq. ft.,	30 ft. Note: Wall signs may exceed the height maximum if building is more than 3 stories per skyline sign standards.	Yes	Sign shall not project above roofline of building.	<p>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</p> <p>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</p> <p>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section 17.60.070(F).</p>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
			whichever is less.				
	Pylon or monument	Pylon: 1 per street frontage Monument: 4 per street frontage (see Remarks for additional signs)	Pylon: 150 sq. ft. Monument: 32 sq. ft. each.	Pylon: 25 ft. Monument: 8 ft.	Yes	a. Setbacks: - 25 ft. from interior property lines (not part of a center) - 0 ft. from street rights-of-way. b. Minimum 50 ft. between signs. c. 100 ft. from existing outdoor advertising structures.	a. Business is limited to either pylon or monument signs; however if center identification is provided on a pylon then monuments are permitted. b. Business or center name is limited to being on only 1 sign per street frontage. c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign. d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b. e. See Section 17.60.070(D) for pylon sign requirements if proposed as a freeway oriented sign. f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
							g. Centers with over 1,000 ft. of street frontage are allowed 1 additional pylon sign along that street; a minimum of 300 ft. shall be maintained between pylon signs.
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decoration maintained pursuant to Section 17.60.080(R) .
	Readerboard/ menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	a. Shall not be portable. b. Shall not be placed or maintained upon any sidewalk area. c. Minimum 1 ft. between signs.	Copy limited to indicating prices, merchandise, or services offered; official public services provided on premises; credit cards honored; directions to customers; and like matters. Use of streamers, pennants and banners are prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	a. Copy shall be limited to business/tenant name. b. Sign is limited to loading entrance only that is not the business' public entrance.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
c. Building ID (multiple buildings on site)	Wall	1 per building	10 sq. ft.	10 ft.	Yes	Wall only.	a. Illumination shall be indirect or backlit; internal lighting is prohibited. b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.
d. Temporary Signs							
i. Real Estate	Freestanding, wall or window	1 per saleable or leaseable space	32 sq. ft.	12 ft.	No	a. Shall be on premises being sold, rented or leased. b. Shall be set back 10 ft. from all property lines.	a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business. b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Sign shall be set back 10 ft. from property lines.	a. Copy limited to type of construction occurring on site and name of company including logo. b. Sign shall be removed within 10 days after completion of project.
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Sign shall be set back 10 ft. from property lines.	a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification. b. Sign shall be removed upon occupancy of building or site.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business identification is prohibited except as permitted under (3)(b). b. Area limitation does not include business identification under (3)(b). c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R) .
	Pole banners	4 per light pole (2 on each side of pole, back to back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
v. Special Event	See Section 17.60.070(B) .						
vi. Noncommercial	See Section 17.60.070(C) .						

4. Signs permitted in the C-2 (regional commercial) and manufacturing (M-1, M-2, M-3) zone districts:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
a. Residential Uses	Subject to the residential sign standards pursuant to Section 17.60.060(B)(1) .						
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 2 sq. ft. per linear foot of the business' elevation sign is located or 250 sq. ft., whichever is less. Non-street elevations: 1 sq. ft. per linear foot of the business' elevation sign is located or 125 sq. ft.,	30 ft. Note: Wall signs may exceed the height maximum if building is more than 3 stories per skyline sign standards.	Yes	Signs shall not project above roofline of building.	<p>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</p> <p>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</p> <p>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section 17.60.070(F).</p>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
			whichever is less.				
	Pylon or monument	Pylon: 1 per street frontage if pylon; Monument: 4 per street frontage if monument. (see Remarks for additional signs)	Pylon: 250 sq. ft. Monument: 32 sq. ft. each.	Pylon 35 ft. Monument 8 ft.	Yes	a. Setbacks: - 25 ft. from interior property lines (not part of a center). - 0 ft. from street rights-of-way. b. Minimum 50 ft. between signs. c. 100 ft. from existing outdoor advertising structures.	a. Business is limited to either pylon or monument signs; however if center identification is provided on a pylon then monuments are permitted. b. Business or center name is limited to being on only 1 sign per street frontage. c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign. d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b. e. See Section 17.60.070(D) for pylon sign requirements if proposed as a freeway oriented sign.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
							f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street. g. Centers with over 1,000 ft. of street frontage are allowed 1 additional pylon sign along that street; a minimum of 300 ft. shall be maintained between pylon signs.
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R) .
	Readerboard/menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	a. Shall not be portable. b. Shall not be placed or maintained upon any sidewalk area. c. Minimum 1 ft. between signs.	Copy limited to indicating prices, merchandise, or services offered; official public services provided on-premises; credit cards honored; directions to customers; and like matters. Use of streamers,

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
							pennants and banners are prohibited.
		1 per elevation	6 sq. ft.	7 ft. min. ground clearance.	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
		1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	a. Copy shall be limited to business/tenant name. b. Sign is limited to loading entrance only that is not the business' public entrance.
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft.	10 ft.	Yes	Wall only	a. Illumination shall be indirect or backlit; internal lighting is prohibited. b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited. c. See Section 17.60.070(F) if building ID sign is proposed as a skyline building sign.
d. Temporary Signs							

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	a. Shall be on premises being sold, rented or leased. b. Shall be set back 10 ft. from all property lines.	a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business. b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	a. Shall be on premises b. Sign shall be set back 10 ft. from property lines.	a. Copy limited to type of construction occurring on site and name of company including logo. b. Sign shall be removed within 10 days after completion of project.
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	a. Shall be on premises b. Sign shall be set back 10 ft. from property lines.	a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification. b. Sign shall be removed upon occupancy of building or site.
iv. Promotional	Window	Allowed on up to 3	40% of window area per	Below 2nd floor or 10 ft.,	Yes	Ground floor windows only.	a. Copy limited to promoting merchandise, services, sales,

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
		building elevations	building elevation	whichever is less			etc., of business activity. Business identification is prohibited except as permitted under (4)(b). b. Area limitation does not include business identification except as permitted under (4)(b). c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R) .
	Pole banners	4 per light pole (2 on each side of pole, back-to-back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
	Pennants/streamers	2 strands	Each strand cannot exceed a height of 18 in.	Cannot extend above the roof of a building or	No	May only be placed around the perimeter of the area approved for outdoor sales.	Text or copy is prohibited. Pennants/streamers may include single or multiple colors, metallic hulas, and flags.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
				top of the light pole.			
v. Special Event	See Section 17.60.070(B) .						
vi. Noncommercial	See Section 17.60.070(C) .						
e. Outdoor Advertising (billboard)	See Section 17.60.070(E) .						

5. Signs permitted in the C-B (central business) and C-C (commercial center) zone districts shall be subject to the C-2 sign standards pursuant to Section [17.60.060\(B\)\(4\)](#), except as follows:
 - a. Agricultural uses permitted by the planning director under Section 17.26.011(B) shall be subject to the residential and agriculture/open space sign standards pursuant to Section [17.60.060\(B\)\(1\)](#).
6. Signs permitted where there are overlay or combination zones (P, CH, HOSP, AD, AA, FP-S, SC, PE) shall be subject to the sign standards of the underlying zone district unless otherwise permitted as follows:
 - a. Signs within the FP-S (floodplain secondary) zone where it is not used as an overlay or combining zone shall be subject to the residential sign standards pursuant to Section [17.60.060\(B\)\(1\)](#).
 - b. Signs within the P (automobile parking) zone where it is not used as an overlay or combining zone shall be subject to the same standards which are applicable to the adjacent zone where the parking use is incidental to and intended to serve the use in such adjacent zone.
 - c. Within the CH (church) combining zone, churches, sanctuaries and Sunday schools shall, in addition to that permitted by the residential sign standards pursuant to Section [17.60.060\(B\)\(1\)](#), be allowed one illuminated or nonilluminated monument sign for each street frontage not to exceed an area of thirty-two square feet and a height of eight feet; and one nonilluminated wall sign for each street frontage not to exceed an area of thirty-two square feet and a height of twenty feet. Monument signs shall be set back twenty-five feet from all adjacent property lines. There shall be no setback of any sign from property lines fronting a public street.
 - d. Within the HOSP (hospital) zone, hospitals, sanitariums, rest homes, convalescent homes, maternity homes and homes for the aged shall, in addition to that permitted by the residential sign standards pursuant to Section [17.60.060\(B\)\(1\)](#), be allowed one illuminated or nonilluminated monument sign for each street frontage not to exceed an area of thirty-two square feet and a height of eight feet; and one illuminated or nonilluminated wall sign for each street frontage not to exceed an area of thirty-two square feet and a height of twenty feet. Monument signs shall be set back twenty-five feet from all adjacent property lines. There shall be no setback of any sign from property lines fronting a public street.
7. Signs permitted in the PUD (planned unit development) and PCD (planned commercial development) zone districts:
 - a. Residential development shall be subject to the residential sign standards pursuant to Section [17.60.060\(B\)\(1\)](#) unless otherwise conditioned by the planning commission or city council.
 - b. Commercial development shall be subject to the C-1 sign standards pursuant to Section [17.60.060\(B\)\(3\)](#) unless otherwise conditioned by the planning commission or city council.
 - c. When a PCD or PUD zone is used as a combining zone, the sign regulations for the base zone shall apply unless otherwise conditioned by the planning commission or city council.

8. Signs permitted in the Bakersfield auto mall area shall be permitted as follows regardless of the underlying zone district:

(a map delineating the area these regulations apply to is shown at the end of this chapter)

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
a. Residential Uses	Subject to the residential sign standards pursuant to Section 17.60.060(B)(1) .						
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Each building elevation: 2 sq. ft. per linear foot of the business' elevation sign is located or 450 sq. ft., whichever is less.	30 ft. Note: Wall signs may exceed the height maximum if building is 3 or more stories per skyline sign standards.	Yes	Sign shall not project above the roofline of the building.	<p>a. Each business shall be entitled a minimum of 50 sq. ft. of wall signage per elevation.</p> <p>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</p> <p>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section 17.60.070(F).</p>
	Pylon or monument	Pylon: 2 per street frontage Monument: 4 per street frontage (see Remarks for	Pylon: 300 sq. ft. Monument: 32 sq. ft. each.	Pylon: 50 ft. Monument: 8 ft.	Yes	a. Setbacks: - 25 ft. from interior property lines (not part of a center). - 0 ft. from street rights-of-way. b. Minimum 50 ft. between signs.	<p>a. Business is limited to either pylon or monument signs; however if center identification is provided on 1 pylon and there is no 2nd pylon, then monuments are permitted.</p> <p>b. Business or center name is limited to being on only 1 sign per street frontage.</p>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
		additional signs)				c. 100 ft. from existing outdoor advertising structures.	c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign. d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b. e. See Section 17.60.070(D) for pylon sign requirements if proposed as a freeway oriented sign. f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street.
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft.,	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
				whichever is less.			decorations maintained pursuant to Section 17.60.080(R) .
	Readerboard/menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	a. Shall not be portable. b. Shall not be placed or maintained upon any sidewalk area. c. Minimum 1 ft. between signs.	Copy limited to indicating prices, merchandise or services; official public services provided on premises; credit cards honored; directions to customers; and like matters. Use of streamers, pennants and banner is prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	a. Copy shall be limited to business/tenant name. b. Sign is limited to loading entrance only that is not the business' public entrance.
c. Building ID (multiple)	Wall	2 per building	10 sq. ft.	10 ft.	Yes	Wall only.	a. Illumination shall be indirect or backlit; internal lighting is prohibited.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
buildings on site)							<p>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</p> <p>c. See Section 17.60.070(F) if building ID sign is proposed as a skyline building sign.</p>
d. Temporary Signs							
i. Real Estate	Freestanding, wall or window	1 per saleable or leaseable space	32 sq. ft.	12 ft.	No	<p>a. Shall be on premises being sold, rented or leased.</p> <p>b. Shall be set back 10 ft. from all property lines.</p>	<p>a. Copy shall pertain to advertising the sale, renting or leasing and not for the purpose of commercial advertising of a business.</p> <p>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</p>
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<p>a. Shall be on premises.</p> <p>b. Sign shall be set back 10 ft. from all property lines.</p>	<p>a. Copy limited to type of construction occurring on site and name of company including logo.</p> <p>b. Sign shall be removed within 10 days after completion of project.</p>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Sign shall be set back 10 ft. from all property lines.	a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification. b. Sign shall be removed upon occupancy of building or site.
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business identification is prohibited except as permitted under (8)(b). b. Area limitation does not include business identification except as permitted under (8)(b). c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R) .
	Pole banners	4 per light pole (2 on each side	30 in. wide x 96 in. tall (each)	Cannot extend above the	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section 17.60.050)	Remarks
		of pole, back-to-back)		top of the light pole.			Business name/logo is limited to a maximum of 25% of the banner area.
	Pennants/streamers	2 strands	Each strand cannot exceed a height of 18 in.	Cannot extend above the roof of a building or top of the light pole.	No	May only be placed around the perimeter of the area approved for outdoor sales.	Text or copy is prohibited. Pennants/streamers may include single or multiple colors, metallic hulas, and flags.
	See Section 17.60.070(B) .						
v. Special Event	See Section 17.60.070(C) .						
vi. Noncommercial							
e. Outdoor Advertising (billboard)	See Section 17.60.070(E) .						

(Ord. 4953 § 3, 2018; Ord. 4938 § 5, 2018; Ord. 4729 §§ 4—8, 2013; Ord. 4715 § 1, 2012; Ord. 4658 § 1, 2011; Ord. 4605 § 1, 2009; Ord. 4543 § 2, 2008; Ord. 4489 §§ 5, 6, 2008; Ord. 4384 § 1, 2006; Ord. 4306 § 1, 2006; Ord. 3964 § 45, 2000; Ord. 3870 §§ 4, 5, 1998; Ord. 3755 § 2, 1997; Ord. 3624 § 1, 1995; Ord. 3586 § 2, 1994)

17.60.070 Specialized signs.

A. *Off-Site Residential Subdivision/Project Directional Kiosk Sign Program.* The following is intended to provide for the administration of a uniform, coordinated sign program of kiosks that offer developers of new residential subdivisions means of providing direction to their projects. The kiosk signs will minimize confusion among prospective purchasers of new homes to find those developments, promote traffic safety by removing competing signs from busy streets, and reduce visual blight of incompatible sign types in residential neighborhoods. No such off-site directional sign other than those in conformance with this chapter shall be erected or maintained within the city.

1. Requirements for Directional Kiosks.

- a. Kiosks shall be permitted in all zone districts except on a lot developed with a single-family residence. They may be permitted on private land or public right-of-way that is maintained by the property owner provided the property owner's permission has been granted in writing. Signs may also be permitted within the public right-of-way or parkway that is maintained by the city of Bakersfield or as contracted by the city subject to approval and issuance of an encroachment permit by the city. All other location restrictions in Section [17.60.050](#) shall remain in full force and effect.
- b. Kiosks shall be constructed of wood or similar product with individual panels provided for placement of subdivision or project names and direction.
- c. Kiosk locations shall be approved by the building director or appointed designee. A kiosk shall not be placed closer than one thousand feet from an existing kiosk or approved site where a kiosk is to be constructed. The building director or appointed designee may reduce the distance between kiosks where:
 - i. Kiosks are located at different corners of an intersection and face different directions.
 - ii. The street intersection where the kiosk is proposed is less than one thousand feet away from a street intersection that contains a kiosk and it is necessary to provide direction to subdivisions or projects to which that street provides the most direct or only access.
 - iii. Kiosks (two maximum) are necessary to be placed adjacent to one another because the number of subdivisions or projects that are being identified exceeds the number of panels allowed on one kiosk.
- d. Architectural design, color, letter style, and any other design elements of the kiosk shall be approved by the planning commission and city council. All kiosks and other off-site residential directional signs

allowed by Section [17.60.060\(B\)\(1\)\(d\)\(ii\)](#) that are installed within the city limits shall be in accordance with adopted design criteria.

e. Kiosks shall not exceed a height of twelve feet and a width of six feet. When a kiosk is sited immediately adjacent to a residential development, it shall not exceed a height of eight feet. An individual panel shall be limited to a maximum width of six feet and a height of ten inches. No more than eight individual name panels shall be permitted on a kiosk.

f. Kiosks may have more than one face. Multiple faces are encouraged where the kiosk can be sited to serve traffic traveling in opposite directions, or where it would reduce the amount of kiosks needed to provide adequate direction to residential subdivisions. Multiple faced kiosks shall be approved by the building director or appointed designee.

g. A name panel shall be limited to a single line of text that may contain only the subdivision, project, builder or developer's name, or combination thereof. All panels shall include a direction arrow pointing in the direction of the identified project. Name panels shall conform to all design elements as approved in accordance with subsection [\(A\)\(1\)\(d\)](#) of this section.

h. Tag signs, streamers, banners, balloons, devices, display boards, or other appurtenances shall not be added, placed upon or erected adjacent to or within a one hundred foot radius of any existing kiosk.

i. Kiosks shall not be illuminated.

j. Kiosks shall not obstruct the use of sidewalks, walkways, bicycle or hiking trails, and shall not obstruct the free and clear vision of motor vehicle operators, cyclists, pedestrians, or visibility of traffic control signs and lights as determined by the public works director or appointed designee.

k. Kiosks shall be set back a minimum of twenty-five feet from side and rear property lines. No setback shall be required from street frontages or those kiosks located within public rights-of-way.

2. *Permits.*

a. Any builder or developer of a new recorded residential subdivision which contains approved lots or homes which have never been sold, may apply for a permit to install a kiosk or to place a name panel on an existing kiosk to provide direction to their subdivision.

b. Applications for a kiosk or name panel (including name changes to an existing name panel) shall be made on forms provided by the building director or appointed designee, be signed under penalty of perjury by the applicant, and shall require at minimum, the following information:

i. The name, mailing address, title, telephone number of the property owner, subdivider and developer/builder of the specific development;

ii. The name and location of the specific development;

iii. A plot plan showing the exact location of the proposed kiosk, or the existing kiosk(s) where the panel(s) will be attached;

- iv. A statement that the development contains approved lots or new homes which have not yet been sold;
 - v. If the permit is for a new name panel or a name change to an existing name panel, the copy proposed for the panel;
 - vi. If the permit is for a new kiosk that is proposed to be located within a public road right-of-way, a copy of the approved encroachment permit issued by the city of Bakersfield public works department.
 - c. The building director or appointed designee may issue a permit if:
 - i. The application is complete and truthful;
 - ii. The applicant is the permit or entity selling new lots or new homes;
 - iii. The development is located entirely within the Metropolitan Bakersfield 2010 General Plan area;
 - iv. The kiosk or panel meets all of the design criteria within this section;
 - v. The permit is for a name panel and available space exists on the kiosk(s); or if there is no space available, the applicant has agreed to be placed on a waiting list for future placement on a kiosk(s);
 - vi. If the permit is for a kiosk, the location criteria in this section has been satisfied;
 - vii. Appropriate fees have been paid.
- 3. *Program Administration.*
 - a. The city may delegate portions of or the entire administration of the directional kiosk program to another entity by contract that includes, but is not limited to, installation and maintenance of kiosks, and issuance of permits for kiosks and name panels.
 - b. Kiosks and sign panels permitted in accordance with this section shall be continuously maintained in good condition by the permit holder. Upon approval by the city, sign maintenance may be assumed by a responsible party other than the permit holder.
 - c. Kiosks shall be sited based on demand and where they will provide the best direction to residential subdivisions where homes/lots are being sold.
 - d. Sign panels shall be available to all developments selling new homes on a first-come first-served basis. Sign panels shall be placed on a kiosk beginning with the highest position on the kiosk and progressing downward. Panels shall be grouped based on the direction of travel with the priority of placement from top to bottom as follows:
 - i. Left turn;
 - ii. Right turn;

iii. Straight ahead.

e. Waiting lists shall be established for each kiosk (existing or proposed) for new name panels on a first-come-first-served basis of applications that have met the requirements of subsection [\(A\)\(2\)\(c\)](#) of this section.

f. When a panel name is changed or a panel is removed from a kiosk, all lower panels within each directional group as defined in subsection [\(A\)\(3\)\(d\)](#) of this section shall be moved upwards so that any new panel is placed on the bottom of its respective directional group on the kiosk.

g. All panel changes shall be approved by the building director or appointed designee through the permit process.

h. A specific project or builder is limited to one panel for each kiosk. Multiple panels shall not be combined to identify or provide information regarding the same specific project or builder. There shall be no limit on the number of kiosks on which a specific project may be identified.

i. Within ten days after selling the last lot or home or within two years after recordation of the final map for the subdivision of which the project is located, whichever occurs first, panel signs that identify said project shall be removed from all kiosks. Two extensions of time may be granted by the administrator of the kiosk program not to exceed one year for each request if the extension is needed to complete any sales in that project. If administration of the program is delegated to an entity other than the city and that entity denies the extension, the permit holder may appeal the denial within five days of the decision in writing to the building director. The building director shall render a decision on the appeal within ten days of receiving the appeal which shall be final and conclusive.

j. Any kiosk shall be completely removed by the permittee whenever any of the following occur:

i. The kiosk is no longer needed at the location;

ii. The permittee has been notified by the city of Bakersfield public works department to remove or relocate the kiosk on the basis of public safety or necessity, or because of planned road improvements.

k. For any kiosk erected within the public road right-of-way, a performance bond in an amount sufficient to remove the structure shall be approved by and posted with the city of Bakersfield public works department.

4. *Violations and Abatement.*

a. Off-site residential subdivision/project directional signs that were legally permitted as of June 1, 1997, shall continue to remain for a period of six months from said date. After that time, signs not in conformance with this section shall be removed by the owner at the owner's cost. Any signs not removed within the required period shall be subject to summary abatement by the city in accordance with Section [17.60.110](#). This subsection shall not apply to existing kiosk programs that were legally established and maintained by a private entity where that program contains five or more kiosks.

b. Existing kiosk sign programs that were legally established as of June 1, 1997, that are owned and maintained by a private entity where that program contains five or more kiosks, may continue as a nonconforming kiosk program. These kiosks may be maintained but shall not be replaced except with a kiosk that conforms to this section. A nonconforming kiosk shall be removed if it is no longer necessary at the location, or no longer meets the separation requirements of subsection [\(A\)\(1\)\(c\)](#) of this section regarding kiosk separation due to placement of a conforming kiosk. A nonconforming kiosk that is required to be removed shall be done by the owner at the owner's cost. Any nonconforming kiosk not removed as required, shall be subject to summary abatement by the city in accordance with Section [17.60.110](#).

c. Any permit issued in accordance with this section shall be immediately revoked by the building director if it has been found that the permit holder has erected and maintained any sign in violation of this section. The building director shall order any panel currently in place on a kiosk identifying the builder's/developer's specific development to be removed immediately after the appeal period has expired if no appeal has been filed, and that builder/developer shall be prohibited from having any off-site directional signs or name panels on any kiosk for that specific development for a period of one hundred eighty days. After the one-hundred-eighty-day period, the builder/developer may be allowed kiosk panels but they shall be placed at the bottom of any waiting list and/or kiosk hierarchy as described in subsection [\(A\)\(3\)\(d\)](#) through [\(f\)](#) of this section.

d. Any order of the building director shall be made in writing, addressed to the permit holder, and shall set forth the findings for revoking any permits and the method to appeal the decision. If no appeal is filed, the decision of the building director shall be final and conclusive.

e. If the city is not the administrator of the kiosk program, the administrator shall immediately notify the building director regarding any violations in accordance with subsection [\(A\)\(4\)\(c\)](#) of this section and the building director shall notify the party in violation in accordance with subsection [\(A\)\(4\)\(d\)](#) of this section.

5. *Appeal.*

a. Should any permit holder be dissatisfied with the decision of the building director to revoke a permit, then the permit holder may, no later than ten days after notice of such decision was deposited in the United States mail, make written objection, subject to the required appeal fee, to the board of building appeals in care of the building director, setting forth the grounds for dissatisfaction. The board of building appeals shall hear the objections at a regular meeting no later than thirty days following the filing of the objection. The permit holder shall be given written notice of the hearing no later than three days prior to the hearing. The building board of appeals may sustain, suspend, or overrule the decision of the building director, which decision shall be final and conclusive.

b. Pending hearing before the building board of appeals, all signs, kiosks and/or name panels in dispute may remain in place until a final decision rendered.

B. *Special Event Signs.* Special event signs may be approved by the building director as a means of publicizing events such as grand openings, carnivals, parades, charitable events, community holiday activities, and other such

events. This section does not include events promoted by the city of Bakersfield pursuant to Section [17.60.080\(O\)](#). Special event signs shall be limited to the following provisions:

1. Signs shall be limited for each business to sixty days a calendar year. This time may be utilized in any combination of durations; however, the number of special events shall not exceed eight a calendar year, and no single event shall exceed a duration of fifteen consecutive days.
2. Balloons and inflated devices provided they do not exceed a height of one hundred feet, search lights, beacons, pennants, flags, banners and streamers may be allowed subject to approval by the building director. Flags for model homes/tract sales offices are not subject to this subsection.
3. Copy on a banner or balloon shall not exceed an area of one hundred square feet, and may include the name, symbol or logo of the business or sponsor, but in no event shall such name or logo exceed one-quarter of the total permitted copy area.
4. Signs may be illuminated and contain movement upon approval by the building director provided they do not adversely affect neighboring properties or motorists.

C. *Noncommercial Signs.* Signs expressing political, social, religious or other noncommercial message. These signs are subject to the following regulations:

1. Signs shall not be placed on private property without the consent of the property owner. No such sign, either freestanding or posted on any object, shall be placed or erected on public property, within the public right-of-way, or any maintained parkway/landscape area.
2. Signs shall not exceed an area of eight square feet and a height of six feet.
3. Signs shall not be illuminated.
4. In residential districts, each parcel of property may display one sign in compliance with this chapter. However, during the period of time beginning ninety days before a general, special, primary, or runoff election, and ending ten days after such election, each property may display two signs in compliance with this chapter.
5. In the commercial, industrial, and agricultural districts, each parcel of property or commercial center may display one sign in compliance with this chapter. However, during the period of time beginning ninety days before a general, special, primary, or runoff election, and ending ten days after such election, each property may display four signs in compliance with this chapter, except that signs may be up to an area of thirty-two square feet and a height of eight feet.
6. Signs may only be displayed for ninety days and must be removed for at least thirty days before being displayed again.
7. Signs shall not block line of sight for intersections, driveways/entrances, sidewalks and multi-use paths.

D. *Freeway Oriented Signs.* Freeway oriented signs identify premises where food, lodging and places of business engage in supplying goods and services essential to the normal operation of motor vehicles, and which are directly dependent upon an adjacent freeway. These signs shall be subject to the following regulations:

1. Signs shall be within the C-1, C-2, C-C, PCD, M-1, M-2 or M-3 zone districts; and shall also be within one of the rectangular areas two thousand feet in width and three thousand feet in length, the center of which is concentric with the intersection point between the centerline of the freeway and accessible surface street, said intersections identified as follows:
 - a. State Highway 99 and Olive Drive;
 - b. State Highway 99 and Airport Drive, except that said rectangular area shall extend south to Gilmore Avenue;
 - c. State Highway 99 and State Highways 58/178 (Rosedale Highway/24th Street), except that said rectangular area shall extend north to Gilmore Avenue;
 - d. State Highway 99 and California Avenue;
 - e. State Highway 99 and Ming Avenue;
 - f. State Highway 99 and White Lane;
 - g. State Highway 99 and Panama Lane;
 - h. State Highway 99 and State Highway 119 (Taft Highway).

(Note: Refer to the maps at the end of this chapter.)

2. Only one of the allowable on-site pylon signs permitted in the zone districts specified in this section shall be allowed to exceed both the area and height limitations imposed by the particular zone district provided no such sign exceeds an area of three hundred fifty square feet and a height of seventy-five feet. All other sign regulations of the particular zone district shall apply to this sign and the specific business.
3. The building director shall determine if the location of the business and the service offered satisfy the criteria and intent of this section and the definition of a freeway oriented sign.

E. *Outdoor Advertising Signs (Billboards).* All outdoor advertising signs are regulated as follows:

1. Signs are permitted in the C-2, M-1, M-2 and M-3 zone districts, in addition to that permitted in those respective districts.
2. Signs shall not exceed an area of three hundred square feet, excluding cutouts or extensions provided they do not exceed thirty square feet in area.
3. Signs shall not exceed a height of thirty-five feet in the C-2 district, or fifty feet in the M-1, M-2 and M-3 districts.

4. Signs shall not be located less than one thousand feet from another such sign, or one hundred feet from any other freestanding sign.
5. Signs shall not be located in nor project over public property or public right-of-way.
6. Multifaced signs are allowed, provided the faces are placed back-to-back, are no more than two feet apart, and are equal in size and configuration.
7. Signs shall be set back a minimum of three hundred feet from any property zoned residential or developed with residential uses.
8. Signs shall not project over or be placed upon any building or structure.
9. Signs shall be set back twenty-five feet from adjacent property lines except those fronting public streets where no setback is required.
10. Signs may be illuminated provided no lighting is directed onto adjacent properties or public rights-of-way.
11. Electronic message displays as defined in Section [17.04.547](#) are permitted.

F. *Skyline Building Signs.* Wall signs for a building that is three or more stories may be permitted that exceed the height limits delineated by the zone district in which it is located, to provide long distance visual identification of a building or its primary tenant, subject to the following regulations:

1. Signs are permitted in the C-O, C-1, C-2, C-C, C-B, PCD, M-1, M-2, and M-3 zone districts.
2. Signs may be installed on all elevations of the building.
3. Signs shall be located on the top story or between the top story and the top of the building.
4. Signs shall be comprised solely of individual letters or logos installed a minimum of three inches and a maximum of twelve inches from the surface of the wall on which they are located. Illumination may be provided by indirect reverse lighting or internal illumination as approved by the building director. Floodlighting shall be prohibited.
5. Signs shall not have a horizontal dimension exceeding one hundred feet or seventy percent of the horizontal dimension of the building elevation where the sign is placed, whichever is less.
6. The property owner shall designate in writing or on the sign plan the primary tenant of the building if such tenant is to be identified by the sign.
7. Signs shall not have letters exceeding the following heights:

Building Height (feet)	Maximum Letter Height¹ (inches)	Capital Letter² (inches)	Logo ³ (inches)
35—59	24	36	48
60—69	36	54	72
70—79	48	72	96
80—89	60	90	120
90—99	72	108	144
100—119	84	126	168
120 or more	96	144	192

1 Letter height is if all letters used are capital letters.

2 Maximum height of a capital letter (one and one-half times maximum height) if used in conjunction with lower case letters. Lower case shall not exceed maximum height.

3 Maximum height of a logo (two times maximum height).

8. All signs shall be limited to two lines of letters and/or logo.

9. Pylon signs shall not be permitted on the site if skyline signs are utilized; only monument signs in this instance would be permitted subject to the regulations of the zone district in which they are located.

10. All other wall signs permitted by this chapter which are placed on a building with a skyline sign pursuant to this section shall not exceed sixty percent of the area which would otherwise be allowed in the particular zone district, a height of twenty feet from grade, and letters that are taller than the skyline letters.

11. Comprehensive sign plans may permit skyline signs to be more or less restrictive than the requirements of this section.

G. *Electronic Message Displays.*

1. Only large retail developments as defined in Section [17.04.367](#), or shopping centers encompassing five acres or more, are permitted use of an electronic message display on a pylon sign.

2. Only one of the allowed pylon signs permitted along a street frontage may include an electronic display.

3. If a pylon sign contains an electronic message display and monument signs are also permitted for the center, only one of the allowed monument signs along a street frontage may contain an electronic message display. If a pylon sign does not contain an electronic message display and monument signs are permitted for

the center, only two of the allowed monument signs along a street frontage may contain an electronic message display.

4. Pylon signs that contain an electronic message display shall be set back a minimum of one hundred fifty feet from any R, PUD, or OS zone, and fifty feet from any interior property line not within that center.
5. Electronic message displays are not permitted on pylon signs located on properties that do not meet the definition of a large retail development or are shopping centers less than five acres as noted in subsection [\(G\)\(1\)](#) of this section. However, one of the allowed monument signs along each street frontage is permitted to contain an electronic message display.
6. Electronic message displays shall not be permitted on building walls or in windows.
7. All other sign regulations that pertain to the particular zone district and specific business shall apply.
8. Outdoor advertising signs (billboards) may contain electronic message displays subject to the regulations in Section [17.60.070\(E\)](#).

H. *Projecting Business Identification Signs.*

1. Projecting business identification signs are only permitted within the following areas:
 - a. Central District Area as defined in Section [10.08.020\(A\)](#), except that projecting signs shall not be permitted along the street frontages of State Route 178, State Route 204, and any street south of the Burlington Northern/Santa Fe Railroad. Where the Central District boundary follows a street, permitted projecting signs shall be allowed for business frontages along both sides of that street.
 - b. *Baker Street frontage between Truxtun Avenue and Monterey Street.* Projecting signs are also permitted along the frontages of the intersecting streets and alleys with Baker Street one block in either direction, except that projecting signs shall not be permitted along the street frontages of Truxtun Avenue and Monterey Street.
2. In addition to other signs as allowed by this chapter, one projecting sign is permitted for a ground floor business along each street it fronts. A second floor or basement business may have a projecting sign only if it has its own dedicated public street entrance and the sign is located above or within five feet of that entrance.
3. A sign shall not project more than five feet beyond its supporting building. Within an alley where vehicles will pass underneath a sign, that sign shall not project more than three feet beyond its supporting building. An encroachment permit from the city is required for any signs that project into the public right-of-way.
4. A sign shall not be placed higher than fifteen feet on a building wall or above the first floor of a multiple story building. Within an alley where vehicles will pass underneath a sign, that sign shall not be placed higher than twenty feet above the alley surface.
5. A sign shall not exceed an area of sixteen square feet.

6. A sign shall not be closer than ten feet to another projecting sign or to a freestanding sign, or five feet from an interior property line or line dividing two separate business frontages. A sign shall be at least two feet from the face of the street curb.
7. A sign shall not be less than eight feet above the surface over which it projects. Within an alley where vehicles will pass underneath a sign, that sign shall not be less than fifteen feet above the alley surface.
8. A sign shall not exceed a maximum thickness of twelve inches.
9. Internally illuminated signs shall have opaque face panels so that only the letters, logos, numbers, and/or symbols appear illuminated at night; use of bulbs or neon for such lettering and symbols is allowed subject to the provisions of this chapter. Electronic message displays and flashing signs are prohibited.
10. A sign shall not project above the roof or an apparent eave or parapet, including the eave of a simulated hipped or mansard roof. A sign shall not be attached to the sloping face of mansard overhangs or other architectural features intended to resemble or imitate roof structures.
11. A two-dimensional fabric banner suspended perpendicular to a wall may be displayed in lieu of a projecting sign provided the banner is anchored to not hang freely and meets all of the requirements of this subsection for a projecting sign.
12. Businesses that occupy a space with public access from only an alley or courtyard may share one directory sign as defined by this code along each public street to direct pedestrians to those businesses. A directory sign shall not exceed a maximum height of eight feet or an area of six square feet; only indirect external illumination is allowed.
13. A single vertical projecting sign may be installed along each street frontage on a building that is three or more stories tall that identifies the building name or use, or that of a major tenant. The sign is subject to all provisions of this subsection except that there is no minimum sign area; it must be mounted at the second floor or higher, and is limited to a single line of text. (Ord. 4953 § 4, 2018; Ord. 4829 § 1, 2015; Ord. 4729 §§ 1, 9, 10, 2013; Ord. 4659 § 1, 2011; Ord. 4605 § 2, 2009; Ord. 4489 §§ 7—9, 2008; Ord. 3964 § 46, 2000; Ord. 3870 §§ 6, 7, 1998; Ord. 3835 § 36, 1998; Ord. 3755 § 3, 1997; Ord. 3586 § 2, 1994)

17.60.080 Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

- A. Address signs used for dwelling unit identification as required by Chapters [15.42](#) and [15.52](#) of this code.
- B. Advertising signs that are in or on public buses or other public conveyances which may be permitted by the city council.
- C. Business or merchant directory provided it does not exceed an area of sixteen square feet and a height of six feet.

- D. Commercial vehicle signs on licensed commercial vehicles; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.
- E. Directional, warning or information signs, including traffic control and street signs, as authorized by federal, state or municipal authority.
- F. Directional or informational signs such as entrance/exit signs, open/closed signs, signs indicating business hours, and similar such signs, provided they contain no commercial advertisement, and not exceed six square feet in area and six feet in height. Business logo is permitted provided it does not exceed twenty-five percent of each total sign area. The building director shall limit the number of such signs on the site based on actual need in order to provide adequate direction or information.
- G. Flags of the United States, the state of California and other states of the nation, counties, municipalities, foreign nations, and national/international recognized nonprofit organizations. A site is limited to a total of three flags with no duplication of flags. The building director may approve additional flags if warranted by the type of business or proposal on the site.
- H. Holiday decorations, in season, displayed for an aggregate period not to exceed ninety days per calendar year.
- I. Interior signs within a public or private structure, including a stadium, ball park or other similar private or public recreational use, not intended to be seen from a public street or adjacent properties.
- J. Memorial plaque, table, cornerstone or tombstone.
- K. Neighborhood watch and similar type notices.
- L. Notices posted on public bulletin boards or public kiosks designed for such notices.
- M. No trespassing, solicitation, hunting, minors, and similar such signs, provided they do not exceed four square feet in area and six feet in height.
- N. Official and legal notices issued by a court, or governmental agency.
- O. Promotional signs by the city of Bakersfield that promote or advertise city-wide celebrations, awards, recognition, or other events. Such signs may be permitted within or project over public right-of-way.
- P. Public utility signs placed by public utilities for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone or underground cable.
- Q. Signs being manufactured, transported and/or stored within the city limits; provided, however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage.
- R. Taxicab signs as authorized and approved as to size, form and contents by the city manager under Section [5.50.100](#). (Ord. 4953 § 5, 2018; Ord. 3586 § 2, 1994)

17.60.090 Prohibited signs.

The following signs are specifically prohibited:

- A. Animated, moving, revolving and rotating signs, except as specified in this chapter.
- B. Banners, flags, pennants and balloons, except as specified in this chapter.
- C. Bench signs.
- D. Electronic message displays, except as specified in this chapter.
- E. Flashing, blinking, and reflecting signs, except as specified in this chapter.
- F. Outdoor advertising signs, except as specified in this chapter.
- G. Permanent “for sale” signs.
- H. Portable signs including A-frame signs, except as specified in this chapter.
- I. Projecting signs, except as specified in this chapter.
- J. Roof signs.
- K. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic, as determined by the building director.
- L. *Vehicle Signs.* Vehicles including trailers, wagons and similar utility vehicles, shall not be utilized as support for any mobile, portable or stationary signs, or conspicuously parked or left standing so as to constitute a device or sign. There shall not be maintained on any vehicle or trailer parked in a public right-of-way, or on public or private property so as to be visible from a public right-of-way, which is attached to, located on or leaning against such vehicle or trailer, any sign for the purpose of providing advertisement of a business, service or products, directing people to a business activity located on the same or other property for any purpose. This prohibition shall not apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a commercial or business vehicle used in the conduct of such business provided it is not parked on the site being advertised abutting public right-of-way, to bumper stickers, to placards identifying the vehicle itself as being for sale, or to window stickers or placards on vehicles in any vehicle sales lot. (Ord. 4489 § 10, 2008; Ord. 3586 § 2, 1994)

17.60.100 Nonconforming signs.

- A. Signs for a legal nonconforming use are permitted. Such signs shall be deemed to comply with the provisions of this chapter if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as a permitted use. Such sign shall be permitted only as long as the nonconforming use is

permitted. Any such sign legally existing on the effective date of the ordinance codified in this chapter, but which does not comply with the regulations of this chapter shall be deemed to be a nonconforming sign.

B. For the purposes of this chapter, a nonconforming sign is one which does not conform with the provisions of this chapter, but which:

1. Was lawfully in existence and in use within the city prior to the effective date of the ordinance first enacting this chapter;
2. Was lawfully in existence and in use on property outside of the city on the date upon which the annexation of such property to the city was completed;
3. Was lawfully in existence and in use within the city on the effective date of any zone change or specific plan or comprehensive sign plan for the property on which the sign is located; or
4. Was lawfully in existence and in use within the city on the effective date of any amendment of this chapter, the zoning regulations contained in this title or other provision of this code, making such sign nonconforming.

C. For the purposes of this section only, a nonconforming sign exceeding the height or area restrictions contained in this chapter by no more than five percent shall be deemed to conform with the provisions of this chapter limiting height and area.

D. A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless and until the sign is made to conform with the provisions of this chapter. This shall not be construed to prevent ordinary maintenance and minor repairs, as determined by the building director.

E. A nonconforming sign destroyed or damaged to an extent exceeding fifty percent of its replacement cost immediately prior to destruction or damage, shall not be continued in use or maintained thereafter and shall be removed or made to conform with the provisions of this chapter within thirty days of the date of such destruction or damage.

F. Each nonconforming sign, other than an outdoor advertising sign subject to the California Outdoor Advertising Act, shall be removed or made to conform with the provisions of this chapter at the sole cost of the owner thereof, whenever any of the following events occur:

1. There is a change in ownership of the property; inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;
2. The business or activity is discontinued or sold;
3. The property is rezoned, subdivided or parceled or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method, device or scheme which would otherwise circumvent the intent of this section;
4. A conditional use permit or modification is granted for the property or use of the property;

5. A sign permit is issued permitting installation or construction of a new or additional sign on the property;
6. Any change in the signage is made, excluding minor repairs and precise repainting;
7. Whenever there is a change in ownership or tenancy of any business or tenant space within a business/shopping center, new wall signage and/or a monument sign conforming to the requirements of this chapter to signify such change is permitted although nonconforming signage exists within such center. However, no change of sign copy to signify such change shall be permitted on any nonconforming sign.
8. If an existing off-premise business identification sign was permitted under a special sign permit by the city and has remained in effect and in compliance with the provisions of that permit, the sign may remain and can be upgraded or altered to reflect a change of business or ownership names even though on-premise signs are being changed or added. However, this sign shall be subject to the following before any new permits are issued:
 - a. The sign shall continue to only identify the business or services offered, and shall include direction to the property for which the sign was originally permitted by the special sign permit.
 - b. The area of the sign shall not exceed ninety-six square feet. If the sign is larger, it shall be reduced to not exceed this area. If the sign is smaller, it shall not exceed its present size. If a sign is reduced in area, under no circumstances shall it be enlarged even if previous approvals granted a larger size.
 - c. The sign shall not be moved or reoriented, except under direction of the building director, to improve traffic visibility or safety, to relocate it outside the public right-of-way, or to increase separation from other legal freestanding signs.

G. Each such sign determined by the building director to be of historical significance, in accordance with criteria established by the city's historical preservation commission, shall be exempt from the removal and conformance requirements of this chapter.

H. Nothing in this chapter shall be construed as authority for the city to remove without just compensation those signs which, under the California Outdoor Advertising Act, are subject to removal with compensation to the owner. (Ord. 3942 § 1, 1999; Ord. 3586 § 2, 1994)

17.60.110 Violation and abandonment.

A. Any sign that has been abandoned or installed illegally is hereby declared to be a danger to the health, safety and welfare of the citizens of Bakersfield. Any sign which is partially or wholly obstructed by the growth of dry vegetation or weeds, or by the presence of debris or litter, also presents a danger to the health, safety and welfare of the citizens of Bakersfield.

B. It shall be the duty of the owner and occupant to make immediate repair to any sign deemed by the building director to be imminently dangerous or perilous to the public safety. A sign maintained in violation of this section constitutes a public nuisance. Nothing in this section shall be construed so as to nullify the requirements and remedies as to maintenance established by the Uniform Sign Code or this chapter. Upon a written notice from the

building director of a sign deemed unsafe and dangerous to public safety, necessary repairs shall be made immediately. Otherwise, upon a written notice from the building director, the necessary maintenance, alterations or repairs as required by this chapter pursuant to Section [17.60.060](#) A,9 shall be made within ten days after the date of such notice. In the event the owner, or person in lawful possession fails to maintain, alter or repair in accordance with such notices, in addition to any other penalty or remedy provided for in this chapter, such sign may be abated by the building director in accordance with the provisions of this chapter.

C. Any signs which are not removed within the required period specified within this chapter, shall constitute a public nuisance and shall be subject to summary abatement at the expense of the owner and the person in lawful possession of such sign, pursuant to the provisions of Sections 38773-38773.7 of the [Government Code](#); the expenses of abatement of such nuisances are a lien against the property on which they are maintained and a personal obligation against the property owner. Said property owner or person in lawful possession shall first be served with a ten day notice to abate the nuisance by removing the sign and shall be given the opportunity to explain to the building director why such sign has not been removed. If, after such opportunity to explain, the building director orders the removal of the sign, the agents of the city shall have authority to enter upon the private property to remove the sign constituting the nuisance. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this chapter or otherwise provided by law.

D. In the event any person erects, installs, alters, relocates or maintains any sign after the effective date of the ordinance codified in this chapter, which sign is in violation of any provision of this chapter, and the same is not removed after notice as specified in subsection [C](#) of this section, the same is a public nuisance and shall be subject to abatement at the expense of the person creating, causing, committing or maintaining it, pursuant to the provisions of Sections 38773-38773.7 of the [Government Code](#).

E. The building director may, in writing, suspend or revoke a permit issued under the provisions of this chapter, whenever the permit is issued in error on the basis of incorrect information supplied by the applicant which results in there being a violation of any ordinance, regulations, or any provisions of this chapter.

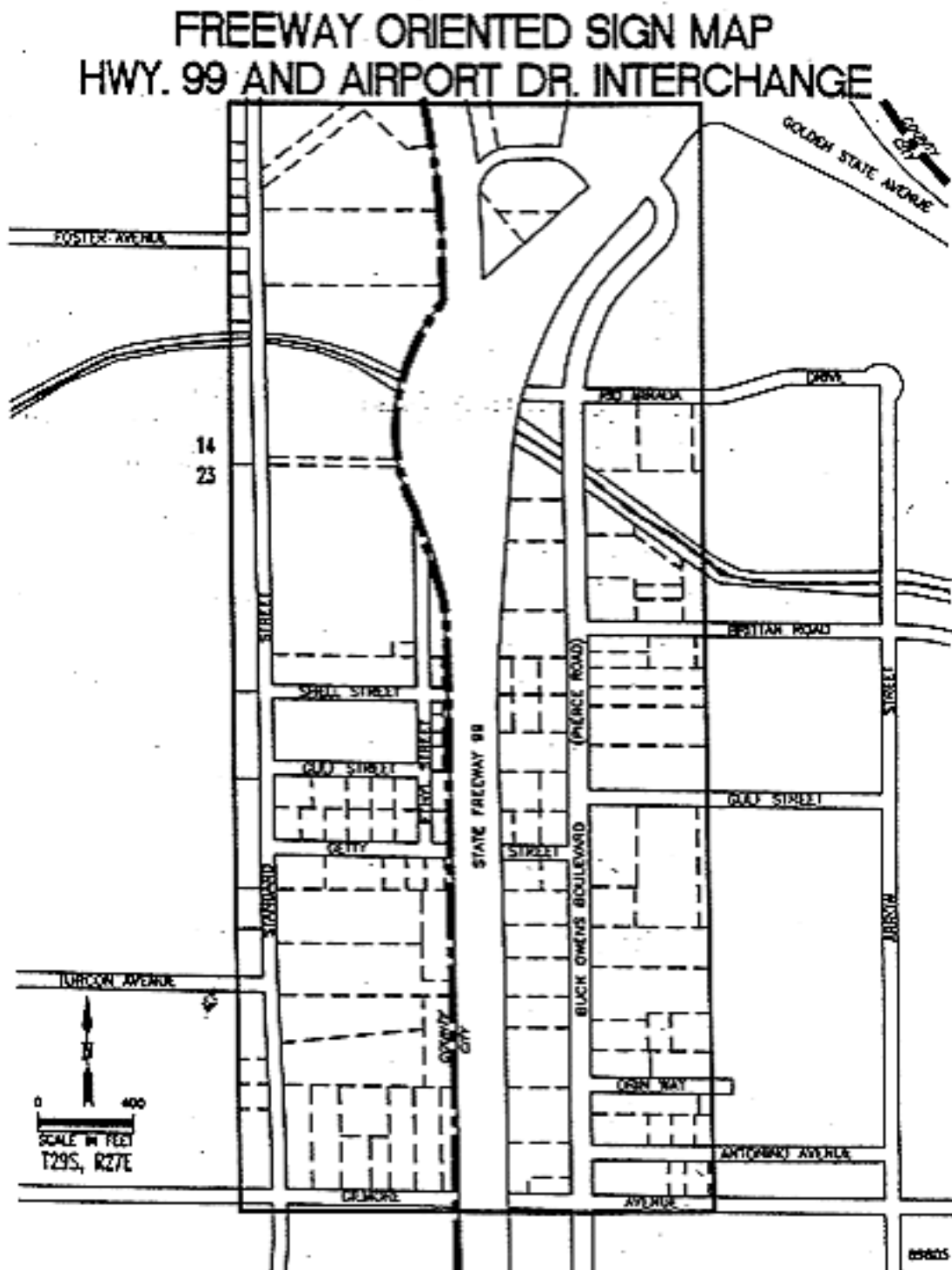
F. With exception to those signs deemed nonconforming and subject to Section [17.60.100](#), the owner or person in lawful possession of any sign which is not operational or not used for a period of ninety days, or which was used to advertise or identify that which has been moved or discontinued for a period of ninety days, shall cover or remove all display copy from such sign immediately upon the expiration of such period. If said display copy is removed, any bulbs or other mechanical equipment that becomes exposed shall be covered or removed. If said display copy is not covered or removed within thirty days after notice by the building director, the city may cause said display copy to be removed or covered and the cost shall become a lien against the property on which the sign is located. Extensions for thirty day periods may be granted by the building director. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this chapter or otherwise provided by law.

G. All signs, except nonconforming signs pursuant to Section [17.60.100](#), which do not conform with the provisions of this chapter, are public nuisances and shall be removed at the owner's sole expense within sixty days after the effective date of this chapter. If said sign is not removed within said period, the city may cause said sign to be removed and the cost shall become a lien on the property on which the sign is located. Extensions for thirty

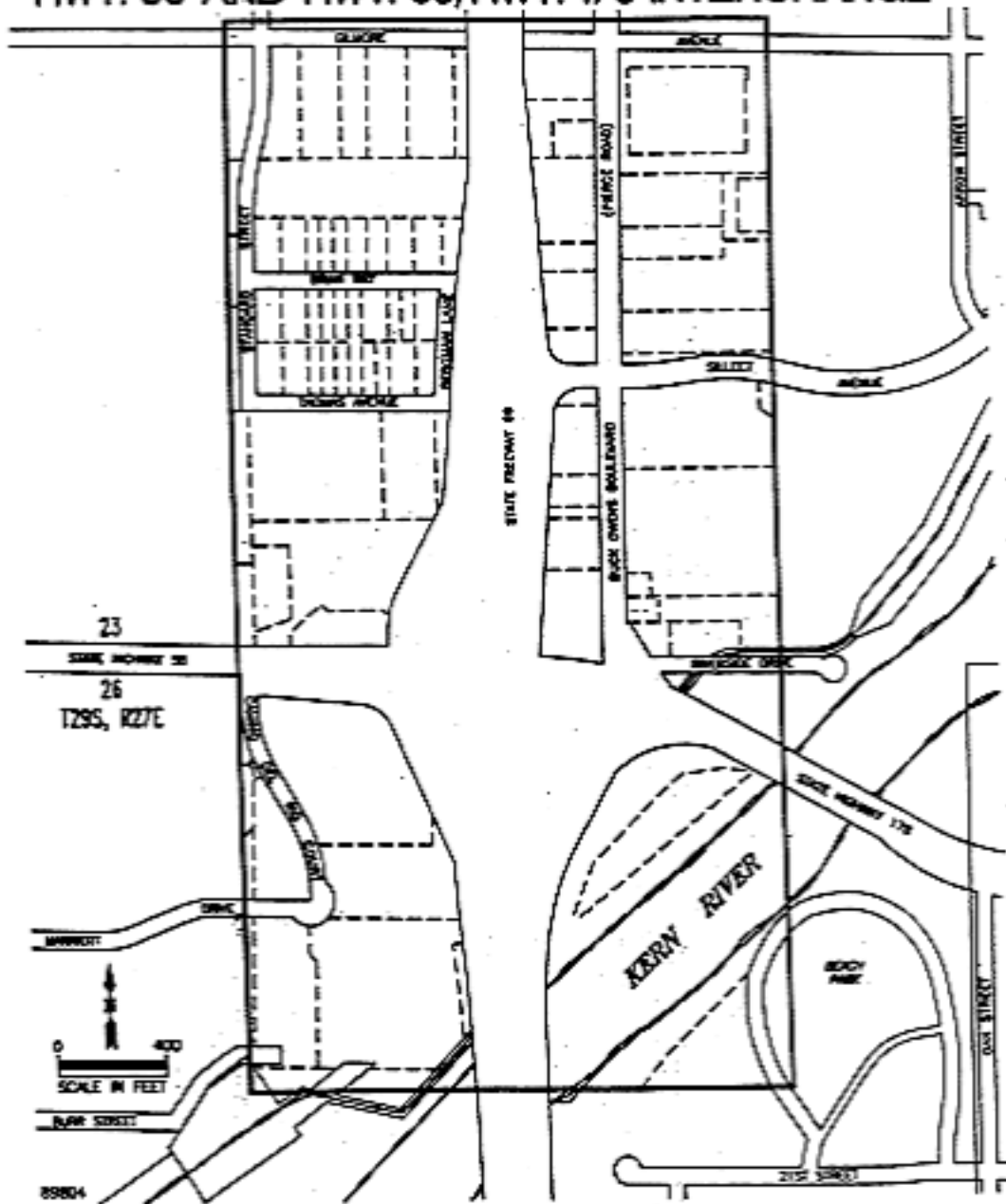
day periods may be granted by the building director. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this code or otherwise provided by law. (Ord. 3586 § 2, 1994)

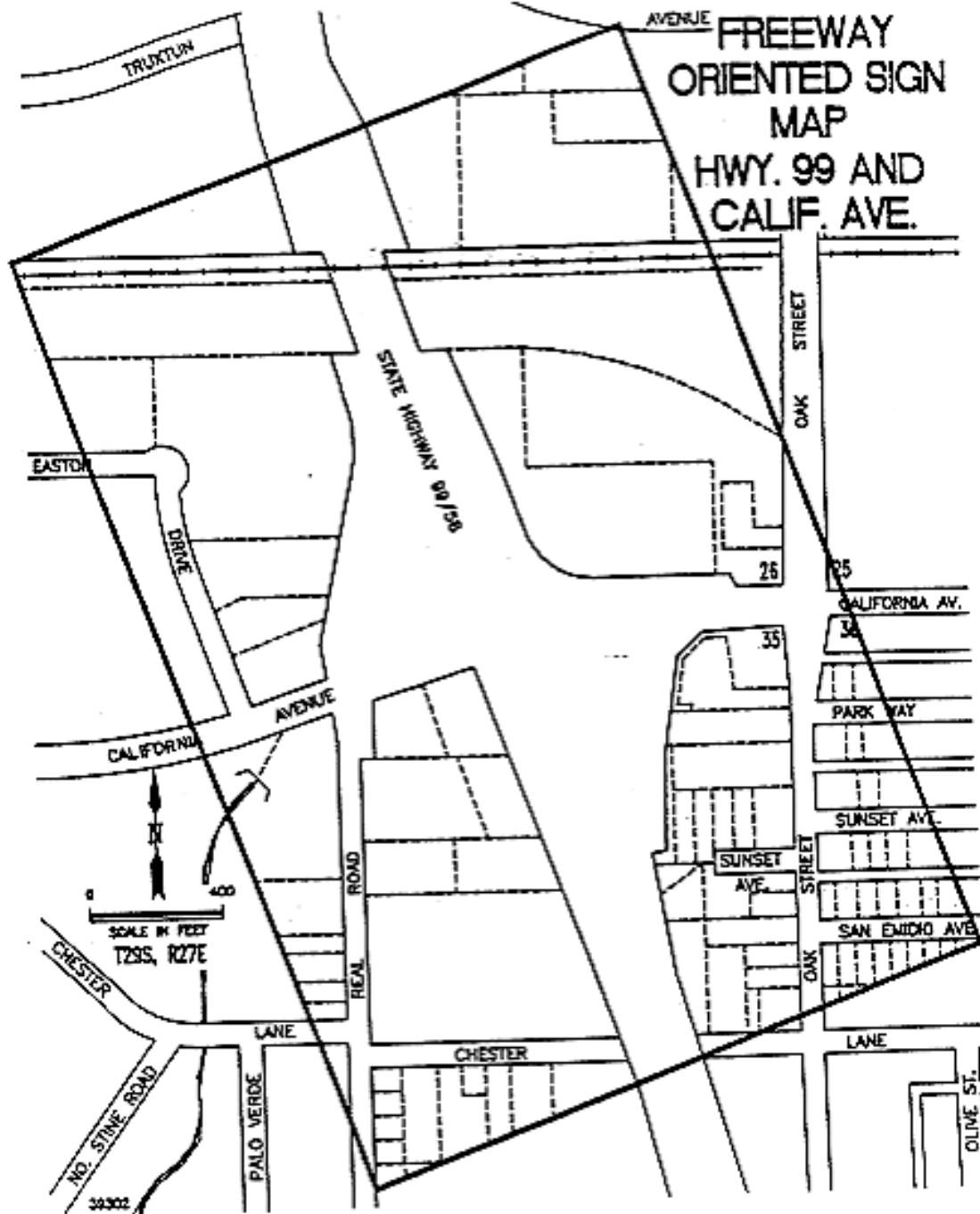
17.60.120 Interpretation and enforcement.

- A. It shall be the duty of the building director to enforce the provisions of this chapter.
- B. Any decision or interpretation of this chapter shall be final and conclusive by the planning director or official designee.
- C. Any sign erected or maintained, or any use of signs contrary to the provisions of this chapter shall be, and the same is, unlawful and a public nuisance, and the building director in conjunction with the city attorney may immediately commence actions for the withholding and/or revocation of permits, abatement, and removal in the manner provided by law. Violators will be liable for all enforcement costs by the city.
- D. This chapter may also be enforced by injunction issued out of Superior Court upon suit of the city, or the owner or occupant of any real property affected by such action.
- E. Permits issued in conflict with the provisions of this chapter shall be null and void.
- F. Any city official or employee for the purpose of permit review, complaint, or enforcement of this chapter, shall have the right to enter upon the premises for inspection. (Ord. 3586 § 2, 1994)

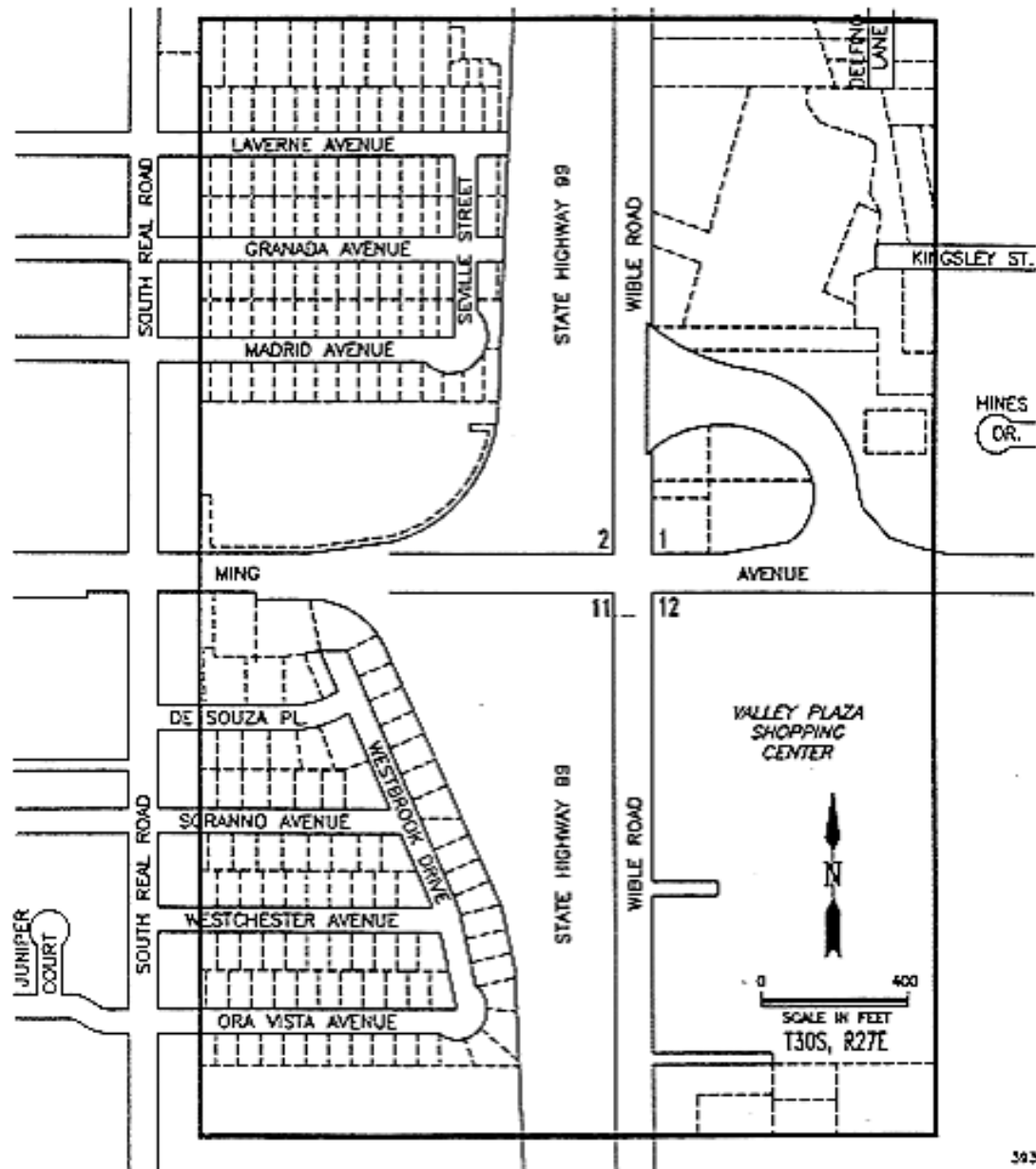


FREEWAY ORIENTED SIGN MAP
HWY. 99 AND HWY. 58/HWY. 178 INTERCHANGE

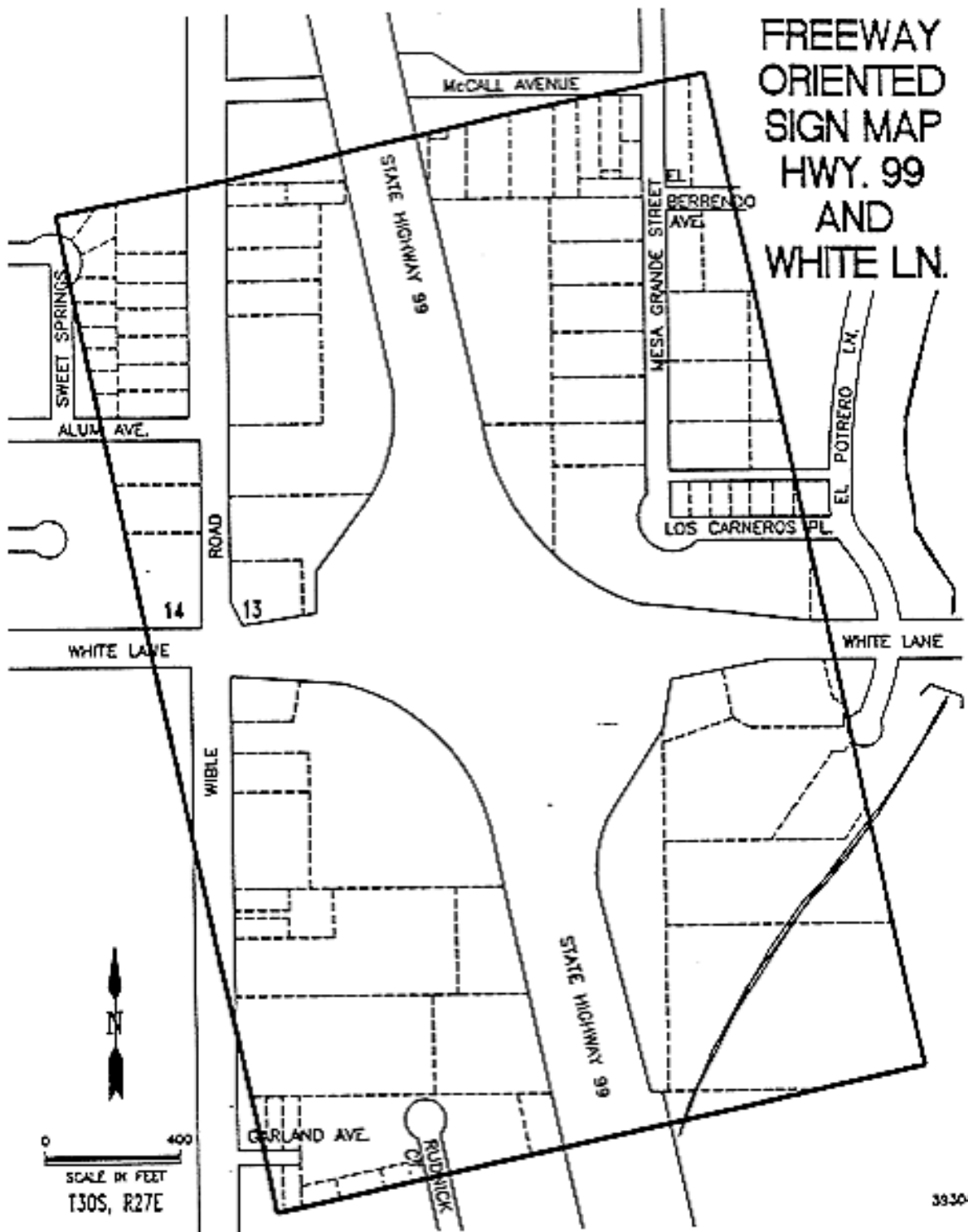


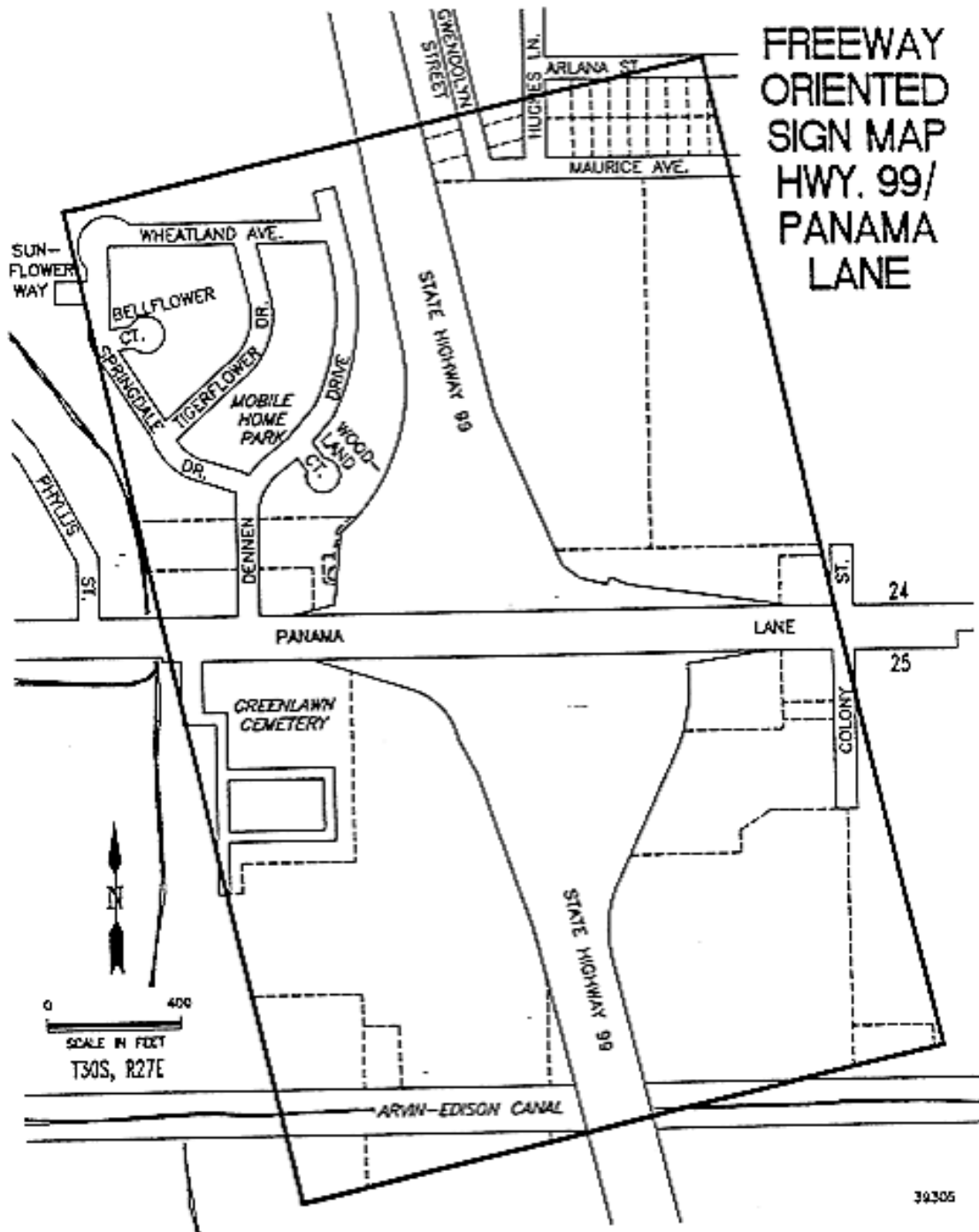


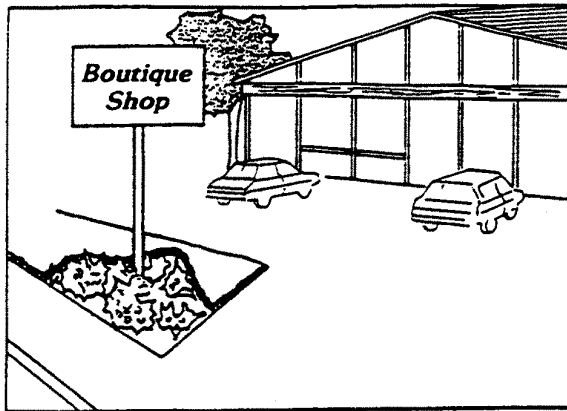
FREEWAY ORIENTED SIGN MAP HWY. 99 AND MING AVE. INTERCHANGE



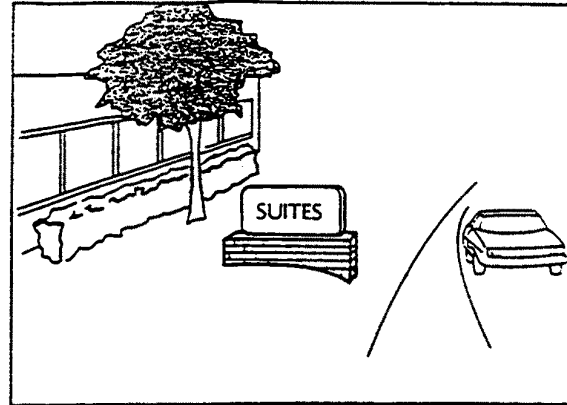
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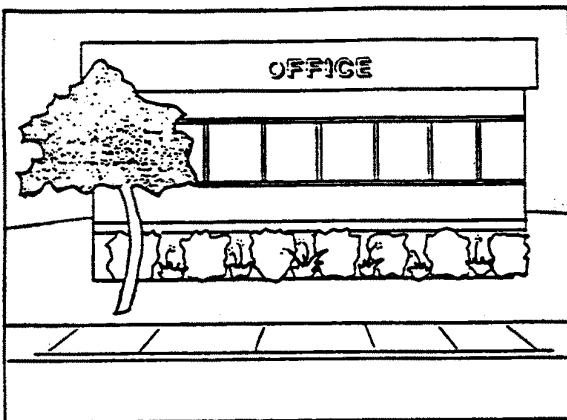




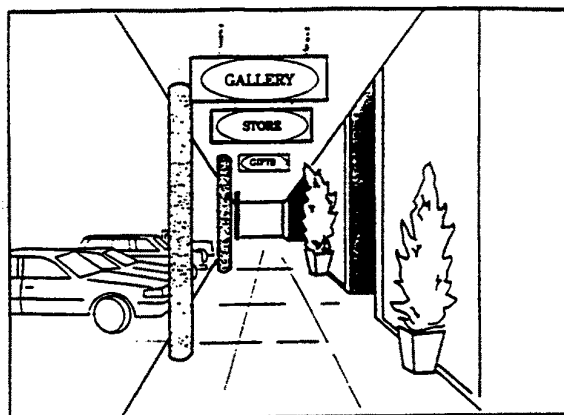
PYLON SIGN



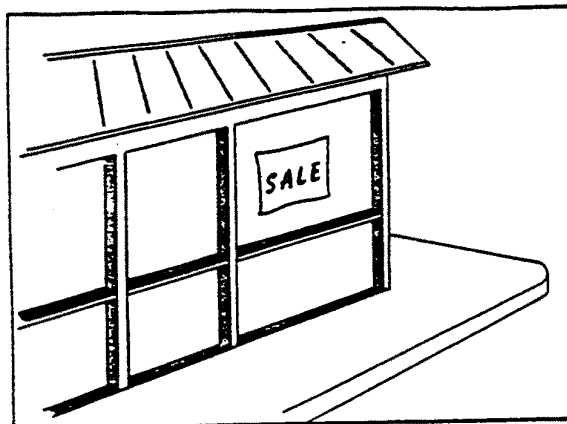
MONUMENT SIGN



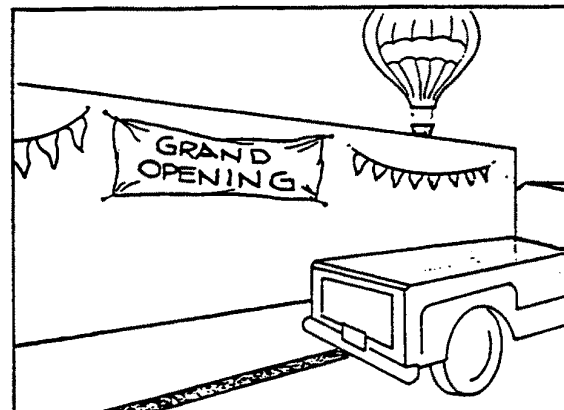
WALL SIGN



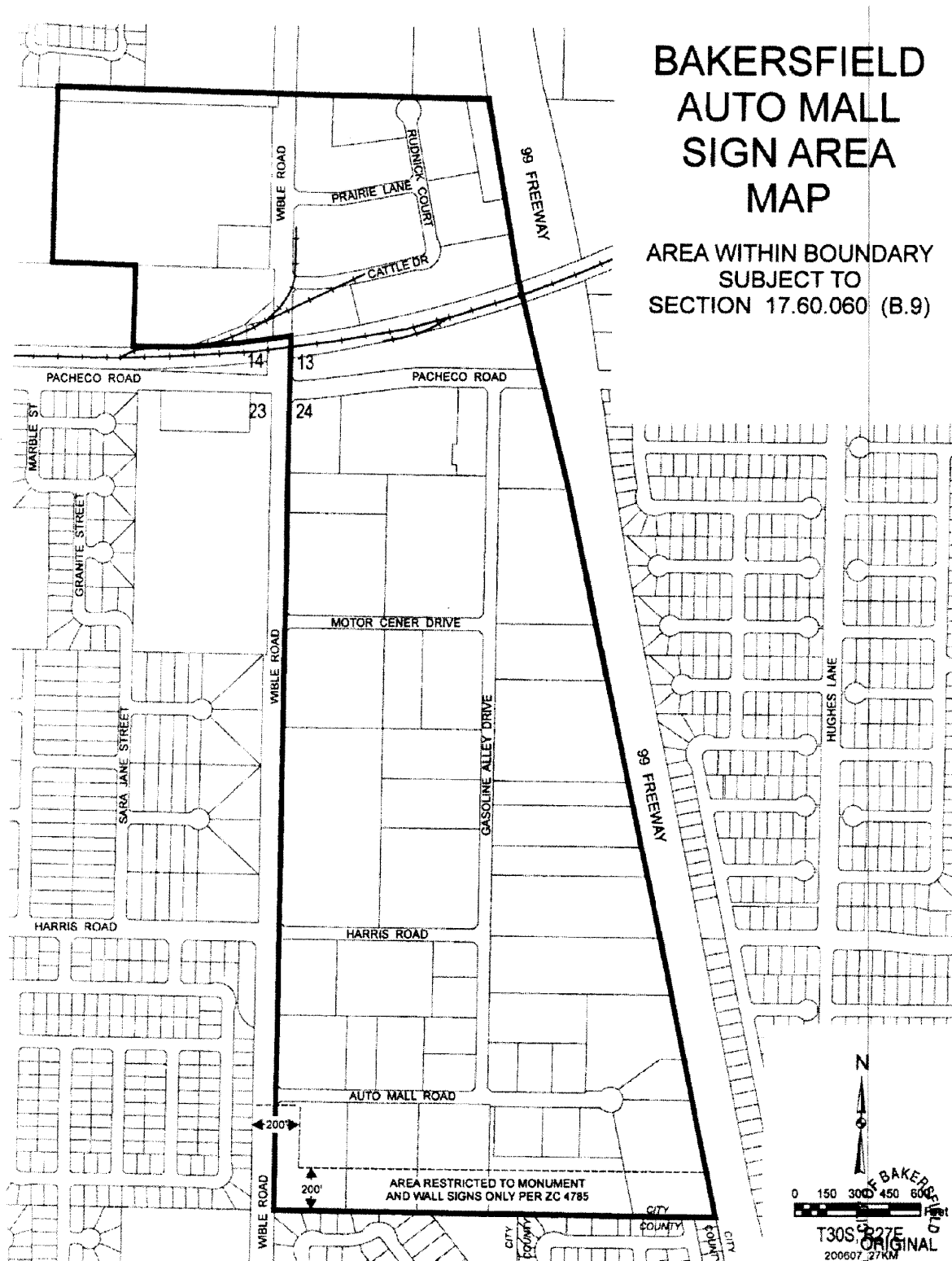
SHINGLE SIGN



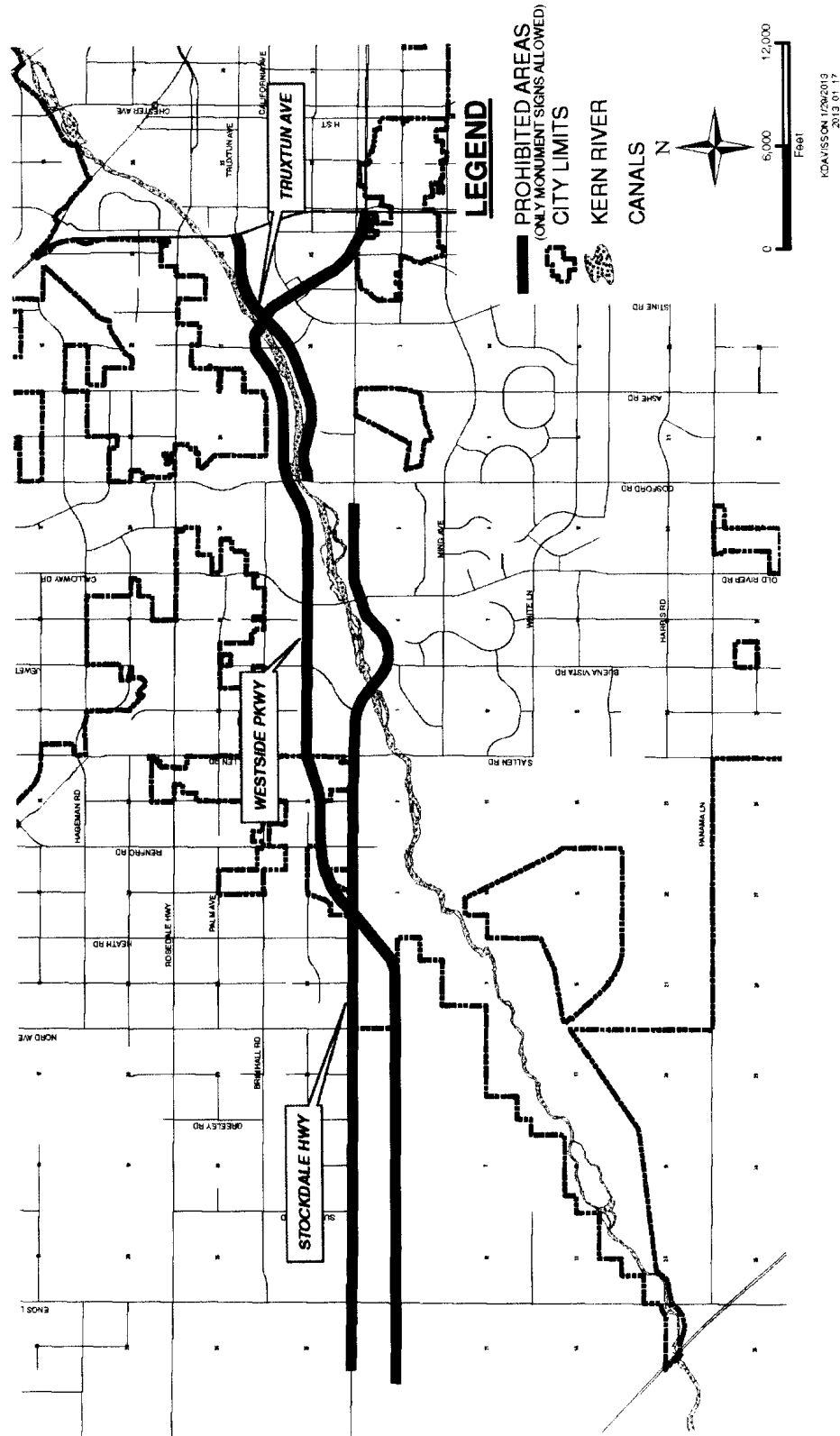
PROMOTIONAL WINDOW SIGN



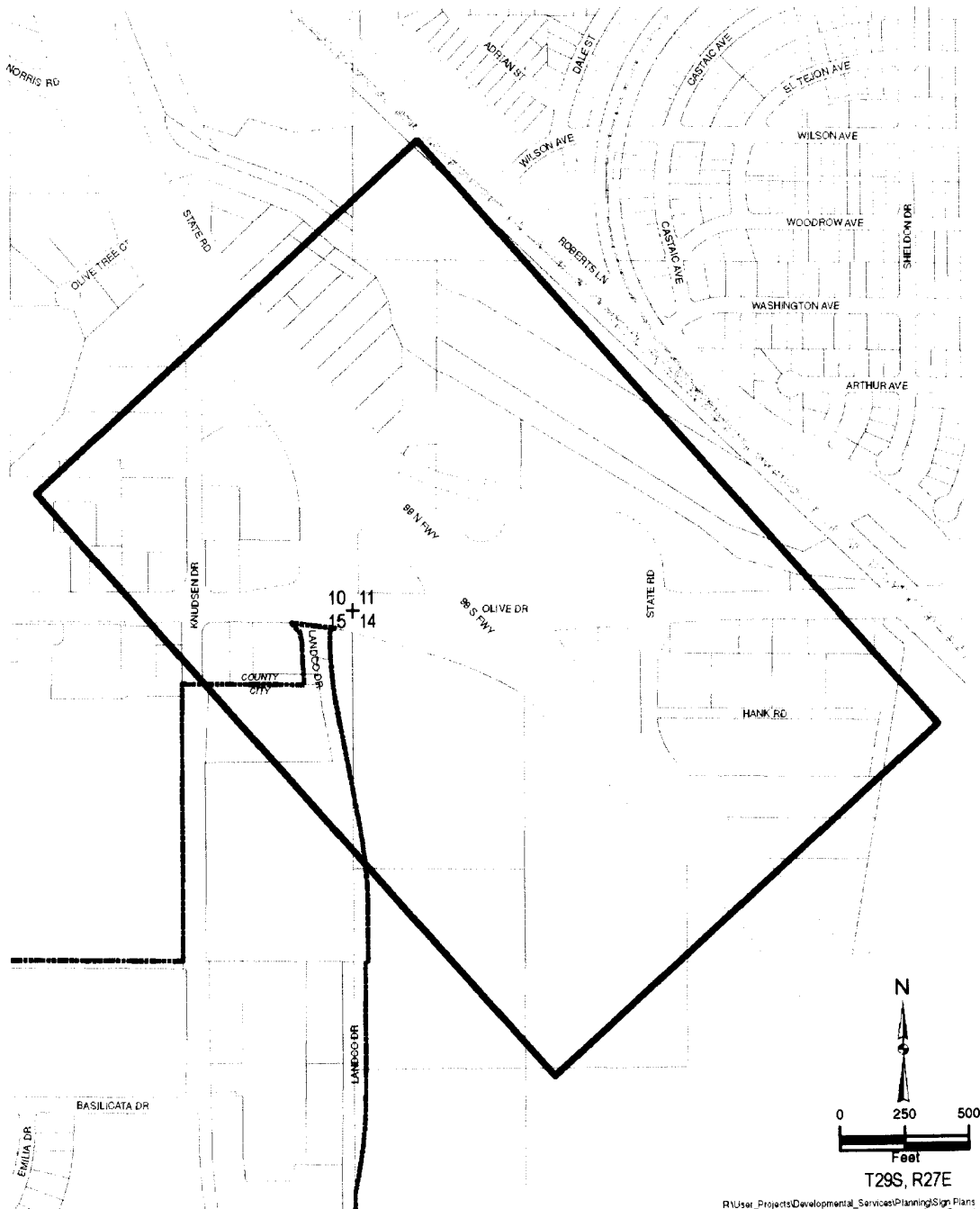
SPECIAL EVENT SIGN



**METROPOLITAN BAKERSFIELD - WEST OF HWY 99
STREET CORRIDORS WHERE
FREESTANDING PYLON SIGNS ARE PROHIBITED**

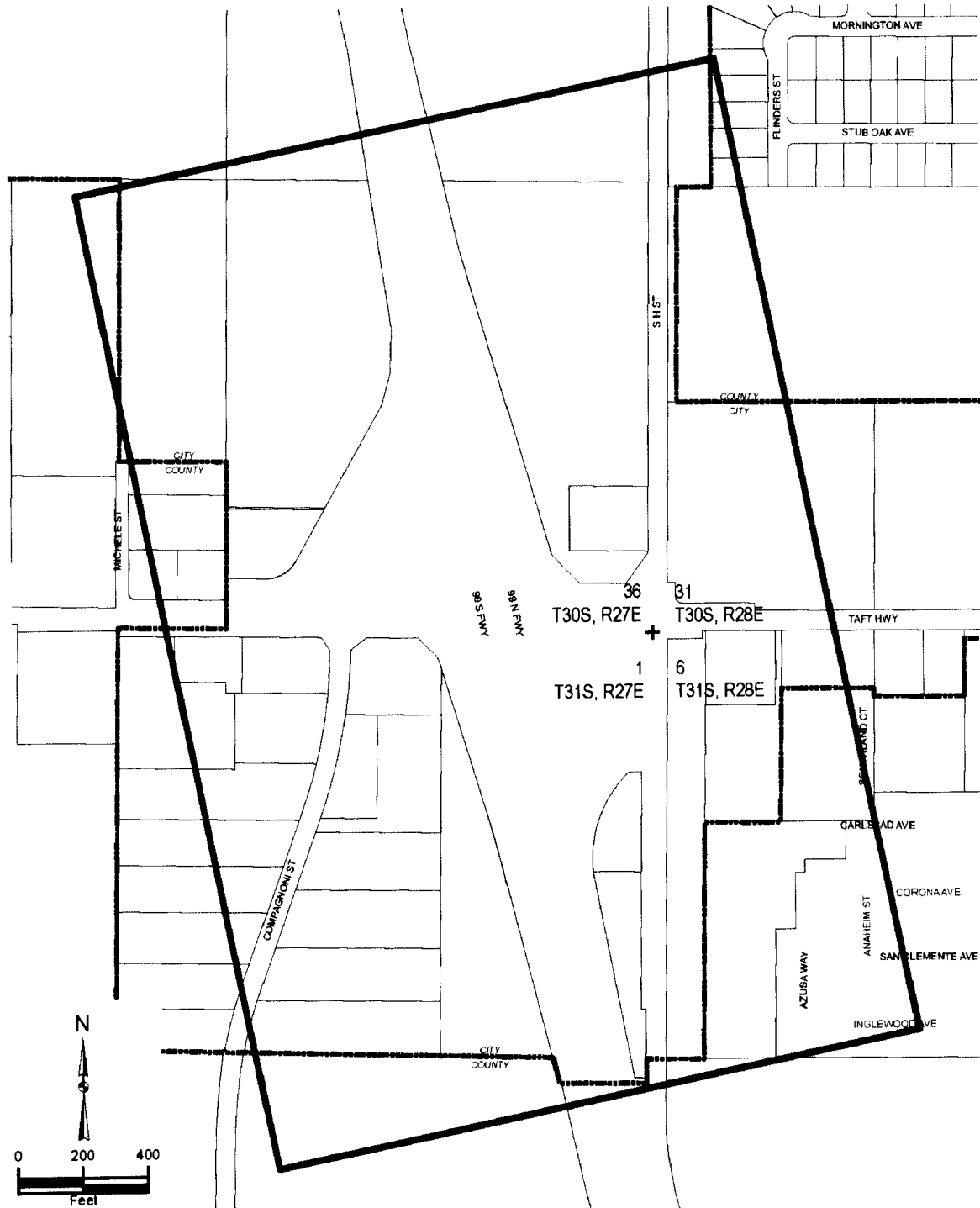


FREEWAY ORIENTED SIGN MAP HWY 99 AND OLIVE DR. INTERCHANGE



T29S, R27E
R:\User_Projects\Developmental_Services\Planning\Sign Plans
Freeway Oriented Signs\Hwy_99_Olive_Dr.mxd

FREEWAY ORIENTED SIGN MAP HWY 99 AND TAFT HWY INTERCHANGE



R:\User_Projects\Developmental_Services\Planning\Sign Plans
V\Freeway Oriented Signs\Hy_99_Taft_Hy.mxd

The Bakersfield Municipal Code is current through Ordinance 5005, passed May 6, 2020.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.bakersfieldcity.us](http://www.bakersfieldcity.us)

City Telephone: (661) 326-3000

[Code Publishing Company](#)

Attachment F
(Comments Received)

From: [Daniel Deleon](#)
To: [Kassandra Gale](#)
Cc: [Chris Bellue](#); [Steven Teglia](#); [Richard Iger](#); [DEVPin](#)
Subject: Love's Travel Shop - NE Corner of Taft Hwy and South "H" Street
Date: Wednesday, July 8, 2020 8:15:48 AM

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

Kassandra,

Kern Delta Water District has reached out to Lane Engineer's to obtain more information regarding the proposed hi-rise sign for the Love's Travel Shop on the northeast corner of South "H" St and Taft Highway. The District is concerned how the sign at location 1, page three per the notice, may impact the District's canal right-of-way.



Daniel L. De León | Staff Engineer
Secretary ASCE Southern San Joaquin Branch
Office: 661-834-4656
Cell: 661-549-6975
Fax: 661-836-1705
E-mail: Daniel@kerndelta.org



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: July 16, 2020

ITEM NUMBER: Public Hearing6.(b.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Steve Esselman, Principal Planner

DATE:

WARD: Ward(s) 1, 2, 3, 4, 5, 6, 7

SUBJECT:
General Plan Update Strategy and Options Report.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Adopt Resolution approving a comprehensive update to the Bakersfield General Plan as outlined in the General Plan Update Strategy and Options Report, and recommend same to the City Council.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> General Plan Strategy and Options Report	Resolution
<input type="checkbox"/> White Paper	Backup Material
<input type="checkbox"/> RFP	Backup Material



BAKERSFIELD

THE SOUND OF *Something Better*

CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair Koman and Members of the Planning Commission AGENDA ITEM: 6.b

FROM: Paul Johnson, Planning Director APPROVED: PJ

DATE: July 16, 2020

SUBJECT: **BAKERSFIELD GENERAL PLAN UPDATE STRATEGY AND OPTIONS REPORT (ALL WARDS)**

RECOMMENDATION:

Adopt Resolution **APPROVING** a comprehensive update to the Bakersfield General Plan as outlined in the General Plan Update Strategy and Options Report, and recommend same to the City Council.

BACKGROUND:

In 2002, and in accordance with California Government Code Section 65300, the City of Bakersfield and the County of Kern jointly adopted the *Metropolitan Bakersfield General Plan* (MBGP) and certified the associated programmatic Environmental Impact Report (EIR) to plan for the long-term future development of the Metropolitan Bakersfield area. The MBGP included an update to the text of the previous 1990 General Plan and made minor revisions to the land-use map designations that had originally been prepared in the late 1980's. Staff prepared text changes "in-house" and a consultant assisted in preparation of the EIR.

The MBGP contains seven elements as required by State law: (1) Land Use; (2) Circulation; (3) Housing; (4) Conservation; (5) Open Space; (6) Noise; and (7) Safety. Two additional elements reflect the specific needs and objectives of the area: (1) Public Services and Facilities; and (2) Parks. The MBGP also includes a reservation for the "Kern River Plan Element," which was jointly adopted by the City and County in 1985. The MBGP can be found on the City's website (www.bakersfieldcity.us/ds).

EXISTING GENERAL PLAN:

In the 18 years since adoption of the MBGP, various updates have occurred to maintain compliance with State law (see Table 1). However, there have been two considerable changes to the local landscape:

1. The County of Kern has moved forward with its own general plan update, and will no longer maintain a "joint" plan with the City of Bakersfield. Though the County and City will now have independent plans, the physical and political geography of the area remain highly integrated. This will necessitate continued coordination in the future, which must be articulated in the current update process.
-

-
2. Changes continue in State law, local ordinances, growth patterns, and the needs of the community.

These factors warrant preparation of an updated *Bakersfield General Plan* (BGP) to direct growth for the next 20 to 30 years as well as an accompanying environmental analysis that identifies the specific impacts of the new growth and appropriate methods to address and mitigate those impacts.

Table 1. Recent Updates to the MBGP

Element	Update	Description
Land Use	Quarterly	Property Owner Requests; per SB 244, SB 1241, AB 162, GC 65302, etc.
Circulation	2018	Clean-up to reflect constructed Freeways and Infrastructure
Housing	2015	2015-2023 Housing Element approved per State Law
Conservation	2015	As required by SB 244, SB 1241, AB 162, GC 65302, etc.
Open Space	2002	Past updates
Safety	2015	As required by SB 244, SB 1241, AB 162, GC 65302, etc.
Noise	2006	Past updates

UPDATING THE EXISTING GENERAL PLAN:

There are many methods and ways that a General Plan can be updated, and each has varying degrees of complexity and costs. Attached to this report is a Whitepaper analysis that lays out additional details and history of the existing MBGP and the process toward updating.

It is important to engage the City Council and our local community on the best steps to approach the update. Therefore, on October 16, 2019, the Planning Division released a Request for Proposals (RFP) for the preparation of a comprehensive analysis and recommendations for options in pursuing an updated BGP (see attached). The RFP closed on November 15, 2019 and the City Council approved a contract with Rincon Consultants, Inc. (Rincon) for \$49,764.00 at its January 22, 2020 meeting.

The purpose of the preparation of the *General Plan Update Strategy and Options Report* (Report) is to review the 2002 MBGP, focusing on its content, clarity, and intended purpose; assess the completeness and ease of use associated with an updated BGP; and, where appropriate, recommend additional provisions or other improvements. The goal of Rincon's analysis is to gain a clear understanding of the issues and expectations and create a reasonable range of options for a General Plan update process. The Report identifies three distinct options the City can take to ensure that the updated BGP will effectively and efficiently provide a roadmap to guide future development while achieving the City's vision and goals.

The Report presents findings, which focus upon three scaled options for the BGP update:

1. Focused Update. Update all legally required elements but no parcel-specific land use designation updates;
2. Policy Update. Includes Focused Update option plus specific, locally important policy driven updates within some or all the existing *Metropolitan Bakersfield General Plan* elements and limited parcel-specific existing land use designation updates; and
3. Comprehensive Update. Overhauls all sections and technical information, incorporates all new State planning laws and guidance regarding General Plan updates, executes a large-scale public engagement program, and updates all parcel-specific land use designations.

The Report analyzes each of the approaches and includes the consultant's findings and recommendations as to the most suitable approach.

PLANNING AND DEVELOPMENT COMMITTEE:

At the June 30, 2020 Planning and Development Committee meeting, City staff and Rincon provided a presentation on the *General Plan Update Strategy and Options Report*. Following comments by the Committee members, they unanimously directed staff to bring forward the recommendation for a comprehensive update to the General Plan.

PUBLIC NOTIFICATION:

Notice of public hearing before the Planning Commission of the City of Bakersfield for the project was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Development Services/Planning Division. As of this writing, no written comments have been received.

NEXT STEPS:

On August 12, 2020 the City Council is tentatively scheduled to be presented with the *General Plan Strategy and Options Report*, any public comments received, and recommendations of the Planning & Development Committee and Planning Commission. The full City Council will then have the option of providing direction to Staff on a specific option to move forward with, or engage in further discussion.

After receiving the City Council's direction, Staff will begin preparations of a RFP for a full proposal to update the City's General Plan, in compliance with the option selected by the City Council.

CONCLUSION:

Based on Council direction, staff is recommending your Commission approve a comprehensive update to the General Plan as outlined in the *General Plan Update Strategy and Options Report*, and recommend same to the City Council.

ATTACHMENTS:

- A. Resolution with *General Plan Strategy and Options Report*
- B. Whitepaper
- C. Request for Proposal

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL APPROVE THE DEVELOPMENT
OF THE "COMPREHENSIVE UPDATE" OPTION FOR THE BAKERSFIELD
GENERAL PLAN UPDATE.**

WHEREAS, the City has experienced unprecedented growth since the *Metropolitan Bakersfield General Plan* (MBGP) was first adopted in 2002; and

WHEREAS, the City recognizes the need to update the MBGP to better align with the community's future land use planning; and

WHEREAS, the City of Bakersfield commissioned a report (see Exhibit A) from Rincon Consultants, Inc. to examine the current MBGP and develop at least three (3) options for updating the General Plan; and

WHEREAS, the report developed three options for the Bakersfield General Plan Update, namely the (1) Focused Update, (2) Policy Update, and (3) Comprehensive Update options; and

WHEREAS, the Focused Update option includes updating all legally required elements of the MBGP, but no specific land use designation updates; and

WHEREAS, the Policy Update option includes the Focused Update option with locally important, policy-driven updates in some or all of the existing MBGP elements and limited, parcel-specific, existing land use designation updates; and

WHEREAS, the Comprehensive Update option overhauls all the elements and technical information in the MBGP, incorporates all new State planning laws and guidance regarding general plan updates, executes a large-scale public engagement program, and updates all parcel-specific land use designations; and

WHEREAS, the Clerk of the City Council set Wednesday, July 16, 2020 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the scope of the Bakersfield General Plan Update; and

WHEREAS, during the hearing, the Planning Commission considered all facts, testimony, and evidence concerning the staff report and public input.

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

1. The above recitals, incorporated herein, are true and correct.
2. The Comprehensive Update option is hereby recommended for approval by the City Council.

-----oOo-----

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 16th day of July 2020, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits:
General Plan Strategy and Options Report



General Plan Update Strategy and Options Report

prepared for

City of Bakersfield

Planning Division, Development Service Department
1715 Chester Avenue, 2nd Floor
Bakersfield, California 93301
Contact: Steven Esselman, Principal Planner

prepared by

Rincon Consultants, Inc.

7080 North Whitney Avenue, Suite 101
Fresno, California 93720

June 2020



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

rinconconsultants.com

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Executive Summary

To better position the City of Bakersfield (City) for the future, the City commissioned a study to examine the Metropolitan Bakersfield General Plan (General Plan), which was adopted in 2002, and subsequently updated in 2006, 2007, 2009, 2010, 2012, and 2016, and to recommend at least three options for updating the General Plan based on the analysis and findings. When originally adopted, the General Plan was based on the latest data and trend analysis and accepted best practices in comprehensive planning. However, it is recognized that to adjust to changing community dynamics, to keep policies and programs fresh and relevant, and to comply with state law, general plans are reviewed and revised periodically.

The City has experienced unprecedented growth since the plan's last adoption and recognizes the need to update the General Plan to better align with the community's future land use planning vision, goals, and implementation strategies. Rincon Consultants, Inc. (Rincon), an environmental and planning consulting firm with land use planning expertise, was retained by the City and charged with the following tasks:

- Review the City's General Plan, focusing on its content, clarity, and intended purpose
- Assess the completeness and ease of use associated with the City's General Plan, and where appropriate, recommend additional provisions or other improvements
- Submit a Summary Report of the consultant's findings and recommendations

The goal of Rincon's analysis was to gain a clear understanding of the issues and expectations and create a reasonable range of options for a general plan update process. The report identifies actions the City can take that will best position the General Plan to effectively and efficiently provide a roadmap to guide future development while achieving the City's vision and goals. Specific actions are also recommended to enhance the consistency, clarity, contemporary nature, and completeness of the document, which will make it better understood and more useful to public officials, citizens and other stakeholders as the long-term vision Bakersfield is executed.

To begin our work, Rincon examined the content, clarity, and intended purpose of the Metropolitan Bakersfield General Plan and have determined what works, what does not work, where change is needed, identified deficiencies related to updated regulations, its legal adequacy, and strategized how best to separate the City components from the County components in the General Plan. Rincon assessed current trends in and outside Bakersfield and engaged with a number of staff members and to determine the current day-to-day utility of the General Plan and ease of implementation during the processing of development projects in the City. Our review excluded the Housing Element, since the current element was prepared separately from the General Plan, and has its own set of policies, procedures, and timing restrictions.

This report provides a blueprint for moving forward and presents our findings and focuses on three options:

- A **Focused Update** that includes the updating of all legally required elements but no parcel-specific land use designation updates
- A **Policy Update** that includes the Focused Update option plus specific, locally important, policy-driven updates in some or all the existing General Plan elements and limited, parcel-specific, existing land use designation updates

- A **Comprehensive Update** that overhauls all sections and technical information, incorporates all new State planning laws and guidance regarding general plan updates, executes a large-scale public engagement program, and updates all parcel-specific land use designations.

The report is organized around the analysis of these three general plan update options and is intended to be used by City of Bakersfield as a guide when selecting their preferred approach to updating the General Plan.

Recommendation of this Report

Recommendation is for a comprehensive update to the City's General Plan.

This report examined the three options for updating Bakersfield's General Plan, as listed above. Table 1 provides an overview of the identified issues that should be addressed by an update to the General Plan and which options satisfy each issue.

Based on that analysis the report recommends that the City of Bakersfield undertake a comprehensive update to the Metropolitan Bakersfield General Plan. A comprehensive update to the General Plan can provide opportunities to engage the community, confirm the long-term vision for Bakersfield, better control land use decisions in the City's Sphere of Influence (SOI), and fully update, evaluate, and modernize all parts of the document. A comprehensive update would be the most legally defensible document with its corresponding EIR.

1 General Plan Update Options

The General Plan is the primary comprehensive roadmap for guiding future development in counties and cities throughout California. California Government Code Section 65300 et seq. requires each county and city to adopt a general plan for its future development, as follows:

Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgement bears relation to its planning.

There are no requirements for how often a general plan must be updated or how updates should be structured. Jurisdictions are left to determine when the long-range planning document has become stale and how to best address changing conditions that call for an update to a general plan. A more detailed description of the State's requirements for general plans is contained in Section 2 and a full list of legislation that affects the general plan is contained in Appendix A.

The City is currently reviewing whether and how to best update the General Plan. Since its adoption of the General Plan, Bakersfield has changed in several ways. It has continued to grow; both in population and geographic scope. The demographics of Bakersfield's citizens have changed in terms of race and ethnic make-up as well. Bakersfield is currently 151.20 square miles, having increased by 37.03 square miles since the year 2000 (City of Bakersfield 2019, 2015). Any General Plan update option must incorporate the effects of important citywide trends related to population, transportation and transit, the economy, and housing to be considered adequate.

Based on our analysis and staff input, it has been determined that the following issues should be addressed by an update to the General Plan:

- **The General Plan lacks a unified vision and guiding principles.** The General Plan contains no vision statement or guiding principles. As such, goals, policies, and programs have no direction.
- **The General Plan does not address current conditions.** Changing demographic and economic conditions that have resulted from the community's growth are not adequately addressed. Plans for the future are based on outdated information, and current regional plans are not reflected in it.
- **The General Plan is a joint planning document with Kern County.** This joint document allows Kern County to approve development within the Metro-Bakersfield boundaries without requiring input from the City or following City development standards. Kern County has already started the process of updating their County-wide General Plan which will repeal this joint planning document.
- **The General Plan lacks modern elements.** Sustainability, arts and culture, and agriculture are examples of optional elements that could enhance the Bakersfield General Plan.
- **The General Plan does not consider recent laws affecting general plans.** The General Plan does not address environmental justice, climate resiliency strategies, or complete streets. Not including these items can negatively affect the City's opportunity for State grant funding and some streamlining opportunities for future land use and development projects.

- **The General Plan does not address contemporary planning issues.** The Plan does not address such issues as healthy communities/public health, economic development, greenhouse gas (GHG) emissions reduction, alternative forms of energy, and sustainability.
- **Goals and policies contained in the General Plan no longer fit Bakersfield.** Some goals and policies have not been realized; so it makes more sense to develop new goals and policies for Bakersfield rather than to change outdated aspirations that may no longer reflect the City's desired plan.
- **The General Plan is not user friendly.** The General Plan contains graphics that are extremely hard to read. There is little use of eye-catching color and/or photos. The document is not searchable or organized with digital bookmarks and other newer electronic document technologies.
- **Technical data and appendices are out of date.** Data and planning horizons are out of date making it impossible for current conditions to be measured against thresholds. Outdated utility capacities could result in the approval of projects without adequate facilities.
- **There is no link between policies and implementation programs.** The General Plan refers to local and regional plans that have since been updated; many have been updated more than once.
- **The General Plan Environmental Impact Report (EIR) does not provide for development streamlining.** California Environmental Quality Act (CEQA) documentation and analysis has changed significantly since 2002. It is difficult for current development projects to tier new CEQA analyses off the approved EIR. Furthermore, the outdated EIR is not as legally defensible as a new CEQA document (either supplemental EIR or a new EIR) that would be prepared as part of one of the update options.

At this time there are three options, or approaches, being considered for the update: 1) Focused Update, 2) Policy Update, and 3) Comprehensive Update. While each option allows for some of the above issues to be addressed, only the Comprehensive Update option will address all issues. Table 1 below provides a more detailed breakdown on how each option will satisfy the issues that should be addressed by a general plan update.

Table 1 Analysis of Issues to Address with an Update and Options

Issue	Solution	General Plan Update Options		
		Focused Update	Policy Update	Comprehensive Update
The General Plan lacks a unified vision and guiding principles.	Undertake visioning efforts. Develop a unified vision and guiding principles that resonate throughout the General Plan update.			X
The General Plan does not address current conditions.	Update all technical analyses for information on current conditions. Update all figures, tables, and graphics so they reflect current conditions.		X	X
The General Plan is a joint planning document with Kern County.	Prepare a general plan update that focuses on Bakersfield and prioritizes City issues. Provide clear direction for development to City standards in the City's SOI. Eliminate reliance on the joint planning document.			X
The General Plan lacks modern elements.	Reexamine topics that are important to Bakersfield. Consider the addition of other elements to address topics of importance, such as an Economic Development or Sustainability Element.			X
The General Plan does not consider recent laws affecting general plans.	Update all elements for compliance with state, regional, and local legislation.	X	X	X
The General Plan does not address contemporary planning issues.	Examine contemporary planning issues such as healthy communities/public health, economic development, GHG emissions reduction, alternative forms of energy, and sustainability. Develop goals and policies relative to these topics and/or consider the inclusion of new elements to address.			X
Goals and policies contained in the General Plan no longer fit Bakersfield.	Reexamine existing goals and policies. Revise where appropriate and/or develop new policies to address the City's long-term vision.		X	X
The General Plan is not user friendly.	Create an aesthetically pleasing and easy to use document. Ensure that the document is searchable and organized with digital bookmarks and other newer electronic document technologies.		X	X
Technical data and appendices are out of date.	Update all technical analyses for information on current conditions. Update all figures, tables, and graphics so they reflect current conditions.		X	X
There is no link between policies and implementation programs.	Reexamine policies and implementing programs. Revise where appropriate and/or develop new programs to carry out the policies that address the City's long-term vision.			X
The General Plan EIR does not provide for development streamlining.	Prepare a new EIR that addresses all current issue areas, as outlined by Appendix G of the CEQA Guidelines.	X	X	X
Issues Addressed		2	6	11

1.1 Focused Update

Focused general plan updates are typically undertaken when a city feels its general plan is up to date and only minor changes are required to address State legislation passed since the document was last update. For Bakersfield, the Focused Update would involve updating all legally required elements to comply with State legislation (as outlined in Appendix A), but no parcel-specific land use designation updates would be performed and updates to Title 17 (Zoning) of the Bakersfield Municipal Code would not be required. Environmental analysis of the Focused Update would be required under CEQA.

Approach

This approach would involve the following:

- Update the Land Use Element to comply with state legislation
- Update the Safety Element to comply with state legislation
- Update the Circulation Element to comply with state legislation
- Update the Conservation Element to comply with state legislation
- Update the Open Space Element to comply with state legislation
- Prepare CEQA analysis; likely an EIR or possibly a Subsequent or Supplemental EIR

While this approach is the simplest and most cost effective of the three options, it does not allow the City to address all of the issues detailed above. First, the Focused Update would not allow for a fresh look at long-range goals and policies, and the current vision for Bakersfield would not be reflected. The document would not have a cohesive look and structure and could potentially appear even more disjointed than it does currently. Technical analyses would not be updated, resulting in technical data that still does not reflect current conditions. A new focused CEQA document would allow for some streamlining of future environmental review. See Table 1 for more information.

Cost

Consultant costs for a Focused Update to the General Plan, as described above, could range from approximately \$85,000 to \$175,000. This includes preparation of the updated elements and CEQA documentation for the general plan update.

Schedule

It is estimated that a Focused Update to the General Plan, as described above, would take 6 to 12 months to complete.

1.2 Policy Update

Policy updates to general plans are similar to focused updates in that the scope of work is limited. However, the Policy Update option would also address specific, locally important policies and plans for their general plan update. For this general plan update, this approach would include compliance with regional plans such as the 2018 Kern County Regional Transportation Plan, 2020 Regional Transportation Plan, and 2019 Bicycle Plan and Complete Streets Facilities. Under the Policy Update,

limited parcel-specific existing land use designation updates would be performed, only to ensure consistency with elements that require updating under this scenario.

Approach

This approach would involve the following:

- Update the Land Use Element to comply with state legislation, regional, and local policies and plans. Land use designations that conflict with other documents, or no longer needed, should be revised or deleted.
- Update the Safety Element to comply with state legislation, regional, and local policies and plans.
- Perform a citywide traffic impact analysis to gain information on current conditions. Update the Circulation Element with findings and to comply with State legislation, regional, and local policies and plans including addressing the new CEQA Vehicle Miles Travelled (VMT) threshold requirement.
- Update the Conservation Element to comply with state legislation, regional, and local policies and plans.
- Combine the Open Space and Parks Elements, and update to comply with State legislation, regional, and local policies and plans.
- Perform a noise technical analysis to gain information on current conditions and provide updated noise contour maps. Update the Noise Element with findings and the new contour maps and for compliance with regional and local plans and policies.
- Update Title 17 (Zoning) of the Bakersfield Municipal Code as necessary to address limited land use designation updates.
- Prepare an EIR to satisfy CEQA requirements.

The Policy Update approach to the general plan update would force a larger update to the document compared to the Focused Update option, and would satisfy more of the issues identified above. Some long-range goals and policies could be refined as the elements were updated, but it is unlikely that the current vision for Bakersfield would be fully reflected. Updates to technical analyses would result in the inclusion of current data, and figures would be updated to reflect current conditions. The document would have more of a cohesive look, although a unified vision and guiding principles would not be developed, and modern elements such as an Economic Development or Sustainability Element would not be included. A new CEQA document would allow for some streamlining of future environmental review. See Table 1 for more information.

Cost

Consultant costs for a Policy Update to the General Plan, as described above, could range from approximately \$200,000 to \$500,000. This includes preparation of the updated elements and CEQA documentation for the general plan update.

Schedule

It is estimated that a Policy Update to the General Plan, as described above, would take 12 to 24 months to complete.

1.3 Comprehensive Update

A comprehensive update to a general plan provides a jurisdiction with the opportunity to reevaluate the long-range vision for the community. It involves a complete overhaul of all sections and technical information, incorporates all new state planning laws and guidance regarding General Plan updates, executes a large-scale public engagement program, and updates all parcel-specific land use designations.

Comprehensive updates are often found to be necessary every 20-30 years. It is recognized that even the best long-range plan will grow stale and less relevant over time as jurisdictions change and adapt to shifts in demographics and economics. Bakersfield has seen a number of changes since the development of the General Plan. Since 2002, Bakersfield's population has grown from approximately 250,000 to 386,839, a 55 % increase. This represents an annual increase of approximately 3.06 %. It is anticipated that Bakersfield's population will increase to 468,175 by the year 2030, representing an increase of 17.37 % in the next ten years, while it is estimated that the Bakersfield metropolitan population will climb to 624,900 by the year 2030 (City of Bakersfield 2015).



In addition to the growth, Bakersfield's population has diversified since the year 2000. In 2000, 51.15 % of the City's population was white, compared to 37.8 percent in 2010. The Hispanic population has increased from 32.5 % in 2000 to 45.5 % in 2010 (City of Bakersfield 2019). General Plan objectives and policies must be reexamined to ensure that the factors that make Bakersfield unique and a desirable place to live, work, and visit, are maintained and enhanced.

Approach

This approach will involve the following:

- A fresh new look and format would be designed with integrated graphics that includes an electronic version for use on the City's website.
- New, updated, or modified vision and guiding principles for the community would be established.
- All elements would be updated to comply with state legislation, regional, and local policies and plans.
- All land use designations would be revisited, with some designations likely deleted and others created. The land use map would be revised.
- Any required technical analyses would be performed, and data would be incorporated into the associated element.
- New, contemporary elements could be added to the general plan update to address topics that are of great importance to the City, such as economic development or sustainability.
- Development and execution of a large-scale public outreach program.

- Update Title 17 (Zoning) of the Bakersfield Municipal Code to address land use designation and map revisions.
- Prepare EIR to satisfy CEQA requirements and allow for streamlining development projects consistent with the General Plan. Creates an opportunity to integrate the EIR and general plan update whereby any required CEQA mitigation is developed as a general plan update policy to be *self-mitigating* to further streamline development.

A Comprehensive Update would satisfy all of the issues identified above. However, this is the costliest and most time consuming of the three options. Integrating a new CEQA document with the general plan update would allow for streamlining of future environmental review and be the most legally defensible. See Table 1 for more information.

Cost

Consultant costs for a Comprehensive Update to the General Plan, as described above, could range from approximately \$650,000 to \$3,000,000. This includes preparation of the updated elements and CEQA documentation for the general plan update.

Schedule

It is estimated that a Comprehensive Update to the General Plan, as described above, would take two to three years to complete.

1.4 Recommendation

Recommendation is for a comprehensive update to the City's General Plan.

Based on the above analysis and the supplemental details on key items to update and proposed recommendations in Section 3, we recommend that the City of Bakersfield undertake a comprehensive update to the General Plan. Even with updates to the document since 2002, the General Plan does not reflect contemporary planning practices and does not provide a comprehensive vision for Bakersfield. The General Plan should provide the City with a solid policy foundation that reflects the community's values. A comprehensive update to the General Plan can provide opportunities to engage the community, confirm the long-term vision for Bakersfield, better control land use decisions within the SOI, and fully update, evaluate, and modernize all parts of the document. A comprehensive update would be the most legally defensible document with its corresponding EIR.

2 Recommendations for Bakersfield General Plan

Over time, the needs and values of the community can change, and a general plan should reflect the current community's vision for its future. The current General Plan is a thorough, comprehensive policy and technical document that reflects the intent and spirit of the community vision and California general plan law that was in place when the document was approved (2002). However, to adjust to changing dynamics and to comply with state law, general plans are reviewed and revised periodically. The City's current General Plan was adopted in 2002, with a 20-year horizon based on input from Greater Bakersfield Vision 2020 (City of Bakersfield 2002), with amendments occurring at various points since that time. Subsequent amendments have addressed basic legal requirements, and the document as a whole includes a broad range of issues that are important to the City and its Sphere of Influence (SOI). However, the General Plan does not fully comply with recent changes in state law, does not address many contemporary planning issues, lacks a comprehensive vision and guiding principles, contains outdated data and technical information, and the visual aesthetic does not match the City's new brand identity, "The Sound of Something Better." For these reasons, and reasons outlined in Section 1, an update to the General Plan is warranted at this time. Regardless of which of the three options is chosen, the update being considered should use a 15 to 25 year planning horizon, looking out into the year 2035 or even 2045.

2.1 General Recommendations

Our general recommendations for the general plan update process are as follows:

Data Updates

Since the adoption of the General Plan and its amendments, there have been significant changes in demographics, existing conditions, land use, and economic and social trends in Bakersfield and the larger region. In addition to changes to the existing setting, changes in data gathering and modeling capabilities have dramatically improved in the past 20 years, allowing more accurate analysis of future impacts and to better predict potential hazard impacts on the city. These changes are important to capture for policy and land use decisions, and each element of the general plan update will need to be updated to reflect changes in demographic, environmental, and economic data. Almost all technical data needs to be updated and incorporated throughout the General Plan with maps, tables, and supporting text.

Graphic Design and Document Layout

Given the timing of the document, the General Plan was likely prepared with an older version of a standard word processing software such as Microsoft Word. While this type of software allows for changes to the document text to be easily made, the graphic design, layout, and overall look of the document is significantly constrained and appears out of date with modern standards. Migrating the General Plan to a page layout program would have several significant benefits, such as meeting current Americans with Disabilities Act (ADA) requirements for public documents and ensuring the document is presented clearly online and is searchable, as printed documents are becoming less common.

In addition to a more attractive and modernized document, using a more streamlined, graphic-focused layout allows for greater reader understanding, high quality data visualization, and an organized, easy to follow format. This creates a general plan that is more user-friendly for non-technical readers, allowing staff, landowners, and the general public greater access and understanding of the City's goals and vision.

If preferable, the general plan update can also be migrated to an entirely online format, allowing for full sorting, searching, and tracking capabilities. This approach has been taken by an increasing number of cities and counties across the State and country, and provides even greater functionality in a way that can be customized to the needs of the community.

Land Use Designations

The General Plan includes 19 land use designations that depict the types of land uses that will be allowed throughout the city. Table LU-1 identifies the designations along with their corresponding development intensity standards.

Residential

Residential - 3 to 6 Dwelling Units per Gross Acre (3-6)

This designation allows single family detached homes and accessory dwelling units. This is the predominant residential development type in Union City. The allowed density range is 3 to 6 units per gross acre. The lot size range for this designation is 6,000 to 10,000 square feet.



Residential - 6 to 10 Dwelling Units per Gross Acre (6-10)

This designation allows detached single-family homes of moderate density and accessory dwelling units. This designation is typically applied to areas of predominantly single-family character where a greater diversity of housing type is intended. The allowed density range is 6 to 10 units per gross acre. The lot size range for this designation is 3,500 to 6,000 square feet.



Residential - 10 to 17 Units per Net Acre (10-17)

This designation allows duplexes and multifamily dwellings. This designation is typically applied to transitional areas between higher intensity uses and lesser density single family residential areas. The allowed density range is 10 to 17 units per net acre.



Source: Union City 2019

Vision and Guiding Principles

The existing General Plan was adopted in 2002, nearly two decades ago and is at the end of its original planning horizon. Changes in the City's demographic makeup, land use, economic structure, and underlying values, as well as changes in the larger regional, national, and global settings call for a revisioning of what the community values and the direction it wishes to go in the coming decades. A strong, clear vision statement will capture the community's key values and aspirations for the future. The guiding principles will establish broad benchmarks for the rest of the General Plan

Update. The vision and guiding principles established at the outset of the general plan update process will become the underlying foundation of the goals and policies in the plan.

ADOPTED | DECEMBER 10, 2019

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Vision for the Future

Union City is the heart of the Bay Area and a regional center for commerce, community, and culture. Our economy is strong and diverse and provides high paying jobs across a broad range of local businesses, high profile companies, and emerging industries. Our residents and neighborhoods are safe and healthy and our community is celebrated for its diversity and equitable treatment of everyone. Union City provides effective and efficient public services and is fiscally stable.

Located centrally in the greater Bay Area, Union City is recognized for its many locational assets, including its proximity to Interstate 880, the Dumbarton and San Mateo Bridges, BART, and other public transit systems; elite universities including Stanford and U.C. Berkeley, and investment opportunities. The Station District is a flourishing town-center and a regional draw known for its arts, culture, entertainment, and around-the-clock activity. The Intermodal Station functions as a multi-modal transit hub serving BART, UC Transit, and AC Transit, and may serve ACE, Capital Corridor, Dumbarton Rail in the future.

Union City's economy plays a major role in the Bay Area, Silicon Valley, and global economies. Building on the skills and knowledge of our workforce, businesses provide jobs across a broad range of innovative business and industrial sectors. Union City is home to a mix of small and local businesses, and high-profile companies and corporate offices. Union City is known as an economic driver in emerging innovation, green, high-tech, and R&D industries.



Union City continues to be a community celebrated for its cultural and ethnic diversity and traditions. We are proud of the equitable, respectful, and fair treatment of all community members, including families, youth, and seniors, regardless of income, age, or ability. Our residents and neighborhoods are socially connected and integrated. Residents feel comfortable and accepted in the community and are able to thrive and achieve their full potential.

Union City's neighborhoods are desirable, sought-after places to live. Residents of all ages and backgrounds live in safe and healthy neighborhoods. Our housing stock includes a range of affordable housing choices and addresses the special needs of our residents. Our neighborhoods are also valued for their walkable streets, nearby goods and services, great schools, parks and recreation facilities, and access to jobs. These characteristics, which brought residents to Union City, are evident today and expected to remain so in the future.

ADOPTED | DECEMBER 10, 2019

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Guiding Principles

Economic Development

1. Promote the city as a civic, cultural, and economic destination within the greater Bay Area and Silicon Valley to attract new businesses and facilitate new economic development opportunities.
2. Strategically position Union City to succeed in a global marketplace.
3. Protect and expand economic assets within the city by supporting existing commercial and industrial sector businesses to ensure that they remain a vital part of the City's economic base and by expanding Union City's base of high-quality jobs and revenue-generating businesses in the commercial and industrial sector.
4. Support the redevelopment, reuse, and intensification of older industrial buildings and sites, including underutilized warehouse buildings, to meet the needs of emerging green, advanced manufacturing, high-tech, and R&D industries.
5. Encourage office buildings, including Class-A office space, in appropriate locations within the city to increase and expand the city's property tax and job base.
6. Support an education system that fosters creativity and innovation through partnerships with schools, educational organizations, colleges, and local and regional businesses and vocational education and online learning opportunities.
7. Work with educational institutions and technology industries in the Bay Area to expand the skills and knowledge of Union City's workforce in order to attract high quality jobs and enhance the local economy.

Health and Quality of Life

8. Promote a way of life that integrates physical activity into the daily routine of all residents, creates opportunities for residents to make healthy choices, motivates residents to pursue educational and employment opportunities, and ensures residents feel safe.
9. Continue to place a high priority on programs and facilities that serve youth, families, and seniors, including recreational, sports, educational, housing, and childcare/adult care.
10. Encourage expanded childcare/adult care in the community through private and non-profit organizations.
11. Prioritize and support strong primary and secondary education, community education, and diverse employment that give residents opportunities for economic growth and security.
12. Promote the availability of and access to healthy, fresh foods that are balanced, nutritious, and culturally diverse.
13. Build partnerships to attract and retain accessible, affordable, and quality health services and facilities that meet the existing and future needs of residents and businesses.
14. Promote a sense of social responsibility that creates a safe and violence-free community for residents to live, work, play, and fully participate in community life.
15. Continue to support and expand Youth and Family Services programs that provide assistance to youth and their families.

Source: Union City 2019

Goal, Policy, and Implementation Program Development

Following the update of the community vision, guiding principles, and existing setting data, the General Plan goals and policies will need to be updated. Updating these goals and policies will not only ensure their consistency with the vision and guiding principles and the incorporation of up-to-date scientific data and analysis, it will allow for a more streamlined and implementable approach, focusing on best practices and the tracking of goal and policy implementation.

The update to the goals and policies will also allow the City to consider contemporary planning issues, including economic development, climate change adaptation, resiliency, sustainability, equity, and community health. Incorporating new technological considerations and planning techniques will also be important as the profession and the world continues to evolve.

In addition to updates to goals and policies, implementation programs should be updated and/or developed to provide for administration and execution of goals and policies. The Office of Planning and Research (OPR) General Plan Guidelines suggest that every policy be carried out by implementation measures (OPR 2017). This does not necessarily mean that every policy must have its own implementation program. However, if a goal or policy requires a program, the program should be stated and there should be a concise link between the two, as well as assigned accountabilities and general timeframes.

Legislative Compliance

State planning laws have changed since the City adopted the 2002 General Plan. Senate Bill (SB) 743 requires the City to consider alternatives to the traditional Level of Service standard for evaluating traffic impacts (CEQA requirement as of July 1, 2020). SB 1000 requires local governments to address environmental justice in their general plans. There are new CEQA requirements for addressing cultural resources and consultation with Native Americans (SB 18, Assembly Bill (AB) 52). SB 32, SB 375, and SB 379 place new expectations on local government to address climate change.

The OPR published new General Plan Guidelines in 2017. The General Plan Update must address changes in State law based on those new Guidelines. Please see Section 3.2 for additional details on key general plan legislation and Appendix A for a full list of recent state legislation that may require implementation within an updated general plan.

CEQA Streamlining

All general plan amendments or updates are subject to environmental review under CEQA. If the City decides to undertake an update to the General Plan, the preparation of a new EIR would be the appropriate level of environmental analysis under CEQA.

Although the preparation of an EIR for a General Plan update is a time consuming and costly undertaking, it is required, and the City would see benefits. The EIR for the General Plan was prepared in 2003 and baseline conditions have changed. Using the existing EIR makes it difficult for development projects to “streamline” future environmental review. Section 15183(a) of the CEQA Guidelines mandates:

...that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

This is permitted as CEQA review for a general plan looks at the “big picture,” allowing a community to align its long-term vision with important environmental objectives, such as reducing single-occupant vehicle trips to reduce the amount of GHG emissions in the region. Integrating CEQA mitigation as general plan policies to reduce identified significant impacts can further streamline development projects as they will only be required to follow the identified general plan policies or implementation programs that would already address the significant impact. Subsequent environmental documents for an individual development project can be narrow and focused on unique or unanalyzed issues. This reduces costs attributed to environmental document preparation and staff time associated with the review and approval of these documents. It also creates an incentive for future development to follow the plan to take advantage of this streamlining.

Table 2 below provides a more detailed breakdown on how each option will satisfy the general recommendations for an update to the General Plan.



Table 2 General Recommendations for the General Plan

Issue	Solution	General Plan Update Options		
		Focused Update	Policy Update	Comprehensive Update
Data Updates	Update all technical data and incorporate throughout the General Plan with maps, tables, and supporting text.		X	X
Graphic Design and Document Layout	Migrate the General Plan to a page layout program; utilize a more streamlined, graphic-focused layout and easy to follow format.		X	X
Vision and Guiding Principles	Establish a strong, clear vision statement. Develop guiding principles to establish broad performance benchmarks.			X
Goal, Policy and Implementation Program Development	Update all goals and policies to consider contemporary planning issues and new technological considerations. Update or develop implementation programs to provide for execution of goals and policies.			X
Legislative Compliance	Update all elements for compliance with State, regional, and local legislation.	X	X	X
CEQA Streamlining	Prepare a new EIR that addresses all current issue areas, as outlined by Appendix G of the CEQA Guidelines.	X	X	X
Issues Addressed		2	4	6

2.2 Recommendations for Individual Elements and Components

This section provides an analysis of each element in the current General Plan and recommends changes for each. As mentioned in Section 1, although many of these changes can be accomplished through any of the three general plan update options presented in this report, the number of changes that have been identified due to age of the document and compliance with California legislation, would be more appropriately addressed through a comprehensive update.

Land Use Element

The Land Use Element is the primary source of policy guidance for the regulation of growth and development in a general plan. The element establishes the fundamental policy rationale for a more balanced, sustainable city. Furthermore, the element describes the current land use allocation in a city as well as the zoning districts that govern these land uses.

Disadvantaged Unincorporated Communities

The Land Use Element was amended in 2015 to include a discussion on Disadvantaged Unincorporated Communities (DUC). This discussion is included as an Appendix to the Land Use Element and was added in response to the approval of SB 244 in 2011, which required the analysis of DUCs on or before the next adoption of the City's Housing Element.

A DUC contains at least 12 registered voters (or a cluster of 10 homes) and is historically considered to be a low-income area with a median household income that is less than 80 percent of the state median income (City of Bakersfield 2016). These communities often lack basic infrastructure, such as streets, sidewalks, and storm drain systems.

The City has identified ten DUC territories:

- Oildale
- Mt. Vernon
- East Niles
- Belle Terrace
- Casa Loma
- Rexland Acres
- Stacey
- East Bakersfield
- Greenfield
- Lamont/Weedpatch

In these areas, median household income is less than \$48,875, and included census block groups grouped together based on proximity and water/wastewater service providers (Bakersfield 2015). Not all of these areas are eligible for annexation into the City but may be eligible in the future if certain criteria are met. Areas eligible for annexation must be located within an urban service area designated by the Local Agency Formation Commission (LAFCO), not designated as prime

agricultural land, and designated for urban growth in a city's general plan. The cost and adequacy of public services in the area must also be evaluated (OPR 2012).

Although the Appendix to the Land Use Element (Appendix A) brought the City into compliance with SB 244, the analysis can be perceived as an afterthought since it is not wrapped into the element itself. Appendix A does not include DUCs in the discussion of existing conditions, and DUCs are not called out on other figures provided in the Land Use Element. In addition, impacts of the General Plan on DUCs is not addressed in the General Plan Final EIR, and it does not appear that a separate CEQA analysis was prepared for Land Use Element Appendix A. Through the general plan update process, there is an opportunity to incorporate policies for annexation of these areas and to develop policies for proposed improvements prior to annexation to meet current City standards to simplify future annexation.

Sphere of Influence and Annexation Coordination

Government Code Section 65300 states that a City's general plan must cover the territory within the boundaries of the adopting jurisdiction as well as "any land outside of its boundaries which in the planning agency's judgement bears relation to its planning" (OPR 2017). A city's SOI represents the future probable physical boundary and service area of the city and is typically included in a city's general plan to represent that city's entire planning area. With increasing urbanization and important issues that transcend local boundaries, such as transportation, air quality, and floodplain management, the regional perspective is becoming more important.

The General Plan Land Use Element contains a brief paragraph on the City's SOI boundary and depicts the boundary line on one figure. As part of any update, the element should be revised to expand the SOI discussion with relevant, current information. Intergovernmental coordination is also referenced, as are proposed structures to ensure cooperation amongst agencies, but it is our understanding that no formal agreements have been established. Formal agreements to protect the SOI must be a priority in the next general plan update to allow the City to better manage growth and development within its SOI.

During the update, it is recommended that the City and County work together to delineate planning areas and establish formal agreements for processing development proposals to ensure that development within the City's SOI is consistent with City standards. Other cities have developed Memorandums of Understanding (MOU) to formally address cooperation protocols. Collaboration while establishing planning areas can proactively help to avoid land disputes and avoid additional costs (OPR 2017). Kern County is currently working on their own comprehensive general plan update, which provides an opportunity for the two jurisdictions to work together in the development of formal agreements, and potentially land use goals and policies that are in alignment. Both jurisdictions would benefit from this coordination as future development would be both logical and orderly. A re-examination of the current SOI boundary with the dissolution of the joint planning document would seem prudent at this time as well. This re-examination could create specific policies within and adjacent to the SOI to better transition future development with City standards and goals.

Brownfield and Site Reuse Program

"Brownfields" are sites that are, or may be perceived to be, contaminated. Brownfields are vacant and underutilized properties previously used for industrial or commercial activities that may have resulted in contamination from petroleum or hazardous substances. Environmental impacts from historic industrial operations and commercial activities have resulted in vacant and underutilized

brownfield properties throughout Bakersfield. Brownfields include derelict industrial sites along rail corridors, former dry cleaners and auto-related businesses in aging commercial corridors, and other vacant and underutilized commercial and industrial properties. In 2017, the City received two U.S. Environmental Protection Agency grants that funded the Site Reuse and Revitalization Program (City of Bakersfield 2020).

The program has identified 23 top priority sites for reuse and have developed guiding principles to steer the future revitalization of brownfield sites. All infill development should be addressed in the Land Use Element, but the work accomplished under this program, the identified sites, and the guiding principles should be highlighted.

Development Trends and Policy Changes

In addition to the above recommendations, a number of development trends necessitate alterations to the Land Use Element:

- Updating of land use trends presented in the Introduction and discussion on existing conditions.
- Land Use Plan assumptions should be updated to reflect the new/updated long-range planning horizon utilized throughout the General Plan.
- Land use designations may no longer match what is needed to comply with/accommodate other elements – for example, Housing Element needs and Regional Housing Needs Assessment (RHNA) numbers may not be able to be accommodated under existing land use designations.
- Since publication of the General Plan, the Downtown Bakersfield Vision Plan was approved. Refinements to the element are recommended to take full advantage of the HSR station at F Street.
- The current General Plan provides for a large number of land use designations which have been reported as cumbersome by staff. It is likely that a number of land use categories could be consolidated, leading to a more streamlined list. In order to accommodate this level of change, the City's Zoning Ordinance and Zoning Map would also need to be revised for consistency purposes.
- Bakersfield has seen an increase in medical and research development. A Healthy Communities and/or Land Use element could contain policies to promote and guide the location of these uses. This may include a new map of existing medical uses and a discussion of the importance of these uses and how to strategically locate these uses in the future to best serve the residents of the City.
- Development patterns over the past 10 years have shaped the commercial landscape in Bakersfield. The Land Use Element should be revised to address the reuse of large parcels, such as the East Hills Mall, in a manner that compliments current development patterns and complies with the City's future land use vision.
- Bakersfield has engaged in a number of planning efforts that provide focused strategies for distinct areas, corridors, and open spaces since the approval of the General Plan. These planning



initiatives provide a level of detail and focus for specific geographies that are not seen within the current General Plan. We recommend the creation of "area plans" unique to each neighborhood. As discussed further in Section 2.2, the creation of area plans would help the City to more carefully examine the unique characteristics of each area and provide detailed recommendations and tailored solutions specific to that section of Bakersfield. If area plans are prepared, the general plan update land use map should clearly show the boundaries of each planning district.

Goals and policies contained in the Land Use Element should also be revised to reflect contemporary planning issues and the long-range vision for development patterns in the City. Goals should provide general statements of the desired future vision, while policies and implementation measures should serve to provide an operational roadmap for reaching that vision. We recommend the following changes:

- Goals 2 and 3 call for the accommodation of development that provides for a range of uses and supports existing development. These goals are vague and do not inform the reader of a long-term vision for Bakersfield.
- Goal 7 establishes a goal for compatible functional and visual relationships amongst buildings. However, no design standards are established or referenced. Aesthetics are subjective and what is visually attractive to one person may not be attractive to another. Measurable standards would reduce potential conflicts.
- Many policies could be consolidated to provide for a more concise, streamlined document.
- Policies which reference development standards should clearly indicate the location of architectural design, landscape, and property setback standards.
- Only one policy (#51) addresses the presence of California State University, Bakersfield, yet the higher education institution plays a major role in the City. Additional policies should be developed to address this resource.
- Policies aimed at avoiding the creation of additional "County islands". Policies currently discourage the practice but should be refined to regulate avoidance.
- Subsequently, policies should be developed to address existing "County islands." Current policies encourage annexation but should be more specific.

In order to bring the Land Use Element up to date with current planning approaches, and to comply with legislative actions that impact the general plan update, we recommend the Comprehensive Update option. At a minimum, if the Focused Update or Policy Update options are desired, we recommend revising the Land Use Element to wrap Appendix A into the element itself and expand the discussion on DUCs. While this could be accomplished through a Focused Update, it is likely that other elements like the Safety and Circulation Elements, will need to be updated as well to ensure internal consistency throughout the general plan update. The Comprehensive Update option provides the opportunity to expand the analysis to DUCs and consider if there are other opportunities to provide more efficient, high quality service and infrastructure (transportation, utility, health, etc.), to these areas, or provide for orderly annexation and redevelopment of the properties. It also provides the opportunity to develop comprehensive policies for these areas.

Circulation Element

The Circulation Element of the General Plan lays out a vision for future development of the City's connectivity network for motorized and nonmotorized transportation, including City streets,

highways, public transit systems, and bicycle and pedestrian networks. Overall, many of the issues that the element's policies and action items are designed to address are still relevant. These include:

- Sprawling and segregated land use patterns that have led to a high dependency on single-occupancy automobile trips
- Traffic congestion caused by new development
- Congestion on State Route (SR) 99 and parallel roadways
- Lack of transit access to newer developments
- Encouraging the use to bike lanes and bike paths
- Downtown parking needs

There are also several planning efforts and developments that necessitate revisions to significant sections of the element:

- Roadway conditions have significantly changed since the approval of the Circulation Element. Existing conditions (e.g., roadway descriptions, capacities) presented throughout the element should be updated.
- Many planned projects have since been completed.
- The Thomas Roads Improvement Program (TRIP) is not reflected in the General Plan. The improvements made through this program, ongoing projects, and future projects should be identified in the Circulation Element.
- Ideas and information from the City's Bikeways Plan should be incorporated into the element.
- Kern County has a thriving logistics and transportation industry, with distribution and fulfillment centers for major corporations located across Kern County. The County's centralized location in California allows for the efficient delivery of goods across the state. The current element does not address the contemporary logistics network and impacts to City highways and roads.
- The passage of SB 1000 requires local governments to address environmental justice in their transportation network upon the next revision of two or more elements in their General Plan. An updated element should consider equitable access to all modes of transportation and air quality related to transportation.
- Emerging transportation services such as carshare, rideshare, and bikeshare services should be addressed and planned.
- Goods/freight movement is a growing industry in Bakersfield not currently addressed in the element. This topic's relationship to healthy communities and environmental justice should also be discussed.
- Plans, policies, and ideas contained in regional transportation planning documents such as the Kern County Regional Transportation Plan, the Federal Transportation Improvement Program, and the Kern County Active Transportation Plan should be incorporated into the Circulation Element.



- All sections of the Circulation Element should be updated to reflect the standard details set forth in the Subdivision and Engineering Design Manual. The Circulation Element can incorporate by reference the Design Manual to maintain consistency if a Focused Update or Policy Update is preferred.
- The CEQA analysis included in the General Plan Final EIR is outdated. The shift in CEQA transportation metrics from level of service (LOS) to vehicle miles travelled (VMT) could be accommodated in an updated CEQA document.

Based on our review, we recommend the Comprehensive Update option to bring the Circulation Element into compliance with this and other legislative requirements. While the Policy Update option will provide the opportunity to update the Circulation Element with current details from regional policy documents, only the Comprehensive Update option will address all State legislation. Government Code Section 65302 (b)(2)(A) requires that upon any substantive revision of the circulation element, the element should be modified to “plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.” A complete discussion of multi-modal transportation options is not included in the Circulation Element, and a comprehensive update will be required in order to ensure that this discussion is thorough across all modes of travel.

Conservation Element

The Conservation Element examines Bakersfield’s policy priorities and actionable goals that contribute to the conservation of natural resources, including water, wildlife, minerals, soils, and agriculture.

The Conservation Element is a critical element for the General Plan update, as all the topics covered in this element are of great importance to the city. However, the element is somewhat suggestive in its approach and is currently lacking actionable language in many of the goals and policies. Instead of using words such as “encourage,” “consider,” and “work toward,” the goals and policies should be revised to use language such as “will,” “require,” and “mandate,” as appropriate, to ensure that conservation implementation is measurable and to better address CEQA impacts. The element should be also amended to remove outdated references and include new perspectives and programs that have gained relevancy since publication of the General Plan.

Additional recommended changes include:

- Incorporate language and standards from the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP). It is important to note that the current MBHCP expires in 2022, but that a new Bakersfield Habitat Conservation Plan is being developed to take its place.
- Update Species of Concern list, if changed.
- Since the General Plan’s publication, the California Office of Sustainability has provided additional guidance on sustainability and the conservation of natural resources, including measures from the California Sustainable Policy and Best Practices Manual that should be incorporated.

Based on our review, we recommend either the Policy Update or the Comprehensive Update option to update the Conservation Element. While the Focused Update option will provide the opportunity to bring the Conservation Element in compliance with State legislation it will not address the need to update the element with more current data from newer conservation plans and planning efforts

such as the state sustainability program mentioned above. As discussed in Section 1.1, the Focused Update would be solely focused on addressing State legislative requirements. A Comprehensive Update provides an opportunity to develop conservation policies that would align with state grant programs to implement conservation and recreation opportunities in the City.

Open Space Element

Bakersfield's open spaces provide a wide spectrum of social and environmental benefits. Open spaces serve the daily needs of the community, promoting the social, cultural, mental, and physical well-being of the City's residents. In a broader sense, they promote a more livable community, a higher quality of life, and lend a sense of place and belonging to the community and its residents.

Open space issues are broad in nature and often overlap with topics covered in the Conservation, Safety, and Land Use Elements. Consistency among these elements is both important and required. While consistent with other elements in the General Plan, the current Open Space Element is segmented and does not adequately discuss the cross over relationships. The element currently contains a list of broad goals and policies without a background discussion on the types of open space in Bakersfield, or maps and graphics that clearly define these spaces.



Source: The Bakersfield Californian

Government Code Section 6550 requires the Open Space Element to contain detailed information on several categories, including outdoor recreation. This information is not currently provided in the Open Space Element and is instead presented in the Parks Element, an optional element. We recommend that the Open Space and Parks elements be consolidated into one element as part of any future update (regardless of which of three options is pursued) to the General Plan to comply with this statute, and to avoid any confusion surrounding the definitions of parks and open spaces.

The following changes are also recommended:

- The element is not in compliance with Government Code Section 65560(b), which requires an inventory of open space lands. This inventory should be performed and included in the updated element.
- The open space inventory must include lands that are used for the production of natural resources.
- The open space inventory should identify areas that require special management or regulation because of hazardous or special conditions.
- Agricultural uses should be discussed further, with goals and policies established for this type of open space.
- Open space considerations for public health and tribal resources are not addressed. Government Code Sections 65560(b)(4) and 65560(b)(6) requires these topic areas to be discussed, and tribal resource areas should be identified on the open space inventory.

- Park facilities listings and details are no longer accurate and should be updated to reflect current conditions.
- Coordinate trail plans with the Circulation Element.
- There is no clear link between the policies and implementation programs. For example, the City requires neighborhood parks at a minimum of 2.5 acres per 1,000 persons throughout the plan area and set 4 acres of recreation and park space for each 1,000 persons (based on the most recent census) for general regional recreation opportunity as a minimum standard. The Parks Element does not contain a program that discusses how this standard will be monitored, and it is unknown if this standard is being met.
- Opportunity to provide more details/policies on development and promotion of regional sports parks and the development of the surrounding areas with visitor serving uses.
- Development of a master or area plan for Central Park should be considered.

Based on our review, we recommend the Comprehensive Update option to update the Open Space Element. At a minimum, the Policy Update option should be chosen given the need for the creation of a current open space inventory. However, only the Comprehensive Update option will allow for the Open Space and Parks Elements to be combined into one element, and the development of current goals and policies and effective implementation programs.

Noise Element

A Noise Element is a required general plan element. It identifies noise-sensitive land uses and noise sources, defines areas of noise impacts, and establishes policies and programs to control and abate environmental noise to protect citizens from excessive exposure.

The Noise Element of the Bakersfield Metropolitan General Plan is generally thorough and addresses the requirements of Government Code Section 65302(f). However, given the age of the document, and the growth that has occurred in Bakersfield since the General Plan was prepared, the Noise Element does not include the most accurate and up-to-date information available to reflect the current noise environment and sources of noise. As part of any future update to the General Plan, a Citywide noise analysis (including measurements and modeling) should be performed to gather accurate, current data. The element should be fully updated to present this current data and implementation measures such as noise evaluation and attenuation standards for future development projects. The element could be further updated to address noise and health considerations, per the OPR General Plan Guidelines.

It should be noted that changes to the Land Use and other elements may force changes to the Noise Element to maintain internal consistency. This typically forces any updates to the Noise Element to occur relatively late in the long-range planning process, as land use and circulation maps should be prepared prior to performing the noise analysis. Updating the noise contours for the local airports, namely Meadows Field and the Bakersfield Municipal Airport, should be evaluated as well.

Based on our review, we recommend either the Policy Update or the Comprehensive Update option to update the Noise Element. While the Focused Update option will provide the opportunity to bring the Noise Element in compliance with State legislation, it will not address the need to update the element with current technical data.

Safety Element

As defined in the OPR General Plan Guidelines, the goal of a safety element is to “reduce the potential short and long-term risk of death injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards” (OPR 2017). Other locally relevant safety issues such as crime, emergency response, or the transport of hazardous materials, should also be discussed as appropriate.

It should be noted that SB 1035 requires a jurisdiction’s safety element to be revised to identify new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies applicable to the city and county that was not available during the previous revision of the safety element. In addition, AB 747 requires local governments on or after Jan 1, 2022 to review and update the safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. These and other pieces of legislation discussed in Appendix A will force a full update to the City’s Safety Element when other components of the general plan update are updated.



In addition to these legislative changes, the following changes are also recommended to ensure that the document is current and reflective of the vision for Bakersfield:

- Climate change adaptation and resiliency must now be addressed in jurisdictional safety elements. We recommend that the City consider preparing a Climate Action Plan (CAP) in conjunction with a general plan update to address climate change. This can streamline future development approvals.
- Safety Element relies on the Kern County Multi-Jurisdictional Hazard Mitigation Plan. This plan was revised in 2012-2014 and another update effort is currently underway. Any of the three update options provides an opportunity to amend the Safety Element to match current planning efforts.
- Current Safety Element goals and policies are broad but should be revised to address current planning topics like climate change resiliency.
- Safety Element contains outdated information, such as safety personnel ratios, that should be updated.
- Safety Element references full compliance with the Kern County Hazardous Materials Area Plan. This document has been updated since the Safety Element was prepared and should be reexamined to make sure the City complies fully with the plan, and that no potential conflicts exist. The Safety Element should be updated as required to comply with this regional plan or the regional plan should be incorporated by reference to maintain future consistency.
- Flood control discussion should be updated to ensure adequacy.
- Uniform Building Code (UBC) has changed since the Safety Element (and entire General Plan) was prepared. There may be some portions of the UBC that eliminate the need for certain policies (since they are covered in the UBC), and/or additional policies contained in the Safety Element may need to be added to address changes in UBC.

Based on our review, we recommend the Comprehensive Update option to update the Safety Element. In order to comply with state legislation and OPR's General Plan Guidelines, the Safety Element must be overhauled to address climate resiliency. This could potentially be done through the Policy Update option, although our recommendation for the development of a CAP would likely only occur during a comprehensive update.

Public Services and Facilities Element

The Public Services and Facilities Element of the General Plan addresses general utility services, including general utility service not provided by the City, water distribution, sewer and storm drain systems, street lighting, and solid waste. This element is not required by state legislation but was included as an optional element in the General Plan.

Similar to the Circulation Element, the Public Services and Facility Element segments each topic and does not provide general policies and/or action items on key issues that pertain to public services and facilities in the city. We recommend the inclusion of an introductory section that includes this information and general goals and policies. The following are examples of general goals:

- Providing the utility capacity necessary to accommodate the city's future growth
- Planning for future water demands in a competitive resource allocation environment

The following additional changes should be addressed, especially as related to changing utility consumption and development trends:

- Public services and facilities required to serve Bakersfield for the next 20 years should be analyzed and planned.
- Water source stability remains a major topic throughout the state of California. Current data and plans should be discussed.
- Utility providers and capacities are no longer accurate and potentially not currently adequate.
- Incorporate the work of the Keep Bakersfield Beautiful committee.
- The element does not include a discussion on solar or alternative means of energy generation.
- Reflecting trends in sustainable development, broad energy efficiency initiatives should be evaluated thoroughly.
- The element does not include a discussion on health and human services. The Element should be expanded to recognize the role of environmental planning and design in promoting and planning for public health.

Based on our review, we any of the three options (Focused Update, Policy Update or the Comprehensive Update) to update the Public Services and Facilities Element. All recommended changes could be addressed through any of the three options.



New General Plan Elements

If selected, the Comprehensive Update option provides Bakersfield with the chance to revisit and revitalize the long-range vision for the community. This also provides the opportunity to reconsider the organization of the general plan update and potentially add elements that address topics now important to the community that advance the City's long-range plans. While some of these issues could be addressed through a Policy Update, it would be challenging. Thus, it would be easier to develop these elements under the Comprehensive Update.

In addition, we recommend that the contemporary elements described below should be considered as stand-alone elements in the General Plan update. These elements could help to further outline the City's goals and guide high-quality development in the community. If undertaking the Comprehensive Update option, the elements can be prepared at the same time, and can easily be styled to match the look of the other elements to be consistent with the new, comprehensive long-range vision. We recognize that this is a long list of potential stand-alone elements, so we have also provided recommendations on topics that could be wrapped into or combined with existing elements, where appropriate.

Healthy Community/Environmental Justice

Healthy community elements are optional but have been becoming more popular as long-range planning attempts to address the link between community health and public design. Jurisdictions such as Murrieta, Santa Clara, Perris, South Gate, and Riverside County have prepared Healthy Community elements to address a range of topics such as public health, physical activity, nutrition, non-motorized travelers' safety, hazardous materials and contamination, educational and economic opportunity, housing quality, preventive medical care, homelessness, and violence. Community health is important to Bakersfield, with City Council goals including addressing homelessness and enhancing the quality of life in Bakersfield.



As mentioned, environmental justice must be addressed in the general plan update regardless of whether this update is limited or comprehensive. We recommend that the City address this topic area by adding an Environmental Justice element. The high volume of information that would be required based on Bakersfield's size warrants the preparation of an individual element for this topic. Presenting environmental justice as a component of community health and wellbeing is appropriate here. The regulations and guidance regarding environmental justice are continually evolving, and it is easier to amend a single element than update policies throughout the entire general plan update to keep information and practices current.

Economic Development

The Economic Development Element would lay out a vision and goals for the future of Bakersfield's economy. A healthy and sustainable economy is critical to the future of Bakersfield, and the Economic Development Element would include policies and actions designed to achieve and sustain

community goals, such as enhanced resident employment options, reduced commute times, and an overall higher quality of life through the generation of wealth in the community. A healthy economy also provides the City with needed revenue for infrastructure improvements, core City services, safety, and maintenance. A range of factors determine the economic health of a city, including the number and diversity of businesses, the number and diversity of jobs in relation to the resident workforce, levels of employment, resident income and wages, and resident and business spending patterns.

Historic Preservation

The adopted General Plan includes a placeholder for an Historical Resources Element that was not included in the final original General Plan document. This element would describe the local historic and cultural resources in Bakersfield and prescribe goals and policies that seek the maximum preservation feasible of historic structures and cultural landmarks. In addition to honoring and preserving the valuable historic resources of Bakersfield, this element would outline the procedures and processes for identifying, preserving, or renovating or removing a historic resource, thereby helping to mitigate future environmental impacts as analyzed under CEQA. Bakersfield features several historic and cultural resources that are cherished by the community and may be impacted by future development. Including this element would both reflect that commitment to history and provide clear guidelines for the management of those resources to accommodate development.



Sustainability

In the past several years, scientific reports, legislative requirements, and social demand have led communities to include sustainability and resiliency into their general plans. The Sustainability Element could include a variety of topics including the City's GHG and target emissions goals as required by SB 32, addressing the impacts of climate change adaptation as required by SB 379, urban greening or urban agriculture, energy efficiency, water conservation, or a number of other related topics. Because the social meaning of sustainability adapts to changing conditions and state and federal requirements continue to evolve on an ongoing basis, including a Sustainability Element would allow the City to concisely address issues pertaining to Bakersfield in an easy-to-update location. This element would be tailored to the specific needs and



interests of the community, considering the many economic, social, and political factors interacting in the City, region, and state.

If the preparation of a separate Sustainability Element is not feasible or desired, a new section on sustainability efforts and measures could be incorporated into the Conservation Element.

Urban Design

The Urban Design Element gives guidance on the physical appearance and design of the City, identifying areas with distinct neighborhood identities and providing goals and policies that guide the preservation and enhancement of the existing character. The element also outlines design goals for future development. While not as in-depth as design guidelines, this element will provide the framework should the City wish to create more detailed requirements for application review or can simply serve as visual examples of desired architecture and neighborhood character that should be sought and preserved.



If a stand-alone element is not desired, urban design standards could be established and provided in the Land Use Element. In this case, we would suggest changing the title of this element to the “Land Use and Community Design Element” to identify the inclusion of design polices within this element.

Area/Community Plans

Area or community plans can be adopted as part of the general plan update and serve as land use plans for specific areas of Bakersfield that warrant additional attention and recognition, such as historical commercial districts. Area plans typically contain a description of the history of the area, a succinct vision, directed goals, policies, programs, and land use and development standards that are unique to that particular area, and potentially design guidelines that vary from other areas of the city. During the staff survey period, Rincon found that many staff members would like to see the preparation of area/community plans and feel that in depth planning documents for areas such as the downtown core or Kern River parkway could play a valuable role in long-range planning in Bakersfield. Incorporation of DUCs could be a part of an area or community plan, tailored to that area or DUC.

If prepared, area/community plans must be internally consistent with the general plan update. To facilitate this consistency, the general plan update should provide a policy framework for the detailed treatment of specific issues in the various area/community plans. To facilitate ease of use, area/community plans should share a uniform format for land use categories, terminology, and diagrams, but can otherwise be aesthetically reflective of the area or community that they represent (OPR 2017).

2.3 Other Considerations

Climate Action Plan

CAPs are comprehensive plans that help jurisdictions reduce GHG emissions. A CAP is a technical policy document that identifies major sources of GHG emissions, sets reduction targets, sets forth measures for achieving targets, and tracks progress towards meeting local reduction goals. Strategies identified in a CAP can achieve many community climate change goals, including improving air quality, lowering energy costs, and improving public health. Although CAPs are not typically part of a general plan, or even a mandatory document, they are one way to satisfy the state's requirements for GHG analysis as part of the CEQA analysis required for a general plan update. Goals and policies contained in a CAP can also be included in updated general plan elements for consistency and to streamline future development approvals by demonstrating consistency with the CAP.

3 General Plan Requirements

State general plan legislation requires that a general plan must include seven specified elements: land use, circulation, housing, open space, conservation, noise, and safety (California Government Code Section 65302 et seq.).

- **Circulation.** Looks at City's infrastructure and how it will meet future community needs and includes roads, water, sewer, stormwater, trails, and communication
- **Conservation.** Preserves and conserves natural resources in Bakersfield
- **Housing.** Contains strategies to supply affordable, high-quality housing options for current and future residents
- **Land Use.** Focuses on where different uses are located in City limits and the SOI. A use could be a residential home, office building, or retail shop.
- **Noise.** Ensures a community is protected from excessive noise levels
- **Open Space.** Aims to preserve spaces for recreational and aesthetic enjoyment
- **Safety.** Ensures a community is safe from short- and long-term consequence of disasters
- **Noise.** Ensures a community is protected from excessive noise levels
- **Housing.** Contains strategies to supply affordable, high-quality housing options for current and future residents

In addition, cities and counties within the San Joaquin Valley Air Pollution Control District boundaries (including Bakersfield) must also address air quality in their general plans. Air quality is currently addressed in the Conservation Element of the General Plan. Cities and counties having identified disadvantaged communities, like Bakersfield, must also address environmental justice in their general plans either through a separate element or through policies identified as environmental justice policies. Not every city or county must address these issues in the same manner, but significant information must be provided. Counties and cities may also address other topics in the general plan of community interest such as economic development, historical resources, or community design through the inclusion of optional elements. The General Plan includes all seven required elements, and two optional elements covering public services and facilities, and parks.

A general plan is both geographically and topically comprehensive. A general plan covers the territory within the City boundaries and areas outside of its boundaries that relate to its planning activities, (i.e., the SOI). The area covered by the General Plan coincides with the Bakersfield Metropolitan Priority Area of the Kern County General Plan and Bakersfield's current SOI.

The general plan update will set out the goals, policies, and programs in each of these areas that the City will use as the blueprint for future development. These goals and policies are then used by governing bodies such as a City Council and Planning Commission to base their land use and other development decisions. All City plans, zoning, and private development must be consistent with the diagrams and policies in the general plan update.

Environmental Justice

Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity. The element also requires jurisdictions to develop policies that promote participation in public decision-making and to prioritize programs that address the needs of disadvantaged communities

Gov. Code Sec. 65302(h)(1)(A), (B), (C)

3.1 2017 Update to General Plan Guidelines

In 2017, OPR updated its State General Plan Guidelines. The guidelines are a resource for cities and counties to use as they undertake updates to general plans. The update focused on making general plans current and contemporary, covering area needed for the future, creating easy to use documents, and enhancing implementation through legislative changes, new guidance, policy recommendations, external links to resource documents, and additional resources.

In addition, the updated guidelines provide recommendations on policy themes that should be addressed throughout a general plan to address statewide environmental goals. These themes include:

- **Climate Change.** State goals include reduction of petroleum use by up to 50 percent by 2030, and an increase of renewable energy to 50 percent by 2030 through the Clean Energy and Pollution Reduction Act of 2016. California has set GHG emissions reduction requirements in numerous sectors including land use and transportation planning.
- **Economics.** Decisions regarding land use and circulation have direct and indirect fiscal implications for local economies, and, in turn, economies of urban and rural centers affect the health, climate, and equity of communities.
- **Healthy Communities.** In 2012, the Governor issued Executive Order B-19-12 and created the Governor's Let's Get Healthy California Task Force. Chronic disease, social, economic, and environmental factors influence where people live, work, and play, and affect their health and wellbeing.
- **Equitable Opportunities.** Incorporating equity into all aspects of planning will ensure that residents of a city or county benefit from reduced GHG emissions, climate change adaptation policies, active transportation options, and healthy communities with access to economic opportunity for all.

3.2 General Plan Legislation

Legislative changes often cause the need for edits and revisions to comprehensive planning documents, including general plans. Inadequate and outdated general plans that do not address current legislation can leave a city open to challenges and litigation.

Legislative changes implemented since the 2002 General Plan was approved, and have not been incorporated into the current document, are outlined in Appendix A of this report. We have not addressed legislation that just affects Housing Elements since the Housing Element is not a part of this evaluation.

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Appendix A

Recent General Plan Related Legislation

Recent General Plan Related Legislation

Year Approved	Legislative Summary
2013	<p><i>SB 743 (Steinberg) Ch. 386 – Transit Oriented Infill Projects</i></p> <p>This law amends the expedited judicial review process for Governor-certified environmental leadership projects. Removes aesthetic and parking impacts from category of significant impacts to the environment for infill projects within a transit-priority area. Creates an exemption for certain infill projects within transit-priority areas that meet specified conditions. This legislation impacts the Land Use element of the General Plan.</p>
2014	<p><i>AB 1739 (Dickenson), SB 1168 and SB 1319 (Pavley 2014 — Sustainable Groundwater Management Act)</i></p> <p>The Sustainable Groundwater Management Act (SGMA) requires local agencies to manage groundwater basins in a sustainable manner over a long-term horizon. The Act provides five to seven years for local agencies to form a Groundwater Sustainability Agency (GSA) and to create a Groundwater Sustainability Plan (GSP). SGMA requires a city or county planning agency, before adopting or substantially amending a general plan, to review and consider groundwater sustainability plans.</p> <p><i>AB 52 (Gatto) Ch. 532 – Native Americans: CEQA</i></p> <p>This requires that substantial adverse change in the significance of a tribal cultural resource be considered as a significant environmental effect for the purpose of CEQA review. Ensures that projects that do have such an impact include mitigation measures. This legislation impacts the CEQA analysis for the General Plan document and individual projects in the City.</p>
2015	<p><i>AB 744 (Chau) Ch. 699 – Planning and Zoning: Density Bonuses</i></p> <p>Requires a local government, upon the request of a developer that receives a density bonus, to reduce the minimum parking requirements for a housing development, if it meets specified criteria. This legislation impacts the Housing Element, and Land Use Element of the General Plan.</p> <p><i>SB 379 (Jackson) Ch. 608 – Safety Element</i></p> <p>Requires cities and counties to review and update their general plan safety elements to address climate adaptation and resiliency strategies applicable to the city or county. Local officials must act either the next time they revise their local hazard mitigation plans on or after January 1, 2017, or, if a local agency has not adopted a hazard mitigation plan, on or before January 1, 2022. This legislation impacts the Safety Element of the General Plan.</p>
2016	<p><i>AB 1934 (Santiago) Ch. 747 – Development Bonuses: Mixed-Use Projects</i></p> <p>This law creates a development bonus when a commercial developer enters into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing. This legislation impacts the Housing Element and Land Use element of the General Plan.</p> <p><i>AB 2180 (Ting) Ch. 566 – Development Project Review</i></p> <p>This law expedites timelines for approval or disapproval by a public agency for certain types of development projects. This legislation impacts the Land Use Element of the General Plan.</p> <p><i>SB 1000 (Leyva) Ch. 587 – Safety and Environmental Justice</i></p> <p>This law requires local governments that have one or more disadvantaged communities to address environmental justice in their general plan. A disadvantaged community is defined as a low-income area experiencing disproportionate impacts of environmental pollution and other health hazards.</p> <p><i>SB 32 (Pavley) Ch. 249 – California Global Warming Solutions Act of 2006: Emissions Limit</i></p> <p>This law requires the Air Resources Board (ARB) to ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the 1990 level by 2030.</p>
2017	<p><i>SB 166 (Skinner) Ch. 367 – Residential Density and Affordability</i></p> <p>This law amends the No Net Loss Zoning provisions to require that local governments accommodate their remaining unmet housing needs throughout the housing element planning period for all levels of income. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>

Year Approved	Legislative Summary
	<p><i>SB 229 (Wieckowski) Ch. 594 – Accessory Dwelling Units (ADU)</i></p> <p>This law makes numerous changes to ADU law, including defining parking requirements, zoning for single-family dwellings, sizing floorspace, charging for utility services, distinguishing ADU renting and selling, and permitting the California Office of Housing and Community Development (HCD) to review and comment on the ordinances. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>
	<p><i>SB 540 (Roth) Ch. 369 – Workforce Housing Opportunity Zone</i></p> <p>This law authorizes a city or county to establish Workforce Housing Opportunity Zones, which would focus workforce and affordable housing in areas close to jobs and transit and conform to California’s GHG laws. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>
	<p><i>AB 1505 (Bloom) Ch. 376 – Zoning Regulations</i></p> <p>This law authorizes a city or county, as a condition of the development of residential rental units, to establish inclusionary housing ordinances that require the development to include a certain percentage of affordable housing units. It authorizes HCD to review inclusionary ordinances in specified circumstances. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>
	<p><i>AB 73 (Chiu) Ch. 371 – Housing Sustainability District</i></p> <p>This law allows a city or county to create a housing sustainability district to complete upfront zoning and environmental review in order to receive incentive payments for development projects that are consistent with the district’s ordinance. This legislation Land Use Element and Conservation Element of the General Plan.</p>
	<p><i>SB 732 (Stern) Ch. 434 – Agricultural Land</i></p> <p>This law allows a city or county to develop an agricultural land component of their open-space element, or a separate agricultural land element, in return for priority consideration for funding provided by the Department of Conservation (DOC). This legislation impacts the Land Use Element, Conservation Element and Open Space Element of the General Plan.</p>
2018	<p><i>AB 1804 (Berman) Ch. 670 – CEQA Exemption: Residential or Mixed-Use Housing Projects</i></p> <p>This law provides a statutory exemption from CEQA for infill residential and mixed-use projects occurring within an unincorporated area of a county. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>SB 1227 (Skinner) Ch. 937 – Density Bonuses</i></p> <p>This law requires cities and counties to grant a density bonus when an applicant for a housing development of five or more units seeks the bonus and agrees to construct a project that will contain at least 20 percent of the total units for lower-income students in a student housing development, as specified. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>
	<p><i>AB 2753 (Friedman) Ch. 2753 – Density Bonus Application</i></p> <p>This law requires a city or county to provide a developer, at the time an application for a density bonus is deemed complete, a determination as to the following: (a) the amount of density bonus for which a development is eligible; (b) if the applicant requests a parking ratio, the ratio for which the applicant is eligible; and (c) if the applicant requests incentives, concessions, or waivers or reductions in development standards, whether the applicant provided adequate information for the city, county, or city and county to make a determination as to those incentives, concessions, or waivers or reductions. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>SB 1333 (Wieckowski) Ch. 856 – Zoning Regulations: Charter Cities</i></p> <p>This law requires charter cities to ensure that their zoning ordinances, specific plans, and development agreements are consistent with their plans for affordable housing contained in their housing elements. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>

Year Approved	Legislative Summary
	<p><i>SB 1035 (Jackson) Ch. 733 – General Plans</i></p> <p>This law requires climate adaptation and resiliency information contained in a general plan to be regularly updated. Specifically, it requires the safety element to be revised to identify new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies applicable to the city and county that was not available during the previous revision of the safety element. This legislation impacts the Safety Element of the General Plan.</p>
2019	<p><i>AB 782 CEQA Exemption: Land Transfers</i></p> <p>Creates a CEQA exemption for the acquisition, sale, or other transfer of interest in land, as well as the granting or acceptance of funds, by a public agency for conservation purposes. This legislation impacts the Land Use Element, Conservation Element and Open Space Element of the General Plan.</p>
	<p><i>AB 1515 Planning and Zoning: Community Plans Review Under CEQA</i></p> <p>Prohibits a court from invalidating a development approval that was granted based on a community plan that meets specified criteria, if the development was approved or had a complete application prior to the community plan being challenged in court over the community plan's compliance with CEQA. This legislation impacts the Land Use Element in the General Plan.</p>
	<p><i>SB 540 CEQA for Permanent Supportive Housing</i></p> <p>Creates a CEQA exemption for the conversion of a hotel, motel, apartment hotel, transient occupancy residential structure, or hostel for transitional and supportive housing. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>SB 330 Housing Crisis Act of 2019</i></p> <p>Prohibits an affected city or county (defined based on Census Bureau definitions of urbanization) from enacting a development policy or standard that would reduce intensity of land use, impose design review standards that are not objective, limiting the amount of housing (imposing development moratoriums, limiting land use approvals or permits, capping housing units, or capping population). Changes in land use intensity may occur if a reduction in intensity occurs concurrently with an equivalent increase in intensity. The bill also makes numerous changes to housing permitting. Preliminary applications for housing may be submitted and must contain specified information. Local governments are prohibited from applying ordinances to a development after a preliminary application is submitted and cannot hold more than five hearings on approval of a housing project that complies with objective standards when the preliminary application is deemed complete. Any determination that a housing project is on an historic site would need to occur at the time of the preliminary application being deemed complete, and reduced timelines for approval after completion of an EIR. If a housing development requires demolition of a residential property, the project may be approved if there is no net loss of affordable housing, the project increases housing density, existing residents may occupy their units up to six months before the start of construction, and the developer agrees to provide relocation benefits to occupants of affordable units. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>AB 747 Safety Element</i></p> <p>Requires local governments on or after January 1, 2022 to review and update the safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. This legislation impacts the Safety Element of the General Plan.</p>
	<p><i>AB 1100 EV Parking</i></p> <p>Requires local ordinances to count electric vehicle charging stations as parking spaces to meet minimum parking requirements applied to development projects. This legislation impacts the Land Use Element of the General Plan.</p>

Year Approved	Legislative Summary
	<p><i>AB 1255 Surplus Public Land Inventory</i></p> <p>Requires local governments to make a central inventory of surplus and excess public land on or before December 31 of each year. The inventory must include a description of each parcel and its present use. This information must be submitted to the Department of Housing and Community Development annually, beginning April 1, 2021 and be available upon request without charge. The Department of Housing and Community Development must provide this information to the Department of General Services for inclusion in a digitized inventory of all state-owned excess parcels. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>AB 1763 Affordable Housing Density Bonuses</i></p> <p>Requires a density bonus to apply to development projects that make all units affordable to lower income households with up to 20 percent of the total units authorized to be available to moderate-income households. Development projects meeting these criteria may receive four incentives or concessions under Density Bonus Law, and a height increase of up to three additional stories or 33 feet if the development is located within 0.5 mile of a major transit stop. Density bonuses of up to 80 percent could be provided and any controls on maximum density would not apply if the development is within .5 mile of a major transit stop. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>SB 99 Emergency Evacuation Routes</i></p> <p>Requires a local government to review and update the safety element during the next revision of the housing element (on or after January 1, 2020) to identify residential developments in hazard areas that do not have at least two emergency routes. This legislation impacts the Safety Element of the General Plan.</p>
	<p><i>AB 600 Disadvantaged Unincorporated Communities</i></p> <p>Limits annexation of areas contiguous to disadvantaged communities, unless that community is also under annexation application. This legislation impacts the Land Use Element and Safety Element of the General Plan.</p>
	<p><i>AB 1628 Environmental Justice Definition</i></p> <p>Revises the definition of "environmental justice" under Cortese-Knox-Hertzberg Act to include the meaningful involvement of people of all races, cultures, incomes, and national origins with respect to the actions specified by the Act, the California Coastal Act, and the Government Code.</p>
	<p><i>AB 38 Wildfire Mitigation/Fire Safety</i></p> <p>Requires the Natural Resources Agency, in consultation with the State Fire Marshall and the Forest Management Task Force, to review the regional capacity of each county containing very high fire hazard severity zones to improve forest health and fire resilience. This review must occur by July 1, 2021, and on or after that date, a seller of property in a high or very high fire hazard severity zone must provide documentation to a buyer demonstrating compliance with wildfire protection measures. Otherwise, the buyer and seller must enter into an agreement whereby the buyer will obtain documentation of compliance. On or after January 1, 2021, a seller of property with a home constructed before January 1, 2020 in a high or very high fire hazard severity zone must provide a disclosure to a buyer containing information related to fire hardening improvements on the property and a list of features that might make the home vulnerable to wildfire and flying embers. On or after July 1, 2025, the disclosure must also include the State Fire Marshall's list of low-cost retrofits. The Office of Emergency Services and the Department of Forestry and Fire Protection must develop and administer a comprehensive wildfire mitigation grant program to encourage cost-effective retrofits and structure hardening. This program is contingent upon an appropriation by the Legislature and is repealed on July 1, 2025. This legislation impacts the Safety Element and Land Use Element of the General Plan.</p>

2016

City of Bakersfield General Plan Update

Whitepaper

An Overview of General Plan Requirements in California and Options for the City of Bakersfield



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April 2016



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1 The Issue

California Government Code §65300 requires that each City adopt a comprehensive, long-term General Plan for the physical development of the City and surrounding unincorporated land which bears relation to the long-term planning process. The General Plan is required to contain seven mandatory Elements including: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety.

The State also acknowledges that planning is a continuous process and states that the General Plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change.

In 2002, the City of Bakersfield adopted the Metropolitan Bakersfield General Plan (MBGP) to guide development within the Metropolitan Bakersfield area. The Plan was adopted jointly by the City and the County of Kern (County) and includes all incorporated areas of the City, the surrounding Sphere of Influence, and contiguous unincorporated properties in the metropolitan area. Both City and County land was included to allow opportunity for coordinated efforts between the two jurisdictions, to facilitate orderly and efficient extension of services and utilities, and to establish consistent standards for development. It is notable that the MBGP appears to be the only jointly-adopted General Plan in the State of California.

The 2002 document updated the text of the previous General Plan, which was adopted in 1990. There were also minor revisions to the land use map designations; which had originally been prepared in the late 1980's. Staff prepared the text changes "in-house" and a consultant prepared the corresponding Environmental Impact Report.

In the 14 years since adoption of the MBGP, there have been changes in State law, local ordinances, growth patterns, and the needs of the community. Therefore, it is time to comprehensively update the General Plan. While the basic objectives of the Plan would remain unchanged, City Council direction is needed in several key areas; including: (1) identifying the goals and policies that should be updated or added; (2) the need to update and change existing land use map designations; (3) direction on any new Elements to be incorporated into the new Plan; and (4) the desire to co-adopt the new Plan with the County.

Research on these issues and review of the experiences of other similar-sized cities shows that a comprehensive update to the General Plan can take anywhere from 2 to 5 years, at a cost of \$1 million and upwards. Factors determining the final numbers include complexity of the update approach, the level of community involvement and public outreach, and the types of issues that arise during the update process. Additional costs and time would be incurred if the project is legally challenged pursuant to CEQA.

Therefore, Staff anticipates that, under a "moderate" update scenario, the update would likely take a minimum of 2 years and would cost between \$1 million and \$2 million dollars, depending on the factors noted above. The time-frame is also largely dependent on City staff levels, future budget constraints, and the level of controversy generated during the process.

2 Background

The following is an overview of the General Plan efforts over the last 35 years.

1990: Metropolitan Bakersfield 2010 General Plan Adopted (20 Year Plan)

2000: “Vision 2020” effort; extensive public involvement on future of growth

2002: Metropolitan Bakersfield General Plan (MBGP) Adopted (20 Year Plan)

- **What:** Updated 2010 MBGP text to incorporate Vision 2020 data, new laws, fees; also updated land use map to reflect development since 1990 (McAllister Ranch, Western Rosedale).
- **Why:** Changes occurred since 2010 plan adopted; goals accomplished.
- **Who:** City and County Staff along with consulting firm; public workshops.
- **Time:** Process took approximately 3 years with substantial staff time.
- **Cost:** Majority of work done in-house by City Staff + \$130,000 consulting fees.
- **Changes:** Mapping changes were not part of the process; significant policy changes did not occur; Implementation measures were not changed.
- **Advantages:** Used Vision 2020 as public outreach component and basis for policy update; No mapping or other policy changes reduced time & costs.
- **Disadvantages:** Mapping/development policies did not go far into future.

2007: Began to prepare an update to 2002 MBGP:

- **02/07:** 2/27/06 Joint BOS/CC Meeting; directed Staff to pursue GP update.
- **05/07:** Town Hall Meetings Phase 1 - workshops in Bakersfield quadrants.
- **07/07:** Vision 2020 “Web Survey” and telephone survey by KernCOG.
- **01/08:** KernCOG Public Meetings for regional “Blueprint” planning process
- **02/08:** More workshops held by KernCOG.
- **12/08:** Public Outreach Issues Report available for public review.
- **04/20/09:** Joint PC meeting to review Existing Conditions Report.
- **10/09:** Board of Supervisors Public Study Session/Workshop.
- **03/08/10:** Joint Planning Commission Workshop for Status Update.
- **2010-Current:** Economic downturn; no further actions.

2009: Completed Housing Element for 2008-2013 (Mandatory per Government Code 65588)

2015: City received notice from State that MBGP is aged; Attorney General will be notified once it is 10 years old. Planning Director responded noting the recent/ongoing Element updates (see 2016 below)

2016: City Council approved Housing Element for 2015-2023 (Per SC 65588) (1/20/16)

2016: City updated 3 Elements per State requirements: (1) Land Use (SB 244): Identified potential Disadvantaged Unincorporated Community areas (per Census Tract income data), added analysis of service needs/deficiencies; identified financing alternatives for service extension; (2) Conservation (AB 162): Identified land that may accommodate floodwaters for groundwater recharge & storm-water management; (3) Safety (SB 1241): new goals, policies, objectives & implementation measures based on the flood and fire risk identified.

2022: End of 2002 MBGP planning horizon

3 Legal Requirements for General Plan Update

This section describes the legal requirements for updating the General Plan.

3.1 Update Requirement

Section 65103(a) of the Government Code allows local governments to revise their general plans as often as they deem necessary; and **the code does not specify a mandatory minimum time frame for revision of elements**, except for the Housing Element which is regulated by Section 65588.

The State Office of Planning and Research (OPR) prepared "General Plan Guidelines" to assist local governments in preparing the General Plan. With regard to timing for updates, the document states the following: *"Remember that planning is a continuous process; the general plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change... A general plan based upon outdated information and projections is not a sound basis for day-to-day decision-making and may be legally inadequate. As such, it will be susceptible to successful legal challenge."*

In essence, the State Guidelines recommend that the General Plan be reviewed and updated regularly and as new information becomes available, but also recognizes that many jurisdictions select a 15-20 year timeframe.

3.2 MBGP Horizon

The City's existing MBGP was adopted in 2002 and anticipated a 20-year planning horizon. This timeframe was included in the CEQA analysis. However, the plan is now 14 years old and the original 20-year planning horizon does not entirely prevent legal challenges to the plan. In fact, the City has already received several comments from the general public challenging the legal adequacy of the plan.

4 Costs, Funds & Consultant Role

4.1 Costs

A well-executed General Plan creates a blueprint for the community's future growth and quality of life. As such, preparation of the update to the General Plan may pose a significant expensive for the City. According to the League of California Cities, the average city of 100,000 residents can expect to spend \$800,000–\$900,000 on the General Plan, plus the cost of the EIR which can range anywhere from \$200,000 to \$500,000 or more, depending on a variety of factors.

Throughout California, the cost for larger Cities can be several million dollars, and some County general plans cost upward of \$10 million. The more expensive Plans typically take the City in a new direction and include new development concepts, re-designation of undeveloped land, and extensive technical analyses associated with the EIR. This was the case for the City of **Sacramento which spent about \$4 million dollars, and Ontario which spent \$3 million, plus staff time for both. The City of Santa Monica recently spent \$2.3 million plus staff time.**

It is noted that the City of Sacramento (97.92 square miles), the City of Ontario (50 square miles), and the City of Santa Monica (8.3 square miles) are all significantly smaller in geographic size than the City of Bakersfield (151 square miles).

Appendix C contains a "Comparable Cities Overview" and shows that recent costs for Cities similar to Bakersfield have ranged from \$1.1 million to \$3 million. Additionally, Section 7 of this Report describes specific factors and approaches that Bakersfield could take for the Update and shows that a specific cost projection will be determined once Staff receives direction on the scope of the Update and prepares a comprehensive Request for Proposals (RFP).

4.2 Available Funds

The City maintains a "General Plan Update Trust fund" for the purpose of the Update and has been collecting a flat fee of \$84 for each building permit since 2005. The fee was recently raised to \$105 as a part of the 2016 Fee update. It is noted that the City's fee is significantly less than the fee collected by other comparable Cities.

The City currently has accumulated a total of approximately \$1.8 million dollars in funds dedicated for the purpose of updating the General Plan. With the recent increase in the fee amount, it is estimated that the City would have a total of approximately \$2 million available within the next two years (i.e. within the minimal time frame that the General Plan update is anticipated to take).

4.3 Consultant Role

The Update would consist of Staff working together with one or more third party Consultant(s) to prepare the General Plan Update and ensure that the goals, policies, implementation measures and overall layout are compatible with City Council direction and needs of the community. It is necessary to hire a Consultant to assist dedicated City Staff with the specialized and technical components of this comprehensive project. The Consultant's key roles would include, but are not limited to, the following:

1. Public Outreach Strategy (Visioning, Surveys, Workshops, Engagement, Reporting, etc.)
2. Existing Conditions Reports (Baseline Conditions for General Plan & CEQA analysis)
3. Prepare Draft General Plan (Framework, Goals, Policies, Implementation, New/ Updated Elements) for City Staff to review, adjust and expand upon.
4. Update Draft General Plan Based on Staff Review, Council Input, & Public Comment
5. Comprehensive CEQA Analysis – Prepare Draft Environmental Impact Report & associated documents such as Notice of Preparation, Technical Studies (Air Quality, Traffic Impact Analysis, Water, Cultural, Urban Decay, etc), Response to Comments, etc.
6. Update Draft EIR based on Staff Review, Council Input, & Public Comment
7. Prepare Final General Plan and Final EIR and associated documents/maps/GIS and CAD files, Monitoring Programs, etc.

5 Reasons to Wait On General Plan Update

Initiation of the update at a later date in the future would allow for the City to review other on-going issues prior to initiating the update.

A listing of the relevant issues that support an update in the future is provided:

1. OPR is updating General Plan Guidelines (last updated in 2003); the new Guidelines are anticipated to be complete in late 2016
2. Substantial Cost to City
3. Substantial City Staff Time
4. Development Community Concerns
5. On-going compliance with the State's 2014 Sustainable Groundwater Management Act (SGMA) will require preparation of a Groundwater Sustainability Plan (GSP) which will inform and be relevant to the General Plan Update.

6 Reasons to Update General Plan Now

Initiation of the update now would allow the City to proceed as it deems appropriate before the General Plan may be legally challenged. An updated General Plan will also reflect the current conditions and priorities within the community, will streamline development review to encourage expedited and thoughtful local development, will incorporate public outreach feedback, and will address new legislation.

A listing of the relevant issues that support an update to the General Plan is provided:

1. **CEQA Document.** 2001 EIR prepared prior to SB 375 (Greenhouse Gas) and other recent legislation. Some issues are addressed on a project level which leaves City vulnerable to CEQA challenges and reduces ability to use CEQA exemptions, Negative Declarations and the use of the existing General Plan EIR.
2. **New Laws:**
 - a. **Air Quality.** (AB 32 & SB 375) The 2006 Global Warming Solutions Act AB 32) requires reduction of GHG emissions to 1990 levels by 2020 and established the California Air Resources Board (CARB) and Scoping Plan to achieve this goal via cap & trade, and other strategies related to Vehicle Miles Traveled (VMT), Transit Oriented Development (TOD), etc.; SB 375 requires more compact growth and that regional planning agencies assign housing production targets consistent with regional sustainability and transportation plans which set specific targets for reducing GHG.
 - b. **Transportation/Complete Streets** (AB 1358). Requires Circulation Element to plan for multi-modal transportation networks that allow travel by motor vehicle, foot, bicycle, and transit. OPR updated GP guidelines in 2010 to provide guidance to cities.

- c. **Disadvantaged Communities** (SB 244). Requires Land Use Element to identify disadvantaged unincorporated communities (island or fringe) within the SOI, and analyze water, wastewater, storm-water drainage, and structural fire protection needs; and financing options for extension of services.
 - d. **Fire Hazards** (SB 1241). Requires Safety Element to address the risk of fire for land classified as "State Responsibility Areas" (SRA), as defined in PRC 4102.
 - e. **Flood Control** (AB 162). Requires Conservation & Safety Elements to add information concerning flood/fire hazards, storm-water management, ground water recharge.
 - f. **Persons with Developmental Disabilities** (SB 812). Housing Elements to include an analysis of the special housing needs of the disabled, including persons with developmental disabilities.
 - g. **Emergency Shelters** (SB 2). Demonstrate sites/ zoning available to accommodate need and describe characteristics/suitability of zone(s).
3. **Growth:** Since the General Plan was last comprehensively updated in 2002, the population of Bakersfield has grown from 259,200 to 369,500, which is an increase of 110,300 or 43 percent. The population is expected to continue to grow at a stable rate over the next 20-year planning horizon.
 4. **Changing Economy:** Adjustments to housing, employment, and population projections are needed to be consistent with updated Census Numbers, Transportation Plans and the 2040 planning horizon. This is an opportunity to explore funding options such as Public Business Improvement Districts (PBID), Mello-Roose Districts for schools, etc).
 5. **Transportation (Level of Service vs. Vehicle Miles Traveled).** Current LOS standard often requires mitigation that increases road sizes; however other options may be more cost effective (capital, operations, maintenance). Appropriate to incorporate concepts: Transit-Oriented Development (TOD), Multi-Model, Priority Investment Areas, etc.
 6. **Climate Action Plan (CAP).** Plan could contain CAP or similar mechanism to ensure that greenhouse gas reduction measures are implemented and monitored.
 7. **Flood Protection.** Plan could include policies and maps to address flood risks and higher standards for flood protection; as well as new data regarding Isabella Dam.
 8. **Healthy Communities.** Interest in urban agriculture, community gardens, locally grown foods, improved public health and well-being, etc.

7 Approach

Given that the last comprehensive update to the MBGP was in 2002, and the considerable costs associated with preparation of a full General Plan update and related environmental documents, it appears to be a prudent and efficient use of the City's resources to undertake a thorough evaluation of desired growth and development of the City for the next 20 years.

This would involve an evaluation of: (1) how Bakersfield has changed since the last General Plan update, (2) how the City envisions and desires to continue to grow and develop over the next 20 years, (3) factors (legal, demographic, socio-economic, environmental, etc.) that may influence future growth and development, and (4) changes that may wish to be considered based on these considerations.

7.1 Additional Issues/Elements

Another important consideration is the desire to include other issues in the General Plan update beyond simply the seven legally required elements.

Probably most significantly is a possible **Economic Development Element**. This has become a very common and beneficial optional element among California cities in recent years. With the dissolution of Community Redevelopment in California in 2012, cities throughout the state continue to evaluate how they can facilitate and support economic growth without this important tool. Also, continuing changes to economic conditions and trends can create a need to evaluate how the City can best grow economically within the time frame of the General Plan and how land use and other General Plan issues can be coordinated to achieve economic development goals.

Another possibility is to build upon the ongoing High Speed Rail Station Area Planning efforts and develop a new **Downtown Bakersfield Element** that could include specific architectural standards and policies to invigorate Downtown Bakersfield.

Other California cities have elected to address a variety of broad issues in their General Plans; such as: Air Quality, Climate Action Plan, Healthy Communities, Urban Form Design, etc.

7.2 Options

Within that framework, however, there are options and alternatives as to what extent these issues are considered and addressed. Most significantly, how this is approached will have a large bearing on the cost and time it would take to complete the General Plan update. With an approximate available budget of \$2 million, this should be adequate to undertake a reasonably thorough and comprehensive evaluation of the major issues.

A sample of potential Goals of the Update could include:

1. Complete a comprehensive public "visioning" process and incorporate past public outreach efforts that have occurred since 2002.
2. Review and update all 7 required Elements to reflect legislation and existing conditions.
3. Update Land Use Element to delete obsolete land use designations.

4. Identify specific areas for intensive update of goals, policies and implementation measures.
5. Add Elements as required by OPR and State Law (Healthy Communities, etc.)
6. Add other new Elements as deemed appropriate; i.e, Economic Development, Downtown.
7. Provide a new EIR to address cumulative impacts and facilitate streamlined future development during the planning horizon

8 Key Issues to Resolve Prior to Next Steps

There are several issues the warrant resolution before the next steps can be taken to update the General Plan. These are as follows:

8.1 Approach

As noted in Section 7, the extent to which changes in land use policies may be evaluated and considered, as well as several optional elements and issues that may be considered to be addressed. Staff seeks input or direction on what approach is most desired. Appendix A includes a conceptual Schedule and Cost Projection.

8.2 County Participation

The existing MBGP was adopted together with the County of Kern in 2002. However, there have been many changes in the development environment since that time, and Staff seeks direction from City Council on whether the new plan should continue to be a joint document.

It is noted that, should Council prefer to process the new General Plan as an exclusive City document, Staff could continue to coordinate on the County on certain Elements, such as the Circulation Element, to ensure the continued viability of other joint-programs, such as the Regional Traffic Impact Fee (RTIF).

Benefits	Challenges
<ul style="list-style-type: none"> - Increased Coordination with County regarding Unincorporated areas, existing and future service agreements 	<ul style="list-style-type: none"> - Schedule - Cost <ul style="list-style-type: none"> • Expense to include unincorporated lands • County has preliminarily indicated that a contribution of \$300,000 - Policy Differences (Urban vs Sub-Urban) - Utility Services to Unincorporated Areas

8.3 Schedule

The time frame for the General Plan Update process depends on the selected approach; and if the Plan will continue to be adopted as a joint document. Any combination of these selections will result in a different project schedule; ranging from approximately 2 to 5 years.

8.4 Cost

The costs for the General plan Update process depends on the selected approach; and if the Plan will continue to be adopted as a joint document with the County. Any combination of these selections will result in a different project schedule; ranging from 2 to 5 years.

9 Appendices

Appendix A	Conceptual Schedule & Cost Estimate
Appendix B	Metro General Plan Land Use Designations: Conceptual Changes
Appendix C	Comparable Cities Overview
Appendix D	Research Memorandum – Comparable Cities

Appendix A. Conceptual Schedule & Cost Estimate

2040 Bakersfield General Plan

NOTE: Time and Cost Estimates are Conceptual Ranges based on review of Comparable Cities. These numbers will be further refined once the Scope of the Update is prepared and a consultant is retained. Schedule also subject to change based on comment received during public process.

Project Milestone & Tasks	Goal Date	Action ¹	Cost Range
1: Project Initiation			
1.1 City Council Adopt Resolution to define Scope & Initiate Update	06/16	CC, PD, PM	City Staff Time
1.2 Establish Internal Work Team (WT) & Hold First Meeting	07/16	PM, PD	
1.3 Prepare RFP	08/16	PM, PD	
1.4 Distribute RFP to Consultant Distribution List	10/16	PM	
1.5 Analyze Responses; Conduct Interviews; Make Recommendation	12/16	PM, PD, WT	
1.6 City Council Adopt Resolution to Enter Contract with Consultant	01/17	CC, PD, PM	
2: Project Kick-Off Phase 1 Public Engagement			
2.1 Develop Community Outreach Strategy & Education Plan	02/17	CS, PM, PD	\$50,000 - \$100,000
2.2 First Meeting of Internal Work Team and Consultant	02/17	CS, PM, PD, WT	
2.3 Establish Stakeholder Committee (members, goals, tasks, schedule)	02/17	CS, PM, PD, WT	
2.4 Develop and launch 2040 BGP Website	03/17	CS, PM	
2.5 Public Surveys: Send Surveys/Interviews for Visioning Ideas	03/17	CS, PM	
2.6 Public Meeting: Public Visioning Workshops	04/17	CS, PM, PD	
2.7 Public Meeting: Public Kick-Off Meeting – Intro Concept/Schedule	05/17	CS, PM, PD	
3: Research Prepare Draft Plan			
3.1 Report: Prepare Existing Conditions Report for area (including infrastructure, land uses, transportation facilities, etc.)	06/17	CS	\$400,000 - \$500,000
3.2 Report: Prepare Visioning Report that lists community goals, visions and suggests draft policies and implementation measures	07/17	CS	
3.3 Report: Prepare Incorporation of Existing Plans Report (Regional Traffic Impact Fee, Adopted Trails Plans, Adopted Bicycle Plans	07/17	CS	
3.4 Report: Prepare Market Analysis & Economic Strategies Report (Best Practice Case Studies of Finance/Marketing Strategies)	07/17	CS	
3.5 Plan: Provide 1 st Draft 2040 BGP (Include New Elements per State law, updated Elements per Visioning, Downtown Boundary)	08/17	CS	
3.6 Staff Review of Reports and Draft Plan	09/17	PM, PD, WT	

Project Milestone & Tasks	Goal Date	Action ¹	Cost Range
4: Release Draft Plan Phase 2 Public Engagement			
4.1 Release Draft 2040 GP for 60 Day Public Review	10/17	CS, PM	\$50,000 - \$200,000
4.2 Public Meeting: Public Workshops – Draft GP (4 - 8 Workshops)	11/17	CS, PM, PD	
4.3 Public Meeting: Planning Commission Workshop – Draft GP	12/17	CS, PM, PD	
4.4 Public Meeting: City Council Workshop – Draft GP	01/18	CS, PM, PD	
5: Revise Draft Plan Phase 1 CEQA Process			
5.1 Report: Prepare Draft Plan Workshop Report that lists the feedback received from community, stakeholders, elected officials, etc.	01/18	CS	\$200,000 - \$500,000
5.2 Revise Draft GP in accordance with Workshop Report	02/18	CS	
5.3 Initiate CEQA – Internal Kick-off Meeting	02/18	CS, PM, PD, WT	
5.4 Prepare Draft NOP, Draft Technical Studies, EIR Project Description	03/18	CS	
5.5 Staff Review Revised GP, Draft Technical Studies, EIR PD, Draft NOP	04/18	PM, PD, WT	
5.6 Release NOP for 30-day public review & Hold Public Scoping Mtg	05/18	CS, PM	
6: Review Revised Draft Plan Phase 2 CEQA Process Phase 3 Public Engagement			
6.1 Finalize/Peer-Review all Technical Studies for EIR	06/18	CS	\$200,000 - \$400,000
6.2 Prepare Draft EIR (Incorporate scoping meeting comments)	07/18	CS	
6.3 Staff Review of Draft EIR	08/18	CS	
6.4 Release Draft EIR to Responsible Agencies and Public	09/18	CS, PM	
6.5 Adequacy Hearing by Planning Commission	09/18	PD, PM	
6.6 Draft EIR Workshop at City Council	09/18	PD, PM	
7: Present & Finalize Draft Plan Phase 3 CEQA Process Phase 4 Public Engagement			
7.1 Prepare Response to Comments (RTC) on Draft EIR	10/18	CS	\$100,000 - \$300,000
7.2 Prepare revisions to Draft General Plan	10/18	CS	
7.3 Staff Review of Final General Plan and RTC	11/18	PM, PD, WT	
7.4 Schedule Final Plan and Final EIR for Hearings	11/18	PM	
7.5 Planning Commission Hearing on Final Plan & Final EIR	12/18	PD, PM	
7.6 City Council Hearing to adopt Final Plan and certify Final EIR	12/18	PD, PM	
7.7 Prepare Final Plan, Final EIR (Incorporate any revisions from hearings, resolutions, final CEQA Findings, Final MMRP; and make final copies, update websites, etc.)	12/18	CS, PM	
TOTAL PROJECT BUDGET (Estimate): \$1,000,000 - \$2,000,000			
Notes			
PS = Planning Staff (General) PM = Project Manager (City Staff) WT = Work Team (City Staff) CC = City Council PD = Planning Director (City Staff) CS = Consultant (Gen Plan & CEQA)			

Appendix B. Metro General Plan Land Use Designations: Conceptual Changes

RESIDENTIAL

RR	Rural Residential (min. 2.5 gross ac/du)
ER	Estate Residential (min. 0.5 ± net ac/du)
UER	Urban Estate Residential (min. 0.5 net ac/du) <i>[to ER]</i>
SR	Suburban Residential (≤4 du/net ac) <i>[to LR]</i>
SR/LR	County: ≤4 du/net ac City: ≤7.26 du/net ac <i>[to LR]</i>
LR	Low Density Residential (≤ 7.26 10 du/net ac)
LMR/LR	County: ≤10 du/net ac City: >4 du but ≤7.26 du/net ac <i>[to LR]</i>
LMR	Low Medium Density Res (County: ≤10 du/net ac City: >4 du but ≤7.26 du/net ac) <i>[to LR]</i>
HMR/LMR	County: ≤17.42 du/net ac City: >4 du but ≤10 du/net ac <i>[to MR]</i>
HMR	High Medium Density Res (County: ≤17.42 du/net ac City: >7.26 du but ≤17.42 du/net ac)
HR	High Density Residential (>17.42 du but ≤72.6 du/net ac)

COMMERCIAL

HC	Highway Commercial <i>[to GC]</i>
GC	General Commercial
MC	Major Commercial <i>[to GC]</i>
OC	Office Commercial
MUC	Mixed Use Commercial

INDUSTRIAL

LI	Light Industrial
SI	Service Industrial <i>(May no longer need this designation)</i>
HI	Heavy Industrial

PUBLIC FACILITIES

P	Public Facilities
PS	Public/Private Schools <i>[to P]</i>
PT	Public Transportation Corridors <i>[to P]</i>
P-SW	Solid Waste Facilities <i>[to P]</i>

OPEN SPACE

OS	Open Space/Parks
OS-P	Parks and Recreation <i>[to OS]</i>
OS-S	Slopes exceeding 30% <i>(to be part of a referenced physical constraints map)</i>

RESOURCE

R-IA	Resource - Intensive Ag (20 ac min parcel size / 80 ac min - Williamson Act)
R-EA	Resource - Extensive Ag (20 ac min parcel size / 80 ac min - Williamson Act) <i>[to R-IA]</i>
R-MP	Resource - Minerals & Petroleum (5 ac minimum parcel size)

Appendix C. Comparable Cities Overview

COMPARABLE CITIES						
Jurisdiction	Current GP Adoption Date	CEQA Document	Consultant Firm Used for GP/EIR	Time	Total Cost GP/CEQA	General Plan Surcharge Fee
City of Bakersfield	Dec. 11, 2002	EIR	N/A	1999 - 2002 by staff	Staff Time	\$84 Flat Fee, per Bldg. Permit
City of Fremont	Dec. 13, 2011 Res 2011-69	EIR Res. 2011-67 & Res. 2011-68	Lamphier-Gregory Associates	6/2010 - 12/2011	Approx. \$500K	15% per Bldg. Permit
City of Fresno	2014	EIR	Dyett & Bhatia, Calthorpe Assoc., MW Steele Group, Economic and Planning Systems, Fehr & Peers (Traffic), First Carbon Solutions (EIR lead)	2007 – 2014 40 public mtgs + 17 public hearings	\$1.9 Million + City Staff Time	No
City of Glendale	No comprehensive GP	No EIR	Staff only	Ongoing by staff	Unknown	Unknown
City of Modesto	2008	Master EIR	Jones & Stokes Now ICF-J&S	1992 - 2008	Approx. \$950K	Pennies on \$1,000, has gone to Gen. Fund.
City of Ontario	Jan. 27, 2010 Res 2010-006	Program EIR Res. 2010-003	The Planning Center & Others	1/2008 – 1/2010	\$3 Million Includes website by consultant	No
City of Oxnard	October 2011 Text Only, No Map	Program EIR	Matrix Design Group, Environmental Science Assoc.	2005 – 10/2011	\$ 1.1 Million	0.24% of valuation, per Bldg. Permit
City of Pasadena	Aug. 18, 2015 Text Only, No Map	EIR	Placeworks	Ongoing	\$1.5 Million (\$850K EIR) + City Staff Time	0.5% of valuation, per Bldg. Permit.
City of Riverside	Nov. 2007	Program EIR	Albert A. Webb Assoc.	4/2002 – 11/2007	Unknown	Flat 10% on all development related permits.
City of San Bernardino	Nov. 1, 2005	EIR	The Planning Center, Transtech Eng., Inc., Stanley R. Hoffman Assoc., Psomas, San Buenaventura Research Assoc.	1999 - 2005	Unknown	No

COMPARABLE CITIES						
Jurisdiction	Current GP Adoption Date	CEQA Document	Consultant Firm Used for GP/EIR	Time	Total Cost GP/CEQA	General Plan Surcharge Fee
City of Stockton	Dec. 11, 2007 Sued by A.G.	EIR	ESA / Mintier & Assoc.	2002 – 2007 6/2014 - ?	\$2.75 Million	No
City of Novato	Mar. 8, 1996 Res. 21-96 On-Going	EIR	Marjarie Macris, Paul-Andre Schabracq & Assoc	Augst 2009 - Ongoing	Unknown	
Kern County	06/15/04 Reso 2004-192	Program EIR	Quad Knopf	2001 - 2004	\$	\$0.13 per sq ft, per Bldg Permt
Tulare County	Aug. 28, 2012 from 2003-2012	EIR	ESA (Sacramento Office)	2003 - 2012	N/A	No
Fresno County	Oct. 3, 2000	EIR	J. Laurence Mintier & Assoc., Applied Dev. Econ., Crawford Multari & Clark Assoc., DKS Assoc., EIP Assoc., Montgomery Watson, David Taussig & Assoc.	1996 – 10/2000	\$660,000	Unknown

Appendix D. Research Memorandum – Comparable Cities



Community Development Department - Planning Division
www.BakersfieldCity.us

March 1, 2016

TO: JACQUELYN R. KITCHEN, PLANNING DIRECTOR
FROM: MARTIN ORTIZ, PRINCIPAL PLANNER
SUBJECT: INFORMATION FROM OTHER JURISDICTIONS GENERAL PLAN UPDATE

The following information was collected from websites/and personal phone conversations during February 2016.

The **City of Fremont** has a population of 224,922 (2013) and has an area of about 90 square miles. Centerville, Niles, Irvington, Mission San Jose, and Warm Springs were the original five small independent towns that incorporated to form Fremont in 1956. Today, these places have greatly expanded, are no longer separate communities, and are considered districts or community plan areas of the developed city of Fremont. Since incorporation, Fremont has created six more districts, which it calls "community plan areas" for planning purposes. These include Central, North Fremont, South Fremont, and Bayside. The two other districts, Baylands and the Hill Areas, are primarily open space. The city last updated its General Plan in 2011 that included an EIR. The total cost for both was approximately \$500,000. The City hired Lamphier-Gregory Associates to prepare the plan and EIR. It took them about 2.5 years to complete. The City has a 15% per bldg. permit GP surcharge.

The **City of Fresno** has a population is about double the City of Bakersfield. The last update of the General Plan was adopted 2014. The City hired Dyett & Bhatia, Calthorpe Assoc., MW Steele Group, Economic and Planning Systems, Fehr & Peers (Traffic), and First Carbon Solutions (EIR Lead). It took over four years to complete. There were over 160 interviews and over 20 public workshops, over 100 presentations to community groups and over 20 meetings of a Citizens Advisory Committee with background documents.

There were 18 Community Meetings.

The General Plan Citizens Committee held 22 meetings.

The Planning Commission conducted 12 Public Hearings.

The City Council held 5 Public Hearings.

There were reports/interviews as follows: Community Leaders Report, Issues and Options Report, Community Telephone Survey, and Existing Conditions Report. There were 5 Working Papers as follows: Economic Development, Urban Form, Healthy Communities, Transportation and Resource Conservation.

REQUEST FOR PROPOSAL

General Plan Update Strategy & Options

**Request for Comprehensive Analysis and Recommendations for
the new
“Bakersfield General Plan”**

CITY OF BAKERSFIELD



Kevin F. Coyle, AICP CEP; Planning Director
Development Services Department
1715 Chester Avenue | Bakersfield, CA 93301

POSTED: October 16, 2019
DUE: November 15, 2019

Within the EIR: Air Quality criteria pollutant modeling. Biological Resources inventory of rare endangered plants and California natural diversity database. Cultural Resources included Paleontological Resources Review and Native American Consultation. Geologic Hazards Investigation, Greenhouse Gas Information included: Emissions Reduction & Modeling Results and GHG Reduction Plan. Storm Drainage Technical Report. Transportation included: Roadway classification; AM Peak Hour Volumes & LOS; PM Peak Hour Volumes & LOS; Traffic Analysis Zones & Model Inputs; Roadway Functional Classifications; Planned Roadway Number of Lanes; AM Peak Hour Volumes & LOS Existing + Project; PM Peak Hour Volumes & LOS Existing +Project; and AM & PM Peak Hour Volumes & LOS Cumulative.

The **City of Glendale** staff prepared the latest updates to the General Plan with no comprehensive update. The city has no information on costs and they do not have a GP Surcharge.

The **City of Modesto** hired Jones & Stokes to complete their last update in 2008 with Master EIR. It cost approximately \$950,000 to prepare documents. They have had a surcharge of pennies on \$1,000; however, this has gone to the General Fund for other services.

The **City of Ontario** last updated the GP on January 2010 with a Program EIR and the consultant prepared the Website for the city. The total cost for the Planning Center and other consultants was over \$3 million. They along with others near Ontario have stated that they paid too much for the product. The city has no GP surcharge fee.

The **City of Oxnard** last updated the GP in October 2011 with a Program EIR. The update was for the Goals and Policies and no Land use map revision. They hired Matrix Design Group and Environmental Science Associates for \$1.1 million. The city has a 0.24% of valuation per bldg. permit.

The **City of Pasadena** last updated the GP with no comprehensive update with an EIR on August 2015. They hired Placeworks for a total of \$1.5 million and the EIR cost \$850,000 not including staff time. The city has a 0.5% of valuation per bldg. permit GP surcharge.

The **City of Riverside** last updated the GP in November 2007 with a Program EIR and hired Albert A. Webb Associates to prepare the documents. They cannot provide costs but do have a 10% flat surcharge fee on all development related permits.

The **City of San Bernardino** last updated the GP on November 2005 with an EIR. They hired the Planning Center, Transtech Engineering, Inc., Stanley R. Hoffman Associates, Psomas, San Buenaventura Research Associates. The cannot provide costs and have no GP surcharge.

The **City of Stockton** last updated the GP on December 2007 with an EIR by ESA. They cannot provide total cost and no GP surcharge. They were sued by the California Attorney General.

The **County of Kern** last updated the GP on June 2004 with a Program EIR by Quad Knopf and have a \$0.13 per sq. ft. per bldg. permit GP surcharge.

The **County of Tulare** last updated the GP on August 2012 with an EIR by ESA (Sacramento Office) but cannot provide costs and no GP surcharge.

S:\Metro General Plan\Metro General Plan - 2014-2015 Update_StartUp Schedule & Docs\Background Info\Other Jurisdiction GP info.docx

**REQUEST FOR PROPOSAL (RFP)
FOR PROFESSIONAL SERVICES TO PREPARE
“GENERAL PLAN UPDATE STRATEGY & OPTIONS”**

The City of Bakersfield is seeking a qualified professional Consultant to prepare a “General Plan Update Strategy and Options” document to include a comprehensive analysis and provide recommendations for: 1) at least three (3) options to approach the upcoming update to the City’s General Plan and 2) anticipated schedule and cost for each option. A list of Consultants who have received this RFP is attached.

INQUIRIES REGARDING THIS RFP: Do not contact any City personnel other than the contact person indicated below. If needed, please send a single email inquiry if there are multiple questions concerning the scope of professional services required.

Email: DevServices@bakersfieldcity.us | Phone: (661) 326-3733
(Reference “General Plan Update Strategy - RFP Response”)

HOW TO RESPOND TO THIS RFP: In order to respond to this RFP, please submit four hard copies and one digital copy (on appropriate media device) of the proposal to the following address:

Development Service Department – Planning Division
Attn: Kevin F. Coyle, AICP CEP; Planning Director
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301

All envelopes/shipping boxes are to be clearly marked as follows:

RESPONSE TO REQUEST FOR PROPOSAL (RFP)
CITY OF BAKERSFIELD - GENERAL PLAN UPDATE STRATEGY & OPTIONS

DUE DATE: This proposal is subject to a 30-day response period. Consideration has been included for mail delivery and holidays in calculating the response date. Proposers are solely responsible for ensuring timely receipt of proposals and responses received after the due date will not be considered. Postmark date will not constitute timely delivery.

The proposal must arrive at the address noted above before **5:00 pm** on the closing date listed below. The RFP timeline for Consultant selection is as follows:

Distribution of RFP	10/16/19
DUE DATE for Response to RFP.....	11/15/19
Notification of Short List Selection (Tentative)	12/15/19
Interviews, if needed (Tentative)	12/15/19
Notification of Final Selection (Tentative)	1/16/20

Sincerely,

Kevin F. Coyle, AICP CEP
Planning Director

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1.0 INTRODUCTION

1.1 Purpose of this Proposal

The City of Bakersfield (City) is requesting proposals from qualified consulting firms with specific experience in preparing comprehensive updates to the General Plan. The selected Consultant will work with the City to provide analysis and recommendations for: 1) at least three options to approach the upcoming update to the City's General Plan and 2) anticipated schedule and cost for each option (see Section 2.3). Proposals should include all information requested in this RFP, and should demonstrate experience with General Plan Updates.

1.2 Background

In accordance with California Government Code Section 65300, the City and the County of Kern jointly adopted the *Metropolitan Bakersfield General Plan* (MBGP) and certified the associated programmatic Environmental Impact Report (EIR) in 2002 to plan for the long-term future development of the Metropolitan Bakersfield area. The 2002 MBGP included an update to the text of the previous 1990 General Plan and made minor revisions to the land-use map designations that had originally been prepared in the late 1980's. Staff prepared text changes "in-house" and a Consultant assisted in preparation of the EIR.

The MBGP contains seven elements as required by state law, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. Two additional elements reflect the specific needs and objectives of the area, including a Public Services and Facilities Element and Parks Element. The MBGP also includes a reservation for the "Kern River Plan Element," which was jointly adopted by the City and County in 1985. The MBGP can be found on the City's website (www.bakersfieldcity.us/ds).

In the 17 years since adoption of the MBGP, various updates have occurred to maintain compliance with State law (see Table 1). However, there have been two considerable changes to the local landscape:

1. The County of Kern has moved forward with a General Plan update, and will no longer maintain a "joint" Plan with the City of Bakersfield. Though the County and City will now have independent plans, the physical and political geography of the area remain highly integrated. This will necessitate continued coordination in the future, which must be articulated in the current update process.
2. Changes continue in State law, local ordinances, growth patterns, and the needs of the community.

These factors warrant preparation of: (1) a new "Bakersfield General Plan" (BGP) to direct growth for the next 20 - 30 years; and (2) a new comprehensive environmental analysis that identifies the specific impacts of the new growth and appropriate methods to address and mitigate those impacts. Table 1 lists the current status of the various Elements.

Table 1. Recent Updates to the General Plan		
Element	Update	Description
Land Use	Quarterly	Property Owner Requests; per SB 244, SB 1241, AB 162, GC 65302, etc.
Circulation	2018	Clean-up to reflect constructed Freeways and Infrastructure
Housing	12/9/15	2015-2023 Housing Element approved per State Law
Conservation	2015	As required by SB 244, SB 1241, AB 162, GC 65302, etc.
Open Space	2002	Past updates
Safety	2015	As required by SB 244, SB 1241, AB 162, GC 65302, etc.
Noise	2006	Past updates

1.3 Project Location

The current MBGP area is approximately 408 square miles. A map of the MBGP boundary can be found at the City's website (www.bakersfieldcity.us). In accordance with state planning law, a General Plan must cover all territory within the boundaries of the adopting city. The plan should also take into account any area outside which, in the planning agency's judgment, "bears relation to its planning" (Government Code Section 65300). It also allows adoption of area plans or general plans in part. Thereby, the City is able to designate the area covered by this General Plan Update for study and adoption.

1.4 Project Description and Objectives

This Project is the preparation of an analysis of options for the City's approach to the General Plan Update. The response shall include a strategy for each of the noted "Update Options" noted below and information to demonstrate how the Project Objectives will be met by each option.

Update Options (to be included in Response):

- A. **Focused Update.** All legally-required updates to specific Elements within the MBGP and addition of any newly mandated Elements; No parcel-specific updates to existing land use designations.
- B. **Policy Update.** "Focused" option content plus specific, locally important policy driven updates within some or all Elements of the MBGP; Limited parcel-specific updates to existing land use designations.
- C. **"Other" Update.** Optional third option, parameters to be designed by responder incorporating all new State laws and guidance regarding General Plan updates.

Project Objectives (to be evaluated within each Option):

- 1) Within each Element, identify the various options and methodology for existing goals, policies, and implementation measures to be revised and the type of goals, policies and implementation that should be added or removed; these policies should be coordinated with the mitigation in the MBGP EIR, to facilitate future streamlining via CEQA Section 15183.
- 2) Identify new Elements that could be added and general framework for possible content;
- 3) Identify specific areas/Elements that will require continued coordination with Kern County;
- 4) Define the strategy for updating the existing land use map designations throughout the General Plan area (not applicable for Focused Option);
- 5) Identify options for the future General Plan boundary and Sphere of Influence (SOI)
- 6) Identify other possible General Plan implementation tools and methodology.

1.5 Current Conditions/Land Use Designations

The majority of the MBGP area outside the jurisdiction of the City is designated for agricultural uses, of which about 2% percent is in the City. Residential uses are a close second with 29% of the total MBGP area, of which 61% is in the City. The following table includes a breakdown of land uses in the City and unincorporated areas.

Metropolitan Bakersfield Land Uses					
LAND USE	JURISDICTION	SQ MILES	LAND USE	JURISDICTION	SQ MILES
RESIDENTIAL		118.6	INDUSTRIAL		23.6
RR	CITY	0.4	HI	CITY	0.9
UER	CITY	0.1	LI	CITY	3.5
ER	CITY	0.9	SI	CITY	4.4
SR	CITY	4.9	Sub-total City		8.8
LR	CITY	47.9	HI	COUNTY	3.9
WM-LR	CITY	0.7	LI	COUNTY	1.7
LR/PS	CITY	0.0	SI	COUNTY	9.3
LMR/LR	CITY	0.0	Sub-total County		14.8
LMR	CITY	7.5	OPEN SPACE		26.4
WM-LMR	CITY	1.3	OS	CITY	8.6
HMR	CITY	5.6	OS-P	CITY	3.0
WM-HMR	CITY	0.7	OS-S	CITY	5.6
HR	CITY	2.0	Sub-total City		17.2
WM-HR	CITY	0.1	OS	COUNTY	4.9
Sub-total City		72.2	OS-P	COUNTY	2.7
RR	COUNTY	12.7	OS-S	COUNTY	1.6
UER	COUNTY	2.7	Sub-total County		9.2
ER	COUNTY	5.3	PUBLIC FACILITIES		20.4
SR	COUNTY	9.7	P	CITY	12.1
SR/LR	COUNTY	1.3	P-SW	CITY	0.3
LR	COUNTY	1.3	PS	CITY	2.8
LMR/LR	COUNTY	3.8	PT	CITY	0.5
LMR	COUNTY	5.8	WM-SU	CITY	0.3
HMR	COUNTY	3.3	Sub-total City		16.1
HR	COUNTY	0.5	P	COUNTY	1.4
Sub-total County		46.4	P-SW	COUNTY	0.2
COMMERCIAL		13.7	PS	COUNTY	1.0
GC	CITY	7.3	PT	COUNTY	1.8
WM-GC	CITY	0.0	Sub-total County		4.3
HC	CITY	0.3	AGRICULTURE		127.7
OC	CITY	1.3	R-EA	CITY	0.2
MC	CITY	0.6	R-IA	CITY	2.4
MUC	CITY	1.3	R-EA	COUNTY	22.2
WM-MU	CITY	0.1	R-IA	COUNTY	103.0
WM-OC	CITY	0.1	MINERALS & PETROLEUM		35.9
Sub-total City		10.9	R-MP	CITY	0.6
GC	COUNTY	2.2	R-MP	COUNTY	35.3
HC	COUNTY	0.5	OTHER		41.7
OC	COUNTY	0.0	OTHER JURIS	FEDERAL LAND	1.0
MC	COUNTY	0.1	OTHER JURIS	CITY OF SHAFTER	5.4
Sub-total County		2.7	RIGHT OF WAY	CITY/COUNTY	35.2

2.0 SERVICES TO BE PROVIDED BY THE CONSULTANT

2.1 General Plan Update Strategy

Responses to this RFP are to include a scope of work to prepare a General Plan Update Strategy document that contains analysis and recommendations in accordance with the Update Options and Project Objectives noted in Section 1.4.

2.2 Project Components

2.2.1 General Plan Update Options

This section of the proposal should include a strategy/discussion for each of the noted “Update Options” and shall consider the information noted below. The City acknowledges that some or all of these topics may have a common method to address throughout all Update Options, and these commonalities may be reflected in the proposal without duplication.

1. List relevant new local, state, and federal laws, and how they will be incorporated. Possibilities include but are not limited to:
 - a. Air Quality. (Assembly Bill 32 and Senate Bill 375) The 2006 Global Warming Solutions Act (AB 32) requires reduction of greenhouse gas (GHG) emissions to 1990 levels by 2020 and establishes the California Air Resources Board (CARB) and Scoping Plan to achieve this goal via cap and trade, and other strategies related to Vehicle Miles Traveled (VMT), Transit Oriented Development (TOD), etc. SB 375 requires more compact growth and that regional planning agencies assign housing production targets consistent with regional sustainability and transportation plans, which set specific targets for reducing GHG.
 - b. Transportation/Complete Streets (AB 743 and AB 1358). AB 743 requires transition from Level of Service (LOS) to VMT for transportation impacts. OPR has provided a technical advisory in 2018 for guidance on implementation and strategies for analysis. Requires Circulation Element to plan for multi-modal transportation networks that allow travel by motor vehicle, foot, bicycle, and transit. OPR updated General Plan guidelines in 2010 to provide guidance to cities.
 - c. Disadvantaged Communities (SB 244). Requires Land Use Element to identify disadvantaged unincorporated communities (island or fringe) within the SOI, and analyze water, wastewater, storm-water drainage, and structural fire protection needs as well as financing options for extension of services.
 - d. Fire Hazards (SB 1241). Requires Safety Element to address the risk of fire for land classified as “State Responsibility Areas” (SRA), as defined in Public Resources Code Section 4102.
 - e. Flood Control (AB 162). Requires Conservation and Safety Elements to add information concerning flood/fire hazards, storm-water management, and groundwater recharge.
 - f. Persons with Developmental Disabilities (SB 812). Housing Elements to include an analysis of the special housing needs of the disabled, including persons with developmental disabilities.
 - g. Emergency Shelters (SB 2). Demonstrate sites/zoning available to accommodate need and describe characteristics/suitability of zone(s).
2. 2018 OPR General Plan Guidelines and relation to each Element. Examples:
 - a. Land Use
 1. Analysis of residential density goals/limits and balance with infill and urban growth
 2. Revisions in the number of residential and/or commercial designations
 3. Analysis of land amount needed for each land use type to accommodate future growth.
 4. Analysis of future water banking projects in the upland areas outside the floodplain

- b. Circulation
 - 1. Analysis of Complete Streets and Regional Transportation Impact Fee Program (RTIF)
 - 2. Consideration of Bike/Trail Plan and pedestrian and multimodal transportation options and consolidating existing specific bike and trail plans into Element
 - 3. Consideration of High Speed Rail and other regional/statewide transportation facilities
- c. Public Services and Facilities
 - 1. Analysis of water services, including all water districts that serve the Metro area
 - 2. Consideration of Groundwater Sustainability Act and on-going efforts related to the Kern River Groundwater Sustainability Agency (GSA) and Groundwater Sustainability Plan (GSP)
 - 3. Analysis of sewer service, including sewer districts and County Service Areas
 - 4. Analysis of solid waste, including private franchise vendors
- d. Safety Services
 - 1. Analysis of adequacy of police and fire services (a fire Joint Powers Agreement exists between the City and County)
 - 2. Analysis of seismic fault hazards (generally in northeast Bakersfield area)
 - 3. Analysis of flooding (most of the City is within the Lake Isabella flood inundation area)
- e. Conservation
 - 1. Analysis of biological resources (existing Metropolitan Bakersfield Habitat Conservation Plan and new Habitat Conservation Plan in development)
 - 2. Analysis of soils and agriculture resources
 - 3. Analysis of water resources, including ongoing GSA/GSP efforts
- f. Air Quality, Greenhouse Gas Emissions, and Climate Change Action Plan
 - 1. Recent legislation (See Section 2.3.1, Item 1)
 - 2. Renewable energy and energy efficiency; use of Electric Vehicle Charging Stations, etc.
 - 3. Analysis of Climate Action Plan requirements
- g. Urban and Jurisdiction Growth Issues
 - 1. Effect of County islands/developments surrounding City
 - 2. How General Plan can facilitate future annexations, including County Islands
 - 3. Analysis of methods to encourage dense/denser urban growth
- h. Housing Element: Consistency with housing goals and programs and incorporating State housing goals and priorities
- i. Open Space: Analysis of adequacy and availability of open space and park uses in the City.
 - 1. Explore option of designating Hwy 178 as a Caltrans Scenic Corridor (this has been identified as a possibility by Caltrans).
 - 2. Consolidating all specific park plans into Element
- j. Possible New Elements:
 - 1. Economic Development Element. Identify methods to facilitate and support economic growth and how land uses can be coordinated to achieve economic development goals.
 - 2. Downtown Bakersfield Element. Build upon the completed High Speed Rail Station Area Plan; to include architectural standards and polices to revitalize Downtown Bakersfield. Explore options for historic preservation and revitalization, including incentives such as the Mills Act. Other Elements that align with City Council goals.

3. Other concepts to consider:

- a. Incorporate State planning priorities per Government Code Section 65041.1
- b. Incorporate on-going Regional Planning Goals, such as Blueprints (both Kern and the San Joaquin Valley) and Regional Transportation Plan/Sustainable Communities Strategy
- c. Equitable Opportunities, Environmental Justice, and Fair Housing, including HUD's Final Rule on Affirmatively Furthering Fair Housing Rule (AFFH)
- d. Healthy Communities
- e. Sustainability
- f. Fiscal Stability/Responsibility
- g. Diversity/Inclusivity
- h. Revisions of inconsistencies, ineffective goals and policies, and gaps
- i. Refine existing goals that no longer serve the community, lack clarity, or are no longer current
- j. Removal of completed implementation measures

2.3.2 Anticipated Schedule and Cost for Each Option

For each Update Option, the General Plan Update Strategy document will provide an anticipated schedule and cost to implement the option. This schedule and cost shall include, but not necessarily be limited to, development of the background reports, completion of a comprehensive public outreach program, development of the General Plan document and supporting mapping amendments (if applicable), programmatic EIR preparation, and Zoning Ordinance updates to be consistent with the anticipated General Plan Update changes. The Consultant's proposed timelines shall span the initial kick-off meeting of the General Plan Update to final City Council adoption.

2.4 Project Timeline, Milestones, and Deliverables

Upon contract execution, the goal is to present the final "General Plan Update Strategy & Options" document, based on the Project description and noted services, for City review and consideration within six to nine months.

As part of the proposal, the Consultant shall include the following Project milestones.

Table 2. Project Deliverables & Milestones	
No.	Description
1	Kick-off meeting and Milestones for Completion
2	One mid-Project status report and meeting with City staff;
3	Draft General Plan Update Strategy document submittal
4	Planning and Development Committee meeting attendance (2)
5	Final General Plan Update Strategy Document submittal
6	City Council meeting attendance (2)
7	Final document presentation to Planning Commission and/or City Council (1)

3.0 PROPOSAL FORMAT, CONTENTS, AND SUBMISSION

3.1 Proposal Contents

All proposals submitted for this Project will be submitted as one digital and four hardcopies to be organized, tabbed, and presented in the order listed below. The proposals will not be judged by the volume of material presented and therefore, should be as brief and concise as possible without sacrificing clarity. The proposal should not exceed 20 pages in length exclusive of appendix materials (e.g., resumes).

3.1.1 Cover Page

Indicate the name of firm and Project title.

3.1.2 Professional Team & Qualifications

Provide brief information concerning your firm in this section. Discuss the overall capabilities of the organization(s). Include a brief description of the firm's history, experience, organizational structure, and resumes of top-level management. Provide similar information for each joint venture participant and all subcontractors, if any, along with the approximate percentage of their contribution.

If two or more firms are involved in a joint venture or association for this Project, the proposal must clearly delineate the respective areas of authority and responsibility of each party. All parties signing the agreement with the City must be individually liable for completion of the entire Project, even when the area of authority and responsibility under the terms of the joint venture or association is limited.

Include the following information in this section:

1. Name and location of the office where Project work is to be performed.
2. Total personnel by discipline of the professional team (including sub-Consultants)
3. An Organizational Chart to include:
 - a. Principal-in-Charge – State nature of involvement with the Project
 - b. Project Manager – State nature of involvement with the Project
 - c. Planners/Environmentalists
 - d. Other key personnel

3.1.3 Project Approach and Work Schedule

Present your response to the services requested above. The proposal shall include a description of the methodology developed to perform the required services and tasks, including the listing of products associated with each. Provide a work schedule outlining timeframes for circulation of the Project, work products, and milestones.

The Consultant shall be prepared to start the work within three weeks of the City's authorization to proceed and shall complete work within the allotted time specified by the Professional Services Agreement.

The Project duration may be approximately six to nine months. The actual program time may vary and will depend on issues and circumstances, which evolve from public meetings, future funding, and future

events. The proposal should demonstrate the Consultant's willingness to prepare and execute flexible work scheduling based on these unknown events. The proposal must allow adequate time for Staff review, comment, and redraft of the documents, discussion, and deliberation throughout the Project.

3.1.4 Cost of Services

Submit two exhibits; including 1) a fee schedule showing the hourly rates for staff and any other direct material and equipment costs that are likely to occur and 2) a payment schedule.

The proposed budget should outline all estimated costs to complete the Project as outlined in Section 2 of this RFP, including administrative costs, graphics, duplication, and mailings as well as travel costs. Please note that City of Bakersfield does not pay "Cost-Plus" expenses. Therefore, integrate all anticipated costs to complete the Project into the total proposed budget. The cost will be on a time-and-materials, not-to-exceed basis and payment will be monthly (i.e., net 30).

3.1.5 Insurance and Indemnification

The selected Consultant will be required to obtain and maintain insurance as a condition of the award of this agreement, and the Consultant's proposal shall state that the Consultant shall obtain the following in accordance with the terms of the agreement:

1. Professional liability insurance, providing coverage on an occurrence basis for errors and omissions with limits of not less than One Million Dollars (\$1,000,000) per occurrence;
2. Automobile liability insurance, providing coverage on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000) per occurrence;
3. Broad form commercial general liability insurance, providing coverage on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000) per occurrence; and
4. Workers' compensation insurance with statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000) per accident.

Except for professional liability, the liability policies shall contain an additional insured endorsement in favor of the City, its mayor, council, officers, agents, employees and volunteers.

The workers' compensation policy shall contain a waiver of subrogation endorsement in favor of the City, its mayor, council, officers, agents, employees and volunteers.

Insurance is to be placed with insurers with a Bests' rating of no less than A:VII. This requirement may be waived at the City's sole discretion.

Except for professional liability, all policies required of the Consultant hereunder shall be primary insurance as respects the City, its mayor, council, officers, agents, employees and volunteers and any insurance or self-insurance maintained by the City, its mayor, council, officers, agents, employees and volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

The automobile liability policies shall provide coverage for owned, non-owned and hired autos. The liability policies shall provide contractual liability coverage for the terms of this Agreement.

All policies shall contain an endorsement providing the City with 30 days' written notice of cancellation or material change in policy language or terms. All policies shall provide that there shall be continuing liability thereon, notwithstanding any recovery on any policy.

The insurance required under this Agreement shall be maintained until all work required to be performed under the terms of this Agreement is completed to the City's satisfaction. The Consultant shall furnish the City Risk Manager with a certificate of insurance and, if requested, copies of endorsement or all insurance policies evidencing the insurance required under this Agreement.

Any deductibles, self-insured retentions or insurance in lesser amounts, or lack of certain types of insurance otherwise required by this agreement of Consultant, must be declared to and approved by the City.

However, unless otherwise approved by the City, if any part of the work under this Agreement is subcontracted, the "basic insurance requirements" set forth hereinabove shall be provided by or on behalf of all subcontractors even if the City has approved lesser insurance requirements for Consultant. Consultant shall be responsible for determining and guaranteeing all subcontractors are insured as set forth in this paragraph.

All costs of insurance required under this Agreement shall be included in the Consultant's bid, and no additional allowance will be made for additional costs, which may be required by extension of the insurance policies. If Consultant fails to maintain adequate insurance coverage as required by the design contract, then the City of Bakersfield shall have the right to terminate the Consultant's contract.

The selected Consultant will also be required to execute the Professional Services Agreement that includes the following indemnification language:

Consultant shall indemnify, defend, and hold harmless City and City's officers, agents and employees 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, arising out of, connected with, or caused by Consultant or Consultant's employees, agents, independent contractors, companies, or subcontractors in the performance of, or in any way arising from, the terms and provisions of this Agreement whether or not caused in part by a party indemnified hereunder, except for City's sole active negligence or willful misconduct.

3.1.6 Current Volume of Work

Provide a means to demonstrate that your firm has the capacity to provide the required services in a timely manner and to meet the deadlines.

3.1.7 Conflict of Interest

The contractor retained under agreement to perform the aforementioned services will refrain from contracting with the applicant (unless the applicant is the City of Bakersfield) during the duration of the time that the scope of Consultant services is performed on behalf of the City. In addition, the Consultant retained under agreement to perform the aforementioned services will not contract for services on any Project within the incorporated City of Bakersfield without first receiving written consent from the Planning Director that the requested contract for services is not inconsistent, incompatible, in conflict with, or contrary to the performance of the Project, which consent will not be unreasonably withheld.

3.2 Proposal Submission

To receive consideration, proposals shall be made utilizing the following general instructions:

1. The signatures of all persons signing the proposal shall be in longhand. The completed proposal should be without interlineations, alterations, or erasures.
2. No oral, telegraphic, or telephonic proposals will be considered.
3. The submission of a proposal shall be conclusive evidence that the Consultant has investigated and is satisfied with the conditions affecting the program, the character, quality, and scope of work to be performed, and the requirements of the City, and, with that understanding, is qualified and able to complete the Project as outlined herein.
4. Proposals shall be enclosed in and envelopes/shipping box that is clearly marked as specified in the coversheet of this RFP.
5. All documents submitted by the Consultant are subject to disclosure under the Public Records Act.

Submit four hard copies and one digital copy of your proposal to:

Development Service Department – Planning Division
Attn: Kevin F. Coyle, AICP CEP; Planning Director
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301

ALL PROPOSALS MUST BE SEALED AND RECEIVED BY 5 P.M. ON THE DEADLINE DATE AT THE ABOVE OFFICE AND ADDRESS. PROPOSALS SUBMITTED AFTER THE ABOVE DEADLINE WILL NOT BE ACCEPTED.

4.0 MISCELLANEOUS GENERAL REQUIREMENTS

4.1 Payment for Services

Payment, which requires the preparation of studies and/or any other City requested work, shall be subject to approval by City Staff and will not be paid prior to the completion of any requested revisions.

4.2 Services Provided by the City

The City will provide a Project Manager and Staff assistance by appropriate City personnel and the items listed below in support of the Consultant's professional services; however, the Consultant shall be responsible for the evaluation of all information supplied by the City.

4.2.1 City Documents

Upon agreement between the City and Consultant on the scope of the information required, the City will furnish Consultant with available data, plans, reports, maps, and other materials and information required for the Project, except those included in the Consultant's scope of services.

4.3 Solicitation Caveat

The proposer understands and agrees that the City shall have no financial responsibility for any costs incurred by the proposer in responding to this RFP and shall not be liable to any proposer for costs attributed to the design of the Project until the proposer has executed a contract with the City and been authorized in writing to proceed. The City reserves the right to terminate this RFP after three-day notice to all prospective proposers. The City may select any proposal in its sole discretion and on the basis of criteria which the City determines best reflects its interest in completion of the Project. The City may (a) select any proposal for further clarification or negotiation; (b) alter the RFP or ask for alternative proposals; (c) suspend or alter the timing of negotiations and/or solicitations and/or negotiations and/or execution of agreements under this RFP or in respect of any proposal; or (d) suspend or terminate, in whole or in part, any aspect of the Project or this RFP. In any such event and to the maximum extent permitted by law, a proposer's sole remedy will be the right to withdraw such proposal, and all other rights and remedies of any proposer submitting a proposal will be deemed waived and released as against the City.

The submission of a proposal shall be conclusive evidence that the Consultant had investigated and satisfied themselves as to the conditions to be encountered, the character, quality, and scope of work to be performed, and the requirements of the City of Bakersfield, and, with that understanding, is qualified and able to complete the Project as outlined herein.

4.4 Time

Time is of the essence as to all work to be performed by the selected Consultant.

4.5 Form of Independent Contractor's Agreement (Over \$40K)

Attached is substantially the form of the Independent Contractor's Agreement (Over \$40K), which the successful firm is expected agree to and sign. Prospective Consultants shall be notified of major changes to this RFP or the proposed Independent Contractor's Agreement (Over \$40K) by addenda.

4.6 Business Address

Proposers shall furnish the City with their business street address. Any communications directed either to the address so given or to the address listed on the sealed proposal container and deposited in the U.S. Postal Service by certified mail shall constitute a legal service thereof upon the proposer.

4.7 Addenda

Addenda issued by the City interpreting or changing any of the items in this RFP, including all modifications thereof, shall be incorporated in the proposal. The proposer shall sign and date the Addenda Cover Sheet and submit them with their proposal (or deliver them to the Planning Division) if the Consultant has previously submitted this proposal to the Planning Division.

4.9 Disadvantaged Business Enterprise (DBE) Participation

The Consultant shall ensure that DBE firms, as defined by federal law, have the maximum opportunity to participate in the performance of this contract and shall take all necessary and reasonable steps for such assurance. The Consultant shall document that adequate Good Faith Efforts were conducted to meet the requirements of the DBE. If a ranked Consultant does not meet the goal and the City determines that the Good Faith Effort was not adequate, the Consultant will be rejected and the City will negotiate with the next highest ranked firm.

5.0 SELECTION PROCESS

All proposals received by the specified deadline will be reviewed by the City for content, fee schedule, staffing, the proposed work program, and the phasing of tasks as well as overall compliance with this RFP. In reviewing the details for the Update Options, the City will consider level of effort, timing, and cost.

Informal interviews may be conducted as part of the final selection process. The firm or firms selected by the City will be recommended to the City Council, but the Council is not bound to accept the recommendation or award the work to the recommended firm.

The City reserves the right to reject any and all proposals and to waive informalities and minor irregularities in any proposal received and may reject, modify, or otherwise alter this proposal process as it sees fit, at its sole discretion, with or without cause. The City reserves the right to select the proposal or proposals which, in its sole judgment, best meet the needs of the City. Pursuant to Section 4526 of the Government Code, the selection will be based on demonstrated competence and on the professional qualifications of the applicants and at a fair and reasonable price to the City.

Consultant's List

**City of Bakersfield Planning Division
Consultant List
- Mailing Labels -
Updated: 10/16/19**

AECOM

Attn: RFP Manager
1220 Avenida Acaso
Camarillo, CA 93012
PH: 805-388-3775

Alta Environmental

Attn: RFP Manager
3777 Long Beach Blvd., Annex Bldg.
Long Beach, CA 90807
PH: 888-608-3010

Applied Planning, Inc.

Attn: RFP Manager
11762 De Palma Rd., 1-C 310
Corona, CA 92883
PH: 909-937-0333

Ascent Environmental, Inc.

Attn: RFP Manager
455 Capitol Mall, Ste. 300
Sacramento, CA 95814
PH: 916-444-7301

Aspen Environmental Group

Attn: RFP Manager
5020 Chesebro Rd., Ste. 200
Agoura Hills, CA 91301
PH: 818-597-3407

Benchmark Resources

Attn: RFP Manager
2515 E. Bidwell St.
Folsom, CA 95630
PH: 916-983-9193

CAJA Environmental Services, LLC

Attn: RFP Manager
15350 Sherman Wy., Ste. 315
Van Nuys, CA 91406
PH: 310-469-6700

Crawford & Bowen Planning, Inc.

Attn: RFP Manager
113 N. Church St., Ste. 302
Visalia, CA 93291
PH: 559-840-4414

Denise Duffy & Associates, Inc.

Attn: RFP Manager
947 Cass St., Ste. 5
Monterey, CA 93940
PH: 831-373-4341

Drake Haglan and Associates

Attn: RFP Manager
11060 White Rock Rd., Ste. 200
Rancho Cordova, CA 95670
PH: 916-363-4210

Dudek

Attn: RFP Manager
38 N. Marengo Ave.
Pasadena, CA 91101
PH: 626-204-9800

Ecology and Environment Inc.

Attn: RFP Manager
505 Sansome St., Ste. 300
San Francisco, CA 94111
PH: 415-398-5326

ECORP Consulting, Inc.

Attn: RFP Manager
215 N. Fifth St.
Redlands, CA 92374
PH: 909-307-0046

EcoTierra Consulting, Inc.

Attn: RFP Manager
5776-D Lindero Canyon Rd. #414
Westlake Village, CA 91362
PH: 818-356-9496

EMC Planning Group Inc.

Attn: RFP Manager
301 Lighthouse Avenue, Suite C
Monterey, CA 93940
PH: 831-649-1799

Envicom Corporation

Attn: RFP Manager
4165 E. Thousand Oaks Blvd., Ste. 290
Westlake Village, CA 91362
PH: 818-879-4700

EPD Solutions, Inc.

Attn: RFP Manager
2030 Main St., Ste. 1200
Irvine, CA 92614
PH: 949-794-1180

ESA

Attn: RFP Manager
626 Wilshire Blvd., Ste. 1100
Los Angeles, CA 90017
PH: 213-599-4300

FirstCarbon Solutions

Attn: RFP Manager
250 Commerce, Ste. 250
Irvine, CA 92602
PH: 714-508-4100

HDR Engineering, Inc.

Attn: RFP Manager
3230 El Camino Real, Ste. 200
Irvine, CA 92602
PH: 714-730-2300

ICF International

Attn: RFP Manager
49 Discovery, Ste. 250
Irvine, CA 92618
PH: 949-333-6625

Impact Brands, Inc.

Attn: RFP Manager
1600 Sacramento Inn Wy., Ste. 135
Sacramento, CA 95815
PH: 916-549-8646

Impact Sciences

Attn: RFP Manager
231 Village Commons, Ste. 17
Camarillo, CA 93012
PH: 805-437-1900

Kimley-Horn and Associates, Inc.

Attn: RFP Manager
555 Capitol Mall, Ste. 300
Sacramento, CA 95814
PH: 916-858-5800

Krazan & Associates

Attn: RFP Manager
2205 Coy Ln.
Bakersfield, CA 93307
PH: 661-837-9200

LSA Associates

Attn: RFP Manager
20 Executive Park, Ste. 200
Irvine, CA 92614
PH: (949) 553-0666

Meridian Consultants LLC

Attn: RFP Manager
920 Hampshire Rd., Ste. A5,
Westlake Village CA 91361
PH: 805-367-5720

Michael Baker

Attn: RFP Manager
2729 Prospect Dr., Ste. 220
Rancho Cordova, CA 95670
PH: 916-361-8384

MRS Environmental Inc.

Attn: RFP Manager
1306 Santa Barbara St.
Santa Barbara, CA 93101
PH: 805-289-3920

Northcutt & Associates

Attn: RFP Manager
4220 Poplar St.
Lake Isabella, CA 93240
PH: 760-379-4626

Oliveira Environmental Consulting

Attn: RFP Manager
1645 Hillcrest Pl.
San Luis Obispo, CA 93401
PH: 805-234-7393

Padre Associates, Inc.

Attn: RFP Manager
3500 Coffee Road, Ste. B
Bakersfield, CA 93308
PH: 661-829-2686

Parsons Corporation

Attn: RFP Manager
100 W. Walnut St.
Pasadena, CA 91124
PH: (626) 440-4000

PlaceWorks

Attn: RFP Manager
3 MacArthur Pl., Ste. 1100
Santa Ana, CA 92707
PH: 714-966-9220

Power Engineers, Inc.

Attn: RFP Manager
731 E. Ball Rd., Ste. 100
Anaheim, CA 92805
PH: 714-507-2700

Provost & Pritchard Consulting Services

Attn: RFP Manager
1800 30th St., Ste. 280
Bakersfield, CA 93301
PH: 661-616-5900

QK Inc.

Attn: RFP Manager
5080 California Ave., Ste. 220
Bakersfield, CA 93309
PH: 661-616-2600

Raney Planning & Management, Inc.

Attn: RFP Manager
1501 Sports Dr., Ste. A
Sacramento, CA 95834
PH: 916-372-6100

RECON Environmental, Inc.

Attn: RFP Manager
1927 Fifth Ave.
San Diego, CA 92101-2358
PH: 619-308-9333

Rincon Consultants, Inc.

Attn: RFP Manager
180 N. Ashwood Ave.
Ventura, CA 93003
PH: 805-644-4455

Sapphos Environmental Inc.

Attn: RFP Manager
430 N. Halstead St.
Pasadena, CA 91107
PH: 626-683-3547

Stantec

Attn: RFP Manager
555 Capitol Mall, Ste. 650
Sacramento, CA 95814
PH: 916-442-3230

SWCA Environmental Consultants

Attn: RFP Manager
51 W. Dayton St.
Pasadena, CA 91105
PH: 626-240-0587

Tetra Tech, Inc.

Attn: RFP Manager
17885 Von Karman Ave., Ste. 500
Irvine, CA 92614
PH: 949-809-5000

UltraSystems, Inc.

Attn: RFP Manager
16431 Scientific Wy.
Irvine, CA 92618-7443
PH: 949-788-4988

WZI Inc.

Attn: RFP Manager
1717 28th St.
Bakersfield, CA 93301
PH: 661-326-1112

Independent Contractor's Agreement (Over \$40K)

AGREEMENT NO. _____

INDEPENDENT CONTRACTOR'S AGREEMENT

[Over \$40,000]

This **INDEPENDENT CONTRACTOR'S AGREEMENT** ("Agreement") is made and entered into on _____, by and between the **CITY OF BAKERSFIELD**, a municipal corporation, ("CITY") and _____ ("CONTRACTOR").

RECITALS

WHEREAS, CONTRACTOR represents that CONTRACTOR is experienced, well qualified and a specialist in the field of _____.

NOW, THEREFORE, incorporating the foregoing recitals herein, CITY and CONTRACTOR mutually agree as follows:

1. **SCOPE OF WORK.** In exchange for the Compensation (defined below), CONTRACTOR shall perform the following:

("Scope of Work"). The Scope of Work shall include all items and procedures necessary to properly complete the task CONTRACTOR has been hired to perform, whether specifically included in the Scope of Work or not.

2. **COMPENSATION/PAYMENT PROCEDURE.** Subject to the conditions of this section, CITY will pay CONTRACTOR as follows for performing the Scope of Work ("Compensation"): **[choose one]**

(1) A total, lump sum payment of \$ _____ after the Scope of Work is completed to CITY's satisfaction, or

(2) On an hourly [or time/material] basis in accordance with the hourly rates as shown on **Exhibit A**.

CITY will pay CONTRACTOR within 30 days after CONTRACTOR submits an itemized invoice for the portions of the Scope of Work completed and that invoice is approved by CITY. The Compensation will be the total amount paid to CONTRACTOR for performing the Scope of Work and includes, but is not limited to, all out-of-pocket costs and taxes. CITY will pay no other compensation to CONTRACTOR. In no case will CITY compensate CONTRACTOR more than \$_____ for performing the Scope of Work.

3. **TERM.** Unless terminated sooner, as set forth herein, this Agreement shall terminate on _____ [Date].
4. **TERMINATION.** Either party may terminate this Agreement after giving the other party written notice, as provided herein, ten days before the termination is effective.
5. **COMPLIANCE WITH ALL LAWS.** CONTRACTOR shall, at CONTRACTOR's sole cost, comply with all of the requirements of Municipal, State, and Federal authorities now in force, or which may hereafter be in force, pertaining to this Agreement, and shall faithfully observe in all activities relating to or growing out of this Agreement all Municipal ordinances and State and Federal statutes, rules or regulations, and permitting requirements now in force or which may hereafter be in force including, without limitation, obtaining a City of Bakersfield business tax certificate (Bakersfield Municipal Code Chapter 5.02) where required.
6. **INDEPENDENT CONTRACTOR.** This Agreement calls for CONTRACTOR's performance of the Scope of Work as an independent contractor. CONTRACTOR is not an agent or employee of the CITY for any purpose and is not entitled to any of the benefits provided by CITY to its employees. This Agreement shall not be construed as forming a partnership or any other association with CONTRACTOR other than that of an independent contractor.
7. **DIRECTION.** CONTRACTOR retains the right to control or direct the manner in which the services described herein are performed.
8. **EQUIPMENT.** CONTRACTOR will supply all equipment, tools, materials and supplies necessary to perform the services under this Agreement.
9. **STARTING WORK.** CONTRACTOR shall not begin work until authorized to do so in writing by CITY. No work will be authorized before the date first written above.

10. **KEY PERSONNEL.** CONTRACTOR shall name all key personnel to be assigned to perform the Scope of Work. All key personnel shall be properly licensed and have the experience to perform the work called for under this Agreement. CONTRACTOR shall provide background for each of the key personnel including, without limitation, resumes and work experience performing work similar to the Scope of Work. CITY reserves the right to approve key personnel. Once the key personnel are approved, CONTRACTOR shall not change such personnel without CITY's written approval.
11. **INCLUDED DOCUMENTS.** Any bid documents, including, without limitation, special provisions and standard specifications and any Request for Proposals, Request for Qualifications and responses thereto relating to this Agreement are incorporated by reference as though fully set forth herein.
12. **LICENSES.** CONTRACTOR shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits and approvals which are legally required for CONTRACTOR to practice its profession and perform the Scope of Work. If CONTRACTOR is a corporation, at least one officer or key employee shall hold the required licenses or professional degrees. If CONTRACTOR is a partnership, at least one partner shall hold the required licenses or professional degrees.
13. **STANDARD OF PERFORMANCE.** The Scope of Work shall be performed in conformity with all legal requirements and industry standards observed by a specialist of CONTRACTOR's profession in California.
14. **SB 854 COMPLIANCE.** To the extent Labor Code Section 1771.1 applies to this Agreement, a contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, be subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of Labor Code Section 1771.1 for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded. The prime contractor is required to post job site notices in compliance with Title 8 California Code of Regulations Section 16451. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

15. **NO WAIVER OF DEFAULT.** The failure of any party to enforce against another party any provision of this Agreement shall not constitute a waiver of that party's right to enforce such a provision at a later time and shall not serve to vary the terms of this Agreement.

16. **INSURANCE.**

16.1 **Types and Limits of Insurance.** In addition to any other insurance or security required under this Agreement, CONTRACTOR must procure and maintain, for the duration of this Agreement, the types and limits of insurance below ("Basic Insurance Requirements").

16.1.1 **Automobile liability insurance,** providing coverage for owned, non-owned, and hired autos on an occurrence basis for bodily injury, including death, of one or more persons, property damage, and personal injury, with limits of not less than \$1,000,000 per occurrence.

16.1.2 **Commercial general liability insurance,** unless otherwise approved by CITY's Risk Manager, providing coverage on an occurrence basis for bodily injury, including death, of one or more persons, property damage, and personal injury, with limits of not less than \$1,000,000 per occurrence. The policy must:

16.1.2.1 Provide contractual liability coverage for the terms of this Agreement;

16.1.2.2 Provide products and completed operations coverage;

16.1.2.3 Provide premises, operations, and mobile equipment coverage; and

16.1.2.4 Contain an additional insured endorsement in favor of CITY and its mayor, council, officers, agents, employees, and designated volunteers.

16.1.3 **Workers' compensation insurance** with limits of not less than \$1,000,000 per occurrence. In accordance with the provisions of Labor Code Section 3700, every contractor will be required to secure the payment of compensation to his employees. Pursuant to Labor Code Section 1861,

CONTRACTOR must submit to CITY the following certification before beginning any work on the Improvements:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

By executing this Agreement, CONTRACTOR is submitting the certification required above.

The policy must contain a waiver of subrogation in favor of CITY and its mayor, council, officers, agents, employees, and designated volunteers.

16.2 General Provisions Applying to All Insurance Types.

- 16.2.1** All policies required of CONTRACTOR must be written on a first-dollar coverage basis, or contain a deductible provision. Subject to CITY's advance approval, CONTRACTOR may utilize a self-insured retention in any or all of the policies provided, but the policy or policies may not contain language, whether added by endorsement or contained in the policy conditions, that prohibits satisfaction of any self-insured provision or requirement by anyone other than the named insured or by any means including other insurance or which is intended to defeat the intent or protection of an additional insured.
- 16.2.2** All policies required of CONTRACTOR must be primary insurance as to CITY and its mayor, council, officers, agents, employees, or designated volunteers and any insurance or self-insurance maintained by CITY and its mayor, council, officers, agents, employees, and designated volunteers must be excess of CONTRACTOR's insurance and must not contribute with it.
- 16.2.3** The insurance required above, except for workers' compensation insurance, must be placed with insurers with a Best's rating as approved by CITY's Risk Manager,

but in no event less than A-VII. Any deductibles, self-insured retentions, or insurance in lesser amounts, or lack of certain types of insurance otherwise required by this Agreement, or insurance rated below Best's A-VII, must be declared prior to execution of this Agreement and approved by CITY in writing.

16.2.4 The insurance required in this section must be maintained until the Scope of Work is satisfactorily completed as evidenced by CITY's written acceptance. All policies must provide that there will be continuing liability thereon, notwithstanding any recovery on any policy.

16.2.5 Full compensation for all premiums which the CONTRACTOR is required to pay to satisfy the Basic Insurance Requirements shall be considered as included in the prices paid for the performance of the Scope of Work, and no additional allowance will be made therefor or for additional premiums which may be required by extensions of the policies of insurance.

16.2.6 It is further understood and agreed by CONTRACTOR that its liability to CITY will not in any way be limited to or affected by the amount of insurance obtained and carried by CONTRACTOR in connection with this Agreement.

16.2.7 Unless otherwise approved by CITY, if any part of the Scope of Work is subcontracted, the Basic Insurance Requirements must be provided by, or on behalf of, all subcontractors even if CITY has approved lesser insurance requirements for CONTRACTOR, and all subcontractors must agree in writing to be bound by the provisions of this section.

17. THIRD PARTY CLAIMS. In the case of public works contracts, CITY will timely notify CONTRACTOR of third party claims relating to this Agreement. CITY shall be allowed to recover from CONTRACTOR, and CONTRACTOR shall pay on demand, all costs of notification.

18. INDEMNITY. CONTRACTOR shall indemnify, defend, and hold harmless CITY and CITY's officers, agents and employees 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, arising out of, connected with, or caused by CONTRACTOR or CONTRACTOR's employees, agents, independent contractors, companies, or subcontractors in the performance of, or in any way arising from, the terms and provisions of this Agreement whether or not caused in part by a party indemnified hereunder, except for CITY's sole active negligence or willful misconduct.

19. **ASSIGNMENT.** Neither this Agreement nor any rights, interests, duties, liabilities, obligations or responsibilities arising out of, concerning or related in any way to this Agreement (including, but not limited to, accounts, actions, causes of action, claims, damages, demands, liabilities, losses, obligations, or reckonings of any kind or nature whatsoever, for compensatory or exemplary and punitive damages, or declaratory, equitable or injunctive relief, whether based on contract, equity, tort or other theories of recovery provided for by the common or statutory law) may be assigned or transferred by any party. Any such assignment is prohibited, and shall be unenforceable and otherwise null and void without the need for further action by the non-assigning party or parties.
20. **ACCOUNTING RECORDS.** CONTRACTOR shall maintain accurate accounting records and other written documentation pertaining to all costs incurred in performance of this Agreement. Such records and documentation shall be kept at CONTRACTOR's office during the term of this Agreement, and for a period of three years from the date of the final payment hereunder, and made available to CITY representatives upon request at any time during regular business hours.
21. **BINDING EFFECT.** The rights and obligations of this Agreement shall inure to the benefit of, and be binding upon, the parties to the Agreement and their heirs, administrators, executors, personal representatives, successors and assigns.
22. **CORPORATE AUTHORITY.** Each individual signing this Agreement on behalf of entities represents and warrants that they are, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this Agreement.
23. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be considered as an original and be effective as such.
24. **EXECUTION.** This Agreement is effective upon execution. It is the product of negotiation and all parties are equally responsible for authorship of this Agreement. Section 1654 of the California Civil Code shall not apply to

- the interpretation of this Agreement.
25. **EXHIBITS.** In the event of a conflict between the terms, conditions or specifications set forth in this Agreement and those in exhibits attached hereto, the terms, conditions, or specifications set forth in this Agreement shall prevail. All exhibits to which reference is made in this Agreement are deemed incorporated in this Agreement, whether or not actually attached.
26. **FURTHER ASSURANCES.** Each party shall execute and deliver such papers, documents, and instruments, and perform such acts as are necessary or appropriate, to implement the terms of this Agreement and the intent of the parties to this Agreement.
27. **GOVERNING LAW.** The laws of the State of California will govern the validity of this Agreement and its interpretation and performance. Any litigation arising in any way from this Agreement shall be brought in Kern County, California.
28. **INTERPRETATION.** Whenever the context so requires, the masculine gender includes the feminine and neuter, and the singular number includes the plural.
29. **MERGER AND MODIFICATION.** This Agreement sets forth the entire agreement between the parties and supersedes all other oral or written representations. This Agreement may be modified only in a writing approved by the City Council and signed by all the parties.
30. **NON-INTEREST.** No CITY officer or employee shall hold any interest in this Agreement (California Government Code section 1090).
31. **NOTICES.** All notices relative to this Agreement shall be given in writing and shall be personally served or sent by certified or registered mail and be effective upon actual personal service or depositing in the United States mail. The parties shall be addressed as follows, or at any other address designated by notice:

**CITY: CITY OF BAKERSFIELD
CITY HALL
1600 Truxtun Avenue
Bakersfield, California 93301**

CONTRACTOR: _____

32. **RESOURCE ALLOCATION.** All CITY obligations under the terms of this Agreement are subject to the appropriation and allocation of resources by the City Council.

33. **TITLE TO DOCUMENTS.** All documents, plans, and drawings, maps, photographs, and other papers, or copies thereof prepared by CONTRACTOR pursuant to the terms of this Agreement, shall, upon preparation, become CITY property.

34. **TAX NUMBERS.**

CONTRACTOR's Federal Tax ID Number _____
CONTRACTOR is a corporation? Yes _____ No _____
(Please check one.)

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first written above.

“CITY”
CITY OF BAKERSFIELD

By: _____
Karen K. Goh
Mayor

“CONTRACTOR”

I have received and reviewed the sample CONTRACTOR’s AGREEMENT including the INDEMNITY clause which was sent to me with the City’s RFQ. My signature below shall signify our firm’s acceptance of a final version of the same contract except for “Scope of Work” and “Compensation” clauses. If our firm is selected for awarding a contract for the project as described in said RFQ for On Call Construction Inspection Services of City Public Works projects.

Initialed by: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: _____
(NAME & TITLE)

Insurance: _____

APPROVED AS TO CONTENT:
CITY DEPARTMENT NAME

By: _____
DEPARTMENT HEAD NAME
TITLE

COUNTERSIGNED:

By: _____

RANDY McKEEGAN

Finance Director

Attachment: Exhibit ____