



**PLANNING COMMISSION AGENDA
MEETING OF JANUARY 21, 2021
Council Chambers, City Hall South, 1501 Truxtun Ave
Regular Meeting 5:30 P.M.**

www.bakersfieldcity.us

1. ROLL CALL

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

SPECIAL NOTICE

**Public Participation and Accessibility
January 21, 2021 Bakersfield City Council Meeting**

On March 18, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which includes a waiver of Brown Act provisions requiring physical presence of the Council or the public in light of the COVID-19 pandemic. Based on guidance from the California Governor's Office, the Department of Public Health, as well as the County Health Officer, the City of Bakersfield hereby provides notice that as a result of the above Orders and recent surge of the COVID-19 virus, the following adjustments have been made:

1) THE PLANNING COMMISSION MEETING OF January 21, 2021, at 5:30 p.m. MAY NOT BE PHYSICALLY OPEN TO THE GENERAL PUBLIC.

2) Consistent with the Executive Order, Commissioners may elect to attend the meeting telephonically and to participate in the meeting to the same extent as if they were physically present.

- The public may stream a live view of the Planning Commission meeting at http://kern.granicus.com/MediaPlayer.php?publish_id=241 or, on your local government channel (Kern County Television).

3) OPTIONS TO SUBMIT A COMMENT TO THE PLANNING COMMISSION FOR THIS MEETING ARE AS FOLLOWS:

- If you wish to comment on a specific agenda item, submit your comment via email to the Development Services/Planning Division at DEVPln@bakersfieldcity.us no later than 12:00 p.m. (noon) prior to the Planning Commission meeting. Please clearly indicate which agenda item number your comments pertain to.
- If you wish to make a general public comment not related to a specific agenda item, submit your comment via email to the Development Services/Planning Division at DEVPln@bakersfieldcity.us no later than 12:00 p.m. (noon) prior to the Planning Commission meeting.
- Alternatively, you may comment by calling (661) 326-3411 and leaving a voicemail of no more than 3 minutes no later than 4:00 p.m. the Wednesday prior to the Planning Commission meeting. Your message must clearly indicate whether your comments relate to a particular agenda item, or a general public comment. If your comment meets the foregoing criteria, it will be transcribed as accurately as possible.
- All comments received will not be read, but will be provided to the Planning Commission before the meeting and included as part of the permanent public record of the meeting.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

4. CONSENT ITEMS

- a. Approval of minutes for the Regular Planning Commission meeting of January 7, 2021.
Staff recommends approval.

5. CONSENT PUBLIC HEARINGS

- a. **Conditional Use Permit No. 20-0363:** Todd R. Burley is proposing a conditional use permit to allow an establishment selling alcoholic beverages for on-site consumption where such use is the primary business (17.26.040.A) in the C-C (Commercial Center Zone) district, located at 1824 G Street. Notice of Exemption on file.
Staff recommends approval.

6. NON-CONSENT PUBLIC HEARINGS

- a. **Extension of Time for Conditional Use Permit No. 18-0408:** Shannon Hough (The Belle Rae) is requesting an Extension of Time of one year for Conditional Use Permit No. 18-0408 that allowed: (1) florist shop; and (2) indoor/outdoor banquet venue in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street. Notice of exemption on file.

Staff recommends the Planning Commission render a decision.

7. WORKSHOPS

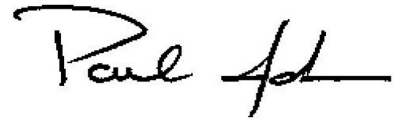
a. Code Enforcement "Rapid Response" Teams

Receive and file.

8. COMMUNICATIONS

9. COMMISSION COMMENTS

10. ADJOURNMENT

A handwritten signature in black ink, appearing to read "Paul Johnson", with a stylized flourish at the end.

Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: January 21, 2021

ITEM NUMBER: 4.(a.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Approval of minutes for the Regular Planning Commission meeting of January 7, 2021.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
☐ Minutes of January 7, 2021	Cover Memo



PLANNING COMMISSION MINUTES

Regular Meeting of January 7, 2021 – 5:30 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

ACTION TAKEN

1. ROLL CALL

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

Absent: None

Staff Present: Virginia Gennaro, City Attorney; Paul Johnson, DS Planning Director; Jennie Eng, DS Principal Planner; Cassandra Gale, DS Principal Planner; Jim Schroeter, Public Works Civil Engineer IV; Dana Cornelius, Secretary.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

None

4. CONSENT CALENDAR NON-PUBLIC HEARING

- a. Approval of minutes for the Regular Planning Commission meeting of December 17, 2020.

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

APPROVED

5. CONSENT CALENDAR PUBLIC HEARINGS

- a. **Tentative Parcel Map No. 12362:** DRG Inc., representing MFT-Five Bakers (property owner), is proposing to subdivide 2.082 acres into two commercial parcels in an C-2 (Regional Commercial) zone located at the southeast corner of California Avenue and South Owens Street in southeast Bakersfield. Notice of Exemption on file.

RES NO 01-21

	<u>ACTION TAKEN</u>
<p>b. Vesting Tentative Parcel Map 12389 (Phased): QK (applicant), representing Palla Properties (property owner), is proposing to subdivide 80.22 acres into 2 parcels for future single family residential lots in an E (Estate) zone located at the southeast corner of Palm Avenue and Rudd Avenue. A finding that the project is exempt from the California Environment Quality Act will also be considered.</p>	RES NO 02-21
<p>c. Mitigated Negative Declaration for Site Plan Review No. 20-0102: SASD Development Group, LLC is requesting adoption of a Mitigated Negative to facilitate construction of a 39,648 square foot medical outpatient facility to serve as a Department of Veterans Affairs (VA) Community-Based Clinic on approximately 9 acres located at 5512 Knudsen Drive.</p>	MOVED TO ITEM 6.a
<p>d. Street Re-name, Landco Drive to Valor Drive: City of Bakersfield is proposing to change the segment of Landco Drive, between Olive Drive and Hageman Road to Valor Drive due to the disjointed alignment. Notice of Exemption on file.</p>	RES NO 04-21
<p>Public hearing opened and closed.</p>	
<p>6. Motion by Wade, seconded by Commissioner Rudnick to approve Agenda Items 5.a, 5.b, and 5.d., incorporating memorandum for Item 5.b. Motion approved.</p>	APPROVED
<p><u>PUBLIC HEARINGS</u></p>	
<p>a. 5.c. Mitigated Negative Declaration for Site Plan Review No. 20-0102: SASD Development Group, LLC is requesting adoption of a Mitigated Negative to facilitate construction of a 39,648 square foot medical outpatient facility to serve as a Department of Veterans Affairs (VA) Community-Based Clinic on approximately 9 acres located at 5512 Knudsen Drive.</p>	RES NO 03-21
<p>Staff report given. Public hearing open and closed.</p>	
<p>Motion by Commissioner Bowers, seconded by Commissioner Lomas to approve Public Hearing Item 6.a. Motion Approved.</p>	APPROVED

ACTION TAKEN

7. COMMUNICATIONS

Planning Director Paul Johnson stated that there would be a Planning Commission meeting on January 21, 2021. He also noted that chambers would be under renovation in April so there would be no meetings that month.

8. COMMISSION COMMENTS

None

9. ADJOURNMENT

There being no further business, Chair Koman adjourned the meeting at 5:45 p.m.

Dana Cornelius
Recording Secretary

Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: January 21, 2021

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

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD: Ward 2

SUBJECT:

Conditional Use Permit No. 20-0363: Todd R. Burley is proposing a conditional use permit to allow an establishment selling alcoholic beverages for on-site consumption where such use is the primary business (17.26.040.A) in the C-C (Commercial Center Zone) district, located at 1824 G Street. Notice of Exemption on file.

APPLICANT: Todd R. Burley

OWNER: Hunter Management

LOCATION: 1824 G Street

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
▣ Staff Report	Staff Report
▣ Draft Resolution with Exhibits	Resolution

**CITY OF BAKERSFIELD
PLANNING DIVISION
STAFF REPORT**

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

FROM: Paul Johnson, Planning Director APPROVED: PJ

DATE: January 21, 2021

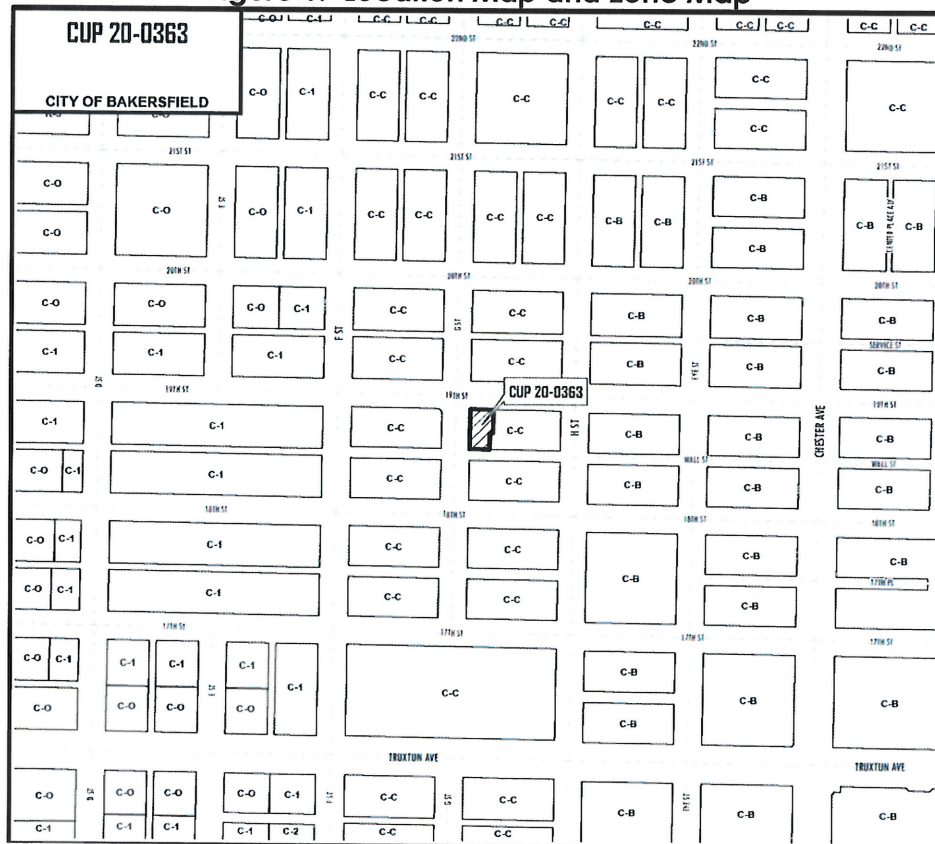
SUBJECT: **Conditional Use Permit; File No. 20-0363 (Ward 2)**

APPLICANT: Todd R. Burley
6017 Phyllis Street
Bakersfield, CA 93313

OWNER: Victor Hunter
14323 Via Naranja
Bakersfield, CA 93314

LOCATION: 1824 G Street | APN: 004-012-01

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 20-0363 as depicted in the project description and subject to the listed conditions of approval.

The project is a request for a conditional use permit to allow an establishment selling alcoholic beverages for on-site consumption where such use is the primary business in the C-C (Commercial Center Zone) district. See Figures 2 and 3.

[illegible]

SURROUNDING LAND USES:

The proposed establishment is located in a suite of an existing multi-tenant building in the downtown (Central District) area. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	MUC	C-C	Multi-tenant building (restaurant, offices)
North	MUC	C-C	Commercial and office building
East	MUC	C-C	Commercial buildings
South	MUC	C-C	United States Post Office, Padre Hotel
West	MUC	C-C	Office buildings
General Plan Key MUC: Mixed Use Commercial		Zone District Key C-C: Commercial Center	

ANALYSIS:

Alcohol sales at restaurants, when incidental to the serving of food, are permitted by right in the C-C (Commercial Center Zone) district. However, bars, nightclubs, cabarets, cocktail lounges or other establishments selling alcoholic beverages for on-site consumption, where such use is the primary business, requires approval of a conditional use permit.

The existing 820 square foot suite will undergo Tenant Improvements (TI) to accommodate a wine bar with associated retail area. The space will provide seating for approximately 15 guests. The proposed hours of operation are from 11:00 a.m. to 10:00 p.m., Wednesday through Sunday (closed Monday and Tuesday), with up to three employees.

Regarding parking, staff notes that any change of use at an existing building in the Central District shall not be subject to additional off-street parking requirements set forth in this chapter, provided the applicant establishes, to the satisfaction of the Planning Director, that the change of use does not require an expansion of building size. Parking calculations for multi-tenant buildings consider mixed uses and varying hours of operation. Because the peak parking demand for "bars/lounges" typically occur later in the evening than retail and general commercial uses, it is likely that the establishment's peak parking demand would not coincide with the peak parking demand of other on-site uses. In addition, the 18th & Eye public parking structure is located approximately 530 feet from the proposed use. Therefore, adequate parking is available and in compliance with the Zoning Ordinance.

Should your Commission approve this conditional use permit, staff notes the applicant will be required to obtain and comply with any additional restrictions associated with California Department of Alcohol Beverage Control license.

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, *Existing Facilities*. This exemption includes Class 1 projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures. 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. Signs are required as part of the public notification process and must be posted between 20 to 60 days before the public hearing date. Photographs of the posted signage and the Declaration of Posting Public Hearing Notice signed by the applicant are on file at the Planning Division.

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

CONCLUSIONS:

Findings. Section 17.64.060.D of the Bakersfield Municipal Code contains specific findings that must be made in order for your Commission 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.E 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) an establishment selling alcoholic beverages for on-site consumption is in alignment with the vision of development for the downtown region; (2) the establishment would provide a place for adults to socialize; 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 Commission adopt Resolution and suggested findings approving Conditional Use Permit No. 20-0363 as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION APPROVING A
CONDITIONAL USE PERMIT TO ALLOW AN ESTABLISHMENT SELLING
ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WHERE SUCH USE IS
THE PRIMARY BUSINESS (17.26.040.A) IN A C-C (COMMERCIAL CENTER
ZONE) DISTRICT, LOCATED AT 1824 G STREET. (CUP 20-0363)**

WHEREAS, Todd R. Burley filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow an establishment selling alcoholic beverages for on-site consumption where such use is the primary business (17.26.040.A) in the C-C (Commercial Center Zone) district, located at 1824 G Street (the "Project"); and

WHEREAS, the Secretary of the Planning Commission set Thursday, January 21, 2021, at 5:30 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 Planning Commission 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 Planning Commission; 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 Planning Commission 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. 20-0363 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 Planning Commission of the City of Bakersfield at a regular meeting held on the 21st day of January, 2021, on a motion by Member _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

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. 20-0363

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 Planning Commission 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 Planning Commission 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 Planning Commission may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.
- Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above-mentioned provisions are satisfied.

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

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

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

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

2. This conditional use permit allows for an establishment selling alcoholic beverages for on-site consumption where such use is the primary business (17.26.040.A) in the C-C (Commercial Center Zone) district, located at 1824 G Street as depicted on attached Exhibits B and C.
3. The permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption, prior to commencement of service.
4. The permit holder shall maintain compliance with conditions imposed by the California Department of Alcohol Beverage Control license.
5. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Building Director or his designee and/or the Fire Chief or his designee.
6. Loitering is prohibited on the premises or area under the control of the permit holder.
7. Project must comply with the Noise Element laid out in chapter seven of the Metropolitan Bakersfield General Plan.

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 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

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. 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: _____

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

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

APPLICANT'S RESPONSE: _____

4. 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: _____

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. 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. 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: _____

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

APPLICANT'S RESPONSE: _____

2. 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: _____

3. 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: _____

4. 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: _____

5. 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: _____

6. 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: _____

7. 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: _____

8. 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: _____

9. 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 – Richard Gutierrez; 661-326-3114 or rmgutierrez@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, refuse/recycle bin(s) identified below shall be placed within the required enclosure(s).

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

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

4. Facilities that require 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 20-0363

CITY OF BAKERSFIELD

LEGEND (ZONE DISTRICTS)

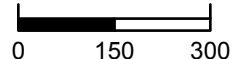
- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-S Residential Suburban
24,000 sq.ft./dwelling unit
- R-S-1 Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500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



BAKERSFIELD



Feet



Document Name: 2021_01_01

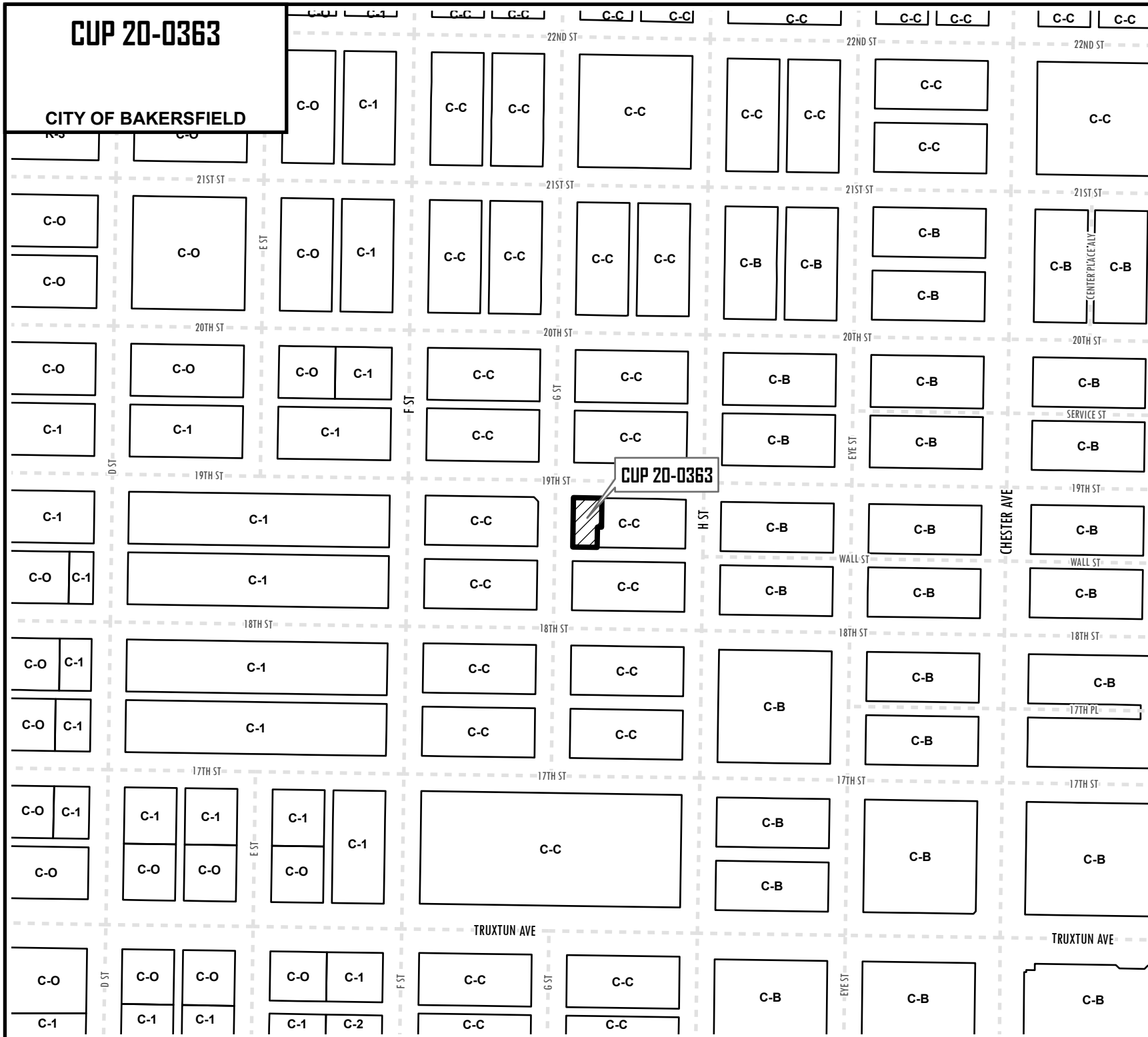


Exhibit C
(Site Development Plan)



<u>EQUIPMENT SPECIFICATION SCHEDULE</u>								
ITEM NUMBER	ITEM	MANUFACTURER	MODEL NUMBER	NFPA SPECIAL FABRICATION	GAS	ELECTRICAL	HOT WATER	COLD WATER DIRECT INDIRECT
1	4-BOTTLE WINE DISPENSER	VINOTEK®P	VY-WINEDISPM	X				
2	COUNTERTOP TOASTER OVEN	BREVILLE	BOV460XL	X		X		
3								
4	3 COMPARTMENT SINK	REGENCY	600S3M20210				X	X
5	HAND WASH SINK	ADVANCE TABCO	7-PS-EC-SPR				X	X
6	HOF BAIN (SINK)	REGENCY	600S7C202102	X				X
7	WIRE CART RACK 27"x42"x10"x37H							

****NOTE** PROVIDE APPROVED SINGLE USE SOAP AND PAPER TOWEL**

<u>ROOM FINISH SCHEDULE</u>					
CODE	ROOM OR AREA	FLOOR	FLOOR BASE OR COVE	WALLS	CEILING
(A)	PREP AREA	(N) CERAMIC GRADE SHEET VINYL OR CREATING FLOOR TILES	(E) #1 DALLTILE TOP SET COVERED BASE	(N) TILE BEHIND HINGE UNIT TO #6", GLOSS PAINT TO T-BAR	(N) 13'-0" HIGH SEGMENTED T-BAR ABOVE BAR AREA
(B)	RETAIL / SEATING AREA'S	(N) NEW PERGO OR SIPRAN WOOD FLOORING	(N) #4 DALLTILE TOP COVERED BASE	(N) GLOSS PAINT TO 13'-0" T-BAR	(N) T-BAR CEILING TILES
(C)	EXISTING HALLWAY	(N) NEW PERGO OR SIPRAN WOOD FLOORING	(N) #4 DALLTILE TOP SET COVERED BASE	(N) GLOSS PAINT TO 13'-0" CEILING	(E) 8'-0" HIGH PAINTED HARD CEILING
(D)	EXISTING RESTROOM	(E) CERAMIC GRADE SHEET VINYL FLOORING	(E) #4 DALLTILE TOP SET COVERED BASE	(E) #4 FRP WALLS WITH (E) GLOSS PAINT ABV	(E) 8'-0" HIGH PAINTED HARD CEILING
(E)	EXISTING STORAGE / NEW MECH ROOF	(N) CERAMIC GRADE SHEET VINYL OR CREATING FLOOR TILES	(E) #4 DALLTILE TOP SET COVERED BASE	(N) #4 FRP WALLS WITH (E) GLOSS PAINT ABV	(E) 8'-0" HIGH PAINTED HARD CEILING

DOOR SCHEDULE (###EXISTING###)

- 1 (E) 3068 1-3/4" LEGACY S.C.
1 PAIR SPRING HINGES
1 PRIVACY LOCK SET
1 DOOR STOP
1 W/C SIGN (UNISEX)
- 2 (E) 3068 GLASS STORE FRONT
1 DOOR STOP
1 SET WEATHER STRIP
1 THRESHOLD
EXISTING 10" KICKPLATE
- 3 (E) 3068 WOOD DOOR
1 1/2" PAIR BUTTS
1 DOOR STOP



Threshold Height Detail @ ENTRY DOOR

****NOTE**** - ALL EXITS TO BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT.

DOOR NOTES:

1. INSTALL WALL MOUNTED DOOR STOPS AT ALL INTERIOR DOORS -
2. MOUNT AT DOOR HANDLE HEIGHT.
3. PROVIDE AN ANTI-KICK STRIP AND WEATHERSTRIPING ON ALL EXTERIOR
4. DOORS.
5. ALL DOOR HARDWARE SHALL MATCH EXISTING FINISH.
6. EXIT DOORS SHALL BE OPERABLE FROM THE INSIDE WITHOUT THE USE
7. OF KEYS AND WITHOUT THE NEED FOR SPECIAL KNOWLEDGE.
8. PROVIDE A READILY VISIBLE, DURABLE SIGN ADJACENT TO THE EXIT
9. DOOR INDICATING THE LOCATION OF THE EXIT.
10. THE SIGN SHALL BE IN LETTERS NOT LESS THAN
11. 4" HIGH ON A CONTRASTING BACKGROUND.
12. THE LOOKING DIRECTION SHALL
13. BE INDICATED BY AN ARROW.
14. MAXIMUM EFFORT TO OPERATE DOORS SHALL NOT EXCEED 5 LBS FOR
15. ALL DOORS.
16. MAXIMUM EFFORT FOR PUSHING SHALL NOT EXCEED 15 LBS. MAXIMUM
17. EFFORT BEING APPLIED AT RIGHT ANGLES TO HINGED DOORS AND
18. MAXIMUM EFFORT BEING APPLIED AT 45 DEGREES TO SLIDING DOORS
19. OR AUTOMATIC DOORS MAY BE USED TO MEET REQUIREMENTS.
20. FIRE
21. RATED DOORS SHALL BE PROVIDED WITH FIRE RATED GLASS.
22. ALL INTERIOR SWINGING DOORS TO BE PROVIDED WITH LEVERED HANDLES.
23. ALL INTERIOR DOORS SHALL BE DESIGNATED WITH AN INTERNATIONAL
24. SYMBOL FOR ACCESSIBILITY.

TYPE OF CONSTRUCTION:

- (E) TYPE V NON-RATED
(E) NON SPRINKLERED

OCCUPANCY GROUP:

- 'A-2' OCCUPANCY - CAMPO BAR & BOTTLE
LESS THAN 49 OCCUPANTS

ALLOWABLE AREA:

- 'A-2' OCCUPANCY: - 6,000 SQ. FT. ALLOWABLE
EXISTING AREAS: - 820 SQ. FT. < 6,000 SQ. FT. = O.K.

PARKING REQUIREMENTS:

- EXISTING OFF-STREET CENTRAL DISTRICT PARKING

EXIT CALCULATIONS

- 1A-2nd OCCUPANCY
15 PERSON SEATING CAPACITY
TOTAL OCCUPANT LOAD = 15 PEOPLE
OCCUPANT LOAD IS LESS THAN 49 PEOPLE
ONE (1) EXITS PROVIDED - MAX TRAVEL DISTANCE
15' 55" < 75' = OK

PROJECT INFORMATION

BUILDING CODES:

- 2019 CALIFORNIA BUILDING CODE 2019 CAL. FIRE CODE
2019 CALIFORNIA PLUMBING CODE 2019 CAL. ELECT CODE
2019 CALIFORNIA MECHANICAL CODE 2019 CAL. GREEN BDG CODE



JOHN R. WILSON
CIVIL ENGINEER
CIVIL ENGINEERING
SURVEYING
1500 Hageman Rd., Suite B 500, Bakersfield, CA 93308 805-335-0083 FAX 805-335-0084
E-MAIL: jrwilson@comcast.net

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TENANT IMPROVEMENT PLANS
CAMPO BAR AND BOTTLE
1024 'O' STREET

REVISED
UPDATED CEILING TILES
11-1-2019

Sheet No. A100 of 300



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: January 21, 2021

ITEM NUMBER: Public Hearings6.(a.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Kassandra Gale, Principal Planner

DATE:

WARD: 2

SUBJECT:

Extension of Time for Conditional Use Permit No. 18-0408: Shannon Hough (The Belle Rae) is requesting an Extension of Time of one year for Conditional Use Permit No. 18-0408 that allowed: (1) florist shop; and (2) indoor/outdoor banquet venue in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street. Notice of exemption on file.

APPLICANT: Shannon Hough

OWNER: John Sarad

LOCATION: 2104 and 2116 18th Street

STAFF RECOMMENDATION:

Staff recommends the Planning Commission render a decision.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> PC Staff Report	Staff Report
<input type="checkbox"/> PC Draft Resolution	Resolution
<input type="checkbox"/> BZA Staff Report	Backup Material
<input type="checkbox"/> BZA Memo	Backup Material
<input type="checkbox"/> BZA Resolution 19-01	Backup Material
<input type="checkbox"/> BZA Minutes	Backup Material
<input type="checkbox"/> Event Complaints 3/2019 - 10/2019	Backup Material
<input type="checkbox"/> Event Complaints 10/2019 Cont	Backup Material
<input type="checkbox"/> Event Complaints 11/2019 - 3/2020	Backup Material
<input type="checkbox"/> Event Complaints 3/2020 Cont	Backup Material
<input type="checkbox"/> Event Complaints 4/2020 - 11/2020	Backup Material
<input type="checkbox"/> Planning Letter 2/13/2020	Backup Material
<input type="checkbox"/> Planning Letter 3/18/2020	Backup Material

**CITY OF BAKERSFIELD
PLANNING DIVISION
STAFF REPORT**

TO: Chair Koman and Members of the Planning Commission **AGENDA ITEM:** 6.a.

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

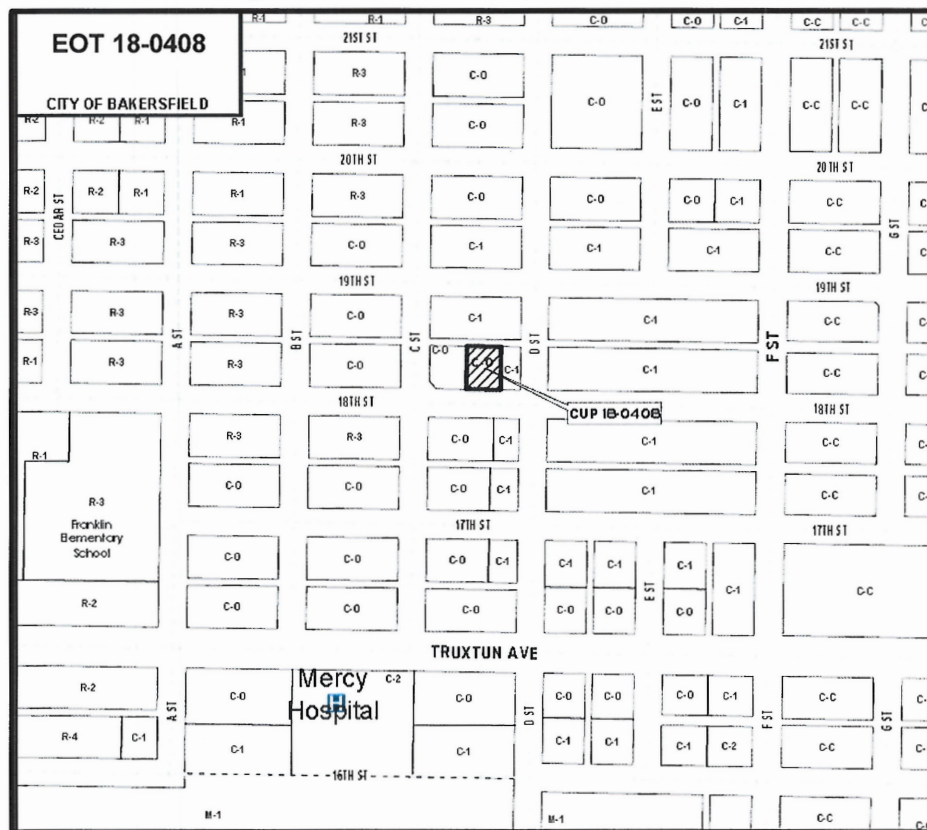
DATE: January 21, 2021

SUBJECT: **Extension of Time; Conditional Use Permit File No. 18-0408 (Ward 2)**

APPLICANT: The Belle Rae **OWNER:** John Sarad
2104 18th Street 3117 19th Street
Bakersfield, CA 93301 Bakersfield, CA 93301

LOCATION: 2104 & 2116 18th Street | APN: 004-290-12 & 13

Figure 1. Location Map and Zone Map



RECOMMENDATION: Staff recommends the Planning Commission render a decision regarding a request for a one-year extension of time for Conditional Use Permit No. 18-0408, as depicted in the project description and subject to the listed conditions of approval.

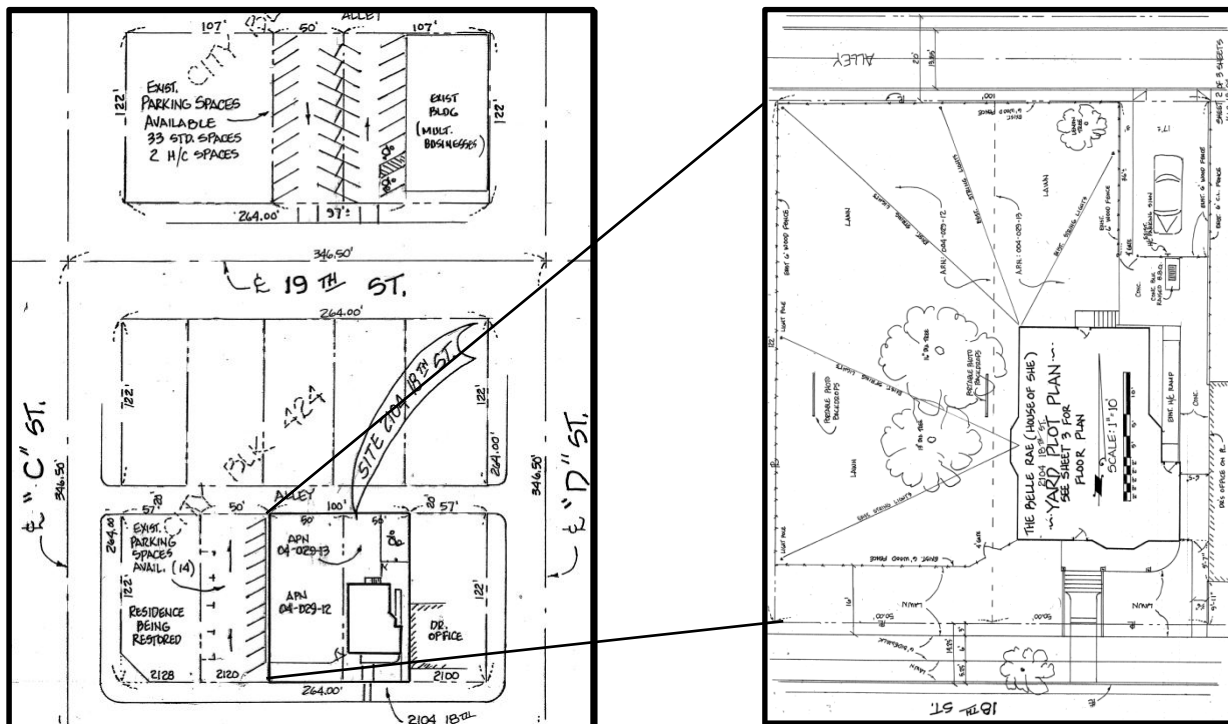
PROJECT SUMMARY:

The project is a request for a one-year extension of time for an approved conditional use permit that allowed: (1) a florist shop; and (2) an indoor/outdoor banquet hall in a C-O (Professional and Administrative Office Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Site Plan



SURROUNDING LAND USES:

The project site is 6,000 square feet on two parcels, half developed with a florist shop and indoor banquet venue, and the other half serves as an outdoor banquet venue. A parking lot is located adjacent to the site that provides a portion of the required 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	OC	C-O	Florist and Banquet Hall
North	GC	C-1	Medical Office/Single-Family Residence
East	OC	C-1	Medical Offices
South	OC	C-O & C-1	Undeveloped and Medical Offices
West	OC	C-O	Parking Lot
General Plan Key OC: Office Commercial GC: General Commercial		Zone District Key C-O: Professional and Administrative Office C-1: Neighborhood Commercial	

ANALYSIS:

Project

The "Belle Rae House of She" is a 1,630 square foot, four-bedroom residence that has become a commercial use. The enclosed porch (108 SF) serves as a floral shop, the living room (243 SF) and front bedroom (155 SF) are used for indoor events, two additional rooms are used for bridal/groom/host party changing areas and photographs (495 SF) and the back bedroom (150 SF) is used for office space. The kitchen (318 SF) is equipped with a refrigerator for fresh keeping of flowers, a large table for preparation, and two large sinks. There are no appliances for cooking and the kitchen is used for prep work and storage only. The remaining square footage is for restroom facilities and storage closets. The following uses are proposed for the building and require approval of a conditional use permit.

Florist

The florist shop will operate daily, but most orders are customized for off-site delivery. Therefore, the florist shop will only be open to the public Tuesday through Friday from 10:00 am to 3:00 pm. Floral workshops are held bi-monthly (every other month) from 6:00 pm to 9:00 during a weekday and can accommodate 36 customers.

Banquet Venue, Indoor

The indoor banquet venue is available to clients Monday through Thursday from 5:00 pm to 9:00 pm and weekends from 11:00 am to 9:00 pm. The maximum capacity is 46 guests for indoor events.

Banquet Venue, Outdoor

The outdoor banquet venue is available to clients Friday, Saturday, and Sunday from 12:00 pm (noon) to 10:00 pm with a maximum capacity of 225 guests. Set up may commence 24 hours prior to the event, and tear down will be completed within 24 hours after the event; however, set up and tear down will not occur between the hours of 11:00 pm and 7 am. Private security is provided at the ratio of 1 security personnel for every 50 guests. Amplified sound will be part of the events; therefore, all noise associated with the operation of any sound equipment must comply with Bakersfield Municipal Code Section 9.22 (Noise) and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.

Board of Zoning Adjustment Meeting

On January 8, 2019, the Board of Zoning Adjustment considered a conditional use permit for the aforementioned project. A staff report was prepared describing the project and providing comments from the nearby owner of the medical office stating concerns with increased noise and the limited parking spaces available for use. Staff's recommendation was for approval. A copy of the staff report is attached for your Commission's consideration.

Staff also prepared a memorandum to address written comments received subsequent to distribution of the staff report. These comments were from an area property owner stating concern with insufficient parking, outside event lighting, loud music, clean-up late into the night, use of privies (port-a-potties), and questions regarding conversion of the structure from residential to commercial. A copy of the memorandum is attached for your Commission's consideration.

The public hearing was opened and staff provided a presentation. Public comments were received in opposition from John Decker and Sharon Decker property owners to the west of the proposed project. Both individuals raised concerns with the potential impact the outdoor banquet venue may have on their home and future business.

Comments were received in support from John Sarad, project property owner, Shannon Hough and Michelle Meadows, co-owners of the on-site business, and Tim Hough.

The public hearing was closed and the Board Members deliberated before making a motion to approve the conditional use permit with revisions and addition of conditions as shown below. A copy of the January 8, 2019 minutes are attached for your Commission's consideration.

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

4. The banquet hall shall continually comply with the following conditions while in operation:
 - j. Outdoor events shall be held only on Friday, Saturday, and Sunday, and conclude no later than 10:00 p.m. Set up and tear down shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
 - m. Outdoor event lighting and sound amplifying equipment shall be directed toward the event building.
 - n. The indoor and outdoor banquet venues shall not operate concurrently.

Commencing Operations as Allowed by the Conditional Use Permit

Upon receiving Board of Zoning Adjustment approval of the project, Resolution 19-01 containing all the conditions of approval was provided to the applicant. A copy of the Resolution is attached for your Commission's consideration. The Resolution states in part:

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.

Subsequent to approval, the applicant worked toward completing the conditions of approval by coordinating with various City departments to include the Building Division, Planning Division, Fire Department, Water Resources, Engineering, and Solid Waste. As of this writing, all conditions have not been complied with and, therefore, operations are unable to commence.

Nevertheless, staff received complaints from three reporting parties of events being held on site. Complaints range from loud music, excessive street parking, outside event lighting, use of privies, and concerns with hosting events during a pandemic.

The following is a brief timeline of events that led to public complaints, and Staff's efforts to work with the applicant to come into compliance. A copy of the submitted complaints and staff's letters referenced in the timeline are attached for your Commission's consideration.

2019

- March 23
One (1) outdoor event held
- May 23
City staff met with applicant to discuss conditions of approval
Applicant was instructed to cease operations until compliance with conditions
City staff authorized one previously scheduled event to occur
- June/July
Building staff met with applicant and property owner to discuss conditions of approval
Applicant was instructed to cease operations until compliance with conditions
- September 2 through November 9
Eight (8) outdoor events held

2020

- February 13
Planning letter to applicant to cease operations until compliance with conditions
- February 14 through March 14
Five (5) outdoor events held
Two (2) misdemeanor citations issued by Code Enforcement (February 13 and March 14)
- March 17
City staff met with applicant and spouse to discuss conditions of approval
Applicant was instructed to cease operations until compliance with conditions
Applicant requested copies of any notes from this meeting, and those are also attached for your Commission's consideration
- March 18
Planning letter to applicant to cease operations until compliance with conditions
- April 24 through August 15
Four (4) outdoor events held
One (1) misdemeanor citation issued by Code Enforcement (August 15)
- September 1
Conditions of approval satisfied to issue building permits; not to commence operations
- September 9
Building permits issued for restroom construction
- September 10
Code Enforcement informed applicant they must obtain final inspection before commencing operations
- September 12 through November 21
Four (4) outdoor events held
Bakersfield Police Department responded due to loud music complaint (November 7)

Exercise of Rights for a Conditional Use Permit

Extension of Time to Commence Operations

Pursuant to Bakersfield Municipal Code Section 17.64.060.F, the exercise of rights granted by a conditional use permit shall commence within two years after the date of the final decision or the conditional use permit becomes null and void. Section 17.64.060.H allows for a property owner to request a one-year extension of the time by written application before the expiration date of the conditional use permit. The application shall provide reasons for extension of the permit.

The applicant is requesting a one-year extension of time to complete compliance with the conditions of approval. Specifically, the applicant notes that financing for the required bathroom was not received until December 23, 2020 and the extension is needed to begin construction.

Termination of Rights

Pursuant to Bakersfield Municipal Code Section 17.64.060.G, a conditional use permit shall terminate, and all rights granted therein shall lapse when either of the following occur:

1. There is a failure to commence the exercise of rights within two years, or within any duly granted extension;
2. There is a discontinuance for a continuous period of one year of the exercise of the rights granted.

Revocation

Pursuant to Bakersfield Municipal Code Section 17.64.060.I, the Planning Commission may revoke a conditional use permit for good cause, including, but not limited to the following:

1. Failure to complete construction as required;
2. Failure to comply with any condition contained in the conditional use permit;
3. The violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which such the conditional use permit was granted.

ENVIRONMENTAL REVIEW AND DETERMINATION:

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

PUBLIC NOTIFICATION:

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

CONCLUSIONS:

Findings Required for a Conditional Use Permit

Pursuant to Bakersfield Municipal Code Section 17.64.060.D, 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.

As indicated above, the Board of Zoning Adjustment concluded the required findings could be met, subject to conditions, and approved the project.

Conditions of a Conditional Use Permit

Pursuant to Bakersfield Municipal Code Section 17.64.060.E, the Board of Zoning Adjustment deemed the conditions listed in Resolution 19-01 as appropriate and necessary to: (a) assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan; and (b) to protect the public health, safety, convenience, and welfare.

Options

Bakersfield Municipal Code Section 17.64.060.H states that the approving body may approve, conditionally approve, or deny a one-year extension of time request. After considering information presented in the record, public comments, and deliberations, your Commission could make a motion on one of the following options, or combination thereof:

Deny Extension of Time Request

Your Commission could deny the extension of time request for specific reasons determined and made known by the Commission. This action would render the conditional use permit null and void. The applicant would then need to reapply for a new conditional use permit. The project would be reviewed by City staff to ensure compliance with current development standards and that all potential impacts are addressed before setting the project for considered by your Commission at a regularly scheduled meeting.

Approve Extension of Time as Requested

Your Commission could approve the requested one-year extension of time subject to conditions of approval listed in Resolution 19-01.

Approve Extension of Time for a Lesser Time

Your Commission may find it appropriate to revisit progress made toward compliance with Resolution 19-01 and approve an extension of time for a period less than one year; such as six months.

Approve Extension of Time with Modified Conditions

Your Commission may find it appropriate to amend conditions of approval by adding, deleting, or modifying conditions listed in Resolution 19-01. This could include addressing ongoing complaints with music, street parking, lighting, and any other changes the Commission may

deem necessary to assure the operation complies with zoning regulations and protects the public health, safety, convenience, and welfare.

Given the history of events occurring on site without complying with the conditions of approval, your Commission should consider reiterating that no events as authorized by the conditional use permit shall occur on site until full compliance is achieved. For example:

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

2. This conditional use permit allows for a florist shop and a banquet hall in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street as depicted on attached Exhibits B and C. No use as authorized by this permit shall be held on site prior to receiving final Building Division approval and final inspection approval by the Planning Division. Any violation of the conditions of approval may result in revocation of the rights granted herein.

Staff Recommendation

Staff recommends that the Planning Commission consider the whole of the record and render a decision regarding a request for a one-year extension of time for Conditional Use Permit No. 18-0408.

ATTACHMENTS:

Draft Resolutions with Exhibits
Board of Zoning Adjustment Staff Report (January 8, 2019)
Board of Zoning Adjustment Memorandum (January 8, 2019)
Board of Zoning Adjustment Resolution 19-01 (January 8, 2019)
Board of Zoning Adjustment Minutes (January 8, 2019)
Public Complaints (March 23, 2019 thru November 21, 2020)
Planning Letter (February 13, 2020)
Planning Letter (March 18, 2020)
Planning Notes (March 17, 2020)

Draft Resolution with Exhibits

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
APPROVING A ONE-YEAR EXTENSION OF TIME (17.64.060.H) FOR A
CONDITIONAL USE PERMIT THAT ALLOWED: (1) FLORIST SHOP; AND
(2) INDOOR/OUTDOOR BANQUET HALL (17.64.020.B) IN THE C-O
(PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE) DISTRICT,
LOCATED AT 2104 AND 2116 18TH STREET. (EOT NO. 18-0408)**

WHEREAS, The Belle Rae filed an application with the City of Bakersfield Development Services Department for a one-year extension of time (17.64.060.H) for a conditional use permit (CUP No. 18-0408) that allowed: (1) a florist shop; and (2) indoor/outdoor banquet hall in the C-O (Professional and Administrative Office Zone) district, located at 2104 and 2116 18th Street (the "Project"); and

WHEREAS, the Secretary of the Planning Commission set Thursday, January 21, 2021, at 5:30 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 Planning Commission 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 written testimony was received 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 Planning Commission; and

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

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

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

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

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 18-0408 as described in this resolution, and as originally conditioned by the Board of Zoning Adjustment, is hereby granted a one-year extension of the time to commence the rights granted, and that such rights will expire on January 8, 2022.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting held on the 21st day of January, 2021, on a motion by Commissioner _____ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 18-0408

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 florist shop and a banquet hall in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street as depicted on attached Exhibits B and C.
3. Prior to commencement of operations as allowed by this conditional use permit, the permit holder shall:
 - a. Obtain a change in use permit from the City of Bakersfield Building Division. This includes providing sufficient facilities to accommodate the maximum number of outdoor guests. Use of privies is not permitted unless approved by the Health Officer and Development Services Director.
 - b. Obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services. A copy of the inspector's fire clearance form shall be submitted to the Planning Director.
4. The banquet hall shall continually comply with the following conditions while in operation:
 - a. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
 - b. No changes shall be made to the character of the premise, or in the use of the premise building, which would create a greater occupancy load, unless such change is approved by the Community Development Director and/or the Fire Chief or their designee.
 - c. Unless permitted as part of these conditions, all noise associated with the operation of any sound equipment must comply with BMC section 9.22 and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.
 - d. Entrances into the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of the lighting shall not disturb the normal privacy and use of the neighbors and are subject to the requirements of BMC section 17.58.060.
 - e. Any graffiti painted or marked upon the premises or any area under the control of the permit holder shall be removed or painted over within 72 hours after discovery.
 - f. Prior to commencement of alcohol sales/service, the permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; including but not limited to necessary permits from the California Department of Alcoholic Beverage Control (ABC).

- g. The permit holder shall comply with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
- h. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Development Services Director or his designee and/or the Fire Chief or his designee.
- i. The number of guests in attendance at the outdoor events shall not exceed 225.
- j. Outdoor events shall be held only on Friday, Saturday, and Sunday, and conclude no later than 10:00 p.m. Set up and tear down shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
- k. Valet parking is required for events that host 100 or more guests.
- l. While the privileges of this permit are being exercised for the outdoor banquet hall, the permit holder shall provide and maintain uniform private security officers on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code). All proprietary security officers shall comply with Business and Professions Code 7574.2 and shall register with the Department of Consumer Affairs. The minimum ratio of officers shall be at least one (1) security person for every 50 guests to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided anytime the privileges of this permit are being exercised, until 30 minutes after closing.
- m. Outdoor event lighting and sound amplifying equipment shall be directed toward the event building.
- n. The indoor and outdoor banquet venues shall not operate concurrently.

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

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

- 1. Show on the final building plan how and where water will be drained from the property.
- 2. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
- 3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.

4. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
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 food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.
6. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
7. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
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.
9. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

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

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

<u>Proposed Use</u>	<u>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Florist	1,630 SF	1/300 SF	5 spaces
Floral	36 Seats	1/4 Seats	9 spaces
Indoor Banquet Hall	46 Seats	1/4 Seats	12 spaces
Outdoor Banquet Hall	225 Seats	1/4 Seats	56 spaces
<u>Transient Credit</u>		<u>10 percent</u>	<u>(6)spaces</u>
Maximum Required Parking: 50 spaces			

(Note: 5 on-site and 52 off-site parking spaces are available. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Because off-site parking to the project is being proposed, the developer shall file with the Planning Division before any building permits are issued, a copy of a recorded lease or other instrument that ensures that the offsite parking and/or legal access proposed for this project is available for its actual lifetime.
3. 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.

4. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
5. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area. Please note that staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.
6. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

(**Note:** 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.)

7. Our records show that the project is contained on more than one parcel. These parcels shall be merged into one parcel because parking must be on the same site as the project (Section 17.58.020.B. of the B.M.C.), building setbacks cannot be met based on the design layout, and/or a parcel line bisects a building. A parcel merger or lot line adjustment application removing or relocating property lines shall be submitted to the Planning Division before building permits can be issued. Recordation of the map shall occur before final building or site occupancy can be granted. If our records are in error and these parcels have been merged, please provide a copy of the parcel map, subdivision map, or certificate of compliance showing the property as one parcel.

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

8. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
9. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

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

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

C. FIRE DEPARTMENT (2101 H Street)

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

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

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

2. The developer must pay required fees to and request an inspection from the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715) for any underground sprinkler feeds at least 2 full business days before they are buried. The Prevention Services Division (2101 H Street, Bakersfield CA, Ph. 661/326-3979) must complete all on-site inspections of fire sprinkler systems and fire alarm systems before any building is occupied.
3. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

D. WATER RESOURCES (1000 Buena Vista Road)

(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

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.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)

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

1. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. Show on the final building plans all existing connection(s) to the public sewer system.
3. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
4. 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.
5. 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).
6. 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.
7. 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.
8. 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.

9. 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.
10. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 92-08- DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
11. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
12. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.
13. The developer shall install a full sized manhole in each sewer line 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.
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.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - Ravi Pudipeddi; 661-326-3997 or RPudipeddi@bakersfieldcity.us)

As proposed, no applicable conditions.

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

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:
 - Cart service -- 1 cubic yard/week or less 1 time per week
 - Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
 - Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 1, 2 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

☐ 6' deep x 8' wide (1 bin)

☐ 8' deep x 15' wide (3 bins)

☒ 1 - 8' deep x 10' wide (2 bins)

☐ 8' deep x 20' wide (4 bins)

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

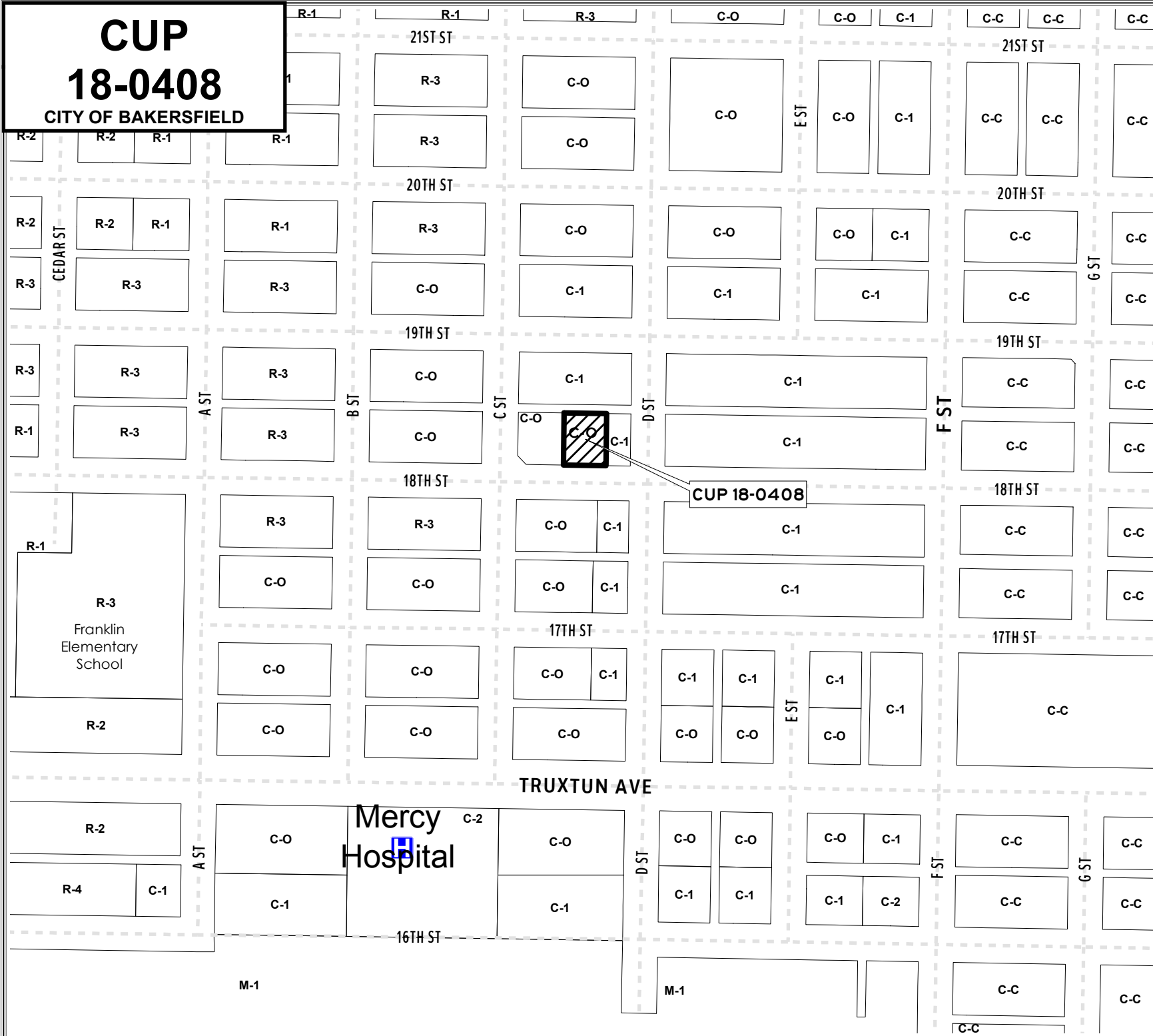
3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B
(Location Map)

CUP

18-0408

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

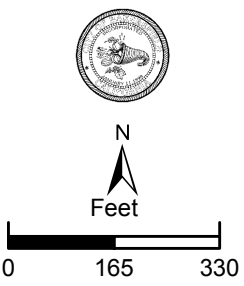
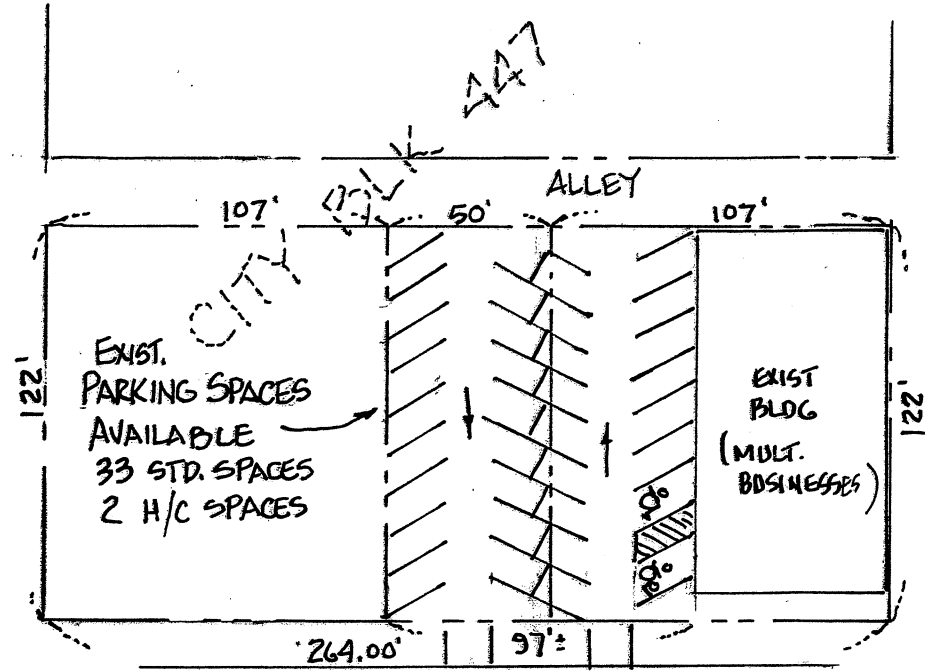


Exhibit C
(Site Development Plan)

CONDITIONAL USE PERMIT N^o _____

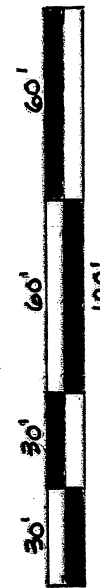


OWNER/ LESSOR : JOHN SARAD

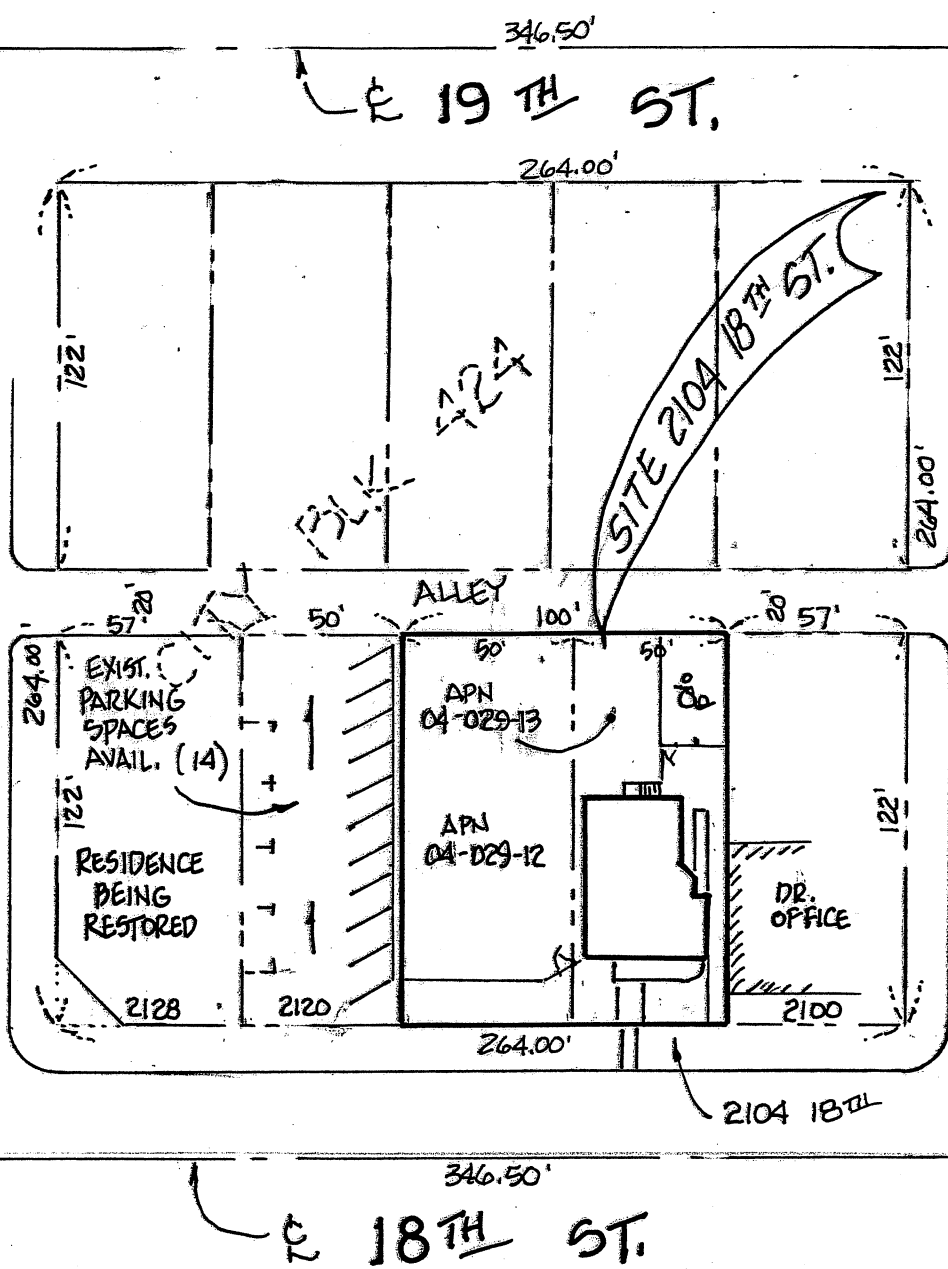
LESSEES : SHANNON HOUGH & MICHELLE MEADOWS
 2104 18TH ST.
 BAKERSFIELD, CA. 93301
 PH(661) 748-1070 (OFF.)
 OR SHANNONS CEL(661) 978-7218
 MICHELLES CEL(201) 953-5431

A.P.N.'S : 004-029-12 & 13
 (LOTS 15, 16, 17 & 18 OF BLOCK 424 OF THE CITY OF BAKERSFIELD)
 ADDRESS : 2104 18TH ST. - BAKERSFIELD

SCALE : 1" = 60'

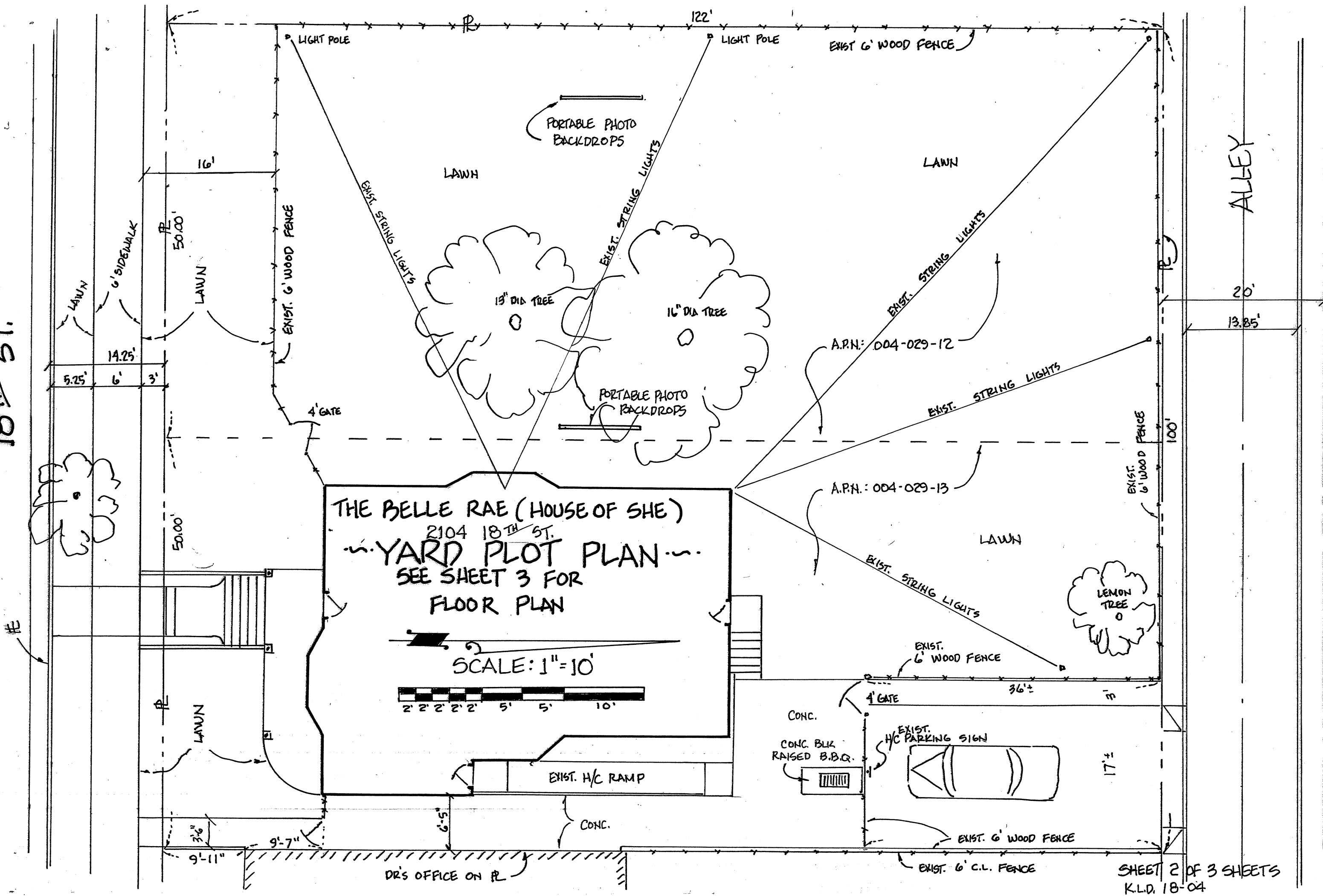


E "C" ST.



E "D" ST.

18TH ST.



Board of Zoning Adjustment Staff Report
(January 8, 2019)



www.Bakersfieldcity.u

PLANNING DEPARTMENT STAFF REPORT

TO: Chair and Members of the Board of Zoning Adjustment

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

APPROVED *KFC*

DATE: January 8, 2019

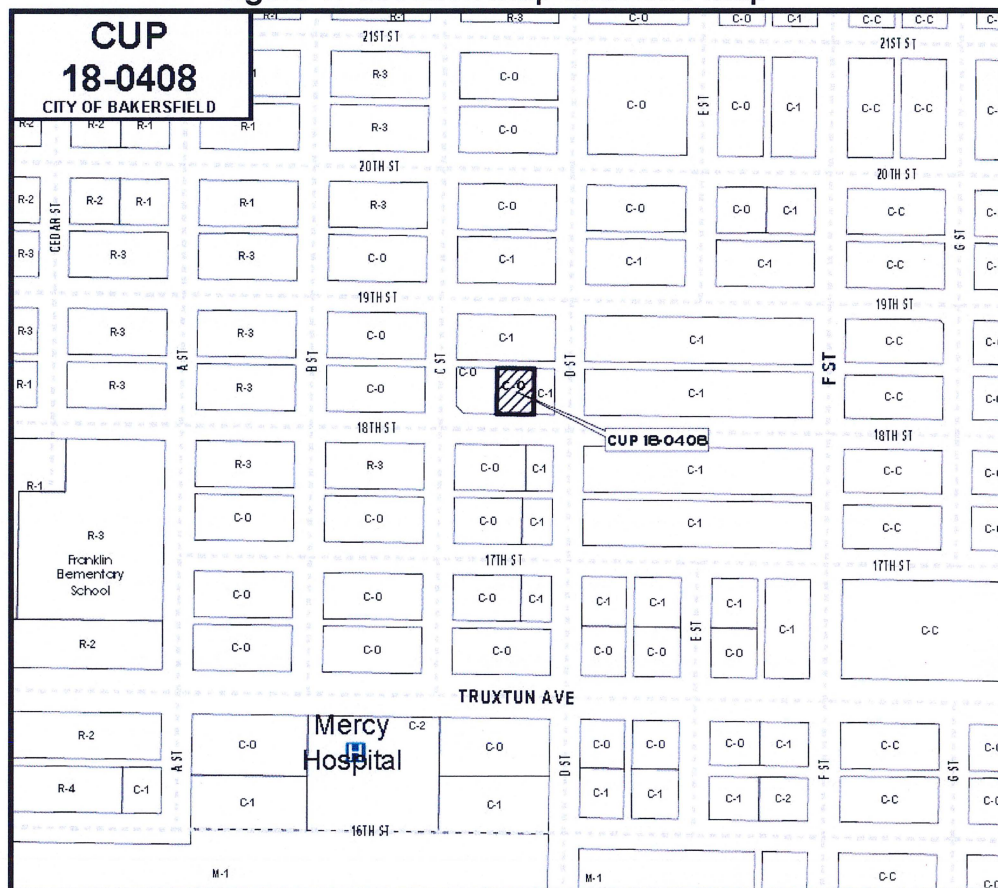
SUBJECT: Conditional Use Permit; File No. 18-0408 (Ward 2)

APPLICANT: The Belle Rae
2104 18th Street
Bakersfield, CA 93301

OWNER: John Sarad
3117 19th Street
Bakersfield, CA 93301

LOCATION: 2104 & 2116 18th Street | APN: 004-290-12 & 13

Figure 1. Location Map and Zone Map



RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 18-0408, as depicted in the project description and subject to the listed conditions of approval.

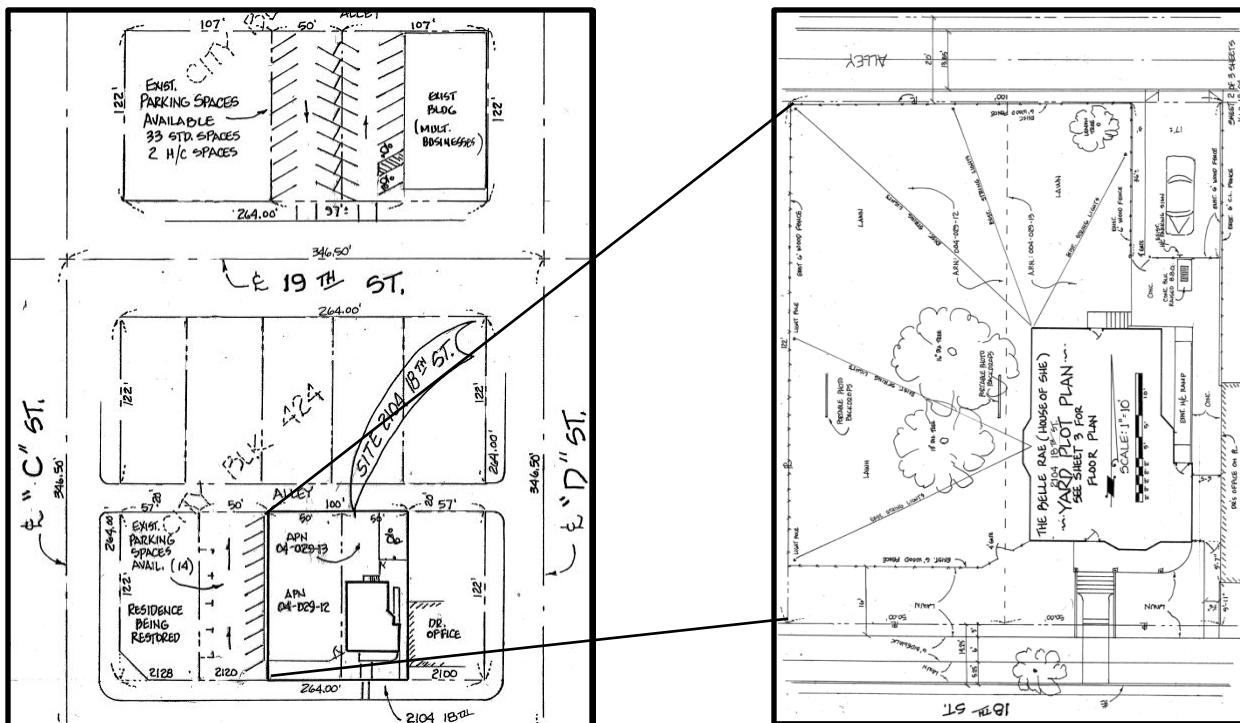
PROJECT SUMMARY:

The project is a request for a conditional use permit to allow: (1) a florist shop; and (2) an outdoor banquet hall in a C-O (Professional and Administrative Office Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Site Plan



The project site is 6,000 square feet on two parcels, half developed with a florist shop and indoor banquet hall, and the other half as an outdoor banquet venue. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	OC	C-O	Florist and Banquet Hall
North	GC	C-1	Medical Office/Single-Family Residence
East	OC	C-1	Medical Offices
South	OC	C-O & C-1	Undeveloped and Medical Offices
West	OC	C-O	Parking Lot
General Plan Key OC: Office Commercial GC: General Commercial		Zone District Key C-O: Professional and Administrative Office C-1: Neighborhood Commercial	

ANALYSIS:

The "Belle Rae House of She" is a 1,630 square foot, four-bedroom residence that has been converted for commercial use. The enclosed porch (108 SF) serves as the flower shop, the living room (243 SF) and front bedroom (155 SF) are used for indoor events, two additional rooms are used for bridal/groom/host party changing areas and photographs (495 SF) and the back bedroom (150 SF) is used for office space. The kitchen (318 SF) is equipped with a refrigerator for fresh keeping of flowers, a large table for preparation, and two large sinks. There are no appliances for cooking and the kitchen is used for prep work and storage only. The remaining square footage is for restroom facilities and storage closets.

The following uses are proposed for the building. See attached operations statement for additional information.

Florist

Florist shops are a permitted use in the C-1 (Neighborhood Commercial Zone) district; however, they require approval of a conditional use permit in the C-O district.

As proposed, the florist shop will operate daily, but most orders are customized for off-site delivery. Therefore, the florist shop will only be open to the public Tuesday through Friday from 10:00 am to 3:00 pm. Floral workshops are held bi-monthly (every other month) from 6:00 pm to 9:00 during a weekday and can accommodate 36 customers.

Banquet Hall, Indoor

The indoor banquet hall events are available to clients Monday through Thursday from 5:00 pm to 9:00 pm and weekends from 11:00 am to 9:00 pm. The maximum capacity is 46 guests for indoor events.

Banquet Hall, Outdoor

Outdoor banquet halls/venues require approval of a conditional use permit in all commercial districts.

As proposed, the outdoor banquet hall events will be available to clients Friday through Sunday from 12:00 pm (noon) to 10:00 pm. The applicant is proposing a maximum 225 guests. Set up may commence 24 hours prior to the event, and tear down will be completed within 24 hours after the event; however, the applicant states that set up and tear down will not occur past 11:00 pm.

Private security will be provided at the ratio of 1 security personnel for every 50 guests. Amplified sound will be part of the events. All noise associated with the operation of any sound equipment must comply with Bakersfield Municipal Code Section 9.22 (Noise) and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.

Parking

As proposed, there is 1 parking space on-site and 4 available spaces on 18th Street along the project's frontage, for a total of 5 available parking spaces. The property owner stated he is in the process of acquiring the parking lot adjacent to the west of the project site for an additional 10 spaces. Additionally, the applicant stated they have secured use of a 32-space surface parking lot located 200 feet to the north at 2100 and 2116 19th Street, and an additional 10 spaces at a doctor's office on 18th and D Street.

Based on the foregoing, there are 57 available parking spaces. Should your Board approve this request, a condition of approval is recommended that requires the applicant to file with the Planning Division a copy of a recorded lease or other instrument that ensures that the offsite parking proposed for this project is available for its actual lifetime. Additionally, use of offsite the parking lots shall not conflict with the hours of operation of any commercial business the parking lot is intended to serve. Staff notes the 32-space parking lot is currently used for a chiropractor office, salon, and mobile photographer studio (2116 19th Street).

Florist Shop - Parking requirements for general retail and commercial are calculated at 1 space per 300 square feet of gross floor area. The 1,630 square foot building requires 5 spaces. As proposed, there is sufficient parking for the florist shop without the need for offsite parking.

Floral Workshop and Indoor Banquet Hall - Parking requirements for lodges, halls, and banquet rooms are calculated at 1 space per 4 seats in accordance with applicable fire code occupancy standards. Based on the floral workshop hosting 36 customers, 9 parking spaces are required. Based on the banquet hall hosting 46 customers, 12 parking spaces are required. Therefore, as stated above, sufficient parking exists for both uses with securing offsite parking.

Outdoor Banquet Hall/Venue - Based on a maximum 225 guests, 56 parking spaces are required. Pursuant to Bakersfield Municipal Code Section 17.58.055, required parking may be reduced by 10 percent if there exists a qualified transit facility within 1,000 feet of the front or main customer door of the building that is linked with an improved and paved pedestrian way. Staff notes a transit facility is located at Mercy Hospital Downtown, 800 feet to the south. As such, parking can be reduced 6 for a total of 50 spaces. Therefore, as stated above, sufficient parking exists for the outdoor banquet hall/venue with securing offsite parking. It should be noted that the applicant stated that any event exceeding 100 guests will be required to utilize valet parking to efficiently balance traffic flows and reduce noise to neighbors.

ENVIRONMENTAL REVIEW AND DETERMINATION:

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

PUBLIC NOTIFICATION:

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

In response, Staff received correspondence from Dr. Gary Zerlin, owner of the medical office on the south side of 18th Street. Dr. Zerlin's comments are summarized below, followed by a Staff response:

- (1) The outdoor banquet venue will generate noise.

Staff anticipates an increase in noise during outdoor events held on the site. However, the outdoor events will take place after normal business hours for the surrounding medical and commercial uses. Nonetheless, all proposed commercial uses shall be designed or arranged so that they will not subject residential or other noise sensitive land uses to exterior noise levels in excess of 65 dB CNEL and interior noise levels in excess of 45 dB CNEL, and that impacts on noise sensitive uses shall not exceed the performance standards in Table VII-2 of the Metropolitan Bakersfield General Plan, Noise Element (see Table VII-2).

TABLE VII-2

NOISE LEVEL PERFORMANCE STANDARDS*
Exterior Noise Level Standards

Category	Cumulative Number of minutes in any one-hour time period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
1	30	55	50
2	15	60	55
3	5	65	60
4	1	70	65
5	0	75	70

* Each of the noise level standards specified in this table shall be reduced by five (5) dB(A) for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use.

- (2) The outdoor banquet venue will increase the number of cars parked on the street, and on-street parking spaces are limited. Additionally, the additional traffic may potentially endanger patients walking from their vehicles to the medical office.

Staff acknowledges that on-site parking and project frontage parking is limited. Although events will be scheduled after normal business hours, the applicant is proposing to lease a parking lot located one block north on 19th Street. Given notice of when events will be held, patients and customers of surrounding medical and business operations should not experience a significant increase in traffic flow or parking conflicts.

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 florist shop would provide a new business near the downtown area where work and live; (2) the banquet hall would provide a public convenience for an event space to gather for graduations, weddings and other celebrations; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 18-0408, as depicted in the project description and subject to the listed conditions of approval.

ATTACHMENTS:

Draft Resolution with Exhibits
Public Comments
Operations Statement

Draft Resolution

RESOLUTION NO. 18-_____

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT
APPROVING A CONDITIONAL USE PERMIT TO ALLOW: (1) FLORIST SHOP;
AND (2) OUTDOOR BANQUET HALL (17.64.020.B) IN A C-O
(PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE) DISTRICT,
LOCATED AT 2104 AND 2116 18 STREET. (CUP NO. 18-0408)**

WHEREAS, The Belle Rae filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow: (1) florist shop; and (2) outdoor banquet hall (17.64.020.B) in a C-O (Professional and Administrative Office Zone) district, located at 2104 and 2116 18th Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, January 8, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

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

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

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

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

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 18-0408 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 January 8, 2019, on a motion by Member _____ by the following vote:

AYES:
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED

STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 18-0408

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 florist shop and a banquet hall in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street as depicted on attached Exhibits B and C.
3. Prior to commencement of operations as allowed by this conditional use permit, the permit holder shall:
 - a. Obtain a change in use permit from the City of Bakersfield Building Division. This includes providing sufficient facilities to accommodate the maximum number of outdoor guests. Use of privies is not permitted unless approved by the Health Officer and Development Services Director.
 - b. Obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services. A copy of the inspector's fire clearance form shall be submitted to the Planning Director.
4. The banquet hall shall continually comply with the following conditions while in operation:
 - a. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
 - b. No changes shall be made to the character of the premise, or in the use of the premise building, which would create a greater occupancy load, unless such change is approved by the Community Development Director and/or the Fire Chief or their designee.
 - c. Unless permitted as part of these conditions, all noise associated with the operation of any sound equipment must comply with BMC section 9.22 and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.
 - d. Entrances into the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of the lighting shall not disturb the normal privacy and use of the neighbors and are subject to the requirements of BMC section 17.58.060.
 - e. Any graffiti painted or marked upon the premises or any area under the control of the permit holder shall be removed or painted over within 72 hours after discovery.
 - f. Prior to commencement of alcohol sales/service, the permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; including but not limited to necessary permits from the California Department of Alcoholic Beverage Control (ABC).

- g. The permit holder shall comply with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
- h. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Development Services Director or his designee and/or the Fire Chief or his designee.
- i. The number of guests in attendance at the outdoor events shall not exceed 225.
- j. Outdoor events shall conclude no later than 10:00 p.m.
- k. Valet parking is required for events that host 100 or more guests.
- l. While the privileges of this permit are being exercised for the outdoor banquet hall, the permit holder shall provide and maintain uniform private security officers on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code). All proprietary security officers shall comply with Business and Professions Code 7574.2 and shall register with the Department of Consumer Affairs. The minimum ratio of officers shall be at least one (1) security person for every 50 guests to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided anytime the privileges of this permit are being exercised, until 30 minutes after closing.

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

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

- 1. Show on the final building plan how and where water will be drained from the property.
- 2. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
- 3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.
- 4. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
- 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 food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.

- 6. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
- 7. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
- 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.
- 9. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

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

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

<u>Proposed Use</u>	<u>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Florist	1,630 SF	1/300 SF	5 spaces
Floral	36 Seats	1/4 Seats	9 spaces
Indoor Banquet Hall	46 Seats	1/4 Seats	12 spaces
Outdoor Banquet Hall	225 Seats	1/4 Seats	56 spaces
<u>Transient Credit</u>		<u>10 percent</u>	<u>(6)spaces</u>
Maximum Required Parking: 50 spaces			

(Note: 5 on-site and 52 off-site parking spaces are available. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

- 2. Because off-site parking to the project is being proposed, the developer shall file with the Planning Division before any building permits are issued, a copy of a recorded lease or other instrument that ensures that the offsite parking and/or legal access proposed for this project is available for its actual lifetime.
- 3. 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.
- 4. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
- 5. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or

control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area. Please note that staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.

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

(**Note:** 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.)

7. Our records show that the project is contained on more than one parcel. These parcels shall be merged into one parcel because parking must be on the same site as the project (Section 17.58.020.B. of the B.M.C.), building setbacks cannot be met based on the design layout, and/or a parcel line bisects a building. A parcel merger or lot line adjustment application removing or relocating property lines shall be submitted to the Planning Division before building permits can be issued. Recordation of the map shall occur before final building or site occupancy can be granted. If our records are in error and these parcels have been merged, please provide a copy of the parcel map, subdivision map, or certificate of compliance showing the property as one parcel.

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

8. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
9. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

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

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

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

C. FIRE DEPARTMENT (2101 H Street)

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

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

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

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

D. WATER RESOURCES (1000 Buena Vista Road)

(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

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.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)

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

1. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. Show on the final building plans all existing connection(s) to the public sewer system.
3. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
4. 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.
5. 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).
6. 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.
7. 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.
8. 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.
9. 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.

10. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 92-08- DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
11. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
12. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.
13. The developer shall install a full sized manhole in each sewer line 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.
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.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - Ravi Pudipeddi; 661-326-3997 or RPudipeddi@bakersfieldcity.us)

As proposed, no applicable conditions.

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

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:
 - Cart service -- 1 cubic yard/week or less 1 time per week
 - Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
 - Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 1, 2 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

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

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

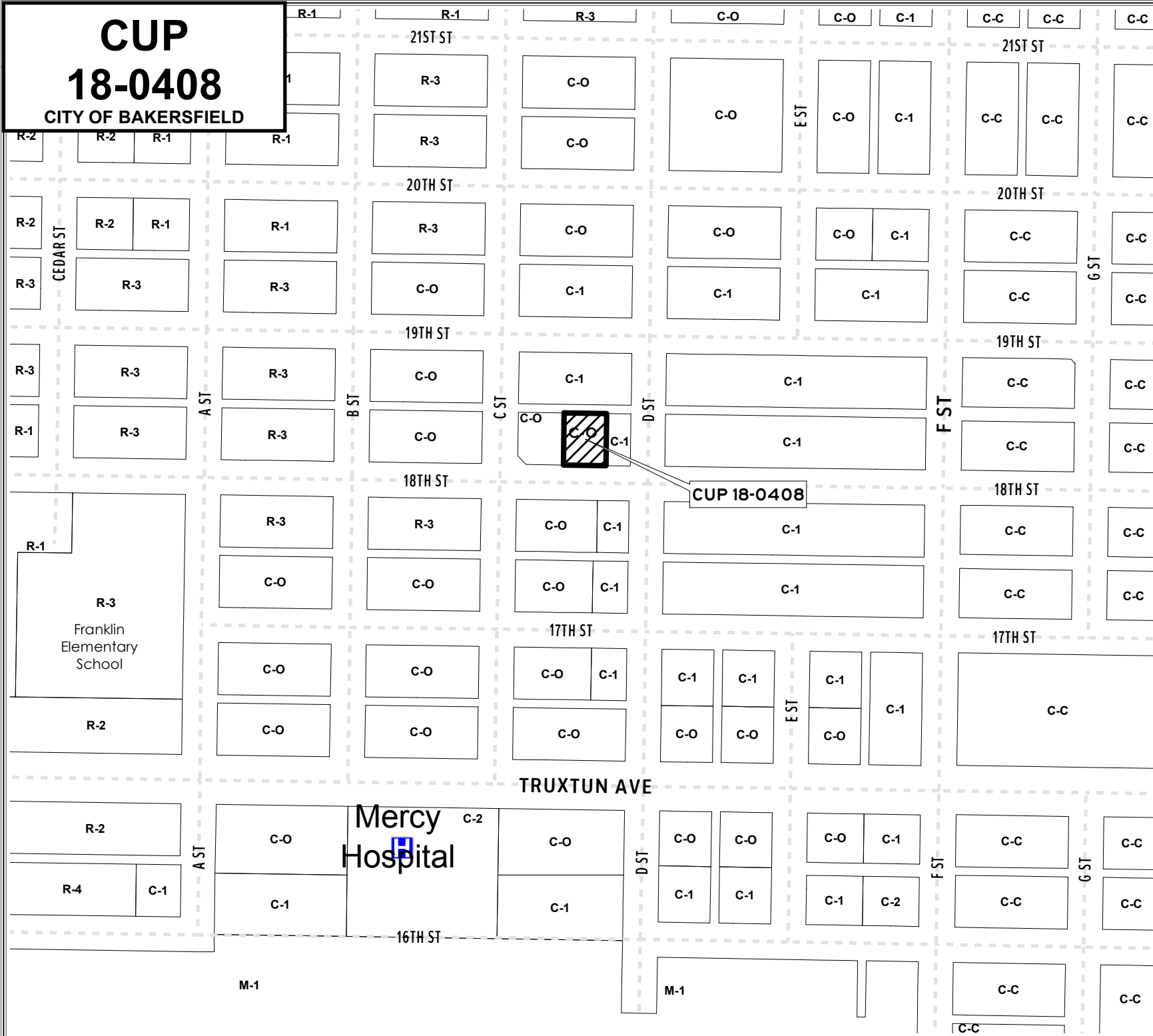
3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B
(Location Map)

CUP

18-0408

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

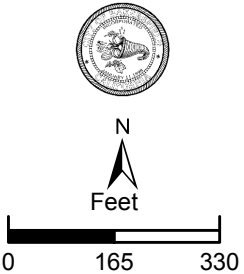
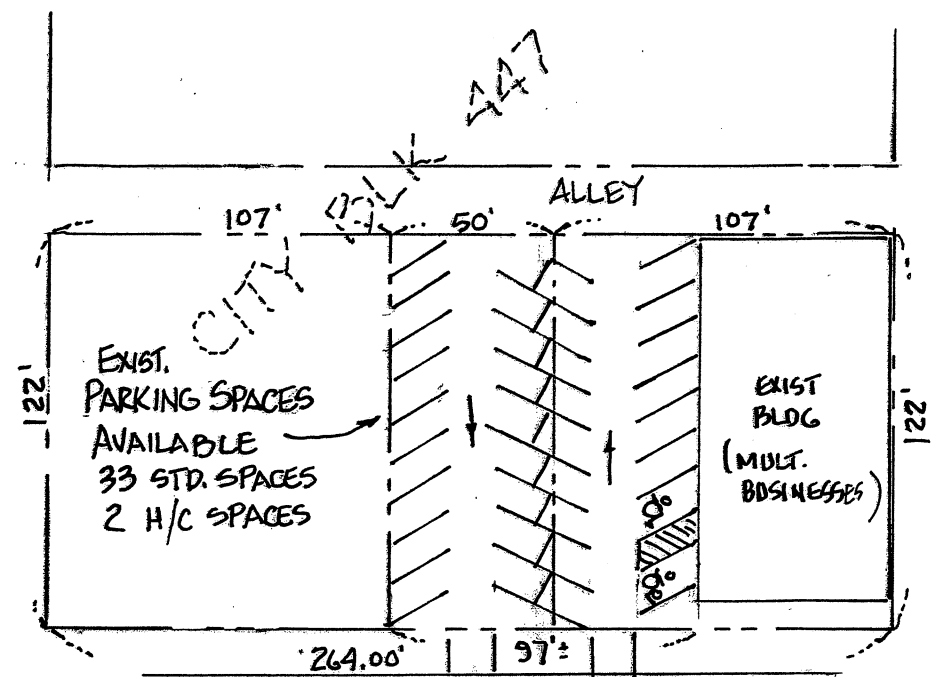


Exhibit C
(Site Development Plan)

CONDITIONAL USE PERMIT N^o _____

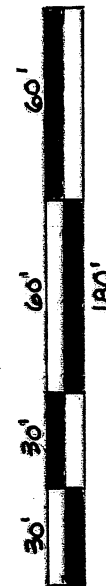


OWNER/ LESSOR : JOHN SARAD

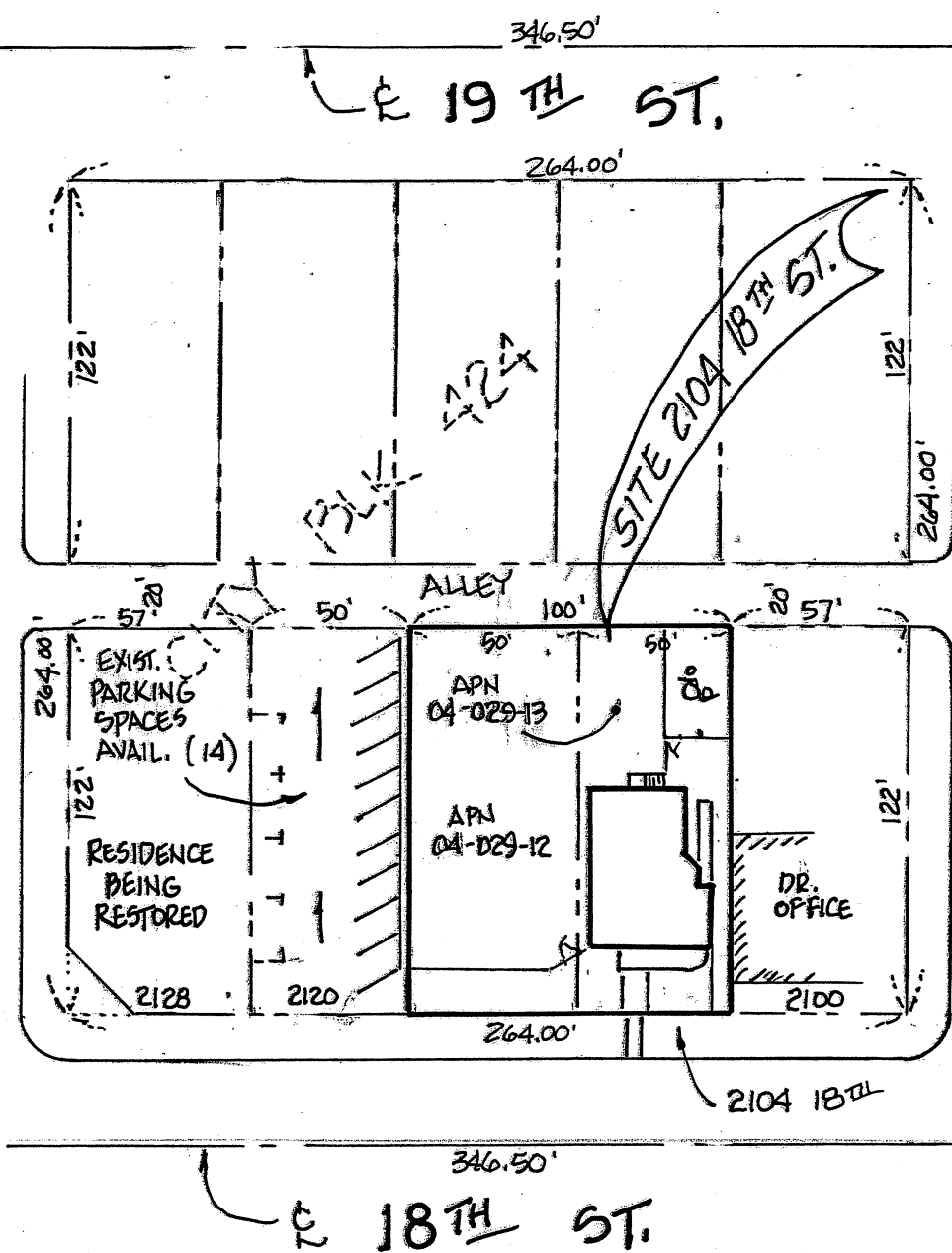
LESSEES : SHANNON HOUGH & MICHELLE MEADOWS
 2104 18TH ST.
 BAKERSFIELD, CA. 93301
 PH(661) 748-1070 (OFF.)
 OR SHANNONS CEL(661) 978-7218
 MICHELLES CEL(201) 953-5431

A.P.N.'S : 004-029-12 & 13
 (LOTS 15, 16, 17 & 18 OF BLOCK 424 OF THE CITY OF BAKERSFIELD)
 ADDRESS : 2104 18TH ST. - BAKERSFIELD

SCALE : 1" = 60'

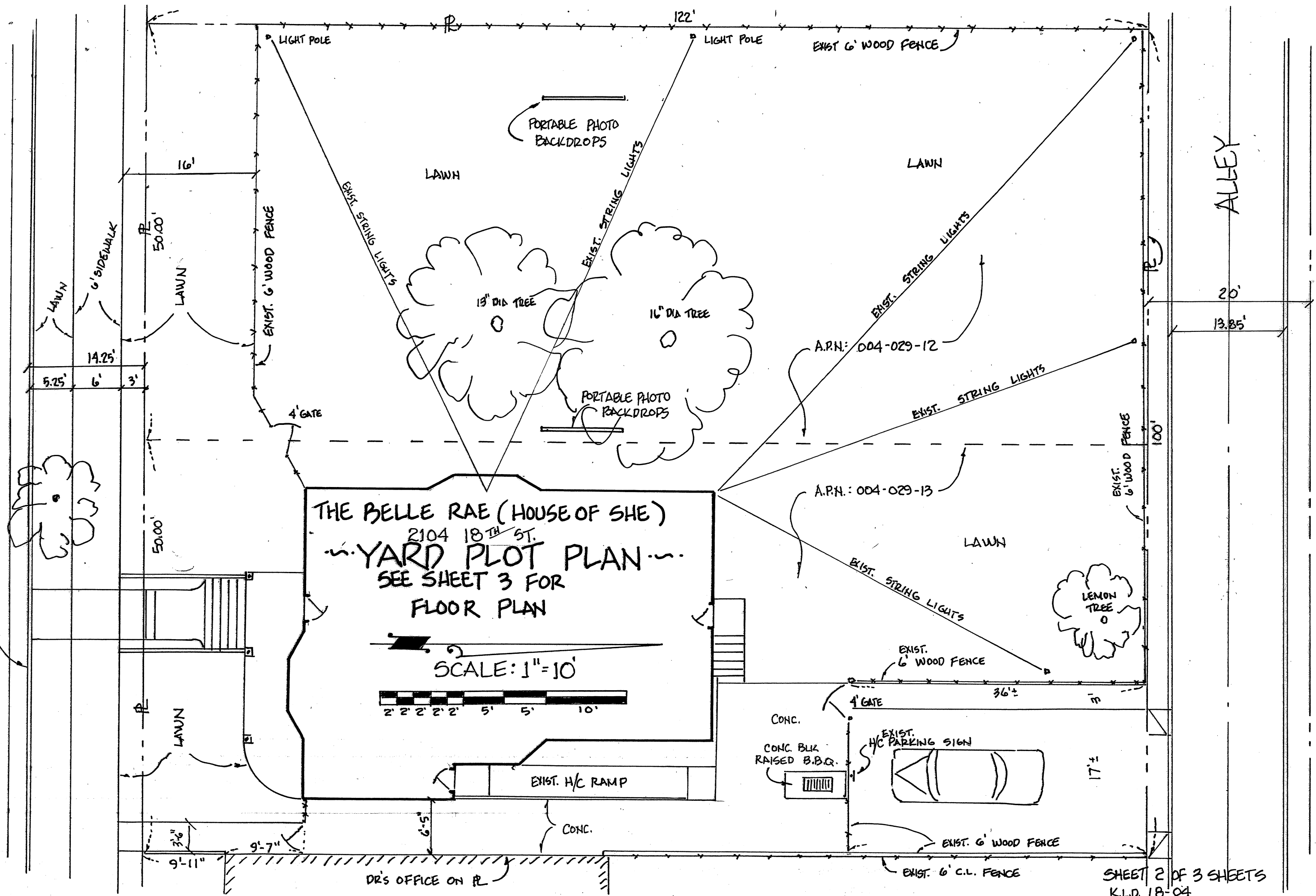


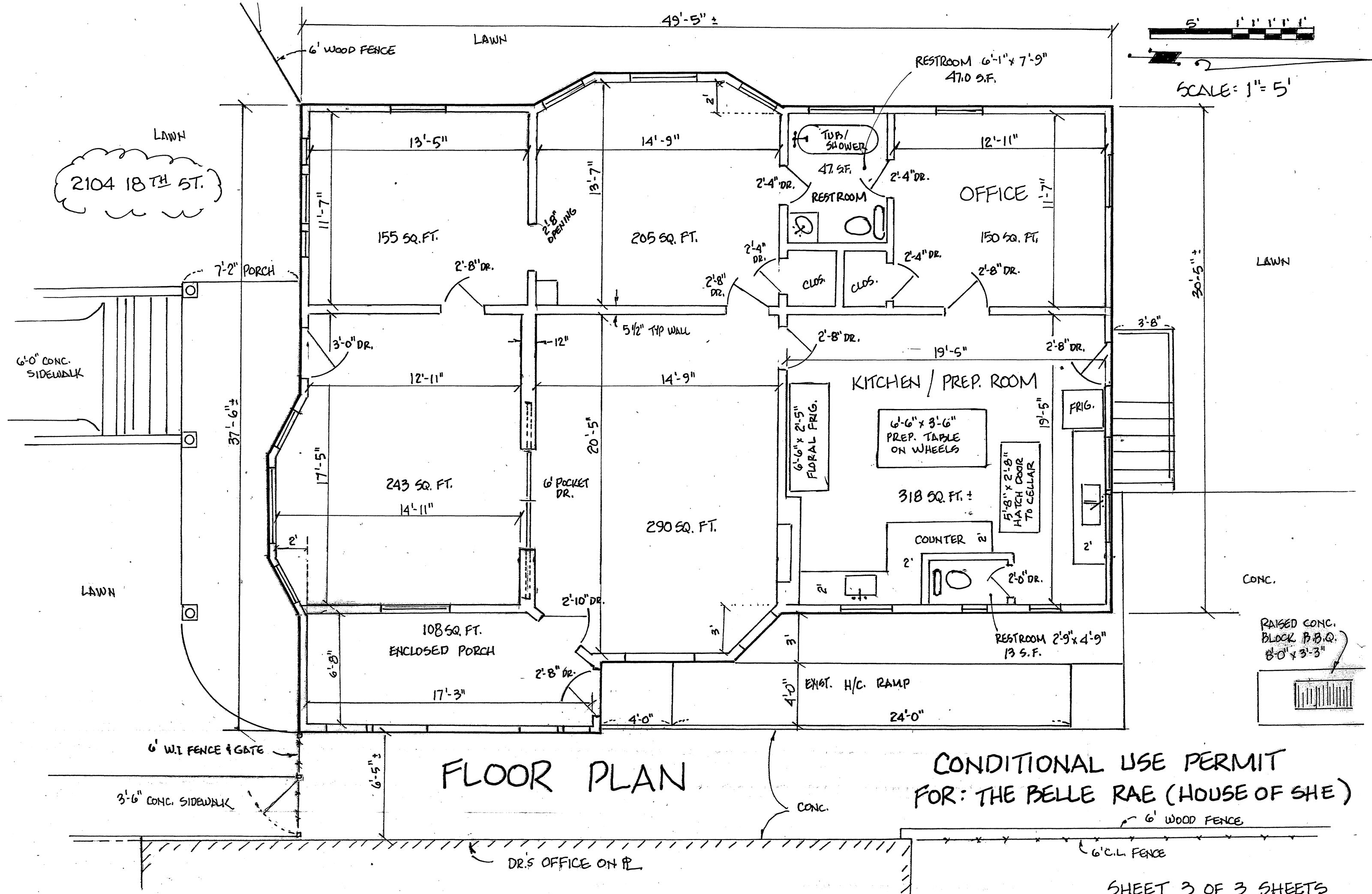
E "C" ST.



E "D" ST.

18TH ST.





Public Comments Received

-----Original Message-----

From: Garyzerlin <garykeithz@gmail.com>

Sent: Saturday, December 22, 2018 12:03

PM To: DEVPln

<DEVPln@bakersfieldcity.us> Subject: Re:

CUP 18-0408. 2104 18th Street

I own the medical office directly across the street from the desired project. My concern with the outdoor banquet hall is the noise that may be generated and the cars that will probably be parked on the street. Our medical office doesn't have off street parking and requires our patients to use on street parking. Parking spaces are a premium along 18th Street. There are a lot of families with children who use the parking along 18th Street and additional traffic and cars being parked there may endanger my patients. Thank you for your consideration.

Gary Zerlin, MD

Sent from my iPhone

Operations Statement



The Belle Rae
2104 18th Street
Bakersfield CA 93301

Our Mission at The Belle Rae House of SHE is to strengthen and enhance Downtown Bakersfield's reputation by providing a unique atmosphere where the community will be able to fulfill daily floral needs, attend floral workshops, host an intimate inside event or even a larger outside event. Below you will find the parameters we wish to work within each of these divisions as well as the steps we have taken and will take in order to ensure our business is compatible with the surrounding areas.

Daily Floral Shop

- Open Tuesday through Friday 10 am to 3 pm
- This business utilizes 3 rooms in our building totaling approximately 1100 square feet. Utilized is one small commercial refrigerator and prep kitchen as well as one small flower room.
- This division of the business sees on average 5-10 customer daily within the 5 hours of daily operations and we utilize 1 employee to run this division daily

Workshops-

- Floral workshops are held approximately 1 time in a 30-60 day period
- Floral workshops are held at 6pm – 9 pm
- Set up initiates 1 hour before workshop and exits as well as clean up are concluded by 9:30 pm
- Workshops accommodate a maximum of 36 guests and 2 employees and they are not to exceed a total of 38-40 people during this time frame
- These are held inside only and there is no live entertainment during these workshops

Inside Events –

- These Events are offered to our clients Monday through Friday from 5-9 pm and 11-9 pm on weekends
- Guests count cannot exceed 46
- These are too held inside with no live entertainment
- Set up is approximately 2 hours before contracted event start time and exit as well as clean up are concluded by 10 pm
- Parking at 2100 19th Street is communicated to the guests

Outside Events –

- These Events are offered Friday through Sunday from noon to 10 pm
- Guest count cannot exceed 225
- To accommodate this guest count the following parking is utilized totaling
 - 32 spaces at 2100 19th Street x4 = 128
 - 10 spaces on 18th and D (Dr. Armstrongs Office) x 4 = 40
 - Credit for 4 spaces in front of our business x 4 = 16
 - Credit for 4 spaces in rear of our business x 4 = 16
 - Public bus credit of 10% or 20 guests = 25
- Set up for these events will start 24 hours prior to events and will include any set up of canopies, tables, chairs, dance floors etc. These rentals items will be taken down no more than 24 hours after end of the event.
- Lighting will all be aimed and contained within the property of the The Belle Rae and will be stated in contracts with lighting companies and DJ's

- The Belle Rae has contracted with Freestyle as well as Donald Glenn when DJ services are needed the clients will be required to use only these companies. Within our contracts we will state and require that speakers shall be aimed towards the venue and volume will not exceed 40 decibels at lease line and all amplified music will be mandated off by 10pm.
- Exit of guests and cleanup will be concluded by 11 pm
- All events that exceed 100 guests will be required to utilize our preferred valet Alpha & Omega which will Valet cars to our secured parking area thus allowing us to double the amount of cars parked at 2100 19th Street
- Outside event will require the presence of 1 security guard per 50 people to be noted in each client's contract and mandatory to be hired from start of event until last guest leaves
- Outside events that include live music will be contracted only through Donald Glenn and/or Freestyle with the knowledge that the volume will not exceed 40 decibels at lease line and all amplified music shall be terminated by 10pm.
- All Event contract will include an attendant that will walk the outside perimeters up to and include the parking lot mentioned above and remove any trash or debris within 1 hours of event end time

Additional Notes

- Inside Events held are approximately 4 per month not exceeding 48 per year
- Outside Events held are approximately 5 per month not exceed 60 per year


Thanks

Shannon Hough and Michelle Meadows

Michelle Meadows 9/10/18
Shannon M Hough 9/10/18

Board of Zoning Adjustment Memorandum
(January 8, 2019)

MEMORANDUM

DATE: January 8, 2019
TO: Chair and Members of the Board of Zoning Adjustment
FROM: Kevin F. Coyle, AICP CEP, Planning Director 
SUBJECT: Agenda Item 4.a (CUP No. 18-0408)

Subsequent to distribution of the staff report prepared for today's meeting, additional comments were received from area property owners, John and Sharon Decker. The letter provides documentation on six outdoor banquet events dating back to October 5, 2018.

The concerns are summarized below, followed by a Staff response:

- 1) *Comment.* 18th Street, C Street, and D Street were completely packed with vehicles and no parking spots available.

Response. As stated in the staff report, sufficient parking exists for the outdoor banquet hall/venue through securing offsite parking. Additionally, the applicant stated that any event exceeding 100 guests will be required to utilize valet parking to efficiently balance traffic flows and reduce noise to neighbors.

Because off-site parking is being proposed, Staff is recommending Condition III.B.2 requiring the developer to file with the Planning Division before any building permits are issued, a copy of a recorded lease or other instrument that ensures that the offsite parking and/or legal access proposed for this project is available for its actual lifetime. Staff is also recommending Condition II.4.k that requires valet parking for events that host 100 or more guests.

- 2) *Comment.* There are overhead lights and flashing colored lights that play off the side of the neighboring home.

Response. The City regulates lighting of parking lots, and areas in northeast Bakersfield. Nonetheless, the applicant stated in their Operations Statement that lighting will be aimed and contained within the property of The Belle Rae.

Staff is recommending the addition of Condition II.4.m as shown below:

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

4. The banquet hall shall continually comply with the following conditions while in operation:

m. Outdoor event lighting will all be aimed toward the event property.

- 3) *Comment.* Canned music blares from speakers directed at the neighboring home.

Response. While recognizing that the use of sound-amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, City Council established Bakersfield Municipal Code Chapter 9.22 (Noise) to reasonably regulate the use of sound-amplifying equipment in order to protect the constitutional rights of the citizens of the community to privacy and freedom from public nuisance of loud and unnecessary amplified sound. Section 9.22.120.B states that sound equipment operating from a fixed location on private premises included in a commercial zone may be operated between the hours of 9am and 10pm of any day. Additionally, the volume of sound shall be controlled so that it will not be audible for a distance in excess of 150 feet from the exterior boundaries of the premises upon which such sound equipment is located, and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance.

Staff is recommending Condition II.4.c requiring the banquet hall to comply with Chapter 9.22, and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.

- 4) *Comment.* The music was still going strong until about 10:30 p.m.; extremely noisy cleaning up continued until after 11:30 p.m.

Response. The applicant stated that outdoor events conclude no later than 10:00 p.m., and set up and tear down will not occur past 11:00 p.m.

Staff is recommending revisions to Condition II.4.j as shown below:

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

4. The banquet hall shall continually comply with the following conditions while in operation:

- j. Outdoor events shall conclude no later than 10:00 p.m. Set up and tear down will not occur between the hours of 11:00 p.m. and 7:00 a.m.

- 5) *Comment.* They do not have the necessary bathrooms and use port-a-potties.

Response. Pursuant to Bakersfield Municipal Code Section 14.24.030, the health officer may issue permits for the construction or placing of privies within the city for temporary use by construction workers, carnivals, circuses, public gatherings and under such other circumstances where in the sound judgment of the health officer it is deemed to be for the best interests of public health and sanitation to issue such permits; permit shall expire thirty days from the date of issuance.

Staff is recommending Condition II.3.a that does not permit the use of privies unless approved by the Health Officer and the Development Services Director.

6) *Comment.* Is the building permitted for commercial use?

Response. A review of City records identified the building was used for residential use in 1990. Staff did not locate a change of use permit to allow for commercial use.

Staff is recommending Condition II.3.a and II.3.b that prior to commencement of operations as allowed by this conditional use permit, the permit holder shall (a) obtain a change in use permit from the City of Bakersfield Building Division, this includes providing sufficient restroom facilities to accommodate the maximum number of outdoor guests; and (b) obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services.

Revised Motion: Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 18-0408 as depicted in the project description and subject to the listed conditions of approval incorporating the Planning Director's memorandum dated November 11, 2018.

From: Sharon Decker <sgdeckerbak@att.net>

Sent: Monday, January 7, 2019 2:22 PM

To: DEVPln <DEVPln@bakersfieldcity.us>

Subject: 2104 and 2116 18th Street

Mr. Coyle,

We were told by the fellow in Code Enforcement that you were handling the problem with the "business" at 2104 18th Street. We have complained constantly about the noise from their outside parties. So we decided to start documenting.

On Friday, October 5, 2018, the party was bearable but loud until dusk when the live music (canned music also was used) began blaring from speakers (with a very large amp) directed at our home and vibrated our whole house. They also had flashing red, purple and white lights bouncing off their walls and lighting up all the windows on that side of the house. All parking was full on 18th Street-both sides-and wrapped around C & D Streets. All parking was used. The music lasted until 10 p.m. then I left. I don't know how much longer the party and cleaning lasted.

On Saturday, October 6, 2018, I arrived about 5 p.m. and they had all ready been setting up for awhile. The canned music started at 5:30 p.m. Again it started out loud but bearable. Soon as the wedding was over, the noise level went way up and not bearable at all. So I had to leave. I returned about 10 p.m. and the music was still going strong until about 10:30 p.m. Then they started cleaning up but they were extremely noisy: yelling, screaming and carrying on. They were still loudly cleaning up when I left at 11:30 p.m. The people doing the clean up and making all the noise were the owners' of the "business" and their helpers. They also made rude comments and pointed at me about how they had gotten me really mad and gotten over on me. As if that was a plus.

On Friday, October 19, 2018, they started setting up and finished on Saturday at about 1p.m. The music started around 5 p.m.: a continuous thump, thump, etc. of extremely loud music that could be heard at least two blocks away. Then the DJ decides to scream into his microphone along with the noise. He repeatedly asked the crowd to make some noise. This, of course, was with the speakers trained on our house as usual. Then the DJ turned up the noise some more and asked the crowd to yell as loud as they could. Later, the DJ made a statement that because of me they had to shut it down at 10:15 p.m. and he started packing up. The screaming and yelling finally ended at 11:10 p.m. They had parked a truck and trailer in the middle of the alley around 4 p.m. and didn't move them until the party was cleared up at 11:00 p.m. They also parked 5 cars across from us on "C" Street on a 45 ° angle from the curb into the oncoming traffic which diverted those into the other lane; this was, of course, directly across from entry gate to my property where I park. I estimate the crowd at 130 to 140 people. We only had two bottles thrown and broken on our house after I left at 11:15 p.m. They had what looked like a full bar and so a lot of well-lubricated drivers were released on the public. One fellow was so

soused that he had to be forced by two others from continuing to pee against their fence. The parked cars took both sides of 18th Street between “C” and “D” Streets and at least halfway up each of the 4 blocks at “C” and “D” Streets.

The next group was about 20-30 people. Set up was Friday, October 26, 2018, and they cleaned up Saturday at about 2:30 p.m. I didn’t get there until about 2:20 p.m.

Wedding, November 17, 2018, they had a group of 30-40 people. They came, held their ceremony, had a party and then left. No loud noise, no problems.

November 24, 2018, party: the set up was on Friday night and Saturday morning. People started to arrive around 3:30 p.m.; music and sound check around 4:00 p.m. I went out to eat around 5:30 p.m. and the music was tolerable. When I got back at 7:00 p.m., the noise now had been turned way up—the two-blocks, house-shaking variety. As before, they had a bar set up, and by this time the place is really rocking with the music and alcohol. The DJ spots me back on my porch and starts screaming “Fuck, fuck” over and over on his microphone, and, of course, pointing at me. Twenty minutes later another string of profanity with the help of his drunken hoard. The whole area, 18th Street as well as “C” and “D” Streets were completely packed with no spots left. This time we only received some trash thrown over the fence and only one large glass beverage container broken on our handicap access on the “C” Street side.

The next day (November 25th) I was in my backyard and overheard the sister of the florist laughingly tell her friend how they had gotten me really mad. What they had done was to cut the nut grass in front of my house. Yes, I was angry, as I had let it grow so I could poison it and had all ready mixed up the poison (\$30 for a packet to make one gallon). Then I noticed they had trimmed the nut grass on the dirt but had cut it all the way down in the gutter. So, although most of it in the dirt is dead, those in the gutter are growing back. This, of course, catches any debris and causes a problem where the gutter goes under “C” Street.

When these people first opened, they had their lawn people come over onto our property and mow a strip through a large area of grass in the same dirt area between the sidewalk and the gutter. I got upset and went over to find out why. They called the police and wanted me to be arrested for making terrorist threats. I waited for the police (2½ hours). They went in and listed to their recording. When the police came out, they asked me what happened. I showed them, they said forget about it and could they look at my house. I gave them the tour. They thanked me, and left. These people, though, continued to disavow any involvement and said it must have been done by someone else. But at the last event when they were setting up Saturday, as the people arrived, the husband of one of the women who run the place came over and yelled through our fence that they were, in deed, responsible for the reverse Mohawk. So I asked, “No apology?”; he just turned around and walked off. Back when they called the police on me, one of the owners of the business told me that every one in the neighborhood hated me. Who knows? Could be true. I’ve never gone around and asked, but then I doubt if she has either.

On the parties at night they have the overhead lights and flashing colored light that play off the side of our building. They don't have the necessary bathrooms and use port-a-potties. They use the kitchen for prep, but is it permitted for commercial use? They don't have a handicap bathroom. Was a permit taken out to install the overhead lighting over the side yard (which is over the heads of all the guests)? There's no tempered glass in the front door.

When we finish, we plan to turn our future home into a Bed and Breakfast. This business next door will make that impossible as we would be unable to rent on the week ends because of the noise. I wouldn't want to be in a position where we would have to find our visitors a new place and give them their money back. So that would mean we couldn't live there as well. We would have to rent to lawyers or someone else who would be willing to sue for the loss of business. This would mean a continuous war as the fellow who owns the building next door wants our property. He has already forced us to move out after we had just moved in (1 day). An inspector from Property Conservation and a building inspector from another area--not ours—put an Earthquake Condemnation on us because of a separation of the brick porch from the building. This problem had been exactly the same in 1959 when I first saw the building. The reason the inspectors gave for coming there in the first place was that I was extending the existing A.C. system without a permit. In a way, it was true, I was extending the existing A.C. system, and right next to the yellow sticker was posted on the inside for all to see a permit to completely remove the old and replace with two new split systems. When I brought this with **proof**, they did not fine us but wouldn't remove the Earthquake Condemnation. At this time, they told me that I couldn't work at night (I had an seven day, all day job) or live in it until the work was done. If I did, they would put me in jail. I received the same lecture three more times from different City officials. It turns out that my neighbor who now owns all but ours and the other corner on the block had a second trust deed and would have owned it if we hadn't bought it before it went into foreclosure. He had repeatedly tried to buy it from us. The last time, he drove up on the sidewalk and demanded that "I sell him that fucking house" his words not mine. I was very nice and without being vulgar told him it was mine and I wouldn't sell it to anyone. It wasn't long after that that we received the Condemnation notice (that has since been taken care of and cleared).

Now, I see this as his new gambit to get rid of us. And, who knows, we might just sell everything here and move back to our building in San Francisco, or take the money and buy some redwoods. Then I can build my wood butcher house and use some of our architectural pieces we have stored in our basement here at Joe's National on east eighteenth. And, of course do my glass work up there and finally open a shop: things that we had hoped to do here!

Thank you for your time.

Sincerely,

John and Sharon Decker
(661-323-7850)

Board of Zoning Adjustment Resolution 19-01
(January 8, 2019)

RESOLUTION NO. 19-01

RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT APPROVING A CONDITIONAL USE PERMIT TO ALLOW: (1) FLORIST SHOP; AND (2) OUTDOOR BANQUET HALL (17.64.020.B) IN A C-O (PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE) DISTRICT, LOCATED AT 2104 AND 2116 18 STREET. (CUP NO. 18-0408)

WHEREAS, The Belle Rae filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow: (1) florist shop; and (2) outdoor banquet hall (17.64.020.B) in a C-O (Professional and Administrative Office Zone) district, located at 2104 and 2116 18th Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, January 8, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, at the public hearing testimony was received in both support and opposition of the Project; and

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

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

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

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

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

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 18-0408 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 January 8, 2019, on a motion by Member Burns by the following vote:

AYES: Burns, Huot, Patteson
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED



STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 18-0408

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 florist shop and a banquet hall in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street as depicted on attached Exhibits B and C.
3. Prior to commencement of operations as allowed by this conditional use permit, the permit holder shall:
 - a. Obtain a change in use permit from the City of Bakersfield Building Division. This includes providing sufficient facilities to accommodate the maximum number of outdoor guests. Use of privies is not permitted unless approved by the Health Officer and Development Services Director.
 - b. Obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services. A copy of the inspector's fire clearance form shall be submitted to the Planning Director.
4. The banquet hall shall continually comply with the following conditions while in operation:
 - a. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
 - b. No changes shall be made to the character of the premise, or in the use of the premise building, which would create a greater occupancy load, unless such change is approved by the Community Development Director and/or the Fire Chief or their designee.
 - c. Unless permitted as part of these conditions, all noise associated with the operation of any sound equipment must comply with BMC section 9.22 and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.
 - d. Entrances into the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of the lighting shall not disturb the normal privacy and use of the neighbors and are subject to the requirements of BMC section 17.58.060.
 - e. Any graffiti painted or marked upon the premises or any area under the control of the permit holder shall be removed or painted over within 72 hours after discovery.
 - f. Prior to commencement of alcohol sales/service, the permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; including but not limited to necessary permits from the California Department of Alcoholic Beverage Control (ABC).

- g. The permit holder shall comply with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
- h. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Development Services Director or his designee and/or the Fire Chief or his designee.
- i. The number of guests in attendance at the outdoor events shall not exceed 225.
- j. Outdoor events shall be held only on Friday, Saturday, and Sunday, and conclude no later than 10:00 p.m. Set up and tear down shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
- k. Valet parking is required for events that host 100 or more guests.
- l. While the privileges of this permit are being exercised for the outdoor banquet hall, the permit holder shall provide and maintain uniform private security officers on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code). All proprietary security officers shall comply with Business and Professions Code 7574.2 and shall register with the Department of Consumer Affairs. The minimum ratio of officers shall be at least one (1) security person for every 50 guests to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided anytime the privileges of this permit are being exercised, until 30 minutes after closing.
- m. Outdoor event lighting and sound amplifying equipment shall be directed toward the event building.
- n. The indoor and outdoor banquet venues shall not operate concurrently.

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

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

- 1. Show on the final building plan how and where water will be drained from the property.
- 2. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
- 3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.

4. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
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 food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.
6. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
7. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
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.
9. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

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

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

<u>Proposed Use</u>	<u>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Florist	1,630 SF	1/300 SF	5 spaces
Floral	36 Seats	1/4 Seats	9 spaces
Indoor Banquet Hall	46 Seats	1/4 Seats	12 spaces
Outdoor Banquet Hall	225 Seats	1/4 Seats	56 spaces
<u>Transient Credit</u>		<u>10 percent</u>	<u>(6)spaces</u>
Maximum Required Parking: 50 spaces			

(Note: 5 on-site and 52 off-site parking spaces are available. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Because off-site parking to the project is being proposed, the developer shall file with the Planning Division before any building permits are issued, a copy of a recorded lease or other instrument that ensures that the offsite parking and/or legal access proposed for this project is available for its actual lifetime.
3. 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.

4. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
5. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area. Please note that staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.
6. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

(**Note:** 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.)

7. Our records show that the project is contained on more than one parcel. These parcels shall be merged into one parcel because parking must be on the same site as the project (Section 17.58.020.B. of the B.M.C.), building setbacks cannot be met based on the design layout, and/or a parcel line bisects a building. A parcel merger or lot line adjustment application removing or relocating property lines shall be submitted to the Planning Division before building permits can be issued. Recordation of the map shall occur before final building or site occupancy can be granted. If our records are in error and these parcels have been merged, please provide a copy of the parcel map, subdivision map, or certificate of compliance showing the property as one parcel.

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

8. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
9. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

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

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

C. FIRE DEPARTMENT (2101 H Street)

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

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

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

2. The developer must pay required fees to and request an inspection from the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715) for any underground sprinkler feeds at least 2 full business days before they are buried. The Prevention Services Division (2101 H Street, Bakersfield CA, Ph. 661/326-3979) must complete all on-site inspections of fire sprinkler systems and fire alarm systems before any building is occupied.
3. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

D. WATER RESOURCES (1000 Buena Vista Road)

(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

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.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)

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

1. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. Show on the final building plans all existing connection(s) to the public sewer system.
3. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
4. 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.
5. 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).
6. 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.
7. 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.
8. 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.

9. 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.
10. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 92-08- DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
11. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
12. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.
13. The developer shall install a full sized manhole in each sewer line 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.
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.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - Ravi Pudipeddi; 661-326-3997 or RPudipeddi@bakersfieldcity.us)

As proposed, no applicable conditions.

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

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:
 - Cart service -- 1 cubic yard/week or less 1 time per week
 - Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
 - Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 1, 2 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

☐ 6' deep x 8' wide (1 bin)

☐ 8' deep x 15' wide (3 bins)

☒ 1 - 8' deep x 10' wide (2 bins)

☐ 8' deep x 20' wide (4 bins)

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

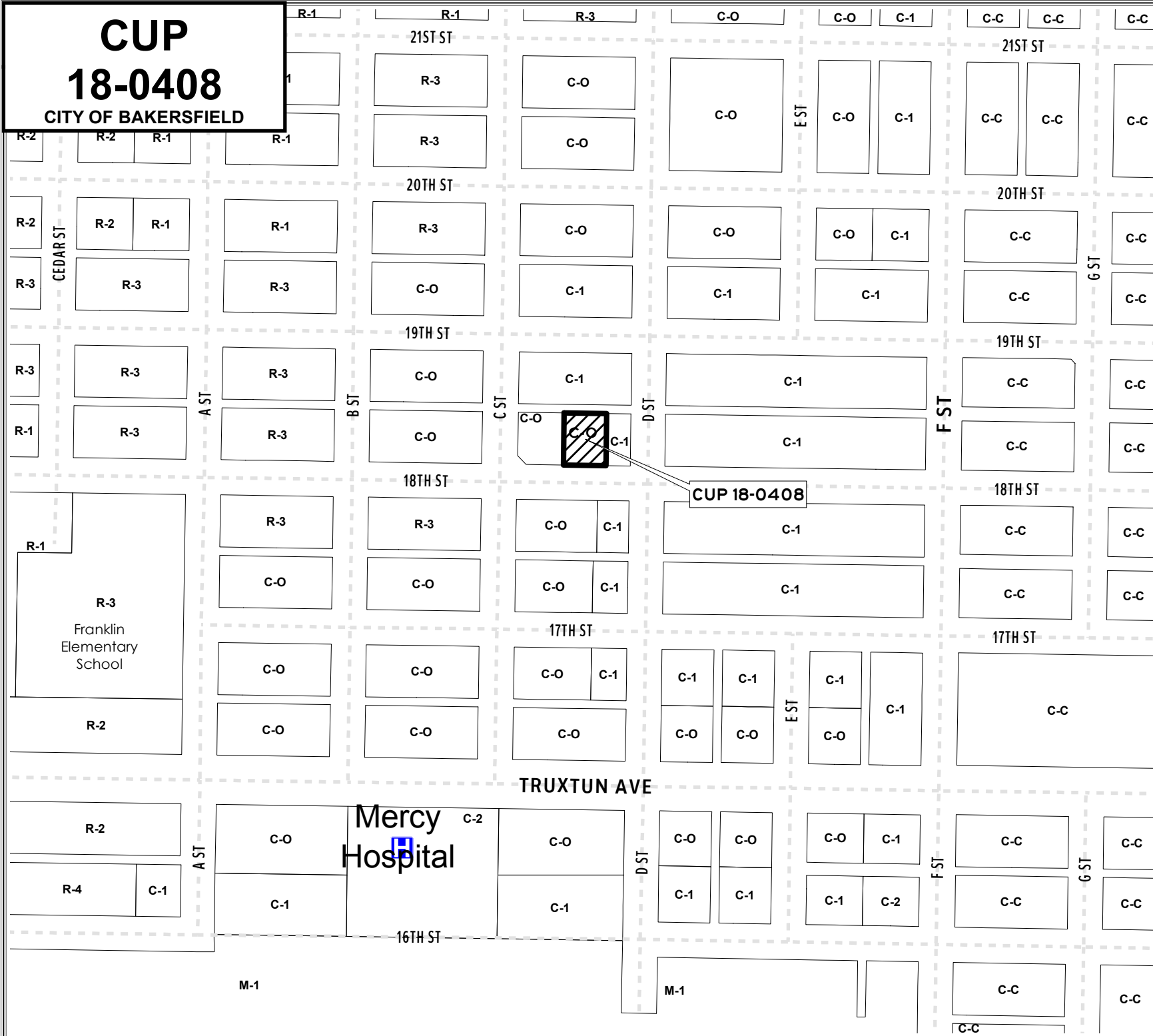
3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B
(Location Map)

CUP

18-0408

CITY OF BAKERSFIELD



LEGEND

(ZONE DISTRICTS)

- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-S Residential Suburban
24,000 sq.ft./dwelling unit
- R-S-1 Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
- R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
- R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
- R-H Residential Holding
20 acre min lot size
- A Agriculture
6,000 sq.ft. min lot size
- A-20A Agriculture
20 acre min lot size
- PUD Planned Unit Development
- TT Travel Trailer Park
- MH Mobilehome
- C-0 Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Ming Specific Plan

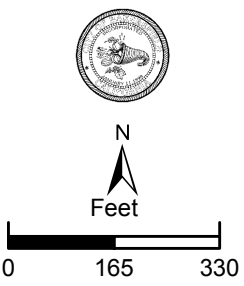
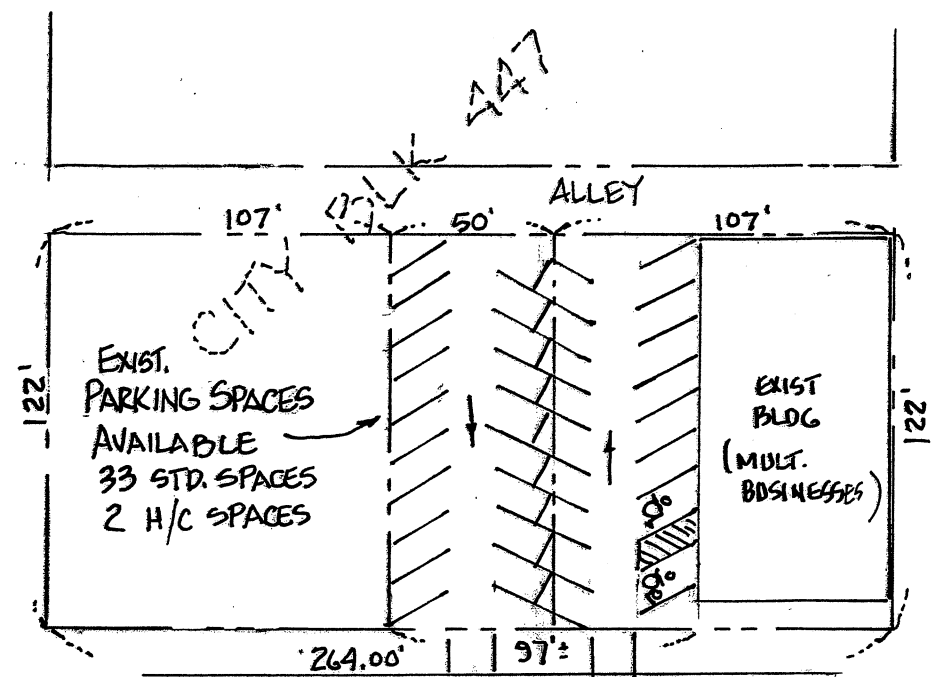


Exhibit C
(Site Development Plan)

CONDITIONAL USE PERMIT N^o _____

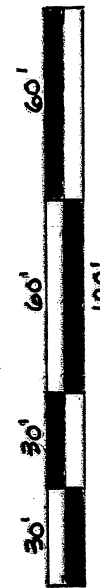


OWNER/ LESSOR : JOHN SARAD

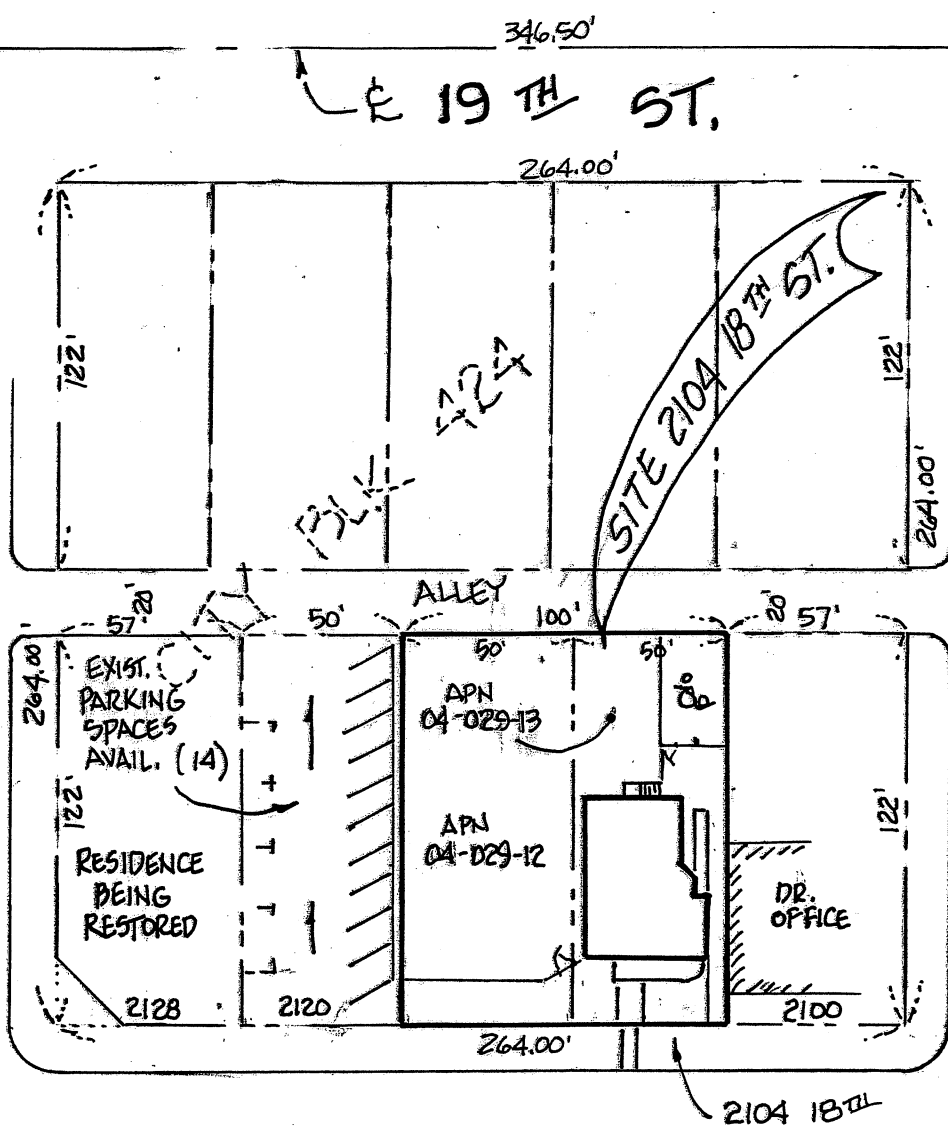
LESSEES : SHANNON HOUGH & MICHELLE MEADOWS
 2104 18TH ST.
 BAKERSFIELD, CA. 93301
 PH(661) 748-1070 (OFF.)
 OR SHANNONS CEL(661) 978-7218
 MICHELLES CEL(201) 953-5431

A.P.N.'S : 004-029-12 & 13
 (LOTS 15, 16, 17 & 18 OF BLOCK 424 OF THE CITY OF BAKERSFIELD)
 ADDRESS : 2104 18TH ST. - BAKERSFIELD

SCALE : 1" = 60'



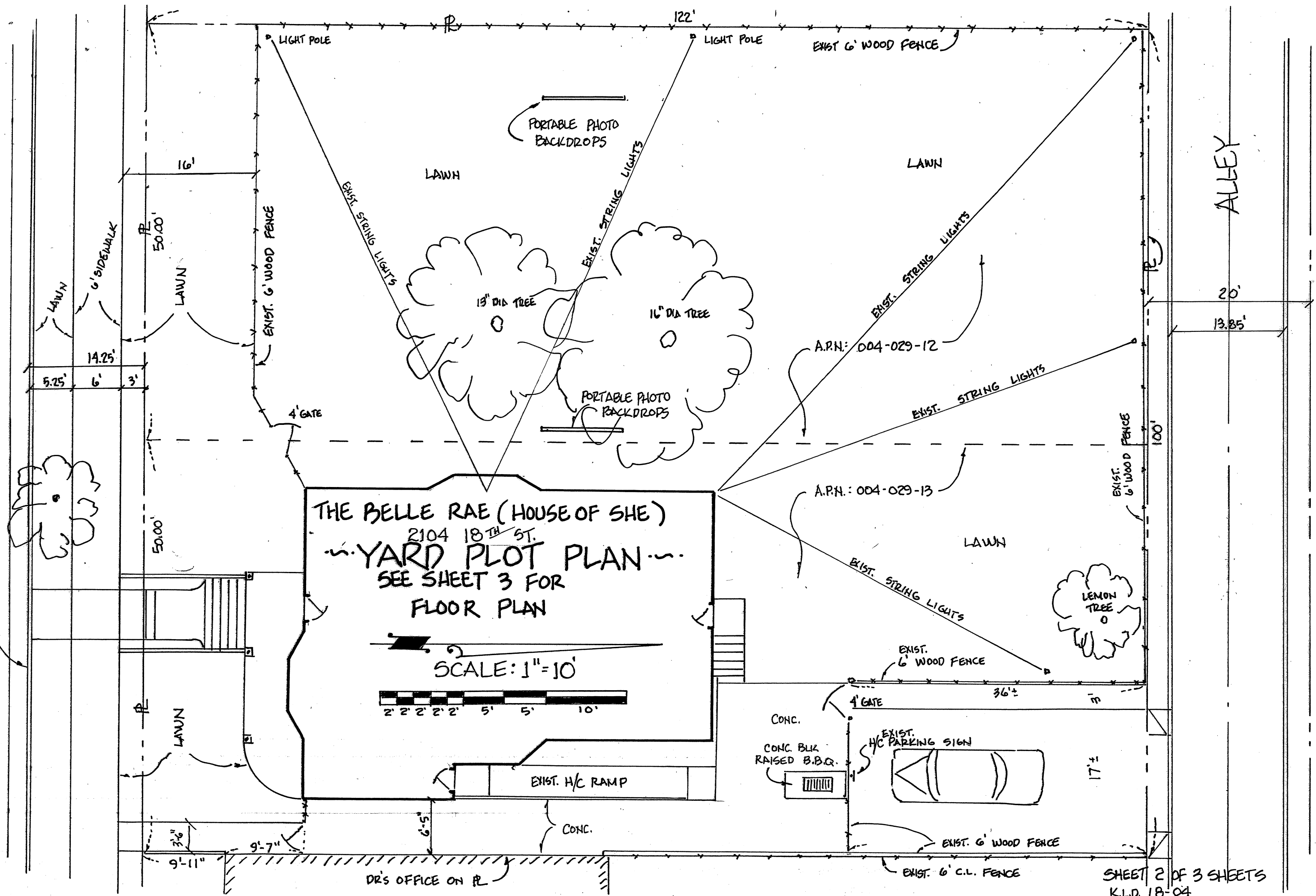
E "C" ST.



E "D" ST.

E 18TH ST.

18TH ST.



Board of Zoning Adjustment Minutes
(January 8, 2019)



**BOARD OF ZONING ADJUSTMENT
MINUTES
Meeting of January 8, 2019, 3:00 p.m.**

City Council Chambers, City Hall South, 1501 Truxtun Avenue
Regular Meeting - 3:00 p.m.

		<u>ACTION TAKEN</u>
REGULAR MEETING		
1.	ROLL CALL Present: Members Burns, Huot, and Patteson Absent: None	
2.	PUBLIC STATEMENTS None.	
3.	MINUTES a. Approval of minutes of the regular meeting held December 11, 2018. <i>Motion by Member Huot to approve Item 3.a.</i>	APPROVED
4.	CONSENT CALENDAR PUBLIC HEARINGS a. Conditional Use Permit No. 18-0408 - Moved to Public Hearing Item 5.a	
(Ward 2)	b. Conditional Use Permit/Zone Modification No. 18-0440: Riccardo Ferguson of Viridian Architecture is proposing: (1) Conditional Use Permit to allow a 28-unit apartment complex (17.20.040.A); and (2) Zoning Modifications to allow 6-foot front yard setback where the minimum is 43 feet, and a 7-foot rear yard setback where the minimum is 15 feet (17.18.040.B and 17.18.060) in a C-O (Professional and Administrative Office Zone) district located at 2115 - 2125 (odd numbers) 18th Street. Proposed Notice of Exemption on file.	Res No. 19-02
(Ward 2)	c. Extension of Time No. 18-0486: Marc Pasquini is proposing a one-year extension of time (17.64.060.G) for an approved conditional use permit that allowed a duplex in a C-1 (Neighborhood Commercial Zone) district located at 1114 King Street. Proposed Notice of Exemption on file.	Res No. 19-03
The consent calendar public hearing opened. Chair Patteson stated that at staff's request, Item 4.a was moved to the public hearing agenda for discussion. No public comments received on Items 4.b or 4.c. Public hearing closed for Consent Calendar.		
<i>Motion by Member Burns to approve Consent Calendar Public Hearing item 4.b and 4.c</i>		Approved

REGULAR MEETING

ACTION
TAKEN

5. PUBLIC HEARINGS

- (Ward 2) a. Conditional Use Permit No. 18-0408: The Belle Rae is proposing a Conditional Use Permit to allow: (1) florist shop; and (2) outdoor banquet hall (17.64.020.B) in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street. Proposed Notice of Exemption on file.

Res No. 19-01

The public hearing was opened. Staff presentation given. Staff noted a Planning Director's memorandum was prepared to address written comments received subsequent to distribution of the staff report.

Public comments received in opposition from John Decker and Sharon Decker property owners to the west of the proposed project. Both individuals raised concerns with the potential impact the outdoor banquet venue may have on their home and future business.

Comments received in support from John Sarad, project property owner, and Sharon Hough, Tim Hough, and Michelle Meadows, co-owners of the on-site business.

Public hearing closed. Board Members deliberated.

Motion by Member Burns to approve Item 5.a with incorporation of the Planning Director's memorandum dated January 8, 2019 with revisions to Condition II.4.j. and the addition of Conditions II.3.m. and II.3.n. as shown below:

Approved

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

4. *The banquet hall shall continually comply with the following conditions while in operation:*

j. *Outdoor events shall be held only on Friday, Saturday, and Sunday, and conclude no later than 10:00 p.m. Set up and tear down shall not occur between the hours of 11:00 p.m. and 7:00 a.m.*

m. *Outdoor event lighting and sound amplifying equipment shall be directed toward the event building.*

n. *The indoor and outdoor banquet venues shall not operate concurrently.*

**ACTION
TAKEN**

REGULAR MEETING

6. STAFF COMMUNICATIONS

None.

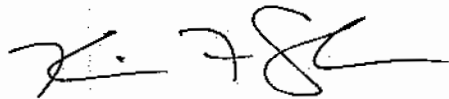
7. BOARD STATEMENTS

None.

8. ADJOURNMENT

Chair Patteson adjourned the meeting at 3:57 p.m.

Marisa Iturralde, Recording Secretary

A handwritten signature in black ink, appearing to read 'K. F. Coyle', is written over a horizontal line.

Kevin F. Coyle, AICP CEP
Planning Director

Event Complaints
(March, 2019 - October, 2019)

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Monday, March 25, 2019 12:40 AM
To: Billy Owens <bowens@bakersfieldcity.us>
Cc: Paul Johnson <pjohnson@bakersfieldcity.us>
Subject: The Belle Rae 2104 18th Street

Mr. Owens,

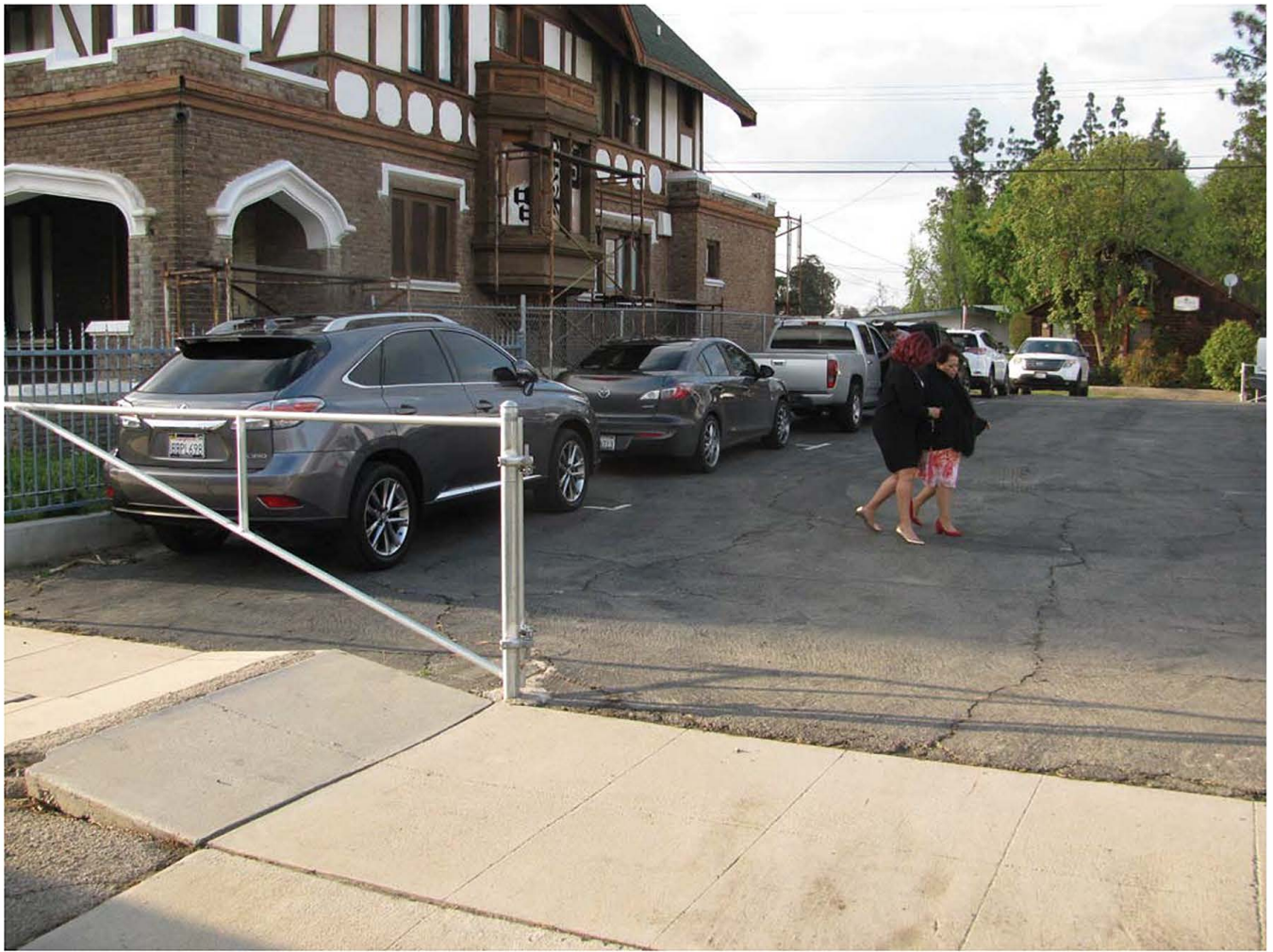
I was informed today (Sunday, March 24th) by the owner of "The Belle Rae" that they had all their papers and were in full compliance. She stated that they had "thrown a bunch of money to someone named (I think) Hill & Hill and that they had brought them into full compliance." Although, they're still using Port-a-Potties (Have handicapped bathrooms been built inside) and are still taking all the parking on the street. Has the parking lot been joined to the business; has the property been changed from residential to commercial? Has the kitchen been certified commercial? But she said she had all the papers, signed and delivered.

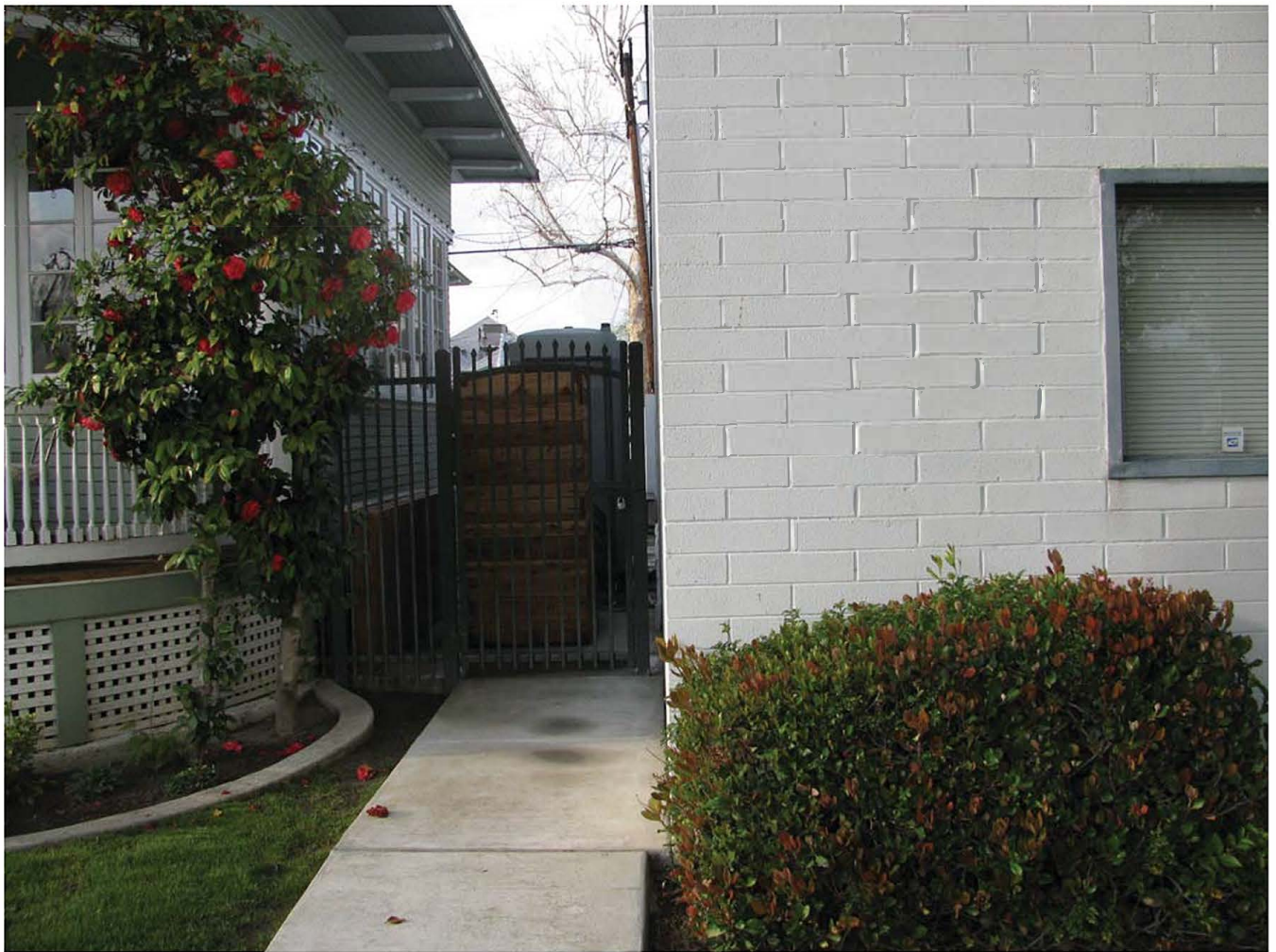
For your records, here's some photos; there was a wedding there this last Saturday.

John Decker

1) blocked alley 2) cars in parking lot with tents in yard 3) cars in parking lot on our side 4) cars parked on D St. between 18th & 17th 5) port-a-potty behind gate 6) cars parked on 18th St between C & D St. in front of our bldg 7) cars parked on 18th St. between C & D Sts 8) cars parked on D St between 18th & 19th Sts 9) cars parked on D St between 18th & 19th Sts other side.











Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, October 13, 2019 2:56 PM
To: Paul Johnson
Subject: 2104 18th Street (The Belle Rae party venue)

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

Mr. Johnson,

On Labor Day, they had another party of approximately 50 people. I didn't say anything about the set-up and all because it looked like their family was doing something, and I had other things to do. But then about a week later, and I was on my back porch, the owner of the business waved at me. I, of course, did not wave back. Then her clients who had had their backs to me turned and waved at me--to the same response. She then told them that I was just a crazy old man and not to worry about me. This made me upset so I went to Code Enforcement and there a gray-haired lady who I had seen two times before came out to take my complaint. Just like the other two times, she got all my information: phone number, name, where our building was and assured me she would get back to me just as soon as she found out what was going on (just like she had assured me the other two times.) And just like the other two times, I received no notification, no phone call, nothing. So I assume she just takes my reports and as soon as she gets through the door throws them into the ashcan. I've called this fellow who is suppose to be in charge of this area, and he says there is nothing he can do. Why did we go through all this before if these people aren't going to do anything about it--not even a ticket.

When two inspectors, one from Code Enforcement and one from the Building Dept. came and Earthquake condemned our building, saying that we were adding air conditioning when in fact there was

a permit in the sidelight next to the front door to put in two completely new units and remove the old. They placed one of the condemnation orders that they posted on the front door right next to the sidelight with the permit in it. The building had been completely fenced at this time so they had to climb over my fence in order to post the condemnation order. They said that the crack at the rear of the house, between the building and the porch, was an earthquake hazard. That crack had been there since the first time I had seen the house back in 1959. I was told repeatedly that if I tried to work there in the evenings, I would be put in jail. At that time, I had a full time job working in the oilfields and only had the evenings to work. I brought this up with the black woman who was the head of Code Enforcement and she did nothing--refused to take off the earthquake condemnation, or to punish these fellows. I feel that this was done so that they or someone else could steal our house because of the cost to remedy the problem. The problem had been remedied in the 1930s I found out once I had dug it up to fix it -- concrete had been poured to stop it; the crack had just not been fixed. We saved the condemnation order and have the two names of the inspectors ; the one from Code Enforcement I questioned at the desk where he had gotten the information that we were adding to the air conditioning. He told me that the Fire Department had complained to him but when I asked the Chief of the Fire Department he said that NO they hadn't done anything like that for over ten years. I feel that my neighbor Mr. Sarad (who owns the property next door and had coveted this building

as long as I have) was involved in this so that he could steal our property as he had a second trust deed on it before we bought it as it was almost ready to go into foreclosure a week before we bought it. Assuming that we had to borrow the money from an institution which would require insurance thus once it was declared earthquake condemned the insurance would be cancelled and the lender would call in the loan as we had no insurance. Only problem was, we didn't take a loan out on this house to buy it. Now I feel that this party thing next door is him again trying to get me to sell our building. Before the inspectors showed up, he twice demanded that I sell him the building, and he asked again later, but since we have over \$650,000 in the building, that was too much...then he rented to these people, I assume, to drive us out. This is the history, as I see it, to what's going on.

John Decker

Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, October 13, 2019 11:54 AM
To: Paul Johnson
Subject: Fw: The Belle Rae Party Venue

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

Mr. Johnson,

John wanted me to keep you informed regarding the party venue at 2104 18th Street. Please read the forwarded letter with pictures. I will forward another and then cc you from now on.

Sharon Decker

----- Forwarded Message -----

From: Sharon Decker <sgdeckerbak@att.net>
To: kcoyle@bakersfieldcity.us <kcoyle@bakersfieldcity.us>
Cc: David Paquette <dpaguett@bakersfieldcity.us>
Sent: Tuesday, October 1, 2019, 12:11:31 PM PDT
Subject: The Belle Rae Party Venue

Dear Mr. Coyle:

We're sending these pictures to you to keep you informed of the Bel Rae case and what's happening. The pictures are in random order since I'm new at exporting pictures on this computer--sorry--so I have a written explanation of what you see. This particular party was held on September 28, 2019, the pictures were taken at 4:30 PM and 6:30 PM. There had been another party held Labor Day weekend but we didn't take pictures. At this one, there was only one port-a-potty. As we were to understand, certain things had to be done before they could resume their partys and that the parking lot should be used for parking plus another parking lot they said they had the use of. Also was one port-a-potty sufficient for 100+ guests. As you can also see, the disc jockey is set up against their building with the speakers pointing directly at our house. We have

seen absolutely no work taking place to remedy any of the things you wanted them to do. Did they get a conditional use permit or something?

Picture 1: shows the set up in their parking lot of the catering crew--no on-site parking.

Picture 2: shows street parking of guests on C St. between 18th & 19th Sts.

Picture 3: is a close up of the disc jockey set up with the speakers facing west toward our building.

Picture 4: shows the set up in the parking lot and at the back of their fence the bar and a number of chairs set up. We counted at least 100.

Picture 5: street parking of guests on 18th St. between C & B Sts.

Picture 6: street parking of guests on 18th St. between C & D Sts.

Picture 7: street parking of guests on D St. between 18th & 19th Sts.

Picture 8: this is the bar area with guests drinking.

Picture 9: street parking on 18th St. between D & C Sts. Note area in front of their building to the corner of D St. is coned off--we think it was for valet parking.

Picture 10: shows all the parking places held for this "valet parking" service.

Picture 11: shows the front end of the party set up, the orange cones designating the "valet parking" service and the catering set up.

Picture 12: shows one end of parking lot locked up.

Picture 13: shows name of caterer on truck.

Picture 14: shows other end of parking lot locked up as well.

Picture 15: another showing guest parking on 18th St. between C & D Sts.

Picture 16: Party starting up

Picture 17: shows where disc jockey is standing along with party guests.

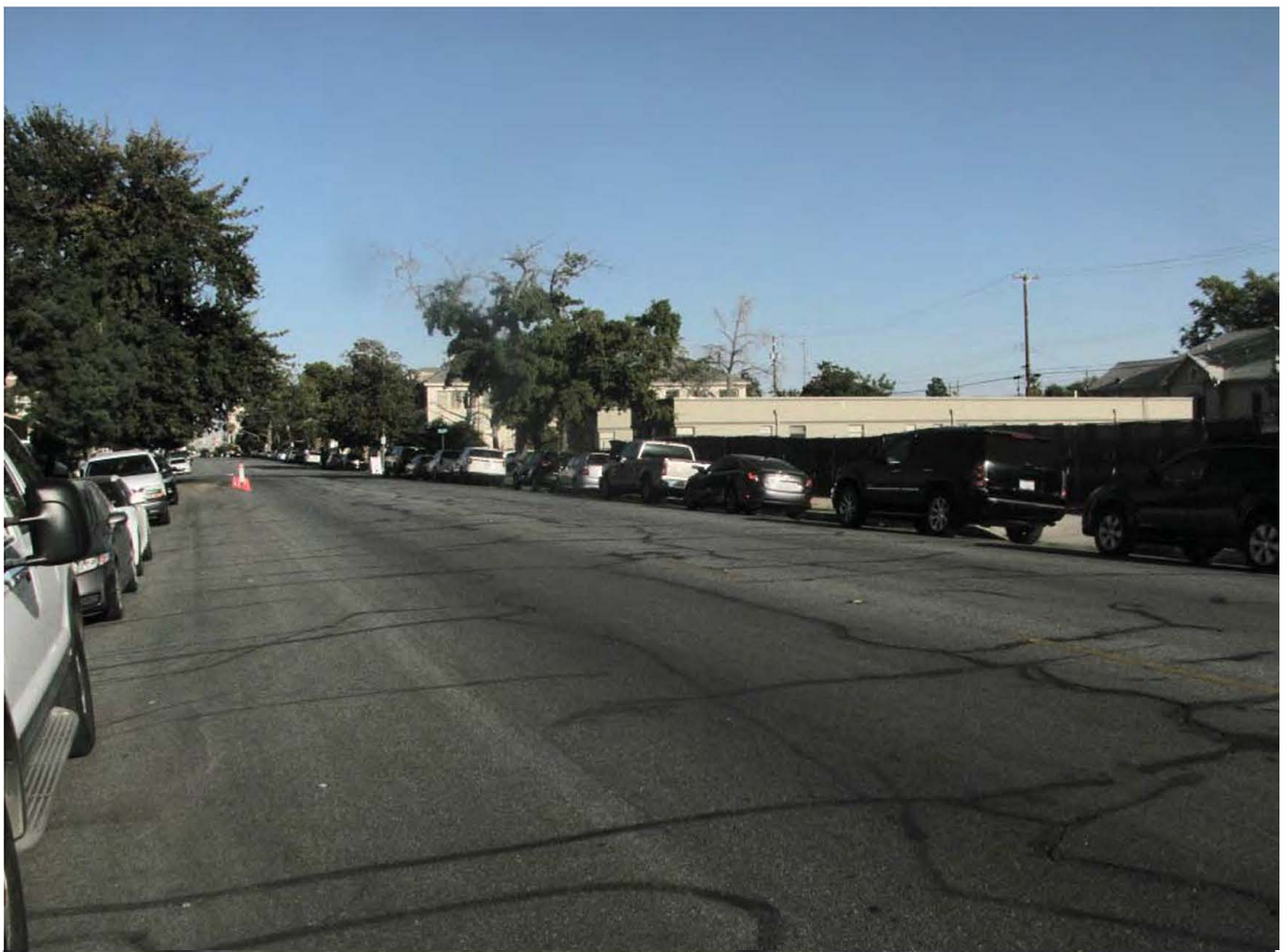
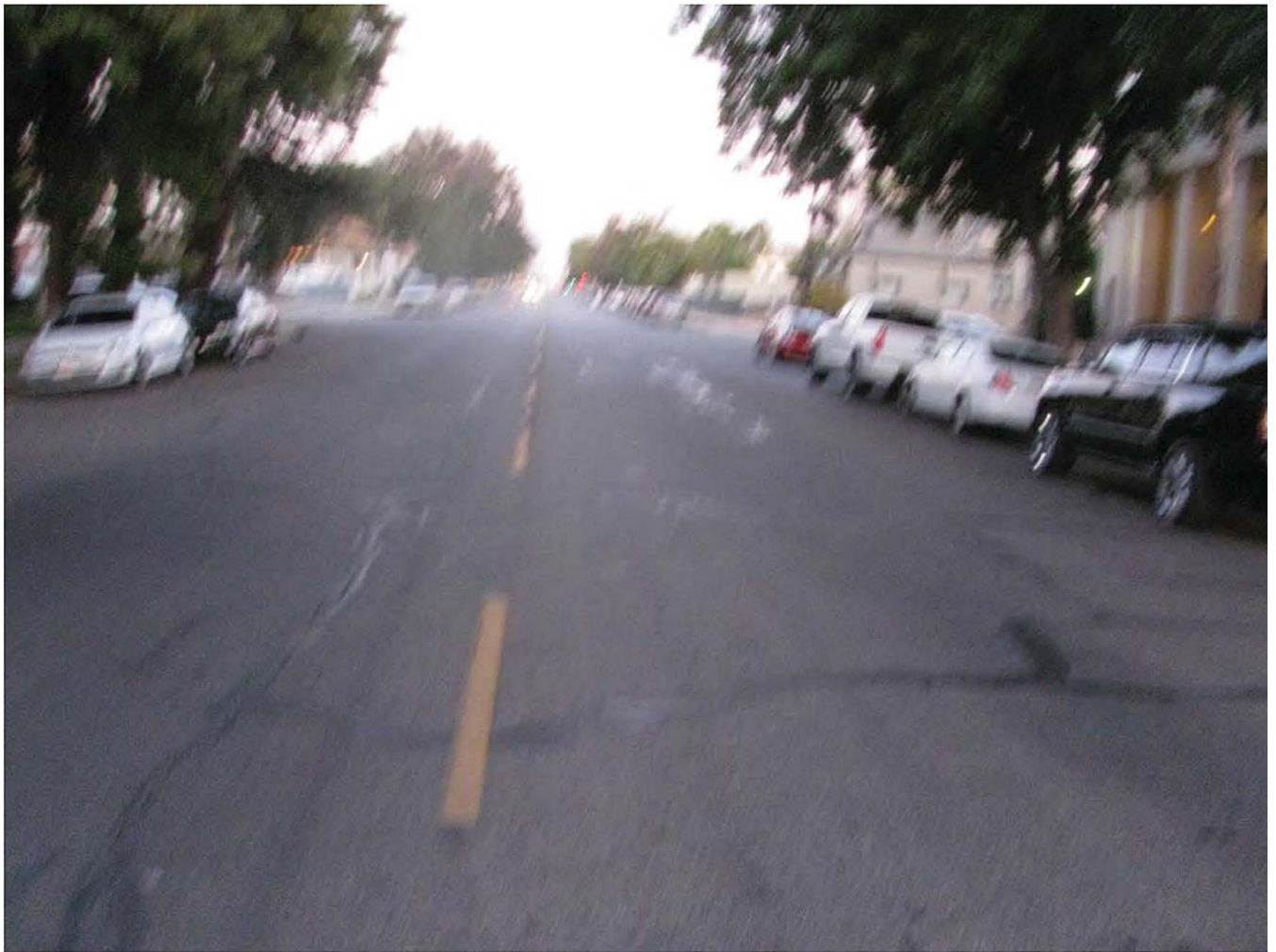
Picture 18: set up with guests

Picture 19: street parking of guests parked by churches on C St.
between 18th & 17th Sts.

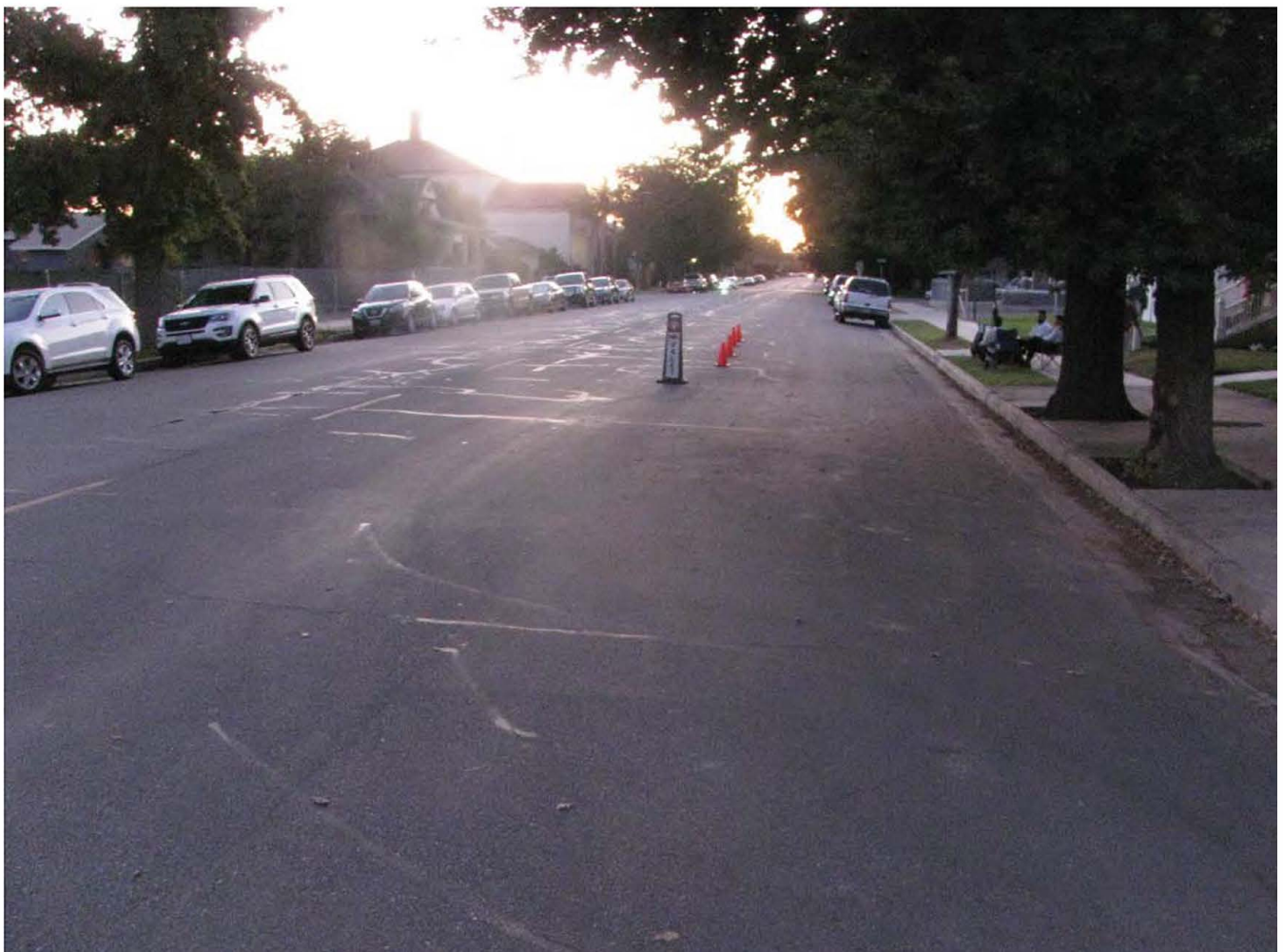
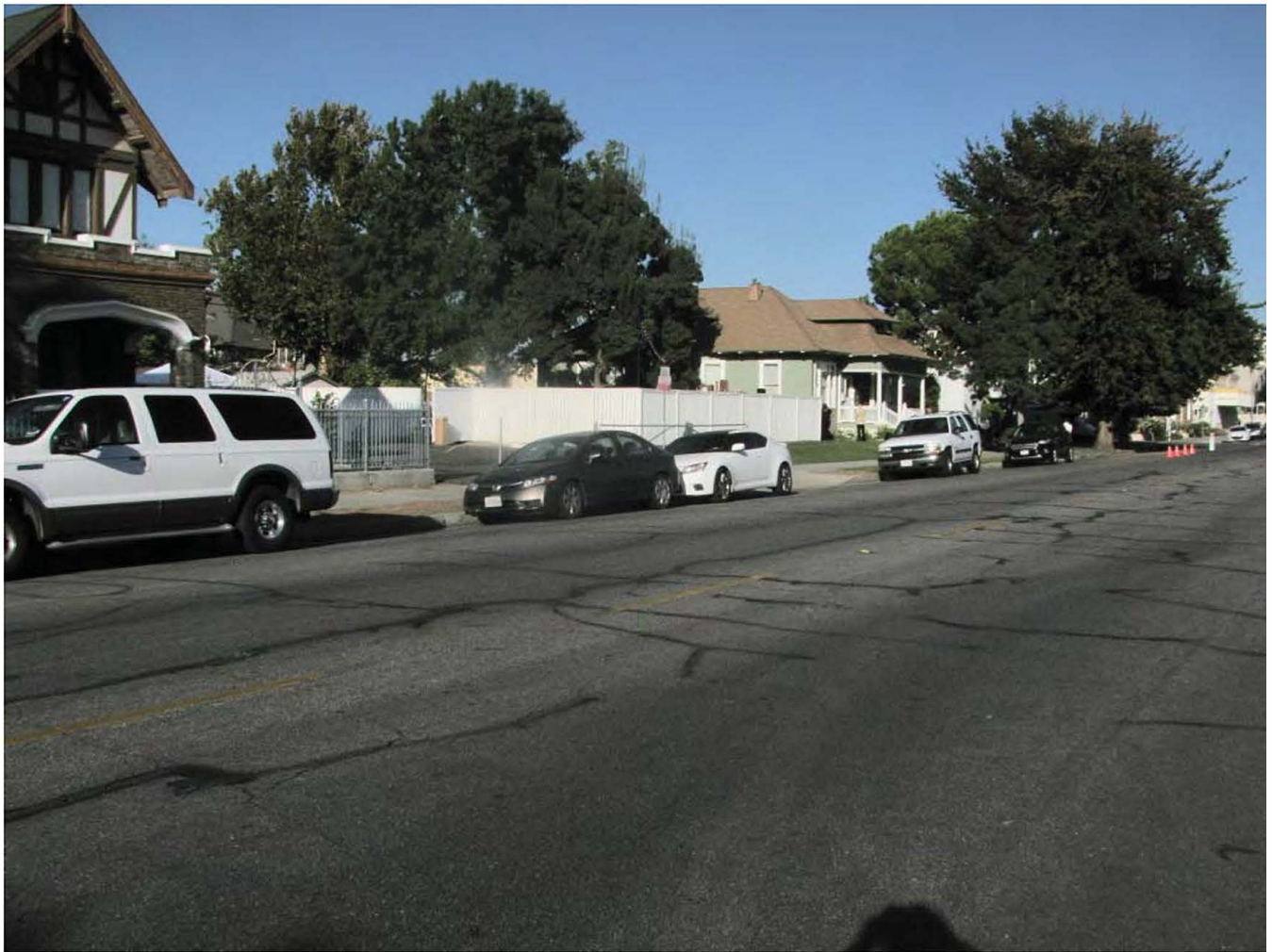
John and Sharon Decker
(661) 323-7850



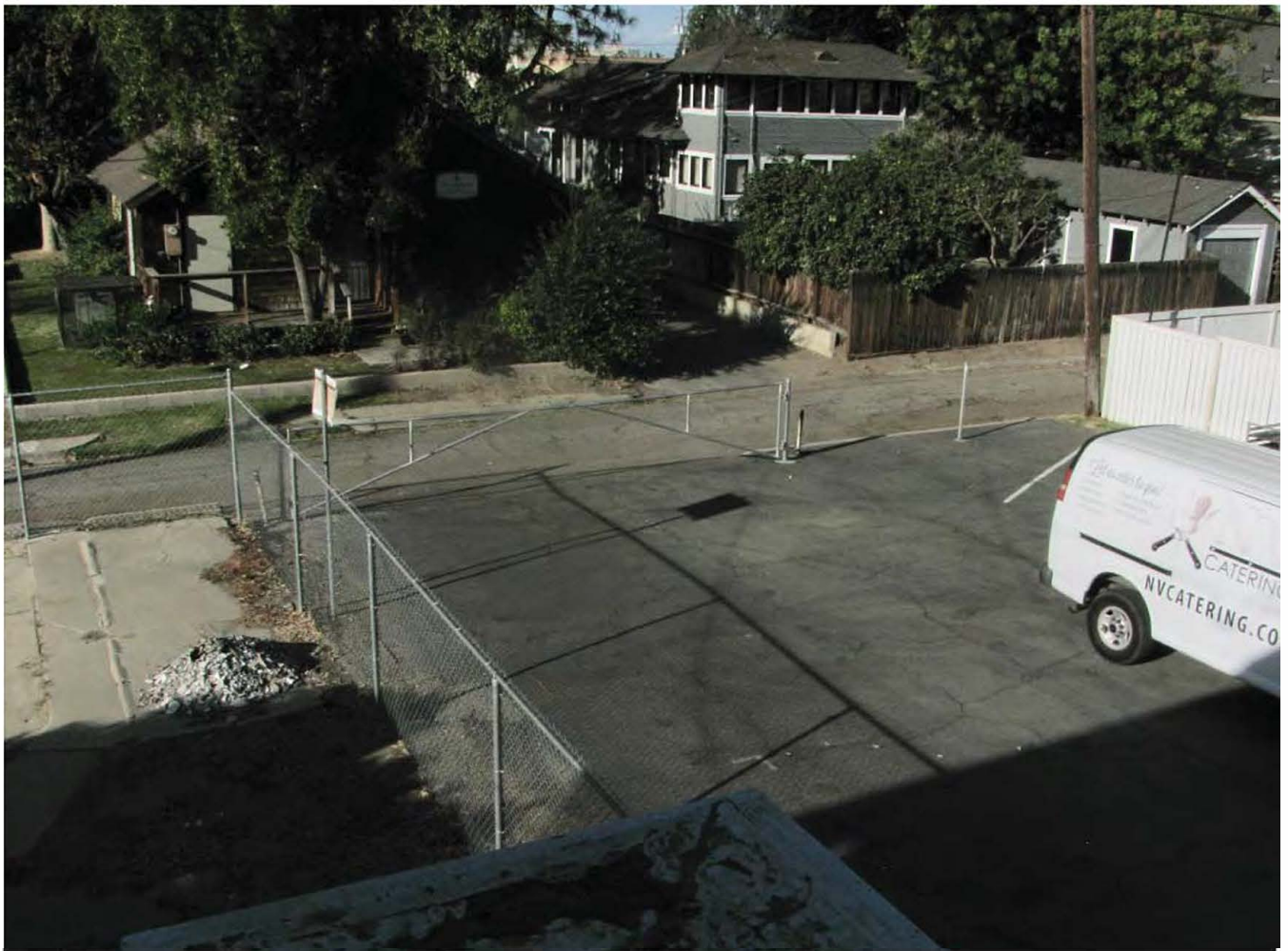




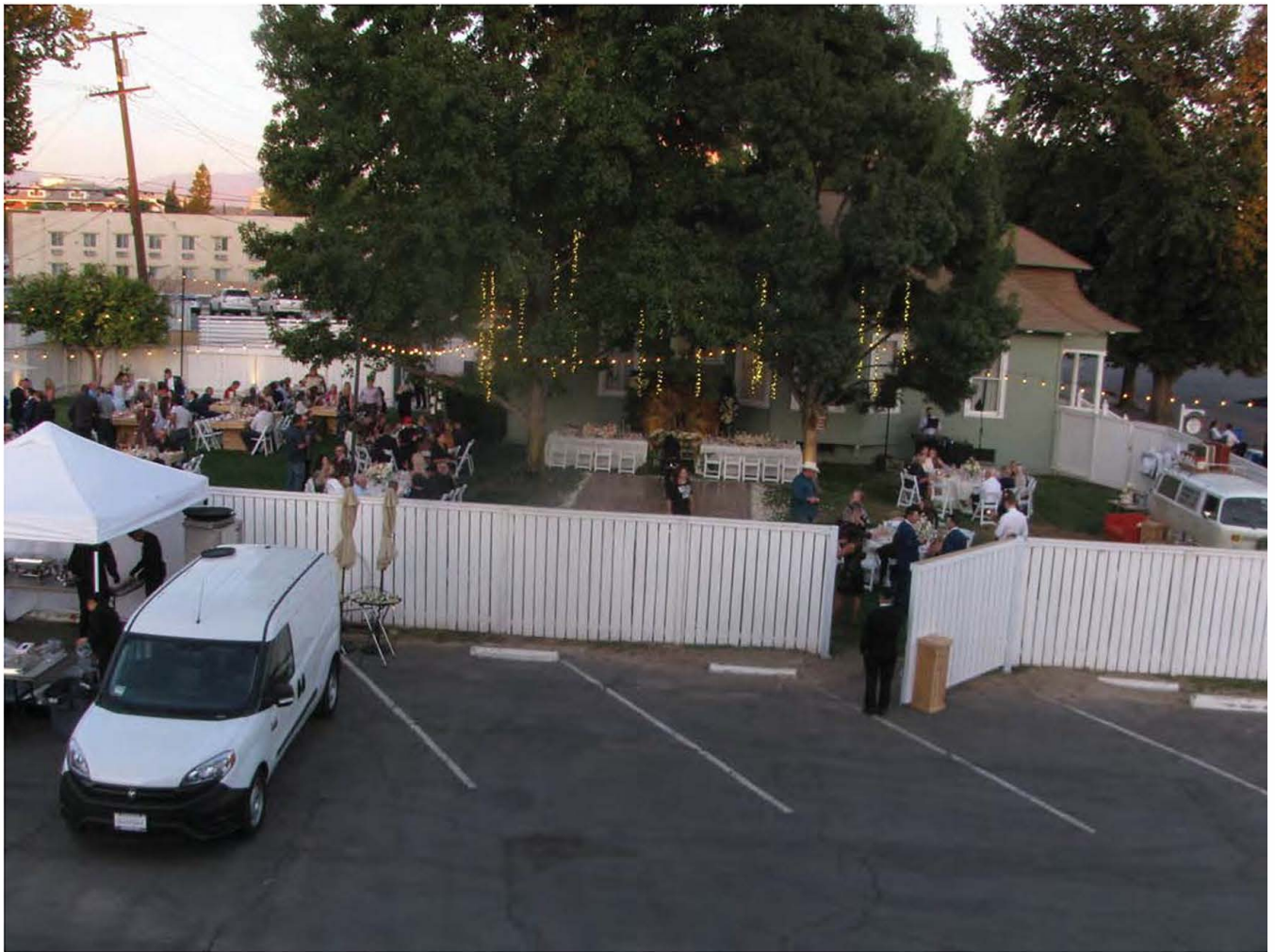














Event Complaints
(October, 2019 Continued)

Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, October 13, 2019 11:57 AM
To: Paul Johnson
Subject: Fw: 2104 The Belle Rae Party October 5, 2019

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

Dear Mr. Johnson,

Here is the second one I'm forwarding to you.

Sharon Decker

----- Forwarded Message -----

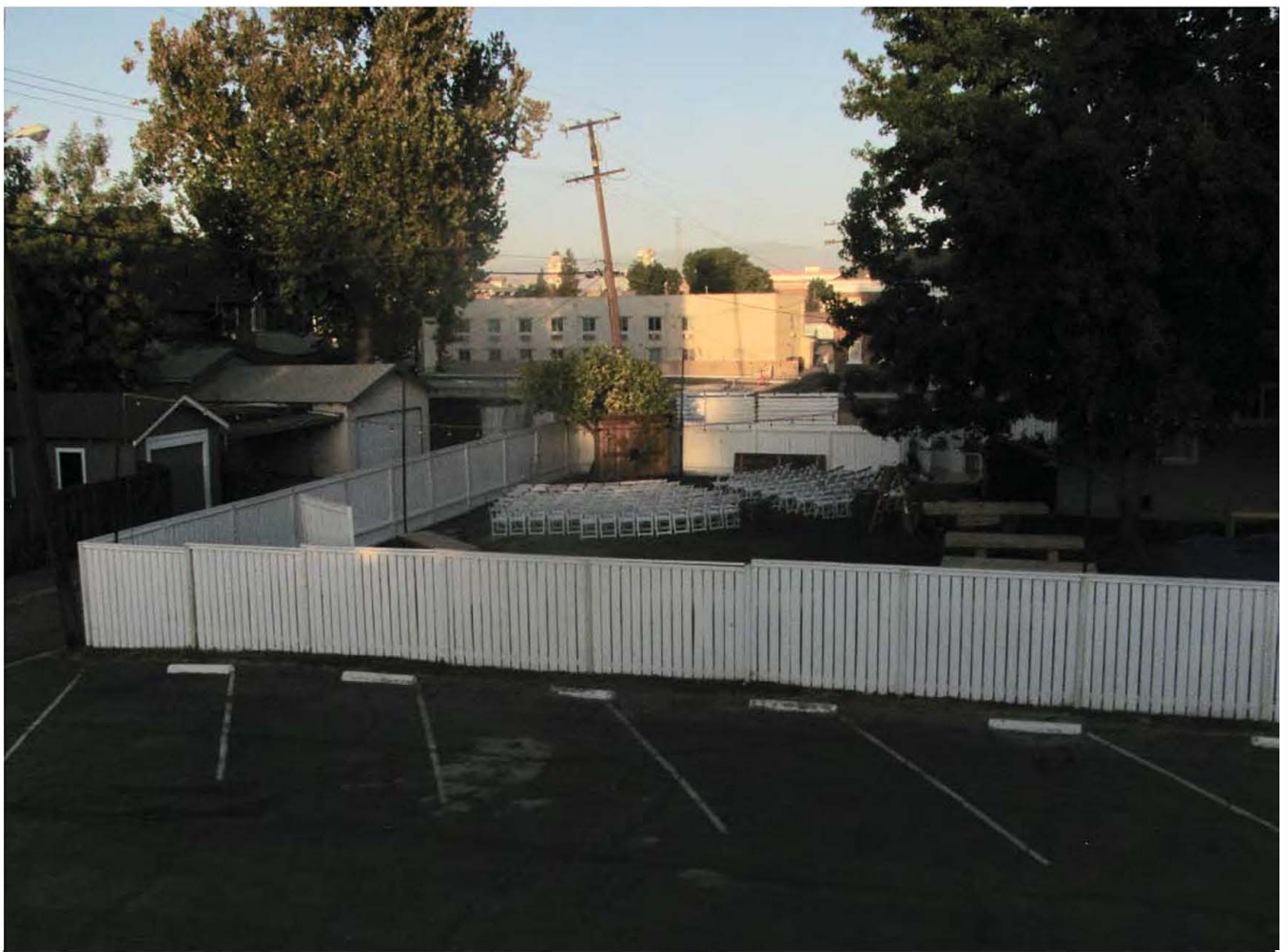
From: Sharon Decker <sgdeckerbak@att.net>
To: Kevin Coyle <kcoyle@bakersfieldcity.us>
Cc: David Paquette <dpaugett@bakersfieldcity.us>
Sent: Saturday, October 5, 2019, 7:32:02 PM PDT
Subject: 2104 The Belle Rae Party October 5, 2019

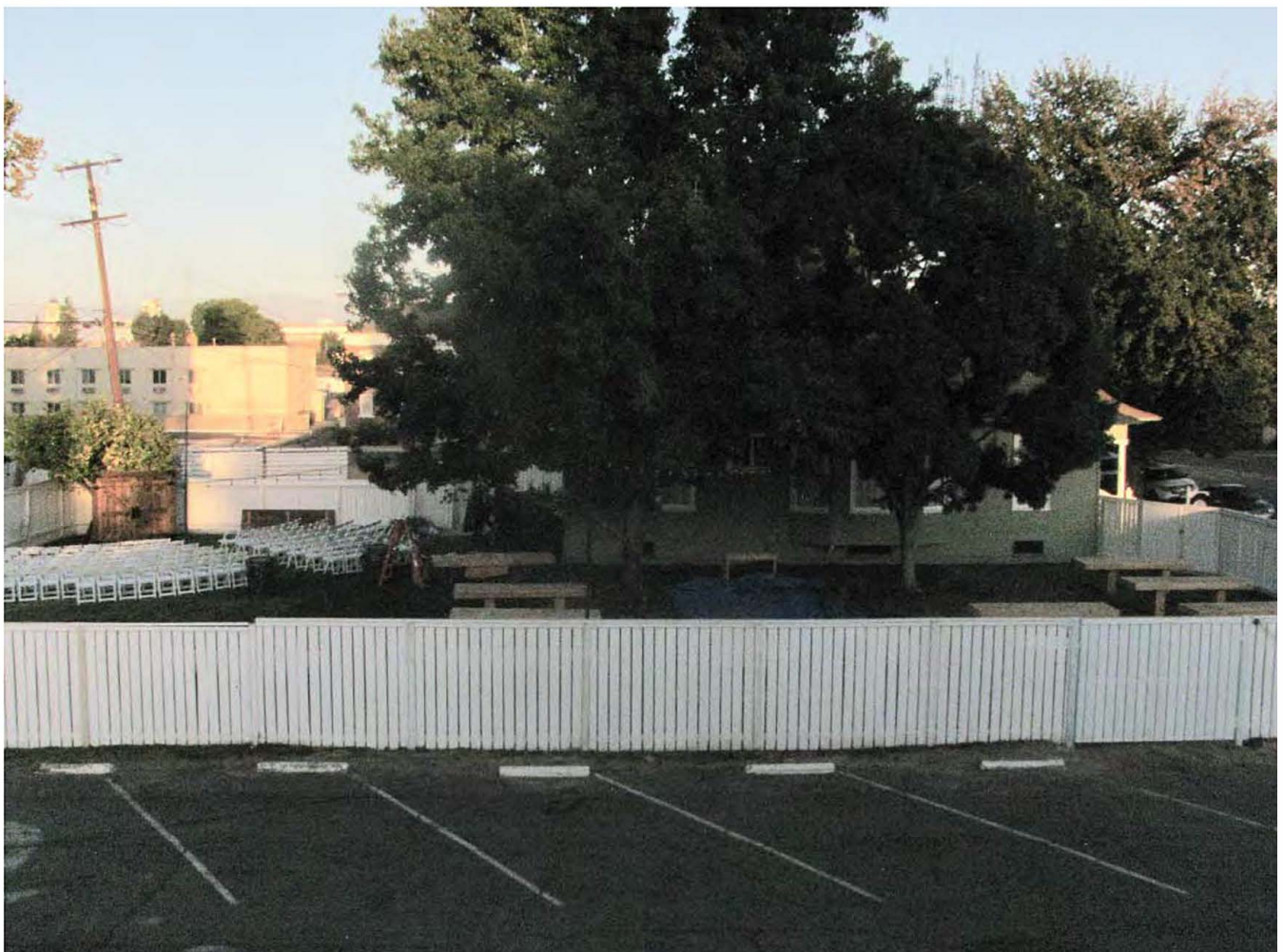
Dear Sirs:

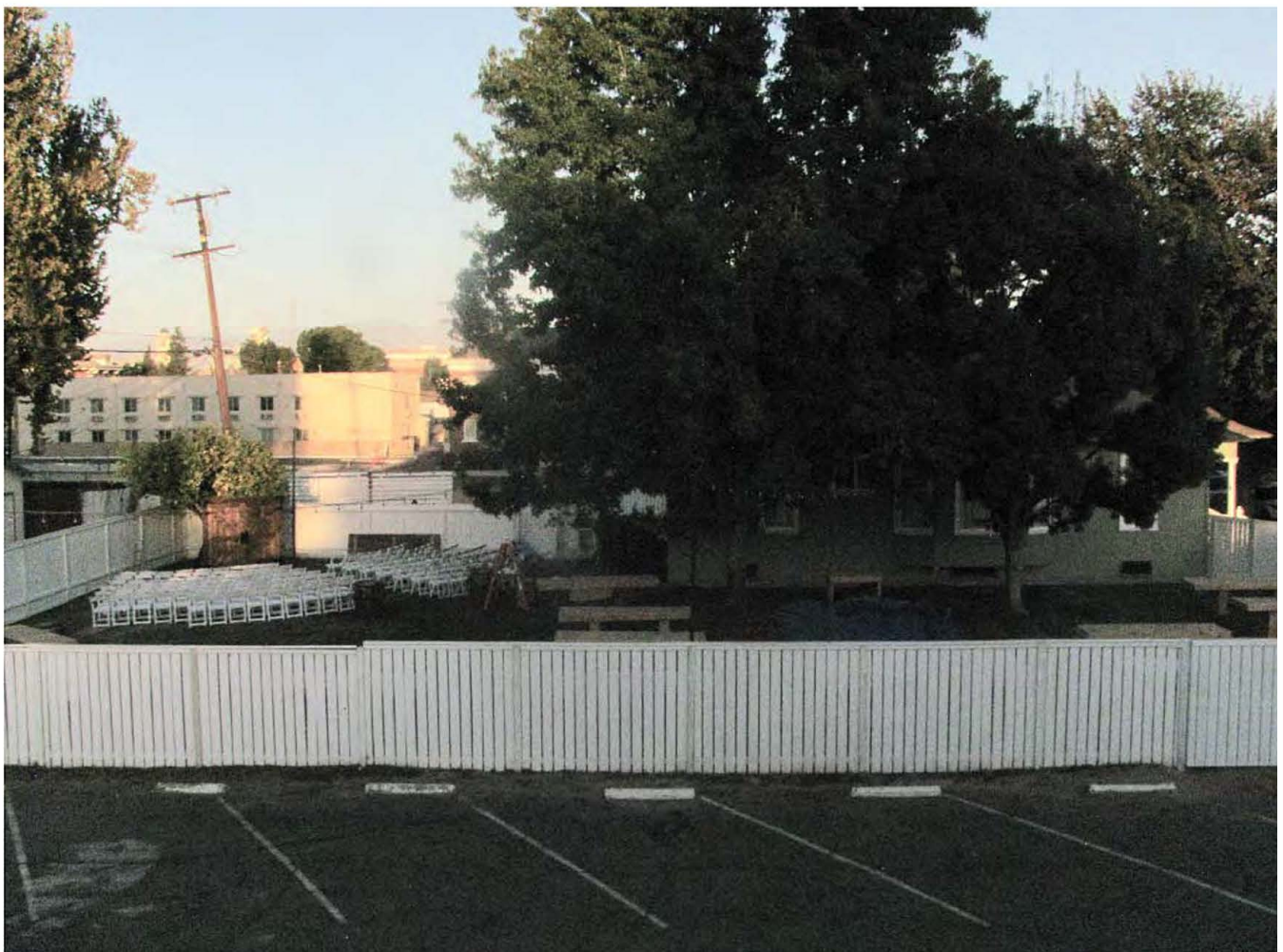
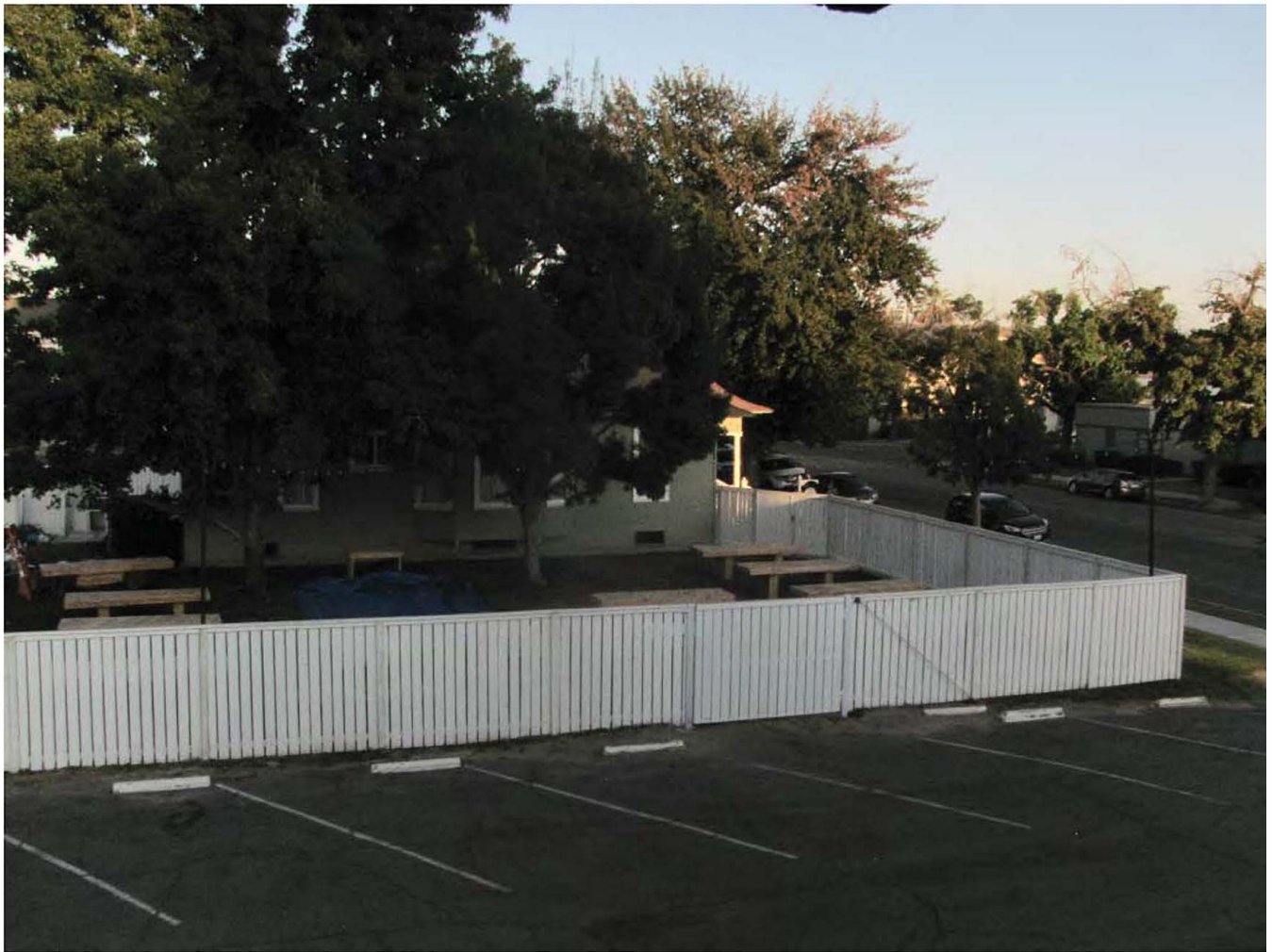
They started setting up for this party on October 3, 2019. I'm always a little concerned when I start taking pictures since the owners of the business continually harass me even going as far as to "flip me off". The first two pictures are of the rental truck delivering items. As you can see the tables have already been set out. The next few pictures were taken on October 4, 2019: the chairs were set up, the bar area, etc. The ending pictures were taken on Oct 5, 2019 showing the place settings. The final pictures were taken the same day around 5 PM showing the party guests, the valet parking people, the cones and the cars parked on the street (although there were some cars in the parking lot. I certainly do not intrude on the party but as John is out of town this week end I was very nervous. I left when the noise level got quite loud. Mr. Paquette said he couldn't do anything until the meeting with the lawyers but surely something could be said to the owner: John Sarad. Something one of the business owners said to the Woman's Club president still haunts me. She said she has very influential friends. That makes me wonder if she DOES have very influential friends. Hope these pictures are helping.

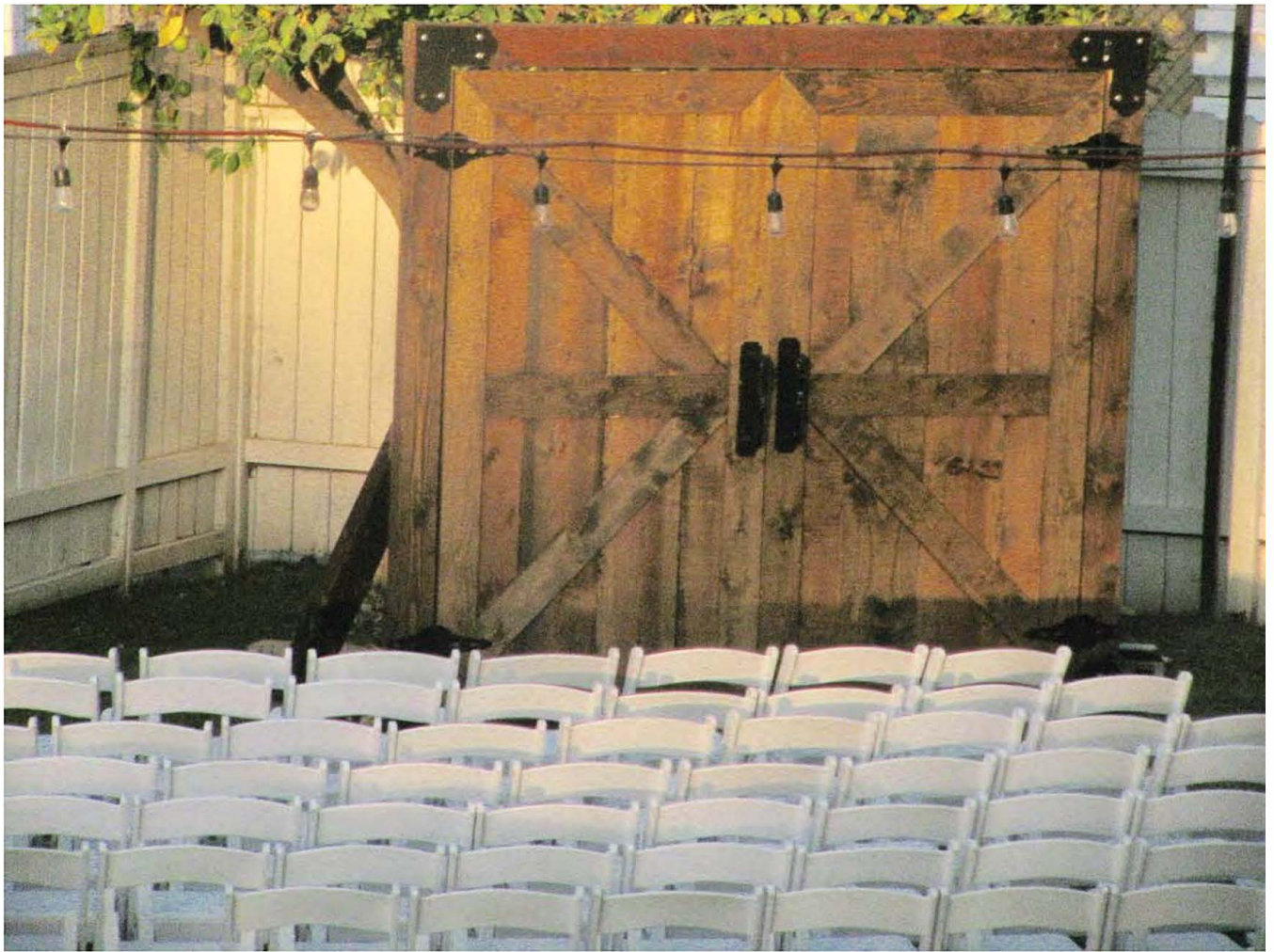
Sharon Decker

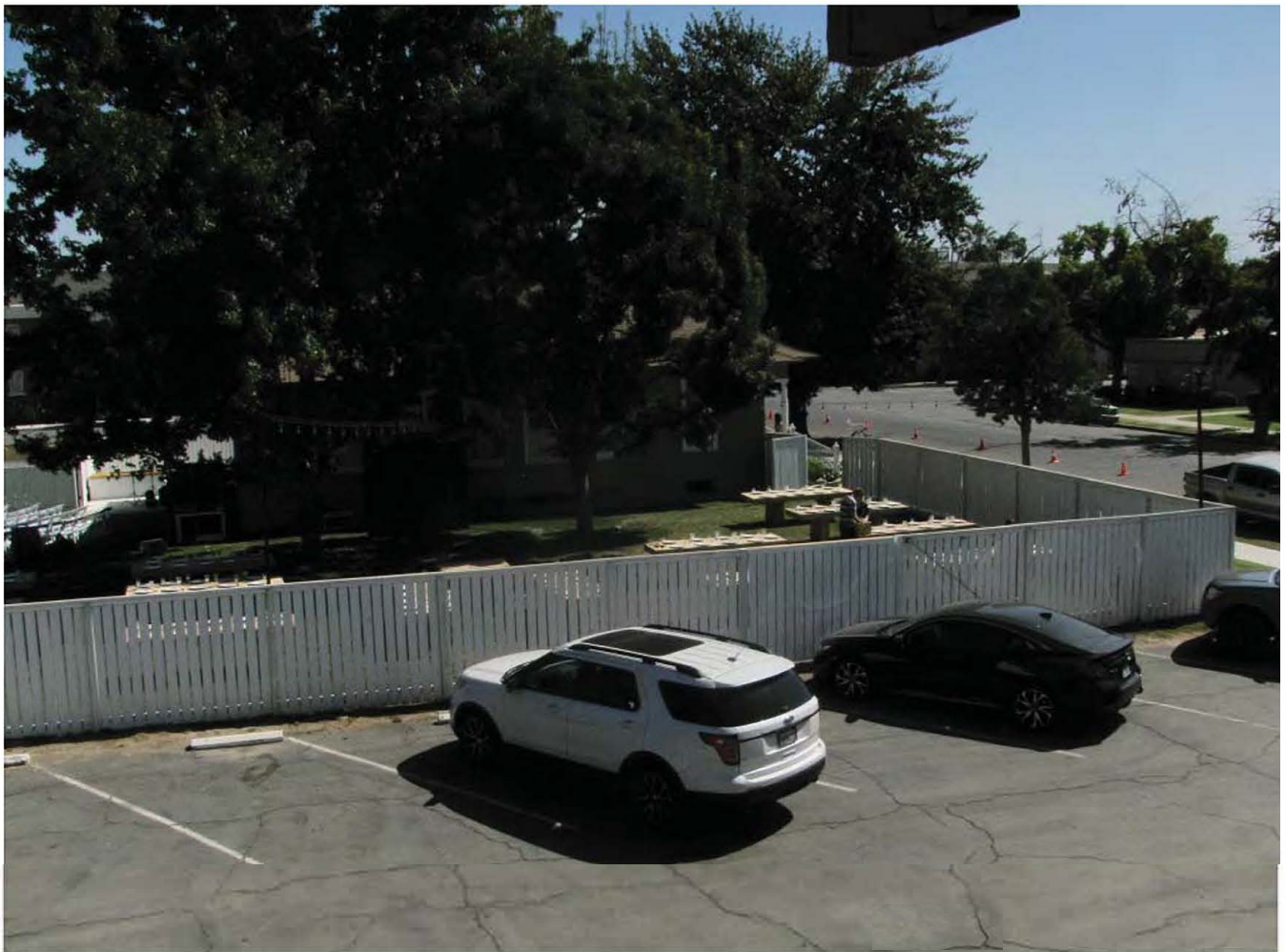


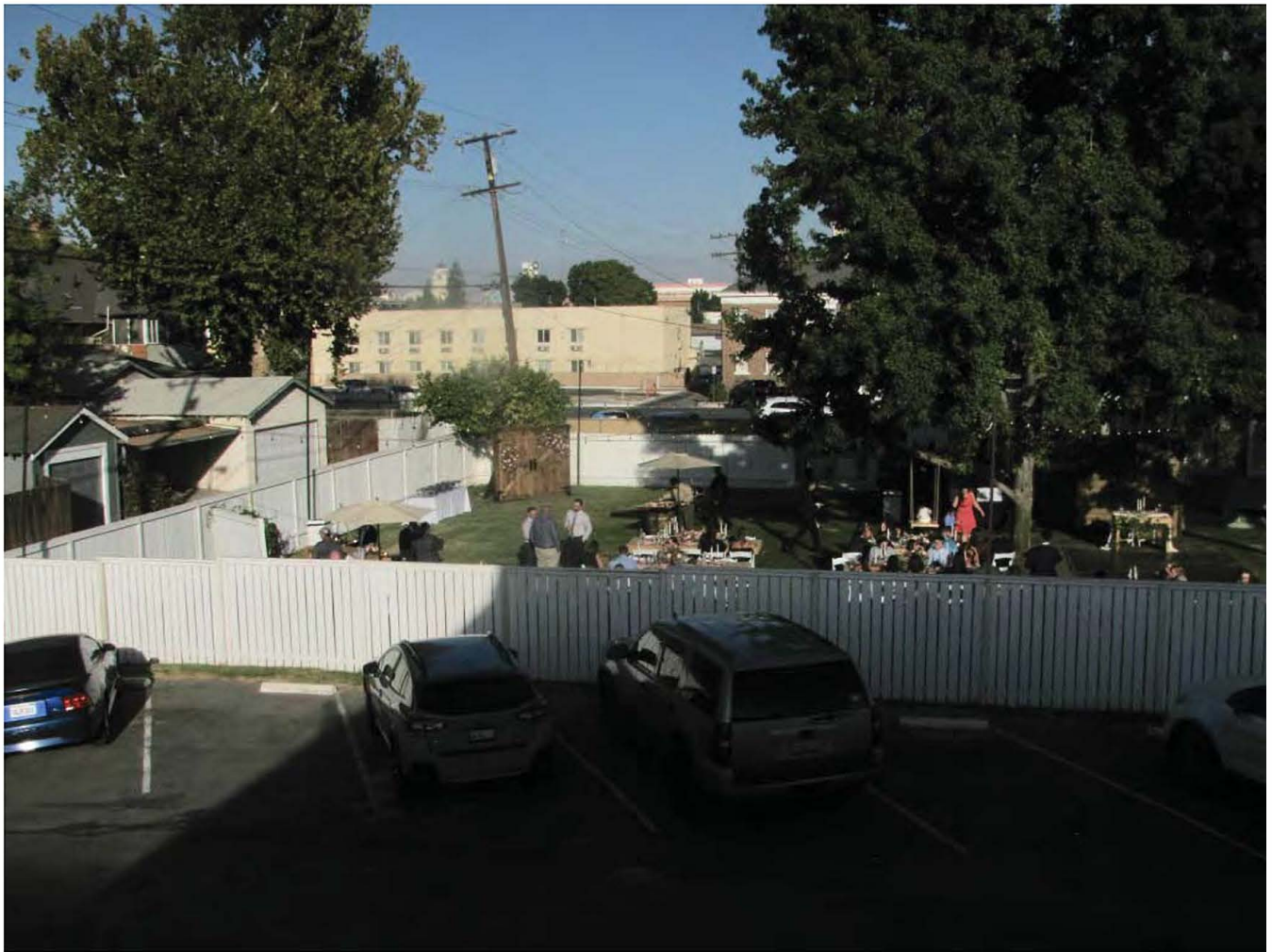


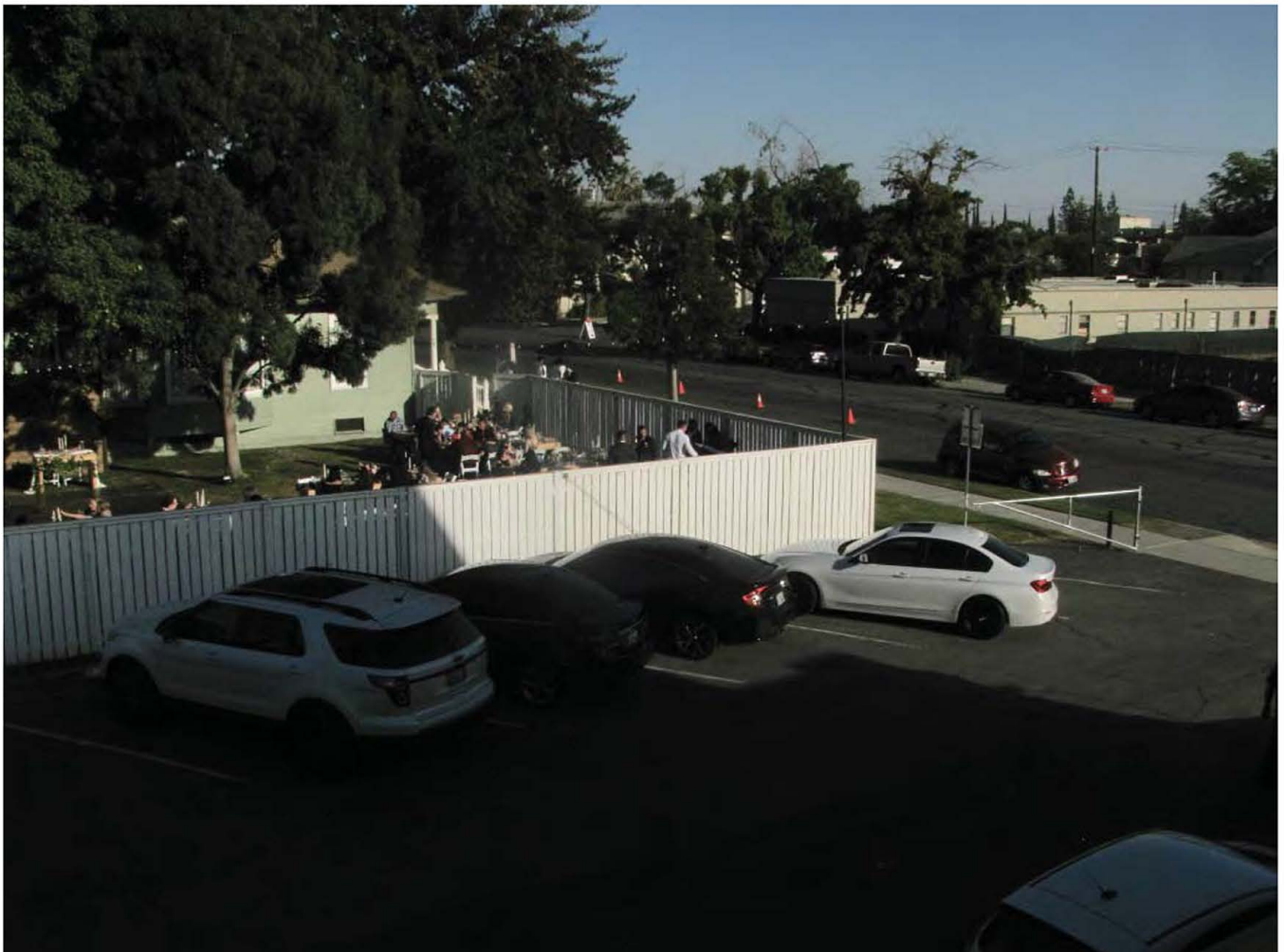


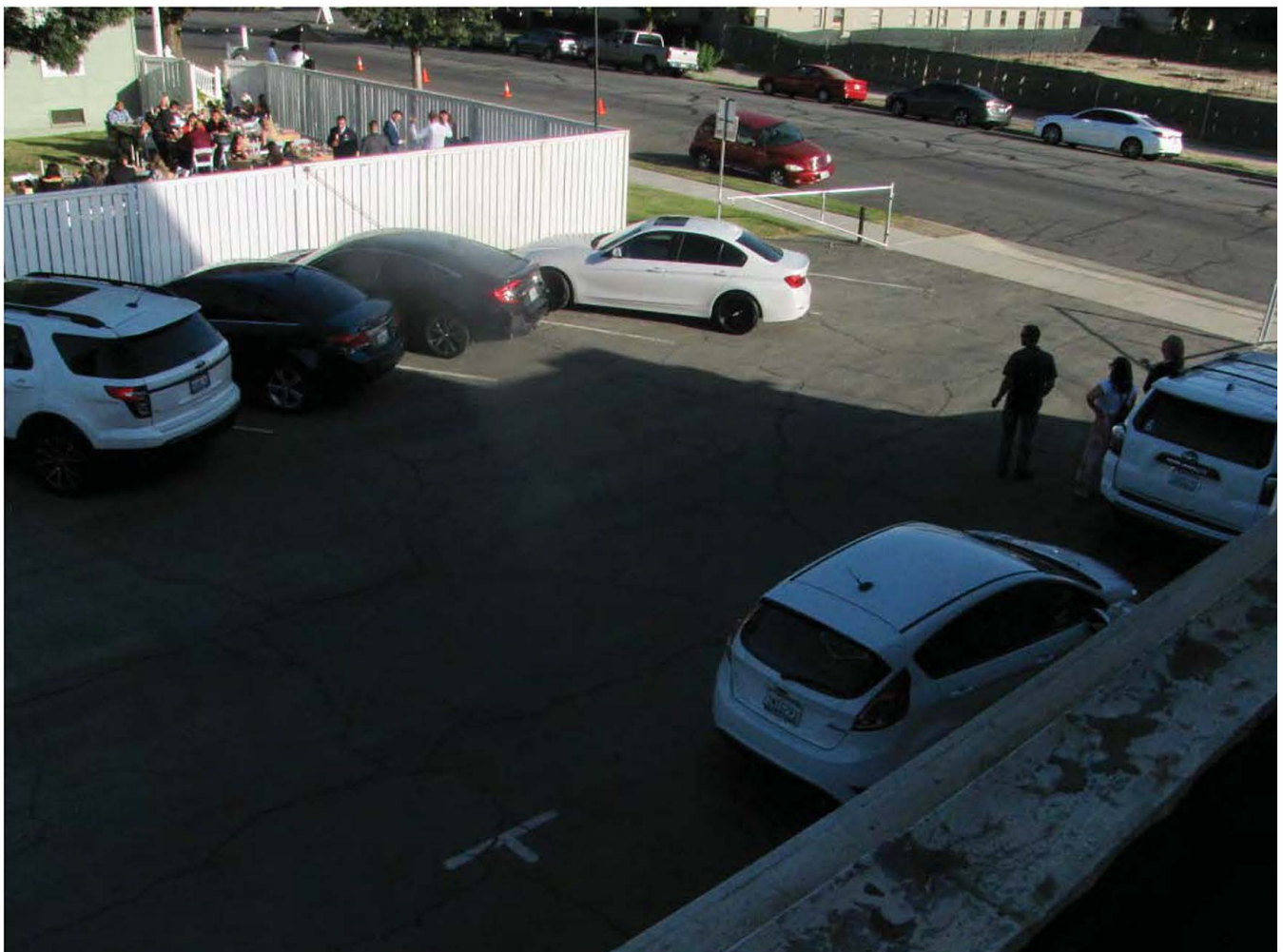
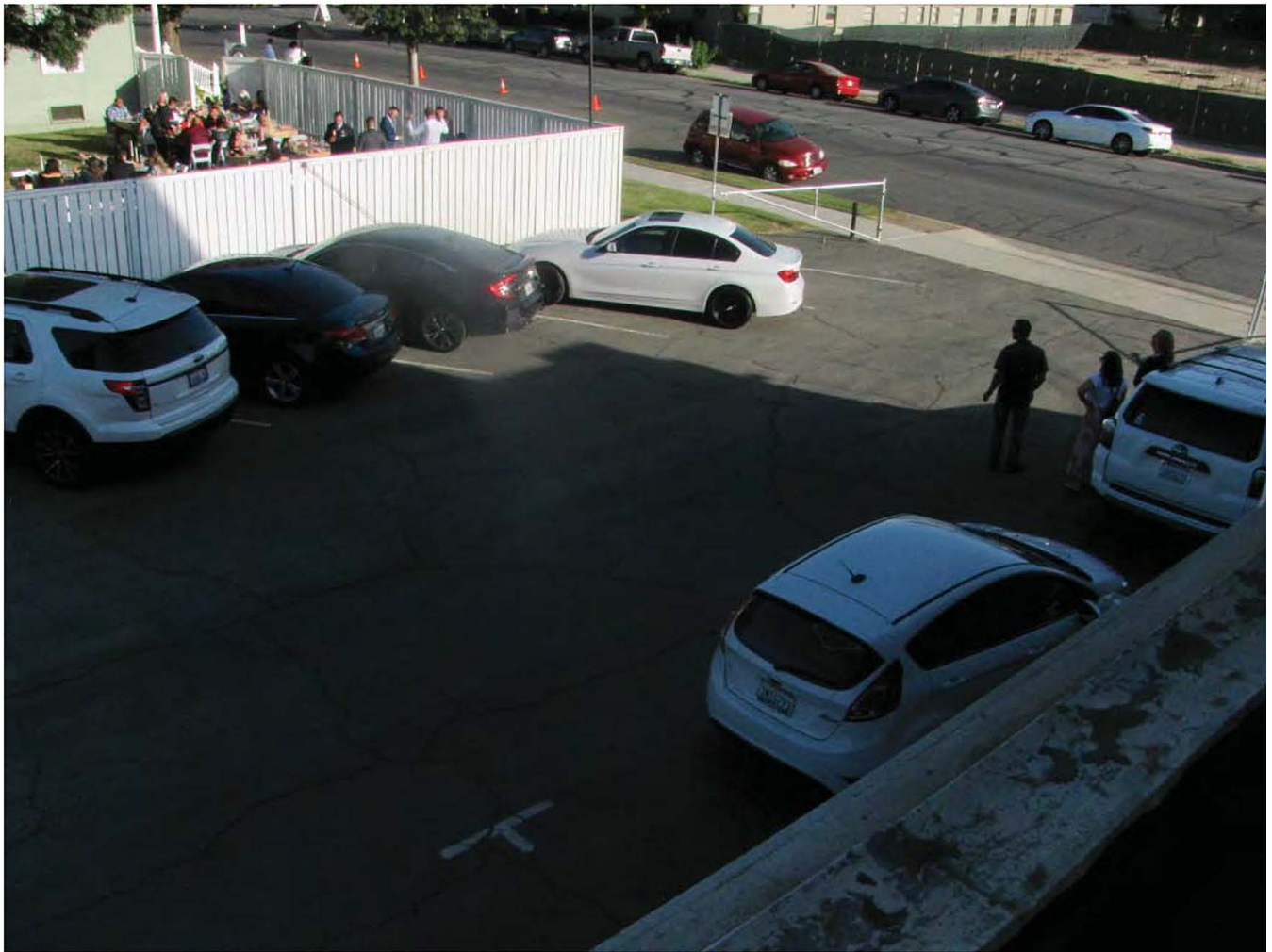


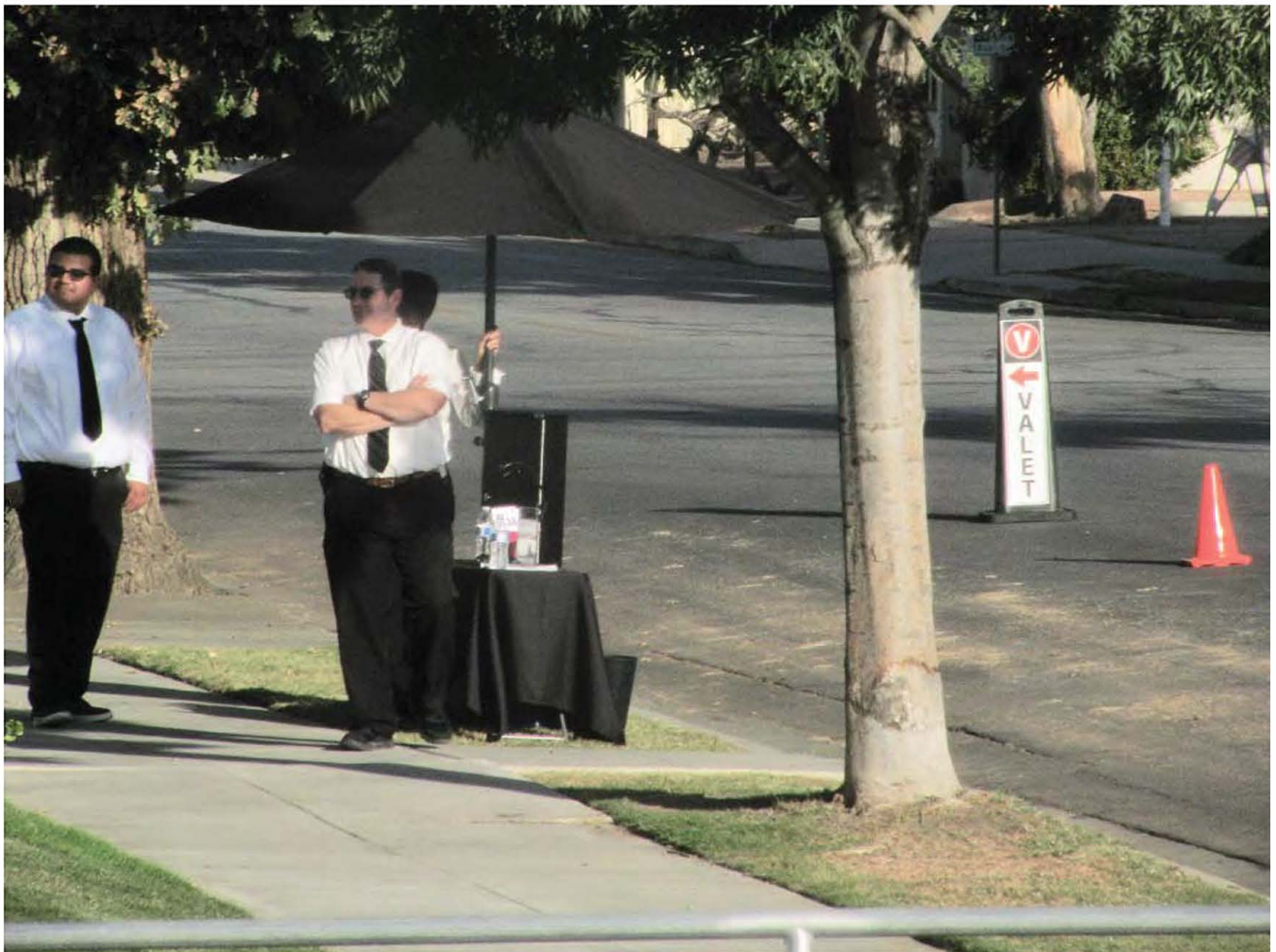
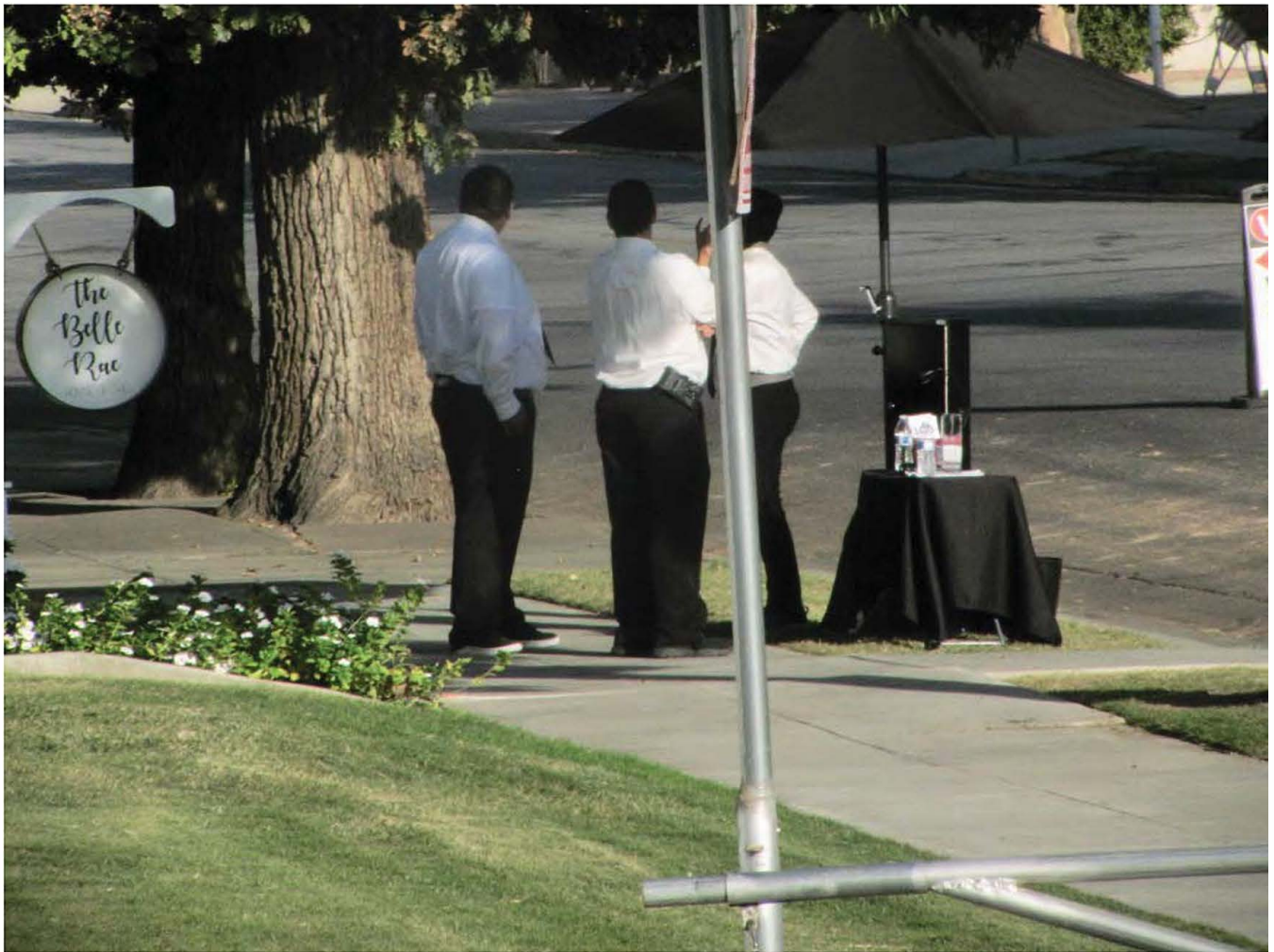


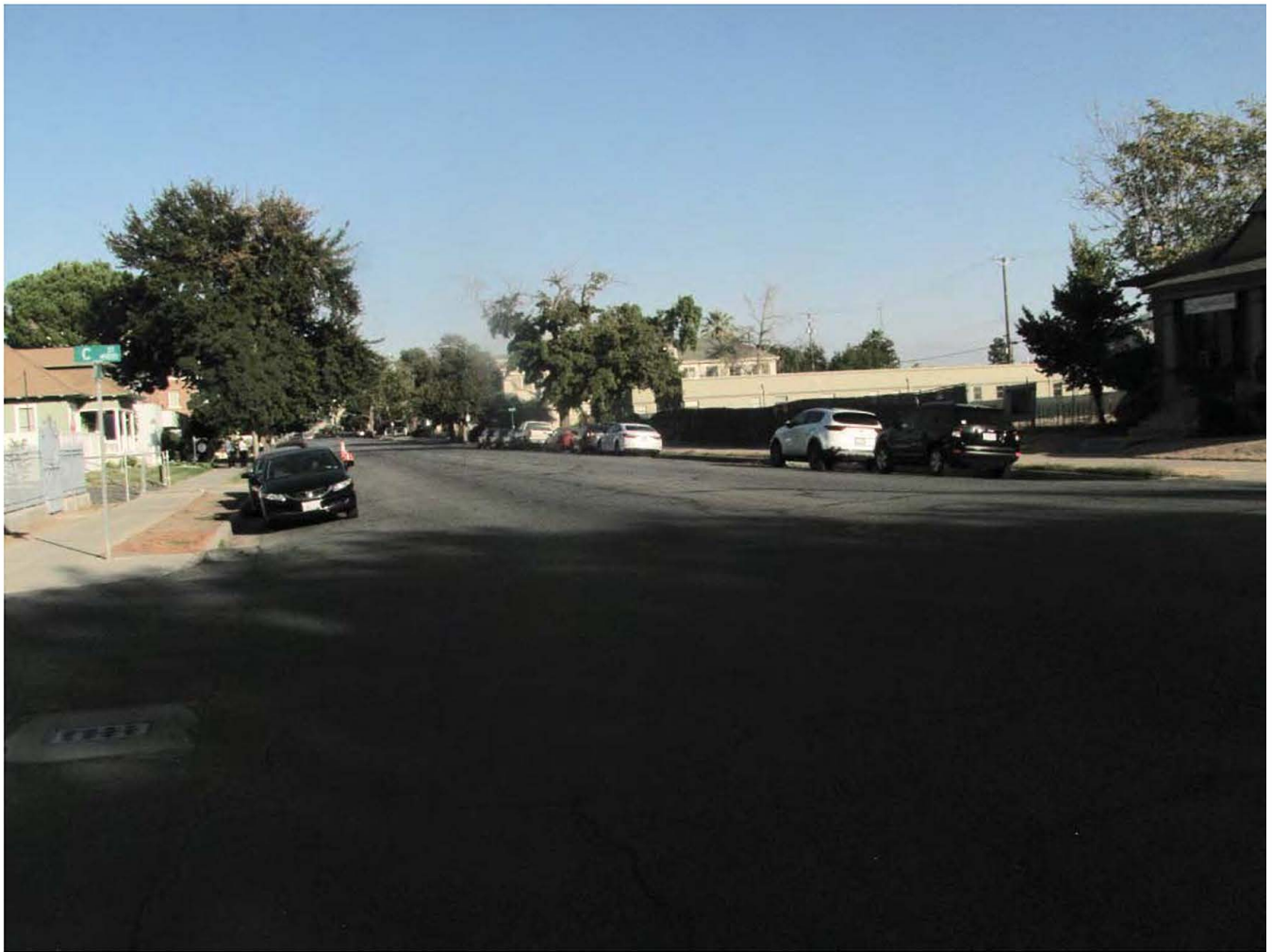












Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, October 13, 2019 1:39 PM
To: David Paquette
Cc: Kevin Coyle; Paul Johnson
Subject: 2104 18th St; party venue The Belle Rae

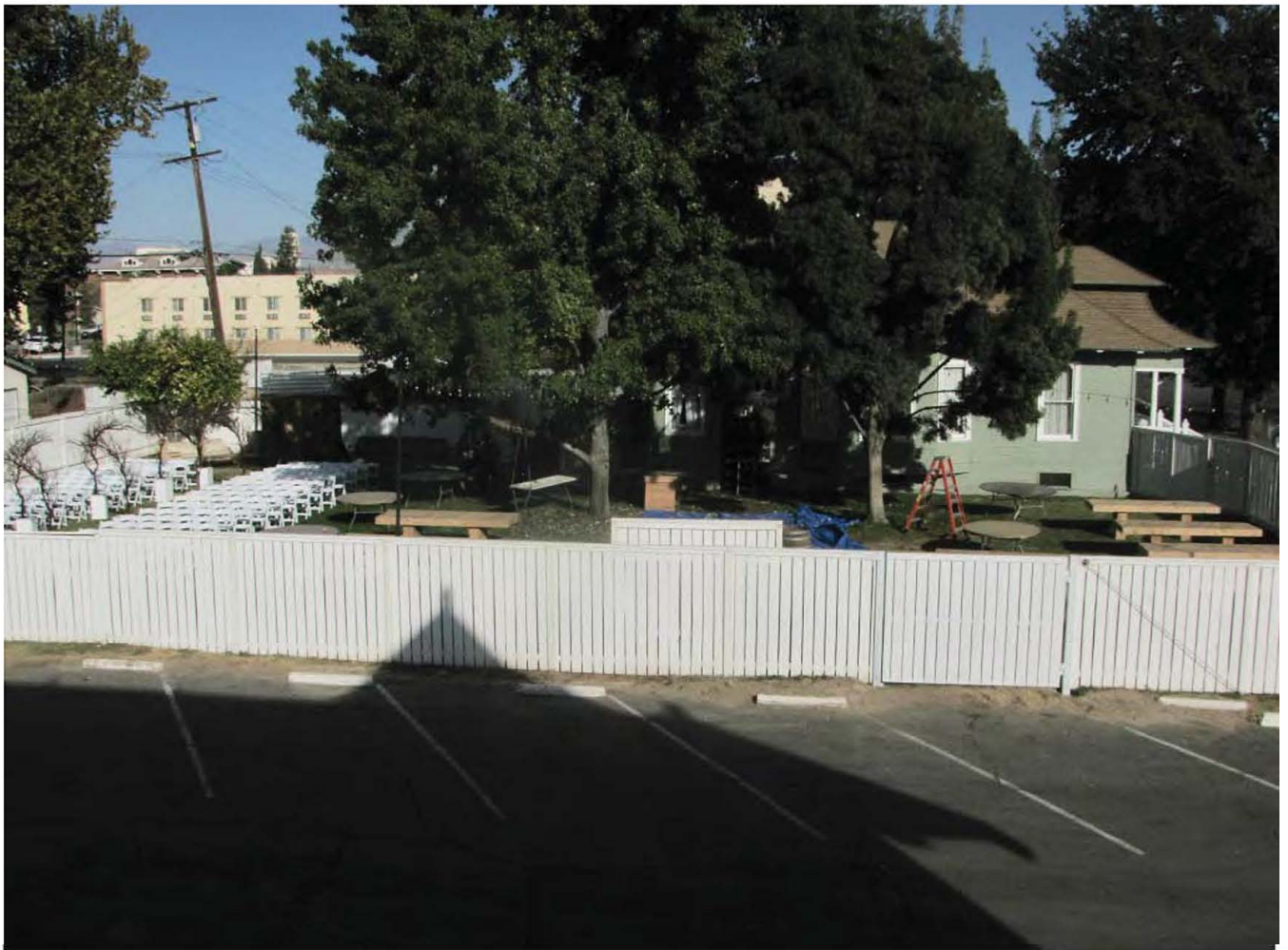
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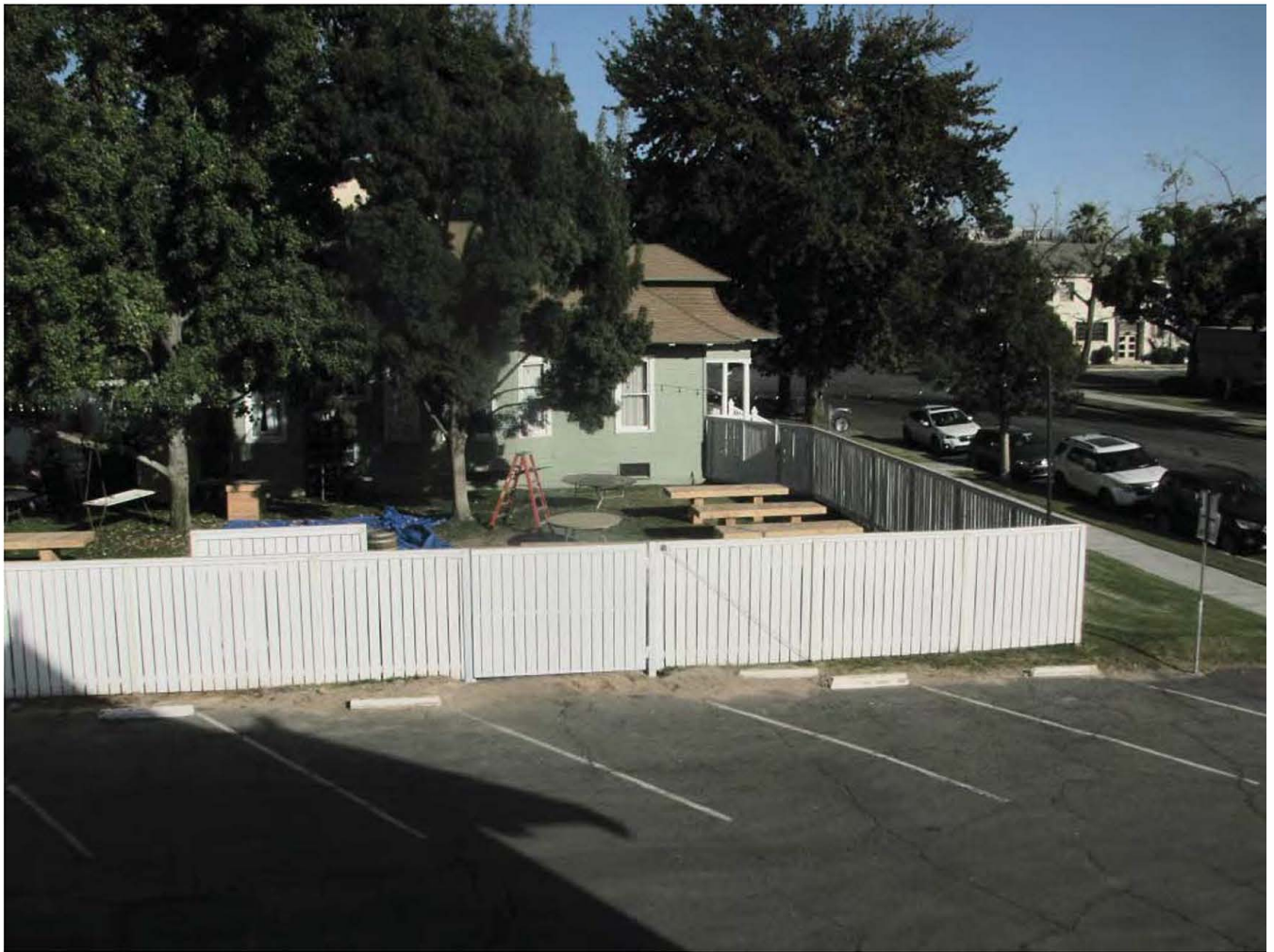
Dear Mr. Paquette:

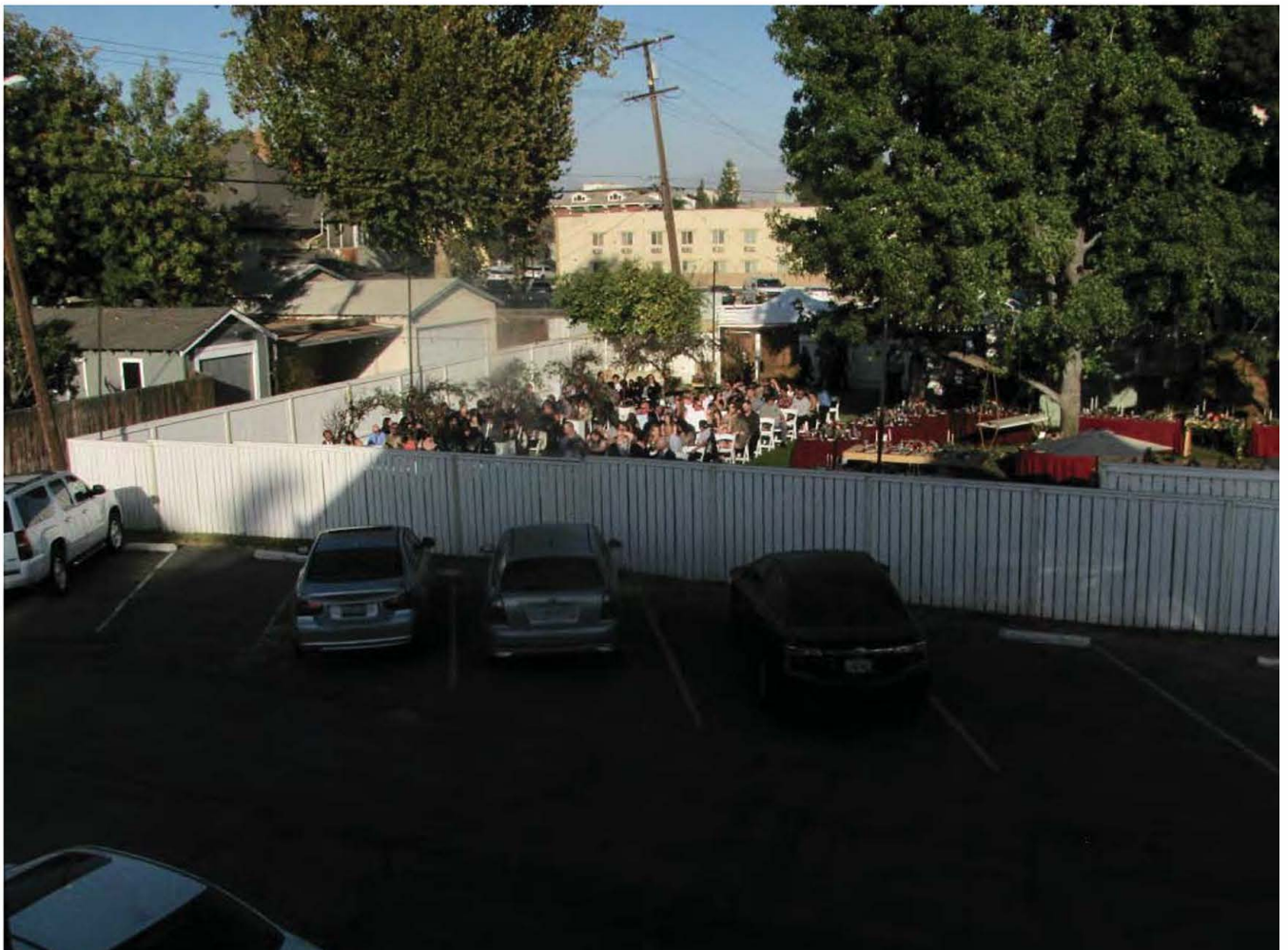
The first five pictures are set up on Friday, October 11, 2019. The fifth picture shows one of the speakers pointing toward our building. The other speaker was also pointing toward us and was located at the other end of their building. I was unable to get a good picture of it.

The next four pictures are of the guests. The next picture is the catering crew set-up in their driveway off the alley. Behind the gate that you see, were two port-a-potties which was about 20 feet from where they were preparing the food. Everyone had to walk past the catering set-up in order to get to the two port-a-potties that served the 100+ people. The next three pictures shows their parking lot half empty. These pictures also showed some of the set up for the guests to dine. The rest of the pictures show guests parking on the streets: 18th Street, D Street. There were also cars parked on C Street. John went down to our house about 10:45 PM and the party was still going strong; the music was extremely loud (you could hear it two blocks away. The disc jockey was screaming into his microphone. Once he saw John, he started screaming "Fuck, fuck, fuck" so it must have been the same one that did it before. John forgot the cell phone or he would have called you so you could hear the noise, etc.

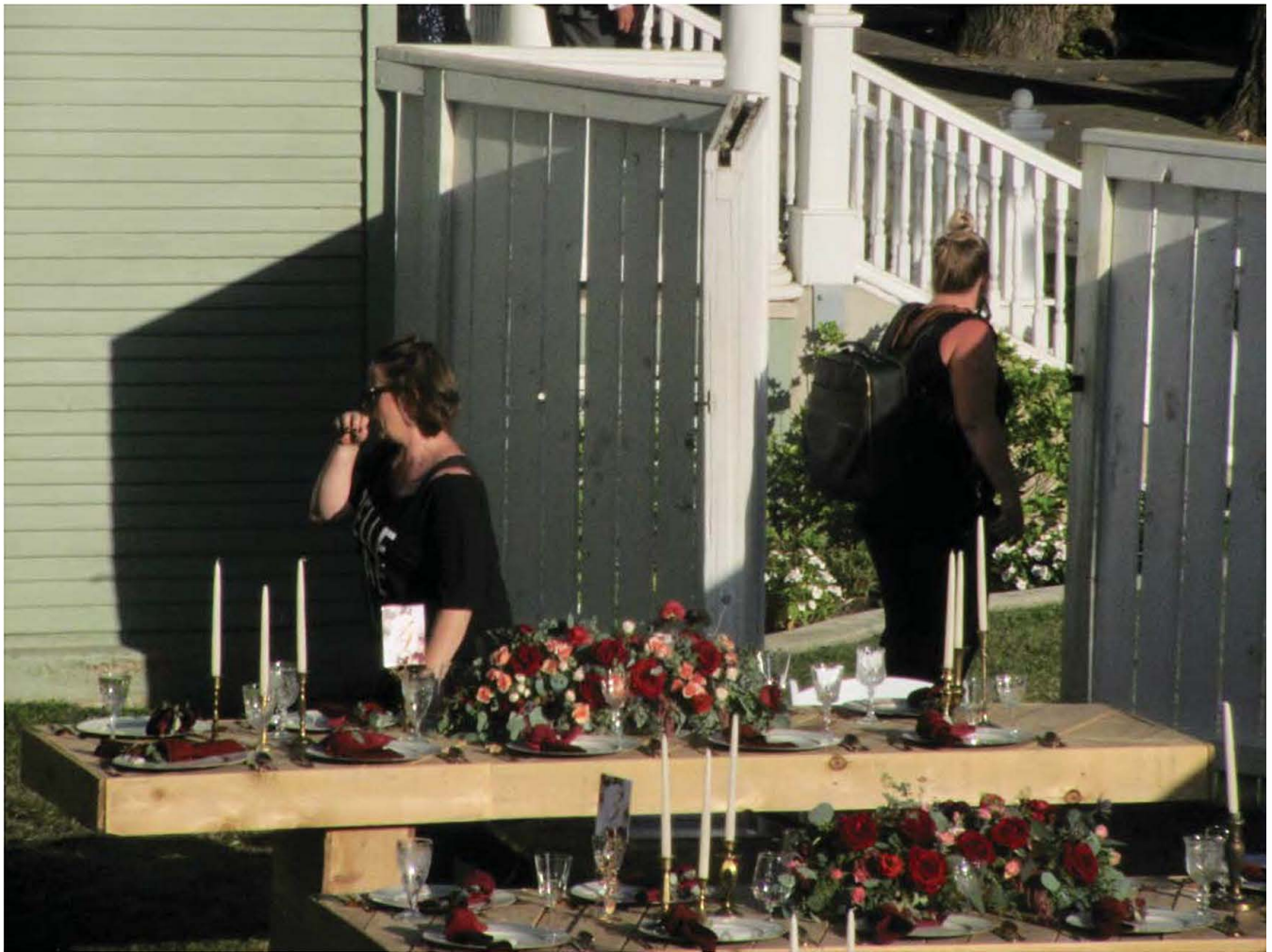
John and Sharon Decker



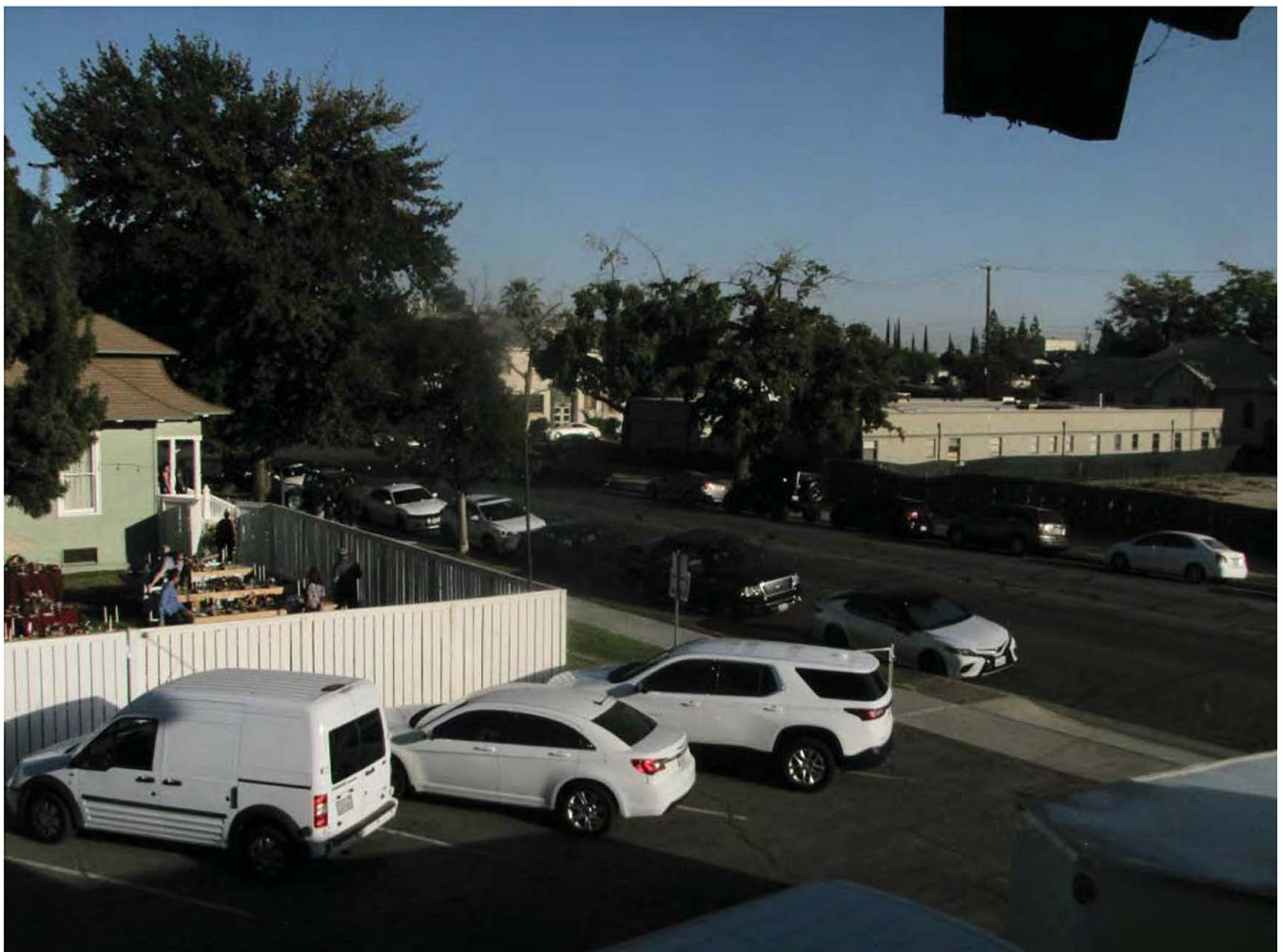


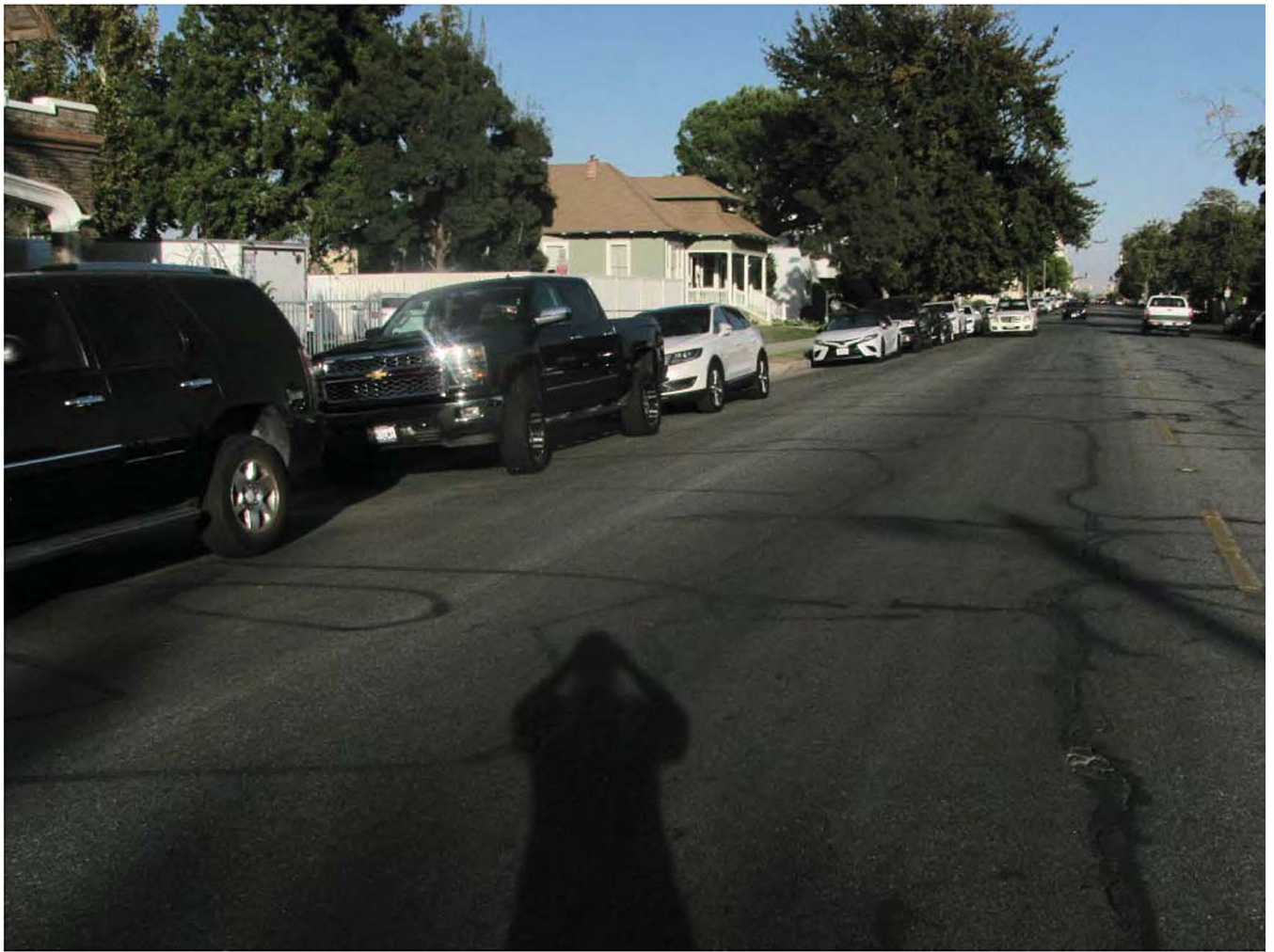
















From: [Sharon Decker](#)
To: [David Paquette](#)
Cc: [Paul Johnson](#); [Kevin Coyle](#)
Subject: Party on October 19, 2019 @ 2104 18th Street (The Belle Rae party venue)
Date: Monday, October 21, 2019 3:53:53 PM
Attachments: [1571696369008blob.jpg](#)
[1571696400666blob.jpg](#)
[1571696428004blob.jpg](#)
[1571696464657blob.jpg](#)
[1571698148228blob.jpg](#)

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Mr. Paquette:

The first two pictures were on Friday for the set-up.

Unfortunately my flash didn't work on Saturday evening so the next two pictures were the only ones that you can see. The third and fourth ones show the parking lot gates locked (food was being served from there) and the fifth one was where they put the port-a-potties (2) were placed in a walkway between their place and the dentist office next door. The pictures were taken on October 18th and 19th. Again they had strobe lights going with colored lights bouncing around inside our house. And even though we have the windows covered with paper, the lights were strong enough that they were still getting in. John phoned Mr. Johnson to hear how loud the music was that evening.

Sharon Decker







Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Saturday, October 26, 2019 9:45 PM
To: David Paquette
Cc: Paul Johnson; Kevin Coyle
Subject: 2104 18th Street party venue (The Belle Rae)

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

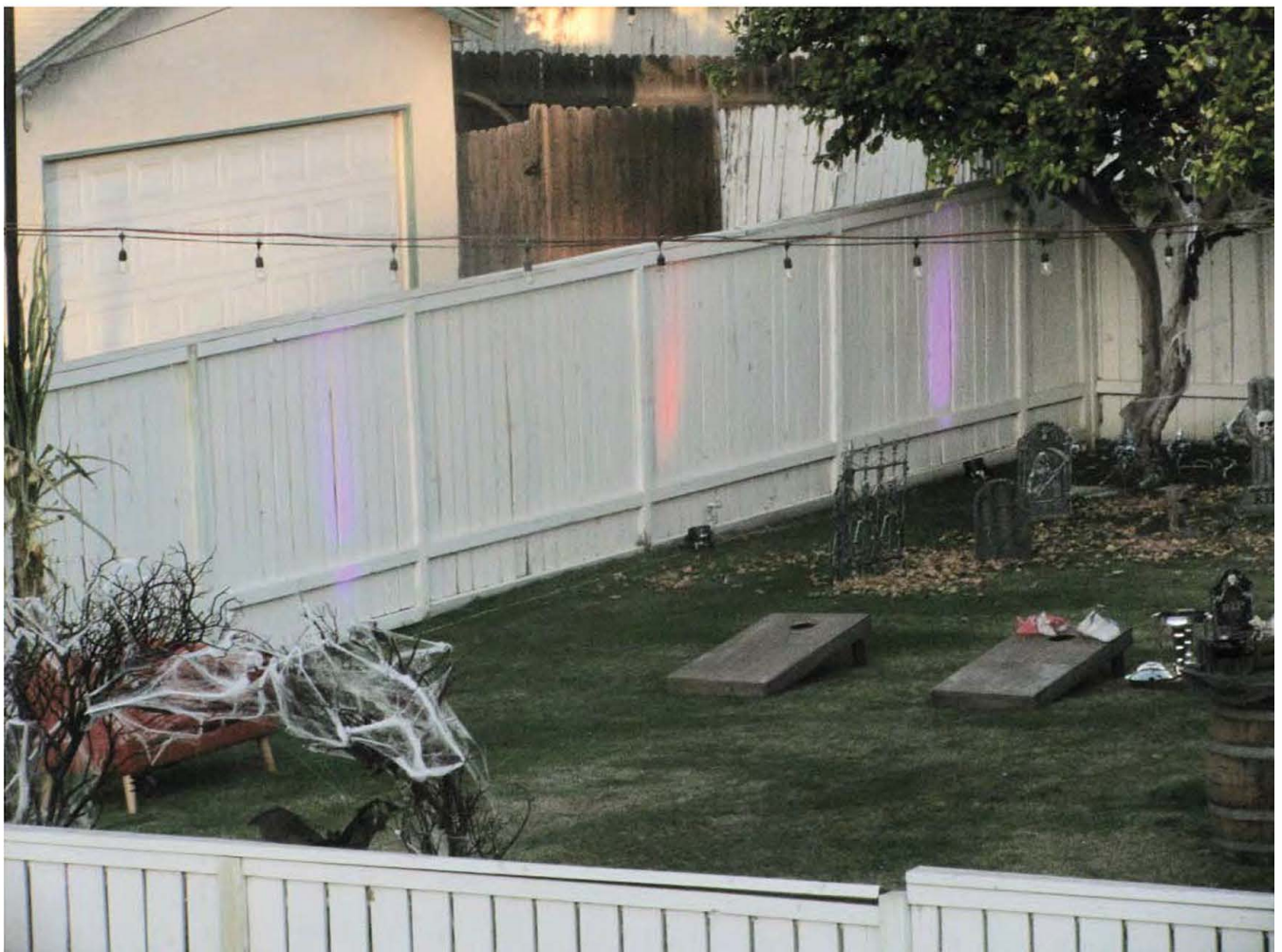
Mr. Paquette:

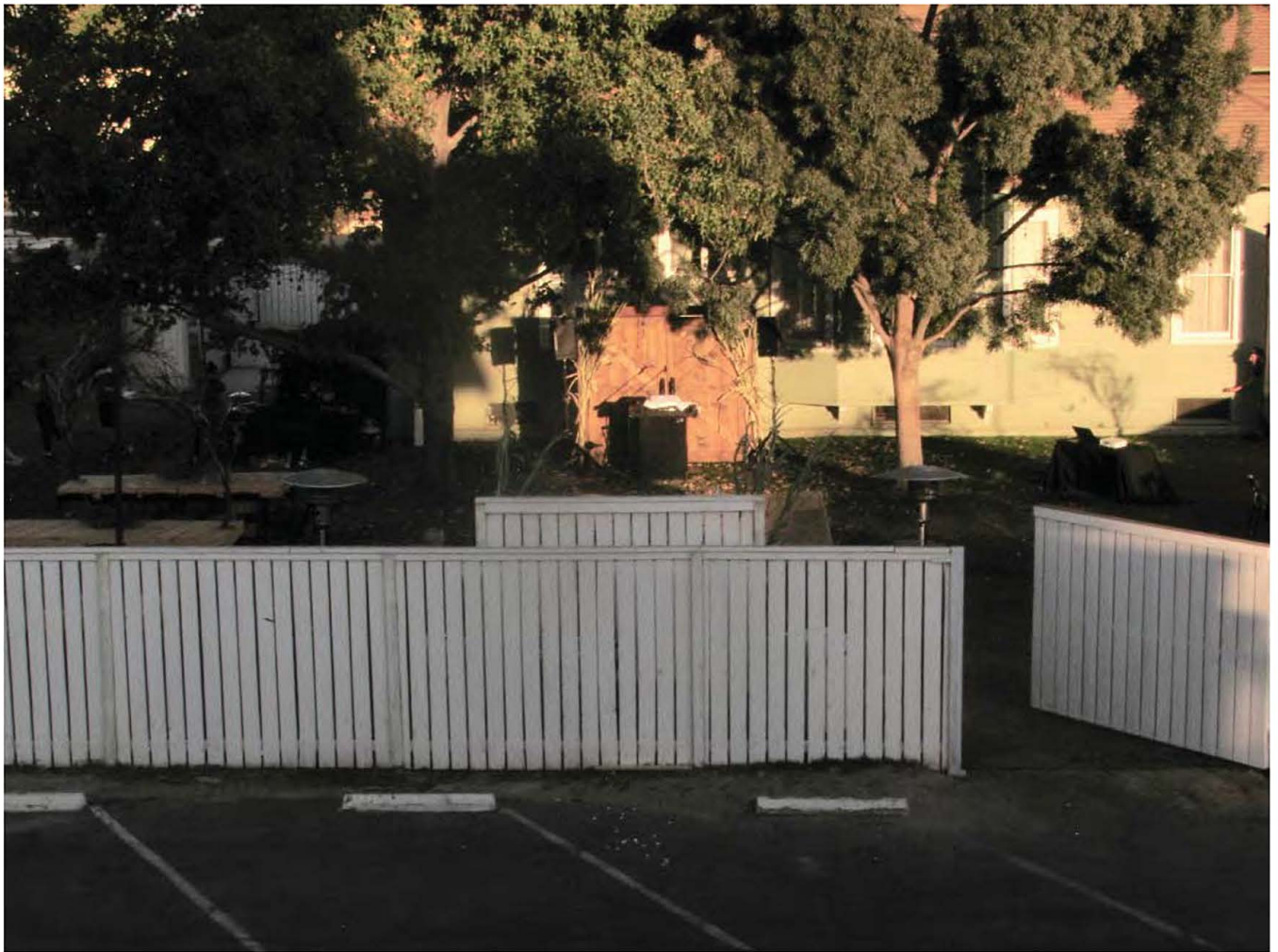
This is the set-up for the party on Friday October 25, 2019. We didn't get pictures that evening since our flash doesn't work. We assume now that this was the "pre-wedding" party since we saw the wedding couple on Saturday, October 26 when we went down at 7 PM.

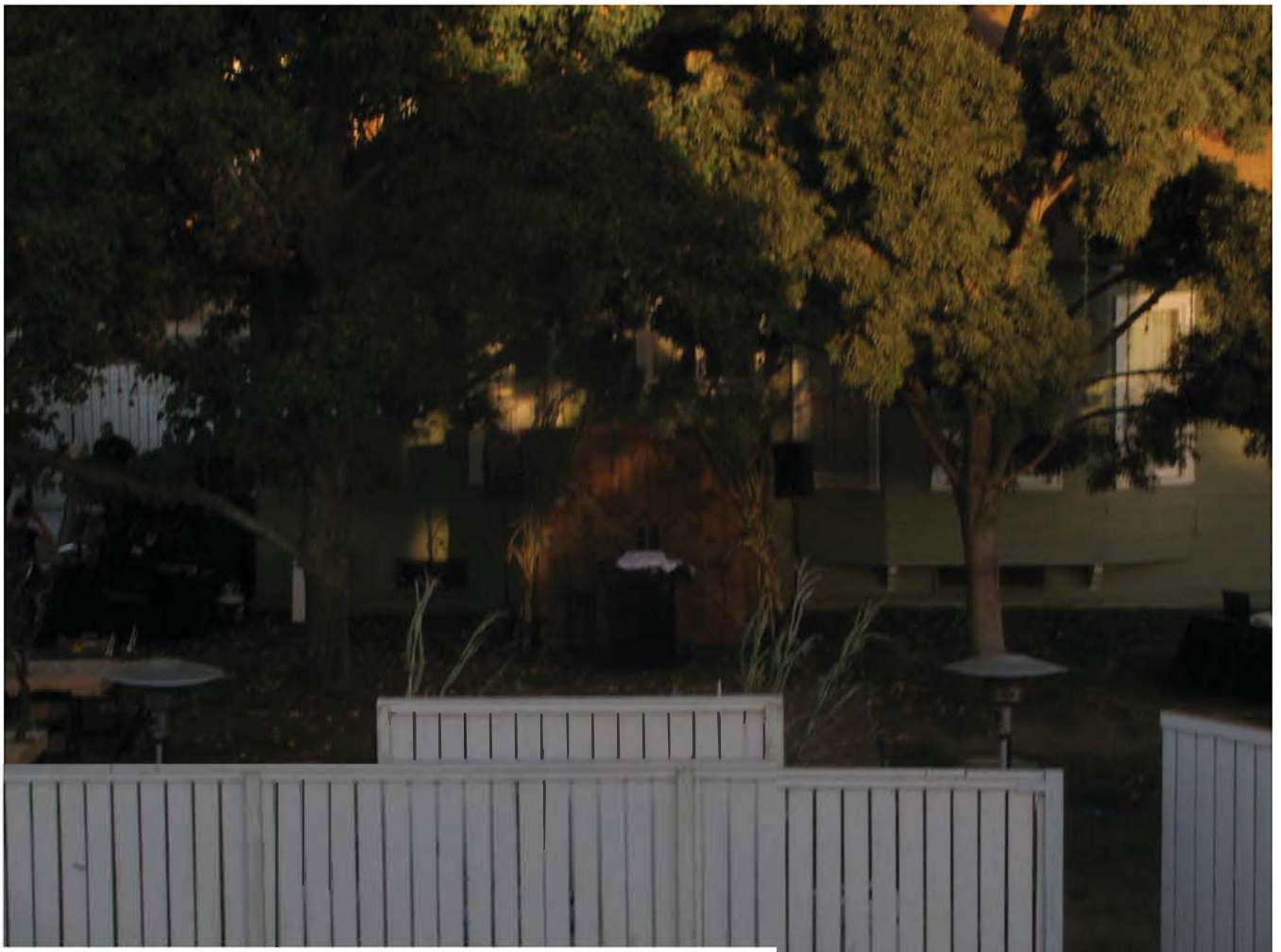
The party was in full swing. The volume was much better but still annoying because as usual, it was directed toward our house as you can see from the pictures below. They had the same set-up today(Saturday).

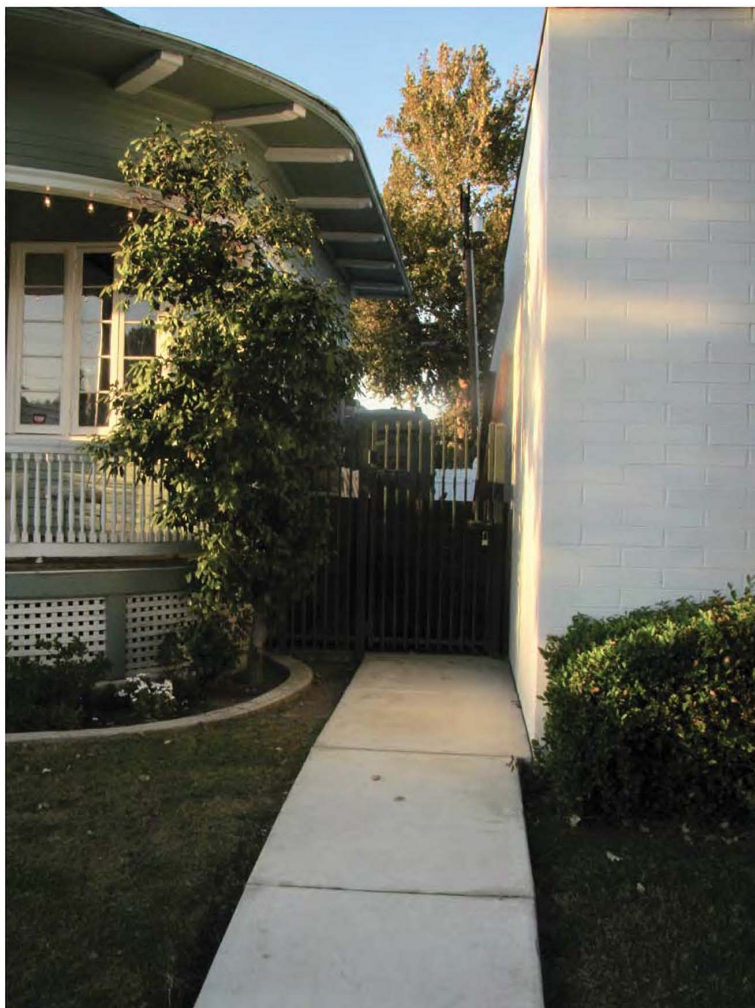
As you'll note, they had two "Knight's" port-a-potties in the hallway between their building and the dentist's office. The parking lot was used by four cars but was locked up; tonight (Saturday) it was used.

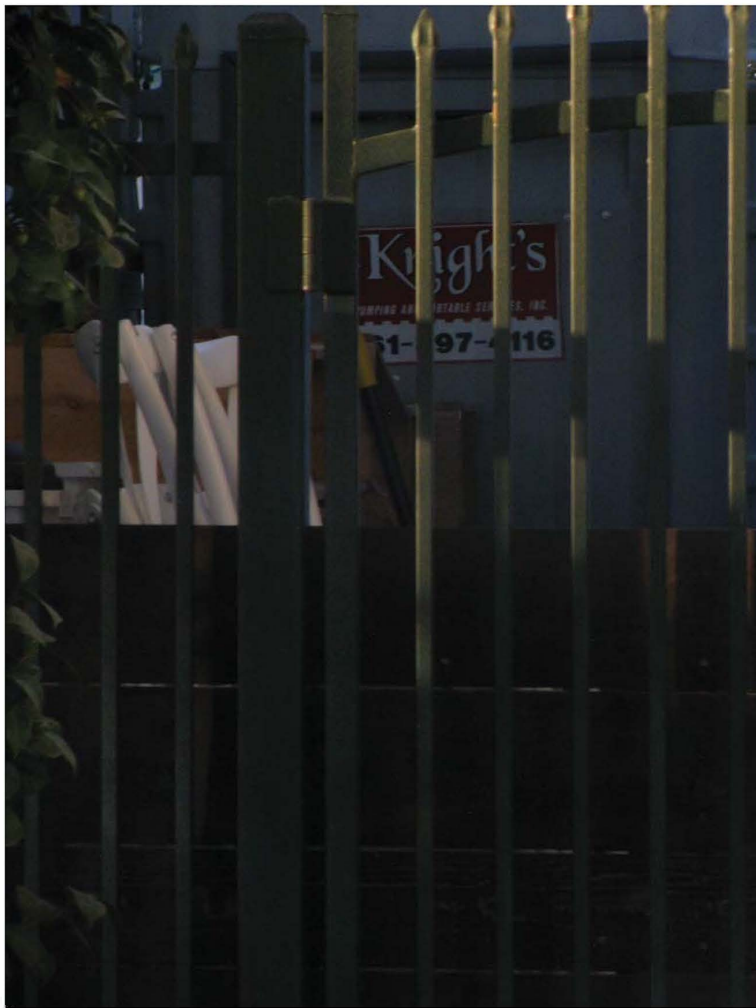
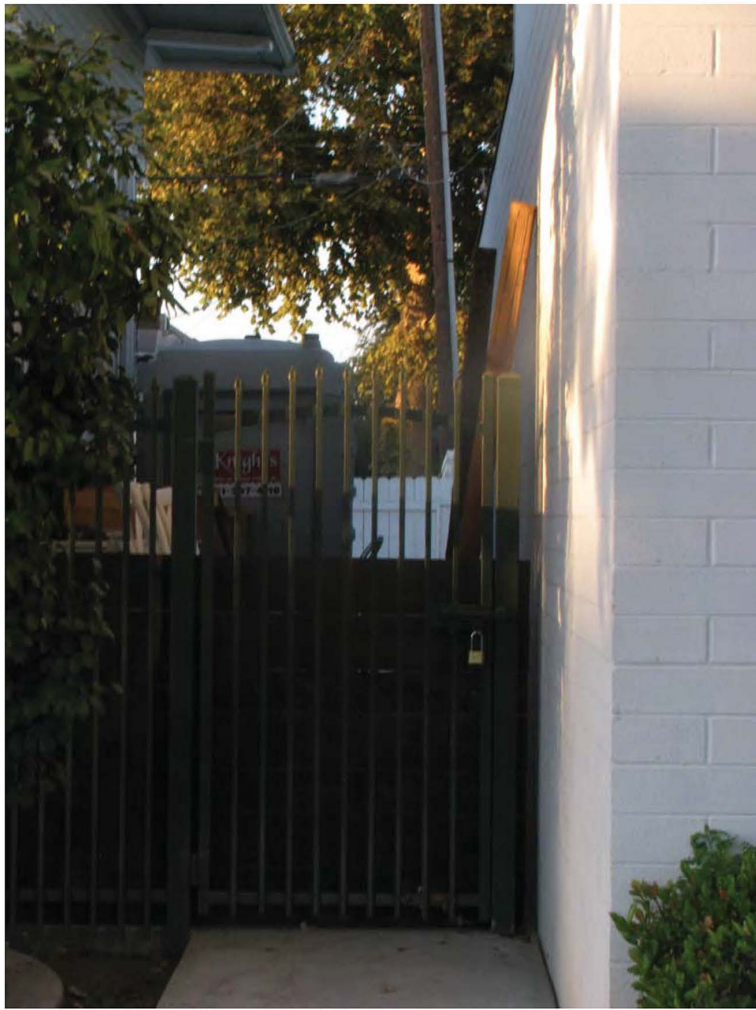
Sharon and John Decker











Event Complaints
(November, 2019 - March, 2020)

From: [David Paquette](#)
To: [Viridiana Gallardo-King](#); [Paul Johnson](#); [Kevin Coyle](#)
Subject: Fwd: Loud noise at 2104 18th St.
Date: Saturday, November 2, 2019 9:44:09 PM

----- Forwarded message -----

From: Brie Anthony <brie.anthony@yahoo.com>
Date: Nov 2, 2019 8:39 PM
Subject: Loud noise at 2104 18th St.
To: David Paquette <dpaquett@bakersfieldcity.us>
Cc:

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Hi David,

I live at 2216 18th and this the location of 2104 18th hosts large parties which are loud and not suitable for a residential area. This noise is keeping me and my family from sleep. Please take appropriate steps to stop this. I would appreciate it, thank you so much.

Brie Anthony
2216 18th St
661-809-4379

[Sent from Yahoo Mail for iPhone](#)

From: [David Paquette](#)
To: [Viridiana Gallardo-King](#); [Paul Johnson](#); [Kevin Coyle](#); [Mark Fick](#); [Phil Burns](#); [Steven Rodrigue](#); [Billy Owens](#)
Subject: Fwd: Excessive Noise at 2104 18th Street
Date: Saturday, November 2, 2019 9:45:44 PM

----- Forwarded message -----

From: Chris Finberg <chris.finberg@gmail.com>
Date: Nov 2, 2019 8:31 PM
Subject: Excessive Noise at 2104 18th Street
To: David Paquette <dpaquett@bakersfieldcity.us>
Cc:

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Hello -

My name is Christopher Finberg.
I reside at 1801 C Street in Bakersfield (NW corner of 18th and C).

I am writing to let the City know that there is currently a tremendously LOUD event going on right now at 2104 18th Street. The volume of the amplified music and announcer's yelling in between songs is making it impossible to watch television inside my apartment even though the windows are closed. The noise level is most definitely a nuisance. I urge you to measure the decibels.

This same type of activity and noise seems to happen almost every Friday and Saturday night for the last few months. Some nights are worse than others. Tonight happens to be the loudest I have ever heard.

Please do what you can to make the venue not emit such loud noises at night (or in the the daytime for that matter - this is crazy).

Please feel free to contact me with any questions or to let me know how best to communicate my complaint.

Thank you.

Chris Finberg
661-330-7593

Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, November 03, 2019 8:26 PM
To: David Paquette; Paul Johnson; Kevin Coyle
Subject: Fw: 2104 18th Street Party Venue (The Belle Rae) November 3, 2019

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

Gentlemen:

Unfortunately when I edited these pictures, I put the wrong date on them. The party was held on Saturday, November 2, 2019. Sorry for the mistake.

Sharon Decker

----- Forwarded Message -----

From: Sharon Decker <sgdeckerbak@att.net>
To: David Paquette <dpaugett@bakersfieldcity.us>
Cc: Paul Johnson <pjohnson@bakersfieldcity.us>; Kevin Coyle <kcoyle@bakersfieldcity.us>
Sent: Sunday, November 3, 2019, 3:21:12 PM PST
Subject: 2104 18th Street Party Venue (The Belle Rae) November 3, 2019

Dear Mr. Paquette,

Here are pictures from the wedding party at the subject venue. The first four pictures show both ends of the parking lot closed and locked and the parking lot empty, Pictures five through eight show the party. Note one speaker each on pictures six, seven and eight pointing west right at our building. Pictures three, four, nine and ten show all the guests cars parked on the street.

Hope this helps.

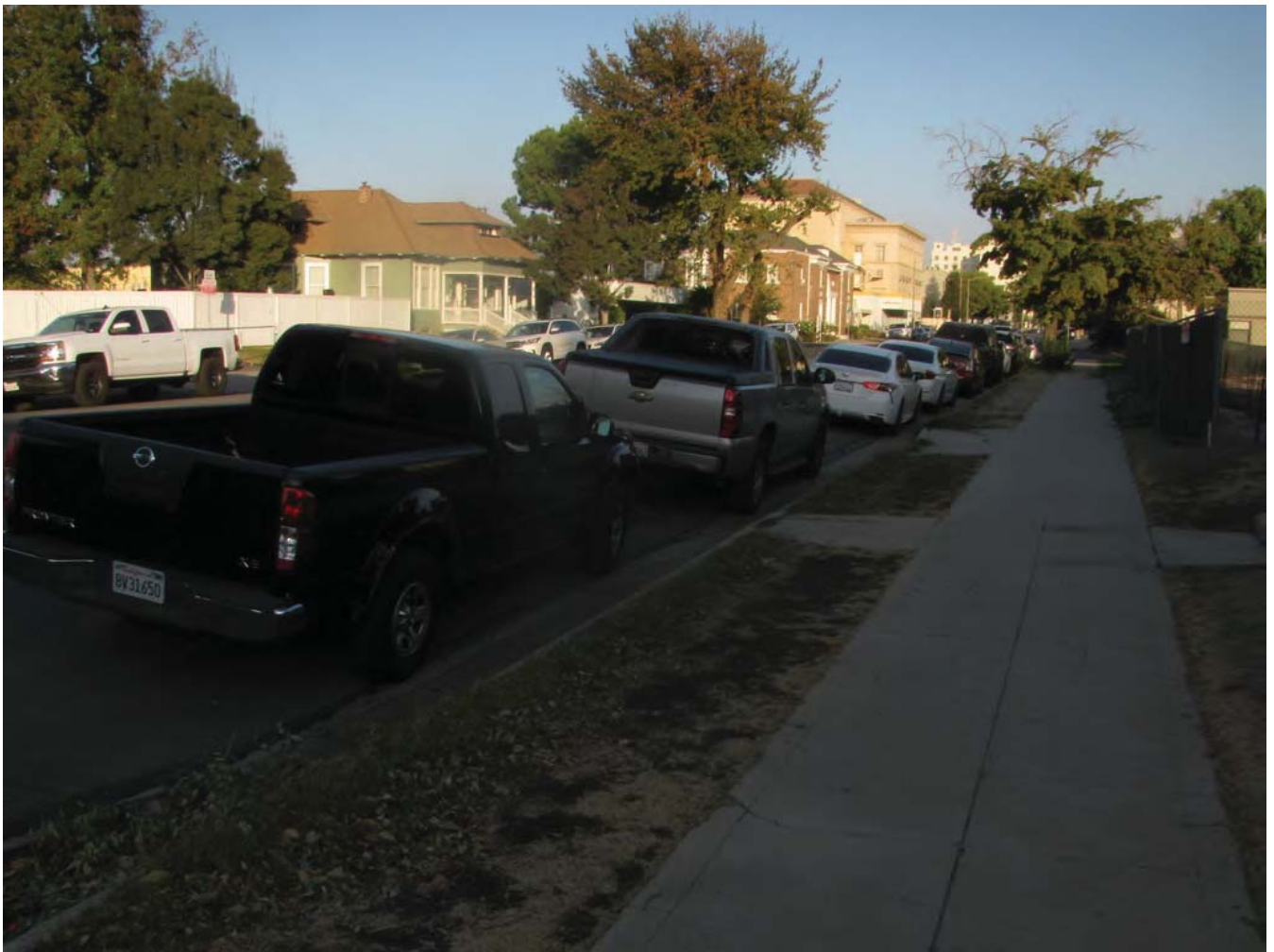
John Decker











Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, November 10, 2019 5:05 PM
To: David Paquette
Cc: Paul Johnson; Kevin Coyle
Subject: 2104 - 18th Street (The Belle Rae party venue) party on Nov 9, 2019

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

Mr. Paquette:

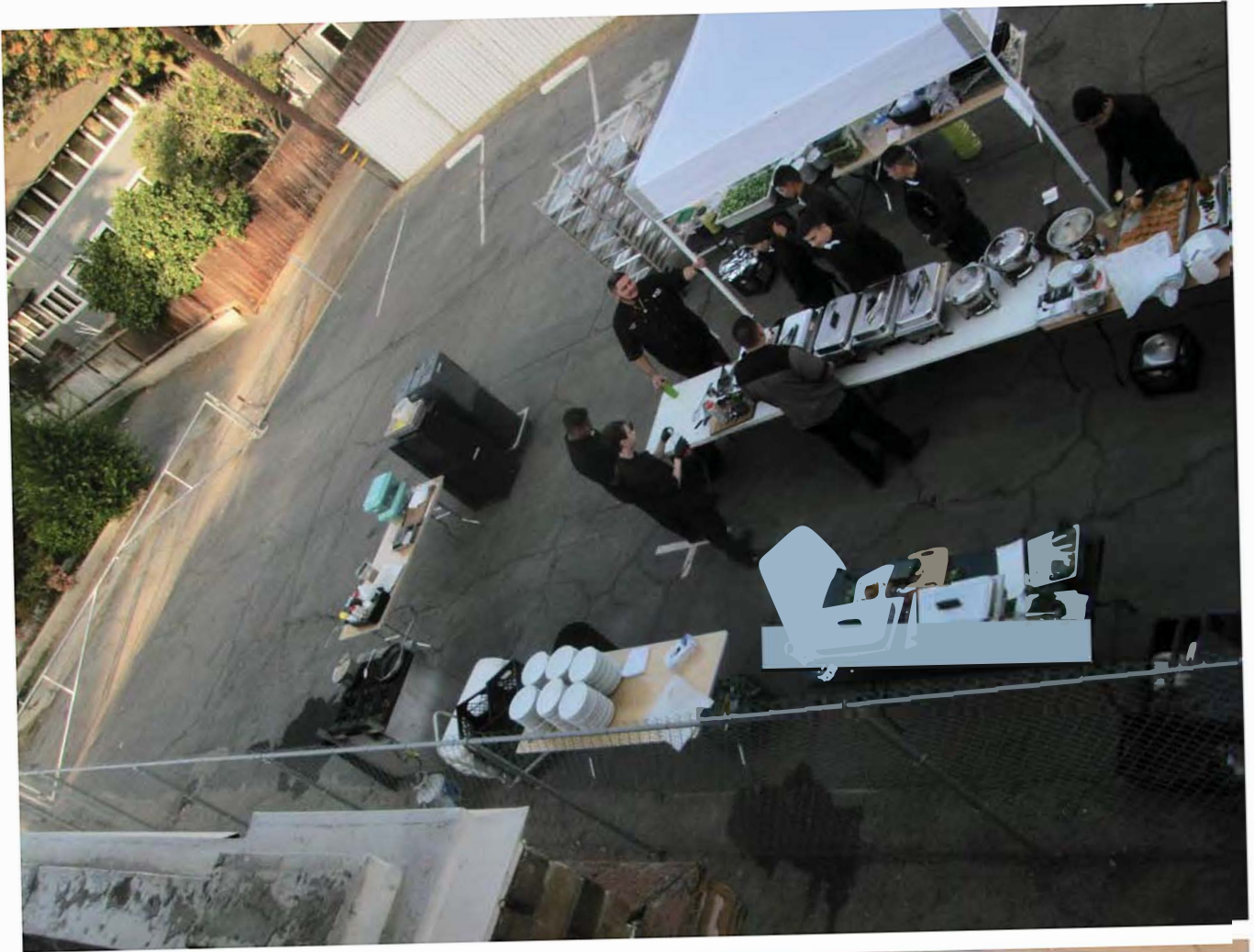
Attached are pictures from the party at the subject venue on November 9, 2019 (Saturday). The catering crew set up in the parking lot. Note that at both ends of parking lot the gates are closed and locked.(Photos 1 through 4)

Photos 5 through 10 show the party in progress.(Photos 7 and 8 show the close-up of the DJ; Photos 6 through 10 also show the speakers directed at our building as usual. The speakers are at either end of their building on bases draped with black cloth with the speakers on top.)

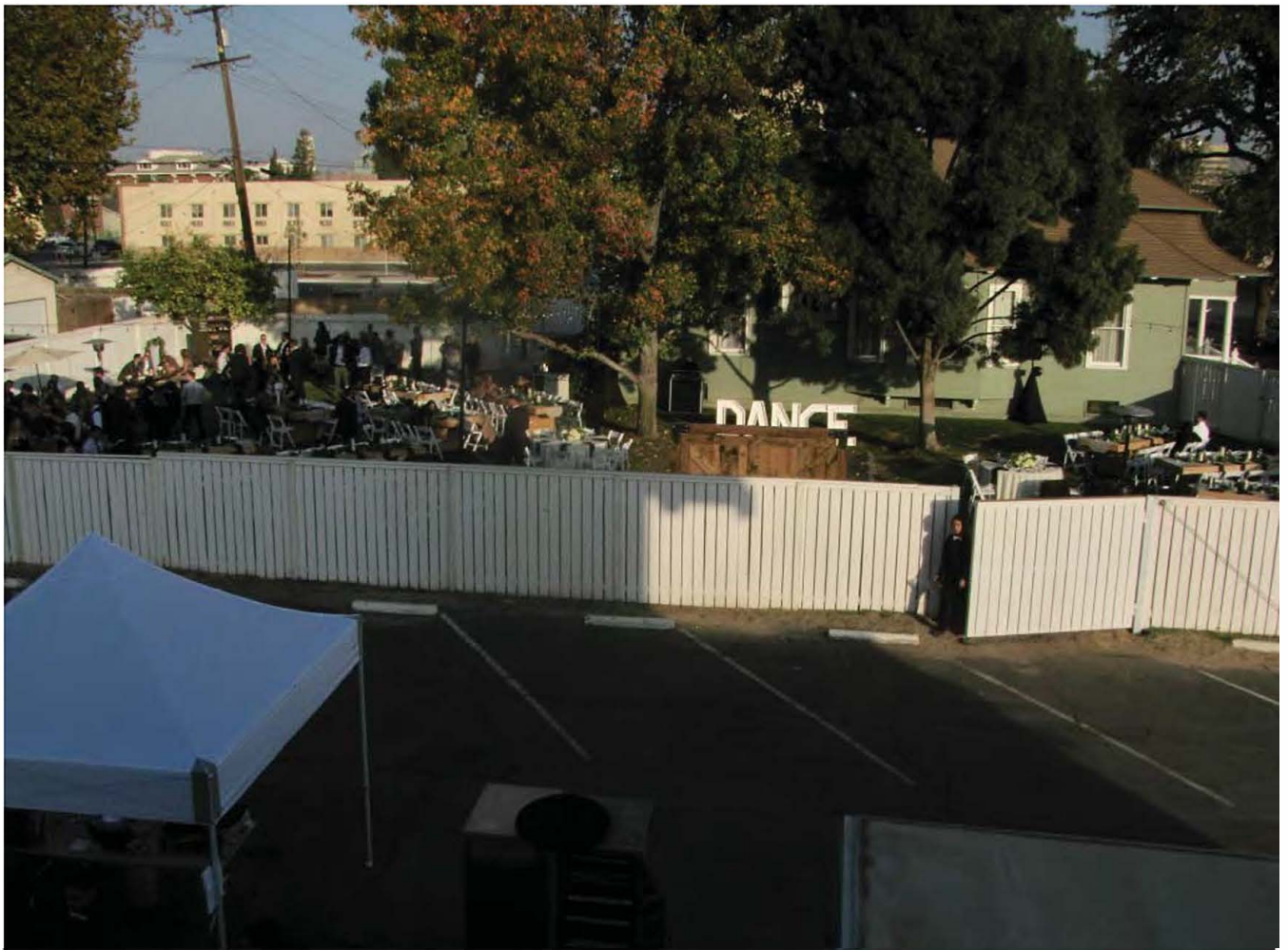
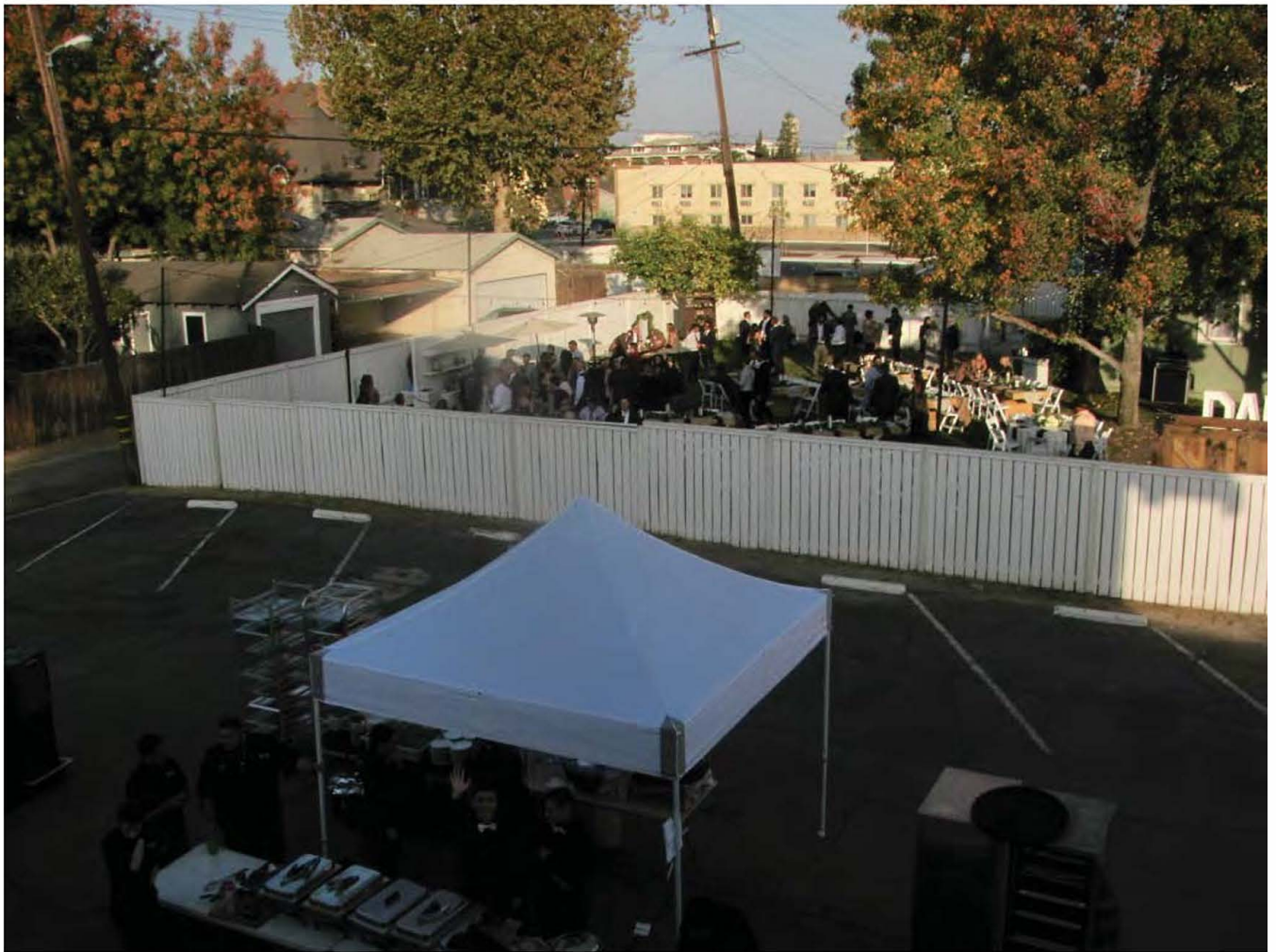
Photo 11 shows guests parking on 18th Street; Photo 12 shows guests parking on C Street.

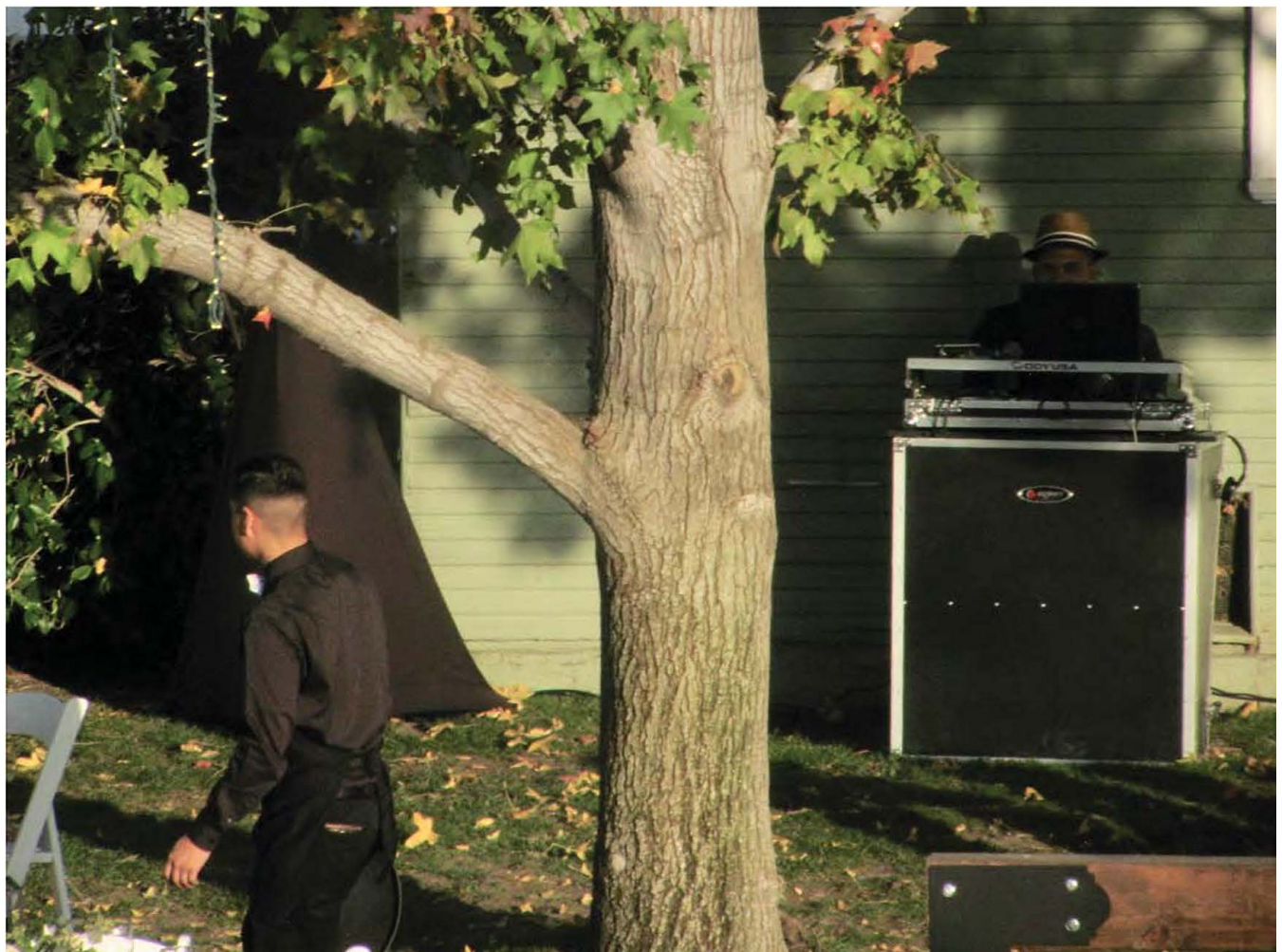
Add these to the rest.

John and Sharon Decker













Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, March 1, 2020 6:15 PM
To: Paul Johnson
Cc: Christopher Boyle; David Paquette; Richard Iger; Viridiana Gallardo-King
Subject: 2104 18th Street (Belle Rae) party: set up 2/27/20 , party 2/29/20, aftermath 3/1/20

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

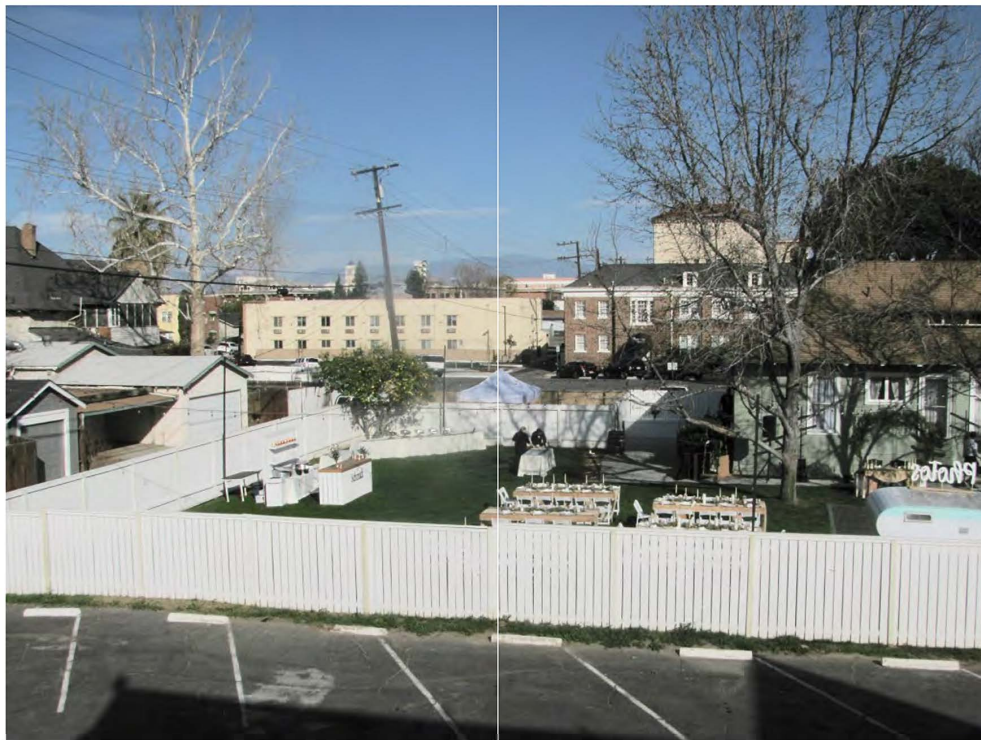
I noticed on Thursday (Feb. 27th) that the Belle Rae at 2104 18th Street was setting up for another party. So I went down to the Planning Dept and informed Mr. Paul Johnson that they were setting up for another party. He told me that he would contact Code Compliance to go by and give them another ticket. I asked him to contact Code Compliance because evrytime I speak to Mr. Paquette he tells me that there is nothing he can do because it would interfere with the lawyers. I told Mr. Johnson that the party probably wouldn't happen until Saturday (Feb 29th) and that Code Compliance closes up shop at 4:30 PM on Friday. Mr. Johnson told me that there was a new group in Code Compliance that would respond on Saturday and that he would relay that to the Code Compliance people. So I came back the next day Friday (Feb 28th) to Mr. Johnson (Planning Dept) and told him that they were still setting up but that the party would probably happen on Saturday (Feb 29th). He again told me that Code Compliance would take care of it but asked me to take pictures. I told him I would. Saturday morning (Feb 29th) they finished the set up and the party started sometime around 4 PM.

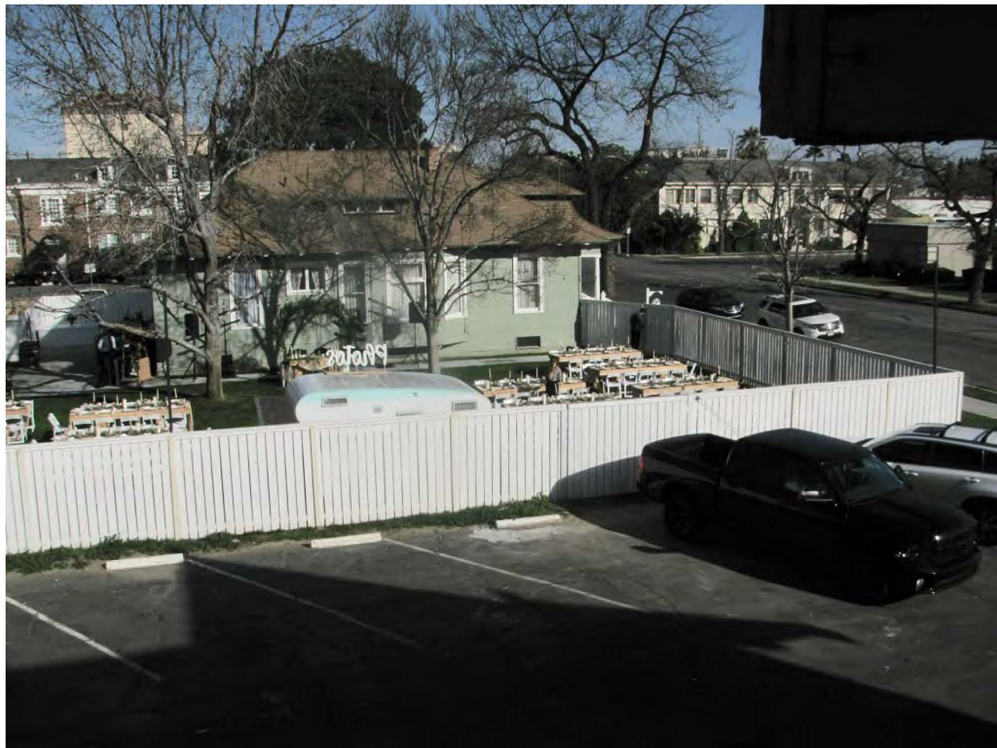
So the pictures are in the order as it happened (the times listed on the pictures are approximate as I don't carry a watch): the first three show what happened on Thursday (Feb 27th); the next five show the finish set up on Saturday (Feb 29th) (The fourth picture shows a man in a black shirt. He's one of the business owners.);

the next three show the DJ set up with his speakers and light bars directed toward our building; the next three show the party in progress. The guests' cars were parked not only in the parking lot but also on both sides of 18th Street and both sides of C Street. I returned back to our building as I do every night and noticed that everything had been removed. So I returned on Sunday (Mar 1st) and the last seven pictures showed where they stacked everything behind the building so it wouldn't be seen. It also shows the single Port-a-Potty that they had for at least 100 people.

I hope this helps.
John Decker





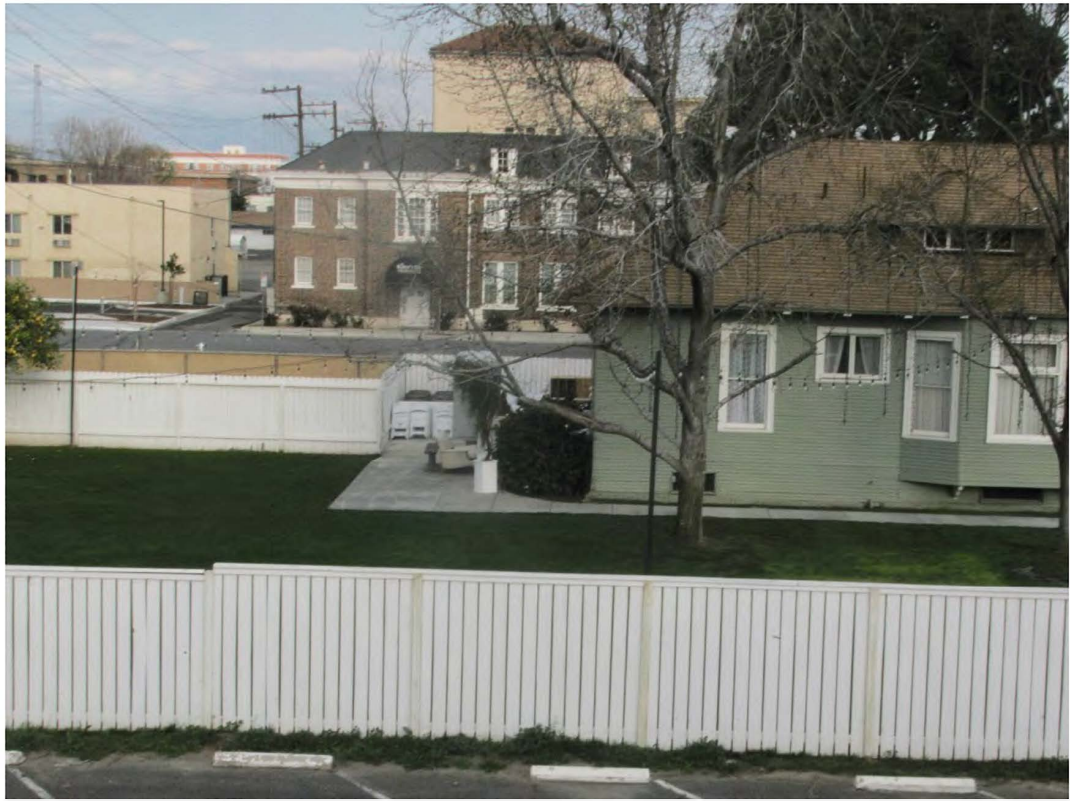


















From: [Sharon Decker](#)
To: [Paul Johnson](#)
Cc: [David Paquette](#); [Christopher Boyle](#); [Richard Iger](#); [Viridiana Gallardo-King](#)
Subject: 2104 18th Street (The Belle Rae)
Date: Monday, March 2, 2020 11:48:27 AM
Attachments: [1583178415856blob.jpg](#)
[1583178444549blob.jpg](#)

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

These are pictures of the company's truck (Walker Lewis) that came to pick up the tables and chairs. You already have the name of the Port-a-Potty company just in case you need some background of who rented what and where.

John Decker



Event Complaints
(March, 2020 Continued)

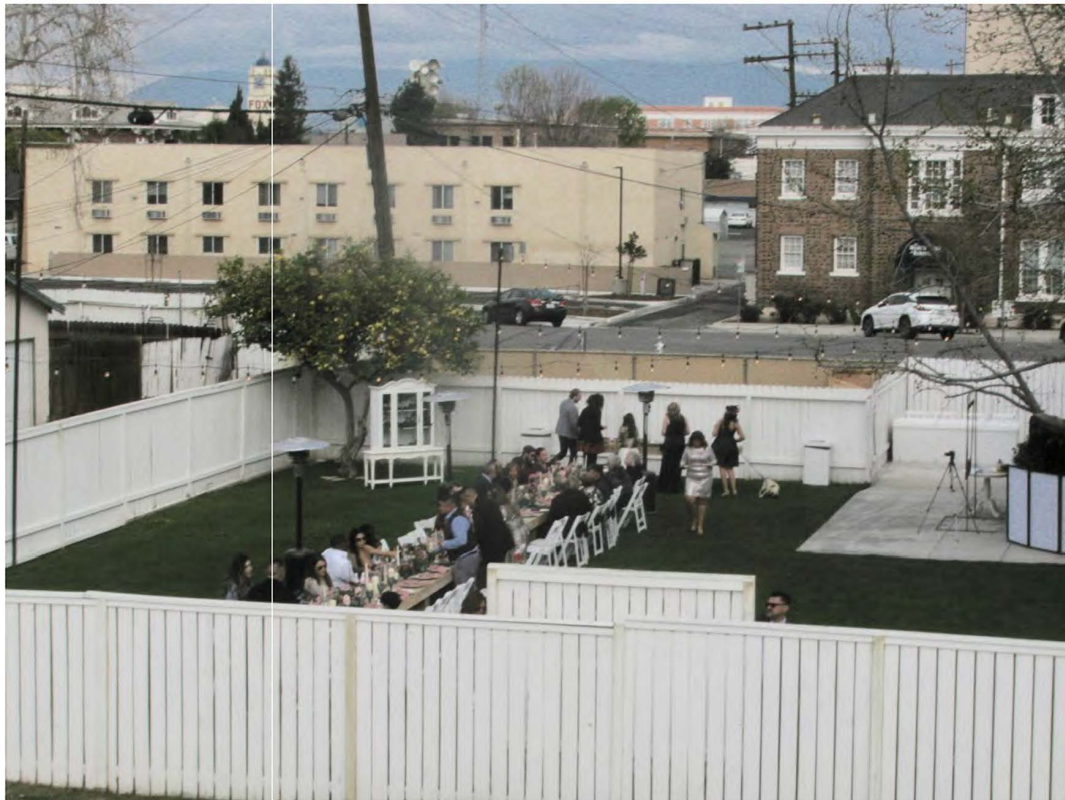
From: [Sharon Decker](#)
To: [Christopher Boyle](#)
Cc: [Paul Johnson](#); [David Paquette](#); [Richard Iger](#); [Viridiana Gallardo-King](#)
Subject: Parties at 2104 18th Street (The Belle Rae) on March 7th(a wedding) and March 8th(a party) --two different events
Date: Sunday, March 8, 2020 3:30:47 PM
Attachments: [1583705497222blob.jpg](#)
[1583705552886blob.jpg](#)
[1583705584853blob.jpg](#)
[1583705611003blob.jpg](#)
[1583705641435blob.jpg](#)
[1583705680136blob.jpg](#)
[1583705707833blob.jpg](#)
[1583705733685blob.jpg](#)
[1583705764433blob.jpg](#)
[1583705796012blob.jpg](#)
[1583705822607blob.jpg](#)
[1583705849640blob.jpg](#)
[1583705916612blob.jpg](#)
[1583705941036blob.jpg](#)
[1583705966810blob.jpg](#)
[1583705999221blob.jpg](#)
[1583706024109blob.jpg](#)

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The first 12 pictures are of the party on Saturday, March 7th. The fourth picture is of one of the owners of the business standing in front of a white cabinet. The set up was done the evening before--after dark.













The next five pictures are of the party on Sunday, March 8th. Notice the parking lot is being used for this party but the street is full on both sides.





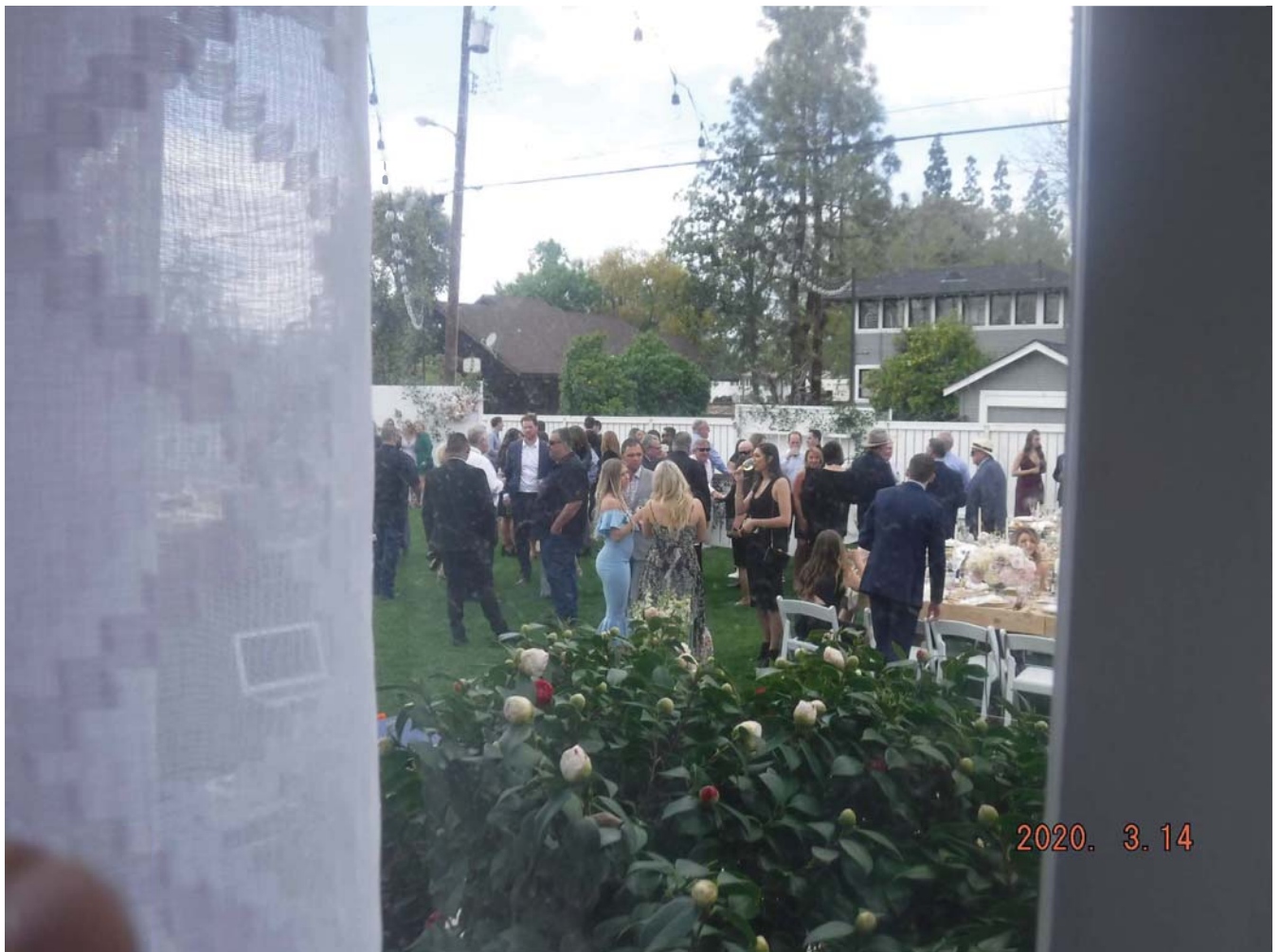


Hope these pictures help.

John Decker











Event Complaints
(April, 2020 - November, 2020)

Paul Johnson

From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, April 26, 2020 2:44 PM
To: Paul Johnson
Subject: Re: Belle Rae

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It took place on Friday--as far as I could tell. What I saw was about fourteen people come out of the house through the back door into the side yard all dressed up in wedding attire--the bride the groom and several other people dressed to the nines. They were taking pictures of the wedding party. It took me about twenty minutes to come back to get my camera and get back there but by that time virtually everyone was gone. I assume that they saw me standing on the front porch watching what was going on as I noticed someone opened the curtains in the front of the house then immediately closed them. This had a direct view of me. So I didn't get any pictures. Whatever happened, happened inside the house. Funny thing is they hadn't mowed the lawn for two to three weeks and Thursday I noticed that the gates to the parking lot were open (about 10 PM) and the lawns had been mowed and the weeds (about knee high) on their side of the parking lot had been cut. But, on our side of the parking lot the weeds had not been touched--and they're still there.

John Decker

On Sunday, April 26, 2020, 09:30:22 AM PDT, Paul Johnson <pjohnson@bakersfieldcity.us> wrote:

Mr. Decker,

This email is a follow-up to your voice message regarding the Belle Rae. In the Friday message, you indicated the Belle Rae may be setting up for a possible wedding event. Can you confirm if any event took place over the weekend of April 25-26?

Paul



Paul Johnson | Planning Director

Development Services/Planning Division

City of Bakersfield

email: PJohnson@bakersfieldcity.us

web: www.bakersfieldcity.us

phone: 661-326-3681



From: [Sharon Decker](#)
To: [Christopher Boyle](#)
Cc: [Paul Johnson](#); [Richard Iger](#); [Viridiana Gallardo-King](#); [David Paquette](#)
Subject: The Belle Rae
Date: Sunday, July 12, 2020 9:34:03 PM

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

As per Mr. Johnson's call to alert him if there was a party at 2104 18th Street (The Belle Rae).

There was a party on Saturday, July 11, 2020 at The Belle Rae at 2104 18th Street. First two pictures are the set up; the next two show the group of about 30-40 people waiting to get in around 7:30 PM (with no masks nor social distancing). Most of the party was held inside. The next two show some of the people outside. The last show the cars parked on the street. I left around 8:30 PM and came back at about 11 PM. About ten or twelve people were still outside partying on, yelling and screaming and having a good time. I left about 11:30 PM and they were still having a good time.

John Decker

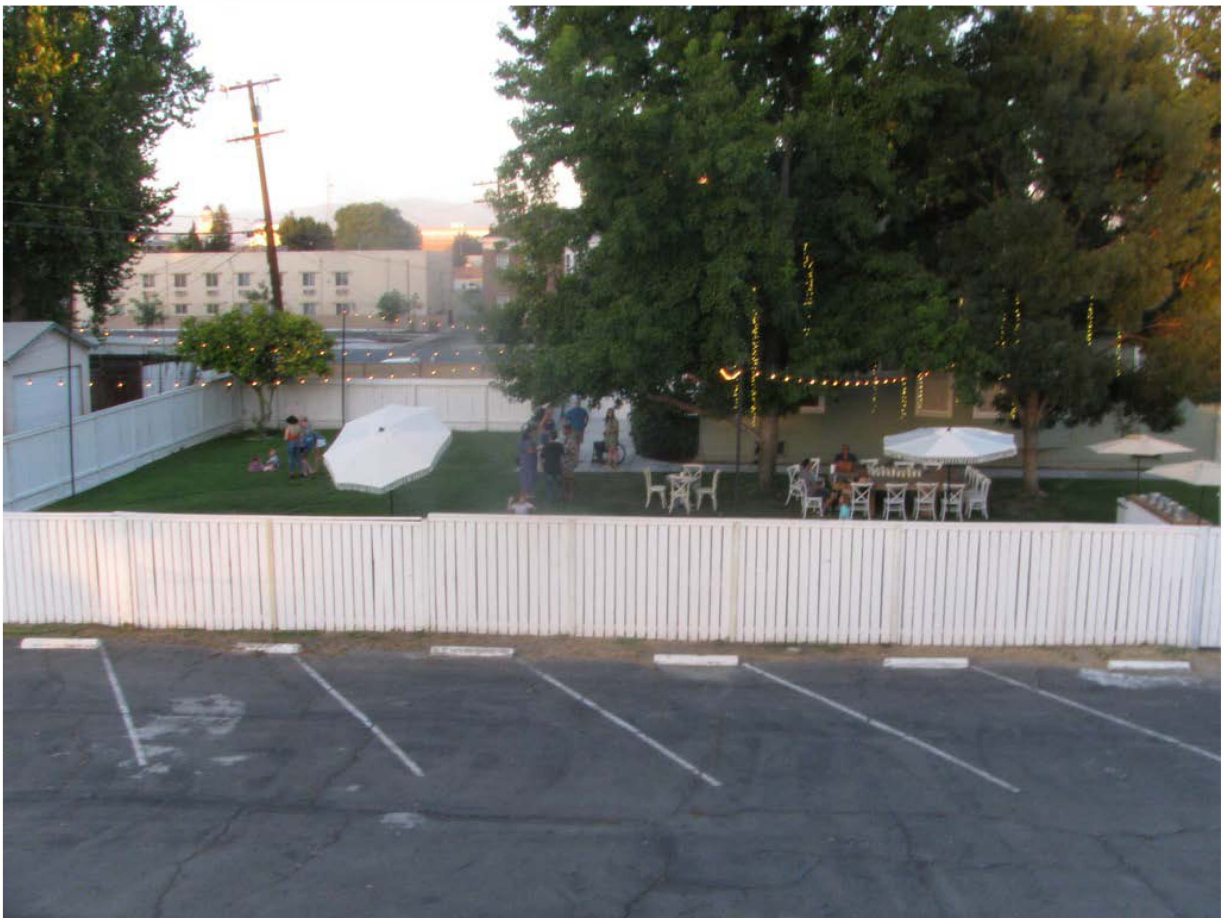














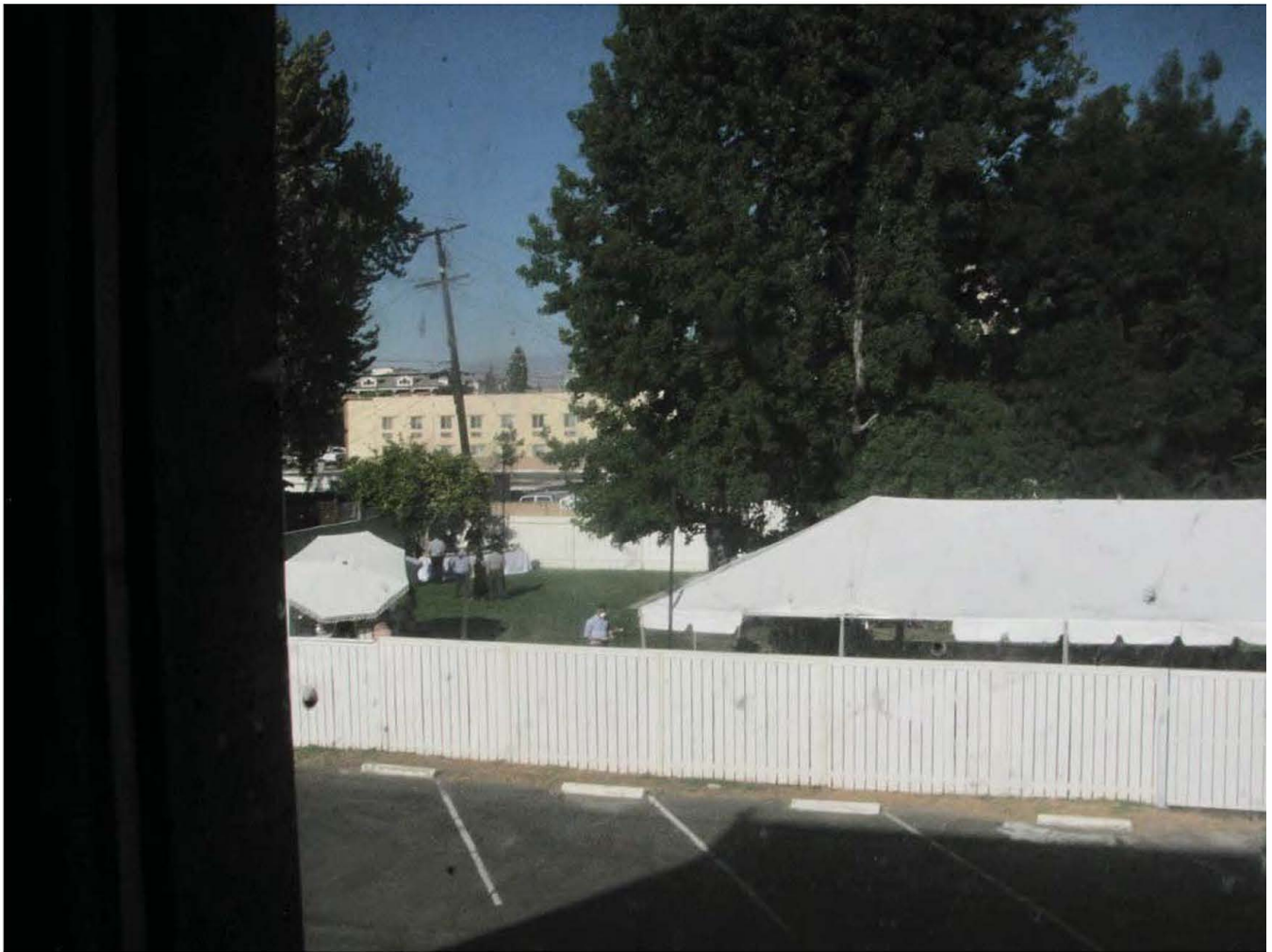
From: Sharon Decker <sgdeckerbak@att.net>
Sent: Sunday, August 2, 2020 3:29 PM
To: Paul Johnson <pjohnson@bakersfieldcity.us>
Cc: Viridiana Gallardo-King <vking@bakersfieldcity.us>; matt@kerncounty.com
Subject: The Belle Rae 2104 18th Street

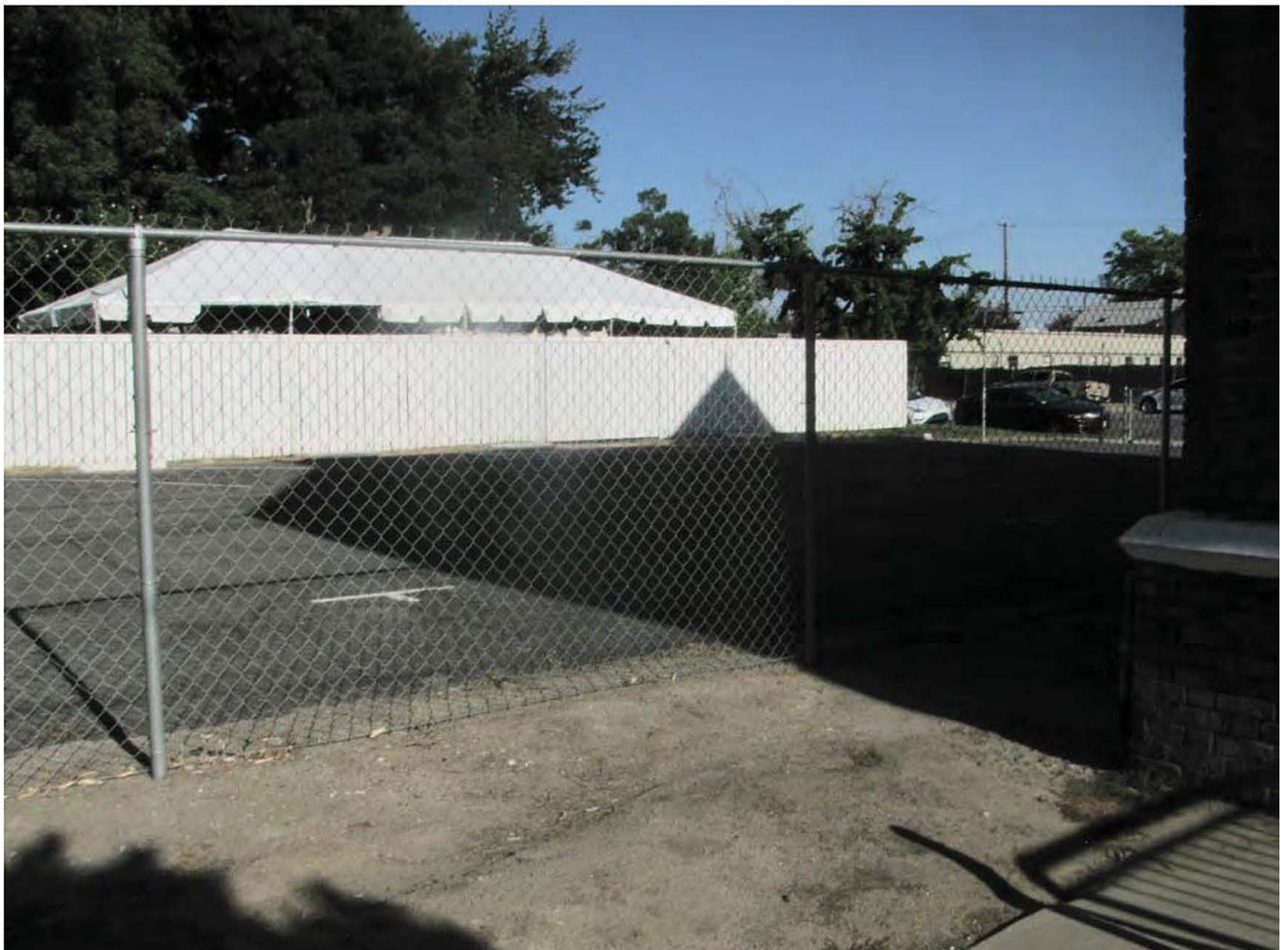
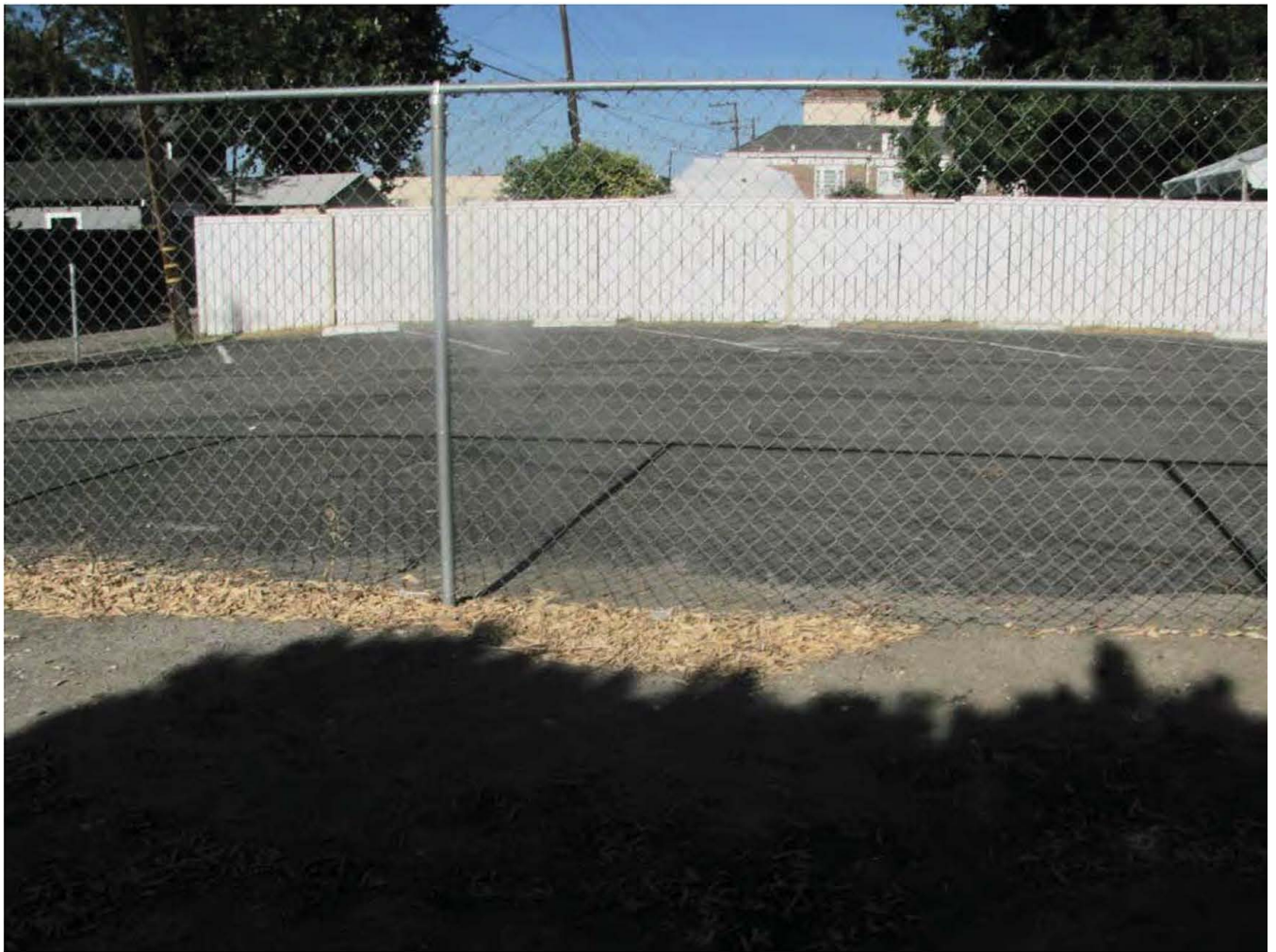
Warning: This email originated from outside the City of Bakersfield. Think before you click!

Mr. Johnson:

The Belle Rae had a party on Saturday, August 1, 2020. I believe it was a wedding reception. Excuse the pictures as John is out of town and our door to back porch and windows were screwed shut. I couldn't get a good shot of the people present as they had a large tent and smaller umbrella tents set up(See first picture). However, there were 13 cars parked on 18th Street between C and D Streets(See second picture), 2 parked on C Street between 18th and 19th and 6 parked on D Street between 18th and 19th. These were cars not usually parked here (no businesses were open and the Women's Club had no event). The parking lot was not used(See third & fourth pictures). They had a NV Catering van parked in alley behind their building. There was a loudspeaker and either a DJ or an announcer. Hope this helps.

Sharon Decker
(661)323-7850





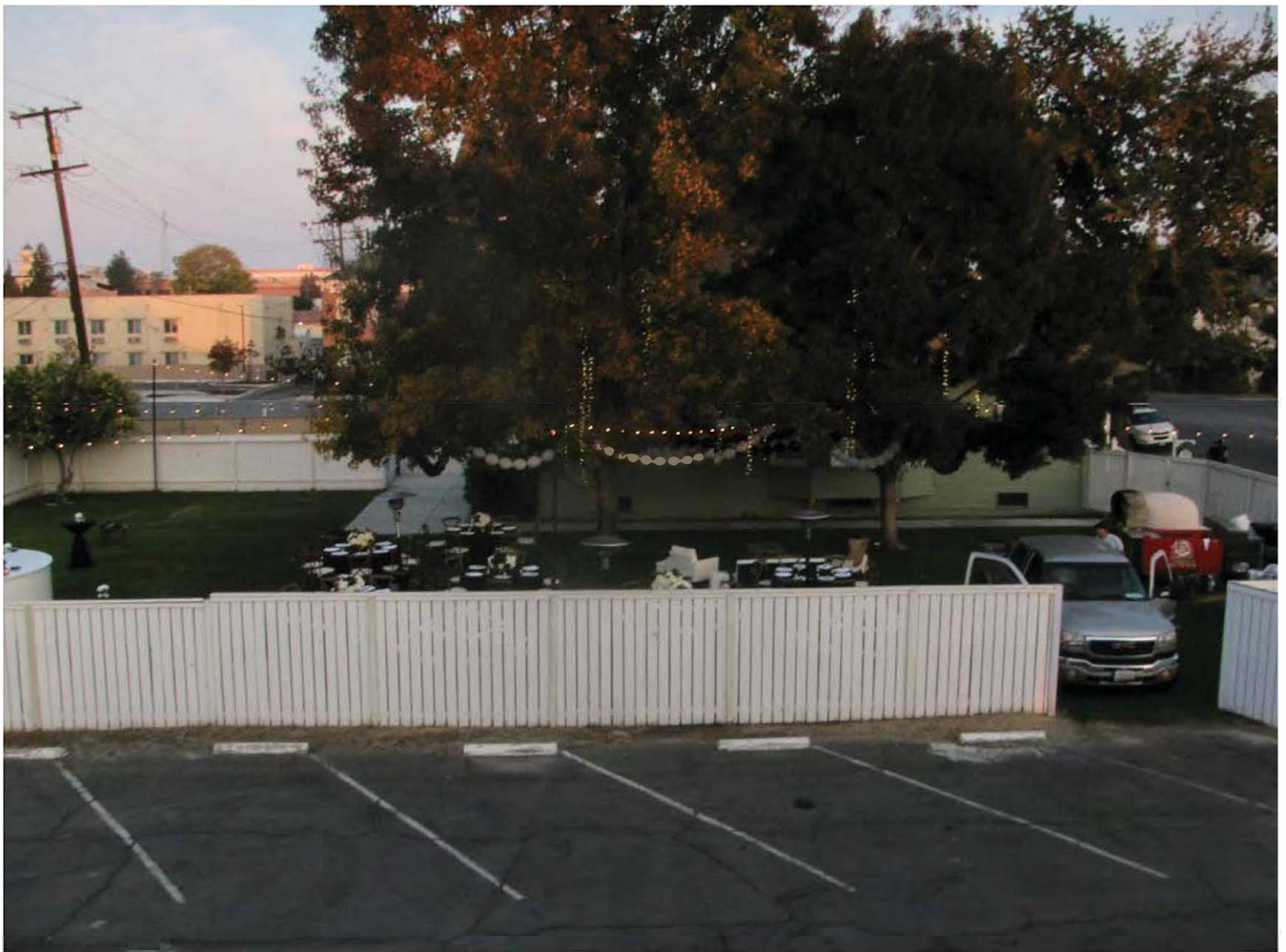
From: [Sharon Decker](#)
To: [Paul Johnson](#); [David Paquette](#); [Viridiana Gallardo-King](#)
Subject: 2104 18th Street (The Belle Rae)
Date: Tuesday, November 24, 2020 9:09:24 PM
Attachments: [1606261624381blob.jpg](#)
[1606261658946blob.jpg](#)
[1606261684247blob.jpg](#)
[1606261717098blob.jpg](#)

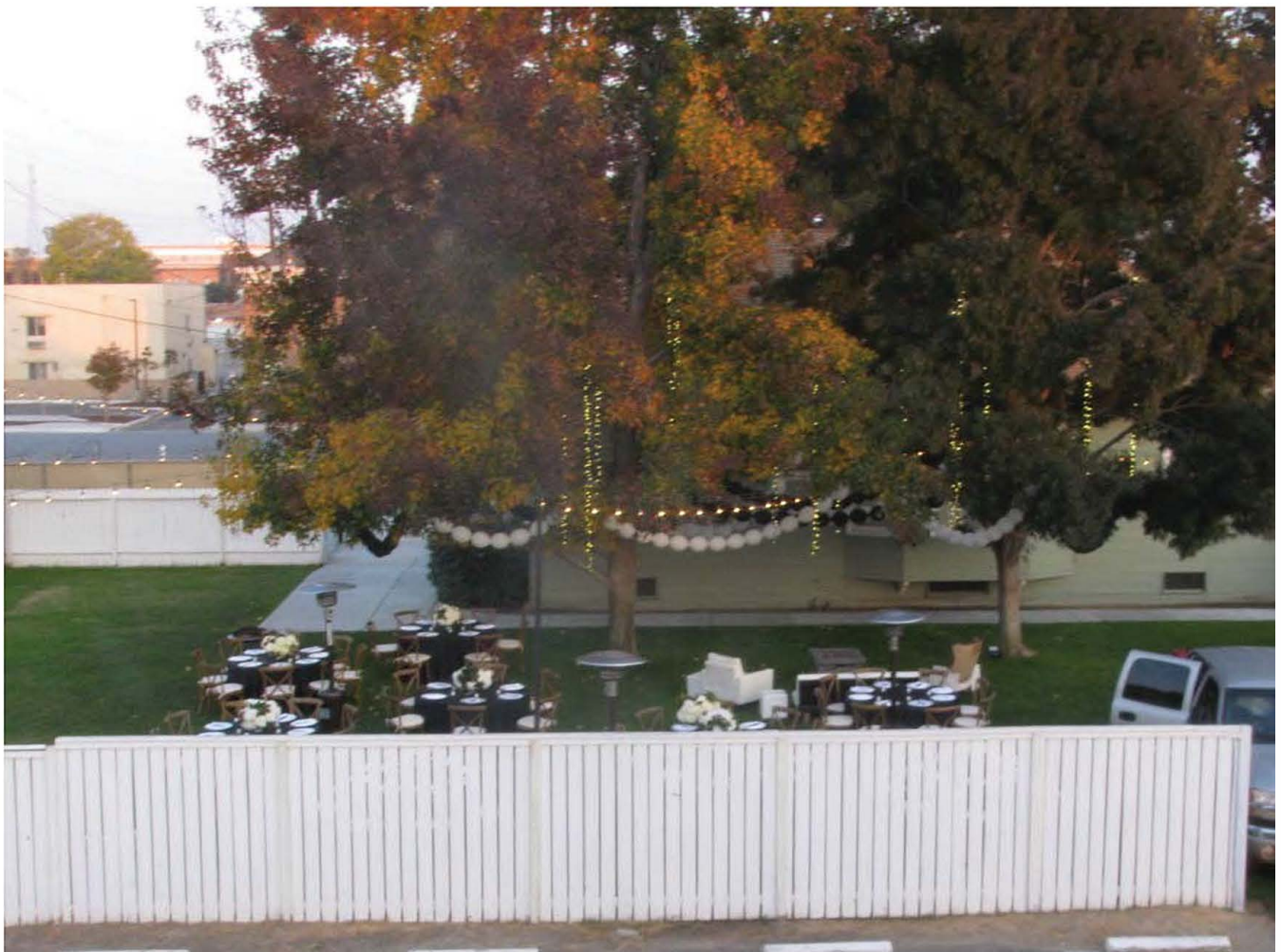
Warning: This email originated from outside the City of Bakersfield. Think before you click!

I went by to check our house in the early afternoon on Friday Nov 20th and didn't see any activity so I assumed there wouldn't be a party next door. But to my surprise when I went by at 4:00 PM they were setting up. Anyway, I assume they were setting up late so that everyone at planning and code compliance would be gone and I couldn't alert anyone. I went to planning and it was too late; so I went to code compliance and left a message for Mr. Paquette that they were setting up for another party with the code compliance lady who deals with the public at the front desk. I also called Mr. Paquette around 4:00 PM on Saturday to inform him that they were setting up the food and if he hadn't come it would be a good time to do so. Unfortunately, I didn't get a pick-up so I left a message. At about 4:30 PM on Saturday, Nov. 21st, I took the four pictures of the set up as it was getting late and I was losing the sunlight. The party goers didn't arrive until 5:30 to 6:30 PM. The amplified music was loud but not as bad as the last time. I came back around 10:30 PM to twenty or thirty drunk revelers screaming, yelling and trying to sing as loudly as they could. As usual, no masks and in a tight group. None of the wait staff had masks. And from the

beginning at 5:30 PM to when I left at 11:00 PM, there was no social distancing. This, of course, is the norm for their parties--and I assume keeps us in the "purple" category. They don't seem to care about all the other businesses that have had to close because of Covid 19. None of the parties they have had during the pandemic have the party-goers worn masks or were properly distanced from one another. They seem to have no respect for the rest of us and seem to be one of the reasons this pandemic is spread so fast.

John Decker





Planning Letter
February 13, 2020



BAKERSFIELD

THE SOUND OF *Something Better*

February 13, 2020

The Belle Rae
Attention: Shannon Hough
2104 18th Street
Bakersfield, CA 93301

RE: Compliance with Conditions of Approval (CUP No. 18-0408; Resolution No. 19-01)

Dear Ms. Hough:

On January 8, 2019, the Bakersfield City Board of Zoning Adjustment approved Conditional Use Permit No. 18-0408 for the project located at 2104 and 2116 18th Street. Specifically, the conditional use permit allowed a florist shop, and an indoor and outdoor banquet venue. *Prior to commencement of operations*, compliance with the conditions listed in Resolution No. 19-01 was required. A copy of the Resolution is attached.

Through public complaints to City Code Enforcement, the Planning Division became aware that events were being held on site without achieving compliance with the conditions. Therefore, staff requested you attend a meeting on May 23, 2019. During the meeting, you stated it was your understanding the business could operate up to two years before complying with conditions. You also provided a letter from Kenneth Mettler, President of KLM Omni, Inc., indicating the same. A copy of that letter is attached. Staff discussed the Resolution and clarified which conditions required compliance prior to any operations being held on site, and which conditions required on-going compliance during operations.

Subsequently, you and the property owner, John Sarad, met with the Building Division in June/July 2019. Mid-way through the meeting, Planning staff was asked to attend to discuss the Resolution. Each of the conditions listed in the Resolution were specifically addressed. You and Mr. Sarad were reminded it was a code violation to operate on site until conditions were satisfied.

The Resolution states: *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 Resolution does **not** allow the business to operate unrestrained. To the contrary, the Resolution allows a two-year window to comply with conditions and then commence operations. If unable to comply within two years, a one year extension of time may be requested. The two-year period ends January 8, 2021.

As of this writing, compliance with the conditions of approval has not been achieved. For example, the following conditions remain unresolved:

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

3. Prior to commencement of operations as allowed by this conditional use permit, the permit holder shall:
 - a. Obtain a change in use permit from the City of Bakersfield Building Division. This includes providing sufficient facilities to accommodate the maximum number of outdoor guests. Use of privies is not permitted unless approved by the Health Officer and Development Services Director.
 - b. Obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services. A copy of the inspector's fire clearance form shall be submitted to the Planning Director.

Furthermore, additional complaints have been filed with Code Enforcement and Planning Division demonstrating events are still occurring on site. Consequently, this letter serves as notice to cease any future events, as approved by the conditional use permit, until the site comes into compliance with Resolution 19-01.

Should it become necessary, the Board of Zoning Adjustment may initiate revocation of the conditional use permit if there is good cause, including but not limited to, failure to comply with conditions of approval, or violation by of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted.

Should you have any questions regarding this letter, or request a meeting to discuss the conditional use permit, please contact the Planning Division at (661) 326-3733.

Sincerely,



Paul Johnson
Principal Planner

CC: John Sarad
Development Services/Code Enforcement

Attachments:

- 1) Resolution No. 19-01
- 2) Letter from Kenneth Mettler

S:\Counter Operations\02_CUP\02_Complete\2018\18-0408_2104 18th St_Florist and Banquet\Compliance Letter\18-0408_Condition Compliance.docx

Attachment 1

RESOLUTION NO. 19-01

RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT APPROVING A CONDITIONAL USE PERMIT TO ALLOW: (1) FLORIST SHOP; AND (2) OUTDOOR BANQUET HALL (17.64.020.B) IN A C-O (PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE) DISTRICT, LOCATED AT 2104 AND 2116 18 STREET. (CUP NO. 18-0408)

WHEREAS, The Belle Rae filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow: (1) florist shop; and (2) outdoor banquet hall (17.64.020.B) in a C-O (Professional and Administrative Office Zone) district, located at 2104 and 2116 18th Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, January 8, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, at the public hearing testimony was received in both support and opposition of the Project; and

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

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

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

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

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

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

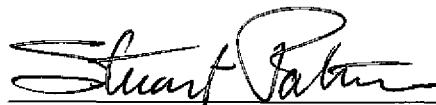
NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 18-0408 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 January 8, 2019, on a motion by Member Burns by the following vote:

AYES: Burns, Huot, Patteson
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED



STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 18-0408

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 florist shop and a banquet hall in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street as depicted on attached Exhibits B and C.
3. Prior to commencement of operations as allowed by this conditional use permit, the permit holder shall:
 - a. Obtain a change in use permit from the City of Bakersfield Building Division. This includes providing sufficient facilities to accommodate the maximum number of outdoor guests. Use of privies is not permitted unless approved by the Health Officer and Development Services Director.
 - b. Obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services. A copy of the inspector's fire clearance form shall be submitted to the Planning Director.
4. The banquet hall shall continually comply with the following conditions while in operation:
 - a. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
 - b. No changes shall be made to the character of the premise, or in the use of the premise building, which would create a greater occupancy load, unless such change is approved by the Community Development Director and/or the Fire Chief or their designee.
 - c. Unless permitted as part of these conditions, all noise associated with the operation of any sound equipment must comply with BMC section 9.22 and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.
 - d. Entrances into the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of the lighting shall not disturb the normal privacy and use of the neighbors and are subject to the requirements of BMC section 17.58.060.
 - e. Any graffiti painted or marked upon the premises or any area under the control of the permit holder shall be removed or painted over within 72 hours after discovery.
 - f. Prior to commencement of alcohol sales/service, the permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; including but not limited to necessary permits from the California Department of Alcoholic Beverage Control (ABC).

- g. The permit holder shall comply with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
- h. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Development Services Director or his designee and/or the Fire Chief or his designee.
- i. The number of guests in attendance at the outdoor events shall not exceed 225.
- j. Outdoor events shall be held only on Friday, Saturday, and Sunday, and conclude no later than 10:00 p.m. Set up and tear down shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
- k. Valet parking is required for events that host 100 or more guests.
- l. While the privileges of this permit are being exercised for the outdoor banquet hall, the permit holder shall provide and maintain uniform private security officers on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code). All proprietary security officers shall comply with Business and Professions Code 7574.2 and shall register with the Department of Consumer Affairs. The minimum ratio of officers shall be at least one (1) security person for every 50 guests to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided anytime the privileges of this permit are being exercised, until 30 minutes after closing.
- m. Outdoor event lighting and sound amplifying equipment shall be directed toward the event building.
- n. The indoor and outdoor banquet venues shall not operate concurrently.

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

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

- 1. Show on the final building plan how and where water will be drained from the property.
- 2. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
- 3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.

4. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
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 food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.
6. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
7. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
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.
9. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

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

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

<u>Proposed Use</u>	<u>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Florist	1,630 SF	1/300 SF	5 spaces
Floral	36 Seats	1/4 Seats	9 spaces
Indoor Banquet Hall	46 Seats	1/4 Seats	12 spaces
Outdoor Banquet Hall	225 Seats	1/4 Seats	56 spaces
<u>Transient Credit</u>		<u>10 percent</u>	<u>(6)spaces</u>
Maximum Required Parking: 50 spaces			

(Note: 5 on-site and 52 off-site parking spaces are available. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Because off-site parking to the project is being proposed, the developer shall file with the Planning Division before any building permits are issued, a copy of a recorded lease or other instrument that ensures that the offsite parking and/or legal access proposed for this project is available for its actual lifetime.
3. 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.

4. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
5. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area. Please note that staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.
6. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

(**Note:** 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.)

7. Our records show that the project is contained on more than one parcel. These parcels shall be merged into one parcel because parking must be on the same site as the project (Section 17.58.020.B. of the B.M.C.), building setbacks cannot be met based on the design layout, and/or a parcel line bisects a building. A parcel merger or lot line adjustment application removing or relocating property lines shall be submitted to the Planning Division before building permits can be issued. Recordation of the map shall occur before final building or site occupancy can be granted. If our records are in error and these parcels have been merged, please provide a copy of the parcel map, subdivision map, or certificate of compliance showing the property as one parcel.

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

8. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
9. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

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

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

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

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

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

2. The developer must pay required fees to and request an inspection from the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715) for any underground sprinkler feeds at least 2 full business days before they are buried. The Prevention Services Division (2101 H Street, Bakersfield CA, Ph. 661/326-3979) must complete all on-site inspections of fire sprinkler systems and fire alarm systems before any building is occupied.
3. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

D. WATER RESOURCES (1000 Buena Vista Road)

(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

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.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)

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

1. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. Show on the final building plans all existing connection(s) to the public sewer system.
3. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
4. 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.
5. 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).
6. 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.
7. 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.
8. 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.

9. 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.
10. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 92-08- DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
11. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
12. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.
13. The developer shall install a full sized manhole in each sewer line 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.
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.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - Ravi Pudipeddi; 661-326-3997 or RPudipeddi@bakersfieldcity.us)

As proposed, no applicable conditions.

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

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:
 - Cart service -- 1 cubic yard/week or less 1 time per week
 - Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
 - Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 1, 2 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

☐ 6' deep x 8' wide (1 bin)

☐ 8' deep x 15' wide (3 bins)

☒ 1 - 8' deep x 10' wide (2 bins)

☐ 8' deep x 20' wide (4 bins)

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

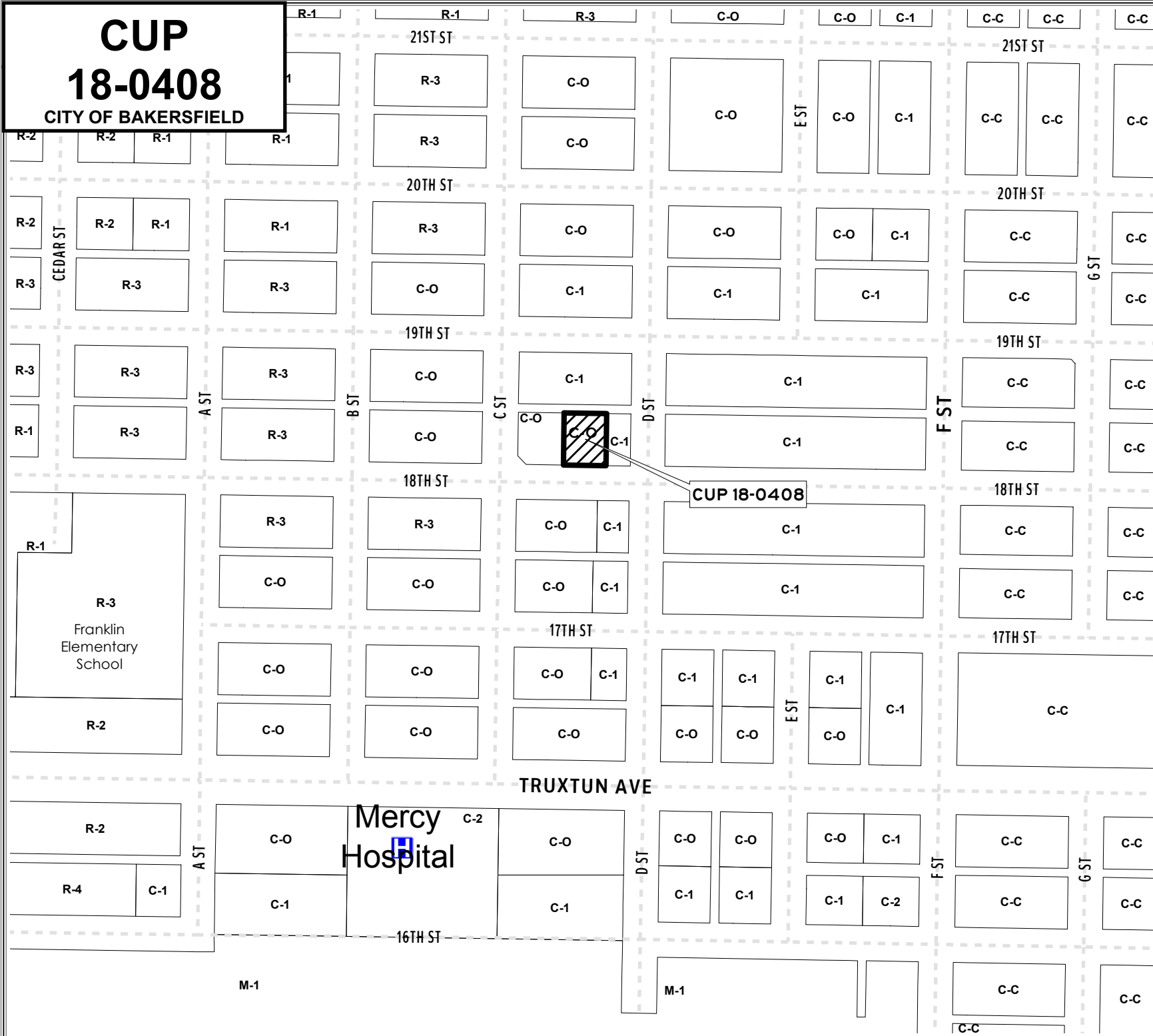
3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B
(Location Map)

CUP

18-0408

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

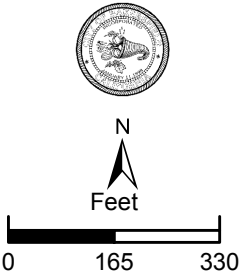
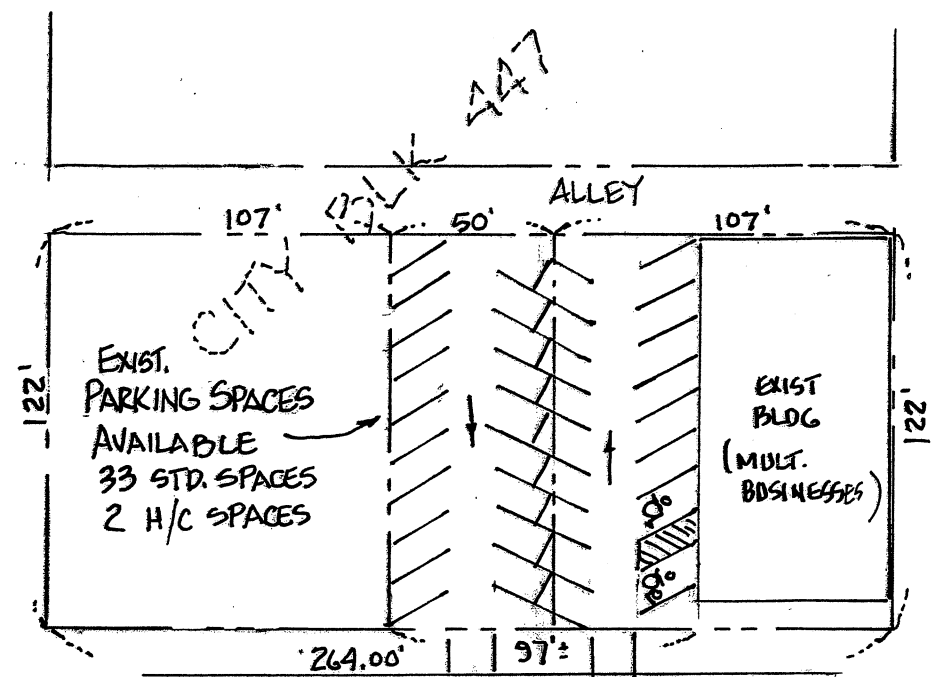


Exhibit C
(Site Development Plan)

CONDITIONAL USE PERMIT N^o _____

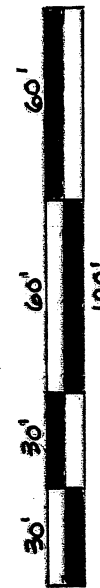


OWNER/ LESSOR : JOHN SARAD

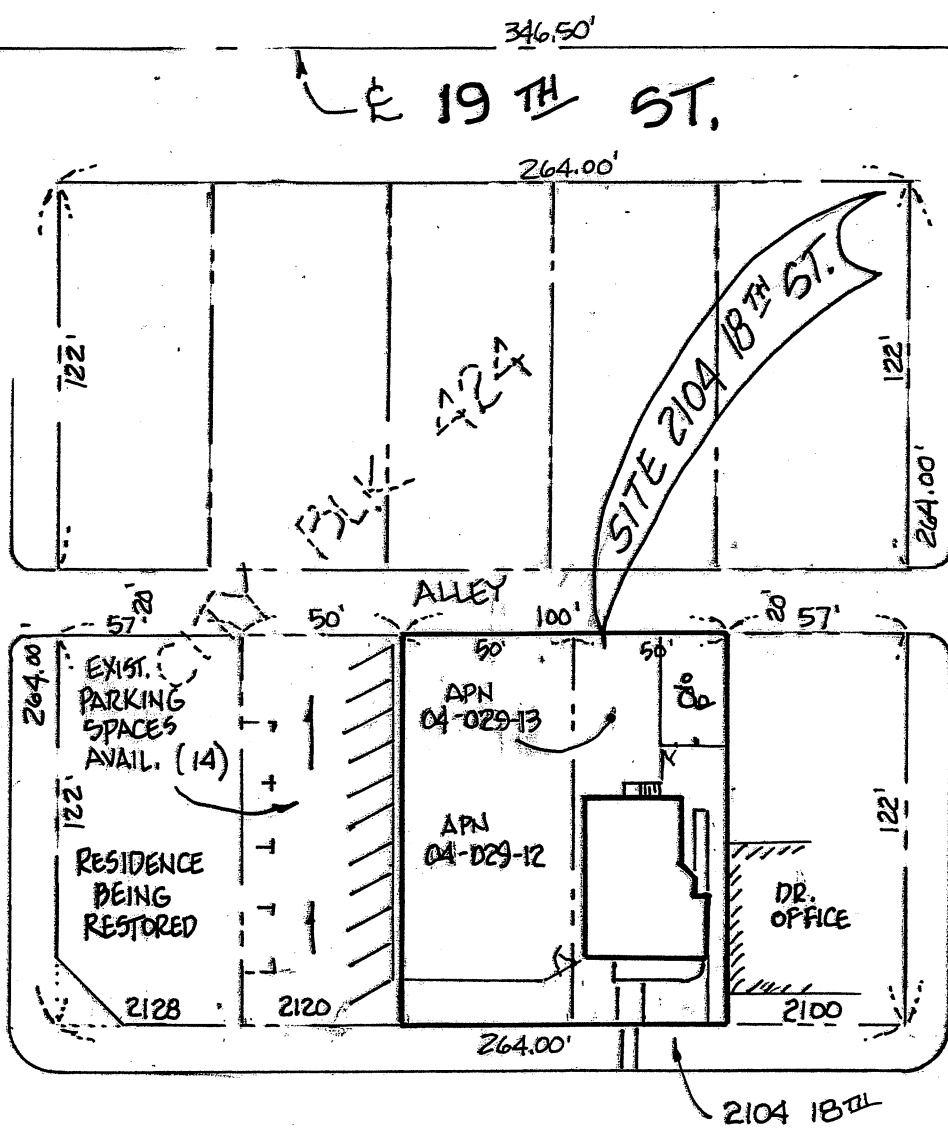
LESSEES : SHANNON HOUGH & MICHELLE MEADOWS
 2104 18TH ST.
 BAKERSFIELD, CA. 93301
 PH(661) 748-1070 (OFF.)
 OR SHANNONS CEL(661) 978-7218
 MICHELLES CEL(201) 953-5431

A.P.N.'S : 004-029-12 & 13
 (LOTS 15, 16, 17 & 18 OF BLOCK 424 OF THE CITY OF BAKERSFIELD)
 ADDRESS : 2104 18TH ST. - BAKERSFIELD

SCALE : 1" = 60'



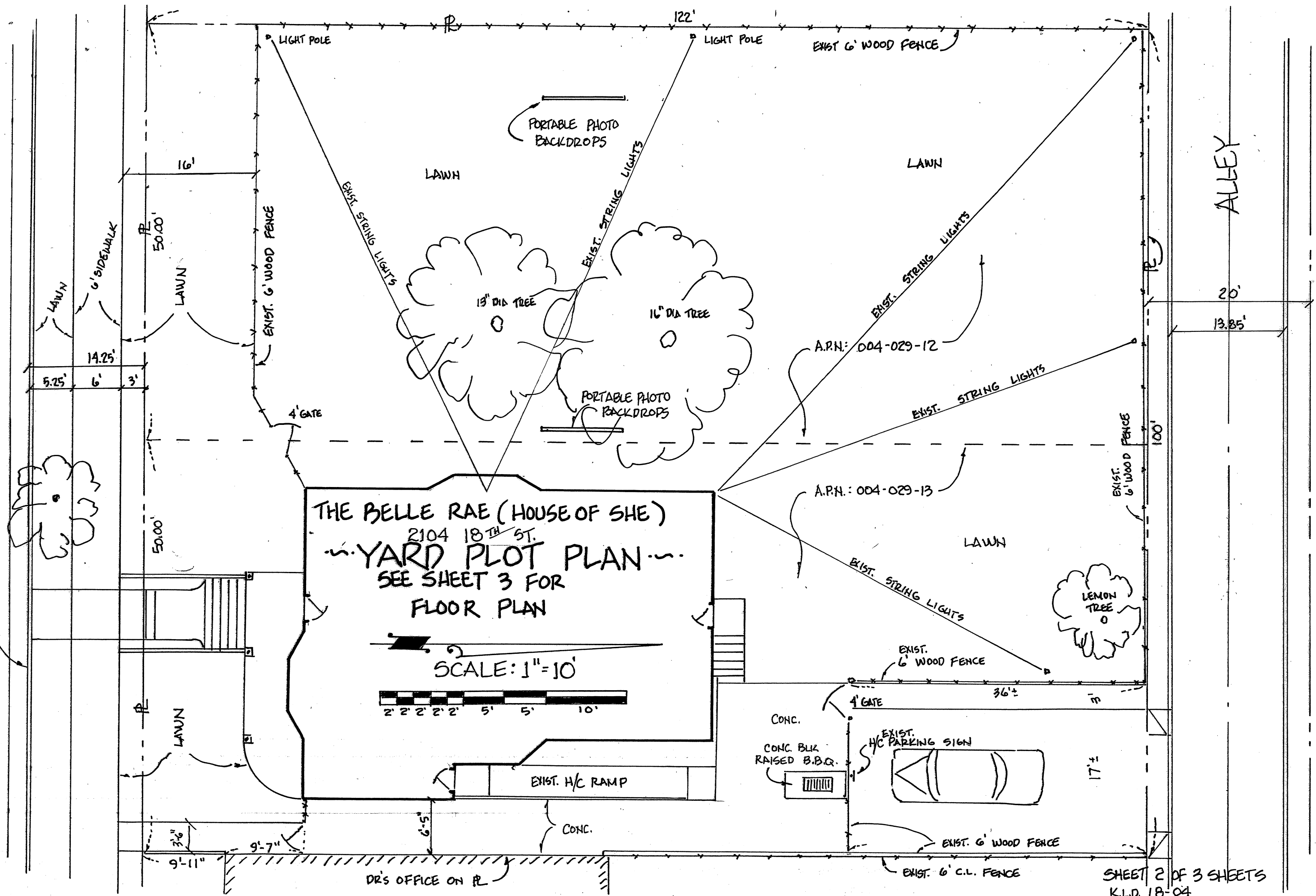
E "C" ST.



E "D" ST.

E 18TH ST.

18TH ST.



Attachment 2

5/23/2019

Ms. Shannon Hough
The Belle Rae

**Re: 2104 18th St. CUP #18-0408 CONDITIONS OF APPROVAL dated 1/8/19
FLORIST SHOP AND OUTDOOR BANQUET HALL IN A C-O ZONE**

Dear Ms. Hough:

Below is a summary of the highlights of the Conditions of Approval.

I. *"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...."*

II.3.a. Use of privies....unless approved by Health and Development Services.

III.A.3. Fire resistive wall setback 10' per Table 602 of CA Building Code.

III.A.4. Handicap requirements, toilet, ramps & landing

III.A.6. Fire Sprinkler system

III.A.9. Electric Vehicle supply equipment

III.B.7. "....merged into one parcel because parking must be on the same site as the project....".
Appears to be mis-applied.

III.E.7. Reconstruct curbs/gutters & sidewalks on frontage and alley. Repair asphalt due to reconstruction. Estimate \$14,000 plus.

III.E.12. Form Maintenance District. Estimate \$871 plus \$150+ annual tax increase

III.G.4. Build refuse bin per code

Regards,

KENNETH L. METTLER
President

Planning Letter
March 18, 2020



BAKERSFIELD

THE SOUND OF *Something Better*

March 18, 2020

Applicant

The Belle Rae
Attention: Shannon Hough
2104 18th Street
Bakersfield, CA 93301

Property Owner

John Sarad
3117 19th Street
Bakersfield, CA 93301

RE: Compliance with Conditions of Approval (CUP No. 18-0408; Resolution No. 19-01)

Dear Ms. Hough:

Thank you for meeting with City staff on March 17, 2020 to discuss compliance with Conditional Use Permit (CUP) No. 18-0408 for the project located at 2104 and 2116 18th Street. Specifically, the CUP allowed a florist shop, and an indoor and outdoor banquet venue.

To summarize our discussion, you acknowledged that you were made aware at our May 23, 2019 meeting that certain conditions of approval require compliance prior to commencement of operations (reference Resolution 19-01). You also acknowledged that you knowingly held events without obtaining compliance in order to generate income, which in-turn could be used to achieve compliance (e.g. conduct repairs, construct restroom facilities, etc.).

Staff has received numerous complaints throughout the past year for events held at your venue. Similar to the May 2019 meeting and the subsequent meeting held approximately two months later, on May 17, 2020, staff again went through Resolution 19-01 to identify each condition of approval that requires compliance: (1) prior to commencement; (2) during operations; and (3) those conditions which are considered informational. I'm hopeful this provided the necessary clarification.

As I stated during the meeting, if any future events as authorized by the CUP are held without first complying with conditions of approval, it will result in the Planning Division seeking revocation of Conditional Use Permit No. 18-0408 by the Board of Zoning Adjustment. In response, you stated that all future events have been postponed.

Staff looks forward to working with you and/or your representative to achieve compliance. Staff is also available to offer any further assistance as needed. Should you have any questions regarding this letter, please contact the Planning Division at (661) 326-3733.

Sincerely,



Paul Johnson
Planning Director

CC:

Development Services/Code Enforcement

Attachments:

Resolution No. 19-01

RESOLUTION NO. 19-01

RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT APPROVING A CONDITIONAL USE PERMIT TO ALLOW: (1) FLORIST SHOP; AND (2) OUTDOOR BANQUET HALL (17.64.020.B) IN A C-O (PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE) DISTRICT, LOCATED AT 2104 AND 2116 18 STREET. (CUP NO. 18-0408)

WHEREAS, The Belle Rae filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow: (1) florist shop; and (2) outdoor banquet hall (17.64.020.B) in a C-O (Professional and Administrative Office Zone) district, located at 2104 and 2116 18th Street (the "Project"); and

WHEREAS, the Secretary of the Board of Zoning Adjustment set Tuesday, January 8, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, at the public hearing testimony was received in both support and opposition of the Project; and

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

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

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

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

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

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 18-0408 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 January 8, 2019, on a motion by Member Burns by the following vote:

AYES: Burns, Huot, Patteson
NOES:
RECUSE:
ABSTAIN
ABSENT:

APPROVED



STUART PATTESON, CHAIR
City of Bakersfield Board of Zoning Adjustment

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

Exhibit A
(Conditions of Approval)

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 18-0408

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 florist shop and a banquet hall in a C-O (Professional and Administrative Office Zone) district located at 2104 and 2116 18th Street as depicted on attached Exhibits B and C.
3. Prior to commencement of operations as allowed by this conditional use permit, the permit holder shall:
 - a. Obtain a change in use permit from the City of Bakersfield Building Division. This includes providing sufficient facilities to accommodate the maximum number of outdoor guests. Use of privies is not permitted unless approved by the Health Officer and Development Services Director.
 - b. Obtain a fire clearance from the City of Bakersfield Fire Department/Prevention Services. A copy of the inspector's fire clearance form shall be submitted to the Planning Director.
4. The banquet hall shall continually comply with the following conditions while in operation:
 - a. The permit holder shall ensure that reasonable efforts are made to prevent the admission of any person whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or section 647 (disorderly conduct) on the premises, parking lots and all other areas of the establishment controlled by the permit holder. The permit holder shall make reasonable efforts to remove persons exhibiting such conduct from the establishment.
 - b. No changes shall be made to the character of the premise, or in the use of the premise building, which would create a greater occupancy load, unless such change is approved by the Community Development Director and/or the Fire Chief or their designee.
 - c. Unless permitted as part of these conditions, all noise associated with the operation of any sound equipment must comply with BMC section 9.22 and not exceed the applicable noise standards of the Metropolitan Bakersfield General Plan.
 - d. Entrances into the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of the lighting shall not disturb the normal privacy and use of the neighbors and are subject to the requirements of BMC section 17.58.060.
 - e. Any graffiti painted or marked upon the premises or any area under the control of the permit holder shall be removed or painted over within 72 hours after discovery.
 - f. Prior to commencement of alcohol sales/service, the permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; including but not limited to necessary permits from the California Department of Alcoholic Beverage Control (ABC).

- g. The permit holder shall comply with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
- h. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Development Services Director or his designee and/or the Fire Chief or his designee.
- i. The number of guests in attendance at the outdoor events shall not exceed 225.
- j. Outdoor events shall be held only on Friday, Saturday, and Sunday, and conclude no later than 10:00 p.m. Set up and tear down shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
- k. Valet parking is required for events that host 100 or more guests.
- l. While the privileges of this permit are being exercised for the outdoor banquet hall, the permit holder shall provide and maintain uniform private security officers on the premises (as defined in Chapter 11.4, commencing with Section 7574 Division 3 of the Business and Professions Code). All proprietary security officers shall comply with Business and Professions Code 7574.2 and shall register with the Department of Consumer Affairs. The minimum ratio of officers shall be at least one (1) security person for every 50 guests to prevent any activity, which would interfere with the quiet enjoyment of property belonging to nearby businesses. Uniformed security shall be provided anytime the privileges of this permit are being exercised, until 30 minutes after closing.
- m. Outdoor event lighting and sound amplifying equipment shall be directed toward the event building.
- n. The indoor and outdoor banquet venues shall not operate concurrently.

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

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

- 1. Show on the final building plan how and where water will be drained from the property.
- 2. Show on the final building plan pedestrian access from the public way and handicap parking. Private streets are not the public way.
- 3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.

4. Include with or show on the final building plans information necessary to verify that the project complies with all disability requirements of Title 24 of the California Building Code.
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 food handling facility (i.e.: market, delicatessen, café, concession, restaurant) before building permits can be issued.
6. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
7. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
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.
9. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

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

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

<u>Proposed Use</u>	<u>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Florist	1,630 SF	1/300 SF	5 spaces
Floral	36 Seats	1/4 Seats	9 spaces
Indoor Banquet Hall	46 Seats	1/4 Seats	12 spaces
Outdoor Banquet Hall	225 Seats	1/4 Seats	56 spaces
<u>Transient Credit</u>		<u>10 percent</u>	<u>(6)spaces</u>
Maximum Required Parking: 50 spaces			

(Note: 5 on-site and 52 off-site parking spaces are available. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Because off-site parking to the project is being proposed, the developer shall file with the Planning Division before any building permits are issued, a copy of a recorded lease or other instrument that ensures that the offsite parking and/or legal access proposed for this project is available for its actual lifetime.
3. 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.

4. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
5. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area. Please note that staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.
6. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

(**Note:** 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.)

7. Our records show that the project is contained on more than one parcel. These parcels shall be merged into one parcel because parking must be on the same site as the project (Section 17.58.020.B. of the B.M.C.), building setbacks cannot be met based on the design layout, and/or a parcel line bisects a building. A parcel merger or lot line adjustment application removing or relocating property lines shall be submitted to the Planning Division before building permits can be issued. Recordation of the map shall occur before final building or site occupancy can be granted. If our records are in error and these parcels have been merged, please provide a copy of the parcel map, subdivision map, or certificate of compliance showing the property as one parcel.

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

8. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
9. Outside work, storage, sales and display of merchandise and materials is prohibited. All activities and all storage of merchandise and materials shall be conducted and/or contained within an enclosed building.

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

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

C. FIRE DEPARTMENT (2101 H Street)

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

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

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

2. The developer must pay required fees to and request an inspection from the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715) for any underground sprinkler feeds at least 2 full business days before they are buried. The Prevention Services Division (2101 H Street, Bakersfield CA, Ph. 661/326-3979) must complete all on-site inspections of fire sprinkler systems and fire alarm systems before any building is occupied.
3. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

D. WATER RESOURCES (1000 Buena Vista Road)

(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

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.

E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)

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

1. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. Show on the final building plans all existing connection(s) to the public sewer system.
3. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
4. 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.
5. 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).
6. 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.
7. 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.
8. 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.

9. 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.
10. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 92-08- DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
11. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
12. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.
13. The developer shall install a full sized manhole in each sewer line 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.
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.

F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)
(Staff contact - Ravi Pudipeddi; 661-326-3997 or RPudipeddi@bakersfieldcity.us)

As proposed, no applicable conditions.

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

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:
 - Cart service -- 1 cubic yard/week or less 1 time per week
 - Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
 - Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 1, 2 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

☐ 6' deep x 8' wide (1 bin)

☐ 8' deep x 15' wide (3 bins)

☒ 1 - 8' deep x 10' wide (2 bins)

☐ 8' deep x 20' wide (4 bins)

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

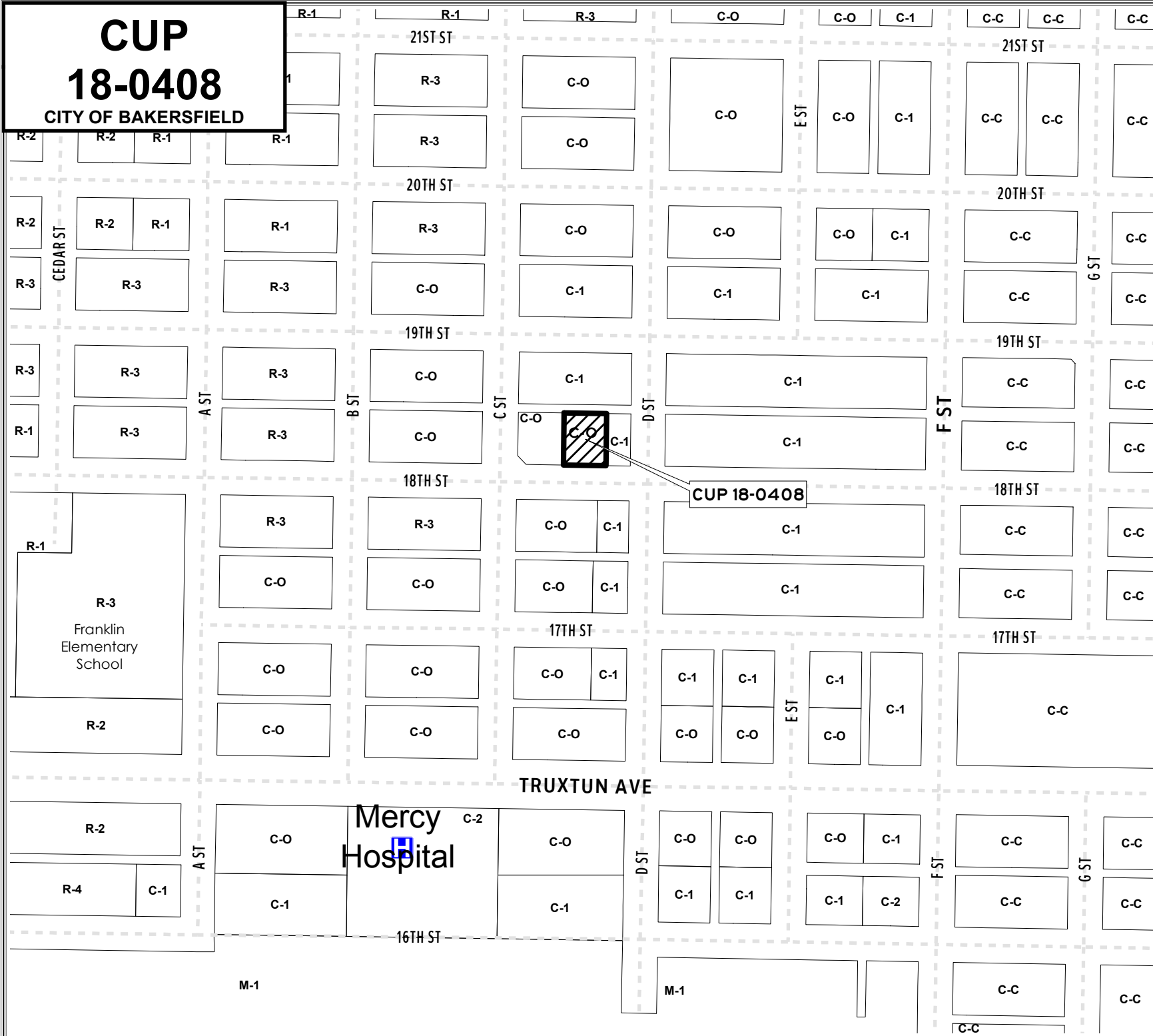
3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.

Exhibit B
(Location Map)

CUP

18-0408

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

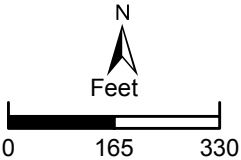
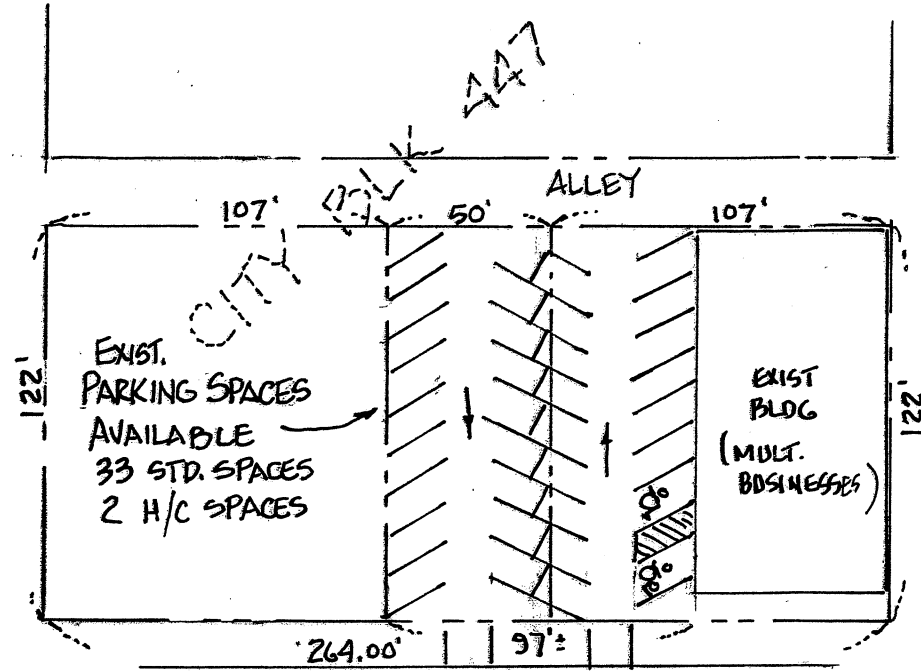


Exhibit C
(Site Development Plan)

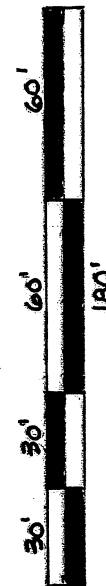
CONDITIONAL USE PERMIT N^o _____



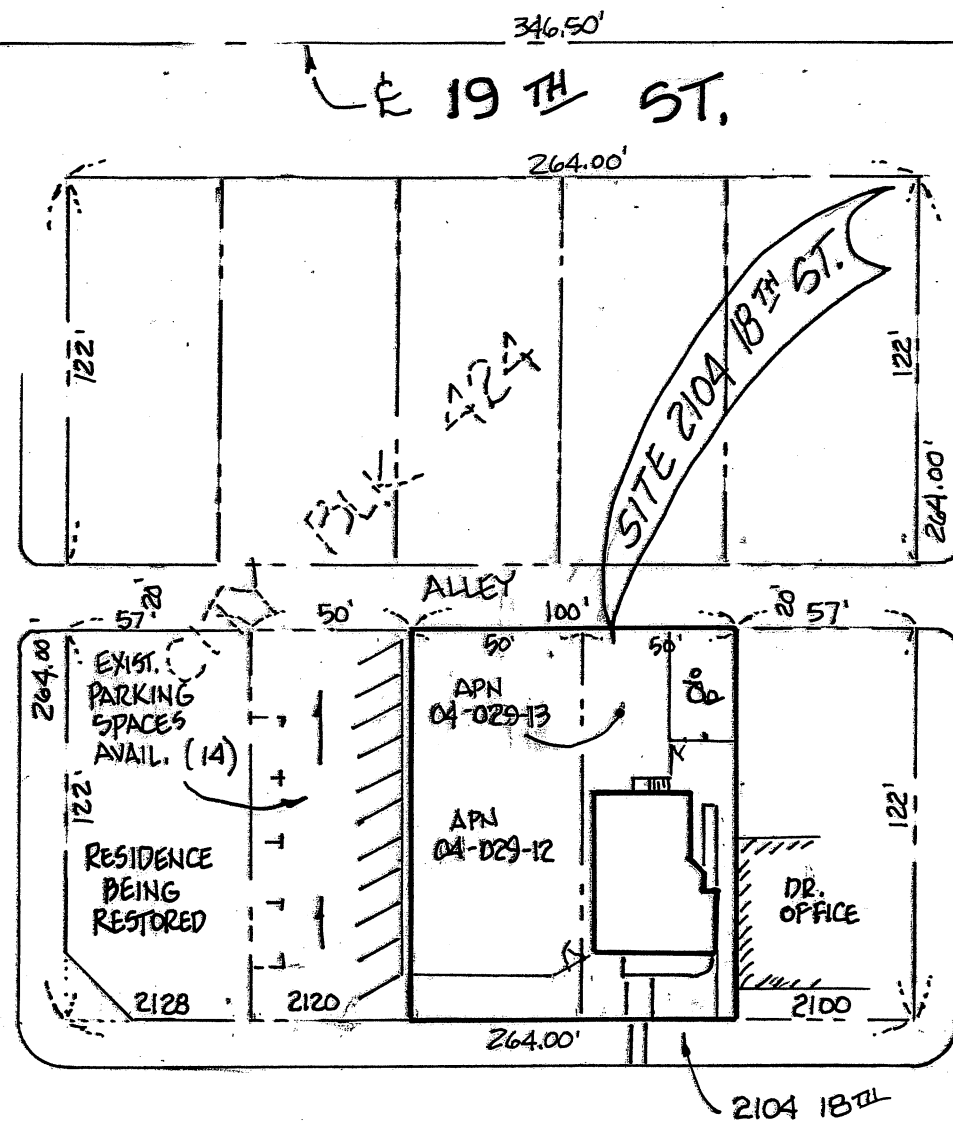
OWNER/ LESSOR : JOHN SARAD

LESSEES : SHANNON HOUGH & MICHELLE MEADOWS
 2104 18TH ST.
 BAKERSFIELD, CA. 93301
 PH(661) 748-1070 (OFF.)
 OR SHANNONS CEL(661) 978-7218
 MICHELLES CEL(201) 953-5431

SCALE : 1" = 60'



E "C" ST.

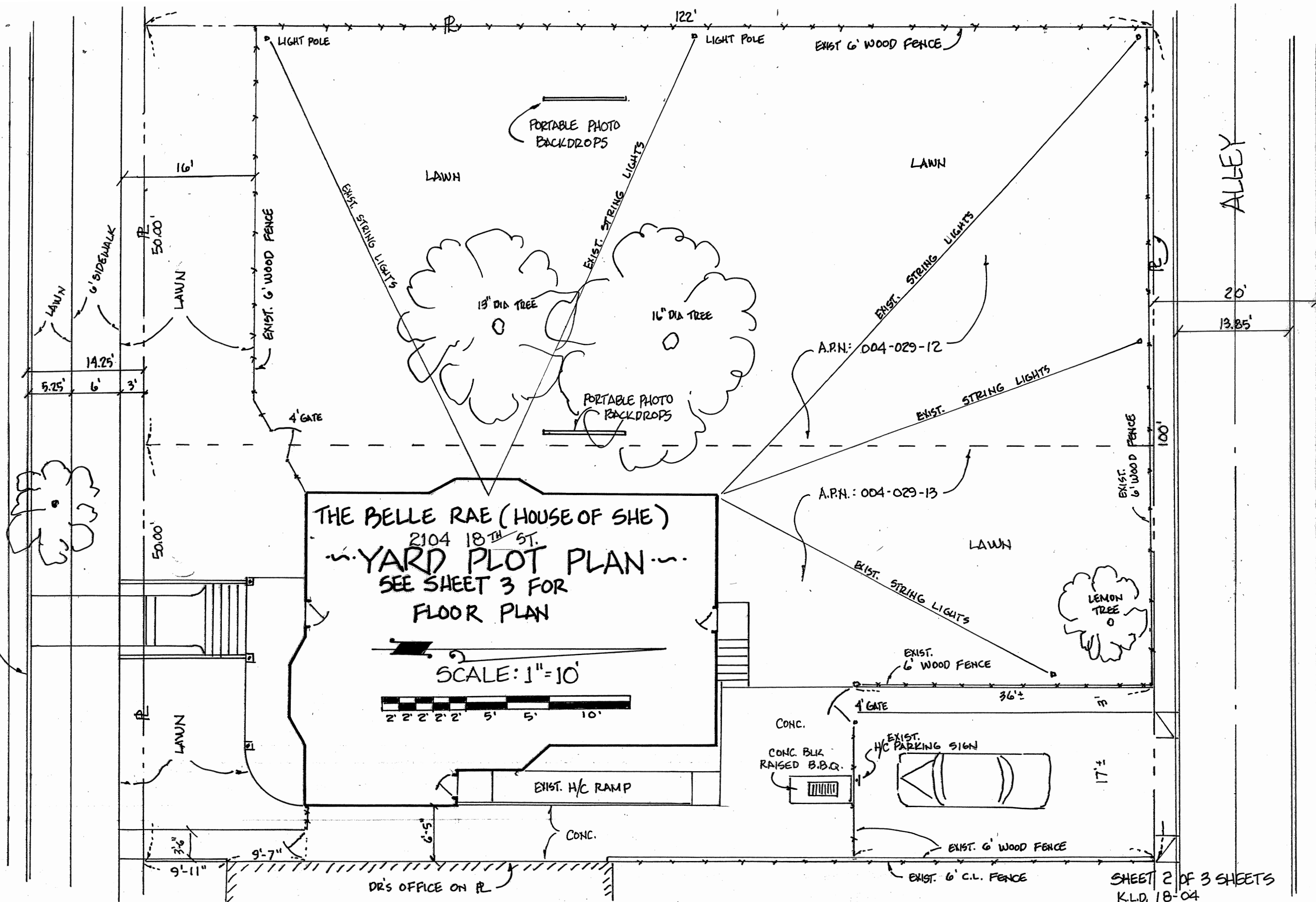


E "D" ST.

E 18TH ST.

A.P.N.'S : 004-029-12 & 13
 (LOTS 15, 16, 17 & 18 OF BLOCK 424 OF THE CITY OF BAKERSFIELD)
 ADDRESS : 2104 18TH ST. - BAKERSFIELD

18TH ST.



Planning Meeting Notes
March 17, 2020

Dave, Pof, Mark, Vicki, Shannon, ^{Zim (hubby)} me
Action vs. Belle Rae Venue

3.17.20
1-2:05 pm

Paul - Continuing to get complaints c. venue

- operating illegally since we met 1 yr. ago

Dave - Started w/ code complaint for operating w/o a CUP.

• When we met in May, 1 last event allowed & then supposed to stop operation until all compliance items met

Shannon - Has to make \$1000s in improvements, on street sidewalks & concrete; fire clearance; quotes for bathroom & plans; still needs to work to be able to afford these improvements

Letter she received Feb. 13th → talked to

Kari @ Health Dept. & Planning Director

↳ said you're not Noriega House; since you hold all private events & not open to the public, you may have private bathrooms per each event. No food/kitchen on site

Dave - Must check off all departments on plans w/ parking etc.

• Need change of use permit. Need plan to be approved.

Zim. What's change of use?

Mark: B occupancy to A (assembly) changing occupancy
Different from CUP - CUP allows a use that's not allowed, but has mitigation measures.

Dave Must get a design professional to create a plan to change this house to an assembly use.

Shannon: • We got a plan & submitted for CUP

Dave: • This is not a construction plan

Paul: • Let's go through the conditions

Prior to commencement of operations - ① Change
in use & ② Fire clearance

Shannon: Are private piers not allow?

Paul: No.

Shannon: I surrender. I'm out. Too expensive

John Decker won. Even if the health dept.
approved?

Vidi: It's not their jurisdiction

Shannon: Most of my events are under 100 people; each
event is private w/ bathrooms brought in
to accommodate that event. My situation
is different, I know my outcome unlike
other event centers in town. I know my
business operates it's been open for 3 years.
I'm not an indoor banquet facility, I work
@ Iron Lily, I know events in this town
I've run 12 years. It's ludicrous to build
a 6 stall bathroom.

Marc: • Not enough to cover operation w/ the 2 bathrooms ^{in hood}
under the current code

• Determine occupant load for your plan will
determine number of bathroom

Shannon: Our florist isn't open to the public, private only
onsite wedding florals, etc., custom design center
No retail space.

xGave: Must make sure it's up to code for a florist shop. Must be designed to meet this need.

me: 225 occupant load - this determines amount of bathrooms

Conditions Gave: This goes off of space like fire code.

Tim & Shannon: We can make the occupant load smaller.

me: Remember decible for noise bc it's been a complaint

Shannon: The DOs we hire go off of certain decible bc they know. When CE officer came he could barely hear wedding from inside kitchen

Dave: Informal remedies have not been met, hence this meeting & citations

Paul: Need ABC license - you're responsible, just FYI

Tim: We also hire licensed bartenders

Is ADA inside ~~need~~ waived or do we get compliance?

Built in 1902 by Sill family. From residence to florist/venue.

Mark: > Under ~~50~~ 49 ^{people} is B occupancy, 50 is A occupancy

me: > Our CUP allows 50 people, needs to be modified

Mark: • May just need ramps to make it liable. Even if Bldg. doesn't require, can still be sued federally if ADA incompant.

• I need a PDF of shared parking agreements; we require 52 parking spaces

me: • Need sign permit for your frontage. Did you obtain one? - Shannon "No."
I'll do a final insp.

xDave: Need all of these conditions shown on plan.

Mark: Present a letter saying we put a deposit on a pre-fab bathroom & allow privies in the meantime until finished in November.

Tim: What happens after this. He's (John Decker) isn't going to stop complaining

Dave: If conditions of approval are met, there's nothing to enforce if in compliance

Shannon: No trash - they hire someone to collect everything daily. Dave: must be registered hauler.

Tim: We tried to get a dumpster bin & city said no. - Call Chung for determination

Shannon: All events halted & postponed.

Tim: We're not saying ~~water~~ whatever, we want to comply, just can't say no to a bride & groom they were planned 1 yr. ago.

Mark: Must have 3 WC for women, 2 WC 1 urinal for men. based on 225 occupants

1.19.20

* COVID-19 Update



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: January 21, 2021

ITEM NUMBER: Workshops7.(a.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER:

DATE:

WARD:

SUBJECT: Code Enforcement "Rapid Response" Teams

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Receive and file.