



**PLANNING COMMISSION AGENDA
MEETING OF FEBRUARY 18, 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
February 18, 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) DUE TO THE RECENT SURGE OF COVID-19, THE PLANNING COMMISSION MEETING OF FEBRUARY 18, 2021, AT 5:30 P.M. HAS LIMITED SEATING TO THE GENERAL PUBLIC. AS SUCH, ONLY THOSE INTERESTED IN MAKING A COMMENT DURING CONSENT AND NON-CONSENT PUBLIC HEARING ITEMS WILL BE ALLOWED TO DO SO.

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 IS 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) 326-3043** 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 CALENDAR ITEMS

- a. Approval of minutes for the Regular Planning Commission meeting of February 4, 2021.
Staff recommends approval.

5. CONSENT PUBLIC HEARINGS

Ward 5

- a. **Extension of Time for Vesting Tentative Parcel Map 12251 (Phased):** McIntosh & Associates is requesting an extension of time for this tentative parcel map consisting of 9 commercial parcels on 32.01 acres, and one residential zoned designated remainder. Notice of Exemption on file.
Staff recommends to refer back to staff to be re-advertised for the March 4, 2021 meeting.

Ward 1

- b. **Tentative Parcel Map 12387:** Global Geomatics Engineering, proposes to subdivide 18.48 acres into 4 single family residential parcels and one designated remainder located on the south side of Brook Street, approximately 600 feet west of Cottonwood Road. Notice of Exemption on file.
Staff recommends approval.

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

- c. Text Amendments to the Bakersfield Municipal Code** by amending Section 17.04.285 relating to food and/or shelter service agency and adding Sections 17.04.602, 17.04.608, and 17.04.626 relating to supportive housing, target population, and transitional housing, in order to provide for consistency with State of California Department of Housing and Community Development guidelines and requirements. Notice of Exemption on file.

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

6. NON-CONSENT PUBLIC HEARINGS

Ward 7

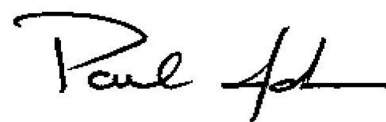
- a. Zone Change No. 20-0250:** Stine & Berkshire CIC, LP is requesting a zone change from a Planned Unit Development (P.U.D.) zone to a revised P.U.D. zone to allow development of a 72-unit apartment complex on approximately 3.48 acres, located at 7246 Stine Road. Notice of Exemption on file. *Continued from February 4, 2021.*

Staff recommends approval.

7. COMMUNICATIONS

8. COMMISSION COMMENTS

9. ADJOURNMENT



Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: February 18, 2021

ITEM NUMBER: 1.()

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT:

LARRY KOMAN, CHAIR

OSCAR L. RUDNICK, VICE-CHAIR

BOB BELL

MICHAEL BOWERS

DANIEL CATER

BARBARA LOMAS

PATRICK WADE

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APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: February 18, 2021

ITEM NUMBER: 4.(a.)

TO: Planning Commission

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Approval of minutes for the Regular Planning Commission meeting of February 4, 2021.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
☐ Minutes of February 4, 2021	Cover Memo



PLANNING COMMISSION MINUTES

Regular Meeting of February 4, 2021 – 5:30 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

ACTION TAKEN

1. ROLL CALL

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

Absent: Commissioner Rudnick, Wade

Staff Present: Virginia Gennaro, City Attorney; Viridiana Gallardo-King, Deputy City Attorney; Paul Johnson, DS Planning Director; Paul Archer; Building Dept. Civil Engineer III; Kassandra Gale, DS Principal Planner; Manny Behl; PWD Civil Engineer III; Dana Cornelius, Secretary.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

None

4. CONSENT ITEMS

a. Approval of minutes for the Regular Planning Commission meeting of January 21, 2021.

b. **Planning Director's Report – Planned Development Review No. 20-0332:** L. Lewis Architect on behalf of Allied Invesco, LLC (property owner) is requesting to modify Planned Development Review (PDR No. 19-0425) to allow for site reconfiguration and to increase the size of a proposed medical office in the C-2/P.C.D. (Regional Commercial/Planned Commercial Development Zone) district located at 6324 Panama Lane. Notice of Exemption on file.

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

RES NO 07-21

APPROVED

**RUDNICK,
WADE ABSENT**

ACTION TAKEN

5.

CONSENT PUBLIC HEARINGS

a. **Zone Change No. 20-0250:** Stine & Berkshire CIC, LP is requesting a zone change from a Planned Unit Development (P.U.D.) zone to a revised P.U.D. zone to allow development of a 72-unit apartment complex on approximately 3.48 acres, located at 7246 Stine Road. Notice of Exemption on file. Staff recommends continue consideration to February 18, 2021. **Public Hearing remains open.**

**CON'T TO
FEBRUARY 18,
2021**

b. **Planned Development Review No. 20-0381:** McIntosh & Associates (applicant) on behalf of Nicholson Combs, LLC (property owner), is requesting a new Planned Development Review to allow development of a 118,755 square foot regional commercial center on approximately 12.56 acres in the C-2/P.C.D. (Regional Commercial/Planned Commercial Development Zone) district, located at 9600 Panama Lane. An Addendum to an adopted ND will also be considered per California Environmental Quality Act Guidelines Sections 15162 and 15164.

**MOVED TO
NON-
CONSENT
PUBLIC
HEARINGS**

Applicant for Item 5.b. requested the item be moved to the non-consent public hearings portion of the agenda for discussion.

Motion by Commissioner Bell, seconded by Commissioner Bowers to continue Item 5.a. to February 18, 2021, and remove Item 5.b for separate consideration. Motion approved.

APPROVED

**RUDNICK,
WADE ABSENT**

6.

NON-CONSENT PUBLIC HEARINGS

a. **Appeal of Site Plan Review No. 20-0102:** SASD Development Group, LLC requested a site plan review for a 30,648 square foot Department of Veterans Affairs (VA) medical outpatient clinic, located at 5512 Knudsen Drive. Mitigated Negative Declaration on file. The Developments Services Director's approval has been appealed to the Planning Commission by Hagan Law Group, LLP.

RES NO 09-21

Staff report given. Public hearing open. One person spoke to uphold the appeal and deny the Site Plan Review. Six people spoke to deny the appeal and approve the Site Plan Review. No one spoke in rebuttal to uphold or deny the appeal. Public hearing closed. Commission deliberated.

APPROVED

Motion by Commissioner Lomas, seconded by Commissioner Bowers to deny the appeal and approve the Site Plan Review.

**RUDNICK,
WADE ABSENT**

ACTION TAKEN

5.b. Planned Development Review No. 20-0381: McIntosh & Associates (applicant) on behalf of Nicholson Combs, LLC (property owner), is requesting a new Planned Development Review to allow development of a 118,755 square foot regional commercial center on approximately 12.56 acres in the C-2/P.C.D. (Regional Commercial/Planned Commercial Development Zone) district, located at 9600 Panama Lane. An Addendum to an adopted ND will also be considered per California Environmental Quality Act Guidelines Sections 15162 and 15164.

RES NO 08-21

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

Motion by Commissioner Cater, seconded by Commissioner Bowers to approve Item 5.b., with staff recommendation and conditions to address internal parking configuration and pedestrian circulation.

APPROVED

**RUDNICK,
WADE ABSENT**

7. COMMUNICATIONS

Planning Director Paul Johnson stated that there would be a Planning Commission meeting on February 18, 2021.

Director Johnson informed the Commission that the "22 a Day" reference made by a public speaker on Item 6.a. was a reference to military suicide awareness movement.

COMMISSION COMMENTS

8.
None

9. ADJOURNMENT

There being no further business, Chair Koman adjourned the meeting at 7:03 p.m.

Dana Cornelius
Recording Secretary

Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: February 18, 2021

ITEM NUMBER: Consent Public
Hearings5.(a.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Jose Fernandez, Development Services Technician

DATE:

WARD: Ward 5

SUBJECT:

Extension of Time for Vesting Tentative Parcel Map 12251 (Phased): McIntosh & Associates is requesting an extension of time for this tentative parcel map consisting of 9 commercial parcels on 32.01 acres, and one residential zoned designated remainder. Notice of Exemption on file.

APPLICANT: McIntosh & Associates

OWNER: Nicholson Combs, LLC

LOCATION: Northeast corner of Panama Lane and Old River Road in the southwest of Bakersfield.

STAFF RECOMMENDATION:

Staff recommends to refer back to staff to be re-advertised for the March 4, 2021 meeting.

ATTACHMENTS:

Description	Type
12251 EOT Staff Report - Continued	Staff Report

**CITY OF BAKERSFIELD
PLANNING DEPARTMENT
STAFF REPORT**

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

FROM: Paul Johnson, Planning Director APPROVED: PJ

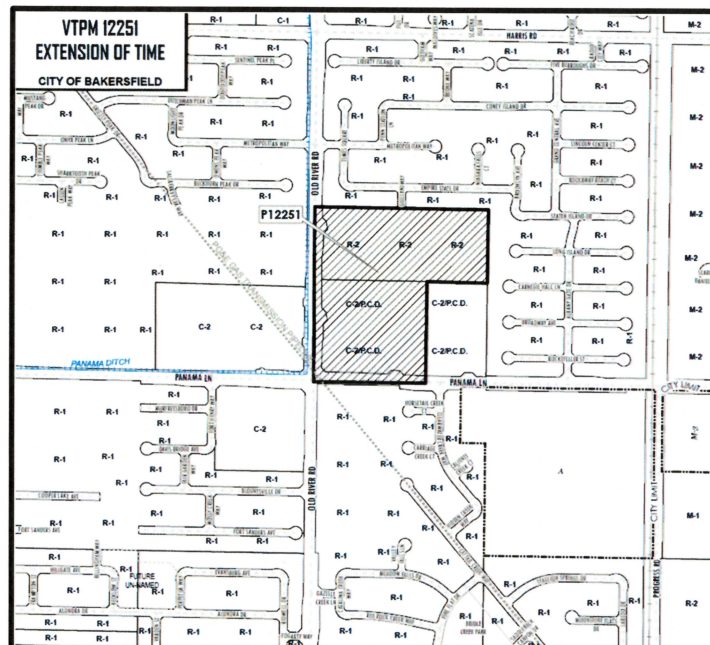
DATE: February 18, 2021

SUBJECT: EXTENSION OF TIME FOR VESTING TENTATIVE PARCEL MAP 12251 (WARD 5)

APPLICANT: ENGINEER PROPERTY OWNER
McIntosh & Associates Nicholson Combs, LLC
2001 Wheelan Court 2101 San Gabriel Avenue
Bakersfield, CA 93309 Clovis, CA 93611

LOCATION: Located on the northeast corner of Old River Road and Panama Lane in southwest Bakersfield. (APN: 497-010-94)

Figure 1. Location Map



This project was scheduled for consideration at today's meeting. In order to ensure an adequate public review period for the extension of time, it is recommended the Planning Commission continue consideration of this project to the next meeting on March 4, 2021.

RECOMMENDATION: Continue to March 4, 2021.



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: February 18, 2021

ITEM NUMBER: Consent Public
Hearings5.(b.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Jennie Eng, Principal Planner

DATE:

WARD: Ward 1

SUBJECT:

Tentative Parcel Map 12387: Global Geomatics Engineering, proposes to subdivide 18.48 acres into 4 single family residential parcels and one designated remainder located on the south side of Brook Street, approximately 600 feet west of Cottonwood Road. Notice of Exemption on file.

APPLICANT: Global Geomatics Engineering,

OWNER: Frederico Macias Gonzalez and Maria De La Luz Macias

LOCATION: Located on the south side of Brook Street, approximately 600 feet west of Cottonwood Road in southeast Bakersfield.

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

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



BAKERSFIELD

THE SOUND OF *Something Better*

CITY OF BAKERSFIELD PLANNING DEPARTMENT STAFF REPORT

TO: Chair Koman and Members of the Planning Commission

AGENDA ITEM: 5.b

FROM: Paul Johnson, Planning Director

APPROVED: PJ

DATE: February 18, 2021

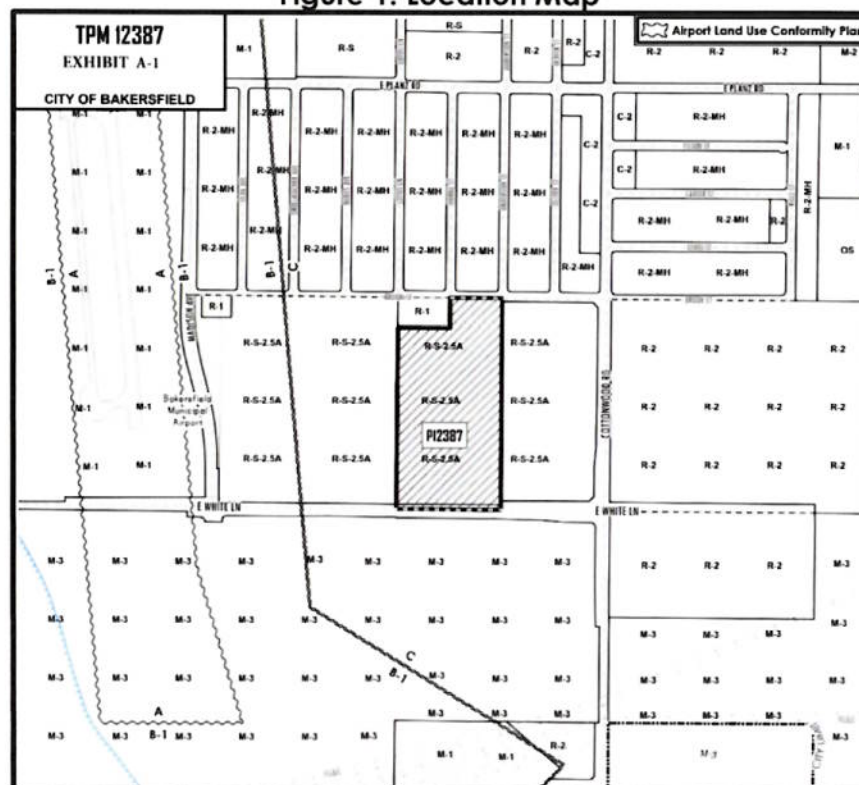
SUBJECT: TENTATIVE PARCEL MAP 12387 (WARD 1)

APPLICANT: ENGINEER/LAND SURVEYOR
Global Geomatics Engineering
4524 District Blvd
Bakersfield, CA 93313

PROPERTY OWNER/SUBDIVIDER
Frederico Macias Gonzalez &
Maria De La Luz Macias
4310 Cimarron Ridge Dr.
Bakersfield, CA 93313

LOCATION: Located on the south side of Brook Street, north of East White Lane, approximately 600 feet west of Cottonwood Road in southeast Bakersfield (APN: 172-070-09).

Figure 1. Location Map

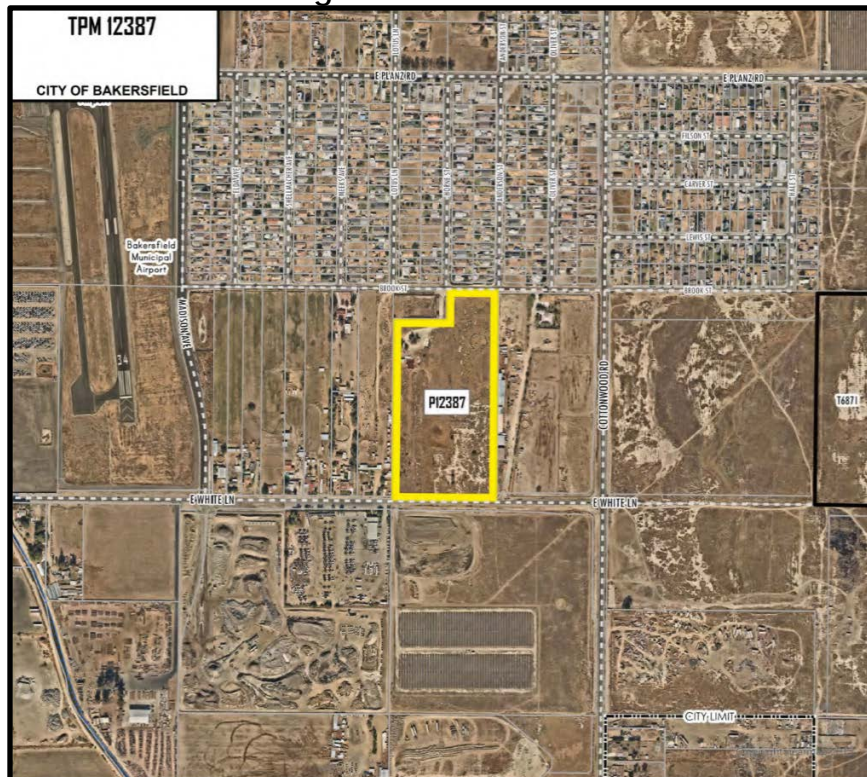


RECOMMENDATION:

Adopt Resolution, suggested findings **APPROVING** Tentative Parcel Map 12387 as depicted in the project description and recommended conditions.

PROJECT SUMMARY:

Global Geomatics Engineering, representing Frederico Macias Gonzalez and Maria De La Luz Macias, is proposing to subdivide 18.48 acres into 4 single family rural residential parcels (15.98 acres) and 1 designated remainder (2.5 acres) in an R-S-2.5 (Residential Suburban – 2.5 acre minimum) zone located on the south side of Brook Street, approximately 600 feet west of Cottonwood Road in southeast Bakersfield.

Figure 2. Aerial Photo**Figure 3. Site Visit Photo**
(looking north from East White Lane)

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

Table A. Surrounding Land Use Designations and Zoning Districts			
DIRECTION	LAND USE DESIGNATION	ZONING DISTRICT	EXISTING LAND USE
SITE	RR	R-S-2.5A	Vacant
NORTH	P, LMR	R-1, R-2 MH	Sump, Single-Family
WEST	RR	R-S--2.5A	Single Family
SOUTH	HI	M-3	Vacant
EAST	RR	R-S--2.5A	Single-Family
Land Use Designations: RR : Rural Residential (2.5 acre min/unit) LMR: > 4 ≤ 10 du/na HI: Heavy Industrial P: Public		Zoning Designations R-1 : One Family Dwelling R-S-2.5A : Residential Suburban 2.5 Acre min. lot R-2 MH: Limited Multiple Family Dwelling -Mobile Home M-3 : Heavy Industrial Manufacturing	

PROJECT ANALYSIS:

Background and Timeline.

July 7, 1997. The project site was annexed to the City of Bakersfield as the Casa Loma No. 6 Annexation (Annexation # 392).

Analysis. The proposed tentative parcel map subdivision of 18.48 acres consists of 4 single-family rural residential parcels (15.98 acres) and 1 designated remainder (2.5 acres) in an R-S-2.5 zone. Three (3) of the residential parcels contain approximately 4.5 acres each, and one (1) parcel is 2.5 acres. All parcels meet the minimum 2.5-acre lot size required by both the Rural Residential Land Use Element designation of the General Plan, and the R-2-2.5A zone classification. The application was deemed complete on January 5, 2021.

Consistency/Deviation from Design Standards. The applicant has not requested any modifications from City standards.

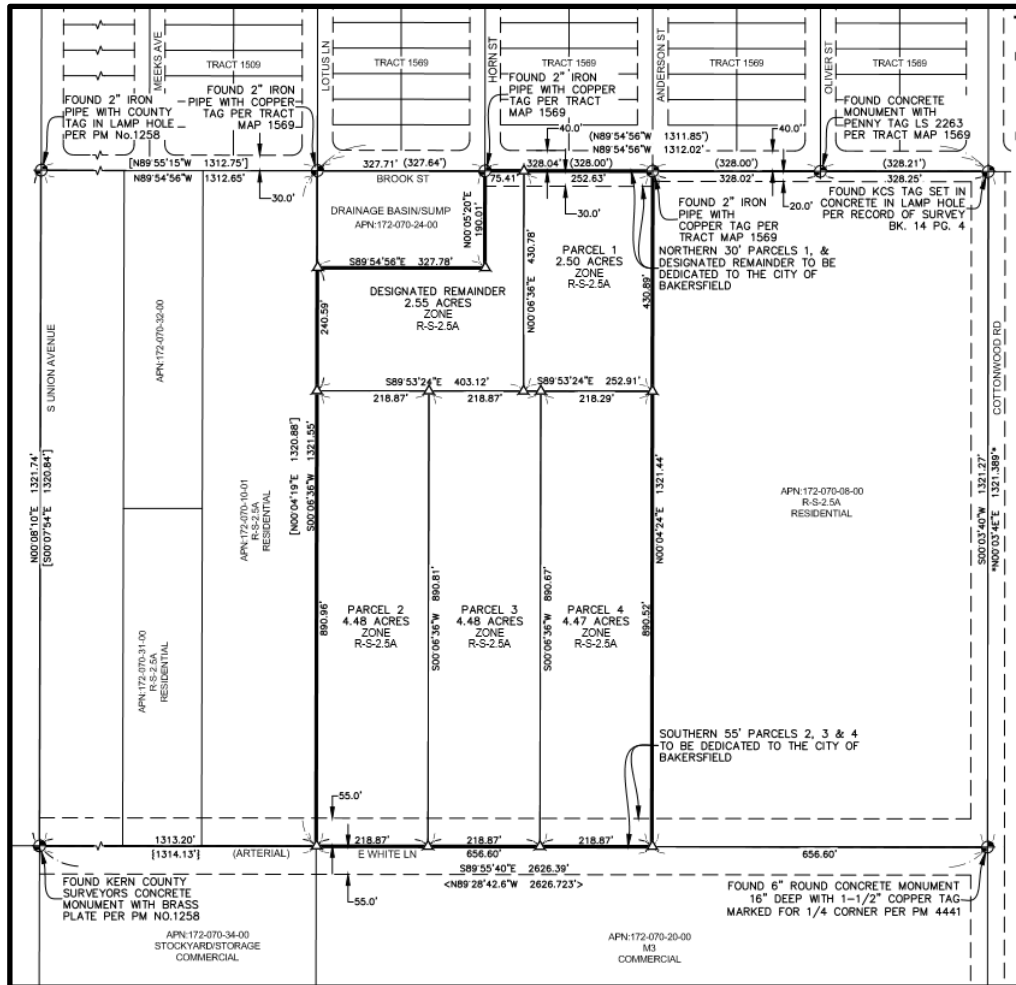
Circulation. Three parcels have frontage along East White Lane. One parcel and the designated remainder parcels have access to Brook Street. The City's Bikeway Master Plan identifies East White Lane as a Class 2 facility (bike lane). When bike lanes do not exist at the time the property is developed, lane striping will be required with the construction of street improvements. The Traffic Engineer will evaluate if bike lane striping should be installed along project street frontages or delayed if their installation will compromise public safety (e.g. short lengths of unconnected bike lanes that would confuse drivers and cyclists increasing the likelihood of accidents). Striping would then occur at the time the City added bike lanes along the streets with connections to the existing bikeway network.

The project site is subject to the City's policy for "Complete Streets," which requires that all transportation facilities (including sidewalks and pedestrian access) consider bicyclists, pedestrians, transit, and motorists. The closest Golden Empire Transit (GET) bus route is Route No. 41, which is located at Madison Avenue and East White Lane, approximately 0.25 miles west of the project site.

Park Land In-Lieu Fees/Dedication. The City of Bakersfield provides park and recreational services to the project site. The nearest existing park to the subdivision is Planz Park located about 1.75 miles west of the project site. Staff recommends payment of in-lieu fees to satisfy the parkland requirement of BMC Chapter 15.80 (Condition No. 12).

Mineral Rights. In accordance with Subdivision Map Act Section 66445(e), mineral rights owners' signatures are not required on final parcel maps with four or fewer parcels. This parcel map contains four parcels, and a designated remainder. Additionally, mineral right owners' signatures may be waived pursuant to Bakersfield Municipal Code Section 16.22.030.B.

Figure 4. Parcel Map



ENVIRONMENTAL REVIEW AND DETERMINATION:

Based upon an initial environmental assessment, staff has determined the proposed project is categorically exempt from the California Environmental Quality Act in accordance with Section 15315 Class 15, Minor Land Division. The project meets the criteria for this categorical exemption because it contains four or less parcels, is consistent with the General Plan and zoning, has a slope no greater than 20 percent, and has not be subject of a larger land division action within the previous 2 years.

PUBLIC NOTIFICATION:

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

CONCLUSION:

The applicant has requested approval of Tentative Parcel Map 12387 to subdivide 18.48 acres into 4 lots ranging in size from 2.5 acres to 4.4 acres and 1 2.5-acre designated remainder in an R-S-2.5 Acre (Residential Suburban – 2.5-acre minimum). The purpose of this request is to facilitate development of the property for rural residential use. Staff finds that the proposed subdivision is reasonable and recommends approval of Tentative Tract Map 12387 with conditions.

Exhibits.

- A. Resolution
 - A-1 Conditions of Approval
 - A-2 Location Map with Zoning
 - A-3 Tentative Parcel Map
- B. CEQA documentation

ATTACHMENT A

DRAFT

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
APPROVE TENTATIVE PARCEL MAP 12367 LOCATED ON THE
SOUTH SIDE OF BROOK STREET, APPROXIMATELY 500 FEET
WEST OF COTTONWOOD ROAD.**

WHEREAS, Global Geomatics Engineering, representing Frederico Macias Gonzalez and Maria De La Luz Macias (property owners), filed an application with the City of Bakersfield Planning Department requesting a Tentative Parcel Map 12387 (the "Project"), consisting of into 4 parcels, and one designated remainder on 18.48 acres to develop rural residential suburban uses on a 2.5 acre minimum parcel size, as shown on attached Exhibit "B", located on the south side of Brook Street, approximately 600 feet west of Cottonwood Road as shown on attached Exhibit "C"; and

WHEREAS, the application was deemed complete on January 5, 2021; and

WHEREAS, the Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines Section 15315, Minor Land Division; and

WHEREAS, the Secretary of the Planning Commission, did set, Thursday, February 18, 2021, at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

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

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 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 application is a project under CEQA and the Project is Categorically Exempt from State CEQA Guidelines under Section 15315, Minor Land Division, and duly noticed for public review.
3. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
4. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan. (Subdivision Map Act Section 66473.5) The proposed density and intensity of development are consistent with the RR (Rural Residential) land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
5. Mineral right owners' signatures are not required on the final map pursuant to Bakersfield Municipal Code Section BMC Section 16.22.030.B. In accordance with Subdivision Map Act Section 66445(e), mineral rights owners' signatures are not required on final parcel maps with 4 or fewer parcels (BMC Section 16.22.030.B). This parcel map contains 4 parcels, and a designated remainder.
6. The request for modification(s) is consistent with sound engineering practices or subdivision design features.
7. The conditions of approval are necessary for orderly development and to provide for the public health, welfare, and safety.

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

1. The recitals above are true and correct and incorporated herein by this reference.
2. The map is Categorically Exempt from the requirements of State CEQA Guidelines Section 15315, Minor Land Division.
3. Tentative Parcel Map 12387 is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A".

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on February 18, 2021, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Conditions of Approval

Exhibit B: Location Map

Exhibit C: Tentative Map

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EXHIBIT "A"
TENTATIVE PARCEL 12387
CONDITIONS OF APPROVAL

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

PUBLIC WORKS

1. There were no applicant requested deviations received in the application.
2. Approval of this tentative map does not indicate approval of grading, drainage lines and appurtenant facilities shown, or any variations from ordinance, standard, and policy requirements which have neither been requested nor specifically approved.
3. Prior to grading plan review submit the following for review and approval:
 - 3.1. A drainage study for the entire subdivision.
 - 3.2. A sewer study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions.
 - 3.3. If the subdivision is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal shall have a mechanical device in the storm drain system to remove or minimize the introduction of oil, grease, trash, and sediments. This device shall be reviewed and approved by the City Engineer, and shall provide the greatest benefit to the storm drain system with the least maintenance cost.
4. The following conditions must be reflected in the design of the improvement plans:
 - 4.1. Final plan check fees shall be submitted with the first plan check submission.
 - 4.2. Per Resolution 035-13, the area within the Tract shall implement and comply with the "complete streets" policy. Complete streets will require pedestrian and bicycle access to the Tract from existing sidewalks and bike lanes. If there is a gap less than ¼ mile then construction of asphalt sidewalks and bike lanes to the tract will be required.
5. The subdivider shall either construct the equivalent full width landscaped median island in White Lane for the site's frontage or pay \$100 per Linear Feet (their proportionate share of the cost for the future construction of the median). Median islands shall be designed by the first tract or development to be approved on a side.

- 5.1. Install traffic signal interconnect conduit and pull rope for the frontage in all arterials and collectors. Install conduit and pull ropes in future traffic signal locations.
 - 5.2. In addition to other paving requirements, on and off site road improvements may be required from any collector or arterial street to provide left turn channelization into each street (or access point) within the subdivision (or development), where warranted and as directed by the City Engineer. Said channelization shall be developed to provide necessary transitions and deceleration lanes to meet the current CalTrans standards for the design speed of the roadway in question.
 - 5.3. Off-site pavement and striping construction will be required to transition from the proposed/ultimate on-site improvements to the existing conditions at the time construction commences. Transitions must be designed in accordance with City Standards and/or the Caltrans Highway Design Manual. If existing conditions change during the period of time between street improvement plan approval and construction commencement, the street improvement plans must be revised and approved by the City Engineer.
6. Improvement plans shall reflect the following:
- 6.1. Right turn deceleration lanes are required on arterials at local streets, if local streets are provided.
 - 6.2. The map proposes no phasing.
 - 6.3. Since there is no phasing, the following shall occur:
 - 6.3.1. Construct full half-width improvements for the full extent of E. White Lane within the boundary of the Parcel Map, including the designated remainder.
 - 6.3.2. Construct full half-width improvements for the full extent of Brook Street within the boundary of the Parcel Map. Dedicate 30 foot width south of the centerline of Brooks Street to result in a 40 foot wide street roadway width, curb to curb.
 - 6.3.3. Construct street sidewalk improvements for the south side of Brook Street from Horne Street to Lotus Lane adjacent to the existing curb, including new ADA compliant commercial driveway at the gated access to the existing sump directly adjacent to the parcel map boundary.

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

- 6.4. The subdivider is responsible for verifying that existing streets within the boundary of the parcel map are constructed to city standards and he will reconstruct streets within the boundary if not to standard.
- 6.5. Where streets do not have curb and gutter, construct a minimum section of 36 feet wide consisting of 2-12' lanes, 2-4' paved shoulders and 2 additional feet per side of either AC or other dust proof surface.

- 6.6. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 24, 1997.
- 6.7. In order to preserve the permeability of the sump and to prevent the introduction of sediments from construction or from storm events, Best Management Practices for complying with the requirements of the Clean Water Act are required.
- 6.8. All lots with sumps and water well facilities will have wall and/or slatted chain link fence and landscaping to the appropriate street standards, at the building setback with landscaping as approved by the Public Works and Parks Directors.
- 6.9. Install blue markers in the street at the fire hydrants per the Fire Department requirements.
7. Prior to recording the first final map:
 - 7.1. The City Council must have taken final action for inclusion of this tract within the Consolidated Maintenance District.
 - 7.2. If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.
8. Prior to recording each final map:
 - 8.1. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map which will prohibit occupancy of any lot until all improvements have been completed by the subdivider and accepted by the City.
 - 8.2. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents, including a Proposition 218 Ballot and Covenant, which shall be signed and notarized.
9. Prior to Notice of Completion:
 - 9.1. If the project drains storm water into the existing adjacent public sump, the storm drain system, including the sump, shall be inspected and any debris removed.
10. For the Designated Remainder, a certificate of compliance will be required prior to development or issuance of a building permit on that Designated Remainder. (*Subdivision Map Act Section 66424.6*)

WATER RESOURCES

11. Prior to recordation of each final map, subdivider shall record a covenant affecting each lot prohibiting the pumping and taking of groundwater from the property for any use off the property; provided, however, such pumping and taking may be carried out by the

authorized urban water purveyor which provides water service to the subdivided land, or by a county-wide governmental entity with water banking powers, and such pumping is part of an adopted water banking program that will not have a significant adverse impact on the groundwater levels or diminish the quality of water underlying the subdivision.

Orderly development and as required by BMC Section 16.40.101.B.

RECREATION AND PARKS

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

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

CITY ATTORNEY

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

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

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

PLANNING

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

Required for orderly development and provide for the public health, welfare and safety.

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

Police power based on public health, welfare and safety.

16. Prior to or concurrently with recordation of a final map, subdivider shall record a covenant on all residential lots, and designated remainder, with an avigation easement disclosing that the lot is within an avigation easement and within close proximity to flight pattern to the Bakersfield, Municipal Airport. Said covenant shall be submitted to the Planning Department for review and approval by the City Attorney and Planning Director prior to recordation.

Orderly development Project is located within Zone C of the Airport Land Use Compatibly Plan (ALUCP) for the Bakersfield Municipal Airport

17. Prior to issuance of a building permit or development, whichever occurs first, of the Designated Remainder, the developer will either apply for a subdivision map or a Certificate of Compliance for the Designated Remainder.

Subdivision Map Act Section 66424.6

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

The current MBHCP expires on February 28, 2022. To ensure take of covered species does not occur after the expiration date, fees must be paid no later than August 31, 2021 and all covered activities must be completed by the MBHCP expiration date of February 28,

2022. As determined by the City, only projects ready to be issued an urban development permit, grading plan approval, or building permit will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 2022 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish & Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW).

19. The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. To avoid violation of the take provisions of these laws generally requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1 – August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered "taking" and is potentially punishable by fines and/or imprisonment.
 - a. To avoid impacts to burrowing owl, prior to ground disturbance, a focused survey shall be submitted to California Department of Fish and Wildlife (CDFW) by the Project applicant of a subdivision or site plan review, following the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). A copy of the survey shall also be submitted to the City of Bakersfield, Planning Division.
 - b. If the survey results the presence of burrowing owl nests, prior to grading; including staging, clearing, and grubbing, surveys for active nests shall be conducted by a qualified wildlife biologist no more than 30 days prior to the start of the of the Project commencing and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. If the Project applicant identifies active nests, the CDFW shall be notified and recommended protocols for mitigation shall be followed and a copy submitted to City of Bakersfield, Planning Division.
 - c. If any ground disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31), and potential burrowing owl burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that burrowing owls are found, the applicant must follow CDFW protocol for mitigation and comply with the provisions of the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711). If the Project applicant proposes to evict burrowing owls that may be present, the CDFW recommends passive relocation during the non-breeding season.

TPM 12387

EXHIBIT A-2

CITY OF BAKERSFIELD

Airport Land Use Conformity Plan

LEGEND (ZONE DISTRICTS)

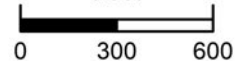
- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-S Residential Suburban
24,000 sq.ft./dwelling unit
- R-S() Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500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



BAKERSFIELD



Feet



Document Name: 2021_01_07tpm

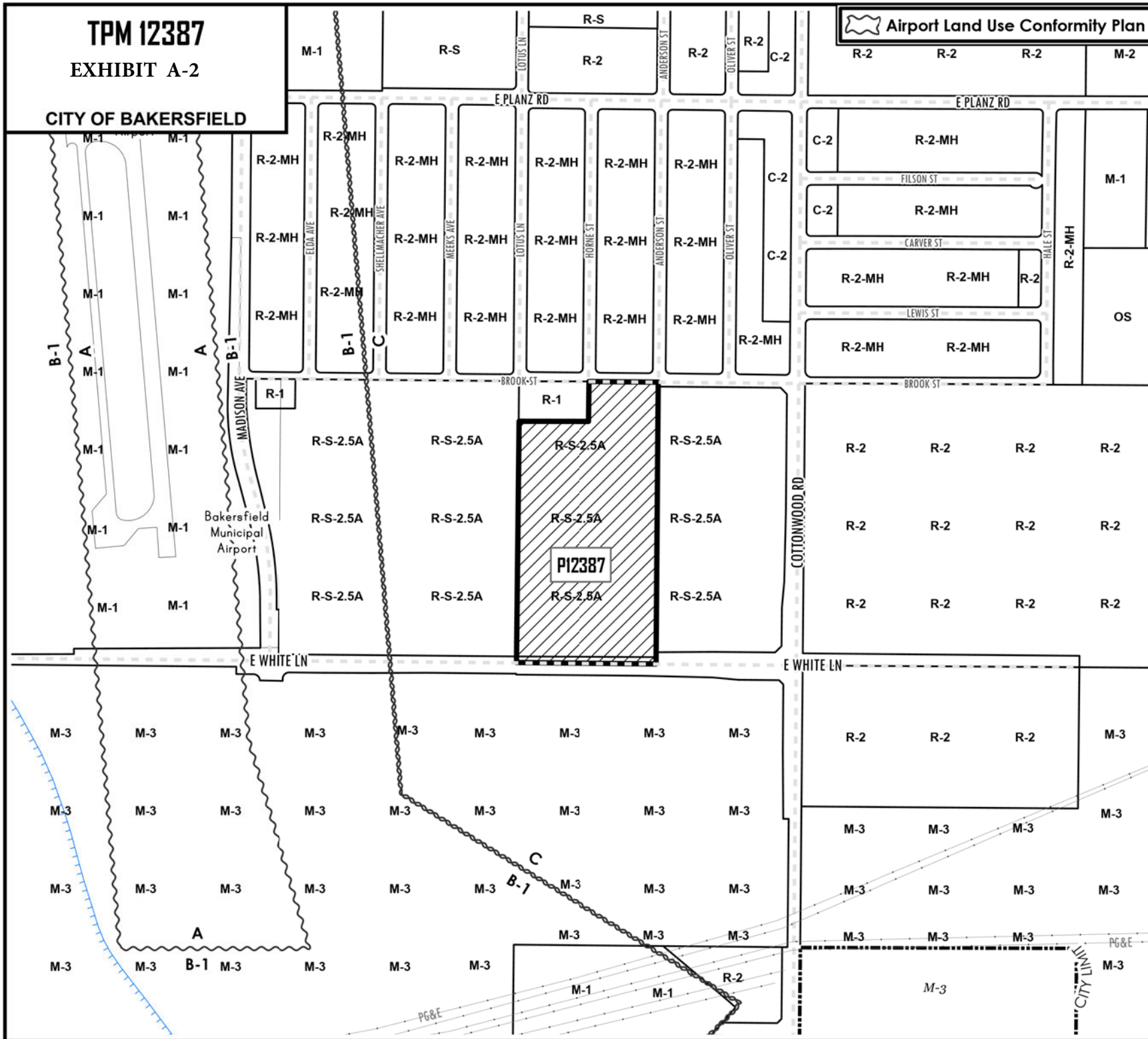


EXHIBIT A-3

NOTES:
PROJECT SIZE: 804846.50 SQ. FT. — 18.48 ACRES
PARCEL 1 — 108901.71 SQ. FT. 2.50 ACRES
PARCEL 2 — 194983.86 SQ. FT. 4.48 ACRES
PARCEL 3 — 194952.54 SQ. FT. 4.48 ACRES
PARCEL 4 — 194665.67 SQ. FT. 4.47 ACRES
DESIGNATED REMAINDER — 111342.72 SQ. FT. 2.55 ACRES

EXISTING ZONE: R–S–2.5A (RESIDENTIAL SUBURBAN ZONE 2–1/2 ACRE MINIMUM LOT SIZE)
PROPOSED ZONE: R–S–2.5A (RESIDENTIAL SUBURBAN ZONE 2–1/2 ACRE MINIMUM LOT SIZE)
EXISTING GENERAL PLAN: (LOW DENSITY RESIDENTIAL)
PROPOSED GENERAL PLAN:(LOW DENSITY RESIDENTIAL)
EXISTING USE: VACANT
PROPOSED USE RESIDENTIAL

THE SURROUNDING PROPERTIES EAST, WEST ARE ZONED R–S–2.5A (RESIDENTIAL SUBURBAN ZONE 2–1/2 ACRE MINIMUM LOT SIZE), NORTH IS ZONED R–2 (LIMITED MULTIPLE FAMILY DWELLING) AND SOUTH IS ZONED AS M–3 (HEAVY INDUSTRIAL ZONE)

FEMA FLOOD ZONE: FLOOD ZONE "X" AS DELINEATED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP NO. 06029C2325E DATED 9/26/2008.

MAP WILL NOT BE PHASED

APN:172–070–09–02

UTILITIES:

WATER: CAL WATER

SEWER: CITY OF BAKERSFIELD

ELECTRICITY: PG&E

GAS: PG&E

CABLE TV: SPECTRUM

TELEPHONE: SPECTRUM

SCHOOL DISTRICT

LEO G. PAULY ELEMENTARY SCHOOL

SEQUOIA MIDDLE SCHOOL

MIRA MONTE HIGH SCHOOL

CONTOUR INTERVAL: 1’

NUMBER OF LOTS: 4 PARCELS & A DESIGNATED REMAINDER

NUMBER OF BUILDABLE PARCELS: 4 & A DESIGNATED REMAINDER



TENTATIVE PARCEL MAP 12387

BEING A DIVISION OF THE WEST HALF OF LOT 10 SECTION 17, TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN, PER SALES MAP No. 1 OF LANDS OF J.B. HAGGIN IN SECTION 17 TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN. EXCEPTING THE NORTH 190 FEET OF SAID LOT, LYING WESTERLY OF THE SOUTHERLY EXTENSION OF THE CENTERLINE OF HORNE STREET. PER DEED RECORDED NOVEMBER 12, 2008 AS DOCUMENT No. 0208176755, OF OFFICIAL RECORDS

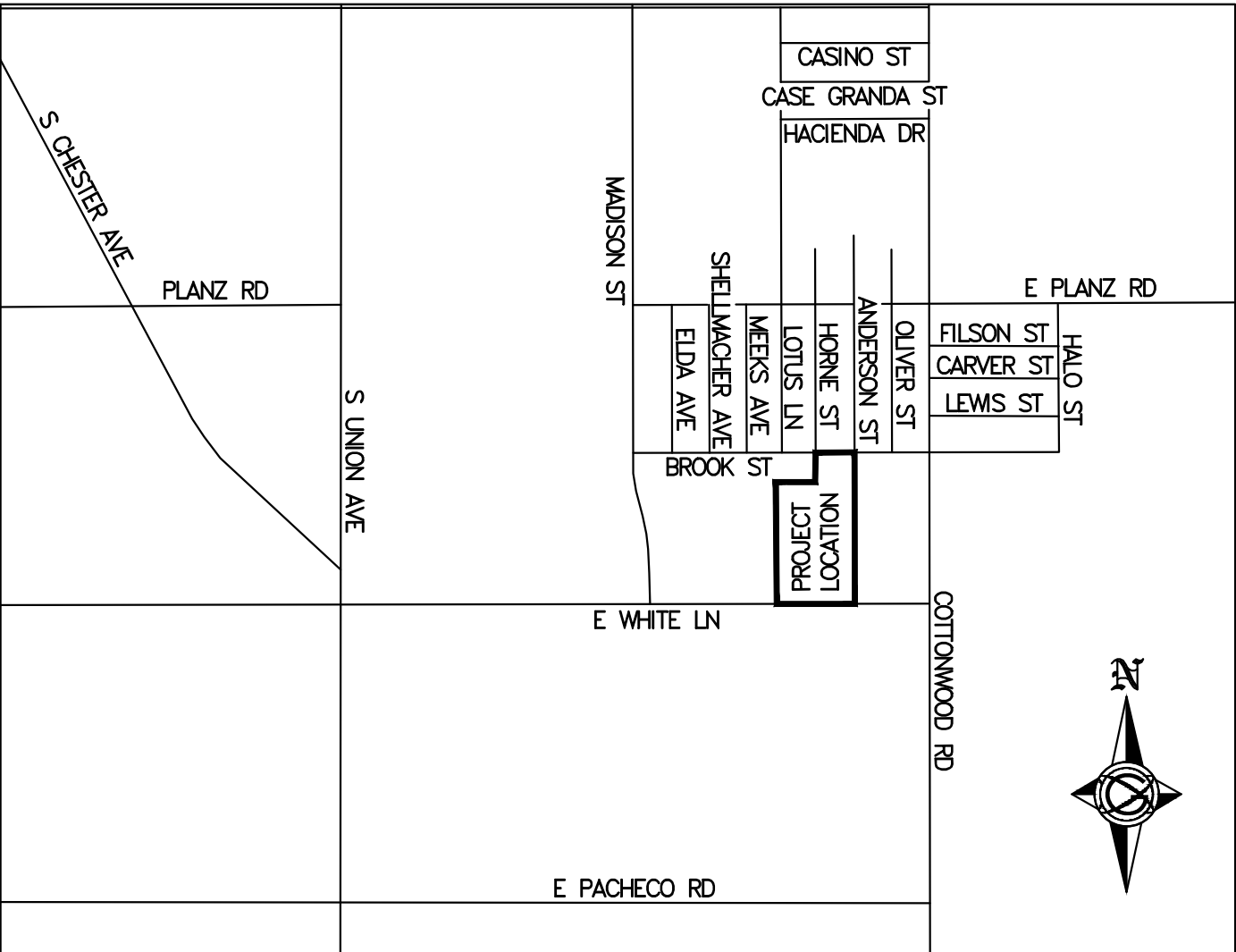
IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF THE SOUTH EAST QUARTER OF THE NORTH EAST QUARTER SECTION 17, TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.

CONSISTING OF 4 PARCELS & 1 DESIGNATED REMAINDER — CONTAINING 18.48 ACRES (GROSS)

NOTE:

THE OWNER’S STATEMENT, TOGETHER WITH ADDITIONAL INFORMATION, DESCRIBING CONDITIONS REGARDING THIS MAP AS OF THE DATE OF FILING, WHICH DOES NOT AFFECT RECORD TITLE INTEREST.

ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE GROUND DISTANCES IN FEET AND DECIMALS THEREOF.



VICINITY MAP
NOT TO SCALE

EXHIBIT A-3

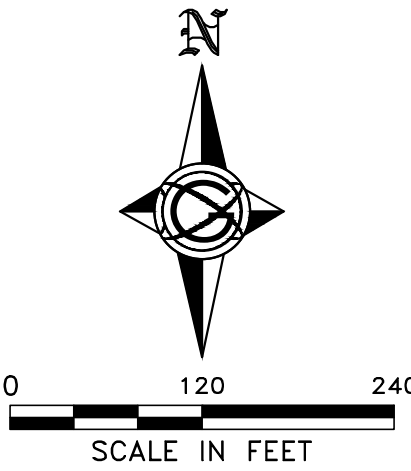
TENTATIVE PARCEL MAP 12387

BEING A DIVISION OF THE WEST HALF OF LOT 10 SECTION 17, TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN, PER SALES MAP No. 1 OF LANDS OF J.B. HAGGIN IN SECTION 17 TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN. EXCEPTING THE NORTH 190 FEET OF SAID LOT, LYING WESTERLY OF THE SOUTHERLY EXTENSION OF THE CENTERLINE OF HORNE STREET. PER DEED RECORDED NOVEMBER 12, 2008 AS DOCUMENT No. 0208176755, OF OFFICIAL RECORDS IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF THE SOUTH EAST QUARTER OF THE NORTH EAST QUARTER SECTION 17, TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.

CONSISTING OF 4 PARCELS & 1 DESIGNATED REMAINDER – CONTAINING 18.48 ACRES (GROSS)

- △ SET 1/2" REBAR, 18" LONG WITH PLASTIC CAP TAGGED L.S. 7268
- FOUND MONUMENT AS DESCRIBED
- () PER TRACT MAP No.1569 FILED IN THE OFFICE OF THE KERN COUNTY RECORDER BOOK 8 OF MAPS PAGES 31–33
- [] PER TRACT MAP NO.1509 FILED IN THE OFFICE OF THE KERN COUNTY RECORDER BOOK 7 OF MAPS PAGES 26–27.
- { } PER PARCEL MAP No. 1258 IN THE OFFICE OF THE KERN COUNTY RECORDER BOOK 9 OF PARCEL MAPS PAGE 161
- < > PER PARCEL MAP No. 4441 FILED IN THE OFFICE OF THE KERN COUNTY RECORDER BOOK 19 OF PARCEL MAPS PAGE 167
- * * PER RECORD OF SURVEY BOOK 14 PAGE 4 IN THE OFFICE OF THE KERN COUNTY RECORDER

NOTE:
SEE SHEET 3 FOR CROSS SECTIONS
AND TOPOGRAPHICAL SURVEY



BASIS OF BEARING:

THE BEARING OF NORTH 89°54'56"WEST. AS SHOWN FOR THE NORTH LINE OF THE SE 1/4 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN ALSO BEING THE CENTERLINE OF BROOK STREET PER TRACT 1569, RECORDED IN BOOK 8 OF MAPS PAGES 31–33 IN THE KERN COUNTY RECORDERS OFFICE, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

EASEMENTS:

- A CONTRACT OF SETTLEMENT OF WATER RIGHTS BETWEEN HENRY MILLER AND OTHERS AND JAMES B. HAGGIN AND OTHERS DATED JULY 28, 1888, AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID KERN COUNTY IN BOOK 2 OF AGREEMENTS AT PAGE 40, AND ALL AMENDMENTS THEREOF AND SUPPLEMENTS THERETO. (DOCUMENT IS ILLEGIBLE)
- EASEMENT GRANTED TO KERN COUNTY LAND COMPANY, A CORPORATION ALL EXISTING EASEMENTS, SERVITUDE AND RIGHTS OF WAY FOR CANALS, DITCHES, ROADS, HIGHWAYS, TELEGRAPH LINES, RAILROADS AND INCIDENTAL PURPOSES RECORDED AUGUST 13, 1892 BOOK 38 PAGE 43 OF DEEDS. (DOCUMENT IS ILLEGIBLE)
- THE LAND DESCRIBED HEREIN IS INCLUDED WITHIN A PROJECT AREA OF THE REDEVELOPMENT AGENCY SHOWN BELOW, AND PROCEEDINGS FOR THE REDEVELOPMENT OF SAID PROJECT HAVE BEEN INSTITUTED UNDER THE REDEVELOPMENT LAW (SUCH REDEVELOPMENT TO PROCEED ONLY AFTER THE ADOPTION OF THE REDEVELOPMENT PLAN) AS DISCLOSED BY DOCUMENT SOUTHEAST BAKERSFIELD REDEVELOPMENT PROJECT AREA RECORDED JULY 1, 1999 AS DOCUMENT No. 0199094687 OF OFFICIAL RECORDS. (DOES NOT AFFECT, SECTION 17, TOWNSHIP 30 SOUTH, RANGE 28 EAST, MOUNT DIABLO BASE AND MERIDIAN IS NOT IN SAID DOCUMENT)

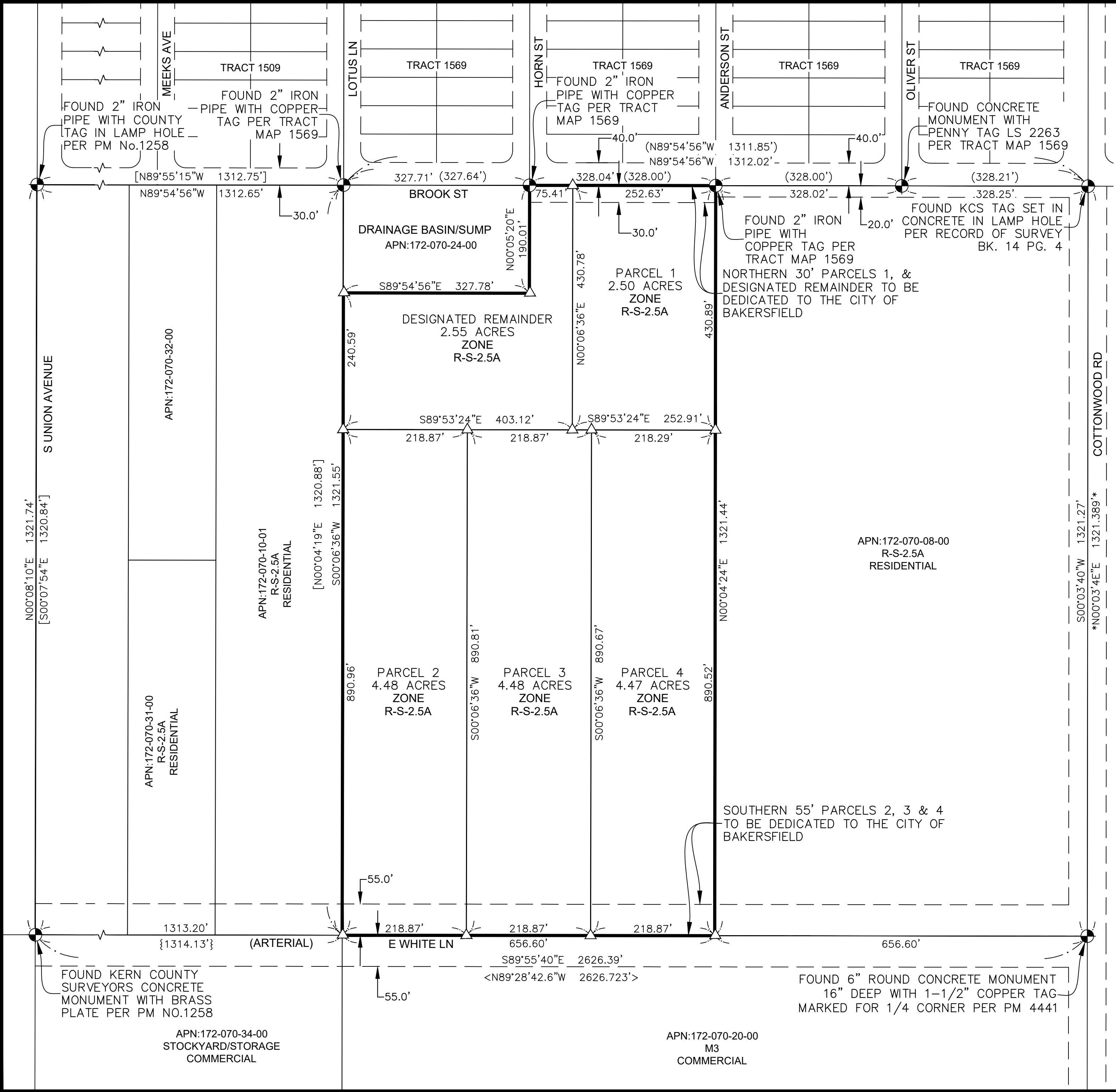
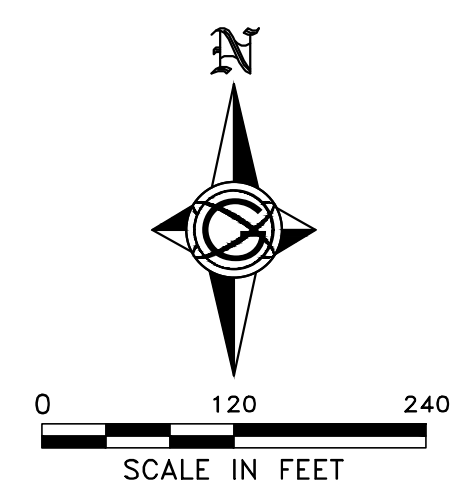
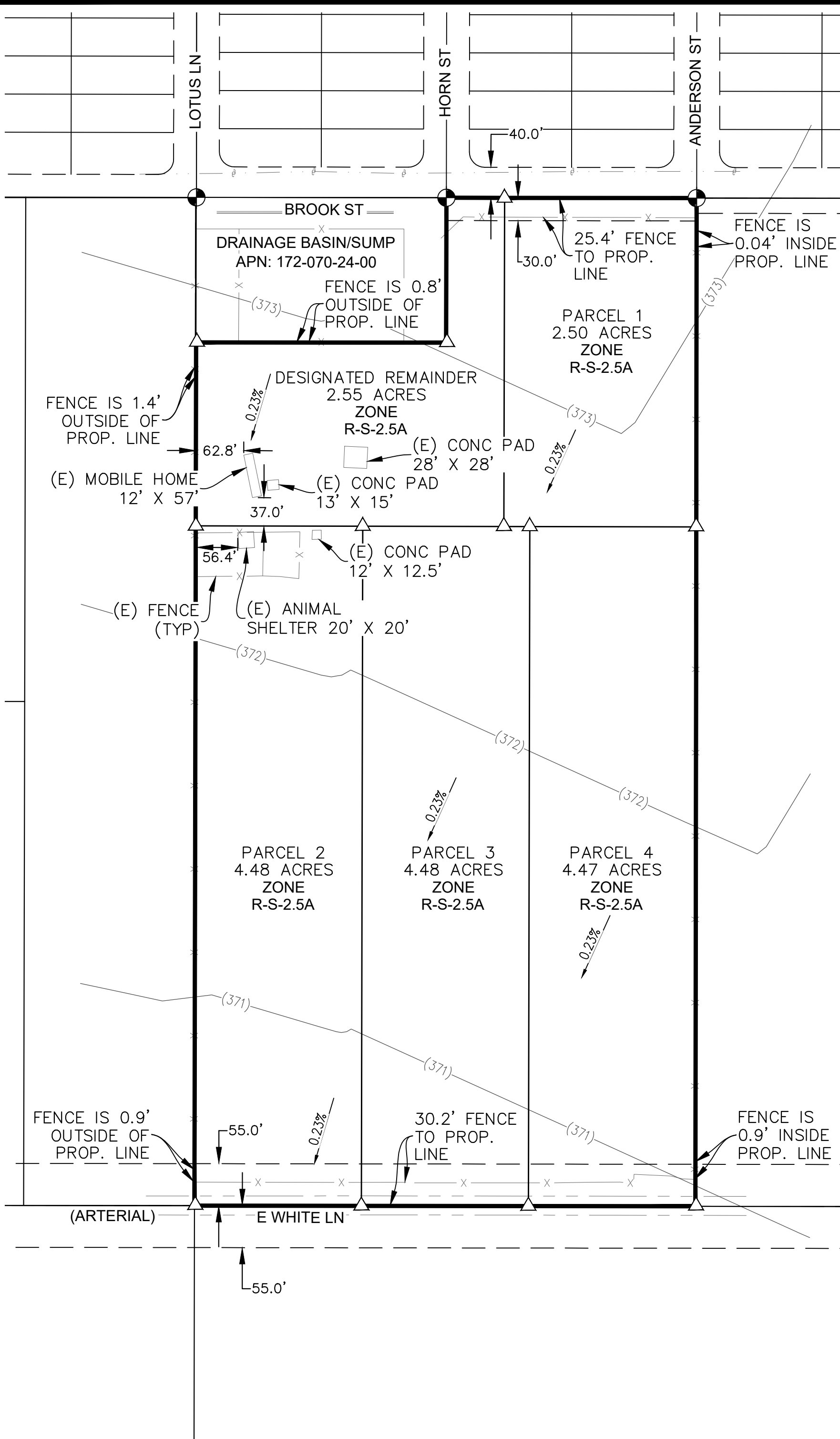


EXHIBIT A-3

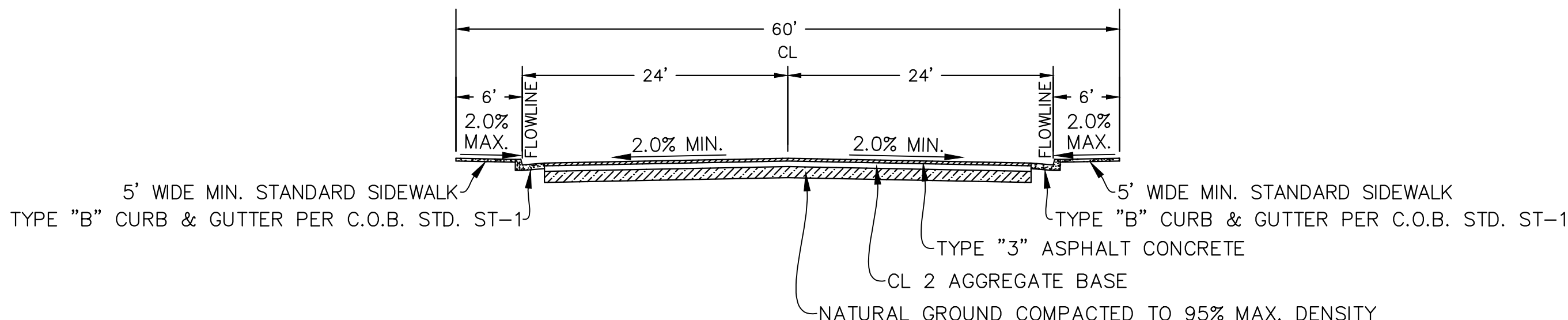
TENTATIVE PARCEL MAP 12387

CROSS SECTIONS AND TOPOGRAPHICAL SURVEY

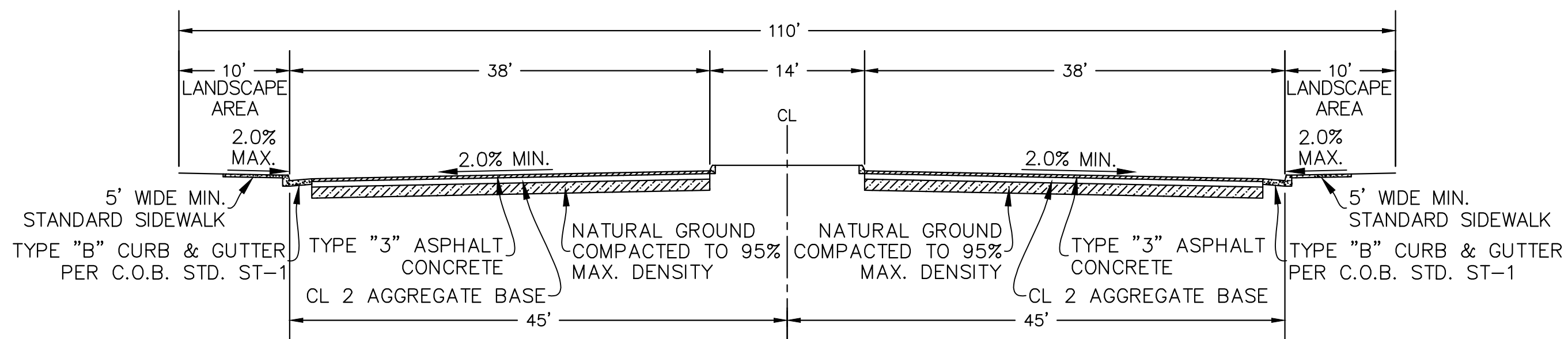


LEGEND

- △ SET 1/2" REBAR, 18" LONG WITH PLASTIC CAP TAGGED L.S. 7268
- ⊙ FOUND MONUMENT AS DESCRIBED
- (E) EXISTING
- (TYP) TYPICAL



A BROOK STREET CROSS SECTION - 60' R/W
NOT TO SCALE



B EAST WHITE LANE CROSS SECTION - 110' R/W
NOT TO SCALE

ATTACHMENT B: NOTICE OF EXEMPTION

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

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

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

Project Title: Tentative Parcel Map 12387

Project Location-Specific:

Project Location-City: Bakersfield **Project Location-County:** Kern

Description of Project: Tentative Parcel Map proposes to subdivide 18.48 acres into 4 single family residential parcels and one designated remainder in an R-S-2.5 Acre (Residential Suburban – 2.5 acre minimum) zone located on the south side of Brook Street, approximately 600 feet west of Cottonwood Road in southeast Bakersfield.

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project: Global Geomatics Engineering

Exempt Status:

- ☐ Ministerial (Sec.21080(b)(1); 15268));
- ☐ Declared Emergency (Sec.21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number.
- ☐ Statutory Exemptions. State section number. _____
- ☒ Project is exempt from CEQA pursuant to Section 15315 Class 15

Reasons why project is exempt: Project meets the criteria for an categorical exemption under Minor Land Division

Lead Agency: Contact Person: Jennie Eng Telephone/Ext.: 661-326-3043

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes__ No__

Signature: _____ **Title:** Principal Planner **Date:** 2/1/21

☒ Signed by Lead Agency
____ Signed by Applicant

Date received for filing at OPR: _____



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: February 18, 2021

ITEM NUMBER: Consent Public
Hearings5.(c.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER:

DATE:

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

SUBJECT:

Text Amendments to the Bakersfield Municipal Code by amending Section 17.04.285 relating to food and/or shelter service agency and adding Sections 17.04.602, 17.04.608, and 17.04.626 relating to supportive housing, target population, and transitional housing, in order to provide for consistency with State of California Department of Housing and Community Development guidelines and requirements. Notice of Exemption on file.

APPLICANT: City of Bakersfield

OWNER:

LOCATION:

STAFF RECOMMENDATION:

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

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Gov Code 65583	Backup Material



BAKERSFIELD

THE SOUND OF *Something Better*

CITY OF BAKERSFIELD PLANNING DIVISION STAFF REPORT

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

FROM: Paul Johnson, Planning Director APPROVED: PJ

DATE: February 18, 2021

SUBJECT: **TEXT AMENDMENTS TO THE BAKERSFIELD MUNICIPAL CODE BY AMENDING SECTION 17.04.285 RELATING TO FOOD AND/OR SHELTER SERVICE AGENCY AND ADDING SECTIONS 17.04.602, 17.04.608, AND 17.04.626 RELATING TO SUPPORTIVE HOUSING, TARGET POPULATION, AND TRANSITIONAL HOUSING, IN ORDER TO PROVIDE FOR CONSISTENCY WITH STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT GUIDELINES AND REQUIREMENTS. (ALL WARDS)**

RECOMMENDATION:

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

BACKGROUND:

Pursuant to Bakersfield Municipal Code, Title 17, Section 17.64.040(D), proceedings for amendment of any provisions of Title 17 of this code, other than amendments changing property from one zone to another, may be initiated by City Council action, Planning Commission action or action of the City staff.

The proposed amendments to Title 17 (Zoning Ordinance) are being initiated by City staff due to the urgency, statutory requirements, and the City's General Plan Housing Element. The amendments include adding definitions for: Emergency Shelter, Supportive Housing, Transitional Housing and Target Population.

ANALYSIS:

Senate Bill 520

In 2001, Senate Bill 520 was approved to amend housing element law and Government Code Section 65008, which prohibits cities from discriminating against persons with disabilities (among other protected classes) in residential housing development or emergency shelters.

Senate Bill 2

In 2007, Senate Bill 2 was approved to remove zoning barriers for emergency shelters, transitional housing, supportive housing, and it amended Government Code Section 65583, which sets out what is to be contained in the housing element.

Government Code Section 65583

This Government Code Section directs local jurisdictions to create housing element programs that address and mitigate governmental constraints to the development of housing for all income levels and persons with disabilities.

Emergency Shelter

Government Code Section 65583(a)(4)(A) requires a city to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. Although Bakersfield did this by adopting Ordinance No. 4604, Title 17 does not include the updated definition of an emergency shelter. In order to comply with the state law definition of an emergency shelter, the proposed amendment would add the state's definition which is defined in California Government Code Section 65582(d) and Health and Safety Code Section 50801(e) as: "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."

Supportive Housing, Transitional Housing, and Target Population

Government Code Section 65583(c)(3) requires the City's housing element to address and, when appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

"Supportive housing" is housing linked to supportive (social) services that help residents in retaining the housing, improving their health status, and maximizing their ability to live and work in the community. "Transitional housing" is housing used to facilitate the movement of people into permanent housing or another eligible program at a predetermined future point in time, but no less than 6 months from the beginning of the assistance. The defining characteristic of both supportive and transitional housing is the requirement that residents be members of a target population, meaning they must have low incomes and one or more disabilities. Government Code Section 65582 (Senate Bill 745, adopted August 2013) contains formal definitions of "supportive housing," "transitional housing," and "target population."

Accordingly, Government Code Section 65583(c)(3) states: "Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone." The Code goes on to state that supportive housing shall be a use by right in all zones where multifamily and mixed uses are permitted.

Metropolitan Bakersfield General Plan Housing Element

What makes adding the state definitions to Title 17 mandatory, besides Government Code Sections 65582 and 65583, is the City's housing element requires it. Specifically, page 13 states: "To be consistent with SB2, the City will amend the Zoning Ordinance [Title 17] to specifically identify supportive and transitional housing, and permit this type of housing as a residential use, subject to these restrictions that apply to other residential uses of the same type in the same zone." Additionally, page 113 set a deadline of 2016 to accomplish that goal.

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures. Under CEQA Section 15306 (*Information Collection*) Class 6 projects consist of basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

PUBLIC NOTIFICATION:

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

CONCLUSION:

Government Code Section 65582 contains definitions for emergency shelter, transitional housing, supportive housing, and target population. To be consistent with state law and the City's housing element, the proposed amendment to Title 17 to add these definitions, mirror the Government Sections.

Overall Recommendation. Based on the foregoing, staff concludes the recommended text amendments to the Bakersfield Municipal Code by amending Section 17.04.285, and adding Sections 17.04.602, 17.04.608, and 17.04.626, are appropriate and provide for consistency with State of California Department of Housing and Community Development guidelines and requirements.

ATTACHMENTS:

Draft Resolution
Government Code Section 65583

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT
AMENDMENTS TO THE BAKERSFIELD MUNICIPAL CODE BY AMENDING
SECTION 17.04.285 RELATING TO FOOD AND/OR SHELTER SERVICE
AGENCY AND ADDING SECTIONS 17.04.602, 17.04.608, AND 17.04.626
RELATING TO SUPPORTIVE HOUSING, TARGET POPULATION, AND
TRANSITIONAL HOUSING, IN ORDER TO PROVIDE FOR CONSISTENCY
WITH STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT GUIDELINES AND REQUIREMENTS.

WHEREAS, the City of Bakersfield initiated text amendments to the Bakersfield Municipal Code by amending Section 17.04.285 relating to food and/or shelter service agency and adding Sections 17.04.602, 17.04.608, and 17.04.626 relating to supportive housing, target population, and transitional housing, in order to provide for consistency with State of California Department of Housing and Community Development guidelines and requirements (the Project); and

WHEREAS, the Secretary of the Planning Commission, did set Thursday, February 18, 2021, at 5:30 p.m. in the Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for consideration; and

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

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

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

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

1. All required public notices have been given. Advertisement of the hearing notice regarding the Project was published in the *Bakersfield Californian*, a local newspaper of general circulation.
2. The provisions of the California Environmental Quality Act (CEQA) have been followed.

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

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

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

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I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 18th day of February 2021, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits:
Draft Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING BAKERSFIELD MUNICIPAL CODE
SECTION 17.04.285 RELATING TO FOOD AND/OR SHELTER
SERVICE AGENCY AND ADDING SECTIONS 17.04.602,
17.04.608, AND 17.04.626 RELATING TO SUPPORTIVE
HOUSING, TARGET POPULATION, AND TRANSITIONAL
HOUSING, IN ORDER TO PROVIDE FOR CONSISTENCY
WITH STATE OF CALIFORNIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT GUIDELINES AND
REQUIREMENTS.

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

SECTION 1.

Section 17.04.285 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.04.285. Food and/or shelter service agency.

"Food and/or shelter service agency" means any ~~business~~ entity, whether or not for profit, not operated by the city, county, state, or federal government, and not deemed a "residential use of property" under state law applicable to charter cities, which regularly provides lodging and/or food services providing shelter, food and/or day care free, or intentionally below cost, two or more days per week to persons in need of such assistance. For purposes of this title, the term "food and/or shelter service agency" does not include any incorporated entity providing food or shelter during any duly proclaimed emergency. For purposes of this title, the term "food and/or shelter service agency" includes "Emergency Shelter" as defined in California Government Code Section 65582 (d) and Health and Safety Code Section 50801(e).

SECTION 2.

Section 17.04.602 of the Bakersfield Municipal Code is hereby added to read as follows:

Section 17.04.602 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible,

work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

SECTION 3.

Section 17.04.608 of the Bakersfield Municipal Code is hereby added to read as follows:

Section 17.04.608 Target population.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

SECTION 4.

Section 17.04.626 of the Bakersfield Municipal Code is hereby added to read as follows:

Section 17.04.626 Transitional housing.

"Transitional housing" means buildings configured as rental housing, but operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

SECTION 5.

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

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I **HEREBY CERTIFY** that the foregoing Ordinance was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on _____ by the following vote:

AYES:	COUNCILMEMBER:	ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, PARLIER
NOES:	COUNCILMEMBER:	_____
ABSTAIN:	COUNCILMEMBER:	_____
ABSENT:	COUNCILMEMBER:	_____

JULIE DRIMAKIS, CMC

CITY CLERK and Ex Officio Clerk of the
Council of the City of Bakersfield

APPROVED:

By: _____
KAREN GOH
Mayor

APPROVED AS TO FORM:

VIRGINIA GENNARO
City Attorney

By: _____
JOSHUA H. RUDNICK
Deputy City Attorney

State of California

GOVERNMENT CODE

Section 65583

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency

shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.

- (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

- (iii) The size and location of exterior and interior onsite waiting and client intake areas.

- (iv) The provision of onsite management.

- (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

- (vi) The length of stay.

- (vii) Lighting.

- (viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any

locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community

Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement

the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that

could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(10) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall

include an assessment of fair housing in the jurisdiction that shall include all of the following components:

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.

(iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).

(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2

(commencing with Section 66410)). Design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, “housing development project” means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(i) Notwithstanding any other law, the otherwise applicable timeframe set forth in paragraph (2) of subdivision (b) and subdivision (d) of Section 21080.3.1 of the Public Resources Code, and paragraph (3) of subdivision (d) of Section 21082.3 of the Public Resources Code, for a Native American Tribe to respond to a lead agency and request consultation in writing is extended by 30 days for any housing development project application determined or deemed to be complete on or after March 4, 2020, and prior to December 31, 2021.

(j) On or after January 1, 2024, at the discretion of the department, the analysis of government constraints pursuant to paragraph (5) of subdivision (a) may include an analysis of constraints upon the maintenance, improvement, or development of housing for persons with a characteristic identified in subdivision (b) of Section 51 of the Civil

Code. The implementation of this subdivision is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

(Amended by Stats. 2020, Ch. 195, Sec. 2. (AB 1561) Effective January 1, 2021.)



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: February 18, 2021

ITEM NUMBER: Consent Calendar Public Hearings6.(a.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Ryder Dilley, Associate Planner

DATE:

WARD: Ward 7

SUBJECT:

Zone Change No. 20-0250: Stine & Berkshire CIC, LP is requesting a zone change from a Planned Unit Development (P.U.D.) zone to a revised P.U.D. zone to allow development of a 72-unit apartment complex on approximately 3.48 acres, located at 7246 Stine Road. Notice of Exemption on file. *Continued from February 4, 2021.*

APPLICANT: Stine & Berkshire CIC, LP

OWNER: Stine & Berkshire CIC, LP

LOCATION: 7246 Stine Road

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
▣ Staff Report 20-0250	Staff Report
▣ Draft Resolution 20-0250	Resolution
▣ Attachment B: Chapter 17.52	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

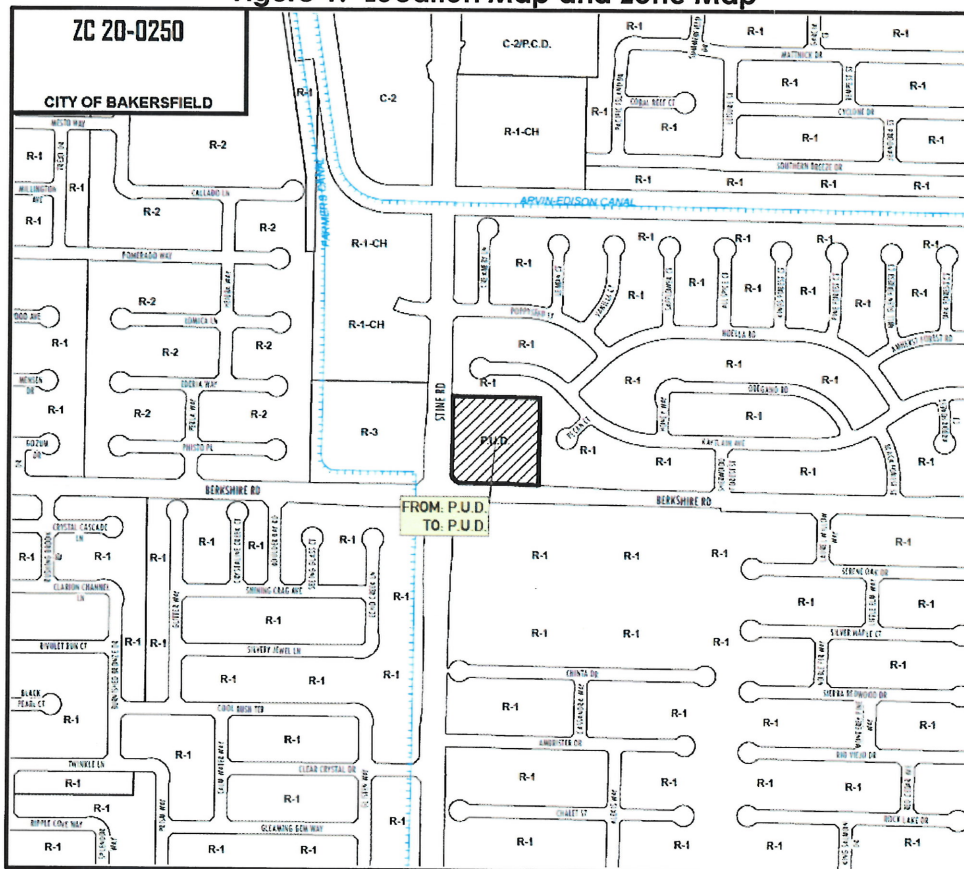
DATE: February 18, 2021

SUBJECT: **ZONE CHANGE NO. 20-0250 (WARD 7)**

APPLICANT: Stine & Berkshire CIC, LP **OWNER:** Same
6339 Paseo Del Lago
Carlsbad, CA 92009

LOCATION: 7246 Stine Road | APN: 515-031-06

Figure 1. Location Map and Zone Map

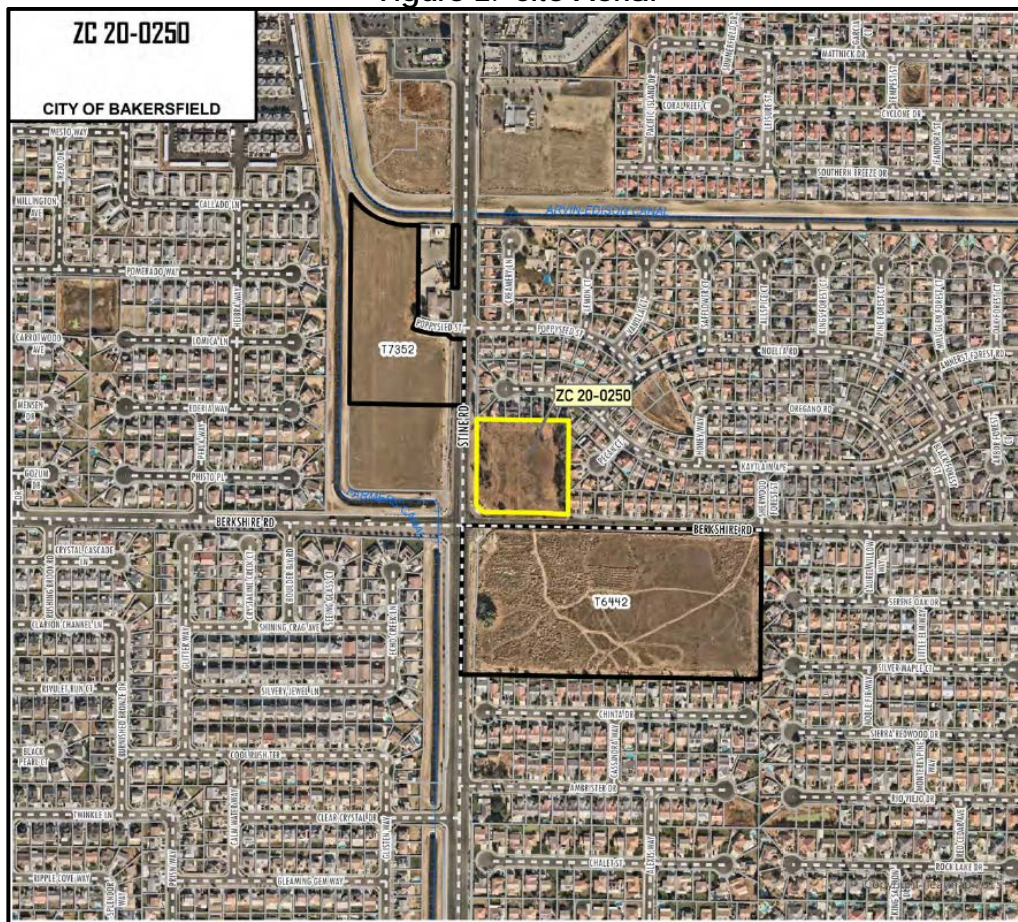


RECOMMENDATION: Adopt resolution **APPROVING** the zone change from PUD (Planned Unit Development) zone to revised PUD zone on approximately 3.48 acres, and recommend same to City Council.

PROJECT SUMMARY:

This project was scheduled for consideration by your Commission on February 4, 2021; however, continued to today's meeting. The project is a request for a zone change from a Planned Unit Development (P.U.D.) zone to a revised P.U.D. zone to allow development of a 72-unit apartment complex located at 7246 Stine Road (northeast corner of Stine Road and Berkshire Road).

Figure 2. Site Aerial



Surrounding Land Uses. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	HR	PUD	Undeveloped
North	LR	R-1	Single-Family Residential
East	LR	R-1	Single-Family Residential
South	LR	R-1	Undeveloped
West	HR	R-3	Undeveloped /Kern Delta Canal
General Plan Key HR: High Density Residential LR: Low Density Residential		Zone District Key PUD: Planned Unit Development R-1: One-Family Dwelling R-3: Multiple-Family Dwelling	

PROJECT ANALYSIS:

Background and Timeline.

- August 20, 1991 - The project site was annexed into the City as part of a larger area (Stine No. 7, Resolution No. 154-91). Upon annexation, the area was zoned R-1 (One Family Dwelling).
- July 19, 2006 - City Council approved a General Plan Amendment and zone change from R-1 (One-Family Dwelling) zone to P.U.D. (Planned Unit Development) on approximately 5 acres (GPA/ZC No. 05-1455; Ordinance 4363). The PUD development plans were processed and approved concurrently, consisting of an 84-unit condominium complex, to be restricted to senior citizens 62 years and over. The plans have since expired.

Planned Unit Development (PUD) Review Requirements (Chapter 17.52). The project is subject to PUD zoning, and the stated purpose of this district is as follows:

The planned unit development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open space while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict residential development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a residential neighborhood which ensures that the uniqueness of the project design is preserved. These standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of residential neighborhoods.

As such, your Commission has the authority to require design standards, regulations, limitations and restrictions which are designed to protect and maintain property values and provide or protect community amenities which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the categories specified in Section 17.52.060 (Latitude of Regulations).

Generally, those standards are related to topics such as: construction of fences and walls, structure height, distance between buildings, parking ratios, open space, architectural design of buildings and structures, and any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the City.

When the PUD zone is assigned as an exclusive zone, the preliminary development plan, as approved, shall be filed with the city and shall, by reference, be incorporated into and thereby become a part of the zoning ordinance of the city. Additionally, the applicant shall commence construction no later than three years from the effective date of the zoning change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the Planning Director shall notify the Planning Commission of same and the Commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned in order to commence construction of the project.

Site Development. The applicant is requesting to develop approximately 3.5 acres of the 4.25-acre site with a gated apartment complex. The complex will consist of 4 two-story buildings, 1 single-story building, and a single-story community building with offices, lounge, computer room, and laundry services.

The apartment buildings will consist of 18 one-bedroom units, 36 two-bedroom units, and 18 three-bedroom units for an overall total of 72 units. The applicant states that there will be one on-site manager that resides at the complex. The proposal will provide the tenants with outdoor amenities that include a community garden, recreation area, child playground, bocce court, and a basketball court. In addition, the complex will provide the tenants with optional after school programs and adult educational/skill building classes such as computer literacy, job counseling, and financial literacy to be held in the community building.

Figure 3. Site Development Plan

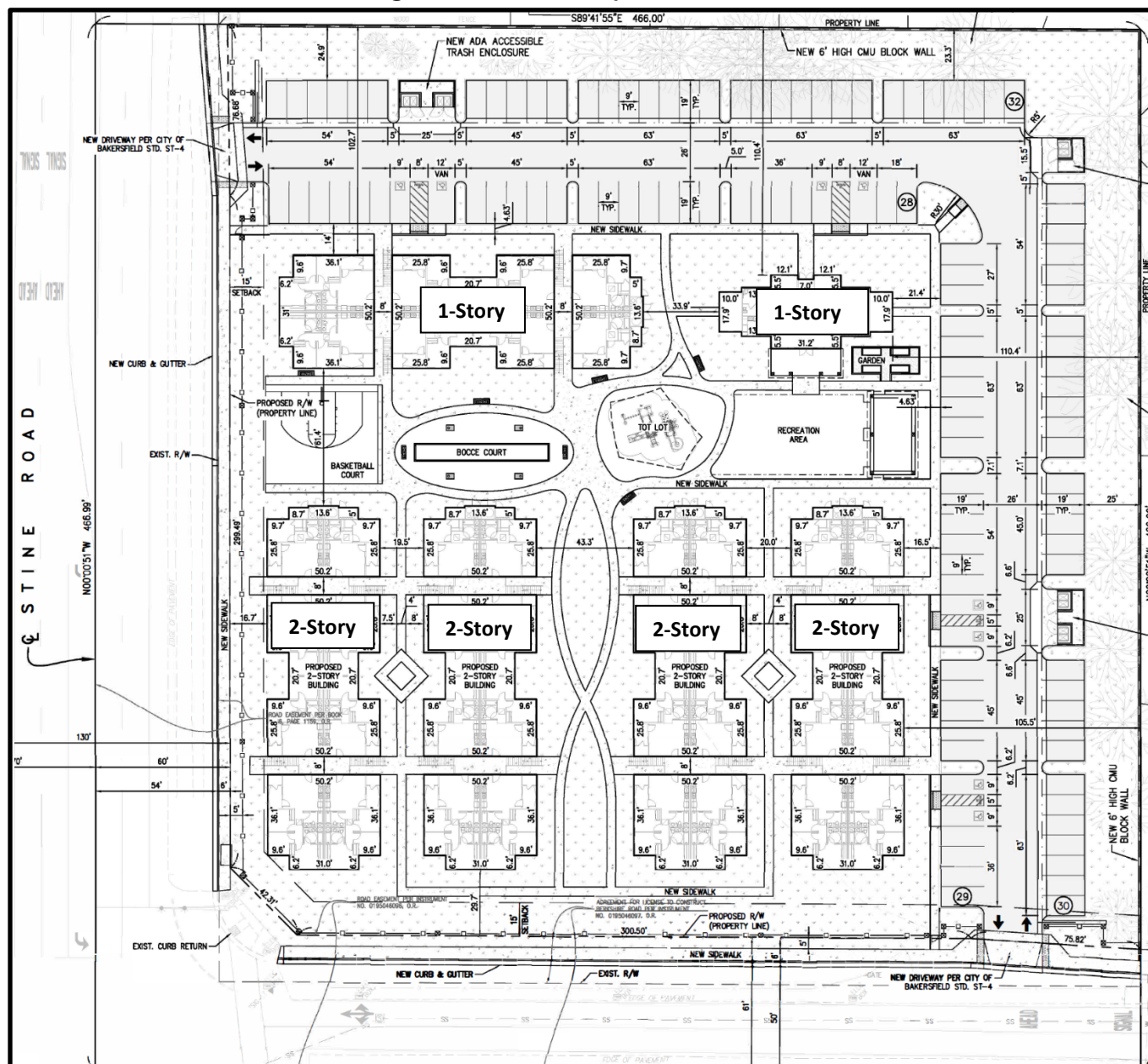


Figure 4. Elevation



Parking. As proposed, the units will be rent restricted to moderate, low, and very low income; simply defined as being at or below the 120 percent of the median income of Kern County as established by the State of California. This provides the development with a 25 percent reduction in the required parking per Bakersfield Municipal Code Section 17.58.110.E. The applicant is providing 112 parking spaces where 104 spaces are required with the reduction.

Landscaping. The applicant provided a landscape plan in compliance with the City's landscape standards. As proposed, the applicant will be maintaining the existing eucalyptus trees along the north and east side of the property's perimeter. In addition to the existing trees, the applicant plans to add evergreen trees to bolster the perimeter canopy and further screen the project from abutting single-family residences. Figures 5 and 6 provide a picture of the existing trees and the landscape plan of the proposed project.

Figure 5. Existing Trees



Figure 6. Landscape Plan



Development Standards. The project has been designed in compliance with requirements of City standards and policies, and no deviations from zoning ordinance standards have been requested. Nonetheless, staff will review the applicant's plans submitted for building permits to ensure the project is designed in compliance with requirements of City standards and policies. Should the applicant decide to expand or alter on-site development in the future, your Commission and City Council will have the opportunity to review and comment under a separate review.

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 15194 and 15332, because the project is for affordable housing and is an in-fill development meeting the following conditions:

Section 15194. Affordable Housing Exemption

- The project meets the threshold criteria set forth in section 15192.
- The project site is not more than five acres in area
- The project site meets one of the location requirements relating to population density and one of the site-specific location requirements.
- The project meets the requirements regarding the provision of affordable housing.

Section 15332. In-Fill Development Projects

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

Staff notes a Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

Applicant Outreach. On January 5, 2021, the applicant held a community outreach meeting with only two property owners electing to participate. The applicant initiated public outreach by mailing 62 meeting flyers to property owners and residents who reside within a 300-foot radius of the subject property. The applicant provided an overview of the proposal and answered questions provided by the attendees.

According to the applicant, the attendees voiced concerns on the following:

- Whether the project was considered to be "Section 8" housing.

The applicant explained how the project does not receive vouchers from Housing and Urban Development (HUD), so it is not considered Section 8. The applicant also elaborated on why the site was established for this project through a request for proposal (RFP) from the City of Bakersfield for funding opportunities to develop affordable housing.

- The issues regarding the existing eucalyptus trees that cause leaves and branches to fall in the backyard.

The applicant responded the presence of the Eucalyptus trees will provide for an additional barrier between the properties, but they will be pruned and maintained.

- Noises generated from kids' activities.

The applicant explained that the configuration of the buildings was designed to minimize noise impacts to ensure compliance with City standards.

Staff Notification. Notice of public hearing before the Planning Commission of the City of Bakersfield for the project was advertised in the newspaper and posted on the bulletin board of the Bakersfield City Planning Department. All property owners within 300 feet of the project site were notified about the hearing at least 10 days prior to the public hearing in accordance with State law. The applicant has provided proof that signs giving public notice of the proposed project were posted on the property 20 to 60 days prior to the public hearing before the Planning Commission. As of this writing, no public comments have been received.

CONCLUSIONS:

Necessary Findings. In approving and adopting the rezoning application with the preliminary development plan, the Planning Commission and City Council shall find the following:

- A. The proposed planned unit development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;
- B. The proposed development will constitute a residential environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community; and
- C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, open space, landscaping, utilities and other amenities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of persons occupying or utilizing the property.

The project site is depicted as HR (High Density Residential) on the Land Use Element of the Metropolitan Bakersfield General Plan. This allows for a minimum and maximum density of 17.42 to 72.6 units per net acre, respectively. At 3.48 acres, that equates to a required minimum of 61 units, and a possible maximum of up to 252 dwelling units. The applicant is proposing 72 units, which meets the density requirements. The PUD zone is consistent with the *Metropolitan Bakersfield General Plan* and existing land uses.

In accordance with Bakersfield Municipal Code Section 17.52.070, the project will constitute a residential environment of sustained desirability and stability, and it will complement and harmonize with the character of the surrounding neighborhood and community. Compliance with Bakersfield Zoning Ordinance Chapter 17.52 (Planned Unit Development Zone) will ensure that the development enhances the city's character and promotes a heightened quality of life.

Overall Recommendation. Staff finds that the applicable provisions of CEQA have been complied with, that the applicant has designed the project to allow for apartments in a way that will be compatible with the adjacent neighborhoods, and the proposal sufficiently demonstrates compliance with the necessary findings. Additionally, as conditioned, the project will be developed in compliance with the applicable regulations.

Based on the foregoing, staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Commission approve the Resolution and suggested findings approving Zone Change No. 20-0250 as depicted in the project description, and recommend the same to the City Council.

ATTACHMENTS:

- A. Draft Resolution with Exhibits
- B. Chapter 17.52 (Planned Unit Development Zone)

Attachment A:
Draft Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL APPROVE AN
AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL
CODE TO CHANGE THE ZONE DISTRICT FROM PUD (PLANNED
UNIT DEVELOPMENT) ZONE TO A REVISED PUD ZONE TO ALLOW
DEVELOPMENT OF A 72-UNIT APARTMENT COMPLEX ON
APPROXIMATELY 3.48 ACRES, LOCATED AT 7246 STINE ROAD
(ZC NO. 20-0250).**

WHEREAS, Stine & Berkshire CIC, LP filed an application with the City of Bakersfield Development Services Department requesting to change the zone district from a Planned Unit Development (P.U.D.) zone to a revised P.U.D. zone to allow development of a 72-unit apartment complex on approximately 3.48 acres, located at 7246 Stine Road (the "Project"); and

WHEREAS, the Secretary of the Planning Commission did set Thursday, February 4, 2021, at 5:30 p.m. in the Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for consideration of the Planned Development Review; and

WHEREAS, the Planning Commission did continue consideration of the request for two weeks to Thursday, February 18, 2021, at 5:30 p.m. in the Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for consideration of the Planned Development Review; 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 the California Environmental Quality Act in accordance with State CEQA Guidelines Section 15194 and 15332; and

WHEREAS, at the public hearing testimony was received both in support and opposition of the Project; 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 the California Environmental Quality Act (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 15194 and 15332, because the project is for affordable housing and in an in-fill development meeting the conditions described within said Sections.
3. Public necessity, general welfare, and good planning practices justify the Project.
4. The Project is compatible with the zone districts and development of surrounding properties, and is consistent with the *Metropolitan Bakersfield General Plan*.
5. In accordance with Bakersfield Municipal Code Section 17.52.070:
 - A. The proposed planned unit development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;
 - B. The proposed development will constitute a residential environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community;
 - C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, open space, landscaping, utilities and other amenities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of persons occupying or utilizing the property.

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

1. The recitals above are true and correct and incorporated herein by this reference.
2. The project is exempt from CEQA.
3. The Project is hereby recommended for approval by the City Council subject to the conditions of approval found in Exhibit A, and incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 located on the map as shown in Exhibit B and as specifically described in Exhibit C, all of which are incorporated herein.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 18th day of February 2021, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

LARRY KOMAN, CHAIR
City of Bakersfield Planning Commission

Exhibits:

1. Conditions of Approval
2. Zone Change Map
3. Legal Description
4. Site Plan

Exhibit A
(Conditions of Approval)



BAKERSFIELD

THE SOUND OF *Something Better*

CONDITIONS AND ORDINANCE COMPLIANCE

CITY ATTORNEY

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 or 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

OPERATIONS

2. During the time this project is deed restricted as affordable housing, the project proponent shall maintain an onsite manager who resides on the property.

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

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

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

1. Prior to review of improvement plans by the City, the developer shall submit a grading plan for the proposed site to be reviewed and approved by the City Engineer and Building Official (Bakersfield Municipal Code Section 16.44.010). With the grading plan, if the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a Notice of Intent (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 99-08-DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.

APPLICANT'S RESPONSE: _____

2. A grading permit is required prior to final plan approval. The developer shall submit four (4) copies of grading plans and two (2) copies of the preliminary soils report to the Building Division. A final soils report shall also be submitted to the Building Division before they can issue a building permit. Please note that grading plans must be consistent with the final building site plans and landscaping plans. Building permits will not be issued until the grading permit is approved by the Building Division, Planning Division (HCP), and Public Works Department.

APPLICANT'S RESPONSE: _____

3. An approved site utilities plan is required prior to final plan approval.

APPLICANT'S RESPONSE: _____

4. 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

10. 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: _____

11. 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: _____

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

APPLICANT'S RESPONSE: _____

B. DEVELOPMENT SERVICES - PLANNING (1715 Chester Avenue)
(Staff contact – Ryder Dilley; 661-326-3616 or Rdilley@bakersfieldcity.us)

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

<u>Proposed Use</u>	<u>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Multi-Family (1 Bed)	18 Units	1 space/unit	18 spaces
Multi-Family (2/3 Bed)	54 Units	2 spaces/unit	108 spaces
		Guest Parking 10%	13 spaces
		Credit 25%	(35) spaces
		Required Parking:	104 spaces

(**Note:** 112 parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements. For commercial development containing a multi-tenant pad, any change in use where 50 percent or more of the pad requires additional parking pursuant to Bakersfield Municipal Section 17.58.110, the Planning Director may require parking commensurate with the new use.)

APPLICANT'S RESPONSE: _____

2. Minimum parking stall dimensions shall be 9 feet wide by 18 feet long and shall be designed according to standards established by the Traffic Engineer. Vehicles may hang over landscape areas no more than 2-1/2 feet provided required setbacks along street frontages are maintained, and trees and shrubs are protected from vehicles.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

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

APPLICANT'S RESPONSE: _____

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

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

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

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

APPLICANT'S RESPONSE: _____

6. Overlooks from windows, balconies, and decks of the second or higher floor into rear yards of property containing single-family homes must be screened (see Section 17.08.090). This condition affects any office, commercial, and industrial building, and any apartment or condominium structure containing three or more units that are within 150 feet of properties zoned R-1, R-S-1A, MH, or PUD, or from condominium projects of a single family character. Screening proposals must be approved by the Planning Division before building permits will be issued. Suggested methods for accomplishing screening are included in the referenced ordinance section.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

10. 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: _____

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

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

The current MBHCP expires on February 28, 2022. To ensure take of covered species does not occur after the expiration date, fees must be paid no later than August 31, 2021 and all covered activities must be completed by the MBHCP expiration date of February 28, 2022. As determined by the City, only projects ready to be issued an urban development permit, grading plan approval, or building permit will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 2022 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish & Wildlife Service and the California Department of Fish and Wildlife.

- b. Burrowing Owl Notification: The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Fish and Game Code prohibit the taking, possession, or destruction of birds, their nests or eggs. To avoid violation of the provisions of these laws generally requires that project related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1- August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered “taking” and is potentially punishable by fines and/or imprisonment.
- c. Prior to ground disturbance, the developer shall have a California Department of Fish and Wildlife approved MBHCP biologist survey the location for kit fox, and comply with the provisions of the Metropolitan Bakersfield Habitat Conservation Plan. Survey protocol shall be recommended by the California Department of Fish and Wildlife. Developer shall be subject to the mitigation measures recommended by the biologist. Copies of the survey shall be provided to the Development Services Department, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service prior to ground disturbance.

APPLICANT’S RESPONSE: _____

- 12. A Park Development and Improvement Fee shall be paid at the time of the building permit being issued for each independent residential unit. We will base the fee at the rate in effect at the time the permit is issued.

APPLICANT’S RESPONSE: _____

- 13. 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: _____

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

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

APPLICANT'S RESPONSE: _____

15. 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: _____

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

APPLICANT'S RESPONSE: _____

17. 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: _____

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

APPLICANT'S RESPONSE: _____

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

1. Show on the final building plans the following items:
 - a. All fire lanes. Any modifications shall be approved by the Fire Department. Fire lane identification signs shall be installed every 100 feet with red curbing when curbing is required. All work shall be completed before occupancy of any building or portion of any building is allowed.
 - b. All fire hydrants, both offsite (nearest to site) and on-site. *Include flow data on all hydrants.* Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

3. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

6. The minimum gate width shall be 20 feet and a minimum vertical clearance of thirteen (13) feet six (6) inches is required when the gate is at full open position. Where there is more than one gate and two or more driveways separated by islands, a minimum horizontal clearance of fifteen (15) feet for each driveway and a minimum vertical clearance of thirteen (13) feet six (6) inches is required when gates are at full open position. Horizontal distance shall be measured perpendicular to the direction of travel on the driveway. Vertical distance shall be measured from the highest elevation of the driveway to the lowest overhead obstruction.

APPLICANT'S RESPONSE: _____

7. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official. All new construction of access gates shall be equipped with an automatic opening device which is activated through the wireless activation system utilized on City of Bakersfield owned vehicles for traffic preemption. Installation and maintenance of the wireless activation system on access gate(s) shall be completed by the gate owner. The gate opening device shall have a disconnect feature for manual operation of the gate when the power fails.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

D. WATER RESOURCES (1000 Buena Vista Road)

(Staff contact – Ivan C. Rodriguez; 661-326-3715 or ICastaneda@bakersfieldcity.us)

1. Property is located outside of the City of Bakersfield domestic water service area, therefore, only pipelines and appurtenances related to fire water are subject to review.

APPLICANT'S RESPONSE: _____

2. If the property requires a dedicated fire water service line, Developer shall submit two (2) sets of utility plans signed by a California Registered Civil Engineer to the Water Resources Department showing all offsite and onsite improvements, including connections to the existing water main and underground fire waterlines and related apparatuses. Include any existing nearby on or off-site hydrants on the plans. Plans shall be submitted along with applicable plan check fees and any other associated fees per the current fee schedule. Plans shall comply with current City Standards and Specifications, California Fire Code, and City of Bakersfield Municipal Code. City Standards and Specifications are available for download from the City's website at www.bakersfieldcity.us/gov/depts./water_resources.

APPLICANT'S RESPONSE: _____

3. Developer shall pay the required Water Resources Fire Service Inspection Fees and submit an *Inspection Request Form* for any underground fire waterlines and their apparatuses at least two (2) full business days before permanent construction. The form is available for download from the City's website at www.bakersfieldcity.us/gov/depts/water_resources/fees.htm

APPLICANT'S RESPONSE: _____

4. Drainage shall be kept on site. Any proposed sump within the private development shall be privately maintained. If the Developer desires a public sump, a new Maintenance District for future maintenance of storm drain sump facilities shall be created. Undeveloped parcels within an existing Maintenance District will be required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized for any public sump

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

APPLICANT'S RESPONSE: _____

E. PUBLIC WORKS - ENGINEERING (1501 Truxtun Avenue)

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

1. The developer shall construct curbs, gutters, cross gutters, sidewalks, and street/alley paving along Stine Road and Berkshire Road according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.

APPLICANT'S RESPONSE: _____

2. The developer shall install streetlights along Stine Road and Berkshire Road. The developer shall be responsible for providing the labor and materials necessary to energize all newly installed streetlights before occupancy of the building or site. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued. Submit street light location and contact the Public Works Department at (661) 326-3584 for street light number.

APPLICANT'S RESPONSE: _____

3. The developer shall construct standard accessible ramps at the northeast corner of Stine Road and Berkshire Road according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

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

APPLICANT'S RESPONSE: _____

15. 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: _____

16. 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: _____

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

APPLICANT'S RESPONSE: _____

F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)

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

1. Show on the final building plans minimum 25' wide (top-to-top) drive approach(es). Drive approaches must be centered on drive aisles. All dimensions shall be shown on the final building plans.

APPLICANT'S RESPONSE: _____

2. The developer shall construct additional roadway, including expanded intersection and/or right turn lanes, along Stine Road and Berkshire Road to full arterial and collector street width respectively, according to adopted city standards.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

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

(Staff Contact - Niarobi Fletcher: 661-326-3114 or nfletcher@bakersfieldcity.us)

(Staff Contact - Luis Aldaco: 661-326-3114 or laldaco@bakersfieldcity.us)

(Staff Contact - Robert Manuel: 661-326-3114 or rmanuel@bakersfieldcity.us)

(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, 4, 3-cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

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

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

4. Facilities that require infectious waste services shall obtain approval for separate infectious waste storage areas from the Kern County Health Department. In no instances shall the refuse bin area be used for infectious waste containment purposes.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

7. 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: _____

8. 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: _____

9. 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: _____

10. 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: _____

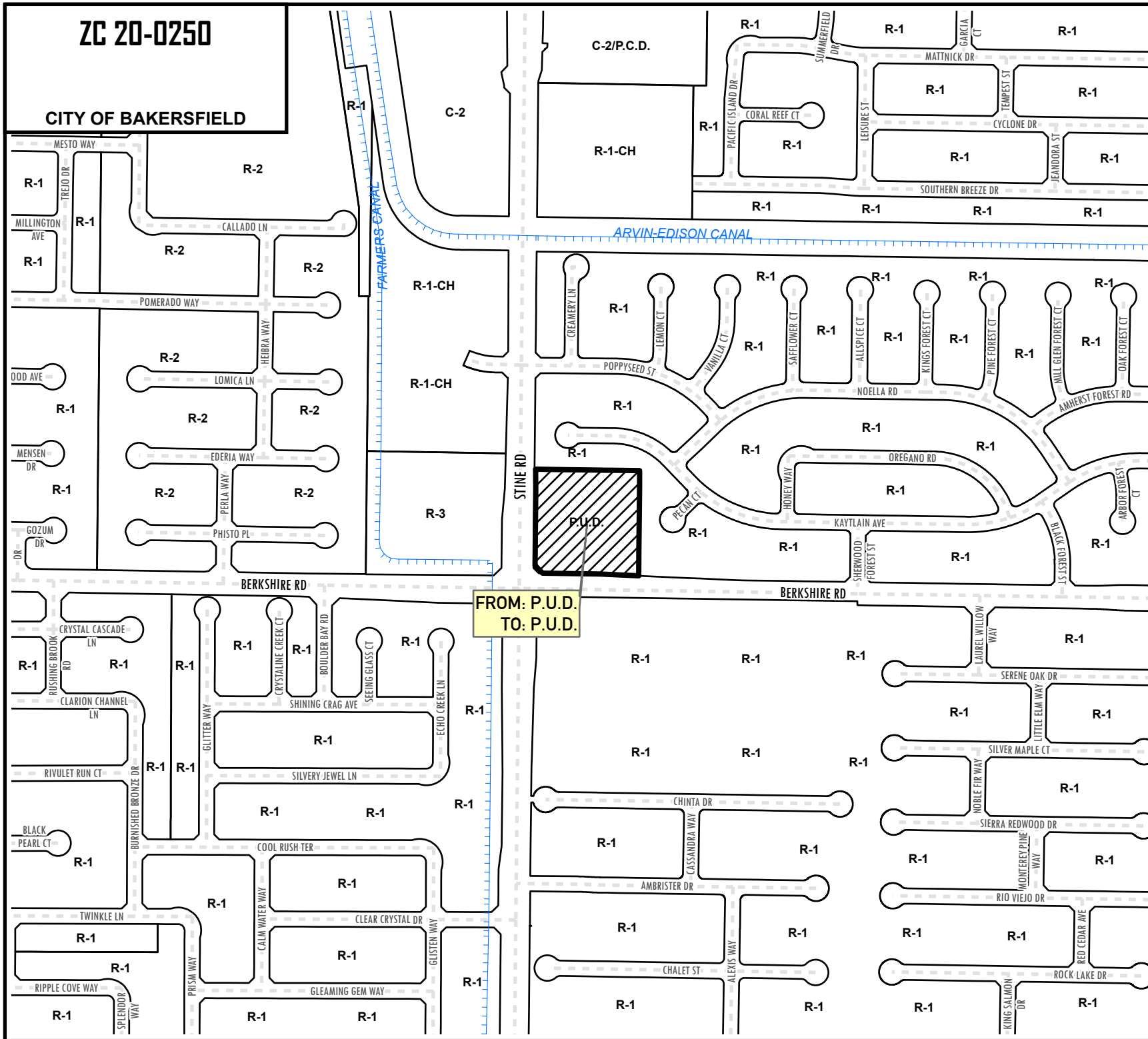
11. Revise the site plan to make the trash enclosure accessible to the refuse truck. City trucks may not drive down dead end corridors, nor back-up long distances; therefore, a turn-around area shall be provided.

APPLICANT'S RESPONSE: _____

Exhibit B
(Location Map)

ZC 20-0250

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

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



BAKERSFIELD



Feet

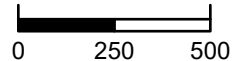
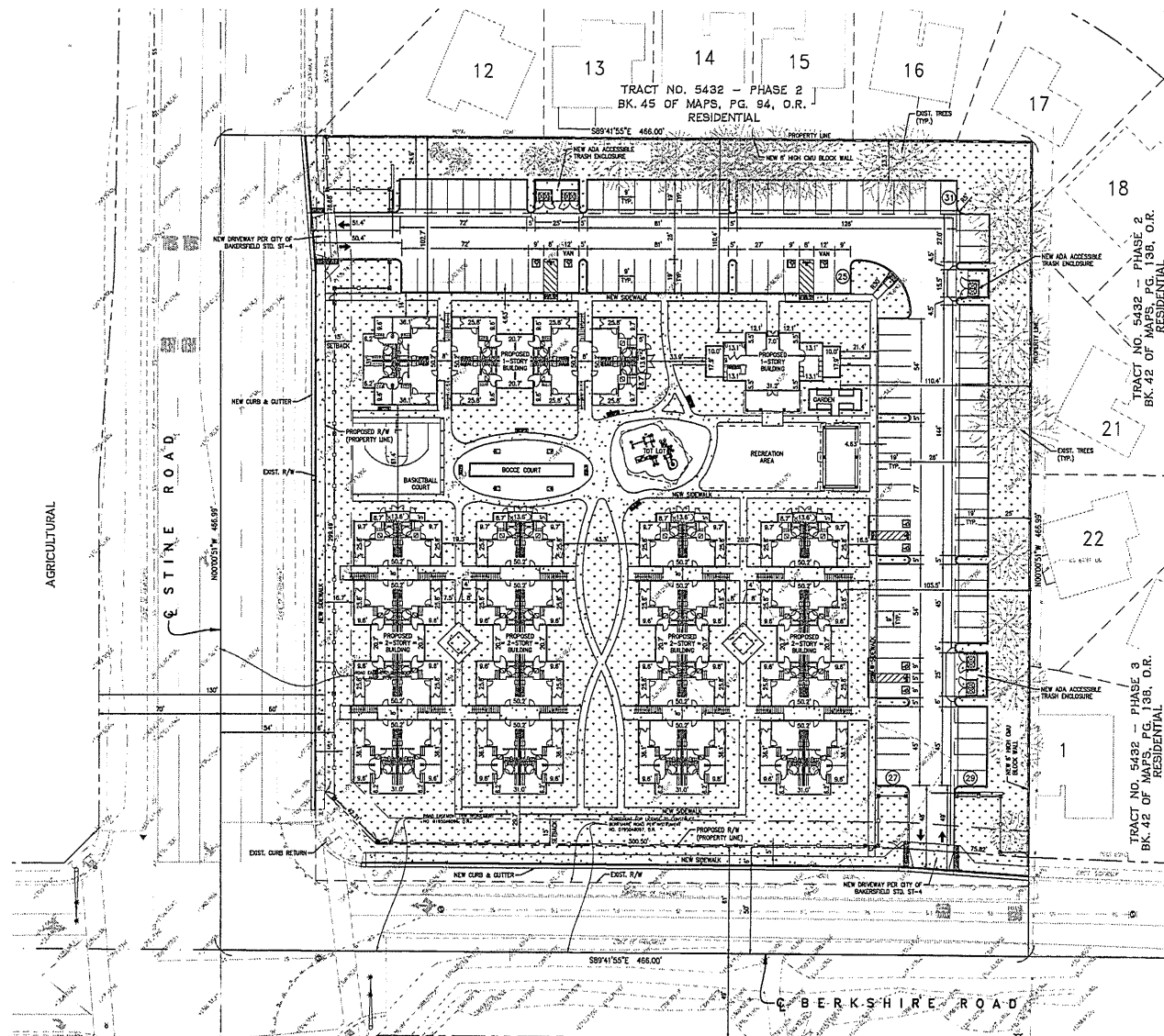


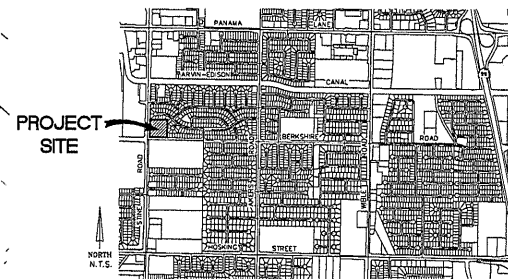
Exhibit C
(Legal Description)

Exhibit D

(Site Development Plan)



TENTATIVE TRACT NO. 5442
RESIDENTIAL



VICINITY MAP

SITE INFORMATION

APN: 915-031-06
ADDRESS: SEC. 26, T.30S., R.27 E.
7246 STINE ROAD
BAKERSFIELD, CA 93301
P.U.D. - PLANNED UNIT DEVELOPMENT
PROPOSED USE: P.U.D. - PLANNED UNIT DEVELOPMENT
GROSS LOT AREA: 186,920 SF / 4.29 AC
NET LOT AREA: 151,473 SF / 3.48 AC
PROPOSED BUILDING: 6 BUILDING STRUCTURES
BUILDING COVERAGE: 37,535 SF (20.0%)
LANDSCAPE AREA: 63,179 SF (33.8%)
SEWAGE DISPOSAL: CITY OF BAKERSFIELD
WATER SUPPLY: CALIFORNIA WATER SERVICE DISTRICT
DRAINAGE: DIRECTED TO OFF-SITE BASIN
ELECTRICITY: PACIFIC GAS & ELECTRIC
GAS: PACIFIC GAS & ELECTRIC

LEGEND

- NEW ASPHALT PAVEMENT
- NEW CONCRETE PAVEMENT
- LANDSCAPING
- PROPERTY LINE/PROJECT LIMITS
- RIGHT-OF-WAY LIMIT
- ROAD CENTERLINE
- SECTION LINE
- FENCE CHAIN LINK
- CMU BLOCK WALL
- NO. OF PARKING SPACES
- DIRECTION OF TRAVEL

PARKING DATA

16/1BR X 1.0 = 18 PARKING SPACES - 25% = 13.5 PARKING SPACES
36/2BR X 2.0 = 72 PARKING SPACES - 25% = 54 PARKING SPACES
18/2BR X 2.0 = 36 PARKING SPACES - 25% = 27 PARKING SPACES
72 TOTAL UNITS X 10% = 7.2 PARKING SPACES (GUEST PARKING)

BUILDING DATA

18 1BR/1BA 551 SQ. FT.
36 2BR/1BA 710 SQ. FT.
18 3BR/2BA 908 SQ. FT.
72 TOTAL UNITS

CIVIL ENGINEER

DEWALT CORPORATION
1930 22nd STREET
BAKERSFIELD, CA 93301
(661) 323-4500
www.dewaltcorp.com

ARCHITECT

THE WICKINLEY ASSOCIATES, INC.
1916 FIRST AVENUE, SUITE 200
SAN DIEGO CA 92101
(619) 238-1134
www.thewickinleyassociates.com

LANDSCAPE ARCHITECT

GMP
4010 SORRENTO VALLEY BLVD.,
SUITE 200
SAN DIEGO, CA 92121
(658) 558-8977
gmp@landarch.com

OWNER

STINE & BENSKEWICK CO. LP
6139 PASO DEL LAGO
CARLSBAD, CA 92011
(760) 456-6000
www.chelseainvestco.com

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
PARCEL 1, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP NO. 2553, FILED NOVEMBER 4, 1974 IN BOOK 11, PAGE 183 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF KERN COUNTY, EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED TO THE CITY OF BAKERSFIELD, A MUNICIPAL CORPORATION, IN GRANT DEED RECORDED MARCH 07, 2016 AS INSTRUMENT NO. 2016-27716 OF OFFICIAL RECORDS, ALSO EXCEPT SURE OF OIL, GAS, PETROLEUM, OTHER HYDROCARBON SUBSTANCES AND MINERALS WITHIN OR UNDERLYING SAID LAND OR THAT MAY BE PRODUCED AND SAVED THEREFROM, AS RESERVED IN THE DEED FROM DAVID J. CRIBBIN AND CARRIE E. CRIBBIN, HIS WIFE, DATED JULY 11, 1955, RECORDED AUGUST 15, 1955 IN BOOK 2473, PAGE 365 OF OFFICIAL RECORDS, ALSO EXCEPTING THEREFROM ALL REMAINING OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES WITHIN OR UNDERLYING SAID LAND.

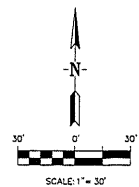
7246 STINE ROAD
BAKERSFIELD, CA 93303
CIVIL SITE PLAN

1930 22nd STREET BAKERSFIELD, CA 93301
PH: (661) 323-4500 FAX: (661) 323-4574

DEWALT Corporation
ENGINEERING • PLANNING • SURVEYING • LAND DEVELOPMENT • CONSTRUCTION MANAGEMENT

DATE	BY	REVISIONS

SHEET
1
OF: 1



DESIGN OBJECTIVES:

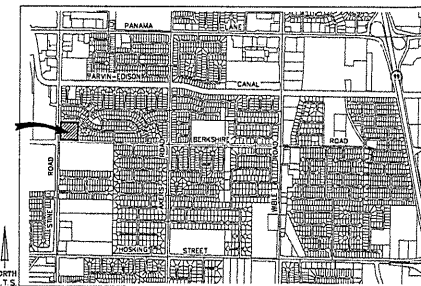
1. PLANTING WILL BE DESIGNED TO OBSCURE UNDESIRABLE VIEWS (AUTOMOBILES, STORAGE, UTILITY AREAS, ETC.) AND ADD CHARACTER AND INTEREST TO THE PROJECT.
2. ARCHITECTURAL ELEMENTS OF THE SITE WILL BE RELATED AND ENHANCED WITH PLANTING OF SIMILAR DESIGN CHARACTER.
3. PLANT MATERIAL SELECTION WILL BE OF THE TYPE WHICH IS MOST SUCCESSFUL IN THE AREA (OR IN SIMILAR CLIMATE AND SOIL CONDITIONS).
4. COLOR FROM PLANT FOLIAGE, BARK OR FLOWERS WILL BE UTILIZED TO CREATE A FRIENDLY, WARM AND VISUALLY EXCITING LANDSCAPE ENVIRONMENT. THEMATIC COLOR SCHEMES WILL BE UTILIZED IN DEVELOPING PROJECT IDENTITY.
5. ALL OUTDOOR STAGING, LOADING, REFUSE AND UTILITY AREAS WILL BE VISUALLY SCREENED ON ALL SIDES (EXCEPT AT ACCESS POINTS). PLANTING WILL BE USED TO SOFTEN HARD MATERIALS SUCH AS CONCRETE AND METAL.
6. VEHICULAR ENTRANCES WILL BE IDENTIFIED AND ACCENTED WITH SPECIAL GROUPINGS OF TREES, SHRUBS AND/OR GROUNDCOVERS.
7. SLOPE PLANTINGS, HYDROSEEDING AND MULCHING PROCESSES ARE INTENDED TO TAKE PLACE DURING THE APPROPRIATE SEASONS OF LATE FALL OR WINTER (NOVEMBER THROUGH FEBRUARY) FOR OPTIMAL RESULTS.
8. LANDSCAPE FINISH GRADING OBJECTIVES WILL INCLUDE POSITIVE SURFACE DRAINAGE OF PLANTED AREAS THROUGHOUT THE SITE.
9. IRRIGATION SYSTEMS WILL BE PERMANENT BELOW GROUND AUTOMATED SYSTEMS, WHERE ALLOWED, FOR THE ESTABLISHMENT AND MAINTENANCE OF ALL PLANT MATERIAL. THESE SYSTEMS WILL BE INSTALLED AS SOON AS PRACTICAL, AFTER GRADING AND PRIOR TO PLANT MATERIAL INSTALLATION AND HYDROSEEDING.
10. THE IRRIGATION SYSTEM SHALL BE A MICRO SPRAY HEAD SYSTEM FOR GROUND COVER AND SHRUB PLANTER AREAS. ALL SLOPES SHALL BE PLANTED WITH SPRAY AND ROTOR HEADS. MICRO SPRAY HEADS MAY BE USED WHERE REASONABLE.
11. ALL SOILS WILL BE FERTILIZED, AMENDED, AND TILLED TO CONFORM TO RECOMMENDATIONS MADE BY A SOIL TESTING LABORATORY AND LANDSCAPE ARCHITECT IN ORDER TO PROMOTE HEALTHY AND VIGOROUS PLANT GROWTH.
12. ALL PLANTING AREAS WILL BE MAINTAINED IN A WEED AND DEBRIS FREE CONDITION.

NOTES:
TOTAL TREES PLANTED ALONG STREET FRONTAGES
AND PARKING AREAS TO BE AT MINIMUM 30% EVERGREEN TREES.

COVERED PARKING - 1 COVERED SPACE / UNIT. 72 COVERED SPACES IN TOTAL ON SITE.

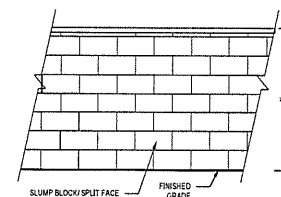
IRRIGATION. AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.

MAINTENANCE: ALL LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC R.O.W. AND REMAINING ON SITE LANDSCAPE SHALL BE PRIVATELY MAINTAINED BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER, AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT

[illegible]

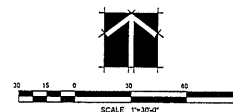
Call **811**

L-1



(B) MASONRY WALL

N

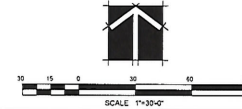
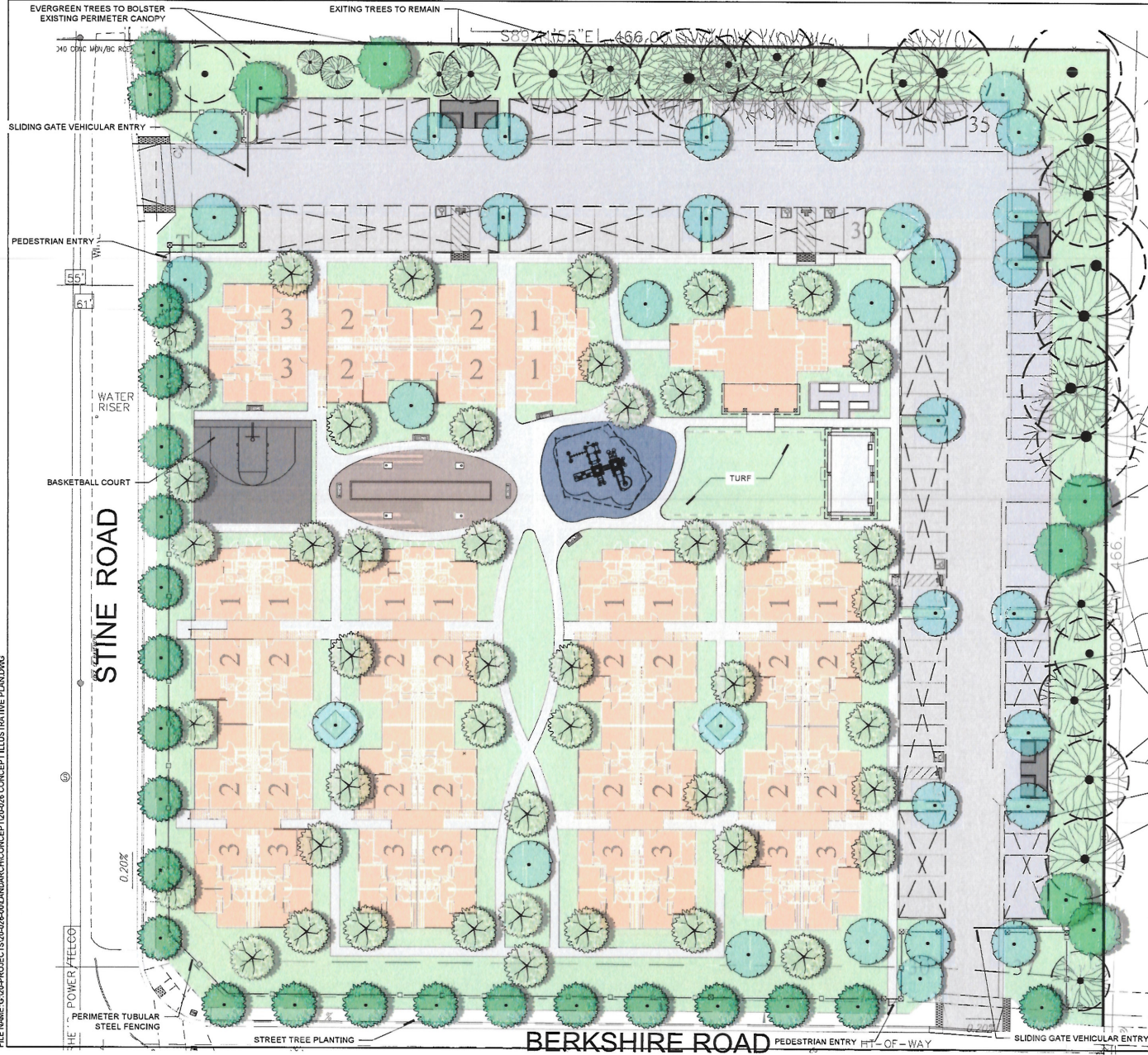


Underground Service Alert
Call **811**
TWO WORKING DAYS BEFORE YOU DIG

*CAUTION: Remember that the USA Center can only clear utilities belonging to the carrier. There could be other utilities present at the work site. The carrier will inform you of any other utilities that may be present.

 SHADED AREA PROVIDED

FILE NAME: G:\30-PROJECTS\30-026-00\LANDSCAPE\CONCEPT\30-026 CONCEPT ILLUSTRATIVE PLAN.DWG



PROJECT CLIENT:

7246 STINE RD
BAKERSFIELD, CA
CHELSEA INVESTMENT CORP
6339 Paseo del Lago
Califard, CA 92011

SHEET TITLE:

LANDSCAPE CONCEPT
ILLUSTRATIVE PLAN

REVISIONS

NO.	DESCRIPTION	DATE

DRAWN: []
APPROVED: []
PLOT DATE: 12/10/2019
JOB NO.: 30-026
SCALE: SEE SHEET

L-4

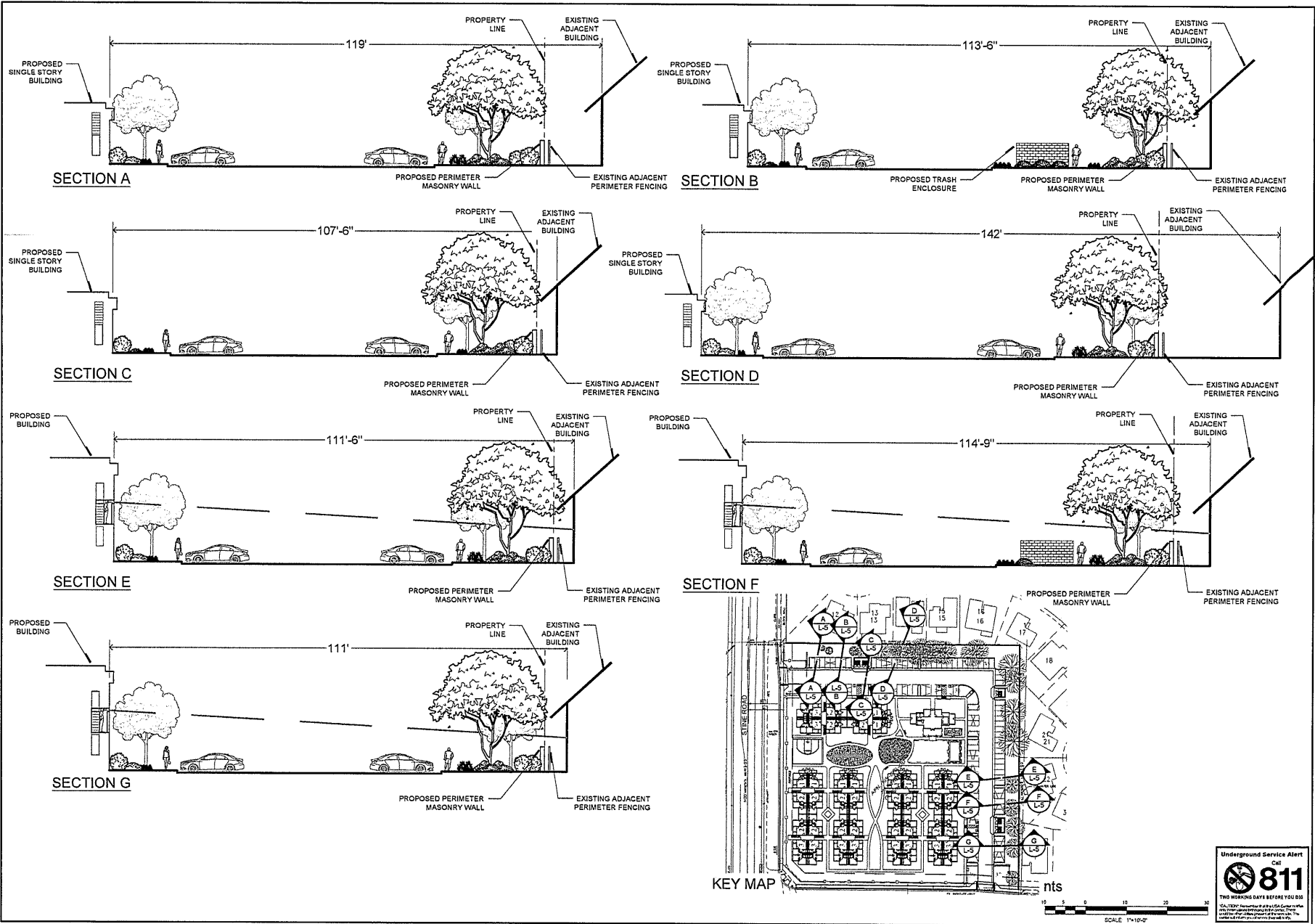
400 S. Santa Anita Rd., Suite 100, Bakersfield, CA 93311
Tel: 805.333.1977
Fax: 805.333.1977
gmp.com
LANDSCAPE
ARCHITECTURE
& PLANNING

LANDSCAPE ARCHITECT
STATE OF CALIFORNIA
12345

SHEET 04 OF 05

U:\30-PROJECTS\30-026-00\Landscapes\Concept\30-026 Concept Illustrative Plan.dwg (3/20/2020 09:22) - E:\stine\7246\7246-026-00.dwg

FILE NAME: G:\03 PROJECTS\03-02-05 LANDSCAPE\CONCEPT\03-02-05 CONCEPT SCREEN SECTIONS.DWG



400 S. J. Street, Suite 100
San Jose, CA 95128
Tel: 408.261.1111
www.gmp.com
LANDSCAPE
ARCHITECTURE
& PLANNING

gmp

LANDSCAPE ARCHITECT
STATE OF CALIFORNIA

**LANDSCAPE
CONCEPT SECTIONS**

PROJECT CLIENT:
7246 STINE RD
EMERYVILLE, CA
CHELSEA INVESTMENT CORP
6330 Paseo del Lago
Culpeper, VA 22024

REVISIONS

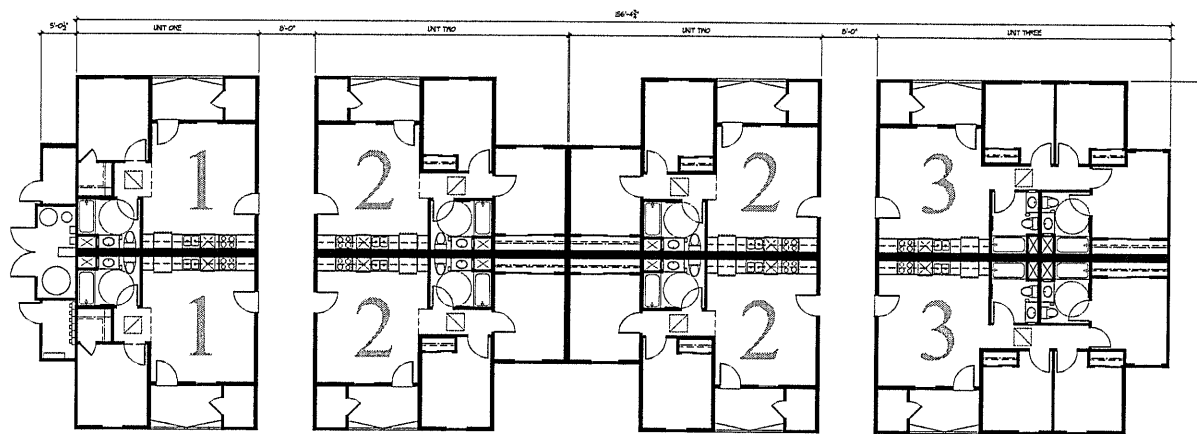
NO.	DESCRIPTION	DATE

DRAWN: CC
APPROVED: CC
PLOT DATE: 12/15/2020
JOB NO.: 20-005
SCALE: 1"=10'-0"

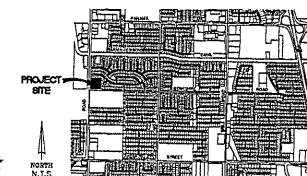
Underground Service Alert
Call **811**
TWO WORKING DAYS BEFORE YOU DIG
CA 72597: Homeowner or a third party who is not a contractor or subcontractor shall not be held responsible for any damage to underground utilities or structures caused by excavation or drilling activities. The contractor or subcontractor shall be responsible for any damage to underground utilities or structures caused by excavation or drilling activities.

L-5

SHEET 05 OF 05



FIRST FLOOR BUILDING PLAN - BUILDING 'A'
SCALE: 1/8" = 1'-0"



VICINITY MAP

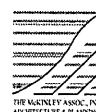
BUILDING DATA
OCCUPANCY: R-2 STACKED FLATS
CONSTRUCTION: TYPE V-A WITH
NTPA, 1.0R FIRE SPRINKLERS

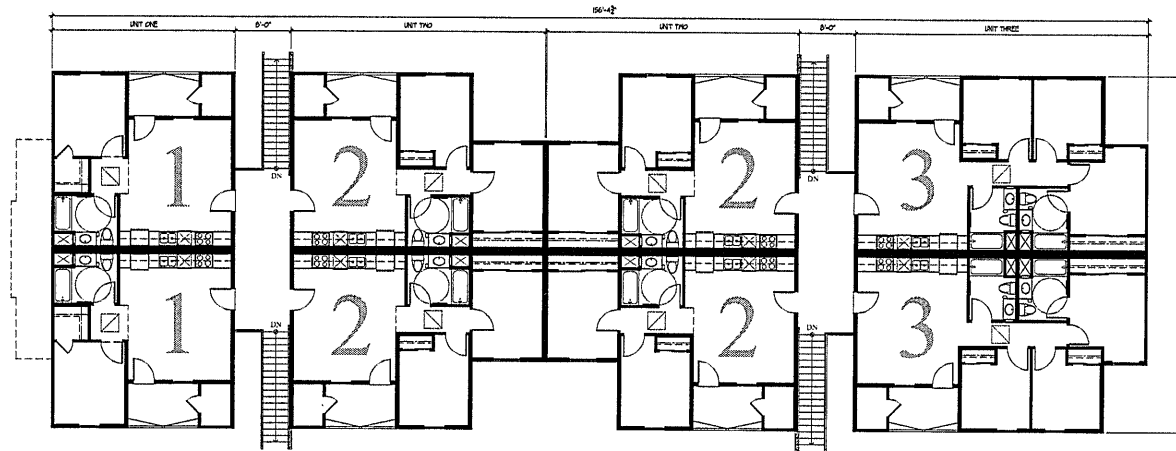
UNIT DATA
18 1BR/1BA 551 SQ. FT.
36 2BR/1BA 710 SQ. FT.
18 3BR/2BA 906 SQ. FT.

72 TOTAL UNITS
COMMUNITY BUILDING: 1,600 SQ. FT.
LAUNDRY: 180 SQ. FT.
MAINTENANCE: 180 SQ. FT.
TOTAL: 1,960 SQ. FT.
BUILDING 'A' (1) BUILDING
FIRST FLOOR: 7,507 SQ. FT.
TOTAL: 7,507 SQ. FT.
BUILDING 'B' (4) BUILDINGS
FIRST FLOOR: 7,507 SQ. FT.
SECOND FLOOR: 7,271 SQ. FT.
TOTAL: 14,411 SQ. FT.

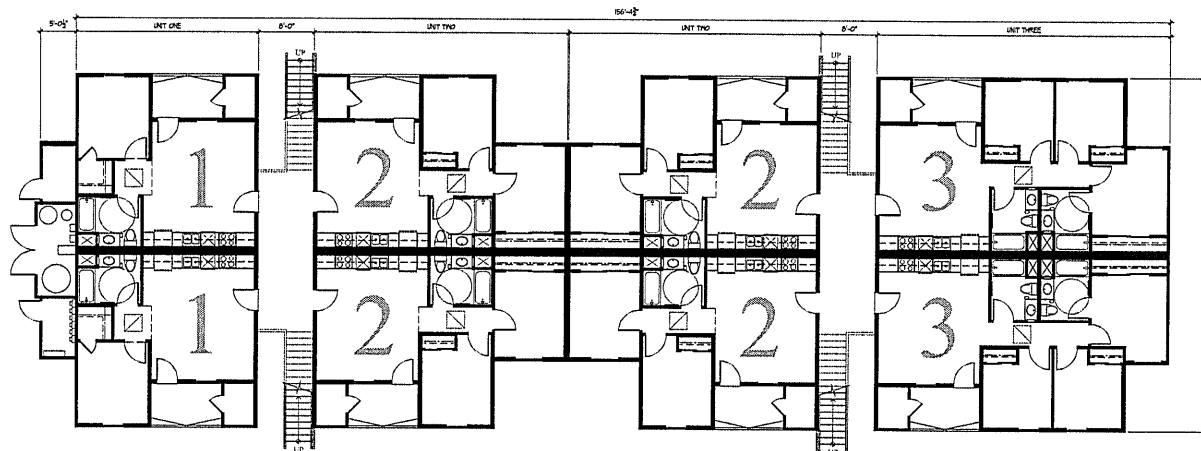
BAKERSFIELD BUILDING PLANS - 'A' PACIFIC SOUTHWEST COMMUNITY DEVELOPMENT CORPORATION

SCALE: 1/8" = 1'-0"

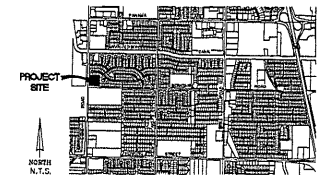




SECOND FLOOR BUILDING PLAN - BUILDING 'B'
SCALE: 1/8" = 1'-0"



FIRST FLOOR BUILDING PLAN - BUILDING 'B'
SCALE: 1/8" = 1'-0"



VICINITY MAP

BUILDING DATA
OCCUPANCY: R-2 STACKED FLATS
CONSTRUCTION: TYPE VA WITH
NFPA 12R FIRE SPRINKLERS

UNIT DATA
18 1BR/1BA 551 SQ. FT.
36 2BR/1BA 710 SQ. FT.
18 3BR/2BA 906 SQ. FT.

72 TOTAL UNITS
COMMUNITY BUILDING: 1,600 SQ. FT.
LAUNDRY: 180 SQ. FT.
MAINTENANCE: 180 SQ. FT.

TOTAL: 1,960 SQ. FT.

BUILDING 'A' (1) BUILDING
FIRST FLOOR: 7,507 SQ. FT.

TOTAL: 7,507 SQ. FT.

BUILDING 'B' (4) BUILDINGS
FIRST FLOOR: 7,507 SQ. FT.

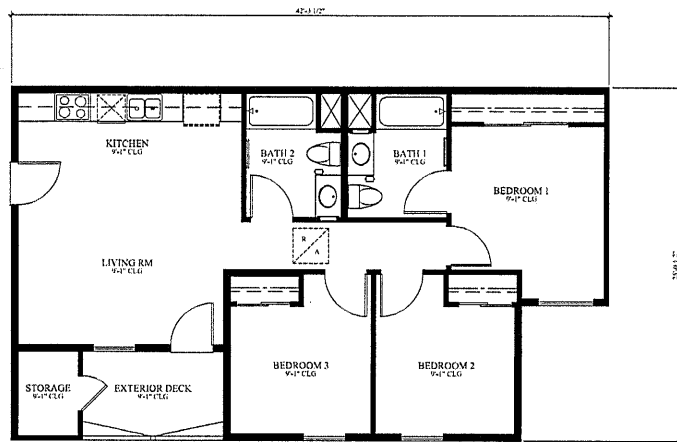
SECOND FLOOR: 7,271 SQ. FT.

TOTAL: 14,411 SQ. FT.

BAKERSFIELD BUILDING PLANS - 'B' PACIFIC SOUTHWEST COMMUNITY DEVELOPMENT CORPORATION

SCALE: 1/4" = 1'-0"

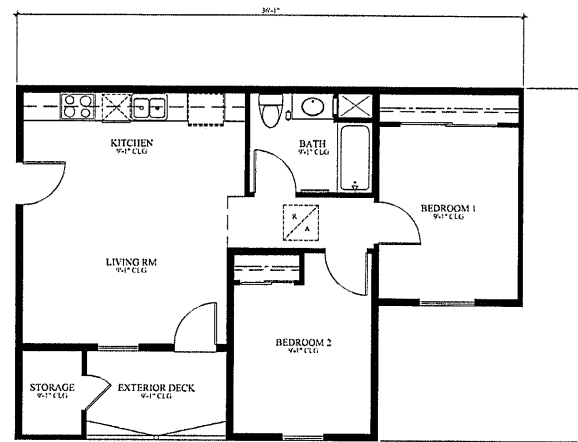




THREE BEDROOM UNIT

SCALE: 1/4" = 1'-0"

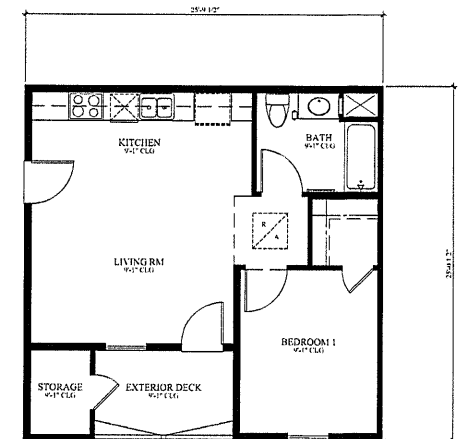
96 SQ. FT.
DECK: 63 SQ. FT.
STORAGE: 340 CU. FT.



TWO BEDROOM UNIT

SCALE: 1/4" = 1'-0"

118 SQ. FT.
DECK: 63 SQ. FT.
STORAGE: 340 CU. FT.



ONE BEDROOM UNIT

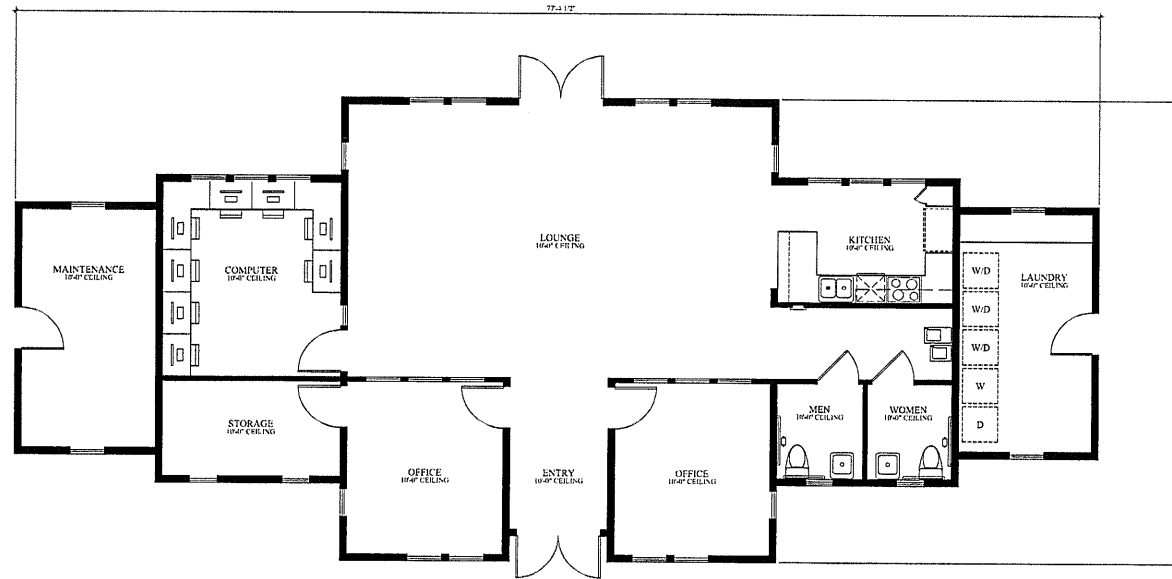
SCALE: 1/4" = 1'-0"

83 SQ. FT.
DECK: 63 SQ. FT.
STORAGE: 340 CU. FT.

**BAKERSFIELD
UNIT PLANS**
PACIFIC SOUTHWEST COMMUNITY DEVELOPMENT CORPORATION

SCALE: 1/4" = 1'-0"





COMMUNITY BUILDING
SCALE: 1/4" = 1'-0"

COMMUNITY BUILDING: 1,600 SQ. FT.
LAUNDRY: 180 SQ. FT.
MAINTENANCE: 180 SQ. FT.
TOTAL: 1,960 SQ. FT.

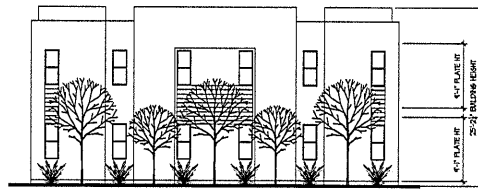
BAKERSFIELD
COMMUNITY BUILDING
PACIFIC SOUTHWEST COMMUNITY DEVELOPMENT CORPORATION

SCALE: 1/4" = 1'-0"

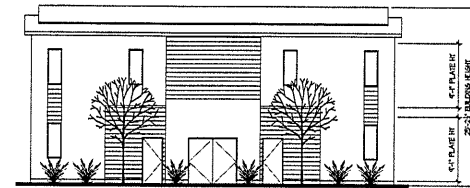




FRONT ELEVATION 'A'



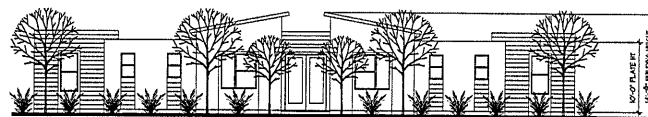
LEFT ELEVATION 'A'



RIGHT ELEVATION 'A'



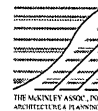
FRONT ELEVATION 'B'



COMMUNITY BUILDING

BAKERSFIELD
EXTERIOR ELEVATIONS
PACIFIC SOUTHWEST COMMUNITY DEVELOPMENT CORPORATION

SCALE: 1/4" = 1'-0"





FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

BAKERSFIELD
EXTERIOR ELEVATIONS
CHELSEA INVESTMENT CORPORATION



AUGUST 25, 2020

Attachment B:

Chapter 17.52

(Planned Unit Development)

Chapter 17.52

PUD PLANNED UNIT DEVELOPMENT ZONE*

Sections:

- 17.52.010 Intent and purpose.**
- 17.52.020 Uses permitted.**
- 17.52.030 Application.**
- 17.52.040 Rezoning procedure.**
- 17.52.050 Final development plan.**
- 17.52.060 Latitude of regulations.**
- 17.52.070 Required findings.**
- 17.52.080 Expiration of zone or plans.**
- 17.52.090 Minimum site area.**
- 17.52.100 Residential density.**
- 17.52.110 Modifications to approved preliminary and final development plans.**
- 17.52.120 Maintenance of common areas and non-dedicated improvements and facilities.**

* Prior history: prior code Sections 17.51.010 through 17.51.120.

17.52.010 Intent and purpose.

It is recognized that an integrated development provides an opportunity for creative design when flexible regulations are applied. The planned unit development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open space while ensuring substantial compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict residential development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a residential neighborhood which ensures that the uniqueness of the project design is preserved. These standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of residential neighborhoods. Land may be classified as being solely within a PUD zone (exclusive zone), or the PUD zone may be used as a combining zone in a R-1, R-2, R-3 or R-4 zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

17.52.020 Uses permitted.

- A. Uses permitted in a PUD zone used as a combining zone are those uses permitted by the base zone with which the PUD zone is combined.
- B. Uses for land classified as being within a PUD zone are as follows:
1. One-family dwellings;
 2. Multiple-family dwellings;
 3. Condominiums;
 4. Cluster developments;
 5. Parks and playgrounds, public and/or private;
 6. Commercial uses, when the planning commission finds that such uses are incidental to, and compatible with, the nature and type of development proposed;
 7. Real estate tract sales offices and model homes pursuant to the provisions of Section [17.10.020\(H\)](#);
 8. Uses and structures which are incidental or accessory to any of the uses permitted in PUD zones;
 9. Churches;
 10. Schools, public and/or private;
 11. Golf courses, including associated clubhouse and driving range;
 12. Tennis courts, including associated clubhouse;
 13. Swimming pools;
 14. Equestrian facilities;
 15. Hiking, bicycle and equestrian trails;
 16. Open space areas including natural and wildlife areas;
 17. Home occupations, as defined in Section [17.04.330](#) and in compliance with the provisions of Chapter [17.63](#).
- C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the function of the planned unit development. (Ord. 4542 § 1, 2008; Ord. 4304 § 1, 2006; Ord. 4009 § 1, 2001; Ord. 3964 § 41, 2000; Ord. 3768 § 4, 1997; Ord. 3656 § 1, 1995)

17.52.030 Application.

A. When the PUD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section [17.08.080\(A\)\(3\)](#). The number and type of plans shall be as follows:
 - a. Eight copies at scale of all plans submitted;
 - b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
 - c. One color rendition at scale of the site/landscape plan, and elevation;
2. A statement of reasons for including any commercial uses in the development;
3. A statement concerning any proposal to locate public, quasi-public, recreational and educational areas within the development, including size, estimated employment, anticipated financing, development and maintenance;
4. Residential density of the subject area including the estimated population;
5. If commercial uses are proposed, indicate building sizes, signs, and estimated employment;
6. A completed zone change application on such forms as provided by the city, signed by the owner in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if-any;
7. A statement indicating procedures and programming for the development and maintenance of semipublic or public areas, buildings and structures;
8. A statement indicating the stages of development proposed for the entire development;
9. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PUD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(5) and (A)(7) through (A)(9) shall be required prior to approval of a subdivision map pursuant to Section 16.28.170(O) or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modification to approved plans will be subject to the provisions set forth in Section [17.52.100](#).

C. When the PUD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public

hearing in accordance with Section [17.64.050\(B\)](#). (Ord. 4304 § 2, 2006; Ord. 4009 § 1, 2001; Ord. 3835 § 29, 1998; Ord. 3656 § 1, 1995)

17.52.040 Rezoning procedure.

An application shall be processed as follows:

- A. Pursuant to Chapter [17.64](#) of this code regarding zone changes;
- B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PUD. If the PUD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PUD (Example: R-2/PUD).
- C. The preliminary development plan as approved with a PUD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become part of the zoning ordinance of the city.
- D. After the effective date of the ordinance change to an exclusive PUD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 1, 2001; Ord. 3903 § 1, 1999; Ord. 3656 § 1, 1995)

17.52.050 Final development plan.

- A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.
- B. *Procedure.* The final development plan shall be submitted and processed the same as required for a final site plan pursuant to Section [17.08.080B5](#). The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction of all conditions set forth in the city councils final decision. In instances where the planning commission desires to review the final development plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 1, 2001; Ord. 3903 § 3, 1999; Ord. 3874 §4, 1998; Ord. 3835 § 29, 1998; Ord. 3656 § 1, 1995)

17.52.060 Latitude of regulations.

In the approval of PUD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities in the subject community, which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

- A. Height limitations or any bulk requirements on buildings and structures, lot and yard requirements, and distances between buildings;
- B. Percent coverage of land by buildings and structures;
- C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;
- D. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;
- E. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;
- F. Construction of fences, walls and floodlighting of an approved design;
- G. Limitations upon the size, design, number, lighting and location of signs and advertising structures;
- H. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;
- I. Location and size of off-street loading areas and docks;
- J. Uses of buildings and structures by general classifications, and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property;
- K. Architectural design of buildings and structures;
- L. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof;
- M. Requiring of performance bonds to insure development as approved;
- N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4304 § 3, 2006; Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

17.52.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

- A. The proposed planned unit development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;
- B. The proposed development will constitute a residential environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community; and

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, open space, utilities and other amenities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of persons occupying or utilizing the property. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

17.52.080 Expiration of zone or plans.

A. When the PUD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zone change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section [17.64.070](#) of this code.
2. If a certificate of occupancy has not been issued for a substantial portion of the dwelling units or other structures in the first phase of a PUD zone within five years of the effective date of the PUD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section [17.64.070](#) of this code.
3. Where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective date of the PUD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section [17.64.070](#) of this code.

B. When the PUD zone is used as a combining zone, no status review or other notification shall be required. Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section [17.08.080D](#).) If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

17.52.090 Minimum site area.

The minimum area for a PUD zone shall be one acre. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

17.52.100 Residential density.

Open area and density per dwelling unit shall be as shown on the final development plan for the particular PUD zone as approved by the planning commission and the city council. The permitted number of dwelling units may be distributed within the planned residential development zone in accordance with the conditions and terms established pursuant to this chapter consistent with the density standard of the applicable land use designation of the general plan. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

17.52.110 Modifications to approved preliminary and final development plans.

- A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.
- B. The flexibility of code requirements ordinarily required in other districts permitted in any initial approval of a PUD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.
- C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section [17.52.070](#) can be made.
- D. The planning director shall have the authority to administratively approve minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of architecture or the landscape architecture as established in the planning commission or city councils approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning directors report, may further modify the planning directors approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter [17.64](#) of this code. (Ord. 4009 § 1, 2001; Ord. 3903 §§ 2, 4, 1999; Ord. 3874 § 3, 1998; Ord. 3656 § 1, 1995)

17.52.120 Maintenance of common areas and non-dedicated improvements and facilities.

- A. All common areas, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements listed in Section [16.32.060](#) of the subdivision regulations of the city which are not dedicated and accepted, may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the owner: Articles of Incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

The Bakersfield Municipal Code is current through Ordinance 5041, passed November 4, 2020.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

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