



**BOARD OF ZONING ADJUSTMENT
AGENDA
MEETING OF OCTOBER 13, 2020, 3:00 PM
Council Chambers, City Hall South, 1501 Truxtun Avenue**

1. ROLL CALL

2. PUBLIC STATEMENTS:

3. MINUTES

- a. Approval of minutes for the September 8, 2020 regular meeting.
Staff recommends approval.

4. CONSENT CALENDAR PUBLIC HEARINGS

Ward 7

- a. **Conditional Use Permit No. 20-0087.** Lane Engineers, Inc. is proposing a conditional use permit to allow a truck stop (17.28.030.A) in the M-1 (Light Manufacturing Zone), located at the northeast corner of Taft Highway and South H Street. An Addendum to a Mitigated Negative Declaration is on file per California Environmental Quality Act Guidelines Sections 15162 and 15164.
Staff recommends approval.

Ward 2

- b. **Conditional Use Permit No. 20-0210.** Camelot Park Family Entertainment Center is proposing a conditional use permit to allow modifications to an existing family entertainment center (Camelot Park) by replacing attractions with new aquatic features in the M-1 (Light Manufacturing Zone) district, located at 1251 Oak Street. Notice of Exemption on file.
Staff recommends approval.

Ward 1

- c. **Conditional Use Permit No. 20-0235.** The City of Bakersfield Public Works Department/Solid Waste Division is proposing a conditional use permit to allow modification to an existing Recycling and Composting Facility by adding the temporary transfer of municipal solid waste and increasing their average intake volume in the A (Agriculture Zone) district, located at 2601 South Mount Vernon Avenue. An Addendum to a Mitigated Negative Declaration is on file per California Environmental Quality Act Guidelines Sections 15162 and 15164.
Staff recommends approval.

Ward 3

- d. **Conditional Use Permit No. 20-0216:** Countryside Corp., is proposing a conditional use permit to allow a restaurant with drive-through services (17.22.040.B.11) in the C-1 (Neighborhood Commercial Zone) district, located at 5704 Comanche Drive. A finding that the project is exempt from the California Environmental Quality Act will also be considered.

Staff recommends approval.

Ward 2

- e. **Zoning Modification No. 20-0225.** Engel & Company is proposing a zoning modification to allow an office building with a 0-foot front yard setback where a minimum 10 feet is required (17.22.070.A) and to allow landscaping within the right-of-way in the C-1 (Neighborhood Commercial) zone district, located at 2100 Brundage Lane. Notice of Exemption on file.

Staff recommends approval.

5. PUBLIC HEARINGS

Ward 2

- a. **Conditional Use Permit No. 20-0183.** Housing Authority of the County of Kern is proposing a conditional use permit to allow conversion of an existing hotel into multiple family dwellings (affordable apartments) (17.24.040.A and 17.64.020.B) in the C-2 (Regional Commercial Zone) and M-1 (Light Manufacturing Zone) district, located at 1622 Union Avenue. Notice of Exemption on file.

Staff recommends approval.

Ward 2

- b. **Conditional Use Permit/Zoning Modification No. 20-0226.** Golden Empire Affordable Housing, Inc. is proposing a conditional use permit to allow conversion of an existing hotel into multiple family dwellings (senior affordable apartments) (17.20.040.A), and a zoning modification to allow 2 parking spaces where 12 are required in the C-1 (Neighborhood Commercial Zone) district, located at 2027 19th Street. Notice of Exemption on file.

Staff recommends approval.

6. STAFF COMMUNICATIONS

7. BOARD STATEMENTS

8. ADJOURNMENT



Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: October 13, 2020

ITEM NUMBER: Minutes3.(a.)

TO: Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD:

SUBJECT:

Approval of minutes for the September 8, 2020 regular meeting.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



BOARD OF ZONING ADJUSTMENT MINUTES

Meeting of September 8, 2020, 3:00 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

		<u>ACTION TAKEN</u>
REGULAR MEETING		
1.	ROLL CALL Present: Members Fick, Kitchen, and Patteson Absent: None	
2.	PUBLIC STATEMENTS None.	
3.	MINUTES a. Approval of minutes of the August 11th, 2020 regular Board of Zoning Adjustment meeting. <i>Motion by Member Fick to approve. Motion passed.</i>	
4.	CONSENT CALENDAR PUBLIC HEARINGS	
(Ward 4)	a. Conditional Use Permit No. 20-0043. Sequoia Deployment Services, Inc., on behalf of Verizon Wireless, is proposing a conditional use permit to allow a 60-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.c) in the PCD (Planned Commercial Development Zone) district, located at 12001 Stockdale Highway. Proposed Notice of Exemption on file.	Resolution 20-12
(Ward 6)	b. Conditional Use Permit No. 20-0195. Greenlaw Partners, LLC, is proposing a conditional use permit to allow a warehouse (17.24.040.B) in the C-2 (Regional Commercial Zone), located at 3500 Wilson Road. Proposed Notice of Exemption on file.	Resolution 20-13
(Ward 7)	c. Conditional Use Permit No. 20-0087. Lane Engineers, Inc. is proposing a conditional use permit to allow a truck stop (17.28.030.A) in the M-1 (Light Manufacturing Zone), located at the northeast corner of Taft Highway and South H Street. An Addendum to a Mitigated Negative Declaration is on file per California Environmental Quality Act Guidelines Section 15162 and 15164.	Continue to October 13th, 2020.

REGULAR MEETING**ACTION
TAKEN**

- (Ward 2) d. Conditional Use Permit No. 20-0183. Housing Authority of the County of Kern is proposing a conditional use permit to allow conversion of an existing hotel into multiple family dwellings (affordable apartments) (17.24.040.A and 17.64.020.B) in the C-2 (Regional Commercial Zone) and M-1 (Light Manufacturing Zone) district, located at 1622 Union Avenue. Notice of Exemption on file.

**Continue to
October 13th,
2020.**

Member Kitchen noted that one of the projects had made a significant investment in the community. Motion by Member Kitchen to approve consent calendar items. Motion passed.

5. **PUBLIC HEARINGS**

None.

6. **STAFF COMMUNICATIONS**

- a. Report on Conditional Use Permit 19-0278 in compliance with Condition 17 of Resolution 19-27 approved by the Board of Zoning Adjustment on September 10, 2019.

Staff report on CUP 19-0278 given. Member Kitchen asked if an additional report should be given in one year. Director Paul Johnson noted that the project expires in one year, and if the project does not commence, would need to apply for an extension.

7. **BOARD STATEMENTS**

None.

8. **ADJOURNMENT**

Chair Patteson adjourned the meeting at 3:10 p.m.

Marisa Iturralde, Recording Secretary

Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: October 13, 2020

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

TO: Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD: Ward 7

SUBJECT:

Conditional Use Permit No. 20-0087. Lane Engineers, Inc. is proposing a conditional use permit to allow a truck stop (17.28.030.A) in the M-1 (Light Manufacturing Zone), located at the northeast corner of Taft Highway and South H Street. An Addendum to a Mitigated Negative Declaration is on file per California Environmental Quality Act Guidelines Sections 15162 and 15164.

APPLICANT: Lane Engineers, Inc.

OWNER: Elmer F. Karpe, Inc.

LOCATION: Northeast corner of Taft Highway & South H Street

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

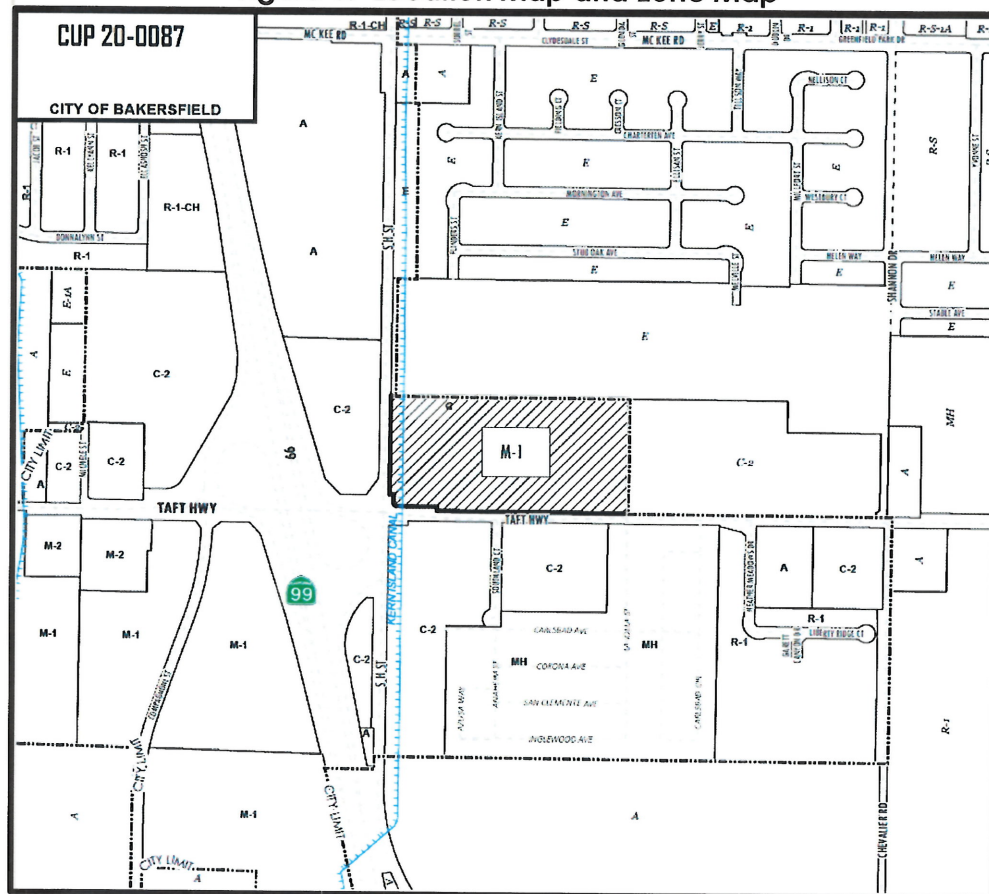
Description	Type
<input type="checkbox"/> Staff Report CUP 20-0087	Staff Report
<input type="checkbox"/> Draft Resolution with Exhibits	Resolution



**CITY OF BAKERSFIELD
PLANNING DIVISION
STAFF REPORT**

APPROVED PJ

LOCATION: Northeast corner of Taft Highway & South H Street | APNs: 517-030-06 and -08



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 20-0087 as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

This project was scheduled for consideration on September 8, 2020; however, was continued to today's meeting in order for the applicant to coordinate with Public Works on street improvements for the project. The project is a request for a conditional use permit to allow construction of a truck stop in the M-1 (Light Manufacturing Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

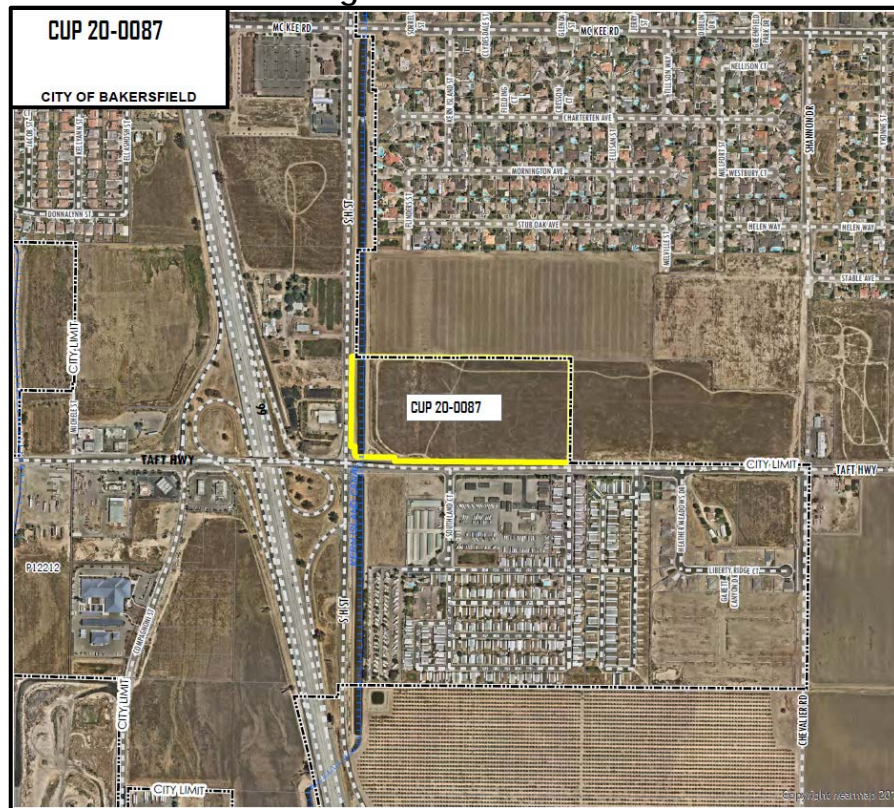
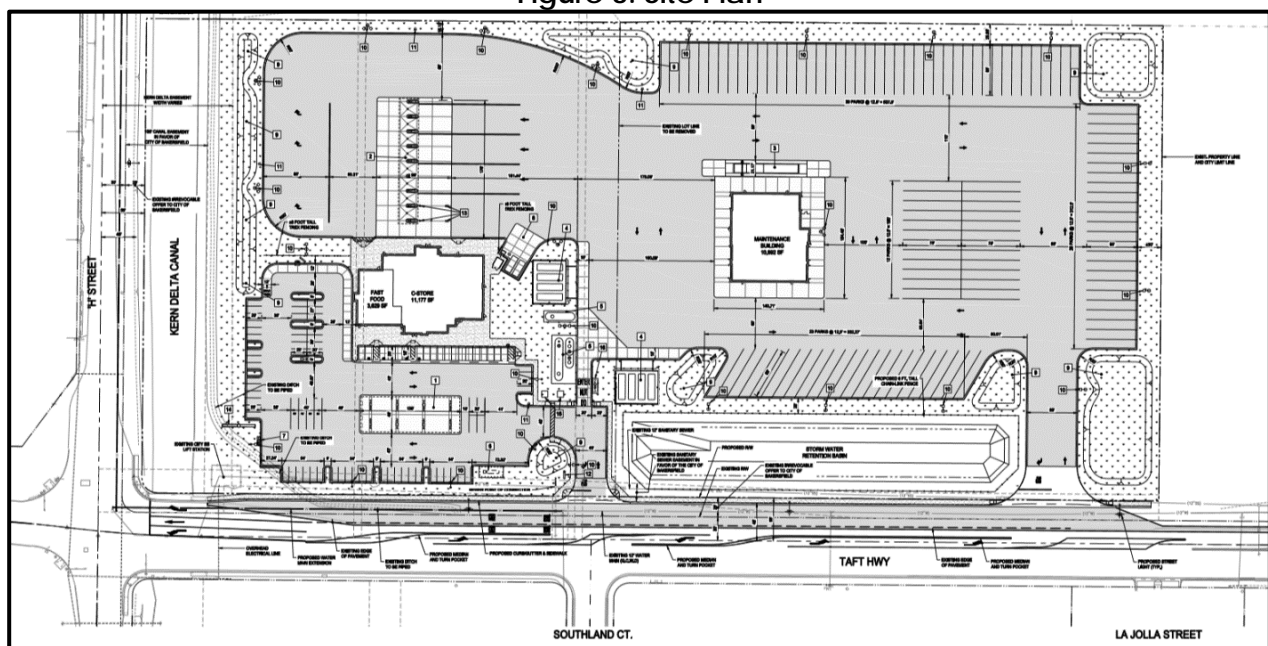


Figure 3. Site Plan



SURROUNDING LAND USES:

The 20.55-acre project site and surrounding property's General Plan land use designation, zone classification, and existing land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-2	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 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 C-2 (City): Regional Commercial C-2 (County): General Commercial E (County): Estate MH: Mobile Home	

BACKGROUND AND SITE HISTORY:

July 1, 2011. The project site, along with a larger area, was annexed into the City (South H Street No. 2). The City Council adopted pre-zoning of the subject properties to C-2 upon annexation of the properties into the City.

June 18, 2020. The Planning Commission recommended approval of a General Plan Amendment/Zone Change from GC (General Commercial) to LI (Light Industrial) and from C-2 (Regional Commercial) to M-1 (Light Manufacturing) to facilitate construction of the Love's Travel Stop (GPA/ZC No. 19-0292; Resolutions 28-20, 29-20, and 30-20). In doing so, the Planning Commission also reviewed the site development and landscape plans. The plans submitted with this conditional use permit are reflective of the Planning Commission's suggested revisions.

July 15, 2020. The City Council approved the General Plan Amendment, adopted a Mitigated Negative Declaration, and completed the first reading of the Zoning Ordinance (GPA/ZC No. 19-0292; Resolution 122-2020, 121-2020).

July 16, 2020. The Planning Commission approved a Comprehensive Sign Plan for the proposed Love's Travel Stop (CSP No. 20-0088; Resolution 37-20).

August 12, 2020. The City Council completed the second reading of the Zoning Ordinance for the aforementioned GPA/ZC (GPA/ZC No. 19-0292; Ordinance 5011).

ANALYSIS:

Automobile service stations, restaurants, convenience stores, and truck repairing/overhauling shops are permitted uses in the M-1 zone district. Trucks stops are not listed; however, on August 12, 2020 the City Council had their second reading to amend the Bakersfield Municipal Code Section 17.28.030(A) to add truck stops to the M-1 zone subject to approval of a conditional use permit. The amendment takes effect on September 12, 2020. Therefore, this request is being processed in accordance with Bakersfield Municipal Code Section 17.64.020(B).

As proposed, the site will be developed with a "Love's Travel Stop and Country Store" consisting of multiple uses including 8 passenger fueling islands, 9 truck fueling islands, 3,629 square foot fast food restaurant with 11,177 square foot convenience store (see Figure 4), and 10,992 square foot truck maintenance building (see Figure 5). A total of 88 passenger vehicle parking spaces, 111 truck parking spaces, and 4 RV parking spaces are provided.

The proposed development predominantly provides amenities more typical of a regional commercial center, with the exception of the truck maintenance building. The development is focused on travelers (auto and truck) stopping for fuel, rest, and/or food. The travel stop would be operational 24 hours a day, 7 days a week. The on-site maintenance building would provide service to semi-trucks including repairing and replacing truck tires and light maintenance (e.g., air filters, wiper blades, oil and other fluid changes). No major engine repairs or other major mechanical services would be performed on site. Access to the project site is proposed from two ingress/egress points off State Route 119 (Taft Highway).

The applicant has prepared a draft landscape plan for the project demonstrating compliance with the landscaping requirements in the Bakersfield Municipal Code Chapter 17.61 and with the Planning Commission request for additional trees along the northern property line of the truck parking area (see Figure 6).

Figure 4. Proposed Building Elevations

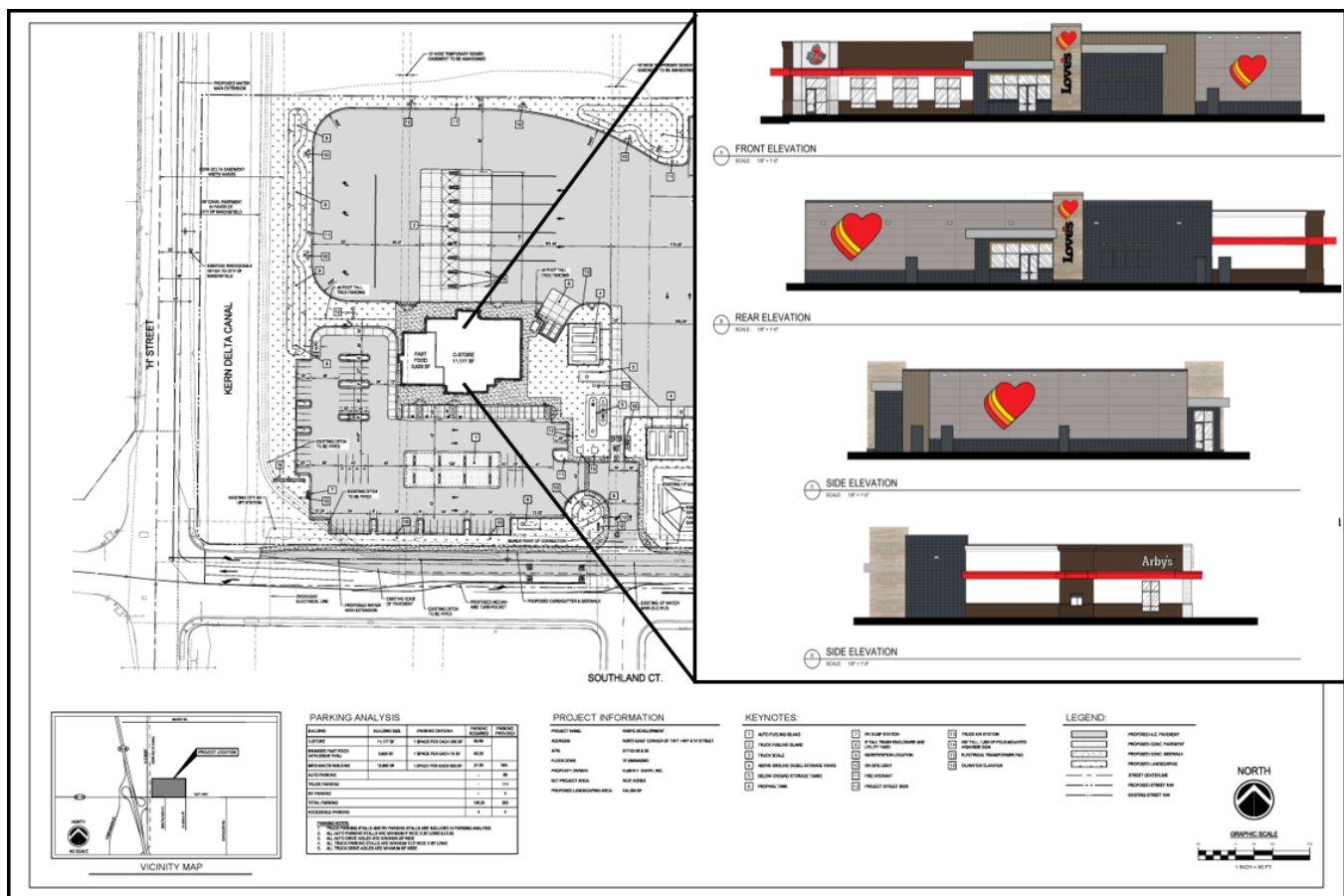


Figure 5. Proposed Building Elevations

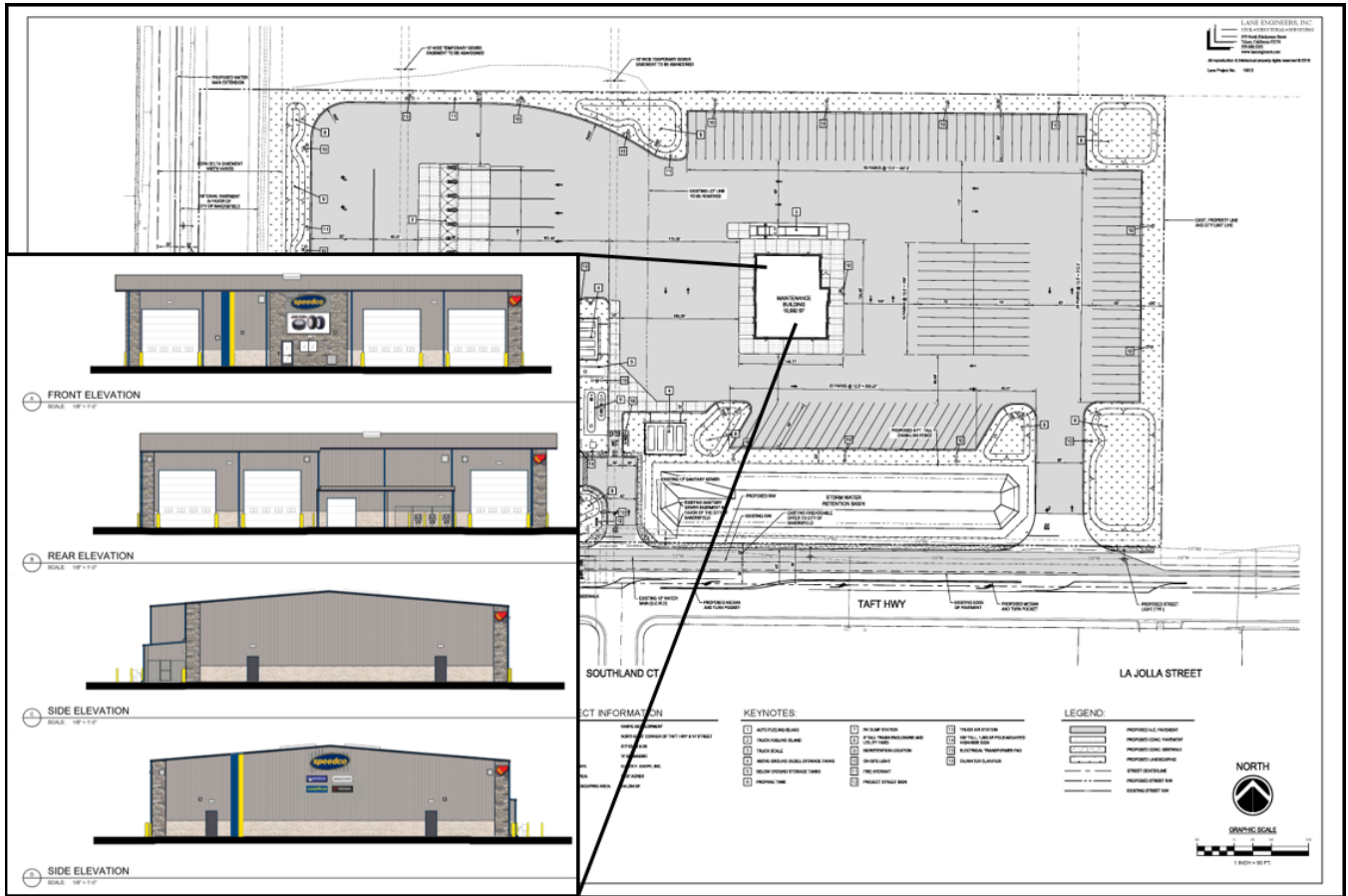


Figure 6. Landscape Plan



ENVIRONMENTAL REVIEW AND DETERMINATION:

A Mitigated Negative Declaration (MND) was prepared for the proposed truck stop as part of the analysis for GPA/ZC 19-0292. The MND was adopted by the City Council on July 15, 2020.

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

Accordingly, Staff has determined that the proposed uses under the CUP were fully analyzed in the previously adopted MND. No new impacts will result from the proposed project. Therefore, an Addendum to the MND was prepared for the proposed project in accordance with Section 15164 and the City of Bakersfield's CEQA Implementation Procedures.

PUBLIC NOTIFICATION:

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

CONCLUSIONS:

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

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

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

In accordance with these required findings, and as conditioned, Staff finds: (1) the truck stop will provide a place for truck and vehicle travelers to obtain essential services such as fuel, food, mechanical services, and rest; (2) the proposed development of the vacant land is an efficient expansion of use that is appropriately positioned in proximity to Taft Highway and CA-99; (3) the Planning Commission has reviewed the development and landscape plans submitted as part of this conditional use permit, and these plans reflect the Commission's recommended development for the area; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 20-0087, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A TRUCK STOP IN
THE M-1 (LIGHT MANUFACTURING ZONE) DISTRICT, LOCATED AT THE
NORTHEAST CORNER OF TAFT HIGHWAY AND SOUTH H STREET. (CUP NO.
20-0087)**

WHEREAS, Lane Engineers, LLC, filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a truck stop (17.28.030.A) in the M-1 (Light Manufacturing Zone) district, located at the northeast corner of Taft Highway and South H Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, October 13, 2020, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, at the public hearing no testimony was received either in support or opposition of the Project; and

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

WHEREAS, on July 15, 2020, City Council adopted a Mitigated Negative Declaration for a General Plan Amendment/Zone Change (No. 19-0292) on the project site by Resolution No. 122-2020; and

WHEREAS, the previous MND for GPA/ZC 19-0292 analyzed the environmental impacts of developing the project site and, therefore, CUP 20-0087 would not result in any new environmental effects or environmental effects greater than what was previously analyzed;

WHEREAS, an addendum to the previously approved Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA); and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that

none of the conditions set forth in CEQA Section 15162 for the preparation of a subsequent environmental document have been met; therefore, an addendum to the previously adopted ND was completed per CEQA Section 15164.

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 20-0087 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 13th day of October 2020, on a motion by Member _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 20-0087

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

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

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

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

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

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

2. This conditional use permit allows for a truck stop in the M-1 (Light Manufacturing Zone) district located at the northeast corner of Taft Hwy and South H Street as depicted on attached Exhibits B and C.
3. All mitigation measures and conditions of approval associated with General Plan Amendment/Zone Change No. 19-0292 are hereby incorporated.

III. The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards.

The 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. The developer shall obtain all required approvals from the Kern County Environmental Health Services Department (2700 "M" Street, Bakersfield, CA., 93301; PH 661-862-8700) for any food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.

APPLICANT'S RESPONSE: _____

7. 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

11. 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 – Kassandra Gale; 661-326-3411 or kgale@bakersfieldcity.us)

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

Proposed <u>Use</u>	Square <u>Footage</u>	Parking <u>Ratio</u>	Required <u>Parking</u>
Convenience Store	11,177 SF	1/200 SF	56 Spaces
Fast Food Restaurant	3,629 SF	1/75 SF	48 Spaces
Maintenance Building	10,992 SF	1/500 SF	22 Spaces
Fuel Pumps Credit	8 Fuel Pumps	2 Spaces/1 Pump	(16 Spaces)
			Required Parking: 110 Spaces

(**Note:** 203 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.)

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. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

(**Note 1:** At the time a final site inspection is conducted, it is expected that plants will match the species identified and be installed in the locations consistent with the approved landscape plan. Changes made without prior approval of the Planning staff may result in the removal and/or relocation of installed plant materials and delays in obtaining building occupancy.)

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

APPLICANT'S RESPONSE: _____

6. 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: _____

7. 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: _____

8. 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. If deviations are requested from the Sign Ordinance, approval by the Planning Commission is required.)

APPLICANT'S RESPONSE: _____

9. 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 https://bakersfieldcity.us/gov/depts/community_development/habitat.htm.

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 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: _____

- 10. 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: _____

- 11. 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: _____

12. 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: _____

13. 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: _____

14. 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: _____

15. In the event a previously undocumented oil/gas well is uncovered or discovered on the project, the developer is responsible to contact the California Geologic Energy Management Division (CalGEM). The developer is responsible for any remedial operations on the well required by CalGEM. The developer shall also be subject to provisions of BMC Section 15.66.080.B.

APPLICANT'S RESPONSE: _____

16. 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: _____

17. 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: _____

C. FIRE DEPARTMENT (2101 H Street)

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

1. Show on the final building plans the following items:
 - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).
 - (Note: Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
 - b. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
 - c. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
 - d. Name and phone number of the appropriate contact person.

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

APPLICANT'S RESPONSE: _____

5. Turning Radius: The minimum turning radius shall be thirty-seven feet.

APPLICANT'S RESPONSE: _____

6. The developer shall submit two (2) sets of plans for permits and approvals from the Fire Department for fuel tanks or related facilities before they are installed on the site. Please contact the Prevention Services Division at 661-326-3979 for further information.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

8. If you store hazardous materials on the site in either an underground or a permanent aboveground storage tank, a permit from the Prevention Services Division is required to install and operate these tanks. The Prevention Services Division may also require a Spill Prevention Control and Countermeasure Plan for storage of petroleum products above ground in quantities of 1,320 gallons or more. Please contact them at 661-326-3979 for further information.

APPLICANT'S RESPONSE: _____

9. 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 - Susanna Kormendi; 661-326-3997 or SKormendi@bakersfieldcity.us)**

1. The developer shall construct curbs, gutters, cross gutters, sidewalks, and street/alley paving along H Street and Taft Highway according to adopted city standards and as required by Public Works. 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 streetlights along H Street and Taft Highway. The developer shall be responsible for providing the labor and materials necessary to energize all newly installed streetlights before occupancy of the building or site. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued. Submit street light location plan to Public Works Department for street light number.

APPLICANT'S RESPONSE: _____

3. The developer shall construct standard accessible ramps at the ☒ northeast ☐ northwest ☐ southeast ☐ southwest corner of H Street and Taft Highway and all access locations 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

6. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

8. 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: _____

9. 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: _____

10. 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: _____

11. 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: _____

12. 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: _____

13. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (SWRCB Order No. 2009-009-DWQ as amended by Order No. 2010-0014-DWQ and 2012-0006-DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.

APPLICANT'S RESPONSE: _____

14. 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: _____

15. The developer shall either construct the equivalent full width landscaped median island in H Street and Taft Highway along the development's frontage or pay their proportionate share (1/2-width) of the total cost for the future construction of the median. Median islands shall be designed by the first development that occurs along an applicable street frontage. That developer shall either construct the full width landscaped median island or pay the median island fee. The median island fee shall be satisfied by fulfilling one of the following options: (1) Pay the standard fee of \$100 per linear foot; or (2) Pay the calculated fee based upon actual cost estimates prepared by the Project Engineer, which shall be reviewed and approved by the City

Engineer. If the median island is not constructed by the first development along an applicable street frontage, the second development along that street frontage shall construct the full width landscaped median island.

APPLICANT’S RESPONSE: _____

- 16. 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 Louis Rodriguez at 661-326-3571.

(**Note:** If already within a maintenance district, may need to update the maintenance district form.)

APPLICANT’S RESPONSE: _____

- 17. 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: _____

- 18. This project may be located within a Planned Sewer Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT’S RESPONSE: _____

- 19. This project may be located within a Planned Drainage Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT’S RESPONSE: _____

- 20. This project may be subject to Bridge and Major Thoroughfare fees. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT’S RESPONSE: _____

- 21. Project will require approval for any work within the canal right of way from the Kern Delta Water District.

APPLICANT’S RESPONSE: _____

F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)**(Staff contact - Susanna Kormendi; 661-326-3997 or SKormendi@bakersfieldcity.us)**

1. Street return type approaches, if used, shall have 20-foot minimum radius returns. 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. The Bakersfield Municipal Code (Section 17.58.050.K.) prohibits vehicles from backing out of a parking space into a street. Please revise the parking design on the final building plans to eliminate these spaces.

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

APPLICANT'S RESPONSE: _____

5. 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: _____

6. The developer shall dedicate additional road right-of-way to the City of Bakersfield along Taft Highway and South H Street to full ☒ arterial ☐ collector ☐ local street width according to adopted city standards and as required by Public Works along with the grading plan submittal.

(**Note:** The centerline of South H Street is planned to be shifted to the west approximately 23 feet.)

(**Note:** Right turn deceleration lane is required for any entrance from South H Street or Taft Highway.)

APPLICANT'S RESPONSE: _____

7. The developer shall construct additional roadway, including expanded intersection and/or right turn lanes, along Taft Highway and South H Street to full ☒ arterial ☐ collector ☐ local street width according to adopted city standards and as required by Public Works.

APPLICANT'S RESPONSE: _____

8. The developer shall dedicate any sidewalk extending out of the right of way to the City of Bakersfield for the pedestrian way along all arterial streets. This must be conducted with a separate instrument or final map.

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:

- | | | |
|---|----|---|
| <input type="checkbox"/> Cart service | -- | 1 cubic yard/week or less 1 time per week |
| <input checked="" type="checkbox"/> Front loader bin services | -- | 1 cubic yard/week - 12 cubic yards/day |
| <input type="checkbox"/> 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, 4, 3-cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

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

- 5. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

APPLICANT’S RESPONSE: _____

- 6. 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: _____

- 7. 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: _____

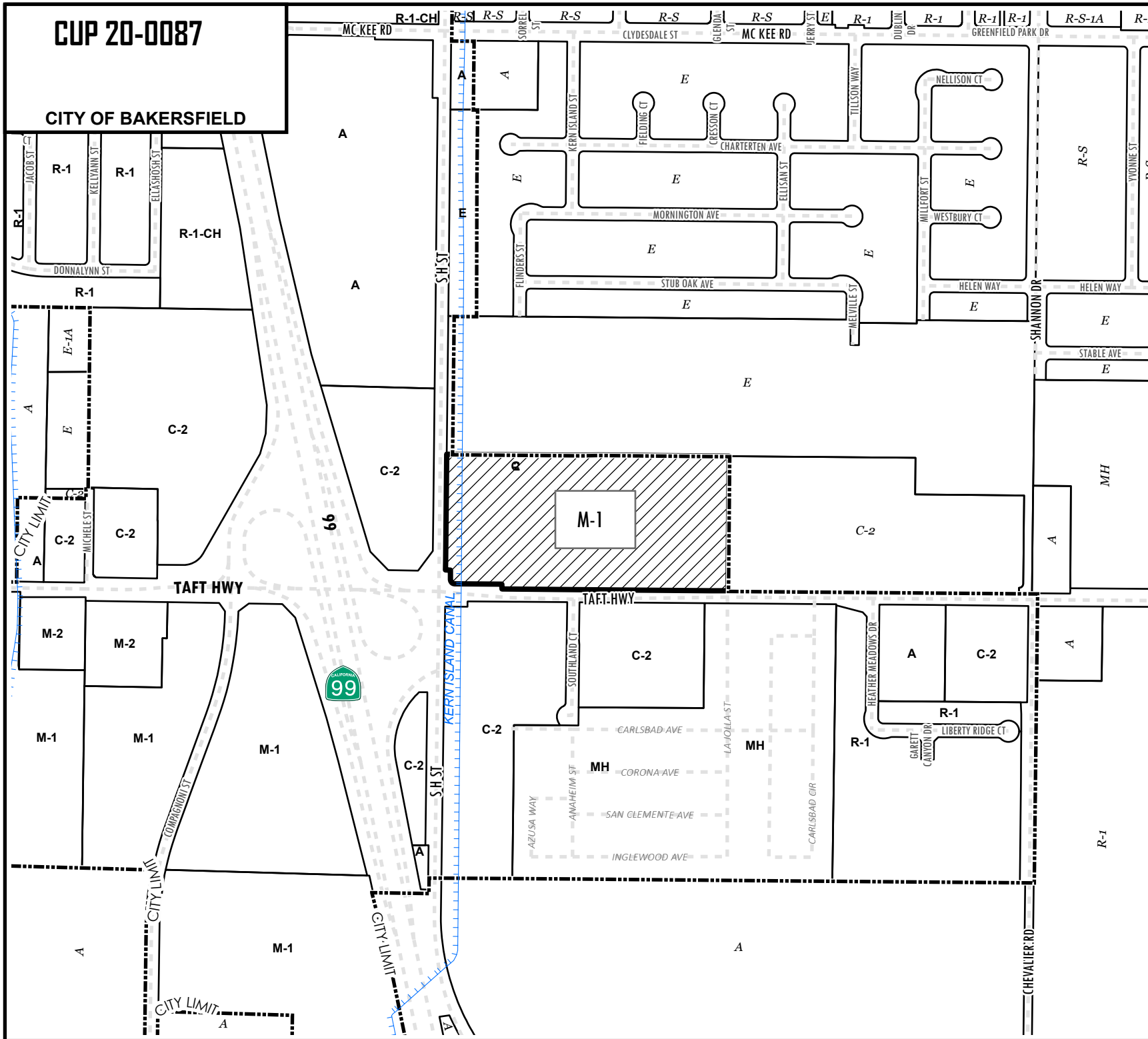
- 8. Businesses are required to have sufficient capacity of refuse/recycling/organic material storage to go without service for 1 day (Sunday). At any time, refuse/recycling/organic services become an issue, businesses shall construct a second refuse enclosure to meet the demand. The second enclosure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

APPLICANT’S RESPONSE: _____

Exhibit B
(Location Map)

CUP 20-0087

CITY OF BAKERSFIELD



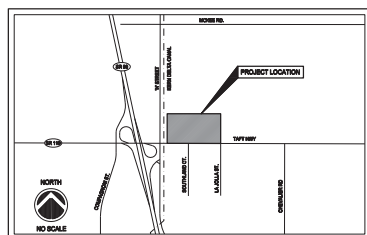
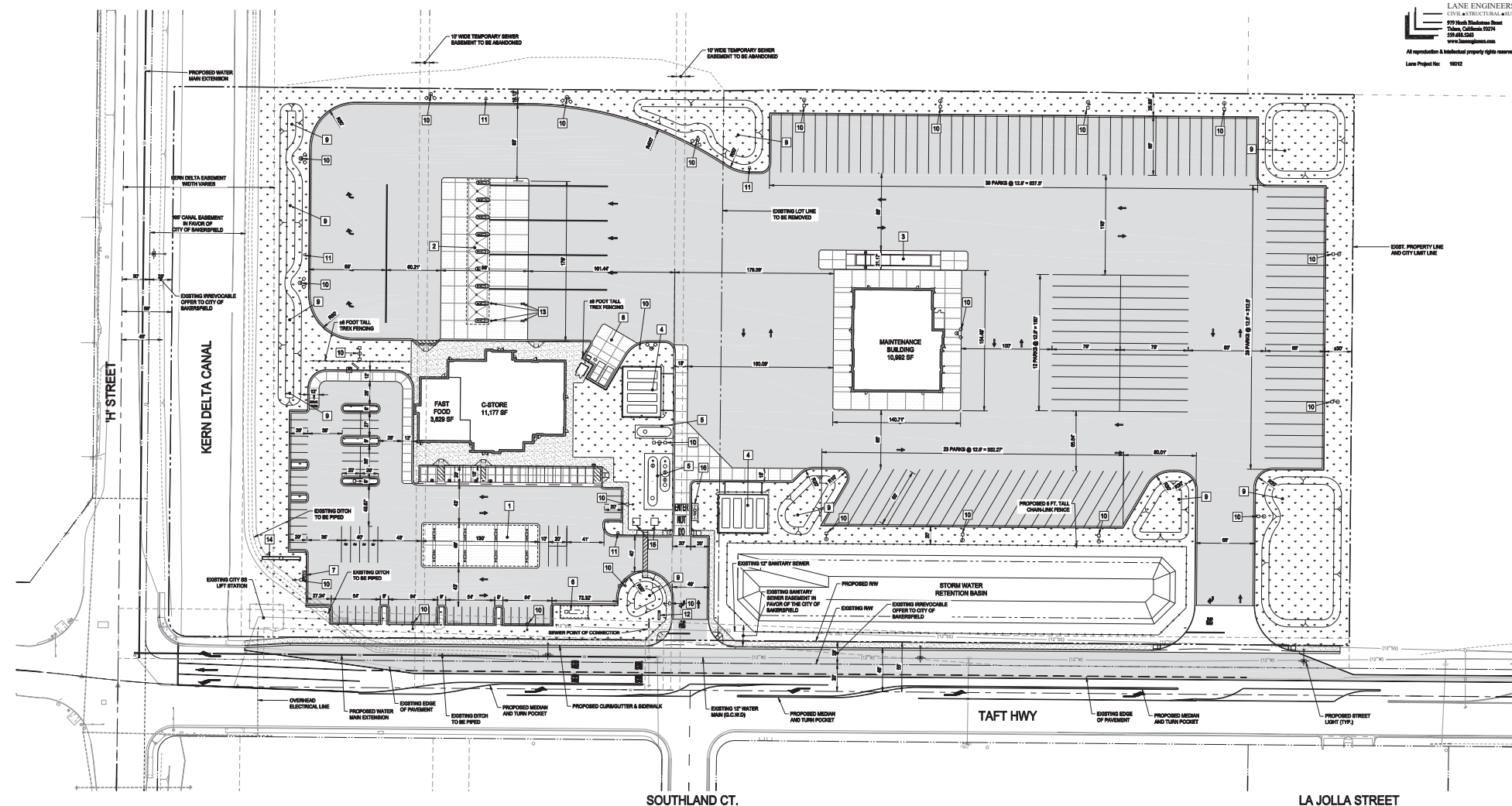
**LEGEND
(ZONE DISTRICTS)**

- 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 Mining Specific Plan



0 300 600

Exhibit C
(Site Development Plan)



VICINITY MAP

PARKING ANALYSIS

BUILDING	BUILDING SIZE	PARKING CRITERIA	PARKING REQUIRED	PARKING PROVIDED
C-STORE	11,177 SF	1 SPACE PER EACH 260 SF	43	
BRANDED FAST FOOD WITH DRIVE THRU	3,629 SF	1 SPACE PER EACH 70 SF	52	
MECHANICAL BUILDING	10,892 SF	1 SPACE PER EACH 800 SF	14	14
AUTO PARKING				68
TRUCK PARKING				111
RV PARKING				4
TOTAL PARKING			129	205
ACCESSIBLE PARKING			4	4

PARKING NOTES:
1. TRUCK PARKING STALLS AND RV PARKING STALLS ARE INCLUDED IN PARKING ANALYSIS
2. ALL AUTO PARKING STALLS ARE MINIMUM 9' WIDE X 30' LONG (A.O.D.)
3. ALL AUTO DRIVE AISLES ARE MINIMUM 20' WIDE
4. ALL TRUCK PARKING STALLS ARE MINIMUM 12' WIDE X 30' LONG
5. ALL TRUCK DRIVE AISLES ARE MINIMUM 30' WIDE

PROJECT INFORMATION

PROJECT NAME: KANPE DEVELOPMENT
ADDRESS: NORTHEAST CORNER OF TAFT HWY & V STREET
APR: S17-05-B & 06
FLOOD ZONE: UNIMPROVED
PROPERTY OWNER: ELMER F. KANPE, INC.
NET PROJECT AREA: 18.07 ACRES
PROPOSED LANDSCAPING AREA: 14,354 SF

KEYNOTES:

1. AUTO PARKING ISLAND
2. TRUCK PARKING ISLAND
3. TRUCK SCALE
4. ABOVE GROUND DIESEL STORAGE TANKS
5. BELOW GROUND DIESEL STORAGE TANKS
6. PROPANE TANK
7. RV DUMP STATION
8. 8' TALL TRASH ENCLOSURE AND UTILITY TANKS
9. BIORETENTION LOCATION
10. ON-SITE LIGHT
11. FINE HYDRANT
12. PROJECT STREET SIGN
13. TRUCK AIR STATION
14. 102" TALL, 1,000 SF POLE-MOUNTED HIGH-RISE SIGN
15. ELECTRICAL TRANSFORMER PAD
16. CULWATER CLAMPING

LEGEND:

- PROPOSED A.C. PAVEMENT
- PROPOSED CONC. PAVEMENT
- PROPOSED CONC. SIDEWALK
- PROPOSED LANDSCAPING
- STREET CENTERLINE
- PROPOSED STREET R/W
- EXISTING STREET R/W



GRAPHIC SCALE





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: October 13, 2020

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

TO: Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD: Ward 2

SUBJECT:

Conditional Use Permit No. 20-0210. Camelot Park Family Entertainment Center is proposing a conditional use permit to allow modifications to an existing family entertainment center (Camelot Park) by replacing attractions with new aquatic features in the M-1 (Light Manufacturing Zone) district, located at 1251 Oak Street. Notice of Exemption on file.

APPLICANT: Camelot Park Family Entertainment Center

OWNER: Camelot Holdings, LLC

LOCATION: 1251 Oak Street

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
▣ Staff Report CUP No. 20-0210	Staff Report
▣ Draft Resolution with Exhibits	Resolution

**CITY OF BAKERSFIELD
PLANNING DIVISION
STAFF REPORT**

TO: Chair and Members of the Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

APPROVED 

DATE: October 13, 2020

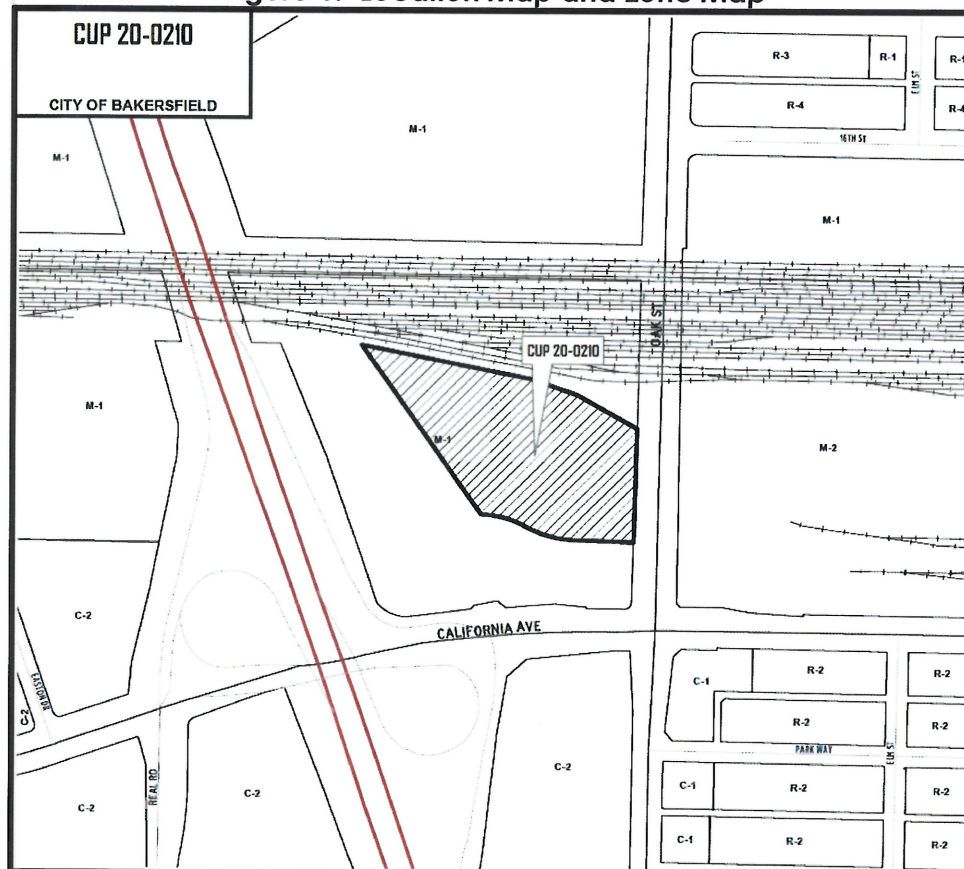
SUBJECT: Conditional Use Permit; File No. 20-0210 (Ward 2)

APPLICANT: Camelot Park Family Entertainment Center
420 S. Orange Avenue, Ste 270
Orlando, FL 32801

OWNER: Camelot Holdings, LLC
1850 S. Sepulveda Blvd
Los Angeles, CA 90025

LOCATION: 1251 Oak Street | APN: 332-520-04

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 20-0210 as depicted in the project description and subject to the listed conditions of approval.

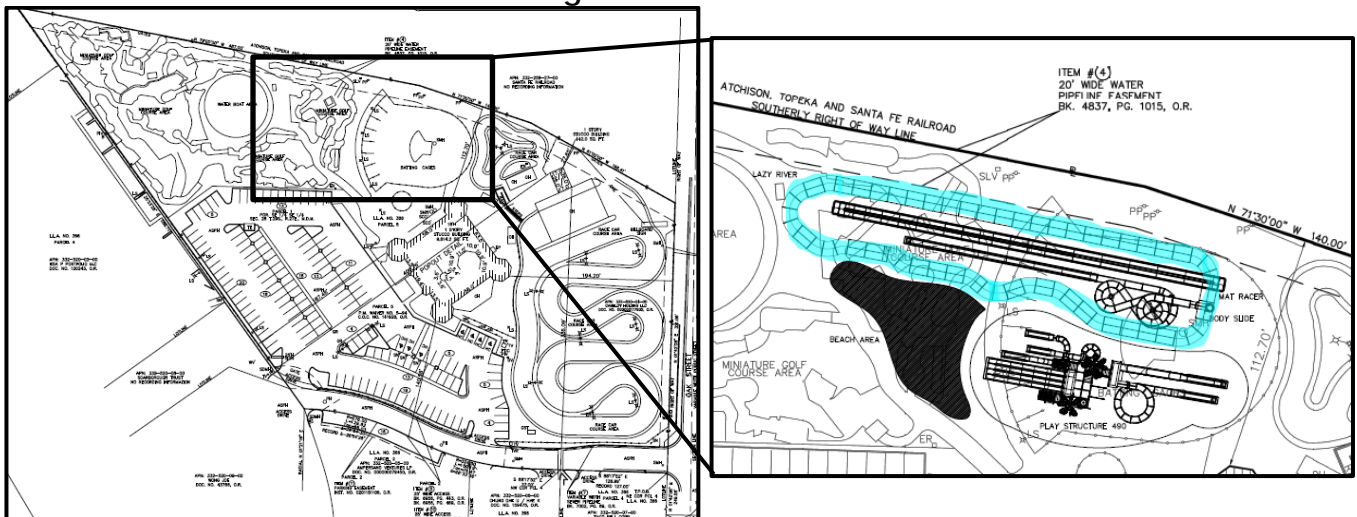
PROJECT SUMMARY:

The project is a request for a conditional use permit to allow modifications to an existing family entertainment center (Camelot Park) by replacing attractions with new water features located in the M-1 (Light Industrial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Site Plan



SURROUNDING LAND USES:

The approximately 6-acre project site is developed with a family entertainment center, Camelot Park, and associated parking. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	M-1	Camelot Park
North	LI	M-1	Railroad, Mini-Storage facility
East	PT, GC	M-2	Railroad
South	HC, LR	M-1, C-2, R-2	Commercial, Single-family Residential
West	LI, GC	M-1, C-2	Commercial, CA Hwy-99
General Plan Key GC: General Commercial LI: Light Industrial PT: Public Transportation Corridors HC: Highway Commercial LR: Low Density Residential		Zone District Key M-1: Light Manufacturing M-2: General Manufacturing C-2: Regional Commercial R-2: Limited Multiple Family Dwelling	

BACKGROUND AND SITE HISTORY:

Conditional Use Permit No. 5512. On November 10, 1993, the City Council approved a conditional use permit (CUP) to allow development of a family entertainment center in the M-1 (Light Manufacturing) zone (Resolution No. 171-93). Staff notes that the project was granted occupancy in July, 1994, and has been in operation since.

ANALYSIS:

Pursuant to Bakersfield Municipal Code 17.24.040.B.1, amusement parks, including miniature golf, water parks, batting cages, and miniature car tracks are permitted with the approval of a conditional use permit.

Existing Facility. In compliance with the original CUP, the existing park is comprised of a 10,000 square foot arcade building, 8-station batting cage, two go-cart race tracks, one bumper boat pond, one mini-jets kid ride, and a 36-hole miniature golf course. The park also includes an associated parking lot with 169 spaces. The previous CUP included various conditions to reduce noise impacts, require a security plan, and limit operating hours. Staff notes the operating hours are 10 am to 10 pm Sunday through Thursday, and 9 am to 12 am on Friday and Saturday. Should your Board approve the proposed request, the applicant will continue to comply with these conditions as part of the new CUP.

Proposed Site Changes. The applicant is proposing to replace the batting cages and up to nine holes of miniature golf with new water attractions. The proposed replacements include a play structure with 11 slides and two buckets, a two-lane family matt racer, a body slide with runout exit, and a miniature river. The main 11-slide water attraction would be approximately 30 feet high and designed to be consistent with the park's theme (see Figure 4). The upgrades also include a sitting area with cabanas, chairs, and shade coverage for guests. This area would be modeled after Camelot Park's sister property, Funtasticks, in Tucson, Arizona (see Figure 5).

Figure 4. Water Slide Play Structure Elevations

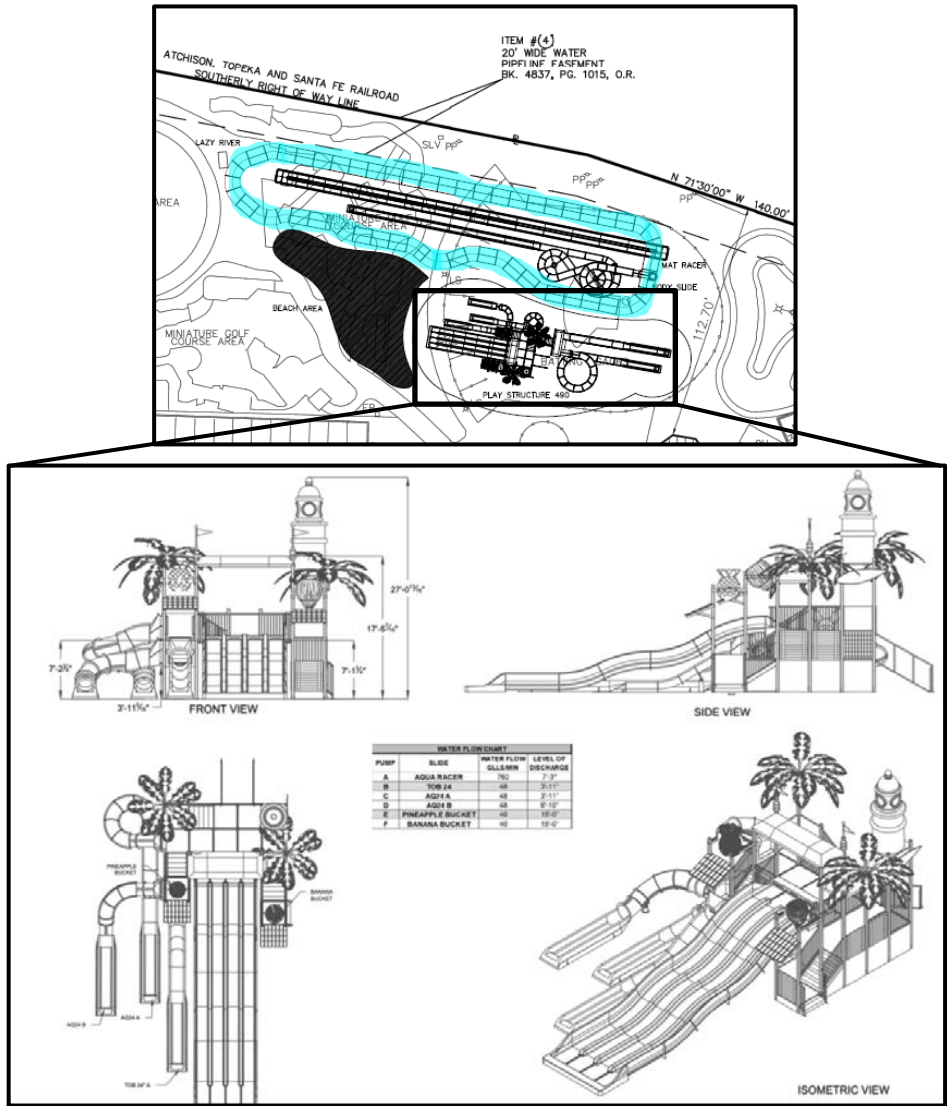


Figure 5. Example of Sitting Area



Applicant Justification. Due to economic conditions resulting from the COVID-19 pandemic, the company has been exploring alternative options to increase visitation to the park. The applicant believes that water attractions would be well received in the City, particularly during the summer, as there are no similar options in the immediate area.

Regarding water usage, the applicant states that underground tanks will be used to collect and re-use water. The tanks would be comparable to a small swimming pool and hold less than 10,000 gallons of water. Therefore, significant water usage is not expected from the additions. Staff recommends a condition of approval that the applicant coordinate and receive approval from the water provider, California Water Services, prior to receiving building permits.

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15301, of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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

CONCLUSIONS:

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

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

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

In accordance with these required findings, and as conditioned, Staff finds: (1) the family entertainment center currently provides entertainment for the residents of Bakersfield; (2) the proposed additions are an efficient expansion of use that is in character with the existing development and surrounding neighborhood; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 20-0210, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW NEW WATER
ATTRACTIONS AT AN EXISTING FAMILY ENTERTAINMENT CENTER (CAMELOT
PARK) IN A M-1 (LIGHT MANUFACTURING ZONE) DISTRICT, LOCATED AT
1251 OAK STREET. (CUP NO. 20-0210)**

WHEREAS, Camelot Park Family Entertainment Center filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow new water attractions at an existing family entertainment center (Camelot Park) in a M-1 (Light Manufacturing Zone) district, located at 1251 Oak Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, October 13, 2020, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15301; and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15301 because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 20-0210 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 13th day of October 2020, on a motion by Member _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

STUART PATTESON, CHAIR

City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 20-0210

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

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

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

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

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

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

2. This conditional use permit allows for water attractions at an existing family entertainment center (Camelot Park) in the M-1 (Light Manufacturing Zone) district located at 1251 Oak Street as depicted on attached Exhibits B and C.
3. Noise from the facility shall not exceed a level of 65dB(A) at the northwest corner of the intersection of California Avenue and Oak Street.
4. The use of outdoor public address systems, horns, whistles, and other such devices that produce short bursts of intense noise shall be prohibited.
5. A security plan shall be maintained and enforced at all times. A copy of the approved plan shall be submitted to the Planning Department for inclusion in the official file.
6. A minimum of 50 percent of the games in the arcade shall be redeemable games in that coupons, tickets, or other such item can be redeemed for prizes, games, discounts, or other such exchange.
7. The facility shall be limited to the following hours of operation:

Sunday – Thursday: 10 am – 10 pm

Friday – Saturday: 9 am – 12 am

- III. The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards.**

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

APPLICANT'S RESPONSE: _____

2. 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

5. The developer shall obtain all required approvals from the Kern County Environmental Health Services Department (2700 "M" Street, Bakersfield, CA, 93301; PH 661-862-8700) for any public pool or related facility before building permits can be issued. Disabled access to any public pool and related facility shall comply with Title 24 of the California Building Code.

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. 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 – Kassandra Gale; 661-326-3411 or kgale@bakersfieldcity.us)**

1. 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: _____

2. 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: _____

3. Prior to receiving building permits, the developer shall coordinate with California Water Services and provide confirmation to the Planning Department that sufficient water service is available and approved by the agency.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

1. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

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

1. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes. Staff notes the project is within the California Water Service Area.

E. PUBLIC WORKS - ENGINEERING (1501 Truxtun Avenue)**(Staff contact – Susanna Kormendi; 661-326-3997 or skormendi@bakersfieldcity.us)**

1. The developer shall construct standard accessible ramps at the northwest corner of Oak Street and the site access driveway 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. 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

8. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Louis Rodriguez at 661-326-3571.

(**Note:** If already within a maintenance district, may need to update the maintenance district form.)

APPLICANT'S RESPONSE: _____

9. 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: _____

10. This project is located within a Planned Sewer Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

11. This project may be located within a Planned Drainage Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

12. This project may be subject to Bridge and Major Thoroughfare fees. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)

(Staff contact – Susanna Kormendi; 661-326-3997 or skormendi@bakersfieldcity.us)

1. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

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

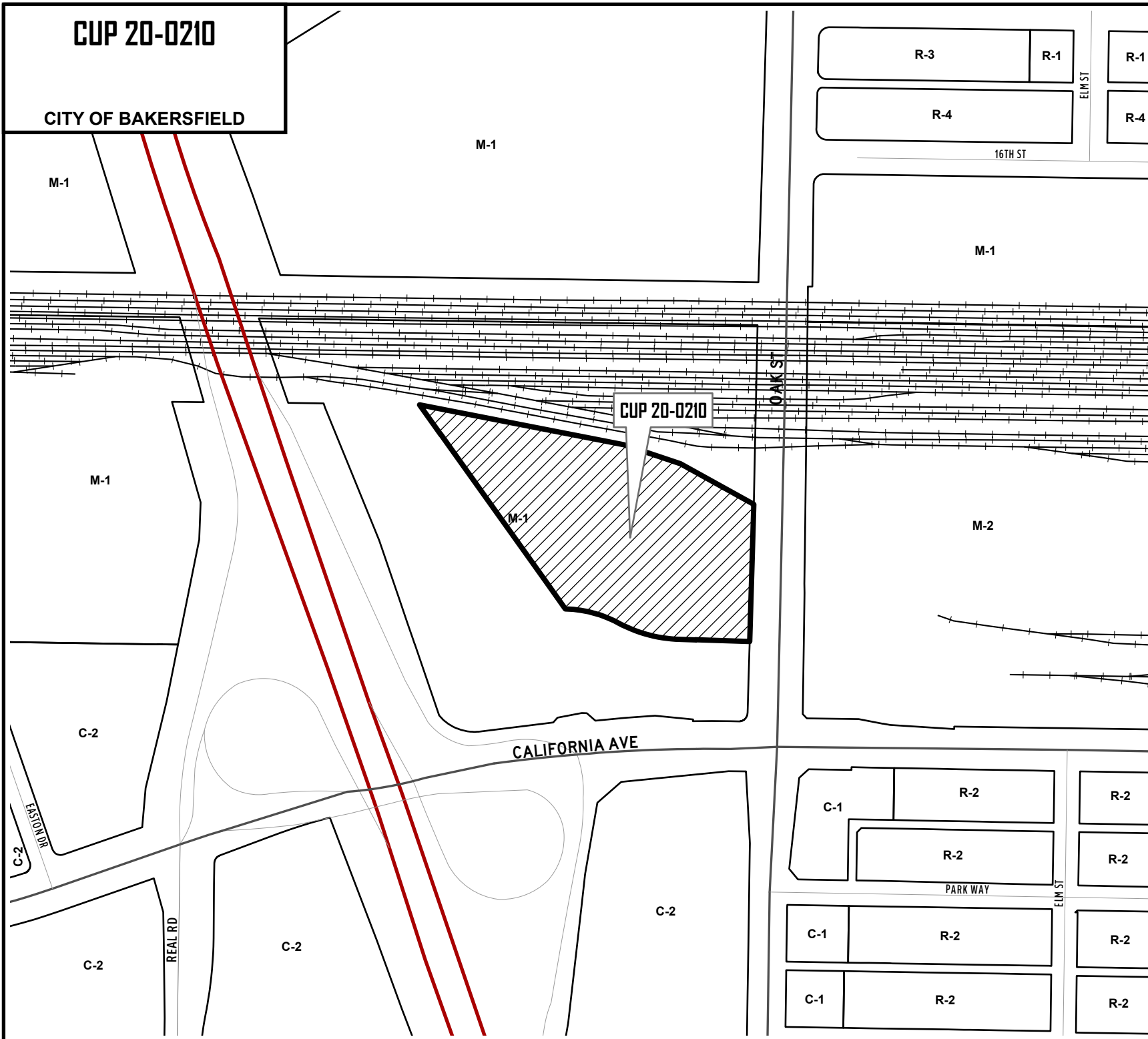
(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

1. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

Exhibit B
(Location Map)

CUP 20-0210

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



BAKERSFIELD

N



Feet

0 160 320

Exhibit C
(Site Development Plan)

GENERAL NOTES

1. The bearing base for this survey originated from California Department of Transportation Map No. 7-1.
2. This property has an area of 243,867.00 square feet or 5.600 acres of land.
3. This property is designated by Kern County, as Tax Map Parcel 332-520-04-00-3.
4. There was no observable evidence of covenants found at the time of this survey.
5. The property has access via Oak Street, which is a public right of way.

SIGNIFICANT OBSERVATIONS

No significant observations noted

ZONING NOTES

Zoning information provided by: City of Bakersfield public courier

Zoning Designation: M1-CG Light Manufacturing / General Commercial

Front Yard Setback: 10 feet (Minimum Provided: 194.20 feet)

Rear Yard Setback: none (Minimum Provided: 27.65 feet)

Side Yard Setback: none (Minimum Provided: 140.58 feet)

Width of Lot: N/A

Lot Area: N/A (Minimum Provided: 243,867.00 square feet)

Maximum Lot Coverage: N/A

Maximum FAR: N/A

Maximum Height: 75 feet (Maximum Provided: 18 feet)

Parking Requirements: Per approved site plan

Parking Tabulation:

Total regular spaces provided: 146

Total handicap spaces provided: 7

Total regular spaces per item #11: 16

Total combined spaces provided: 169

FLOOD ZONE NOTE

By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 06029C-0285, which bears an effective date of September 28, 2008 and is NOT in a Special Flood Hazard Area. By reviewing flood maps provided by the NATIONAL FLOOD INSURANCE PROGRAM we HAVE LEARNED this community DOES PARTICIPATE in the PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE this ZONE and an ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY the ACCURACY of the MAPS AND/OR TO APPLY for a VARIANCE from the FEDERAL EMERGENCY MANAGEMENT AGENCY.

ZONE "X" DENOTES AREAS OUTSIDE OF THE 100 AND 500 YEAR FLOOD ZONES.

SCHEDULE B - TITLE EXCEPTION NOTES

Being the same tract of land described in a Title Report prepared by First American Title Insurance Company, Commitment Order No. NCS-770954-CA2-ORI, June 27, 2016 Update dated June 22, 2016.

Items not listed below are standard title exceptions and/or are not matters or issues that pertain to this survey.

- ① Easement to California Water Service for water pipelines contained in document recorded in Book 4837, Page 1015 of official records - Plotted and shown hereon.
- ② Matters contained in document entitled "Declaration of Covenants, Conditions and Restrictions, Reservation of Easements and Maintenance Agreement" recorded in Book 6956, Page 443 and amended in Book 6956, Page 469, both of official records - Plotted and shown hereon.
- ③ Easement to Kern County Land Company recorded in Book 322, Page 10 of Deeds and recorded in Book 351, Page 255 of official records - The location cannot be determined from the record document.
- ④ Easement to the City of Bakersfield for sewer pipelines contained in document recorded in Book 7002, Page 89 of official records - Plotted and shown hereon.
- ⑤ Terms, provisions and easements contained in document entitled "Covenant of Easement (access)" recorded September 28, 1994 as Instrument No. 141929 of official records - Plotted and shown hereon.
- ⑥ Terms, provisions and easements contained in document entitled "Parking Easement" recorded October 10, 2001 as Instrument No. 0201151106 of official records (For 16 parking spaces) - Plotted and shown hereon.

LEGEND OF SYMBOLS & ABBREVIATIONS

APN	ASSESSORS PARCEL NUMBER	PL	PADE
ASPH	ASPHALT	PI	PISTOLE
B	BOLLARD	PV	PRESSURE INDICATOR VALVE
BOOK	BOOK	PL	PROPERTY LINE
CONC	CONCRETE	PP	POWER POLE
COR	CORNER	R	RADIUS OF CURVE
DOC	DOCUMENT	SEC	SECTION
DELTA	DELTA ANGLE OF CURVE	SDM	STORM DRAIN MANHOLE
EP	ELECTRIC PANEL	SEC	SECTION
ER	ELECTRIC RISER	SLV	STREET LIGHT VAULT
FD	FOUND MONUMENT - AS NOTED	SMH	SEWER MANHOLE
FDC	FIRE DEPARTMENT CHAUK VALVE	SN	SION
FI	FIRE HYDRANT	SO	SQUARE FEET
GS	GAS STORAGE TANK	TAN	TANGENT LENGTH OF CURVE
GV	GAS VALVE	TE	TELEVISION UTILITY VAULT
H	HEIGHT	TR	TRANSFORMER
HC	HANDICAP	TV	TELEVISION UTILITY VAULT
L	LENGTH OF CURVE	TWR	TELEPHONE UTILITY RISER
LLA	LOT LINE ADJUSTMENT	W	WATER METER
LS	LIGHT STANDARD	WV	WATER VALVE
NE	NORTHEAST	WV	WATER VALVE
NW	NORTHWEST	WV	WATER VALVE
N	NUMBER	WV	WATER VALVE
O.R.	OFFICIAL RECORDS	WV	WATER VALVE
OVER	OVERHANG	WV	WATER VALVE
OHE	OVERHEAD UTILITY LINE	WV	WATER VALVE
P.C.	POINT OF COMMENCEMENT	WV	WATER VALVE
PARCEL	PARCEL	WV	WATER VALVE

LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:
THAT PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 28 SOUTH, RANGE 27 EAST, M.D.M., IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, BEING PARCEL 5 OF PARCEL MAP, WAYER NO. 8-84, AS CONTAINED IN THE CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 28, 1994 AS DOCUMENT NO. 141929, OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION, THENCE NORTH 89°06'56" WEST, ALONG THE SOUTH LINE OF SAID SECTION, 33.06 FEET, TO A POINT ON THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF OAK STREET, 248.58 FEET, TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL 4 OF SAID LOT LINE ADJUSTMENT NO. 366, THENCE CONTINUING NORTH 01°42'06" EAST, ALONG SAID WESTERLY LINE, 30.06 FEET, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE ATOKSON, TOPEDA AND SANTA FE RAILROAD, THENCE ALONG THE SOUTHERLY RAILROAD RIGHT OF WAY, THE FOLLOWING 3 COURSES: (1) NORTH 87°00'00" WEST, 196.41 FEET, THENCE (2) NORTH 71°30'00" WEST, 140 FEET, THENCE (3) NORTH 70°00'00" WEST, 457 FEET, THENCE DEPARTING FROM SAID SOUTHERLY LINE, SOUTH 33°32'36" EAST, 596.71 FEET, TO THE BEGINNING OF A RADIAL LINE BEARS SOUTH 07°21'14" WEST, THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°54'26" AN ARC LENGTH OF 129.69 FEET, TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 334 FEET, THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°33'36", AN ARC LENGTH OF 150.19 FEET, THENCE SOUTH 89°17'52" EAST, 37 FEET, TO THE NORTHEAST CORNER OF PARCEL 4 OF SAID LOT LINE ADJUSTMENT NO. 366, THENCE CONTINUING SOUTH 88°17'52" EAST, ALONG SAID NORTH LINE, 127 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER MINERALS LYING WITHIN THAT CERTAIN 5.97 ACRES, MORE OR LESS, DESCRIBED AS PARCEL 1, AND AS RESERVED BY STOCKDALE DEVELOPMENT CORPORATION IN DEED RECORDED SEPTEMBER 10, 1971 IN BOOK 4572, PAGE 608 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES LYING WITHIN THAT CERTAIN 6.87 ACRES OF LAND, MORE OR LESS, PROVIDED THAT GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE THE RIGHT TO GO UPON THE SURFACE OF SAID REAL PROPERTY FOR THE PURPOSE OF EXTRACTING SAID OIL, GAS OR OTHER HYDROCARBON AND MINERAL SUBSTANCES, NOR FOR ANY PURPOSE IN CONNECTION THEREWITH, BUT SHALL HAVE THE RIGHT TO EXTRACT AND REMOVE SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES BY MEANS OF SLANT-DRILLED WELLS LOCATED ON ADJACENT OR NEARBY LANDS OR BY ANY OTHER MEANS WHICH SHALL NOT REQUIRE ENTRY UPON THE SURFACE OF SAID REAL PROPERTY AS RESERVED BY SANTA FE LAND IMPROVEMENT COMPANY IN DEED RECORDED MARCH 24, 1963 IN BOOK 6336, PAGE 126, OFFICIAL RECORDS.

PARCEL 2:
EASEMENT RIGHTS AS CONTAINED IN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTION, RESERVATION OF EASEMENTS AND MAINTENANCE AGREEMENT RECORDED IN BOOK 6956 AT PAGE 443 AND AS AMENDED IN BOOK 6956, PAGE 469, OFFICIAL RECORDS, AND AS CONTAINED IN THAT CERTAIN PARKING EASEMENT RECORDED OCTOBER 10, 2001, DOCUMENT NO. 0201151106, OFFICIAL RECORDS.

APN: 332-520-04-00-3

BEING THE SAME TRACT OF LAND DESCRIBED IN A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT ORDER NO. NCS-770954-CA2-ORI, JUNE 27, 2016 UPDATE DATED JUNE 22, 2016.

ALTA/NSPS LAND TITLE SURVEY

Camelot Park
1251 Oak Street
Bakersfield, CA 93304
Surveyor's Certification

To: EPR Properties, a Maryland Real Estate Investment Trust; CLP Bakersfield LLC, a Delaware limited liability company, successor by name change to CNL Income FEC Bakersfield, LLC; First American Title Insurance Company; and MKAssociates, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 13, 14 and 20 of Table A thereof.

The field work was completed on January 10, 2017.

Date of Plat or Map: January 11, 2017

Surveyor's Signature

Registered Surveyor: BERNHARD K. MAYER
Registration Number: L.S. 7319
In the State of: California

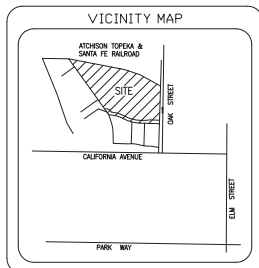
Revised: 01/13/17

PROJECT NAME: Camelot Park MKA PROJECT NO.: 6412-16-1062-002R
ADDRESS: 1251 Oak Street CITY: Bakersfield STATE: California

For Inquiries Concerning This Survey Contact MKA
National Coordinators of Land Survey Services
6593 Commerce Court - Warrenton, Virginia 20187
Phone: (540) 428-3550 Fax: (540) 428-3560
Email: comm@mkassociates.com
www.mkassociates.com



SHEET 1 OF 1



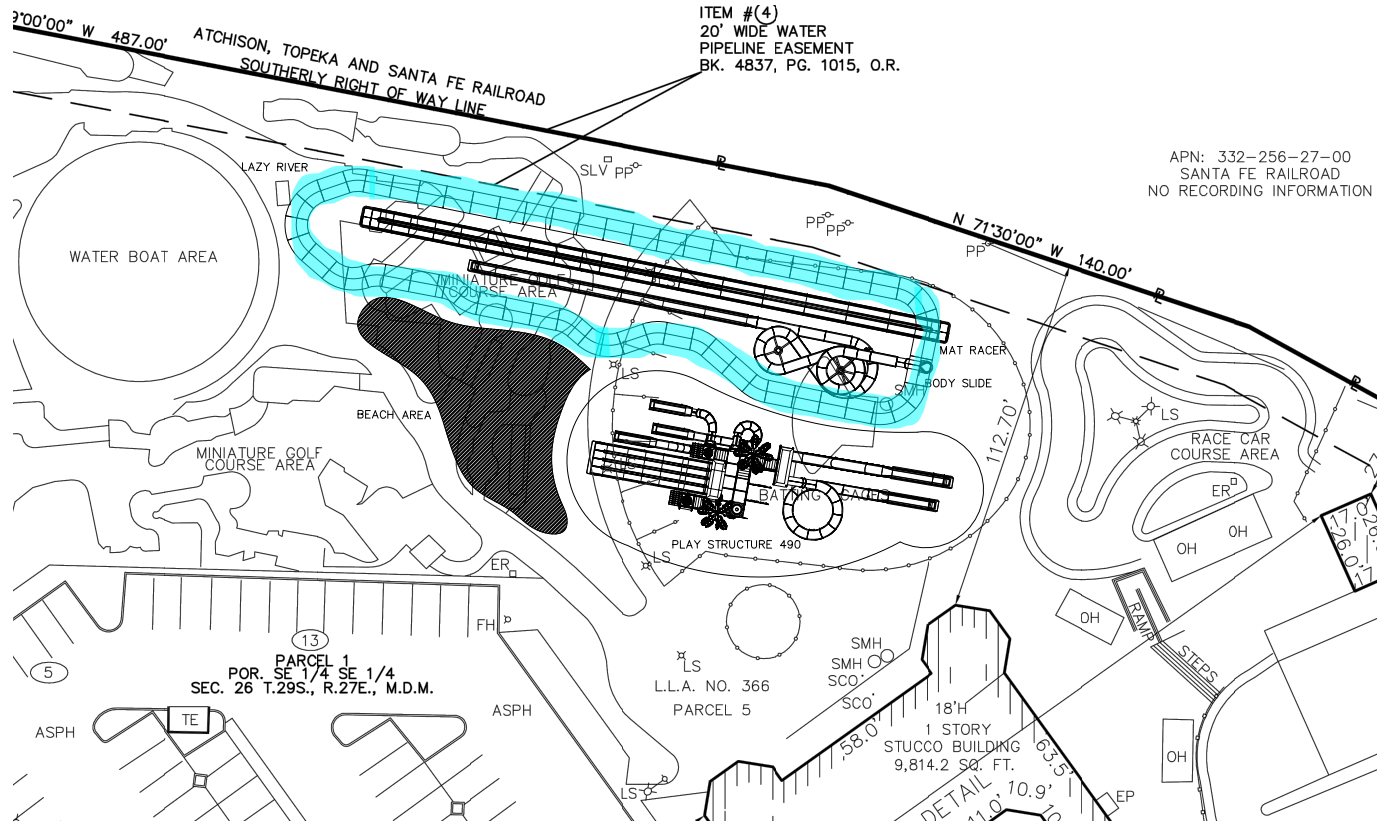
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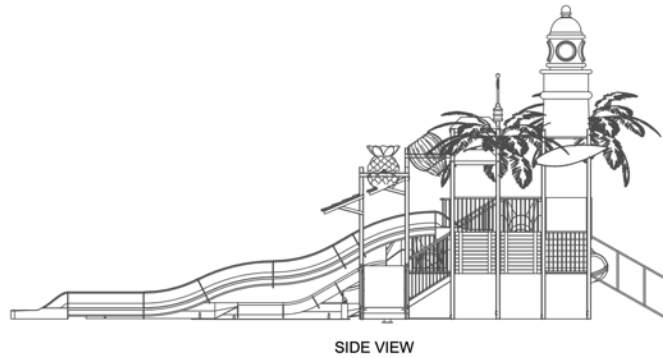
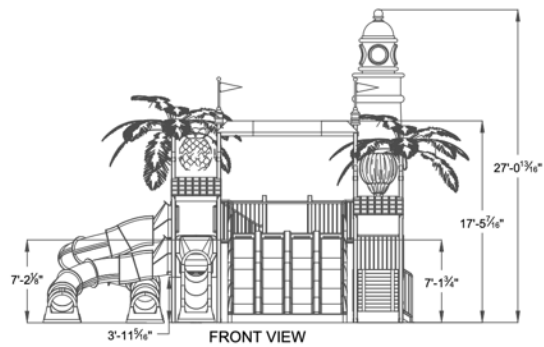


Surveyor's Drawing No.: MKA-
Surveyor's Site Map
Checked by: JEM Drawn by: J.W
GRAPHIC SCALE: 1" = 50'

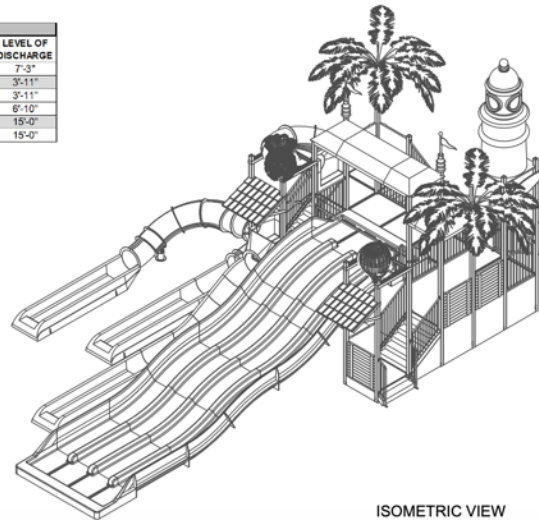
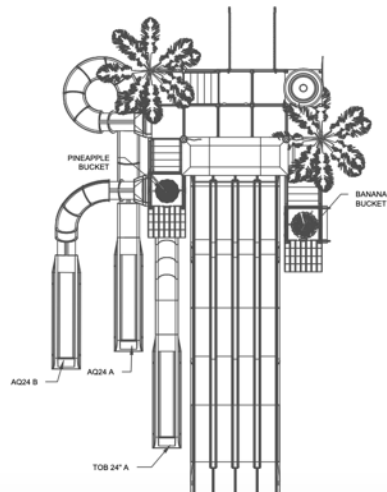
Waterpark Addition

- Giant Kid's play structure with 11 slides and two Buckets
- 2 Lane Family Matt Racer
- Thrill Body Slide with runout exit
- Fiberglass Mini River
- Pool Deck space with Cabanas, chairs, and shade





WATER FLOW CHART			
PUMP	SLIDE	WATER FLOW GALLS/MIN	LEVEL OF DISCHARGE
A	AQUA RACER	760	7'-3"
B	TOB 24	48	3'-11"
C	AQ24 A	48	3'-11"
D	AQ24 B	48	6'-10"
E	PINEAPPLE BUCKET	40	15'-0"
F	BANANA BUCKET	40	15'-0"





COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: October 13, 2020

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

TO: Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD: Ward 1

SUBJECT:

Conditional Use Permit No. 20-0235. The City of Bakersfield Public Works Department/Solid Waste Division is proposing a conditional use permit to allow modification to an existing Recycling and Composting Facility by adding the temporary transfer of municipal solid waste and increasing their average intake volume in the A (Agriculture Zone) district, located at 2601 South Mount Vernon Avenue. An Addendum to a Mitigated Negative Declaration is on file per California Environmental Quality Act Guidelines Sections 15162 and 15164.

APPLICANT: City of Bakersfield

OWNER: City of Bakersfield

LOCATION: 2601 South Mount Vernon Avenue

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
▣ Staff Report CUP No. 20-0235	Staff Report
▣ Draft Resolution with Exhibits	Resolution

CITY OF BAKERSFIELD PLANNING DIVISION STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

DATE: October 13, 2020

SUBJECT: Conditional Use Permit; File No. 20-0235 (Ward 1)

APPROVED 

APPLICANT/OWNER: City of Bakersfield
4101 Truxtun Avenue
Bakersfield, CA 93309

LOCATION: 2601 South Mount Vernon Avenue | APN: 173-210-04

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 20-0235 as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a conditional use permit to allow modifications to the existing Mount Vernon Recycling and Composting Facility by adding the temporary transfer of municipal solid waste and increasing the average intake volume located in the A (Agriculture Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

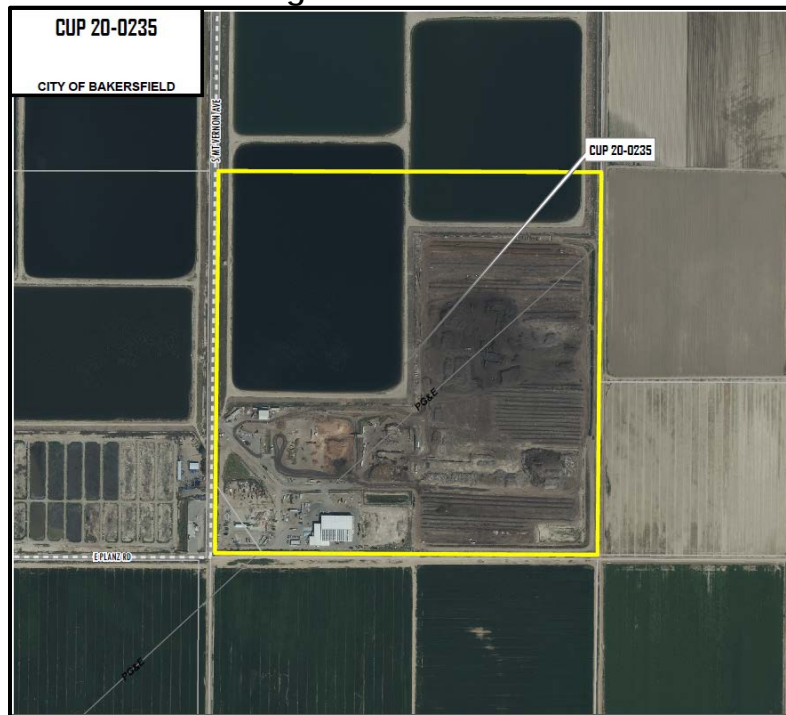
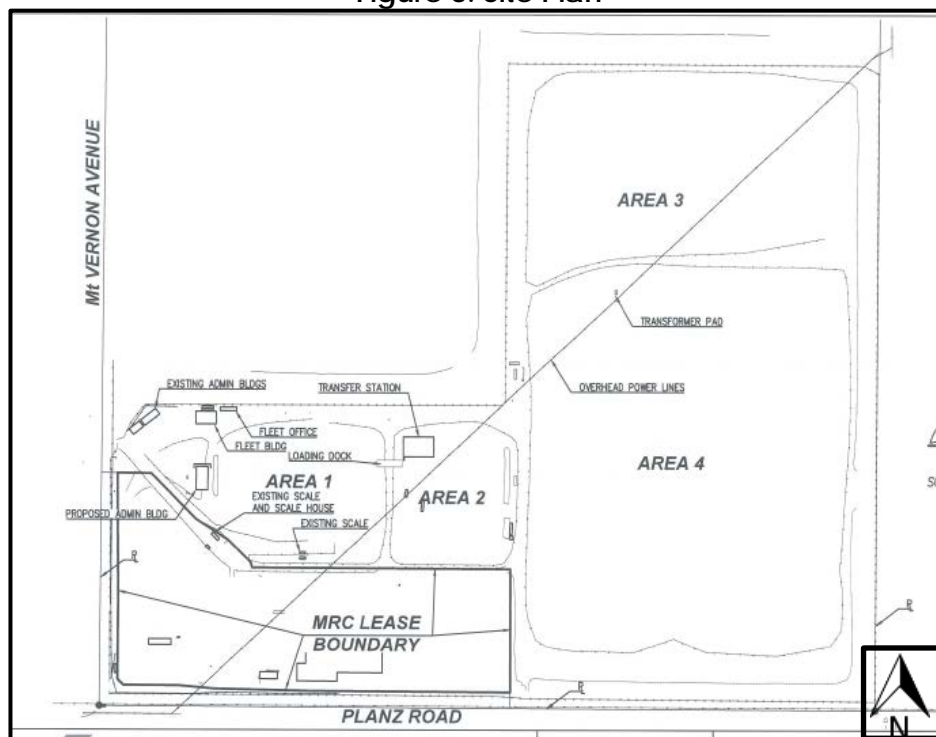


Figure 3. Site Plan



SURROUNDING LAND USES:

The project site is developed with the Mount Vernon Recycling and Composting Facility on approximately 97 acres of a 160-acre parcel. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	P	A	Recycling and Composting Facility
North	P	A	Wastewater treatment land
East	P	A	Agriculture
South	P	A	Agriculture
West	P	A	Bakersfield Wastewater Treatment Plant No. 2
General Plan Key P: Public Facilities		Zone District Key A: Agriculture	

BACKGROUND AND SITE HISTORY:

Conditional Use Permit No. 5317. On May 26, 1992, the Board of Zoning Adjustment (BZA) approved a conditional use permit to allow operation of a wood/green waste facility on a 5-acre site at 2600 South Mt. Vernon Avenue (Resolution No. 40-92).

Conditional Use Permit No. 5481. On June 22, 1993, the BZA approved a conditional use permit to allow operation of an inert recycling facility for construction and demolition materials on 30 acres of the present 97-acre site at 2601 S. Mt. Vernon Avenue (Resolution No. 43-93).

Conditional Use Permit No. 5540. On January 11, 1994, the BZA approved a new conditional use permit to move the wood/green waste facility to the same site as the inert materials facility at 2601 S Mt. Vernon Avenue, and reorient the inert materials site to the easterly portion of the site (Resolution No. 1-94).

Conditional Use Permit No. P99-0571. On September 14, 1999, the BZA approved a conditional use permit to expand the entire facility to the east to the current 97-acre size (Resolution No. 99-32).

Conditional Use Permit No. 03-1261. On January 13, 2004, the BZA approved a conditional use permit to increase the amount of processing of green/wood waste, allow food scrap recycling, and consolidate previous approved conditional use permits to comply with State mandated waste reduction goals (Resolution No. 04-01). Staff notes that the maximum peak amount of material allowed to enter the site each day increased with each conditional use permit, up to 1,551 tons per day.

Emergency Waiver. On April 2, 2020, the facility was granted an emergency waiver from the Kern County Public Health Services Department, Environmental Health Division, acting as the Local Enforcement Agency for the California Department of Resources, Recycling and Recovery, for the transfer of municipal solid waste due to COVID-19. The waiver is set to expire on November 28, 2020.

ANALYSIS:

Existing Facility. The project site currently contains a composting, recycling, and transfer facility for wood/green waste and inert (construction/demolition) materials with approval for a maximum 1,551 tons of daily material and 900 average loads per day through a Cal Recycle Solid Waste permit. The facility currently generates approximately 500 average loads per day in compliance with the facility permit. Materials currently accepted for composting and their average daily intake volume (based on being open 352 days per year) include the following:

• Green Waste	32 average loads/day	10,800 annual loads
• Brush & Wood	298 average loads/day	104,500 annual loads
• Grass	154 average loads/day	54,000 annual loads
• Construction and Demolition Waste	1 average load/day	200 annual loads
• Concrete	11 average loads/day	3,600 annual loads
• Street sweeping waste	9 average loads/day	2,880 annual loads
• Outbound Loads	21 average loads/day	7,392 annual loads

The facility is open to the public between 7:00 a.m. and 4:00 p.m., 7 days a week, except holidays. Thirty-nine (39) employees operate the facility with 20 people comprising the maximum onsite shift.

Proposed Modifications. The request proposes to add municipal solid waste (MSW) to the list of materials that are received and transferred from the site. The temporary transfer of MSW (as approved by the emergency waiver) is currently operating on site, and would continue indefinitely if the conditional use permit is approved (see Figure 4 for location). The addition of MSW transfer operations requires a maximum daily material load of 1,650 tons, an increase of 99 tons over the maximum 1,551 tons allowed. The MSW will not be stored for more than 48 hours before transfer to the Bena Landfill (located approximately 14 miles northeast of the Project site).

The proposed changes will not increase any land area that is currently devoted to the overall operation. Based on calculations for the 97-acre site, the facility can physically accommodate approximately 140,000 tons of material. Therefore, sufficient capacity exists for the added operations.

The City will continue to operate the existing green/wood waste facility that accepts source separated organic materials. A separate tenant under contract by the City will continue to operate the construction and demolition (C&D) recycling facility that accepts source separated and mixed loads of dry recyclables. In addition, the City will continue to operate its food waste recycling operation to supplement and enhance the overall composting process and comply with SB 1383. All vector control measures will remain in place.

Figure 4. Transfer Site



ENVIRONMENTAL REVIEW AND DETERMINATION:

A Mitigated Negative Declaration (MND) was prepared for the facility as part of the analysis for Conditional Use Permit No. 03-1261. The MND was adopted by the Board of Zoning Adjustment on January 13, 2004.

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

Accordingly, Staff has determined that the proposed uses under the CUP were fully analyzed in the previously adopted MND. No new impacts will result from the proposed project. Therefore, an Addendum to the MND was prepared for the proposed project in accordance with Section 15164 and the City of Bakersfield's CEQA Implementation Procedures.

PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property

owners within 300 feet of the project site were notified by United States mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

CONCLUSIONS:

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

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

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

In accordance with these required findings, and as conditioned, Staff finds:

1. The facility is within a large area designated for public facility uses, and is not in the vicinity of any sensitive land uses;
2. The facility would continue to reduce the waste stream to area landfills in accordance with state-mandated waste reduction goals;
3. The proposed use of the facility for MSW transfer is an efficient expansion of use that is in character with the existing development and surrounding neighborhood; and
4. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 20-0235, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE TRANSFER OF
MUNICIPAL SOLID WASTE AT THE EXISTING MOUNT VERNON RECYCLING AND
COMPOSTING FACILITY IN THE A (AGRICULTURE ZONE) DISTRICT, LOCATED AT
2601 SOUTH MOUNT VERNON AVENUE. (CUP NO. 20-0235)**

WHEREAS, The City of Bakersfield Solid Waste Division filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow the transfer of municipal solid waste at the existing Mount Vernon Recycling and Composting Facility in the A (Agriculture Zone) district, located at 2601 South Mount Vernon Avenue (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, October 13, 2020 at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

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

WHEREAS, on January 13, 2004, the Board of Zoning Adjustment adopted a Mitigated Negative Declaration for a Conditional Use Permit (No. 03-1261) on the project site by Resolution No. 04-01; and

WHEREAS, the previous MND for CUP 03-1261 analyzed the environmental impacts of developing the project site and, therefore, CUP 20-0235 would not result in any new environmental effects or environmental effects greater than what was previously analyzed;

WHEREAS, an addendum to the previously approved MND was prepared in accordance with the California Environmental Quality Act (CEQA); and

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

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

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

2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that none of the conditions set forth in CEQA Section 15162 for the preparation of a subsequent environmental document have been met; therefore, an addendum to the previously adopted ND was completed per CEQA Section 15164.
3. The proposed use is essential and desirable to the public convenience and welfare.
4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 20-0235 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 13th day of October 2020, on a motion by Member _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 20-0235

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

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

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

1. This conditional use permit allows for the operation of the Mount Vernon Recycling and Compositing Facility in the A (Agriculture Zone) district located at 2601 South Mt. Vernon Avenue as depicted on attached Exhibits B and C.
2. The applicant shall maintain and comply with all required state and local permits for this facility including but not limited to, Kern County Environmental Health Department, California Integrated Waste Management, and California Regional Water Quality Control.
3. The operators of the inert (construction and demolition) recycling components of the facility shall control all dust related to those operations, including but not limited to, loading/unloading, crushing, grinding, spreading, etc. The operators shall water this material just prior to crushing to reduce air borne dust. In addition, stockpiles of material shall be watered down at least once a week or more frequently if necessary (i.e. dry and/or windy conditions), to control dust from blowing off the site. The operators shall also comply with all applicable San Joaquin Valley Air Pollution Control District requirements.

4. All unpaved vehicular/equipment travel ways shall be watered down at least once daily or more frequently if necessary (i.e. dry and/or windy conditions), to control dust from blowing off the site. The operators shall also comply with all applicable San Joaquin Valley Air Pollution Control District requirements.
5. Prior to acceptance of food waste, the applicant shall prepare and implement a program to control odors and vectors. The operators shall also comply with all applicable San Joaquin Valley Air Pollution Control District requirements.
6. The applicant shall provide daily inspection and cleanup of debris/waste and other materials dropped or dumped from vehicles using the facility. Said cleanup shall occur along South Mt. Vernon Avenue between State Highway 58 and East Planz Road, and along East Planz Road along the site's frontage. If other routes are constructed, daily cleanup shall also occur along these routes to the facility.
7. Average noise levels shall not exceed 65 dBA as measured at the property line. Appropriate noise controls shall be incorporated into the facility equipment and/or design to minimize noise generation and to prevent off-site transmission of noise.
8. The facility operators shall prepare and implement a program for screening loads at the entrance for hazardous and other ineligible wastes. This program shall be coordinated with the city's Fire Department, Prevention Services Division.
9. Screening shall be provided along all public streets. Screening may be in the form of a wall, chain-link fence with slats, vegetation, or combination thereof, to a minimum height of six feet. Although 100% screening will not be achieved, the intent is to provide a visual buffer from onsite activities.
10. Building permits shall be required for all buildings and structures required to obtain such permit under the Uniform Building Code and City Ordinance.
11. For any buildings and structures required a permit, the developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that are within 20' of property lines if it is commercial, or 5' of property lines if it is residential. In addition, plans shall include information necessary to verify that the project complies with all disability requirements of Title 24 of the State Building Code.
12. The minimum parking required for this project shall be 22 spaces. This is based on the maximum number of employees per shift (20) plus 10% additional for customers/visitors.
13. Minimum parking stall dimensions shall be 9' wide x 18' long. Vehicles may hang over landscape areas no more than 2½ feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.
14. All driveways, vehicular access and parking areas shall be paved with a minimum of 2" Type B, A.C. over 3" Class II A.B. according to the Bakersfield Municipal Code (Sections 15.76.020 & 17.58.050 N.) and the adopted standards of the City Engineer.
15. All access (permanent and temporary) to and around any building under construction must be at least 20 feet wide, contain no vehicle obstructions, and be graded to prevent water ponding.

Barricades must be in place where ditches and barriers exist in or cross roadways. Emergency vehicle access must always be reliable.

16. Municipal trash collection (office uses) must provide enough containment area for the refuse that is generated by the use.

Exhibit B
(Location Map)

CUP 20-0235

CITY OF BAKERSFIELD

**LEGEND
(ZONE DISTRICTS)**

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

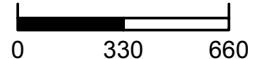


BAKERSFIELD

N



Feet



S MT VERNON AVE

E PLANZ RD

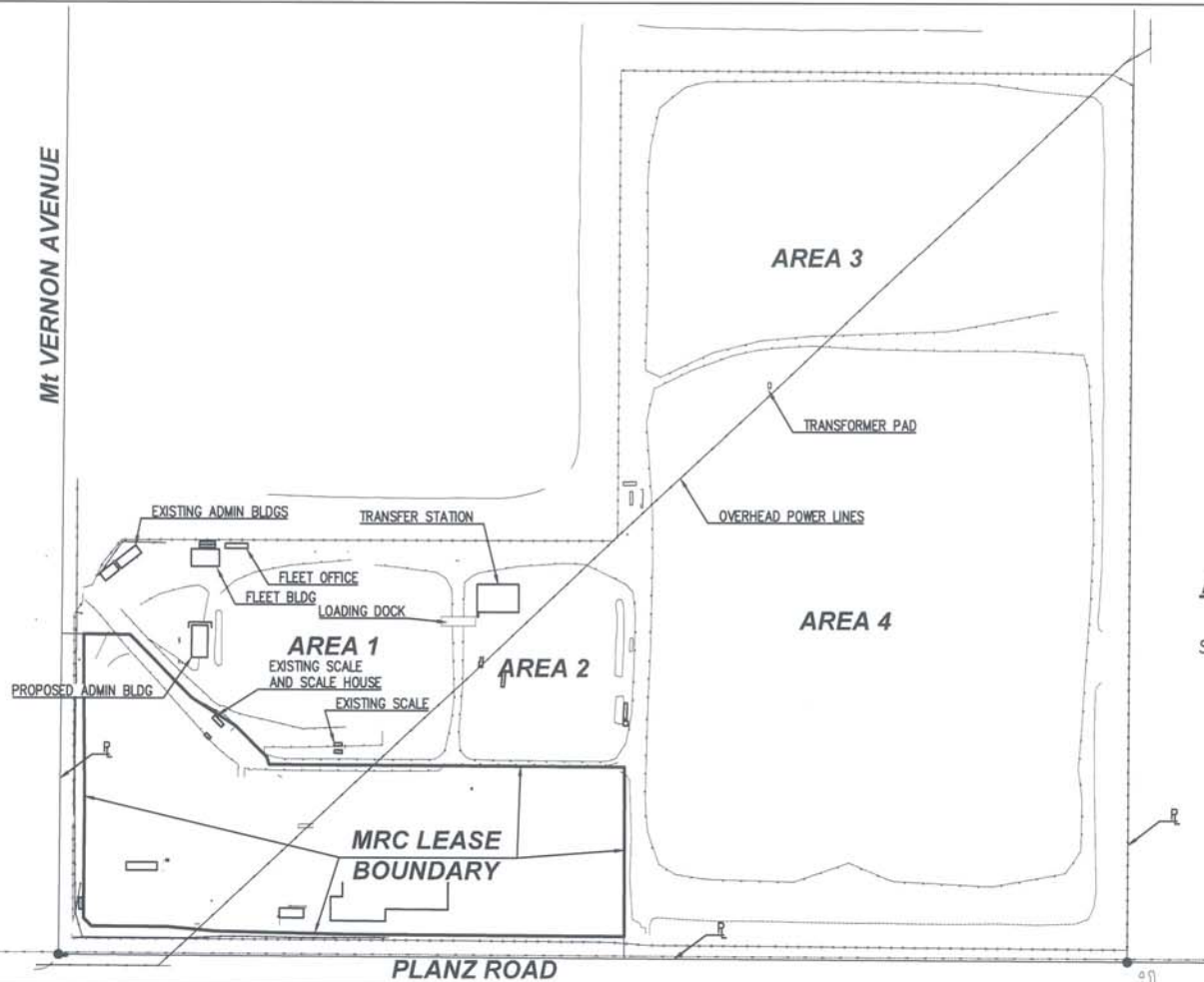
CUP 20-0235

PG&E

PG&E

Exhibit C
(Site Development Plan)

Mt VERNON AVENUE



NOTES:

SITE ADDRESS: 2601 S. Mt. VERNON AVENUE, 1.5 MILES SOUTH OF HIGHWAY 58.

STORMWATER DISPOSAL: ON-SITE RETENTION

SEWAGE DISPOSAL: CITY SEWER AND ON-SITE SEPTIC SYSTEMS



Derrill G. Whitten Jr. 9/22/2020
DERRILL G. WHITTEN JR., PLS NO. 7816 DATE



CORNERSTONE
ENGINEERING
CONSULTANTS • ENGINEERS • LAND SURVEYORS
208 OAK STREET, BAKERSFIELD CA 93304
TEL: (661) 325-9474 FAX: (661) 322-0129
www.cornerstoneeng.com

DESIGNER: DWG
CHECKED BY: DWG
DATE: 09-22-2020
COMP NO: 23907 SITE PLAN.DWG
JOB NO: 239-07-00

PROJECT:

GREEN WASTE FACILITY SITE PLAN

PREPARED FOR:

CITY OF BAKERSFIELD
SOLID WASTE DIVISION OF PUBLIC WORKS DEPT.

SHEET
1 OF 1



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: October 13, 2020

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

TO: Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

PLANNER: Ryder Dilley, Associate Planner

DATE:

WARD: Ward 3

SUBJECT:

Conditional Use Permit No. 20-0216: Countryside Corp., is proposing a conditional use permit to allow a restaurant with drive-through services (17.22.040.B.11) in the C-1 (Neighborhood Commercial Zone) district, located at 5704 Comanche Drive. A finding that the project is exempt from the California Environmental Quality Act will also be considered.

APPLICANT: Countryside Corp.

OWNER: Countryside Corp.

LOCATION: 5704 Comanche Drive

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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

**CITY OF BAKERSFIELD
PLANNING DIVISION
STAFF REPORT**

TO: Chair and Members of the Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

APPROVED *PJ*

DATE: October 13, 2020

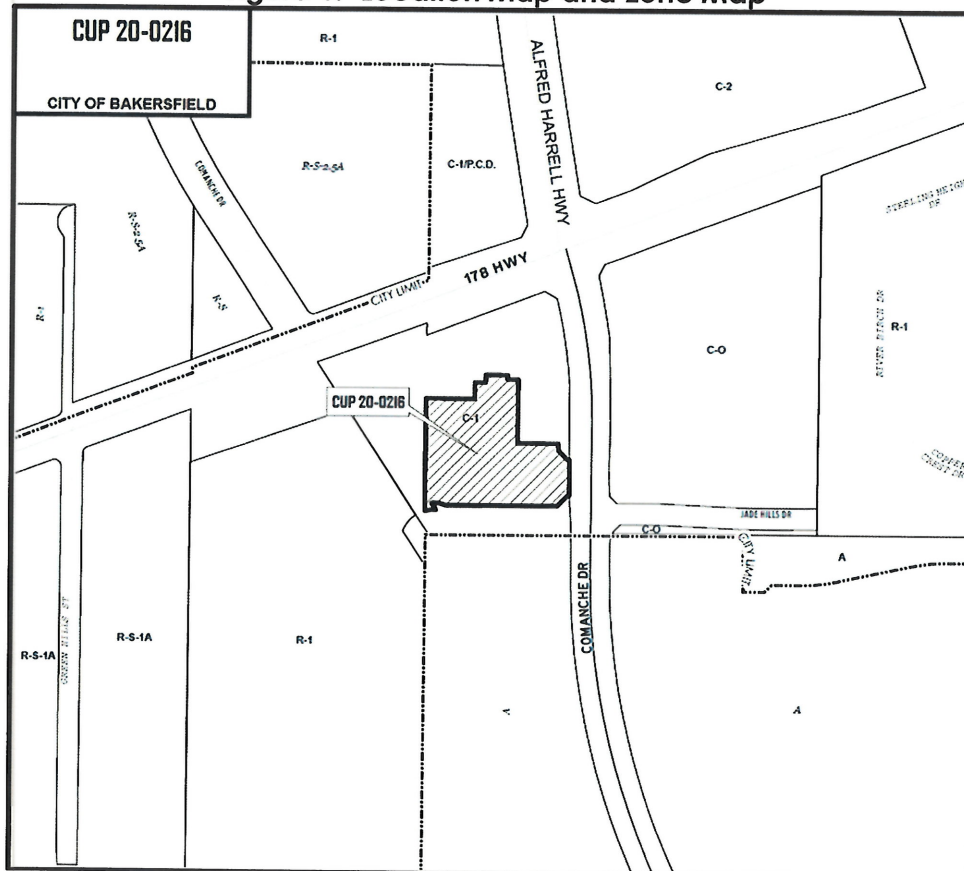
SUBJECT: Conditional Use Permit; File No. 20-0216 (Ward 3)

APPLICANT: Countryside Corp. – Rick Jhaj
1631 S. Comanche Drive
Bakersfield, CA 93307

OWNER: Countryside Corp.
1631 S. Comanche Dr.
Bakersfield, CA 93307

LOCATION: 5704 Comanche Drive | APN: 387-880-04

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 20-0216 as depicted in the project description and subject to the listed conditions of approval.

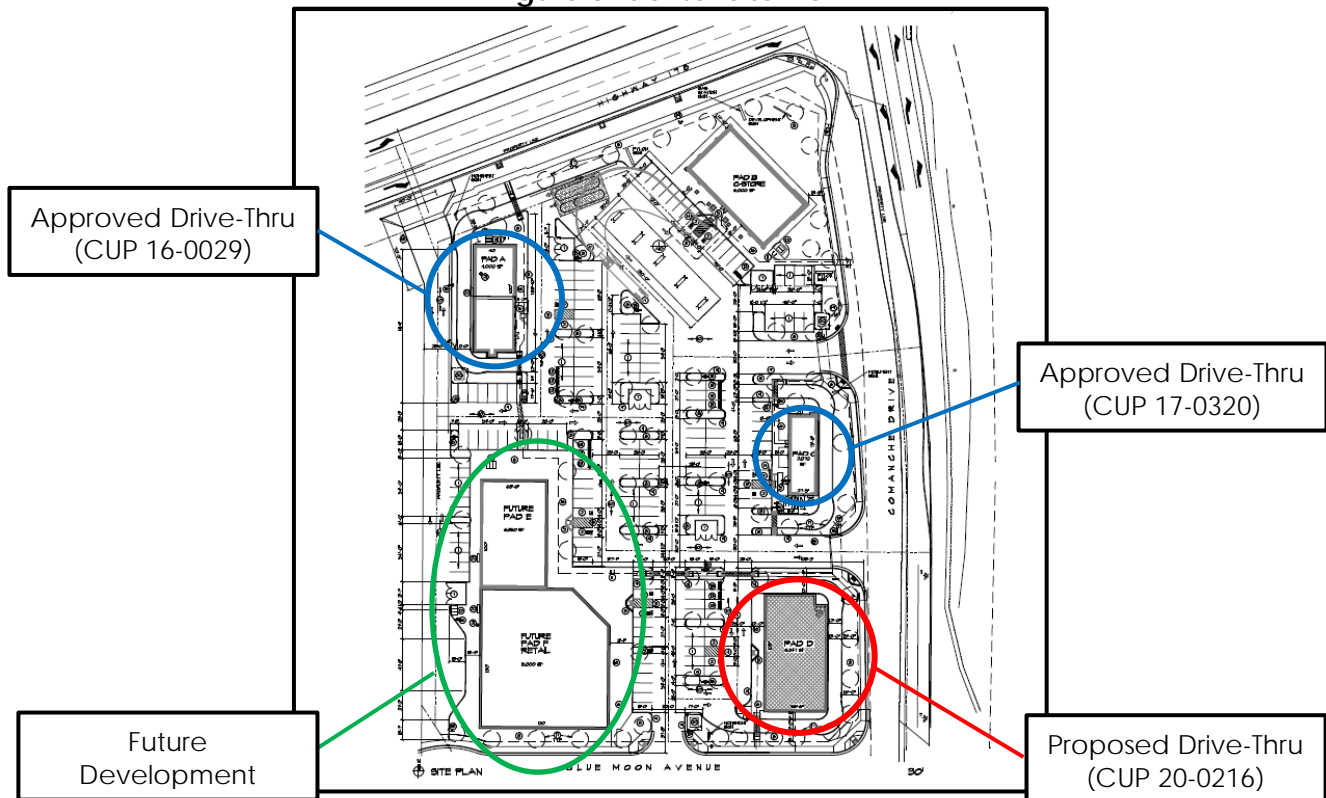
PROJECT SUMMARY:

The project is a request for a conditional use permit to allow a restaurant with drive-thru services located in the C-1 (Neighborhood Commercial Zone) district. The property is partially developed with a multi-tenant commercial/retail shopping center. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Center Site Plan



SURROUNDING LAND USES:

The project site is a part of an approximately 7.7-acre center that is partially developed with a convenience store, multi-tenant retail building with drive-thru, single-tenant building with drive-thru, and associated parking lot. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-1	Retail Shopping Center
North	GC	C-1/P.C.D.	Vacant, Hwy-178
East	OC	C-O	Vacant
South	R-MP (County)	A (County)	Vacant
West	GC	C-1	Vacant
General Plan Key GC: General Commercial OC: Office Commercial R-MP (County): Resources - Minerals & Petroleum		Zone District Key C-O: Professional and Administrative Office C-1: Neighborhood Commercial C-1/PCD: Neighborhood Commercial/Planned Commercial Development A (County): Exclusive Agriculture	

BACKGROUND AND SITE HISTORY:

Site Plan Review No. 15-0316. On November 6, 2015, the Site Plan Review Committee approved plans for a 44,287 square foot retail center in the C-1 (Neighborhood Commercial) zone.

Conditional Use Permit No. 16-0029. On March 8, 2016, the Board of Zoning Adjustment approved a conditional use permit to allow construction of a 3,187 square foot drive-thru restaurant in the C-1 (Neighborhood Commercial) zone (Resolution No. 16-04). Staff notes this project revised the original site plan to allow for the restaurant drive-thru use.

Site Plan Review No. 17-0041. On March 9, 2017, the Site Plan Review Committee approved the plans for a 41,860 square foot retail center revising the original layout, circulation, and uses, and further continuing the allowance for the restaurant drive-thru use approved with CUP No. 16-0029.

Conditional Use Permit No. 17-0320. On March 8, 2016, the Board of Zoning Adjustment approved a conditional use permit to allow an additional restaurant to have drive-thru services in the C-1 (Neighborhood Commercial) zone (Resolution No. 17-34).

ANALYSIS:

Restaurants are a permitted use in the C-1 (Neighborhood Commercial Zone) district. However, restaurants with drive-thru services require approval of a conditional use permit. The purpose of the C-1 zone is to provide an adequate variation of retail establishments and services that conveniently serve the needs of residents in the immediate neighborhood; therefore, they are typically situated within residential neighborhoods often abutting or in close proximity to residential development. The subject property does not abut any residential development; however, land that is zoned for residential is approximately 400 feet southwest of the drive-thru restaurant.

Existing Center. In compliance with the approved development, the existing center is comprised of a 6,000 square foot convenience store, a 4,000 square foot multi-tenant retail building with a drive-thru, a 2,070 square foot single-tenant with a drive-thru, and associated parking. Please see Figure 4.

Figure 4. Existing Project Site



Proposed Drive-Thru. The new drive-thru will be located in the southeast corner of the shopping center on Pad D. Please see Figures 5 and 6.

Figure 5. Site Plan/Elevations

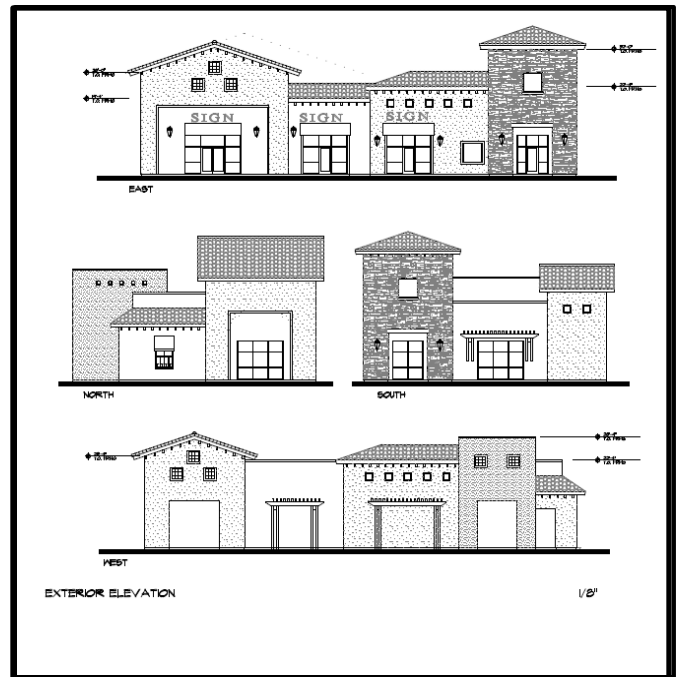
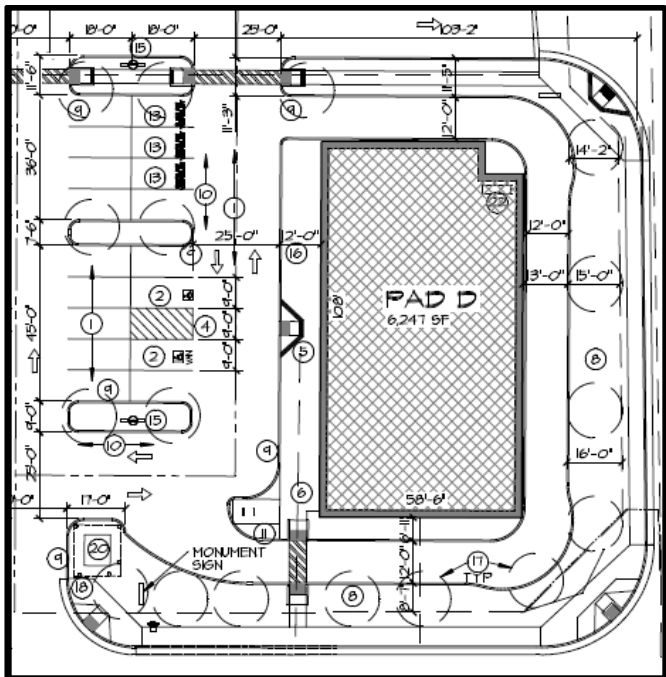


Figure 6. Pad D Street View



Similar to the previously approved conditional use permits, the applicant is requesting to revise the current site plan to include the additional drive-thru service as a part of the multi-tenant "Pad D". Should your Board approve the proposed request, the applicant will comply with conditions associated with the Site Plan Review and this conditional use permit.

ENVIRONMENTAL REVIEW AND DETERMINATION:

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

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

A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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

CONCLUSIONS:

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

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

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

In accordance with these required findings, and as conditioned, Staff finds: (1) the drive-thru service provides quick access to food and/or drinks for traffic off of Highway 178 and residential neighborhoods in the vicinity; (2) the proposed revisions are compatible with the existing development and surrounding neighborhood; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 20-0216, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits

RESOLUTION NO. 20-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT WITH
DRIVE-THROUGH SERVICES (17.22.040.B.11) IN THE C-1 (NEIGHBORHOOD
COMMERCIAL ZONE) DISTRICT, LOCATED AT 5704 COMANCHE DRIVE.
(CUP NO. 20-0216)**

WHEREAS, Countryside Corp. filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a restaurant with drive-through services (17.22.040.B.11) in the C-1 (Neighborhood Commercial Zone) district, located at 5704 Comanche Drive (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, October 13, 2020, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15332; and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15332 because the project is characterized as in-fill development.
3. The proposed use is essential and desirable to the public convenience and welfare.

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 20-0216 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 13th day of October 2020, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 20-0216

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

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

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

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

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

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

2. This conditional use permit allows for a restaurant with drive-through service in the C-1 (Neighborhood Commercial Zone) district located at 5704 Comanche Drive as depicted on attached Exhibits B and C.

III. The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards.

The 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. The developer shall obtain all required approvals from the Kern County Environmental Health Services Department (2700 “M” Street, Bakersfield, CA., 93301; PH 661-862-8700) for any food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.

APPLICANT’S RESPONSE: _____

- 7. 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: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

11. 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 – Ryder Dilley; 661-326-3616 or RDilley@bakersfieldcity.us)

1. All Site Plan Review conditions of approval for the proposed development shall apply to the subject property.

APPLICANT'S RESPONSE: _____

2. 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>
Pad A (Multi-Tenant)	4,000 sq. ft.	1 space/200 sq. ft.	20 spaces
Pad B (C-Store)	6,000 sq. ft.	1 space/200 sq. ft.	30 spaces
Pad C (FF Restaurant)	2,070 sq. ft.	1 space/75 sq. ft.	28 spaces
Pad D (Multi-Tenant)	6,247 sq. ft.	1 space/200 sq. ft.	31 spaces
Pad E (Multi-Tenant)	6,350 sq. ft.	1 space/200 sq. ft.	32 spaces
Pad F (Single Tenant)	15,000 sq. ft.	1 space/300 sq. ft.	50 spaces
Credit	5 pumps	2 per fuel pump	(10) spaces
Credit	1 window/ > 44 ft.	2 space credit	(2) spaces
Credit	1 window/ > 44 ft.	2 space credit	(2) spaces
Credit	1 window/ > 44 ft.	2 space credit	(2) spaces
Required Parking:			175 spaces

(Note: 175 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.)

APPLICANT'S RESPONSE: _____

3. 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: _____

4. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

(**Note 1:** At the time a final site inspection is conducted, it is expected that plants will match the species identified and be installed in the locations consistent with the approved landscape plan. Changes made without prior approval of the Planning staff may result in the removal and/or relocation of installed plant materials and delays in obtaining building occupancy.)

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

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

APPLICANT'S RESPONSE: _____

5. 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: _____

6. 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: _____

7. The following conditions are required as part of a grading permit:

- a. Habitat Conservation fees shall be required for this project and will be calculated based on the fee in effect at the time we issue an urban development permit (includes grading plan approvals) as defined in the Implementation/Management Agreement (Section 2.21) for the Metropolitan Bakersfield Habitat Conservation Plan. Upon payment of the fee, the applicant will receive acknowledgment of compliance with Metropolitan Bakersfield Habitat Conservation Plan (Implementation/Management Agreement Section 3.1.4). This fee is currently \$2,145 per gross acres, payable to the City of Bakersfield (submit to the Planning Division). This fee must be paid before any grading or other site disturbance occurs.

Forms and instructions are available at the Planning Division or on the city's web site at https://bakersfieldcity.us/gov/depts/community_development/habitat.htm.

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 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.

- d. Prior to ground disturbance, the developer shall have a California Department of Fish and Wildlife approved biologist survey the location for the blunt nose leopard lizard. Survey protocol shall be that recommended by the California Department of Fish and Wildlife. Developer shall be subject to the mitigation measure recommended by the biologist. A copy of the survey shall be provided to the Planning Department prior to ground disturbance.

APPLICANT'S RESPONSE: _____

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

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

APPLICANT'S RESPONSE: _____

9. If paleontological resources are encountered during construction, a qualified paleontologist shall be retained by the developer to evaluate the significance of the resources and formulate a mitigation program if necessary. The paleontologist shall coordinate with the Planning Division.

APPLICANT'S RESPONSE: _____

10. In the event a previously undocumented oil/gas well is uncovered or discovered on the project, the developer is responsible to contact the California Geologic Energy Management Division (CalGEM). The developer is responsible for any remedial operations on the well required by CalGEM. The developer shall also be subject to provisions of BMC Section 15.66.080.B.

APPLICANT'S RESPONSE: _____

11. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

APPLICANT'S RESPONSE: _____

12. 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: _____

C. FIRE DEPARTMENT (2101 H Street)

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

1. Show on the final building plans the following items:

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

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

- b. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
- c. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
- d. Name and phone number of the appropriate contact person.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

3. 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. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

E. PUBLIC WORKS - ENGINEERING (1501 Truxtun Avenue)

(Staff contact – Susanna Kormendi; 661-326-3997 or SKormendi@bakersfieldcity.us)

1. The developer shall construct curbs, gutters, cross gutters, sidewalks, and street/alley paving along Comanche Drive and Blue Moon 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 streetlights along Blue Moon Avenue. The developer shall be responsible for providing the labor and materials necessary to energize all newly installed streetlights before occupancy of the building or site. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued. Submit street light location plan to Public Works Department for street light number.

APPLICANT'S RESPONSE: _____

3. The developer shall construct standard accessible ramps at the northwest corner of Blue Moon Avenue and Comanche Drive 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

8. 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: _____

9. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.

APPLICANT'S RESPONSE: _____

10. The developer shall either construct the equivalent full width landscaped median island in Comanche Drive along the development's frontage or pay their proportionate share (1/2-width) of the total cost for the future construction of the median. Median islands shall be designed by the first development that occurs along an applicable street frontage. That developer shall either construct the full width landscaped median island or pay the median island fee. The median island fee shall be satisfied by fulfilling one of the following options: (1) Pay the standard fee of \$100 per linear foot; or (2) Pay the calculated fee based upon actual cost estimates prepared by the Project Engineer, which shall be reviewed and approved by the City Engineer. If the median island is not constructed by the first development along an applicable street frontage, the second development along that street frontage shall construct the full width landscaped median island.

APPLICANT'S RESPONSE: _____

11. 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: _____

12. 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: _____

13. This project may be located within a Planned Sewer Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

14. This project may be located within a Planned Drainage Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

15. This project may be subject to Bridge and Major Thoroughfare fees. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)

(Staff contact – Susanna Kormendi; 661-326-3997 or SKormendi@bakersfieldcity.us)

1. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

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:

- | | | |
|---|----|---|
| <input type="checkbox"/> Cart service | -- | 1 cubic yard/week or less 1 time per week |
| <input checked="" type="checkbox"/> Front loader bin services | -- | 1 cubic yard/week - 12 cubic yards/day |
| <input type="checkbox"/> 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, 4, 3-cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

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

5. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

APPLICANT'S RESPONSE: _____

6. 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: _____

7. 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: _____

8. 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: _____

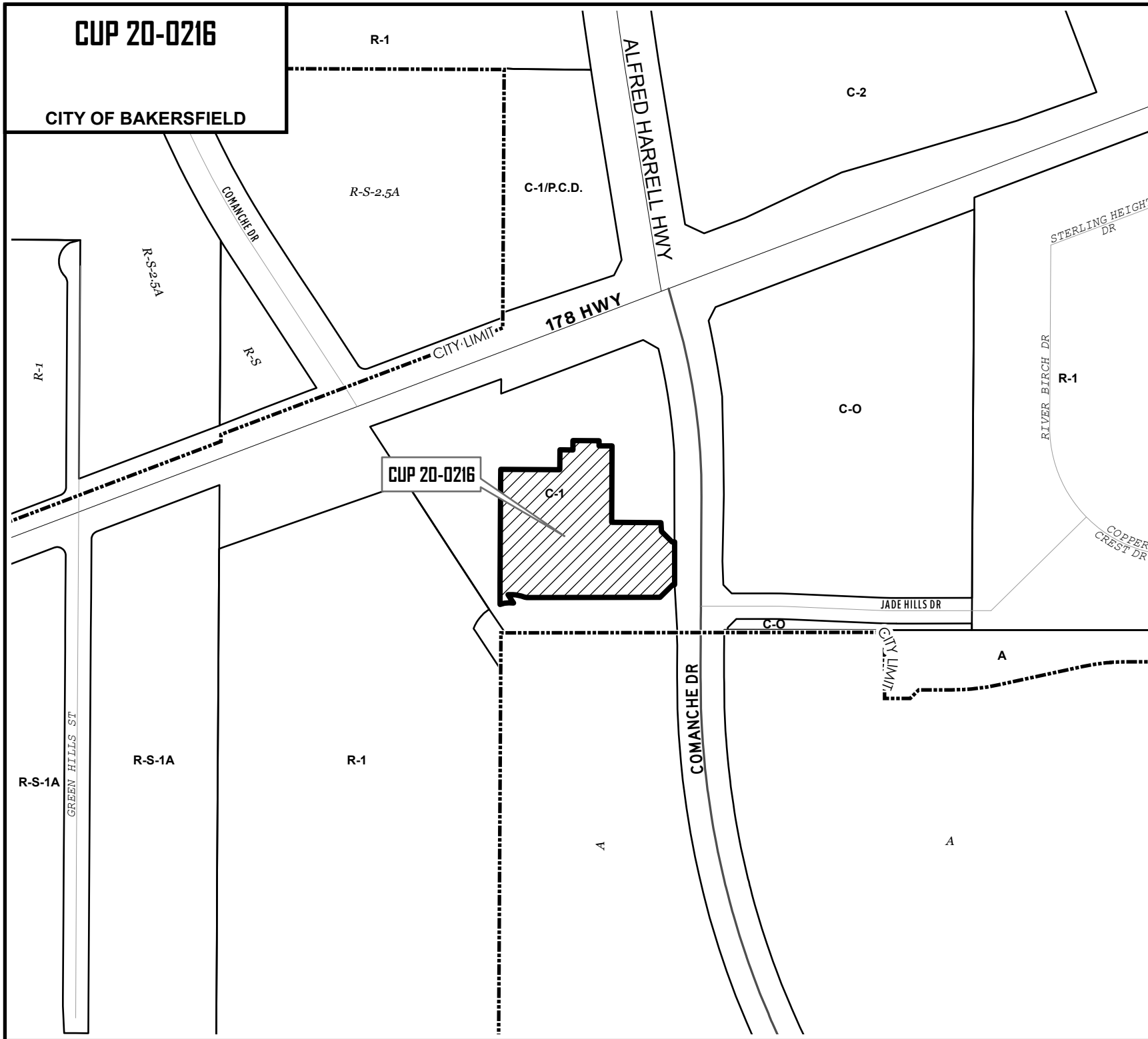
9. Revise the site plan to make the trash enclosure accessible to the refuse truck. City trucks may not drive down dead end corridors, nor back-up long distances; therefore, a turn-around area shall be provided.

APPLICANT'S RESPONSE: _____

Exhibit B
(Location Map)

CUP 20-0216

CITY OF BAKERSFIELD



**LEGEND
(ZONE DISTRICTS)**

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



BAKERSFIELD

N



Feet

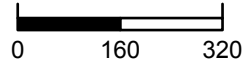
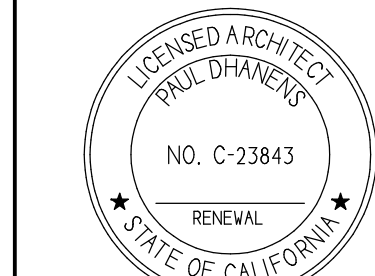


Exhibit C
(Site Development Plan)



PAUL DHANENS • ARCHITECT

ARCHITECT



5100 CALIFORNIA AVE, SUITE 107
BAKERSFIELD, CALIFORNIA 93309
TELEPHONE: (805) 328-8339
FACSIMILE: (805) 328-8337

CONSULTANT

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

PROJECT

THE COUNTRYSIDE MARKET AND RESTAURANT

5704 COMMANCHE RD
BAKERSFIELD, CALIFORNIA

DATE ISSUED FOR
9-4-20 CLP SUBMITTAL

NO. REVISIONS

SITE PLAN

FILE NAME: 2127A1-0

SHEET

A-1.0

PROJECT ANALYSIS

PROPERTY ADDRESS: 5704 COMMANCHE DR
ASSESSORS PARCEL NUMBER: 387-020-37

ZONE: C-1

ZONING SETBACKS
FRONT YARD: 10'-0"
SIDE YARD: 0'-0"
REAR YARD: 0'-0"

SITE AREA: 7.71 ACRE GROSS (5.2 ACRES NET)

BUILDING AREA:
PAD A (FAST FOOD/RETAIL): 4,000 SF
PAD B (C-STORE): 7,000 SF
PAD C (FAST FOOD): 2,070 SF
PAD D (MULTI-TENANT RETAIL): 6,241 SF
PAD E (MULTI-TENANT RETAIL): 1,150 SF
PAD F (SINGLE TENANT): 15,000 SF
TOTALS: 40,461 SF

CONSTRUCTION TYPE
PROPOSED: V-B

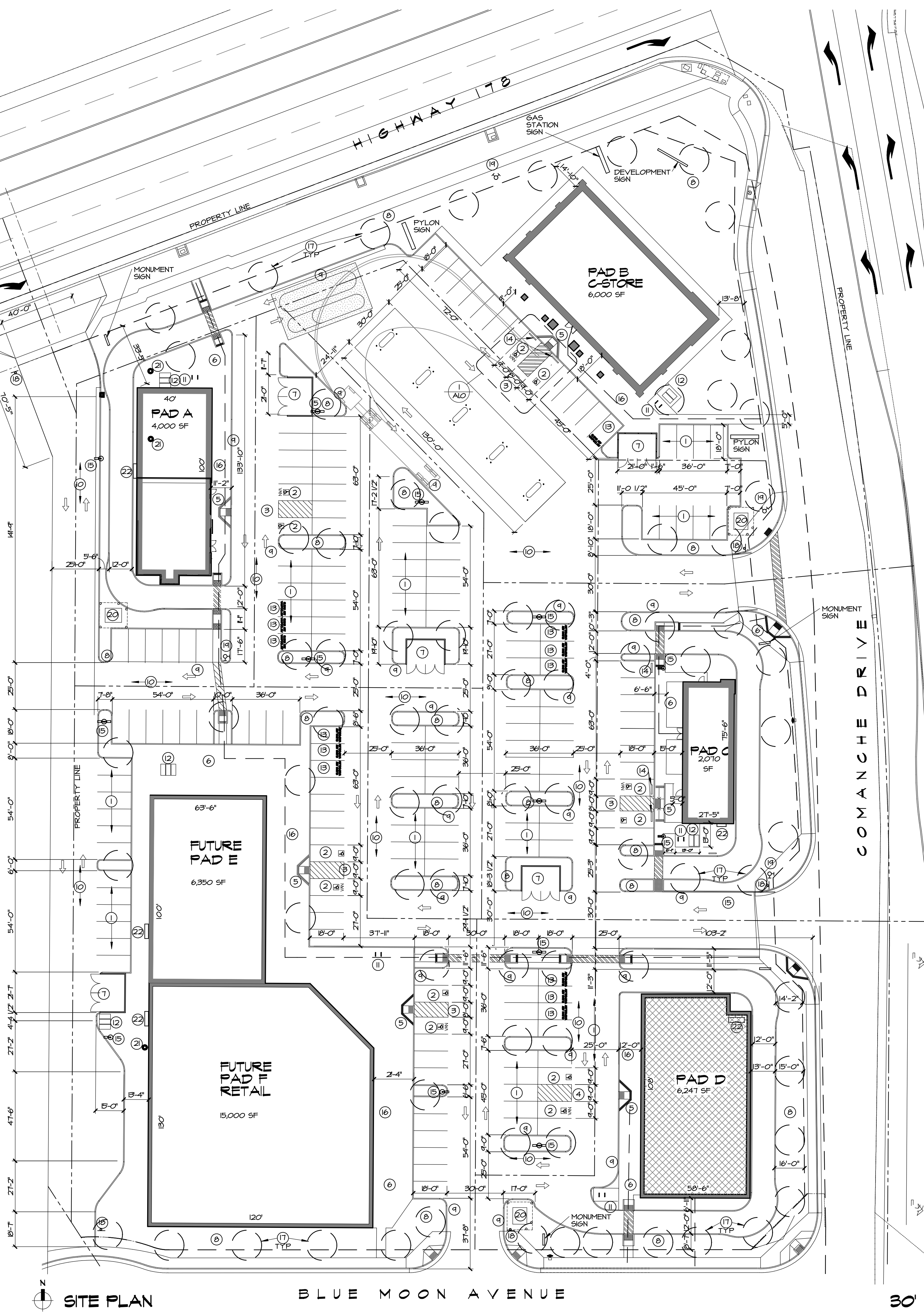
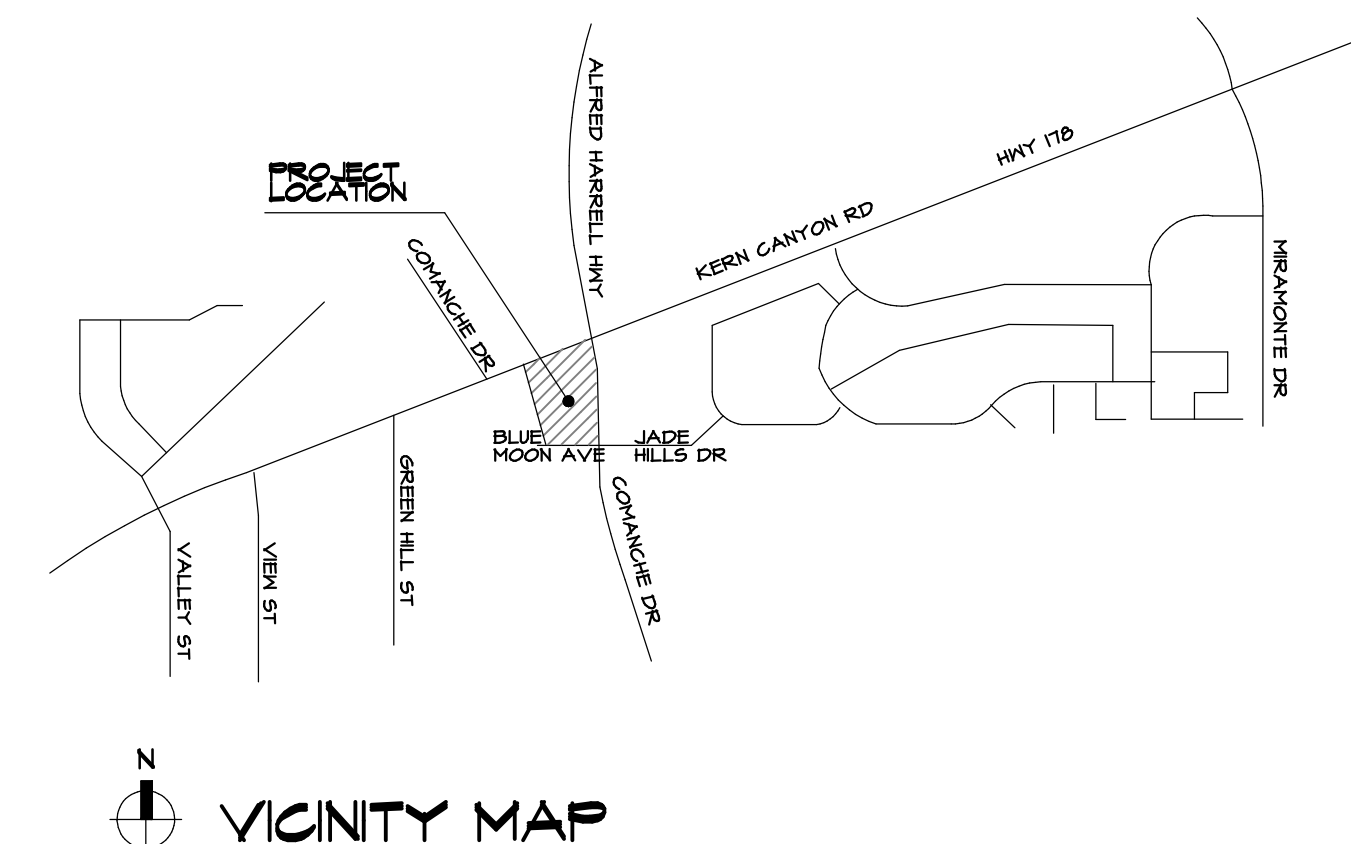
OCCUPANCY

PROPOSED:	B/M (BUSINESS/MERCANTILE)		
PROPOSED USE	AREA	RATIO	PARKING
PAD A (FAST FOOD/RETAIL):	4,000 SF	(1/200)	20 SPACES
PAD B (C-STORE):	6,000 SF	(1/200)	30 SPACES
PAD C (FAST FOOD):	2,070 SF	(1/175)	28 SPACES
PAD D (MULTI-TENANT RETAIL):	6,241 SF	(1/200)	31 SPACES
PAD E (MULTI-TENANT RETAIL):	6,350 SF	(1/200)	32 SPACES
PAD F (SINGLE TENANT):	15,000 SF	(1/300)	50 SPACES
TOTALS:	40,461 SF		191 SPACES

PARKING PROVIDED
STANDARD 9'x20' SPACES: 175 SPACES
FUEL PUMPS: 10 SPACES
DRIVE THRU: 6 SPACES
TOTALS: 191 SPACES

KEYNOTES

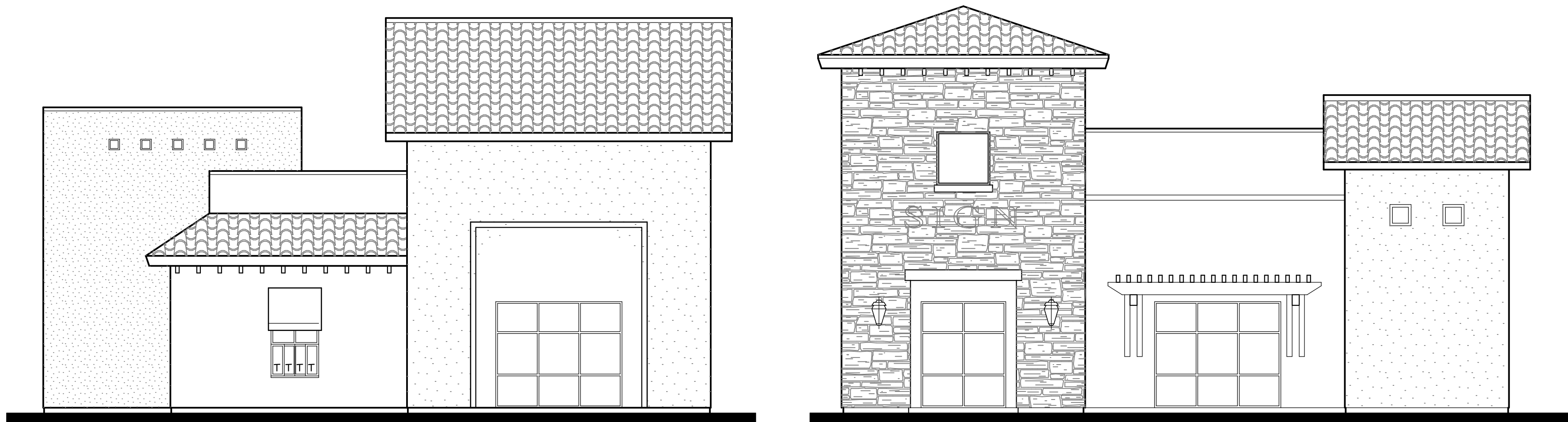
- 9'-0" WIDE x 14'-0" DEEP PARKING STALL PER CITY STANDARDS
- 9'-0" x 18'-0" HANDICAP PARKING STALL WITH 3'-0" x 3'-0" PAINTED STALL SIGN AND 10 SQ IN POLE MOUNTED PARKING SIGN DISPLAYING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY WITH AN ADDITIONAL SIGN OR LANGUAGE STATING "MINIMUM FINE \$250.00" INCLUDE SIGN MOUNTED BELOW STATING "VAN ACCESSIBLE" WHERE APPROPRIATE PER CBC SECTION 124B-60" MINIMUM HEIGHT TO THE BOTTOM OF ALL POLE SIGNS
- 8'-0" WIDE HANDICAP ACCESS AISLE FOR VAN ACCESS WITH THE WORDS "NO PARKING" IN 12" HIGH CONTRASTING LETTERS- SLOPE NOT TO EXCEED 1/4 12
- 5'-0" WIDE HANDICAP ACCESS AISLE FOR ACCESS WITH THE WORDS "NO PARKING" IN 12" HIGH CONTRASTING LETTERS- SLOPE NOT TO EXCEED 1/4 12
- 4'-0" WIDE HANDICAP ACCESSIBLE CURB RAMP- SLOPE SHALL NOT EXCEED 1:20 WITH 4'-0" MINIMUM LANDING AT TOP AND 1'-0" BORDER OF 1/4" WARNING GROOVES AT TOP PER CBC STANDARDS- PROVIDE RAISED TRUNCATED DOME TILES FOR THE FULL WIDTH OF BOTTOM LANDING PER CITY STANDARDS
- CONCRETE WALK WITH SLOPE NOT TO EXCEED 1:20 - CROSS SLOPE NOT TO EXCEED 1/4 12
- TRASH ENCLOSURE WITH CONCRETE APRON PER CITY STANDARDS
- LANDSCAPE AREA
- 6" CONC CRUB
- ASPHALT PAVING PER CITY REQUIREMENTS
- SHORT TERM 34" HIGH x 24" WIDE INVERTED U-STYLE LOOP BICYCLE PARKING RACKS WITH LOCATIONS FOR (2) BIKES MINIMUM (5 PERCENT) TO BE PARKED AT ONE TIME ON 3 1/2" THICK CONCRETE PAD- SEE SITE PLAN FOR DIMENSIONS (PER C6BSC DIVISION 5106.4.1)
- LONG TERM STORAGE LOCKER FOR (2) BIKES MINIMUM (5 PERCENT) TO BE PARKED AT ONE TIME ON 3 1/2" THICK CONCRETE PAD- SEE SITE PLAN FOR DIMENSIONS (PER C6BSC DIVISION 5106.4.1)
- "CLEAN AIR/VANPOOL/EV" DESIGNATED PARKING
- CONCRETE WHEEL STOP
- POLE MOUNTED LIGHT FIXTURE
- PATH OF TRAVEL TO PUBLIC RIGHT OF WAY - 5% SLOPE MAX IN DIRECTION OF TRAVEL, 2% SLOPE MAX CROSS SLOPE
- PROPOSED TREE LOCATIONS
- UNAUTHORIZED PARKING AND TOW AWAY SIGNAGE
- PROPOSED FIRE HYDRANT
- PROPOSED TRANSFORMER LOCATION
- EXISTING POWER POLE TO BE REMOVED/RELOCATED PER UTILITY
- PROPOSED LOCATION FOR ELECTRICAL SWITCHGEAR - VERIFY WITH FINAL BUILDING PLAN



SITE PLAN

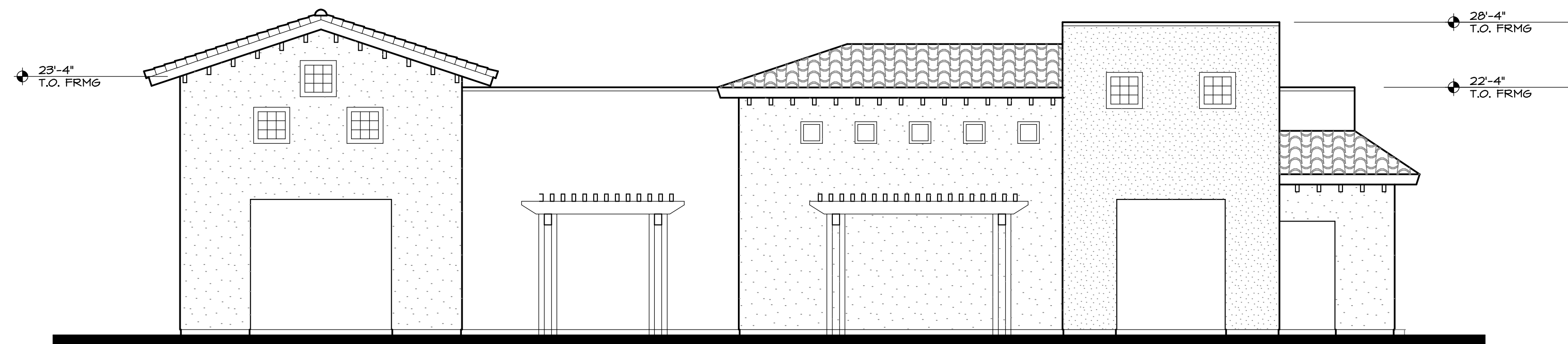


EAST



NORTH

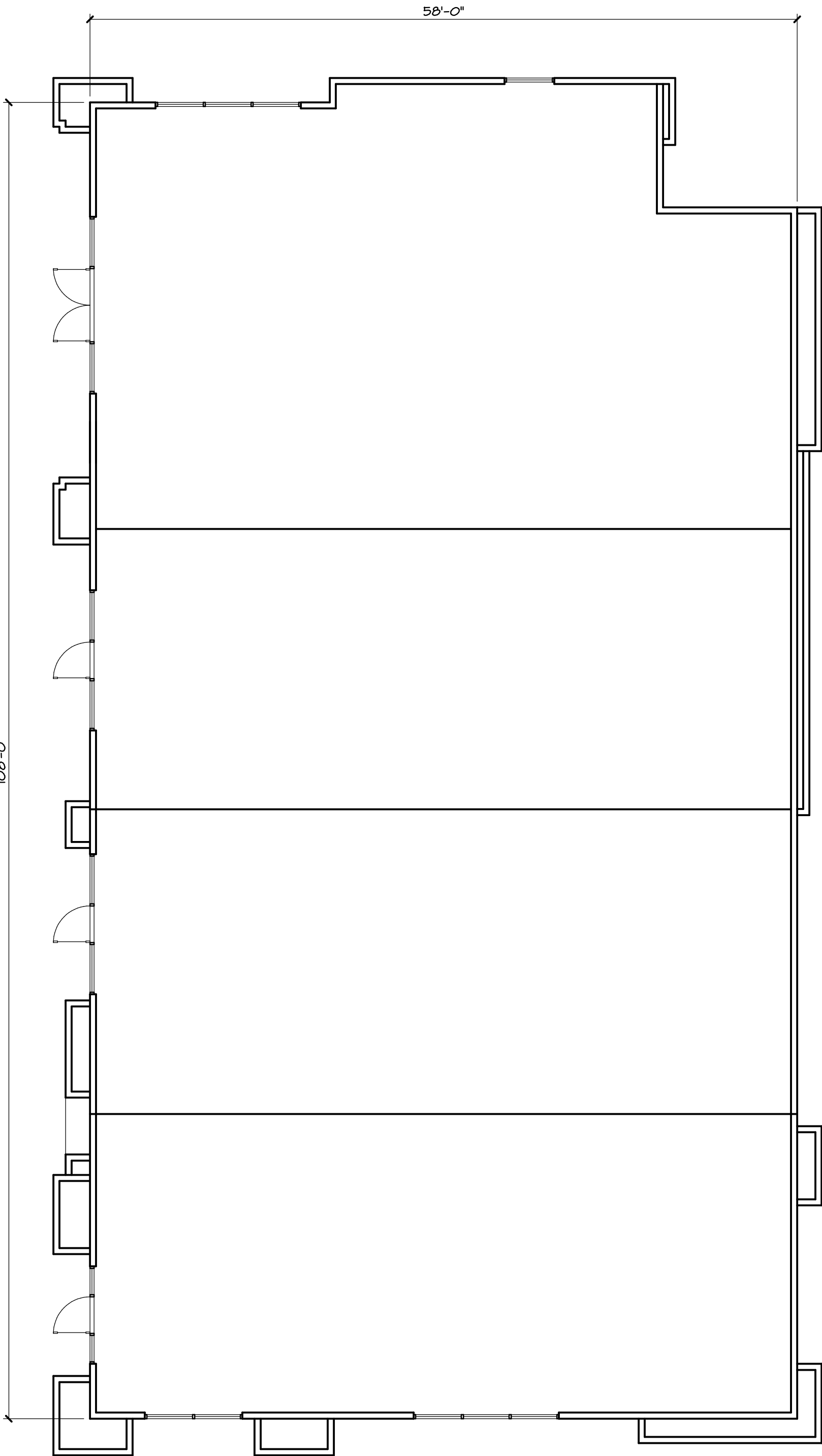
SOUTH



WEST

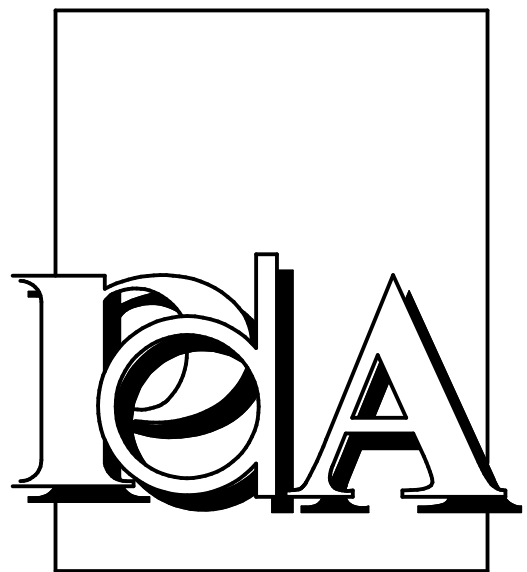
EXTERIOR ELEVATION

1/8"



FLOOR PLAN

1/8"



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ARCHITECT	
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5100 CALIFORNIA AVE, SUITE 107 BAKERSFIELD, CALIFORNIA 93309 TELEPHONE: (805) 328-8936 FACSIMILE: (805) 328-8837	
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NOTICE TO CONTRACTORS Written dimensions on these drawings shall take precedence over scaled dimensions. Contractor shall verify and be responsible for confirming all dimensions and shall notify the architect immediately of any discrepancies or field variations discovered.	
PROJECT	
THE COUNTRYSIDE MARKET AND RESTAURANT 5704 COMMACHE RD BAKERSFIELD, CALIFORNIA	
DATE	ISSUED FOR
9-4-20	CIP SUBMITTAL
NO.	REVISIONS
1	
2	
3	
4	
FLOOR PLAN AND EXTERIOR ELEVATIONS	
FILE NAME:	2127A1-0
SHEET	
A-20	



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: October 13, 2020

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

TO: Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD: Ward 2

SUBJECT:

Zoning Modification No. 20-0225. Engel & Company is proposing a zoning modification to allow an office building with a 0-foot front yard setback where a minimum 10 feet is required (17.22.070.A) and to allow landscaping within the right-of-way in the C-1 (Neighborhood Commercial) zone district, located at 2100 Brundage Lane. Notice of Exemption on file.

APPLICANT: Engel Engineers

OWNER: Miguel & Laura Magana

LOCATION: 2100 Brundage Lane

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
☐ Staff Report MOD No. 20-0225	Staff Report
☐ Draft Resolution with Exhibits	Resolution
☐ Applicant Justification	Backup Material

CITY OF BAKERSFIELD PLANNING DIVISION STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

DATE: October 13, 2020

SUBJECT: **Zoning Modification; File No. 20-0225 (Ward 2)**

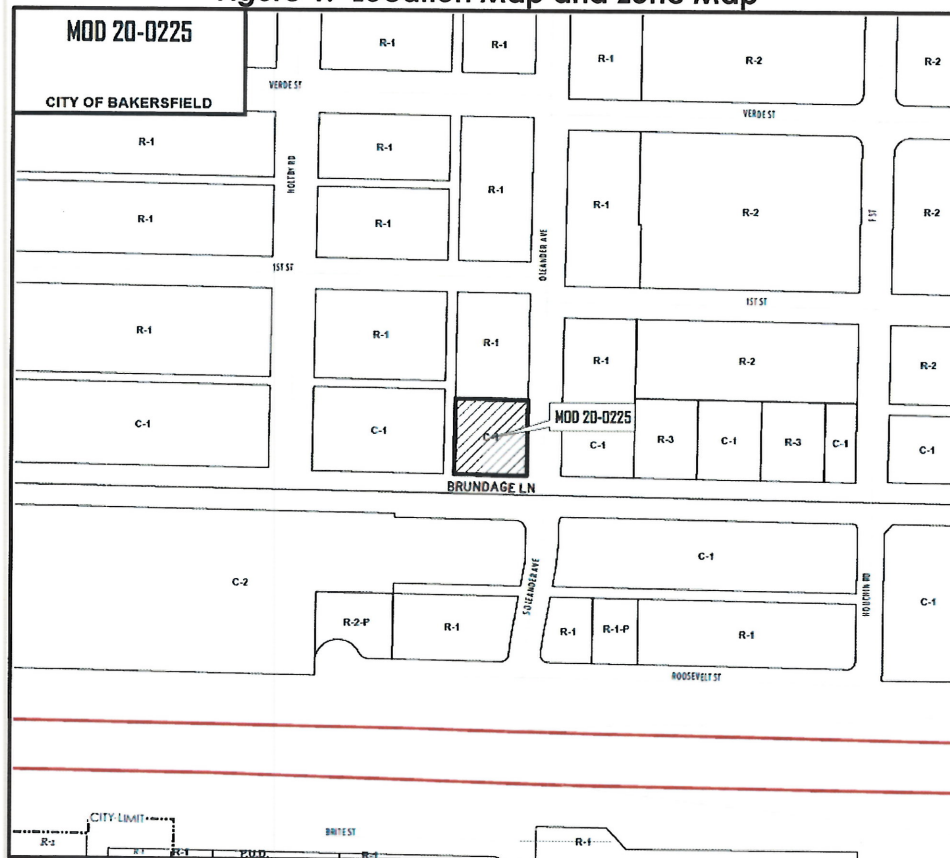
APPROVED 

APPLICANT: Engel Engineers
4009 Union Avenue
Bakersfield, CA 93305

OWNER: Miguel & Laura Magana
10902 Efada Drive
Bakersfield, CA 93312

LOCATION: 2100 Brundage Lane | APN: 008-273-112, 008-273-104

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Zoning Modification No. 20-0225 as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a zoning modification to allow an office building with a 0-foot front yard setback where a minimum of 10 feet is required and to allow landscaping within the right-of-way in the C-1 (Neighborhood Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

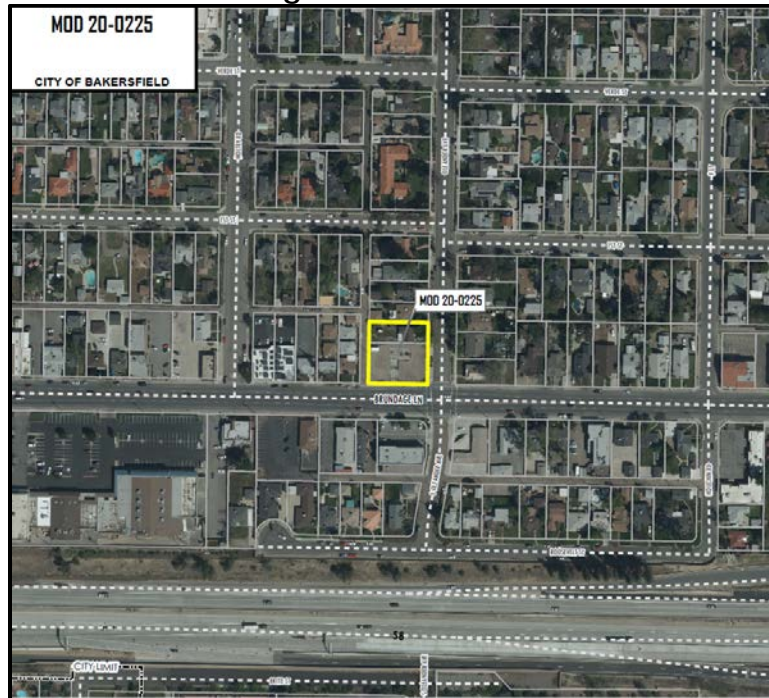
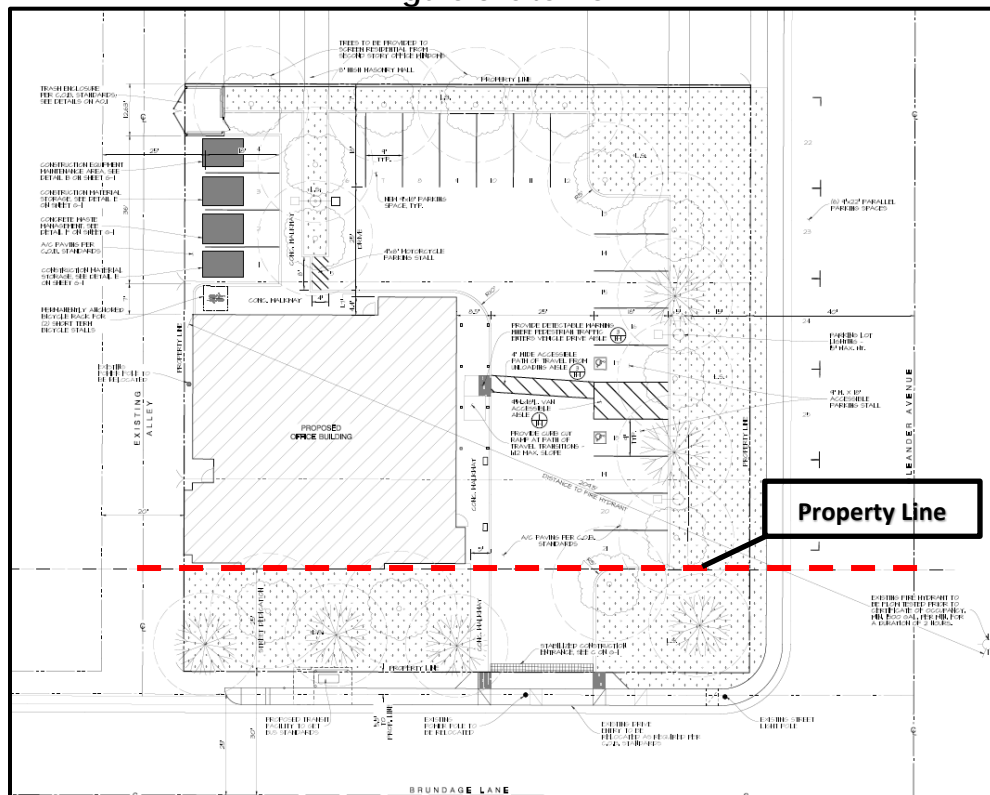


Figure 3. Site Plan



SURROUNDING LAND USES:

The project site consists of a 0.45-acre vacant lot. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-1	Vacant
North	GC, LR	C-1, R-1	Single-family Residential
East	GC, LR	C-1, R-1	Multiple & Single-family Residential
South	GC	C-2, C-1	Commercial
West	GC	C-1	Commercial, Offices, Single-family Residential
General Plan Key LR: Low Density Residential GC: General Commercial		Zone District Key R-1: One Family Dwelling C-1: Neighborhood Commercial C-2: Regional Commercial	

BACKGROUND AND SITE HISTORY:

Site Plan Review No. 18-0446. On March 27, 2019, the Planning Director approved a site plan review for construction of a 4,430 square foot multi-use building (restaurant and offices) and an 827 square foot caretaker's quarters.

2020 Revisions. Due to the constraints of the project site, required building setbacks, and landscape requirements, the applicant revised the project site plans to propose a 7,588 square foot, 2-story office building (see Figure 4). The caretaker's quarters and restaurant components of the project were eliminated to accommodate parking requirements. Staff notes that if the zoning modification is approved, the applicant will be required to submit for a new Site Plan Review based on the setback approved by your Board.

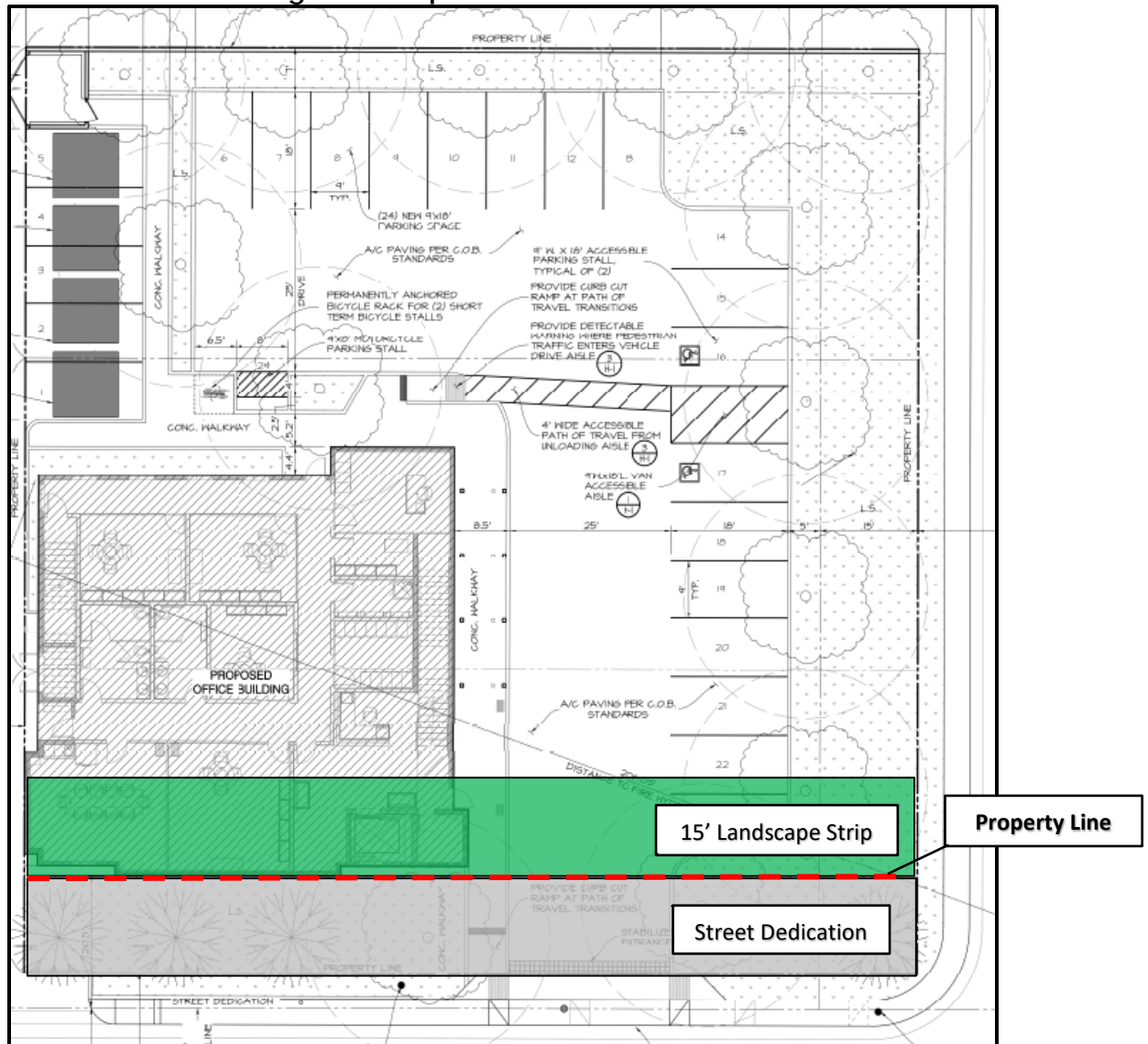
Figure 4. Building Simulation



ANALYSIS:

The southern property line fronts Brundage Lane, which is designated as an arterial road by the Metropolitan Bakersfield General Plan Circulation Element. Therefore, development is required to dedicate sufficient right-of-way on Brundage Lane to full arterial street width standards. In addition, a 15-foot landscape strip is required along arterial roads in accordance with the Landscape Ordinance. These areas are demonstrated in Figure 4.

Figure 4. Required Dedication Areas



Applicant's Justification. The applicant states the imposed street dedication and landscape strip setback would either require: (1) a reduction in building size to accommodate available parking on site; (2) a zoning modification to allow for a reduction in parking; or (3) a zoning modification to allow for a reduced front yard setback.

- (1) A reduction in building size would result in a building that is too small to be usable as office space. The applicant states they have designed the project as a two-story building to work within the constraints of the lot size.

- (2) A reduction in parking was not feasible for the applicant. Without sufficient parking, tenants and/or customers may be left without available parking spaces.
- (3) The applicant met with the Public Works Department to discuss whether a 0-foot setback would be feasible. It was concluded that if all structures and parking were located outside the right-of-way, Public Works would allow landscaping within the right-of-way until Brundage Lane was expanded. The applicant noted the reduced setback would not be inconsistent with other building setbacks in the area, and that several parcels have buildings, parking, and landscaping within the future right-of-way.

As proposed, the 15-foot landscape strip will be provided, albeit within the ultimate road right-of-way. Therefore, should your Board approve the proposed request, at the time Brundage Lane is widened, the landscape strip will be removed and the building will be constructed on the property line. Although no determinate timeframe for the widening of Brundage Lane to arterial standards is established, it is forecasted that it will need to be widened to address future traffic flows.

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15305(a), because the project represents a minor modification of a zoning regulation. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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

CONCLUSIONS:

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

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

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

Staff concurs with the applicant's justification that there has been a good faith effort at designing within the constraints of the lot size to meet the purpose of the project; that the reduced setback would not conflict with the future widening efforts of Brundage Lane; and that the landscaping within the right-of-way would be consistent with the existing development in the surrounding area. Additionally, no evidence has been presented to date to demonstrate that adverse impacts are anticipated to result from the request.

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

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Zoning Modification No. 20-0225, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Applicant Justification

RESOLUTION NO. 20-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A ZONING MODIFICATION TO ALLOW AN OFFICE BUILDING
WITH A 0-FOOT FRONT YARD SETBACK WHERE A MINIMUM OF 10 FEET IS
REQUIRED AND TO ALLOW LANDSCAPING WITHIN THE RIGHT-OF-WAY IN THE
C-1 (NEIGHBORHOOD COMMERCIAL ZONE) DISTRICT, LOCATED AT 2001
BRUNDAGE LANE (MOD NO. 20-0225).**

WHEREAS, Engel Engineers filed an application with the City of Bakersfield Development Services Department for a zoning modification to allow an office building with a 0-foot front yard setback where a minimum of 10 feet is required and to allow landscaping within the right-of-way in the C-1 (Neighborhood Commercial Zone) district, located at 2001 Brundage Lane (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, October 13, 2020, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, at the public hearing no testimony was received either in support or opposition of the Project; and

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

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15305(a); and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is categorically exempt from CEQA pursuant to Section 15305(a) because the project represents minor modifications of zoning regulations.

3. The granting of the modifications will not be materially detrimental to the public's health and safety, or injurious to the property or improvements in the zone or vicinity in which the subject property is located.
4. The granting of the modifications is necessary to permit an appropriate improvement on the subject property.
5. The granting of the modification would not be inconsistent with the purposes and intent of Bakersfield Municipal Code, Title 17.

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Zoning Modification No. 20-0225 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 13th day of October 2020, on a motion by Member _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Zoning Modification No. 20-0225

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

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

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

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

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

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

2. This zoning modification allows for an office building with a 0-foot front yard setback where a minimum of 10 feet is required and to allow landscaping within the right-of-way in the C-1 (Neighborhood Commercial Zone) district located at 2001 Brundage Lane as depicted on attached Exhibits B and C.
3. The project must comply with conditions of approval set forth in Site Plan Review No. 18-0446 and any subsequent revised site plans for the proposed project.

Exhibit B
(Location Map)

MOD 20-0225

CITY OF BAKERSFIELD

**LEGEND
(ZONE DISTRICTS)**

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

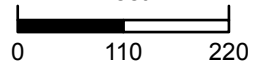


BAKERSFIELD

N



Feet



Document Name: 2020_09_04

VERDE ST

HOLTBY RD

1ST ST

OLEANDER AVE

VERDE ST

1ST ST

1ST ST

HOUGHIN RD

BRUNDAGE LN

SOLEANDER AVE

ROOSEVELT ST

MOD 20-0225

C-1

R-1

R-1

R-1

R-2

R-2

R-1

R-1

R-1

R-1

R-2

R-2

R-1

R-1

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C-2

R-2-P

R-1

C-1

R-1

R-1-P

R-1

C-1

CITY LIMIT

BRITE ST

R-1

R-1

R-1

P.U.D.

R-1

R-1

Exhibit C
(Site Development Plan)

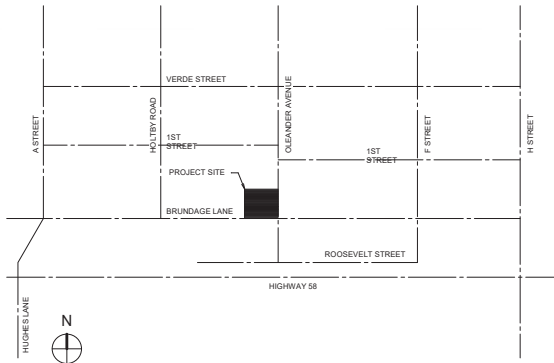
**OFFICE BUILDING FOR:
MR. & MRS. MAGANA
2100 BRUNDAGE LANE
BAKERSFIELD, CA**

AREA ANALYSIS

[illegible]

APPLICABLE CODES

- 2019 CALIFORNIA BUILDING CODE
- 2019 CALIFORNIA ENERGY CODE
- 2019 CALIFORNIA ELECTRICAL CODE
- 2019 CALIFORNIA PLUMBING CODE
- 2019 CALIFORNIA MECHANICAL CODE
- 2019 CALIFORNIA FIRE CODE
- 2019 CALIFORNIA GREEN CODE

VICINITY MAP

ASCENSION CENTER

SCOPE OF WORK

THESE PLANS ARE FOR THE CONSTRUCTION OF A TWO STORY OFFICE BUILDING AT THE CORNER OF OLEANDER AVENUE AND BRUNDAGE LANE. THE LOT CURRENTLY SITS VACANT WITH THE EXCEPTION OF A RESIDENTIAL STRUCTURE AT THE NORTH END OF THE PROPERTY THAT SHALL BE REMOVED. ALL WORK NOT SPECIFICALLY SHOWN ON THESE SETS OF PLANS IS BY OTHERS.

PLUMBING ANALYSIS

CONTACT INFORMATION

OWNER:
MR. & MRS. MAGANA
ADDRESS: 1901 BRUNDAGE LANE, BAKERSFIELD, CA
CONTACT: MIGUEL MAGANA
CONTACT2: LAURA MAGANA
PH: 661-869-1074
EMAIL: MIGUEL.MAGANA08@GMAIL.COM
EMAIL2: LAURAMAGANA08@GMAIL.COM

ARCHITECTURAL & STRUCTURAL DESIGNERS
ENGEL & COMPANY ENGINEERS
ADDRESS: 4009 UNION AVENUE, BAKERSFIELD, CA
PHONES: 1-327-7095
CONTACT: ROBERTO GONZAGA
CONTACT2: JACOB TURNER
EMAIL: COMPLIANCE@ENGELENGINEERS.COM

MECHANICAL

ELECTRICAL

PLUMBING

CIVIL

LANDSCAPE

SOILS TESTING

KRAZAN & ASSOCIATES
ADDRESS: 2205 COY LANE, BAKERSFIELD, CA
CONTACT: LARRY BURNS
PH: 661-837-9200

SHEET INDEX

SHEET INDEX		SHEET INDEX	
Sheet Number	Sheet Name	Sheet Number	Sheet Name
A0.1	Title Sheet		
A0.2	Title Sheet		
A0.3	Title Sheet		
A1.0	Site Plan		
A1.1	First Level Floor Plan		
A1.2	Second Level Floor Plan		
A1.3	First Level Egress Plan		
A1.4	Second Level Egress Plan		
A1.5	First Level Reflected Ceiling Plan		
A1.6	Second Level Reflected Ceiling Plan		
A1.7	Roof Plan		
A2.1	Exterior Elevations		
A2.2	Exterior Elevations		
A2.3	Exterior Perspectives		
A3.1	Enlarged Plans		
A4.1	Notes and Schedules		
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A4.3	Notes and Schedules		
A4.4	Notes and Schedules		
S1.1	Foundation Plan		
S1.2	Floor Framing Plan		
S1.3	Second Level Shear Wall Plan		
S1.4	Roof Framing Plan		
S3.1	Sections		
S3.2	Sections		
S3.3	Sections		
S8.1	Foundation Details		

SITE ANALYSIS

SITE ANALYSIS:

ADDRESS: 2100 BRUNDAGE LANE

LEGAL: LOTS 1 & 2 & 3 OF GOODE TRACT MAP IN THE CITY OF BAKERSFIELD
RECORDED IN BK. 5856, PG. 2126, O.R.;
LOCATED IN THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 36, T.29S., R.27E., M.D.M.

APN: 008-273-112 (SOUTH LOTS) & 008-273-104 (NORTH LOT)

SITE COVERAGE:

LANDSCAPE:.....	7,728.7 SQ. FT.	39.3%
BUILDING:.....	3,794.0 SQ. FT.	19.3%
PAVEMENT:.....	8,148.0 SQ. FT.	41.4%
TOTAL AREA: (0.452 ACRES) 19,670.7 SQ. FT. 100%		

PARKING LOT SHADING CALCULATION:

PARKING & DRIVE AREA: 6.953 SQ. FT.
REQ'D. SHADED PARKING AREA: (40% MIN. = 6.953 x .40 = 2,781.2 SQ. FT.)
PROVIDED SHADED PARKING AREA: 2796.3 SQ. FT. O.K.

USE ANY 25' OR LARGER TREE FROM THE "CITY OF BAKERSFIELD PLANNING DEPARTMENT MASTER PARKING LOT TREE LIST" A SPECIES MIX OF 30% EVERGREEN AND 70% DECIDUOUS SHALL BE MAINTAINED.

PARKING CALCULATIONS:

PARKING REQUIRED: MEDICAL OFFICE (1200):	991 S.F. = 5 SPACES
OFFICE (1250):	5,659 S.F. = 23 SPACES
CREDIT FOR NEW TRANSIT FACILITY (10% = 2 SPACES):	-2 SPACES
	TOTAL REQUIRED: 26 SPACES
TOTAL OFF-STREET PARKING PROVIDED (INCL. MOTORCYCLE):	21 SPACES
PROPOSED ON-STREET PARKING PROVIDED:	5 SPACES
ACCESSIBLE PARKING: 26 ÷ 28 × 5% =	2 SPACES
CLUB VANPOLE, ELEV. PARKING: 26 ÷ 28 × 5% =	2 SPACES
LONG TERM BIKE PARKING: 26 ÷ 5% =	2 SPACES

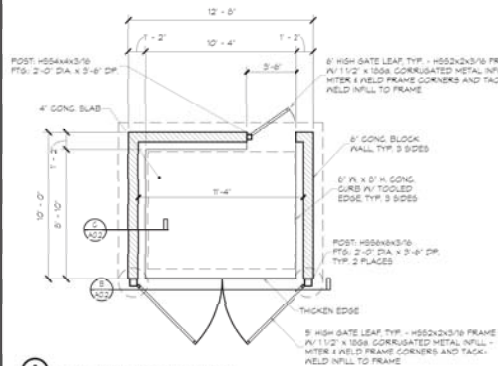
PARKING LOT ILLUMINATION:

SHALL BE GENERALLY DISTRIBUTED ACROSS THE PARKING AREA AND OPERATIONAL DURING BUSINESS HOURS. LIGHTING SHALL BE DESIGNED AND ARRANGED IN SUCH A MANNER SO THAT LIGHT IS DIRECTED DOWNWARD AND IS REFLECTED AWAY FROM ADJACENT PROPERTIES AND STREETS. THE BUILDING OFFICIAL MAY AT ANY TIME REQUIRE USE OF GLARE SHIELDS OR BAFFLES FOR GLARE REDUCTION OR CONTROL OF BACKLIGHT.

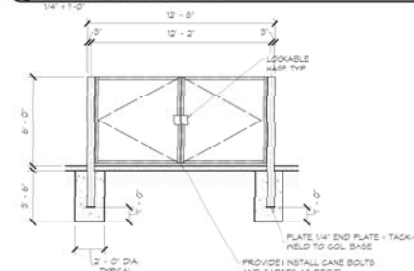
ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.engelengineers.com (866) 312-7025	DRAWN: _____ RAG _____	Title Sheet Office Building Mr. & Mrs. Magana 2100 Brunkage Lane Bakersfield, CA	SHEET NO. A0.1
	DATE: 6/11/2020		
	CHECKED: _____		
	APPROVED: _____		

**OFFICE BUILDING FOR:
MR. & MRS. MAGANA
2100 BRUNDAGE LANE
BAKERSFIELD, CA**

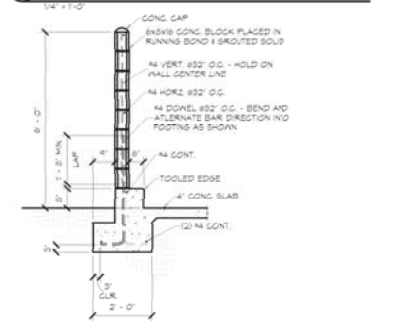
TRASH ENCLOSURE



Ⓐ Trash Enclosure Plan



(B) Trash Enclosure Elevation



© Trash Enclosure Section

FASTENING SCHEDULES

WOOD WOOD

DESCRIPTION OF BUILDING ELEMENTS	TABLE 200.10.1.3 FASTENING ELEMENTS		SPACING AND LOCATION
	FASTENING		
	Type and number of FASTENER		
1. Blocking between ceiling joists, rafters or trusses to top plate or other framing below	3/8-dia. bolts (1" x 12") or 1/2" x 10" nails 3/8" x 14-gage staples, "c" corners 2-8d common (2" x 8") 3/2" x 0.131" nails 2/2" x 14-gage staples		Each end, transverse
	3/8" x 0.131" nails 2/2" x 14-gage staples 1/2-dia. common (1" x 10, 10d) 3/8" x 0.131" nails 3/2" x 14-gage staples		Each end, transverse
	1/2-dia. common (1" x 10, 10d) 3/8" x 0.131" nails 3/2" x 14-gage staples		End only
	1/2-dia. common (1" x 10d) or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, 8" or 4"		Face nail
	1/2-dia. common (1" x 10d) or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		Each joist, transverse
2. Ceiling joists to top plate	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		Each joist, transverse
3. Ceiling joist attached to parallel rafters, bays over partitions (see Section 200.2.3.3, Table 200.2.3.3)	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		Face nail
4. Ceiling joist attached to parallel rafters (see Section 200.2.3.3, Table 200.2.3.3)	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		Face nail
5. Ceiling tie to rafter	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		Face nail
6. Rafter or roof truss to top plate (See Section 200.2.3, Table 200.2.3)	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		Transverse
7. Roof rafters to ridge rafter (or gables, or roof rafters on 2-to-12 ridge beams)	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		End nail
	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		End nail
	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		End nail
	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		End nail
	3/8-dia. bolts (1" x 12") or 10d x 8" n.a. 3/2" x 0.131" nails or nails 3/2" x 14-gage staples, "c" corners 3/2" x 14-gage staples, "c"		End nail

WOOD

DESCRIPTION OF FASTENING ELEMENTS	NUMBER AND TYPE OF FASTENER	SPACING AND LOCATION
Wood structural spans (WSP), uniform, total and/or alternating live loads, and/or dead loads		Edge (inches) Intermediate (inches)
36. $\frac{1}{2}'' \times \frac{1}{2}''$	4d common or deflected $2\frac{1}{2}'' \times 0.115''$ (nailed and bolt)	6 12
	4d common or deflected $2\frac{1}{2}'' \times 0.115''$ (nailed and bolt) or RMR-10 ($2\frac{1}{2}'' \times 0.115''$) (nailed and bolt)	6 12
	$2\frac{1}{2}'' \times 0.115''$ nail (nailed and bolt) or $1\frac{1}{2}''$ 18-gage strip, $\frac{1}{2}''$ screw (nailed and bolt)	6 12
	$2\frac{1}{2}'' \times 0.115''$ nail (nailed and bolt) or $1\frac{1}{2}''$ 18-gage strip, $\frac{1}{2}''$ screw (nailed and bolt)	6 6
41. $\frac{1}{2}'' \times \frac{1}{2}''$	4d common ($2\frac{1}{2}'' \times 0.115''$) or 4d deflected ($2'' \times 0.115''$) (nailed and bolt)	6 12
	4d common or deflected $2\frac{1}{2}'' \times 0.115''$ (nailed and bolt) or RMR-10 ($2\frac{1}{2}'' \times 0.115''$) (nailed and bolt)	6 12
52. $\frac{1}{2}'' \times \frac{1}{2}''$	$2\frac{1}{2}'' \times 0.115''$ nail or $1\frac{1}{2}''$ 18-gage strip, $\frac{1}{2}''$ screw	6 6
	10d common ($2\frac{1}{2}'' \times 0.115''$) or 4d deflected ($2'' \times 0.115''$)	6 12
Other exterior and structural		
53. $\frac{1}{2}''$ (shearboard sheathing)	$1\frac{1}{2}''$ galvanized roofing nail (nailed and bolt) or $1\frac{1}{2}''$ 18-gage strip, $\frac{1}{2}''$ screw	3 6
	$1\frac{1}{2}''$ galvanized roofing nail or $1\frac{1}{2}''$ 18-gage strip, $\frac{1}{2}''$ screw	3 6
54. $\frac{1}{2}''$ (shearboard sheathing)	$1\frac{1}{2}''$ galvanized roofing nail or $1\frac{1}{2}''$ 18-gage strip, $\frac{1}{2}''$ screw	3 6
	10d common ($2\frac{1}{2}'' \times 0.115''$) or 4d deflected ($2'' \times 0.115''$)	6 12
Wood structural spans, intermediate exterior, and/or alternating live loads		
55. $\frac{1}{2}'' \times \frac{1}{2}''$ and less	4d common ($2\frac{1}{2}'' \times 0.115''$) or 4d deflected ($2'' \times 0.115''$)	6 12
	4d common ($2\frac{1}{2}'' \times 0.115''$) or 4d deflected ($2'' \times 0.115''$)	6 12
56. $\frac{1}{2}'' \times \frac{1}{2}''$	10d common ($2\frac{1}{2}'' \times 0.115''$) or 4d deflected ($2'' \times 0.115''$)	6 12
	10d common ($2\frac{1}{2}'' \times 0.115''$) or 4d deflected ($2'' \times 0.115''$)	6 12
57. $\frac{1}{2}'' \times \frac{1}{2}''$ and less	4d common (vertical nailing ($1\frac{1}{2}'' \times 0.105''$)) or 4d common (vertical nailing ($1\frac{1}{2}'' \times 0.105''$))	6 12
	4d common (vertical nailing ($1\frac{1}{2}'' \times 0.105''$)) or 4d common (vertical nailing ($1\frac{1}{2}'' \times 0.105''$))	6 12

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2018 CALIFORNIA BUILDING CODE

2019 CALIFORNIA BUILDING CODE

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(Continued)

DESCRIPTION OF BUILDING ELEMENTS	NOMINATING TYPE OF FASTENER	SPACING AND LOCATION
Wall		
18. 1" brace to each stud and plate	2-6d common (17" x 0.131") or 2-10d bars (3" x 0.125") or 3-5" x 0.131" nails, or 3-5" 18 gage studs, 5/8" x 6" corner	Face nail
19. 1" x 4" sheathing to each bearing	2-6d common (17" x 0.131") or 2-10d bars (3" x 0.125")	Face nail
20. 1" x 8" and wider sheathing to each bearing	3-6d common (17" x 0.131") or 3-10d bars (3" x 0.125")	Face nail
Roof		
21. Joist to sill, top plate, or gable	3-6d common (17" x 0.131") or floor 3-10d bars (3" x 0.125") or 3-5" x 0.131" nails, or 3-5" 18 gage studs, 5/8" x 6" corner	Through
22. Rim joist, band joist or blocking to top plate, all or other framing below	6d common (17" x 0.131") or 10d bars (3" x 0.125") or 3" x 0.131" nails, or 3" 18 gage studs, 5/8" x 6" corner	4" o.c., through
23. 1" x 8" or 8" x 8" subfloor or less to each joist	2-6d common (17" x 0.131") or 2-10d bars (3" x 0.125")	Face nail
24. 2" subfloor to joist or gable	2-6d common (17" x 0.131") or 2-10d bars (3" x 0.125")	Face nail
25. 2" planks (plank & beam - brace & raft)	3-10d common (17" x 0.131") or 3-10d common (17" x 0.131")	Each bearing, face nail
Roof		
26. Built up gables and beams, 2" lumber layers	2nd common (4" x 10") or 10d bars (3" x 0.125") or 3" x 0.131" nails, or 3" 18 gage studs, 5/8" x 6" corner	12" o.c., face nail on top and bottom staggered on opposite sides
27. Built up gables and beams, 2" lumber layers	2nd common (4" x 10") or 3-10d common (17" x 0.131") or 3-5" x 0.131" nails, or 3-5" 18 gage studs, 5/8" x 6" corner	24" o.c., face nail on top and bottom staggered on opposite sides
Ends		
28. Built up gables and beams, 2" lumber layers	3-10d common (17" x 0.131") or 3-10d bars (3" x 0.125") or 3-5" x 0.131" nails, or 3-5" 18 gage studs, 5/8" x 6" corner	Ends and at each splice, face nail
29. Ledger strip supporting joists to rafters	2-6d common (17" x 0.131") or 2-10d bars (3" x 0.125") or 3-5" x 0.131" nails, or 3-5" 18 gage studs, 5/8" x 6" corner	Each joist or rafter, face nail
End nail		
30. Joist to band joist or rim joist	2-6d common (17" x 0.131") or 2-10d bars (3" x 0.125") or 3-5" x 0.131" nails, or 3-5" 18 gage studs, 5/8" x 6" corner	End nail
31. Stringing or blocking to joist, rafter or eave	2-6d common (17" x 0.131") or 2-10d bars (3" x 0.125") or 3-5" x 0.131" nails, or 3-5" 18 gage studs, 5/8" x 6" corner	Each end, through

(continues)

ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.engelengineers.com (661) 327-7025	OWNER	RAG	Title Sheet	SHEET NO. A0.2
	DATE	6/11/2020	Office Building	
	DRAWN	-	Mr. & Mrs. Magana 2105 Brundage Lane Bakersfield, CA	
	APPROVED			

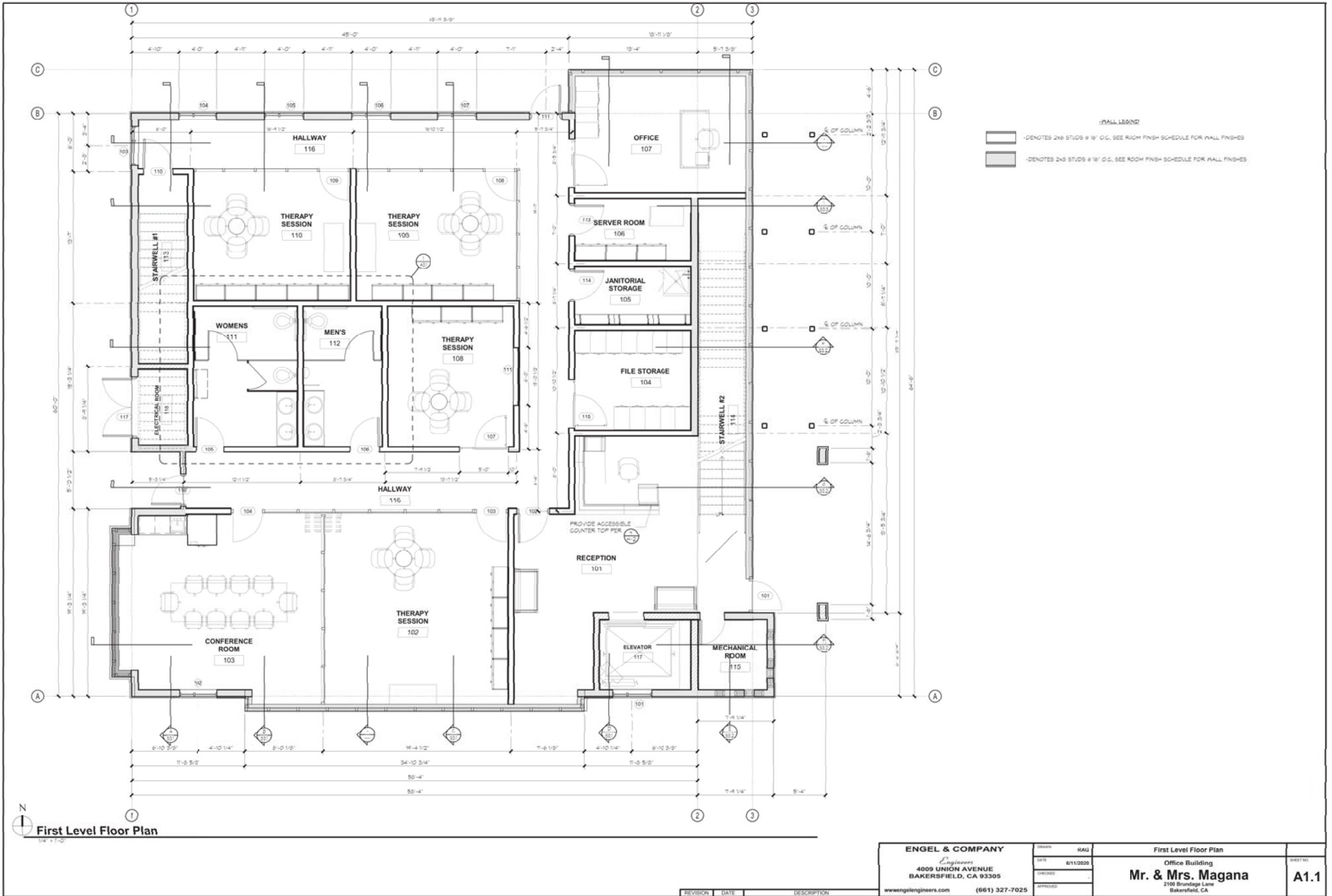
22977



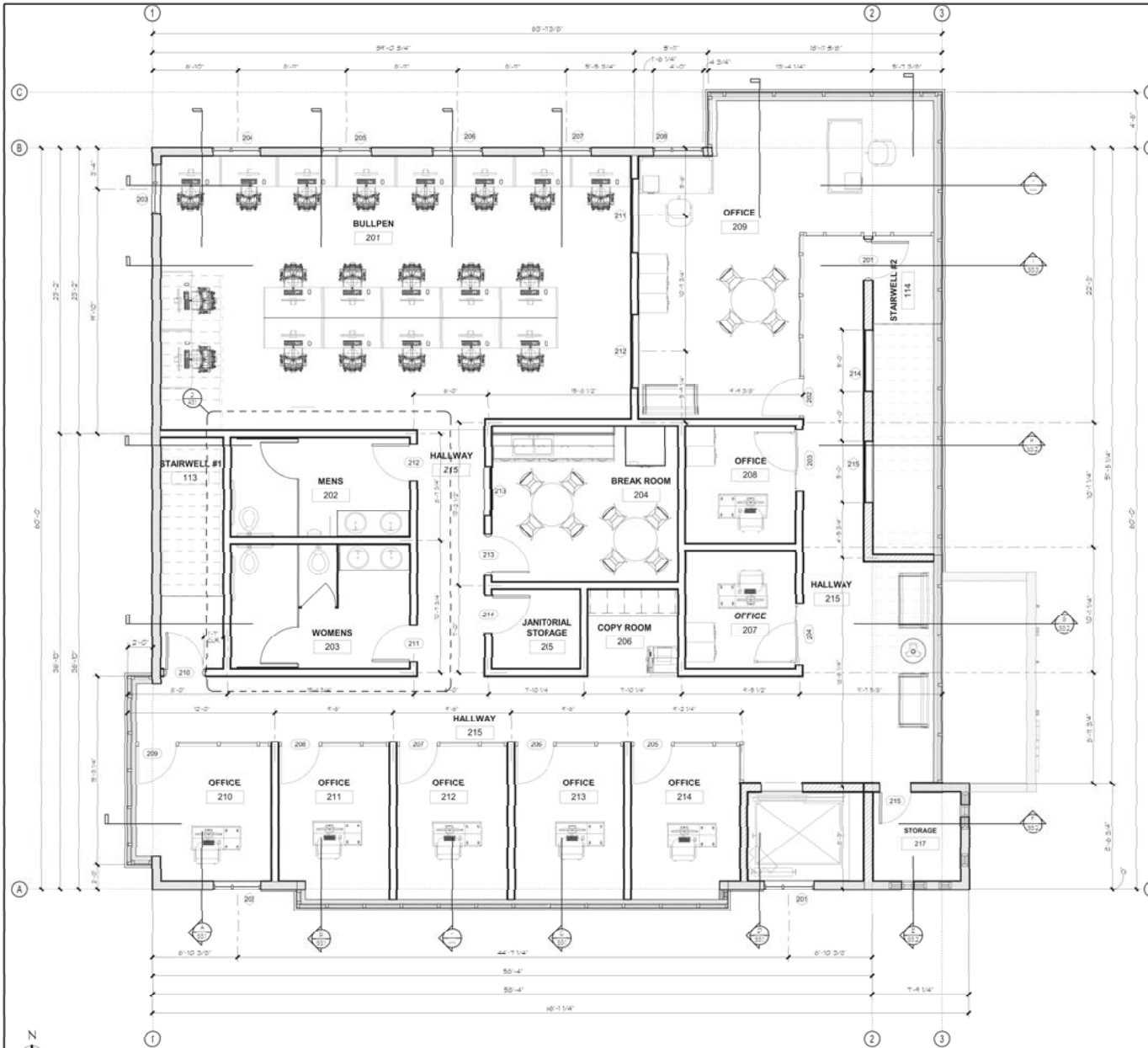
SITE PLAN

L.S. - DENOTES LANDSCAPING

$$\underline{I^* = |Q^*|}$$
[illegible]



ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.engelengineers.com (661) 327-7025		DRAWN: RAG DATE: 6/11/2020 CHECKED: APPROVED:	First Level Floor Plan Office Building Mr. & Mrs. Magana 2100 Brundage Lane Bakersfield, CA	SHEET NO. A1.1
---	--	--	--	--------------------------



- WALL LEGEND**
- DENOTES 2x4 STUDS @ 16\"/>
 - DENOTES 2x4 STUDS @ 16\"/>

Second Level Floor Plan
1/4\"/>

ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.engelengineers.com (661) 327-7025		DESIGN	RAJ	Second Level Floor Plan	
		DATE	6/11/2020	Office Building	
		CHECKED		Mr. & Mrs. Magana 2100 Brundage Lane Bakersfield, CA	
		APPROVED			
REVISION	DATE	DESCRIPTION		A1.2	

Applicant Justification

Zoning Modification Request

SPR #18-0446 located at
2100 Brundage Lane

Project Goals:

- To improve the Brundage Lane corridor with an office building that would enhance the aesthetic appeal of the surrounding neighborhood.
- To hopefully encourage adjacent sites in the Brundage Lane corridor to enhance their aesthetic appeal in order to bring revitalization to the area.
- To maximize site usability by creating a two-story building.
- To keep the mental health counseling services of the Ascension Center currently located at 1901 Brundage Lane (south side of Brundage) in the same vicinity to continue to provide quality service to local clientele.
- To increase the Ascension Center's current amount of office space in order to meet their need for growth as they are expanding continually in their counseling services.

Request of Zoning Modification:

The 10 foot required front setback will decrease the required minimum parking/maneuvering area or will decrease the building in a way that will make the building too small to be usable for the Ascension Center's use. We are requesting a zoning modification for reduction of the 10 foot required setback down to 0 feet.

1. Would the granting of such modification would not be materially detrimental to the public welfare, nor injurious to the property or improvements in the zone or vicinity in which the property is located?

We have met with the Public Works Director, Nick Fidler, and the Assistant Public Works Director, Stuart Patteson, regarding this project and they mandated that we keep out of the right-of-way, but mentioned that placing parking or landscaping in the right-of-way could be a possible option of meeting the zoning requirements for our building. We therefore do not believe our request of a reduction of the front setback to be detrimental to the public welfare nor injurious to the property or improvements in the zone or vicinity, but would instead enhance the area and provide a much-needed service.

2. Is the granting of the modification 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?

The project is 2-story in an attempt to work within the confines of a small lot size. If the setback is requested in full, then the project cannot move forward with this building layout.

3. Would the granting of the modification be consistent with the purposes and intent of Title 17 of the ordinance?

The project meets parking requirements and landscaping has also been provided to the best extent to meet the purposes and intent of the ordinance.



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: October 13, 2020

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

TO: Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

PLANNER: Ryder Dilley, Associate Planner

DATE:

WARD: Ward 2

SUBJECT:

Conditional Use Permit No. 20-0183. Housing Authority of the County of Kern is proposing a conditional use permit to allow conversion of an existing hotel into multiple family dwellings (affordable apartments) (17.24.040.A and 17.64.020.B) in the C-2 (Regional Commercial Zone) and M-1 (Light Manufacturing Zone) district, located at 1622 Union Avenue. Notice of Exemption on file.

APPLICANT: Housing Authority of the County of Kern

OWNER: Easy Realty and Loans, Inc.

LOCATION: 1622 Union Avenue

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Draft Resolution with Exhibits	Resolution
<input type="checkbox"/> AB 744	Backup Material



BAKERSFIELD

THE SOUND OF *Something Better*

CITY OF BAKERSFIELD PLANNING DIVISION STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

APPROVED 

DATE: October 13, 2020

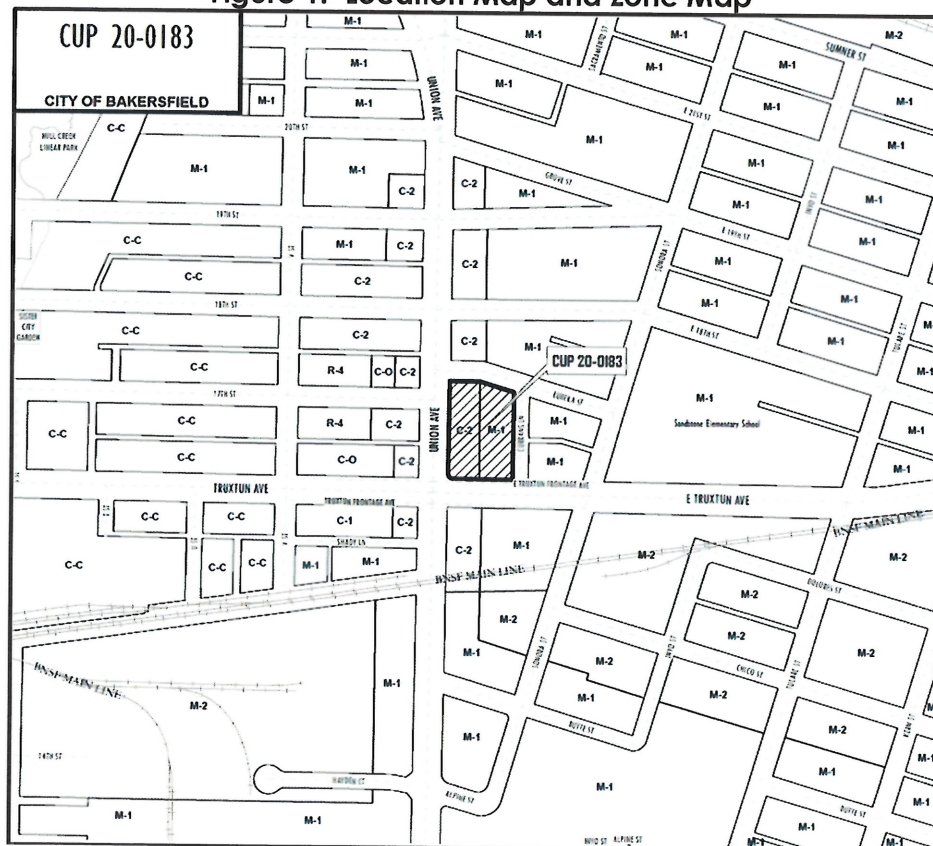
SUBJECT: Conditional Use Permit; File No. 20-0183 (Ward 2)

APPLICANT: Housing Authority of
the County of Kern
601 24th Street
Bakersfield, CA 93301

OWNER: Easy Realty and Loans, Inc.
6125 Washington Blvd., Ste. 300
Culver City, CA 90232

LOCATION: 1622 Union Avenue | APN: 016-270-01

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 20-0183 as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

This project was scheduled for consideration on September 8, 2020; however, was continued to today's meeting in order for the applicant to provide additional information regarding the adequacy of parking for the project. The project is a request for a conditional use permit to allow conversion of an existing hotel into multiple family residential dwelling (apartments) located in the C-2 (Regional Commercial Zone) and M-1 (Light Manufacturing Zone) districts. See Figures 2 and 3.

Figure 2. Site Aerial

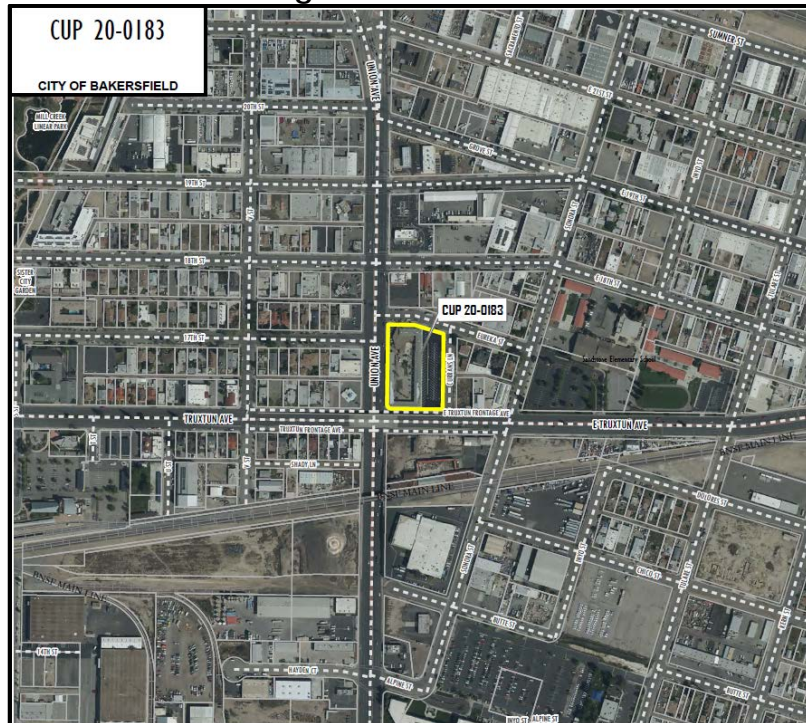
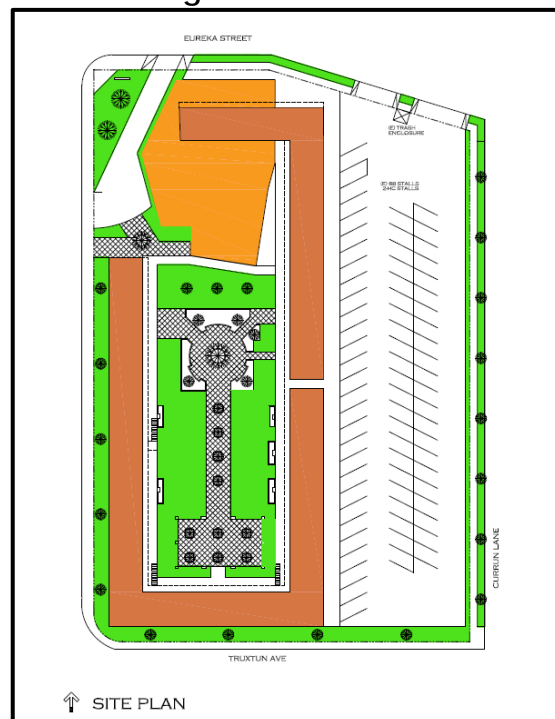


Figure 3. Site Plan



SURROUNDING LAND USES:

The 2.1-acre project site is and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-2, M-1	Hotel (2-story; 88 rooms)
North	GC	C-2, M-1	Commercial
East	LR	M-1	Single-Family Residential and Commercial
South	GC	C-2, M-1	Industrial Storage Yard
West	GC	C-2, C-O, R-4	Commercial, Multiple Family Residential, Offices
General Plan Key GC: General Commercial LR: Low Density Residential		Zone District Key C-2: Regional Commercial M-1: Light Manufacturing C-O: Professional and Administrative Office R-4: High Density Multiple Family Dwelling	

ANALYSIS:

Hotels and motels are a permitted use in the C-2 and M-1 zone districts. However, in accordance with Bakersfield Municipal Code Sections 17.24.040(A) and 17.64.020(B), multiple family residential dwellings (apartments) are permitted uses in the C-2 and M-1 zone districts subject to approval of a conditional use permit, respectively.

As proposed, the existing 2-story, 88-room hotel will be converted into 87 single room units and 1 single room on-site manager unit (see Figure 4, existing conditions). The project will be operated by the Housing Authority of the County of Kern (Housing Authority) as permanent housing for households with income less than 30% of the area median income (AMI) and are either at-risk of or experiencing homelessness. Out of the 87 units, 5 of the units will be converted to fully-accessible ADA units with 2 for the visually/hearing impaired.

In addition to the Tenant Improvements (T.I.), the Housing Authority will provide for increased landscaping around the perimeter and interior of the site, upgrade the exterior façade along the west and north facing elevations, and enhanced provide lighting to reduce the number of night activities currently being conducted on-site. A portion of the former nightclub building will be repurposed to allow for offices and a new community room.

The offices will accommodate local agencies providing on-site supportive services to aid to the ultimate success of the individuals. Non-tenants will not be provided services on-site. In order to limit displacement of current motel tenants that do not qualify for the project, they will be provided financial assistance to relocate with the potential to transition into permanent housing and be linked to other supportive services. The applicant states in their justification that their intent is to be a good neighbor, provide an improved and more attractive site, and add stability to the neighborhood.

Parking will be eliminated at the northwest area of the site to accommodate additional landscaping, but 63 spaces will remain on the east side of the property. Pursuant to Bakersfield Municipal Code Section 17.58.110, the 2,762 square feet of office requires 11 parking spaces. The on-site manager's quarters require 1 parking space. The remaining 87 units require 87 parking spaces and 9 guest parking spaces; however, California State Assembly Bill No. 744 (attached) allows for a 50 percent reduction of required parking spaces, inclusive of guest parking, based on proximity to a "major transit stop" for a requirement of 49 spaces. Therefore, 59 spaces are required for the apartments where 63 spaces are provided.

A "major transit stop" is defined as an existing rail or bus rapid transit station. According to the Governor's Office of Planning and Research, they identify the Amtrak Station as the one major transit stop located in Bakersfield. The station is within 0.5 miles of walking distance from the subject site per Figure 5.

Figure 4a. Existing Conditions



Figure 4b. Existing Conditions



Figure 5. Major Transit Stop



As mentioned, the applicant will be submitting for T.I. to facilitate the conversion and address any code violations associated with the site. The project has also gone through site development review and the applicant will be required to address conditions to achieve compliance with City development standards. Those conditions are part of the attached Resolution. The applicant aims to accomplish the rehabilitation in two phases as followed:

- **Phase I (Goal completion December, 2020):** Remodel former nightclub building into offices and community room, improve interior courtyard with landscaping and accessibility, install solar panels, convert five units into fully accessible units, improve west and north facing exterior facades.
- **Phase II (Goal completion 2021):** Complete interior improvements including flooring, kitchenettes, painting, HVAC, and other improvements.

Staff notes the applicant will not obtain a certificate of occupancy until all T.I. and site development conditions have been satisfied.

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15301, of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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

Applicant Outreach. On August 19, 2020, the applicant held a community outreach meeting and three property owners participated. The applicant initiated public outreach by delivering meeting flyers to property owners within 200 feet of the subject property. The applicant explained the proposal and the intended use of the property as well as the enhanced improvements to the existing site.

According to the applicant, the attendees voiced concerns for these main topics listed below:

- The proposed tenants
- Existing activities associated with the motel
- The amount of trash existing around the site and adjacent areas

The applicant further elaborated on the tenants and supportive services they will be receiving. The applicant stated the project will employ maintenance staff that will clean the area of all debris and maintain the property free of trash on a daily basis. The applicant aims to provide a quality site and be an asset to the neighborhood. According to the applicant, two of the neighbors expressed support for the project following the community outreach session.

CONCLUSIONS:

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

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

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

In accordance with these required findings, and as conditioned, Staff finds: (1) the permanent housing will provide an affordable and stable place of living for members of the public in need; (2) the proposed improvements and conversion will be an improvement on existing conditions of the project site; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

In addition, staff finds that the proposal is in alignment with several of the 2019-2020 City Council Overarching goals. The project provides additional housing for individuals at-risk of homelessness (Goal No. 2, Address Homelessness), will improve the cosmetic exterior of the building adding to the overall aesthetic of the Union Avenue streetscape (Goal No. 4, Enhance Quality of Life and Public Amenities), and will revitalize an established hotel (Goal No. 8, Invest in Urban Renewal and Downtown Development).

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board

adopt the Resolution and suggested findings approving Conditional Use Permit No. 20-0183, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
State Assembly Bill No. 744

RESOLUTION NO. 20-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR CONVERSION
OF AN EXISTING HOTEL TO MULTIPLE FAMILY DWELLINGS (AFFORDABLE
APARTMENTS) IN THE C-2 (REGIONAL COMMERCIAL ZONE) AND M-1
(LIGHT MANUFACTURING ZONE) DISTRICTS, LOCATED AT 1622 UNION
AVENUE (CUP NO. 20-0183)**

WHEREAS, Housing Authority of the County of Kern filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow conversion of an existing hotel to multiple family dwellings (affordable apartments) in the C-2 (Regional Commercial Zone) and M-1 (Light Manufacturing Zone) districts, located at 1622 Union Avenue (the project); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, October 13, 2020, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15301; and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15301 because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures,

facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 20-0183 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 13th day of October 2020, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 20-0183

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

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

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

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

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

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

2. This conditional use permit allows for the conversion of an 88-unit hotel to multiple family dwellings (affordable apartments) in the C-2/M-1 (Regional Commercial Zone/Light Manufacturing Zone) district located at 1622 Union Avenue as depicted on attached Exhibits B and C.

III. The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards.

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

APPLICANT'S RESPONSE: _____

2. 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

5. 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: _____

6. Before the Building Division can allow occupancy of this apartment complex, they must inspect and approve the placement and colors of the address numbers identifying each unit and/or building, and on-site building/unit location maps so that emergency personnel can easily find a specific unit when responding to the site during an emergency.

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 – Ryder Dilley; 661-326-3616 or RDilley@bakersfieldcity.us)

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

Proposed Use	Square Footage	Parking Ratio	Required Parking
Multifamily Housing	87 Units	1 space / unit	87 spaces
Manager Unit	1 unit	1 space / unit	1 space

Guest Parking	88 units	10% total units	9 spaces
AB 744		50% Deduction	(49) spaces
Office	2,762 ft ²	1 space / 250 ft ²	11 spaces
Required Parking:			59 spaces

(Note: 63 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.)

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. 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: _____

- 6. 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: _____

- 7. Provide a map and a list/spreadsheet indicating all unit numbers that need to receive mail. All unit numbers shall be numeric. Mixed alphas and numeric designations are unacceptable in all cases (e.g. A-1, B-2, etc.). Please contact the Karl Davisson at 661-326-3594 for further information.

APPLICANT’S RESPONSE: _____

- 8. 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: _____

9. 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: _____

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

APPLICANT'S RESPONSE: _____

11. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

APPLICANT'S RESPONSE: _____

12. 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: _____

C. FIRE DEPARTMENT (2101 H Street)

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

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

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

- b. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
- c. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
- d. Name and phone number of the appropriate contact person.

APPLICANT'S RESPONSE: _____

2. If ***cooking appliances*** are added to ***existing*** residential units, then a fire suppression system shall be installed subject to approval by the Fire Department.

APPLICANT'S RESPONSE: _____

3. 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 – Susanna Kormendi; 661-326-3997 or skormendi@bakersfieldcity.us)

1. The developer may need to install 1 streetlight along Union Avenue. The developer shall be responsible for providing the labor and materials necessary to energize all newly installed streetlights before occupancy of the building or site. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued. Contact the Public Works Department at 661-326-3584 for street light location and street light number.

APPLICANT'S RESPONSE: _____

2. The developer shall construct standard accessible ramps at the four corners of the site 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: _____

3. 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: _____

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

APPLICANT'S RESPONSE: _____

5. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

8. 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: _____

9. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.

APPLICANT'S RESPONSE: _____

10. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.

(**Note:** If already within a maintenance district, may need to update the maintenance district form.)

APPLICANT'S RESPONSE: _____

11. This project may be located within a Planned Sewer Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

12. This project may be located within a Planned Drainage Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

13. This project may be subject to Bridge and Major Thoroughfare fees. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)**(Staff contact – Susanna Kormendi; 661-326-3997 or skormendi@bakersfieldcity.us)**

1. Show on the final building plans pan type 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 (90º) 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: _____

5. The developer shall dedicate any sidewalk extending out of the right of way to the City of Bakersfield for the pedestrian way along all arterial streets. This must be conducted with a separate instrument or final map.

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:

- | | | |
|---|----|---|
| <input type="checkbox"/> Cart service | -- | 1 cubic yard/week or less 1 time per week |
| <input checked="" type="checkbox"/> Front loader bin services | -- | 1 cubic yard/week - 12 cubic yards/day |
| <input type="checkbox"/> 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, three, 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)
- ☒ 1 - 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. Residential properties with four (4) units or greater and are required to have ADA Accessible unit/s, must provide refuse/recycling enclosures that are ADA Accessible (Detail # ST-29).

APPLICANT’S RESPONSE: _____

5. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

APPLICANT’S RESPONSE: _____

6. 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: _____

7. 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: _____

8. 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: _____

Exhibit B
(Location Map)

CUP 20-0183

CITY OF BAKERSFIELD

LEGEND (ZONE DISTRICTS)

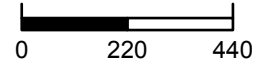
- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-S Residential Suburban
24,000 sq.ft./dwelling unit
- R-S() Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500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



BAKERSFIELD



Feet



Document Name: 2020_08_05bza

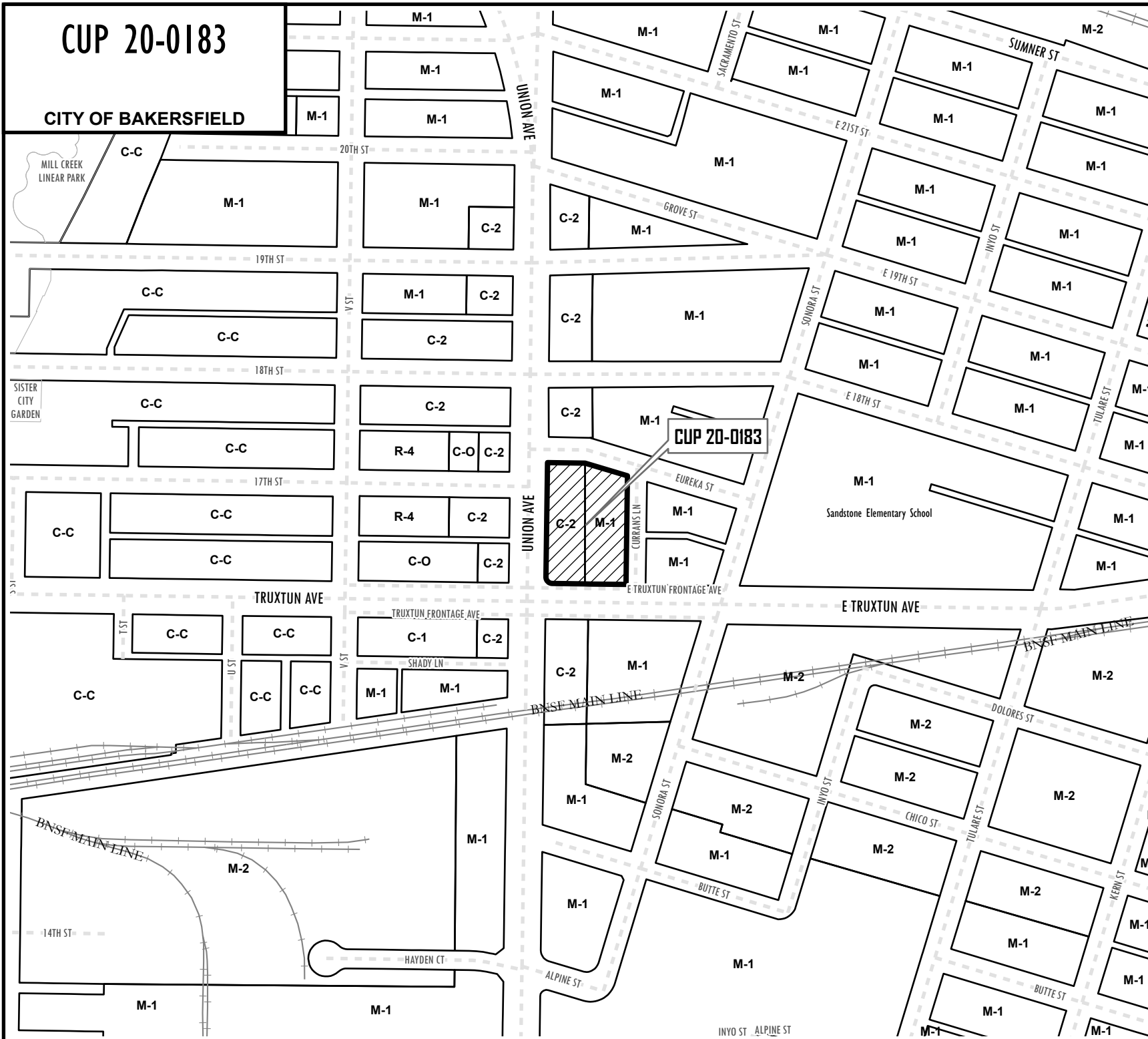
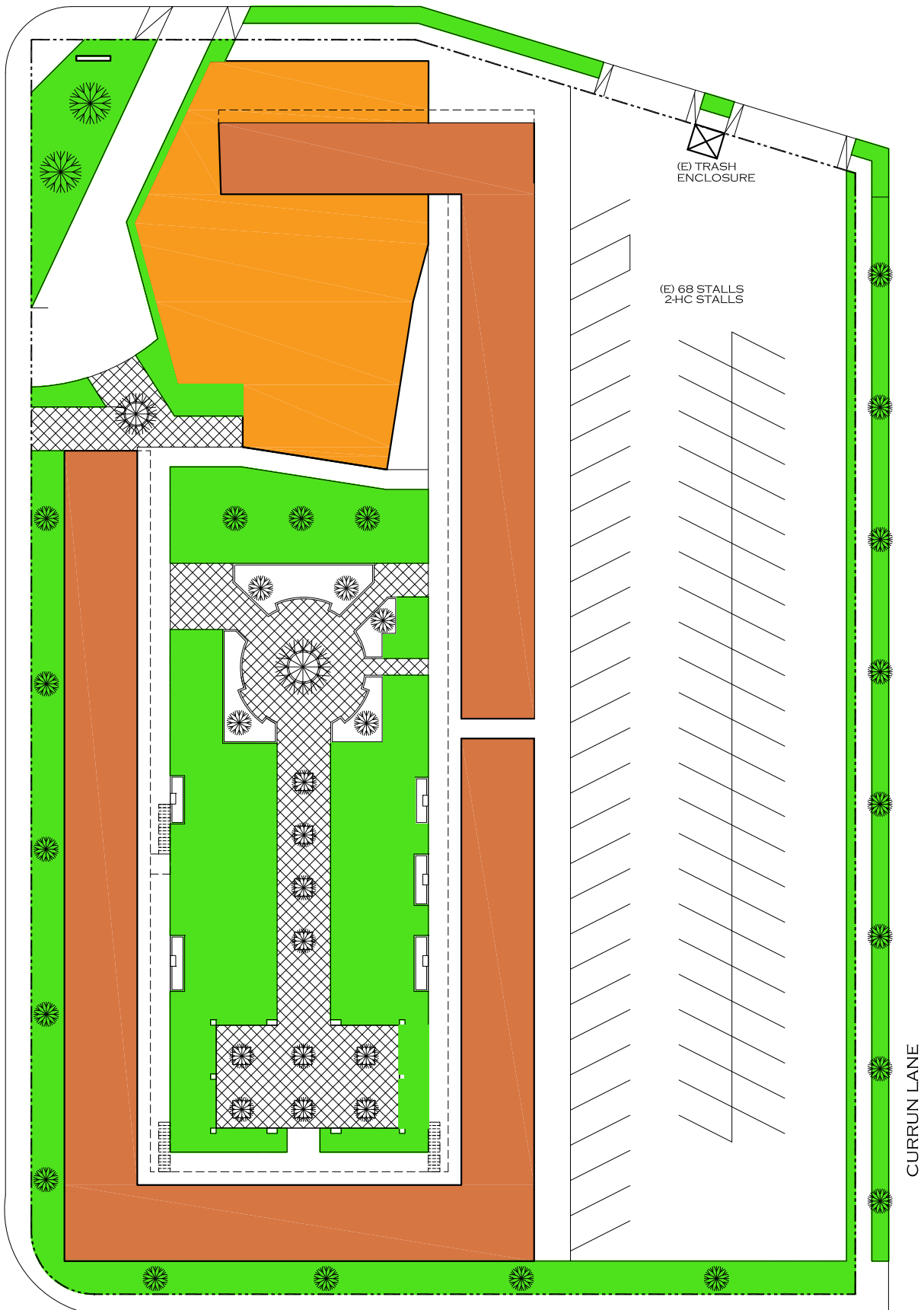


Exhibit C
(Site Development Plan)

EUREKA STREET



(E) TRASH
ENCLOSURE

(E) 68 STALLS
2-HC STALLS

CURRUN LANE

TRUXTUN AVE



SITE PLAN



21'-5"

13'-5"

8'

13'-6"

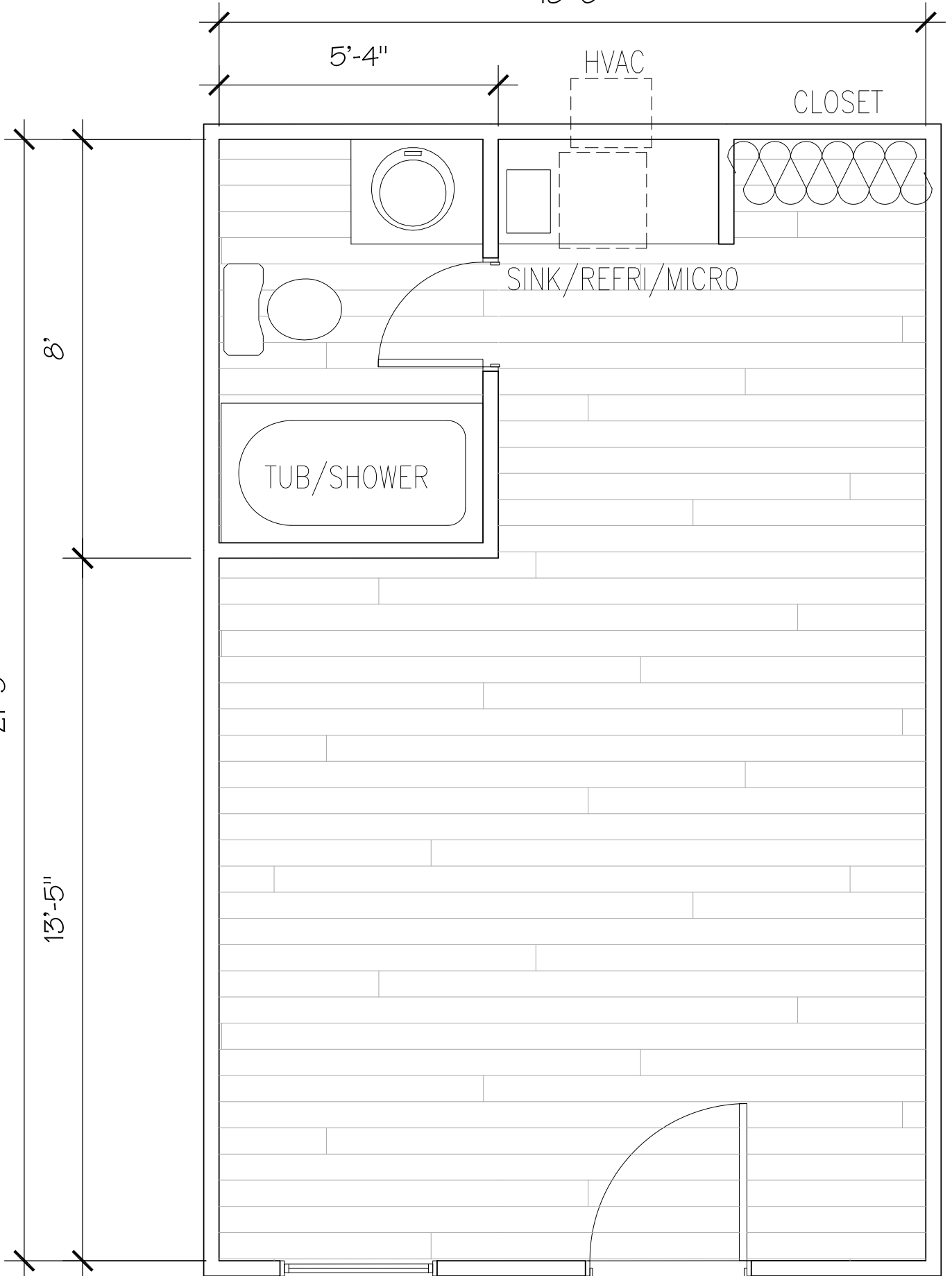
5'-4"

HVAC

CLOSET

SINK/REFRI/MICRO

TUB/SHOWER



Assembly Bill No. 744

CHAPTER 699

An act to amend Section 65915 of the Government Code, relating to housing.

[Approved by Governor October 9, 2015. Filed with
Secretary of State October 9, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 744, Chau. Planning and zoning: density bonuses.

The Planning and Zoning Law requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents. Existing law requires continued affordability for 55 years or longer, as specified, of all very low and low-income units that qualified an applicant for a density bonus. Existing law prohibits a city, county, or city and county from requiring a vehicular parking ratio for a housing development that meets these criteria in excess of specified ratios. This prohibition applies only at the request of the developer and specifies that the developer may request additional parking incentives or concessions.

This bill would, notwithstanding the above-described provisions, additionally prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of 0.5 spaces per bedroom on a development that includes the maximum percentage of low- or very low income units, as specified, and is located within ½ mile of a major transit stop, as defined, and there is unobstructed access to the transit stop from the development. The bill would also prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of specified amounts per unit on a development that consists solely of units with an affordable housing cost to lower income households, as specified, if the development is within ½ mile of a major transit stop and there is unobstructed access to the transit stop from the development, is a for-rent housing development for individuals that are 62 years of age or older that complies with specified existing laws regarding senior housing, or is a special needs housing development, as those terms are defined. The bill would require a subject development that is a for-rent housing development for individuals that are 62 years of age

or older or a special needs housing development to have either paratransit service or unobstructed access, within $\frac{1}{2}$ mile, to fixed bus route service that operates at least 8 times per day. The bill would authorize a city, county, or city and county to impose a higher vehicular parking ratio based on substantial evidence found in an areawide or jurisdictionwide parking study, as specified. The bill would make findings and declarations, including that the subject of the bill is a matter of statewide concern and not a municipal affair.

By imposing additional duties on local governments in awarding density bonuses, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Having a healthy housing market that provides an adequate supply of homes that are affordable to Californians at all income levels is critical to the economic prosperity and quality of life in the state.

(b) There exists a severe shortage of affordable housing, especially for persons and families of extremely low, very low, and low income, and there is an immediate need to encourage the development of new housing, not only through the provision of financial assistance but also through reforms to regulation.

(c) Affordable housing is expensive to build in California.

(d) The cost of building affordable housing in California is impacted by local opposition, changes imposed by local design and review, and requirements for on-site parking.

(e) The average construction cost per space, excluding land cost, in a parking structure in the United States is about \$24,000 for aboveground parking and \$34,000 for underground parking. In an affordable housing project with a fixed budget, every \$24,000 spent on a required parking space is \$24,000 less to spend on housing.

(f) The biggest single determinant of vehicle miles traveled and therefore greenhouse gas emissions is ownership of a private vehicle.

(g) A review of developments funded through the Department of Housing and Community Development's Transit-Oriented Development Implementation Program (TOD program) shows that lower income households drive 25 to 30 percent fewer miles when living within one-half mile of transit than those living in non-TOD program areas. When living within one-quarter mile of frequent transit, they drove nearly 50 percent less.

(h) When cities require off-street parking with all new residential construction, they shift what should be the cost of driving, the cost of parking a car, into the cost of housing, which artificially increases the cost of housing.

(i) Increases in public transportation and shared mobility options and the development of more walkable and bikeable neighborhoods reduce the demand for parking.

(j) Consistent with Chapter 488 of the Statutes of 2006 (AB 32) and Chapter 728 of the Statutes of 2008 (SB 375), it is state policy to promote transit-oriented infill development to reduce greenhouse gas emissions.

(k) The high cost of the land and improvements required to provide parking significantly increases the cost of transit-oriented development, making lower cost and affordable housing development financially infeasible and hindering the goals of SB 375.

(l) Eliminating minimum parking requirements will allow the limited funding available for affordable housing to support more housing for more Californians. A given housing subsidy fund can benefit about 6.5 times more households with no parking spaces than households with 2 spaces per unit.

(m) Minimum parking requirements provide large subsidies for parking, which in turn encourage more people to drive cars.

(n) Minimum parking requirements create a barrier to effective use of the density bonus law contained in Section 65915 of the Government Code. The parking required for the extra units adds construction and land costs that may be prohibitive and requires vacant land that may be unavailable, especially in locations near transit.

(o) Increasing the supply of affordable housing near transit helps achieve deeper affordability through reduced transportation costs, in addition to reduced housing costs.

(p) Governmental parking requirements for infill and transit-oriented development reduce the viability of transit by limiting the number of households or workers near transit, increasing walking distances, and degrading the pedestrian environment.

(q) Reducing or eliminating minimum parking requirements for infill and transit-oriented development and allowing builders and the market to decide how much parking is needed can achieve all of the following:

(1) Ensure sufficient amounts of parking at almost all times.

(2) Reduce the cost of development and increase the number of transit-accessible and affordable housing units.

(3) Allow for more effective use of the density bonus law.

(4) Increase density in areas with the most housing demand, and improve the viability of developing alternate modes of transportation, such as public transit, ridesharing, biking, and walking.

(5) Reduce greenhouse gas emissions and vehicle miles traveled by removing an incentive to drive.

(r) It is the intent of the Legislature to reduce the cost of development by eliminating excessive minimum parking requirements for transit-oriented

developments that includes affordable housing, senior housing, and special needs housing.

(s) The Legislature further declares that the need to address infill development and excessive parking requirements is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to all cities, including charter cities.

SEC. 2. Section 65915 of the Government Code is amended to read:

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, “total units” or “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and

low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Paragraph (3) of subdivision (c) does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The

city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5

18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26

32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in

fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) “Child care facility,” as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) “Housing development,” as used in this section, means a development project for five or more residential units. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) “Maximum allowable residential density” means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Except as provided in paragraphs (2) and (3), upon the request of the developer, a city, county, or city and county shall not require a

vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: two onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

(2) Notwithstanding paragraph (1), if a development includes the maximum percentage of low- or very low income units provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(3) Notwithstanding paragraph (1), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

(A) If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

(B) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(C) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the

applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(6) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: October 13, 2020

ITEM NUMBER: Public Hearings5.(b.)

TO: Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD: Ward 2

SUBJECT:

Conditional Use Permit/Zoning Modification No. 20-0226. Golden Empire Affordable Housing, Inc. is proposing a conditional use permit to allow conversion of an existing hotel into multiple family dwellings (senior affordable apartments) (17.20.040.A), and a zoning modification to allow 2 parking spaces where 12 are required in the C-1 (Neighborhood Commercial Zone) district, located at 2027 19th Street. Notice of Exemption on file.

APPLICANT: Golden Empire Affordable Housing, Inc. II

OWNER: Arvind M. & Madhu A. Patel

LOCATION: 2027 19th Street

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
☐ Staff Report CUP/MOD No. 20-0226	Staff Report
☐ Draft Resolution with Exhibits	Resolution
☐ Public Outreach Summary and Materials	Backup Material

**CITY OF BAKERSFIELD
PLANNING DIVISION
STAFF REPORT**

TO: Chair and Members of the Board of Zoning Adjustment

FROM: Paul Johnson, Planning Director

APPROVED *KQ*

DATE: October 13, 2020

SUBJECT: Conditional Use Permit/Zone Modification; File No. 20-0226 (Ward 2)

APPLICANT: Golden Empire Affordable
Housing, Inc. II
601 24th Street
Bakersfield, CA 93301

OWNER: Arvind M. & Madhu A. Patel
2027 19th Street
Bakersfield, CA 93301

LOCATION: 2027 19th Street | APN: 004-120-02

Figure 1. Location Map and Zone Map

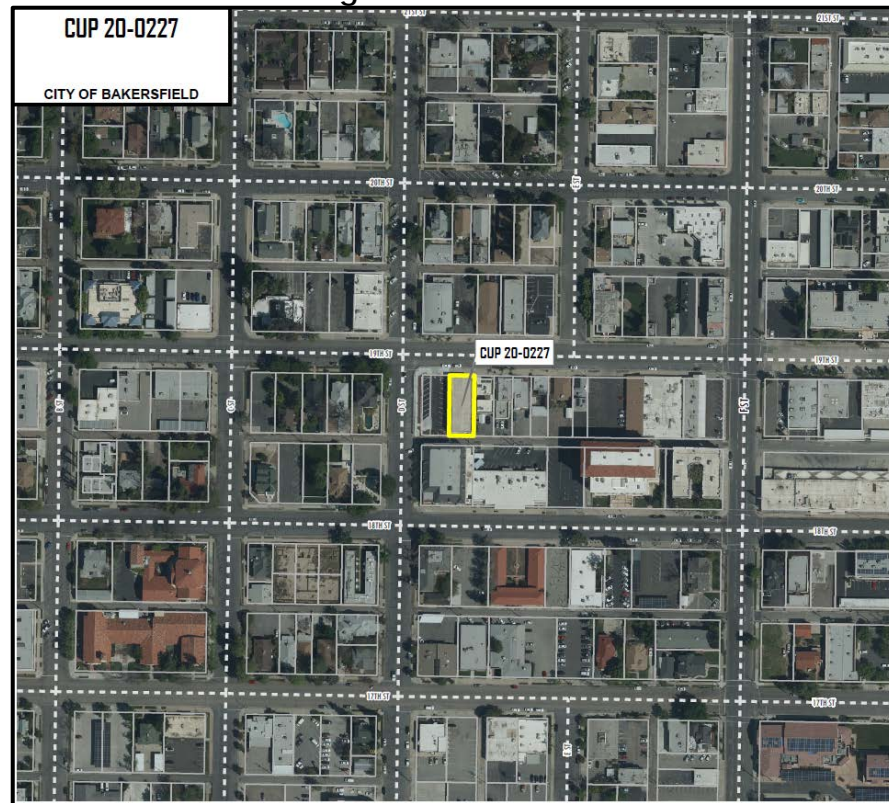


RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit and Zoning Modification No. 20-0226 as depicted in the project description and subject to the listed conditions of approval.

PROJECT SUMMARY:

The project is a request for a conditional use permit to allow conversion of an existing hotel into senior multiple family residential dwellings (apartments) located in the C-1 (Neighborhood Commercial Zone) districts. The project also includes a zoning modification to reduce the required parking to two spaces where 12 are required. See Figures 2 and 3.

Figure 2. Site Aerial



SURROUNDING LAND USES:

The 0.14-acre project site is developed with an existing hotel (Decatur Hotel). The surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	OC	C-1	Hotel (2-story; 31 rooms)
North	OC	C-1	Commercial
East	OC, MUC	C-1, C-C	Commercial
South	OC	C-1	Event Venue, Commercial
West	OC, GC	C-1	Commercial, Residential, Church
General Plan Key GC: General Commercial OC: Office Commercial MUC: Mixed Use Commercial		Zone District Key C-1: Neighborhood Commercial C-C: Commercial Center	

ANALYSIS:

Conditional Use Permit. In accordance with Bakersfield Municipal Code Section 17.22.040(A), multiple family residential dwellings (apartments) are a permitted use in the C-1 zone district subject to approval of a conditional use permit.

As proposed, the existing 2-story, 31-room hotel will be converted into 27 studio and single room units and one single room on-site manager unit (see Figure 4, floor plans). The property also features an office and a laundry room. In addition to the interior remodeling, the applicant plans to upgrade the exterior of the building with new painting, lighting, and landscaping (see Figure 5, existing conditions).

The project is proposed by Golden Empire Affordable Housing, Inc. II, a local non-profit organization established in 1996 that develops affordable housing in Kern County. The project is proposed as permanent housing for seniors (age 62 and older) with income less than 60% of the area median income (AMI) that are at-risk of experiencing homelessness.

Figure 4. Floor Plans



Figure 5. Existing Conditions



Non-tenants will not be provided services on-site. In order to limit displacement of current motel tenants that do not qualify for the project, they will be provided financial assistance to relocate with the potential to transition into permanent housing and be linked to other supportive services. The applicant states in their justification that their intent is to be a good neighbor, provide an improved and more attractive site, and add stability to the neighborhood.

The applicant will be submitting for tenant improvements (TI) to facilitate the conversion and address any code violations associated with the site. The project has also gone through site development review and the applicant will be required to address conditions to achieve compliance with City development standards. Those conditions are part of the attached Resolution. The applicant aims to begin rehabilitation of the property in January, 2021 and complete the project within 3-4 months.

Staff notes the applicant will not obtain a certificate of occupancy until all TI and site development conditions have been satisfied.

Zone Modification. The project includes a request for a zone modification to allow two parking spaces where 12 would be required. The required parking pursuant to Bakersfield Municipal Code Section 17.58.110 is specified in Table 2:

Table 2. Parking Requirements			
Use	Ratio	Proposed	Spaces Required
Senior 62 years+ Studio/1-bedroom Units	1 space / 2 units	26 units	13 spaces
On-site housing manager unit	1 space / unit	1 unit	1 space
Guest Parking	10% of spaces		2 spaces
Office Space	1 space / 250 ft ²	100 ft ²	1 space
Low Income Reduction	25% of required spaces		(5 spaces)
		Required Parking:	12 spaces

The current hotel provides both short and long-term stay options, with an availability of 31 rooms. The hotel's existing legal nonconforming parking consists of two on-street parking spaces on the 19th street project frontage. For reference, the required parking according to current

development standards would be 32 spaces for a hotel. The applicant is proposing to use the two on-street parking spaces. Bakersfield Municipal Code Section 17.58.100 allows the use of on-street parking spaces for only fifty percent of the guest parking for residential uses, and not for main residential parking.

Applicant Justification

The applicant states that based on other senior housing sites managed by Golden Empire Affordable Housing, on average only 25-30% of the residents own vehicles. During placement for permanent housing, a number of factors are taken into consideration to ensure the resident's success for housing retention and compatibility with the housing location. Among these factors include whether the resident owns a vehicle that needs to be stored on site. A majority of seniors opt to use public transportation or are transported by relatives and can afford bus passes due to the affordable rent. In addition, the limited lot size makes it impossible to add off-street parking to the existing development (see Figure 6). The applicant states that because the new use (senior residential) is less intensive than the existing use (hotel), the existing street parking in the area is sufficient to serve the project.

To further address parking in the immediate surrounding area, the applicant is working with the City and surrounding property owners to change the on-street parking to diagonal parking along the south of 19th Street from D to F Street. The applicant will also restrict the occupancy to seniors who do not have vehicles, if necessary.

Figure 6. Project Site Parcel Lines



ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15301, of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

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

Applicant Outreach. On September 28, 2020, the applicant held a community outreach meeting and four attendees participated. The applicant identified the outcomes as positive. The applicant also initiated public outreach with property owners and businesses within 300 feet of the subject property. The applicant explained the proposal and the intended use of the property as well as the enhanced improvements to the existing site. The feedback that was received was supportive of the project. A summary of the outreach efforts was provided by the applicant, and is attached.

CONCLUSIONS:

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

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

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

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

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

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

Staff concurs with the applicant's justification that the development is less intensive than the existing use; that the project's resident selection criteria would limit the residents that own a car; and that the size of the lot restricts the addition of new off-street parking. Additionally, no evidence has been presented to date to demonstrate that adverse impacts are anticipated to result from the requested parking decrease.

Conclusions. In accordance with these required findings, and as conditioned, Staff finds: (1) the permanent housing will provide an affordable and stable place of living for members of the public in need; (2) the proposed improvements and conversion will be an improvement on existing conditions of the project site; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

In addition, staff finds that the proposal is in alignment with several of the 2019-2020 City Council Overarching goals. The project provides additional housing for individuals at-risk of homelessness (Goal No. 2, Address Homelessness), will improve the cosmetic exterior of the building adding to the overall aesthetic of the 19th Street streetscape (Goal No. 4, Enhance Quality of Life and Public Amenities), and will revitalize an established hotel located in the Downtown area (Goal No. 8, Invest in Urban Renewal and Downtown Development).

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt the Resolution and suggested findings approving Conditional Use Permit and Zoning Modification No. 20-0226, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Public Outreach Summary and Materials

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW CONVERSION OF AN
EXISTING HOTEL INTO SENIOR MULTIPLE FAMILY DWELLINGS (AFFORDABLE
APARTMENTS), AND A ZONING MODIFICATION TO ALLOW TWO PARKING
SPACES WHERE 12 ARE REQUIRED IN THE C-1 (NEIGHBORHOOD
COMMERCIAL ZONE) DISTRICT, LOCATED AT 2027 19TH STREET. (CUP/MOD
NO. 20-0226)**

WHEREAS, Golden Empire Affordable Housing, Inc. filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow the conversion of an existing hotel into senior multiple family dwellings (affordable apartments), and a zoning modification to allow two parking spaces where 12 are required in the C-O (Neighborhood Commercial Zone) district, located at 2027 19th Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, October 13, 2020, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

WHEREAS, the above described project is exempt from the requirements of CEQA in accordance with Section 15301; and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15301 because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures,

facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

3. The proposed use is essential and desirable to the public convenience and welfare.
4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.
6. The granting of the modification is necessary to permit an appropriate improvement on the subject property.
7. The granting of the modifications would not be inconsistent with the purposes and intent of the Title 17 of the Bakersfield Municipal Code.

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit/Zoning Modification No. 20-0226 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 13th day of October 2020, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL **Conditional Use Permit/Zoning Modification No. 20-0226**

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

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

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

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

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

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

- 2. This conditional use permit and zoning modification allows for the conversion of an existing hotel into senior multiple family dwellings (affordable apartments), and a reduction in parking requirements to two spaces where 12 are required in the C-1 (Neighborhood Commercial Zone) district located at 2027 19th Street as depicted on attached Exhibits B and C.

III. The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City’s development standards.

The 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. 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: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

- 7. 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 – Kassandra Gale; 661-326-3411 or kgale@bakersfieldcity.us)

- 1. 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:** The shrubs on the building façade shall be replaced with trees.)

(**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: _____

2. 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: _____

3. Provide a map and a list/spreadsheet indicating all unit numbers that need to receive mail. All unit numbers shall be numeric. Mixed alphas and numeric designations are unacceptable in all cases (e.g. A-1, B-2, etc.). Please contact the Karl Davisson at 661-326-3594 for further information.

APPLICANT'S RESPONSE: _____

4. 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: _____

5. 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: _____

6. 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: _____

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

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

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

APPLICANT’S RESPONSE: _____

- 2. If cooking appliances are added to existing residential units, then a fire suppression system shall be installed subject to approval by the Fire Department.

APPLICANT’S RESPONSE: _____

- 3. 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: _____

- 4. 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. At this time, no applicable conditions for the proposed project. Conditions may be added if the project changes.

E. PUBLIC WORKS - ENGINEERING (1501 Truxtun Avenue)**(Staff contact – Susanna Kormendi; 661-326-3997 or skormendi@bakersfieldcity.us)**

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

3. 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: _____

4. 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: _____

5. 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: _____

6. 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: _____

7. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Louis Rodriguez at 661-326-3571.

(**Note:** If already within a maintenance district, may need to update the maintenance district form.)

APPLICANT'S RESPONSE: _____

8. This project may be located within a Planned Sewer Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

9. This project may be located within a Planned Drainage Area. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

10. This project may be subject to Bridge and Major Thoroughfare fees. Please contact the Public Works Department – Subdivisions at 661-326-3576 to determine what fees may apply.

APPLICANT'S RESPONSE: _____

F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)

(Staff contact – Susanna Kormendi; 661-326-3997 or skormendi@bakersfieldcity.us)

1. Show the typical parking stall dimensions 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, on-street parking dimensions are to be designed per standard T-13).

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, three, 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) ☒ 1 - 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. Residential properties with four (4) units or greater and are required to have ADA Accessible unit/s, must provide refuse/recycling enclosures that are ADA Accessible (Detail # ST-29).

APPLICANT'S RESPONSE: _____

5. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

APPLICANT'S RESPONSE: _____

6. 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: _____

7. 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: _____

Exhibit B
(Location Map)

CUP 20-0227

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

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

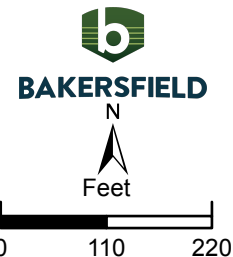
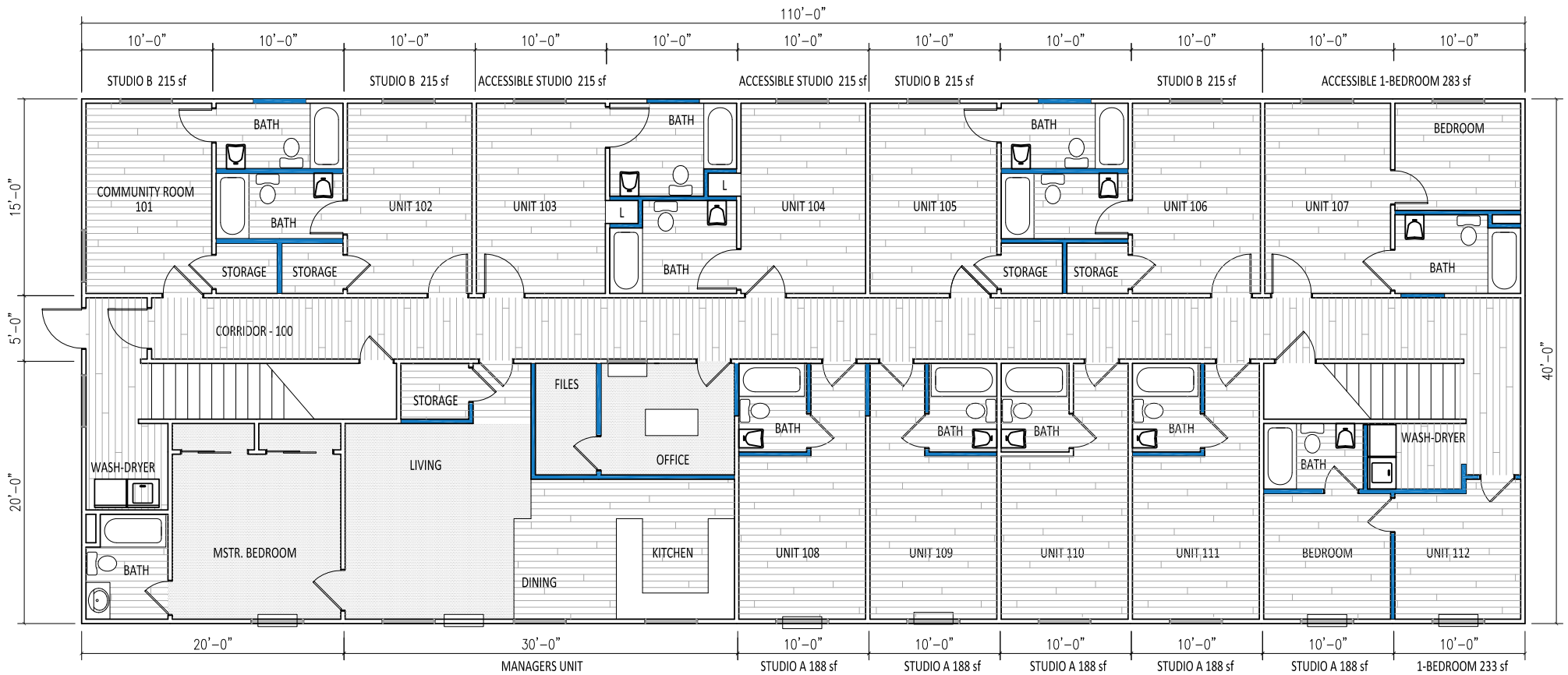
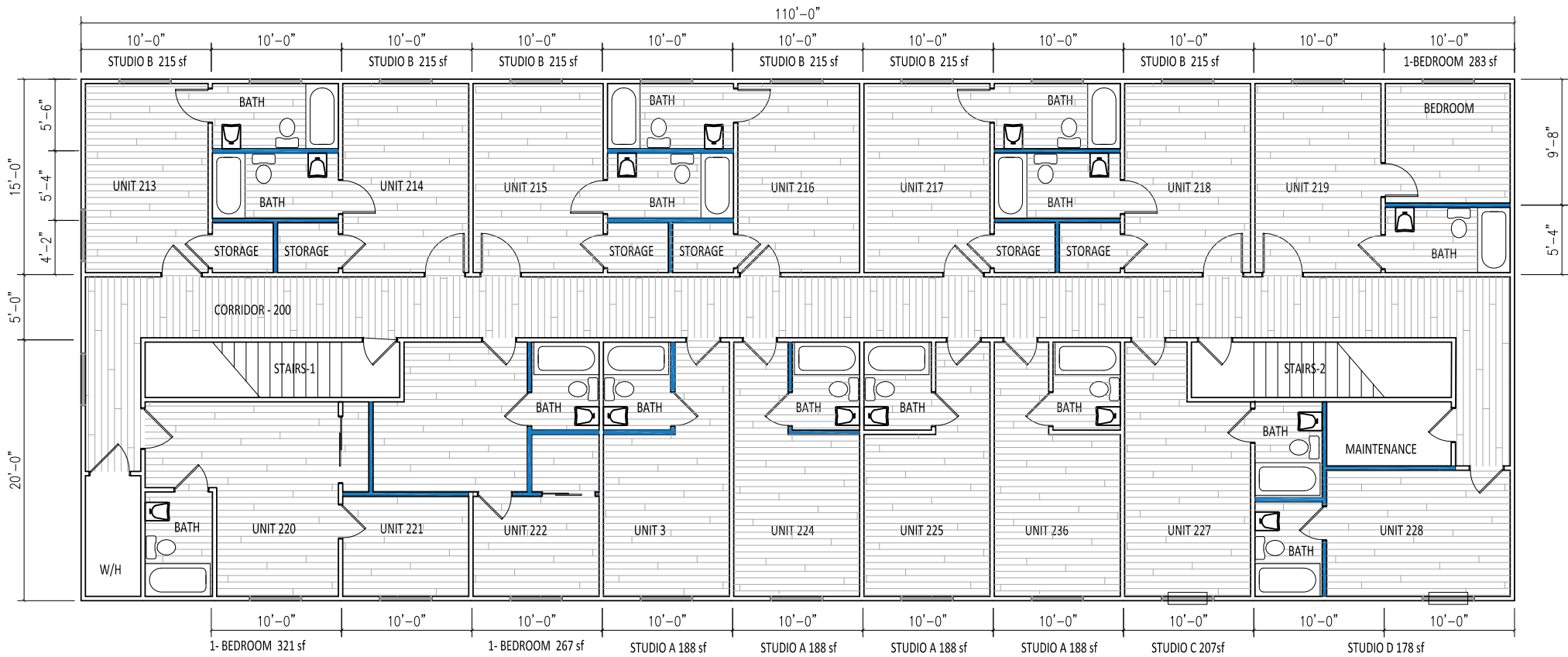


Exhibit C
(Site Development Plan)



FIRST FLOOR DECATUR Hotel 2027 19th Street



SECOND FLOOR DECATUR Hotel 2027 19th Street

Public Outreach Summary and Materials

Decatur Outreach Master List

Property Address: 2027 19th Street

Businesses in 300 FT Radius

Number	Business Name	Business Address	Business Phone Number	Feedback/Contact Info.
1	Empire Dental	2021 19th Street	661-324-5350	Emailed flyer.
2	Nationwide - Edward J. Herrera	2017 19th Street	661-529-7278	Emailed flyer. Ed Herrera stopped by during outreach event. He supported the conversion of Decatur Hotel to senior housing and supported the idea of diagonal parking.
3	Pacific Gynecologic Specialist	2011 19th Street	661-326-1401	*Said no they were not interested in receiving the flyer
4	Joseph K. Nunez, DDS	1957 19th Street	661-349-9261	Dr. Joseph Nunez stopped by during outreach event. He was supportive of the conversion to senior housing and diagonal parking.
5	Bradley Dodenhoff DR D C	2001 19th Street	661-633-2386	*Not interested in attending the meeting but very excited. Said it will be a "blessing" for the community
6	19th Street Dental	2005 19th Street	661-324-1919	Received voicemail but their voicemail was full. I could not find an email address online.
7	Junior League off Bakersfield	1928 19th Street	661-322-1671	Spoke with Junior League representative. They were pleased it would be senior housing.
8	GhilaDolci Bakery	2002 19th Street	661-447-4366	Spoke with Emily and she is going to pass the message to Courtney, the owner. dessert@ghliadolci.com

9	Blissful Retreat	2030 19th Street	661-748-1940	No answer but was able to find email online info@blissfulretreatdayspa.com. Emailed flyer.
10	Print Shack	2030 19th Street	661-316-3443	Concerned that this was being communicated by phone and thought it should be a formal notice sent in the mail. Provided email address : printshack86@gmail.com
11	The Woman's Club off Bakersfield	2030 19th Street	661-325-7889	Vice President of The Women's Club stopped by to outreach event. Said they supported the conversion of the Decatur Hotel to senior housing. They were not concerned about parking, and didn't have an opinion about the diagonal parking, since they had their own lot and would be unaffected. Took copy of FAQs and said it would be presented at their next board meeting.
12	East Hills Motorsports	2001 19th Street	661-633-2386	Said he did not need the flyer or to attend the meeting but was glad it was finally "getting cleaned up"
13	Kern Athletic Fencing Foundation	2030 18th Street	661-332-0250	Closed but found president's email on their website lucas@bak.rr.com. Emailed flyer
14	Bakersfield Massage Therapy	2010 18th Street	661-327-0634	*Closed due to COVID-19
15	HP Sears	2000 18th Street	661-283-0200	Provided supervisor's email address and said she thought it would be "nice for the area" and "really change things" steph@hpsears.com
16	Diane M. Dodds, A Professional Law Corp.	1930 18th Street	661-447-4757	Thanked me for providing the information and gave email angela@dmdodds.com

17	Morris Chiropractic office	2100 19th Street	661-246-4026	Provided owners email and a flyer was sent out.
18	Mane Headquarters	2100 19th Street	661-333-7664	Closed, out off business.
19	NYFotography	2100 19th Street	661-864-7700	Emailed flyer and spoke to owner, Ryan Green, directly when we went to pass flyers. He was happy about the change and might be able to add our information to their Westchester Magazine. Westchester Magazine information: https://www.instagram.com/thewestchester_magazine/?hl=en
20	General Rodent & Insect Control Bakersfield	2120 19th Street	661-214-7434	Could not find or contact business.
21	Thomas F. Armstrong, DDS	2100 19th Street	661-631-5580	Provided email and a flyer was provided.
22	The Belle Rae	2104 18th Street	661-748-1070	Left a voicemail and emailed flyer.
23	Bakersfield Masonic Lodge #224	1920 18th Street	661-322-3848	Left a voicemail and emailed flyer.
24	Interstate 5 Utility Company	1930 18th Street	661-328-9589	Number has been changed. Unable to locate new contact information or business.
25	Winchester Apartments	2012 19th Street	*Residential - Unknown	Dropped off flyer at the property.
26	Ghittherman, Ghittherman & Feld	2003 20th Street	661-846-2270	Emailed Flyer.
27	Residential	2018 19th Street	*Residential - Bridgette Bonet (owner of Victorian Chiropractic)	Hand delivered flyer to Bridgette at her chiropractic office next door.
29	Residential	2105 19th Street	*Residential - Unknown	Spoke to owner and she was excited about the change. She said that she wouldn't be able to attend the meeting but definitely approved of the change.

30	Residential	2111 19th Street	*Residential - Unknown	Dropped off flyer at the property.
31	Residential	1916 D Street	*Residential - Unknown	Dropped off flyer at the property.
32	Residential	2033 D Street	*Residential - Unknown	Dropped off flyer at the property.
33	Residential	2027 20th Street	*Residential - Unknown	Dropped off flyer at the property.
34	Residential	2021 20th Street	*Residential - Unknown	Dropped off flyer at the property.
35	Residential	2023 20th Street	*Residential - Unknown	Dropped off flyer at the property.
36	Residential	2015 20th Street	*Residential - Unknown	Dropped off flyer at the property.
37	Residential	1919 E Street	*Residential - Unknown	Dropped off flyer at the property.
38	1927 & 1929 D Street Apartments	1927 & 1929 D Street	*Residential - Unknown	Dropped off flyer at the property.
39	Urban Oasis Spa	1910 19th Street	661-873-4001	Left a voicemail and emailed flyer.
40	House off Talula	1900 19th Street	661-323-7394	Emailed flyer.
41	Idea Hive	1910 19th Street	*Unknown	Emailed flyer.
42	Studio B	1920 19th Street	661-334-1992	Emailed flyer
43	Tru Skin & Body Downtown	1918 19th Street	661-323-1220	Closed due to COVID-19 - Left voicemail. Unable to obtain email online.
44	Alliance Against Family Violence	1921 19th Street	661-322-0931	Spoke to CEO Louis Gill who was very supportive of the proposed change to the Decatur and of the potential for diagonal parking
45	G Best Security	1837 F Street	661-327-7558	Emailed flyer to owner.
46	Cornerstone Bakery	2100 19th Street, Suite D	661-321-9922	Hand delivered flyer to business owner. Owner asked where current residents would be moved to as she has had issues with one current resident harassing her. Owner was advised the residents would be relocated and would not continue to reside at the Decatur Hotel.

47	Victorian Chiropractic	2109 19th Street	661-325-6325	Hand delivered and spoke with one of the owners, Bridgette, who also lives next door. She was thrilled and said she will try to attend the informational meeting.
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JOIN US FOR A

NEIGHBORHOOD MEETING

**WESTCHESTER
SENIOR VILLAGE**

SEPTEMBER 28, 2020

**Drop by any time from
4:00 to 6:00PM**

Questions: Call 661-332-9614



Receive information, ask questions, and provide input about the proposed conversion of the Decatur Hotel from a motel to senior housing – called Westchester Senior Village. The development team and City Councilmember Andrae Gonzales will be present.

LOCATION:

**Alliance Against Family Violence and Sexual Assault
Parking Lot
1921 19th Street
Bakersfield, CA 93301**

**Sponsored by:
Golden Empire Affordable Housing, Inc. II**

Westchester Senior Village

Frequently asked Questions

Why are you buying the Decatur Hotel?

The current owners, the Patels, are retiring from the motel business and are selling the property. Rather than continuing it as a motel, we want to convert it to housing for seniors. We think that will be a better fit for the neighborhood.

Who will live there?

The property will be restricted to households 62 years old or older with income less than 60% of Area Median Income.

What about parking?

We are reducing the number of units from 31 to 27. It is our experience that about 25-30% of seniors have vehicles at other similar properties we operate. To address parking, we are considering two options:

1. Obtain approval from the City to change the parking to diagonal parking along the south side of 19th from D to F Street (if the neighbors support this).
2. Restrict the occupancy to seniors who do not have vehicles.

Will you be housing homeless persons at the property?

No, we are not targeting homeless persons. The property currently serves individuals who are at risk of homelessness. We are changing the target population to seniors.

Does the City have to approve this change?

Yes, the City will consider this at a Board of Zoning Adjustment meeting on 10/13/20. Neighbors within 300 ft of the property will receive a notice of the meeting.

What changes do you plan to make to the property?

We are reducing the number of units so each unit can have a private bathroom and closet, replacing flooring, and painting. We are also painting the exterior, installing a new awning, and replacing the front shrubs with trees.

When will these changes occur?

If approved, we expect to begin the improvements in January and complete the work in 3-4 months. The first seniors will move in after the improvements are completed.

What will happen to the existing residents?

They will be placed at other locations and will receive assistance in moving as needed.

Who is Golden Empire Affordable Housing, Inc. II?

Golden Empire Affordable Housing, Inc. II is a local 501c3 non-profit organization established in 1996 that develops affordable housing in Kern County. Among other properties, we are associated with two senior housing developments (Park Place & Village Park) located in downtown Bakersfield.